

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2014-0758 (WRF-14-16)

JANUARY 21, 2015

Location: 781 Cahoon Road; on the east side of Cahoon Road between Ramona Boulevard and Gordean Road

Real Estate Number(s): 007008 0000

Waiver Sought: Reduce the required minimum road frontage from 48 feet to 0 feet for a single family dwelling

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: Northwest - 5

City Council Representative: The Honorable Doyle Carter, District 12

Agent/Owner: Debra and Angel Toro
781 Cahoon Road
Jacksonville, Florida 32221

Staff Recommendation: **APPROVE with CONDITION**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2014-0758** (WRF-14-16) seeks to reduce the required minimum road frontage in the RLD-60 zoning district from 48 feet to 0 feet for a proposed single-family dwelling on the property following a lot-split. The subject property contains approximately one (1) acre and is developed with a 1,267 square foot home built in 1956 on the front portion of the site. The owner will provide a 15 foot wide easement along the northern property line for ingress/egress to the proposed 875 square foot home that will be located behind the existing dwelling towards the rear of the property.

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 is over an acre in size, and even when split, has more than enough land area to accommodate the proposed dwelling. Furthermore, the owner is not able to relocate the existing home on the site nor acquire any of the surrounding properties to gain access to Cahoon Road without incurring a serious economic burden. This method of development has long been established along Cahoon Road, as well as other roads of similar rural nature in the area. Previous applications (E-87-60, E-87-118, E-88-244, E-94-17 and E-02-04) have been approved for similar requests for a second home/dwelling or lot split for other residential properties in the area.

If approved, the request will result in development of a property that is consistent with the size, uses and essential character of the surrounding area. The building permit process will ensure that whatever structures are erected comply with the minimum requirements of the Zoning Code (Part 4) for aesthetic quality, and with all applicable provisions of the Florida Building Code for public health, safety and welfare.

- (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. It is presumed that the construction of a second structure will result in net costs and expenditures to the owner rather than a net savings. Other surrounding properties in the area have been granted approval for a second dwelling on their respective sites. The property has more than enough land area for the RLD-60 zoning district criteria to accommodate a second dwelling. A 15 foot wide easement along the northern boundary of the site will be used by the new home to gain access. Grant of the request would allow for the utilization of a single one (1) acre lot for two homes that meets all other development standards of the RLD-60 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 Cahoon Road and the nearby areas. The grant of the waiver will allow development of a second home for a family member consistent with the established and 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 site contains approximately 75 feet of frontage on Cahoon Road, and the new home will utilize a 15 foot wide access easement. Approval shall be with the condition that the new structure shall contain a separate clearly and prominently displayed address. The property's frontage and proposed 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 site can be accessed via the developed roadway and easement. The development of the site will be required to comply with the Land Development Procedures Manual. The easement ensures that future owners of the property will have unimpeded access; therefore the long term utility and marketability of the property is ensured regardless of ownership of the adjoining properties. The property is addressed in sequence with neighboring properties.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 9, 2015 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 2014-0758 (WRF-14-16)** be **APPROVED with the following condition:**

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



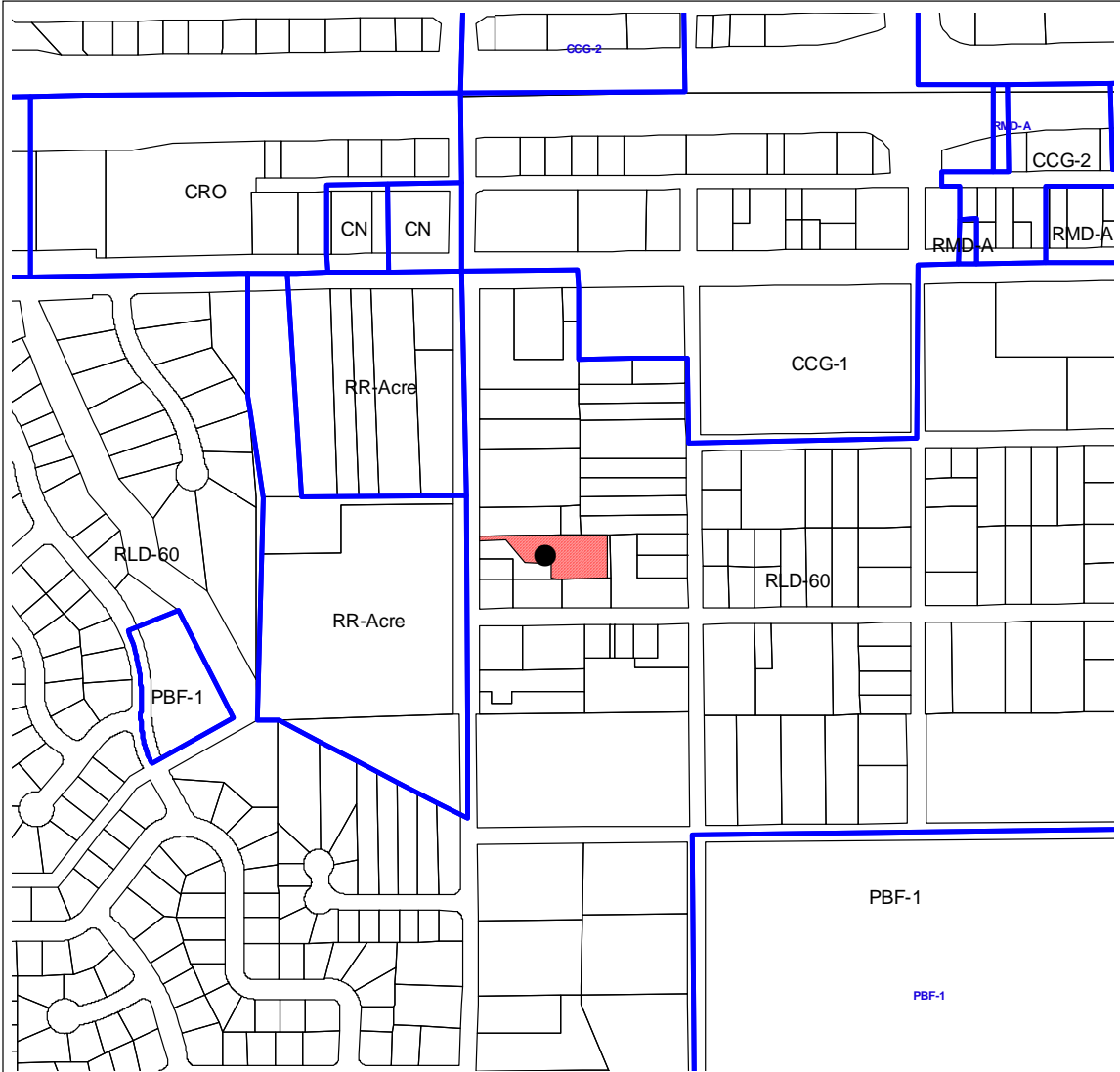
Aerial view of the subject site facing north



The subject site facing east from Cahoon Road

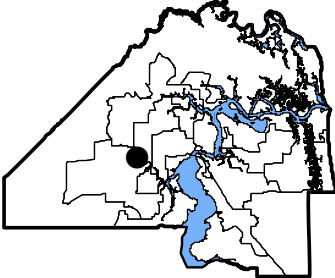


Facing southeast into the subject site from Cahoon Road



Request Sought:

Reduce Required Minimum Road Frontage from 48 feet to zero feet.



90 0 90 180 Feet



Council District

Ordinance 2014-0758

WRF-14-16

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF- <u>14-16</u>
Set for Public Hearing on:
Notice of Violation: <u>no</u>

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**.

Jacksonville,

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

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

For Official Use Only				
1. Date Submitted: <u>9/5/14</u>	2. Date Filed: <u>11/6/14</u>	3. Current Zoning District(s): <u>RLD-60</u>	4. Future Land Use Map Category (FLUMs) <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.305 656.407</u>
6. LUZ Public Hearing Date: ___/___/___		7. City Council Public Hearing Date: ___/___/___		
8. Neighborhood Association _____				
9. Number of Signs to be Posted <u>1</u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>781 Cannon Rd South</u> <u>Jacksonville Fl. 32221</u>	13. Between Streets: <u>Gordean Street</u> and _____
11. Real Estate Number: <u>0070080000</u>	
12. Date lot was recorded: <u>7/30/2010</u>	
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>48 FT</u> feet to <u>0'</u> feet. <u>ZERO</u>	
15. In whose name will the exception be granted? <u>ANGEL AND DEBRA TORO</u>	
16. Land Area (1/100 Acres): <u>1.07</u>	
17. Utility Services Provider	
Well: _____	Septic: <input checked="" type="checkbox"/> _____
City Water: <input checked="" type="checkbox"/> _____	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;

House built 1950's prior to code changes

(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 - UNIT I (Front house) is primary Residence
UNIT II TO be Rental until my sister moves in when lease
is up next year in Mayport.

(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; I HAVE GREATLY improved the property. I Removed OLD trailer in back of Lot, cleared land of debris + pests.

(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. I AM requesting to have minimum Road frontage from 30ft to 14 feet in existence so there is full Access to rear of property.

(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 RESIDENTIAL DISTRICTS..... \$750.00 NON-RESIDENTIAL DISTRICTS..... \$900.00	NOTIFICATION COSTS: \$7.00 PER ADDRESSEE ADVERTISING COSTS: BILLED TO OWNER /AGENT
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*** 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 and address of Authorized Agent(s)

Name: Debra TORO

Name: _____

Address: 781 Cahoon Rd South

Address: _____

UNIT 0

City: Jacksonville

City: _____

State: FL Zip: 32221

State: _____ Zip: _____

Email: torojustice@aol.com

Email: _____

Daytime Telephone: 781-454-5872

Daytime Telephone: _____

Debra Toró
SIGNATURE OF OWNER(S) SIGN

ATURE 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

September 4, 2014

5-93 22-2S-25E 1.07

Jacksonville Heights

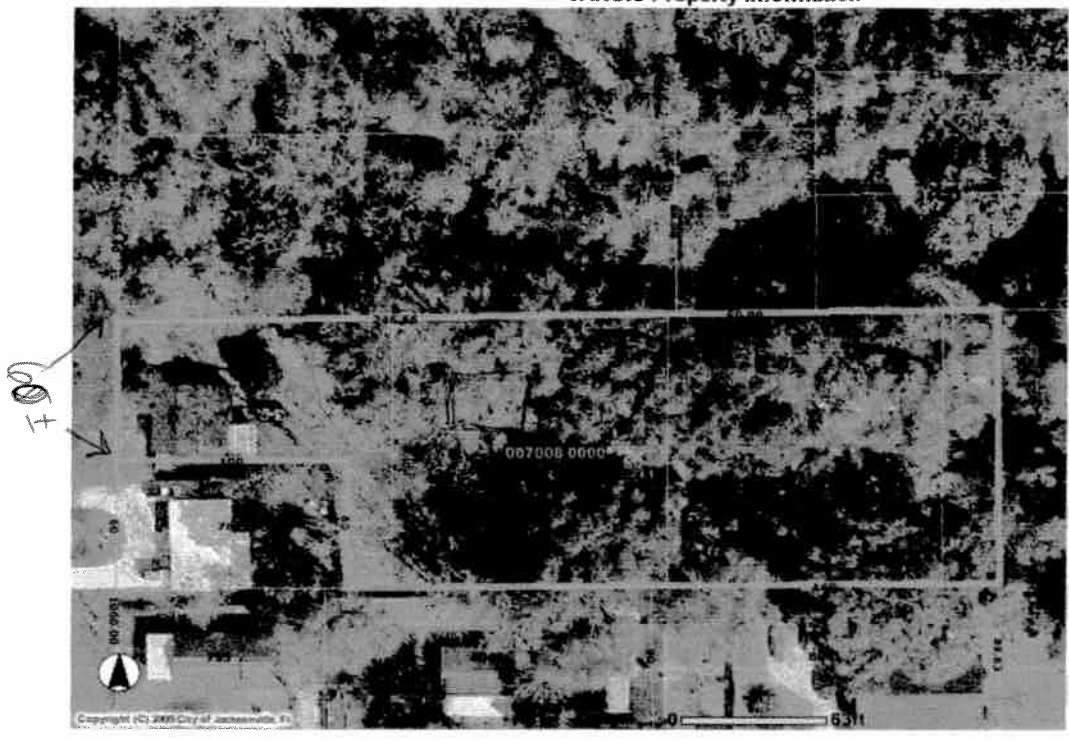
Pt tract 2 Recd O/R 15322-1040

BLK 4

Part of Tract 2, Block 4, JACKSONVILLE HEIGHTS, according to plat thereof, as recorded in Plat Book 5, Page 93 of the current Public Records of Duval County, Florida, in Section 22, Township 2 South, Range 25 East, and more particularly described as follows:

COMMENCE at the intersection of the South line of said Tract 2, and the East line of Cahoon Road and run thence North along the East line of Cahoon Road 464 feet to the POINT OF BEGINNING; thence continue North along the East line of Cahoon Road 64 feet; thence East 420 feet; thence South 124 feet; thence West 320 feet; thence North 60 feet; thence West 100 feet to the intersection of Cahoon Road and the POINT OF BEGINNING.

JAXGIS Property Information



⑦
Neighbors
+ ms King

RE #	Name	Address	Transaction Price	Acres	Book-Page	Map Panel	Legal Descriptions	Flood Zone	Ash/SRs	JEDC Zone	Evacuation Zone	CPAC	Noise Zone	APZ	Civ HH Zone	MS HH Zone	Civ School Reg	MS School Reg	Lighting Reg	Civ Notice Zone	MS Notice Zone
007008 0000	TORO ANGEL	781 CAHOON RD JACKSONVILLE 32221	16000	0.99	1532201040	5422	S-93 22-2S-26E 1.07 JACKSONVILLE HEIGHTS PT TRACT 2 RECD O/R 15322-1040	NA	Not in Ash Site Zone	Not in Enterprise Zone	NA	N/A / Planning Dist: 5	NA	NA	Ced/Hor/Long Height (150')	Whitehouse Horizontal Surface Elev (500')	NA	NA	NA	NA	NA

MAP SHOWING SKETCH OF

PART OF TRACT 2, BLOCK 4, JACKSONVILLE HEIGHTS, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 98, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 25 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF GORDEAN ROAD (A 50.00 FOOT RIGHT OF WAY) WITH THE EASTERLY RIGHT OF WAY LINE OF CAHOON ROAD; THENCE NORTH 00°07'34" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF CAHOON ROAD 246.61 FEET TO A FOUND 1/2" IRON PIPE AT THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 9919, PAGE 2266, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY AS MONUMENTED ON THE GROUND; THENCE SOUTH 89°59'50" EAST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS VOLUME, 9919, PAGE 2266, 80.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 33°13'46" EAST, 98.24 FEET; THENCE SOUTH 89°59'50" EAST, 75.48 FEET; THENCE SOUTH 00°00'10" WEST, 43.32 FEET TO A POINT; THENCE NORTH 89°30'11" EAST, 208.64 FEET TO A POINT ON THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 10890, PAGE 1807, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 01°26'30" WEST, ALONG SAID WEST LINE OF OFFICIAL RECORDS VOLUME 10890, PAGE 1807, 123.71 FEET TO THE SOUTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 9294 PAGE 003, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 89°59'50" WEST, ALONG SAID SOUTH LINE, 334.82 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AND SUBJECT TO A EASEMENT FOR INGRESS, EGRESS AND UTILITIES DESCRIBED AS FOLLOWS;

1/2" P.
SURVEY

PART OF TRACT 2, BLOCK 4, JACKSONVILLE HEIGHTS, ACCORDING TO PLAT THEREOF, AS RECORDED IN PLAT BOOK 5, PAGE 98, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, IN SECTION 22, TOWNSHIP 2 SOUTH, RANGE 25 EAST, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

AND 1/2" P.
CAP.

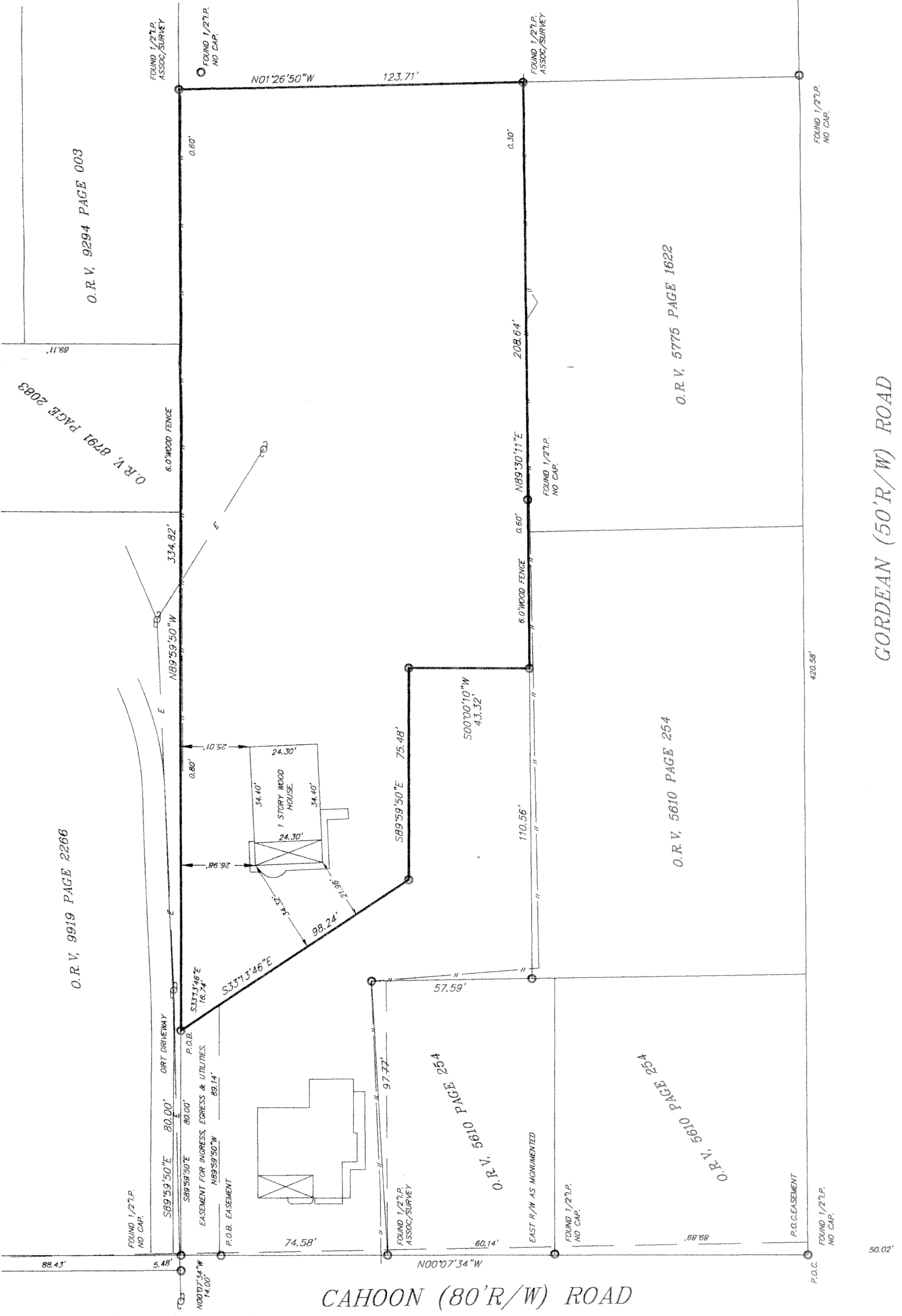
COMMENCE AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF GORDEAN ROAD (A 50.00 FOOT RIGHT OF WAY) WITH THE EASTERLY RIGHT OF WAY LINE OF CAHOON ROAD; THENCE NORTH 00°07'34" WEST, ALONG THE EASTERLY RIGHT OF WAY LINE OF CAHOON ROAD 210.60 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°07'34" WEST, ALONG SAID EASTERLY RIGHT OF WAY LINE OF CAHOON ROAD 14.00 FEET TO A FOUND 1/2" IRON PIPE AT THE SOUTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS VOLUME 9919, PAGE 2266, OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY AS MONUMENTED ON THE GROUND; THENCE SOUTH 89°59'50" EAST, ALONG THE SOUTH LINE OF SAID OFFICIAL RECORDS VOLUME, 9919, PAGE 2266, 80.00 FEET; THENCE SOUTH 33°13'46" EAST, 16.74 FEET; THENCE NORTH 89°59'50" WEST, 89.14 FEET TO THE POINT OF BEGINNING.

September 4, 2014

AND 1/2" P.
DC/SURVEY

PUBLIC THE S...
THE S...
BEGIN...
SOUTH...
THE W...
PUBLIC...
RECOR...
89'59'...
TOGETH...

FOUND 1/27.P.
ASSOC./SURVEY
NO CAP.
FOUND 1/27.P.
NO CAP.
COMME...
RIGHT...
ALONG...
THE NCI...
FEET ;...
VOLUM...
GROUN...
PAGE ;...
FEET ;



O.R.V. 9294 PAGE 003

O.R.V. 8791 PAGE 2083

O.R.V. 9919 PAGE 2266

O.R.V. 5775 PAGE 1622

O.R.V. 5610 PAGE 254

O.R.V. 5610 PAGE 254

O.R.V. 5610 PAGE 254

CAHOON (80'R/W) ROAD

GORDEAN (50'R/W) ROAD

88.43'

5.48'

N00°07'34"W
14.00'

74.58'

97.77'

N00°07'34"W

60.14'

EAST R/W AS MONUMENTED

FOUND 1/27.P.
NO CAP.

68'68"

P.O.C. EASEMENT

P.O.C.
FOUND 1/27.P.
NO CAP.

420.58'

FOUND 1/27.P.
NO CAP.

50.02'