

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT
APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2020-0725 (WRF-20-28)

JANUARY 20, 2021

Location: 2841 Doric Avenue
Between McGrits Boulevard and Baltic Street

Real Estate Number(s): 101492-0000

Waiver Sought: Reduce Minimum Required Road Frontage from 72
Feet to 62.5 Feet for two lots

Present Zoning: Residential Low Density-90 (RLD-90)

Current Land Use Category: Low Density Residential (LDR)

Planning District: 4-Southwest

Applicant: Brenna M. Durden
Lewis, Longman & Walker, P.A.
245 Riverside Avenue, Suite 510
Jacksonville, FL 32202

Owner: Cheryl Laucks
2841 Doric Ave.
Jacksonville, FL 32210

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2020-0725 (WRF-20-28)** seeks to reduce the required minimum road frontage from 72 feet to 62.5 feet for two lots in order to allow for a lot split for the development of two single-family dwellings in the Residential Low Density-90 (RLD-90) Zoning District. The subject property is approximately 0.43± acres in size with frontage along Doric Avenue.

There is a companion Application for Administrative Deviation (**Ordinance 2020-0726/AD-20-72**) requesting to reduce the required square footage for single family dwelling in RLD-90 zoning District from 9,900 square feet to 9,375 square feet and to reduce the required width from 90 feet to 62.5 feet for each of the new lots. Staff is recommending approval of the deviation.

The subject property and surrounding neighborhood are part of the Ortega plat as recorded in 1909 in Plat Book 3, Page 40. The original platted neighborhood contained 90 and 100-foot wide lots. The current zoning of RLD-90 was adopted in 2008 per Ordinance 2008-969-E. The two prior zoning districts in the past 30 years (RLD-D, RS-D) also required a minimum of 90 feet of lot width and 72 feet of road frontage per residence. However, the pattern of development has been quite different.

There are currently 33 residential lots within an area bounded by McGirts Boulevard, Harvard Avenue, Baltic Street, and Ionic Avenue (identified as Blocks 21 and 23 of the Ortega Plat). 15 of the 33 lots have substandard road frontage ranging from 69 feet down to 46 feet. 11 of the 15 substandard lots contain residences built between 1918 and 1940, thereby indicating that this pattern of development has gone on for generations.

The companion **Ordinance 2020-0726/AD-20-72** seeks to reduce lot width and lot area. Further examination of the residential lots on the two platted blocks reveal that 12 of 33 have insufficient lot area and 17 of 33 have insufficient lot width. The road frontage, lot area, and lot width requirements of RLD-90 do not reflect the long established pattern of development.

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. It is impractical to impose the strict road frontage requirement for this property when almost half of the lots on the two blocks referenced above do not meet the RLD-90 road frontage requirements. The two proposed 62½-foot wide lots are consistent with and reflective of the established pattern of development.

- (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. There is no evidence that granting the waiver would reduce the cost of developing the site. The proposed lot split will result in the creation of two lots. The Code of Subdivision Regulations applies when creating three or more 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. Staff research found that the surrounding area contains many lots zoned RLD-90 which have less than 72 feet of road frontage. Of the 14 lots with frontage along Doric Avenue, 7 have less frontage than the two proposed lots. Granting this waiver will allow development consistent with the historical pattern of development.

- (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?*

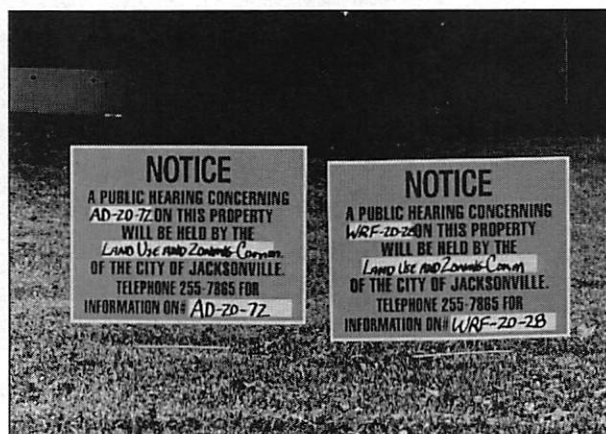
N/A. The two proposed lots have frontage directly on Doric Avenue, so an easement is not needed.

- (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. The proposed lots have adequate road frontage and access to allow for City services including first responders. The proposed lots are consistent with the pattern of development and there is no evidence they will be a nuisance or public safety concern.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **December 15, 2020** by the Planning and Development Department the required Notice of Public Hearing sign was posted correctly.



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 2020-0725 (WRF-20-28)** be **APPROVED**.



Aerial View
Source: JaxGIS



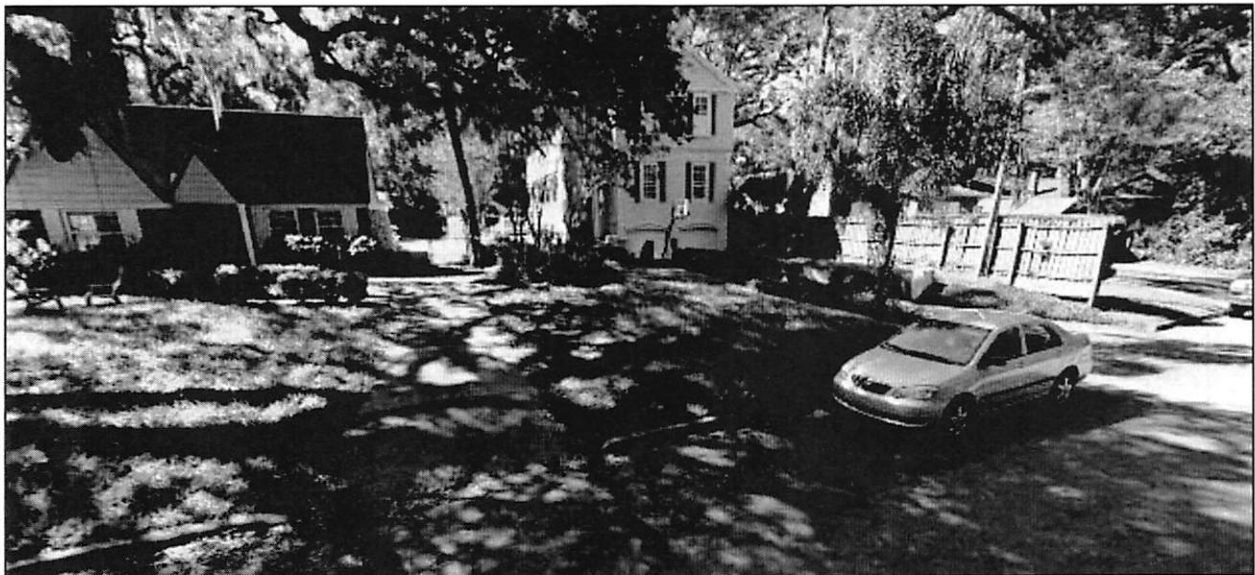
Subject Property
Source: Staff, Planning and Development Department, COJ
Date: 12.15.2020



Property to the East: 2847 Doric Ave.

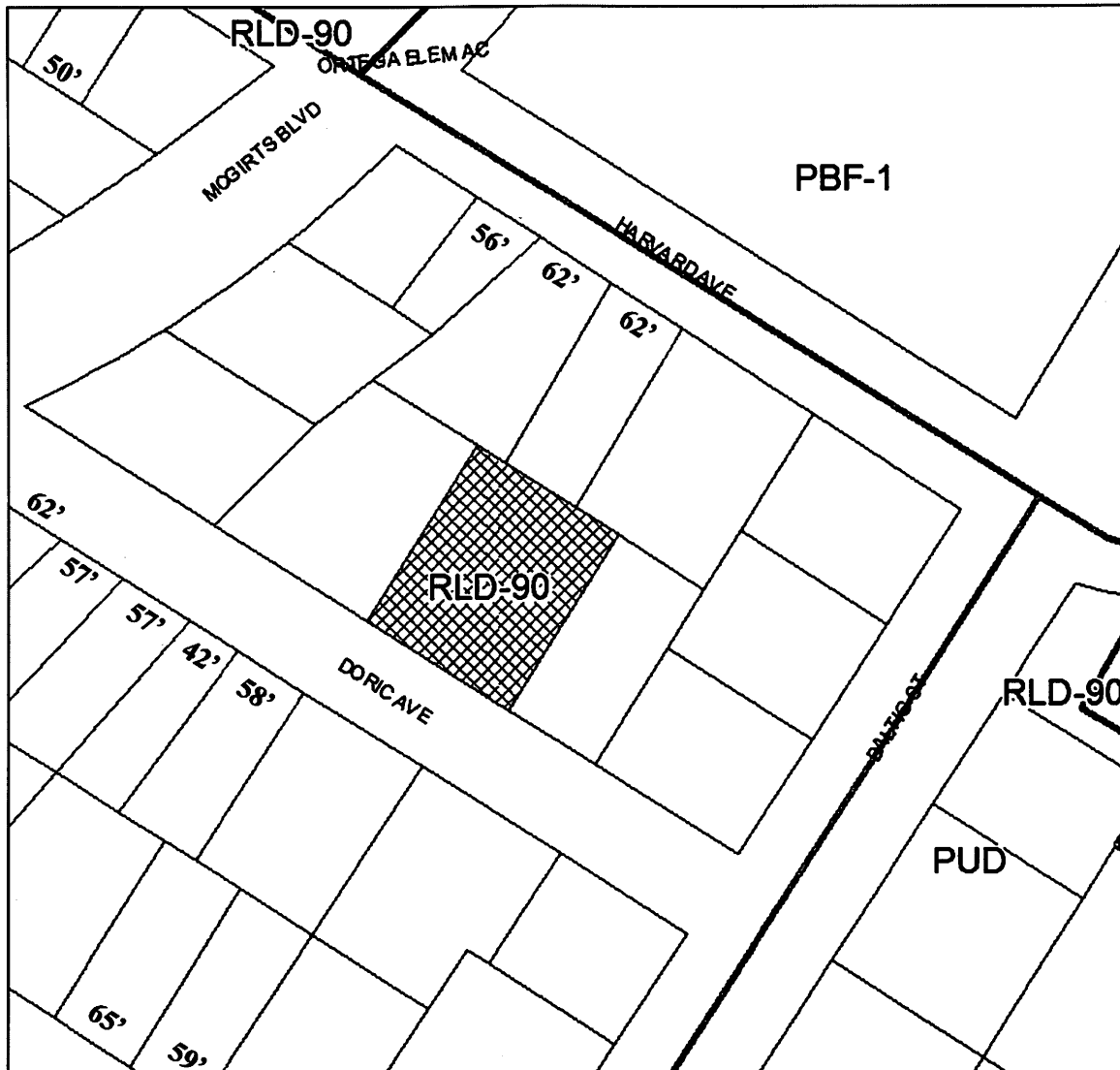
Source: Staff, Planning and Development Department, COJ

Date: 12.15.2020



Properties along Doric Ave. (Widths Approximately 50-60 feet)

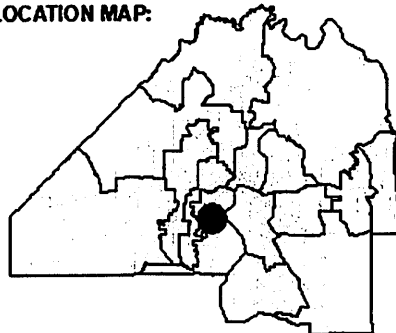
Source: Google Maps



REQUEST SOUGHT:

**REDUCE REQUIRED MINIMUM
ROAD FRONTAGE FROM 72 FEET
TO 62.5 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

14

APPLICATION NUMBER

WRF-20-28

EXHIBIT 2

Date Submitted:	10-16
Date Filed:	11-9

Application Number:	WRF 20-28
Public Hearing:	

Application for Waiver of Minimum Required Road Frontage *COMP AD-20-7;*
 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-9D	Current Land Use Category: LDR
Council District:	14	Planning District: 4
Previous Zoning Applications Filed (provide application numbers): NONE		
Applicable Section of Ordinance Code: 656.407		
Notice of Violation(s): NA		
Neighborhood Associations: ORTEGA PRES. SOCIETY		
Overlay: NA		
LUZ Public Hearing Date:		City Council Public Hearing Date:
Number of Signs to Post:	1	Amount of Fee: <i>0</i>
		Zoning Asst. Initials: <i>[Signature]</i>

PROPERTY INFORMATION	
1. Complete Property Address: 2841 Doric Avenue	2. Real Estate Number: 101492-0000
3. Land Area (Acres): 0.43+/-	4. Date Lot was Recorded: 1909 (plat)
5. Property Located Between Streets: McGirts Boulevard and Baltic Street	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 72 feet to 62.5 feet. <i>(2 LOTS)</i>	
8. In whose name will the Waiver be granted? Cheryl P. Laucks	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Cheryl P. Laucks	10. E-mail: cplaucks@gmail.com
11. Address (including city, state, zip): 2841 Doric Ave Jacksonville, FL 32210	12. Preferred Telephone: (904) 610-9183

APPLICANT'S INFORMATION (if different from owner)	
13. Name: Brenna M. Durden	14. E-mail: bdurden@llw-law.com
15. Address (including city, state, zip): Lewis, Longman & Walker, P.A. 245 Riverside Ave, Suite 510 Jacksonville, FL 32202	16. Preferred Telephone: (904) 353-6410

CRITERIA
<p>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."</p> <p>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:</p> <ul style="list-style-type: none"> i. <i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i> ii. <i>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);</i> iii. <i>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;</i> iv. <i>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;</i> v. <i>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.</i>

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.

See Exhibit H

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.

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 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.

<p>Owner(s) Print name: <u>Cheryl P. Laucks</u> Signature: <u><i>Cheryl P. Laucks</i></u></p>	<p>Applicant or Agent (if different than owner) Print name: <u>Brenna M. Durden</u> Signature: <u><i>Brenna M. Durden</i></u></p>
<p>Owner(s) Print name: _____ Signature: _____</p>	<p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>

SUBMITTAL

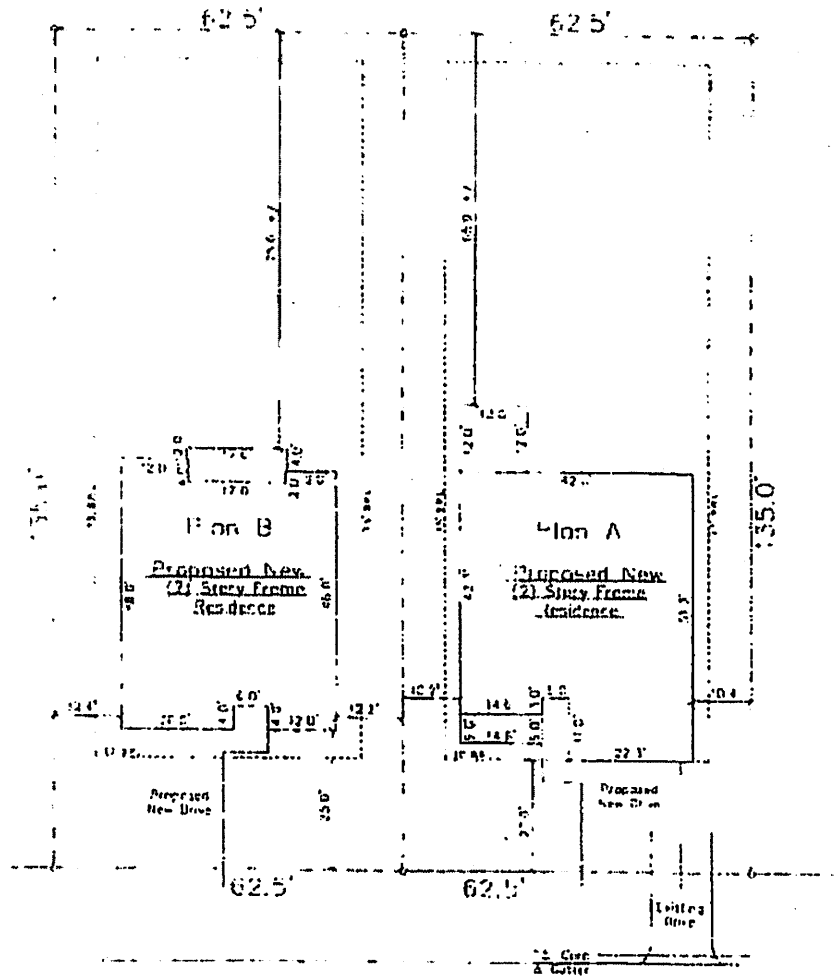
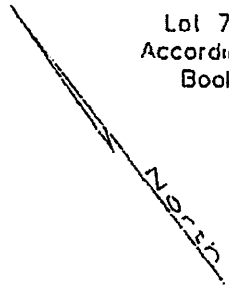
This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

Submit applications to:

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

EXHIBIT F

Map Showing Boundry Survey Of
 Lot 7 & The Northwest 25 Feet Of Lot 5 Block 21
 According To The Plat Of ORTEGA As Recorded n Plat
 Book 3, Page 40 Of The Current Public Records
 Of Duval County, Florida
 (Addendum to Original)
 Scale: 1"=20'



#284' A&B

Doric Avenue

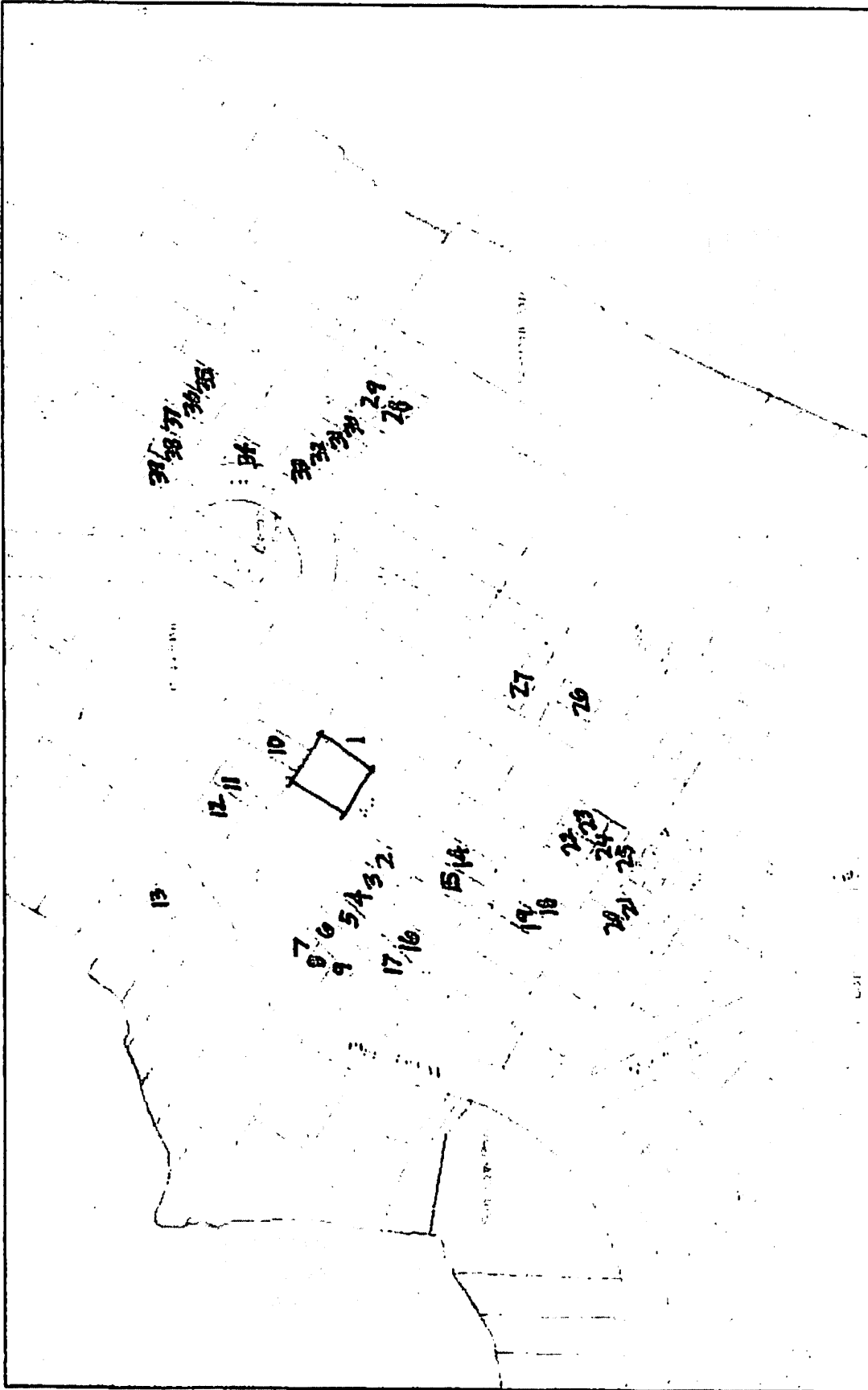
70' +/- R/W

LOT SIZE COMPARISON CHART

No.*	ADDRESS	RES SF	TOTAL LAND AREA SF	FRONT LOT WIDTH	REAR LOT WIDTH	BOTH LOT WIDTHS
1.	2847 Doric Ave.	3,387	11,077			75
2.	2832 Doric Ave.	2,119	9,014	54	93	
3.	2826 Doric Ave.	1,501	6,941	50.7	52.6	
4.	2820 Doric Ave.	2,984	8,792	52.4	63	
5.	2816 Doric Ave.	1,349	8,466	52.4	66.5	
6.	2810 Doric Ave.	1,670	5,58			60
7.	2802 Doric Ave.	1,191	2,444	60	95.6	
8.	4117 McGirts Blvd.	933	4,030	52.9	49.5	
9.	4121 McGirts Blvd.	1,630	6,910	51	51.7	
10.	2820 Harvard Ave.	1,331	9,188			60
11.	2810 Harvard Ave.	712	4,601	54.0	35.3	
12.	4049 McGirts Blvd.	2,396	8,035	68	90	
13.	2718 Harvard Ave.	1,765	5,050			50
14.	2849 Ionic Ave.	1,866	9,224			60
15.	2841 Ionic Ave.	2,277	9,9952			65
16.	2823 Ionic Ave.	1,412	9,963	66.5	63	
17.	2817 Ionic Ave	2,130	10,278	73	66.5	
18.	2848 Ionic Ave.	2,031	7,783	50	90	
19.	2842 Ionic Ave.	1,463	7,510			50
20.	2845 Corinthian Ave.	1,654	8,186			50
21.	2849 Corinthian Ave.	1,654	8,186			50
22.	2862 Ionic Ave.	1,377	6,288			62.5
23.	2866 Ionic Ave.	1,953	7,007			62.5
24.	4158 Baltic St.	1,431	6,563			50
25.	4162 Baltic St.	1,540	6,679			50
26.	2911 Ionic Ave.	1,031	5,886			60
27.	4121 Baltic St.	1,985	6,568			50
28.	4030 Ortega Blvd.	2,091	7,198	70	48	
29.	4022 Ortega Blvd.	2,537	7,472	70	47.8	
30.	2941 Harvard Ave.	2,770	6,899			49.3
31.	2935 Harvard Ave.	2,024	6,564	49.3	52.1	
32.	2929 Harvard Ave.	1,331	7,713	65	91.9	
33.	4015 Desota Circle	1,263	6,466	62.1	62.5	
34.	2918 Princeton Ave.	2,194	5,285	44.1	89	
35.	2929 Princeton Ave.	1,781	9,353	60	71	
36.	2923 Princeton Ave.	2,386	8,882			60
37.	2917 Princeton Ave.	1,799	9,005			60
38.	2911 Princeton Ave.	1,442	5,922	62.6	125	
39.	2903 Princeton Ave.	3,251	5,697			62.2

*See Map

Duval Map



May 22, 2018

1:4,514
0 0.0375 0.075 0.15 mi
0 0.05 0.1 0.2 km
Source: Esri HERE, DeLorme, Intermap, P Corp., GEBCO, USGS,
FDO, NPS, NRCAN, Esri, Swire, National Hydrographic Survey, Esri

Exhibit "H"
2841 Doric Avenue
Jacksonville, Florida 32210
Proposed Waiver of Minimum Required Road Frontage Criteria
Section 656.133(d)(1-5), Zoning Code
To Reduce Road Frontage from 72 feet to 62.5 feet

(d)(1) "There are practical or economic difficulties in carrying out the strict letter of the regulation."

There are both practical difficulties and economic difficulties in carrying out the strict letter of the regulation. First, it is impractical to limit development of this parcel, which is nearly one-half acre in size, to only one single family residential dwelling when at least half of the lots facing Doric in the same block have frontage of LESS than 60 feet and within two blocks, 15 of 33 total lots have road frontage ranging from 46 feet to 69 feet. In addition, as shown on the maps included as part of Exhibit "G" in this application package, lots with less than 72 feet of road frontage exist throughout Old Ortega. These lots have been split and divided over the years from what was originally platted in 1909. The variety in lot size and road frontage are now a part of the historic character and pattern of development that make up part of the charm of Old Ortega.

In addition, it would cause extreme economic difficulty were the strict letter of the regulation required. First, market demand for single family homes on half acre lots is low. There is a generally recognized trend to smaller homes and smaller lots. Many people are looking to downsize. As a result, economic difficulties would arise if the waiver is not approved. Secondly, the owner/applicant, Cheryl Laucks, desires to live in a new home to be built on one of the proposed lots and to build and lease or sell a home on the second lot. It would be extremely difficult economically for Ms. Laucks if she was limited to building only one home on the property and thus be required to construct and maintain such a large piece of land for just one single family residence.

Finally, it is clear that the best use of the subject property will be reached if it is divided once so that two parcels are created. The proposed new parcels will accommodate desirable, infill single family home sites with substantial value consistent with the neighboring parcels. Moreover, the resultant property taxes for the new single family homes will be accelerated, generating more tax value for the City than the property currently returns.

(d)(2) "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 Proposed Waiver of Minimum Road Frontage does not circumvent the City's subdivision rules in that Ms. Laucks is respectfully requesting that the subject property be divided into only two parcels. A request to subdivide the subject property into three (3) or more

parcels would be subject to the Chapter 654, Ordinance Code Subdivision Regulations and are not applicable to this application.

Moreover, the cost of development is not likely to be reduced at all if the waiver is approved. In fact, the initial costs to divide, prepare and construct two new single family detached homes on the property is generally thought to be higher than the costs to construct one home.

(d)(3) "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;"

- Property values will not be diminished. Property values in the area are on the rise and have been for decades, while many of the lots have been divided and are less than the required width. In addition, two new homes will likely increase surrounding property values when compared to the current vacant lot. New homes on 50 foot wide lots on Algonquin and Manitou are in the \$600,000 to \$700,000 range.
- The essential character of the area surrounding the property will not be altered by the development of one additional single family home on this very large property where there are currently lots of less than 60 feet wide.
- No rights of other property owners in the area will be injured or interfered with by the construction of one additional home on the block. In fact, more than likely it will enhance the general character of the surrounding area and substantially support and improve the property values of the neighboring properties. For example, the proposed side yard structural setbacks for proposed new housing Plan A (10.4 feet) and for proposed new housing Plan B (12.4 feet), all along their 150 feet side yard boundaries with their immediate neighbors, exceed the required RLD-90 side yard set back distances of only five (5) feet (please see Exhibit F).

(d)(4) "There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City of approved private street;"

Not applicable, as the subject property at 2841 Doric Avenue has frontage along Doric Avenue, as will its proposed new lots, Parcel "A" and Parcel "B."

(d)(5) "The proposed waiver will not be detrimental to the public health, safety or welfare, nor result in additional expense, the creation of nuisances or conflict with any other applicable law.

Correct. The proposed waiver will result in two single family homes developed on lots that are consistent and compatible with the surrounding neighborhood development. Substantial accessibility to the homes with 62.5 feet of frontage for each lot will be

safe. One additional home will generate ten or less new average daily vehicular trips per day – virtually unnoticeable. The proposed additional lot and home site will not result in additional expense, creation of any nuisance or conflict with any other applicable laws. Rather, the approval of the waiver is in the public interest: promotes more efficient and better use of public services; increases the tax base; allows the best use of the land; and is consistent with the character of the area.

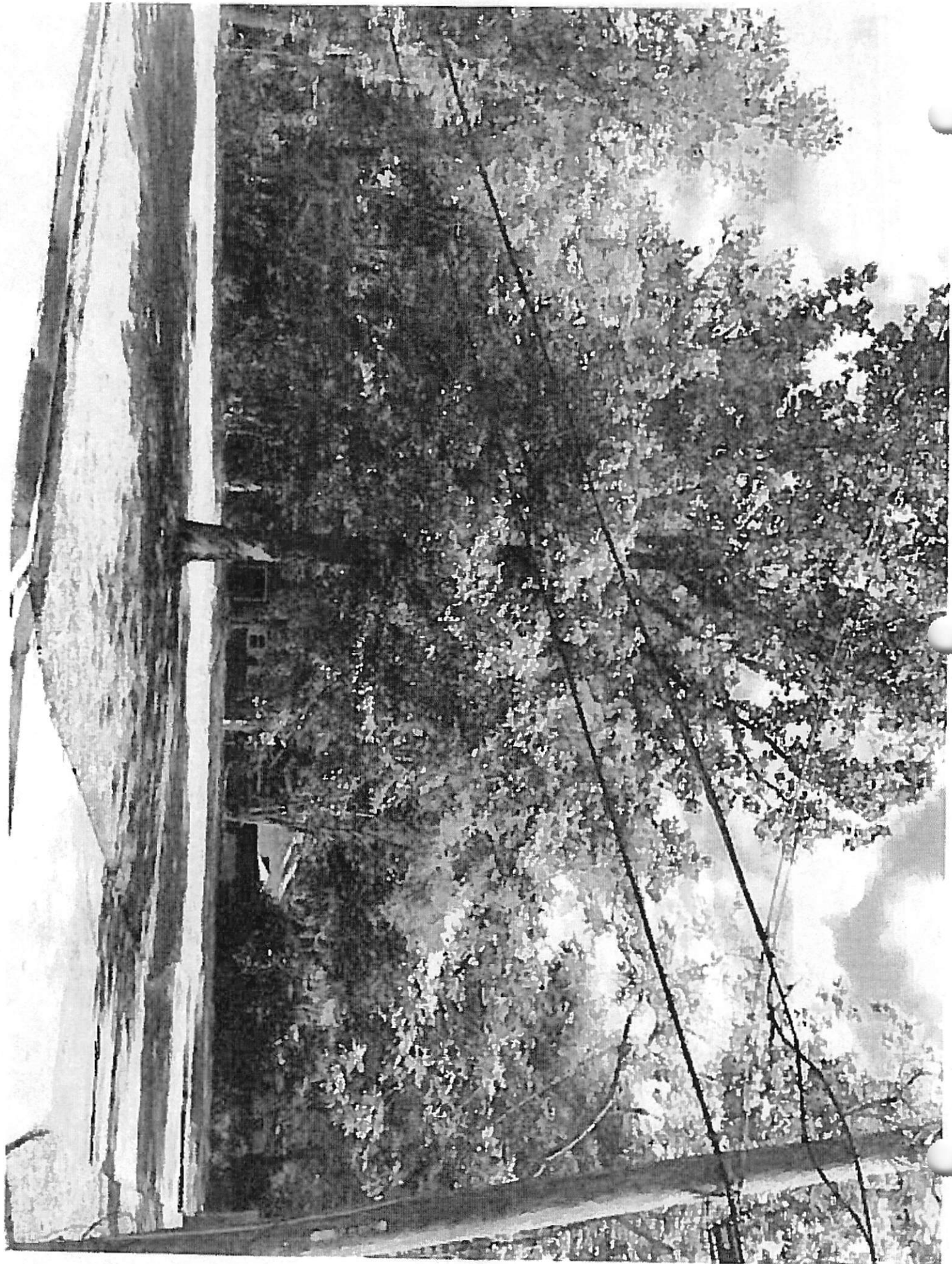
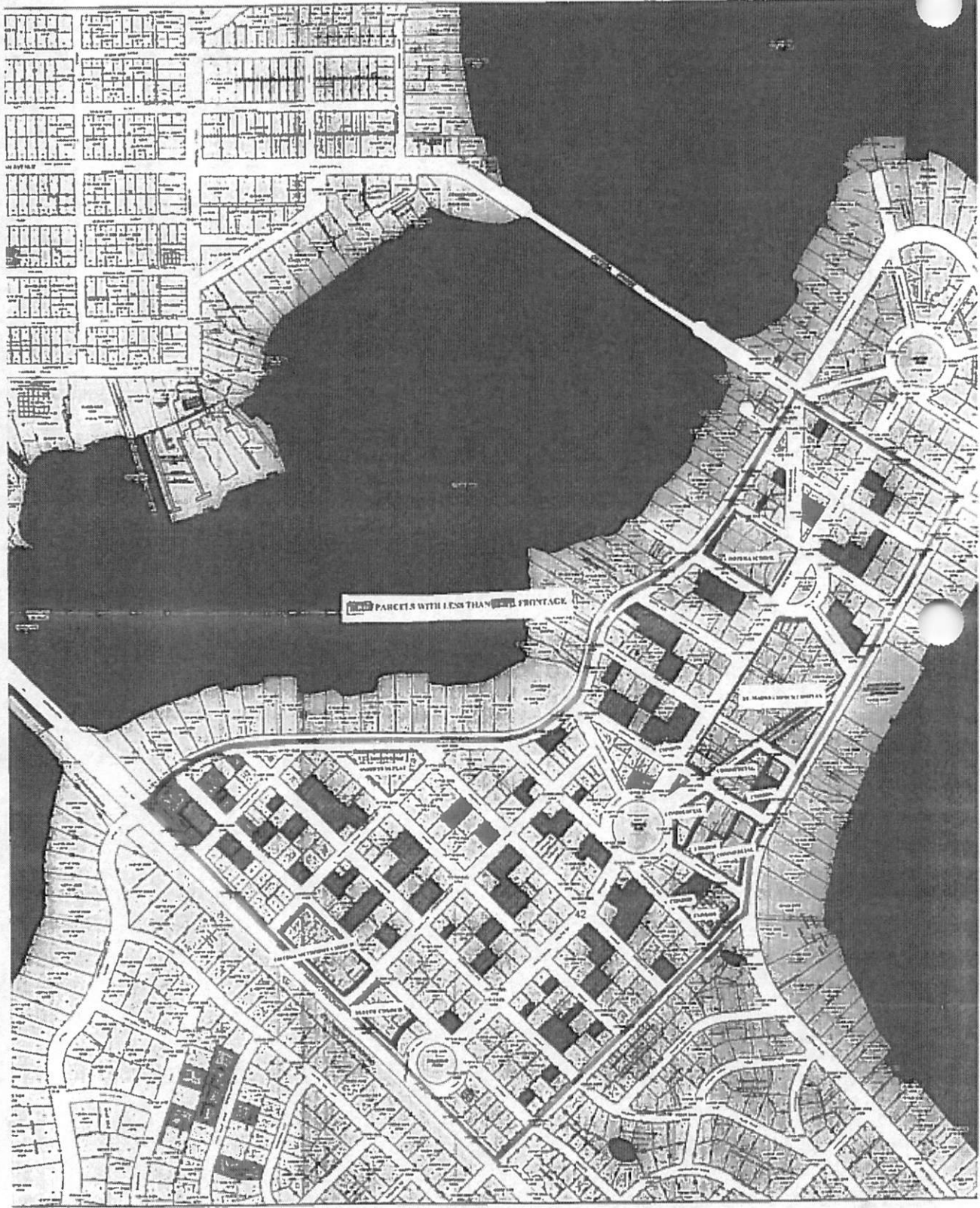


EXHIBIT J

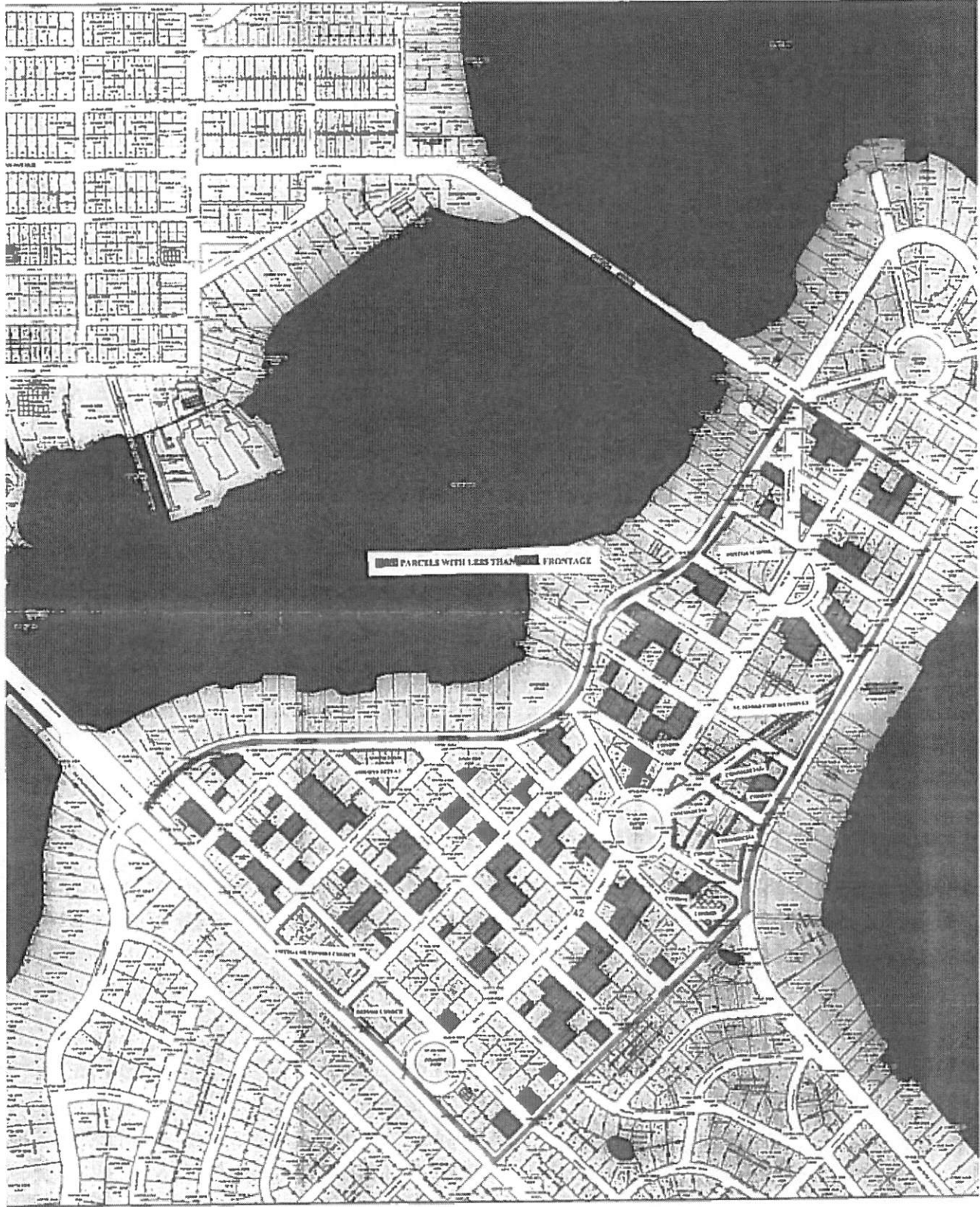




EXHIBIT G



Parcels with less than 72' frontage



Parcels with less than 90' frontage