

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

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

**ORDINANCE 2018-0764 (WRF-18-23)**

**JANUARY 3, 2019**

***Location:*** 5312 Seaboard Avenue  
Between Sue Lane and Timuquana Road

***Real Estate Number(s):*** 103125-0050

***Waiver Sought:*** Reduce Minimum Required Road Frontage from 48 Feet to 33 Feet

***Present Zoning:*** Residential Low Density-60 (RLD-60)

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

***Planning District:*** 4-Southwest

***Applicant:*** Katrina Lamendola  
7563 Phillips Hwy  
Jacksonville, FL 32256

***Owner:*** Hoose Homes and Investments, LLC.  
7563 Phillips Hwy  
Jacksonville, FL 32256

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

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2018-0764 (WRF-18-23)** seeks to reduce the required minimum road frontage from 48 feet to 33 feet in order to allow for the development of a single-family dwelling in the Residential Low Density-60 (RLD-60) Zoning District. The subject property is approximately 0.54 acres in size and is accessed from Seaboard Avenue. The subject parcel was recently subdivided from 5308 Seaboard Avenue which both properties are owned by Hoose Homes and Investments, LLC.

The combined lot was purchased by the current owner back in December 2016, at which time a house was constructed on the purchased lot and later subdivided in 2018 after the construction of the home on 5308 Seaboard Avenue. It's not the intent of the Planning and Development Department to approve the creation of non-conforming lots that circumvent the zoning code.

### **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?***

No. The subject property was subdivided in 2015 from a larger parcel in a manner that is inconsistent with the minimum lot requirements of the RLD-60 zoning district. The original lot was purchased by Hoose Homes Investments, LLC and later was subdivided in order to construct single-family residential dwellings. The new lot does not meet the minimum lot requirements for the RLD-60 zoning district. Additionally, there is no competent, substantial evidence demonstrating a practical or economic difficulty in complying with 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)?***

Yes. The creation of this lot is a self-imposed hardship and does not meet minimum lot requirements for the RLD-60 zoning district and does not have adequate road frontage. The division effectively circumvents 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 a recently created non-conforming lot to be developed in a pattern that is inconsistent with the surrounding area. No similar non-conforming lots existing within the immediate 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 adequate vehicular access connected to a public street. The proposed site plan includes an existing thirty (33) foot section of the lot that connects the site to Seaboard Avenue and would allow access to the main portion of the property.

- (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, if approved, other lots along Seaboard Avenue could decide to split their lots and seek waivers in similar nature.

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on **November 13, 2018** by the Planning and Development Department the required Notice of Public Hearing sign **was** posted correctly



**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 2018-0764 (WRF-18-23)** be **DENIED**.



**Aerial View**  
*Source: JaxGIS*



**Subject Property**

*Source: Staff, Planning and Development Department, COJ*

*Date: 11.13.2018*



**Property to the North: 5308 Seaboard Avenue**

*Source: Staff, Planning and Development Department, COJ*

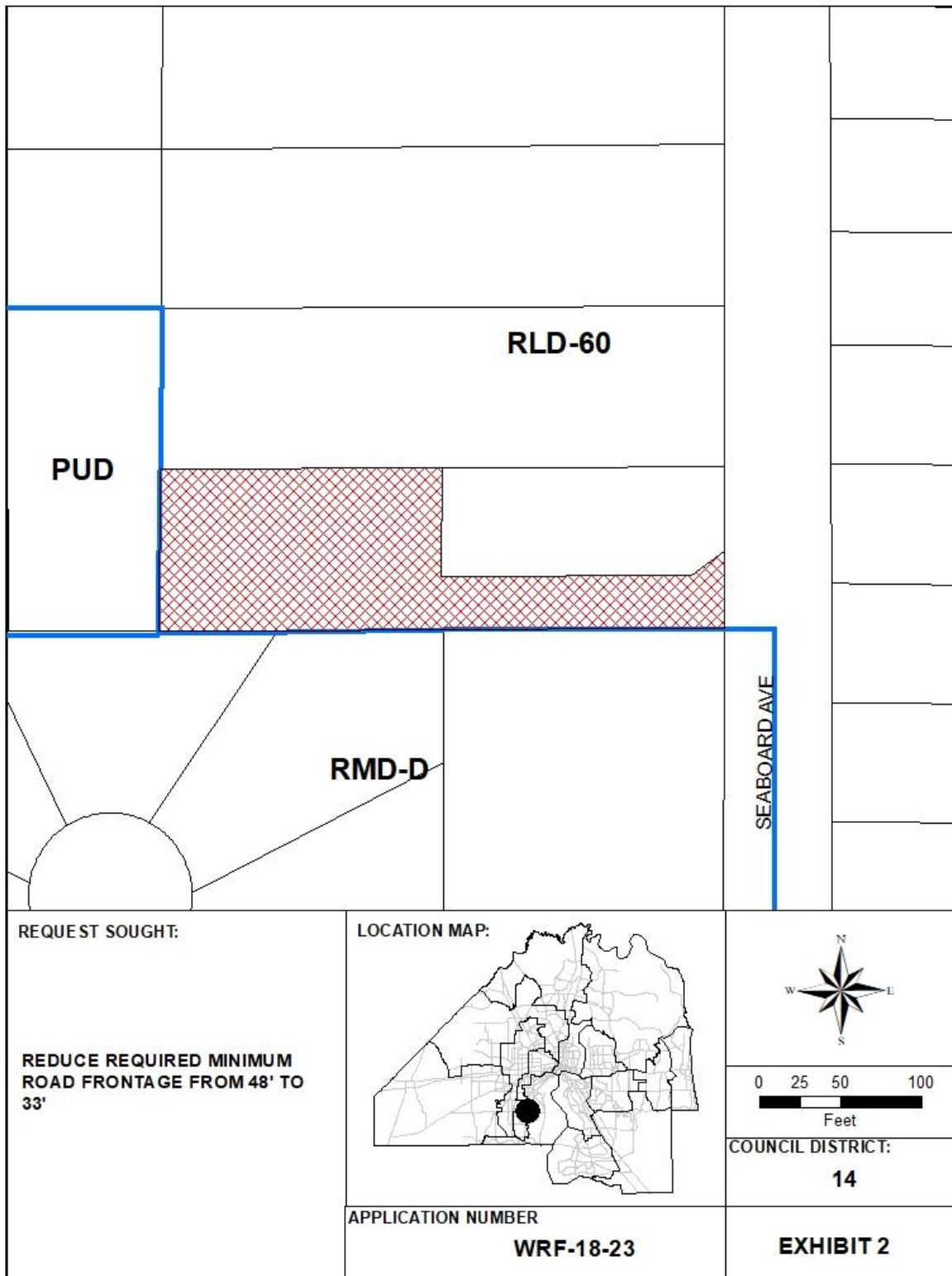
*Date: 11.13.2018*



**Property to the South: 5717 Timuquana Road**  
*Source: Staff, Planning and Development Department, COJ*  
*Date: 11.13.2018*



**Property to the South: 5305 Seaboard Avenue**  
*Source: Staff, Planning and Development Department, COJ*  
*Date: 11.13.2018*



**Legal Map**  
*Source: JaxGIS*