

AD-22-09

LOCATION: 0 Cheyne Road between Hodges Boulevard and Gerona Drive West

REAL ESTATE NUMBER: 166801-0000

DEVIATION SOUGHT:

1. Reduce the minimum lot width from 60 feet to 50 feet.

PRESENT ZONING: RLD-60

CURRENT LAND USE: LDR

PLANNING DISTRICT: 2

COUNCIL DISTRICT: 3

SIGNS POSTED: 2

STANDARDS, CRITERIA AND FINDINGS

Owner:

James Brinkley
9283 Saltwater Way
Jacksonville, Florida 32256

Applicant:

Billy Gause
BGRP Engineering Group
P.O. Box 684
Crystal River, Florida 34423

STAFF RECOMMENDATION: DENY

1. Is this situation unique or similar to other properties in the neighborhood?

Recommendation:

Similar. Located in Golden Glades, the subject property is the west half of Lots 3 and 12 in the Golden Glades Unit 2 Plat. The original lots were each 100 feet in width and 125 feet deep. Lot 3 and 12 were considered lots of record. Other lots in the Plat vary in width from 150 feet, 136 feet and 100 feet wide.

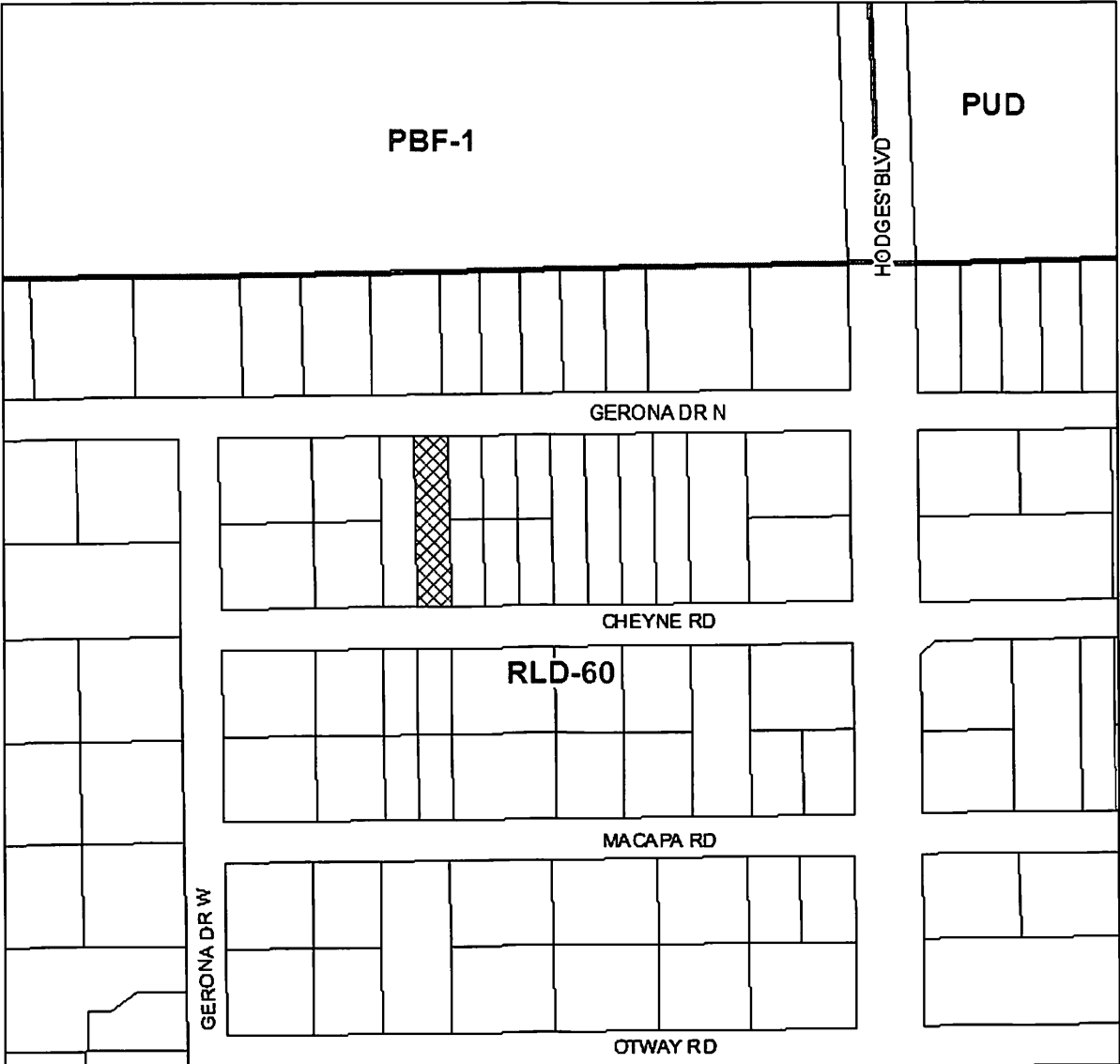
In an effort to split the subject property into two (2) lots, the applicant is requesting a reduction in the minimum lot width from 60 feet to 50 feet. The RLD-60 Zoning District has a minimum lot width of 60 feet

It appears 13 lots in this block have been split, removing the lot of record status. These lots also do not meet the minimum lot width of the RLD-60 Zoning Code. There is no record of a building permit being submitted for these lots.

<p>2. There are practical or economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> No. It is the opinion of Staff that there are no practical difficulties, economic hardships, or physical limitations unique to the subject property that warrants the applicant's request to split the lot.</p> <p>Due to insufficient responses within the application, Staff was left to surmise the practicality of the situation. This leads Staff to conclude that the proposed reduction in the minimum lot width is a self-imposed hardship.</p> <p><u>Findings:</u></p>
<p>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</p>	<p><u>Recommendation:</u> No. Although the request is not <i>exclusively</i> based upon a desire to reduce the cost of developing the site, Staff does find the applicant's request to split the parcel and reduce the minimum lot width requirements to be inconsistent with the public interest. Granting the applicant's request would only establish a negative precedent that favors the impractical need for smaller lots simply to increase development potential—which Staff contends to be inconsistent with the public interest and incompatible with the spirit and intent of the Zoning Code.</p> <p><u>Findings:</u></p>
<p>4. The proposed deviation 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 deviation, in that...</p>	<p><u>Recommendation:</u> Yes. The proposed deviation is unlikely to diminish property values in the surrounding area. However, in terms of lot sizes, Staff finds the proposed deviation likely to establish a precedent that allows for other properties to alter the essential character of the area.</p>
<p>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</p>	<p><u>Recommendation:</u> No. The proposed deviation is likely to have a detrimental effect on the public health, safety or welfare, or create a public expense or potential nuisance. Cheyne Road is a dirt road which will impede or delay the ability of emergency vehicles to access the property.</p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation:</u> No. The proposed deviation is inconsistent with the spirit and intent of the Zoning Code, which seeks to protect the character and integrity of residential neighborhoods through appropriate and compatible</p>

	<p>lot requirements and promote the health, safety and general welfare of the public as outlined in the 2030 Comprehensive Plan.</p> <p>It is the intent of the Code to grant relief when unique situations arise, practical or economic hardships exist, or when grant of a deviation will not promote similar requests. Because the nature of the deviation stems from a neighboring property [illegally] splitting its lot, granting approval of the deviation is highly likely to prompt similar requests within the area.</p>
7. The City landscape architect has/has not recommended the proposed deviation.	N/A
8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.	N/A





REQUEST SOUGHT:

**REDUCE MINIMUM LOT WIDTH
FROM 60 FEET TO 50 FEET**

LOCATION MAP:

TRACKING NUMBER
AD-22-09

COUNCIL DISTRICT:
3

EXHIBIT 2
PAGE 1 OF 1

Date Submitted:	1-19
Date Filed:	1-26-22

Application Number:	AD-22-09
Public Hearing:	

Zoning Application for an Administrative Deviation

City of Jacksonville, Florida
 Planning and Development Department **COMP WRF**

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: RLD-60	Current Land Use Category: LDR		
Deviation Sought: REDUCE LOT WIDTH FROM SIXTY FEET (60') TO FIFTY FEET (50')	Applicable Section of Ordinance Code: 656.305 AII(d) VII		
Council District: 3	Planning District: 2		
Previous Zoning Applications Filed (provide application numbers): N/A			
Notice of Violation(s): N/A			
Number of Signs to Post: 2	Amount of Fee: 966-SEE WRF	Zoning Asst. Initials: [Signature]	
Neighborhood Associations: WEST BEACHES COMM. ASSOC. / BROUGHTON AVE GARDEN GURDES			
Overlay: N/A			

PROPERTY INFORMATION	
1. Complete Property Address: Ocheyne Rd. Jacksonville, FL 32246	2. Real Estate Number: 166801 - 0000
3. Land Area (Acres): .29	4. Date Lot was Recorded:
5. Property Located Between Streets: Gerona & Macapa Rd	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. In whose name will the Deviation be granted: Ana Plaku & Newjan Kore	
8. Is transferability requested? <i>If approved, the administrative deviation is transferred with the property.</i>	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

9. Deviation Sought:

width

- Reduce Required Minimum Lot **width** from 60 to 50 feet.
- Increase Maximum Lot Coverage from _____ % to _____ %.
- Increase Maximum Height of Structure from _____ to _____ feet.
- Reduce Required Yard(s) _____
- Reduce Minimum Number of Off-street Parking Spaces from _____ to _____.
- Increase the Maximum Number of Off-street Parking Spaces from _____ to _____.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-1 zoning district from a residential zoning district from a minimum of 15 feet to _____.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-2 zoning district from a residential zoning district from a minimum of 25 feet to _____.
- Decrease minimum number of loading spaces from _____ required to _____ loading spaces.
- Reduce the dumpster setback along _____ from the required 5 feet to _____ feet.
- Decrease the minimum number of bicycle parking spaces from _____ required to _____ spaces.
- Reduce the minimum width of drive from _____ feet required to _____ feet.
- Reduce vehicle use area interior landscape from _____ sq. ft. required to _____ sq. ft.
- Increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to _____ provided as indicated on the Landscape Site Plan dated _____.
- Reduce the number of terminal island trees from _____ terminal islands required to _____ terminal islands as indicated on the Landscape Site Plan dated _____.
- Reduce the landscape buffer between vehicle use area along _____ from 10 feet per linear feet of frontage and 5 feet minimum width required to _____ feet per linear feet of frontage and _____ feet minimum width.
- Reduce the number of shrubs along _____ from _____ required to _____ shrubs and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the number of trees along _____ from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the perimeter landscape buffer area between vehicle use area and abutting property along the north / east / south / west property boundary from 5 feet minimum width required to _____ feet.
- Reduce the number of trees along the north / east / south / west property boundary from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access from _____ from 24 / 36 / 48 feet required to _____ feet.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access to adjoining property along the north / east / south / west property boundary from 24 feet required to _____ feet.

(Circle)

Reduce the uncomplimentary land use buffer width along the north / east / south / west property boundary from 10 feet wide required to _____ feet wide.

(Circle)

Reduce the uncomplimentary land use buffer trees along the north / east / south / west property boundary from _____ required to _____ trees.

(Circle)

Reduce the uncomplimentary land use buffer visual screen along the north / east / south / west property boundary from 6 feet tall and 85 % opaque required to _____ feet tall and _____ %.

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name: James Brinkley Judy Brinkley	11. E-mail: jw.saltwater@yahoo.com
12. Address (including city, state, zip): 9283 Saltwater Way Jacksonville, FL 32256	13. Preferred Telephone: 904.343.5959

APPLICANT'S INFORMATION (if different from owner)

14. Name: Ana Plaku & Neuljan Kore	15. E-mail: simplekey924@gmail.com
16. Address (including city, state, zip): 8120 Summergate Ct Jacksonville, FL 32256	17. Preferred Telephone: 904-888-5983

CRITERIA

Section 656.101(a), Ordinance Code, defines an administrative deviation as "a relaxation of the terms of the Zoning Code requirements for minimum lot area, yards, number of off-street parking spaces, landscaping, maximum lot coverage and maximum height of structures, including fences, which the Zoning Administrator is authorized to grant pursuant to the procedures set forth in Section 656.109(e) through (j)."

Section 656.109(e) through (j), Ordinance Code, provides that, with respect to action upon Applications for Administrative Deviations, the Zoning Administrator shall grant a deviation only if substantial competent evidence exists to support a positive finding based on each of the following criteria:

- 1. The need for the proposed deviation arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the subject property alone; or this issue is common to numerous sites.***
 - 1. There are practical or economic difficulties in carrying out the strict letter of the regulation;*
 - 2. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees.*
 - 3. The proposed deviation 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 deviation;*
 - 4. The proposed deviation will not be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law;*
 - 5. The proposed deviation has been recommended by a City landscape architect, if the deviation is to reduce required landscaping; and*
 - 6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.*

If the deviation is proposed to correct an existing violation, the Zoning Administrator shall also consider the following:

- (i) Whether the violation was created by the applicant with the intent to violate the provisions of this Zoning Code;*
- (ii) The length of time the violation has existed without receiving a citation; and*
- (iii) Whether the violation occurred as a result of construction which occurred prior to the acquisition of the property by the owner.*

18. Given the above definition of an "administrative deviation" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the deviation 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 deviation and to meet the criteria set forth above may result in a denial.

We are Requesting to Reduce the
minimum lot width of 60' to 50'

ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ 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.coj.net/pao_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>.
- Letter from the Department of Children and Family Services (DCFS) – **day care uses only**
- Letter from the applicable Home Owner's Association stating that the request meets their architectural and aesthetic requirements; or letter stating that the subject parcel is not within the jurisdiction of a Home Owner's Association – **residential only**
- Elevations are required with **height increase requests** and must be drawn to scale

FILING FEES

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

Base Fee

Residential Districts: \$966.00

Non-residential Districts: \$952.00

Public Notices

\$7.00 per Addressee

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:

Signature:

Applicant or Agent (if different than owner)

Print name:

Signature:

Owner(s)

Print name:

Signature:

**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

Legal Description

Exhibit 1

January 14, 2022

22-32 35-2S-28E

GOLDEN GLADES UNIT 2

E 50FT LOTS 3,12 BLK 17

EXHIBIT A

Property Ownership Affidavit - Individual

Date: 01/07/2022

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: O Chey NE Rd RE#(s): 166861-0006

To Whom it May Concern:

Judy L Brinkley
I JAMES W. BRINKLEY hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for Administrative Deviation submitted to the Jacksonville Planning and Development Department.

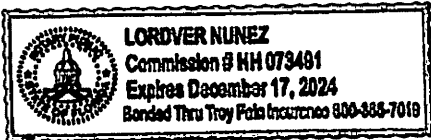
Judy L Brinkley
By JAMES W. BRINKLEY
Print Name: Judy L Brinkley

**STATE OF FLORIDA
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 7th day of January 2021, by James and Judy Brinkley, who is personally known to me or who has produced Florida Driver's License as identification and who took an oath.

[Signature]
(Signature of NOTARY PUBLIC)

Jordver Nunez
(Printed name of NOTARY PUBLIC)



State of Florida at Large.
My commission expires: 12-17-24

EXHIBIT B

Agent Authorization - Individual

Date: 1-7-22

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

Re: Agent Authorization for the following site location in Jacksonville, Florida:

Address: D Cheyne Rd. RE#(s): 146681 146682

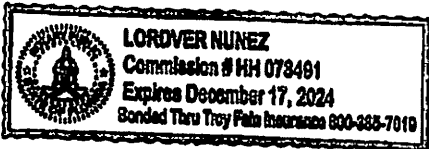
To Whom It May Concern:

You are hereby advised that James 3 Brinkley as Owner of D Cheyne Rd. hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers Anna Plank Brinkley to act as agent to file application(s) for Administrative Deviation 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 as submitted to the Jacksonville Planning and Development Department.

By Judy Brinkley
JUDY BRINKLEY
Print Name: JAMES W BRINKLEY

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 7th day of January 2021 by James and Judy Brinkley who is personally known to me or who has produced Florida Driver's License as identification and who took an oath.



Lordver Nunez
(Signature of NOTARY PUBLIC)
Lordver Nunez
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: 12-17-24

GERONA DRIVE NORTH
 (60' RIGHT OF WAY, NOT
 PHYSICALLY OPEN) N89° 18' 20"E 50.00'

MAP SHOWING A SITE PLAN OF

THE EAST 50.00 FEET OF LOTS 3 AND 12, BLOCK 17, GOLDEN GLADES UNIT NO. 2, AS
 RECORDED IN PLAT BOOK 22, PAGE 32 OF THE CURRENT PUBLIC RECORDS OF DUVAL
 COUNTY, FLORIDA



GRAPHIC SCALE



50.00'

WEST 1/2 OF LOT 3
 BLOCK 17
 (NOT INCLUDED IN
 SURVEY)

LOT 4
 BLOCK 17

VACANT/WOODS

PID# 1668010000
 FLOOD ZONE "X"
 FIRM MAP/PANEL:
 12031C-0412-H,
 DATED JUNE 3, 2013

CURRENT ZONING
 RLD-80

N0° 41' 40"W 250.00'

S0° 41' 40"E 250.00'

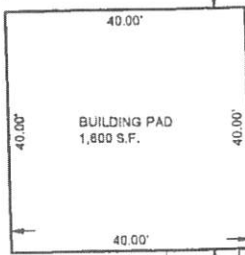
50.00'

WEST 1/2 OF LOT 12
 BLOCK 17
 (NOT INCLUDED IN
 SURVEY)

GENERAL NOTES

1. THIS IS NOT A BOUNDARY SURVEY
2. THE PURPOSE OF THIS MAP IS TO SHOW THE PROPOSED BUILDING PAD LOCATION, WITH SETBACKS ETC. AND AS SPECIFIED BY THE CLIENT.
3. THIS MAP REFERENCES A PREVIOUS SURVEY OF THIS PROPERTY AND THE BOUNDARY INFORMATION SHOWN HERE ON AS COMPLETED BY DURDEN SURVEYING AND MAPPING, INC. DATED APRIL 1, 2018, WORK ORDER NO. 18131.
4. CURRENT ZONING IS RLD-80, MINIMUM FRONTAGE IS 80-FT, MAXIMUM COVERAGE OF 50%, SETBACKS ARE FRONT: 20-FT, SIDES: 5-FT, REAR: 10-FT. MAXIMUM BUILDING HEIGHT IS 35'

LOT 11
 BLOCK 17



HODGES BLVD
 (100' RIGHT OF WAY)

CHEYNE ROAD
 (60' RIGHT OF WAY, NOT
 PHYSICALLY OPEN)

CHEYNE ROAD
 (60' RIGHT OF WAY, DIRT ROAD)

S89° 18' 20"W 50.00'

FLINT
 SURVEYING & MAPPING
 313 BOSTWICK CIR.
 ST AUGUSTINE, FL 32092
 PHONE (904) 322-8948
 LICENSED PROFESSIONAL
 SURVEYOR
 FLORIDA #1234

PROJECT NO: 22-0004
MAPPING DATE: 01/17/2022
CHECKED BY: RDF
DRAWN BY: RDF
FIELD WORK: N/A
FB: N/A PG: N/A
PAGE: 1 OF 1