## REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

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

## **OCTOBER 15, 2019**

*Location:* 8569 Old Plank Road

Between Marietta Meadows Drive and Bulls Bay

Highway

**Real Estate Number(s):** 006216-0140

Waiver Sought: Reduce Required Minimum Road Frontage from 80

feet to 50 feet.

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

Current Land Use Category: Low Density Residential (LDR)

**Planning District:** Northwest, District 5

Owner/Agent: Sandra Ezell and Brooke Russell Hugh

8569 Old Plank Road Jacksonville, Florida 32220

Staff Recommendation: APPROVE WITH CONDITION

## **GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage Ordinance-2019-0641 (WRF-19-21) seeks to reduce the minimum required road frontage from 80 feet to 50 feet to allow for a lot split with an existing mobile home to be on the newly created parcel. Currently parcel 006216-0140 (8569 Old Plank Road contains a 3,117 square foot site build single family dwelling with detached garage, and a 924 square foot mobile home. The owners of the property are mother and daughter. Ms. Ezell lives in the single family dwelling and her daughter lives in the mobile home. Ms. Ezell wants to give one acre of land and the mobile home to her daughter. When the property is divided the access point will only be on Harrison Street with no access to Old Plank Road. There is an existing fence that already separates the properties.

In the RR-Acre Zoning District parcels of land need to be at least 43,560 Square Feet (1 acre), with 80 feet of road frontage for every single family dwelling. The Applicant is seeking to create a 1 acre lot located at the northern portion of the existing lot. The parcel currently has 50 feet of road frontage along the end of Harrison Street, and is located adjacent to existing single family

neighborhood. The road dead ends and is not a cul-du-sac. If the road was developed with a standard cul-du-sac the road frontage requirement would only be 35 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... and for minimum street frontage, pursuant to Section 656.407. Waivers are authorized to be granted by the Commission pursuant to the criteria set forth in Section 656.133(b)" [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 any practical or economic difficulties in carrying out the strict letter of the regulation?

Yes. There are practical and economic difficulties in carrying out the strict letter of the zoning code. In the RR-Acre Zoning District a property is required to have 80 feet of road frontage per single family dwelling. The location is unique, the existing lot has frontage on two roads; Old Plank Road and Harrison Street. The applicant has 50 feet of road frontage on Harrison Street. The current parcel has frontage on Old Plank Road however there is an existing single-family dwelling located on the southern portion of the property which uses that road for its access. The frontage along Old Plank Road is 200.54 ft. However, it is not logical to have the homeowner drive through their property, over 600 feet, when they have frontage on a road that is less than 90 feet from their front door.

It is neither practical, nor economically reasonable to require the applicant to create an addition 30 feet of road frontage at the end of their street. The proposed lot on the northern portion of the existing lot is at the end of Harrison Street. The street does not end with a cul-du-sac. If it were the applicant would only need 35 feet of road frontage.

(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 property is already developed with two single-family dwellings on 3.1 acres of land. One single family dwelling is on the southern portion of the lot facing Old Plank Road. The other single family dwelling is on the northern portion of the property facing Harrison Street. The purpose of this waiver is to allow for the single family dwelling near Harrison Street to legally use Harrison Street as point of access though the road frontage is less than required by 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 site is already developed with two single-family dwellings and by allowing this waiver there will be no visible change. This lot consists of two lots of record, which were combined into one lot and then developed with two single-family dwellings. Now the owners would like to split the lot to have one single family dwelling on each lot.

(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 currently has a 50 foot wide public right of way (Harrison Street) abutting the property.

(v) Will the proposed waiver be detrimental to the public health, safety or welfare, and result in additional expense, the creation of nuisances or conflict with any other applicable law?

No. The road frontage of the subject property is at the end of a residential road that is considered low traffic. There will be little to no effect on public health safety and welfare as the requested waiver will allow for a maximum of one single-family residence to have legal access to Harrison Street. Staff is recommending that the new lot have an address off of Harrison Street, instead of Old Plank Road, in order for EMS, Fire, and Police to easily locate the lot in case of an emergency.

## **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on October 8, 2019 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 2019-0641 / WRF-19-21 be APPROVED with the following CONIDTION:

1. The lot created on the northern portion of the current lot will be addressed off Harrison Street.



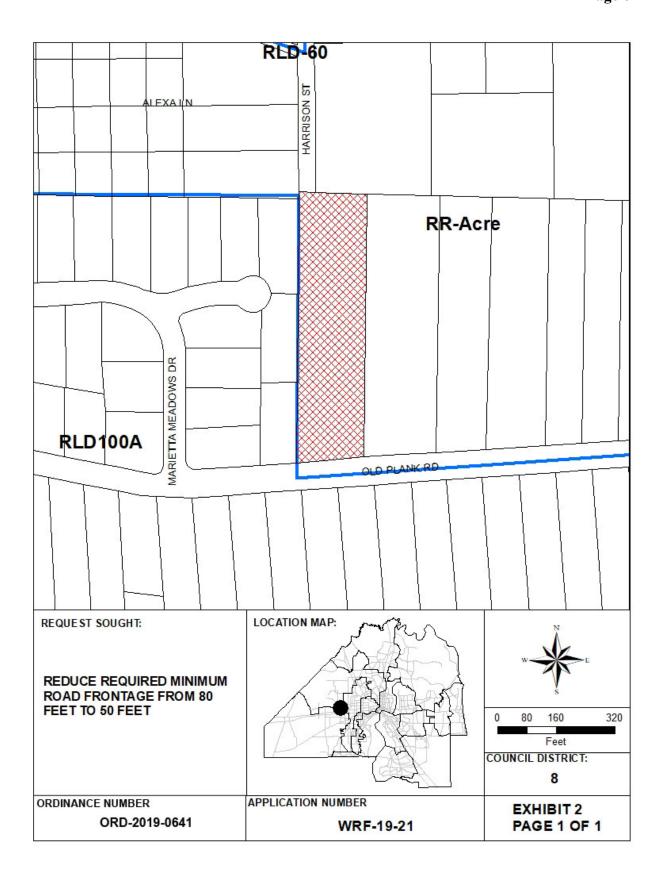
**Aerial View** 



**Subject property facing Old Plank Road** 



**Subject property off of Harrison Street** 



## Patterson, Connie

From: Fales, Ellen

Sent: Tuesday, September 24, 2019 6:39 PM

**To:** Patterson, Connie

**Subject:** RE: Addressing for WRF-19-21

Hi Connie,

I am sorry for my slow response.

Yes, I think that this is a good condition to place on this Waiver of road frontage.

I appreciate you adding this condition.

Thank you,

Ellen Fales City Planner Supervisor (904) 255-8341 ellenf@coj.net

From: Patterson, Connie <ConstanceP@coj.net> Sent: Thursday, September 19, 2019 10:02 AM

**To:** Fales, Ellen < Ellen F@coj.net > **Subject:** Addressing for WRF-19-21

## Good Morning,

I'm working on a WRF and the current address for the parcel is 8569 Old Plank Road. The owner wants to divide the parcel and give a portion to their daughter who lives in the mobile home on the northern portion of the property. I wanted to condition that the new parcel must be addressed off of Harrison St, as that is their point of access, not Old Plank as it is currently "addressed". Let me know what you think, ASAP.

Thanks,
Connie Patterson
City Planner II
City of Jacksonville I Planning & Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904)255-7822



Date Submitted: 8.19-	19
Date Filed: 8/22/2	019
77	

Application Number: 19-2/
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 Zoning District:	A.	Current Land Us	e Category:	LDR
Council District:	3	Planning District	: 5	
Previous Zoning Applications Filed (property) $P/A$ .	Previous Zoning Applications Filed (provide application numbers):			
Applicable Section of Ordinance Code 696.407	•			
Notice of Violation(s): NONE.				
Neighborhood Associations: Volku	EST / THUN	NAS TEGFERS	on civiz	
Overlay: $\mu/A$ -				
LUZ Public Hearing Date:		City Council Publ	ic Hearing Date	e:
Number of Signs to Post: /2	Amount of Fee	\$ 1385	Zoning Asst.	Initials:
6 = 2				
PROPERTY INFORMATION				
1. Complete Property Address:		2. Real Estate No	ımber:	-
8569 old Plank Rd. Jax. FL	32220	006216-0	140	
3. Land Area (Acres):	-	4. Date Lot was F	Recorded:	25
3. / 5. Property Located Between Streets:		C Inita Cara	n the	45
Bulls Bay Highway		6. Utility Services		
Marietta Meadows	Dr.	City Water / City Well / Septic	, <u> </u>	
7. Waiver Sought:			<u> </u>	
Reduce Required Minimum Road Fron	tage from	80 feet to	_50	_feet.
8. In whose name will the Waiver be granted?  Karen M Stewart et Al Sandra Ezell JTRS				
The second secon		1 of 5	11K2	

OWNER'S INFORMATION (please attach sepa	arate sheet if more than one owner)
9. Name: Sandra Ezell ETAL	10. E-mail:
Russell Hugh Acooke TTRS	SDEZELL @BELL SOUTH. NET
11. Address (including city, state, zip):	12. Preferred Telephone:
8569 old Plank Rd.	904-221-6132
Jacksonville, FL 32220	904-625-2154

APPLICANT'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 want to give I ACRE, moble home, and out buildings to my daughter, who is living in Moble home Now. There is only 50' frontage on Harrison St.

ATTACHMENTS				
The following attachments must accom-	pany each copy of the applic	ation.		
Survey	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 (Exh	Property Ownership Affidavit (Exhibit A)			
Agent Authorization if application	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,				
Florida Department of State Division of Corporations if a corporate owner,				
Thomas Department of State Divisio	in or corporations if a corpor	rate owner,		
	•			
Proof of valid and effective easement for access to the property.				
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	
	Il be accepted until all of the requested information has I. The acceptance of an application as being complete cil. The owner and/or authorized agent must be
	on the property within five (5) working days after the ed and maintained until a final determination has been
the owner or authorized agent for the owner with	the information contained in this application, that I am authority to make this application, and that all of the get the attachments, is true and correct to the best of
Owner(s)  Print name: Sandra Ezell  Signature: Sandra Eyell	Applicant or Agent (if different than owner)  Print name:  Signature:
Owner(s) Print name:	*An agent authorization letter is required if the application is made by any person other than the property owner.
Signature:SIGNATURE:SIGNATURE:SIGNATURE:SIGNATURE:SIGNATURE:SIGNATURE:SIGNATURE:	-
This application must be typed or printed in ink an four (4) applications. Each application must included.	d submitted along with three (3) copies for a total of

# Submit applications to:

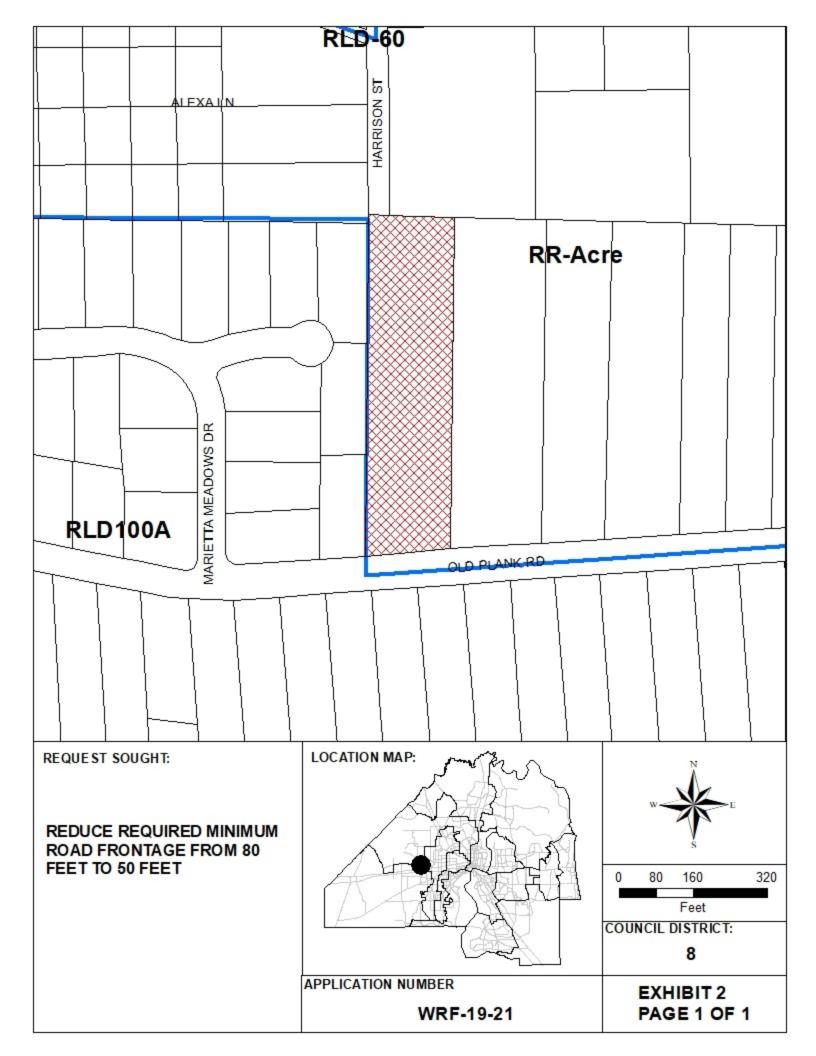
Planning and Development Department, Zoning Section 214 North Hogan Street, 2<sup>nd</sup> Floor Jacksonville, Florida 32202 (904) 255-8300

# **EXHIBIT 1**

# **Legal Description**

15-25-25E 3.120 PT GOVT LOTS RECD OFR
17198-892 BEING PARCELS 1,2

last update: 1/10/2017



## **EXHIBIT A**

# **Property Ownership Affidavit - Individual**

Date: 8/19/2019	
City of Jacksonville	
Planning and Development Departmen	nt
214 North Hogan Street, Suite 300,	
Jacksonville, Florida 32202	
Re: Property Owner Affidavit for the fo	ollowing site location in Jacksonville, Florida:
Address: 8569 Old Plank Rd	RE#(s): <u>006216-0140</u>
To Whom it May Concern:	
Sandra Fze// Exhibit 1 in connection with filings Submitted to the Jacksonville Planning	hereby certify that I am the Owner of the property described in ng application(s) for wayver of Minimum Road Fronting and Development Department.
By Sanha Ezell Print Name: Sandra Ezell	_
Print Name: Send pa Ezell	<u></u>
STATE OF FLORIDA	
COUNTY OF DUVAL	
Sworn to and subscribed August 20 19, by Sandanown to me or who has produced book an oath.	Brig. W. as identification and who
	(Signature of NOTARY PUBLIC)
RICHARD G. WILLOUGHBY, SR. Commission # GG 225514 Expires September 28, 2022 Bonded Thru Troy Faia Insurance 800-385-7818	Richard G. Willoughby, Jr. (Printed name of NOTARY PUBLIC)
	State of Florida at Large.  My commission expires: 09/28/2022

G:\JOINT\Applications\Exhibits\Ownership AffidavitForm Individual.docx

last update: 1/10/2017

# Hadley, Terry

From:

Hadley, Terry

Sent:

Wednesday, August 21, 2019 3:44 PM

To:

sdezell@bellsouth.net

Cc:

Zoning; Huxford, Folks; Kelly, Sean

Subject:

8569 Old Plank Road

Ms. Ezell:

The Application for Waiver for Minimum Required Road Frontage for 8569 Old Plank Road is now OK to file.

The fee for the Application is \$1,385.00. We have your invoice and notification signage at the Zoning section.

If you have any further questions, please contact Sean Kelly at (904) 255-7816 or Folks Huxford at (904) 255-7829.

Regards.

Terry B Hadley Zoning Assistant City of Jacksonville Planning & Development 214 N Hogan Street / Second Floor 904.255.8300

