

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

ORDINANCE 2019-0320 WRF-19-09

JUNE 18, 2019

Location: 12032 Old St. Augustine Road
Between Sparkman Road and Silver Saddle Drive

Real Estate Number(s): 158066-0005

Waiver Sought: Reduce required minimum road frontage from 72 feet to 65 feet.

Present Zoning: Residential Low Density-90 (RLD-90)

Current Land Use Category: Low Density Residential (LDR)

Planning District: Southeast, District 3

Owner: Kutylo Kazimiera
12351 Tracy Ann Road
Jacksonville, FL 32223

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage **Ordinance 2019-0320 (WRF-19-09)** seeks to reduce the required minimum road frontage for a newly divided property from 72 feet to 65 feet. The site is zoned Residential Low Density-90 (RLD-90) and is located in the Low Density Residential (LDR) land use category. The subject property contains approximately 1.01 acres in size.

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?*

There is a self-imposed hardship on the property in that the subject property was previously divided without obtaining the proper applications to account for the lack of road frontage for one of the properties, or going through the Subdivision Regulations of Chapter 654. The properties located at 4488 Sparkman Road, 4570 Sparkman Road, and the subject property were one single lot until some point in the 1990's, however the Planning Department cannot determine an exact date they were split. Using the property appraisers' information on the properties the Planning Department found that the first deed was created in 1990 for 12301 Old St. Augustine Road, while the two other properties that were created first received deeds in 1996 with the structures being built in 1997. The Planning Department finds that allowing a further split of the original property would be a continuation of an illegal lot split.

- (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)?*

The request is not based on exclusively upon the desire to reduce the cost of developing the site but it is created in order to circumvent the requirements of Chapter 654 (*Code of Subdivision Regulations*). The request being sought will allow for the construction of an additional single-family dwelling on a lot that would not meet the requirements of minimum road frontage to accommodate this addition. The subject parcel was once part of a larger parcel that included its two neighboring parcels located at 4488 Sparkman Road and 4570 Sparkman Road, the original parcel was at some point split into the three to create the configuration of the parcels today. After significant research, the Planning and Development Department was unable to locate any documentation on this split nor could a Waiver of Road Frontage Approval or Application be located for the parcel that lacks road frontage at 4570 Sparkman Road. Due to the lack of evidence from the previous lot splits it is seen as a continuation of this illegal split and therefore would be circumventing the 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?*

The proposed deviation will not substantially diminish property values or alter the essential character of the surrounding area. There are two properties in the immediate vicinity of the property which have less road frontage than the subject property: 4468 Sparkman Road has 35 feet of road frontage and was approved with two separate variances (**V-86-188 and V-96-125**), and 4570 Sparkman Road which has zero road frontage and has no Waiver or Variance to alleviate for this.

- (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?*

There is a valid and effective easement for adequate vehicular access connected Old Saint Augustine 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?*

The proposed waiver will not be detrimental to the public health, safety, or welfare nor will it result in additional expense or create nuisance or conflict with any other applicable law. The proposed lot will meet all applicable codes of the RLD-90 zoning district outside of the minimum road frontage. The proposed subject site will have access from Old Saint Augustine Road where there is an existing driveway cut into the right-of way.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **May 24, 2019** by the Planning and Development Department the required Notice of Public Hearing sign **was** posted.



Source: Planning and Development Department
Date: May 22, 2019

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage (WRF-19-09) be **Denied**.



Aerial View

Source: JaxGIS
Date: May 24, 2019



View of the Subject Property

Source: Planning and Development Department

Date: May 23, 2019



View of the current structure on the Subject Property

Source: Planning and Development Department

Date: May 23, 2019



View of the neighborhood property at 4488 Sparkman Road

Source: Planning and Development Department

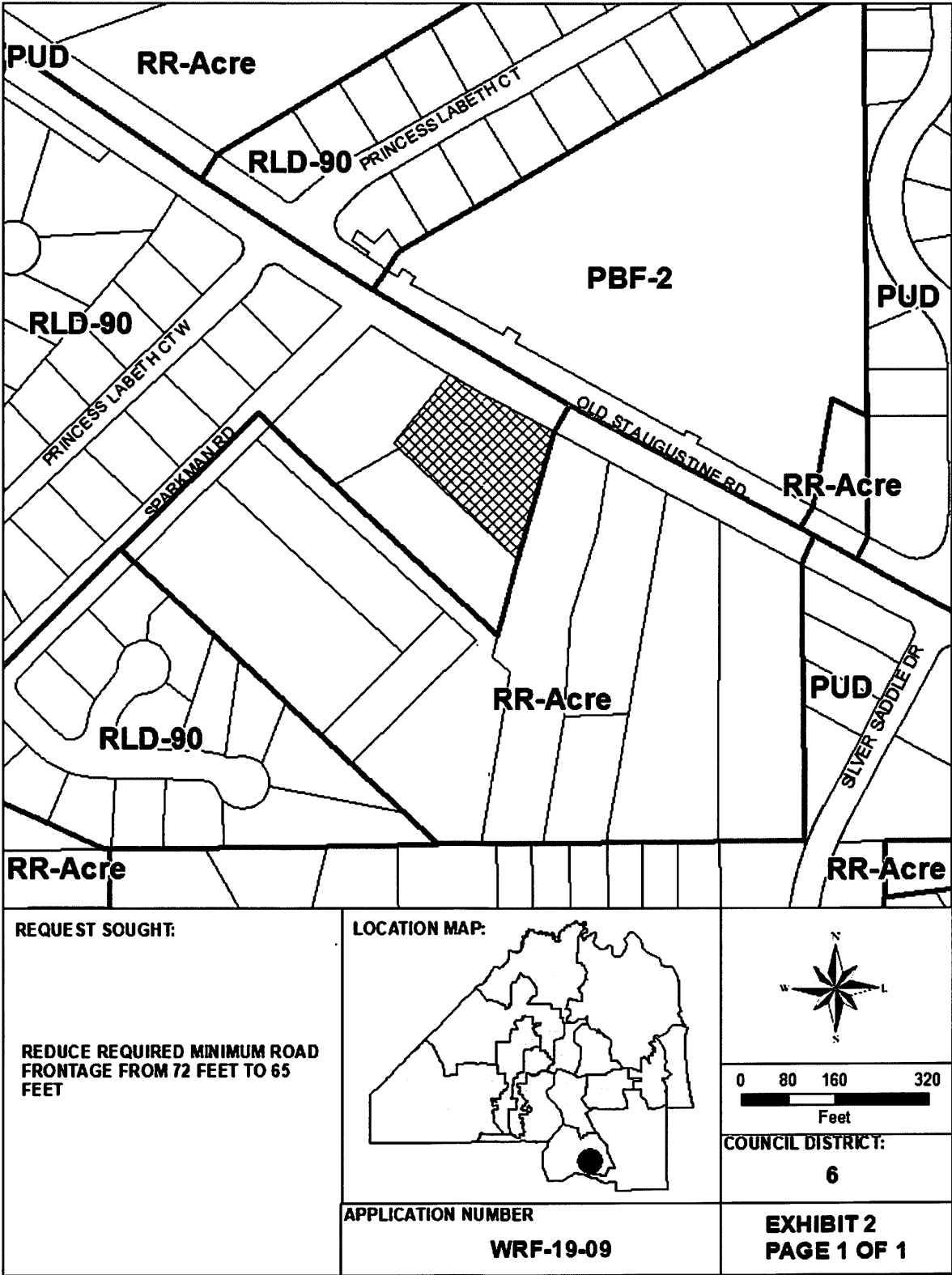
Date: May 23, 2019



View of the neighboring church across Old St. Augustine Road

Source: Planning and Development Department

Date: May 23, 2019



Legal Map

Source: JaxGIS
Date: May 24, 2019

Date Submitted:	3-27-19
Date Filed:	4-10-19

Application Number:	WAF-19-09
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:	RLD 90
Current Land Use Category:	LDR
Council District:	6
Planning District:	3
Previous Zoning Applications Filed (provide application numbers):	
None	
Applicable Section of Ordinance Code:	
656.407	
Notice of Violation(s):	
None	
Neighborhood Associations:	
Overlay:	
LUZ Public Hearing Date:	City Council Public Hearing Date:
Number of Signs to Post:	Amount of Fee: \$1,294.00
	Zoning Asst. Initials:

PROPERTY INFORMATION	
1. Complete Property Address: 12032 Old St Augustine Rd Jacksonville, FL 32258	2. Real Estate Number: 158066-0005
3. Land Area (Acres): .98	4. Date Lot was Recorded: ~ 1950
5. Property Located Between Streets: South side of Old St Augustine Rd btw Sparkman Rd & Silver Saddle Drive.	6. Utility Services Provider: JEA City Water / City Sewer <input type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from 96 ⁷² feet to 65 feet.	
8. In whose name will the Waiver be granted? Kotylo Kazimierz	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Kutylo Kazimierz	10. E-mail: kutylok@bellsouth.net
11. Address (including city, state, zip): 12351 Tracy Ann Rd Jacksonville, FL 32223	12. Preferred Telephone: 904-838-1039

APPLICANT'S INFORMATION (if different from owner)	
13. Name:	14. E-mail:
15. Address (including city, state, zip):	16. Preferred Telephone:

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"> i. <i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i> ii. <i>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);</i> iii. <i>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;</i> iv. <i>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;</i> v. <i>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.</i>

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 waiver is being requested to relax the zoning code minimum street frontage requirements of real property located at 12032 Old St Augustine Rd, Jacksonville, FL 32256. Existing zoning is RLD-90 with requirements including; street frontage width of 90 feet, lot area of 9,900 square feet, maximum lot coverage of 45 percent, front yard setback of 20 feet, side yard setback of 5 feet, and rear yard setback of 10 feet. The practical application of the minimum street frontage width requirement disables the property owner from efficient estate planning and retirement planning.

This request is not to circumvent Chapter 654 requirements or reduce cost of developing the site as shown on the proposed site plan. Request is merely to efficiently provide for the property owner to properly plan for retirement and the well being of family.

This waiver will not diminish property values, alter essential character of area, or interfere with rights of others located in the area. Since, there are numerous existing real properties along Old St Augustine Rd with RLD-60 zoning requirements, an approval of this waiver would go virtually unnoticed. Additional homes constructed on this existing parcel would raise property values in the area by increasing the number of comparable homes with similar square footage and features consistent with the homes in the area. Typical three bedroom, two bathroom homes accommodate three to four additional persons with an average of two additional cars, which should easily be accommodated by existing city and utility infrastructure.

Vehicular access will be maintained from existing public right of way. The parcel already has JEA water services installed and ready for connection of three homes on the parcel as shown on the proposed site plan. There are also existing driveways established onto the parcel as shown on the proposed site plan. Approval of this waiver will not create detriment to public health, result in additional expense, or create nuisances and/or conflict with any applicable laws.

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)
- NA 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.coi.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>.
- NA 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		

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.

<p>Owner(s) Print name: <u>Karmin Kutyla</u> Signature: <u>[Signature]</u></p>	<p>Applicant or Agent (if different than owner) Print name: _____ Signature: _____</p> <p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>
<p>Owner(s) Print name: _____ Signature: _____</p>	

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, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

EXHIBIT 1

Legal Description

MAP SHOWING BOUNDARY SURVEY OF

DESCRIPTION AS FURNISHED:

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND LYING IN AND BEING PART OF GOVERNMENT LOT 1, SECTION 16, TOWNSHIP 4 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF SPARKMAN ROAD, A 60 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED, WITH THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF OLD ST. AUGUSTINE ROAD, A 100 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED; THENCE SOUTH 56° 11' 30" EAST, BY AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 0.31 FEET TO A POINT OF CURVATURE (P.C.); THENCE BY AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, AROUND AND ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 2014.70 FEET AND A DELTA OF 03° 03' 06", AN ARC DISTANCE OF 155.25 FEET (SOUTH 57° 43' 03" EAST, 155.23 FEET CHORD BEARING AND DISTANCE) TO A POINT OF SAID CURVE FOR A POINT OF BEGINNING; THENCE CONTINUE BY AND ALONG SAID RIGHT-OF-WAY LINE, AROUND AND ALONG SAID CURVE TO THE LEFT SAID CURVE HAVING A RADIUS OF 2014.70 FEET AND A DELTA OF 02° 19' 24", AN ARC DISTANCE OF 118.19 FEET (SOUTH 60° 24' 18" EAST, 118.10 FEET, CHORD BEARING AND DISTANCE) TO A POINT OF TANGENCY (P.T.); THENCE SOUTH 61° 34' 00" EAST, BY AND ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 81.51 FEET TO THE WESTERLY BOUNDARY OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS VOLUME 5847, PAGES 339 AND 340 OF THE CURRENT PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 14° 37' 45" WEST, BY AND ALONG SAID WESTERLY BOUNDARY, A DISTANCE OF 227.17 FEET; THENCE NORTH 48° 37' 23" WEST, A DISTANCE OF 200.49 FEET; THENCE NORTH 38° 53' 50" EAST, A DISTANCE OF 150.58 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID OLD ST. AUGUSTINE ROAD AND THE POINT OF BEGINNING.

CERTIFIED TO
KAZIMIERZ KUTYLO, TERESA KUTYLO,
FIRST UNION MORTGAGE CORPORATION
ESTATE TITLE & TRUST
FIRST AMERICAN TITLE INSURANCE COMPANY

880-8589

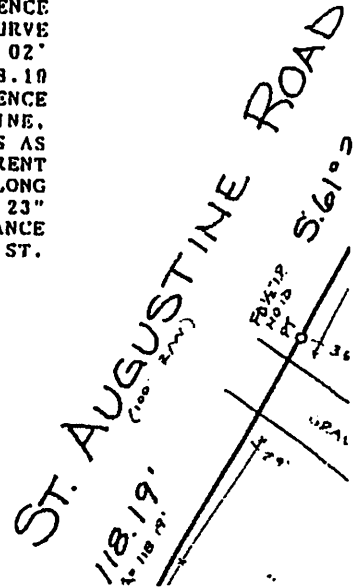


EXHIBIT A

Property Ownership Affidavit - Individual

Date: 3/28/2019

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: 12032 Old St Augustine RE#(s): _____

To Whom it May Concern:

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

By [Signature]

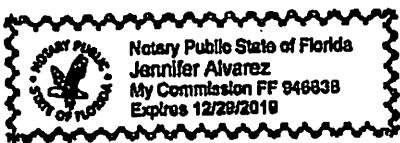
Print Name: Kazimierz Kutyl

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 28th day of March 2019, by Kazimierz Kutyl, who is personally known to me or who has produced _____ as identification and who took an oath.

[Signature]
(Signature of NOTARY PUBLIC)

Jennifer Alvarez
(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: 12/29/2019

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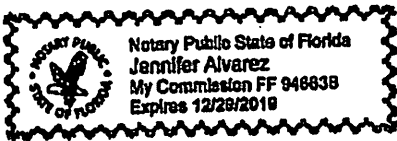
By [Signature]
Print Name: Kazimierz Kutyl

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 28th day of March 2019, by Kazimierz Kutyl, who is personally known to me or who has produced _____ as identification and who took an oath.

[Signature]
(Signature of NOTARY PUBLIC)

Jennifer Alvarez
(Printed name of NOTARY PUBLIC)



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By [Signature]

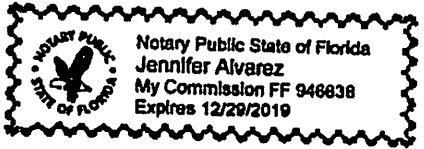
Print Name: Kazimierz Kutyl0

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Jennifer Alvarez
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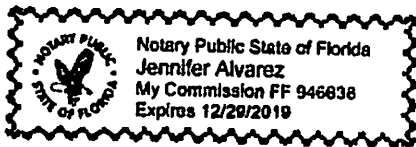
Print Name: Kazimierz Kutyl

STATE OF FLORIDA
COUNTY OF DUVAL

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[Signature]
(Signature of NOTARY PUBLIC)

Jennifer Alvarez
(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: 12/29/2019

KUTYLO KAZIMIERZ
 12351 TRACY ANN RD
 JACKSONVILLE, FL 32223-2066
KUTYLO TERESA

Primary Site Address
 12032 OLD ST AUGUSTINE RD
 Jacksonville FL 32258

Official Record Book/Page
 06973-00709

Title #
 7616

12032 OLD ST AUGUSTINE RD

Property Detail

RE #	158066-0005
Tax District	GS
Property Use	0100 Single Family
# of Buildings	1
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	00000 SECTION LAND
Total Area	44149

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

Value Description	2018 Certified	2019 In Progress
Value Method	CAMA	CAMA
Total Building Value	\$64,102.00	\$65,690.00
Extra Feature Value	\$2,297.00	\$2,297.00
Land Value (Market)	\$44,362.00	\$44,362.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$110,761.00	\$112,349.00
Assessed Value	\$108,785.00	\$112,349.00
Cap Diff/Portability Amt	\$1,976.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$108,785.00	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
06973-00709	9/27/1990	\$57,000.00	WD - Warranty Deed	Qualified	Improved
09634-02313	5/8/2000	\$105,000.00	WD - Warranty Deed	Qualified	Improved

Extra Features

LN	Feature Code	Feature Description	Bldg.	Length	Width	Total Units	Value
1	GRN03	Green Bldg Bldg New		30	33	440.00	\$2,297.00

Land & Legal

Land

LN	Code	Use Description	Zoning	Front	Depth	Category	Land Units	Land Type	Land Value
1	0100	RES LD 3-7 UNITS PER AC	RLD-90	0.00	0.00	Common	0.91	Acreage	\$44,362.00

Legal

LN	Legal Description
1	16-45-27E .912
2	PT GOVT LOT 1 RECD O/R 9634-2313

Buildings

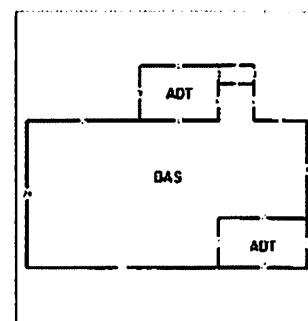
Building 1

Building 1 Site Address
 12032 OLD ST AUGUSTINE RD
 Jacksonville FL 32258

Building Type	0101 - SFR 1 STORY
Year Built	1951
Building Value	\$65,690.00

Type	Gross Area	Heated Area	Effective Area
Base Area	1044	1044	1044
Addition	117	117	105
Finished Open Porch	18	0	5
Addition	120	120	108
Total	1299	1281	1262

Element	Code	Detail
Exterior Wall	17	17 C.B. Stucco
Roof Struct	3	3 Gable or Hip
Roofing Cover	3	3 Asph/Comp Shng
Interior Wall	5	5 Drywall
Int Flooring	11	11 Cer Clay Tile
Int Flooring	14	14 Carpet
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central



Element	Code	Detail
Stories	1.000	
Bedrooms	3.000	
Baths	2.000	
Rooms / Units	1.000	

2018 Notice of Proposed Property Taxes Notice (TRIM Notice)

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Govt Ex B&B	\$108,785.00	\$0.00	\$108,785.00	\$1,131.56	\$1,244.71	\$1,177.40
Public Schools: By State Law	\$108,785.00	\$0.00	\$110,761.00	\$441.02	\$448.03	\$443.19
By Local Board	\$108,785.00	\$0.00	\$110,761.00	\$233.99	\$248.99	\$235.13

Property Appraiser - Property Details

FL Inland Navigation Dist.	\$108,785.00	\$0.00	\$108,785.00	\$3.16	\$3.48	\$3.29
Water Mgmt Dist. SJRWMD	\$108,785.00	\$0.00	\$108,785.00	\$26.94	\$27.87	\$27.87
Gen Gov Voted	\$108,785.00	\$0.00	\$108,785.00	\$0.00	\$0.00	\$0.00
School Board Voted	\$108,785.00	\$0.00	\$110,761.00	\$0.00	\$0.00	\$0.00
			Totals	\$1,836.67	\$1,973.08	\$1,886.88

Description	Just Value	Assessed Value	Exemptions	Taxable Value
Last Year	\$104,087.00	\$98,896.00	\$0.00	\$98,896.00
Current Year	\$110,761.00	\$108,785.00	\$0.00	\$108,785.00

2018 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.

2018

2017

2016

2015

2014

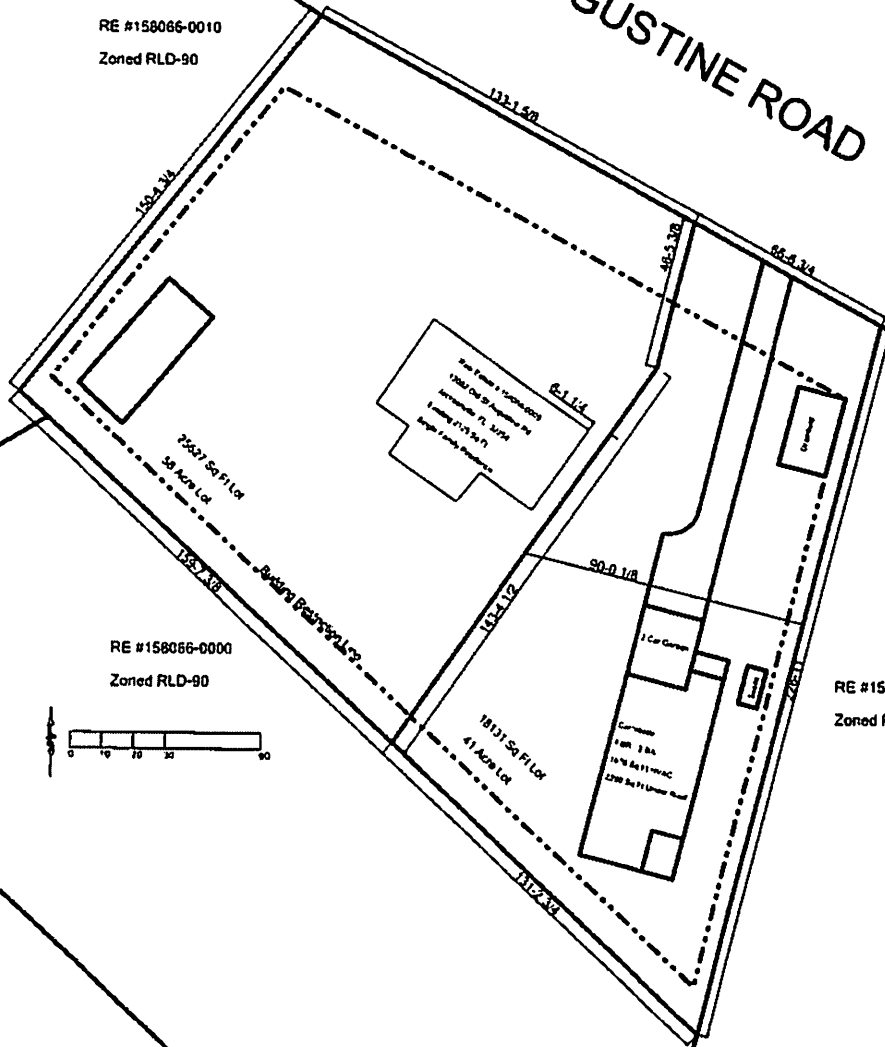
• To obtain a historic Property Record Card (PRC) from the Property Appraiser's Office, submit your request here: [+](#)

More Information

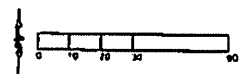
[Contact Us](#) | [Parcel Tax Record](#) | [GIS Map](#) | [Map this property on Google Maps](#) | [City Fees Record](#)

OLD ST AUGUSTINE ROAD

RE #158066-0010
Zoned RLD-90



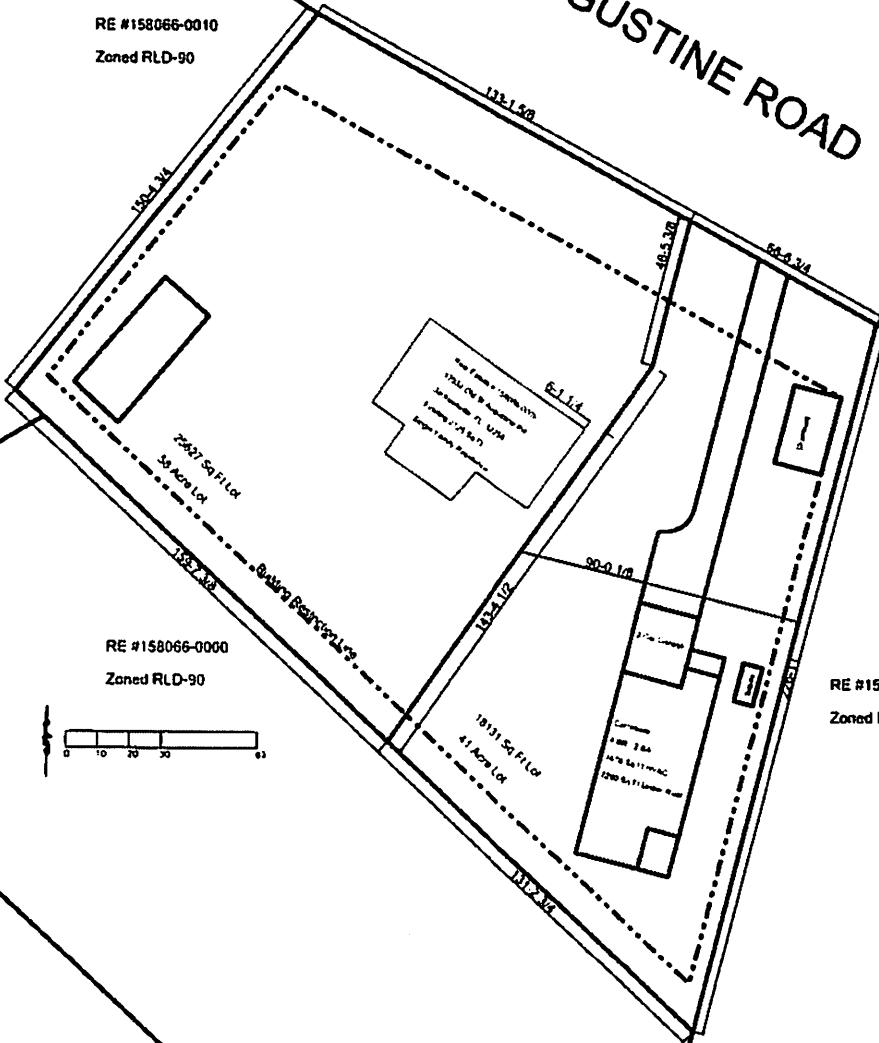
RE #158066-0000
Zoned RLD-90



RE #158066-0050
Zoned RR-ACRE

OLD ST AUGUSTINE ROAD

RE #158066-0010
Zoned RLD-90



RE #158066-0000
Zoned RLD-90

RE #158066-0050
Zoned RR-ACRE