

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2023-544-E**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION  
6 APPLICATION AD-23-43, FOR PROPERTY LOCATED IN  
7 COUNCIL DISTRICT 2 AT 2790 GARRIS LANE, BETWEEN  
8 YELLOW BLUFF ROAD AND GARRIS LANE (R.E. NO.  
9 106169-0030), AS DESCRIBED HEREIN, OWNED BY MARY  
10 LEE ANDERSON, REQUESTING TO REDUCE THE MINIMUM  
11 LOT AREA FROM 2.0 ACRES TO 1.13 ACRES IN ZONING  
12 DISTRICT RESIDENTIAL RURAL-ACRE (RR-ACRE), AS  
13 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
14 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF  
15 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR  
16 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.  
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18 **WHEREAS**, an application for an administrative deviation, **On File**  
19 with the City Council Legislative Services Division, was filed by  
20 Anthony Nesmith on behalf of the owner of property located in Council  
21 District 2 at 2790 Garris Lane, between Yellow Bluff Road and Garris  
22 Lane (R.E. No. 106169-0030) (the "Subject Property"), requesting to  
23 reduce the minimum lot area from 2.0 acres to 1.13 acres in Zoning  
24 District Residential Rural-Acre (RR-Acre); and

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

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

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

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

3 Council has considered the recommendation of the Land Use and Zoning  
4 Committee and reviewed the Staff Report of the Planning and  
5 Development Department concerning administrative deviation  
6 Application AD-23-43, which requests to reduce the minimum lot area  
7 from 2.0 acres to 1.13 acres. Based upon the competent, substantial  
8 evidence contained in the record, the Council hereby determines that  
9 the requested administrative deviation meets each of the following  
10 criteria required to grant the request pursuant to Section 656.109(h),  
11 *Ordinance Code*, as specifically identified in the Staff Report of the  
12 Planning and Development Department:

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

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

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

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

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

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

1           Therefore, administrative deviation Application AD-23-43 is  
2 hereby approved.

3           **Section 2.           Owner and Description.** The Subject Property is  
4 owned by Mary Lee Anderson and is described in **Exhibit 1**, dated May  
5 22, 2023, and graphically depicted in **Exhibit 2**, both attached hereto.  
6 The applicant is Anthony Nesmith, 324 West 17<sup>th</sup> Street, Jacksonville,  
7 Florida 32206; (904) 509-5899.

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

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

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19 Form Approved:

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21                     /s/ Mary E. Staffopoulos          

22 Office of General Counsel

23 Legislation Prepared By: Bruce Lewis

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