

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**ORDINANCE 2023-0827 (WRF-23-25)**

**JANUARY 17, 2024**

<b><i>Location:</i></b>	0 Fair Street Between Beverly Avenue Irvington Avenue
<b><i>Real Estate Number(s):</i></b>	069335-0020
<b><i>Waiver Sought:</i></b>	Reduce Minimum Required Road Frontage from 48 Feet to 31 Feet 4 inches for one lot.
<b><i>Present Zoning:</i></b>	Residential Low Density-60 (RLD-60)
<b><i>Current Land Use Category:</i></b>	Low Density Residential (LDR)
<b><i>Planning District:</i></b>	4-Southwest
<b><i>Council District:</i></b>	District - 7
<b><i>Applicant/Agent:</i></b>	John Allmand J.A. Architecture 3750 Oak Street Jacksonville, Florida 32205
<b><i>Owner/Applicant:</i></b>	John Allmand 1746 Fair, LLC 3750 Oak Street Jacksonville, Florida 32205
<b><i>Staff Recommendation:</i></b>	<b>DENY</b>

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2023-0827** (WRF-23-25) seeks to reduce the required minimum road frontage from 48 feet to 31 feet 4 inches in order to allow for the lot to be split to build two (2) single-family dwelling units in the Residential Low Density-60 (RLD-60) Zoning District.

More specifically, the waiver is being sought for the reduction of road frontage for one (1) single-family lot (see lot 2 on site plan). Located on a 0.16± parcel in the Urban Development Area, the property will be accessed directly via Fair Street.

There is also a companion Administrative Deviation AD-23-89 (**Ordinance 2023-0828**) that seeks to reduce the lot width from 60 feet to 31 feet 4 inches for both lots, reduce lot area from 6,000 square feet to 3,646 square feet for both lots, reduce the required front yards from 20 feet to 15 feet for both lots, and reduce the secondary required front yard along Irvington Avenue from 10 feet to five (5) feet for lot 1 as indicated on the attached site plan.

### **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?***

No. There are no practical or economic difficulties in carrying out the strict letter of the regulation. If the strict letter of the regulation were followed, the lot could still be developed with a single family home. Developing the site in accordance with the Zoning Code would, in fact, decrease the cost of developing the site. The proposed request represents a self-imposed hardship which could be avoided by developing in accordance with the regulation.

**(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 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 being sought will allow for the construction of two (2) single-family dwellings, which is not required to adhere to subdivision guidelines and would increase the cost from developing the lot in accordance with the strict letter of the 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?***

Yes. The waiver will substantially diminish property values or alter the essential character of the surrounding area. The applicant plans to construct two (2) single-family dwellings on the property, which Staff contends will not be similar to existing development in the surrounding neighborhood. The majority of the dwellings surrounding the subject lot are developed on 75 foot or larger lots. The subject is already smaller than what is generally developed in the area, splitting it into 30 foot lot would set a precedent for future, similar requests, thereby altering the existing character of 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 property is located on a publicly maintained right of way, Fair Street. The deviation is being sought to reduce the amount of frontage along Fair Street.

- (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?***

Yes. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare, however, it may create a nuisance. Given the general residential lot size in the surrounding area, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver will create two lots significantly smaller than surrounding lots, decreasing property values and altering the character of the area.

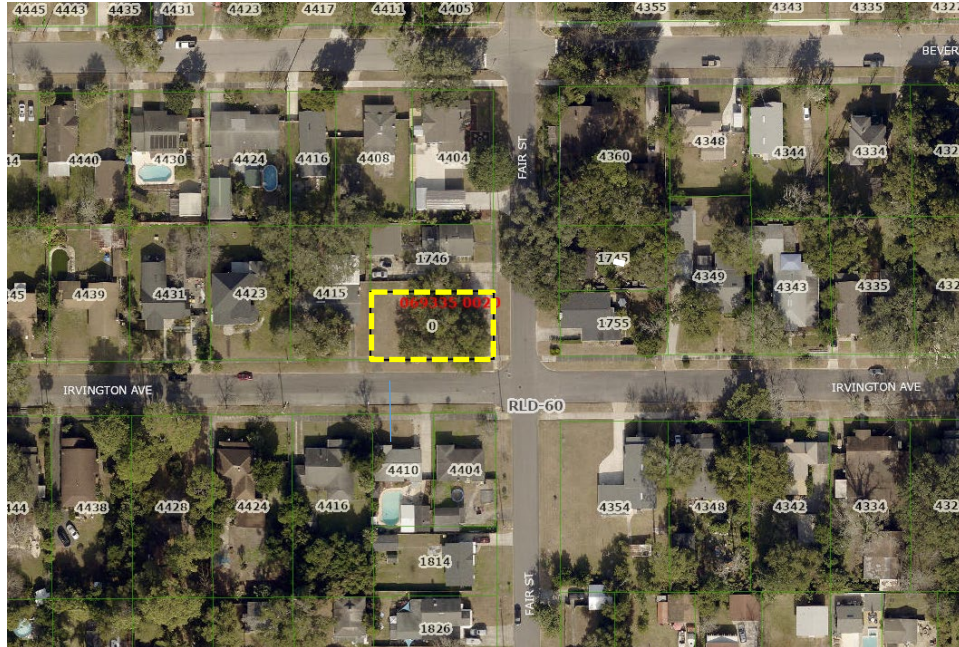
### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on November 30, 2023 by the Planning and Development Department the required Notice of Public Hearing signs **were** 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 2023-0827 (WRF-23-25)** be **DENIED**.



Aerial view of the subject site

Source: JAXGIS November 28, 2023





**View of Subject Lot**

*Source: Planning and Development Department (11/30/2023)*



**View of adjacent multifamily property**

*Source: Planning & Development Department (11/30/2023)*





**View of nearby single family homes**

*Source: Planning and Development Department (11/30/23)*



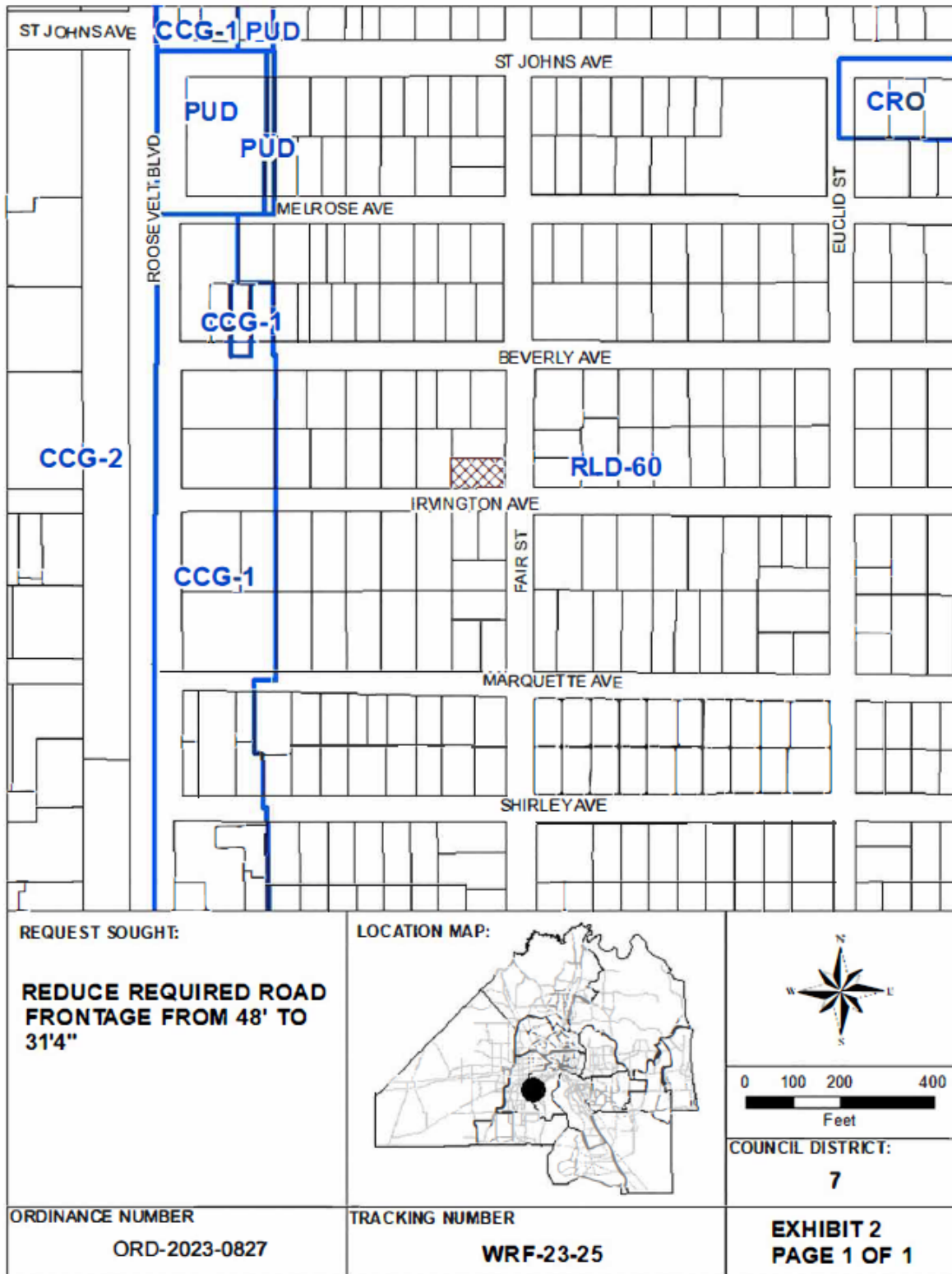
**View of nearby single family homes**

*Source: Planning and Development (11/30/2023)*



**View of Nearby multifamily property**

*Source: Planning and Development (11/30/2023)*



Legal Map