REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

FEBRUARY 1, 2022

Location: 0 Bird Road

East of Wade Road

Real Estate Number(s): 106213-0000

Waiver Sought: Reduce Required Minimum Road Frontage from 80

feet to 0 feet.

Present Zoning: Residential Rural-Acre (RR-Acre)

Current Land Use Category: Rural Residential (RR)

Planning District: North, District 6

Owner/Agent: Nath Mathlin

3648 Shrewsbury Drive Jacksonville, Florida 32226

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage Ordinance 2021-0877 (WRF-21-24) seeks to reduce the required minimum road frontage from 80 feet to 0 feet for construction of a new single family dwelling in the Residential Rural-Acre (RR-Acre) Zoning District on 1.13+/-acres. The subject site is landlocked from Bird Road and is located behind three other parcels in a wooded area south of the right of way. The applicant has a recorded 60 foot easement that runs along the eastern property line of the subject site up to the cul-de-saq at the end of Bird Road.

A similar application to reduce the minimum road frontage from 80 to 0 was approved for 572 Bird Road in 1997. **V-97-105** approved the property for a single family dwelling to be developed, however no structure has been built on the property as of today.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term waiver means a relaxation of the Zoning Code minimum distance requirements for liquor license locations, pursuant to Section

Page 2 February 1, 2022

656.805 of the Zoning Code, and for minimum street frontage, pursuant to Section 656.407 of the Zoning Code. Waivers of Road Frontage are granted by the City Council pursuant to the criteria set forth in Section 656.133 of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133 of the Zoning Code, a waiver for minimum required street frontage may be granted if the City Council makes a positive finding based on substantial, competent evidence that the application meets all of the following criteria:

- (i) Are there practical or economic difficulties in carrying out the strict letter of the regulation?
 - Yes. The subject property has no direct access to Bird Road. The subject site was created in 1996 and was split off from a larger tract. The applicant purchased the site in 2017 and seeks to build a home on a lot that meets every requirement of the RR-Acre Zoning District except the Road Frontage Requirement. There is a practical difficulty in that other lots in the immediate area also lack the proper road frontage and have previously been approved for relief of the requirement.
- (ii) Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?
 - Yes. This request is not based exclusively upon the desire to reduce the coast of developing the site or Chapter 654. The request is based on the desire to build a new home on a vacant piece of property that meets all of the City's regulations outside of the frontage requirement.
- (iii) Will the proposed waiver substantially diminish property values in, or alter the essential character of, the area surrounding the site and will the waiver substantially interfere with or injure the rights of others?
 - Yes. The proposed waiver will not substantially diminish property values in, or alter the essential character of the area surrounding the site. Bird Road is developed with a number of lots that have easements for access. The proposed waiver will not have any more negative affect that the other similar lots throughout the area.
- (iv) Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?
 - Yes. The legal description included in the application contains language of a 60 foot easement for ingress and egress from Bird Road via the neighboring property to the east.
- (v) Will the proposed waiver be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law?

February 1, 2022

No. The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other laws. The proposed waiver is located at the end of the Bird Road right of way and the subject site will be behind other properties away from the right of way. It is unlikely that the waiver will have any direct impact on the public in the immediate area.

SUPPLEMENTARY INFORMATION

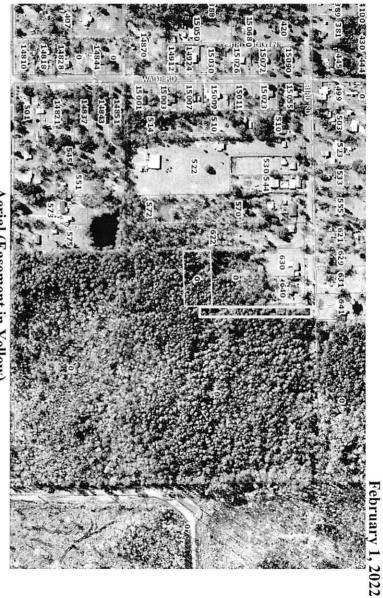
Upon visual inspection of the subject property on January 24, 2022 by the Planning and Development Department the required Notice of Public Hearing sign was posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2022-0877 (WRF-21-24) be APPROVED.

Page 4



Aerial (Easement in Yellow)

Date: January 24, 2022 Source: COJ Planning & Development Department



View of the Subject Site's easement entrance.

Date: January 24, 2022 Source: COJ Planning & Development Department



View of the home on the property bordering Bird Road in front of the subject site.

Date: January 24, 2022

Source: COJ Planning & Development Department

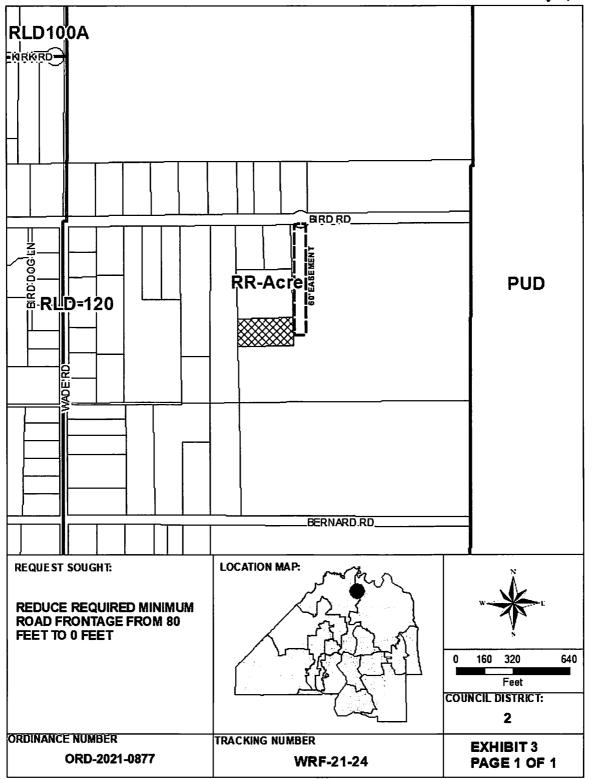


View of the home across the street of the easement of the subject site.

Date: January 24, 2022

Source: COJ Planning & Development Department

February 1, 2022



Date: January 24, 2022

Source: COJ Planning & Development Department

Date Submitte	ed: 11/15/21
Date Filed:	1111821

Application Number: WRF-21-24
Public Hearing:

Application for Waiver of Minimum Required Road Frontage

City of Jacksonville, Florida **Planning and Development Department**

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only

Current Zonling District: RR-ACRE	Current Land Use Category:		
Council District:	Planning District:		
Previous Zoning Applications Filed (provide application numbers):			
Applicable Section of Ordinance Code: 656 .	407		
Notice of Violation(s):			
Neighborhood Associations: Migm DAIRY INC.	THE EDEM GROUP INC., NORTH		
Overlay: N/A			
LUZ Public Hearing Date:	City Council Public Hearing Date:		
Number of Signs to Post: Amount of Fee	Zoning Asst. Initials: ST		
PROPERTY INFORMATION			
1. Complete Property Address: 2. Real Estate Number:			
SACKSONVILLE FL, 32218	106213-0000		
3. Land Area (Acres):	4. Date Lot was Recorded:		
1 · 13	7-29-1996		
5. Property Located Between Streets: 6. Utility Services Provider:			
WADE RD, BIRD LO and	City Water / City Sewer		
BERNAHO RO	Well / Septic		
7. Waiver Sought:			
Reduce Required Minimum Road Frontage from	80 feet to 6 feet.		
8. In whose name will the Waiver be granted?	ATH MATHLIN		
Page	1 of 5		

OWNER'S INFORMATION (please attach s	ON (please attach separate sheet if more than one owner)		
9. Name: NATH MATHLIN	10. E-mail: Nathmathlin C Gmail. Com		
11. Address (including city, state, zip):	12. Preferred Telephone:		
3648 SHREWSBURY DR JACKSUNDILLE FL, 32226	904-731-6460		

APPLICANT'S INFORMATION (if different	IT'S INFORMATION (if different from owner)		
13. Name:	14. E-mail:	·	
15. Address (including city, state, zip):	16. Preferred Telephone:		

CRITERIA

Section 656.101(I), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."

Section 656.133(d)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Waivers, the City Council shall grant a waiver for reduction of the minimum requirements for road frontage, if the Council makes a positive finding based upon substantial, competent evidence that the application meets all of the following five (5) criteria:

- i. There are practical or economic difficulties in carrying out the strict letter of the regulation;
- ii. The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations);
- iii. The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;
- iv. There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or approved private street;
- v. The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law.

last update: 1/10/2017

17. Given the above definition of a "waiver" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

I am seeking a waiver of road frontage, that I may be able to build a lamily home on the lot of land I purchased on Bird Road. The lot has a recorded easement that's just shy of the required with per city regulations.

I have had plans drown up for a beautiful home, which I am certain will add value to the area. I am of the lirm belief that my situation meets all of the criteria required to request a waiver.

The easement recorded on my deed is 60' wide versus the 80' required by the city.

approval of this request.

Thank you to all who may review this document.

1	ATTACHMENTS		
	The following attachments must accommod	ompany each copy of the appli	cation.
	Survey		
	Site Plan – two (2) copies on 8	½ x 11 and two (2) copies on 1:	x 17 or larger
	Property Ownership Affidavit (Exhibit A)	
4/A	Agent Authorization if applicati	ion is made by any person othe	r than the property owner (Exhibit B)
	Legal Description – may be wri	tten as either lot and block, or	metes and bounds (Exhibit 1)
	Proof of property ownership –	may be print-out of property a	ppraiser record card if individual
	owner, http://apps.coj.net/pao	propertySearch/Basic/Search	aspx, or print-out of entry from the
	Florida Department of State Div	ision of Corporations if a corpo	orate owner,
	http://search.sunbiz.org/Inquir	y/CorporationSearch/ByName.	
	Proof of valid and effective eas	ement for access to the proper	ty.
•			
ſ	FILING CEEC		
	*Applications filed to correct existing	g zoning violations are subject (o a double fee.
	Base Fee	Public Notices	Advertisement

\$7.00 per Addressee

Billed directly to owner/agent

last update: 1/10/2017

Residential Districts: \$1,161.00

Non-residential Districts: \$1,173.00

AUTHORIZATION

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the City Council. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Owner(s) Print name: NAT N MATHLIN Signature: Nott Math	Applicant or Agent (if different than owner) Print name:
Owner(s) Print name: Signature:	*An agent authorization letter is required if the application is made by any person other than the property owner.

SUBMITTAL

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:

Planning and Development Department, Zoning Section 214 North Hogan Street, 2nd Floor Jacksonville, Florida 32202 (904) 255-8300

Page 5 of 5

last update: 1/10/2017

EXHIBIT A

Property Ownership Affidavit - Individual

Date: <u>11 - 12 - Loz1</u>
City of Jacksonville Planning and Development Department 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202
Re: Property Owner Affidavit for the following site location in Jacksonville, Florida: Address: O BIAD RD RE#(s): 1067.13 - 0000
To Whom it May Concern:
I MATHLE hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waven of Roud. Good ag submitted to the Jacksonville Planning and Development Department.
By NHE MATH CENS Print Name: NATH MATH CENS
STATE OF FLORIDA COUNTY OF DUVAL
Sworn to and subscribed and acknowledged before me this day of
known to me or who has produced Flaring New Licas identification and who
took an oath.
TERRY DAVID WILKINS Notary Public-State of Florida Commission # GG 311296 My Commission Expires March 13, 2023 Signature of NOTARY PUBLIC) Printed name of NOTARY PUBLIC)
State of Florida at Large.
My commission expires: 0.3/13 /2023

Legal Description

EXHIBIT 1

NOVEMBER 12TH 2021

A part of Government Lot 5, Section 16, Township 1 North, Range 27 East, Duval County, Florida, more particularly described as follows:

For a Point of Reference commence at the intersection of the southerly right of way line of Bird Road (a 66 foot right of way) with the easterly line of Tract 3, Los Angeles Gardens, as recorded in Plat Book 5, Page 6, Current Public Records of said County; thence South 0°12′30″ East, (bearing base) along said easterly line, a distance of 529.45 feet to the southerly line of those lands described in Official Records Volume 3691, Page 264, said Current Public Records and the Point of Beginning; thence continue South 0°12′30″ East, along said easterly line, a distance of 156.55 feet to an intersection with the Southerly most northerly line of those lands described in Official Records Volume 5601, Pages 606 and 607, said Current Public Records; thence North 89°45′00″ East, along said northerly line, a distance of 314.00 feet to the easterly most westerly line of said lands; thence North 0°12′30″ West, along said westerly line, a distance of 156.55 feet to said southerly line of Official Records Volume 3691, Page 264, said Current Public Records; thence South 89°45′00″ West, along said southerly line, a distance of 314.00 feet to the Point of Beginning.

Together with reserved easement for ingress and egress recorded in Official Records Book 5601, Page 606.

The above described parcel being the same lands described in Official Records Volume 1670, Page 554, said Current Public Records, Duval County, Florida.

Prepared by and Return to: LAWRENCE J. BERNARD, P.A.

480 Busch Drive Jacksonville, Florida 32218 RECORDED ELECTRONICALLY
Doc# 2017 29200
Book 18228 Page 208
Date 12120117 Time 2:48600
COUNTY DUVO

TRUSTEE'S DEED

THIS DEED is made as of this <u>4+1</u> day of December, 2017 between Robert Altman, Trustee (and not individually) ("<u>Trustee</u>" or the "<u>Grantor</u>") of the Bankruptcy Estate of Mary Parrish Thompson (the "<u>Debtors</u>"), which is pending in the United States Bankruptcy Court, Middle District of Florida, Jacksonville Division, Case No.: 17-02134, whose mailing address is P.O. Box 922, Palatka, FL 32178, and Nath Mathlin, whose mailing address is 3648 Shraus value of the Jackson of "Grantees").

WHEREAS, the Trustee was duly appointed as the Trustee in bankruptcy of the Debtors' estate and qualified as such and is serving as such; and

WHEREAS, the undersigned filed and served in the Debtors' case a motion for authority to sell certain property of the bankruptcy estate (the "Motion") under which the sale of the property described herein was described, and no objection or request for a hearing was filed in response, and the Court entered an Order granting the Motion, and the Trustee is therefore authorized to complete the sale.

NOW, THEREFORE, the Grantor in consideration of the sum of Ten Dollars and No/00 (\$10.00) and other valuable considerations paid by the Buyers, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained and sold to the Buyers, their heirs and assigns forever, to have and to hold, all of the Grantor's interest in the following described land, referred to herein as the "Property", to-wit:

0 Bird Road, Jacksonville, Florida 32218 (Parcel Identification Number 106213-0000)

A part of Government Lot 5, Section 16, Township 1 North, Range 27 East, Duval County, Florida, more particularly described as follows:

For a Point of Reference commence at the intersection of the southerly right of way line of Bird Road (a 66 foot right of way) with the easterly line of Tract 3, Los Angeles Gardens, as recorded in Plat Book 5, Page 6, Current Public Records of said County; thence South 0°12'30" East, (bearing base) along said easterly line, a distance of 529.45 feet to the southerly line of those lands described in Official Records Volume 3691, Page 264, said Current Public Records and the Point of Beginning; thence coatinue South 0°12'30" East, along said easterly line, a distance of 156.55 feet to an intersection with the Southerly most northerly line of those lands described in Official Records Volume 5601, Pages 606 and 607, said Current Public Records; thence North 89°45'00" East, along said northerly line, a distance of 314.00 feet to the easterly most westerly line of said lands; thence North 0°12'30" West, along said westerly line, a distance of 156.55 feet to said southerly line of Official Records Volume 3691, Page 264, said Current Public Records; thence South 89°45'00" West, along said southerly line, a distance of 314.00 feet to the Point of Beginning.

Together with reserved casement for ingress and egress recorded in Official Records Book 5601,Page 606.

SEE EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN AND MADE A PART HEREOF.

This conveyance is expressly subject to all covenants, restrictions, easements, limitations, assessments and other matters of record (although reference to such matters shall not serve to extend the same) existing zoning and/or restrictions imposed by governmental authority, and ad valorem taxes.

2021 REAL ESTATE TAX NOTICE NOTICE OF AD VALOREM TAXES & NON-AD VALOREM ASSESSMENTS

Jim Overton, Duval County Tax Collector

231 E. Forsyth Street, Suite 130, Jacksonville, FL 32202-3370 • (904) 255-5700, option 4 • www.duvaltaxcollect.net

Account Number: 106213-0000

Escrow Code/Name: NONE Location Address: BIRD RD

JACKSONVILLE 32218

148

MATHLIN NATH 3648 SHREWSBURY DR JACKSONVILLE FL 32226-5874

Legal Description:

16-1N-27E 1.13 PT GOVT LOT 5

RECD O/R 18228-268



TAXING AUTHORITY	ASSESSED VALUE S	EXEMPT VALUE \$	TAXABLE VALUE \$	TAXING DISTRICT	MILLAGE RATE	TAX amount s	EXEMPTIONS APPLIED
CITY OF JACKSONVILLE	38284	0	38284	GS	11.4419	438.04	
ST JOHNS RIVER WTR MGMT DIST	38284	0	38284	GS	0.2189	8.38	
L INLAND NAVIGATION	38284	0	38284	GS	0.0320	1.23	
SCHOOLS							
SCH DISCRETIONARY	45200	0	45200	GS	0.7480	33.81	
SCH CAPITAL OUTLAY	45200	0	45200	GS	1.5000	67.80	
SCHOOLS-LOCAL	45200	0	45200	GS	3.5600	160.91	
AD VALOREM TOTALS					17.5008	710.17	

Retain This Portion For Your Records, Receipts Available Online. LEVYING AUTHORITY AMOUNT S **NON-AD VALOREM TOTALS** FEB 28 2022 APR 30 2022 IF PAID BY: NOV 30 2021 DEC 31 2021 JAN 31 2022 MAR 31 2022

REMARKS:

4% DISCOUNT 3% DISCOUNT 2% DISCOUNT 1% DISCOUNT 0% DISCOUNT DELINQUENT **AMOUNT** AMOUNT AMOUNT AMOUNT **TANDOMA** AMOUNT **PLEASE PAY** 703.07 710.17 \$ 764.48 ONE AMOUNT: S 681.76 \$ 688.86 \$ 695.97

Retain this portion for your records.

Return lower portion with your payment.

DUVAL COUNTY 2021 REAL ESTATE TAX NOTICE

NON-AD VALOREM ASSESSMENTS ON SERVICES

Account Number: 106213-0000

Escrow Code/Name: NONE

Owner Name: MATHLIN NATH

Location Address: BIRD RD

JACKSONVILLE 32218

Alternate Key:

1164877

JIM OVERTON, TAX COLLECTOR PO BOX 44009

JACKSONVILLE, FL 32231-4009

PLEASE MAKE CHECKS PAYABLE TO: JIM OVERTON, TAX COLLECTOR

ONE AMOUNT:
681.76 688.86 695.97 703.07 710.17 764.48

PAYMENT, INCLUDE YOUR ACCOUNT NUMBER 106213-0000

Return With Your Payment

