

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT****APPLICATION FOR WAIVER OF MINIMUM REQUIRED ROAD FRONTAGE****ORDINANCE 2019-0085 (WRF-19-04)****March 20, 2019**

***Location:*** 4432 Wagenhals Lane  
Between Lola Drive and Glendas Meadow Drive

***Real Estate Number(s):*** 013145-0000

***Waiver Sought:*** Reduce Minimum Required Road Frontage from 80 Feet to 0 Feet

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

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

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

***Owner/Applicant:*** Yader Alexander Cuevas Medina  
4460 Wagenhals Lane  
Jacksonville, FL 32210

***Staff Recommendation:*** **APPROVE WITH CONDITION**

**GENERAL INFORMATION**

Application for Waiver of Minimum Required Road Frontage **Ordinance 2019-0085 (WRF-19-04)** seeks to reduce the required minimum road frontage from 80 feet to 0 feet in order to allow a single-family dwelling in the Residential Rural-Acre (RR-Acre) Zoning District. Located on a 1-acre parcel in the Jacksonville Heights neighborhood area, the property will be accessed via Wagenhals Road and through a 30-foot wide recorded easement.

Some aftertime 1971, the original 10-acre parent tract (designated Open Rural at the time) was divided into ten separate parcels. Staff also finds that within a 1500-foot radius of the subject property, several waivers for reduction in road frontage were granted approval, which are detailed later in this report.

**Staffs notes the availability of a valid easement that connects the site to Wagenhals Road, which is an improved and publicly maintained right-of-way. All of the properties the easement traverses are owned by the applicant's immediate family members. Therefore, the applicant can also file for lineal consanguinity.**

**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. Considering the original 10-acre parent tract was subdivided prior to the adoption of the Comprehensive Plan, several of the existing dwellings units along Wagenhals Lane were developed without consideration for access along a public street or an approved private street. If contested, the lack of frontage on an approved private street or public road would render the lot undevelopable according to the strict letter of the regulation, as referenced in Sec. 656.704.

- (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 is not based on 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 request being sought will allow for the construction of a single-family dwelling, which does not adhere to subdivision guidelines. Rather, the unique physical location and its lack of frontage along an approved right-of-way precludes development on the site unless a Waiver of Minimum Road Frontage is obtained.

- (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, the applicant plans to construct a single-family dwelling on the property, which Staff contends will be similar in size and character with the surrounding RR-Acre lots.

Additionally, Staff should note the prevailing trend of residential lots in the area that lack frontage along a public street or approved private streets. In result, several filings for road frontage reductions were found within a 1500-foot radius of the subject property. More specifically, road frontage reductions were granted by Planning Commission for the following properties:

- **V-93-149** at 8438 Wagenhals Road – reduction from 80 feet to 0 feet
- **WRF-14-04** at 4408 Wagenhals Road – reduction from 80 ft to 0 ft
- **WRF-03-41** at 4460 Wagenhals Road – reduction from 80 feet to 0 feet. The application was denied so the applicant could apply for lineal consanguinity.
- **WRF-02-31** at 4395 Lola Drive – reduction from 80 feet to 0 feet
- **WRF-97-140** at 4351 Lola Drive – reduction from 80 feet to 0 feet
- **WRF-02-06** at 4606 Lambing Road – reduction from 288 feet to 200 feet

(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 attached legal description dated January 30, 2019, which indicates a 30-foot access easement for ingress and egress will be provided to Wagenhals 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?*

No. Staff finds the proposed waiver will not be detrimental to the public health, safety, or welfare. Given the general rural nature of Wagenhals Lane 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.

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 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 2019-0085 (WRF-19-04)** be **APPROVED WITH CONDITION**.

1. **The applicant shall provide a visible address for the subject property along Wagenhals Road.**

Figure A:



Source: Planning & Development Dept, 3/8/19

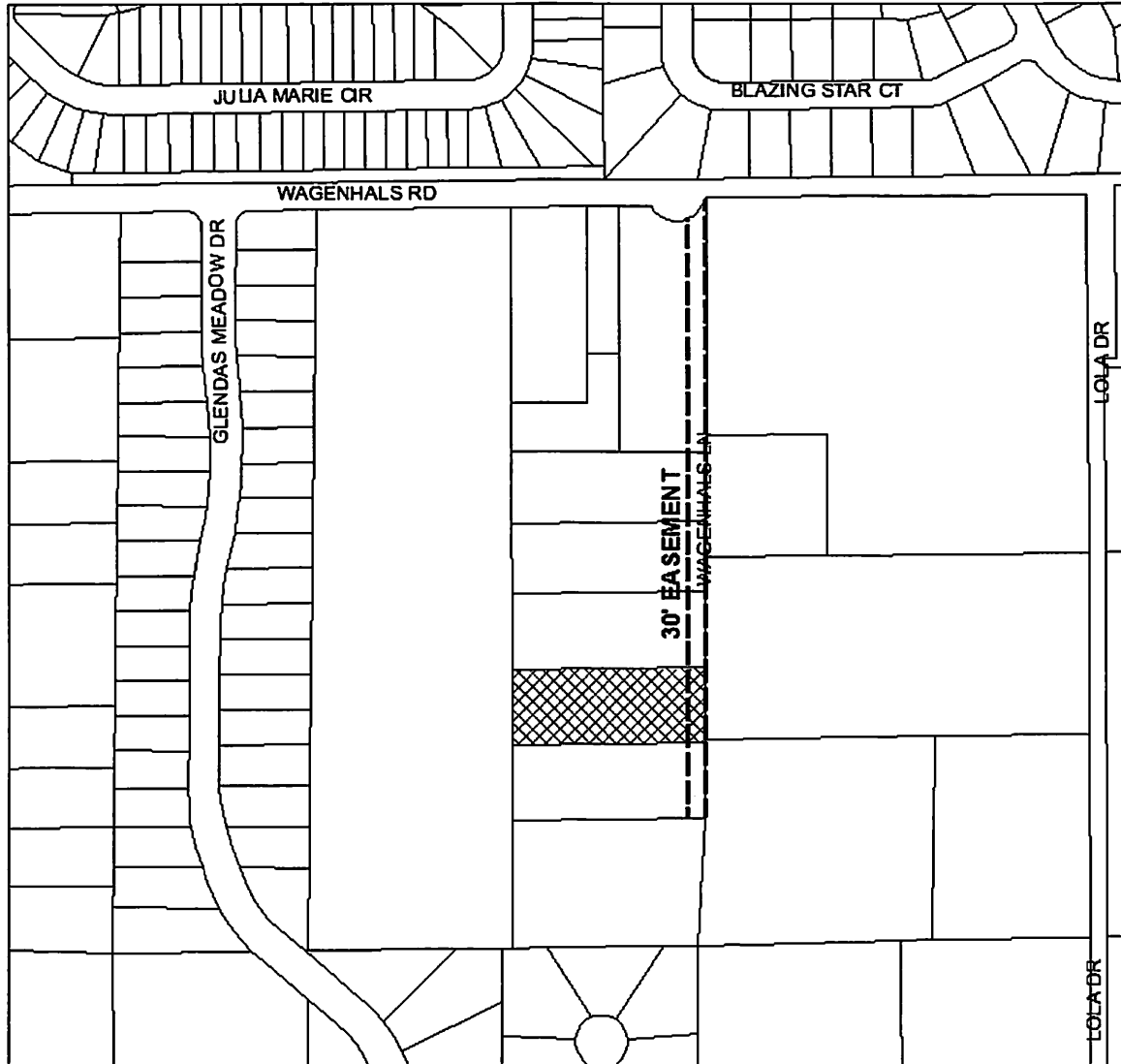
Aerial view of the subject site and proposed easement, facing north.

Figure B:

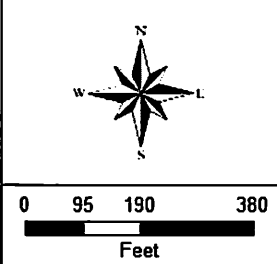
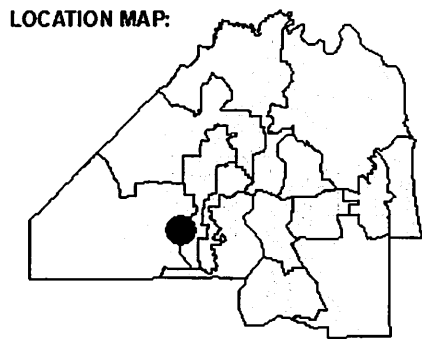


Source: Planning & Development Dept, 2/21/19

View of Wagenhals Lane, the 30-foot recorded easement, facing south on Wagenhals Road.



**REQUEST SOUGHT:**  
  
**REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET**



**COUNCIL DISTRICT:**  
**10**

**TRACKING NUMBER**  
**WRF-19-04**

**EXHIBIT 3**  
**PAGE 1 OF 1**

WRF-19-04

Date Submitted:	1/11/2019
Date Filed:	1.24.19

Application Number:	WRF-19-04
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:	10	Planning District: 4
Previous Zoning Applications Filed (provide application numbers): none		
Applicable Section of Ordinance Code: 656.304		
Notice of Violation(s): none		
Neighborhood Associations: West Jax Civic Association		
Overlay: none		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: \$ 1287.	Zoning Asst. Initials: CIR

PROPERTY INFORMATION	
1. Complete Property Address: 4432 Wagenhals Lane Jax FL 32210	2. Real Estate Number: 0131450000
3. Land Area (Acres): 1.0 Acre	4. Date Lot was Recorded: 10-06-2015 Parcel 98
5. Property Located Between Streets: Lola Dr and Glenda Meadows Dr	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 80 feet to 0 feet.	
8. In whose name will the Waiver be granted? Yader Alexander Cuevas Medina	

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: <i>Yader Alexander Cuevas Medina</i>	10. E-mail: <i>YAlexanderCuevas72@gmail.com</i>
11. Address (including city, state, zip): <i>4460 Wagenhals Lane Jacksonville, Florida 32210</i>	12. Preferred Telephone: <i>904-322-3121</i>

APPLICANT'S INFORMATION (if different from owner)	
13. Name:	14. E-mail:
15. Address (including city, state, zip):	16. Preferred Telephone:

**CRITERIA**

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."

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:

- i. *There are practical or economic difficulties in carrying 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.

i want put my house, for primary residence

**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: yader A. CUEVAS Medina

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

**EXHIBIT A**

**Property Ownership Affidavit - Individual**

Date: 1-11-2019

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: 2 Wagenhals lane RE#(s): 0131450000

To Whom it May Concern:

I Yader Alexander Cuvas M. hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for waiver submitted to the Jacksonville Planning and Development Department.

By [Signature]

Print Name: Yader A. Cuvas Medina

**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 11 day of Jan 2019, by Yader Alexander Medina, who is personally known to me or who has produced FL DL Exp. 2/16/19 as identification and who took an oath.

[Signature]  
(Signature of NOTARY PUBLIC)

Latasha Moorehead  
(Printed name of NOTARY PUBLIC)

**LATASHA LYNEICE MOOREHEAD**  
Notary Public, State of Florida  
My Comm. Expires 02/15/22  
Commission No. GG186837

State of Florida at Large.  
My commission expires: 2/15/22

2019-0085

**EXHIBIT B - Agent Authorization Affidavit- Property Owner**

(WRF-19-04)

Date: 2-25-19

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

Re: Agent Authorization for the following site location: 4432 Wagenhals Ln

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 ROSA G CUEVAS to act as agent to file application(s) for 2019-0085 (WRF-19-04) 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]  
Print Name: Yader A. Cuevas

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 25<sup>th</sup> day of Feb 2019, by Medina Cuevas, who is personally known to me or who has produced Yader FLDL as identification and who took an oath.

[Signature]  
(Signature of NOTARY PUBLIC)

Tammy E Gray  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.  
My commission expires: 8-13-22

TAMMY E. GRAY  
Notary Public, State of Florida  
My Comm. Expires 08/13/2022  
Commission No. GG223078



**2015 NOTICE OF AD VALOREM & NON-AD VALOREM ASSESSMENTS  
REAL ESTATE TAX NOTICE**

**MICHAEL CORRIGAN, DUVAL COUNTY TAX COLLECTOR**  
231 E FORSYTH ST SUITE 130, JACKSONVILLE, FL 32202-3370  
Tax Collector Inquiries: (904) 630-1916 Option 4; website: www.coj.net/tc

**ACCOUNT NUMBER:** 013145-0000  
**PAYOR CODE/NAME:** -  
**LOCATION ADDRESS:** WAGENHALS RD  
32210  
**LEGAL DESCRIPTION:** 5-93 10-3S-25E 1.00  
JACKSONVILLE HEIGHTS  
PT TRACT 3 RECD O/R 14972-1823  
BLK 2 PARCEL 1

CUEVAS MEDINA YADER ALEXANDER  
DE CUEVAS JEYSSIL DE LOS  
ANGELES DAVILA  
4460 WAGENHALS LN  
JACKSONVILLE FL 32210

**CORRECTED  
STATEMENT**

<b>AD VALOREM TAXES</b>							
<u>TAXING AUTHORITY</u>	<u>ASSESSED VALUE \$</u>	<u>EXEMPT VALUE \$</u>	<u>TAXABLE VALUE \$</u>	<u>TAXING DISTRICT</u>	<u>MILLAGE RATE</u>	<u>TAX AMOUNT \$</u>	<u>EXEMPTIONS APPLIED</u>
CITY OF JACKSONVILLE	21728	0	21728	GS	11.4419	248.61	
ST JOHNS RIVER WTR MGMT DIST	21728	0	21728	GS	.3023	6.57	
FL INLAND NAVIGATION	21728	0	21728	GS	.0320	0.70	
USD	21728	0	21728	GS	.0000	0.00	
SCHOOLS	21728	0	21728	GS	7.1170	154.63	
<b>AD VALOREM TOTALS</b>					<b>18.8932</b>	<b>\$410.51</b>	

<b>NON-AD VALOREM ASSESSMENTS</b>		<b>REMARKS:</b>
<u>PURPOSE</u>	<u>AMOUNT \$</u>	
STORMWATER	13.20	
<b>NON-AD VALOREM TOTALS</b>		
	\$13.20	

<b>IF PAID BY:</b>	<b>NOV 30 2015 4% DISC</b>	<b>DEC 31 2015 3% DISC</b>	<b>JAN 31 2016 2% DISC</b>	<b>FEB 29 2016 1% DISC</b>	<b>MAR 31 2016 GROSS AMT</b>
<b>PLEASE PAY:</b>	<b>\$ 406.76</b>	<b>\$ 411.00</b>	<b>\$ 415.24</b>	<b>\$ 419.47</b>	<b>\$ 423.71</b>

MAKE CHECKS PAYABLE TO MICHAEL CORRIGAN, TAX COLLECTOR

FOR ONLINE BILL PAYMENT SERVICE USE ACCOUNT NUMBER: 013145-0000

Please detach and return bottom section with your payment. This becomes a receipt after validation. See back for further information.

**DUVAL COUNTY 2015 REAL ESTATE TAX NOTICE**

**ACCOUNT NUMBER:** 013145-0000  
**FOLIO NUMBER:** 1033014.0000  
**PAYOR CODE/NAME:** -  
**TAXING DISTRICT:** GS  
**OWNER NAME:** CUEVAS MEDINA YADER ALEXANDER  
**LOCATION ADDRESS:** WAGENHALS RD  
32210

<b>IF PAID BY:</b>	<b>PLEASE PAY:</b>
NOV 30 2015	\$ 406.76
DEC 31 2015	\$ 411.00
JAN 31 2016	\$ 415.24
FEB 29 2016	\$ 419.47
MAR 31 2016	\$ 423.71
FOR ONLINE BILL PAYMENT SERVICE USE ACCOUNT NUMBER:013145-0000	

MICHAEL CORRIGAN, TAX COLLECTOR  
231 E FORSYTH ST SUITE 130  
JACKSONVILLE, FL 32202-3370

0000000000 0000042371 0000010330140000 0001 0

MAP SHOWING  
**BOUNDARY SURVEY**

OF

OFFICIAL RECORDS 14972, PAGE 1823 PARCEL 1:  
PART OF TRACT 3 . BLOCK 2, SECTION 10, TOWNSHIP 3 SOUTH, RANGE 25 EAST,  
JACKSONVILLE HEIGHTS, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 5,  
PAGE 93 OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA. MORE  
PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCE AT THE INTERSECTION OF THE WEST LINE OF SAID TRACT 3 AND THE SOUTH  
LINE OF WAGENHALS ROAD (A 60 FOOT RIGHT-OF-WAY); THENCE SOUTH 00°-06'-50" WEST  
804.80 FEET ALONG THE WEST LINE OF SAID TRACT 3 TO THE POINT OF BEGINNING; THENCE  
CONTINUE SOUTH 00°-06'-50" WEST 129.98 FEET ALONG THE WEST LINE OF SAID TRACT 3;  
THENCE NORTH 89°-11'-10" EAST 335.18 TO THE EAST LINE OF SAID TRACT 3; THENCE  
NORTH 00°-06'-30" EAST 129.98 FEET ALONG THE EAST LINE OF SAID TRACT 3; THENCE  
SOUTH 89°-11'-10" WEST 335.16 FEET TO THE POINT OF BEGINNING SUBJECT TO A 30  
FOOT EASEMENT FOR INGRESS AND EGRESS OVER THE EASTERLY 30 FEET THEREOF.

CONTAINING 43,585 SQUARE FEET AND/OR 1.0 ACRE.

TRACT 1



15 7.5 0 50 30



SCALE IN FEET: 1" = 30'

LEGEND:

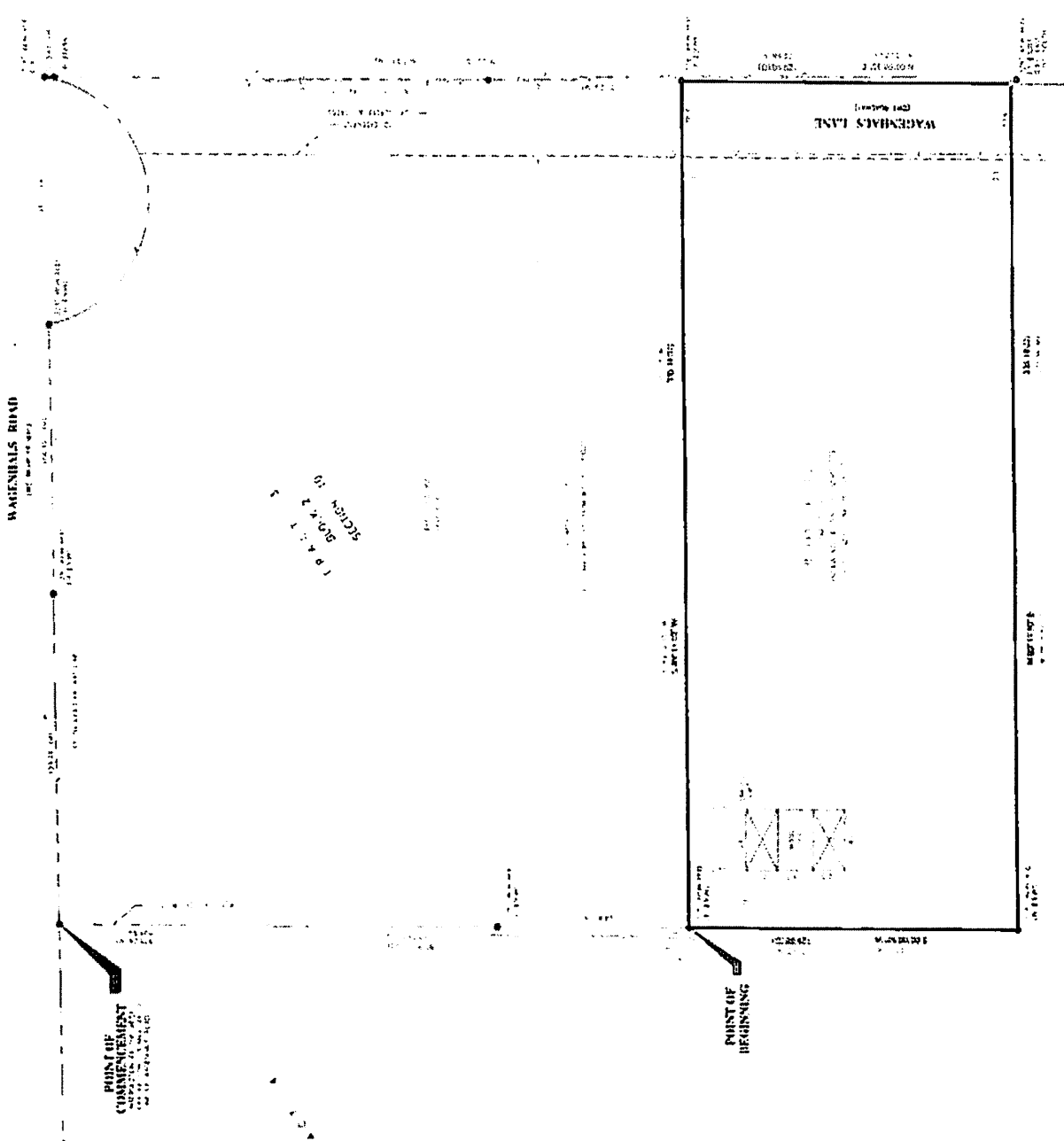
- = FOUND 1/2" IRON PIPE NO ID  
UNLESS OTHERWISE NOTED
- = SET 1/2" IRON PIPE LB 7944
- = FOUND 4"x4" CONCRETE MONUMENT NO ID  
UNLESS OTHERWISE NOTED
- = SET 4"x4" CONCRETE MONUMENT LB 7944
- ⊙ = FOUND PK NAIL NO ID  
UNLESS OTHERWISE NOTED
- ⊙ = SET PK NAIL LB 7944
- Δ = DELTA
- R = RADIUS
- L = ARC LENGTH
- CB = CHORD BEARING
- CD = CHORD DISTANCE
- PC = POINT OF CURVATURE

Revised: March 11, 2019

MAP SHOWING

# BOUNDARY SURVEY

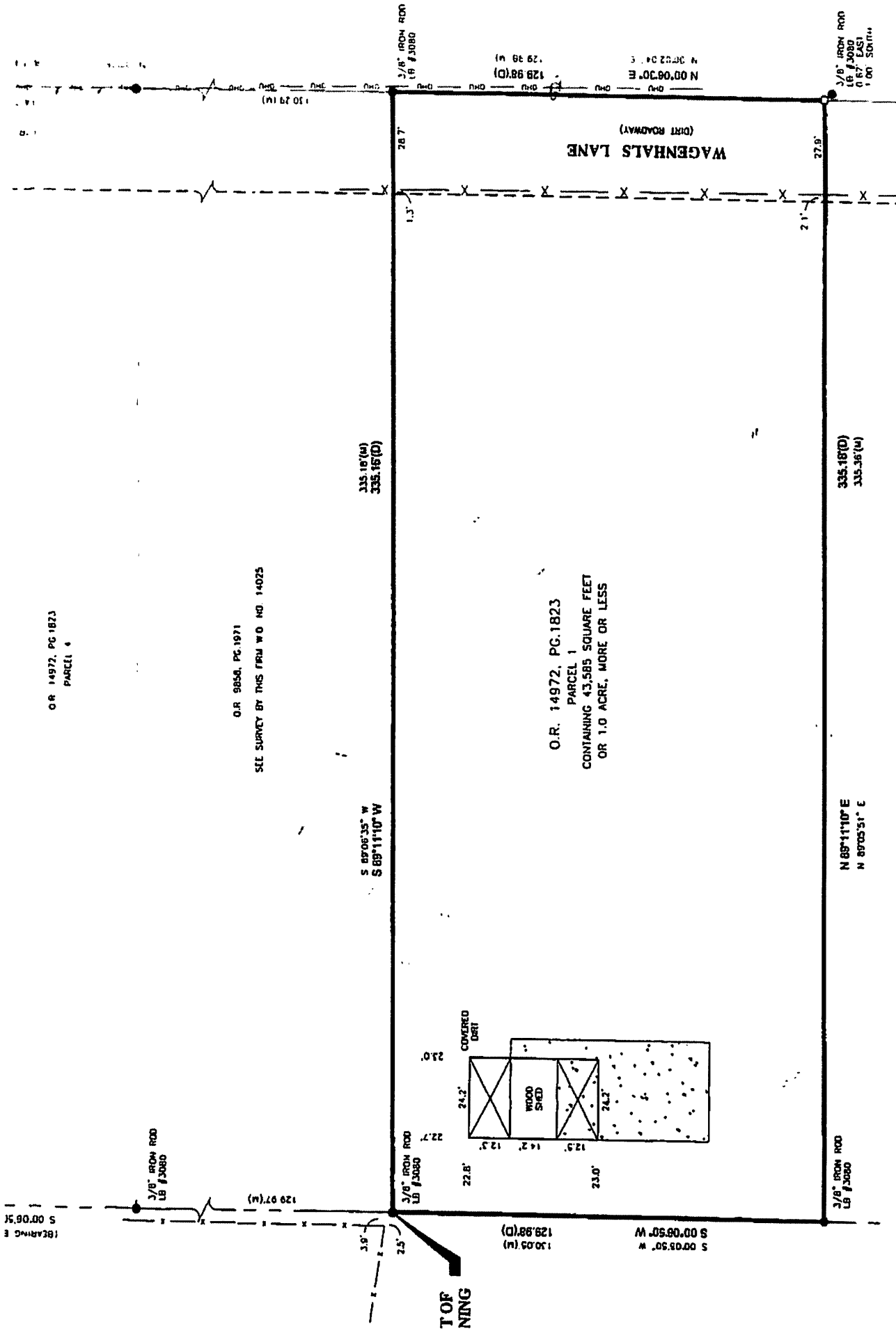
THIS MAP IS A PART OF THE SURVEY OF THE LANDS OF THE STATE OF MICHIGAN, AND IS SUBJECT TO THE ACTS OF THE LEGISLATURE IN THAT BEHALF. THE SURVEY WAS MADE BY THE COMMISSIONER OF THE LANDS, AND IS SUBJECT TO THE ACTS OF THE LEGISLATURE IN THAT BEHALF. THE SURVEY WAS MADE BY THE COMMISSIONER OF THE LANDS, AND IS SUBJECT TO THE ACTS OF THE LEGISLATURE IN THAT BEHALF.



*Handwritten signature*

**JOHNSON**  
SURVEYING & MAPPING, INC.

W.D. NO. 2107084  
CHECKED BY: D.M.  
DATE: 11/11/2011



O.R. 14972, PG.1823  
PARCEL 4

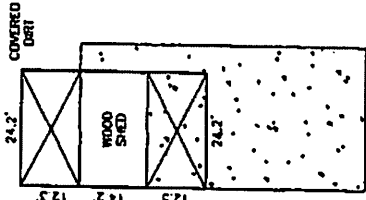
O.R. 9856, PG.1971

SEE SURVEY BY THIS FIRM W/O NO. 14025

335.18'(M)  
335.18'(D)

S 85°06'35" W  
S 85°11'10" W

O.R. 14972, PG.1823  
PARCEL 1  
CONTAINING 43,585 SQUARE FEET  
OR 1.0 ACRE, MORE OR LESS



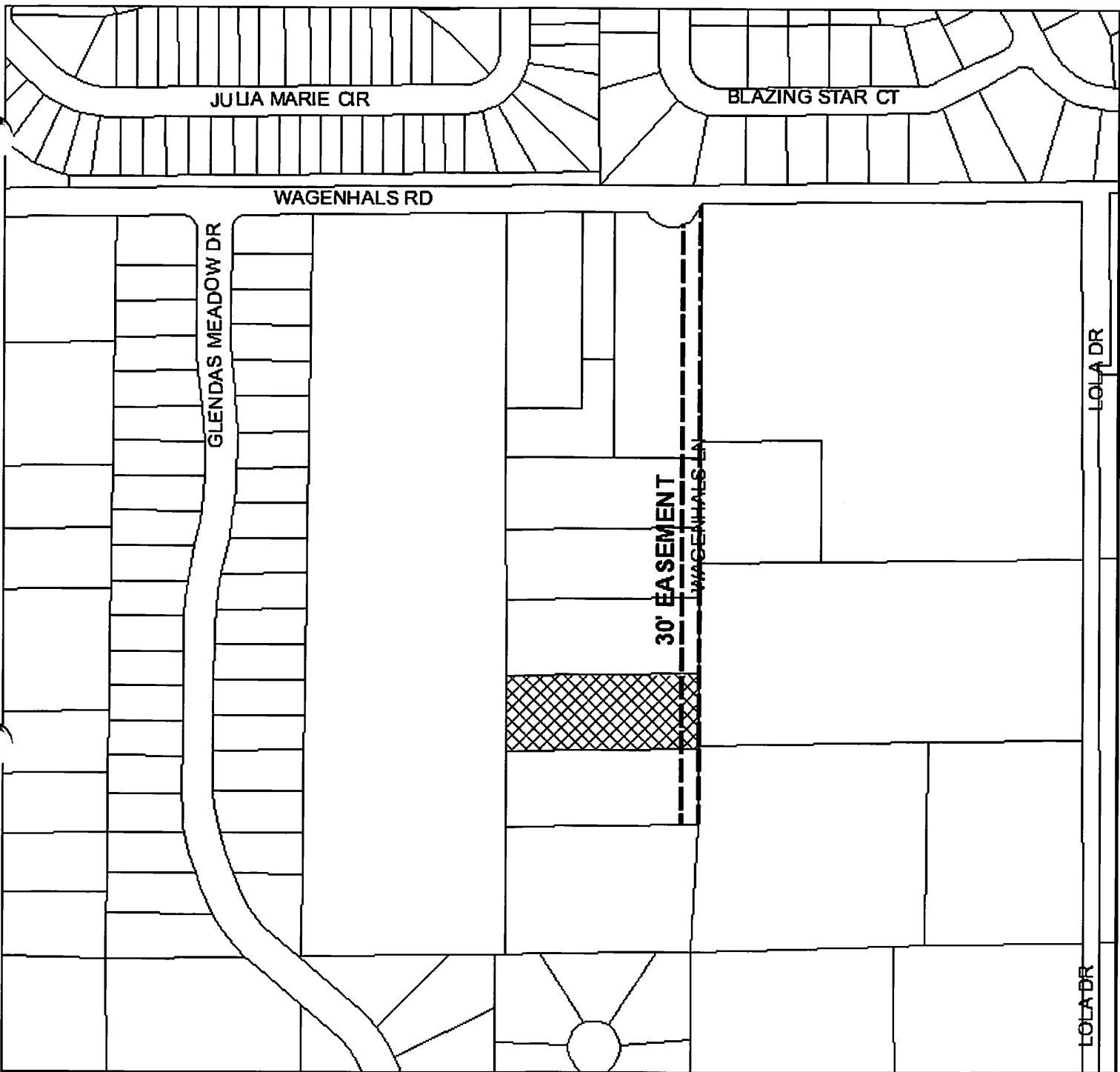
WAGENHALS LANE  
(DIRT ROADWAY)

1" = 40'

GENERAL NOTES:

- 1.) THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
- 2.) UNDERGROUND IMPROVEMENTS SUCH AS FOUNDATIONS AND UTILITIES WERE NOT LOCATED
- 3.) A BEARING OF S 00°06'50" W W/40' ON THE WESTERLY LINE OF TRACT 3 AS RECORDED IN O.R. 14972, PG. 1823 OF THE PUBLIC RECORDS OF DUVAL COUNTY FLORIDA

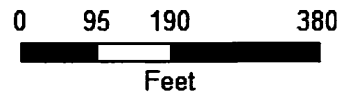
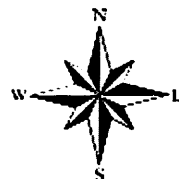
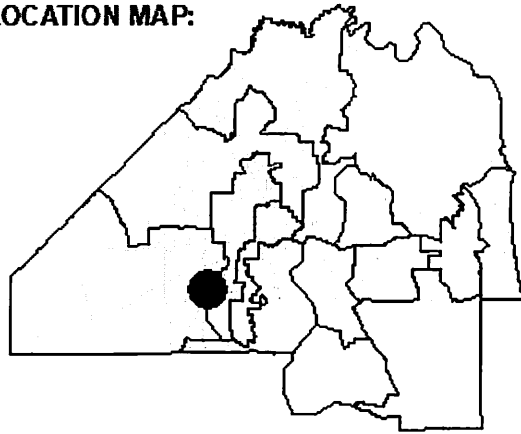




**REQUEST SOUGHT:**

**REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET**

**LOCATION MAP:**



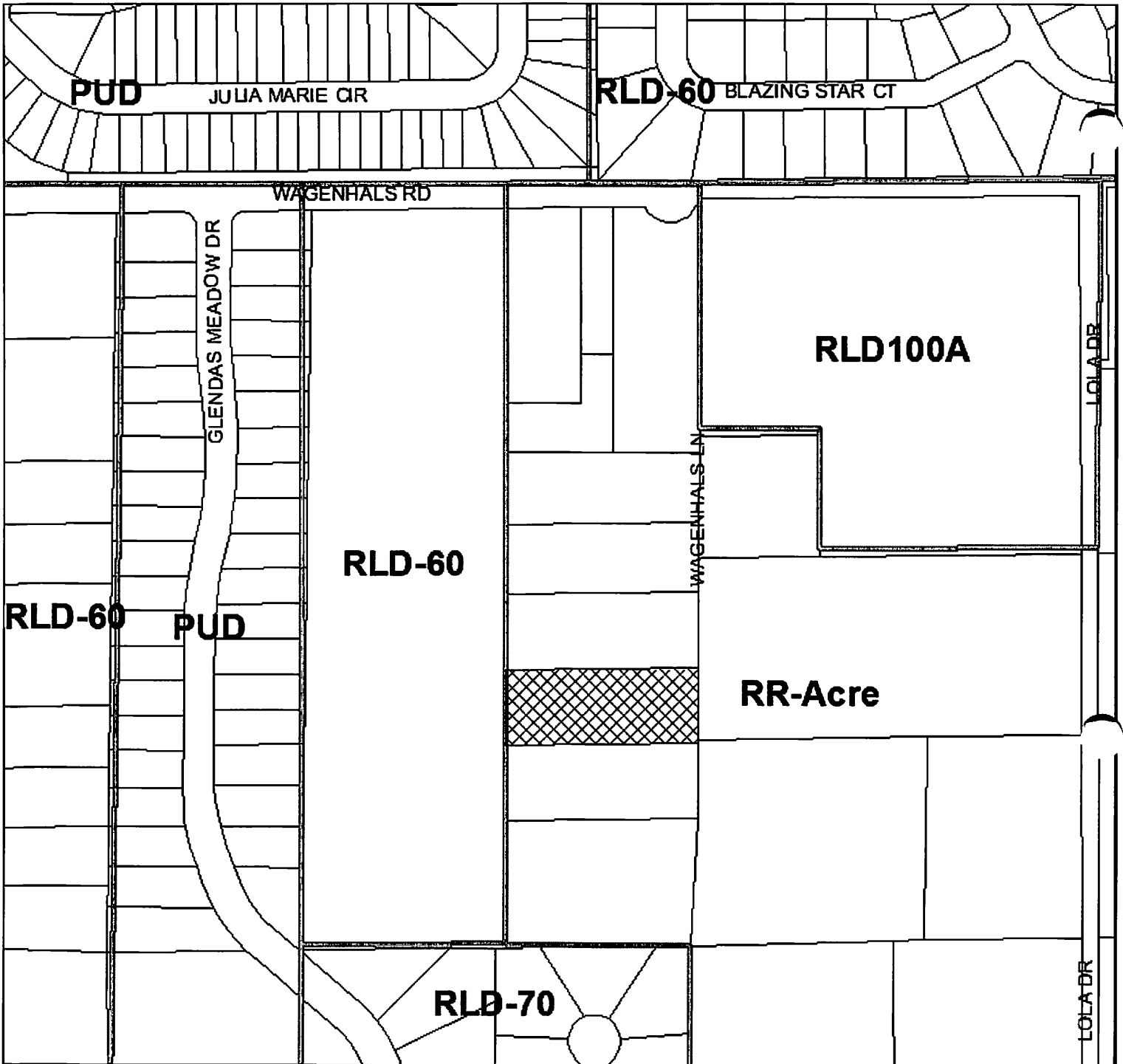
**COUNCIL DISTRICT:**

**10**

**TRACKING NUMBER**

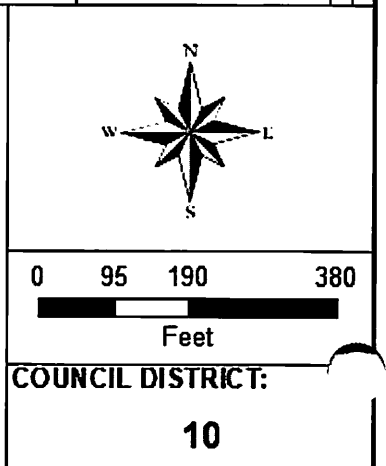
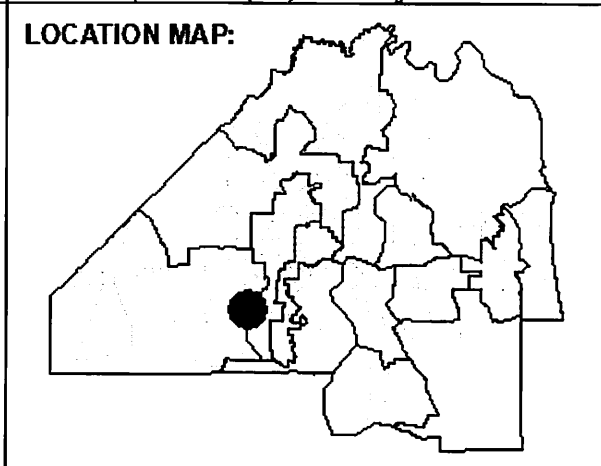
**WRF-19-04**

**EXHIBIT 3  
PAGE 1 OF 1**



**REQUEST SOUGHT:**

**REDUCE REQUIRED MINIMUM ROAD FRONTAGE FROM 80 FEET TO 0 FEET**



**ORDINANCE NUMBER**

**ORD-2019-0085**

**TRACKING NUMBER**

**WRF-19-04**

**EXHIBIT 2**

**PAGE 1 OF 1**