

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

4 **ORDINANCE 2020-551-E**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM
6 ROAD FRONTAGE APPLICATION WRF-20-18, LOCATED
7 IN COUNCIL DISTRICT 1 AT 4480 EDENFIELD LANE,
8 BETWEEN FERN CREEK DRIVE AND WHISPERING INLET
9 DRIVE (R.E. NO. 108919-0100) AS DESCRIBED
10 HEREIN, OWNED BY YAKIV V. GAVRYLENKO,
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE
12 REQUIREMENTS FROM 48 FEET TO 0 FEET IN ZONING
13 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60),
14 AS DEFINED AND CLASSIFIED UNDER THE ZONING
15 CODE; PROVIDING A DISCLAIMER THAT THE WAIVER
16 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN
17 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;
18 PROVIDING AN EFFECTIVE DATE.
19

20 **WHEREAS**, an application for a waiver of minimum road frontage,
21 **On File** with the City Council Legislative Services Division, was
22 filed by Yakiv V. Gavrylenko, the owner of property located in
23 Council District 1 at 4480 Edenfield Lane, between Fern Creek Drive
24 and Whispering Inlet Drive (R.E. No. 108919-0100) (Subject
25 Property), requesting to reduce the minimum road frontage from 48
26 feet to 0 feet in Zoning District Residential Low Density-60 (RLD-
27 60); and

28 **WHEREAS**, the Planning and Development Department has
29 considered the application and all attachments thereto and has
30 rendered an advisory recommendation; and

31 **WHEREAS**, the Land Use and Zoning Committee, after due notice

1 held a public hearing and having duly considered both the
2 testimonial and documentary evidence presented at the public
3 hearing, has made its recommendation to the Council; and

4 **WHEREAS**, taking into consideration the above recommendations
5 and all other evidence entered into the record and testimony taken
6 at the public hearings, the Council finds that: (1) there are
7 practical or economic difficulties in carrying out the strict
8 letter of the regulation; (2) the request is not based exclusively
9 upon the desire to reduce the cost of developing the site or to
10 circumvent the requirements of Chapter 654 (Code of Subdivision
11 Regulations); (3) the proposed waiver will not substantially
12 diminish property values in, nor alter the essential character of,
13 the area surrounding the site and will not substantially interfere
14 with or injure the rights of others whose property would be
15 affected by the waiver; (4) there is a valid and effective easement
16 for adequate vehicular access connected to a public street which is
17 maintained by the City or an approved private street; and (5) the
18 proposed waiver will not be detrimental to the public health,
19 safety or welfare, result in additional expense, the creation of
20 nuisances or conflict with any other applicable law; now, therefore

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

22 **Section 1. Adoption of Findings and Conclusions.** The
23 Council has reviewed the record of proceedings and the Staff Report
24 of the Planning and Development Department and held a public
25 hearing concerning application for waiver of road frontage WRF-20-
26 18. Based upon the competent, substantial evidence contained in
27 the record, the Council hereby determines that the requested waiver
28 of road frontage meets the criteria for granting a waiver contained
29 in Chapter 656, *Ordinance Code*. Therefore, Application WRF-20-18 is
30 hereby **approved**.

31 **Section 2. Owner and Description.** The Subject Property is

1 owned by Yakiv V. Gavrylenko, and is legally described in **Exhibit**
2 **1**, dated August 21, 2020, and graphically depicted in **Exhibit 2**,
3 **attached hereto**. A graphic depiction of the easement is **attached**
4 **hereto** as **Exhibit 3**. The agent is Jay Jordan, 7749 Normandy
5 Boulevard #153, Jacksonville, Florida 32221; (904) 773-4750.

6 **Section 3. Distribution by Legislative Services.**

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

12 **Section 4. Disclaimer.** The waiver of road frontage

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

25 **Section 5. Effective Date.** The enactment of this

26 Ordinance shall be deemed to constitute a quasi-judicial action of
27 the City Council and shall become effective upon signature by the
28 Council President and Council Secretary. Failure to exercise the
29 waiver, if herein granted, by the commencement of the use or action
30 herein approved within one year of the effective date of this
31 legislation shall render this waiver invalid and all rights arising

1 therefrom shall terminate.

2

3 Form Approved:

4

5 /s/ Shannon K. Eller

6 Office of General Counsel

7 Legislation Prepared By: Arimus Wells

8 GC-#1385338-v1-WRF-20-18.docx