REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE

ORDINANCE 2020-0577 (WRF-20-22)

NOVEMBER 4, 2020

Location:

438 Cathy Tripp Lane

Between Old Plank Road and Riddle Road

Real Estate Number(s):

006495 0010

Waiver Sought:

Reduce minimum road frontage from 160 feet to 0

feet.

Present Zoning:

Residential Rural-Acre (RR-Acre)

Current Land Use Category:

Low Density Residential (LDR)

Planning District:

5- Northwest

Owner/Applicant:

Don Loyd

438 Cathy Tripp Lane

Jacksonville, Florida 32220

Staff Recommendation:

APPROVE

GENERAL INFORMATION

Application for Waiver of Minimum Required Road Frontage Ordinance 2020-0577 (WRF-20-22) seeks to reduce the required minimum road frontage from 160 feet to 0 feet in order to allow for a second single-family dwelling in the Residential Rural-Acre (RR-Acre) Zoning District. Located on a 2.16± acre parcel, the property will be accessed via Cathy Tripp Lane, which is a privately owned and maintained road.

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. The subject property is 2.16± acres in size and has more than enough land area to accommodate the proposed single-family dwelling. However, the property is only accessible by Cathy Tripp Lane. The current single family dwelling has been on the property since 1984. The applicant is proposing to build a second single family dwelling on the property in order for his parents to live there. The applicant submitted an easement agreement showing that Cathy Tripp Lane is a privately owned and maintained easement.

If approved, the request will result in development of a property that is consistent with the size, uses and essential character of the surrounding area. The building permit process will ensure that the single-family dwelling comply with the minimum requirements of the Zoning Code for aesthetic quality, and with all applicable provisions of the Florida Building Code for public health, safety and welfare.

(ii) Is the request based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations)?

No. The request does not have the effect of reducing the cost of development, and it does not circumvent the requirements of Chapter 654. The property has more than enough land area for the RR-Acre Zoning District criteria to accommodate a second single-family structure. Granting of the request would allow for the utilization of a 2.16± acre lot to be developed for a second home that meets all other development standards of the RR-Acre Zoning District other than road frontage.

(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. The area contains approximately ten single family dwellings on adjacent lots which use Cathy Tripp Lane as access. The applicant plans to construct a second single-family dwelling on the property, which staff contends will be similar in size and character with the surrounding lots.

(iv) Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?

Yes. There is a valid and effective easement for adequate vehicular access connected to a public street. This is evidenced by the Grant of Easement and Easement Maintenance Agreement that was submitted with the application.

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

No. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare. Given the general development pattern in the area, as well as the existing land use categories and zoning district contiguous to the site, the proposed waiver will not result in the creation of a nuisance. Furthermore, the development of the site still must comply with the Land Development Procedures and permitting requirements. The property's frontage and shared easement is sufficient to permit access to the site by fire/rescue, service and utility vehicles.





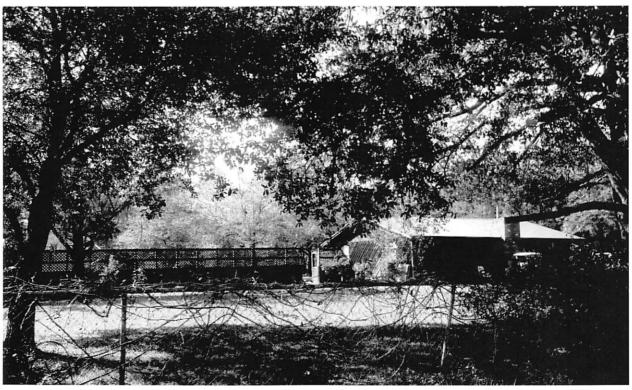
Upon visual inspection of the subject property on October 26, 2020 by the Planning and Development Department the required Notice of Public Hearing sign was posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Waiver of Minimum Required Road Frontage Ordinance 2020-0577 (WRF-20-22) be APPROVED.



Aerial view of subject property.



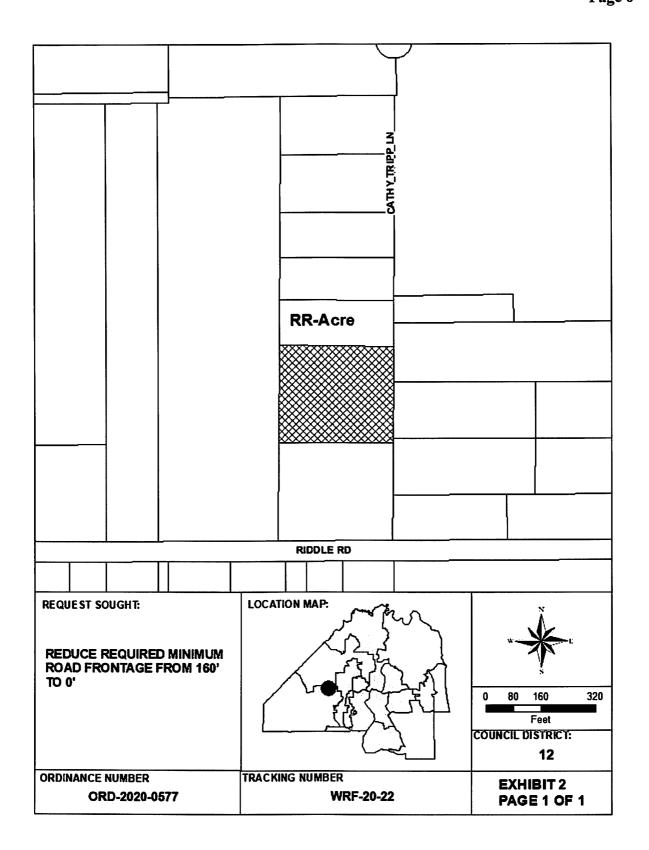
Source: Planning & Development Department, 10/27/2020 View of subject property from Cathy Tripp Lane.

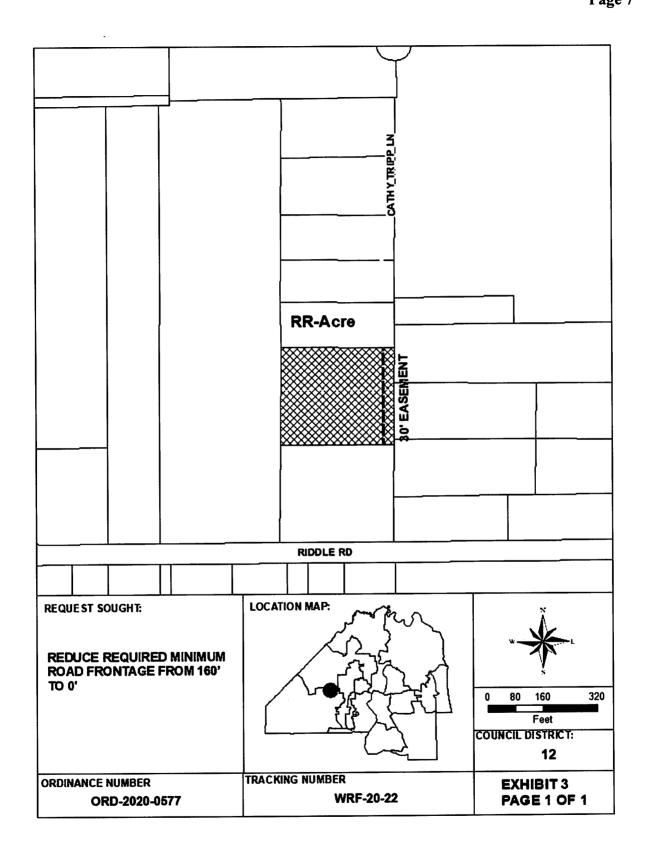


Source: Planning & Development Department, 10/27/2020 View of subject property from Cathy Tripp Lane.



Source: Planning & Development Department, 10/27/2020 View of Cathy Tripp Lane from Riddle Road.





Date Submitted: 08/24/	
Date Filed - 3-78	

Application Num	nber: 20 -2 2
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 Office	cial Use Only	
current Zoning District: RR - Acre	Current Land Use Category: LD R	
Council District: 12	Planning District: 5 - Northwest	
Previous Zoning Applications Filed (provide applic	ation numbers):	
Applicable Section of Ordinance Code:		
Notice of Violation(s):		-
Neighborhood Associations: Whitehou	se Civic Association, Northwest	,
Overlay: N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 2 Amount of	Fea: 2020-0235 Zanlog Asst. Initials: Att >- Current Plan	רייותם
PROPERTY INFORMATION 1. Complete Property Address:	2. Real Estate Number: 006495-0010	
438 Cathy Tripp Lane, Jacksonville, FL 32220		
3. Land Area (Acres): 2.16 ac	4. Date Lot was Recorded:	
5. Property Located Between Streets: Old Plank Rd. & Riddle Rd	6. Utility Services Provider: City Water / City Sewer Well / Septic X	
7. Waiver Sought: Reduce Required Minimum Road Frontage fro	imfeet to 0feet	
8 In whose name will the Waiver be granted?	Don Loyd	

9. Name: Don Loyd	10. E-mail: dloyd1120@yahoo.com
11. Address (including city, state, zip):	12. Preferred Telephone:
438 Cathy Tripp Lane Jacksonville, FL 32220	904-472-5610

13. Name: 14. E-mail:			
Don Loyd	dloyd1120@yahoo.com		
15. Address (Including city, state, zip):	16. Preferred Telephone:		
438 Cathy Tripp Lane Jacksonville, FL 32220	904-472-5610		

CRITERIA

Section 656.101(I), Ordinance Code, defines a walver as "a relaxation of the Zoning Code minimum street frontage, pursuant to Section 656.407, Ordinance Code."

Section 656.133(d)1 through 5, Ordinance Code, provides that, with respect to action upon Applications for Walvers, 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:

- There are practical or economic difficulties in corrying out the strict letter of the regulation;
- ii. The request is not based exclusively upon the desire to reduce the cost of developing the site or to circumvent the requirements of Chapter 654 (Code of Subdivision Regulations);
- iii. The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the waiver;
- iv. There is a valid and effective easement for adequate vehicular access connected to a public street which is maintained by the City or approved private street;
- v. The proposed waiver will not be detrimental to the public health, safety or welfare, result in additional expense, the creation of nuisances or conflict with any other applicable law.

- 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.
 - There are practical difficulties in carring out the strict letter of the regulation. All of thy parcels are developed and under private ownership. Write my parcel is large enouth for a second dwelling it would be impossible to accuire the required road frontage, provided in 656.407.
 - The request is not based exclusively upon the desire to reduce the cost of developing the site.
 - iii. The proposed waiver will not substantially diminish property values in, nor alter the essential character of the area surrounding the site. The zoning district allows for a density of 1 dwelling per acre. Also this parcel, has had a second dwelling in the past.
 - There is a valid and effective easement for adequate vehicular access connected to a public street. I have i included a copy of the easement in this request.
 - 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

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.

my mericen	
Owner(s) Print name: Signature:	Applicant or Agent (if different than owner) Print name: Signature:
Owner(s) Print name:	*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

	ACHMENTS
The	following attachments must accompany each copy of the application.
V	Survey
岗	Site Plan – two (2) copies on 8 % x 11 and two (2) copies on 11 x 17 or larger
片	Property Ownership Affidavit (Exhibit A)
片	Agent Authorization if application is made by any person other than the property owner (Exhibit B)
1	Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
H	Proof of property ownership - may be print-out of property appraiser record card if individual
עב	owner, http://apps.coi.net/pap_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.
l	Proof of valid and effective easement for access to the property.

FIUNG FEES

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

Base Fee

Residential Districts: \$1,161.00

Non-residential Districts: \$1,173.00

Public Notices

\$7.00 per Addressee

<u>Advertisement</u>

Billed directly to owner/agent

Legal Description

THE NORTH ONE-HALF (1/2) OF THE SOUTH ONE-HALF (1/2), (EXCEPT THENORTH 66 FEET THEROF) OF TRACT 3, BLOCK 4, SECTION 17, TOWNSHIP 2 SOUTH, RANGE 25 EAST, JACKSONVILLE, HEIGHTS. ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 5, PAGE(S) 93, OF THE PUBLIC RECORDS OF DUBVAL COUNTY, FLORIDA.

GRANT OF EASEMENT AND EASEMENT MAINTENANCE AGREEMENT

THIS AGREEMENT is made the days and year below written by and between VINCENT J. PEREZ and VELVA JEAN PEREZ, his wife, RICHARD WILLIAM PEREZ and JUDITH E. PEREZ, his wife, JAMES CLARK and ELIZABETH A. CLARK, his wife, MORRIS E. SNELL, JR., and CHARLES E. CLARK and VERA M. CLARK, his wife, and

WHEREAS, all of the above named are owners of real property across which a roadway known as "Cathy Tripp Lane" runs, and

WHEREAS, there is no properly recorded easement for ingress and egress for "Cathy Tripp Lanc", and

WHEREAS, Vincent J. Perez and Velva Jean Perez are the owners of real property more particularly described in Volume 5347, Page 781 of the Official Records of Duval County, Florida, and

WHEREAS, Richard William Perez and Judith E. Perez, his wife, are owners of real property more particularly described in Volume 2822, Page 341 of the Official Records of Duval County, Florida, and

WHEREAS, James Clark and Elizabeth A. Clark, his wife, are owners of real property more particularly described in deeds recorded in Volume 4026, Page 1042 and in Volume 2809, Page 1176, all of the Official Records of Duval County, Florida, and

WHEREAS, Morris E. Snell is the owner of real property more particularly described in Volume 5736, Page 1638 of the Official Records of Duval County, Florida, and

WHEREAS, Charles E. Clark and Vera M. Clark are the owners of real property more particularly described in Volume 2863, Page 555 of the Official Records of Duval County, Florida, and

WHEREAS, the parties hereto are desirous of creating an easement for ingress and egress and a further agreement for the maintenance of the easement over the property later described herein,

NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth below, the parties hereto agree as follows: NOW, THEREFORE, for and in consideration of the mutual promises and covenants set forth below, the parties hereto agree as follows:

- Each party hereto grants to the other, their heirs, successors, personal representatives and assigns, an easement for ingress and egress over and across the East 30 feet of the properties owned by the above named and more particularly described in the legal instruments recorded on the public records of Duval County, Florida and referenced prior herein.
- 2. The parties hereto, each at their expense, agree to maintain the portions of their properties across which this easement runs in passable condition at all times.

IN WITNESS WHEREOF, the parties have set their hands and seals the days and year below

written.	
DATED Qual 2, 1995	
YOTHESS AS TO VENCENT), PEREZ ANTI VELVA JEAN PEREZ	VINCENT J. PEREZ
MITHESTAS TO VENETATI I PEREZ AND VELVA IRAN PEREZ	VELVA JEAN PEREZ
DATED Mugust 3, 1945	,,
WITHERS AS 20 MICHAED WILLIAM FEREZ AND HUDTH & OFREZ	RICHARD WILLIAM PEREZ
MINES AS TO RICHARD WILLIAM FEREZ AND SLUTTILE PERIEZ	Joseph E. Perez
DATED <u>chaqual is, 1440</u> 0	· · · · · · · · · · · · · · · · · · ·
WITHRESS AS TO SAMES CLASE AND ELIZABETH AFFERR	JAMES CLARK
WITHESS AS TO IAMITA CLARK JAHO ELIZABETH A CLARK	ELIZABETH A. CLARK
DATED Lugarly, 1995	
WITNESS AS TO MORRIS & SWELL IN	Morris E. SNELL, JR.
WITTERS AS TO MORRAIS EXPELL IN	

	DATED 8 3.95	<i>i</i> .			
	WITHER AS TO CHARLEST CLARE AND VERA W CLARE		Charas C CHARLES E. CL	20 list	
ر	Mary Gunton WITNESS AS TO CHARLES & CLARK AND YPHA W CLARK		LÉW /	R. Clark	
	STATE OF FLORIDA			•	
	COUNTY OF DUVAL				
	The foregoing instrument was at VINCENT J. PEREZ and VELVA JE produced	an peri	Z, his wife, who a	day of August, 1995, by the personally known to me tification.	or
		Notal		LINDA WEBSTER ALEXY MOTAFY PUBLIC, STATE OF F My commission supies Aug. 2 Commission No. CC 31	NDEH LORIDA
	STATE OF FLORIDA				.033
	The foregoing instrument was at RICHARD WILLIAM PEREZ and JUD or produced	OTH E. P	EREZ, his wife, w	day of August, 1995, by the are recisionally known to relation.	nc
	STATE OF FLORIDA	Notar	y Public ommission Expires:	LINDA WEBSTER ALE MOTAFY PUBLIF V. 15 DE My commission No. CC 3	FLGRIDA .25 1397
	COUNTY OF DUVAL				
	The foregoing instrument was ac JAMES CLARK and ELIZABETH A. Cl	knowledg LARK, his	ed before me this is wife, who are personal as identification.	day of August, 1995, by smally known to me or produce	ed
			//	Les Olegandes	
		, 20	Expires,	LINDA WEBSTER ALEXANO NOTARY PUBLIC: STATE OF FLOR My commission signes Aug. 25. 1 Commission No. CC 3110	1DA

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this day of August, 1995, by MORRIS E. SNELL, JR., who is personally known to me or produced as identification.

Notary Public

My Commission Expires:



LINDA WEBSTEH ALEXANUER NOTARY PUBLIE, STATE OF FLORIDA My commission stoires Aug. 25, 1997 Commission No. CC311053

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3^d day of August, 1995, by CHARLES F. CLARK and VERA M. CLARK, his wife, who are personally known to me or produced Floring Driver Licence as identification.

Notary Public

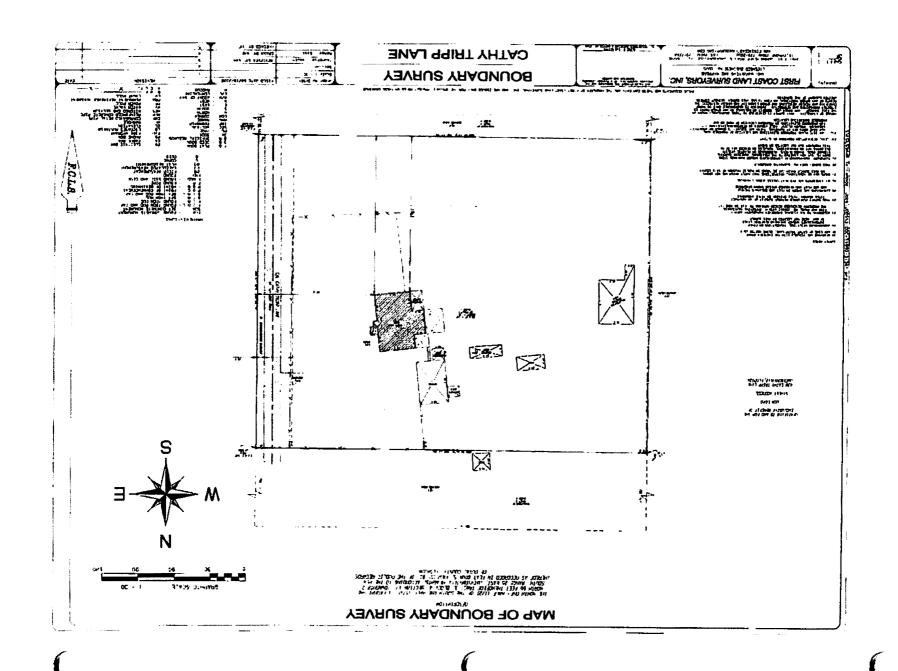
My Commission Expires:

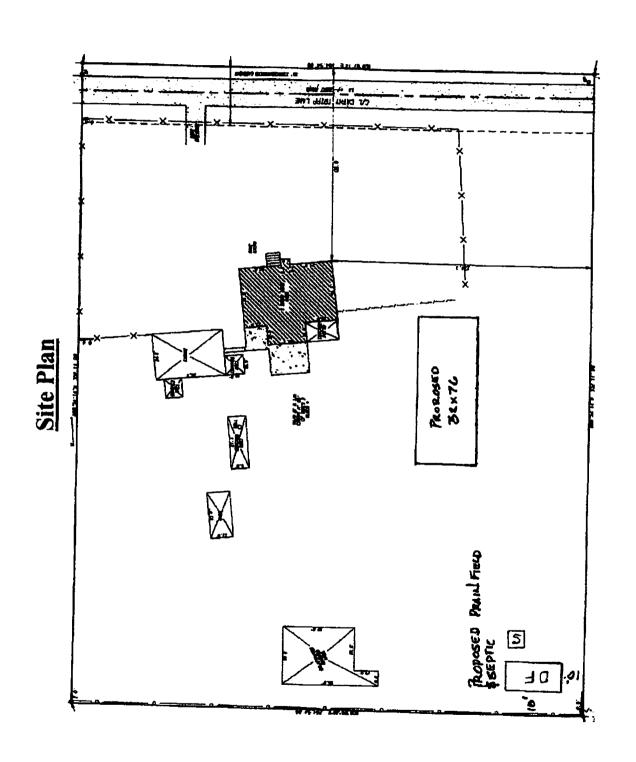
MARY S ERICKSON
HOLARY PURILY TRAIT OF FLORIDA
My commission comes Jan 28, 1999
Commission do CC 427706

EXHIBIT A

Property Ownership Affidavit - Individual

Date: 8/23/2020 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: RE#(s): 006495-0010 Address: 438 Cathy Tripp Lane To Whom it May Concern: hereby certify that I am the Owner of the property described in 1 Don Loyd Exhibit 1 In connection with filing application(s) for Waiver of minimum required road frontage submitted to the Jacksonville Planning and Development Department. Print Name: Don Loyd STATE OF FLORIDA **COUNTY OF DUVAL** Sworn to and subscribed and acknowledged before me this 24 day of _____who is personally 2020 by Donny Loyd as identification and who known to me or who has produced FLD took an oath. (Signature of NOTARY PUBLIC) DOUGLAS JONES Desolar least Notary Public - State of Fiorida (Printed name of NOTARY PUBLIC) Commission # GG 329408 My Comm. Expires Jun 3, 2023 Bonded through National Notary Assn. State of Florida at Large My commission expires





BUILDING AND ZONING INSPECTION DIVISION

CITY OF JACKSONVILLE, PLORIDA

APPLICATION FOR BUILDING PERMIT

IMPORTANT — Applicant to complete all items in sections I, II, III, and IV.				
I. LOCATION On WEST	Side of CAThy	(Address)	between OLD Plank PSI and	
BUILDING Lo. No.	Black No portion at lot if loss than f	ull lat—Allach legal description per d	Leane Attached loed in duplicate it necessary)	
			- All applicants complete Parts A	
A. TYPE OF IMPROVEMENT			B. OWNERSHIP	
	idential, enter number units added. If any.	Swimming Pool gallons Sign (see reverse side)	Private (individual, corporation nonprafit institution, etc.) Public (Federal, State, or Ingovernment)	N/
3 Alteration (See 2 4 Repair, replacement		Mobile home move-on	c. cast	(Omit cents)
1 Wrecking (II must-	fartiy residential, en-	Other	13. Cost of improvement	
D, 131	its in building in Part		To be installed but not include the above cost:	d in
Maving (relocation Foundation only	(see reverse side)		a, Electrical	
	ons or other permits, pro-	ride brief	b. Plumbing	
description of work to	24 x 60	<u>, </u>	c. Heating air conditioning a. Other (elevator, etc.)	
			11. TOTAL COST OF IMPROVEMENT	14.000
D. PROPOSED USE - IFor '	Wrecking," mast recent	use)	26 School, 'Ibrory', o	
Residential	•	Nenresidential	27 Stores, mercantile	
12 [X] One family 13 [] Two or more for	amiluFatas aumbas	18 Amusement, recreation 19 Church ather religiou		
, tiny to		20 Insustrial		
14 Transiens hatel Finter numbe af units	malei, ar daim lary Pr	21 Porking garage		
15 Garage		22 Service station, repair 23 Naspital, institutions	gorage	
16 Corpore	. .	24 Office, bank, profession	orol	
		75' Public visting	ngs and additions complete Part	
E. PRINCIPAL TYPE OF FRAM		for wrecking, co	emplete only Part J. for all others	skie bosiV.
30 Masony Iwali bed	_	1. TYPE OF MECHANICAL Will there be central air	THUS SPA	CE FOIL OFFICE
31 Wood frame	-	conditioning?	Paral	E ONLY ved Stains
32 Structural steel 33 Reinforced concrete	•	, –	J No	•
34 Cither Specify		Will there be an elevaror? 40 ☐ Yes 47 [] No 📥	
F. PRINCIPAL TYPE OF HEATH	1		FLAT STATE CONTR.	LIC. =
35 Gas 36 Q.1		nber of stores		
37 Electricity 38 Cool	5 .	Total unencloses floor uses	Zoro OR	_ Fen \$
38 Cool 39 Other - Specify		fatal area si land area, sq. fr.		
		R OF GFF-STREET G SPACES	Zoning Approved Q	
. TYPE OF SEWAGE DISPOSA	iL SI En:	loseo	House No.	Lather ma
40 Public or private to	32. 00		25	IN. OF
41 X Private Iseptic land		TIAL BUILDINGS ONLY	Plumbing Fixture Layout	1.
L TYPE OF WATER SUPPLY	ì	mber of bedrooms	Approved	
42 Public or private c 43 Private (well, cisted) 54. Nu	nber of Full	Final Approved	_ Date
In consideration of pr with the attached plans and the street times and grades f			statement, we hereby agree to perform ce with the building regulations of the	said work in accordance City of Jacksonvike and
. IDENTIFICATION -				
Florida Name-F	Please Print or T_0	rpe Sign	oture	Address
er Engineer				
rcensed battactor			# - 11 - 11	900
Gentractor D'er M.E.S	NELL	ma Qui	12 123 Mugle	
NOTE: Separate permits are	required for electric suits	ing, plumbing, heating and oir co	inditioning equipment, signs, tanks, sidewa	IAS, driveways, awainan
the planting and all mec	hanical installations <u> 4</u>		ر بن	EORM BI-21-1