

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

January 5, 2023

The Honorable Terrance Freeman, President
The Honorable Kevin Carrico, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2022-859**

Dear Honorable Council President Freeman, Honorable Council Member and LUZ Chairperson Carrico and Honorable Members of the City Council:

Pursuant to the provisions of Section 30.204 and Section 656.129, *Ordinance Code*, the Planning Commission respectfully offers this report for consideration by the Land Use and Zoning Committee.

Planning and Development Department Recommendation: **Approve**

Planning Commission Recommendation: **Approve**

Planning Commission Commentary: There were two speakers in opposition and little discussion among the Commissioners.

Planning Commission Vote: 6-0

Alex Moldovan, Chair	Aye
Ian Brown, Vice Chair	Aye
Jason Porter, Secretary	Absent
Marshall Adkison	Aye
Daniel Blanchard	Aye
Jordan Elsbury	Absent
Joshua Garrison	Aye
David Hacker	Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
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REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING VARIANCE 2022-0859/V-22-14

JANUARY 5, 2023

Location: 4261 Roosevelt Boulevard, 4461 & 4457 Beverly Avenue

Real Estate Number: 069239-0000, 069243-0000, 069244-0000

Zoning Variance Sought: Reduce the sidewalk width from 6 feet to 5.5 feet along the front of the building.

Zoning District: Commercial Community General-1 (CCG-1)

Land Use Category: Community General Commercial (CGC)

Planning District: District 4-Southwest

Applicant: Steve Diebenow, Esq.
Driver McAfee Hawthorne & Diebenow, PLLC
One Independent Drive, Suite 1200
Jacksonville Florida 32202

Owner: Triple Net Equities, Inc.
10739 Deerwood Park Blvd
Jacksonville Florida 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Zoning Variance **2022-0859/V-22-14** seeks to reduce the width of the sidewalk from 6 feet to 5.5 feet in front of the proposed building. The subject parcel is approximately 0.54 acres and is located on the east side of Roosevelt Boulevard between Melrose Avenue and Beverly Avenue. The subject properties are currently developed with a 6,000 square foot single story commercial shopping center constructed in 1991 and two single family dwellings, one constructed in 1928 and the other 2006. The property owner intends to redevelop the three parcels to add an additional one-story commercial shopping center approximately 8,000 square feet.

Parcel located at 4457 Beverly Avenue is zoned Planned Unit Development which allows for the development of one single family dwelling. There is a companion rezoning application (**Ord. #2022-0858**) for this property that is seeking to rezone the property from the current PUD Ord.

#2005-0564 in CCG-1. The Planning & Development Department is recommending approval of the rezoning application.

Additionally, there is a companion Administrative Deviation application (2022-0860/AD-22-70) seeks deviations for increase in compact parking spaces and reduction in landscaping requirements of Part 12 of the Zoning Code. The department is recommending Approval on the Administrative Deviation.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term *variance* means a relaxation of the terms of this Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or in the adjoining zoning district. Requests to modify lot requirements so as to increase the permitted density of multi-family dwellings shall not be considered a variance and are specifically prohibited. A variance shall not change the functional classification of a use permitted or permissible in a zoning district.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.132 (c) of the Zoning Code, the Planning Commission shall grant a variance only if it makes a positive finding, based upon substantial competent evidence, on each of the following criteria:

(i) *Is the proposed request consistent with the definition of a variance?*

Yes. The Zoning Code defines a variance as a relaxation of the terms of the Zoning Code which will not be contrary to the public interest owing to conditions peculiar to the property and not the result of the actions of the applicant and that a literal enforcement of the Zoning Code results in an unnecessary and undue hardship. The subject property contains 0.54± acres and a 6000 square foot building. The request is to build a second 8,000 square foot building. The reduction of the sidewalk by 6 inches will not have a detrimental impact to the area.

(ii) *Are there practical or economic difficulties in carrying out the strict letter of the regulation?*

Yes. There are practical difficulties associated with carrying out the strict letter of the regulation due to the size of the property and the existing developed commercial structure. The owner is attempting to provide landscaping and parking within the dimensions of the parcel but due to the size of the property and the existing development makes meeting the

strict letter of the code impossible. Staff does find the mandate to be impractical considering the size of the property.

- (iii) *Is the request based exclusively upon the desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest, such as for example, furthering the preservation of natural resources by saving a tree or trees.*

Yes. The request is not based exclusively upon a desire to reduce the cost of developing the site, the variance and companion Administrative Deviation will allow a larger building than would be allowed if all portions of the Zoning Code were met.

- (iv) *Will the proposed variance substantially diminish property values in, or alter the existing character of the area surrounding the site and interfere with or injure the rights of others whose property would be affected by approval of the variance?*

No. The proposed variance would not substantially diminish property values or alter the character of the area. Constructing a new commercial building along Roosevelt Boulevard, which is a commercial corridor, will not interfere or injure the rights of others.

- (v) *Will the proposed variance not be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisance, or conflict with any other applicable law?*

Yes. If approved, the proposed variance will not result in additional public expense, the creation of nuisances, or conflict with any other applicable law. Instead, granting this variance would permit the owner to construct a building on a parcel that would likely remain undeveloped.

- (vi) *Is the effect of the proposed variance in harmony with the spirit and intent of the Zoning Code?*

Yes. The spirit and intent of the Zoning Code is to regulate the use of land and buildings and to implement the 2030 Comprehensive Plan. The variance allows the property owner to develop the property in a manner similar to other properties in the area without diminishing property values in, or altering the existing character of the area.

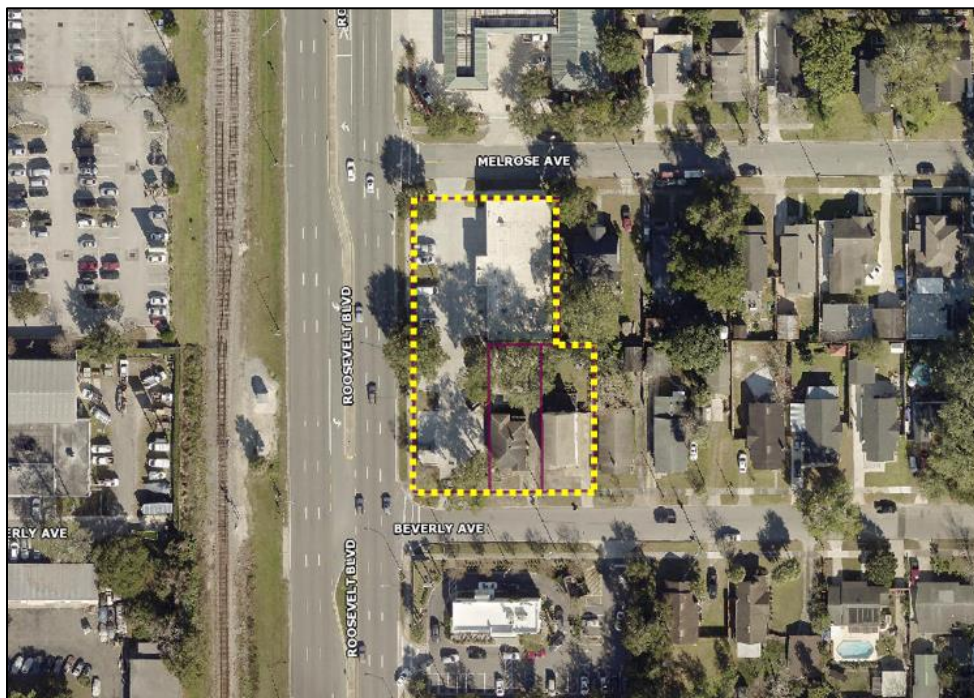
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **December 7, 2022** by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted.

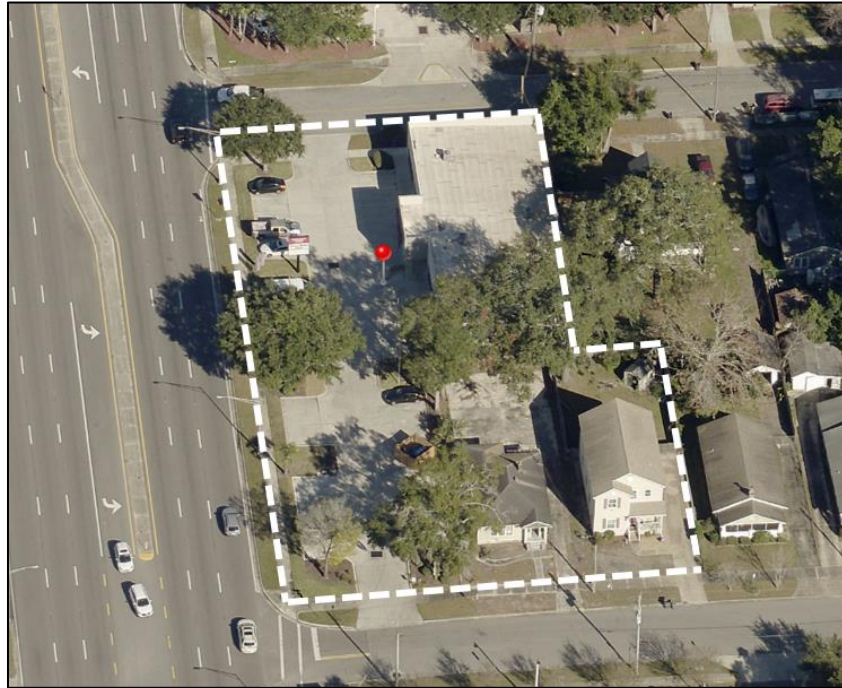


RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Variance **V-22-14** be **APPROVED**.



Aerial View
Source: JaxGIS



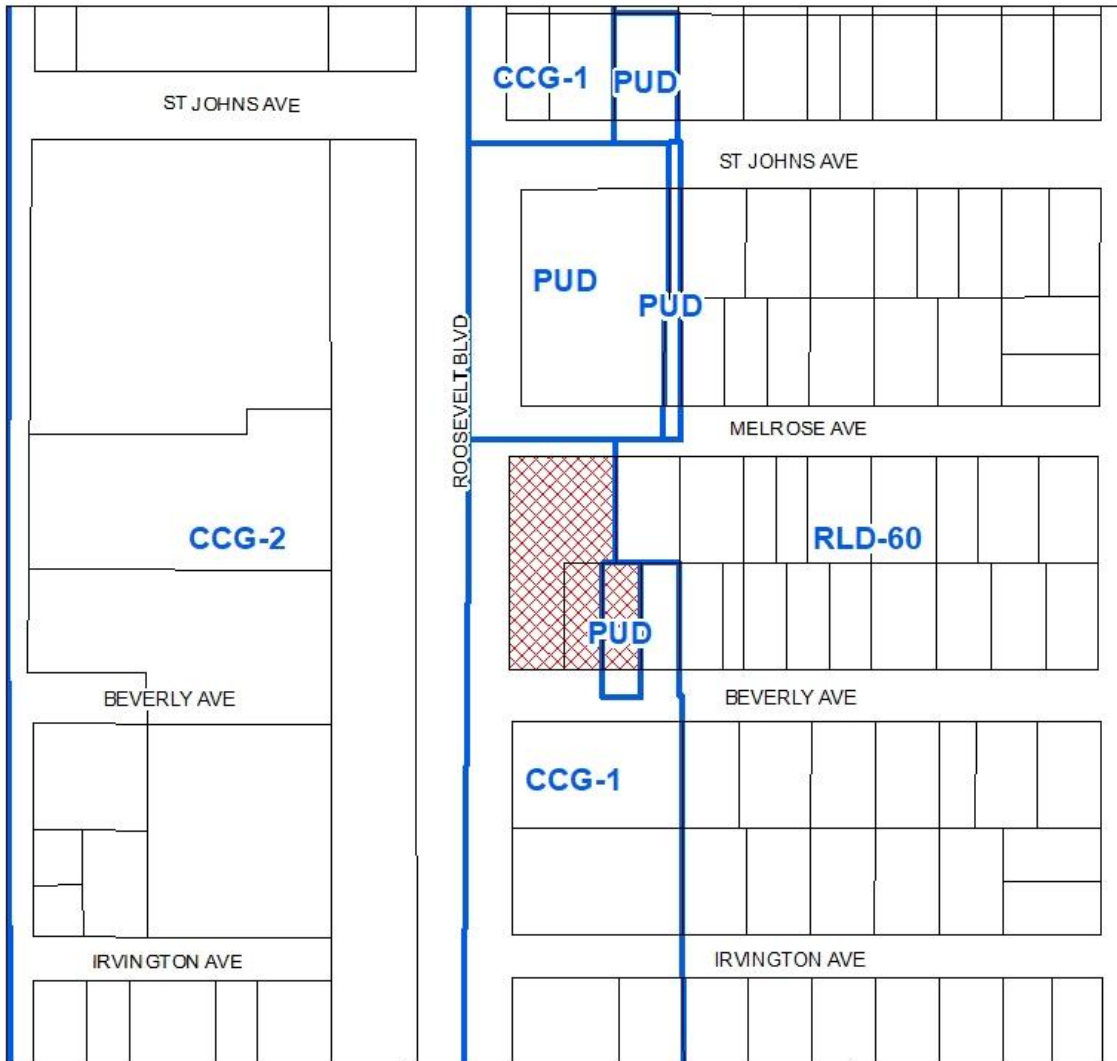
Aerial View of the Subject Property

Source: JaxGIS Maps



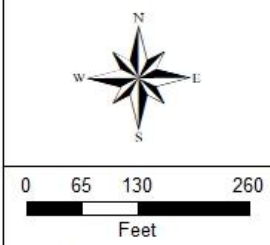
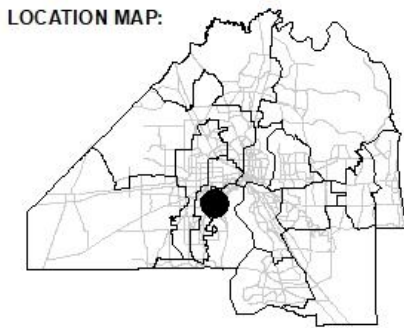
View of the Subject Property

Source: Planning and Development Department, COJ (Date: December 7, 2022)



REQUEST SOUGHT:

**REDUCTION OF EXISTING
 MINIMUM SIDEWALK
 WIDTH ABUTTING STORE
 FRONT AND PARKING LOT
 FROM 6 FEET TO 5.5 FEET**



COUNCIL DISTRICT:
14

TRACKING NUMBER
V-22-14

**EXHIBIT 2
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