

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

ORDINANCE 2016-0072 (WRF-15-20)

MARCH 1, 2016

Location: 1701 Lake Road
East of Yellow Bluff Road between Mahou Road
and Jake Road

Real Estate Number: 108409-1100

Waiver Sought: Reduce minimum required road frontage from 80
feet to zero feet

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

Current Land Use Category: Rural Residential (RR)

Planning District: North, District 6

Planning Commissioner: Donald Adkison

City Council Representative: The Honorable Al Ferraro, District 2

Owner: James Peck
16593 Sand Hill Drive
Jacksonville, Florida 32226

Agent: Jimmy L. Higginbotham
43131 Thomas Creek Road
Callahan, Florida 32011

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance-2016-0072 (WRF-15-20)** seeks to reduce the minimum required road frontage from 80 feet to zero feet. The subject property is a single parcel consisting of approximately 5.0 acres and is accessed from Yellow Bluff Road via Lake Road which is a 60 foot wide private road.

It should be noted that the Planning and Development Department has recommended denial and the Planning Commission or City Council has voted to approve similar waiver of road frontage applications on Lake Road; V-96-126, V-97-149, WRF-99-9, WRF-99-10, WRF-99-11, WRF-99-19, WRF-00-20, WRF-01-22, WRF-02-14, WRF-03-8, WRF-04-12 and WRF-06-19.

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 authorized to be granted by the City Council pursuant to the criteria set forth in Section 656.133(b) of the Zoning Code.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.133(d) 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?*

No, According to the Property Appraisers Record Card, the applicant purchased the property in March of 2013. Before purchasing the property the applicant had constructive knowledge of the Zoning Code and the Zoning Code requirement to meet the minimum required road frontage. The applicant chose to purchase the property with the understanding that a single-family house could not legally be constructed on the property. Therefore there are no practical difficulties in carrying out the strict letter of the regulation.

- (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)?*

Yes. The existing easement is of sufficient width (60'), provides for positive drainage via a swale, and could be improved to meet City standards as a private road. Therefore, the only reason for not adhering to the road frontage requirement is to reduce the cost of developing the property. In addition, lots along this easement continue to be split and subdivided into smaller lots then recorded and sold without adhering to Chapter 177, Florida Statutes regulating the platting of land and thereby circumventing Chapter 654 Code of Subdivision Regulations.

- (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?*

Yes, The waiver if approved will encourage similar requests. The continued development and illegal subdividing of property along the easement known as Lake Road will continue to have a negative cumulative effect on the surrounding area. Currently there are approximately eighteen (18) parcels between three and five acres in size or larger along the 3,400 foot length of the easement. These parcels can be further subdivided by creating lot splits and then splitting again, each time recording a new smaller sized lot. If unchecked this practice will continue and potentially lead to over 50 or more similar waiver requests in the future. Given the current Rural Residential-Acre (RR-Acre) Zoning District, there is a significant potential for this practice to continue, thus eventually altering the character of the area and allowing development to occur without providing the necessary infrastructure to support it.

- (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. While it appears there exists a valid and effective easement that allows the property owner legal access from Yellow Bluff Road. The easement appears to be paved to the terminus, but does not have an adequate cul-de-sac turn around.

- (v) *Will the proposed waiver be detrimental to the public health, safety or welfare, and result in additional expense, the creation of nuisances or conflict with any other applicable law?*

Yes. The requested Waiver of Road Frontage does not facilitate the provision of adequate public safety and emergency response services. The lack of a cul-de-sac turn-around will jeopardize the ability of emergency service responders to respond in a timely manner.

In addition, if the waiver is approved an existing unsafe condition will be exacerbated. The location of the subject property is over 1,446 feet east of Yellow Bluff Road. This will make it very difficult for emergency responders to locate the subject property. The City cannot assure that adequate and reliable emergency medical transportation services will be readily available in case of an emergency.

SUPPLEMENTARY INFORMATION

On February 11, 2016 the Planning and Development Department visited the site but was unable to access the property to determine if the required Notice of Public Hearing sign was posted.

RECOMMENDATION

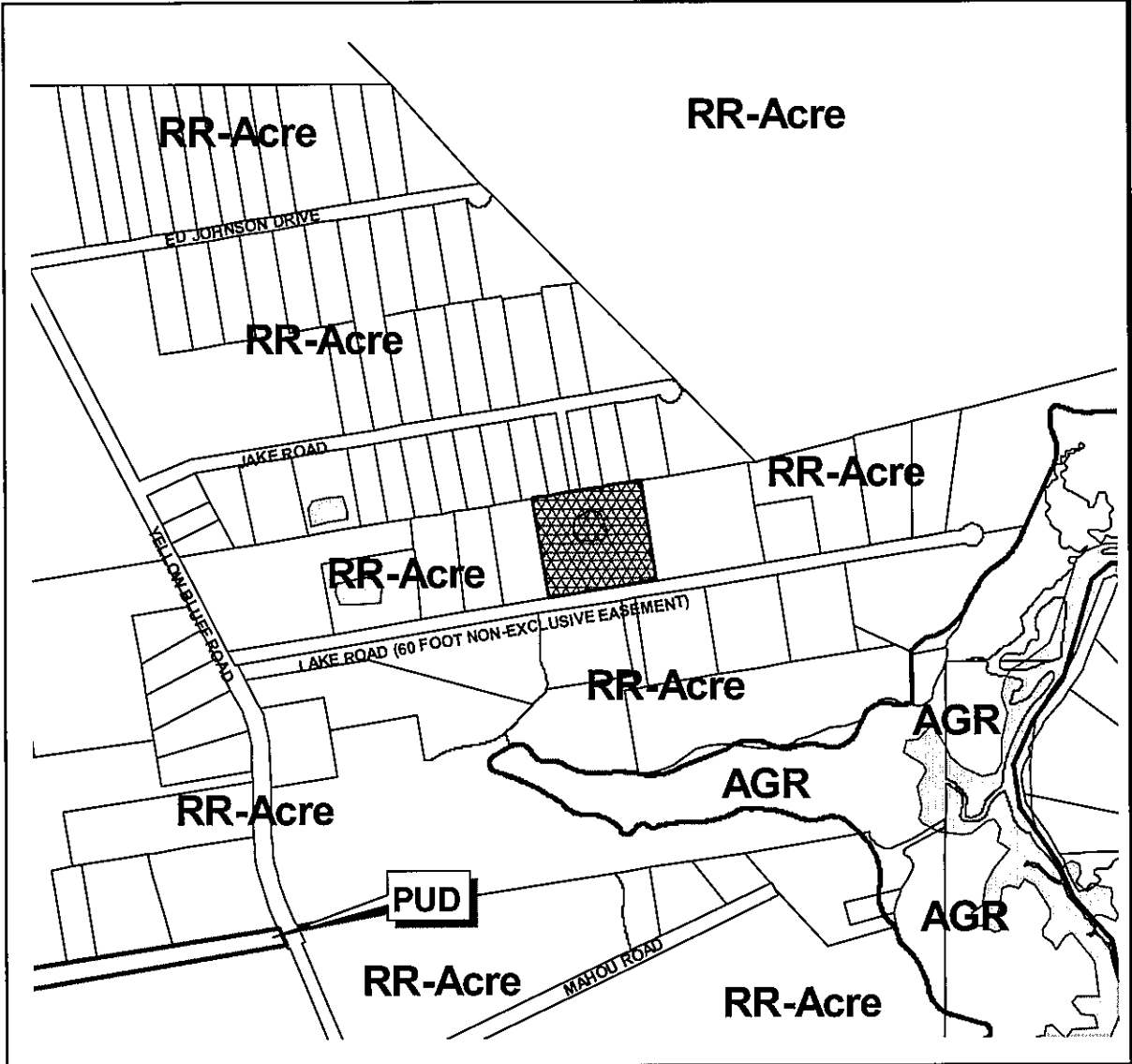
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2016-0072 (WRF-15-20) be **DENIED**.



View of Lake Road, which is paved and approximately 22 feet wide.

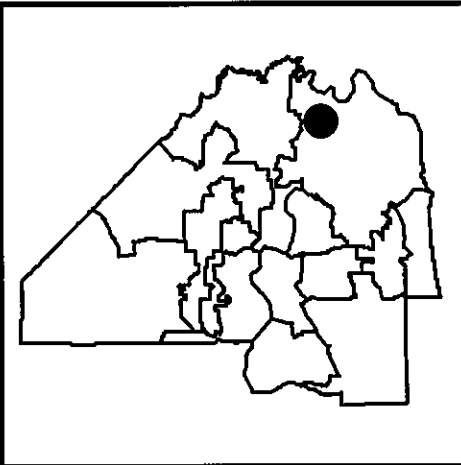


Aerial view of property.



REQUEST SOUGHT:

**REDUCE ROAD FRONTAGE
FROM 80 FT. TO 0 FT.**



0100 Feet

COUNCIL DISTRICT: 2

**APPLICATION NUMBER:
WRF-2015-0020**

ORB

PD
6
CD
2

ORD: 2016-72

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF- 15-20
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.
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: 12-15-15	2. Date Filed: 12-17-15	3. Current Zoning District(s): RR	4. Future Land Use Map Category (FLUMs): RR	5. Applicable Section of Ordinance Code: 656.407
6. LUZ Public Hearing Date: 3, 1, 16		7. City Council Public Hearing Date: 2, 23, 16		
8. Neighborhood Association: EDEN GROUP INC.				
9. Number of Signs to be Posted: 2				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: 1701 Lake Rd JAY, FL 32226	13. Between Streets: Yellow Bluff Rd.
11. Real Estate Number: 108409-1100	and
12. Date lot was recorded: 1992	
14. Waiver Sought: Minimum Road Frontage Reduce Required Minimum Road Frontage from 80 feet to 0 feet.	
15. In whose name will the exception be granted? JAMES PECK	
16. Land Area (1/100 Acres): 5.0 Acres	
17. Utility Services Provider	
Well: <input checked="" type="checkbox"/>	Septic: <input checked="" type="checkbox"/>
City Water: _____	City Sewer: _____

***** 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..... \$1,073.00	\$7.00 PER ADDRESSEE
NON-RESIDENTIAL DISTRICTS..... \$1,091.00	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: JAMES Peck

Address: 16593 SAND HILL DR

City: JAY

State: FL Zip: 32226

Email: _____

Daytime Telephone: 904 610 4419

SIGNATURE OF OWNER(S) SIGN 

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.

Name and address of Authorized Agent(s)

Name: Jimmy L. Higginbotham

Address: 43131 Thomas Ck. Rd.

City: CALLAHAN, FL 32011

State: FL Zip: 32011

Email: chigginbotham66@gmail.com

Daytime Telephone: 904-699-1490

SIGNATURE OF AUTHORIZED AGENT(S) 

* * * 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;

There is NO other way than 60' EASEMENT to ACCESS Subject Property.

(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 other means to ACCESS property other than EASEMENT.

(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;

THIS WAIVER WILL NOT diminish, nor ALTER the CHARACTER OF surrounding PARCELS because they have obtained WAIVER OF ROAD FRONTAGE (9 PARCELS)

(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, A VALID EASEMENT (60') WHICH IS PAVED ALL THE WAY TO COUNTY AVENUE RD (YELLOWBLOTT RD).

(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.

THIS WAIVER WILL NOT be detrimental to Public Health, Safety OR welfare because it is a PAVED EASEMENT.

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.

Agent Authorization

Date: 12/14/19

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:

1701 Lake Rd. JAY, FL 32226

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

Jimmy L. Higginbotham

to act as agent to file application(s) for WAIVER OF ROAD FRONTAGE

1701 Lake Rd JAY, FL 32226

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



STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 14th day of

December (month), 2015 (year) by

James Peck, who is personally known to me or has

produced [Signature] as identification.
(Notary Signature)

Prepared by:
Michael H. Farrell
Abstract & Title Services, Inc.
111 East Howard Street
Live Oak, Florida 32064

ATS# 1-36454

Special Warranty Deed

THIS WARRANTY DEED made the 30th day of October, 2013, by First Federal Bank of Florida, hereinafter called the grantor, whose address is 4705 W US 90, Lake City, Florida 32055, as James Peck and Harbel Peck, husband and wife, whose post office address is 16593 Sand Hill Drive, Jacksonville, Florida 32226, hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporation)

Witnesseth: That the grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, alien, renounces, releases, conveys, and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz: Parcel ID# 108409-1100

See Exhibit "A" attached hereto and by this reference made a part hereof.

TOGETHER with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor does hereby covenant with Grantee that, except as above noted that, at the time of the delivery of this Deed, the premises were free from all encumbrances made by it, and that it will warrant and defend the same against the lawful claims and demands of all persons claiming by, through, or under it, but against none other

GRANTOR makes no representation or warranties of any kind or character expressed or implied as to the condition of said property. The Grantee has inspected and examined the property and are purchasing same based on no representation or warranties expressed or implied made by Grantor but on their own judgment

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Dawn Copeland
Witness:
Dawn Copeland
Printed Name:

First Federal Bank of Florida
BY: Pam Hitt
Pam Hitt, Senior Executive Vice President

Don Teasdale
Witness:
Don Teasdale
Printed Name:

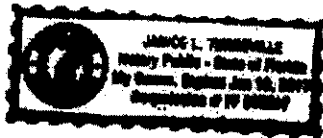
STATE OF FLORIDA
COUNTY OF COLUMBIA

I hereby certify that on this 30th day of October, 2013, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared PAM HITT, AS SENIOR EXECUTIVE VICE PRESIDENT OF FIRST FEDERAL BANK OF FLORIDA, to me known to be the person described in and who executed the foregoing instrument and acknowledged before me that she executed the same.

Witness my hand and official seal in the County and State aforesaid this 30th day of October, 2013

James L. Teasdale
Notary Public:

My Commission Expires:
Notary Seal



Legal Description

1-36454

EXHIBIT "A"

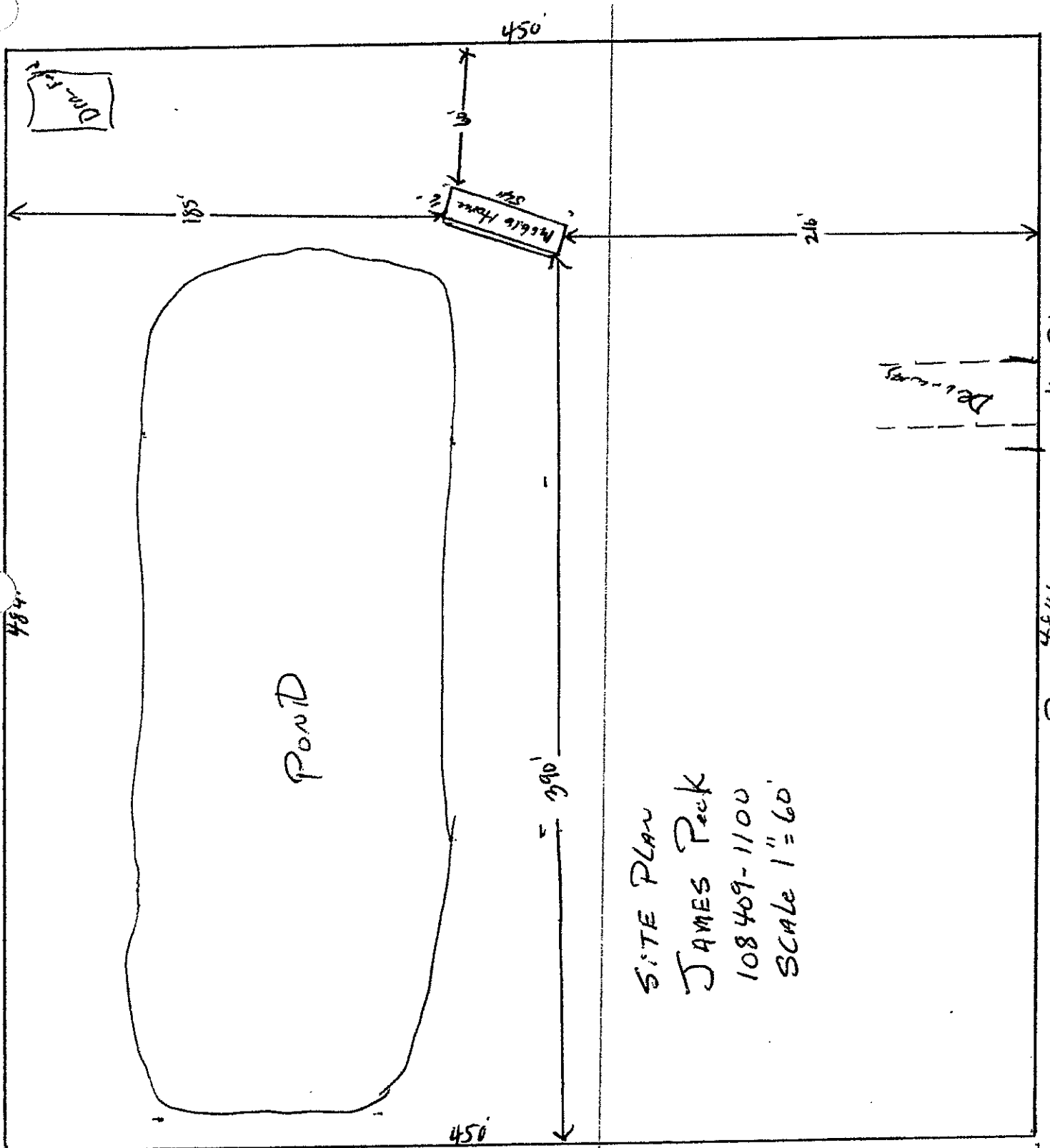
A part of the John Houston Grant, Section 42, Township 1 North, Range 27 East, Duval county, Florida and being more particularly described as follows:

Commence at the intersection of the North line of said Section 42 with the Easterly right of way line of Yellow Bluff Road (a 60 foot right of way as now established); thence North 80°45'00" East along said North line of Section 42, a distance of 1594.24 feet to the Point of Beginning; thence continue North 80°45'00" East along said North line of Section 42, a distance of 484.00 feet to a point; thence South 09°15'00" East, a distance of 450.00 feet to Northerly right of way line of Lake Road (a 60' foot right of way as now established); thence South 80°45'00" West along said Northerly right of way line, a distance of 484.00 feet to a point; thence North 09°15'00" West, 450.00 feet to the Point of Beginning.

Together with a 60 foot non-exclusive easement for ingress and egress described as follows: Part of The John Houston Grant, Section 42, Township 1 North, Range 27 East, Duval County, Florida and being more particularly described as follows: commence at the intersection of the North line of said Section 42, with the Easterly right of way line of Yellow Bluff Road (a 60 foot right of way as now established); thence South 27°05'40" East along said Easterly right of way line, 472.74 feet to the Point of Beginning; thence continue South 27°05'40" East along said Easterly right of way line, 63.03 feet; thence North 80°45'00" East, 2747.51 feet to the point of curvature of a curve to the right; thence along and around the arc of said curve, being concave Southwesterly and having a radius of 25.00 feet, an arc distance of 27.13 feet; said arc being subtended by a chord bearing and distance of South 68°09'33" East, 25.82 feet to the point of reverse curvature of a curve to the left; thence along and around the arc of said curve, being concave Northwesterly and having a radius of 50.00 feet, an arc distance of 102.82 feet, said arc being subtended by a chord bearing and distance of North 21°50'27" East, 85.63 feet to the point of tangency of said curve; thence South 80°45'00" West, 2833.16 feet to the Point of Beginning.

12-17-15

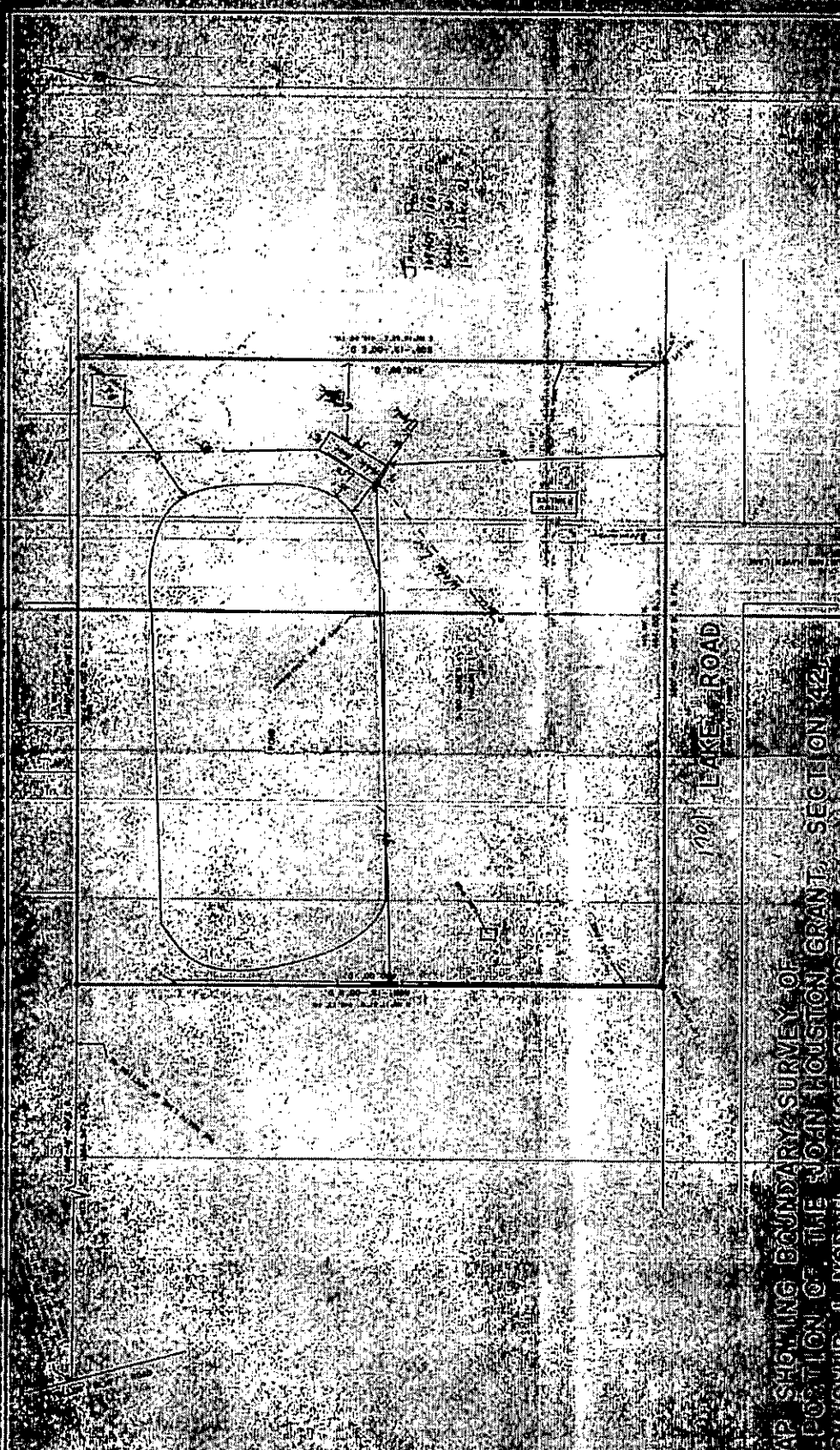
1701 LAKE RD. NO.



SITE PLAN
 JAMES PECK
 108409-1100
 SCALE 1" = 60'

60' EASEMENT PAVED 784' 1701 LAKE RD.

1/21/02 B/L/F



MAP SHOWING BOUNDARY SURVEY OF
 A PORTION OF THE JOHN HOUSTON GRANT, SECTION 42,
 TOWNSHIP 1 NORTH, RANGE 27 EAST,
 DUVAL COUNTY, FLORIDA

CONSTITUTIONAL SURVEYS

THE UNITED STATES GOVERNMENT
 GEOLOGICAL SURVEY
 WASHINGTON, D. C.