

**AD-22-61**

**LOCATION:** 4817 Kingsbury Street

**REAL ESTATE NUMBER:** 062553-0000

**DEVIATION SOUGHT:**

1. Reduce required minimum lot area from 6,000 to 3275 square feet.
2. Reduce required lot width from 60 feet to 25 feet.

**PRESENT ZONING:** RLD-60

**CURRENT LAND USE:** LDR

**PLANNING DISTRICT:** 5

**COUNCIL DISTRICT:** 9

**SIGNS POSTED:** 1

**OWNER:**

BCEL 5A, LLC  
7563 Philips Highway, Suite 208  
Jacksonville, FL 32256

**AGENT:**

Hunter Faulkner  
1 Independent Drive, Suite 1400  
Jacksonville, Florida 32202

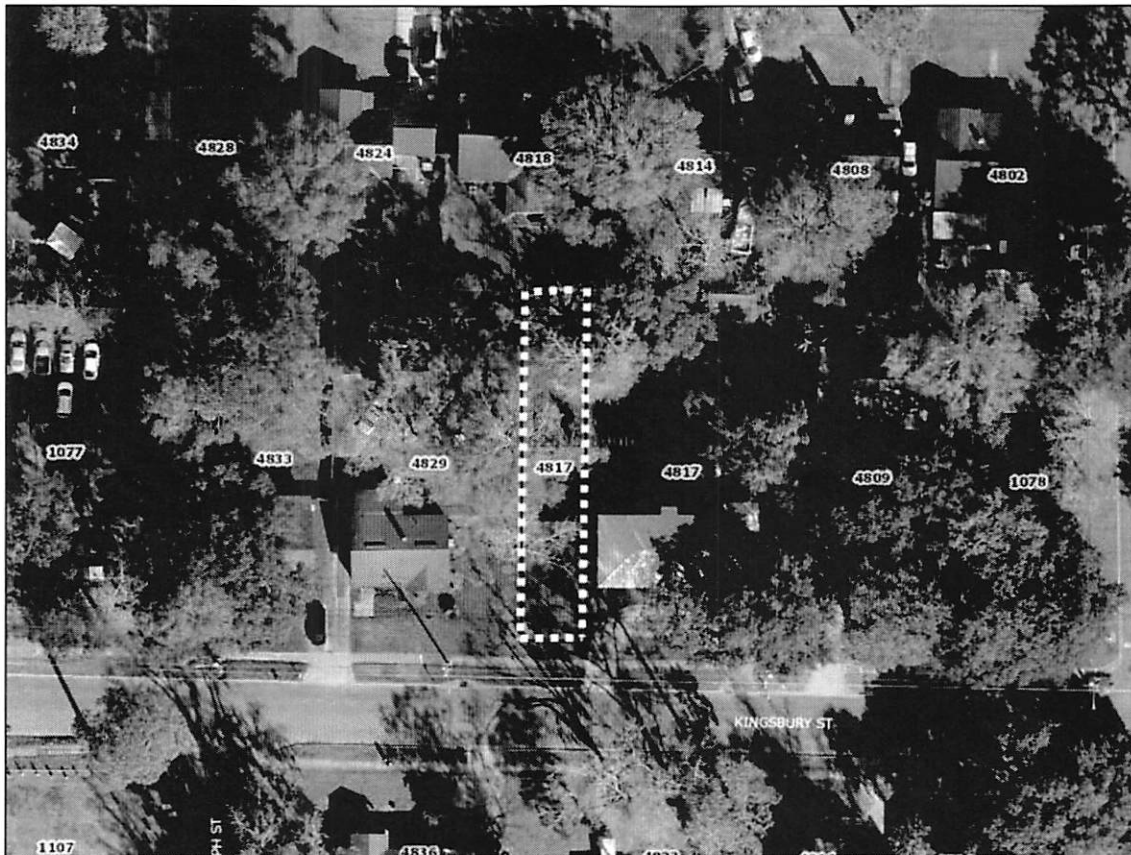
**STANDARDS, CRITERIA AND FINDINGS**

<p><b>1. Is this situation unique or similar to other properties in the neighborhood?</b></p>	<p><b><u>Recommendation:</u></b> Similar. The subject property is approximately 0.08± acres (3,275 square feet) and is the East ½ of Lot 243, Block 127 of Murray Hill Heights Plat, not a legal lot of record. The applicant intends to develop the property with one single family dwelling. The original platted lots of Murray Hill Heights were 50 feet in width and this established pattern of development has continued for the surrounding neighborhood. Due to the property being zoned RLD-60 lots would be required to provide a minimum of 6,000 square feet and 60 feet in width unless the property was considered a lot of record. The property was subdivided at one point from its original lot of record to the 25 foot wide lot and 3,275 square foot property it is today and have remained vacant and undeveloped since subdivision. Deeds for the property in its current state go back to 2011. Approval of this deviation request would set a precedence for future property owners to subdivide their properties to create out of character lots for the Murray Hill Heights neighborhood, therefore the Planning &amp; Development Department is recommending Denial.</p> <p>There is a companion Waiver of Minimum Required Road Frontage Ordinance <b>2022-0676 (WRF-22-24)</b> seeks to reduce the required minimum road</p>
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	<p>frontage from 48 feet to 25 feet. The department is also recommending Denial on the waiver.</p> <p>Additionally, there is a companion Waiver of Architectural and Aesthetic Requirements (<b>2022-0677/WAAR-22-01</b>) seeking a waiver of the architectural and aesthetic requirements for perpendicular orientation. The department is also recommending Denial on the Application.</p>
<p><b>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</b></p>	<p><b><u>Recommendation:</u></b> No. The only difficulty in carrying out the strict letter of the regulation, in regards to lot area and lot width, is that the property was subdivided into its current state and will remain vacant without approval of the AD. No other lot on the block has previously been granted a deviation that the applicant seeks, it is not seen as a practical or economic difficulty that this lot was subdivided from the historically platted lot losing its lot of record status.</p>
<p><b>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</b></p>	<p><b><u>Recommendation:</u></b> Yes. The request is not based upon a desire to reduce the cost of developing the site since the project is a new development on a currently vacant lot. The property would need to gain approval of both the Administrative Deviation and companion Waiver of Road Frontage in order to develop the property with one single family dwelling.</p>
<p><b>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</b></p>	<p><b><u>Recommendation:</u></b> No. The subject property is a not considered a lot of record due to being subdivided from the original platted lot 243, Block 127 of Murray Hill Heights. All other lots in the surrounding area are either considered lots of record or meet the minimum lot are and lot width for the RLD-60 zoning district. This would be creating a lot out of character for the surrounding area and there have been no other deviations approved for similar request.</p>
<p><b>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</b></p>	<p><b><u>Recommendation:</u></b> No. Staff finds the proposed deviation would be detrimental to the public health, safety, or welfare by allow the development of a lot out of character to the surrounding area. Given the general development pattern in the area, as well as the existing land use categories and zoning district contiguous to the site, the proposed deviation would result in the creation of a nuisance due to the small</p>

	nature of the lot and the close proximity to the adjacent properties.
<b>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</b>	<b>Recommendation:</b> No. The intent of the Zoning Code is to promote the health and safety of the public while allowing deviations that result in development harmonious with the existing pattern of development. As explained in the foregoing analysis, granting this deviation does not meet this criteria since it goes against the established pattern of development on the platted block.
<b>7. The City landscape architect (has/has not) recommended the proposed deviation.</b>	N/A
<b>8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.</b>	There are currently no existing Zoning Code violations associated with the subject property.

**PLANNER RECOMMENDATION:** DENY  
**DATE OF REPORT:** October 11, 2022



**Aerial View**  
Source: JaxGIS



**The Required Notice of Public Hearing Signs Were Posted**

Source: Planning and Development Department, COJ (Date: September 21, 2022)



**View of Subject Property**

Source: Planning and Development Department, COJ (Date: September 21, 2022)



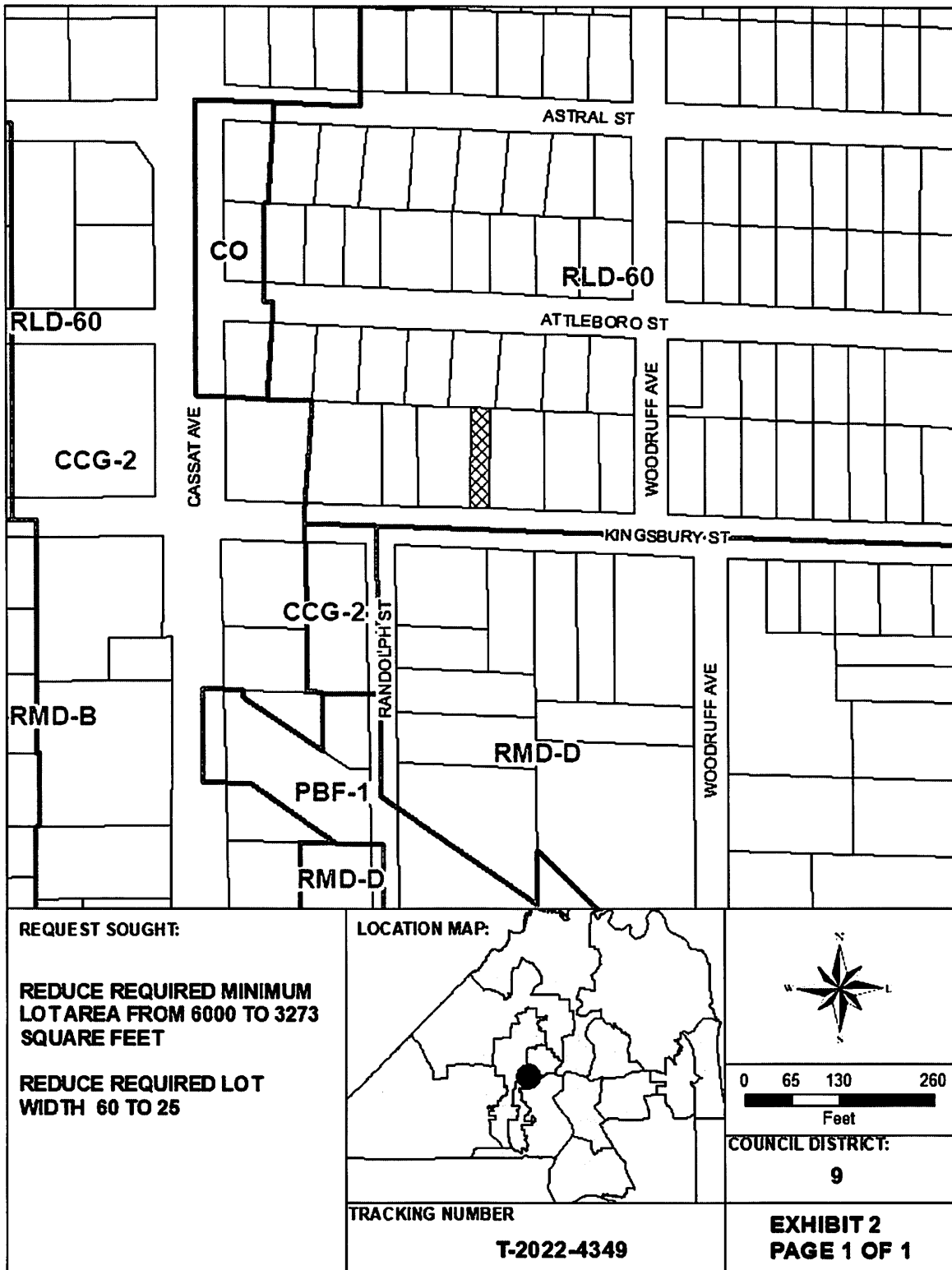
**Property to the East (4817 Kingsbury St-75 Feet in Width)**

Source: Planning and Development Department, COJ (Date: September 21, 2022)



**Property to the West (4829 Kingsbury St-75 Feet in Width)**

Source: Planning and Development Department, COJ (Date: September 21, 2022)



**Legal Map**  
Source: JaxGIS

**Application For Administrative Deviation****Planning and Development Department Info**

**Application #** 2022-0678 (AD-22-61) **Staff Sign-Off/Date** ELA / 08/11/2022  
**Filing Date** 08/18/2022 **Number of Signs to Post** 1  
**Current Land Use Category** LDR  
**Deviation Sought** REDUCE REQUIRED MINIMUM LOT AREA FROM 6000 TO 3275 SQUARE FEET. REDUCE REQUIRED LOT WIDTH FROM 60 FEET TO 25 FEET.  
**Applicable Section of Ordinance Code** N/A  
**Notice of Violation(s)** N/A  
**Hearing Date** 10/18/2022  
**Neighborhood Association** MURRAY HILL PRESERVATION ASSN, HOLY GIRLS ROCK PURITY INC  
**Overlay** N/A

**Application Info**

**Tracking #** 4349 **Application Status** FILED COMPLETE  
**Date Started** 06/16/2022 **Date Submitted** 06/17/2022

**General Information On Applicant**

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
FAULKNER	HUNTER	
<b>Company Name</b>		
JIMERSON BIRR, P.A.		
<b>Mailing Address</b>		
ONE INDEPENDENT DRIVE		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32202
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043890050	9042121269	HFAULKNER@JIMERSONFIRM.COM

**General Information On Owner(s)**

<b>Last Name</b>	<b>First Name</b>	<b>Middle Name</b>
FAULKNER	HUNTER	
<b>Company/Trust Name</b>		
BCEL 5A, LLC		
<b>Mailing Address</b>		
7563 PHILIPS HIGHWAY, 208		
<b>City</b>	<b>State</b>	<b>Zip Code</b>
JACKSONVILLE	FL	32256
<b>Phone</b>	<b>Fax</b>	<b>Email</b>
9043890050	9042121269	HFAULKNER@JIMERSONFIRM.COM

**Property Information****Previous Zoning Application Filed?**

**If Yes, State Application No(s)**

<b>Map RE#</b>	<b>Council District</b>	<b>Planning District</b>	<b>Current Zoning District(s)</b>
Map 062553 0000	9	5	RLD-60

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

**Total Land Area (Nearest 1/100th of an Acre)** 0.08

**In Whose Name Will The Deviation Be Granted**

BCEL 5A, LLC

**Is transferability requested?** Yes No

If approved, the administrative deviation is transferred with the property.

**Location Of Property**



**General Location**

MURRAY HILL

<b>House #</b>	<b>Street Name, Type and Direction</b>	<b>Zip Code</b>
4817	KINGSBURY ST	32205

**Between Streets**

KINGSBURY and ATTLEBORO

**Utility Services Provider**

City Water/City Sewer
  Well/Septic
  City Water/Septic
  City Sewer/Well

**Deviation sought**

Click on a check box to provide details pertaining to the deviation sought.

- Reduce required minimum lot area from 6000 to 3273 square feet.
- Increase maximum lot coverage from % to %.
- Increase maximum height of structure from to feet.
- Reduce required yard(s)  
REDUCE REQUIRED LOT WIDTH 60 TO 25
- Reduce minimum number of off-street parking spaces from to .
- Increase the maximum number of off-street parking spaces from to .
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-1 zoning district from a residential zoning district from a minimum of 15 feet to feet.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-2 zoning district from a residential zoning district from a minimum of 25 feet to feet.
- Decrease minimum number of loading spaces from required to loading spaces.
- Reduce the dumpster setback from the required 5 feet along:
  - North to feet;
  - East to feet;
  - South to feet;
  - West to feet.
- Decrease the minimum number of bicycle parking spaces from required to spaces.
- Reduce the minimum width of drive from feet required to feet.
- Reduce vehicle use area interior landscape from square feet to square feet.
- Increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to feet.
- Reduce the number of terminal island trees from terminal islands required to terminal islands.
- Reduce the landscape buffer between vehicle use area along  
Enter Street Name from 10 feet per linear feet of frontage and 5 feet minimum width required to feet per linear feet of frontage and feet minimum width.
- Reduce the number of shrubs along Enter Street Name from required to shrubs.
- Reduce the number of trees along Enter Street Name from required to trees.

Reduce the perimeter landscape buffer area between vehicle use area and abutting property from 5 feet minimum width required along:

- North boundary to feet;
- East boundary to feet;
- South boundary to feet;
- West boundary to feet.



Reduce the number of trees along:

- North property boundary from                      required to                      trees;
- East property boundary from                      required to                      trees;
- South property boundary from                      required to                      trees;
- West property boundary from                      required to                      trees.

Increase the maximum width of the driveway access from Enter Street Name from  24  36  48 feet required to                      feet.

Decrease the minimum width of the driveway access from Enter Street Name from  24  36  48 feet required to                      feet.

Increase the maximum width of the driveway access to adjoining property from **24** feet required along:

- North to                      feet;
- East to                      feet;
- South to                      feet;
- West to                      feet.

Decrease the minimum width of the driveway access to adjoining property from **24** feet required along:

- North to                      feet;
- East to                      feet;
- South to                      feet;
- West to                      feet.

Reduce the uncomplimentary land use buffer width from **10** feet wide required along:

- North property boundary to                      feet wide;
- East property boundary to                      feet wide;
- South property boundary to                      feet wide;
- West property boundary to                      feet wide.

Reduce the uncomplimentary land use buffer trees along:

- North property boundary from                      required to                      trees;
- East property boundary from                      required to                      trees;
- South property boundary from                      required to                      trees;
- West property boundary from                      required to                      trees.

Reduce the uncomplimentary land use buffer visual screen from **6** feet tall and **85** % opaque required along:

- North property boundary to                      feet tall and                      %;
- East property boundary to                      feet tall and                      %;
- South property boundary to                      feet tall and                      %;
- West property boundary to                      feet tall and                      %.

**Required Attachments**

The following items must be attached to the application.

- Survey
- Site Plan
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description - may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof Of Property Ownership - may be print-out of property appraiser record card if individual owner, <https://paopropertysearch.coj.net/Basic/Search.aspx>, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <https://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

**Supplemental Information**

- Letter From DCFS, Department of Children and Family Services - day care uses only
- Letter from the applicable Home Owner's Association, stating that the request meets their architectural and aesthetic requirements; or letter stating that the subject parcel is not within the jurisdiction of a Home Owner's Association - residential only
- Elevations, must be drawn to scale - height increase requests only

**Criteria**

Section 656.101(a), Ordinance Code, defines an administrative deviation as "a relaxation of the terms of the Zoning Code requirements for minimum lot area, yards, number of off-street parking spaces, landscaping, maximum lot coverage and maximum height of structures, including fences, which the Zoning Administrator is authorized to grant pursuant to the procedures set forth in Section 656.109(e) through (j)."

Section 656.109(e) through (j), Ordinance Code, provides that, with respect to action upon Applications for Administrative Deviations, the Zoning Administrator shall grant a deviation only if substantial competent evidence exists to support a positive finding based on each of the following criteria:

**I. The need for the proposed deviation arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the subject property alone; or this issue is common to numerous sites.**

1. There are practical or economic difficulties in carrying out the strict letter of the regulation;
2. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees.
3. The proposed deviation will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation;
4. The proposed deviation will not be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law;
5. The proposed deviation has been recommended by a City landscape architect, if the deviation is to reduce required landscaping; and
6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.

If the deviation is proposed to correct an existing violation, the Zoning Administrator shall also consider the following:

- (i) Whether the violation was created by the applicant with the intent to violate the provisions of this Zoning Code;
- (ii) The length of time the violation has existed without receiving a citation; and
- (iii) Whether the violation occurred as a result of construction which occurred prior to the acquisition of the property by the owner.

**Public Hearings**

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

**Application Certification**

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

- Agreed to and submitted

**Filing Fee Information**

- 1) Residential District Base Fee \$966.00
- 2) Plus Notification Costs Per Addressee

52 Notifications @ \$7.00/each: \$364.00

**3) Total Application Cost:**

\$1,330.00

\* Applications filed to correct existing zoning violations are subject to a double fee.

\*\* The fee for the advertisement is in addition to the above fees. The newspaper will send the invoice directly to the applicant.

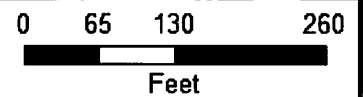
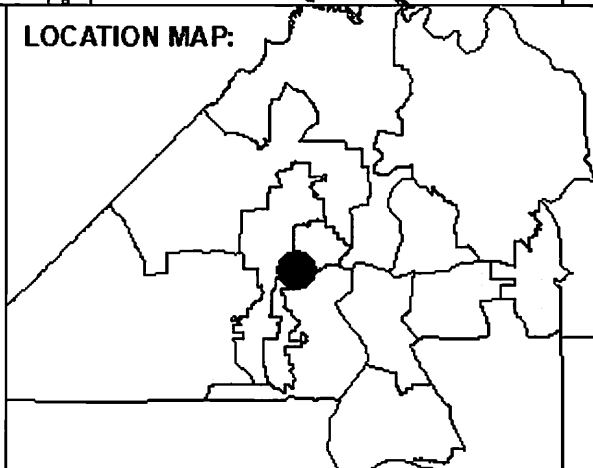


**REQUEST SOUGHT:**

**REDUCE REQUIRED MINIMUM  
LOT AREA FROM 6000 TO 3273  
SQUARE FEET**

**REDUCE REQUIRED LOT  
WIDTH 60 TO 25**

**LOCATION MAP:**



**COUNCIL DISTRICT:**

**9**

**TRACKING NUMBER**

**T-2022-4349**

**EXHIBIT 2  
PAGE 1 OF 1**

## Legal Description

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The East 1/2 of Lot 243, Block 127, MURRAY HILL HEIGHTS, according to the plat thereof as recorded in Plat Book 2, Page 87 and Replat of Murray Hill Heights, according to the plat thereof as recorded in Plat Book 5, Page 86, of the current public records of Duval County, Florida.



**EAST HALF OF LOT 243 BLOCK 127 AS SHOWN ON MAP OF  
REPLAT OF PART OF MURRAY HILL HEIGHTS**

AS RECORDED IN PLAT BOOK 5 PAGES 86-86A OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA

CERTIFIED TO: JWB CONSTRUCTION GROUP

LINE #	LENGTH	DIRECTION
L1(M)	25.14'	N68°30'00"W
L2(M)	24.71'	S66°55'28"E
L3(M)	8.09'	S88°55'28"E

FOURAKER'S REPLAT PLAT BOOK 16 PAGE 99 LOT 13  
FOURAKER'S REPLAT PLAT BOOK 16 PAGE 99 LOT 14

**GENERAL NOTES**

- (1) BEARINGS SHOWN HEREON ARE BASED ON THE NLY R/W LINE OF KINGSBURY STREET AS N88°30'00"W
- (2) THIS PROPERTY HAS NOT BEEN ABSTRACTED FOR EASEMENTS, COVENANTS, RESTRICTIONS
- (3) UNDERGROUND UTILITIES SERVING THIS PROPERTY HAVE NOT BEEN LOCATED OR SHOWN
- (4) THIS PROPERTY APPEARS TO LIE WITHIN FLOOD ZONE "X" & "SHADED X" AS SCALED FROM FEMA FLOOD INSURANCE RATE MAP, PANEL 120077-0361J, DATED 11-02-2018

- NOTES**
- 1.) ALL ELEVATIONS SHOWN HEREON REFERENCE NAVD-88
  - 2.) THERE ARE NO QUALIFYING TREES PRESENT ON THIS PROPERTY
  - 3.) THIS SITE PLAN DOES NOT PURPORT TO BE A BOUNDARY SURVEY
  - 4.) LOT AREA = 3,273 SQUARE FEET MORE OR LESS
  - 5.) IMPERVIOUS AREA = 22.27%

- LEGEND**
- P POINT OF CURVATURE
  - P.T. POINT OF TANGENCY
  - P.R.C. POINT OF REVERSE CURVE
  - P.O.C. POINT OF COMMENCED CURVE
  - P.O.C. POINT ON CURVE
  - P.R.M. PERMANENT REFERENCE MONUMENT
  - P.C.P. PERMANENT CONTROL POINT
  - B.R.L. BUILDING RESTRICTION LINE
  - C.F. CURB/LOW FENCE
  - R.G.W. RIGHT-OF-WAY
  - O.R.B. OFFICIAL RECORD BOUNDARY
  - C.L. CENTERLINE
  - B.R.L. BREAK LINE
  - P. PADLOCK
  - Δ Δ Δ Δ Δ DELTA CENTRAL ANGLE
  - A Δ Δ Δ Δ ARC LENGTH
  - Δ Δ Δ Δ Δ CHORD
  - Δ Δ Δ Δ Δ CHORD BEARING
  - Δ Δ Δ Δ Δ TANGENTIAL TO CURVE
  - Δ Δ Δ Δ Δ ANGLE OF INTERSECTION
  - CONC. CONCRETE
  - F.D. FENCED
  - P.U.P. PUMP/PIPE
  - M. MEASURED
  - PLAT PLAT
  - F. FENCE

Note: All work performed within a City easement or right-of-way requires a separate permit by Development Services Review Group. Provide a 3' clearance from the edge of the driveway to any structures such as inlets, transformers, poles, etc. within City right-of-way or easements.

Reynold D. Peterson  
Digitally signed by Reynold D. Peterson  
Date: 2021.02.28 13:14:35 -05'00'

**DRAINAGE NOTE:**

- 1. THE COVERED PORCH AND STOOP SHALL BE SLOPED AT MIN. 1% AWAY FROM STRUCTURE. AT THE CONNECTION POINT OF THE PORCH AND STOOP, THE TYPICAL ELEVATION DROP SHALL BE 4 INCHES.
- 2. GROUND ELEV. AT FOUNDATION SHALL BE MIN. 6IN BELOW F.F. ELEV.
- 3. CONTRACTOR SHALL BE REQUIRED TO BE WITHIN +/- 0.1 FT OF DESIGN ELEVATIONS.
- 4. DOWNSPOUTS ARE TO BE CONNECTED TO UNDERGROUND DRAINAGE 6" SOCK DRAIN PIPE WITH POP-UP EMITTERS PLACED AT PROPERTY LINE.

**DRAINAGE LEGEND**

- ← PRE-FLOW ARROW
- POST-FLOW ARROW
- (00.0) EXIST. SPOT EL.
- TREE PROTECTION
- 00.0 00.0 PROPOSED SPOT EL.
- × TO BE REMOVED
- - - PROPOSED SHALLOW SWALE
- - - SOCK DRAIN PIPE WITH POP-UP EMITTER

**GRAPHIC SCALE**



( IN FEET )  
1 inch = 20 ft.

2670 ROSSELLE STREET, SUITE 8  
JACKSONVILLE, FLORIDA 32204  
PHONE: (904) 951-1494

**ALPHA SOUTHEAST**  
C.A. NO. 29643

REYNOLD D. PETERSON  
Professional Engineer  
No. 888  
State of Florida  
Professional Engineering  
Exp. 12/31/2023

4817 KINGSBURY STREET FOR JWB CONSTRUCTION GROUP  
SITE DRAINAGE PLAN

**REVISIONS**

NO.	DATE	DESCRIPTION

SHEET NO.

B-21-390195.000  
RCV: 3/27/2021 10:46 AM

File: E21818.rvt Date: 02/24/2021 09:58:46 Name: C:\Users\jacob\_sullivan\Desktop - Alpha Southeast, Inc. (1)\Projects\2021\WB1\WB1\_4817\_Temporary Street\DWG\817\_Temporary St.dwg User: J. Sullivan

**APPROVED**  
PLANNING AND DEVELOPMENT  
Zoning Section  
By Jermaine Anderson - March 29, 2021

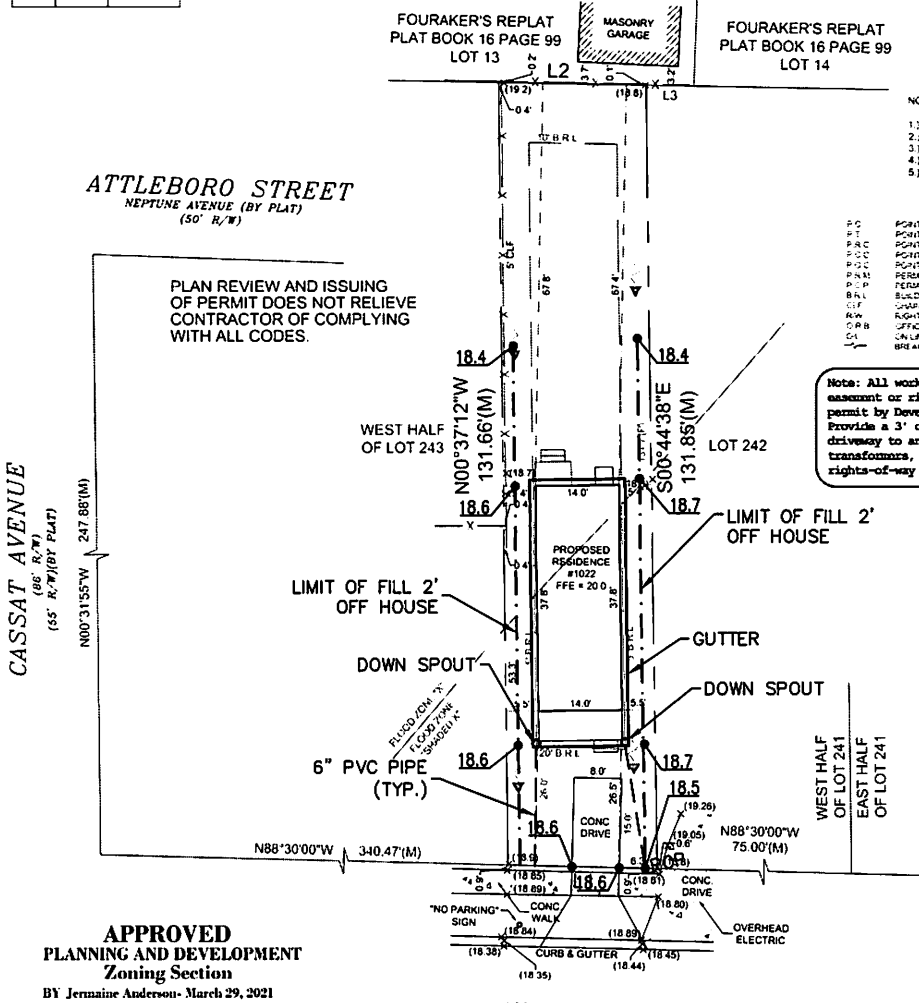
**KINGSBURY STREET**  
KINGSBURY AVENUE (BY PLAT)  
(50' R/W)

SITE BENCHMARK = 18.47 (NAVD-88)  
NAIL AND DISK - NO 1 D

PLAN REVIEW AND ISSUING OF PERMIT DOES NOT RELIEVE CONTRACTOR OF COMPLYING WITH ALL CODES.

**CASSAT AVENUE**  
(65' R/W) (BY PLAT)

**ATTLEBORO STREET**  
NEPTUNE AVENUE (BY PLAT)  
(50' R/W)



WEST HALF OF LOT 241  
EAST HALF OF LOT 241

WEST HALF OF LOT 243  
EAST HALF OF LOT 243