

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2026-175-E**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION  
6 APPLICATION AD-26-06, FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 8 AT 0 WAGES WAY, SOUTH OF NEW  
8 BERLIN ROAD (R.E. NO. 106886-0010), AS DESCRIBED  
9 HEREIN, OWNED BY MM HOMES OF JAX, LLC,  
10 REQUESTING TO REDUCE THE REQUIRED MINIMUM LOT  
11 AREA FROM 43,560 SQUARE FEET TO 27,007 SQUARE  
12 FEET, IN ZONING DISTRICT RESIDENTIAL RURAL-ACRE  
13 (RR-ACRE), AS DEFINED AND CLASSIFIED UNDER THE  
14 ZONING CODE; ADOPTING RECOMMENDED FINDINGS AND  
15 CONCLUSIONS OF THE LAND USE AND ZONING  
16 COMMITTEE; PROVIDING FOR DISTRIBUTION;  
17 PROVIDING AN EFFECTIVE DATE.  
18

19 **WHEREAS**, an application for an administrative deviation, **On File**  
20 with the City Council Legislative Services Division, was filed by  
21 Austin Rubashka, on behalf of the owner of property located in Council  
22 District 8 at 0 Wages Way, south of New Berlin Road (R.E. No. 106886-  
23 0010) (the "Subject Property"), requesting to reduce the required  
24 minimum lot area from 43,560 square feet to 27,007 square feet, in  
25 Zoning District Residential Rural-Acre (RR-Acre); and

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

29 **WHEREAS**, the Land Use and Zoning Committee, after due notice  
30 held a public hearing and having duly considered both the testimonial  
31 and documentary evidence presented at the public hearing, has made

1 its recommendation to the Council; now, therefore

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

3 **Section 1. Adoption of Findings and Conclusions.** The

4 Council has considered the recommendation of the Land Use and Zoning  
5 Committee and reviewed the Staff Report of the Planning and  
6 Development Department concerning administrative deviation  
7 Application AD-26-06, which requests to reduce the required minimum  
8 lot area from 43,560 square feet to 27,007 square feet. Based upon  
9 the competent, substantial evidence contained in the record, the  
10 Council hereby determines that the requested administrative deviation  
11 meets each of the following criteria required to grant the request  
12 pursuant to Section 656.109(h), *Ordinance Code*, as specifically  
13 identified in the Staff Report of the Planning and Development  
14 Department:

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

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

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

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

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

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

3 Therefore, administrative deviation Application AD-26-06 is  
4 hereby approved.

5 **Section 2. Owner and Description.** The Subject Property is  
6 owned by Austin Rubashka, and is legally described in **Exhibit 1**,  
7 dated February 20, 2026, and graphically depicted in **Exhibit 2**, both  
8 of which are attached hereto. The applicant is Austin Rubashka, 2695  
9 Kaylor Lane, Jacksonville, Florida 32218; (971) 232-8667.

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

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

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21 Form Approved:

22  
23 /s/ Dylan Reingold

24 Office of General Counsel

25 Legislation Prepared By: Stephen Nagbe

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