

1 Introduced and amended by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2022-115-E**

5 AN ORDINANCE DENYING THE WAIVER OF MINIMUM ROAD  
6 FRONTAGE APPLICATION WRF-22-04, LOCATED IN  
7 COUNCIL DISTRICT 3 AT 0 CHEYNE ROAD, BETWEEN  
8 GERONA DRIVE WEST AND MACAPA ROAD (R.E. NO.  
9 166801-0000), AS DESCRIBED HEREIN, OWNED BY  
10 JAMES W. BRINKLEY AND JUDITH L. BRINKLEY,  
11 REQUESTING TO REDUCE THE MINIMUM ROAD FRONTAGE  
12 REQUIREMENTS FROM 48 FEET TO 0 FEET IN ZONING  
13 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60), AS  
14 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
15 PROVIDING FOR DISTRIBUTION; PROVIDING AN  
16 EFFECTIVE DATE.  
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18 **WHEREAS**, an application for a waiver of minimum road frontage,  
19 **Revised On File** with the City Council Legislative Services Division,  
20 was filed by James W. Brinkley and Judith L. Brinkley, the owners of  
21 property located in Council District 3 at 0 Cheyne Road, between  
22 Gerona Drive West and Macapa Road (R.E. No. 166801-0000) (the "Subject  
23 Property"), requesting to reduce the minimum road frontage from 48  
24 feet to 0 feet in Zoning District Residential Low Density-60 (RLD-  
25 60); 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

1 and documentary evidence presented at the public hearing, has made  
2 its recommendation to the Council; and

3       **WHEREAS**, taking into consideration the above recommendations and  
4 all other evidence entered into the record and testimony taken at the  
5 public hearings, the Council finds that Application WRF-22-04 fails  
6 to meet each of the following criteria: (1) there are practical or  
7 economic difficulties in carrying out the strict letter of the  
8 regulation; (2) the request is not based exclusively upon the desire  
9 to reduce the cost of developing the site or to circumvent the  
10 requirements of Chapter 654 (Code of Subdivision Regulations),  
11 *Ordinance Code*; (3) the proposed waiver will not substantially  
12 diminish property values in, nor alter the essential character of,  
13 the area surrounding the site and will not substantially interfere  
14 with or injure the rights of others whose property would be affected  
15 by the waiver; (4) there is a valid and effective easement for  
16 adequate vehicular access connected to a public street which is  
17 maintained by the City or an approved private street; and (5) the  
18 proposed waiver will not be detrimental to the public health, safety  
19 or welfare, result in additional expense, the creation of nuisances  
20 or conflict with any other applicable law; now, therefore

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

22       **Section 1. Adoption of Findings and Conclusions.** The  
23 Council has reviewed the record of proceedings and the Staff Report  
24 of the Planning and Development Department and held a public hearing  
25 concerning application for waiver of road frontage WRF-22-04. Based  
26 upon the competent, substantial evidence contained in the record, the  
27 Council hereby determines that the requested waiver of road frontage  
28 fails to meet each of the criteria for granting a waiver contained  
29 in Chapter 656, *Ordinance Code*, as specifically identified in the  
30 Staff Report of the Planning and Development Department. Therefore,  
31 Application WRF-22-04 is hereby **denied**.

1           **Section 2.           Owner and Description.** The Subject Property is  
2 owned by James W. Brinkley and Judith L. Brinkley, and is legally  
3 described in **Exhibit 1**, dated January 14, 2022, and graphically  
4 depicted in **Exhibit 2**, both **attached hereto**. The applicants are  
5 James W. Brinkley and Judith L. Brinkley, 9283 Saltwater Way,  
6 Jacksonville, Florida 32256; (904) 343-5959.

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

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

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18 Form Approved:

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20           /s/ Mary E. Staffopoulos          

21 Office of General Counsel

22 Legislation Prepared By: Bruce Lewis

23 GC-#1493758-v1-2022-115-E