

1 Introduced by the Land Use and Zoning Committee:
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4 **ORDINANCE 2023-828**

5 AN ORDINANCE GRANTING ADMINISTRATIVE DEVIATION
6 APPLICATION AD-23-89, FOR PROPERTY LOCATED IN
7 COUNCIL DISTRICT 7 AT 0 FAIR STREET, BETWEEN
8 BEVERLY AVENUE AND IRVINGTON AVENUE (R.E. NO.
9 069335-0020), AS DESCRIBED HEREIN, OWNED BY
10 1746 FAIR, LLC, REQUESTING TO: (1) REDUCE THE
11 MINIMUM LOT AREA FROM 6,000 SQUARE FEET TO 3,646
12 SQUARE FEET FOR TWO PROPOSED LOTS, (2) REDUCE
13 THE MINIMUM LOT WIDTH FROM 60 FEET TO 31 FEET
14 AND FOUR INCHES FOR TWO PROPOSED LOTS, (3)
15 REDUCE THE REQUIRED PRIMARY FRONT YARD FROM 20
16 FEET TO 15 FEET FOR TWO PROPOSED LOTS, AND (4)
17 REDUCE THE REQUIRED SECONDARY FRONT YARD FROM
18 TEN FEET TO FIVE FEET FOR ONE LOT, IN ZONING
19 DISTRICT RESIDENTIAL LOW DENSITY-60 (RLD-60), AS
20 DEFINED AND CLASSIFIED UNDER THE ZONING CODE;
21 ADOPTING RECOMMENDED FINDINGS AND CONCLUSIONS OF
22 THE LAND USE AND ZONING COMMITTEE; PROVIDING FOR
23 DISTRIBUTION; PROVIDING AN EFFECTIVE DATE.

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25 **WHEREAS**, an application for an administrative deviation, **On File**
26 with the City Council Legislative Services Division, was filed by
27 John Allmand on behalf of the owner of property located in Council
28 District 7 at 0 Fair Street, between Beverly Avenue and Irvington
29 Avenue (R.E. No. 069335-0020) (the "Subject Property"), requesting
30 to: (1) reduce the minimum lot area from 6,000 square feet to 3,646
31 square feet for two proposed lots, (2) reduce the minimum lot width

1 from 60 feet to 31 feet and four inches for two proposed lots, (3)
2 reduce the required primary front yard from 20 feet to 15 feet for
3 two proposed lots, and (4) reduce the required secondary front yard
4 from ten feet to five feet for one lot, in Zoning District Residential
5 Low Density-60 (RLD-60); and

6 **WHEREAS**, the Planning and Development Department has considered
7 the application and all attachments thereto and has rendered an
8 advisory recommendation; and

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

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

14 **Section 1. Adoption of Findings and Conclusions.** The
15 Council has considered the recommendation of the Land Use and Zoning
16 Committee and reviewed the Staff Report of the Planning and
17 Development Department concerning administrative deviation
18 Application AD-23-89, which requests to: (1) reduce the minimum lot
19 area from 6,000 square feet to 3,646 square feet for two proposed
20 lots, (2) reduce the minimum lot width from 60 feet to 31 feet and
21 four inches for two proposed lots, (3) reduce the required primary
22 front yard from 20 feet to 15 feet for two proposed lots, and (4)
23 reduce the required secondary front yard from ten feet to five feet
24 for one lot. Based upon the competent, substantial evidence contained
25 in the record, the Council hereby determines that the requested
26 administrative deviation meets each of the following criteria
27 required to grant the request pursuant to Section 656.109(h),
28 *Ordinance Code*, as specifically identified in the Staff Report of the
29 Planning and Development Department:

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

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

5 (3) The proposed deviation will not substantially diminish
6 property values in, nor alter the essential character of, the area
7 surrounding the site and will not substantially interfere with or
8 injure the rights of others whose property would be affected by the
9 deviation;

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

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

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

18 Therefore, administrative deviation Application AD-23-89 is
19 hereby approved.

20 **Section 2. Owner and Description.** The Subject Property is
21 owned by 1746 Fair, LLC and is legally described in **Exhibit 1**, dated
22 October 18, 2023, and graphically depicted in **Exhibit 2**, both of
23 which are attached hereto. The applicant is John Allmand, 3750 Oak
24 Street, Jacksonville, Florida 32205; (904) 537-3992.

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

31 **Section 4. Effective Date.** The enactment of this Ordinance

1 shall be deemed to constitute a quasi-judicial action of the City
2 Council and shall become effective upon signature by the Council
3 President and Council Secretary.

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5 Form Approved:

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7 /s/ Mary E. Staffopoulos

8 Office of General Counsel

9 Legislation Prepared By: Stephen Nutt

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