

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

ORDINANCE 2014-0260 (WRF-14-04)

JUNE 3, 2014

Location: 8450 Wagenhals Road; on the south side of
Wagenhals Road between Lambing Road and Lola
Drive

Real Estate Number(s): 013145 0040

Waiver Sought: Reduce the required minimum road frontage from
80 feet to 0 feet for a single family dwelling

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southwest - 4

City Council Representative: The Honorable Doyle Carter, District 12

Agent/Owner: Tamara Cuevas
8450 Wagenhals Road
Jacksonville, Florida 32210

Staff Recommendation: **APPROVE with CONDITION**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2014-0260 (WRF-14-04)** seeks to reduce the required minimum road frontage in the RR-Acre zoning district from 80 feet to 0 feet for a proposed single-family dwelling. The subject property contains approximately one (1) acre and is undeveloped. Sometime after 1971, the original 10-acre parent tract (designated Open Rural at the time) was divided into ten separate parcels. There is a 30 foot wide recorded easement along the eastern boundaries of these properties used to gain access.

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. The subject property was originally part of a 10 acre lot. Sometime after 1971, the original 10-acre parent tract (designated Open Rural at the time) was divided into ten separate parcels with a 30 foot wide recorded easement along the eastern boundaries of these properties used to gain access. This lot was subdivided meeting the current requirements of the RR-Acre Zoning District other than having the required road frontage. Furthermore, the owner is not able to acquire any of the surrounding properties to gain access to Wagenhals Road without incurring a serious economic burden. This method of development has long been established along Wagenhals Road, as well as other roads of similar rural nature in the area. Previous applications (WRF-03-41 and V-93-149) have been approved for the same 80 feet to 0 feet road frontage reduction requests for single-family home development at 8456 and 8438 Wagenhals Road.

- (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 does not have the effect of reducing the cost of development, and it does not circumvent the requirements of Chapter 654. While the original 10-acre parent tract (designated Open Rural at the time) was divided into ten separate parcels sometime after 1971, it was done so meeting the current requirements of the RR-Acre Zoning District and included a 30 foot wide recorded easement along the eastern boundaries of these properties used to gain access. Grant of the request would allow for the utilization of a single one (1) acre lot that meets all other development standards of the RR-Acre zoning district other than road frontage.

- (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 area is semi-rural with numerous large lots accessed by narrow driveways. This method of development has long been established along Wagenhals Road, and nearby

Lambing Road and Noroad. The grant of the waiver will allow development consistent with the 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?*

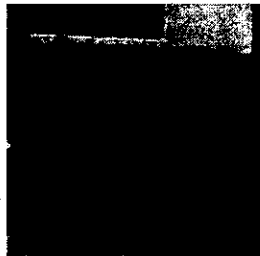
Yes. The site contains a minimum 30 feet access easement (recorded in OR book 3035 and page 84). There is a multi-user/address U.S. mail postal box at the easement's access point to Wagenhals Road, and the easement is sufficient to permit access to the site by fire/rescue, service and utility vehicles.

- (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 waiver will not be detrimental to the public health, safety, or welfare. The development of the site must comply with the Land Development Procedures and permitting requirements.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 20, 2014 by the Planning and Development Department, the required Notice of Public Hearing sign was properly posted.



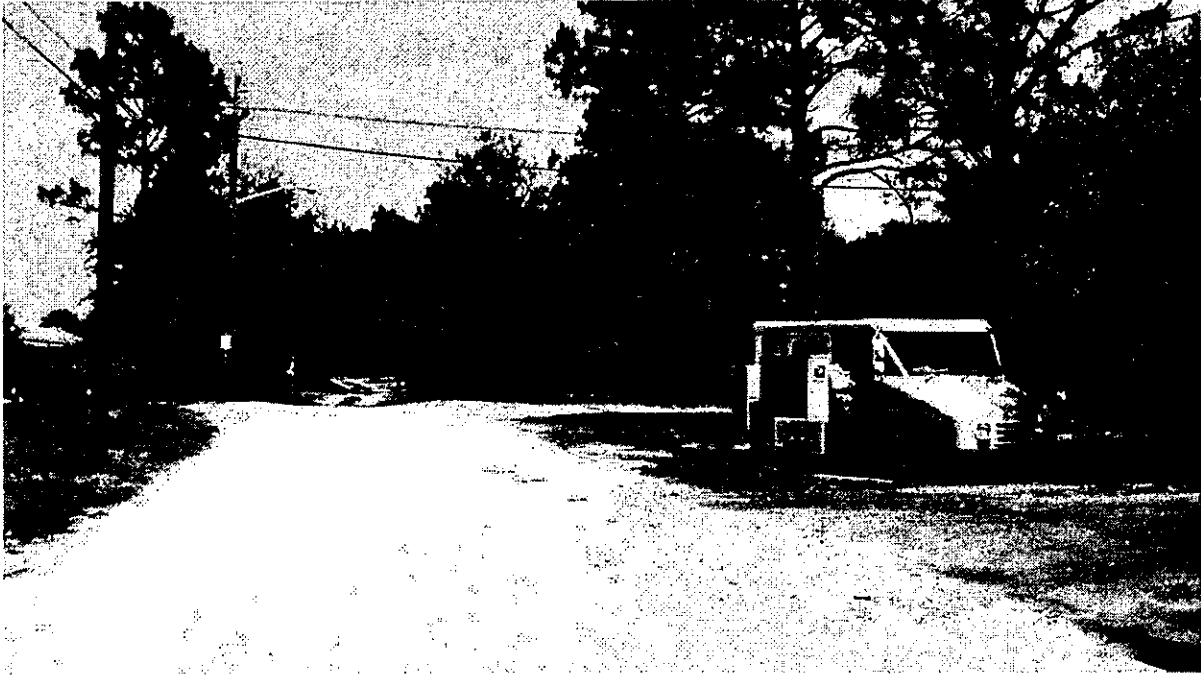
RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2014-0103 (WRF-14-04) be **APPROVED** with the following condition:

- 1.) The subject property and structure shall contain a clearly and prominently displayed address.



Aerial view of the subject site facing north



The multi-user/address U.S. mail postal box and access easement/drive on the right facing east along Wagenhals Rd.



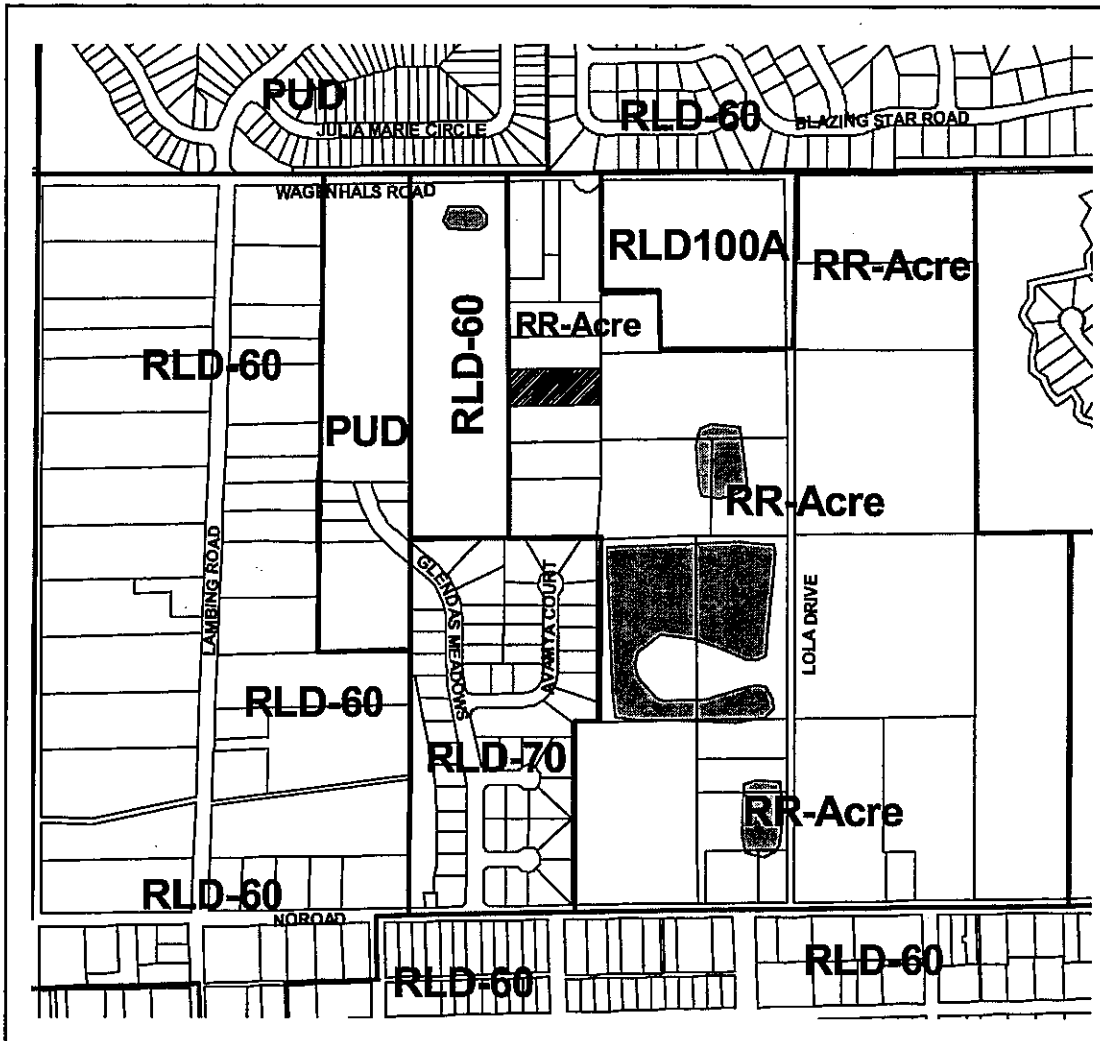
Facing south along the access easement/drive towards the subject site from Wagenhals Rd.



Facing south along the easement with the subject site on the right

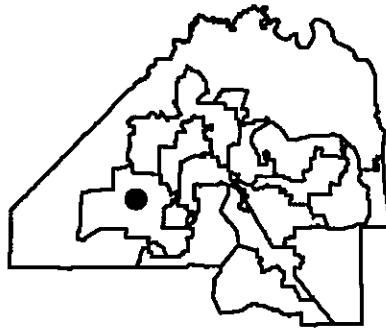


Facing north along the easement with the subject site on the left



REQUEST SOUGHT:

REDUCE ROAD FRONTAGE
FROM 80 FT. TO 0 FT.



0100 Feet

COUNCIL DISTRICT:

12

APPLICATION NUMBER:

WRF_2014_0004

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

2014-260 CD-12
\$1,069.00

Application No. WRF-14-04
Set for Public Hearing on:
Notice of Violation:

This application must be typed or printed in black ink and submitted in person with three (3) other copies, for a total of four (4) copies.

Planning and Development Department
Zoning Section
Ed Ball Building
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-8300.

For Official Use Only				
1. Date Submitted: <u>3-10-14</u>	2. Date Filed: <u>3-19-14</u>	3. Current Zoning District(s): <u>RR</u>	4. Future Land Use Map Category (FLUMs) <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.407</u>
6. LUZ Public Hearing Date: <u>6/13/14</u>		7. City Council Public Hearing Date: <u>5/27/14</u>		
8. Neighborhood Association <u>WEST JAX CIVIC ASSOC</u>				
9. Number of Signs to be Posted <u>1</u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>8450 WAGENHALS RD</u>	13. Between Streets: <u>LOLA Drive</u> and <u>Lambing Rd.</u>
11. Real Estate Number: <u>013145-0040</u>	
12. Date lot was recorded: <u>1-18-2001</u>	
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>80'</u> feet to <u>0'</u> feet.	
15. In whose name will the exception be granted? _____	
16. Land Area (1/100 Acres): <u>1.0</u>	
17. Utility Services Provider	
Well: <u>X</u>	Septic: <u>X</u> City Water: _____ City Sewer: _____

* * * NOTICE TO OWNER/AGENT * * *

Section 656.101(i), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage requirements, pursuant to Section 656.407, Ordinance Code, Section 656.133 (b) 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:

18. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the exception and to meet the criteria set forth below may result in a denial).

(i) There are practical or economic difficulties in carrying out the strict letter of the regulation; *NO*

(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); *NO*

(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*

(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; *Yes*

O.R. 9858. Pg. 1673

(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. *NO*

19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

- Survey (as required by the Current Planning Section)
- Site Plan as required per instructions. (2 copies on 8 1/2 x 11 and 2 copies on 11 x 17 or larger)
- Letter of Authorization for Agent/Applicant is required if application is made by any person other than the property owner.
- Legal description, may be either lot and block or metes and bounds, including real estate assessment number(s) of the subject property
- Proof of valid and effective easement for access to the property.

***** NOTICE TO OWNER / AGENT *****

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all 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 Planning Commission. You (or your agent) must be present at the public hearing.

The required signs must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. Proof of notice publication must be submitted to the Current Planning Division, Planning and Development Department, Ed Ball Building, 214 North Hogan Street Suite 300, Jacksonville, Florida 32202, (904) 255-7800 PRIOR TO THE HEARING.

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

FILING FEES	NOTIFICATION COSTS:
RESIDENTIAL DISTRICTS..... \$985.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$927.00	ADVERTISING COSTS:
	BILLED TO OWNER / AGENT

*** Applications filed to correct existing zoning violations are subject to a double fee. ***

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.

PLEASE PRINT:

Name and address of Owner(s)

Name: Tamara Cuevas

Address: 8450 Wagenlals Rd.

City: Jacksonville

State: FL Zip: 32210

Email: arturorrdnd@gmail.com

Daytime Telephone: 904-450-3602

Tamara Cuevas
SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: _____

Address: 8456

City: _____

State: _____ Zip: _____

Email: _____

Daytime Telephone: _____

SIGNATURE OF AUTHORIZED AGENT(S)

SIGNATURE OF OWNER(S)

Letter of Authorization for Agent is required if application is made by any person other than the property owner. Also, a larger scale drawing may be required for commercially zoned property with an existing structure or otherwise as required by the Planning and Development Department's Zoning Section.

Legal Description

MAP SHOWING

BOUNDARY SURVEY

OF

OFFICIAL RECORDS 9858, PAGE 1673

PART OF TRACT 3, BLOCK 2, SECTION 10, TOWNSHIP 3 SOUTH, RANGE 25 EAST,
JACKSONVILLE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5,
PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

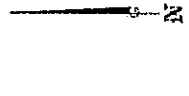
COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID TRACT 3 AND THE SOUTH
LINE OF WAGENHALS ROAD (A 60 FOOT RIGHT-OF-WAY); THENCE SOUTH 00°-06'-50"
WEST 674.82 FEET ALONG THE WEST LINE OF SAID TRACT 3 TO THE POINT OF BEGINNING;
THENCE CONTINUE SOUTH 00°-06'-50" WEST 129.98 FEET ALONG THE WEST LINE OF SAID
TRACT 3; THENCE NORTH 89°-11'-10" EAST 335.16 TO THE EAST LINE OF SAID TRACT 3;
THENCE NORTH 00°-06'-30" EAST 129.98 FEET ALONG THE EAST LINE OF SAID TRACT 3;
THENCE SOUTH 89°-11'-10" WEST 335.15 FEET TO THE POINT OF BEGINNING SUBJECT TO A
30 FOOT EASMENT FROM INGRESS AND EGRESS OVER THE EASTERLY 30 FEET THEREOF.

CONTAINING 43,612 SQUARE FEET AND/OR 1.0 ACRE.

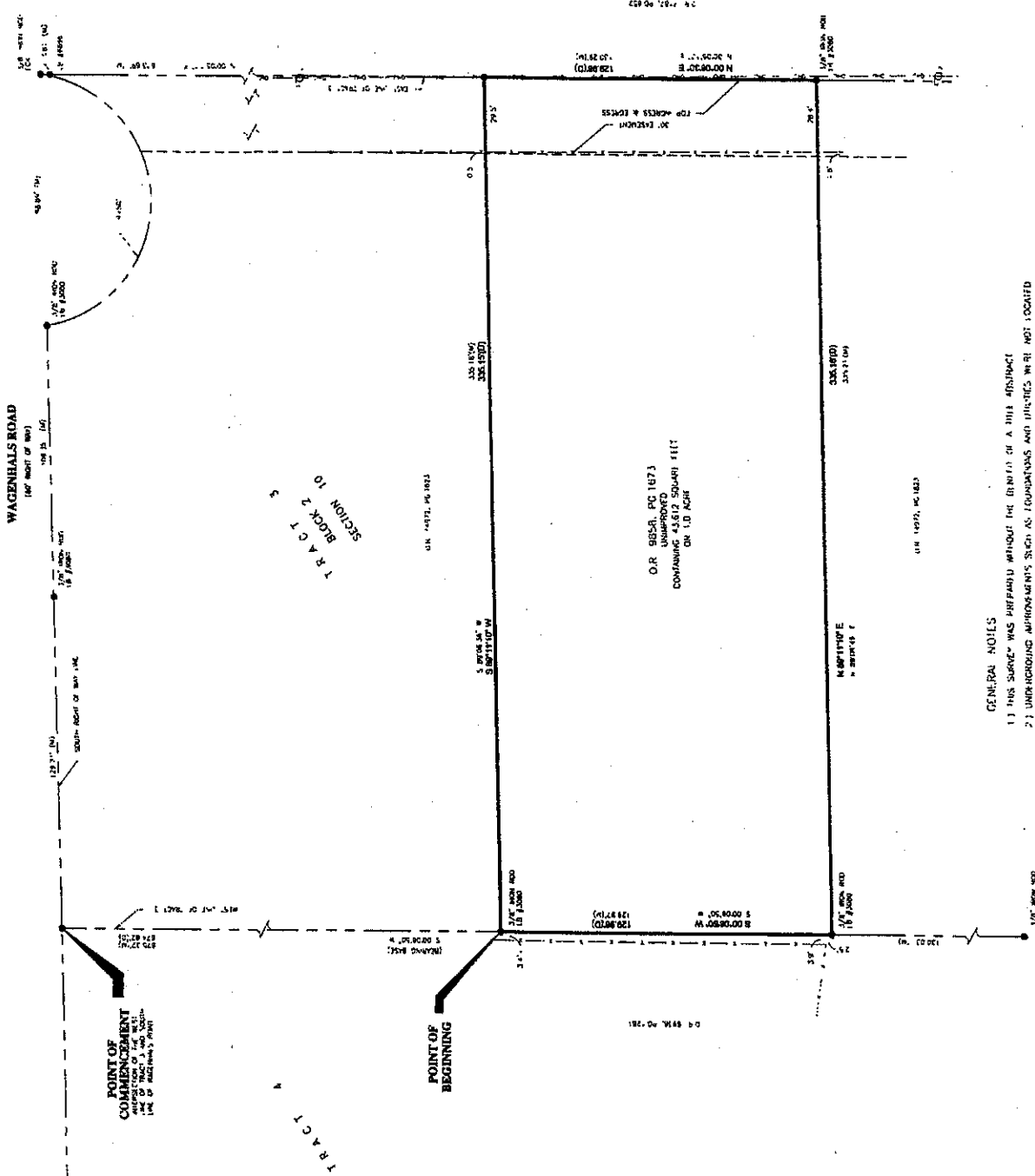
8450
WAGENHALS RD.

OPTIONAL RECORDS AREA, PAGE 16731
 PART OF TRACT 3, BLOCK 2, SECTION 10, TOWNSHIP 3 SOUTH, RANGE 25 EAST,
 JACKSONVILLE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5,
 PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE
 PARTICULARLY DESCRIBED AS FOLLOWS:

THE WEST LINE OF SAID TRACT 3 AND THE SOUTH
 CURVED LINE THEREON BEING 60 FEET WIDE (50'-00" WIDE)
 THENCE CONTINUE SOUTH 00°-06'-50" WEST 125.98 FEET ALONG THE WEST LINE OF SAID
 TRACT 3, THENCE NORTH 89°-11'-10" EAST 129.98 FEET ALONG THE EAST LINE OF SAID TRACT 3,
 THENCE NORTH 00°-06'-50" EAST 129.98 FEET ALONG THE EAST LINE OF SAID TRACT 3,
 THENCE SOUTH 89°-11'-10" WEST 330.15 FEET TO THE POINT OF BEGINNING SUBJECT TO
 30 FOOT EGRESS FROM INGRESS AND EGRESS OVER THE EXISTENT 30 FEET THEREOF
 CONTAINING 43,612 SQUARE FEET AND/OR 1.0 ACRE



- 11 CLIENT:
- 1. MRS. J. J. ...
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- GENERAL NOTES
- 1) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE INSURANCE
 - 2) UNRECORDED ENCUMBRANCES SUCH AS EASEMENTS AND EJECTAS WERE NOT LOCATED
 - 3) A BEARING OF S. 89°55'00" W WAS HELD ON 100' WIDE "STREET" LINE IN TRACT 3 AS RECORDED IN O.R. 9858, PG. 1673 OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA
 - 4) PROPERTY HAS BEEN LIT IN FLOOR/JOINT "S" AS SCALED FROM FLOOD INSURANCE RATE MAP 126030155AK, DATED JUNE 3, 2013

John M. Johnson, Jr.
 DONALD M. JOHNSON, JR.
 FLORIDA REGISTERED LAND SURVEYOR NO. 5813
 NOT VALID WITHOUT THE SIGNATURE AND THE JOHNSON BASED
 N.E.A. OF A FLORIDA LICENSED SURVEYOR AND MAPPING

JOHNSON
 SURVEYING & MAPPING, INC.

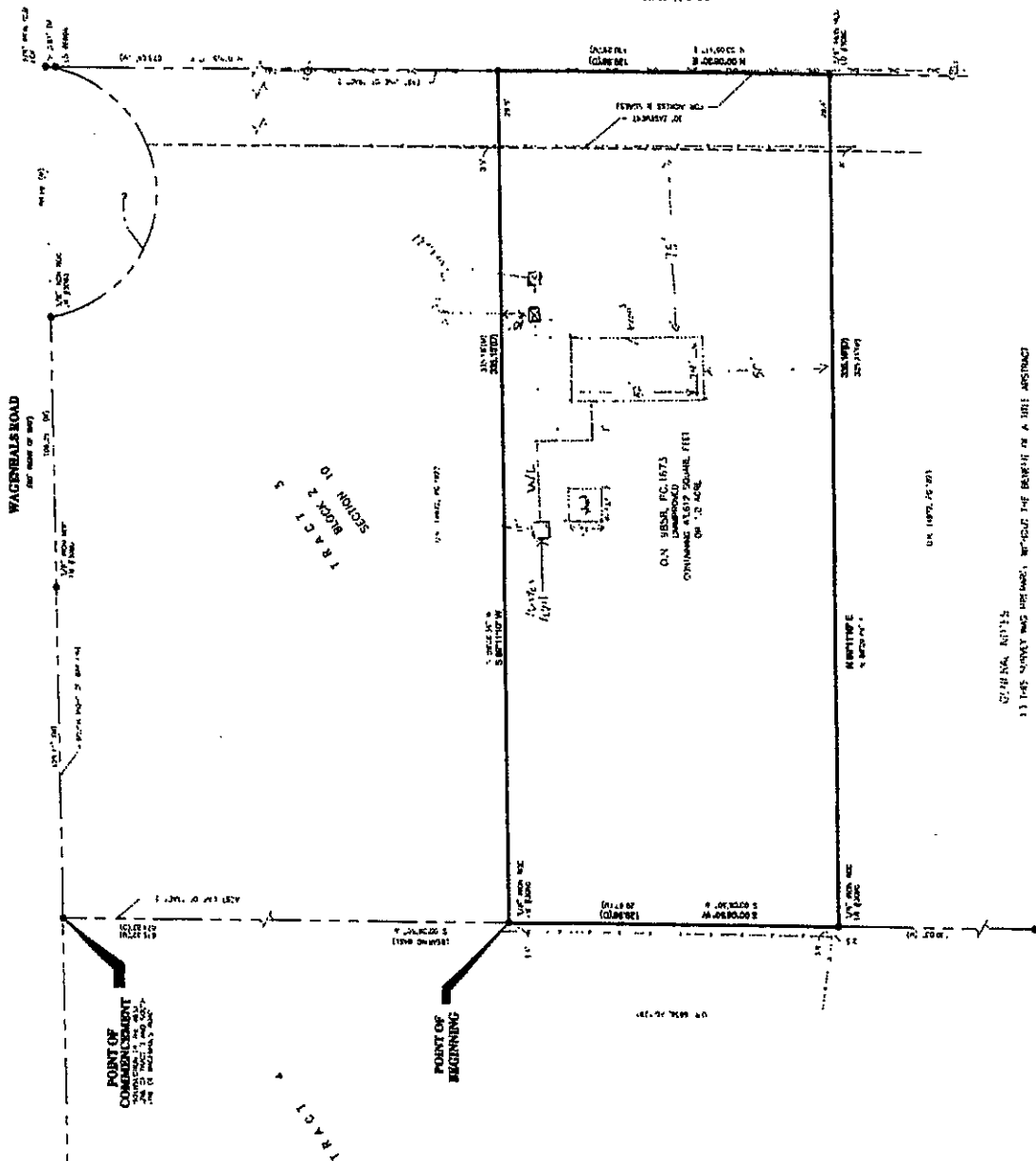
JOHNSON SURVEYING & MAPPING, INC.
 11250 N. WOODWARD BLVD. SUITE 100
 JACKSONVILLE, FLORIDA 32221
 TEL: 904.619.6630 FAX: 904.619.6796

BOUNDARY SURVEY

DETAILED RECORDS 9806, INDE 157A
 OF THE PLAT RECORDS SECTION 10, TOWNSHIP 3 SOUTH, RANGE 25 EAST,
 JACKSONVILLE RECORDS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5,
 PAGE 83 OF THE CURRENT PUBLIC RECORDS OF DUNAL COUNTY, FLORIDA, MORE
 PARTICULARLY REPRODUCED AS FOLLOWS:
 THE WEST LINE OF SAID TRACT 3 AND THE SOUTH
 LINE OF WAGENHELS ROAD IS 60 FOOT BRIGHT-ON-WAY; THENCE SOUTH 00° 00' 00" W
 THENCE CONTINUE SOUTH 00° 00' 00" WEST 123.88 FEET ALONG THE WEST LINE OF SAID
 TRACT 3; THENCE NORTH 89° 11' 10" WEST 33.15 FEET TO THE POINT OF BEGINNING;
 THENCE SOUTH 89° 11' 10" WEST 33.15 FEET TO THE POINT OF BEGINNING SUBJECT TO A
 30 FOOT EASEMENT FROM ADDRESS AND EGRESS OVER THE EASTERLY 30 FEET THEREOF;
 CONTAINING 13,812 SQUARE FEET 1460/OR 1.0 ACRE.



- LEGEND
- 1. CHAIN LINK ROAD 10' WIDE
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 - 30. CHAIN LINK ROAD 10' WIDE



Resubmitted
 5/13/14

John M. Johnson
 DONALD M. JOHNSON, JR.
 1 CHINA WALKER LANE, WINTER HAVEN, FLORIDA 33894
 VUL VUL WALKER LANE, WINTER HAVEN AND THE TERRACE, WINTER
 HAVEN, FLORIDA 33894

JOHNSON
 SURVEYING & MAPPING, INC.

JOHNSON SURVEYING & MAPPING, INC.
 10701 AIRBORNE BLVD SUITE 501
 JACKSONVILLE, FLORIDA 32221
 LICENSE # 0004935 NO 7524

PHONE (904) 639-6636
 FAX (904) 639-6786

W.D. NO.: 2014025 SURVEY DATE: 3/03/14 DRAFTED BY: GUNTAR
 CHECKED BY: DMJ CAO FILE: 14025.DWG FB 009 PG 44-46

27. IN DEED, 1971'S
 28. THE SURVEY WAS PREPARED, WITHOUT THE BENEFIT OF A TITLE ABSTRACT
 29. UNLESS OTHERWISE SPECIFICALLY STATED, ALL DIMENSIONS AND DISTANCES WERE MEASURED
 30. IN THE FIELD BY THE SURVEYOR AND ALL DIMENSIONS WITHIN THE LINE OF TRACT 3 AS EXCEPTED
 31. IN THIS INSTRUMENT, 1971'S, THE PUBLIC RECORDS OF DUNAL COUNTY, FLORIDA, MORE
 32. PARTICULARLY REPRODUCED AS FOLLOWS:
 33. REPRODUCED AS FOLLOWS, IN ACCORDANCE WITH THE AS STATED FROM LOSS PREVENTION - HRS. MAP
 34. 2003-000324, DATED AUGUST 1, 2003

