

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

August 19, 2021

The Honorable Samuel Newby, President
The Honorable Rory Diamond, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2021-422**

Dear Honorable Council President Hazouri, Honorable Council Member and LUZ Chairperson Boylan 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: **Deny**

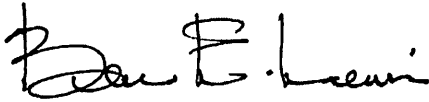
Planning Commission Recommendation: **Deny**

Planning Commission Commentary: The applicant was not present at the meeting. There were two speakers in opposition and their concerns were the commercial dumpster in the front yard, commercial vehicles parked in the driveway and ongoing commercial operations since 2017. The Commissioners felt the application is a spot zoning and the use is not appropriate in a residential subdivision. The applicant is asking for forgiveness instead of permission.

Planning Commission Vote:	6-0
Joshua Garrison, Chair	Aye
Dawn Motes, Vice Chair	Absent
David Hacker, Secretary	Aye
Marshall Adkison	Aye
Daniel Blanchard	Aye
Alan Brown	Absent
Alex Moldovan	Aye
Jason Porter	Aye

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

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce E. Lewis". The signature is fluid and cursive, with the first name "Bruce" being the most prominent.

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
blewis@coj.net

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT FOR

APPLICATION FOR REZONING ORDINANCE 2021-422

AUGUST 19, 2021

The Planning and Development Department hereby forwards to the Planning Commission, Land Use and Zoning Committee and City Council its comments and recommendation regarding Application for Rezoning Ordinance 2021-422.

Location: 946 Jorick Court West; west of St Johns Bluff Road
North & south of Jorick Road

Real Estate Numbers: 161951-0000

Current Zoning District: Residential Low Density-60 (RLD-60)

Proposed Zoning District: Industrial Light (IL)

Current Land Use Category: Low Density Residential (LDR)

Proposed Land Use Category: Light Industrial (LI)

Planning District: Greater Arlington Beaches, District 2

Owner/ Applicant: Donald E Swett
946 Jorick Court West
Jacksonville, FL 32225

Staff Recommendation: DENY

GENERAL INFORMATION

Application for Rezoning Ordinance 2021-422 seeks to rezone a parcel, approximately 0.23 acres in size, from the RLD-60 to the IL zoning district in order to bring an illegal industrial business use into compliance. The subject property is located west of St Johns Bluff Road North and south of Jorick Road. The area immediately surrounding the subject property is a residential subdivision that was platted prior to City Consolidation. The Queen Akers subdivision plat contains 54 residential lots.

The rezoning is being sought because on April 27, 2021 the property owner was issued a warning citation (Case #2021-8245533) for running a screen enclosure business from his home. He is in violation of the home occupation allowance for a home business. Swett has several work trucks that park in front of his home, employees that come to the home, he makes the screens outside the walls of the home, and he advertises the address of the business as his home. All of these factors

are in violation of the home occupation allowance. The applicant also filed for a “Reasonable Accommodation to the Zoning Code” on May 10, 2021. In his application, he states that he has been working from this home since 2005 but the screen business started in 2017. He employs seven (7) people. The employees come to his home. The applicant states he is in a wheelchair and moving his business to an appropriate zoning district would be burdensome; loading and unloading his wheelchair daily.

There is a companion Small Scale Land Use Amendment, L-5571-21C (Ord. 2021-421) requesting that the subject property be changed from Low Density Residential to Light Industrial. The recommendation for the small-scale amendment is to deny.

On August 9, 2021, the GAB CPAC LUZ-Subcommittee opined on the applications. They are in opposition to both applications. Their letter of opposition is included.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.125 of the Zoning Code, an applicant for a proposed rezoning bears the burden of proving, by substantial competent evidence, that the proposed rezoning is consistent with the City's comprehensive plan for future development of the subject parcel. In determining whether a proposed rezoning is consistent with the 2030 Comprehensive Plan, the Planning and Development Department considers several factors, including (a) whether it is consistent with the functional land use category identified in the Future Land Use Map series of the Future Land Use Element; (b) whether it furthers the goals, objectives and policies of the Comprehensive Plan; and (c) whether it conflicts with any portion of the City's land use regulations. Thus, the fact that a proposed rezoning is permissible within a given land use category does not automatically render it consistent with the 2030 Comprehensive Plan, as a determination of consistency entails an examination of several different factors.

1. Is the proposed rezoning consistent with the 2030 Comprehensive Plan?

No. The request is for a zoning district change from RLD-60 to IL. Concurrently there is a land use application to change the land use category from LDR to LI. Applicant seeks to rezone the property for light industrial uses. The request is for a reasonable accommodation in order to allow a screen repair business on the property. The property's primary use is a single family home and is located within an established neighborhood.

2. Does the proposed rezoning further the goals, objectives and policies of the 2030 Comprehensive Plan?

No. The proposed rezoning does not further the following goals, objectives, and policies of the 2030 Comprehensive Plan's Future Land Use Element:

Policy 2.2.4

Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.

The proposed rezoning will constitute "spot zoning," that is an isolated zoning district unrelated to adjacent and nearby districts. Not only is the property a residential lot with a single family home in a platted neighborhood, there is no Industrial Light Zoning in the immediate area nor on the closest major roadway, St Johns Bluff Road North. An industrial business with outdoor storage and manufacturing is not appropriate in a subdivision.

Policy 3.1.2

The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

On April 27, 2021, the property owner was appropriately issued a warning citation (Case #2021-8245533) for running a screen enclosure business from his home. He is in violation of the home occupation allowance for a home business. The proposed rezoning and the development permitted thereunder will detract from the character and quality of life in the neighborhood through the created excessive traffic, noise, lights, vibration, fumes, odors, dust, physical activities or other detrimental effects or nuisances inconsistent with a residential neighborhood.

Policy 3.2.1

The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

The subject property is not located on a major roadway. The local road the subject property on is a local residential road that ends in a cul-du-sac. No properties along the closest major roadway, St Johns Bluff Road, are zoned Industrial Light (IL).

3. *Does the proposed rezoning conflict with any portion of the City's land use regulations?*

Yes. The proposed rezoning would conflict with portions of the City's land use regulations. If rezoned the property owner would have to comply with parking requirements, drainage, waste removal, ADA building compliance, visual screening, and uncomplimentary use buffering.

SURROUNDING LAND USE AND ZONING

The subject property is located to the west of St Johns Bluff Road.

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Use(s)</u>
North	LDR	RLD-60	Single Family Dwellings
East	LDR	RLD-60	Single Family Dwellings
South	LDR	RLD-60	Single Family Dwellings
West	LDR	RLD-60	Single Family Dwellings

The properties immediately adjacent and surrounding the subject site are all single family homes in the RLD-60 zoning district and LDR land use category, part of the Queen Aker subdivision.

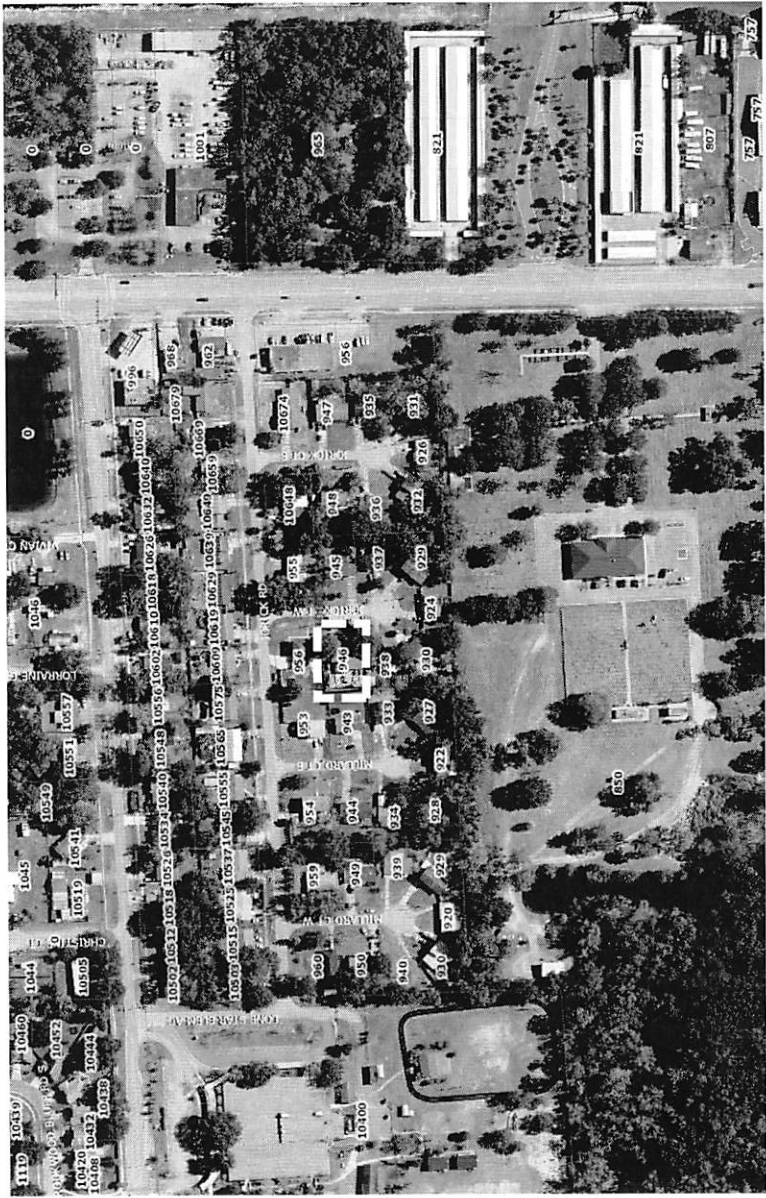
SUPPLEMENTARY INFORMATION

On July 16, 2021, Planning & Development Staff posted the required Notice of Public Hearing signs at the subject property.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Rezoning Ordinance 2021-422 be **DENIED**.



Aerial



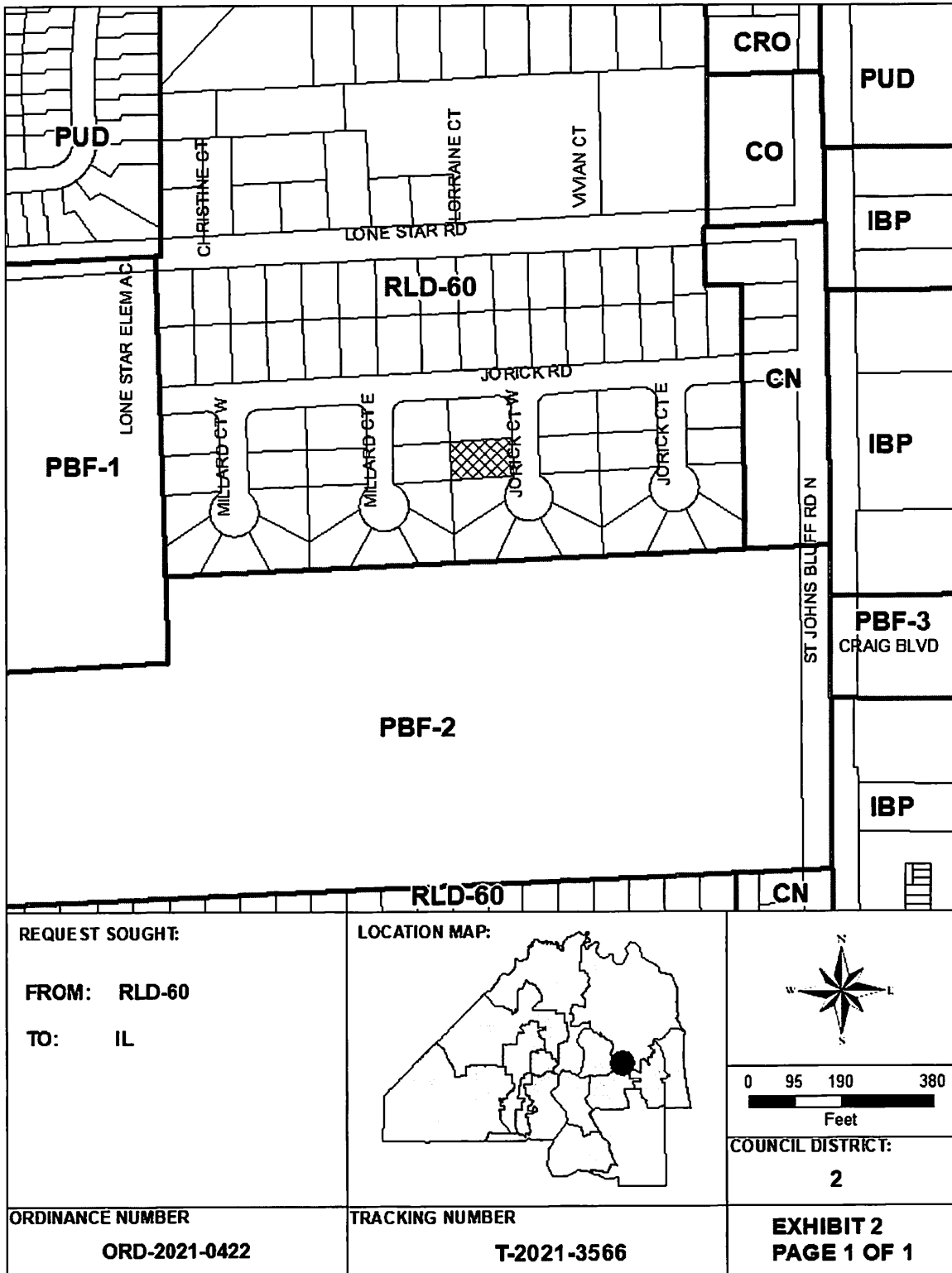
Subject Property

Source: COJ, Planning & Development Department
Date: 07/16/2021

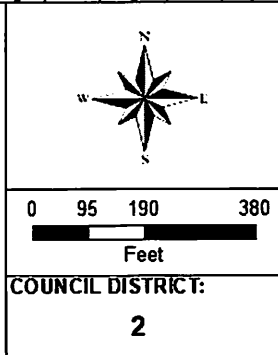
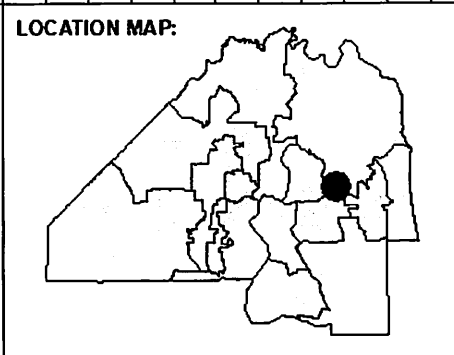


Subject Property

*Source: COJ, Planning & Development Department
Date: 07/16/2021*



REQUEST SOUGHT:
 FROM: RLD-60
 TO: IL



ORDINANCE NUMBER
 ORD-2021-0422

TRACKING NUMBER
 T-2021-3566

EXHIBIT 2
 PAGE 1 OF 1

Application For Rezoning To Conventional Zoning District

Planning and Development Department Info

Ordinance # 2021-0422 **Staff Sign-Off/Date** CMQ / 06/17/2021
Filing Date 07/27/2021 **Number of Signs to Post** 1
Hearing Dates:
1st City Council 08/24/2021 **Planning Comission** 08/19/2021
Land Use & Zoning 09/08/2021 **2nd City Council** 09/14/2021
Neighborhood Association COMMUNITIES OF EAST ARLINGTON; GREATER ARLINGTON CIVIC COUNCIL
Neighborhood Action Plan/Corridor Study

Application Info

Tracking # 3566 **Application Status** PENDING
Date Started 05/24/2021 **Date Submitted** 06/03/2021

General Information On Applicant

Last Name SWETT **First Name** DONALD **Middle Name** E
Company Name
Mailing Address
 946 JORICK COURT W
City JACKSONVILLE **State** FL **Zip Code** 32225
Phone 9042006362 **Fax** **Email** SWETTD@BELLSOUTH.NET

General Information On Owner(s)

Check to fill first Owner with Applicant Info

Last Name SWETT **First Name** DONALD **Middle Name** E
Company/Trust Name
Mailing Address
 946 JORICK COURT W
City JACKSONVILLE **State** FL **Zip Code** 32225
Phone 9042006362 **Fax** **Email** SWETTD@BELLSOUTH.NET

Property Information

Previous Zoning Application Filed For Site?

If Yes, State Application No(s)

Map RE#	Council District	Planning District	From Zoning District(s)	To Zoning District
Map 161951 0000	2	2	RLD-60	IL

Ensure that RE# is a 10 digit number with a space (##### #)

Existing Land Use Category

LDR

Land Use Category Proposed?**If Yes, State Land Use Application #****Total Land Area (Nearest 1/100th of an Acre) 0.23****Justification For Rezoning Application**

SEE REASONABLE ACCOMMODATION APPLICATION, ATTACHMENT 1

Location Of Property**General Location**

QUEENS ACRES

House #	Street Name, Type and Direction	Zip Code
946	JORICK CT W	32225

Between Streets

JORICK CT E and MILLARD CT E

Required Attachments For Formal, Complete application

The following items must be attached to each application in the order prescribed below. All pages of the application must be on 8½" X 11" paper with provision for page numbering by the staff as prescribed in the application instructions manual. Please check each item below for inclusion of information required.

- Exhibit 1** A very clear, accurate and legible legal description of the property on the form provided with application package (Exhibit 1). The legal description (which may be either lot and block or metes and bounds) should not be a faint or distorted copy that is difficult to read or duplicate.
- Exhibit A** Property Ownership Affidavit – Notarized Letter(s).
- Exhibit B** Agent Authorization - Notarized letter(s) designating the agent.

Supplemental Information

Supplemental Information items are submitted separately and not part of the formal application

One copy of the Deeds to indicate proof of property ownership.

Public Hearings And Posting Of Signs

No application will be accepted until all the requested information has been supplied and the required fee has been paid. Acceptance of a completed application does not guarantee its approval by the City Council. The applicant will be notified of public hearing dates on this application upon the filing of the application. The applicant or authorized agent **MUST BE PRESENT** at the public hearings. The required **SIGN(S)** must be **POSTED** on the property **BY THE APPLICANT** within 5 days after the filing of an application. The sign(s) may be removed only after final action of the Council and must be removed within 10 days of such action.

The applicant must also pay for the required public notice stating the nature of the proposed request which is required to be published in an approved newspaper **AT LEAST 14 DAYS IN ADVANCE OF THE PUBLIC HEARING.** (The Daily Record - 10 North Newnan Street, Jacksonville, FL 32202 • (904) 356-2466 • Fax (904) 353-2628) Advertising costs are payable by the applicant directly to the newspaper and the applicant must furnish **PROOF OF PUBLICATION** to the Planning and Development Department, 214 North Hogan Street, Ed Ball Building, Suite 300, Jacksonville, Florida, 32202, prior to the public hearing.

Application Certification

I, hereby, certify that I am the owner or the authorized agent of the owner(s) of the property described herein, that all answers to the questions in this application and all information contained in the material attached to and made a part of this application, are accurate and true to the best of my knowledge and belief. I also attest by my signature that all required information for this rezoning application is completed and duly attached in the prescribed order. Furthermore, if the package is found to be lacking the above requirements, I understand that the application will be returned for correct information.

Agreed to and submitted

Filing Fee Information

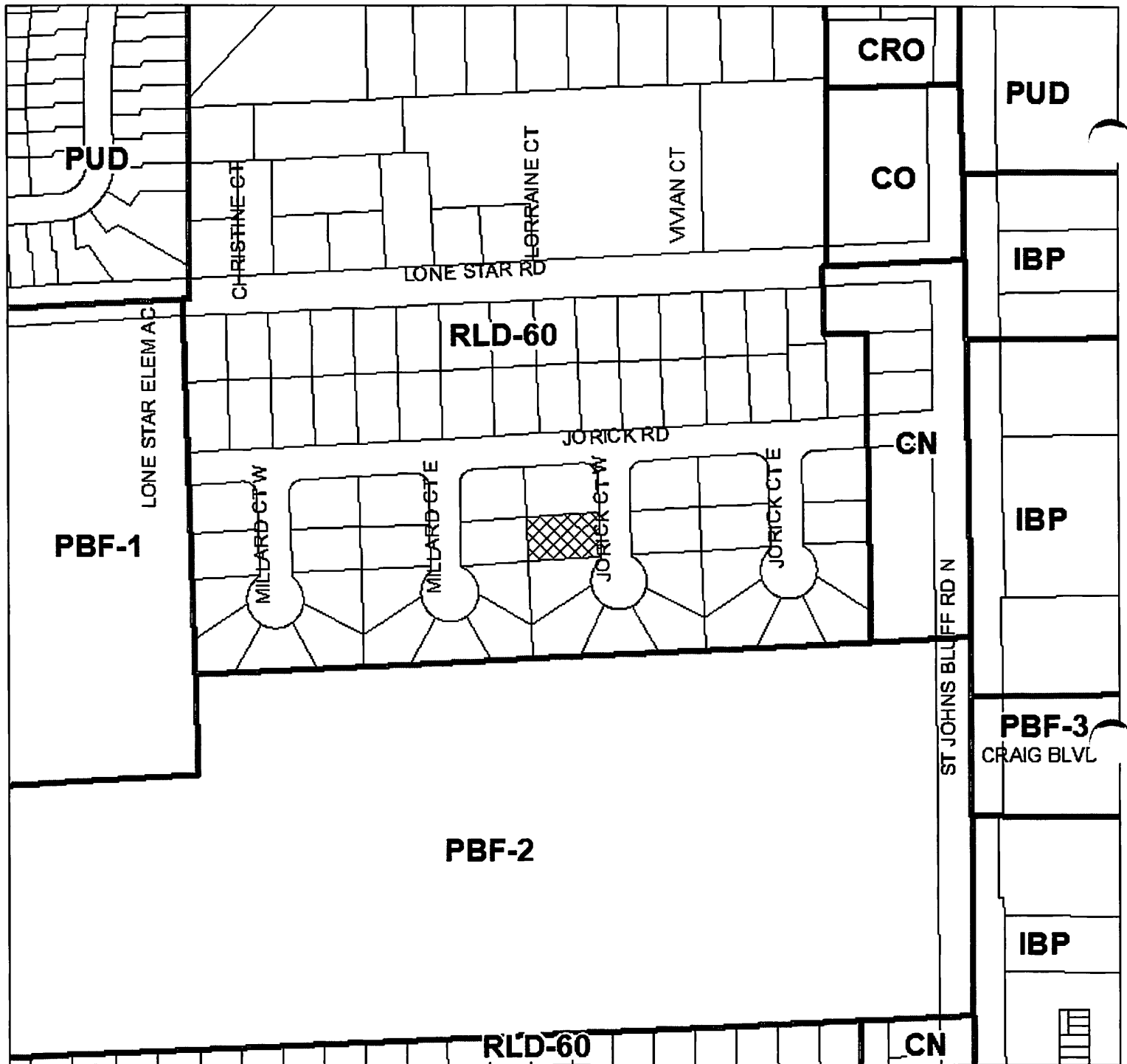
- 1) Rezoning Application's General Base Fee: \$2,000.00**
- 2) Plus Cost Per Acre or Portion Thereof**
0.23 Acres @ \$10.00 /acre: \$10.00
- 3) Plus Notification Costs Per Addressee**
51 Notifications @ \$7.00 /each: \$357.00
- 4) Total Rezoning Application Cost: \$0.01**

NOTE: Advertising Costs To Be Billed to Owner/Agent

ORDINANCE _____

Legal Description

31*085 18-2S-28E QUEEN AKERS UNIT 4 LOT 17 O/R BK 6779-931

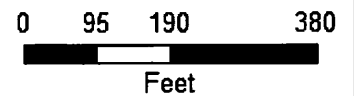
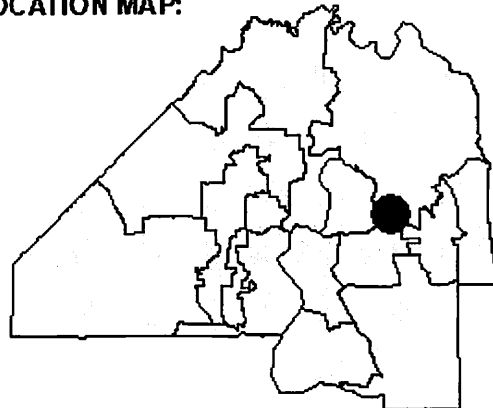


REQUEST SOUGHT:

FROM: RLD-60

TO: IL

LOCATION MAP:



COUNCIL DISTRICT:

2

TRACKING NUMBER

T-2021-3566

EXHIBIT 2
PAGE 1 OF 1

MUNICIPAL CODE COMPLIANCE DIVISION



Case Recap - Case # 2021-8245533 - Case Status: Active

Printed: 05/24/2021 at 7:55.00

Complaint #: 2021-8245533

Source: Citizen

CARE Status: Active

Description: RE Number: (161951 0000) X: (-81.52559219999999) Y: (30.3373906) Reported Adress: (946 Jorick Ct W, Jacksonville FL 32225) GIS Adress: (946 JORICK CT W, 32225) Incident Notes: This house has a screen business that is being run out of the back yard. They are manufacturing stuff in the back yard.

... OCCUPANT/LOCATION...

... PROPERTY OWNER...

... ORIGINAL COMPLAINANT ...

House #: 946

COURTESY NOTICE - SWETT

Street Name: W JORICK CT

DONALD E

Unit:

946 JORICK CT W

JACKSONVILLE, FL32225-8313

LOT/BLOCK/SUBDIV:

R/E NUMBER: 161951 0000

DISTRICT: 2

ZONING:

BOOK/PAGE/MAP:

LEGAL DESCRIPTION: 31-085 18-2S-28E QUEEN AKERS UNIT 4 LOT 17 O/R BK 6779-931

Violation Summary

<u>Complied</u>	<u>Location</u>	<u>Remedy</u>	<u>Definition</u>	<u>Inspector</u>	<u>Section</u>
	Entire	Cease Operation	Unpermitted Land Use	Thomas Yeagle	656.222(b)
	Entire	Cease Operation	Residential Prohibited Use	Thomas Yeagle	656.305

MUNICIPAL CODE COMPLIANCE DIVISION



Case Recap - Case # 2021-8245533 - Case Status: Active

Printed: 05/24/2021 at 7:55.03

Completed Inspections

<u>Date Scheduled</u>	<u>Date Completed</u>	<u>Inspector</u>	<u>Visit Description</u>	<u>Status</u>
04/27/2021	04/27/2021	Thomas Yeagle	Inspection: Initial	Complete
<u>Inspector's comments from inspection done on 04/27/2021:</u>				
2021-8245533 Issued 30-day warning citation 37953 to Buddy's Screens LLC for illegal land use. Operating a business on residential property, not zoned for the use. Sunbiz, Facebook, and Mapquest shows the business at this address and advertising this address. Property and business owner Don Swett signed the citation and I left the violator's copy with him. He admitted he builds screens and other items for sale in his back yard. I explained the violation and process. He said he understood. He mentioned home occupations. I showed him where to find the requirements. ty eagle/TM Also created nuisance case 2021-8247063 and junk vehicle case 2021-8247621.				
04/27/2021	04/27/2021	Thomas Yeagle	Citation: Issue Warning Citation	Complete
04/29/2021	05/05/2021	Raydel Stricklen	Citation: CLERK SCAN CITATION	Complete
05/05/2021	05/05/2021	Thomas Yeagle	Violation Notice: Print Citation	Complete

Pending Requests

<u>Date Scheduled</u>	<u>Date Completed</u>	<u>Inspector</u>	<u>Visit Description</u>	<u>Status</u>
05/17/2021	05/06/2021	Raydel Stricklen	Citation: Send notification, post and	Cancelled
05/27/2021			Citation: Subsequent Inspection	Scheduled

Document History

<u>Date</u>	<u>Status</u>	<u>Party Name</u>	<u>Certified Mail #</u>	<u>NoticeType</u>

MUNICIPAL CODE COMPLIANCE DIVISION



Case Recap - Case # 2021-8245533 - Case Status: Active

Printed: 05/24/2021 at 7:55.03

Additional Case Comments

<u>Date</u>	<u>Type</u>	<u>Comment</u>	<u>Inspector</u>
04/26/2021	C	RE Number: (161951 0000) X: (-81.52559219999999) Y: (30.3373906) R system System Adress: (946 Jorick Ct W, Jacksonville, FL 32225) GIS Adress: (946 JORIK CT W, 32225) Incident Notes: This house has a screen business that is being run out of the back yard. They are manufacturing stuff in the back yard.	
04/27/2021	N	2021-8245533 Issued 30-day warning citation 37953 to Buddy's Screens LLC for illegal land use. Operating a business on residential property, not zoned for the use. Sunbiz, Facebook, and Mapquest shows the business at this address and advertising tis address. Property and business owner Don Swett signed the citation and I left the violattor's copy with him. e admitted he bulds screens and other items for sale in his back yard. I explained the violation and process. He said he understood. He mentioned home occupations. I showed him where to find the requirements. tyeagle/TM Also created nuisance case 2021-8247063 and junk veicle case 2021-8247621.	Thomas Yeagle
05/05/2021	N	2021-8245533- Mr. Swett called in to get information about applying for a zoning exception, gave number to zoning and planning. B Clayton	Bradley Clayton
05/06/2021	N	2021-8245533 Returned call from Don Swett 200 6363 asking about zonir exceptio. I gave number for zoning and planning. tyeagle	Thomas Yeagle
05/11/2021	N	2021-8245533 Returned call from Don Swett 200 6363 asking about 30-d extension to apply for zoning exception. I gave him contact info for supervisor C. Zuckero as I cannot give such an extension. tyeagle	Thomas Yeagle

Policy on Requesting Reasonable Accommodations to the Zoning Code

Background

The Americans with Disabilities Act (ADA), as amended, is a federal anti-discrimination statute designed to remove barriers that prevent qualified individuals with disabilities from enjoying the same opportunities available to persons without disabilities. The Fair Housing Act (FHA), as amended, is a federal anti-discrimination statute that prohibits discriminating against a person on the basis of disability by refusing to make reasonable accommodations when necessary to afford the person equal opportunity to use and enjoy a dwelling.

The FHA and ADA require City governments to make reasonable accommodations to policies, practices, or procedures to prevent discrimination on the basis of disability.¹ Reasonable accommodations can include changes, modifications or adjustments to local laws, ordinances, and regulations that prevent people with disabilities from having an equal opportunity to use and enjoy a dwelling. For example, it may be reasonable to grant a variance for zoning requirements and setbacks. In addition, city governments may consider granting exceptions to the enforcement of certain laws as a form of reasonable accommodation.

The City of Jacksonville Planning and Development Department (PDD) shall make reasonable accommodations in policies, practices, or procedures when the accommodations are necessary to avoid discrimination on the basis of disability, unless those accommodations would fundamentally alter the nature of the service, program, activity, or cause an undue financial and administrative burden.

General Provisions

All reasonable accommodation requests that are submitted will be reviewed on an individual basis and independently of all other requests. The Department recognizes that a reasonable accommodation request may be the basis for a request to rezone or to alter the uses of private property. Such applications that constitute requests for rezoning or zoning exceptions will be processed and administered in the normal course required by the zoning code with the additional reasonable accommodation criteria required by zoning code sec. 656.112(e).

For requests other than rezoning and zoning exception requests, the Director shall make the decision on the application for reasonable accommodation based upon consultation with, and the written recommendation of, the Chief of Disabled Services. Applicants requesting reasonable accommodations may receive a decision by the Director with a hearing, or may elect to have the decision made by the Director without a hearing.

In evaluating a Request for Reasonable Accommodation, the Director, based upon consultation with, and the recommendation of, the Chief of Disabled Services, shall consider competent, substantial evidence relating to the following:

- Whether applicant meets the definition of a disabled person. .
- Whether there is an identifiable relationship, or nexus, between the requested accommodation and the person's needs.
- Whether a sufficient alternative to the specific initial request exists, if the initial request is determined to be not reasonable.

¹ In this policy the term "reasonable accommodation," which is used in the FHA, 42 U.S.C. § 3604(f)(3)(B), also includes the term "reasonable modification," which is used in the implementing regulation for Title II of the ADA, 28 C.F.R. § 35.130(b)(7).

- Whether granting the request would change the essential nature of the Zoning Code as compared to strict application of the code to the circumstances or the request.
- Whether the request would impose undue financial and administrative burdens on the City.

It is the City's intent that reasonable accommodations be granted where required by federal law. If the Director, based upon the Chief of Disabled Services' recommendation regarding the applicant's claimed disability, determines that the specific request is not reasonable, he/she shall offer, where possible, some other accommodation which would meet the requester's needs. No additional standards or review of Requests for Reasonable Accommodation are required. In making this determination, it shall not be a factor whether there are other neighborhoods or dwellings that could accommodate the person.

The Director and Chief of Disabled Services are entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. If a person's disability is obvious, or otherwise known to the Director or Chief, and if the need for the requested accommodation is also readily apparent or known, then the Director or Chief may not request any additional information about the applicant's disability or the disability-related need for the accommodation. However, if the applicant's disability is known or readily apparent to the Director or Chief, but the need for the accommodation is not readily apparent or known, the Director may request only information that is necessary to evaluate the disability-related need for the accommodation. The Director or Chief may not ordinarily inquire as to the nature and severity of an individual's disability, but the Director or Chief may request reliable disability-related information that: (1) is necessary to verify that the person meets the Fair Housing Act and Americans with Disabilities Act's definition of disability, (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation. Depending on the individual's circumstances, information verifying that the person meets the Act's definition of disability can usually be provided by the individual, but also may come from a doctor or medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability. Once the Director, based upon consultation with the written recommendation of the Chief, has established that the applicant meets the definition of a disabled person, the Director should seek only the information necessary to evaluate if the request is needed because of a disability.

Requests for Reasonable Accommodations shall be personal to the applicant and shall not run with the land, and shall only remain in place for as long as the applicant's need for the request exists or remains. It shall be the responsibility of the property owner to remove or correct any non-conforming zoning code standard authorized in an approved Request for Reasonable Accommodation only when the need for the accommodation ends.

No fees or costs may be imposed for Request for Reasonable Accommodation applications.

Supporting documentation must be submitted five (5) days prior to the date established for the decision, or before or at the hearing if one takes place.

Accommodation Request Process

Step 1. Accommodation requests may be made orally or in writing to the Planning and Development Department.

If an application is received orally, Planning and Development Department staff shall provide assistance in completing the written application.

Step 2. Upon receipt of the Request for Reasonable application, the Planning Director shall notify the Chief of Disabled Services of the request to determine whether the application is complete within five (5) working days. If it is determined that the application is not complete, written notice shall be provided to the applicant within three (3) working days specifying the deficiencies.

Step 3. **Applicant Requests Hearing:** If the applicant chooses to have a hearing on the application, the Director shall schedule a hearing on the application on a date certain at least fourteen (14) days after notice is posted but within thirty (30) days after the application has been deemed complete. The Director shall make a decision within five (5) business days of the hearing.

Decision Without A Hearing: If the applicant elects to receive a decision without a hearing, the Director shall establish the date of decision to be at least fourteen (14) days after notice is posted but within thirty (30) days after the application has been deemed complete. The Director shall make the decision on the date established.

Step 4. Notice of Request for Reasonable Accommodation shall be given within three (3) days of the receipt of a complete application by the Department by posting signs on the subject property at intervals of not more than 200 feet along all street sides of property upon which the request is made. The signs shall indicate the request and information on how, and by when, participation is allowed. The Department shall also post notice at City Hall and the Planning and Development Department in the specified location for posted notices within three (3) days after receipt of a complete application. Persons wishing to provide competent, substantial evidence related to the application shall provide those comments in writing to the Director five (5) days prior to the date established for the decision, or may provide such evidence before or at the hearing if one takes place.

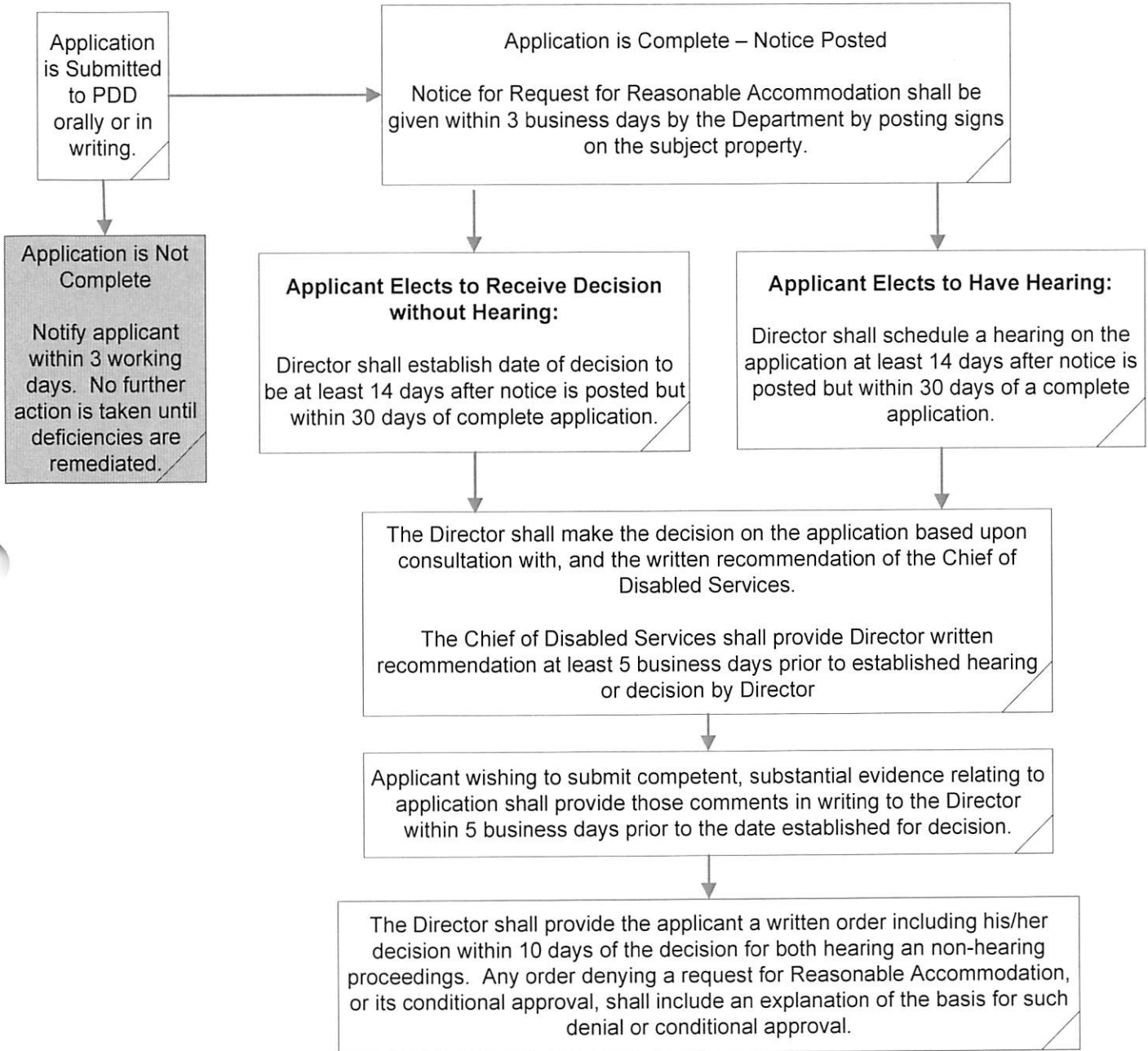
Step 5. The Chief of Disabled Services shall provide the Director with a written recommendation on the applicant's request at least five (5) business days prior to the date established for the decision by the Director, or the date of the hearing if one is scheduled to take place.

Step 6. The Director shall provide the applicant a written order including his/her decision within ten (10) days of the date of the decision for both hearing and non-hearing proceedings. Any order denying a Request for Reasonable Accommodation, or its conditional approval, shall include an explanation of the basis for such denial or conditional approval. ---

Appeal Process

Decisions on Requests for Reasonable Accommodation are appealable to the City Council pursuant to the procedures identified in sections 656.140-145 of the City's zoning code. The Council's review of the appeal shall be limited to a consideration of whether the Request for Reasonable Accommodation criteria were properly considered and applied, taking all laws, ordinances and other judicial or legal guidance into consideration, and whether sufficient alternatives were evaluated.

Request for Reasonable Accommodation Process
Planning and Development Department



Application for Request for Reasonable Accommodation in Accordance with the Americans with Disabilities Act and Fair Housing Act



Prepared by

Disabled Services

Part 1 of the application for Request for Reasonable Accommodation in accordance with the Americans with Disabilities Act and Fair Housing Act

Applicant Instructions:

- A. Who Should File the Application:** Applicants seeking Request for Reasonable Accommodation for a disability under the federal regulations provided by the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA) should complete this application. Applicants may include individuals with disabilities or persons, entities, or groups on behalf of individuals with disabilities.
- B. Documentation Needed:** The Director of the Planning and Development Department and Chief of Disabled Services are entitled to obtain information that is necessary to evaluate if a requested reasonable accommodation may be necessary because of a disability. The Director or Chief may not ordinarily inquire as to the nature and severity of an individual's disability, however, the Director or Chief may request reliable disability-related information that: (1) is necessary to verify that the person meets the Fair Housing Act and Americans with Disabilities Act's definition of "disability", (2) describes the needed accommodation, and (3) shows the relationship between the person's disability and the need for the requested accommodation.
- C. Review:** Review of a Request for Reasonable Accommodation will be deferred until application is deemed complete.
- D. Confidentiality:** To protect confidentiality, only send supporting documentation separately to the address below. All materials received will be held in confidence to the fullest extent allowed by law.
- E. Returning the Application:** send your completed application and supporting documentation to:

City of Jacksonville Planning and Development Department Director (or designee) 214 North Hogan Street, Suite 300 Jacksonville, FL 32202		
phone: (904) 255-7813	fax: (904) 255-7886	Email: BILLK@coj.net

Section 1: Personal Data

Name:

Donald	E.	Swett
First	Middle Initial	Last

Mailing Address:

946 Jorick Ct W		
Jacksonville,	Florida	32225
City	State	Zip Code

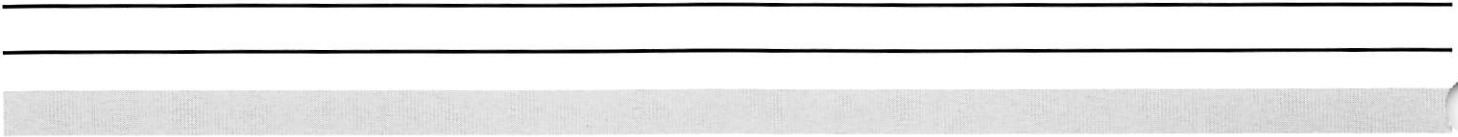
Phone Numbers:

() N/A (Home)	(904) 200 6362 (Work)
(904) 200 6362 (Mobile)	swettd@bellsouth.net (Email)

Section 2: Explanation of Accommodation Requested

Type of Request:

Zoning change to CRO or Variance or Enforcement Exemption; See Attachment 1



Attachment 2: Confirmation of Request

**CONFIRMATION OF REQUEST
FOR REASONABLE ACCOMMODATION**

Instructions: Director of Planning and Development Department will deem an application complete upon successful completion of this application and notify the applicant in writing.

1. **Donald E. Swett** _____
Applicant's Name

Date of Request **5/10/2021** _____

904 200 6362 _____
Applicant's Telephone Number

2. **TYPE OF ACCOMMODATION REQUESTED, IF KNOWN (Be as specific as possible)**

Zoning change to CRO or Variance or Enforcement Exemption; See Attachment 1

3. **REASON FOR REQUEST**

To continue to run my office out of my home legally.

(Planning and Development Director will assign)

Log No.: _____

Attachment 3: Resolution of Reasonable Accommodation Request

RESOLUTION OF REASONABLE ACCOMMODATION REQUEST

Instructions: To be completed by the City of Jacksonville's Director of Planning and Development Department.

- 1. **Name of individual requesting reasonable accommodation:**
- 2. **Accommodation(s) requested:**
- 3. **Accommodation(s):**

approved as specifically requested
 approved but different from original request*
 denied

***If the approved accommodation is different from the one(s) originally requested, identify the reason why the initial request was not appropriate and the alternative accommodation(s):**

- 4. **If an alternative accommodation was offered, indicate whether it was:**
 accepted
 rejected

- 5. **Request denied because: (may check more than one box)**

- Requestor does not have a disability
- Accommodation lacks nexus to disability
- Accommodation would cause undue financial and administrative hardship on the City
- Accommodation would change the essential nature of the Zoning Code
- Medical documentation inadequate (please provide a description of efforts made to obtain necessary info)
- Other (Please identify) _____

- 6. **Detailed reason(s) for denial (Must be specific, e.g., why accommodation lacks a nexus to the disability or causes undue financial and administrative hardship on the City):**

- 7. **If the Director offered an accommodation that is different from the one originally requested, explain: (a) the reasons for the denial of the accommodation originally requested; and (b) why the alternative accommodation would be effective.**

- 8. **An individual who disagrees with the resolution of the request may appeal the decision with City Council pursuant to the procedures identified in sections 656.140-145.**

Printed Name of Director, Planning and Development Department

Signature

Date reasonable accommodation denied/approved _____

Attachment 4: Recommendation of Resolution of Reasonable Accommodation Request

REASONABLE ACCOMMODATION INFORMATION REPORTING FORM

Instructions: To be completed by the City of Jacksonville's Chief of Disabled Services and returned to the Director of Planning and Development Department.

Name of Individual requesting accommodation: _____

1. Reasonable accommodation: (check one)

- o ___ Recommend Approved (Whether it is what was originally requested or an alternative)
o ___ Recommend Denied

(Attach copy of the "Resolution of Reasonable Accommodation Request" form.)

2. Date accommodation requested: _____

3. Who received request: _____

4. Date accommodation request referred to ADA Coordinator, if applicable: _____

5. Recommendation that individual does ___ does not ___ have a disability as defined by the zoning code; or no disability determination made ___

If no determination is made, provide a brief description why _____

If recommendation that individual does not have a disability, describe why, including what information was requested to confirm denial _____

6. Recommendation that there is ___ is not ___ an identifiable relationship, or nexus, between the requested accommodation and the applicant's needs.

7. Recommendation that there is ___ is not ___ a sufficient alternative to the specific request.

8. Recommendation that the request would ___ would not ___ change the essential nature of the Zoning Code.

Check here if unsure ___ and provide a brief description why _____

9. Recommendation the request would ___ would not ___ impose undue financial and administrative burdens to the City.

10. Date accommodation recommended approved or denied: _____

11. Was medical information required to process this request? If yes, explain why _____

12. Sources of technical assistance, if any, consulted in trying to identify possible reasonable accommodations (e.g., disability organization):

13. Comments: _____

14. Please attach all documentation connected with this request.

Printed Name of Chief of Disabled Services

Signature _____

Explanation of Accommodation Requested

In 2005 I began working from home. In 2013, I submitted paperwork to the Veterans Administration for Unemployability because I wasn't able to find work outside my home. It is now 2021 and the Veterans Administration still has not made up their mind on my request. Consequently I continue to work from home trying to make whatever money I can. My condition has continually degraded and I am now in a wheelchair. I can get in and out of the house but it is a chore.

I have been classified as disabled in 2011 by Social Security and in 2013 through the Veterans Administration.

Since 2017, I have been running a screening business out of my home. I employ 7 people. I am licensed through the State and the City. Only the administrative functions of the business are in my home. Customers do not come here. We go to their home to work on their screen enclosures. I thought I was in compliance however I had not read the municipal code for RLD-60 zones. I assumed if customers did not come to my home I was OK.

On April 27th 2021 the City's Code Compliance Officer gave me a warning and I did read the applicable municipal code. He was right because I do have employees come to the house for their work assignments. Also Google Maps and MapQuest both have reference to the business at my address.

Both the Federal Fair Housing Act (FHA) and Title II of the Americans with Disabilities Act (ADA), impose an affirmative duty on local government to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

I realize that other people that are not disabled cannot get the same accommodation but would like to say that the difference in my case is the use of the wheelchair. Moving my office to another location would just add to my burden because of having to load and unload the wheelchair twice a day every day. The lift I have is hard to work and locking the chair in place for transport is difficult for one person to do.

I have considered the situation and feel that the best choice would be rezoning the property as CRO. That would allow me to use the home office and would allow employees to get their work assignments without breaking the local ordinances.

Other choices might be some sort of Variance or Enforcement Exemption of the areas of the municipal code that currently keeps me from legally running my business.

Your assistance with this matter is greatly appreciated.

/s/Donald E. Swett
Re#: 161951-0000
946 Jorick Ct W
Jacksonville, FL 32225
904-200-6362