

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE**

**ORDINANCE 2017-0286 (WRF-17-06)**

**MAY 16, 2017**

***Location:*** 895 Champion Way  
between Crystal Springs Road and Dead End

***Real Estate Number(s):*** 008883-0000 & 008883-0020

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

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

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** Northwest, District 5

***City Council Representative:*** The Honorable Doyle Carter, District 12

***Owner:*** Thornton Byron Tedder  
9703 Oxford Station Drive  
Jacksonville, Florida 32221

***Staff Recommendation:*** **DENY**

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2017-0286** (WRF-17-06) seeks to reduce the required minimum road frontage from 160 feet to 0 feet for a proposed residence. The subject property contains two lots (RE#: 008883-0000 and RE#: 008883-0020); the western lot contains 5.84 acres and the eastern lot 4.45 acres. Both lots are currently vacant. The western lot fronts a 30 feet access easement called Champion Way which is a private unmaintained access easement leading to Crystal Springs Road. Currently, there has not been a request for Champion Way to be designated an "approved private road" by the City. In 2014, Champion Way was given the name as more than two homes use the easement for access to Crystal Springs Road.

There are currently six single family lots along Champion Way, built between 1967 and 1983. At some point all the lots along Champion Way were lots of record but over the years the lots have been combined, cut and reshaped, losing their lot of record status, including the subject

properties. However, the 30 feet easement can be seen on record maps as the eastern 30 feet of the properties along Champion Way, but the easement itself is not recorded.

The grant of this waiver would allow both lots to have a single family dwelling built on them. Currently, the applicant only has the intention of building a single family dwelling on the western lot (RE#008883-0000), but is requesting the waiver of road frontage for both lots at this time for future development of another single family home on the eastern lot. On the survey provided for this application the owner has indicated a 30 feet easement on the northern portion of the western property to gain access to the eastern lot.

There is a companion Administrative Deviation (2017-0287 (AD-17-12)) with this application, requesting for an increase in height from 35 feet to 42 feet for the single family dwelling proposed on the western lot.

### 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 located at the end of a private 30 feet gravel access easement currently used by single-family dwellings, thus the owner should be able to use the access easement to gain access to his property. Currently this road is not a designated approved private road by the City. There is no competent, substantial evidence demonstrating a practical or economic difficulty in complying with Section 656.407 of the Zoning Code.

- (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 subject properties were divided from a whole lot of record in late 2005 or early 2006. The division continues the pattern of dividing and reshaping of properties along Champion Way. The result of these actions by property owners along Champion Way is a de facto subdivision without adequate provision for access via an approved public or

private road, effectively circumventing Chapter 654 (*Code of Subdivision Regulations*) as well as Section 656.407 (*Lot to have access*) of the Zoning Code.

- (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 proposed waiver will allow the property owner to be able to build two single family dwellings on two divided lots. However, the grant of the waiver will further develop a de facto subdivision that lacks the development standards required by the Code of Subdivision Regulations, such as roads, storm water retention, and lighting.

- (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 legal description included in the application contains language of a 30 foot easement for ingress and egress along Champion Way to Crystal Springs Road. However, currently Public Works indicated this road is not an approved private road status and the ingress/egress were created from the deeded eastern 30 feet of the properties along Champion Way.

- (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?*

Yes. The Planning and Development Department has concerns that the waiver will create a public health, safety, and welfare concern in that the complete lack of approved road frontage may make finding the lot difficult for fire, rescue, and public services. Additionally, the easement is a narrow pathway maintained by area property owners. Access may be very difficult for larger vehicles such as fire trucks and solid waste trucks. Furthermore, the continued development of residences using easements has resulted in the creation of a disorganized de facto subdivision lacking continuity of development and lacking city-approved roads, drainage, and sidewalks.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on February 28, 2017 by the Planning and Development Department 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 2017-0287 (WRF-17-06) be DENIED.



Aerial



**Subject Properties**

*Date: February 28, 2017*

*Source: COJ Planning & Development Department*



**Champion Way, private easement not maintained by the City  
leading to subject properties from Crystal Springs Road**

*Date: February 28, 2017*

*Source: COJ Planning & Development Department*



**Property to the north of subject properties: Single Family Dwelling on 1.91 Acres (862 Planters Grove Dr)**

*Date: February 28, 2017*

*Source: COJ Planning & Development Department*



**Property to the north of subject properties: Single Family Dwelling on 1.92 Acres (865 Planters Grove Dr)**

*Date: February 28, 2017*

*Source: COJ Planning & Development Department*



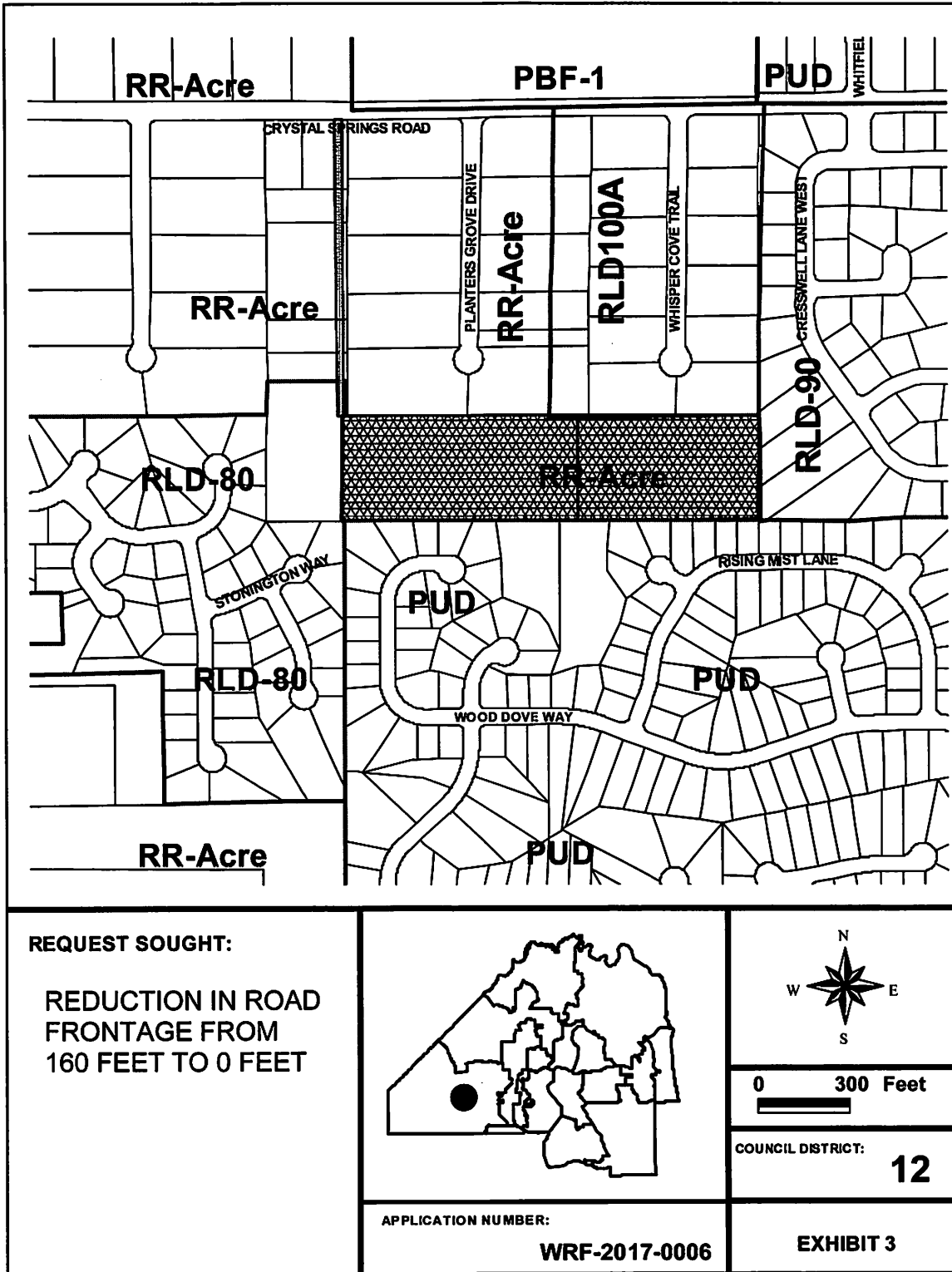
**Property to the south of subject properties:  
Single Family Dwelling in Meadow Pointe Subdivision (10358 Wood Dove Way)**

*Date: February 28, 2017  
Source: COJ Planning & Development Department*



**Property to the west of subject properties: Single Family Dwelling (896 Champion Way)**

*Date: February 28, 2017  
Source: COJ Planning & Development Department*





# COMPANION APPLICATION

AD-17-12

## APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

Application No. WRF-17-06

Set for Public Hearing on:

Notice of Violation:

This application must be typed or printed in black ink and submitted with three (3) copies, providing for a total of four (4) complete applications with all required attachments, to:

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.

1,742.00

### For Official Use Only

1. Date Submitted: <u>1-24-17</u>	2. Date Filed: <u>2-16-17</u>	3. Current Zoning District(s): <u>RR</u>	4. Future Land Use Map (FLUM) Category: <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.407</u>
6. LUZ Public Hearing Date: <u>    </u> / <u>    </u> / <u>    </u>		7. City Council Public Hearing Date: <u>    </u> / <u>    </u> / <u>    </u>		
8. Neighborhood Association <u>WEST JAX CIVIC ASSOC</u>				
9. Number of Signs to be Posted <u>1</u>				

### TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>895 Champion Way Jacksonville FL 32221</u>	13. Between Streets: <u>Crystal Springs Rd</u> and <u>Champion Way</u>
11. Real Estate Number: <u>008883-0000</u> <u>008883-0020</u>	
12. Date lot was recorded: <u>    </u>	
14. Waiver Sought: Reduce Required Minimum Road Frontage from <u>25</u> <u>160'</u> feet to <u>0</u> feet.	
15. In whose name will the Waiver be granted? <u>Thornton Byron/Michelle Tedder</u>	
16. Land Area (1/100 Acres): <u>5.84 acres</u> <u>10.29 ACRES</u>	
17. Utility Services Provider	
Well: <input checked="" type="checkbox"/> Septic: <input checked="" type="checkbox"/> City Water: <u>    </u> City Sewer: <u>    </u>	

RECEIVED

MAR 02 2017

**\* \* \* NOTICE TO OWNER/AGENT \* \* \***

Section 656.101(l), Ordinance Code, defines a waiver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."

Section 656.133(d) 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 waiver 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;**

The waiver would permit the owner to build one single family dwelling on the property which is zoned R1B. No additional homes are intended for this parcel. Champion way is a dead-end private, gravel road which currently serves six other single family homes, and it would not be practical in this case to carry out the strict letter of the regulation

**(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);**

See above. No additional development for this site is planned, nor is this to circumvent the requirements of Chapter 654

**(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 would not diminish property values nor alter the character of the area nor interfere with the right of other property owners in the area

**(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;**

Champion Way is a legal easement that connects to Crystal Springs Rd, which is a public roadway maintained by the city.

**(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 waiver would not be in conflict with this requirement

19. Attachments – One (1) 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 two (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 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.
- Proof of ownership.

**\*\*\* 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 City Council. 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 of the Planning and Development Department, 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.

<p><b>FILING FEES</b></p> <p><b>RESIDENTIAL..... \$1,161.00</b></p> <p><b>NON-RESIDENTIAL DISTRICTS..... \$1,173.00</b></p>	<p><b>NOTIFICATION COSTS: \$7.00 PER ADDRESSEE</b></p> <p><b>ADVERTISING COSTS: BILLED TO OWNER /AGENT</b></p>
<p align="center"><b>*** Applications filed to correct existing zoning violations are subject to a double fee. ***</b></p>	

**Property Ownership Affidavit - Individual**

Date: 12/22/2016

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: 895 Champion Way, 32221 RE#(s): 008883-0000; 008883-0020

To Whom it May Concern:

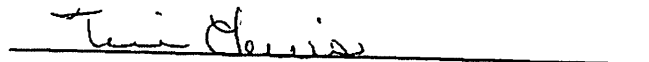
I Thornton Tedder hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waiver of Minimum Road Frontage submitted to the Jacksonville Planning and Development Department.

By 

Print Name: Thornton Byron Tedder

**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 20 day of December 2016 by Byron Tedder, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

  
(Signature of NOTARY PUBLIC)

Terri Lewis  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.

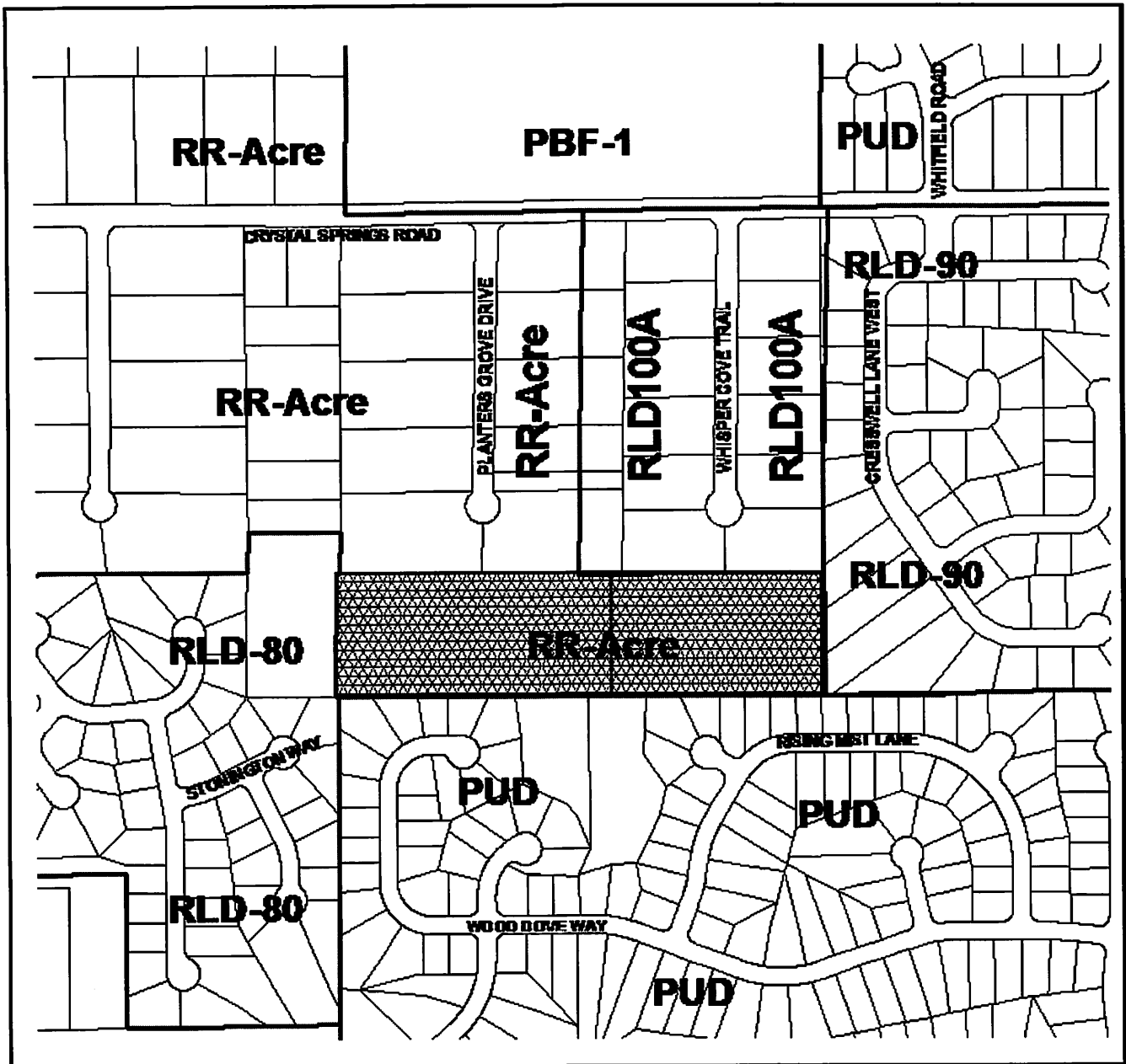
My commission expires: April 18, 2017



# Legal Description

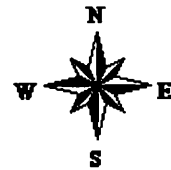
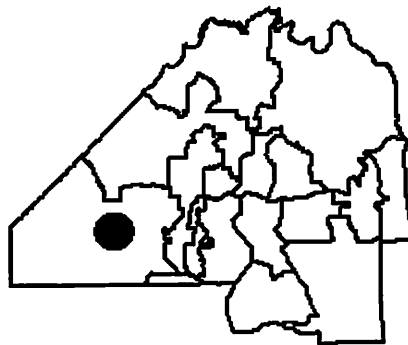
~~See attached Exhibit A~~

The South 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 29,  
Township 2 South, Range 25 East, Duval County Florida.



**REQUEST SOUGHT:**

**REDUCE ROAD FRONTAGE  
FROM 169 FT. TO 0 FT.**



**60 Feet**



**COUNCIL DISTRICT:**

**12**

**APPLICATION NUMBER:**

**WRF-2017-0006**

**EXHIBIT 2**

**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: Thornton Byron Tedder

Address: 9703 Oxford Station Dr

City: Jacksonville

State: FL Zip: 32221

Email: tbyrontedder@yahoo.com

Daytime Telephone: 904-402-3125

**Name and address of Authorized Agent(s)**

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

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

City: \_\_\_\_\_

State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email: \_\_\_\_\_

Daytime Telephone: \_\_\_\_\_

  
\_\_\_\_\_  
**SIGNATURE OF OWNER(S)**

\_\_\_\_\_  
**SIGNATURE OF AUTHORIZED AGENT(S)**  
The Agent's letter of authorization must be attached if application is not signed by the owner of record.

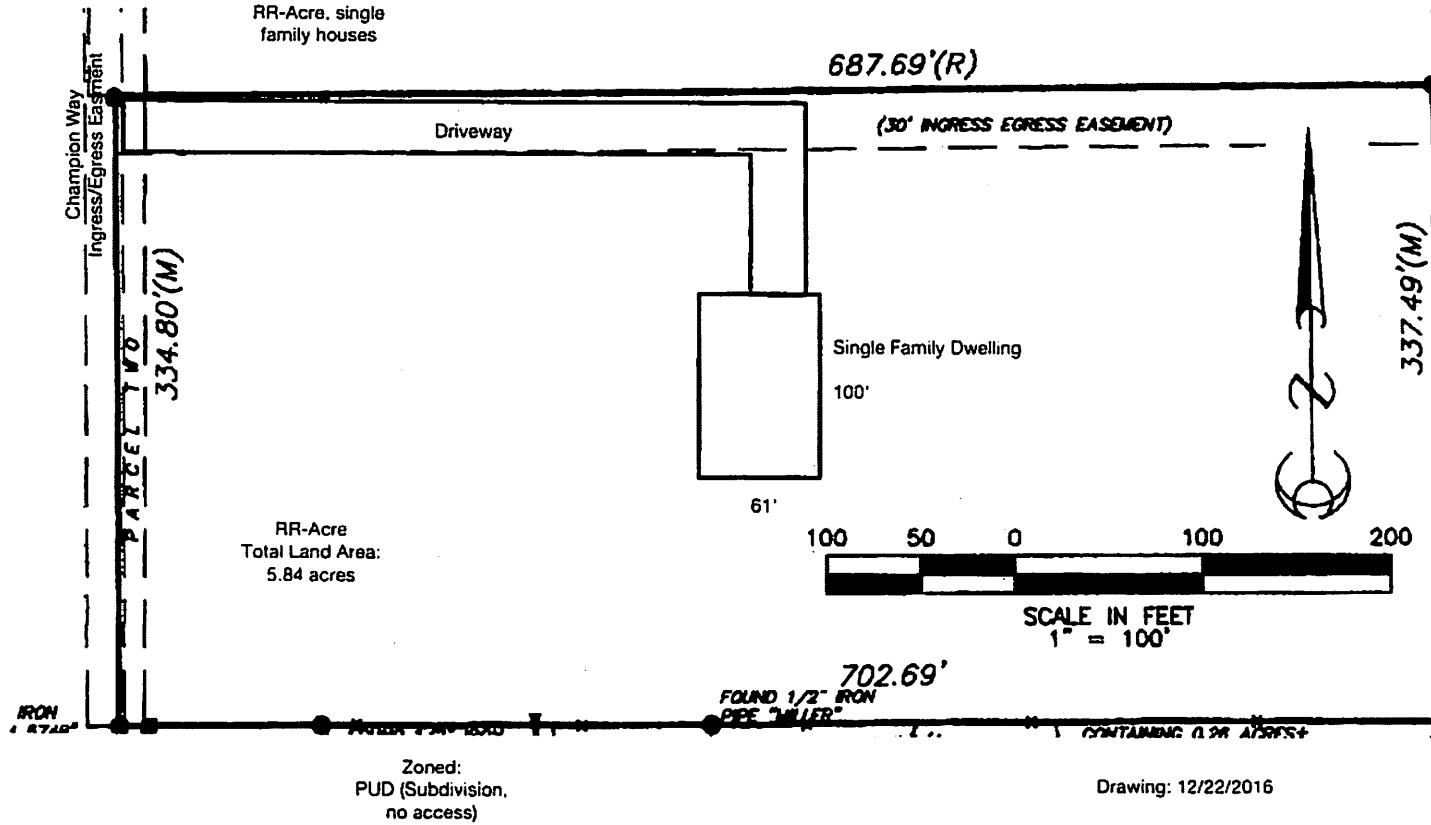
Zoned:  
RR-Acre  
single family  
houses

Zoned:  
RR-Acre, single  
family houses

Zoned.  
RLD-100A, single  
family houses

Zoned.  
RLD-80, single  
family house

Zoned:  
RR-Acre, vacant  
land







**Duval County, City Of Jacksonville**  
**Michael Corrigan, Tax Collector**

231 E. Forsyth Street  
 Jacksonville, FL 32202

**General Collection Receipt**

Michael Corrigan, Tax Collector  
 Duval County/City of Jacksonville  
 Comments - taxcollector@coj.net  
 Inquiries - (904)630-1916  
 www.coj.net/tc

Date: 02/16/2017 Time: 15:13:57  
 Location: P08 Clerk: ZSP  
 Transaction 0101443

Date: 2/1/2017  
 Email: MHarlow@coj.net

Thornton B Tedder  
 : 9703 Oxford Station Dr., Jacksonville, FL 32221  
 : Description: Applications for Waiver of Minimum Required Road Frontage & Administrative Deviation at 895 Champion Way.

Miscellaneous

Item: CR - CR399287  
 Receipt 0101443.0001-0001 2,708.00

SubsidNo	UserCode	Project	ProjectDtl	Grant	GrantDtl	DocNo	Amount
							2708.00

Total Paid 2,708.00

CHECK 1808 1,161.00  
 CHECK 021268 1,161.00  
 CHECK 021290 386.00

Total Tendered 2,708.00

Paid By: THORNTON B TEDDER  
 Thank You

Control Number: 101443 | Paid Date: 2/16/2017

Total Due: \$2,708.00

**Michael Corrigan, Tax Collector**  
**General Collections Receipt**  
**City of Jacksonville, Duval County**

Account No: CR399287REZONING/VARIANCE/EXCEPTION  
 Name: Thornton B Tedder

Date: 2/1/2017

Address: 9703 Oxford Station Dr., Jacksonville, FL 32221

Description: Applications for Waiver of Minimum Required Road Frontage & Administrative Deviation at 895 Champion Way

Total Due: \$2,708.00