

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-546-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 REQUIRED ROAD FRONTAGE APPLICATION WRF-23-12,
7 FOR PROPERTY LOCATED IN COUNCIL DISTRICT 2 AT
8 10702 ALTA DRIVE, BETWEEN MASTERS ROAD AND PORT
9 INDUSTRIAL DRIVE (R.E. NO. 109086-0000), AS
10 DESCRIBED HEREIN, OWNED BY JOSEPH HOLTON,
11 VIKTORIA BUDNIK, DONALD HEATH WILLIAMS AND
12 MARGARITA WILLIAMS, REQUESTING TO REDUCE THE
13 MINIMUM ROAD FRONTAGE REQUIREMENTS FROM 160 FEET
14 TO 35 FEET FOR TWO LOTS IN ZONING DISTRICT
15 RESIDENTIAL LOW DENSITY-100A (RLD-100A), AS
16 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
17 PROVIDING FOR DISTRIBUTION; PROVIDING A
18 DISCLAIMER THAT THE WAIVER GRANTED HEREIN SHALL
19 NOT BE CONSTRUED AS AN EXEMPTION FROM ANY OTHER
20 APPLICABLE LAWS; PROVIDING AN EFFECTIVE DATE.
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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 Mike Herzberg on behalf of the owners of property located
25 in Council District 2 at 10702 Alta Drive, between Masters Road and
26 Port Industrial Drive (R.E. No. 109086-0000) (the "Subject
27 Property"), requesting to reduce the minimum road frontage from 160
28 feet to 35 feet for two lots in Zoning District Residential Low
29 Density-100A (RLD-100A); and

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

1 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 and
7 all other evidence entered into the record and testimony taken at the
8 public hearings, the Council finds that: (1) there are practical or
9 economic difficulties in carrying out the strict letter of the
10 regulation; (2) the request is not based exclusively upon the desire
11 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-23-12. 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-23-12 is

1 hereby approved.

2 **Section 2. Owner and Description.** The Subject Property is
3 owned by Joseph Holton, Viktorya Budnik, Donald Heath Williams and
4 Margarita Williams and is legally described in **Exhibit 1**, dated August
5 4, 2023, and graphically depicted in **Exhibit 2**, both of which are
6 attached hereto. A graphic depiction of the easement is attached
7 hereto as **Exhibit 3**. The applicant is Mike Herzberg, 12483 Aladdin
8 Road, Jacksonville, Florida 32223; (904) 673-6336.

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

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

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

