REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

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

ORDINANCE 2020-0551 (WRF-20-18)

OCTOBER 20, 2020

Location: 4480 Edenfield Lane

Between Fern Creek Drive and Whispering Inlet

Drive

Real Estate Number(s): 108919-0010

Waiver Sought: Reduce Minimum Required Road Frontage from 48

Feet to 0 Feet

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: 2-Greater Arlington/Beaches

Applicant/Agent: Jamée C. Jordan

7749 Normandy Boulevard, Unit #153

Jacksonville, Florida 32221

Owner: Yavic Gavrylenko

270 Winter Spring Way Jacksonville, Florida 32225

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2020-0551** (WRF-20-18) seeks to reduce the required minimum road frontage from 48 feet to 0 feet in order to allow for a single-family dwelling in the Residential Low Density-60 (RLD-60) Zoning District. Located on a 0.53-acre parcel in the Bennett Park plat (Book A1; Page 396), the property will be accessed via Edenfield Lane and through a 30-foot wide recorded easement. '

Sometime after 1972, the original 12-acre parent tract (zoned RSF at the time) was divided into ten separate parcels.

It should be noted that the Planning and Development Department and City Council have both recommended denial for a similar waiver of road frontage application, **Ordinance 2011-0038** (WRF-10-15) at 5515 Edenfield Road. Another waiver, **Ordinance 2012-0170** (WRF-12-07) at 5519 Edenfield Road was previously filed; however, after learning of Staff's recommendation for denial, the application was ultimately withdrawn.

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. Considering the original 12-acre parent tract was subdivided prior to the adoption of the Comprehensive Plan, several of the existing dwellings units along Edenfiled Lane were developed without consideration for access along a public street or an approved private street with modern street improvements. If contested, the lack of frontage on an approved private street or public road would render the lot undevelopable according to the strict letter of the regulation, as referenced in Sec. 656.704.

(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 on 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 a single-family dwelling, which does not adhere to subdivision guidelines. Rather, the unique physical location and its lack of frontage along an approved right-of-way precludes development on the site unless a Waiver of Minimum Road Frontage is obtained.

(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. If approved, the waiver will set a precedent for the creation of additional lots that do not meet the standards set forth in the Code of Subdivision Regulations, such as roads, drainage, water, sever, stormwater retention, and sidewalks.

Staff also notes the existence of several residential lots along Edenfield Lane that already lack frontage along a public street or approved private street—which raises reasonable concerns about access to emergency services.

(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. There is a valid and effective easement for adequate vehicular access connected to a public street. This is evidenced by the attached legal description, which indicates a 30-foot access easement for ingress and egress will be provided to Edenfield Road. However, the easement is combination of concrete along the southern portion of transitioning to gravel and finally a single lane dirt road (see **Figure D**).

(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 be detrimental to the public health, safety, or welfare in that the complete lack of approved road frontage may make finding the lot difficult for fire, rescue, and public services. This is evidenced by **Figure C**, which depicts the mailboxes and garbage cans for the homes being located at the entrance of the easement along Edenfield Road. Additionally, the easement is a narrow pathway maintained by property owners. Access may be very difficult for larger vehicles such as fire trucks and solid waste trucks, and there is no guarantee that the City can fully provide public services to the subject property. The issue of inaccessibility is further exacerbated by the fact that no street sign is posted at the entrance of Edenfield Lane.

Furthermore, the cumulative effect of residences being developed along Edenfield Lane, a 30-foot wide unimproved easement, has resulted in the creation of a disorganized de facto subdivision lacking continuity of development, city-approved roads, drainage, and sidewalks.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **September 21, 2020** by the Planning and Development Department the required Notice of Public Hearing sign **was not** posted. However, the applicant quickly followed up by posting the signs.



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 2020-0551** (WRF-20-18) be **DENIED**.





Source: Planning & Development Dept, 10/07/20

Aerial view of the subject site and proposed easement, facing north.

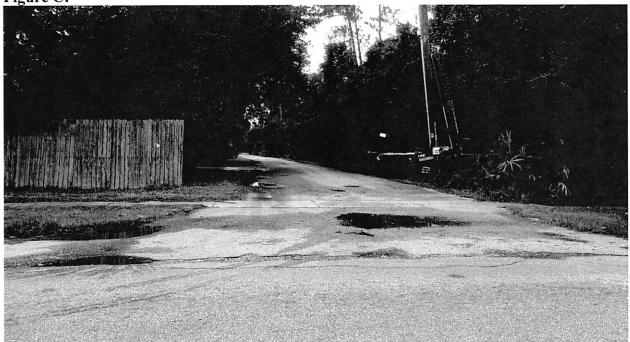
Figure B:



Source: Applicant, 09/25/20

View of the subject property and proposed dwelling, facing west on Edenfield Lane.

Figure C:



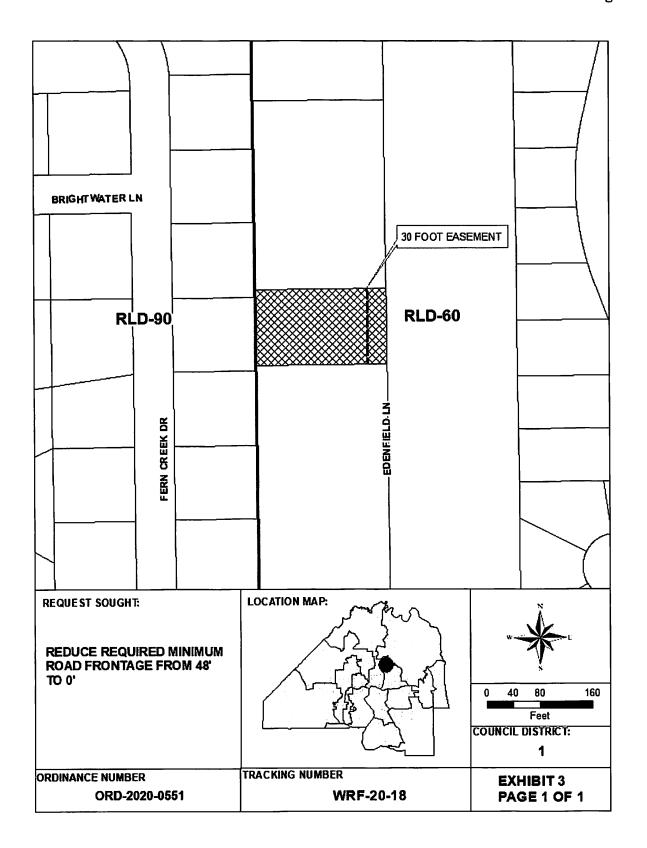
Source: Planning and Development Department, 09/21/20

View of the intersection of Edenfield Lane and Edenfield Road and the lack of a street sign.



Source: Planning and Development Department, 09/21/20

View of Edenfield Lane, an unimproved easement, facing north.



Kelly, Sean

From:

Kelly, Sean

Sent:

Tuesday, August 11, 2020 9:36 AM

To:

Jamee Jordan

Subject:

RE: Waiver of Road Frontage - 4480 Edenfield Lane

OK, based on the site plan submitted with the Arch and Aesthetic review package you do not need a Waiver. However you will need to show the entire easement and connection to an approved public road on a separate site plan. We'll use the one in the Arch/Aesthetic package for the "site plan" but OGC requires a site plan that shows the entire length of the lot / easement connection to Edenfield Road right of way.

And you will still need to resolve the 6' high chain link fence in the required front yard as shown on the survey. You can either remove the fence from the site plan or apply for a companion Administrative Deviation to allow the fence higher than 4' in the required front yard.

Kind regards,

Sean N. Kelly, AICP **Zoning Administrator Development Services Division** Planning and Development Department 214 North Hogan Street, Suite 2118 Jacksonville, Florida 32202 (904) 255-7816

skelly@coj.net ONE CITY. ONE JACKSONVILLE.

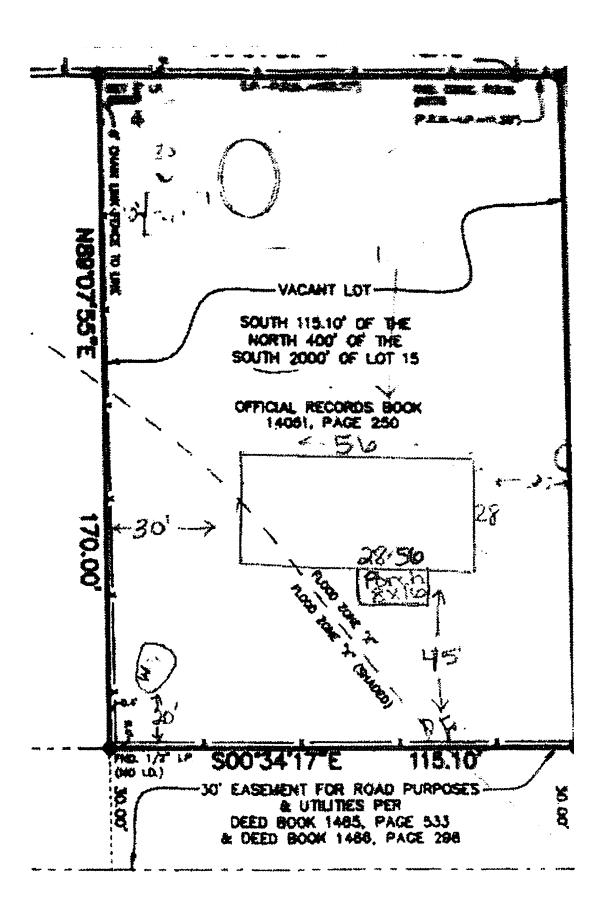
From: Jamee Jordan <jamee@nbsrealty.com> Sent: Tuesday, August 11, 2020 9:21 AM

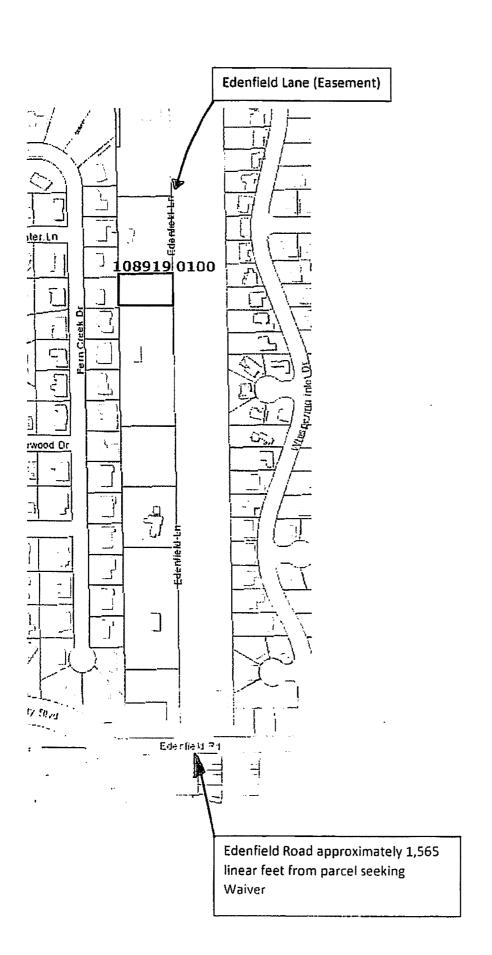
To: Kelly, Sean <SKELLY@coj.net>

Subject: Re: Waiver of Road Frontage - 4480 Edenfield Lane

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

FENCE HAS BEEN DEMONED





Date Submitted	<i>B</i> :#	161	20
Date Filed:	3.1		

Application Number: W2F-20-18	<u> </u>
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

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Prēvious Zoning Applications	Filed (provide applicati	an numbers):	
Applicable Section of Ordina	nce Code: 656.40	7	
Notice of Violation(s):	N/A		
Neighborhood Associations:	AND NONE	ADJALON	TO CHAPTER PONT CHAM ASS
Overlay:		15	of the production of the same
LUZ Public Hearing Date:		City Council P	ublic Hearing Date:
Number of Signs to Post:	Amount of Fee	: Ø	Zoning Asst. Initials: RM
<i>:</i>			
PROPERTY INFORMATION			
1. Complete Property Addres 4480 Edenfield Ln. Jacks		2. Real Estate 108919-	
3. Land Area (Acres):		4. Date Lot wa	as Recorded:
0.5	28	06	/01/2007
5. Property Located Betwee	n Streets:	6. Utility Serv	ices Provider:
Fern Creek Dr. & Wi	hispering Inlet Dr.	City Water / C Well / Septic	
7. Waiver Sought: Road Reduce Required Minimum	d Frontage Waiver Road Frontage from	# 48' fee	it tofg O' feet.
8. In whose name will the W	Vaiver be granted?	*************************************	AVRYLENKO
	Page	e) of 5	

OWNER'S INFORMATION (please attach se	parate sheet if more than one owner)
9. Name: Yavic Gavrylenko	10. E-mail: gavrylenkojacob@gmail.com
11. Address (including city, state, zip): 270 Winter Spring Way	12. Preferred Telephone:
Jacksonville, FL 32225	(904)881-1079

13. Name:	14. E-mail:	
Jay Jordan	jamce@nbsrealty.com	
15. Address (including city, state, zip):	16. Preferred Telephone:	
7749 Normandy Blvd #153 Jacksonville FL 32221	(904)773-4750	

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 Walvers, 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);
- ill. 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 nulsances or conflict with any other applicable law.

be reviewed information	against, please des as you can; you ma adequately substar	"waiver" and the aformation of the reason that was attached separate so that the need for the reason that are the need for	t the waiver is being theet if necessary. Pl	sought. Provide ease note that fa	as much illure by the
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EXHIBIT A

Property Ownership Affidavit - Individual

Date: 08/06/2020	•	
City of Jacksonville Planning and Development Departme 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202	ent	
Re: Property Owner Affidavit for the Address: 4480 Eden Field Lin		
To Whom It May Concern:		
1 Yakiv Gaviylen Yo Exhibit 1 in connection with fi	ling application(s) for Roa	vner of the property described in differentiage Waiver
submitted to the Jacksonville Plannin	g and Development Department.	
By Takener Wo		e sample e en la transferie
Print Name: Yakiv Gavaylenk	20	
•		•
STATE OF FLORIDA COUNTY OF DUVAL		
August : 2020 by Y	d and acknowledged before avic Gavrylenko	who is personally
known to me or who has productook an oath.	ed <u>G164-978-96-285-0</u>	as identification and who
	(Signature of NOTARY PUBLI	Jordan
JAMEE C JORDAN Notary Public - State of Florida Commission # GG 226116 My Comm. Expires Jun 7, 2022 Ited through National Notary Assn.	State of Florida at Large. My commission expires:	une 7, 2022

G MOINT/Applications/Exhibits/Ownership AffidavitForm htthridual dock

last update 1/10/2017

ATTACHMENTS		
ALIACIMENIS		
The following attachments must accom	pany each copy of the appli	cation.
Survey	•	· •
Site Plan – two (2) copies on 8 % :	: 11 and two (2) coples on 13	l x 17 or larger
Property Ownership Affidavit (Exi	nibit A)	
Agent Authorization if application	is made by any person other	er than the property owner (Exhibit B)
Legal Description — may be writte	n as either lot and block, or	metes and bounds (Exhibit 1)
Proof of property ownership – ma	y be print-out of property a	ppraiser record card if individual
owner, http://apps.coi.net/pso_g	ropertySearch/Basic/Search	aspx, or print-out of entry from the
Florida Department of State Divisi	on of Corporations If a corpo	orate owner,
http://search.sunblz.org/inquiry/	CorporationSearch/ByName	•
Proof of valid and effective easen	nent for access to the prope	rty.
		
FIUNG FEES		
*Applications filed to correct existing z	oning violations are subject	to a double fee.
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		

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.

Yakir Ganrylenko	Control of the Contro
Owner(s)	Applicant or Agent (If different than owner)
Print name: Yakiy Gayrujenko	Print name: Jamee C. Jordan
Signature: Tabillule 160	Signature:
A STATE OF THE STA	*An agent authorization letter is required if the application is made by any person other than the
Owner(s)	property owner.
Print name: N/A	•
Signature: N/A	to the transfer of the first first
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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, 2nd Floor Jacksonville, Florida 32202

Agent Authorization

Date: 07/29/2020
City of Jacksonville City Council / Planning and Development Department 117 West Duval Street, 4th Floor / Ed Ball Building, 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202
Re: Agent Authorization for the following site location:
4480 Edenfield Ln Jacksonville Fl 32277
Gentleman:
You are hereby advised that the undersigned is the owner of the property described in
Exhibit 1 attached hereto. Said owner hereby authorizes and empowers
Jamée Jordan
to act as agent to file application(s) for
Yakin Garylenko
for the above referenced property and in connection with such authorization to file such
applications, papers, documents, requests and other matters necessary for such requested
Change. Suffled HICS Owner's Signature
STATE OF FLORIDA COUNTY OF DUVAL
The foregoing affidavit was sworn and subscribed before me this <u>29</u> day of
July (month), 2020 (year) by G 164 - 978 - 96 - 285 - 0
Yakiv Vitalivich who is personally known to me or has
(Notary Signature) as identification. (Notary Signature) Application for Waiver of Real Follows 1990 (1990) JAMEE C JORDAN Notary Public - State of Florida Commission # GG 226116 My Comm. Expires Jun 7, 2022 Bonded through National Notary Assn.

Legal Description

The South 115.10 Feet of the North 400 Feet of the South 2,000 Feet of lot 15, Bennette Park, according to plat thereof, as Recorded in Deed Book "AI", pages 396 and 397 of the former Public Records of Duval County, Florida, excepting therefrom an easement of the Easterly 30 Feet for roadway and utilities purposes.

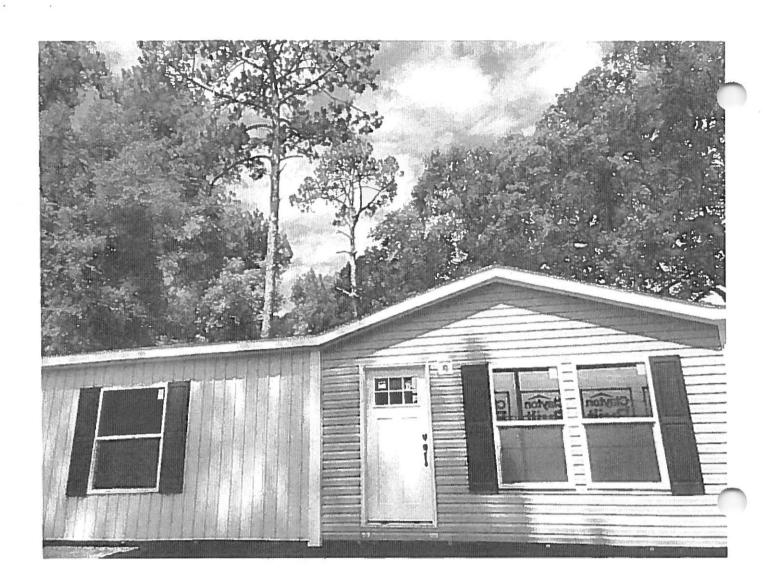
Together with an easement for ingress and egress as described in Deed Book 1465, Page 533, and Deed Book 1466, Page 298, current Public Records of Duval County, Florida.

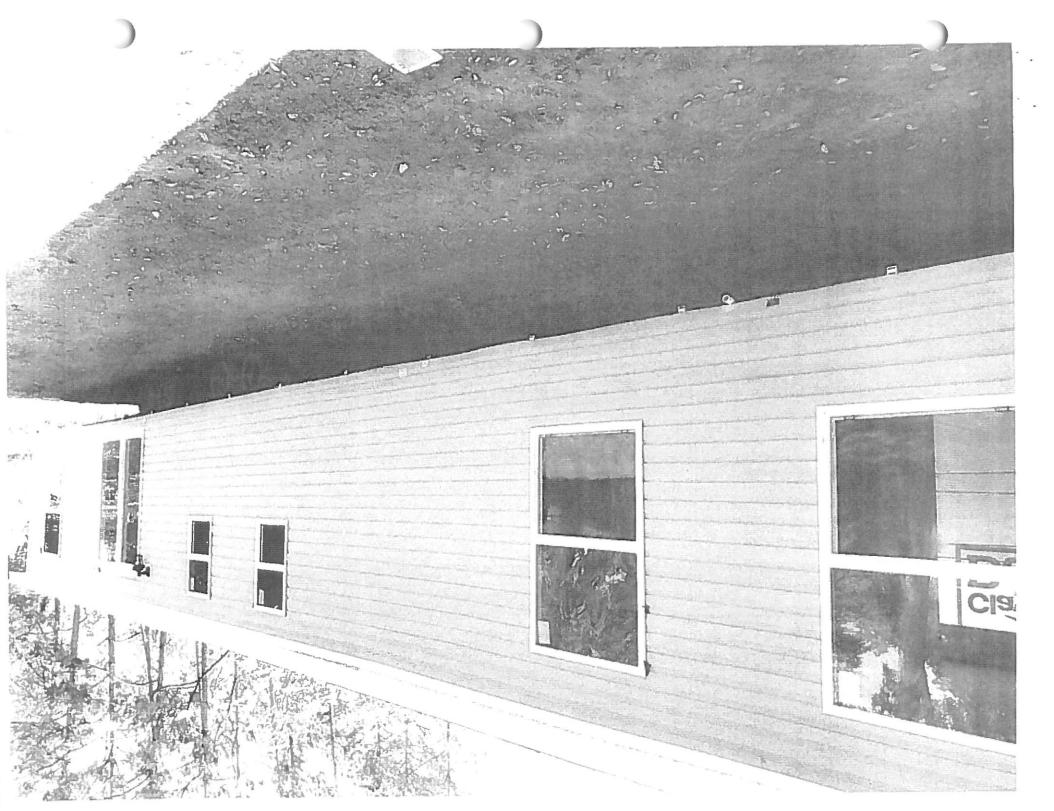
ASTETIC REVIEW 4480 EDENFIELD LN. JAX, FL 32277

- 1. Photos of all sides of home included.
- 2. Exterior dimensions of home- 28x56

 Porch add-on for front dimensions- 8x16
- 3. Roof Materials- Shingles
- 4. Pitch of roof and dimension of overhang- No overhang added.
- 5. Description of exterior finish- Vinyl
- 6. Foundation Plan- See blocking plan attached according to 15c-1
- 7. Site Plan- See attached copy
- 8. Details of projections, including material and dimensions- See attached blocking plan and approved material list
- 9. **Placement of steps-** 7x11 steps for front and back (7in rise and 11in run)
- 10. Placement of electrical meter box- Rear left side of home
- 11. Survey- See Site plan
- 12. Real estate number: 108919-0100
- 13. Building permit application- See attached permit application
- 14. Lot of Record- Lot 15
- 15. Photos of neighboring homes are attached







Out Process | Links | France |

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TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING WARNING TO OWNER-YOUR FAILURE TO RECORD A

OWNER'S AFFIDANT —I certify that all the foregoing information is accurate and that all work will be done in compliance with until all imspections are finaled and prior to obtaining a certificate of occupancy or completion issued by the building official, as required by take building official, as required by take building officials.

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MOBILE HOME PERMIT APPLICATION

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Permit Number

CITY OF JACKSONVILLE, FLORIDA

June of fe

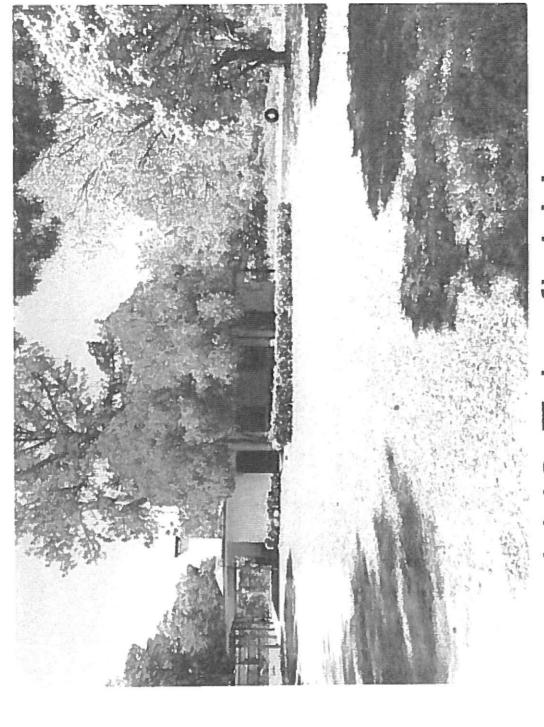
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PERMIT REQUIREMENTS		Prolune.		
 ☐ Elevation Certificates required. ✓ Stitimit to Developmen i Management Services, Room 2100, Edward Bail Building prior to final inspection requests. 		REQUIRED ASSOCIATED PERMITS	FEE CALCULATION	
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New M/MH:

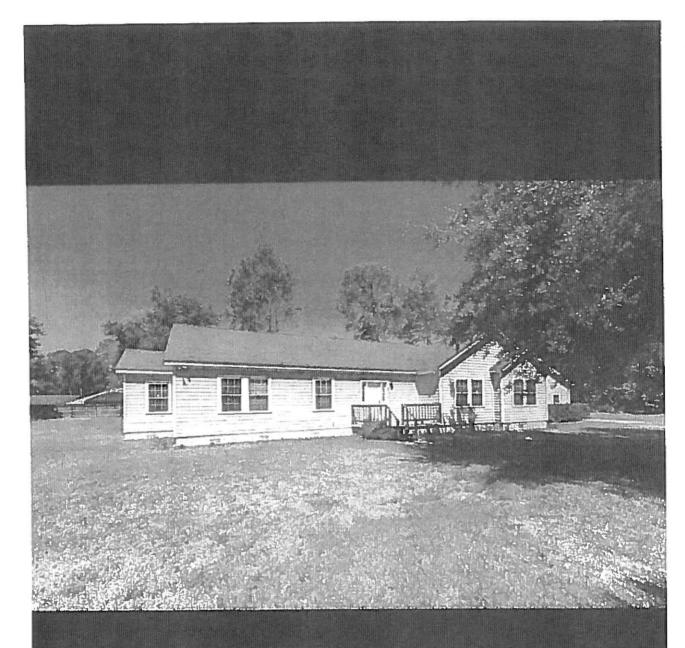
- 1. Property Survey and/or Site Plan (two copies) If the M/MH is to be located in an approved mobile home park, only the site plan will be required. For any other location Zoning will require a legal survey drawn to scale, regardless of whether it is a new or replacement mobile home. The site plan must show property lines, location of the home dimensioned from the property lines, septic tank and drain field location, potable well location, direction of surface drainage indicating positive flow away from the mobile home, and any other buildings located on the property. The site plan requirements may be incorporated onto the survey.
- 2. Floor Plan (two copies) Must be drawn to scale or provided by manufacturer. This drawing must indicate all exit locations. Rooms must be labeled to reflect type of use (bedroom, bathroom, kitchen, etc.). Show overall dimensions and dimensions to locate and show the width of all marriage wall openings greater than four feet wide
- 3. Health Department Certificate (one copy) If you have an on-site sewage disposal system, you must provide either a current approval certificate for an existing septic system or a construction permit for the installation of a new system.
- 4. Approved Installation Products (two copies) List (see attached) all products used in the installation that are tested and listed in Florida's Approved Products List for the Installation of Mobile/Manufactured Homes indicating manufacturer, model number, identification and description of item. See web site www.fihsmv.gov/mobilehome for more information.
- 5. Set-Up Data For Manufactured Home Installation (two copies) (see attached) List contains information as required by the manufacturer's installation instructions or, for used homes, rules set forth in Chapter 15C-1 and 15C-2 of Department of Highway Safety and Motor Vehicles, Division of Motor
- 6. Blocking Plan (two copies) The blocking plan must show all pier pad sizes, pier sizes and spacing, anchor sizes and spacing, and longitudinal stabilizing devices including lateral arms. For multi-wide units it must also indicate the marriage lines, and dimension all marriage line openings greater than four feet wide. It must also show the overall length and width of the M/MH. See attached Sample Blocking

Used M/MH:

- All the same documentation as for a new home shall be submitted and the installation shall be in accordance with Florida Statutes and the Florida Administrative Code Rule 15C-1 and 15C-2 and shall be so noted on the Set-Up Date For Manufactured Home Installation form
- 2. Homes built prior to June 15, 1976 can no longer be relocated unless one of the following exceptions
 - If the property is re-zoned requiring that the home to be relocated
 - B. If the mobile home park is closed flown and the home is relocated



4448 Edenfield Ln, Jacksonville, FL 3227



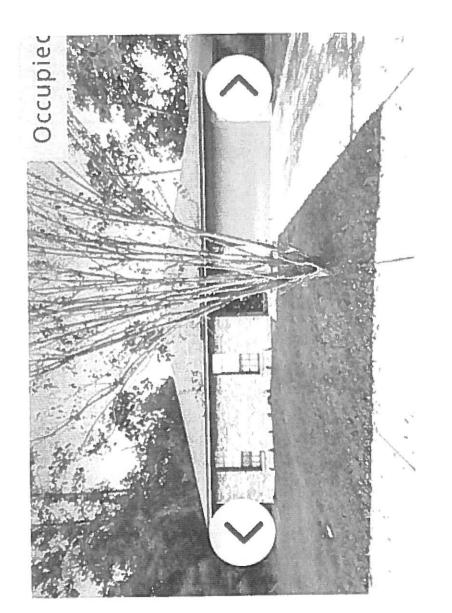
4370 Edenfield Ln Jacksonville, FL 32277



4480 Whispering Inlet Dr. Jacksonville. FL 32277

5551 Edenfield Rd





\$1,405/Mo

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Occupied

5551 Edenfield Rd Jacksonville, FL 32277

Respectible.

