

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2019-0084 (WRF-19-02)

MARCH 20, 2019

Location: 0 Yellow Bluff Road
Between Ed Johnson Drive and Deese Road

Real Estate Number(s): 106154-0010

Waiver Sought: Reduce Minimum Required Road Frontage from 640 Feet to 0 Feet

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

Current Land Use Category: Rural Residential (RR)

Planning District: 6-North

Owners: Gail Anckner Burnsed
2395 Bentley Trail
Loganville, GA 30052

Michael Edward Ancker
4 Tall Wood
Woodland Park, CO 80863

David James Ancker
23052 Siskin Court
Grand Terrace, CA 92313

Applicant/Agent: Zach Miller, Esq.
501 Riverside Avenue, Suite 901
Jacksonville, FL 32202

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage Ordinance 2019-0084 (WRF-19-02) seeks to reduce the required minimum road frontage from 640 feet to 0 feet in order to allow for a 14-lot single-family subdivision in the Residential Rural-Acre (RR-Acre) Zoning District.

More specifically, the waiver is being sought for the reduction of road frontage for eight (8) of the 14 lots (see lot #9-14 on site plan). Located on a 16.54± parcel in the Rural Development Area, the subdivision will be accessed via Yellow Bluff Road using five (5) proposed access easements.

Pursuant to the goals, objectives and policies outlined in the 2030 Comprehensive Plan, Staff also notes the proposed waiver to be in conflict with **Infrastructure Element, Sanitary Sewer Sub-Element, Policy 1.2.9**, which requires lots to have a minimum of 1-acre in unsubmerged lands. Because three (3) of the fourteen lots (see site plan) do not meet this requirement, the waiver cannot be applied to these lots.

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. Staff finds no practical or economic difficulties in carrying out strict letter of the regulation. Although the nature of this request stems from the property containing roughly 2.65 acres of wetlands, which restricts lot sizes and orientation, Staff finds the frontage reduction for eight (8) lots a self-imposed hardship. Moreover, the subject property could be developed with a minimum of six (6) lots without the need for a waiver or a private easement.

In an effort to demonstrate the unique and impractical situation of the applicant's request, Staff conducted an extensive analysis of all road frontage reductions requested along Yellow Bluff Road, a 2-lane collector roadway. Approximately seven (7) miles in length, over 15 road frontage requests were filed along Yellow Bluff Road. More specifically, road frontage reductions were granted by Planning Commission for the following properties:

- **V-92-58** – reduction from 80 feet to 0 feet; approved on June 25, 1992
- **V-96-10** – reduction from 80 feet to 0 feet; approved on March 28, 1996

- V-96-22 – reduction from 160 feet to 0 feet; approved on April 11, 1996
- V-96-126 – reduction from 160 feet to 0 feet; approved on November 14, 1996
- V-97-149 – reduction from 160 feet to 0 feet; approved on January 29, 1998
- V-98-192 – reduction from 198 feet to 48 feet; approved on February 12, 1999
- WRF-99-09 – reduction from 80 feet to 0 feet; approved on May 13, 1999
- WRF-99-10 – reduction from 80 feet to 0 feet; approved on May 13, 1999
- WRF-99-11 – reduction from 80 feet to 0 feet; approved on May 13, 1999
- WRF-99-19 – reduction from 80 feet to 0 feet; approved on July 29, 1999
- WRF-99-20 – reduction from 80 feet to 0 feet; approved on August 12, 1999
- WRF-01-14 – reduction from 80 feet to 0 feet; approved on June 14, 2001
- WRF-01-22 – reduction from 160 feet to 0 feet; approved on August 16, 2001
- WRF-02-14 – reduction from 80 feet to 0 feet; approved on June 27, 2002
- WRF-03-08 – reduction from 80 feet to 0 feet; approved on April 10, 2003
- WRF-04-12 – reduction from 80 feet to 0 feet; approved on June 8, 2004

Based on the applications referenced above, coupled with a historical analysis of requests for road frontage reductions, never has an application been approved for a frontage reduction for a subdivision (three or more lots). Rather, the requests have typically been for one (1) or two (2) lots in the RR-Acre Zoning District.

Additionally, several of the applications mentioned above substantially deviate from the current request because they provided a 60-foot access easement (V-96-10, V-96-22, V-96-126, V-97-149, WRF-99-09, WRF-99-10, WRF-99-11, WRF-99-19, WRF-99-20) rather than the standard 30-foot easement being requested with WRF-19-02.

(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 request circumvents the requirements of Chapter 654 (*Code of Subdivision Regulations*). The cumulative effect of granting waivers for eight (8) lots circumvents the Code of Subdivision Regulations by permitting the development of a subdivision without approved infrastructure.

In accordance with the 2030 Comprehensive Plan, Staff also finds the proposed waiver to be inconsistent with the following goals, objectives and policies:

Future Land Use Element (FLUE)

Policy 1.1.8

Ensure that all future development and redevelopment meets or exceeds the requirements of all Land Development Regulations, including, but not limited to zoning, subdivision of land, landscape and tree protection regulations, and signage, as established and adopted by the City, State of Florida and the federal government, unless such requirements have been previously waived by those governmental bodies.

The proposed waiver does meet the requirements of Land Development Regulations, subsequently making it also inconsistent with the policy mentioned herein.

Policy 4.1.5

Continue enforcement of existing Land Development Regulations in the City, which are consistent with this plan, including:

Zoning Code;
Code of Subdivision Regulations;
Flood Plain Regulations;
Landscape and Tree Protection Regulations;
Housing Safety Code;
Unsafe Buildings and Structures Code;
Community Redevelopment Programs; and
Building Code.

Pursuant to Chapter 654, Code of Subdivision Regulations, the proposed waiver is found to be inconsistent with the design standards for subdivisions outlined in the Land Development Procedures Manual.

Infrastructure Element, Sanitary Sewer Sub-Element (IE SS)

Policy 1.2.9

Septic tanks shall be permitted in Rural Areas, provided they meet the requirements of Chapter 64E-6, F.A.C., and that all lots created after shall have a minimum of 1 acre of un-submerged property.

As demonstrated on the revised site plan, dated March 11, 2019, Lots 9, 10, and 12 violate this policy, as they each do not have a minimum of 1-acre of unsubmerged land.

Therefore, the waiver request cannot be applied to these three lots because of insufficient uplands.

- (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, Staff believes that permitting the applicant's significant request in road frontage reduction will set a dangerous and negative precedent for future waiver of road frontages.

- (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. Although not yet recorded, five (5) easements are proposed for vehicular access and connection to a public street. This is depicted in the attached revised site plan, which indicates 30-foot access easements for ingress and egress to Yellow Bluff 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?*

Yes. Staff finds the proposed waiver to be detrimental to the public health, safety, or welfare. Given the sprawled and unplanned nature of lots along Yellow Bluff Road, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver will merely result in the creation of another nuisance and safety issue. These issues are perpetuated by the development of properties without frontage along an approved public or private road. More specifically, easements are often not developed with proper drainage facilities, insufficient grading, and can be unnavigable by emergency vehicles during heavy rainstorms. The concern for a public health and safety issue is further exacerbated when considering the proposed development of a 14-lot subdivision.

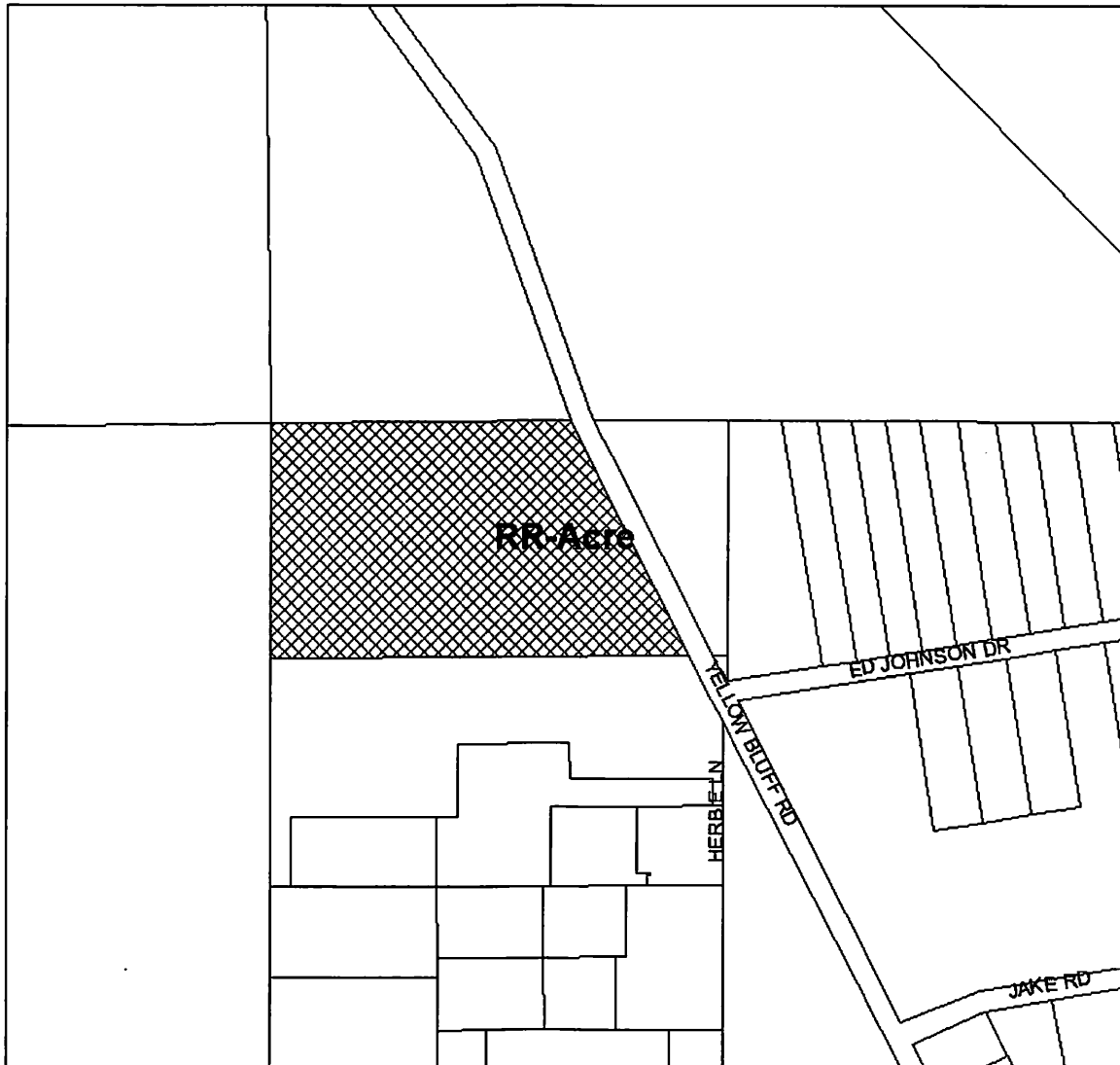
The Department also has concerns for the public health and safety because of potential difficulties emergency services may endure. This concern is supported by comments from the Jacksonville Fire and Rescue Department (see attachment). Moreover, because the proposed waiver is in direct conflict with several provisions of the Standard Fire Code, the Fire and Rescue Department recommends denial of the request unless every proposed residential dwelling provides a 13R sprinkler or 13D sprinkler system. This would require the applicant to request a variance with the Building Code Adjustment Board (BCAB).

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **February 21, 2019** by the Planning and Development Department the required Notice of Public Hearing signs were posted.

RECOMMENDATION

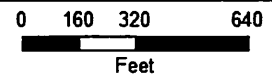
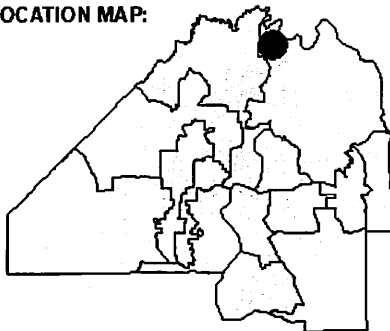
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage **Ordinance 2019-0084 (WRF-19-02)** be **DENIED**.



REQUEST SOUGHT:

**REDUCE REQUIRED MINIMUM
ROAD FRONTAGE FROM 640 FEET
TO 0 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

2

ORDINANCE NUMBER

ORD-2019-0084

APPLICATION NUMBER

WRF-19-02

**EXHIBIT 2
PAGE 1 OF 1**

Wells, Arimus

To: Whitfield, Clay
Subject: RE: WRF-19-02: Review and Comments Request

From: Whitfield, Clay <ClayW@coj.net>
Sent: Friday, February 15, 2019 11:36 AM
To: Wells, Arimus <ArimusW@coj.net>
Subject: RE: WRF-19-02: Review and Comments Request

Arimus,

Addressing section has a couple of recommendations for the application, as is.

1. Name the two easements coming off of Yellow Bluff Rd and post City street name signs at the intersections.
2. Name the 2nd easement coming off of the northern easement, giving access to lot 9. Post a city standard street sign at the intersection of the two easements. If that is not possible, then post a sign at the intersection of the two easements indicating how to access lot 9. Posting of either type of sign would likely require some sort of easement rights.

Addressing can only comment on what we feel would enable these lots to be located. We cannot speak for how this would impact accessibility for emergency services. Only emergency service providers can comment on that. I forwarded this information to JFRD Capt. Groff and received the answer I am attaching above. Capt. Groff is the head of the Fire Marshall's plans review office on the 2nd Floor.

Clay Whitfield
Addressing Section

Wells, Arimus

To: Groff, James
Subject: RE: WRF-19-02: Review and Comments Request

From: Groff, James <JGroff@coj.net>
Sent: Friday, February 15, 2019 10:53 AM
To: Whitfield, Clay <ClayW@coj.net>
Subject: RE: WRF-19-02: Review and Comments Request

Clay,

The only way they can do what they are proposing is to provide sprinkler systems for every one of the house built on those lots. I would require a BCAB Variance to lock that in so as of right now I would not approve there request.

Respectfully,

Capt. James Groff CFPE
Jacksonville Fire & Rescue Department
Office of Fire Plans Review
214 N Hogan Street
Jacksonville, FL 32202
(904) – 255-8320 Office
(904) - 718-7452 Cell
Email JGroff@coj.net

**CITY OF
JACKSONVILLE**



<http://www.coj.net/departments/planning-and-development/building-inspection-division.aspx>

18.2.3 Fire Department Access Roads.

18.2.3.1 Required Access.

18.2.3.1.1 Approved fire department access roads shall be provided for every facility, building, or portion of a building hereafter constructed or relocated.

18.2.3.1.2 Fire department access roads shall consist of roadways, fire lanes, parking lot lanes, or a combination thereof.

18.2.3.1.3* The provisions of 18.2.3.1 through 18.2.3.2.2.1 shall be permitted to be modified by the AHJ where any of the following conditions exists:

- (1) One- and two-family dwellings protected by an approved automatic sprinkler system in accordance with Section 13.1
- (2) Existing one- and two-family dwellings
- (3) Private garages having an area not exceeding 400 ft²
- (4) Carports having an area not exceeding 400 ft²
- (5) Agricultural buildings having an area not exceeding 400 ft²
- (6) Sheds and other detached buildings having an area not

exceeding 400 ft²

18.2.3.1.4 When fire department access roads cannot be installed due to location on property, topography, waterways, nonnegotiable grades, or other similar conditions, the AHJ shall be authorized to require additional fire protection features.

18.2.3.2 Access to Building.

18.2.3.2.1 A fire department access road shall extend to within 50 ft. (15 m) of at least one exterior door that can be opened from the outside and that provides access to the interior of the building.

18.2.3.2.1.1 Where a one- or two-family dwelling, or townhouse, is protected with an approved automatic sprinkler system that is installed in accordance with NFPA 13D or NFPA 13R, as applicable, the distance in 18.2.3.2.1 shall be permitted to be increased to 150 ft. (46 m).

18.2.3.2.1.2 When required by the authority having jurisdiction, road(s) or parking lots providing access to the main entrance door(s) shall be considered access roads and shall comply with the requirements of 18.2.3.4.1.1 and 18.2.3.4.1.2.

18.2.3.2.2 Fire department access roads shall be provided such that any portion of the facility or any portion of an exterior wall of the first story of the building is located not more than 150 ft. (46 m) from fire department access roads as measured by an approved route around the exterior of the building or facility.

Date Submitted:	1.9.19
Date Filed:	1.17.19.

Application Number:	WRF-19-02
Public Hearing:	

Application for Waiver of Minimum Required Road Frontage

City of Jacksonville, Florida
 Planning and Development Department

RECEIVED

JAN - 9 2019

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-A.	Current Land Use Category:
Council District:	2	Planning District:
Previous Zoning Applications Filed (provide application numbers):		
NONE		
Applicable Section of Ordinance Code:		
656.407		
Notice of Violation(s):		
NONE		
Neighborhood Associations:		
EDEN GROUP, LLC • MEM PAIRY.		
Overlay:		
N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee:	Zoning Asst. Initials:
3	1217-	fch.

PROPERTY INFORMATION	
1. Complete Property Address:	2. Real Estate Number:
0 Yellow Bluff Road	106154 0010 ✓
3. Land Area (Acres):	4. Date Lot was Recorded:
16.54	Per deed, see Bk. 3433, Pg. 46.
5. Property Located Between Streets:	6. Utility Services Provider:
Ed Johnson Drive and Deese Road	City Water / City Sewer <input type="checkbox"/>
	Well / Septic <input checked="" type="checkbox"/>
7. Waiver Sought:	
Reduce Required Minimum Road Frontage from 80 640' feet to 0 feet.	
8. In whose name will the Waiver be granted?	
Breeze Homes, LLC	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Gail Burnsed, Michael Anckner and David Anckner	10. E-mail: zach_miller@bellsouth.net
11. Address (including city, state, zip): 501 Riverside Avenue, Suite 901	12. Preferred Telephone: 904-396-5731

APPLICANT'S INFORMATION (if different from owner)	
13. Name: Zach Miller	14. E-mail: Zach_miller@bellsouth.net
15. Address (including city, state, zip): 501 Riverside ave, #901	16. Preferred Telephone: 396-5731

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.

Please see attached.

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, 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>.

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.

Owner(s)

Print name: _____

Signature: _____

Applicant or Agent (if different than owner)

Print name: Zach Miller

Signature: [Handwritten 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, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

SURVEY

SITE PLAN

AUTHORIZATIONS

EXHIBIT A - Property Ownership Affidavit

Date: 12-11-18

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:

D Yellow Bluff Rd

To Whom It May Concern:

I DAVID SAUCKNER hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for D Yellow Bluff Rd submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

By [Signature]

By _____

Print Name: DAVID JAMES SAUCKNER

Print Name: _____

Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this _____ day of _____ 2014, by _____, who is personally known to me or who has produced _____ as identification and who took an oath.

(Signature of NOTARY PUBLIC)

(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Bernardino)

On 12-11-18 before me, Lisa M. Young, Notary Public
(insert name and title of the officer)

personally appeared David Anckner
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Lisa M. Young

(Seal)

EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: 12-11-18

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

Re: Agent Authorization for the following site location: 0 Yellow Bluff Rd

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Zach Miller to act as agent to file application(s) for 0 Yellow Bluff Rd 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.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

By [Signature]

By _____

Print Name: DAVID JAMES AUCKNER

Print Name: _____

Its: _____

***If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.**

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this _____ day of _____ 2014, by _____, who is personally known to me or who has produced _____ as identification and who took an oath.

If Owner is Corporate Entity:

(Signature of NOTARY PUBLIC)

(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: _____

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of San Bernardino)

On 12-11-18 before me, Lisa M. Young, Notary Public
(insert name and title of the officer)

personally appeared David Anckner
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Lisa M Young (Seal)

EXHIBIT A - Property Ownership Affidavit

Date: 12-12-2018

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:

D Yellow Bluff Rd

To Whom it May Concern:

I GAIL A BURNSED hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for D Yellow Bluff Rd submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

By Gail A. Burnsed

By _____

Print Name: GAIL A. BURNSED

Print Name: _____

Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA Georgia
COUNTY OF DUVAL Guinnett

Sworn to and subscribed and acknowledged before me this 12th day of Dec. 2018 by Gail Burnsed, who is personally known to me or who has produced drivers license as identification and who took an oath.

Marissa H Briggs
(Signature of NOTARY PUBLIC)

Marissa H. Briggs
(Printed name of NOTARY PUBLIC)

Georgia
State of Florida at Large.

My commission expires: 6-28-22



EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: 12-12-2018

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

Re: Agent Authorization for the following site location: O yellow Bluff Rd

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Zach Miller to act as agent to file application(s) for O yellow Bluff Rd 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.

If Owner is Individual:

If Owner is Corporate Entity:*

Print Corporate Name:

By Gail A Buense
Print Name: GAIL A BUENSE

By _____

Print Name: _____

Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA Georgia
COUNTY OF DUVAL Gwinnett

Sworn to and subscribed and acknowledged before me this 12th day of December 2018, by Gail A Buense who is personally known to me or who has produced drivers license as identification and who took an oath.

Marissa H. Briggs

(Signature of NOTARY PUBLIC)

Marissa H. Briggs

(Printed name of NOTARY PUBLIC)

Georgia
State of Florida at Large.

My commission expires: 6-28-22



EXHIBIT A - Property Ownership Affidavit

Date: 12-11-18

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:

D Yellow Bluff Rd

To Whom it May Concern:

I MICHAEL E. ADKNER hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for D Yellow Bluff Rd submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:

Print Corporate Name:

N/A

By [Signature]

By _____

Print Name: MICHAEL E. ADKNER

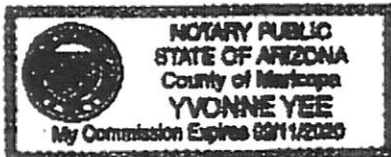
Print Name: _____

Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

AZ
STATE OF FLORIDA
COUNTY OF DUVAL Maricopa

Sworn to and subscribed and acknowledged before me this 11 day of Dec 2018 2014, by MICHAEL E. ADKNER, who is personally known to me or who has produced CO DL as identification and who took an oath.



[Signature]
(Signature of NOTARY PUBLIC)
Yvonne Yee

(Printed name of NOTARY PUBLIC)

State of Florida at Large. AZ
My commission expires: 09/11/2020

EXHIBIT B - Agent Authorization Affidavit- Property Owner

Date: 12-11-18

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

Re: Agent Authorization for the following site location: 0 yellow Bluff Rd

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Zach Miller to act as agent to file application(s) for 0 yellow Bluff Rd 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.

If Owner is Individual:

If Owner is Corporate Entity:*

By Michael E. Anckner
Print Name: MICHAEL E. ANCKNER

Print Corporate Name:
N/A
By _____
Print Name: _____
Its: _____

*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner. This may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

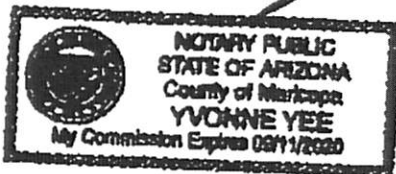
STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 11 day of Dec. 2018
2014, by MICHAEL E. ANCKNER, who is personally known to me or who has
produced CO DL as identification and who took an oath.

[Signature]
(Signature of NOTARY PUBLIC)

Yvonne Yee
(Printed name of NOTARY PUBLIC)

State of Florida at Large. Asst
My commission expires: 09/11/2020



LEGAL DESCRIPTION

EXHIBIT 1

Legal Description

Unimproved real property located in Duval County, Florida, described as:

Part of the Northwest Quarter (NW ¼) Section 10, Township 1 North, Range 27 East as recorded in Official Records Volume 3433, page 46, of the current public records of Duval County, Florida.

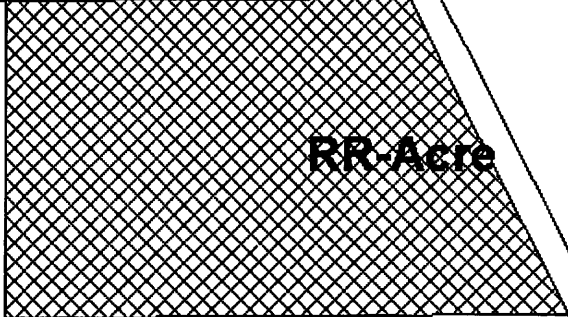
Less and except:

A part of the North ½ of the Northwest ¼ of the Northwest ¼ of Section 10, Township 1 North, Range 27 East Duval County, Florida lying East of Yellow Bluff Road and being more particularly described as follows:

Commence at the Northwest corner of said section 10 and run thence North 89°45' East 955.69 feet along the Northerly line of section 10 to the point of beginning; thence continue North 89°45' East 364.31 feet; thence South 0°20'40" East 671.65 feet; thence South 89°45' West 44.32 feet to the Easterly line of yellow Bluff Road (60' R/W); Thence North 27°05'40" West 586.18 Feet along the Easterly line of said Yellow Bluff Road; thence North 21°01'40" West 158.98 feet along said road to the point of beginning.

Less and except parcel containing 3.2634 acres more or less.

Property Appraiser's Parcel Identification Number 106154-0010



RR-Acre

YELLOW BLUFF RD

ED JOHNSON DR

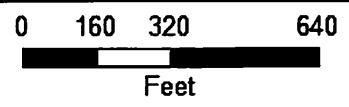
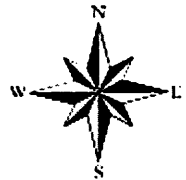
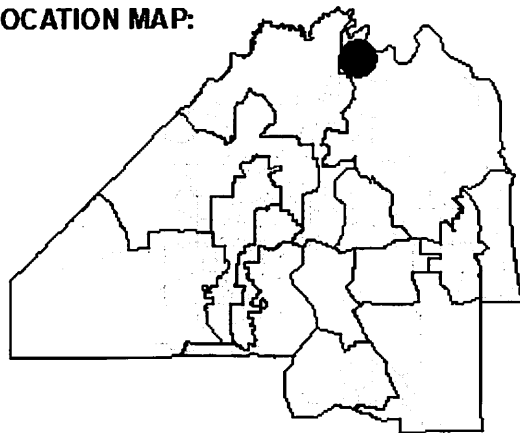
HERBI LN

JAKE RD

REQUEST SOUGHT:

REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 640 FEET TO 0 FEET

LOCATION MAP:



COUNCIL DISTRICT:

2

ORDINANCE NUMBER

ORD-2019-0084

APPLICATION NUMBER

WRF-19-02

**EXHIBIT 2
PAGE 1 OF 1**

DEED

Filing # 37849923 E-Filed 02/16/2016 11:37:55 AM

**IN THE CIRCUIT COURT FOR DUVAL COUNTY, FLORIDA
PROBATE DIVISION**

IN RE: ESTATE OF File No. 15-CP-2350

**LOLA HURLBERT ANCKNER
a/k/a LOLA H. ANCKNER Division PR-A**

Deceased.

**ANCILLARY PERSONAL REPRESENTATIVE'S RELEASE AND
CERTIFICATE OF DISTRIBUTION OF REAL PROPERTY
(single individual personal representative)**

The undersigned, Gail Anckner Burnsed, whose post office address is 2395 Bentley Trail, Loganville, Georgia 30052, as personal representative of the estate of Lola Hurlbert Anckner, deceased, hereby acknowledges that title to the real property located in Duval County, Florida, owned by the decedent at the time of death, more particularly described on Exhibit "A", attached hereto and by this reference made a part hereof, vested in Gail Anckner Burnsed, as to an undivided one-third (1/3) interest, Michael Edward Anckner, as to an undivided one-third (1/3) interest, and David James Anckner, as to an undivided one-third (1/3) interest (the "Beneficiaries") by operation of law as of the date of the decedent's death pursuant to Florida law. Their post office addresses are:

Gail Anckner Burnsed	2395 Bentley Trail Loganville, GA 30052
Michael Edward Anckner	133 Kiowa Avenue Woodland Park, CO 80863
David James Anckner	23052 Siskin Court Grand Terrace, CA 92313

and their entitlement will more fully appear from the proceedings in the Circuit Court for Duval County, Florida, Probate Division, in File No. 2015-CP-2350, subject to rights of the personal representative under Florida Statutes Sections 733.607 and 733.608 to:

1. take possession or control of the Property;
2. use, sell, encumber or otherwise exercise control over the Property
 - a. for the payment of devises, family allowance, elective share, estate and

inheritance taxes, claims, charges, and expenses of the administration and obligations of the decedent's estate;

- b. to enforce contribution and equalize advancement;
- c. for distribution.

Having determined that the Property is not needed for any of the foregoing purposes, except distribution, and that the Property should be released and distributed to the Beneficiaries, the personal representative hereby releases the Property from all rights and powers of the personal representative and acknowledges that the Property is vested in Gail Anckner Burnsed, Michael Edward Anckner, and David James Anckner, in equal shares, free of all rights of the personal representative.

IN WITNESS WHEREOF, the undersigned, as personal representative of the estate of the decedent, has executed this instrument on December 14, 2015.

Executed in the presence of:

Kelley Pollard
Printed Name: Kelley Pollard

Marissa H. Briggs
Printed Name: Marissa H. Briggs

Gail Anckner Burnsed
Gail Anckner Burnsed
As ancillary personal representative of the estate of Lola Huribert Anckner, deceased

STATE OF GEORGIA
COUNTY OF GWINNETT

The foregoing instrument was acknowledged before me on December 14, 2015, by Gail Anckner Burnsed as ancillary personal representative of the estate of Lola Huribert Anckner, deceased, who is personally known to me yes (yes or no) or who produced _____ (type of identification) as identification.

Marissa H. Briggs
Notary Public, State of Georgia
(Affix notarial seal)

This instrument prepared by:
John R. Crawford, 210358
Marks Gray, PA
1200 Riverplace Boulevard, Suite 800
Jacksonville, Florida 32207
(904) 398-0900



EXHIBIT "A"

Unimproved real property located in Duval County, Florida, described as:

Part of the Northwest Quarter (NW ¼) Section 10, Township 1 North, Range 27 East as recorded in Official Records Volume 3433, page 46, of the current public records of Duval County, Florida.

Less and except:

A part of the North ½ of the Northwest ¼ of the Northwest ¼ of Section 10, Township 1 North, Range 27 East Duval County, Florida lying East of Yellow Bluff Road and being more particularly described as follows:

Commence at the Northwest corner of said section 10 and run thence North 89°45' East 955.69 feet along the Northerly line of section 10 to the point of beginning; thence continue North 89°45' East 364.31 feet; thence South 0°20'40" East 671.65 feet; thence South 89°45' West 44.32 feet to the Easterly line of yellow Bluff Road (60' R/W); Thence North 27°05'40" West 586.18 Feet along the Easterly line of said Yellow Bluff Road; thence North 21°01'40" West 158.98 feet along said road to the point of beginning.

Less and except parcel containing 3.2634 acres more or less.

Property Appraiser's Parcel Identification Number 106154-0010

CRITERIA

There are practical or economic difficulties in carrying out the strict letter of the regulation;

The property is located in the rural development area, the rural residential land use and the residential rural zoning district.

The property is over 16 acres in size but has approximately only 750 feet of frontage on Yellow Bluff Road.

The land use and zoning for the property require a minimum of one-acre size lots. The only feasible way to develop one acre parcels is for access to parcels 7, 8, 9, 13 and 14 to be by way of an easement and parcels 10, 11 and 12 to be by way of a separate easement.

Therefore there is no way to develop lots that are approximately one acre in size and provide each lot with the required 80 feet of frontage on the public roadway.

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);

The desire is not just to reduce cost but to maintain the rural character of development and access which is similar to the residential developments to the immediate south of the property. *Please see attached pictures.*

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 proposed waiver will not substantially diminish property values, alter the character of the surrounding area, nor substantially interfere with or injure the rights of others. The proposed waivers are will preserve the character of the area and allow rural development to continue to be the predominant residential use in the area.

Immediately to the south of the property subject to this application, at least 12 parcels are accessed by a single unpaved easement which connects to Yellow Bluff Road. At least 8 homes are located on this easement. Per the Duval County Property Appraiser, these homes were built in the 2000s. Only one of these parcels has any frontage on Yellow Bluff Road. This is the existing character of the residential development in the area. *Please see attached pictures.*

Immediately to the south of those homes, at least 20 parcels are accessed by a single unpaved easement which connects to Yellow Bluff Road. At least 18 homes are located on this easement. Per the Duval County Property Appraiser, these homes were built in the 1990s and 2000s. Only one of these parcels has any frontage on Yellow Bluff Road.

The next residential development to the south features at least 11 parcels that are accessed by a single easement which connects to Yellow Bluff Road. At least 10 homes are located on this easement. Per the Duval County Property Appraiser, these homes were built in the 1990s. Only

one of these parcels has any frontage on Yellow Bluff.

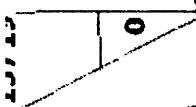
There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or an approved private street;

Because the subject property is currently under a single ownership, the applicant cannot legally execute an access easement at this time because the grantors and grantees would be the same, thereby making the easement null and void.

However, the Site Plan approved pursuant to this legislation depicts the required access easements. Approval of the waiver is contingent upon execution of valid and effective access easements allowing ingress and egress from the lots which frontage on Yellow Bluff Road to the lots to the west.

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 will not result in additional expense, create nuisances or conflict with any other applicable law. The easements are sufficiently wide to allow emergency vehicles access to the rear properties from Yellow Bluff Road. The waiver will not add any additional expense or nuisance as it will continue the pattern of rural residential development in the area.



0

15610

15500

15414

15524

15550

HERBERT

15412

15521

0

15535

15408

15407

1725

15504



1941

0

15610

15500

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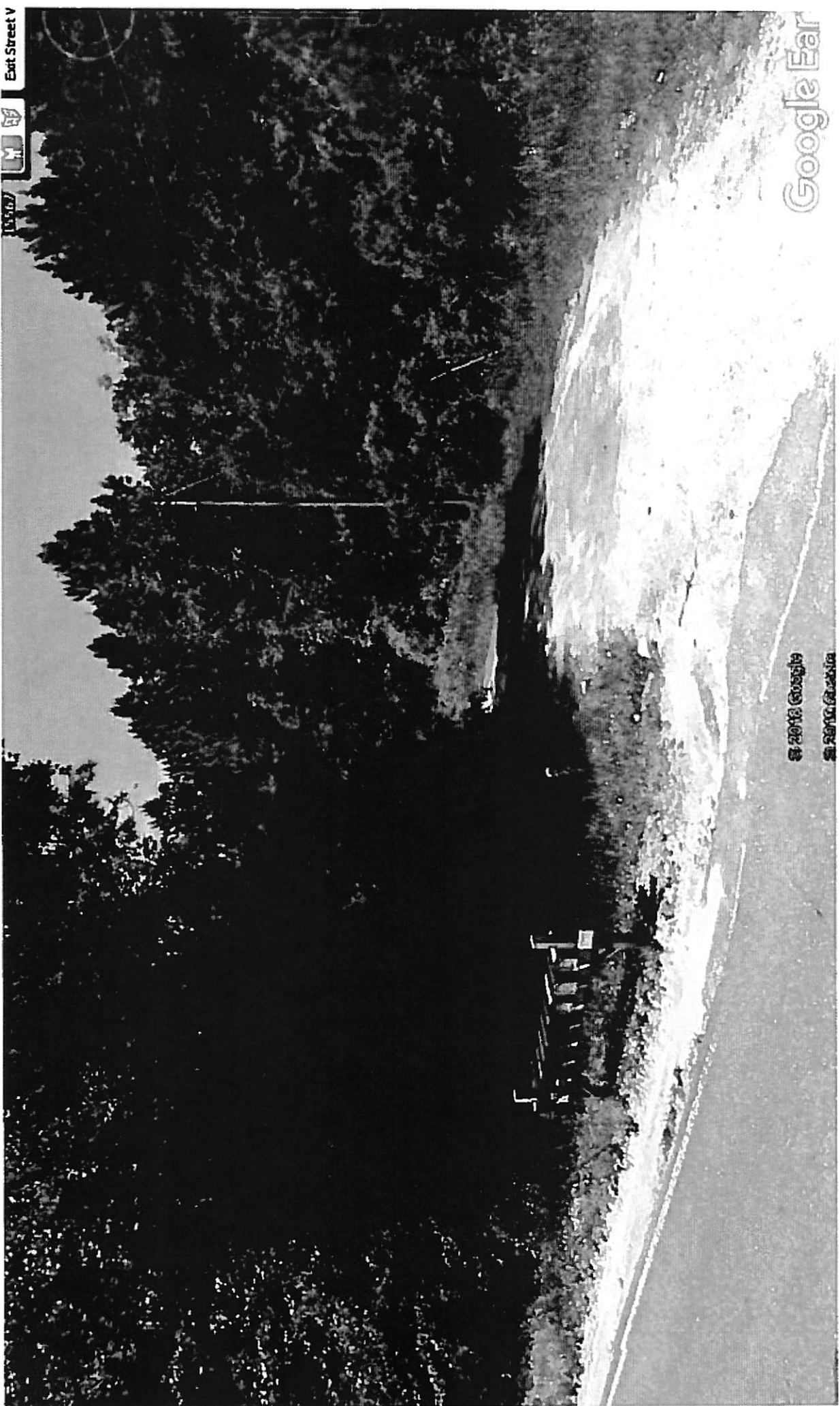
HERBIE LN

HERBIE LN

Exit Street V



15.5 mi



Google Earth

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DAVIDSON FARM RD

YELLOW BLUFF RD

LAKE

DAVIDSON FARM RD

CRYSTAL SANDS DR



DAVIDSON FARM RD

CANDS DR

DAVIDSON FARM RD W



2019 Google
2018 Google

Google



PA

Crystal Sands Dr

RR/W

Crystal Sands Dr



୨୦୧୬ ଡିସେମ୍ବର
୨୦୧୫ ଡିସେମ୍ବର

