

1 Introduced and amended by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-116-E**

5 AN ORDINANCE DENYING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-22-09, FOR PROPERTY 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 REQUIRED LOT WIDTH FROM
12 60 FEET TO 50 FEET FOR ONE LOT IN ZONING DISTRICT
13 RESIDENTIAL LOW DENSITY-60 (RLD-60), AS DEFINED
14 AND CLASSIFIED UNDER THE ZONING CODE; ADOPTING
15 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND
16 USE AND ZONING COMMITTEE; PROVIDING FOR
17 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.
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19 **WHEREAS**, an application for an administrative deviation, **Revised**
20 **On File** with the City Council Legislative Services Division, was
21 filed by James W. Brinkley and Judith L. Brinkley, the owners of
22 property located in Council District 3 at 0 Cheyne Road, between
23 Gerona Drive West and Macapa Road (R.E. No. 166801-0000) (the "Subject
24 Property"), requesting to reduce the required lot width from 60 feet
25 to 50 feet for one lot, in Zoning District Residential Low Density-
26 60 (RLD-60); and

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

30 **WHEREAS**, the Land Use and Zoning Committee, after due notice

1 held a public hearing and having duly considered both the testimonial
2 and documentary evidence presented at the public hearing, has made
3 its recommendation to the Council; now, therefore

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

5 **Section 1. Adoption of Findings and Conclusions.** The
6 Council has considered the recommendation of the Land Use and Zoning
7 Committee and reviewed the Staff Report of the Planning and
8 Development Department concerning administrative deviation
9 Application AD-22-09, which requests to reduce the required lot width
10 from 60 feet to 50 feet for one lot. Based upon the competent,
11 substantial evidence contained in the record, the Council hereby
12 determines that the requested administrative deviation fails to meet
13 each of the following criteria required to grant the request pursuant
14 to Section 656.109(h), *Ordinance Code*, as specifically identified in
15 the Staff Report of the Planning and Development Department:

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

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

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

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

30 (5) The proposed deviation has been recommended by a City
31 landscape architect, if the deviation is to reduce required

1 landscaping; and

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

4 Therefore, administrative deviation Application AD-22-09 is
5 hereby **denied**.

6 **Section 2. Owner and Description.** The Subject Property is
7 owned by James W. Brinkley and Judith L. Brinkley, and is described
8 in **Exhibit 1**, dated January 14, 2022, and graphically depicted in
9 **Exhibit 2**, both **attached hereto**. The applicants are James W. Brinkley
10 and Judith L. Brinkley, 9283 Saltwater Way, Jacksonville, Florida
11 32256; (904) 343-5959.

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

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

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23 Form Approved:

24
25 /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Bruce Lewis

28 GC-#1493762-v1-2022-116-E