

1 Introduced by the Land Use and Zoning Committee:
2
3

4 **ORDINANCE 2022-859**

5 AN ORDINANCE APPROVING ZONING VARIANCE V-22-14
6 FOR APPROXIMATELY 0.80± ACRES LOCATED IN COUNCIL
7 DISTRICT 14 AT 4261 ROOSEVELT BOULEVARD, 4457
8 BEVERLY AVENUE AND 4461 BEVERLY AVENUE, BETWEEN
9 ROOSEVELT BOULEVARD AND BEVERLY AVENUE (R.E. NOS.
10 069239-0000, 069243-0000 AND 069244-0000), AS
11 DESCRIBED HEREIN, OWNED BY TRIPLE NET EQUITIES,
12 INC., REQUESTING TO REDUCE MINIMUM WIDTH
13 REQUIREMENTS FOR SIDEWALK ABUTTING RETAIL STORE
14 FRONT AND PARKING LOT FROM SIX FEET TO FIVE AND
15 ONE-HALF FEET, AS DEFINED AND CLASSIFIED UNDER
16 THE ZONING CODE; PROVIDING FOR DISTRIBUTION;
17 PROVIDING AN EFFECTIVE DATE.
18

19 **WHEREAS**, an application for a zoning variance, **On File** with the
20 City Council Legislative Services Division, was filed by Steve
21 Diebenow, Esq., on behalf of the owner of property located in Council
22 District 14 at 4261 Roosevelt Boulevard, 4457 Beverly Avenue and 4461
23 Beverly Avenue, between Roosevelt Boulevard and Beverly Avenue (R.E.
24 Nos. 069239-0000, 069243-0000 and 069244-0000) (the "Subject
25 Property"), requesting to reduce minimum width requirement for
26 sidewalk abutting retail store front and parking lot from six feet
27 to five and one-half feet on property located in the Commercial
28 Community/General-1 (CCG-1) District and current Planned Unit
29 Development (PUD) District (2005-564-E); and

30 **WHEREAS**, the Planning and Development Department has considered
31 the application and has rendered an advisory recommendation; and

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

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

6 **Section 1. Adoption of Findings and Conclusions.** The
7 Council has reviewed the record of proceedings and the Staff Report
8 of the Planning and Development Department and held a public hearing
9 concerning application for variance V-22-14. Based upon the
10 competent, substantial evidence contained in the record, the Council
11 hereby determines that the requested variance meets the criteria for
12 granting a variance contained in Chapter 656, *Ordinance Code*.
13 Therefore, Application V-22-14 is hereby **approved**.

14 **Section 2. Owner and Description.** The Subject Property is
15 owned by Triple Net Equities, Inc. and is legally described in **Exhibit**
16 **1**, dated August 11, 2022. The applicant is Steve Diebenow, Esq., One
17 Independent Drive, Suite 1200, Jacksonville, Florida 32202; (904)
18 807-8214.

19 **Section 3. Distribution by Legislative Services.**
20 Legislative Services is hereby directed to mail a copy of this
21 Ordinance, as enacted, to the applicant and any other parties to this
22 matter who testified before the Land Use and Zoning Committee or
23 otherwise filed a qualifying written statement as defined in Section
24 656.140(c), *Ordinance Code*.

25 **Section 4. Disclaimer.** The variance granted herein shall
26 **not** be construed as an exemption from any other applicable local,
27 state, or federal laws, regulations, requirements, permits or
28 approvals. All other applicable local, state or federal permits or
29 approvals shall be obtained before commencement of the development
30 or use and issuance of this variance is based upon acknowledgement,
31 representation and confirmation made by the applicant(s), owner(s),

1 developer(s) and/or any authorized agent(s) or designee(s) that the
2 subject business, development and/or use will be operated in strict
3 compliance with all laws. Issuance of this variance does **not** approve,
4 promote or condone any practice or act that is prohibited or
5 restricted by any federal, state or local laws.

6 **Section 5. Effective Date.** The adoption of this Ordinance
7 shall be deemed to constitute a quasi-judicial action of the City
8 Council and shall become effective upon signature by the Council
9 President and Council Secretary. Failure to exercise the variance,
10 if herein granted, by the commencement of the use or action herein
11 approved within one year of the effective date of this Ordinance
12 shall render this variance invalid and all rights arising therefrom
13 shall terminate.

14
15 Form Approved:

16
17 /s/ Mary E. Staffopoulos

18 Office of General Counsel

19 Legislation Prepared By: Erin Abney

20 GC-#1536034-v2-2022-859_(V-22-14).docx