REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

<u>APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE</u>

WRF-22-28/ORDINANCE 2022-902

JANUARY 27, 2023

Location: 351 Otis Road

Between Dollar Lane and Sellers Lane

Real Estate Number(s): 001712-0020

Waiver Sought: Reduce Minimum Required Road Frontage from 80

Feet to 40 Feet (Parcel A) and 30 Feet (Parcel B)

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: 4-Southwest

Applicant: Hipps Group Inc.

1650 Margaret Street #323 Jacksonville, FL 32204

Owner: A & K Florida Enterprises LLC

5022 Cinancy Court Jacksonville, FL 32277

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2022-902** (WRF-22-28) seeks to reduce the required minimum road frontage from 80 feet to 40 feet and 30 feet in order to split the lot into 2 lots to allow for one single-family dwellings per lot in the Residential Rural-Acre (RR-Acre) Zoning District. Located on a 3.53± acre parcel, the property will be accessed via Otis Road, which is a publicly maintained road.

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?
 - The practical difficulty is that the one large lot of 3.53 acres has approximately 80 feet of frontage along Otis Road, which is insufficient frontage for the proposed 2 smaller lots, with 2 driveways, and each lot with its own single-family homes.
- (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)?
 - The request is not based exclusively upon the desire to reduce the cost of development, and it does not circumvent the requirements of Chapter 654 (Code of Subdivision Regulations) as it is only for two lots.
- (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 subject property is currently undeveloped, and the waiver would permit two new single-family dwellings which would not reduce the property values of the neighboring lots or interfere with other property owners' rights.
- (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. An easement is not necessary as the owner proposes to split the lot with two (2) separate driveways.
- (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, result in additional expense, the creation of nuisances or conflict with any other applicable law as fire, rescue, and public services will have sufficient ability to access the property.

SUPPLEMENTARY INFORMATION



Upon visual inspection of the subject property on **January 17, 2023** 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 2022-902 (WRF-22-28)** be **APPROVED.**

Date Submit	ted:	21	22
Date Filed:	10	-5	

Current Zoning District:

Council District: 8

Application Number:	RF-22-28
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.

Previous Zoning Applications Filed (provide application numbers): none found

RR -Acre

For Official Use Only

Current Land Use Category:

Planning District: 4

Applicable Section of Ordinance Code: 656	.407
Notice of Violation(s): none found	
Neighborhood Associations: none	
Overlay: none	
LUZ Public Hearing Date:	City Council Public Hearing Date:
Number of Signs to Post: / Amount of Fo	ee: \$ 1343. Zoning Asst. Initials:
PROPERTY INFORMATION	
1. Complete Property Address:	2. Real Estate Number:
351 Otis Road	001712-0020
3. Land Area (Acres):	4. Date Lot was Recorded:
3.53	
5. Property Located Between Streets:	6. Utility Services Provider:
Dollar Lane & Sellers Lane	City Water / City Sewer
	Well / Septic
7. Waiver Sought:	2 Lots
Reduce Required Minimum Road Frontage from	$\frac{80}{\text{feet to}} \frac{40}{\text{feet}}$
8. In whose name will the Waiver be granted? A	& K Florida Enterprises LLC
Pa	ge 1 of 5

OWNER'S INFORMATION (please attach separate sheet if more than one owner)		
9. Name: A & K Florida Enterprises LLC	10. E-mail:	
11. Address (including city, state, zip): 5022 Cinancy Court Jax, FL 32277	12. Preferred Telephone:	

13. Name: Hipps Group Inc.	info@hippsgroupinc.com
15. Address (including city, state, zip): 1650 Margaret ST #323 Jax, FL 32204	16. Preferred Telephone: 904-781-2654

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: PLEASE SEE THE ATTACHED

- 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.

result in a denial.	substantiate the need for the request and to meet the criteria set forth PLEASE SEE THE 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.coj.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.
Proof of valid and effective easement for access to the property. N/A

FILING FEES *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
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: Signature:	Applicant or Agent (if different than owner) Print name: Alberta Hipps Signature: Hypp
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:

last update: 1/10/2017

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

Waiver of Road Frontage Questions

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;

The practical difficulty is the two lots of approximately 3.53 acres have approximately 80 feet of frontage along Otis Road, which is insufficient frontage for the proposed two houses.

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);

This 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) as it is only for two lots.

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;

No. The subject property is currently undeveloped and the waiver would permit two new single family dwellings which would not reduce the property values of the neighboring lots or interfere with other property owners rights. These two new homes will not alter the essential character of the area surrounding the site.

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;

No. an easement is not necessary as the owner proposes to split the lot with two (2) separate driveways.

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.

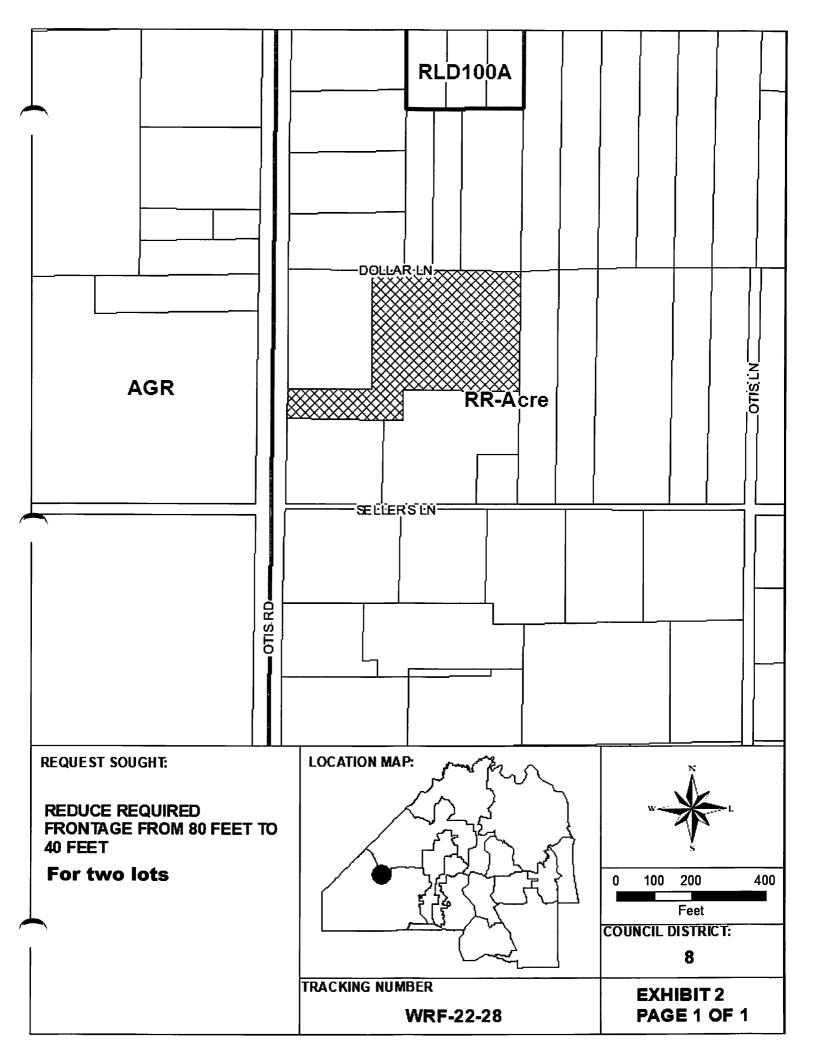
This proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law as fire, rescue and public services will have sufficient ability to access the property.

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.

This is a flag lot which does not have enough road frontage for the two proposed houses.

Legal Description Exhibit 1

A portion of Farms 5 and 6, in the Northeast 1/4 of the Northwest 1/4 of Section 22, Township 2 South, Range 24 East, of JACKSONVILLE FARMS, according to the plat thereof as recorded in Plat Book 3, page 41 of the current public records of Duval County, Florida and being more particularly described as follows: Commence at the intersection of the Easterly right of way line of Otis Road (an 80 foot right of way) with the North line of Sellers Lane (a 30 foot right of way) as now established; thence N 00° 21'48" E, along said Easterly right of way of Otis Road, a distance of 229.80 feet to the Point of Beginning; thence continue N 00° 21'48" Eon said Easterly right of way of Otis Road, a distance of 80.07 feet to the South line of lands described in Official Records Book 1480, page 811 of said public records; thence S 89° 42'10" Eon said South line, a distance of 226.80 feet; thence N 00° 27'28" E, a distance of 329.06 feet to the North line of aforesaid Farm 5; thence S 89° 37'34" Eon said North line of Farm 5 and on the North line of said Farm 6, a distance of 397.39 feet to the West line of lands described in Official Records Book 9664, page 435 of said public records; thence S 00° 24'28" Won said West line a distance of 328.46 feet; thence N 89° 41'42" W, a distance of 313.07 feet; thence S 00° 21'35" W, a distance of 80.00 feet; thence N 89°44'11" W, a distance of 311.39 feet to the Point of Beginning.



Property Ownership Affidavit – Limited Liability Company (LLC)

Date: 12-6-1022		
City of Jacksonville Planning and Development Dep 214 North Hogan Street, Suite 3 Jacksonville, Florida 32202		
Re: Property Owner Affidavit for Address: 351 Otis Road	or the following site location RE#(s):	
To Whom it May Concern:		
Kyrylo Fesenko	, as Manager	of A & K Florida Enterprises,LLC_,
a Limited Liability Company orga	anized under the laws of t	he state of Florida, hereby certify
that said LLC is the Owner of the	e property described in Ex	hibit 1 in connection with filing application(s)
for Waiver of Road Frontage	submitted to the Jacks	onville Planning and Development
Department. (signature)		
(print name) Kyrylo Fe	senko	
	unbiz.org showing that the	authorized representative of the LLC. This may be person is either a "sole member" or a "managing ion, power of attorney, etc.
Sworn to and subscrift presence or [_] online notaring Kyrylo Fesenko A & K Florida Enterprises,LLC known to me or who has protook an oath.	as Manag a Florida duced Frown Person	OTARY PUBLIC) OTARY PUBLIC) OF 10 SAFE PUBLIC AND
	My commission	11 - A V. FO. S WORLD I WILLIAM LADIC CHICAL MICHOL (I

Agent Authorization – Limited Liability Company (LLC)

Date: 12-5-7072	
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, 8 Address: 351 Otis Road RE#(Florida: s): 001712-0020
To Whom It May Concern:	
You are hereby advised that Kyrylo Fesenko	, as Manager of
A & K Florida Enterprises, LLC, hereby certify that the LLC	is the Owner
	wner hereby authorizes and empowers
Llinna Craum Inc.	act as agent to file application(s) for
Walter of Daniel French	the above referenced property and in connection
with such authorization to file such applications, papers, documents	
requested change as submitted to the Jacksonville Planning and Develo	
	рриент верагинент.
(signature) Meyockee	
(print name) Kyrylo Fesenko	
STATE OF FLORIDA COUNTY OF DUVAL	
Sworn to and subscribed and acknowledged before me by mea	ns of [🗹 physical presence or [_] online
notarization, this 5th day of December 2022, by Kyry	lo Fesenko, as
Manager, of A & K Florida Enterprises, LLC, a	Florida corporation, who is
personally known to me or who has produced Frown personal (Signature of NOTARY BUBLIC)	
State of Florida a large M	LA IVANOVNA PIVOVAREVICH IY COMMISSION # HH 158313 EXPIRES: July 28, 2025 Med Thru Notary Public Llodenusiters



Department of State / Division of Corporations / Search Records / Search by Entity Name /

Detail by Entity Name

Florida Limited Liability Company
A & K FLORIDA ENTERPRISES, LLC

Filing Information

Document Number

L21000130565

FEI/EIN Number

86-3680462

Date Filed

03/19/2021

Effective Date

03/19/2021

State

FL

Status

ACTIVE

Principal Address

5022 Cinancy Ct

JACKSONVILLE, FL 32277

Changed: 04/27/2022

Mailing Address

5022 CINANCY COURT JACKSONVILLE, FL 32277

Registered Agent Name & Address

AVRAMENKO, NATALYA

5022 CINANCY CT

JACKSONVILLE, FL 32277

Authorized Person(s) Detail

Name & Address

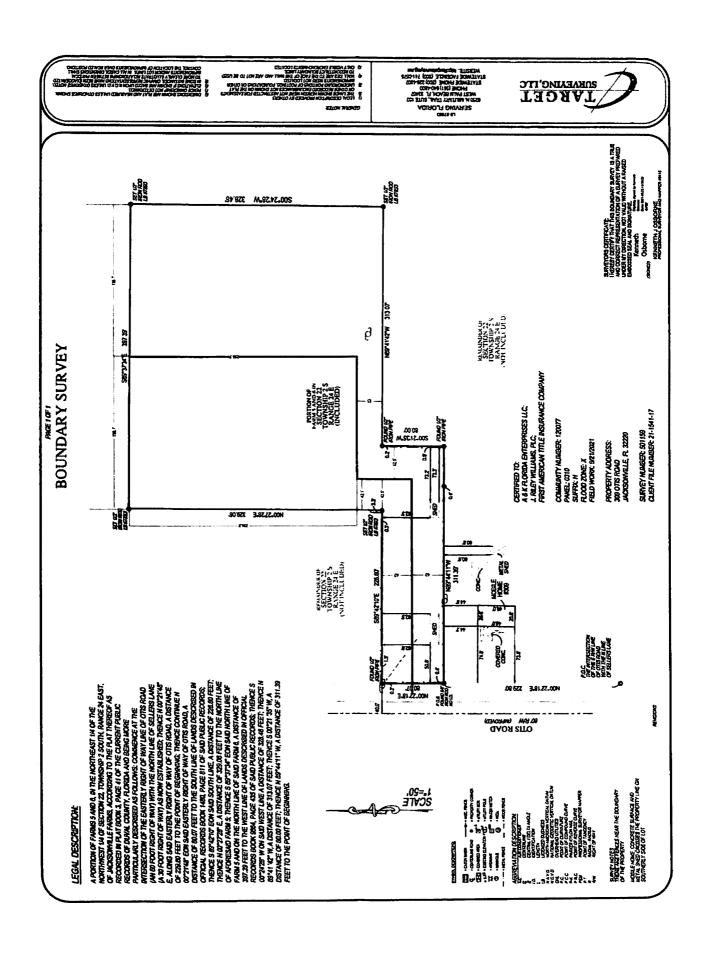
Title MGR

FESENKO, KYRYLO 10100 Atlantic Blvd JACKSONVILLE, FL 32225

Title MGR

AVRAMENKO, NATALYA 5022 CINANCY CT JACKSONVILLE, FL 32277

Annual Reports



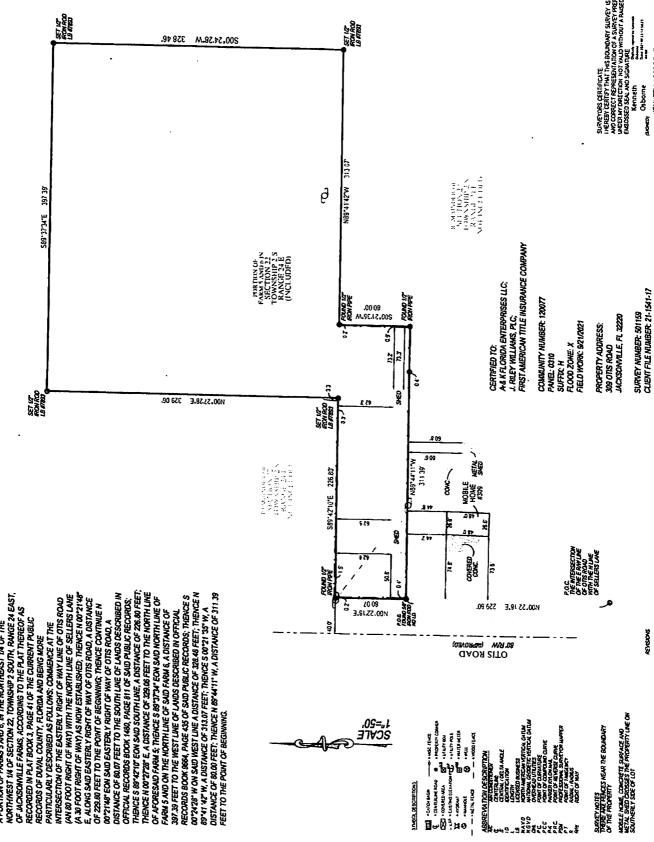
620M MLITARY TRAL, SUTE 102
WEST PALM BEACH, F. 11407
STATEWIDE PHONE (600) 225-4801
STATEWIDE PHONE (600) 741-0516
WEBSITE (AD) //WEBSITURY/NG RE! ENBAETING, ILC SERVING FLORIDA

KENNETH JOSBORNE

MOBLE HOME, CONCRETE SURFACE, AND METAL SHED CADSSES THE PROPERTY LINE ON SOUTHERLY SIDE OF LOT

SURVEY NOTES THEVE ALL FENCES NEAR THE BOUNDARY OF THE PROPERTY

STUDY TOURS



1..=20. 2CVTE

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SMECK DESCRIPTIONS

LEGAL DESCRIPTION

BOUNDARY SURVEY

A PORTION OF FARMS 5 AND 6, IN THE NORTHEAST 1/4 OF THE