

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

**ORDINANCE 2014-0774 (WRF-14-17)**

**FEBRUARY 3, 2015**

***Location:*** 5307 Eulace Road; on the east side of Eulace Road  
north of Timuquana Road

***Real Estate Number(s):*** 103132 0010

***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:*** Southwest - 4

***City Council Representative:*** The Honorable Jim Love, District 14

***Agent/Owner:*** Donald D. Chadwick  
5307 Eulace Road  
Jacksonville, Florida 32210

***Staff Recommendation:*** APPROVE

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage Ordinance 2014-0774 (WRF-14-17) seeks to reduce the required minimum road frontage in the RLD-60 zoning district from 48 feet to 0 feet for an existing single-family dwelling on the property. The applicant is seeking the lot split for the purpose of selling the front lot (RE number 103132-0030) which is currently owned by the same individual. The subject property contains approximately 0.59 acres and is developed with a 2,160 square foot home built in the 1950's with access via a twenty (20') foot wide easement for ingress/egress over the lot (RE number 103132-0030) fronting Eulace Road. The site overall was developed in the 1950's and 60's, prior to current Zoning Code requirements with three residential structures. The existing easement will continue to provide access for the home that is located on the eastern parcel behind the existing dwellings.

**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 a half acre in size, and has been developed for over 50 years. Furthermore, the owner is not able to neither relocate the existing home on the site nor acquire any of the surrounding properties to gain access to Eulace Road without incurring a serious economic burden. The site overall was developed in the 1950's and 60's, prior to current Zoning Code requirements with three residential structures. The existing easement will continue to provide access for the home that is located on the eastern parcel behind the existing dwellings.

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. The two parcels overall (0.59 and 1.06 acres) have more than enough land area for the RLD-60 zoning district criteria to accommodate the request for the existing condition. A 20 foot wide easement in the center of the property running east will be used to gain access. Grant of the request would allow for the continued utilization of a 0.59 acre lot for the existing home 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 Eulace Road and the nearby

areas. The grant of the waiver will allow development to remain in a manner 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?*

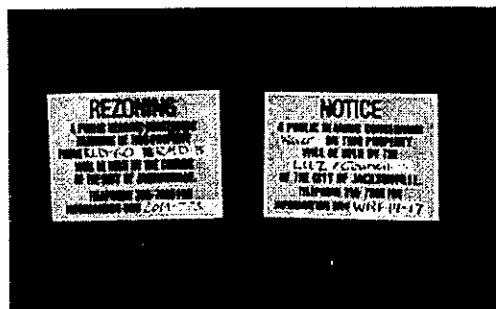
Yes. The site at one time contained approximately 200 feet of frontage on Eulace Road. When a split occurred in the 1960's allowing two other residential structures on what became the western parcel, this site was left without road frontage. A 20 foot wide easement was established for access. The property's frontage and easement for access 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. Any further or future 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.

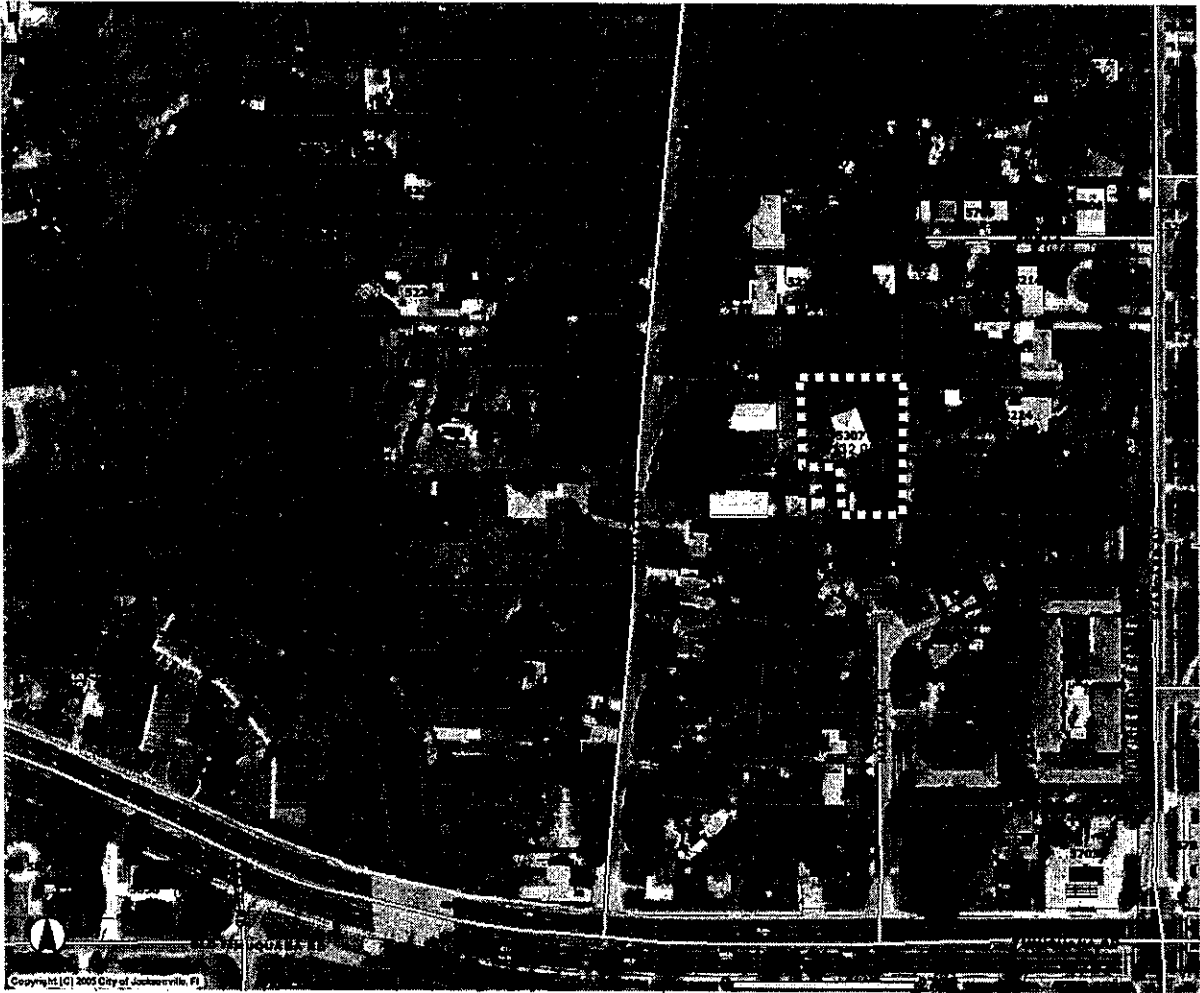
### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on January 23, 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 2014-0774 (WRF-14-17) be **APPROVED**.



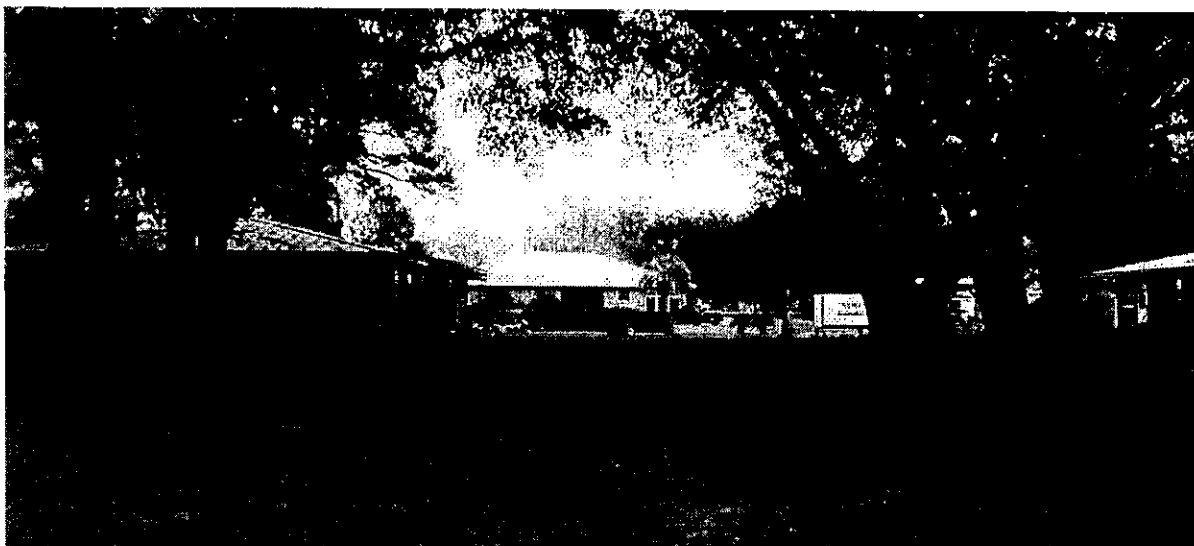
**Aerial view of the subject site facing north**



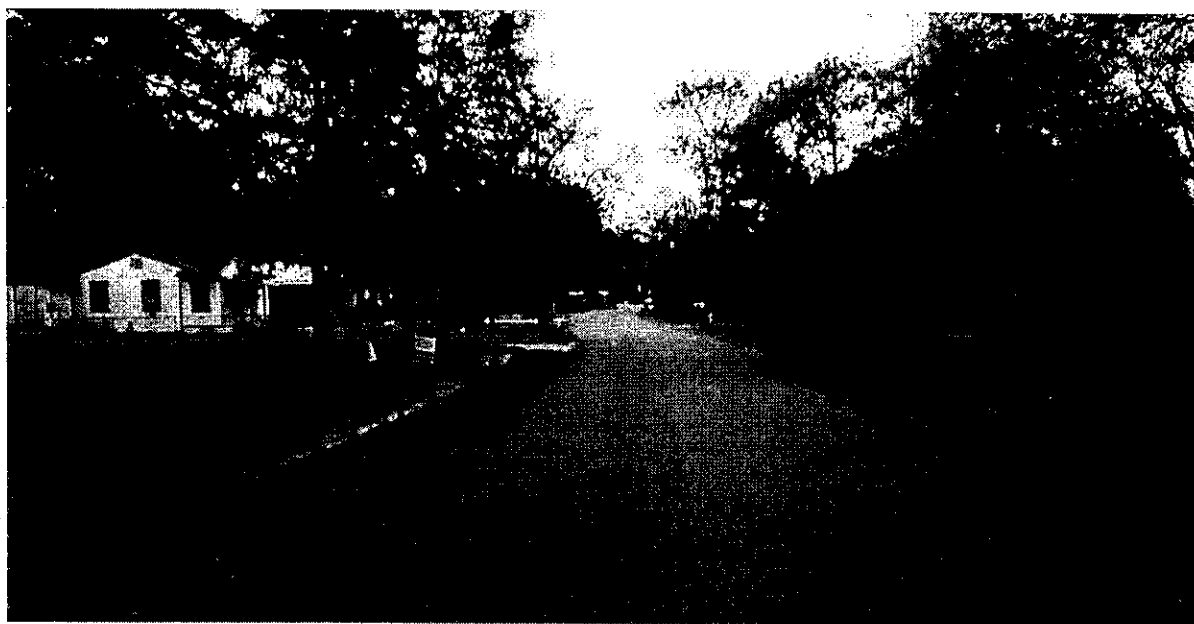
**The subject site on the right facing north along Eulace Road**



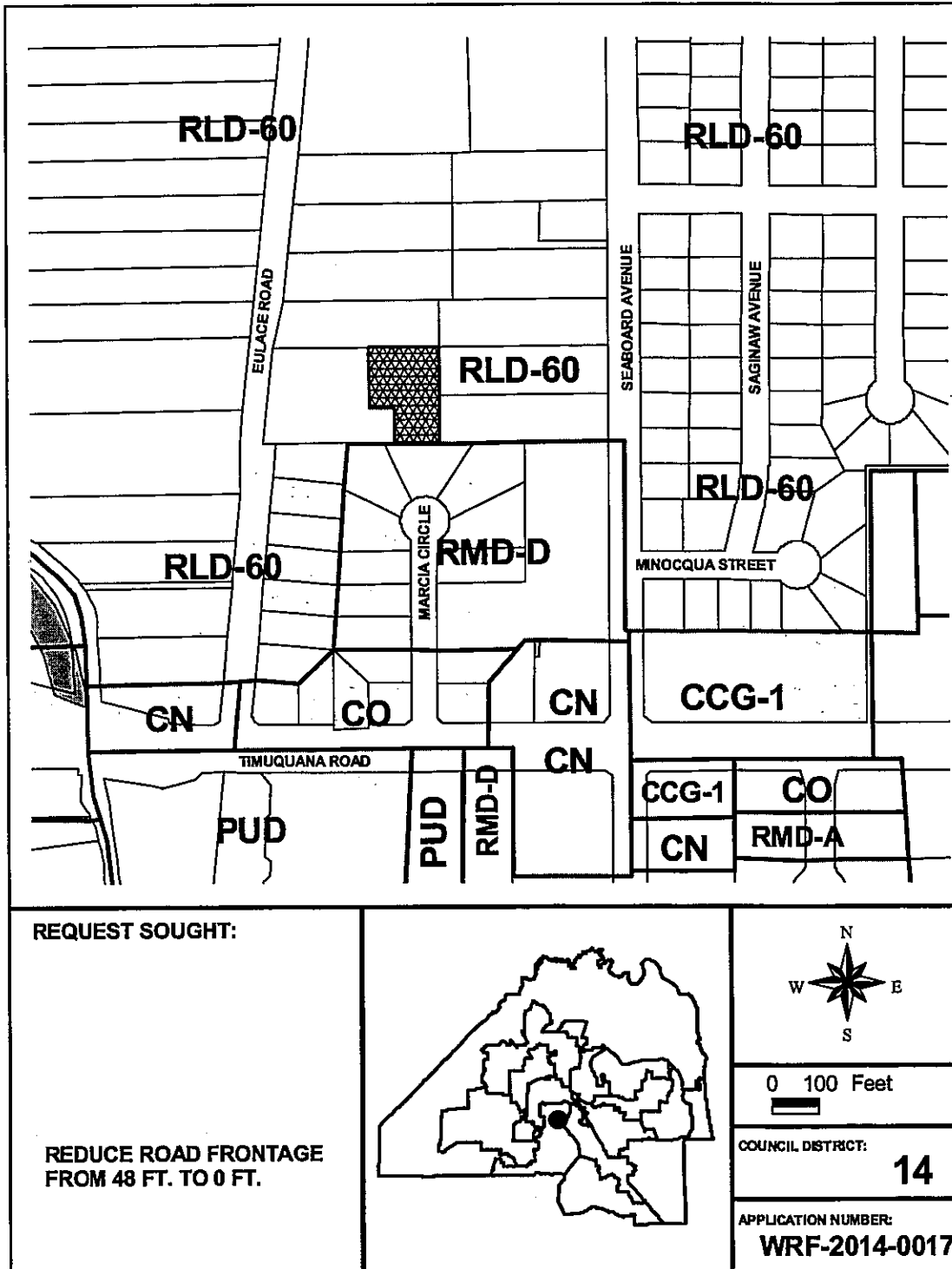
**Facing east into the subject site from Eulace Road**



**Facing east into the subject site from Eulace Road**

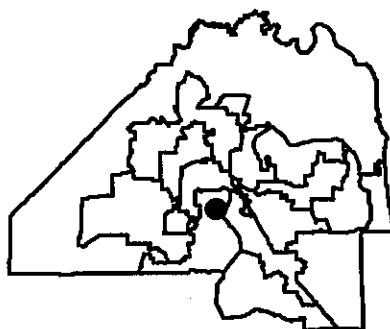


**The subject site on the left facing south along Eulace Road**



REQUEST SOUGHT:

REDUCE ROAD FRONTAGE  
FROM 48 FT. TO 0 FT.



0 100 Feet

COUNCIL DISTRICT:

14

APPLICATION NUMBER:

WRF-2014-0017

# APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF- 14-17
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.

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.

<b>\$ 1195. Total For Official Use Only</b>				
1. Date Submitted: <u>10/21/14</u>	2. Date Filed: <u>11/14/14</u>	3. Current Zoning District(s): <u>RLD60</u>	4. Future Land Use Map Category (FLUMs) <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.305</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>5307 Eu/ACE Rd Jacksonville, FL 32210</u>	13. Between Streets: <u>TIMUGUANA ROAD</u> and <u>94TH STREET</u>
11. Real Estate Number: <u>RE-103132-0000</u>	
12. Date lot was recorded: <u>1910</u>	
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>48</u> feet to <u>0</u> feet.	
15. In whose name will the exception be granted? <u>DONALD D. CHADWICK</u>	
16. Land Area (1/100 Acres): <u>0.59</u>	
17. Utility Services Provider	
Well: _____	Septic: <u>X</u>
City Water: <u>X</u>	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;

*It is NOT PRACTICAL TO FOLLOW THE STRICT LETTER OF THE REGULATION BECAUSE THE HOUSE IS BUILT BEHIND TWO (2) DUPLEXES AND ACCESSED BY A COMMON DRIVEWAY.*

(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);

*THE REQUEST IS BASED ON A DESIRE TO COMPLY WITH REGULATIONS FOR EXISTING STRUCTURES THAT ARE TO BE SOLD.*

(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;

*THE WAIVER WILL NOT CHANGE THE EXISTING CONDITIONS, BUT BRING INTO COMPLIANCE WHAT WAS ADMINISTRATIVELY ALLOWED WHEN THE HOUSE WAS BUILT IN 1983*

(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;

*THERE IS AND ALWAYS HAS BEEN A COMMON DRIVEWAY FROM EULACE ROAD AND ACCESSIBLE TO ALL. THE EASEMENT IS NOW DEFINED ON THE SURVEY*

(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.

*THE PROPOSED WAIVER WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY OR WELFARE, CAUSE ADDITIONAL EXPENSES, CREATE NUISANCES OR CONFLICT WITH ANY OTHER APPLICABLE LAW BECAUSE THERE WILL BE NO PHYSICAL CHANGES.*

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.

<b>FILING FEES</b>	<b>NOTIFICATION COSTS:</b>
RESIDENTIAL DISTRICTS..... \$985.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$1,009.00	<b>ADVERTISING COSTS:</b>
	<b>BILLED TO OWNER / AGENT</b>

**\*\*\* 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: Donald D. Chadwick

Address: 5307 Eulace Road

City: JACKSONVILLE

State: FL Zip: 32210

Email: Chadwick@bellsouth.net

Daytime Telephone: 904-314-4950

Donald D. Chadwick  
SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

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.

Chadwick@bellsouth.net

**EXHIBIT A**

**Property Ownership Affidavit**

Date: 10-20-14

**City of Jacksonville**

City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / 214 North Hogan Street, Edward Ball Building, Suite 300  
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, Donald Dexter Chadwick hereby certify that I am the  
Owner of the property described in the attached legal description, **Exhibit 1** in connection with  
filing application(s) for REZONING TO CONVENTIONAL ZONING DISTRICTS  
submitted to the Jacksonville Planning and Development Department.

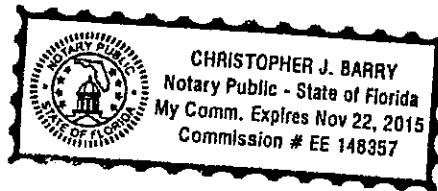
Donald D. Chadwick

(Owner's Signature)

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 20<sup>th</sup> day of  
October (month), 2014 (year) by Donald D. Chadwick  
who is personally known to me or has produced  
as identification.

Christopher J. Barry  
(Notary Signature)  
Christopher J. Barry



# ORDINANCE \_\_\_\_\_

## Legal Description

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A parcel of land situated lot 3, block 27, Ortega Farms, according to plat thereof as recorded in plat book 3, page 79, of the public records of Duval County, Florida, said parcel being a portion of lands described

In official records book 16654 on page 335 of said public records and more particularly as follows:

Commencing at the Southeasterly corner of said lot 3; thence run, South 89' 47' 20" West, along the South line thereof, 719.65 feet to a point on the easterly right of way line of Eulace Road, said point Being the Southwest corner of said official records book 16654 on page 335; thence North 06' 05' 31" East, along said right of way line and the West line of said lands, 200.78 feet to the Northwest corner thereof; thence run North 89' 42' 53" East, along the North line of said lands, 199.00 feet to an iron rod and the point of beginning; thence continue North 89' 42' 53" East, along said North line, 150.04 feet to the Northeast corner of said lands; thence run South 00' 17' 29" West, along the East line of said lands, 200.05 feet to the Southeast corner thereof; thence run South 89' 47' 20" West along the South line of said lands, 93.64 feet to an iron rod; thence run North 00' 17' 29" East, 75.32 feet to An iron rod; thence run North 89' 42' 31" West, 56.39 feet to an iron rod; thence run North 00' 17' 29" East, 124.02 feet to the point of beginning.



