#### REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

#### **APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE**

#### **ORDINANCE 2022-674 (WRF-21-29)**

#### **OCTOBER 18, 2022**

Location: 0 Flynn Road between Flynn Road West and Cody

Drive

**Real Estate Number(s):** 105920-0050

Waiver Sought: Reduce Minimum Required Road Frontage from 160

Feet to 68 Feet

Present Zoning: Residential Low Density 100B (RLD-100B)

Current Land Use Category: Low Density Residential (LDR)

**Planning District:** 3-Southeast

Applicant: Alex Fink

Brink Realty, LLC

797 Blanding Boulevard Orange Park, Florida 32065

Applicant/Owner: William Anderson

10458 Roxbury Lane Jacksonville, FL 32257

Staff Recommendation: APPROVE

#### **GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage Ordinance 2022-674 (WRF-21-29) seeks to reduce the required minimum road frontage from 160 feet to 68 feet to split the subject parcel into two lots. The subject property is approximately 2.89 acres and has frontage on Flynn Road. The proposed new lots will have access from Flynn Road through a cul-de-sac.

The owner has also applied for an Administrative Deviation (AD-21-74) to reduce the minimum lot width from 100 feet to 99 feet.

#### **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 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 site contains approximately 2.89 acres and is accessible by frontage on Flynn Road. When divided, the proposed lots. Strict enforcement of the road frontage requirement would leave this property unbuildable until the road frontage minimum is acquired, which is unrealistic given there are dwellings on either side.

(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)?

No. The applicant is proposing to construct a new single family home on a new parcel split from the parent parcel. If the waiver is not approved, the owner could subdivide the property, but would be required to construct a City approved road for access. It is not anticipated that the applicant will need relief from any of the requirements of Chapter 654 of the Municipal Code.

(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?

No. The waiver would permit two new single family dwellings to be constructed. The subject property is currently undeveloped. It is not anticipated that the construction of the new dwellings will reduce the property values of the neighboring lots, nor would it interfere with the rights of other homeowners. The proposed single-family dwellings and lot sizes are not out of character with the surrounding neighborhood.

(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?

No. The property owner will construct an approved private street from Flynn Road to the proposed two lots. No easement is required.

(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?

No. The grant of the proposed waiver should not create a detriment to any surrounding property. This driveway should remain unobstructed and accessible for all property owners.

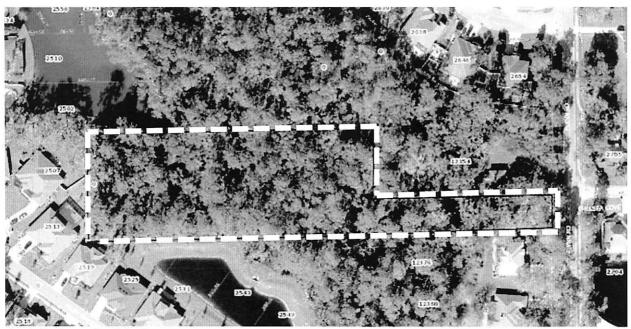
#### SUPPLEMENTARY INFORMATION

The required Notice of Public Hearing sign was posted by the property owner.



#### RECOMMENDATION

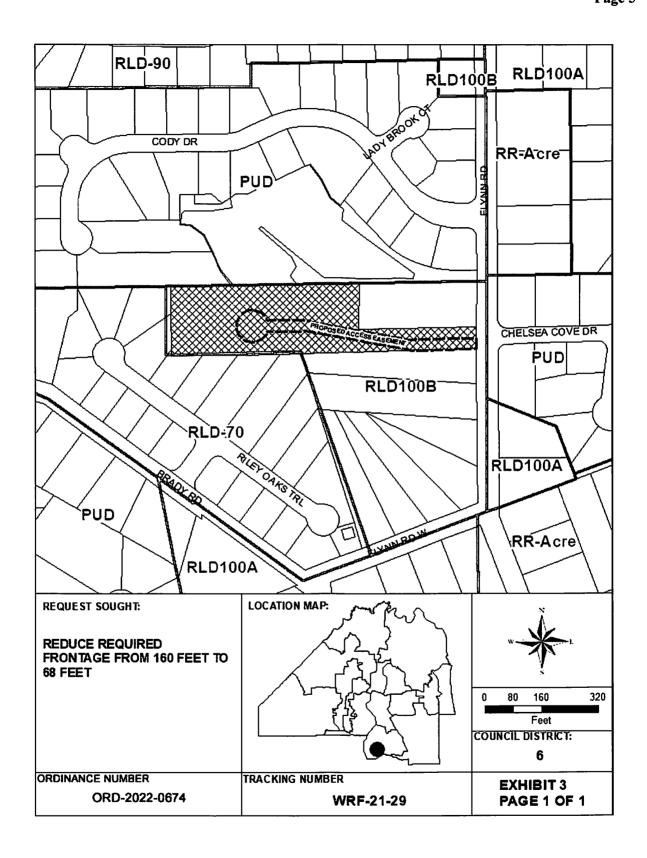
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-674 (WRF-21-29)** be **APPROVED.** 

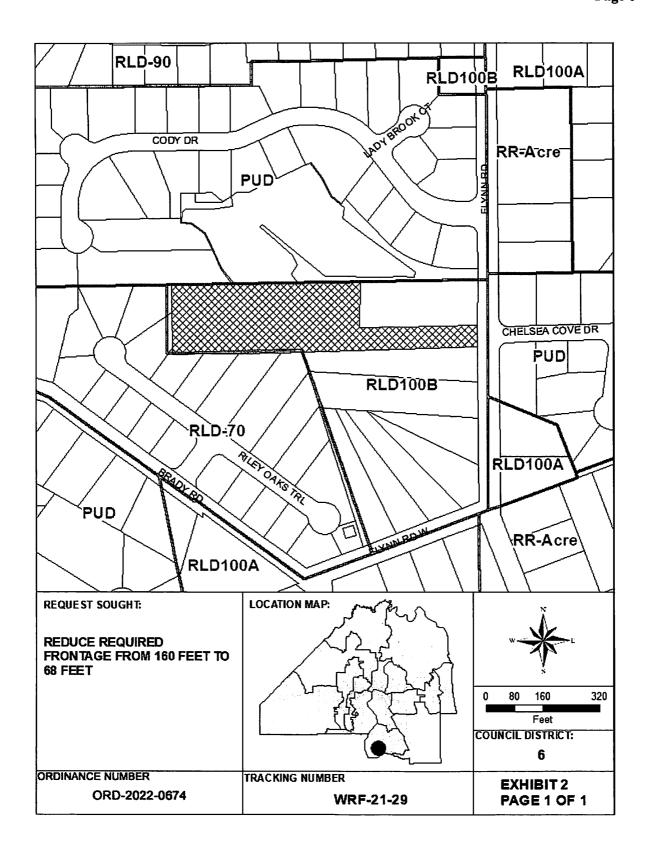


Aerial view of subject property



View of subject property





	The state of the s	Len ( Marsh Program	
	- BRIFARI	1	
Date Submitted:	Ginranion	Application Num	ber: 0 = -4 -20
12.1	P. ()   Z.	161RF-21-75	ber: WRF-21-29
Date Filed:	A TOPO LOS PRODE	Public Hearing:	
	APPLICATION.	/An -2/- 7// Public Hearing.	
L	ton a market a man	HU21 17	

## **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.

	cial Use Only		
Current Zoning District: RLD -100 B	Current Land Use Category: LDR		
Council District:	Planning District: 3		
Previous Zoning Applications Filed (provide applications)	ation numbers): non e		
Applicable Section of Ordinance Code: 650	6.407		
Notice of Violation(s): none found			
Neighborhood Associations: Chelses Cove Ho Mandarin Garden Club, Old Mandar Overlay: 104 D.	A, Hammend Oaks Beautif. Comm.; in Neighborhood Assoc.		
Overlay: NO 17-L			
LUZ Public Hearing Date:	City Council Public Hearing Date:		
Number of Signs to Post: / Amount of F	ee: #8/16/.   Zoning Asst. Initials: ark		
	Fee only loon parison		
PROPERTY INFORMATION			
1. Complete Property Address:	2. Real Estate Number:		
0 Flynn Rd	105920 0050		
3. Land Area (Acres):	4. Date Lot was Recorded:		
2.89	05/22/1972		
5. Property Located Between Streets:	6. Utility Services Provider:		
Flynn Rd and Cody Dr	City Water / City Sewer		
	Well / Septic		
7. Waiver Sought:	160 68		
venure vedanea minimum vogo Lightage itom _	feet to feet.		
8. In whose name will the Waiver be granted? Brink Realty LLC			

Page 1 of 5

9. Name:	10. E-mail:
William Anderson	mojoandy49@aol.com
11. Address (including city, state, zip):	12. Preferred Telephone:
10468 Roxbury Ln Jacksonville, FL 32257	904-333-9843

APPLICANT'S INFORMATION (if different from owner)		
13. Name: Alex Fink Brink Realty LLC	14. E-mail: alexmfink@me.com	
15. Address (including city, state, zip): 797 Blanding Blvd Orange Park, FL 32065	16. Preferred Telephone: 407-373-3883	

#### **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.

	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.
The Person of th	The lot in subject has road frontage which is only 68 feet along Flynn Road. This distance does not permit a structure to be built to the local zoning requirements. To build on this lot requires that a private drive be created off Flynn Road which will lead to the
	back of the lot. Towards the back of the lot is an area large enough to build single family homes. Hence the wavier of road frontage is being submitted to reduce the road frontage requirement to be feet as suggested by the City of Jacksonville Planning and Development Department.
	68
	Additionally, proof of valid and effective easement for access to the property on the survey which shows the parcel connects to a public road.
I	
ı	
ı	
ı	
ı	
I	
I	
۱	
I	
I	
l	
I	
l	
l	
I	
۱	
١	

ATTACHMENTS				
The following attachments must accompany each copy of the application.				
Survey				
Site Plan – two (2) copies on 8 ½ x	Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger			
Property Ownership Affidavit (Exhi	Property Ownership Affidavit (Exhibit A)			
Agent Authorization if application is made by any person other than the property owner (Exhibit B)				
Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)				
Proof of property ownership – may	y be print-out of property ap	praiser record card if individual		
owner, http://apps.coj.net/pao_pr				
	Florida Department of State Division of Corporations if a corporate owner,			
http://search.sunbiz.org/Inquiry/CorporationSearch/ByName.				
Proof of valid and effective easement for access to the property.				
FILING FEES *Applications filed to correct existing zo	ning violations are subject to	a daubia fina		
Approations filed to correct existing 20	ining violations are subject to	o a double ree.		
Reen For	Dubli- News-			
Base Fee	Public Notices	<u>Advertisement</u>		
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent		
Non-residential Districts: \$1,173.00				

lest update: 1/10/2017

# \*Applications filed to correct existing zoning violations are subject to a double fee. \*Base Fee Public Notices Advertisement Residential Districts: \$1,161.00 \$7.00 per Addressee Billed directly to owner/agent

#### **AUTHORIZATION**

Non-residential Districts: \$1,173.00

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 Planning Commission. 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.

<u>I hereby certify that I have read and understand</u> 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)	Applicant or Agent (if different than owner)
Print name: William W. Anderson	Print name: Alex Fink
Signature: What was	Signature:
Owner(s)	*An agent authorization letter is required if the application is made by any person other than the
Print name:	property owner.
Signature:	

#### **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, 2<sup>nd</sup> Floor Jacksonville, Florida 32202 (904) 255-8300

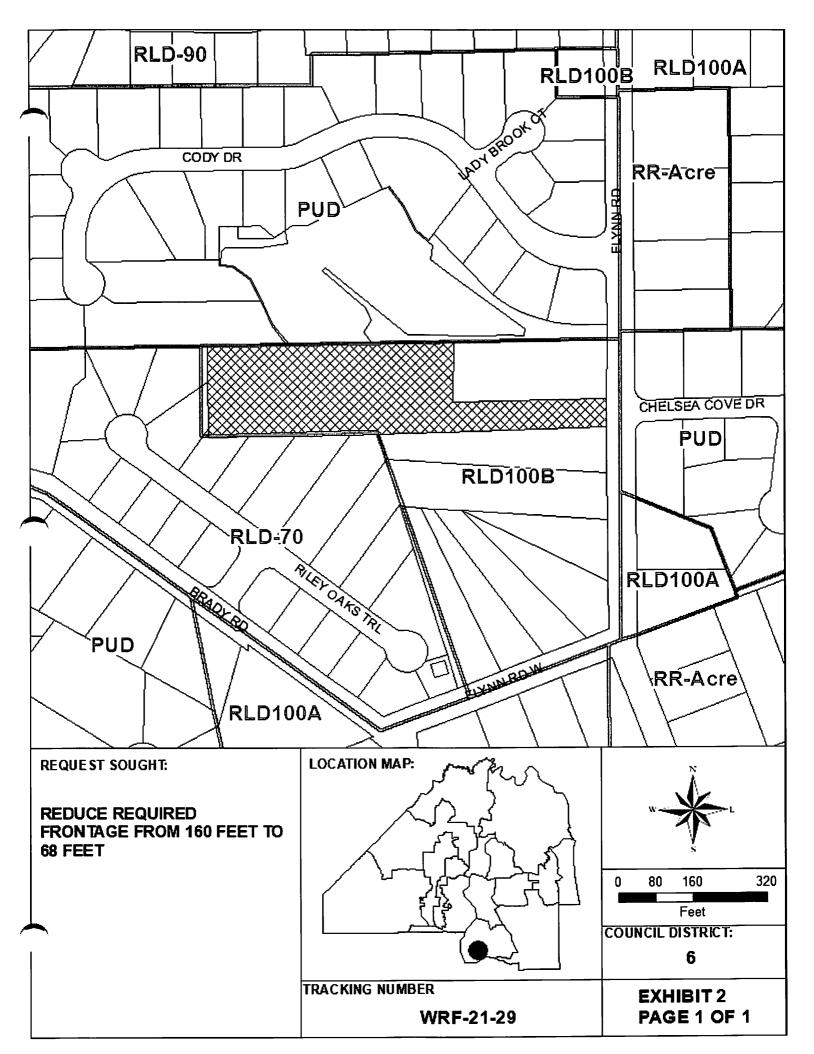
Page 4 of 4

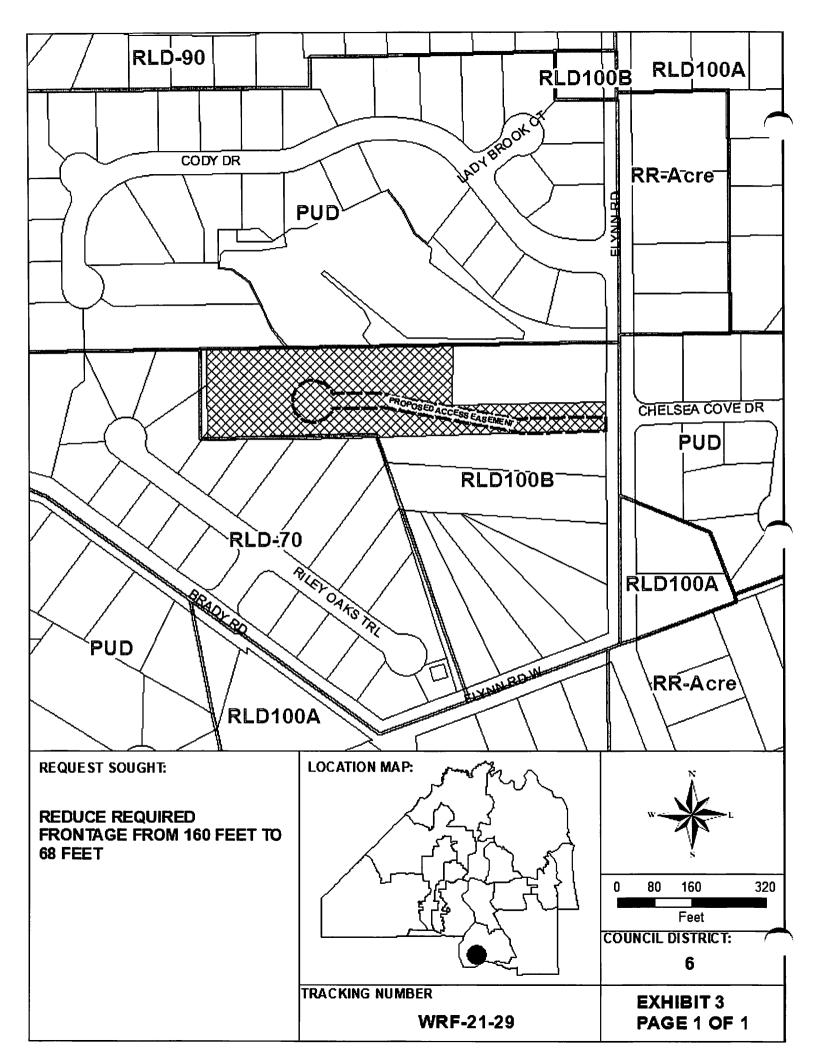
last update: 1/10/2017

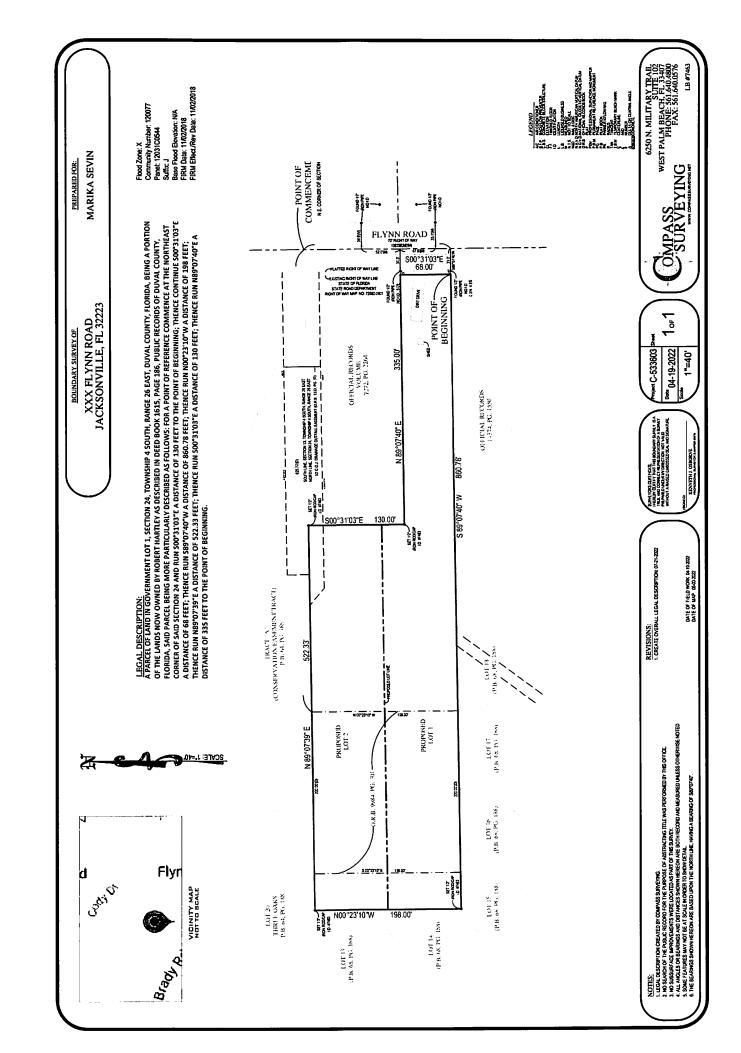
#### **LEGAL DESCRIPTION**

#### June 30, 2021

A PARCEL OF LAND IN GOVERNMENT LOT 1, SECTION 24, TOWNSHIP 4 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, BEING A PORTION OF THE LANDS NOW OWNED BY ROBERT HARTLEY AS DESCRIBED IN DEED BOOK 1615, PAGE 186, PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID SECTION 24 AND RUN S00°31′03″E A DISTANCE OF 130 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE S00°31′03″E A DISTANCE OF 68 FEET; THENCE RUN S89°07′40″W A DISTANCE OF 860.78 FEET; THENCE RUN N00°23′10″W A DISTANCE OF 198 FEET; THENCE RUN N89°07′39″E A DISTANCE OF 522.33 FEET; THENCE RUN S00°31′03″E A DISTANCE OF 130 FEET; THENCE RUN N89°07′40″E A DISTANCE OF 335 FEET TO THE POINT OF BEGINNING.







### **Property Ownership Affidavit - Individual**

Date: $11/17/21$
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: RE#(s):
To Whom it May Concern:
1, William ANDERSON hereby certify that William Anderson
is the Owner of the property described in Exhibit 1 in connection with filing application(s) for
Zoning Variance submitted to the
Jacksonville Planning and Development Department.
By Mal Jan Anarcson Print Name: 10111111 Anarcson
STATE OF FLORIDA COUNTY OF DUVAL
Sworn to and subscribed and acknowledged before me by means of [1] physical presence or [1] online notarization, this 17 day of Nevember 20 21, by
personally known to me or who has produced FL DL as identification and who took an oath.
(Signature of NOTARY PUBLIC)  Norsy Public Strate of Florida  Carla Duenas  Ny Commission GG 318557  Expres 03/26/2023  (Printed name of NOTARY PUBLIC)  State of Florida at Large.
My commission expires: $3/26/23$

## **Agent Authorization - Individual** City of Jacksonville Planning and Development Department 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202 Re: Agent Authorization for the following site location in Jacksonville, Florida: Address: O Flynn Rd Jacksonville, FL 32223 RE#(s): 105920 -0050 To Whom it May Concern: that William Anderson You O Flynn Rd hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Sald owner hereby authorizes and empowers Alex Fink/Brink Reculty LLC to act as agent to file application(s) for Zenna Variance referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department. Print Name: Lullian STATE OF FLORIDA **COUNTY OF DUVAL** or [ ] online by

Sworn to and subscribed and a	cknowledg	ed betore r	ne by me	eans of [W physical p	resence or [] (	online
notarization, this	17_	day	of	Narember	20 <u>21</u>	by
William Anderson		wh	no is pers	onally known to me	or who has pro	duced
FLOL	_as identifi	cation and	who too	kan oath.		
Notary Public State of Flonds Carla Duenas My Contression GG 316557 Expres 03/26/2023	<u>(</u> (P	rinted nam	Oveno ie of NOT	CARY PUBLIC)		

G:\IOINT\Applications\New Notary Block\Agent Authorization Form Individual 10-2021.docx

PRINTED 09/29/2021 147, 848 Page 1 of 1 147,635 More TO DESCRIPTION OF THE PROPERTY. THE CHAPTER ASSESSMENT OF 168.04 111 Talkalna e CERNING TRACE 10/10/2818 61/24/2816 68/14/2814 MODEL WALLERSON TAND LINES TAND LINES TAND CONTROL 31604.20 1.00 1.00 1.00 MS 11.0045 THE COST OF FAILS OF THE STATE MANUS VALIDATION WITHOUT R-105920-0050 051,430 051 051 10 may 2 HINE BUILDE HE CORD | VALUE | VALUE | CORD | CORD | 11,000 10 - WALLE BURGER TO CHALLE. 6624 1 990 00 240,008 00 300.00 300.00 2021 ipi de . . . PÁRCEL MOTES 385 32257 7500 100 ANDERSON WILLIAM W DESIGNATION, PL 10469 ROMBONY LH 1 100.00 100.00 100.00 ## # # # # # ## > > > > 20.00 20.00 20.00 0 2461/61/10 0 1046/16/10 0 2461/61/10 E 8 8 8 0000 Vacant has < 10 Acres 6 1 (9944 (9144) 1 (9944 (9144) 2 (7999 (9144) 2 (7999 (9149) HOLS LOUR 100.00 100.00 100.00 FTE ADDRESS: 388 Continues of the parameter of the Continues of the Contin 121 .... 24-45-268 3.07 PF GOVF 10F 1 KBCD 0/R 7899-724, Б8 MS to 3-7 UKY3 YES XE PRING INTERPRETATION ... - S.V. Probes 9 TOTAL AN ARTHOUGH STATE O/R 9987-301 THE PERSON 图 2000 图 150 15 0 0 0 16 0 0 0 نقت

