

REPORT OF THE PLANNING DEPARTMENT

APPLICATION FOR ZONING VARIANCE 2026-0019 (V-25-32)

FEBRUARY 3, 2026

Location: 1435 Naldo Ave Unit 1
Between Nira Street and Cedar Street

Real Estate Number: 080676-0000

Zoning Variance Sought: Increase seating for a restaurant in CRO Zoning District from 60 seats to 96 seats

Present Zoning: Commercial Residential Office (CRO)

Current Land Use Category: Residential Professional Institutional (RPI)

Planning District: Southeast, District 3

Council District: District 5

Applicant / Agent: Lawrence Yancy
1309 St Johns Bluff Road North Bldg. A Suite 2
Jacksonville, Florida 32225

Owner: San Marco Union Hall LLC
3982 Alhambra Dr W
Jacksonville, Florida 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Zoning Variance **2026-0019 (V-25-32)** seeks to increase the maximum allowable seating within a restaurant in the CRO zoning district from 60 seats to 96 seats. Pursuant 656.311(III)(d)(15)(i) restaurants are limited to a seating capacity of 60, provided, that seating may be unlimited where total floor area of the restaurant does not exceed ten percent of the gross floor area of the building of which it is a part. The restaurant is proposed to operate out of Unit 1, which exceeds ten percent of the gross floor area of the building therefore the need of the variance is required to increase the seating capacity.

There is a companion Zoning Exception **2026-0018 (E-25-61)** seeks to allow the use of a restaurant, including facilities for the sale and service of all alcohol for on-premises

consumption only. Additionally, there is a companion Waiver of Minimum Distance Requirements for Liquor License Location WLD-25-17 seeks to reduce the required minimum distance between the proposed liquor license location at 1435 Naldo Ave Unit 1 and Called Out Believers in Christ at 1345 Nira Street from 500 feet to 335 feet. This application was heard by the Planning Commission on January 8, 2026 and was voted unanimously for approval.

DEFINITION

According to Section 656.1601 of the Zoning Code, the term variance means a relaxation of the terms of this Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or in the adjoining zoning district.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.132 (c) of the Zoning Code, the Planning Commission shall grant a variance only if it makes a positive finding, based upon substantial competent evidence, on each of the following criteria:

(i) ***Is the proposed request consistent with the definition of a variance?***

Yes. A variance is defined as “a relaxation of the terms of this Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship.” While the relief sought is a relaxation of the terms of the Zoning Code (specifically in relation to the number of seats), the grant of the variance is clearly not against the public’s best interest. The proposed relaxations would allow for a restaurant to serve the needs of local community and bring a use to existing commercial area.

(ii) ***Are there practical or economic difficulties in carrying out the strict letter of the regulation?***

No. The strict application of the regulation limits restaurants to only 60 seats within the CRO zoning district. This variance is sought in order to alleviate economic difficulties as 60 seats is not viable for this restaurant.

(iii) ***Is the request based exclusively upon the desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest, such as for example, furthering the preservation of natural resources by saving a tree or trees.***

No. The request is not based exclusively on reducing the cost of development. The applicant plans to fully utilize the commercial space in which they are developing.

- (iv) ***Will the proposed variance substantially diminish property values in, or alter the existing character of the area surrounding the site and interfere with or injure the rights of others whose property would be affected by approval of the variance?***

No. Approval of the proposed variance is not expected to substantially diminish property values or alter the existing character of the surrounding area. The subject property is located within a commercial corridor within the San Marco neighborhood. San Marco is known for its restaurants, bars, and nightlife. The establishment of this restaurant at this location would only supplement the current existing character of the area and would not interfere or harm the rights of other property owners in the area.

- (v) ***Will the proposed variance be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisance, or conflict with any other applicable law?***

No. The proposed variance will not be detrimental to public health, safety, or welfare. The increase in seating for this restaurant would not cause any further detriment to the public health, safety or welfare or result in any additional public expense.

- (vi) ***Is the effect of the proposed variance in harmony with the spirit and intent of the Zoning Code?***

Yes. The effect of the proposed variance is in harmony with the spirit and intent of the Zoning Code. The purpose of the limitation within the CRO district is to keep restaurant uses limited as CRO is a district with both residential and commercial uses. However, the location of this property is in a primarily commercial corridor, thus the restrictions on commercial uses by the districts regulation can be seen as harsh, hence the need for this application.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **December 22nd, 2025** by the Planning Department, the Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning Department that Application for Zoning Exception **2026-0019** be **APPROVED**.



Aerial View of Subject Property

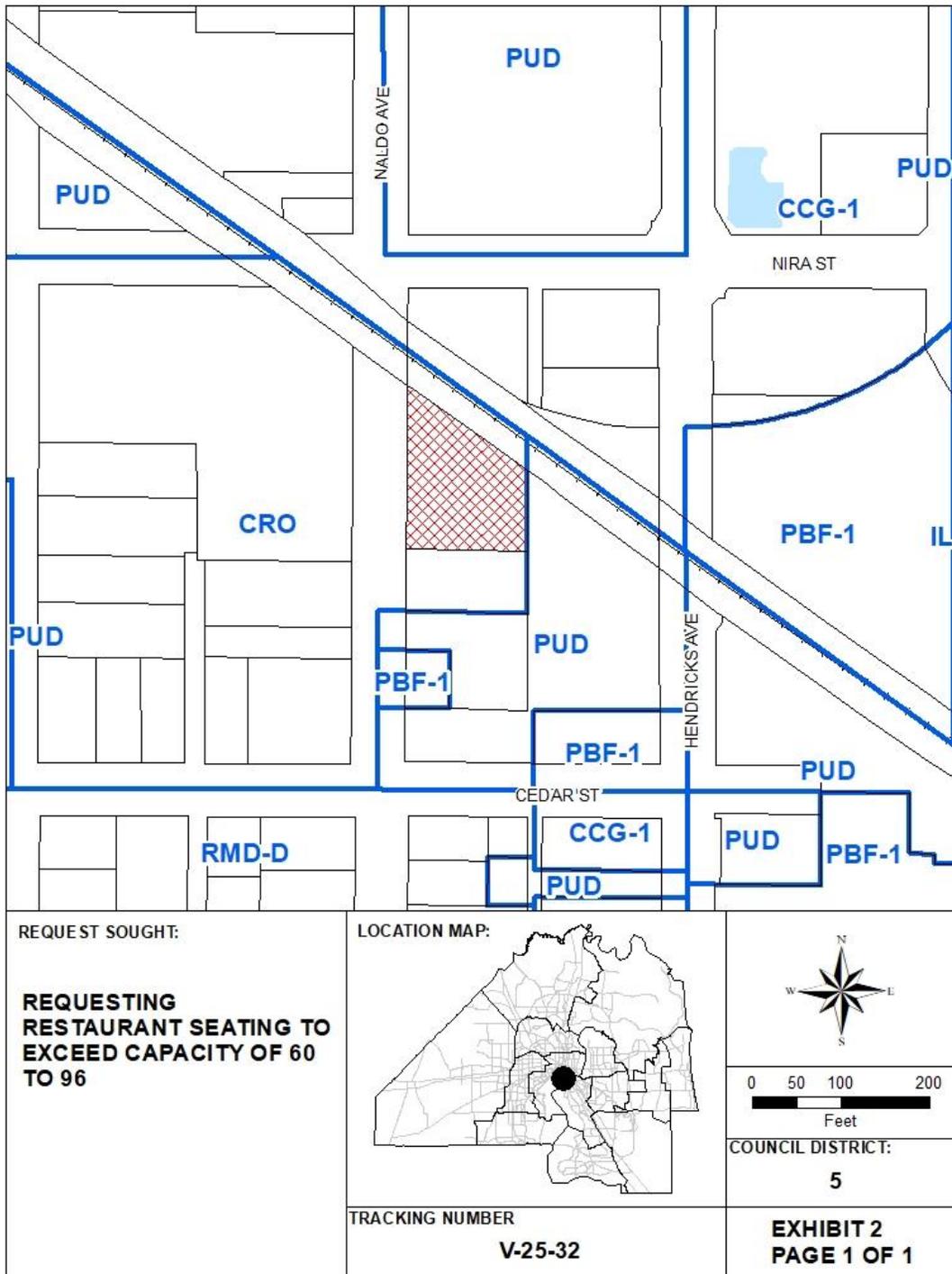


View of the Subject Site

Source: Planning Department December 22, 2025



View of La Nopelara Mexican Restaurant at 1434 Hendricks Ave. 1435 Naldo Ave directly abuts this property.



Legal Map