

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**  
**APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE**  
**ORDINANCE 2020-553 (WRF-20-20)**

**OCTOBER 20, 2020**

***Location:*** 4596 Prunty Lane  
Between Lamboll Avenue and Glen Laura Road

***Real Estate Number(s):*** 065399-0000

***Waiver Sought:*** Reduce Minimum Required Road Frontage from 48 feet to 8.73 feet.

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

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

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

***Owner / Applicant:*** Frank Erwin  
4228 Rosewood Avenue  
Jacksonville, Florida. 32207

***Staff Recommendation:*** APPROVE

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2020-553 (WRF-20-20)** seeks to reduce the required minimum road frontage from 48 feet to 8.73 feet to allow for a lot split for a second single-family dwelling. The subject property is located in the Residential Low Density-60 (RLD-60) Zoning District which requires lots to be a minimum of 60 feet wide with at least 48 of road frontage. The 8.73 foot wide strip will allow a driveway to the existing house.

There is a companion Application for Administrative Deviation (**Ordinance 2020-554/AD-20-41**) requesting to reduce the required lot width in the RLD-60 Zoning District from 60 feet to 54.45 feet. There will be a driveway that will serve both properties. The Planning and Development Department is recommending approval on the companion Administrative Deviation.

### 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. It is impractical to impose the strict road frontage requirement for this property as it is an irregularly shaped. The two proposed lots will be consistent with and reflective of the established pattern of 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. There is no evidence that granting the waiver would reduce the cost of developing the site. The proposed lot split will result in the creation of two lots. The Code of Subdivision Regulations applies when creating three or more lots.

- (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. Staff research found that the surrounding area contains lots of varying widths and areas. The 54 feet of road frontage that the applicant is seeking for the two lots is will not create any adverse impact to the neighborhood.

- (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?***

Not applicable. The two proposed lots have frontage directly on Prunty Avenue, so an easement is not needed.

- (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. The proposed lots have adequate road frontage and access to allow for City services including first responders. The proposed lots are consistent with the pattern of development and there is no evidence they will be a nuisance or public safety concern.

### SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **October 7, 2020** 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 2020-553 (WRF-20-20)** be **APPROVED**.



Frontage of subject property



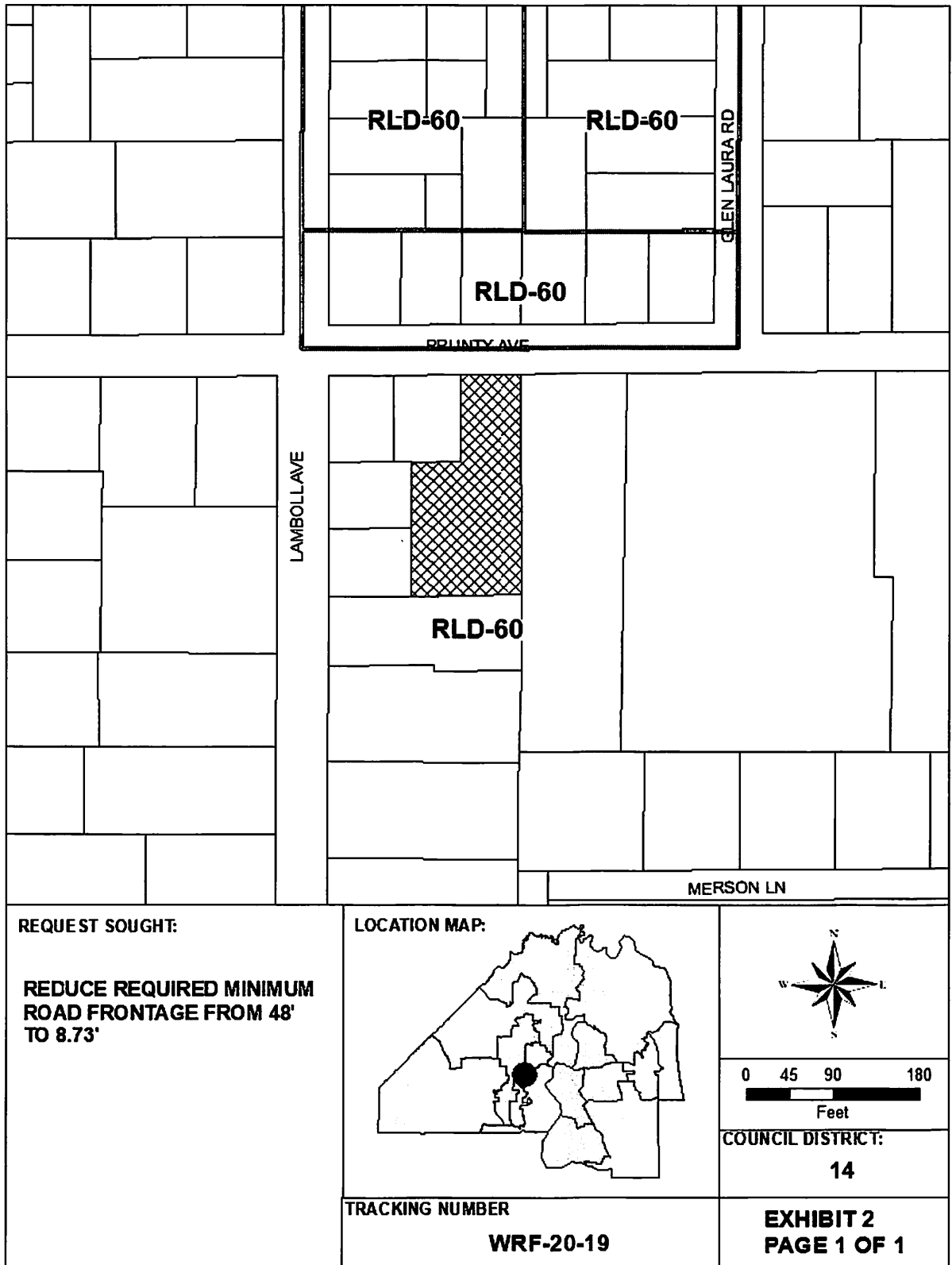
Adjacent single family dwelling



Adjacent single family dwelling



Aerial view of subject property showing the two proposed lots



Date Submitted:	8.7.20
Date Filed:	8.12.20

Application Number:	WDF-20-19
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:	RUD 60	Current Land Use Category:	LDR
Council District:	14	Planning District:	4
Previous Zoning Applications Filed (provide application numbers):			
Applicable Section of Ordinance Code:			
Notice of Violation(s):			
Neighborhood Associations:			
Murray Hill Preservation			
Overlay:			
none			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee:	Zoning Asst. Initials:	
		[Signature]	

PROPERTY INFORMATION	
1. Complete Property Address: 4546 Prunty Ave Jacksonville, FL 32205	2. Real Estate Number: 065399-0000
3. Land Area (Acres): 0.49 Acres or 21,559 sq ft	4. Date Lot was Recorded: 12/20/1985
5. Property Located Between Streets: Prunty is between Lamboll Ave and Hamilton St	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from 120 feet to 63.18 feet. <i>48' to 8.73'</i>	
8. In whose name will the Waiver be granted? Frank Erwin	



OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Frank Erwin	10. E-mail: fberwin3@gmail.com
11. Address (including city, state, zip): 4225 Rosewood Ave Jacksonville FL 32207	12. Preferred Telephone: 843-372-2977

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"> <li>i. <i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i></li> <li>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></li> <li>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></li> <li>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></li> <li>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></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.

~~\* 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.coi.net/pao\\_propertySearch/Basic/Search.aspx](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>.
- 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.

Owner(s)

Print name: Frank Erwin

Signature: 

Applicant or Agent (if different than owner)

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

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

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

Owner(s)

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

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

**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

I am seeking a waiver of road frontage for this property to be able to build a house beside the current house that is on the property. I am going to live in the current house on the property and I am wanting to be able to build a house for my mother to be able to live beside me. I have talked to several people in the zoning and city planning departments and I was told that lineal consanguinity would be an option, but to be fully protected years down the road that I needed to apply for this waiver.

Initially looking at my request of reducing the required road frontage for the 2 houses from 120 feet to 63 feet probably looks crazy, but if you look at my site plan it makes a lot more sense. I am wanting to build the second house towards the back of the lot beside the current house and then have a shared driveway/road frontage with an easement of 63.18 feet.

**Exhibit 1**

**Legal Description**

29-2S-26E.50 PT NE ¼ of SW ¼ RECD O/R 15170-1441

A parcel of land lying in and being a part of the West half of the Northeast quarter of the Southwest quarter of Section 29, Township 2 South, Range 26 East, Duval County, Florida being more particularly described as follows:

Commence at the intersection of the southerly right of way line of Prunty Avenue, A 50 foot right of way as now established, with the the easterly right of way line of Lamboll Avenue (formerly known as O'quinn Rd), A 50 foot right of way as now established; Thence on said Southerly right of way line, North 89 degrees 40 minutes, 25 Seconds East, 137.00 feet to the point of beginning; Thence continue North 89 degrees 40 Minutes 25 Seconds East, A distance of 63.18 feet; Thence South 00 Degrees 16 Minutes 39 Seconds West, 229.00 feet; Thence South 89 Degrees 39 Minutes 06 Seconds West, A distance of 114.55 feet; Thence North 00 Degrees 27 Minutes 58 Seconds East, A distance of 138.97 feet; Thence North 89 Degrees 40 Minutes 32 Seconds East. A distance of 51.00 feet; Thence North 00 Degrees 13 Minutes 17 Seconds East, A distance of 90.08 feet to said southerly right of way line and to the point of beginning

Parcel ID Number: 065399-0000

**EXHIBIT A**

**Property Ownership Affidavit - Individual**

Date: 7/23/2020

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: 4906 Penny Ave RE#(s): 069399-0000

To Whom It May Concern:

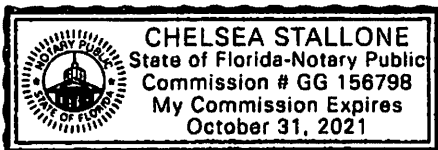
I Frank Erwin hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waiver of road frontage for 4546 Penny submitted to the Jacksonville Planning and Development Department.

By: [Signature]  
Print Name: Frank Erwin

STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 23<sup>rd</sup> day of July 2020 by FRANK ERWIN, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

[Signature]  
(Signature of NOTARY PUBLIC)



\_\_\_\_\_  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.  
My commission expires: \_\_\_\_\_

FileNo./Escrow No.: RC20-0443  
 Print Date & Time: 7/16/2020 @ 2:16 PM  
 Officer/Escrow Officer:  
 Settlement Location:  
 11512 Lake Mead Ave, Suite 606  
 Jacksonville, Florida 32256

River City Title, LLC  
 11512 Lake Mead Ave, Suite 606  
 Jacksonville, Florida 32256

Property Address: 4596 Prunty Ave, Jacksonville, Florida 32205  
 Buyer: Frank Erwin, 4228 Rosewood Ave, Jacksonville, Florida 32207  
 Seller: Christopher A Jenkins  
 Lender: Canopy Oaks Properties, LLC  
 Loan Type: Other Settlement  
 Loan Number:

Settlement Date: 7/17/2020  
 Disbursement Date: 7/17/2020  
 Additional dates per state requirements:


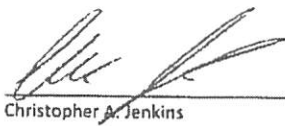
Seller		Description	Borrower/Buyer	
Debit	Credit		Debit	Credit
		<b>Financial</b>		
	\$160,000.00	Sales Price of Property	\$160,000.00	
		Loan Amount		\$165,000.00
		<b>Prorations/Adjustments</b>		
\$704.81		County Taxes from 1/1/2020 to 7/16/2020		\$704.81
		<b>Loan Charges to Canopy Oaks Properties, LLC</b>		
		Prepaid Interest ( \$54.25 per day from 7/17/2020 to 8/1/2020 ) to Canopy Oaks Properties, LLC	\$813.70	
		<b>Other Loan Charges</b>		
\$4.50		E-Recording Fee to Old Republic National Title Insurance Company	\$9.00	
\$10.00		Non-Judgement Affidavit to Old Republic National Title Insurance Company		
		<b>Title Charges &amp; Escrow / Settlement Charges</b>		
		Title - Closing Fee to River City Title, LLC	\$250.00	
		Title - Title Search to Old Republic National Title Insurance Company	\$85.00	
		Title - Lender's Coverage Premium to River City Title, LLC	\$900.00	
		Title - Owner's Coverage Premium to River City Title, LLC	\$250.00	
		<b>Government Recording &amp; Transfer Charges</b>		
		Recording Fees to Clerk of the Circuit Court	\$88.00	
		Transfer Taxes - Deed State to Clerk of the Circuit Court	\$1,120.00	



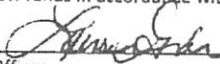
		Transfer Taxes - Intangible Tax to Clerk of the Circuit Court	\$330.00	
		Transfer Taxes - Mortgage State to Clerk of the Circuit Court	\$577.50	
		<b>Payoff(s)</b>		
\$94,856.48		Lender: BB&T		
		Principal Balance (\$94,856.48)		
		Interest on Payoff Loan ()		
<b>Seller</b>				
<b>Debit</b>		<b>Description</b>	<b>Borrower/Buyer</b>	
	<b>Credit</b>		<b>Debit</b>	<b>Credit</b>
\$95,575.79	\$160,000.00	Subtotals	\$164,423.20	\$165,704.81
		Due To Borrower	\$1,281.61	
\$64,424.21		Due To Seller		

**Acknowledgement**

We/I have carefully reviewed the ALTA Settlement Statement and find it to be a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction and further certify that I have received a copy of the ALTA Settlement Statement. We/I authorize River City Title, LLC to cause the funds to be disbursed in accordance with this statement.

Borrower:  Frank Erwin      Seller:  Christopher A. Jenkins

I have reviewed the Closing Disclosure, the settlement statement, the lender's closing instructions and any and all other forms relative to the escrow funds, including any disclosure of the Florida title insurance premiums being paid, and I agree to disburse the escrow funds in accordance with the terms of this transaction and Florida law.

  
Escrow Officer

Prepared by:

River City Title, LLC  
11512 Lake Mead Ave, Suite 606  
Jacksonville, Florida 32256

File Number: RC20-0443

## General Warranty Deed

Made this July 17, 2020 A.D. by Christopher A Jenkins and Tonyia Pugh Jenkins, husband and wife, whose address is: 994 Power Dam Road, Blue Ridge, Georgia 30513, hereinafter called the grantor, to Frank Erwin, a married man, whose post office address is: 4596 Prunty Ave, Jacksonville, Florida 32205, hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth**, that the grantor, for and in consideration of the sum of Ten Dollars, (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, viz:

A PARCEL OF LAND LYING IN AND BEING A PART OF THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 26 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF PRUNTY AVENUE, A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED, WITH THE EASTERLY RIGHT OF WAY LINE OF LAMBOLL AVENUE (FORMERLY O'QUINN ROAD), A 50 FOOT RIGHT OF WAY AS NOW ESTABLISHED; THENCE ON SAID SOUTHERLY RIGHT OF WAY LINE, NORTH 89 DEGREES 40 MINUTES 25 SECONDS EAST, 137.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89 DEGREES 40 MINUTES 25 SECONDS EAST, A DISTANCE OF 63.18 FEET; THENCE SOUTH 00 DEGREES 16 MINUTES 39 SECONDS WEST, 229.00 FEET; THENCE SOUTH 89 DEGREES 39 MINUTES 06 SECONDS WEST, A DISTANCE OF 114.55 FEET; THENCE NORTH 00 DEGREES 27 MINUTES 58 SECONDS EAST, A DISTANCE OF 138.97 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 32 SECONDS EAST, A DISTANCE OF 51.00 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 17 SECONDS EAST, A DISTANCE OF 90.08 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE AND TO THE POINT OF BEGINNING.

Parcel ID Number: 065399-0000

**Together** with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**To Have and to Hold**, the same in fee simple forever.

**And** the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 2019.

Prepared by:

River City Title, LLC  
11512 Lake Mead Ave, Suite 606  
Jacksonville, Florida 32256

File Number: RC20-0443

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

*Lauren L Gordon*  
Witness Printed Name Lauren L Gordon

*Christopher A. Jenkins* (Seal)  
Christopher A. Jenkins

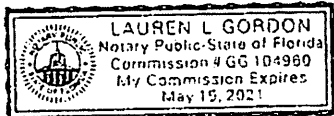
*Jessie G Smith*  
Witness Printed Name Jessie G Smith

*Tonyia Pugh Jenkins* (Seal)  
Tonyia Pugh Jenkins

State of Florida  
County of Duval

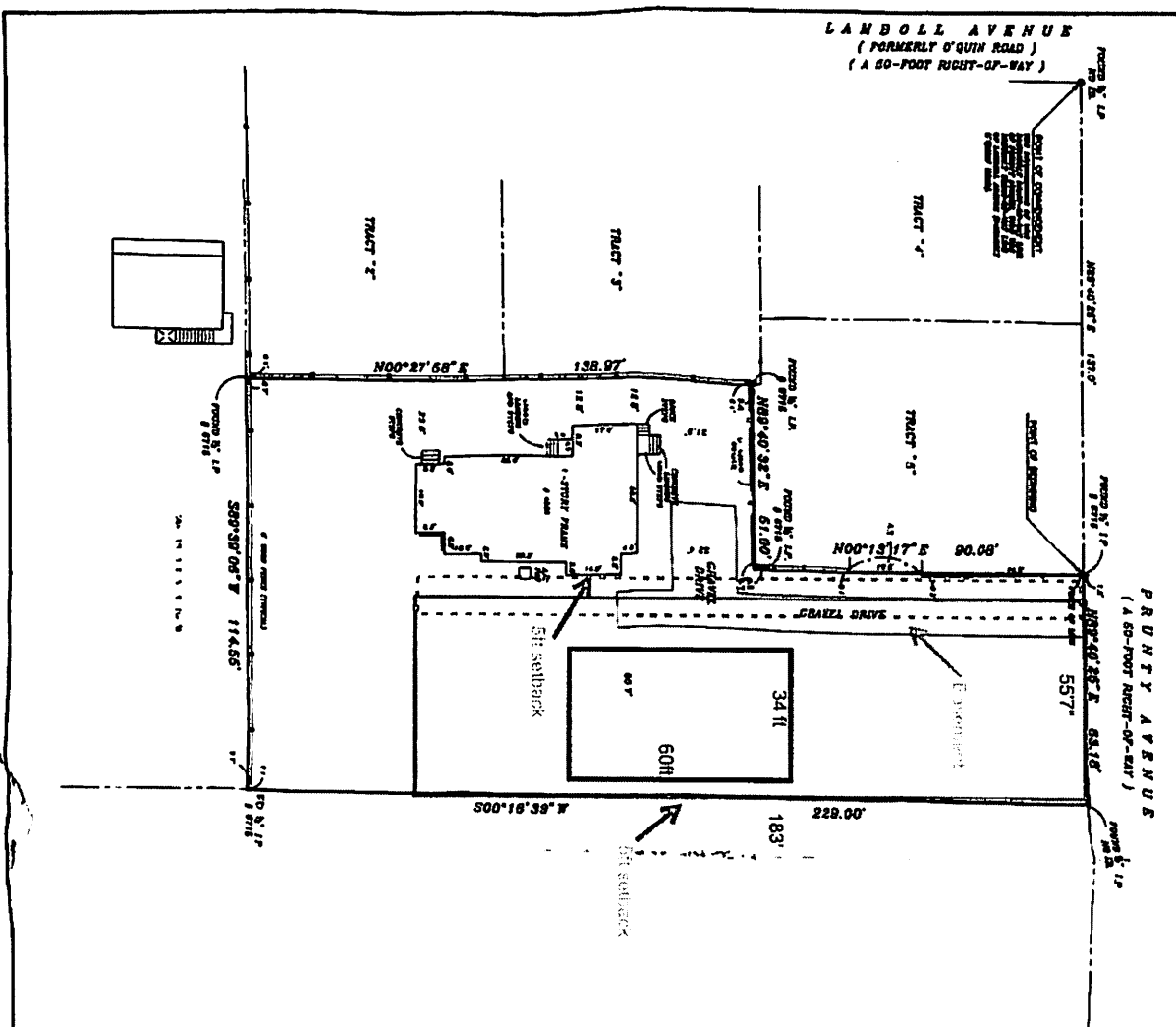
The foregoing instrument was acknowledged before me, by means of [] physical presence or [] online notarization, this 17<sup>th</sup> day of July, 2020, by Christopher A Jenkins and Tonyia Pugh Jenkins, who is/are [] personally known to me or [] who has/have produced a FL Drivers License as identification.

(notary seal below)



*Lauren L Gordon*  
Notary Public  
Print Name: Lauren L Gordon  
My Commission Expires: 5/15/21

**MAP SHOWING BOUNDARY SURVEY**



A PARTIAL OF LAND TRACT NO. 4 AND 6 AND PART OF THE WEST HALF OF THE EASTERN QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 40 EAST, DIXIE COUNTY, FLORIDA, SHOWN SOME PARTICULARS DESCRIBED AS FOLLOWS:

CONSIDERED AS THE INTERSECTION OF THE FORMERLY RIGHT-OF-WAY LINE OF PRUNTY AVENUE (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) WITH THE EASTERN QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 40 EAST, DIXIE COUNTY, FLORIDA, SHOWN SOME PARTICULARS DESCRIBED AS FOLLOWS:

(A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) TRANCE, ON SAID SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 28, TOWNSHIP 2 SOUTH, RANGE 40 EAST, DIXIE COUNTY, FLORIDA, SHOWN SOME PARTICULARS DESCRIBED AS FOLLOWS:

TRACT 2

TRACT 3

TRACT 4

TRACT 5



<p>DATE: 10/11/2011          PROJECT: PRUNTY AVENUE BOUNDARY SURVEY          CLIENT: PERRET AND ASSOCIATES, INC.          ADDRESS: 1000 W. 10TH AVENUE, SUITE 100, DEERFIELD BEACH, FL 33442</p>	
<p>NO. OF PAGES: 1          NO. OF SHEETS: 1</p>	<p>SCALE: AS SHOWN          DATE: 10/11/2011</p>
<p>BY: [Signature]          TITLE: SURVEYOR</p>	<p>DATE: 10/11/2011</p>