

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.

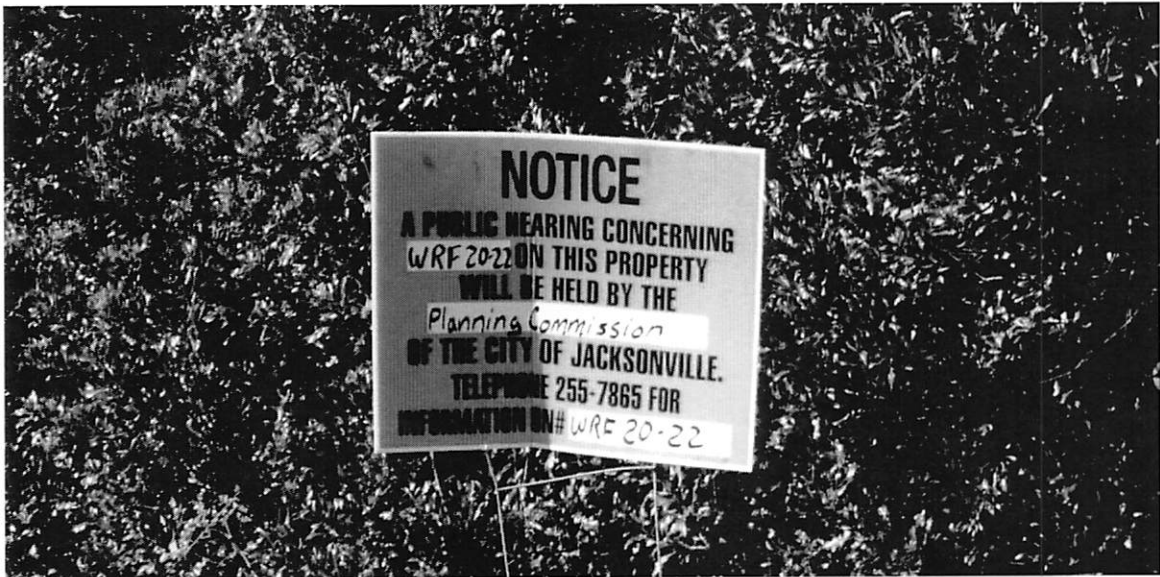
- (iv) *Is there a valid and effective easement for adequate vehicular access connected to a public street maintained by the City or an approved private street?*

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.

SUPPLEMENTARY INFORMATION



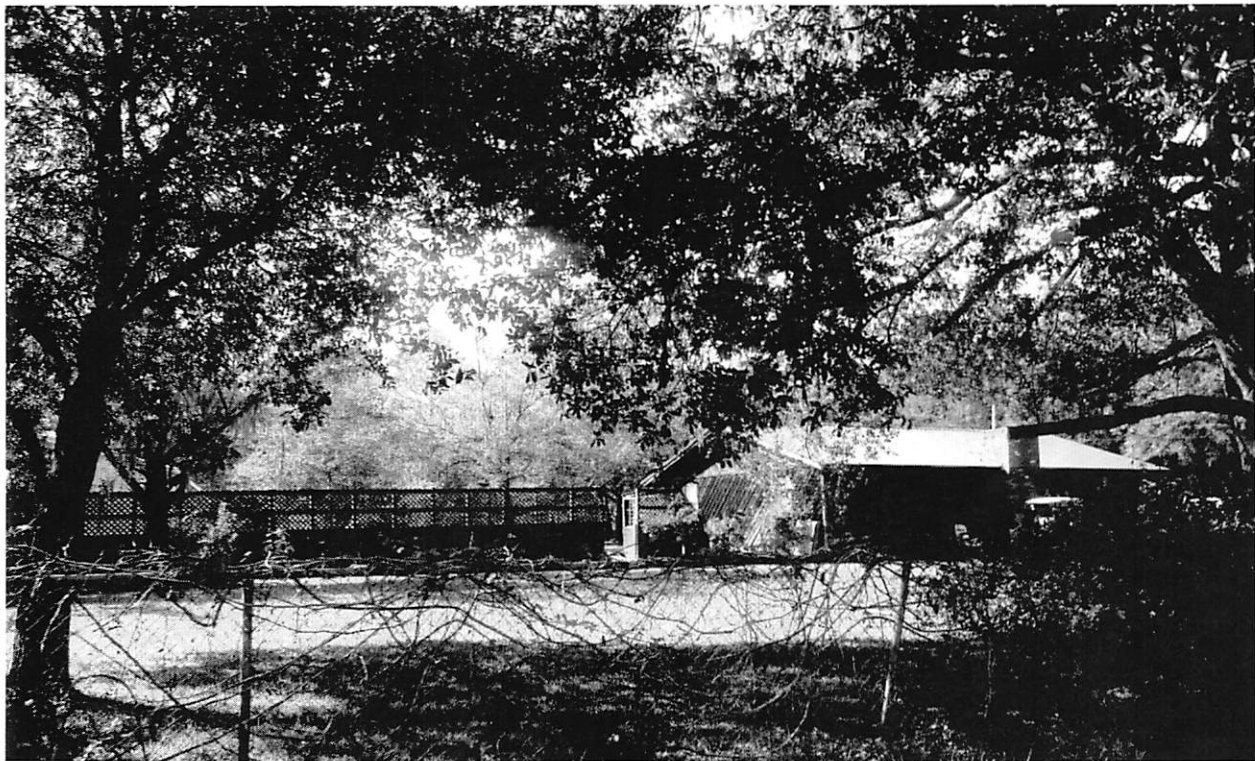
Upon visual inspection of the subject property on **October 26, 2020** by the Planning and Development Department the required Notice of Public Hearing sign was posted.

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.



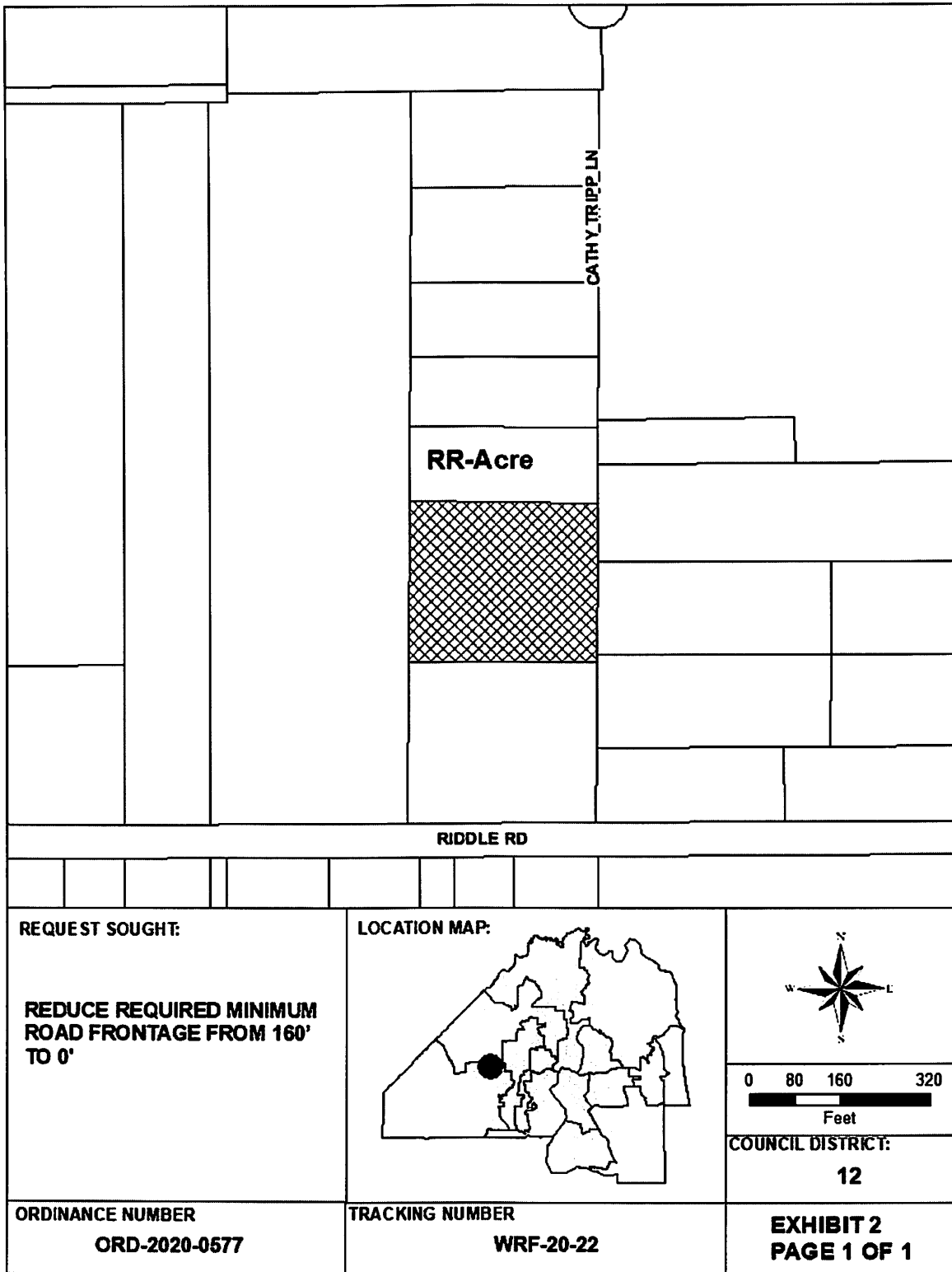
Source: Planning & Development Department, 10/27/2020

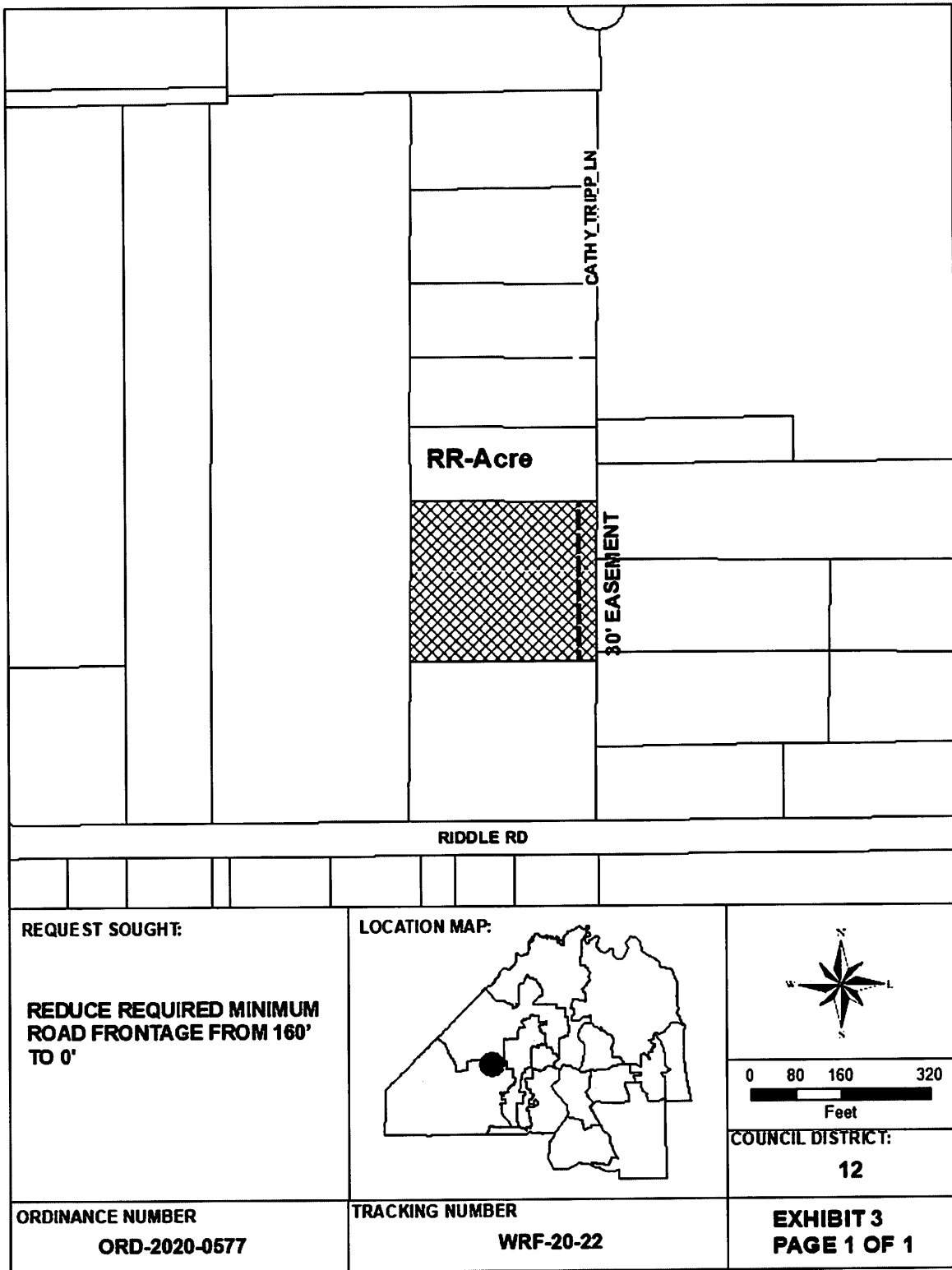
View of subject property from Cathy Tripp Lane.



Source: Planning & Development Department, 10/27/2020

View of Cathy Tripp Lane from Riddle Road.





Date Submitted:	08/24/20
Date Filed:	8-28-20

Application Number:	WRF 20-22
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: RR-Acre	Current Land Use Category: LDR
Council District: 12	Planning District: 5-Northwest
Previous Zoning Applications Filed (provide application numbers): N/A	
Applicable Section of Ordinance Code: 656.407	
Notice of Violation(s): N/A	
Neighborhood Associations: Whitehouse Civic Association, Northwest	
Overlay: N/A	
LUZ Public Hearing Date:	City Council Public Hearing Date:
Number of Signs to Post: 2	Amount of Fee: 2020-0235
Zoning Asst. Initials: <i>ATL</i> - Current Planning	

PROPERTY INFORMATION	
1. Complete Property Address: 438 Cathy Tripp Lane, Jacksonville, FL 32220	2. Real Estate Number: 006495-0010
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 <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. Waiver Sought: Reduce Required Minimum Road Frontage from <u>160</u> feet to <u>0</u> feet	
8. In whose name will the Waiver be granted? Don Loyd	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Don Loyd	10. E-mail: dloyd1120@yahoo.com
11. Address (including city, state, zip): 438 Cathy Tripp Lane Jacksonville, FL 32220	12. Preferred Telephone: 904-472-5610

APPLICANT'S INFORMATION (if different from owner)	
13. Name: Don Loyd	14. E-mail: dloyd1120@yahoo.com
15. Address (including city, state, zip): 438 Cathy Tripp Lane Jacksonville, FL 32220	16. Preferred Telephone: 904-472-5610

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.

- i. There are practical difficulties in carrying out the strict letter of the regulation. All of thy parcels are developed and under private ownership. While my parcel is large enough for a second dwelling it would be impossible to accuire the required road frontage, provided in 656.407.
- ii. 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.
- iv. There is a valid and effective easement for adequate vehicular access connected to a public street. I have included a copy of the easement in this request.
- 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.

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: Don Loyd

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, 2nd Floor

Jacksonville, Florida 32202

(904) 255-8300

ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 1/2 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/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>.
- 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		

Legal Description

THE NORTH ONE-HALF (1/2) OF THE SOUTH ONE-HALF (1/2), (EXCEPT
THE NORTH 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 Lane", 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:

91B479

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

1. 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 August 2, 1995

[Signature]
WITNESS AS TO VINCENT J. PEREZ AND VELVA JEAN PEREZ
[Signature]
WITNESS AS TO VINCENT J. PEREZ AND VELVA JEAN PEREZ

[Signature]
VINCENT J. PEREZ
[Signature]
VELVA JEAN PEREZ

DATED August 2, 1995

[Signature]
WITNESS AS TO RICHARD WILLIAM PEREZ AND JUDITH E. PEREZ
[Signature]
WITNESS AS TO RICHARD WILLIAM PEREZ AND JUDITH E. PEREZ

[Signature]
RICHARD WILLIAM PEREZ
[Signature]
JUDITH E. PEREZ

DATED August 2, 1995

[Signature]
WITNESS AS TO JAMES CLARK AND ELIZABETH A. CLARK
[Signature]
WITNESS AS TO JAMES CLARK AND ELIZABETH A. CLARK

[Signature]
JAMES CLARK
[Signature]
ELIZABETH A. CLARK

DATED August 2, 1995

[Signature]
WITNESS AS TO MORRIS E. SNELL, JR.
[Signature]
WITNESS AS TO MORRIS E. SNELL, JR.

[Signature]
MORRIS E. SNELL, JR.


DATED 8 3 95

Kelly Suzanne Dwyer
WITNESS AS TO CHARLES E. CLARK AND VERA M. CLARK
Mary Emerson
WITNESS AS TO CHARLES E. CLARK AND VERA M. CLARK

Charles E. Clark
CHARLES E. CLARK
Vera M. Clark
VERA M. CLARK


STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3rd day of August, 1995, by VINCENT J. PEREZ and VELVA JEAN PEREZ, his wife, who are personally known to me or produced _____ as identification.

Linda Webster Alexander
Notary Public
My Commission Expires:  LINDA WEBSTER ALEXANDER
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Aug. 25, 1997
Commission No. CC 311053


STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3rd day of August, 1995, by RICHARD WILLIAM PEREZ and JUDITH E. PEREZ, his wife, who are personally known to me or produced _____ as identification.

Linda Webster Alexander
Notary Public
My Commission Expires:  LINDA WEBSTER ALEXANDER
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Aug. 25, 1997
Commission No. CC 311053

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3rd day of August, 1995, by JAMES CLARK and ELIZABETH A. CLARK, his wife, who are personally known to me or produced _____ as identification.

Linda Webster Alexander
Notary Public
My Commission Expires:  LINDA WEBSTER ALEXANDER
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Aug. 25, 1997
Commission No. CC 311053

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 2nd day of August, 1995, by MORRIS E. SNELL, JR., who is personally known to me or produced as identification.

Linda Webster Alexander
Notary Public

My Commission Expires:



LINDA WEBSTER ALEXANDER
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Aug. 25, 1997
Commission No. CC311053

STATE OF FLORIDA

COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 3rd day of August, 1995, by CHARLES F. CLARK and VERA M. CLARK, his wife, who are personally known to me or produced FLORIDA DRIVER LICENSE as identification.

Mary S Erickson
Notary Public

My Commission Expires:



MARY S ERICKSON
NOTARY PUBLIC, STATE OF FLORIDA
My commission expires Jan 28, 1999
Commission No. CC427706

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:

Address: 438 Cathy Tripp Lane RE#(s): 006495-0010

To Whom It May Concern:

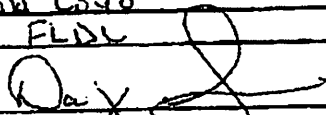
I Don Loyd hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Waiver of minimum required road frontage submitted to the Jacksonville Planning and Development Department.

By 

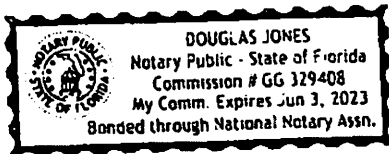
Print Name: Don Loyd

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 24 day of Aug 2020, by Don Loyd who is personally known to me or who has produced FLDL as identification and who took an oath.


(Signature of NOTARY PUBLIC)

Douglas Jones
(Printed name of NOTARY PUBLIC)



State of Florida at Large
My commission expires

Site Plan

