

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

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5 **ORDINANCE 2022-678-E**

6 AN ORDINANCE DENYING ADMINISTRATIVE DEVIATION  
7 APPLICATION AD-22-61, FOR PROPERTY LOCATED IN  
8 COUNCIL DISTRICT 9 AT 4823 KINGSBURY STREET,  
9 BETWEEN KINGSBURY STREET AND ATTLEBORO STREET  
10 (R.E. NO. 062553-0000), AS DESCRIBED HEREIN,  
11 OWNED BY BCEL 5A, LLC, REQUESTING TO REDUCE THE  
12 REQUIRED MINIMUM LOT AREA FROM 6,000 SQUARE FEET  
13 TO 3,273 SQUARE FEET AND TO REDUCE THE REQUIRED  
14 LOT WIDTH FROM 60 FEET TO 25 FEET IN ZONING  
15 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60), AS  
16 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;  
17 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF  
18 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR  
19 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

20  
21 **WHEREAS**, an application for an administrative deviation, **On File**  
22 with the City Council Legislative Services Division, was filed by  
23 Hunter Faulkner on behalf of the owner of property located in Council  
24 District 9 at 4823 Kingsbury Street, between Kingsbury Street and  
25 Attleboro Street (R.E. No. 062553-0000) (the "Subject Property"),  
26 requesting to reduce the required minimum lot area from 6,000 square  
27 feet to 3,273 square feet and reduce the required lot width from 60  
28 feet to 25 feet in Zoning District Residential Low Density-60 (RLD-  
29 60); and

30 **WHEREAS**, the Planning and Development Department has considered  
31 the application and all attachments thereto and has rendered an

1 advisory recommendation; and

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

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

7       **Section 1. Adoption of Findings and Conclusions.** The  
8 Council has considered the recommendation of the Land Use and Zoning  
9 Committee and reviewed the Staff Report of the Planning and  
10 Development Department concerning administrative deviation  
11 Application AD-22-61, which requests to reduce the required minimum  
12 lot area from 6,000 square feet to 3,273 square feet and reduce the  
13 required lot width from 60 feet to 25 feet. Based upon the competent,  
14 substantial evidence contained in the record, the Council hereby  
15 determines that the requested administrative deviation fails to meet  
16 each of the following criteria required to grant the request pursuant  
17 to Section 656.109(h), *Ordinance Code*, as specifically identified in  
18 the Staff Report of the Planning and Development Department:

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

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

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

31       (4) The proposed deviation will not be detrimental to the

1 public health, safety or welfare, result in additional public expense,  
2 the creation of nuisances, or conflict with any other applicable law;

3 (5) The proposed deviation has been recommended by a City  
4 landscape architect, if the deviation is to reduce required  
5 landscaping; and

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

8 Therefore, administrative deviation Application AD-22-61 is  
9 hereby denied.

10 **Section 2. Owner and Description.** The Subject Property is  
11 owned by BCEL 5A, LLC and is described in **Exhibit 1**, dated June 21,  
12 2022, and graphically depicted in **Exhibit 2**, both attached hereto.  
13 The applicant is Hunter Faulkner, One Independent Drive, Suite 1400,  
14 Jacksonville, Florida 32202; (904) 389-0050.

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

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

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26 Form Approved:

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28           /s/ Mary E. Staffopoulos          

29 Office of General Counsel

30 Legislation Prepared By: Erin Abney