

1 Introduced by the Land Use and Zoning Committee and amended on the  
2 Floor of Council:

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5 **ORDINANCE 2022-677-E**

6 AN ORDINANCE DENYING THE APPLICATION FOR WAIVER  
7 OF ARCHITECTURAL AND AESTHETIC REQUIREMENTS  
8 WAAR-22-01, FOR PROPERTY LOCATED IN COUNCIL  
9 DISTRICT 9 AT 4823 KINGSBURY STREET, BETWEEN  
10 KINGSBURY STREET AND ATTLEBORO STREET (R.E. NO.  
11 062553-0000), AS DESCRIBED HEREIN, OWNED BY BCEL  
12 5A, LLC, REQUESTING TO WAIVE THE ARCHITECTURAL  
13 AND AESTHETIC REQUIREMENT OF SECTION 656.432,  
14 *ORDINANCE CODE*, REGARDING SITE ORIENTATION OF A  
15 SINGLE-FAMILY DWELLING TO ALLOW PERPENDICULAR  
16 ORIENTATION, IN ZONING DISTRICT RESIDENTIAL LOW  
17 DENSITY-60 (RLD-60), AS DEFINED AND CLASSIFIED  
18 UNDER THE ZONING CODE; PROVIDING FOR  
19 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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21 **WHEREAS**, an Application for Waiver of Architectural and  
22 Aesthetic Requirements, **On File** with the City Council Legislative  
23 Services Division, was filed by Hunter Faulkner on behalf of the  
24 owner of property located in Council District 9 at 4823 Kingsbury  
25 Street, between Kingsbury Street and Attleboro Street (R.E. No.  
26 062553-0000) (the "Subject Property"), requesting to waive the  
27 architectural and aesthetic requirement of Section 656.432, *Ordinance*  
28 *Code*, regarding site orientation of a single-family dwelling to allow  
29 perpendicular orientation in Zoning District Residential Low Density-  
30 60 (RLD-60); and

31 **WHEREAS**, the Planning and Development Department has considered

1 the application and all attachments thereto and has rendered an  
2 advisory recommendation; and

3 **WHEREAS**, the Land Use and Zoning Committee, after due notice  
4 held a public hearing and having duly considered both the testimonial  
5 and documentary evidence presented at the public hearing, has made  
6 its recommendation to the Council; and

7 **WHEREAS**, taking into consideration the above recommendations and  
8 all other evidence entered into the record and testimony taken at the  
9 public hearings, the Council finds that Application WAAR-22-01 fails  
10 to meet each of the following criteria: (1) there are practical or  
11 economic difficulties in carrying out the strict letter of the  
12 regulation; (2) the request is not based exclusively upon the desire  
13 to reduce the cost of constructing or siting the single-family  
14 dwelling; (3) the proposed waiver will not substantially diminish  
15 property values in, nor alter the essential character of, the area  
16 surrounding the single-family dwelling and will not substantially  
17 interfere with or injure the rights of others whose property would  
18 be affected by the waiver; and (4) the proposed waiver will not be  
19 detrimental to the public health, safety or welfare, result in  
20 additional expense, the creation of nuisances or conflict with any  
21 other applicable law; now, therefore

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

23 **Section 1. Adoption of Findings and Conclusions.** The  
24 Council has reviewed the record of proceedings and the Staff Report  
25 of the Planning and Development Department and held a public hearing  
26 concerning application for waiver of architectural and aesthetic  
27 requirements WAAR-22-01. Based upon the competent, substantial  
28 evidence contained in the record, the Council hereby determines that  
29 the requested waiver of architectural and aesthetic requirements  
30 fails to meet each of the criteria for granting a waiver contained  
31 in Chapter 656, *Ordinance Code*, as specifically identified in the

1 Staff Report of the Planning and Development Department. Therefore,  
2 Application WAAR-22-01 is hereby denied.

3 **Section 2. Owner and Description.** The Subject Property is  
4 owned by BCEL 5A, LLC and is legally described in **Exhibit 1**, dated  
5 January 10, 2017, and graphically depicted in **Exhibit 2**, both of  
6 which are attached hereto. The applicant is Hunter Faulkner, 1  
7 Independent Drive, Suite 1400, Jacksonville, Florida 32202; (904)  
8 389-0050.

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

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

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20 Form Approved:

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22           /s/ Mary E. Staffopoulos          

23 Office of General Counsel

24 Legislation Prepared By: Erin Abney

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