

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-829-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-23,  
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 10 AT  
8 0 MONCRIEF-DINSMORE ROAD, BETWEEN MONCRIEF-  
9 DINSMORE ROAD AND GILCHRIST ROAD (R.E. NO.  
10 002983-0045), AS DESCRIBED HEREIN, OWNED BY  
11 TIMOTHY LEE MCCALL, JR. AND HUNTER GAYLE  
12 WILLIAMS, REQUESTING TO REDUCE THE MINIMUM ROAD  
13 FRONTAGE REQUIREMENTS FROM 80 FEET TO ZERO FEET  
14 IN ZONING DISTRICT RESIDENTIAL RURAL-ACRE (RR-  
15 ACRE), AS DEFINED AND CLASSIFIED UNDER THE  
16 ZONING CODE; PROVIDING FOR DISTRIBUTION;  
17 PROVIDING A DISCLAIMER THAT THE WAIVER GRANTED  
18 HEREIN SHALL NOT BE CONSTRUED AS AN EXEMPTION  
19 FROM ANY OTHER APPLICABLE LAWS; PROVIDING AN  
20 EFFECTIVE DATE.  
21

22 **WHEREAS**, an application for a waiver of minimum road frontage,  
23 **On File** with the City Council Legislative Services Division, was  
24 filed by Barbara Erzinger on behalf of the owners of property located  
25 in Council District 10 at 0 Moncrief-Dinsmore Road, between Moncrief-  
26 Dinsmore Road and Gilchrist Road (R.E. No. 002983-0045) (the "Subject  
27 Property"), requesting to reduce the minimum road frontage from 80  
28 feet to zero feet in Zoning District Residential Rural-Acre (RR-  
29 Acre); and

30 **WHEREAS**, the Planning and Development Department has  
31 considered the application and all attachments thereto and has

1 rendered an advisory recommendation; and

2       **WHEREAS**, the Land Use and Zoning Committee, after due notice  
3 held a public hearing and having duly considered both the testimonial  
4 and documentary evidence presented at the public hearing, has made  
5 its recommendation to the Council; and

6       **WHEREAS**, taking into consideration the above recommendations  
7 and all other evidence entered into the record and testimony taken  
8 at the public hearings, the Council finds that: (1) there are  
9 practical or economic difficulties in carrying out the strict letter  
10 of the regulation; (2) the request is not based exclusively upon the  
11 desire to reduce the cost of developing the site or to circumvent the  
12 requirements of Chapter 654 (Code of Subdivision Regulations); (3)  
13 the proposed waiver will not substantially diminish property values  
14 in, nor alter the essential character of, the area surrounding the  
15 site and will not substantially interfere with or injure the rights  
16 of others whose property would be affected by the waiver; (4) there  
17 is a valid and effective easement for adequate vehicular access  
18 connected to a public street which is maintained by the City or an  
19 approved private street; and (5) the proposed waiver will not be  
20 detrimental to the public health, safety or welfare, result in  
21 additional expense, the creation of nuisances or conflict with any  
22 other applicable law; now therefore

23       **BE IT ORDAINED** by the Council of the City of Jacksonville:

24       **Section 1. Adoption of Findings and Conclusions.** The  
25 Council has reviewed the record of proceedings and the Staff Report  
26 of the Planning and Development Department and held a public hearing  
27 concerning Application for Waiver of Minimum Required Road Frontage  
28 WRF-23-23. Based upon the competent, substantial evidence contained  
29 in the record, the Council hereby determines that the requested waiver  
30 of road frontage meets the criteria for granting a waiver contained  
31 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-23-23 is

1 hereby approved.

2           **Section 2.           Owner and Description.** The Subject Property is  
3 owned by Timothy Lee McCall, Jr. and Hunter Gayle Williams and is  
4 legally described in **Exhibit 1**, dated January 10, 2017, and  
5 graphically depicted in **Exhibit 2**, both of which are attached hereto.  
6 A graphic depiction of the easement providing access to/from the  
7 Subject Property is attached hereto as **Exhibit 3**. The applicant is  
8 Barbara Erzinger, 1355 Rigdon Road, Jacksonville, Florida 32220;  
9 (904) 361-8440.

10           **Section 3.           Distribution by Legislative Services.**  
11 Legislative Services is hereby directed to mail a copy of this  
12 legislation, as enacted, to the applicant and any other parties to  
13 this matter who testified before the Land Use and Zoning Committee  
14 or otherwise filed a qualifying written statement as defined in  
15 Section 656.140(c), *Ordinance Code*.

16           **Section 4.           Disclaimer.** The waiver of road frontage granted  
17 herein shall **not** be construed as an exemption from any other  
18 applicable local, state, or federal laws, regulations, requirements,  
19 permits or approvals. All other applicable local, state or federal  
20 permits or approvals shall be obtained before commencement of the  
21 development or use and issuance of this waiver of road frontage is  
22 based upon acknowledgement, representation and confirmation made by  
23 the applicant(s), owner(s), developer(s) and/or any authorized  
24 agent(s) or designee(s) that the subject business, development and/or  
25 use will be operated in strict compliance with all laws. Issuance of  
26 this waiver of road frontage does **not** approve, promote or condone any  
27 practice or act that is prohibited or restricted by any federal,  
28 state or local laws.

29           **Section 5.           Effective Date.** The enactment of this Ordinance  
30 shall be deemed to constitute a quasi-judicial action of the City  
31 Council and shall become effective upon signature by the Council

1 President and Council Secretary. Failure to exercise the waiver, if  
2 herein granted, by the commencement of the use or action herein  
3 approved within one (1) year of the effective date of this legislation  
4 shall render this waiver invalid and all rights arising therefrom  
5 shall terminate.

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7 Form Approved:

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9           /s/ Mary E. Staffopoulos          

10 Office of General Counsel

11 Legislation Prepared By: Kaysie Cox

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