

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2022-711-E**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-22-60 FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 10 AT 7946 DEKLE AVENUE,
8 BETWEEN NEW KINGS ROAD AND MATTOX AVENUE (R.E.
9 NO. 021814-0000), AS DESCRIBED HEREIN, OWNED BY
10 BCEL 10C LLC, REQUESTING TO REDUCE THE REQUIRED
11 MINIMUM LOT AREA FROM 6,000 FEET TO 4,197 FEET
12 AND TO REDUCE THE REQUIRED LOT WIDTH FROM 60
13 FEET TO 40 FEET IN ZONING DISTRICT RESIDENTIAL
14 LOW DENSITY-60 (RLD-60), AS DEFINED AND
15 CLASSIFIED UNDER THE ZONING CODE; ADOPTING
16 RECOMMENDED FINDINGS AND CONCLUSIONS OF THE LAND
17 USE AND ZONING COMMITTEE; PROVIDING FOR
18 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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20 **WHEREAS**, an application for an administrative deviation, **On File**
21 with the City Council Legislative Services Division, was filed by
22 Zach Miller, Esq., on behalf of the owner of property located in
23 Council District 10 at 7946 Dekle Avenue, between New Kings Road and
24 Mattox Avenue (R.E. No. 021814-0000) (the "Subject Property"),
25 requesting to reduce the required minimum lot area from 6,000 feet
26 to 4,197 feet and reduce the required lot width from 60 feet to 40
27 feet in Zoning District Residential Low Density-60 (RLD-60); and

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

31 **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-22-60, which requests to reduce the required minimum
10 lot area from 6,000 feet to 4,197 feet and reduce the required lot
11 width from 60 feet to 40 feet. Based upon the competent, substantial
12 evidence contained in the record, the Council hereby determines that
13 the requested administrative deviation meets each of the following
14 criteria required to grant the request pursuant to Section 656.109(h),
15 *Ordinance Code*, as specifically identified in the Staff Report of the
16 Planning and Development Department:

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

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

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

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

31 (5) The proposed deviation has been recommended by a City

1 landscape architect, if the deviation is to reduce required
2 landscaping; and

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

5 Therefore, administrative deviation Application AD-22-60 is
6 hereby approved.

7 **Section 2. Owner and Description.** The Subject Property is
8 owned by BCEL 10C LLC and is legally described in **Exhibit 1**, dated
9 August 1, 2022, and graphically depicted in **Exhibit 2**, both attached
10 hereto. The applicant is Zach Miller, Esq., 3203 Old Barn Court,
11 Ponte Vedra Beach, Florida 32082; (904) 651-8958.

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:

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25 /s/ Mary E. Staffopoulos

26 Office of General Counsel

27 Legislation Prepared By: Connor Corrigan

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