

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**ORDINANCE 2022-710 (WRF-22-23)**

**NOVEMBER 1, 2022**

***Location:*** 7946 Dekle Avenue  
Between New Kings Road and Mattox Avenue

***Real Estate Number(s):*** 021235-0000

***Waiver Sought:*** Reduce minimum road frontage from 48 feet to 40 feet.

***Present Zoning:*** Residential Low Density-60 (RLD-60)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** 5- Northwest

***Owner:*** BCEL 10C, LLC  
7563 Philips Highway, Suite 208  
Jacksonville, Florida 32256

***Applicant:*** Zach Miller, Esq.  
3203 Old Barn Court  
Ponte Vedra Beach, Florida

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-0710** (WRF-22-23) seeks to reduce the required minimum road frontage from 48 feet to 40 feet in order to allow for a single-family dwelling to be developed in the Residential Low Density-60 (RLD-60) Zoning District. Located on a 0.1 ± acre parcel, the property will be accessed via Dekle Avenue, which is a publically maintained road.

A companion Administrative Deviation application (**2022-0711**) seek to reduce the minimum lot width for the parcel from 60 feet minimum to 40 feet, and the minimum lot area from 6000 square feet to 4197 square feet. The department is also recommending Approval on the Administrative Deviation Application.

### 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. There is a practical difficulty in that the originally platted lots were smaller than the minimum required by today's current Zoning Code. The subject site is not a lot of record, however the overall size and road frontage to other lots in the area.

- (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 request does not have the effect of reducing the cost of development, and it does not circumvent the requirements of Chapter 654. The property is currently vacant and the grant of this waiver would allow a new single family structure to be built. There is a companion Administrative Deviation application that is seeking to reduce the minimum lot width from 60 feet in width to 40 feet in minimum width, and 6000 to 4197 in minimum area.

- (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 diminish property in, nor alter the essential character of the area. The surrounding block, and neighborhood, was originally platted with smaller lots that do not meet today's RLD-60 Zoning Code. The subject site is similar in nature to the originally platted lots.

- (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?*

Not applicable as the lot has frontage on Dekle Avenue.

- (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. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare. Given the general development pattern in the area, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver would not result in the creation of a nuisance.

**SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on **October 24, 2022** by the Planning and Development Department the required Notice of Public Hearing sign **was not** posted.

**RECOMMENDATION**

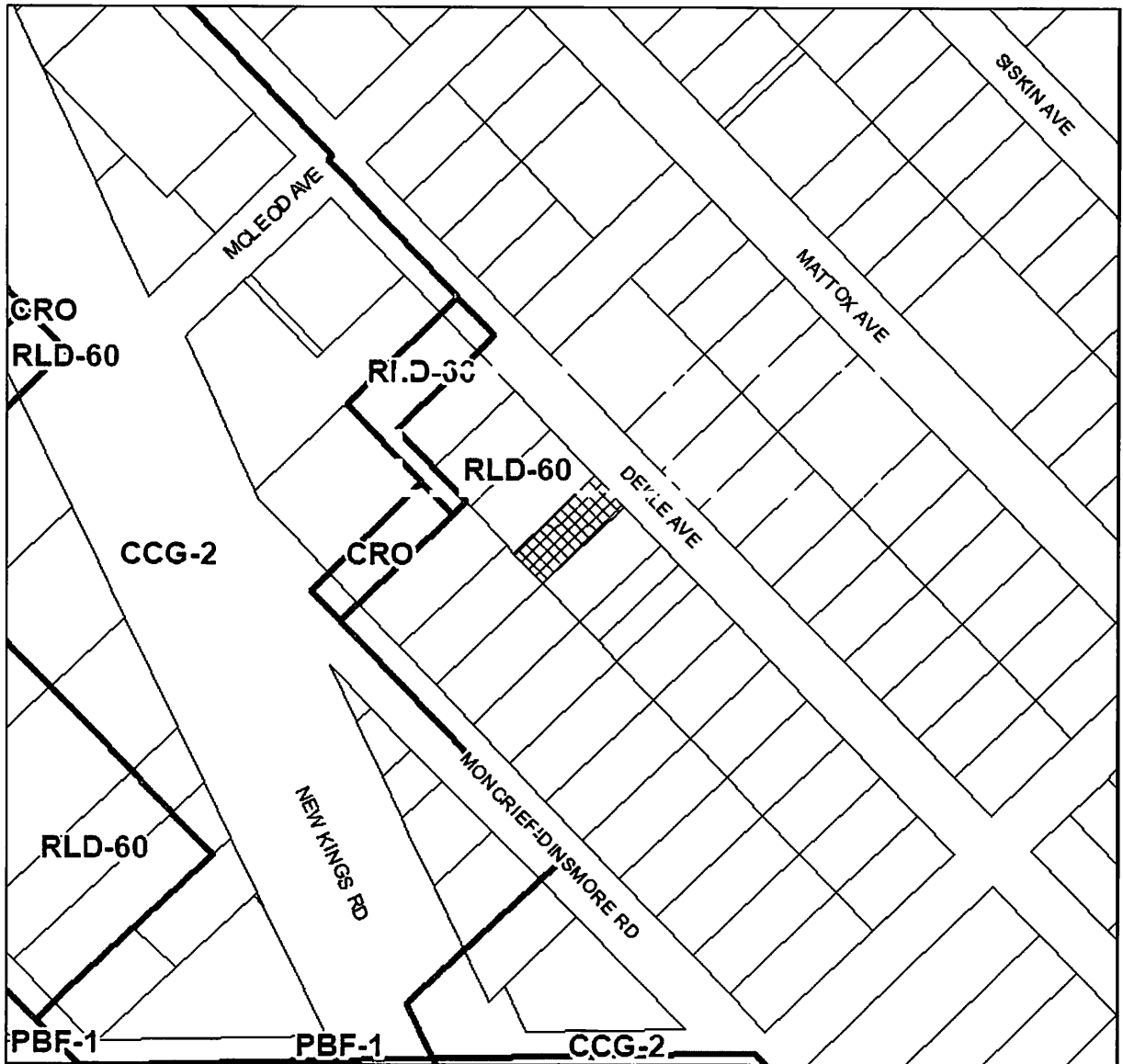
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-0710 (WRF-22-23)** be **APPROVED**.



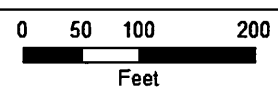
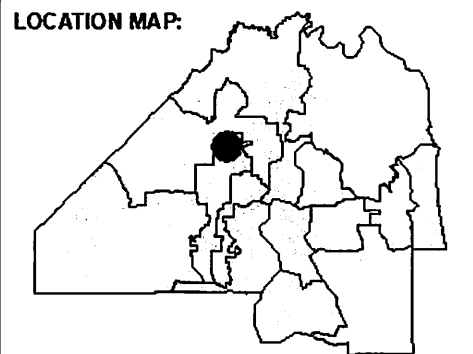
Aerial View



View of the Subject Site



**REQUEST SOUGHT:**  
  
**REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 48 FEET TO 40 FEET**



**COUNCIL DISTRICT:**  
**10**

**TRACKING NUMBER**  
**WRF-22-23**

**EXHIBIT 2**  
**PAGE 1 OF 1**

Date Submitted: 8/11/22	<b>COMPANION APPLICATION</b> / WRF-AD-	Application Number: WRF-22-23
Date Filed: 8/10/22		Public Hearing: AD-22-60

**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 Zoning District: RLD-60	Current Land Use Category: LDR		
Council District: 10	Planning District: 5		
Previous Zoning Applications Filed (provide application numbers): none found			
Applicable Section of Ordinance Code: 656.407			
Notice of Violation(s): none found			
Neighborhood Associations: Trout River Jax Lincoln Villa Community Assoc Lincoln Villas East, Kinlock Civic Association			
Overlay: none			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: \$2305	Zoning Asst. Initials: QIR	

*Total Companion*

PROPERTY INFORMATION	
1. Complete Property Address: 7946 Dekle Avenue	2. Real Estate Number: 021814 0000
3. Land Area (Acres): 0.1	4. Date Lot was Recorded: 12/12/1913
5. Property Located Between Streets: New Kings Road and Mattox Avenue	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from <u>48</u> feet to <u>40</u> feet.	
8. In whose name will the Waiver be granted? BCEI 10C, LLC (request for transferability)	

<b>OWNER'S INFORMATION (please attach separate sheet if more than one owner)</b>	
9. Name: <b>BCEL 10C, LLC</b>	10. E-mail: <b>zwmillerlaw@gmail.com</b>
11. Address (including city, state, zip): <b>7563 PHILIPS HIGHWAY STE 208 JACKSONVILLE, FL 32256</b>	12. Preferred Telephone: <b>904-651-8958</b>

<b>APPLICANT'S INFORMATION (if different from owner)</b>	
13. Name: <b>Zach Miller, Esq.</b>	14. E-mail: <b>zwmillerlaw@gmail.com</b>
15. Address (including city, state, zip): <b>3203 Old Barn Court Ponte Vedra Beach, florida</b>	16. Preferred Telephone: <b>904-651-8958</b>

**CRITERIA**

Section 656.101(l), 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.

Please see attached



## ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- 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 be print-out of property appraiser record card if individual owner, [http://apps.coi.net/pao\\_propertySearch/Basic/Search.aspx](http://apps.coi.net/pao_propertySearch/Basic/Search.aspx), or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- X Proof of valid and effective easement for access to the property. (Attached Plat showing Lot on ROW)

## FILING FEES

\*Applications filed to correct existing zoning violations are subject to a double fee.

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
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. 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 this 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: BEEL 10C

Signature: [Handwritten Signature]

**Applicant or Agent (if different than owner)**

Print name: Zach Miller, Esq.

Signature: Zach Miller

*\*An agent authorization letter is required if the application is made by any person other than the property owner.*

**Owner(s)**

Print name: \_\_\_\_\_

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

- i. *There are practical or economic difficulties in carrying out the strict letter of the regulation;*

**The Property is part of a 50-foot platted lot platted in 1913. The lot contained a single-family house until approximately 2019. Approximately 20 years ago, the prior owner conveyed 10 feet of the lot to the property owner of the north, presumably to correct said northern owner's building's encroachment onto the property in question. This conveyance effectively meant that the property lost its lot of record status.**

**The current owner seeks to build a new single-family home on the property in similar size and dimensions to the previous single-family home on the property. The current road frontage requirements present a practical difficulty in developing any home on the property as, due to the prior conveyance, the lot cannot comply with the road frontage requirements thereby making an infill lot undevelopable without a waiver.**

- 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);*

**The request is not based upon the cost of developing the site or to circumvent the requirements of Chapter 654 (the subdivision requirements) but is required in order to build a single-family house on a lot designed for single-family homes and on which a single-family home existed for decades.**

- 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;*

**The proposed waiver will allow the construction of a single-family home of similar size to the single-family home which existed on the property for decades and thus will not substantially diminish property values.**

- 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;*

**The property has 40 feet of frontage on a public ROW which provides for adequate vehicular access.**

- 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.*

**The proposed waiver will allow for construction of a single-family home similar to the previous single-family home on the property and therefore will not be detrimental to the health, safety or welfare of the public or cause additional expense or nuisances nor conflict with any other applicable law (there is a companion application for administrative deviation for road frontage and lot size).**

**Legal Description**

**Exhibit 1**

**August 1, 2022**

The southeasterly 40.0 feet of Lot 10, Block 27, Lincoln Villas, according to map or plat thereof, as recorded in Plat Book 5, Page(s) 98 of the Public Records of Duval County, Florida

**Exhibit 1**

**Page 1 of 1**

Prepared under the direction of and return to:

Ian McKillop  
McKillop Law Firm, PL  
7563 Philips Highway  
Building 500  
Jacksonville, FL 32256  
File Number: 21-1976  
Consideration: \$7,157.00

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**WARRANTY DEED**

This Warranty Deed made this 30th day of September, 2021 between **Steve Spivey, Jr., a single man**, whose post office address is 912 West Dampier Street, Inverness, FL 34450 (whether singular or plural, "Grantor"), and **BCEL 10C, LLC, a Florida Limited Liability Company**, whose post office address is 7563 Philips Highway, Suite 208, Jacksonville, FL 32256 (whether singular or plural, "Grantee"):

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives, and assigns of individuals, and the successors and assigns of corporations, trusts, and trustees)

WITNESSETH, that Grantor, for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration to Grantor in hand paid by Grantee, the receipt whereof is hereby acknowledged, has granted, bargained, and sold to Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying and being in Duval, FL, (the "Property"):

**The Southeasterly 40.0 feet of Lot 10, Block 27, Lincoln Villas, according to the map or plat thereof, as recorded in Plat Book 5, Page(s) 98, of the Public Records of Duval County, Florida.**

**RE#: 021814-0000**  
**Address: 7946 Dekle Avenue, Jacksonville, FL 32219**

Together with all the tenements, hereditaments and appurtenances thereto belonging or in otherwise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever. And Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple, that Grantor has good right and lawful authority to sell and convey said land, that Grantor hereby fully warrants the title to the Property and will defend the same against the lawful claims of all persons whomsoever, and that the Property is free of all encumbrances except taxes for 2021 and subsequent years and covenants, restrictions, easement and reservations of record, if any, without the intention of creating or reimposing same.

This Property is not the constitutional homestead of the Grantor.



## Infill Availability Letter

Dakota Briggs

9/27/2021

JWB Real Estate Capital

7563 Philips Hwy Ste 109

Jacksonville, Florida 32207

Project Name: 7946 Dekle Ave

Availability #: 2021-4409

Attn: Dakota Briggs

Thank you for your inquiry regarding the availability of Electric, Reclaim, Sewer, Water. The above referenced number in this letter will be the number JEA uses to track your project. Please reference this number when making inquiries and submitting related documents. This availability letter will expire two years from the date above.

### **Point of Connection:**

A summary of connection points for requested services are identified on the following page. JEA recognizes Connection Point #1 as the primary point of connection (POC); however, a secondary, conditional POC will be listed if available. JEA assumes no responsibility for the inaccuracy of any service connection portrayed on a JEA utility system record drawing. JEA requires field verification in the form of a Level A SUE of all POCs prior to any plan approval to ensure connection availability. Please note the Special Conditions stated in each section contain pertinent information and additional requirements as well as further instructions. In the event the point of connection is located within a JEA easement located on private property not owned by applicant, applicant shall be responsible to obtain a temporary construction easement (TCE) from the third party owner providing applicant with the right to construct the utilities. **The TCE will need to be provided by JEA prior to setting up a pre-construction meeting.**

### **Main Extensions and/or Offsite Improvements:**

For all utilities located in the public Right of Way or JEA easement, the new WS&R utilities shall be dedicated to JEA upon completion and final inspection, unless otherwise noted. **It shall be the customer's responsibility to engage the services of a professional engineer, licensed in the State of Florida, to plan and permit the proposed main extension(s) as well as to engage the services of a contractor to construct the main extension(s).** All WS&R construction shall conform to current JEA Water, Sewer & Reuse Design Guidelines which may be found at:

[https://www.jea.com/engineering\\_and\\_construction/water\\_and\\_wastewater\\_development/reference\\_materials/](https://www.jea.com/engineering_and_construction/water_and_wastewater_development/reference_materials/)

### **Lot Splits:**

If a lot is split and two or more homes will be built, a layout of the proposed lot split will be required to be submitted prior to processing of estimate requests or service applications. Submit layout via Step 2 in the Sages program. Review JEA Design Guidelines 2.4.1.1 for the required information needed to process the layout submittal.

**Service Tap Cost (Special Estimate):**

To receive the associated cost for water or sewer service tap(s), please submit a Special Estimate Request, via Step 2 in the Sages program. Field factors that would designate the need for a special estimate are as follows:

- |  |  |
|--|--|
| Main Depth 8+ feet deep                | Required work within FDOT, St Johns County and Nassau County ROW |
| Pavement less than 5 years old         | Multiple services being installed                                |
| Taps on water mains 20-inch and larger | Water taps larger than 2-inches                                  |
| Sewer taps greater than 6-inches       | Low Pressure Sewer Service Connections                           |
| Installation of Sewer Vac Pods         | Approved Commercial Development plans                            |

**Reservation of Capacity:**

This availability response does not represent JEA's commitment for or reservation of WS&R capacity. In accordance with JEA's policies and procedures, commitment to serve is made only upon JEA's approval of your application for service and receipt of your payment of all applicable fees.

A detailed overview of the process can be found at JEA.com. This document along with other important forms and submittal processes can be found at

[https://www.jea.com/water\\_and\\_wastewater\\_development](https://www.jea.com/water_and_wastewater_development)

Sincerely,

JEA Water, Sewer Reclaim  
Availability Request Team

Availability Number: 2021-4409

Request Received On: 9/17/2021

Availability Response: 9/27/2021

Prepared by: Ji Soo Kim

Expiration Date: 09/27/2023

### **Project Information**

Name: 7946 Dekle Ave

Address:

County: Duval County

Type: Electric,Reclaim,Sewer,Water

Requested Flow: 350

Parcel Number: 021814 0000

Location:

Description: 1 SFD

### **Potable Water Connection**

Water Treatment Grid: North Grid

Connection Point #1: Existing 6-inch water main within Dekle Ave. ROW.

Connection Point #2:

Water Special Conditions:

An Infill Layout for all lots included in the availability letter is required prior to applying for new service. Submit infill layouts through the JEA Sages program by entering your availability number and accessing Step 2 within the project portal. An Infill Layout for all lots included in the availability letter is required prior to applying for new service. Submit infill layouts through the JEA Sages program by entering your availability number and accessing Step 2 within the project portal.

### **Sewer Connection**

Sewer Grid: Buckman

Connection Point #1: Existing 8-inch gravity sewer main within Dekle Ave. ROW.

Connection Point #2:

Sewer Special Conditions:

An Infill Layout for all lots included in the availability letter is required prior to applying for new service. Submit infill layouts through the JEA Sages program by entering your availability number and accessing the project portal. Lateral may require televising for current integrity due to age. Request sewer locate through the JEA Sages program by entering your availability number and accessing the project portal. If gravity flow cannot be achieved, then Sewer POC cannot be utilized unless written approval from the JEA Alternative Connection team is granted to allow a connection which utilizes a privately owned and operated pump system. Request an Alternative Connection approval through the JEA Sages program by entering your availability number and accessing the project portal. Sewer Locate requests can be made within Step 1 of



the project portal. Alternative Connection team and Special Estimate requests can be made within Step 2 of the project portal. An Infill Layout for all lots included in the availability letter is required prior to applying for new service. Submit infill layouts through the JEA Sages program by entering your availability number and accessing Step 2 within the project portal.

## **Reclaimed Water Connection**

Reclaim Grid:

Connection Point #1:

Connection Point #2:

Reclaim Special Conditions:

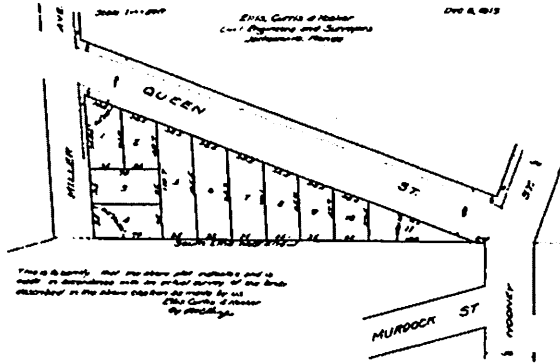
Electric Availability:

Electric Special Conditions: The subject property lies within the geographic area legally served by JEA. JEA will provide electric service as per JEA's most current Rules and Regulations.

General Conditions:

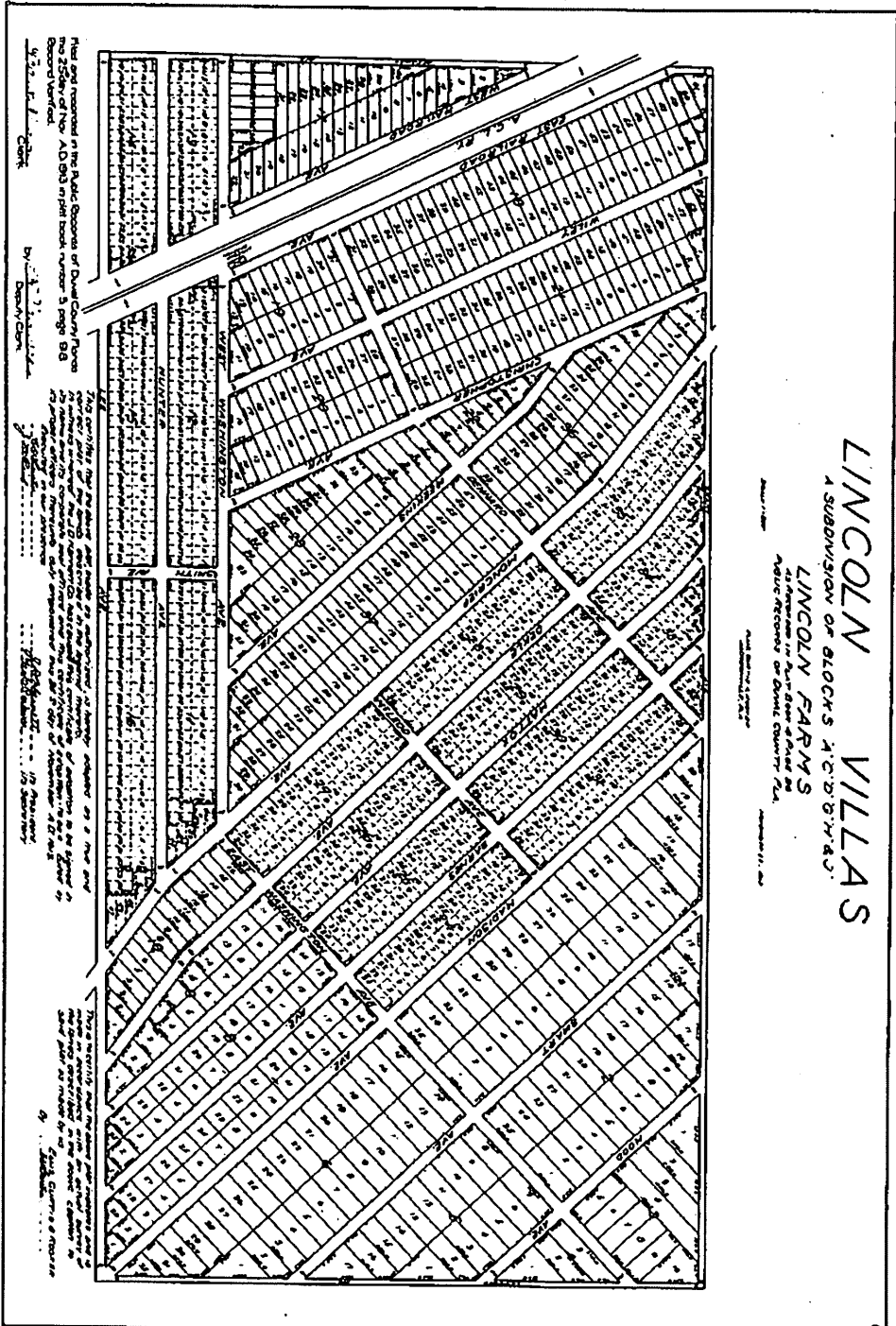
**After your project has been accepted you can submit your Residential New Service Application by accessing Step 2 in Sages. If indicated on your availability letter, request your water flow test (Sages Step 2) and/or sewer locate (Sages Step 1). After you receive the results of these, if applicable, submit your Infill Layout(s) (Sages Step 2). After your Subsequent steps you need Infill Layout(s) are approved, request a Special Estimate Determination (Sages Step 2) to take to get service for the cost of your taps. After you have received the Special Estimate Determination, apply for your new services by accessing Step 2 in Sages and selecting Residential New Service Application. You will need to submit a separate application for each address, do not select the multiple addresses when asked what type of service application are you submitting for.**

**NOONEY'S REPLAT**  
of Block 7 West End as recorded in Plat Book 3, page 13  
Public Records of Duval County, Fla.



This is to certify that the above plat reflects and is made in accordance with the best survey of the Block as shown on the above plat and is made by me  
E. H. Curtis, Engineer  
E. H. Curtis, Engineer and Surveyor  
J. H. Curtis, Surveyor

Filed and recorded in the Public Records of Duval County, Florida  
on the 12th day of Dec. A.D. 1913 in Plat Book number 3, page 13.  
Recorded and Verified  
W. H. L. L. Clerk  
by E. H. Curtis  
Deputy Clerk



**LINCOLN FARMS**  
A SUBDIVISION OF BLOCKS 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

This plat was prepared in the Public Records of Duval County, Florida  
on the 12th day of Dec. A.D. 1913 in Plat Book number 3, page 13.  
Recorded and Verified  
W. H. L. L. Clerk  
by E. H. Curtis  
Deputy Clerk

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