

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

**ORDINANCE 2018-0131 (WRF-18-03)**

**April 17, 2018**

***Location:*** 15696 Shark Road West  
Between Flounder Road and Franderson Lane

***Real Estate Number(s):*** 159675-0010

***Waiver Sought:*** Reduce Minimum Required Road Frontage from 80  
Feet to 0 Feet

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

***Current Land Use Category:*** Rural Residential (RR)

***Planning District:*** 6-North

***Owner:*** Jarrett Franklin  
4 Tall Wood  
Jacksonville Beach, FL 32250

***Applicant/Agent:*** R.E. Chip Mitchell  
4228 Melrose Avenue  
Jacksonville, FL 32210

***Staff Recommendation:*** **APPROVE WITH CONDITION**

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2018-0131** (WRF-17-28) seeks to reduce the required minimum road frontage from 80 feet to 0 feet in order to allow a single-family dwelling in the Residential Rural-Acre (RR-Acre) Zoning District. Located on a 1.12 acre parcel in Black Hammond Island, the property will be accessed via Shark Road and through a proposed 35x243 foot access easement.

The subject property was initially approved for a reduction in road frontage by the Planning Commission on December 13, 2001 (**WRF-01-37**), but was never commenced. Nonetheless, a subsequent application for a road frontage reduction (**Ordinance 2007-849**) was approved by the Land Use and Zoning Committee on September 27, 2007. This final order has also expired—hence the applicant’s desire for a resubmittal.

## **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. Considering the previous owners were granted lineal consanguinity to access their property, this agreement was nullified when there was a change of ownership. Thus, a practical difficulty was created as the parcel no longer met the requirements of the Sec. 656.406 of the Zoning Code. If contested, the lack of frontage on approved private street or public road would render the lot undevelopable according to the strict letter of the regulation, as referenced in Sec. 656.704.

- (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 is not based on exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (*Code of Subdivision Regulations*). The request being sought will allow for the construction of a single-family dwelling, which does not adhere to subdivision guidelines. Rather, the unique physical characteristics of the property preclude development on the site unless a Waiver of Minimum Road Frontage is obtained.

- (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 waiver will not substantially diminish property values or alter the essential character of the surrounding area, nor interfere with the rights of others. Rather, the applicant plans to construct a single-family dwelling on the property, which Staff contends will be similar in size and character with the surrounding RR-Acre lots.

Additionally, Staff should note the prevailing trend of peculiar sized lots in the area and their subsequent filings for road frontage reductions. Moreover, two Variances to reduce

the minimum road frontage requirements were granted by Planning Commission for the surrounding properties located at 15965 Shark Road W (V-97-120) and 15741 Shark Road W (V-98-20).

- (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 adequate vehicular access connected to a public street. This is evidenced by the attached warranty deed which indicates a 35 foot access easement for ingress and egress to Shark Road.

- (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. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare. Given the general development pattern of Black Hammond Island, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver will not result in the creation of a nuisance. Furthermore, the development of the site still must comply with the Land Development Procedures and permitting requirements.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **March 20, 2018** by the Planning and Development Department the required Notice of Public Hearing sign **was not** posted. However, the owner promptly followed up and reposted the sign.



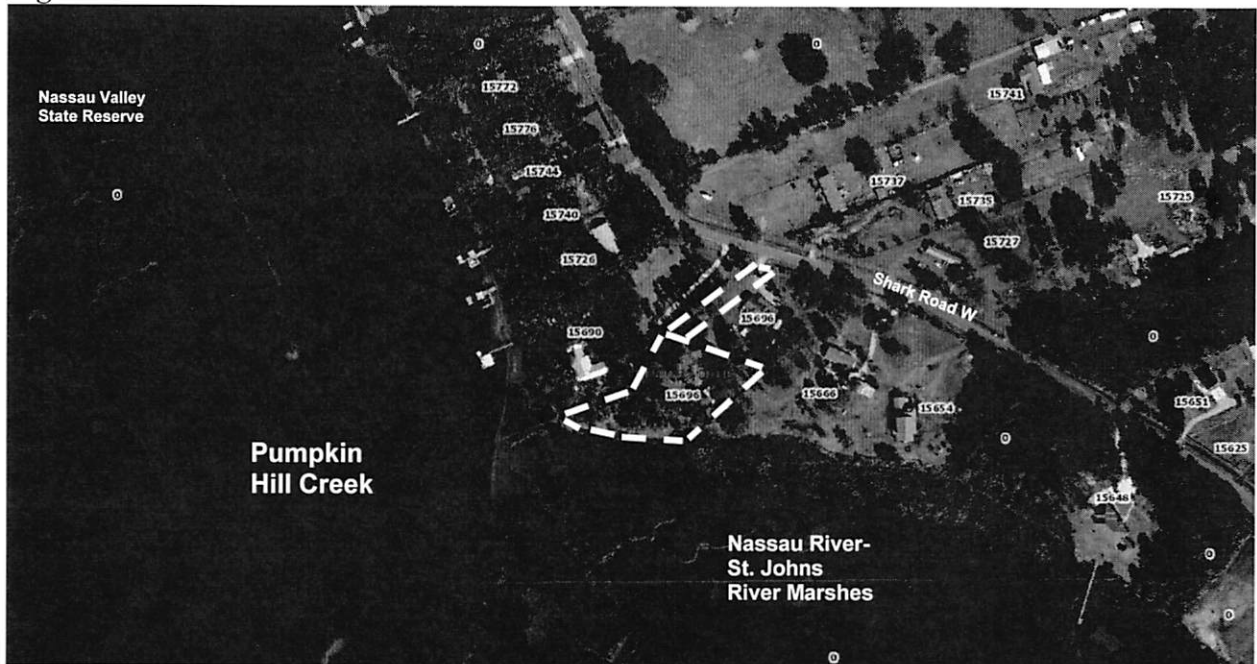
Source: Jarret Franklin, 3/21/18

**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 2018-0131 (WRF-18-03) be **APPROVED WITH CONDITION**.

- 1. The applicant shall provide a visible address for the subject property along West Shark Road.**

**Figure A:**



Source: Planning & Development Dept, 3/14/18

Aerial view of the subject site and proposed easement, facing north.

**Figure B:**



Source: Planning & Development Dept, 3/20/18

View of Shark Road & site of the proposed 35x243 foot access easement, facing southwest.

**Figure C:**



**Source: Planning & Development Dept, 3/20/18**

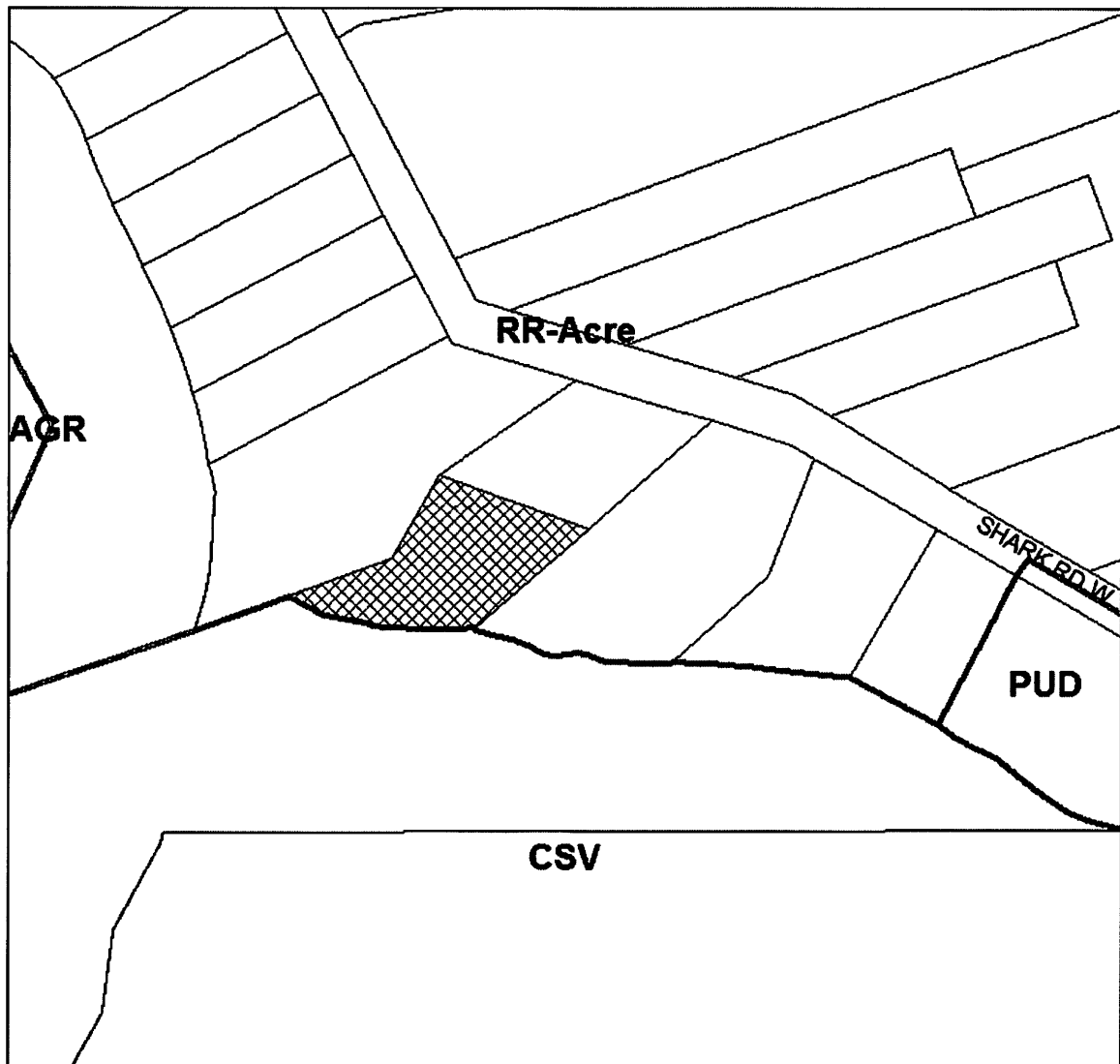
**View of the neighboring property to the northeast of the subject parcel, facing southwest.**

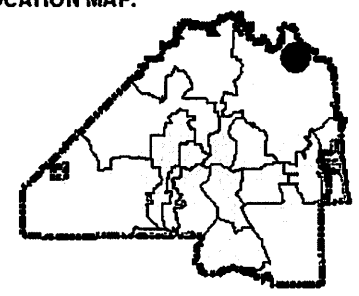
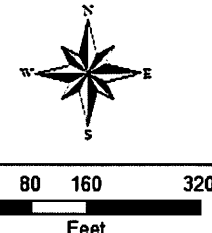
**Figure D:**

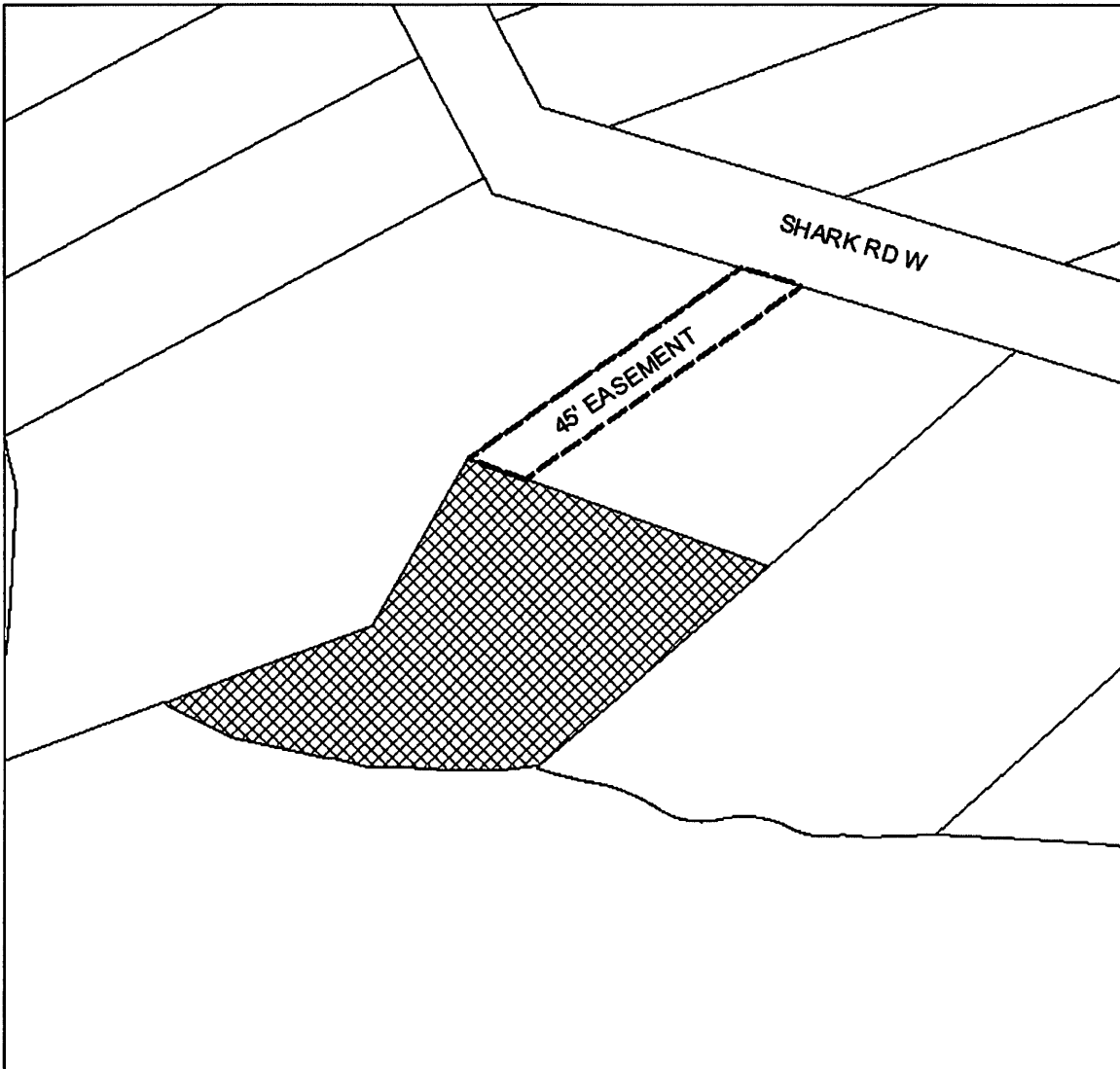


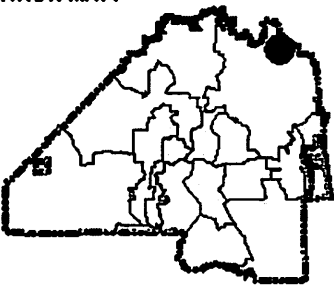

**Source: Planning & Development Dept, 3/20/18**

**View of the neighboring property across the street (Shark Road), facing northeast.**



<p><b>REQUEST SOUGHT:</b></p> <p><b>REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET</b></p>	<p><b>LOCATION MAP:</b></p>  <p><b>APPLICATION NUMBER</b> <b>WRF-18-03</b></p>	 <p><b>COUNCIL DISTRICT:</b> <b>2</b></p> <p><b>EXHIBIT 2</b></p>
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<p><b>REQUEST SOUGHT:</b></p> <p><b>REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET</b></p>	<p><b>LOCATION MAP:</b></p>  <p>A small map showing a larger geographic area with several irregular shapes representing lots or parcels. A small black circle is placed on the northern boundary of one of the parcels, indicating the location of the subject property.</p>	 <p>A compass rose with cardinal directions N, S, E, and W. Below it is a scale bar with markings at 0, 40, 80, and 160 feet.</p>
	<p><b>APPLICATION NUMBER</b></p> <p><b>WRF-18-03</b></p>	<p><b>COUNCIL DISTRICT:</b></p> <p><b>2</b></p> <p><b>EXHIBIT 3</b></p>



Date Submitted:	1-31-18
Date Filed:	2-2-18

Application Number:	WRF-18-03
Public Hearing:	

**Application for Waiver of Minimum Required Road Frontage**  
 City of Jacksonville, Florida  
 Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District:	RR-ACRE	Current Land Use Category: RR
Council District:	2	Planning District: 6
Previous Zoning Applications Filed (provide application numbers): WRF-2007-20      WRF-01-37		
Applicable Section of Ordinance Code: 656.407		
Notice of Violation(s): no active violations		
Neighborhood Associations: The Eden Group ; M+M Dairy Inc.		
Overlay: Black Hammock Island		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: \$1252	Zoning Asst. Initials: MZ

PROPERTY INFORMATION	
1. Complete Property Address: 15696 W. SHARK RD JAX, FL (26)	2. Real Estate Number: 159675-0010
3. Land Area (Acres): 1.13 ACRES	4. Date Lot was Recorded: 8/26/07
5. Property Located Between Streets: FLOUNDER RD & FRANDERSON LN	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from <u>80</u> feet to <u>0</u> feet.	
8. In whose name will the Waiver be granted? JARRETT FRANKLIN	

**RECEIVED**

FEB 06 2018

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: JARRETT FRANKLIN	10. E-mail: JARRETTAF@COMCAST.NET
11. Address (including city, state, zip): 4 TALL WOOD JACKSONVILLE BEACH, FL 32250	12. Preferred Telephone: 904-629-4925

APPLICANT'S INFORMATION (if different from owner)	
13. Name: R.E. CHIP MITCHELL	14. E-mail: CUSTOMHOMEPLAN@GMAIL.COM
15. Address (including city, state, zip): 4228 McRuse Ave JACKSONVILLE, FL 32210	16. Preferred Telephone: 904-730-7135

CRITERIA
<p>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."</p> <p>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:</p> <ul style="list-style-type: none"> <li>i. There are practical or economic difficulties in carrying out the strict letter of the regulation;</li> <li>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);</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul>

17. Given the above definition of a "waiver" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

THIS IS AN APPLICATION TO  
REINSTATE ORD-2007-849  
WHICH IS PART OF THIS  
APPLICATION

**ATTACHMENTS**

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, [http://apps.coj.net/pao\\_propertySearch/Basic/Search.aspx](http://apps.coj.net/pao_propertySearch/Basic/Search.aspx), or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- Proof of valid and effective easement for access to the property.

**FILING FEES**

\*Applications filed to correct existing zoning violations are subject to a double fee.

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

**EXHIBIT A**

**Property Ownership Affidavit - Individual**

Date: 1/19/18

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: 15696 SHARK ROAD RE#(s): 159675-0010  
JACKSONVILLE, FL 32226

To Whom it May Concern:

I JARRETT FRANKLIN hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for WAIVER OF ROAD FRONTAGE submitted to the Jacksonville Planning and Development Department.

By [Signature]  
Print Name: JARRETT FRANKLIN

STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 19<sup>th</sup> day of JAN 2018 by Jarrett Franklin, who is personally known to me or who has produced FLDL as identification and who took an oath.

[Signature]  
(Signature of NOTARY PUBLIC)

TAMMY E GRAY  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: 8-13-18

TAMMY E. GRAY  
Notary Public, State of Florida  
My Comm. Expires Aug. 13, 2018  
Commission No. FF 141471

**EXHIBIT B**

**Agent Authorization - Individual**

Date: 1/19/18


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

Re: Agent Authorization for the following site location in Jacksonville, Florida:

Address: 15696 SHARK ROAD RE#(s): 159675-0100  
JACKSONVILLE, FL 32226

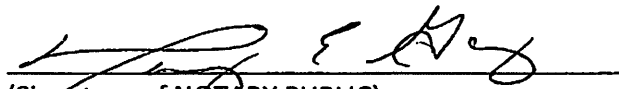
To Whom it May Concern:

You are hereby advised that JARRETT FRANKLIN as OWNER of 15696 SHARK ROAD, hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers R.E. CHIP MITCHELL to act as agent to file application(s) for WAIVER OF 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 as submitted to the Jacksonville Planning and Development Department.

By   
Print Name: JARRETT FRANKLIN

STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 19<sup>th</sup> day of JAN 2018  
by JARRETT FRANKLIN, who is personally known to me or who has produced  
FLDZ as identification and who took an oath.

  
(Signature of NOTARY PUBLIC)

Tammy E Gray  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.  
My commission expires: 8-13-18

**AUTHORIZATION**

Please review your application. No application will be accepted until all of 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. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

**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.

**Owner(s)**

Print name: JARRETT FRANKLIN

Signature: 

**Applicant or Agent (if different than owner)**

Print name: R.E. CHIP MITCHELL

Signature: 

**Owner(s)**

Print name: \_\_\_\_\_

Signature: \_\_\_\_\_

*\*An agent authorization letter is required if the application is made by any person other than the property owner.*

**SUBMITTAL**

This application must be typed or printed in ink and submitted along with three (3) copies for a total of four (4) applications. Each application must include all required attachments.

**Submit applications to:**

Planning and Development Department, Zoning Section  
214 North Hogan Street, 2<sup>nd</sup> Floor  
Jacksonville, Florida 32202  
(904) 255-8300

FRANKLIN JARRETT  
4 TALLWOOD RD  
JACKSONVILLE BEACH, FL 32250  
FRANKLIN JULIE N

Primary Site Address  
15696 W SHARK RD  
Jacksonville FL 32226

Official Record Book/Page  
17947-00875

Title #  
8210

15696 W SHARK RD

Property Detail

RE #	159675-0010
Tax District	GS
Property Use	0000 Vacant Res < 20 Acres
# of Buildings	0
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	00000 SECTION LAND
Total Area	48302

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. [Learn how the Property Appraiser's Office values property.](#)

Value Summary

	2016 Certified	2017 In Progress
Value Method	CAMA	CAMA
Total Building Value	\$0.00	\$0.00
Extra Feature Value	\$4,484.00	\$4,445.00
Land Value (Market)	\$57,000.00	\$57,000.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$61,484.00	\$61,445.00
Assessed Value	\$61,484.00	\$61,445.00
Cap Diff/Portability Amt	\$0.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$61,484.00	See below

Taxable Values and Exemptions – In Progress

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value  
No applicable exemptions

SJRWMD/FIND Taxable Value  
No applicable exemptions

School Taxable Value  
No applicable exemptions

Sales History

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
17947-00875	4/12/2017	\$125,000.00	WD - Warranty Deed	Qualified	Vacant
10326-0920	1/11/2002	\$150,000.00	WD - Warranty Deed	Qualified	Improved
05826-00746	12/12/2000	\$100.00	MS - Miscellaneous	Unqualified	Improved
02573-01908	5/3/1993	\$45,000.00	WD - Warranty Deed	Qualified	Vacant
04286-00606	12/8/1976	\$13,200.00	WD - Warranty Deed	Unqualified	Improved

Extra Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	GRMR2	Garage/US Bdg Met	0	0	0	875.00	\$4,445.00

Land & Legal

Land								Legal			
LN	Code	Use Description	Zoning	Front	Depth	Category	Land Units	Land Type	Land Value	LN	Legal Description
1	0173	RES MARSH RURAL 2 OR LESS UNITS PER AC	RR-ACRE	245.00	201.00	Common	200.00	Front Footage	\$57,000.00	1	10-1N-28E 1.13
										2	PT SW1/4 RECD O/R 17947-1084

Buildings

No data found for this section

2016 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Gov Ex B & B	\$61,484.00	\$0.00	\$61,484.00	\$1,472.89	\$703.49	\$680.06
Public Schools: By State Law	\$61,484.00	\$0.00	\$61,484.00	\$634.97	\$280.00	\$288.85
By Local Board	\$61,484.00	\$0.00	\$61,484.00	\$293.16	\$138.22	\$133.36
FL Inland Navigation Dist.	\$61,484.00	\$0.00	\$61,484.00	\$4.12	\$1.97	\$1.84
Water Mgmt Dist. SJRWMD	\$61,484.00	\$0.00	\$61,484.00	\$38.91	\$17.74	\$17.74
Gen Gov Voted	\$61,484.00	\$0.00	\$61,484.00	\$0.00	\$0.00	\$0.00
School Board Voted	\$61,484.00	\$0.00	\$61,484.00	\$0.00	\$0.00	\$0.00
<b>Totals</b>				<b>\$2,444.05</b>	<b>\$1,141.42</b>	<b>\$1,121.85</b>
	<b>Just Value</b>	<b>Assessed Value</b>	<b>Exemptions</b>	<b>Taxable Value</b>		
	Last Year \$130,411.00	\$128,728.00	\$0.00	\$128,728.00		
	Current Year \$61,484.00	\$61,484.00	\$0.00	\$61,484.00		

2016 TRIM Property Record Card (PRC)

This PRC reflects property details and values at the time of the original mailing of the Notices of Proposed Property Taxes (TRIM Notices) in August.

Property Record Card (PRC)

The PRC accessed below reflects property details and values at the time of Tax Roll Certification in October of the year listed.

2016

2015

2014

To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here:

More Information

contact Us | Parcel Tax Record | GIS Map | Map this property on Google Maps | City Fees Record



## EXHIBIT 1

### Legal Description

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## ***MAP SHOWING BOUNDARY SURVEY OF***

A PART OR SECTION 10, TOWNSHIP 1 NORTH, RANGE 28 EAST. DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY LINE OF SECTION 15, TOWNSHIP 1 NORTH, RANGE 28 EAST AND THE NORTHERLY LINE OF MARY SMITH GRANT, SECTION 38, TOWNSHIP 1 NORTH, RANGE 28 EAST; THENCE N20° 00' 00"W, 200.00 FEET; THENCE S70° 00' 00"W, 200.00 FEET; THENCE N70° 00' 00"W, 5280.00 FEET; THENCE S70°00'00"W, 3540.00 FEET; THENCE S44° 00' 00"E, 471.04 FEET; THENCE S27°26'00"E, 900.85 FEET; THENCE S72°54'00"E, 200.00 FEET; THENCE S55°38'00"W, ALONG NORTHERLY LINE OF LANDS DESCRIBED IN OFFICAL RECORD VOLUME 4286, PAGE 606 AND 607, A DISTANCE OF 38.55 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF SHARK ROAD WEST, A 60.00 FOOT RIGHT OF WAY AS NOW ESTABLISHED, (SAID ROAD FORMERLY KNOWN AS FLOUNDER ROAD) THENCE S72°54'00"E, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 208.48 FEET; THENCE S48°58'00"W, A DISTANCE OF 240.00 FEET TO THE POINT OF BEGINNING; THENCE N69°59'08"W, A DISTANCE OF 233.42 FEET; THENCE S30°01'00"W (DEED) S29°43'39"W (ACTUAL), A DISTANCE OF 139.69 FEET TO AN ANGLE POINT; THENCE S70°31'00"W, A DISTANCE OF 155 FEET, MORE OR LESS, TO THE APPROXIMATE MEAN HIGH WATER LINE OF PUMPKIN HILL CREEK; THENCE SOUTHERLY, NORTHEASTERLY, EASTERLY AND NORTHERLY A DISTANCE OF 330 FEET, MORE OR LESS, TO A POINT THAT BEARS S48°58'00"W, FROM THE POINT OF BEGINNING; THENCE N48°58'00"E, A DISTANCE OF 195 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED BEING TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS AND UTILITY PURPOSES OVER THE FOLLOWING DESCRIBED PARCEL OF LAND: FOR A POINT OF BEGINNING, COMMENCE AT REFERENCE POINT "A", DESCRIBED ABOVE; THENCE S55°08'00"W, A DISTANCE OF 243.08 FEET (DEED) S55°19'44"W, A DISTANCE OF 243.08 FEET (ACTUAL); THENCE S69°59'08"E, 45 FEET, MORE OR LESS, TO A POINT THAT IS 45.00 FEET WHEN MEASURED AT RIGHT ANGLES TO THE LAST DESCRIBED LINE; THENCE NORTHEASTERLY AND PARALLEL TO SAID LINE A DISTANCE OF 247 FEET, MORE OR LESS, TO AN INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY OF SHARK ROAD AS NOW ESTABLISHED FOR A WIDTH OF 60 FEET; THENCE NORTHWESTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 45 FEET, MORE OR LESS, TO REFERENCE POINT "A" AND THE POINT OF BEGINNING.



Prepared by and Return to:  
Jessica Smith  
MTI Title Insurance Agency, Inc.  
1914 Southside Boulevard, Suite 2  
Jacksonville, FL 32216

-Incidental to the issuance of title insurance

Property Appraiser's Parcel ID #159675-0010  
File- MFL-2216823  
Consideration Amount \$125,000.00

#### WARRANTY DEED

This Indenture, Made this April 12, 2017, between Paul Crum, Jr., a married man and Paul Crum, Sr., a single man whose post office address is: 1661 Riverside Avenue #406, Jacksonville, Florida 32204, hereinafter called the "Grantor", and, Jarrett Franklin and Julie N. Franklin, husband and wife whose post office address is: 4 Tallwood Road, Jacksonville Beach, Florida 32250, hereinafter called the "Grantee":

Witnesseth: That said Grantor, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration, to said Grantor in hand paid by said Grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said Grantee, and Grantee's heirs and assigns forever, the following described land, situate, lying, and being in Duval County, FL, and being further described as follows:

A part of Section 10, Township 1 North, Range 28 East, Duval County, Florida, more particularly described as follows:

Commence at the intersection of the Easterly line of Section 15, Township 1 North, Range 28 East and the Northerly line of Mary Smith Grant, Section 38, Township 1 North, Range 28 East; thence N20°00'00"W, 200.00 feet; thence S70°00'00"W, 200.00 feet; thence N20°00'00"W, 5280.00 feet; thence S70°00'00"W, 3540.00 feet; thence S44°00'00"E, 471.04 feet; thence S27°26'00"E, 900.85 feet; thence S72°54'00"E, 200.00 feet to a point being the Point of Beginning of the land described in Official Record Volume 4286, Pages 606 and 607, Duval County, Florida; thence from said point S55°38'00"W, along Northerly line of said Official Record Volume distance of 38.55 feet to the Southerly right of way line of Shark Road West, a 60.00 foot right of way as now established, (said road formerly known as Flounder Road) to a point now known as reference Point "A"; thence S72°54'00"E, along said Southerly right of way line, a distance of 209.48 feet, to the Northwesterly corner of the land described in Official Record Volume 6906, Pages 1590 and 1591, Duval County, Florida; thence S48°58'00"W, a distance of 240.00 feet to the Point of Beginning; thence N69°59'08"W, a distance of 233.42 feet; thence S30°01'00"W (Deed) S29°43'39"W (Actual), a distance of 139.69 feet to an angle point; thence S70°31'00"W, a distance of 155 feet, more or less, to the approximate mean high water line of Pumpkin Hill Creek; thence Southerly, Northeasterly, Easterly and Northerly a distance of 330 feet, more or less, to a point that bears S48°58'00"W, from the point of beginning; thence N48°58'00"E, a distance of 195 feet, more or less, to the Point of Beginning. The above described being together with an Easement for Ingress and Egress and Utility purposes over the following described parcel of land: for a Point of Beginning, commence at reference Point "A", described above; thence S55°08'00"W, a distance of 243.08 feet (Deed) S55°19'44"W, a distance of 243.06 feet (Actual); thence S69°59'08"E, 45 feet, more or less, to a point that is 45.00 feet when measured at right angles to the last described line; thence Northeasterly and parallel to said line a distance of 247 feet, more or less, to an intersection with the Southwesterly right of way of Shark Road as now established for a width of 60 feet; thence Northwesterly along said right of way a distance of 45 feet, more or less, to reference Point "A" and the Point of Beginning.

Property Address: 15696 Shark Rd West, Jacksonville, FL 32226

Said property is not the homestead of the grantor under the laws and constitution of the State of Florida in that neither grantor nor any member or the household of grantor resides thereon.

and said Grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\*"Grantor" and "grantee" are used for singular or plural, as context requires.

Subject to easements, restrictions, and covenants of record, and real property taxes for the current year which are prorated.

In Witness Whereof, the said Grantor has hereunto set the Grantor's hand and seal the day and year first above written.

[Signature]  
Paul Crum Jr.

[Signature]  
Paul Crum Sr.

[Signature]  
Witness #1 Signature

Jessica Smith  
Witness #1 Print Name

[Signature]  
Witness #2 Signature

Manuel De lastra  
Witness #2 Print Name

State of Florida ; County of Duval

The foregoing instrument was acknowledged by me this April 12, 2017 by: Paul Crum, Jr. and Paul Crum, Sr. as joint tenants with the right of survivorship who is/are personally known by me or who has/ produced: a valid driver's license as identification and who did not take an oath.

[Signature]  
Notary Public

My Commission Expires: \_\_\_\_\_









ORIGINAL ORDER

OFFICE OF CITY COUNCIL  
DEPARTMENT OF COUNCIL SECRETARY

DANA FARRIS  
CHIEF OF LEGISLATIVE SERVICES  
(904) 630-1404  
FAX (904) 630-1242

117 WEST DUVAL STREET, SUITE 430  
4TH FLOOR, CITY HALL  
JACKSONVILLE, FLORIDA 32202  
DMFARRIS@COJ.NET

October 8, 2007

Paul Crum, Jr. & Paul Crum, Sr.  
4145 Lakeside Drive  
Jacksonville, Florida 32210

Re: Ordinance 2007-849-E

To Whom it May Concern,

The City Council has approved the above-enclosed legislation effective as shown on the Certificate of Authentication, which granted the waiver.

If you require additional information, please contact the Planning & Development Department at 630-1904.

Sincerely,

A handwritten signature in cursive script that reads "Dana Farris".

Dana Farris  
Chief of Legislative Services

DF/mgl  
Enc.





1 hearing, has made its recommendation to the Council, now therefore,

2 **BE IT ORDAINED** by the Council of the City of Jacksonville:

3 **Section 1. Adoption of findings and conclusions.** The

4 Council has reviewed the record of proceedings and the Staff Report  
5 of the Planning and Development Department and held a public  
6 hearing concerning application for zoning waiver WRF-07-20. Based  
7 upon the competent, substantial evidence contained in the record,  
8 the Council hereby determines that the requested zoning waiver, as  
9 conditioned, meets the criteria for granting waivers contained in  
10 Chapter 656, *Ordinance Code*. Therefore, Application WRF-07-20 is  
11 hereby approved, subject to the following conditions:

12 (a) The applicant shall provide a visible address for the  
13 subject property for West Shark Road.

14 (b) The applicant shall install a twenty-foot-wide stabilized  
15 travel surface up to the building restriction line of the new  
16 dwelling, with roadside swales that provide positive drainage.

17 **Section 2.** The Subject Property is owned by Paul Crum,  
18 Jr. and Paul Crum, Sr. and is described in **Exhibit 1** on file.

19 **Section 3.** Legislative Services is hereby directed to  
20 mail a copy of this legislation, as enacted, to the applicant and  
21 any other parties to this matter who testified before the Land Use  
22 and Zoning Committee or otherwise filed a qualified statement as  
23 defined in Section 656.140(c), *Ordinance Code*, or as defined in  
24 Section 307.202(c), *Ordinance Code*.

25 **Section 4. Effective Date.** The adoption of this  
26 ordinance shall be deemed to constitute a quasi-judicial action of  
27 the City Council and shall become effective upon signature by the  
28 Council President and Council Secretary. Failure to exercise the  
29 waiver, if herein granted, by the commencement of the use or action  
30 herein approved within one year of the effective date of this  
31 legislation shall render this waiver invalid and all rights arising  
32 therefrom shall terminate.

3  
4  
5  
6  
7

Shannon Eller

Office of General Counsel

Legislation Prepared By Shannon K. Eller

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ORD-2007-849

(WRF-07-20)

MEE

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**ORDINANCE 2007-849 (WRF-07-20)**

**SEPTEMBER 18, 2007**

***Location:***

15696 West Shark Road  
Between Franderson Lane and Flounder  
Road

***Waiver Sought:***

Reduce Minimum Required Road  
Frontage from 80 Feet to 0 Feet

***Present Zoning:***

Residential Rural (RR)

***Current Land Use Category:***

Rural Residential (RR)

***Planning District:***

North (6)

***City Council Representative:***

The Honorable Ray Holt, District 11

***Owner/Applicant***

Paul Crum, Jr. & Paul Crum, Sr.  
4145 Lakeside Drive  
Jacksonville, Florida 32210

***Staff Recommendation:***

APPROVE WITH CONDITIONS

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage Ordinance 2007-849 (WRF-07-20) seeks to reduce the minimum required road frontage from 80 feet to 0 feet. The property is within a Residential Rural (RR) zoning district and Rural Residential (RR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2010 Comprehensive Plan.

The applicant is seeking to reduce the required minimum road frontage from 80 feet to 0 feet on the developed parcel. The site is accessed from West Shark Road (60' right-of-way). It should be noted the Planning Commission approved an application waiver of road frontage (WRF-01-37) on December 13, 2001. The waiver to reduced the required minimum road frontage from 80 feet to 0 feet for a dwelling on 1.12 acres in the RR Zoning District. The applicant is indicating that a single-family dwelling will be demolished on the subject property and replaced with a modular home.

#### 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?*

Yes. The previous property owners were granted lineal consanguinity to access their lot. When the parcel of land was sold it nullified the agreement with the City of Jacksonville which states "that any transfer of ownership to someone outside the family may result in the creation of a nonconforming use which would require cessation of the use or removal of the structure." As such, the parcel no longer meets the requirement of 656.407 of the Zoning Code and there is no practical way to rectify this request.

Staff is recommending approval with the following condition: that for the first 20 feet of the property a graded stabilized travel surface not less than 20 feet wide with roadside swales or ditches or provide positive drainage up to the BRL of the new development

- (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 is not based on exclusively upon the desire to reduce the cost of developing the site or circumvent the requirements of Chapter 654 in that the parcel is developed with existing structures and in use. This waiver will correct the existing in-fraction of the Zoning Code. Additionally, only one structure will be moved and placed on the lot, which does not meet the level of the subdivision of 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. If approved, the waiver will not substantially diminish property values in, or alter the essential character of, the surrounding the site nor interfere with or injure the rights of others. The applicant is seeking the waiver so that the existing single-family structure can be removed and the modular home can be moved and placed in the existing single-family structure former location.

- (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 adequate vehicular access connected to a public street. Staff maintains that for the first 20 feet of the property a graded stabilized travel surface not less than 20 feet wide with roadside swales or ditches or provide positive drainage up to the BRL of the development.

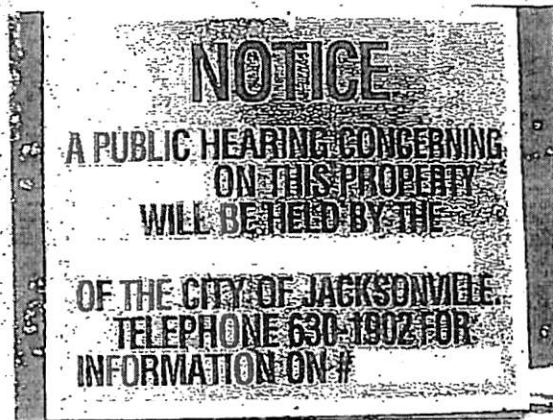
- (v) *Will the proposed waiver be detrimental to the public health, safety or welfare, and result in additional expense, the creation of nuisances or conflict with any other applicable law?*

No. If approved as conditioned, the proposed waiver will not be detrimental to the public health, safety or welfare. When considering the development pattern in the area, as well as existing land use categories and

zoning districts contiguous to the site, the proposed waiver will not result in the creation of a nuisance.

SUPPLEMENTARY INFORMATION

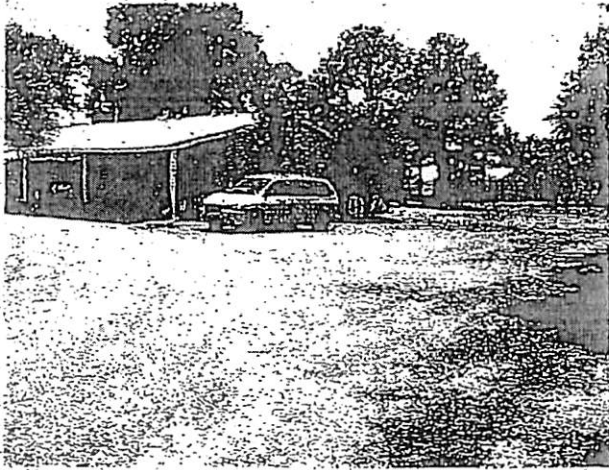
Upon visual inspection of the subject property on September 10, 2007 by the Planning and Development Department the required Notice of Public Hearing sign was posted:



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 2007-849 (WRF-07-20) be **APPROVED WITH CONDITIONS:**

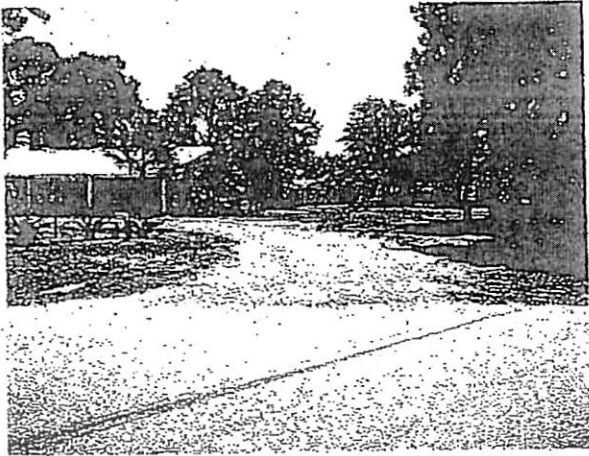
- (1) The home shall provide readable addressing along West Shark Road
- (2) The applicant shall install for the first 20 feet of the property a graded stabilized travel surface not less than 20 feet wide with roadside swales or ditches or provide positive drainage up to the BRL of the new development.



Site location



Modular home to be relocated on subject property

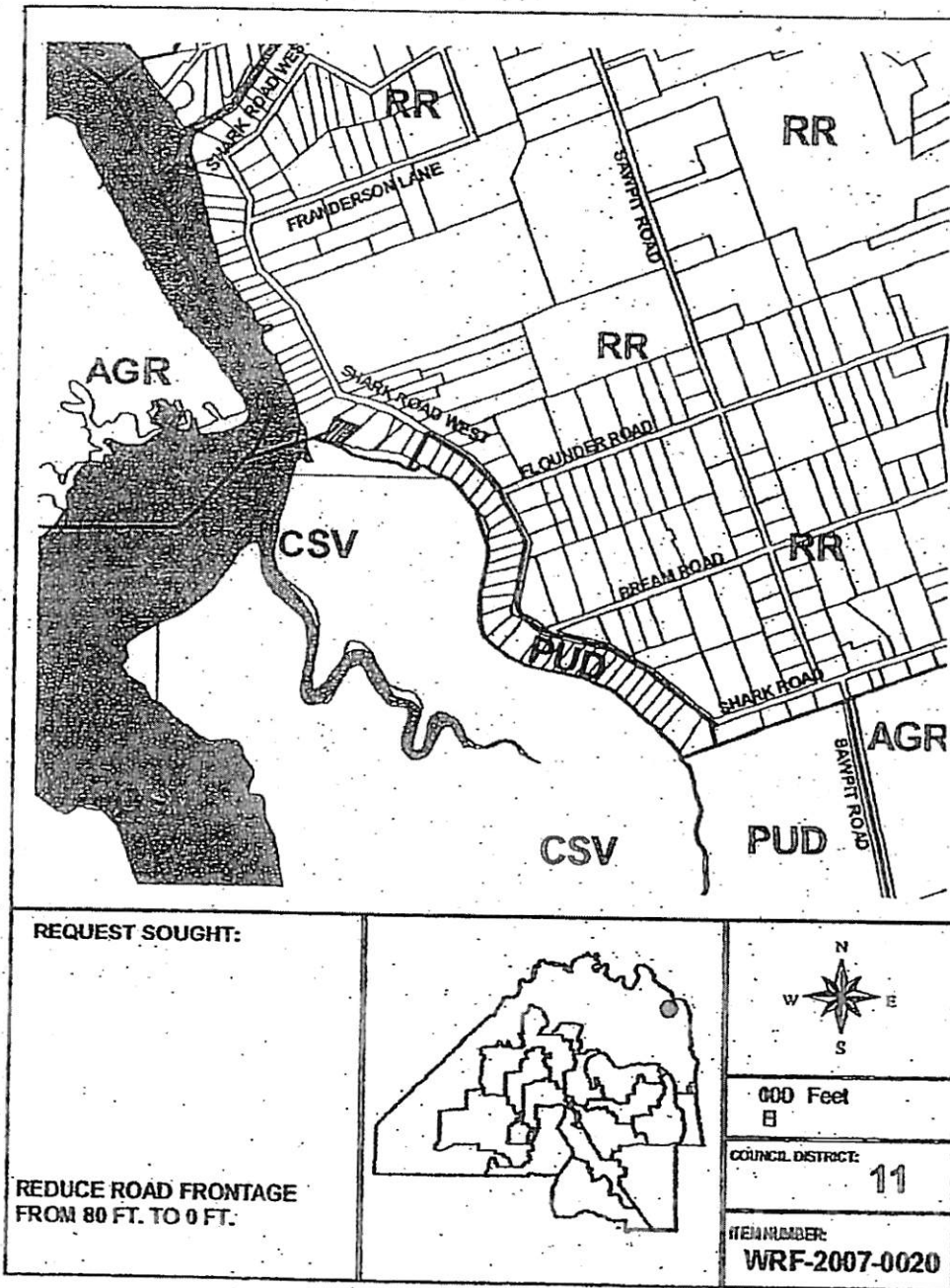


View standing north on West Shark Road



Modular homes south of subject property

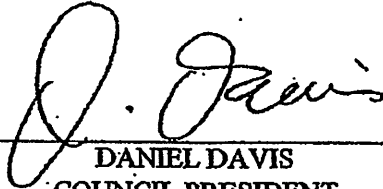




CERTIFICATE OF AUTHENTICATION

ENACTED BY THE COUNCIL

September 26, 2007



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DANIEL DAVIS  
COUNCIL PRESIDENT

ATTEST:



CHERYL L. BROWN  
COUNCIL SECRETARY

