

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

ORDINANCE 2015-0245 (WRF-15-03)

MAY 20, 2015

Location: 4125 Lakeside Drive, between Herschel Street & San Juan Avenue.

Real Estate Number(s): 093895-0000

Waiver Sought: Reduce the required minimum road frontage from 72 feet to 15 feet for a single family dwelling

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

Current Land Use Category: Low Density Residential

Planning District: District 4, Southwest

Planning Commissioner: Chris Hagan

City Council Representative: The Honorable Jim Love, District 14

Owner: Estate of Dennis Matthews
4125 Lakeside Drive
Jacksonville, FL 32210

Agent: Fred Atwill, Jr.
9001 Forest Acres Lane
Jacksonville, FL 32234

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2015-245 (WRF-15-03)** seeks to reduce the required minimum road frontage in the Residential Low Density 90 (RLD-90) zoning district from 72 feet of required frontage to 15, for the purpose of allowing access to the rear of the property, with the intent of subdividing the land. The property is located at a bend in Lakeside Drive, just south of the intersection with San Juan Avenue. The area consists of predominantly larger lots, ranging from .3 acres, to just over 1 acre in size. The area is comprised of single family homes, with a number of lots being altered or subdivided prior to consolidation. Current lot configurations in the area have deviated from the original plat

(attached) for the Lake Side Park subdivision. The adjacent properties on the southwest side of the subject site at 4135 and 4139 Lakeside Drive have been divided in a similar manner to the requested split. The property is located at the apex of a curve in Lakeside Drive, which is divided here at the intersection with San Juan Avenue, and reconnects southwest of the subject 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 0.96 acres in size, and even being subdivided, has more than enough land area to accommodate two dwellings meeting all requirements of the zoning code for the RLD-90 zoning district, except the road frontage requirement. Furthermore, the owner cannot relocate the existing home on the site nor acquire any of the surrounding properties to gain access to Lakeside Drive without incurring a serious economic burden. Were the lot to be subdivided, based on its size, unique shape and amount of road frontage, it would be impossible for the rear new lot to have adequate road frontage on Lakeside Drive. As shown in the attached map, the lot is a peculiar shape, and is at a bend in Lakeside Drive. Also, the 3,000 square foot home that is currently on the property built in 1908 is located at the front of the lot, creating a large back yard that extends over 350 feet to the St. Johns/Ortega River. Approval of this waiver would allow for the creation of two lots and development of the property will be similar to many in the surrounding area.

- (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. The property has more than enough land area for the RLD-90 zoning district criteria to accommodate a second dwelling. The rear lot will have a fifteen (15') foot wide access point along the western boundary of the site. Grant of the request would

allow for the split of an acre sized lot for two homes that meet all other development standards of the RLD-90 zoning district other than road frontage.

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 (Parts 3 and 4) for aesthetic quality, and with all applicable provisions of the Florida Building Code for public health, safety and welfare.

- (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 properties adjacent to the subject property are of the same size as what's being proposed and are developed with similar sized single-family dwellings. The proposed request would allow for the construction of an additional single-family home similar in style to other homes in the area; and that will be consistent with the existing streetscape. The lot is large enough that, excluding the requirement for roadway frontage would be able to meet all other minimum lot requirements for the RLD-90 zoning district were it to be divided into two parts, so that each lot would meet the minimum lot acreage, width and setbacks. This proposed infill will have a positive impact on this residential 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?*

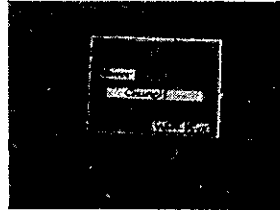
No. Currently there is no deeded easement or approved private road. The site would be subdivided in such a way that the rear lot would access Lakeside Drive directly. Access would be along the southern 15 feet of the property. The proposed frontage and access is sufficient to permit access to the site 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 request would not be detrimental to the health, safety or welfare of the community, nor would the construction of a new single-family home on the rear of this existing property create a nuisance or conflict with any applicable laws. The proposed plan of development will be similar in every way to that of the surrounding parcels (size, lot widths and size of structures), and the existing driveway is of an adequate width to permit access to the site.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on April 28, 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 2015-245 (WRF-15-03) be **APPROVED**.



Aerial view of the subject site facing north



Aerial view of the subject site facing north



**Subject property with shared driveway between
the subject home and neighboring property**

*Source: Planning and Development Department
Date: April 27, 2015*



**Approximate location of potential driveway, to the west of
the existing home**

*Source: Planning and Development Department
Date: April 27, 2015*



Neighbor's driveway with shared apron of subject property

Source: Planning and Development Department
Date: April 27, 2015



Convergence of divided Lakeside Drive with subject property

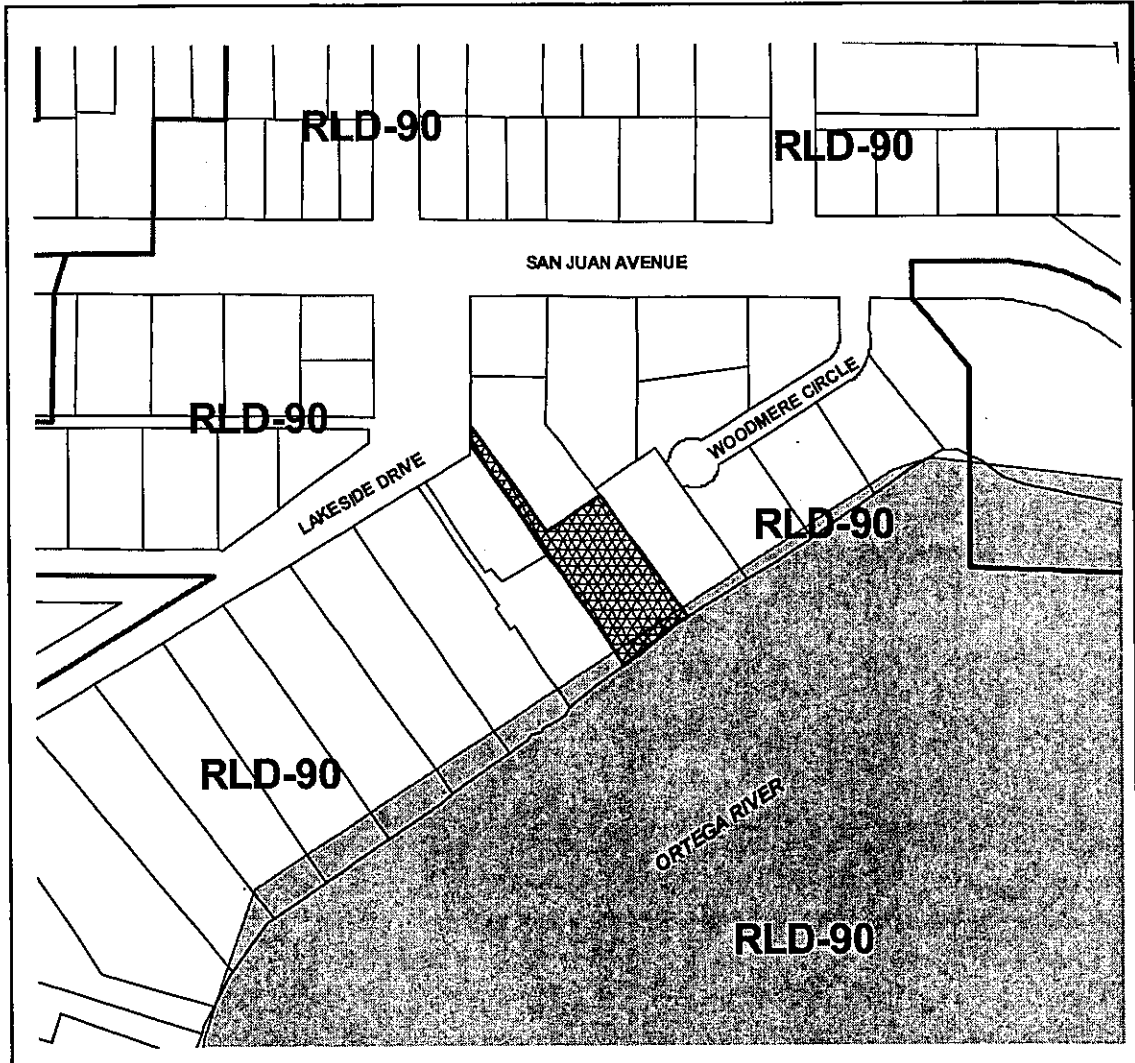
Source: Planning and Development Department
Date: April 27, 2015



Passive park between the divided portion of Lakeside Drive

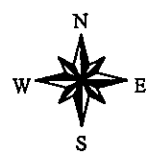
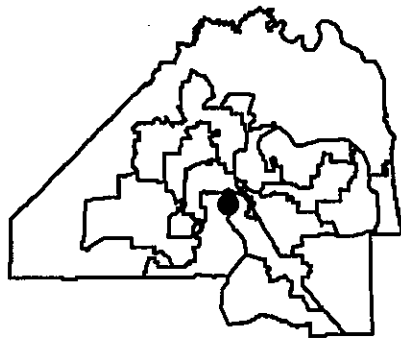
Source: Planning and Development Department

Date: April 27, 2015



REQUEST SOUGHT:

REDUCE ROAD FRONTAGE
FROM 72 FT. TO 15 FT.

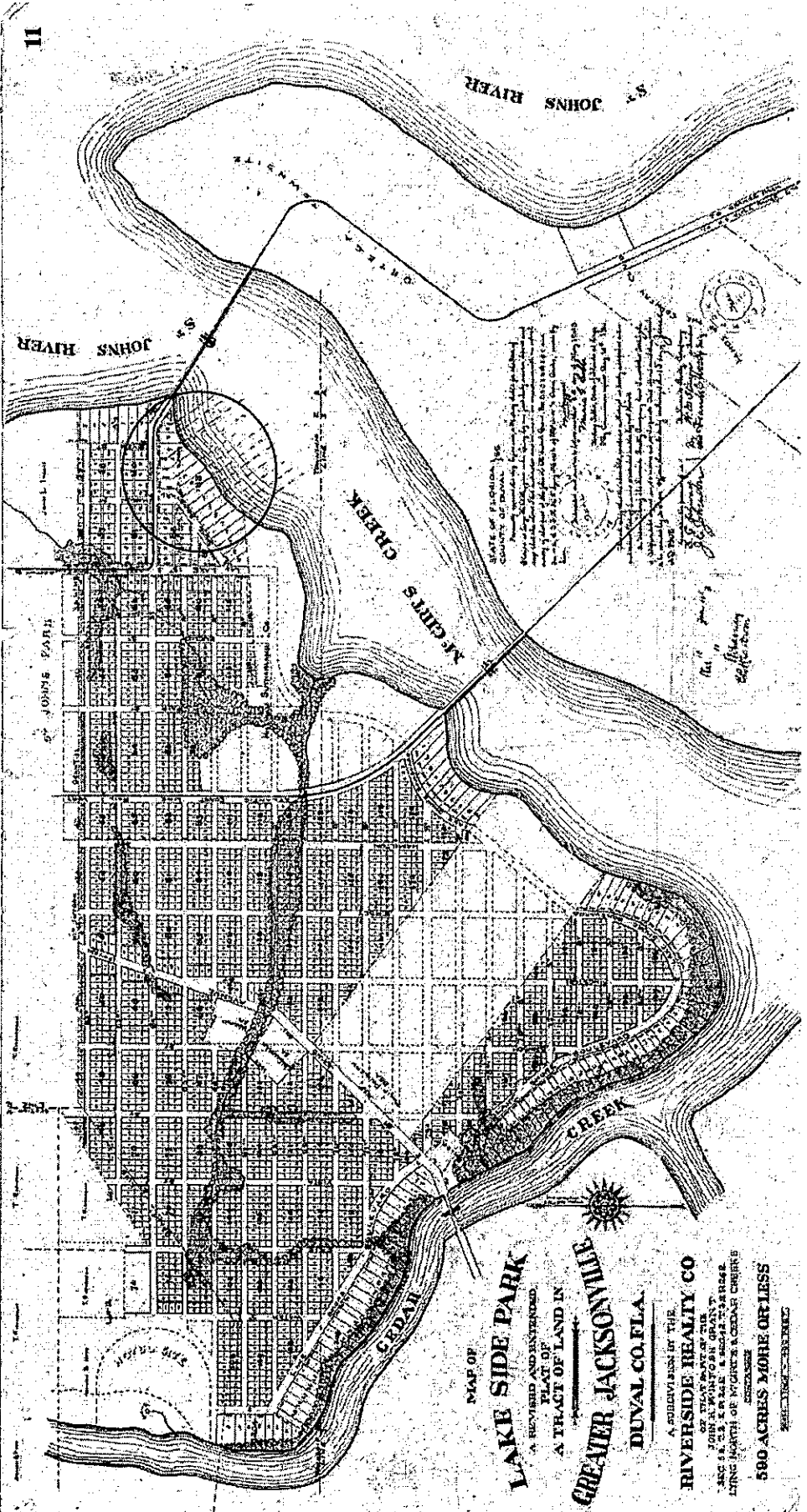


100 0 100 Feet

COUNCIL DISTRICT:
14

APPLICATION NUMBER:
WRF-2015-0003

11



STATE OF FLORIDA,
 COUNTY OF DUVAL.
 I, the undersigned, Clerk of the Board of Supervisors of the County of Duval, Florida, do hereby certify that the within plat is a true and correct copy of the original filed in the office of the Clerk of the Board of Supervisors of the County of Duval, Florida, on the 22nd day of August, 1911, at 12 o'clock P. M. in book of Plats of the County of Duval, Florida, page 228.

W. B. WILSON, Clerk of the Board of Supervisors.

FILED 228

AUG 22 1911

8 22 11

228

MAP OF
LAKE SIDE PARK
 A REVERSED AND INVERTED
 PLAT OF
 A TRACT OF LAND IN
GREATER JACKSONVILLE
 DUVAL CO. FLA.

A SUBDIVISION FOR THE
RIVERSIDE HEALTH CO.
 1002 SOUTH BAY ST.
 JACKSONVILLE, FLA.
 Lying NORTH OF NORTH'S CEDAR CREEK
 590 ACRES MORE OR LESS

3/2/11

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

2015-245

Application No. WRF- 15-03
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.

For Official Use Only				
1. Date Submitted: <u>3/6/15</u>	2. Date Filed: <u>3/19/15</u>	3. Current Zoning District(s): <u>RLD90</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: <u>5/20/15</u>		7. City Council Public Hearing Date: <u>5/12/15</u>		
8. Neighborhood Association _____				
9. Number of Signs to be Posted <u>1</u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>4125 Lakeside Drive 32210</u>	13. Between Streets: <u>Herschel Street</u> and <u>San Juan Avenue</u>
11. Real Estate Number: <u>093895-0000</u>	12. Date lot was recorded: _____
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>72</u> feet to <u>35</u> <u>15'</u> feet.	
15. In whose name will the exception be granted? <u>Matthews Dennis H Trust</u>	
16. Land Area (1/100 Acres): <u>0.967-</u>	
17. Utility Services Provider Well: _____ Septic: _____ City Water: <u>JEA</u> City Sewer: <u>JEA</u>	

ATWILL LLC
9001 FOREST ACRES LANE
JACKSONVILLE, FLORIDA 32234
904-610-8975

March 6, 2015

Sean Kelly, AICP
Zoning Administrator
Planning and Development Department
Ed Ball Building, 2nd Floor
214 North Hogan Street
Jacksonville, Florida 32202

RE: 4129 Lakeside Drive: Waiver of Minimum Required Road Frontage Application

Dear Sean:

Please find attached hereto the original and three (3) copies of a proposed Waiver of Minimum Road Frontage Application for the proposed residential lot located at 4129 Lakeside Drive, Jacksonville, Florida 32256 (part of RE # 093895-0000).

Please contact me (904 610-8975; Atwillfred15@gmail.com) if you need additional information or have any questions regarding this application.

Thank you.

Respectfully,


Fred Atwill, Jr.

CC: Jeffrey Matthews
Lucie Matthews Patton
The Dennis H. Matthews Trust

*** 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..... 5985.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$1,009.00	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: Estate of Dennis Matthews

Address: 4125 Lakeside Drive

City: Jacksonville

State: FL Zip: 32210

Email: jeffmatthews1254@gmail.com

Daytime Telephone: 904/997-1190

SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: Fred Atwill, Jr.

Address: Atwill LLC

9001 Forest Acres Lane

City: Jacksonville

State: FLA. Zip: 32234

Email: Atwillfred15@gmail.com

Daytime Telephone: (904) 610-8975

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.

* * * 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;

please see attached response.

(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);

please see attached response.

(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;

please see attached response.

(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;

please see attached response.

(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.

please see attached response.

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.

**Responses to Application Item #18 Questions Regarding to Standards
and Criteria**

4125 Lakeside Drive
4129 Lakeside Drive
Jacksonville, Florida 32210-3303
Proposed Waiver of Minimum Required Road Frontage
Criteria

18 (i). "There are practical or economic difficulties in carrying out the strict letter of the regulation;"

The subject property at 4125 Lakeside Drive is owned by the surviving Matthews family under the Dennis H. Matthews Trust. All except one of the surviving immediate family members do not live in Jacksonville and have little or no interest at this time in relocating back to their original home. Therefore, the subject property, in order to achieve its highest and best use desired by the Dennis H. Matthews Trust's will and testament of the deceased, needs to be divided to provide adequate space on which to develop a second home site. One surviving member of the family, Jeff Matthews, is presently in residence watching over the subject property, but neither he nor his siblings can afford to continue paying the necessary property taxes and maintenance costs needed to support the entire property.

Given the size of the subject property (0.96 acres), its division into two parcels rather than its existing one parcel can easily be accomplished, seeing that the minimum lot size under the property's current zoning classification, RLD-90, is 9,900 total square feet, the lots needing to be 90 feet wide.

Finally, the existing single family dwelling unit on the subject property is located just off the south side of Lakeside Drive, far removed from its Ortega River frontage. Therefore it is clear that the highest and best use of the subject property would be obtained if it were divided once so that two parcels are created. The proposed new parcel on the riverfront (proposed lot "A" addressed at 4129 Lakeside Drive), will accommodate a single family home site with great value. Moreover, the resultant property taxes for the new dwelling unit would be substantial given its location on the waterfront, generating more tax value for the City than the property currently returns.

18 (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 Proposed Waiver of Minimum Road Frontage for the Matthews property does not circumvent the City's subdivision rules in that it respectfully requests that the subject property be divided into only 2 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. That is not our request.

18 (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;"

It is unlikely that the proposed waiver allowing the creation of a second parcel on the subject property will have any negative effects on its nearby or neighboring properties; in fact, it is more likely that the waiver allowing the creation of the second single family residential parcel on the subject property will enhance the general character of the area and substantially support the current property values of its neighboring properties. It is instructive to note that the neighboring properties to the immediate west of the subject site (4135 and 4139 Lakeside Drive), are currently configured in the exact manner as this proposed division will be if the waiver of road frontage application is approved.

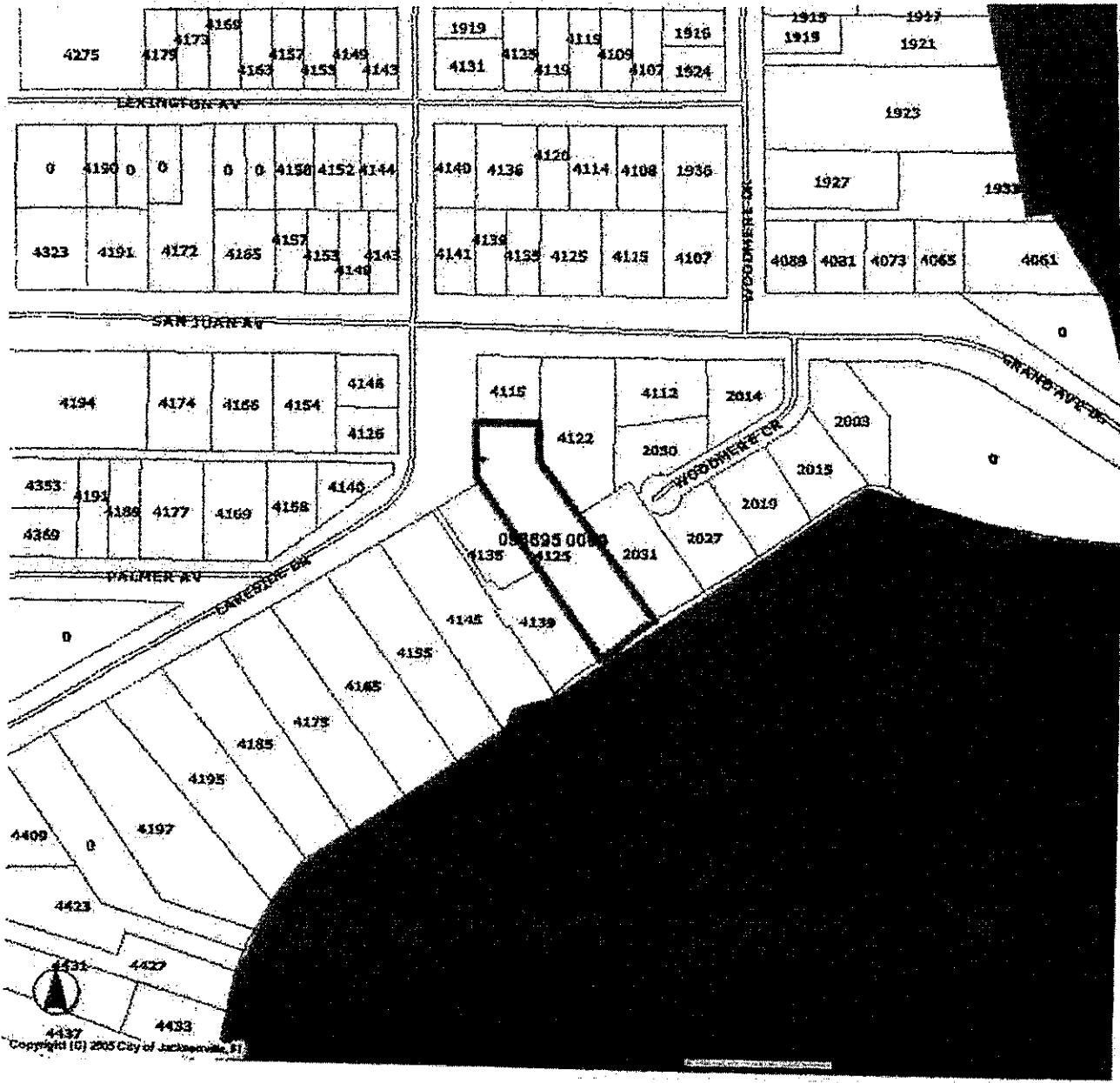
18 (iv). "There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City of approved private street;"

Not applicable, as the subject property at 4125 Lakeside Drive has frontage along Lakeside Drive, as will its proposed new lot parcel "A" addressed at 4129 Lakeside Drive, given the approval of this waiver application.

18 (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 driveway that will connect the proposed new parcel "A" to Lakeside Drive will not negatively impact the existing traffic flow along Lakeside Drive as it will service a single family detached dwelling unit, allowable under the property's current zoning classification, that typically generates ten or less average daily vehicular trips in and out of the parcel. It will not result in any additional expenses to the City; in fact it will generate additional property taxes when the new dwelling unit is completed. The proposed waiver will not create any nuisances to the existing neighborhood or conflict with any other applicable law. It will also afford comfortable access and egress to the proposed new parcel and its dwelling unit by first responders in the event of any emergencies occurring at this location.

Survey/Site Plan
Locator Map



RS* 093845-0000

Letter of Authorization for Agent/Applicant

Agent Authorization

Date: 2/16/2015

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:

4125 LAKESIDE DRIVE (PC# 093895-0000)

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

Fred Atwill, Jr. / ATWILL LLC

to act as agent to file application(s) for

Waiver of Minimum Required Road Frontage

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.

[Signature]
Owner's Signature



David J. Walton
Notary Public
State of Florida
My Commission Expires 03/25/2018
Commission No. FF 106289

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 16th day of

February (month), 2015 (year) by

Jefferson Hawes Matthews who is personally known to me or has

produced [Signature] as identification.
Florida Driver's License.
(Notary Signature)

Legal Description



CLARSON & ASSOCIATES, INC.
Professional Surveyors and Mappers
1643 Naldo Avenue
Jacksonville, FL 32207

Ph: (904) 396-2623

Fax: (904) 396-2633

MARCH 2, 2015

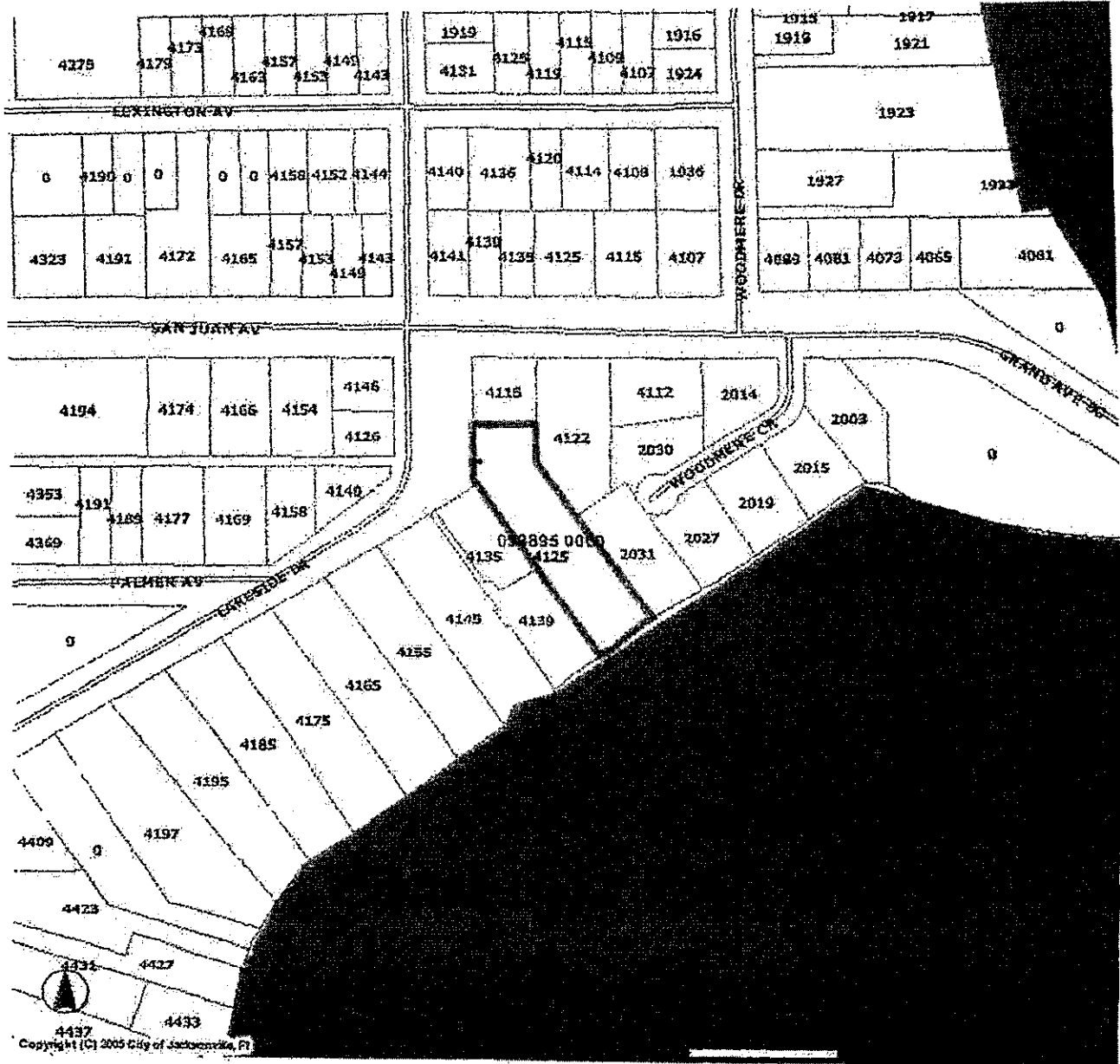
PARCEL "A" OF LOT 7, BLOCK 88, LAKESIDE PARK
(CLARSON AND ASSOCIATES DRAWING NO. A-3853)

A PART OF LOT 7, BLOCK 88, AS SHOWN ON THE PLAT OF LAKESIDE PARK. AS RECORDED IN PLAT BOOK 6, PAGE 44 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHWESTERLY CORNER OF SAID LOT 7, BLOCK 88, ALSO BEING THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF SAN JUAN AVENUE (A 100 FOOT RIGHT OF WAY) WITH THE WESTERLY RIGHT OF WAY LINE OF LAKESIDE DRIVE (A VARIABLE WIDTH RIGHT OF WAY) AND RUN SOUTH 00° 01' 00" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE OF LAKESIDE DRIVE, A DISTANCE OF 100.00 FEET TO A POINT ON THE SOUTHERLY LINE OF THE NORTHERLY 100 FEET OF SAID LOT 7, BLOCK 88; THENCE CONTINUE SOUTH 00° 01' 00" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 66.16 FEET TO THE POINT OF BEGINNING.

FROM THE POINT OF BEGINNING THUS DESCRIBED RUN SOUTH 35° 27' 49" EAST, PARALLEL TO AND 15 FEET EASTERLY OF THE SOUTHWESTERLY LINE OF SAID LOT 7, BLOCK 88, AS MEASURED AT RIGHT ANGLES THERETO. A DISTANCE OF 172.91 FEET; THENCE NORTH 54° 32' 11" EAST, A DISTANCE OF 85.00 FEET TO A POINT ON THE NORTHEASTERLY LINE OF SAID LOT 7, BLOCK 88; THENCE SOUTH 35° 27' 49" EAST, ALONG LAST SAID NORTHEASTERLY LINE, A DISTANCE OF 210 FEET, MORE OR LESS, TO THE WATERS OF THE ORTEGA RIVER; THENCE SOUTHWESTERLY ALONG SAID WATERS OF THE ORTEGA RIVER, A DISTANCE OF 102 FEET, MORE OR LESS, TO A POINT ON SAID SOUTHWESTERLY LINE OF SAID LOT 7, BLOCK 88; THENCE NORTH 35° 27' 49" WEST, ALONG LAST SAID SOUTHWESTERLY LINE, A DISTANCE OF 363 FEET, MORE OR LESS, TO A POINT ON SAID WESTERLY RIGHT OF WAY LINE OF LAKESIDE DRIVE; THENCE NORTH 00° 01' 00" EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 25.84 FEET TO THE POINT OF BEGINNING.

**Proof of Valid & Effective Easement for Access to the Property
(frontage on Lakeside Drive)**



RS# 093845-0000