

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-678**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-22-61, FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 9 AT 4817 KINGSBURY STREET,
8 BETWEEN KINGSBURY STREET AND ATTLEBORO STREET
9 (R.E. NO. 062553-0000), AS DESCRIBED HEREIN,
10 OWNED BY BCEL 5A, LLC, REQUESTING TO REDUCE THE
11 REQUIRED MINIMUM LOT AREA FROM 6,000 SQUARE FEET
12 TO 3,273 SQUARE FEET AND TO REDUCE THE REQUIRED
13 LOT WIDTH FROM 60 FEET TO 25 FEET IN ZONING
14 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60), AS
15 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
16 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
17 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
18 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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20 **WHEREAS**, an application for an administrative deviation, **On File**
21 with the City Council Legislative Services Division, was filed by
22 Hunter Faulkner on behalf of the owner of property located in Council
23 District 9 at 4817 Kingsbury Street, between Kingsbury Street and
24 Attleboro Street (R.E. No. 062553-0000) (the "Subject Property"),
25 requesting to reduce the required minimum lot area from 6,000 square
26 feet to 3,273 square feet and reduce the required lot width from 60
27 feet to 25 feet in Zoning District Residential Low Density-60 (RLD-
28 60); and

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

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

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

6 **Section 1. Adoption of Findings and Conclusions.** The
7 Council has considered the recommendation of the Land Use and Zoning
8 Committee and reviewed the Staff Report of the Planning and
9 Development Department concerning administrative deviation
10 Application AD-22-61, which requests to reduce the required minimum
11 lot area from 6,000 square feet to 3,273 square feet and reduce the
12 required lot width from 60 feet to 25 feet. Based upon the competent,
13 substantial evidence contained in the record, the Council hereby
14 determines that the requested administrative deviation meets each of
15 the following criteria required to grant the request pursuant to
16 Section 656.109(h), *Ordinance Code*, as specifically identified in the
17 Staff Report of the Planning and Development Department:

18 (1) There are practical or economic difficulties in carrying out
19 the strict letter of the regulation;

20 (2) The request is not based exclusively upon a desire to reduce
21 the cost of developing the site, but would accomplish some result
22 that is in the public interest, such as, for example, furthering the
23 preservation of natural resources by saving a tree or trees;

24 (3) The proposed deviation will not substantially diminish
25 property values in, nor alter the essential character of, the area
26 surrounding the site and will not substantially interfere with or
27 injure the rights of others whose property would be affected by the
28 deviation;

29 (4) The proposed deviation will not be detrimental to the public
30 health, safety or welfare, result in additional public expense, the
31 creation of nuisances, or conflict with any other applicable law;

1 (5) The proposed deviation has been recommended by a City
2 landscape architect, if the deviation is to reduce required
3 landscaping; and

4 (6) The effect of the proposed deviation is in harmony with the
5 spirit and intent of the Zoning Code.

6 Therefore, administrative deviation Application AD-22-65 is
7 hereby approved.

8 **Section 2. Owner and Description.** The Subject Property is
9 owned by BCEL 5A, LLC and is described in **Exhibit 1**, dated June 21,
10 2022, and graphically depicted in **Exhibit 2**, both attached hereto.
11 The applicant is Hunter Faulkner, One Independent Drive, Suite 1400,
12 Jacksonville, Florida 32202; (904) 389-0050.

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

19 **Section 4. Effective Date.** The enactment of this Ordinance
20 shall be deemed to constitute a quasi-judicial action of the City
21 Council and shall become effective upon signature by the Council
22 President and Council Secretary.

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24 Form Approved:

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26 /s/ Mary E. Staffopoulos

27 Office of General Counsel

28 Legislation Prepared By: Erin Abney

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