

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

SEPTEMBER 7, 2016

Location: 1650 Starratt Road
between Vernice Road and Yellow Bluff Road

Real Estate Number(s): 106313-0000

Waiver Sought: Reduce Minimum Required Road Frontage from
160 Feet to 0 Feet

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

Current Land Use Category: Low Density Residential (LDR)

Planning District: North (6)

City Council Representative: The Honorable Al Ferraro, District 2

Owner: William A. Breadon, Jr.
1650-1 Starratt Road
Jacksonville, Florida 32226

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance-2012-0527 / WRF-16-15** seeks to reduce the minimum required road frontage from 160 feet to 0 feet. The parcel is approximately 6.15 acres. The applicant is seeking to reduce the required minimum road frontage to allow a second residential dwelling on 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... and for minimum street frontage, pursuant to Section 656.407. Waivers are authorized to be granted by the Commission 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 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 are practical or economic difficulties in carrying out the strict letter of the regulation?

No. The parcel which fronts on Starratt Road and was split from the parent parcel has 180 feet of frontage. The minimum lot width for the RR-Acre Zoning District is 100 feet. The applicant could purchase a 35 foot wide strip to provide access for the additional dwelling unit. The front parcel will still meet the minimum road frontage and lot width without the 35 foot wide portion. The property is over 6 acres and there is adequate area for an additional dwelling.

(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 applicant's request is an attempt to avoid purchasing additional land to create a valid and conforming lot. The front parcel was subdivided from the parent tract in 1998. There are no unique circumstances of this property.

(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 applicant seeks to add a single family dwelling onto the property. There are several parcels in the area which are a similar size or smaller than the subject property and are developed with one and two single family homes. Therefore, the additional residential structure will not diminish property values in, nor alter the essential 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. There is a valid and effective easement for the current existing lot that connects to Starratt Road, which is a public street.

(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 front parcel and the back parcel currently have a street address of 1650 and 1650-1. An additional dwelling will create the need to change the address. If approved,

the waiver will create two dwellings which are accessed via a 35 foot wide unpaved easement. Photographs show two mailboxes, each parcel is accessed by an unpaved drive. This situation will create a public health, safety, or welfare concern in that fire, rescue, and service/utility vehicles will have sufficient ability to find and access the property.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on July 27, 2016 by the Planning and Development Department the required Notice of Public Hearing signs were 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 2016-400 / WRF-16-15** be **DENIED**.



Aerial view of property.



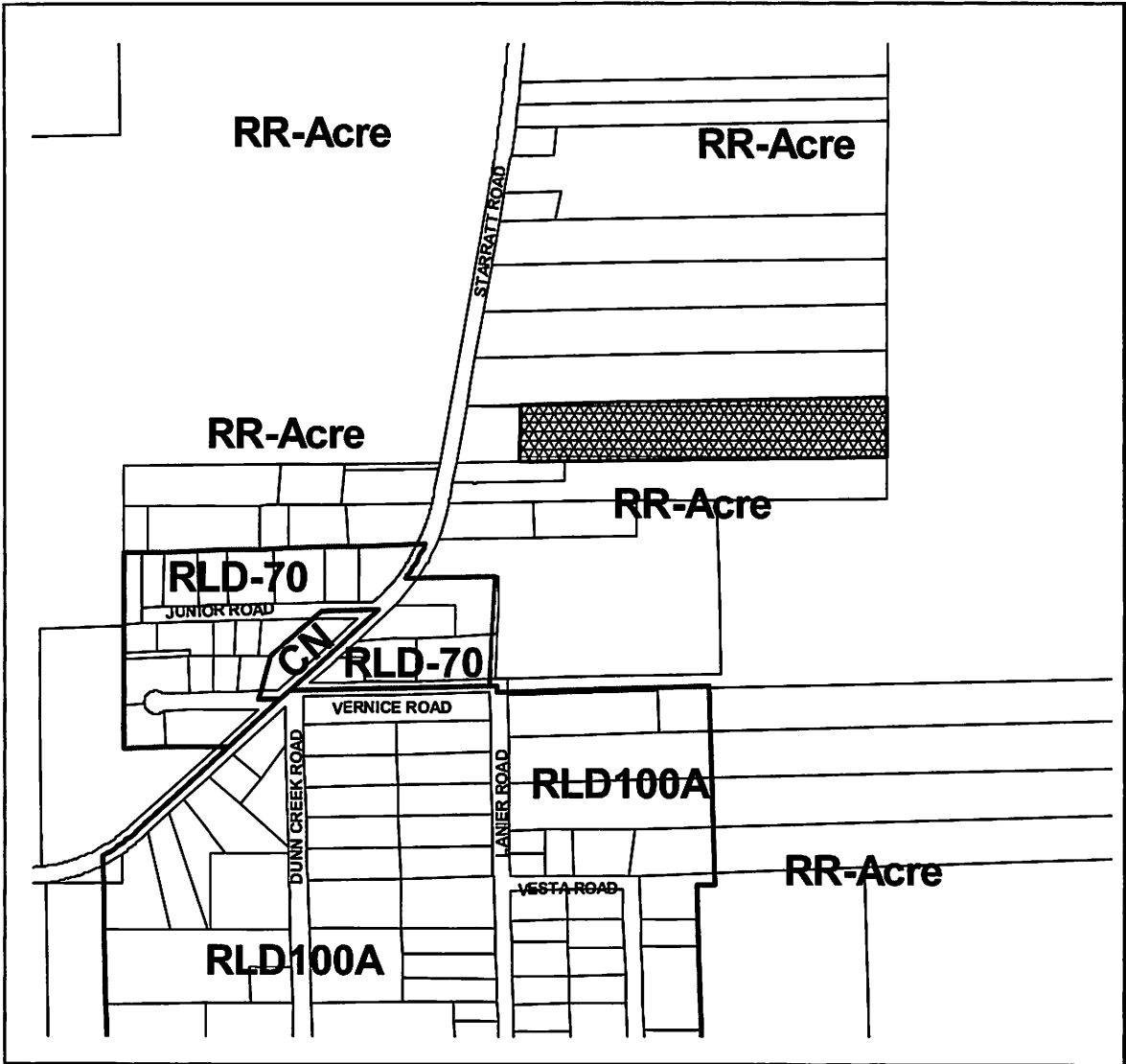
View of entrance on Starratt Road. Note condition of driveway and hedges close to street.



View of 35 foot wide access on Starratt Road

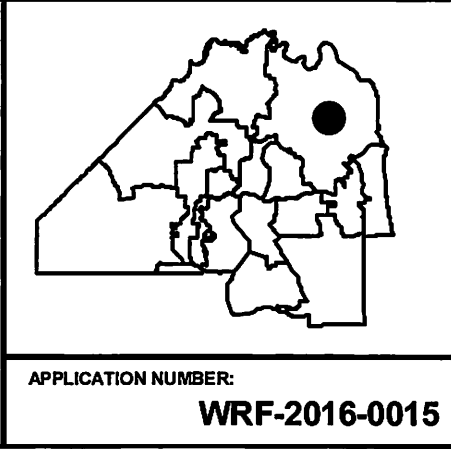


View of 35 foot wide access on Starratt Road



REQUEST SOUGHT:

REDUCE ROAD FRONTAGE FROM 160 FT. TO 0 FT.



Compass rose showing North (N), South (S), East (E), and West (W).

0100 Feet

COUNCIL DISTRICT:
2

Exhibit 2

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF-16-15
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: <u>4/26/16</u>	2. Date Filed:	3. Current Zoning District(s): <u>RR-Acre</u>	4. Future Land Use Map Category (FLUMs): <u>LDR</u>	5. Applicable Section of Ordinance Code:
6. LUZ Public Hearing Date: ___/___/___		7. City Council Public Hearing Date: ___/___/___		
8. Neighborhood Association <u>Eden Group Inc</u>				
9. Number of Signs to be Posted <u>1</u>				

TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>1650-1 STARRATT Rd.</u> <u>JACKSONVILLE, FL 32226</u>	13. Between Streets: <u>DONN Creek Rd.</u> and <u>Yellow Bluff Rd.</u>
11. Real Estate Number: <u>106313-0000</u>	
12. Date lot was recorded: <u>5/10/2005</u>	
14. Waiver Sought: <u>Road Frontage for possible second home</u> Reduce Required Minimum Road Frontage from <u>160'</u> feet to <u>35.48</u> feet.	
15. In whose name will the exception be granted? <u>William A. Broadon Jr</u>	
16. Land Area (1/100 Acres): <u>6.15</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;

Legal access is via a 35' easement for ingress / egress

(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);

Additional frontage is not owned nor is it financially feasible to acquire

(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;

None would be affected.

(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;

35' easement attached to property at time of purchase. Easement is on 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.

No, we have been living on property since purchased.

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..... \$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: William A. Brennan Jr.

Address: 1150-1 Starbuck Rd

City: Jacksonville

State: FL Zip: 32226

Email: wkbj@xfl4@comcast.net

Daytime Telephone: (904) 545-7810

[Signature]
SIGNATURE OF OWNER(S) SIGN

[Signature]
SIGNATURE OF OWNER(S)

Name and address of Authorized Agent(s)

Name: _____

Address: _____

City: _____

State: _____ Zip: _____

Email: _____

Daytime Telephone: _____

SIGNATURE OF AUTHORIZED AGENT(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.

INSTRUCTIONS FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

An Application for Waiver of Minimum Required Road Frontage is filed with Planning and Development Department, Zoning Section, Ed Ball Building, 214 North Hogan Street, 2nd Floor, Jacksonville, Florida 32202, (904) 255-8300. All applications must be complete when filed. The following is a step by step guide to help persons interested in applying for the Waiver.

Items 1 thru 9

These blocks are for official use only and will be completed by the Zoning Section Staff.

Item 10 - Complete Property Address

Enter the physical address of the property. If the property has not been addresses, please inform the Current Planning Section.

Items 11 and 12 – Real Estate Number / Date lot was recorded

The real estate number(s), and the date that the lot was officially recorded as shown on the original deed for the parcel. Real estate numbers can best be obtained through the Property Appraiser's Office in the Claude Yates Building on 231 E. Forsyth Street, Room 270.

Item 13 - Intersecting Streets

Provide the names of the two streets closest to the property, not including the street on which ingress and egress will occur. Normally, these streets intersect the street on which the proposed development is located.

Item 14 – Waiver Sought

If unsure, please verify the requested reduction in road frontage corresponds with the requirements of the Zoning Code.

Item 15 – Name to whom the waiver will be granted.

The applicant must provide the name of the person for whom the waiver is to be granted. All waivers for reduction of the minimum required road frontage are automatically transferable unless otherwise ordered by the City Council.

Item 16 – Land Area (acres)

Total land area of the proposed site within 1/100 of an acre (i.e. 1.01 acres)

Item 17 – Utility Services Provider.

Identify type of services (i.e. well, septic, etc.)

Item 18 – Criteria

There are five (5) criteria used by the City Council to either approve, approve with condition or deny and Application for Waiver of Minimum Required Road Frontage. The owner / agent / applicant must provide answers and be prepared to explain how the specific request meets all applicable criteria, thereby providing substantial competent evidence to approve the proposed waiver.

Item 19 - Attachments An Application for Waiver of Minimum Required road Frontage **must** consist of four (4) complete sets of the application and all required attachments. All required attachments should be provided on 8 ½ " x 11" paper, with the exception of two of the four application sets, which will include site plans at 11" x 17" or larger.

- Survey-(signed and sealed by a licensed surveyor within the last five (5) years or as required by the Current Planning Division.) The same shall show all improvements existing on the property as of the date this application is filed.
- Legal Description-(either lot and block or metes and bounds). The legal description for the property is to be provided on Exhibit 1 to the application. **The legal description must be typed and legible.**
- Site Plan
- Letter of Authorization for Agent / Applicant **is required** if application is made by **any person other than the property owner**. This must be included on the prescribed Exhibit B template included with the application.
- Proof of Ownership: (i.e. deed), Exhibit A – Ownership Affidavit must be included with the application.

The following information **must be shown** on the site plan:

- A. Property dimensions and total land area
- B. Buildings (*including dimensions and total lot coverage area*)
- C. Parking spaces and dimensions (*including handicap*) **Commercial Only**
- D. Loading and unloading area, if applicable, with turn around area and dimensions **Commercial Only**
- E. Landscape areas and dimensions **Commercial Only**
- F. Ingress and egress (*driveways, alleys and easements*)
- G. Adjacent streets and right-of-way
- H. North arrow, map scale, and date of drawing
- I. Signage (*if any*)
- J. Building setbacks per Zoning Code
- K. Adjacent zoning districts and property uses

All drawings must be drawn to scale. Failure to have a "to-scale" drawing with each of the items above shown could result in your application being deferred or denied by the Planning Commission.

Property Ownership Affidavit - Individual

Date: May 21, 2016

City of Jacksonville
Planning and Development Department
214 North Hogan Street, Suite 300,
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:

Address: 1650-1 STARRATT RD. RE#(s): 106313-0000

To Whom it May Concern:

I William Bredon / Kathy Bredon hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waiver of Rear Frontage. submitted to the Jacksonville Planning and Development Department.

By [Signature]

Print Name: William A. Bredon Jr.

[Signature]
Kathy Bredon

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 21 day of May 2016 by William Bredon Jr / Kathy Bredon who is personally known to me or who has produced FLDL as identification and who took an oath.

[Signature]

(Signature of NOTARY PUBLIC)

LISA Westbrook

(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: _____



Legal Description

Part of the Northwest 1/4 of the Southeast 1/4 and Northeast 1/4 of Section 22, Township 1 North, Range 27 East, described as follows:

Beginning at a point 990 feet South of the Northeast corner of said Northwest 1/4 of Southeast 1/4, thence running West 1448 feet to the East boundary of Starratt Road, thence South and West along the East boundary line of said Road 213 98/100 feet to a stake, thence East 1470 feet to the quarter Section line, thence North 209 feet to the Point of Beginning.

Less and Except:

A part of the Northwest 1/4 of the Southeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 1 North, Range 27 East, said also being a part of those lands described and conveyed in Deed Book 8707, Page 2245, Duval County, Florida, being more particularly described as follows: For a Point of Reference commence at the Southeast corner of those lands described in Deed Book 1427, Page 279, of the current public records of Duval County, Florida, thence North 89 degrees, 13 minutes West, along South line of said lands, a distance of 1249.10 feet to the Point of Beginning; thence continue along said South line, North 89 degrees, 13 minutes West a distance of 225.67 feet to an intersection with the Eastern right of way line of Starratt Road, a sixty foot right of way as now established; thence along said Eastern right of way line of Starratt Road, North 10 degrees, 09 minutes 56 seconds East, a distance of 211.83 feet; thence South 89 degrees, 13 minutes East a distance of 191.14 feet thence South 00 degrees, 47 minutes, 03 seconds West a distance of 209.00 feet to the Point of Beginning.

Together with a 35.00 foot easement for Ingress and Egress, being over and across the following described parcel of land and being a part of the NW 1/4 of the SE 1/4 and the NW 1/4 of the SW 1/4 of Section 22, Township 1 North, Range 27 East, said also being a part of those lands described and conveyed in Deed Book 8707, Page 2245, Duval County, Florida being more particularly described as follows: for a Point of Reference commence at the SE corner of those lands described in Deed Book 1427, Page 279 of the current public records of Duval County, Florida; thence N. 89° 13' 00" W. along South line of said lands, a distance of 1474.77 feet to the East right of way line of Starratt Road; thence N. 10° 09' 56" E. 175.40 feet to the Point of Beginning; thence continue N. 10° 09' 56" E. still along said East right of way, a distance of 35.48 feet to a point 1.00 feet South of the North line (as measured perpendicular to said North line) of lands described in Official Records Book (Deed Book) 8707, Pages 2244 and 2245 of the Official Records of Duval County, Florida; thence S. 89° 14' 11" E. parallel to said North line, 191.13 feet to the West line of lands currently belonging to Charles Lucy Lang and Judy Lynn Lang; thence S. 00° 47' 03" W. along said West line, 35.00 feet; thence N. 89° 14' 11" W. parallel to said North line, 196.94 feet to the Point of Beginning, also being a point on the East right of way line of Starratt Road.

EXHIBIT "A"

Part of the Northwest 1/4 of the Southeast 1/4 and Northwest 1/4 of Section 22, Township 1 North, Range 27 East, described as follows:

Beginning at a point 990 feet South of the Northeast corner of said Northwest 1/4 of Southeast 1/4, thence running West 1448 feet to the East boundary of Starratt Road, thence South and West along the East boundary line of said Road 213 98/100 feet to a stake, thence East 1470 feet to the quarter Section line, thence North 209 feet to the Point of Beginning.

Less and Except:

A part of the Northwest 1/4 of the Southeast 1/4 and the Northwest 1/4 of the Southwest 1/4 of Section 22, Township 1 North, Range 27 East, said also being a part of those lands described and conveyed in Deed Book 8707, Page 2245, Duval County, Florida, being more particularly described as follows: For a Point of Reference commence at the Southeast corner of those lands described in Deed Book 279, of the current public records of Duval County, Florida, thence North 89 degrees, 13 minutes West, along South line of said lands, a distance of 1249.10 feet to the Point of Beginning; thence continue along said South line, North 89 degrees, 13 minutes West a distance of 225.57 feet to an intersection with the Easterly right of way line of Starratt Road, a stake foot right of way as now established; thence along said South line, North 89 degrees, 13 minutes West a distance of 225.57 feet to an intersection along said Easterly right of way line of Starratt Road, a stake foot right of way as now established; thence along said Easterly right of way line of Starratt Road, North 10 degrees, 09 minutes 56 seconds East, a distance of 211.83 feet; thence South 89 degrees, 13 minutes East a distance of 191.14 feet thence South 00 degrees, 47 minutes, 03 seconds West a distance of 209.00 feet to the Point of Beginning.

Together with a 35.00 foot easement for Ingress and Egress, being over and across the following described parcel of land and being a part of the NW 1/4 of the SE 1/4 and the NW 1/4 of the SW 1/4 of Section 22, Township 1 North, Range 27 East, said also being a part of those lands described and conveyed in Deed Book 8707, Page 2245, Duval County, Florida being more particularly described as follows: for a Point of Reference commence at the SE corner of those lands described in Deed Book Page 279 of the current public records of Duval County, Florida; thence N. 89° 13' 00" W. along South line of said lands, a distance of 1474.77 feet to the East right of way line of Starratt Road; thence N. 10° 09' 56" E. 175.40 feet to the Point of Beginning; thence continue N. 10° 09' 56" E. still along said East right of way, a distance of 35.48 feet to a point 1.00 feet South of the North line (as measured perpendicular to said North line) of lands described in Official Records Book (Deed Book) 8707, Pages 2244 and 2245 of the Official Records of Duval County, Florida; thence S. 89° 14' 11" E. parallel to said North line, 191.13 feet to the West line of lands currently belonging to Charles Lucy Lang and Judy Lynn Lang; thence S. 00° 47' 03" W. along said West line, 35.00 feet; thence N. 89° 14' 11" W. parallel to said North line, 196.94 feet to the Point of Beginning, also being a point on the East right of way line of Starratt Road.

