

AD-21-52

LOCATION: 5716 Ada Johnson Road, between V C Johnson Road and Deadend

REAL ESTATE NUMBER: 004258-1780

DEVIATION SOUGHT:

1. Reduce required minimum lot area from 87,120 square feet (2 acres) to 72,177 square feet (1.66± acres)

PRESENT ZONING: RR-Acre

CURRENT LAND USE: LDR

PLANNING DISTRICT: 6

COUNCIL DISTRICT: 8

SIGNS POSTED: 1

OWNER/AGENT:

Michelle Carrafa Tuttle
5716 Ada Johnson Road
Jacksonville, FL 32218

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u> Unique. In the RR-Acre Zoning District, one acre of land is required to build a single-family dwelling and in the LDR land use category the maximum density is 7units/acre. By reducing, the acreage through an AD rather than a rezoning prevents a spot zoning but does not violate the allowed density in the land use category. The owner is seeking this reduction to allow for a mobile home on the property for their aging parents to live in.</p> <p>The applicant has a companion Waiver of Minimum Road Frontage to ask for a reduction from the 160 feet requirement to 154.85 feet. Lots, zoned RR-Acre along Ada Johnson Road, conform to the minimum requirement of 1 acre per dwelling.</p> <p><u>Findings:</u></p>
<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> Yes. There are practical and economic difficulties in carrying out the strict letter of the regulation. The property owner cannot acquire more property to make the property over 2 acres without making another neighbor's lot non-conforming to RR-Acre requirements or without financial compensation for the additional acreage.</p>

	<u>Findings:</u>
<p>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.</p>	<p><u>Recommendation:</u> Yes. The request is not based exclusively upon a desire to reduce the cost of developing the site. The property owner would like to have a mobile home on the property to allow their aging parents to live on the property. This would increase property value and there is no reduction in development costs by allowing the deviation.</p> <p><u>Findings:</u></p>
<p>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...</p>	<p><u>Recommendation:</u> Yes. There is no evidence at this time that would support the claim the property values in the area would be diminished by granting this deviation. The proposed mobile home will not be easily visible from the right of way and is smaller in size than some accessory structures along Ada Johnson Road, therefore by allowing the mobile home will not diminish or change the character of the area.</p> <p><u>Findings:</u></p>
<p>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...</p>	<p><u>Recommendation:</u> Yes. There is no evidence that the proposed deviation will have a detrimental effect on the public health, safety or welfare of the surrounding area. The property owner will be able to have their aging parents close by and will not be a nuisance to surrounding property owners.</p> <p><u>Findings:</u></p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation:</u> No. It is the opinion of the Planning & Development Department that the proposed deviation is in harmony with the spirit and intent of the Zoning Code. The Zoning Code says that the RR-Acre Zoning District must have a minimum of one acre. By reducing, the acreage through an AD rather than a rezoning prevents a spot zoning but does not violate the allowed density in the land use category.</p> <p><u>Findings:</u></p>

<p>7. The City landscape architect (has/has not) recommended the proposed deviation.</p>	<p><u>Recommendation:</u> N/A</p> <p><u>Findings:</u></p>
<p>8. The existing violation was not created by the applicant with intent to violate the Zoning Code.</p>	<p><u>Recommendation:</u> N/A</p> <p><u>Findings:</u></p>

PLANNER RECOMMENDATION: APPROVE

DATE OF REPORT: November 2, 2021

CITY COUNCIL'S DECISION:

DATE:



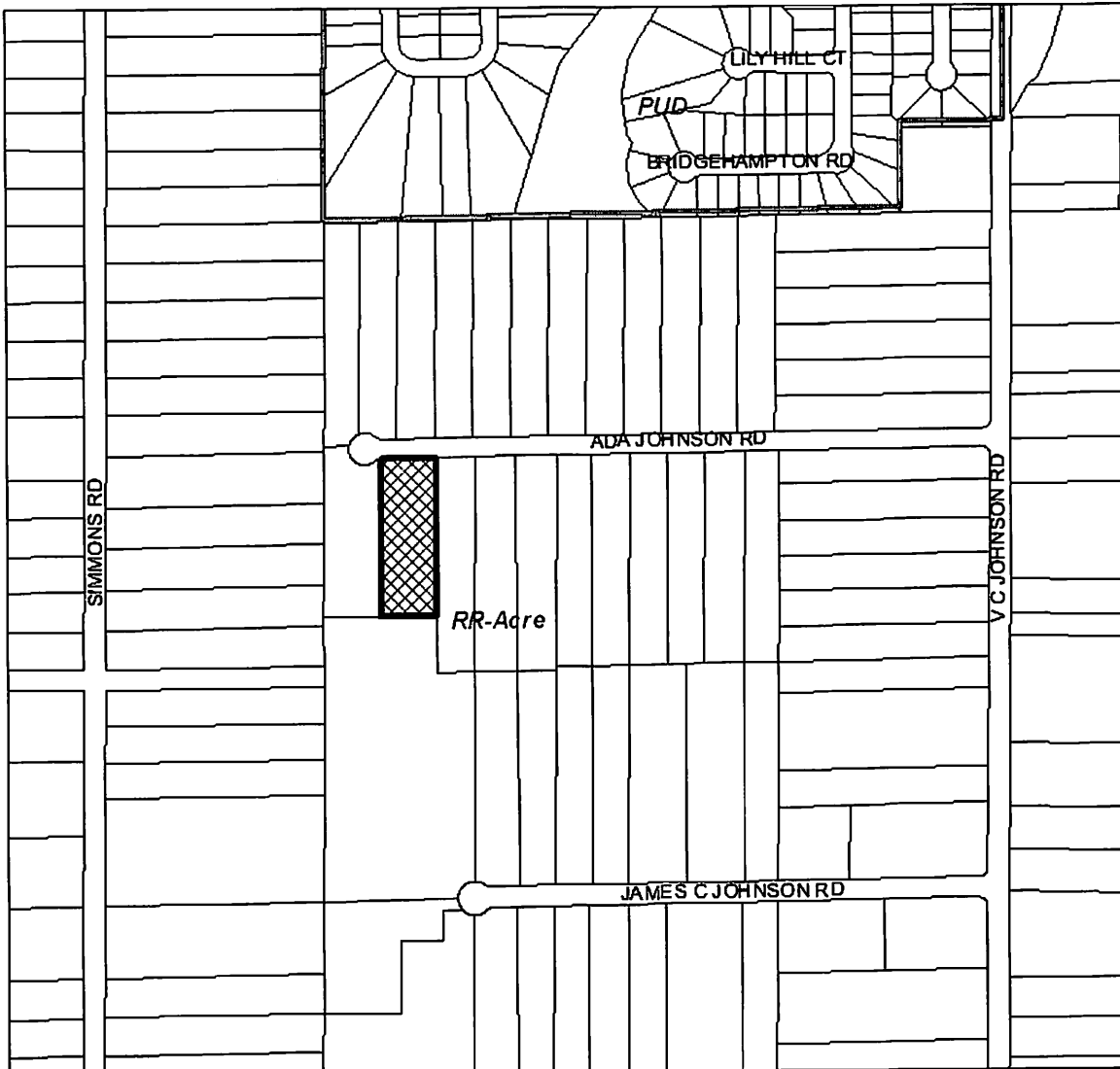


Aerial view



Subject Property

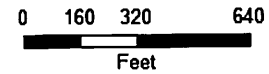
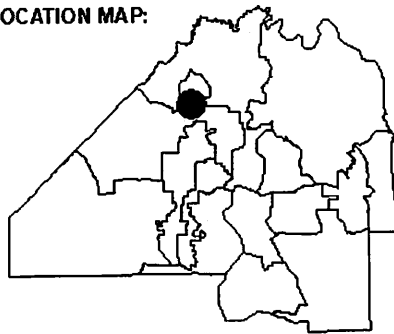
Source: City of Jacksonville Planning & Development Department
 Date: 10/07/2021



REQUEST SOUGHT:

Reduce required minimum lot area from 87120 sq/ft to 72177 sq/ft.

LOCATION MAP:



COUNCIL DISTRICT:

8

AD-21-52

**EXHIBIT 2
PAGE 1 OF 1**

Date Submitted: 8/27/17	COMPANION APPLICATION / AD 21-52 / WRF-21-17	Application Number:
Date Filed: 9-2-17		Public Hearing:

Zoning Application for an Administrative Deviation
City of Jacksonville, Florida
Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: RR	Current Land Use Category: LDR	
Deviation Sought: Reduce required minimum lot area from 87120 to ?	Applicable Section of Ordinance Code: 656.304 A.1.(d)(2)	
Council District: 8	Planning District: G	
Previous Zoning Applications Filed (provide application numbers): none found		
Notice of Violation(s): none found OR #602286 Total Companion Fee		
Number of Signs to Post: 1	Amount of Fee: \$2288.	Zoning Asst. Initials: CIR
Neighborhood Associations: The Eden Group, Angel Lakes HOA		
Overlay: none		

PROPERTY INFORMATION	
1. Complete Property Address: 5716 Ada Johnson Road Jacksonville, Florida 32218	2. Real Estate Number: 004258-1780
3. Land Area (Acres): 1.71	4. Date Lpt was Recorded: 6/19/2003
5. Property Located Between Streets: V.C. Johnson Road James C Johnson Road	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. In whose name will the Deviation be granted: Michelle Carrafa Tuttle and David Leroy Tuttle	
8. Is transferability requested? <i>If approved, the administrative deviation is transferred with the property.</i>	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

9. Deviation Sought:

- Reduce Required Minimum Lot Area from 87120 to 72177 feet.
- Increase Maximum Lot Coverage from _____ % to _____ %.
- Increase Maximum Height of Structure from _____ to _____ feet.
- Reduce Required Yard(s) _____
- 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 _____.
- 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 _____.
- Decrease minimum number of loading spaces from _____ required to _____ loading spaces.
- Reduce the dumpster setback along _____ from the required 5 feet 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 _____ sq. ft. required to _____ sq. ft.
- Increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to _____ provided as indicated on the Landscape Site Plan dated _____.
- Reduce the number of terminal island trees from _____ terminal islands required to _____ terminal islands as indicated on the Landscape Site Plan dated _____.
- Reduce the landscape buffer between vehicle use area along _____ 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 _____ from _____ required to _____ shrubs and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the number of trees along _____ from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the perimeter landscape buffer area between vehicle use area and abutting property along the north / east / south / west property boundary from 5 feet minimum width required to _____ feet. (Circle)
- Reduce the number of trees along the north / east / south / west property boundary from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access from _____ from 24 / 36 / 48 feet required to _____ feet.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access to adjoining property along the north / east / south / west property boundary from 24 feet required to _____ feet.

(Circle)

Reduce the uncomplimentary land use buffer width along the north / east / south / west property boundary from 10 feet wide required to _____ feet wide.

(Circle)

Reduce the uncomplimentary land use buffer trees along the north / east / south / west property boundary from _____ required to _____ trees.

(Circle)

Reduce the uncomplimentary land use buffer visual screen along the north / east / south / west property boundary from 6 feet tall and 85 % opaque required to _____ feet tall and _____ %.

OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
10. Name: Michelle Carrafa	11. E-mail: dmtuttle1@gmail.com
12. Address (including city, state, zip): 5716 Ada Johnson Road Jacksonville, Florida 32218	13. Preferred Telephone: (904)434-7111

APPLICANT'S INFORMATION (if different from owner)	
14. Name: Michelle Carrafa Tuttle	15. E-mail: dmtuttle11@gmail.com
16. Address (including city, state, zip): 5716 Ada Johnson Road Jacksonville, Florida 32218	17. Preferred Telephone: (904)434-7111

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:

- 1. 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.*

18. Given the above definition of an "administrative deviation" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the deviation is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the deviation and to meet the criteria set forth above may result in a denial.

I am needing the waiver to be able to put a mobile home on my property so that I can move my parents to my home from Keystone Heights Florida to take care of them. They are age 82 and age 70 and are having health issues and need to be here to be taken care of. It is important to get the waiver as soon as possible due to I have someone who is giving me a mobile home for them to stay here on my property, but it is needing to be moved soon.

Ada Johnson Rd ↑
(60' R/W)

North

Scale 1" = 44'
Date 8/20/2021

