

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
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Jacksonville, FL 32202
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August 19, 2021

The Honorable Samuel Newby, President
The Honorable Rory Diamond, LUZ Chair
And Members of the City Council
117 West Duval Street
Jacksonville, Florida 32202

RE: Planning Commission Advisory Report / Ordinance No. 2021-421/Application No. L-5571-21C

Dear Honorable Council President Newby, Honorable Council Member and LUZ Chairman Diamond and Honorable Members of the City Council:

Pursuant to the provisions of Section 650.405 *Planning Commission Advisory Recommendation and Public Hearing*, the Planning Commission **DENIED** Ordinance 2021-421 on August 19, 2021.

P&DD Recommendation

DENY

PC Issues:

Two citizens spoke in opposition to the amendment and stated that the amendment site is, in addition to the screen enclosure business, being used for auto repairs and that there is a dumpster in the front yard.

The Commissioners discussed issues such as the incompatibility of the proposed amendment and activities with the character of the neighborhood and the fact that the business has been operating illegally for years.

PC Vote:

6-0 DENY

Joshua Garrison, Chair

Aye

Dawn Motes, Vice-Chair

Absent

David Hacker, Secretary

Aye

Marshall Adkison

Aye

Daniel Blanchard

Aye

Jan Brown

Absent

Alexander Moldovan

Aye

Jason Porter

Aye

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

Kristen D. Reed

Kristen D. Reed, AICP
Chief of Community Planning Division
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Report of the Jacksonville Planning and Development Department

Small-Scale Future Land Use Map Amendment – August 13, 2021

Ordinance/Application No.: 2021-421 / L-5571-21C

Property Location: 946 Jorick Court West, between Jorick Court East and Millard Court East

Real Estate Number(s): 161951 0000

Property Acreage: 0.23 of an acre

Planning District: District 2, Greater Arlington/Beaches

City Council District: District 2

Applicant: Donald Swett

Current Land Use: Low Density Residential (LDR)

Development Area: Suburban

Proposed Land Use: Light Industrial (LI)

Current Zoning: Residential Low Density-60 (RLD-60)

Proposed Zoning: Industrial Light (IL)

RECOMMENDATION: Deny

APPLICANT’S JUSTIFICATION FOR THE LAND USE MAP AMENDMENT

The land use change is requested in order to apply for a reasonable accommodation request in order to allow the screen repair business on the property.

BACKGROUND

The 0.23 of an acre site is part of a single family residential neighborhood in the southwest quadrant of Lone Star Road and St. Johns Bluff Road. The site consists of a single family residential structure where the applicant currently resides and owns.

The applicant proposes a future land use map amendment from Low Density Residential (LDR) to Light Industrial (LI) and a rezoning from Residential Low Density -60 (RLD-60) to Industrial Light (IL) to allow for the continued use of the property as a single-family residential structure and to bring it in to compliance for the current additional use of the site as a screen repair business which is not an allowable use under the LDR land use or

RLD-60 zoning category. While the intended primary use of the property will continue as single-family residential, the applicant would also like to use the subject site to run the screen repair business, Buddy's Screens, LLC, which includes outdoor storage and potential manufacturing uses; the LI land use designation is needed to accommodate this use. LI permits existing single-family dwellings which were legally built as single-family to continue to be used for residential. However, if the home is destroyed, it cannot be rebuilt. The companion rezoning application is pending concurrently with the land use application via Ordinance 2021-422.

The amendment to LI is proposed due to the applicant's Reasonable Accommodation for Disabled Persons request, pursuant to Sec. 656.112, Zoning Code, to allow the screen repair business, Buddy's Screens, LLC, on site. According to the applicant, since he began working from home in 2005, his condition has continually degraded and he is now in a wheelchair; the screening business has been run out of his home since 2017.

The reasonable accommodation provisions of the Zoning Code are in place to provide an opportunity to review and consider, in site specific instances, if a strict application of Zoning Code standards inhibit the use of a dwelling due to a person's disability. The Director of Planning is authorized to, on an individual basis, provide relief from a particular zoning standard. However, the reasonable accommodation provisions provide a tiered level of review whereby if the accommodation rises to the level of a zoning exception or rezoning the request is processed in the same manner as a similar request without the need for a reasonable accommodation but with additional criteria for consideration. The additional criteria for consideration, as identified in Section 656.112(e), are as follows:

1. Whether the applicant meets the definition of a disabled person. The Director shall make this determination based upon consultation with, and the recommendation of, the Chief of Disabled Services;
2. Whether there is an identifiable relationship, or nexus, between the requested accommodation and the person's needs;
3. Whether a sufficient alternative to the specific initial request exists, if the initial request is determined to be not reasonable;
4. Whether granting this request would change the essential nature of the Zoning Code as compared to strict application of the code to the circumstances of the request; and
5. Whether the request would impose undue financial and administrative burdens on the City.

While the Chief of Disabled Services indicated that the applicant's situation would likely constitute a qualifying disability, it was determined by the Planning and Development Department that the accommodation exceeds the scope of such accommodation as provided for in the Zoning Code and would require both a rezoning and a 2030 Comprehensive Plan land use map amendment. The 2030 Comprehensive Plan does not address reasonable accommodation.

The purpose of the requested amendment is to facilitate the Applicant's ability to conduct his business or occupation, not to enable him to reside at the property. Therefore, the requested accommodation is outside the scope of the reasonable accommodation provisions required to be considered in the Zoning Code.

Further and based on Zoning Code criteria for reasonable accommodation requests, a request requiring a land use map amendment, a level above a rezoning, would effectively change the essential nature of not only the Zoning Code but also the City's 2030 Comprehensive Plan. The LI land use is the least intense land use category that accommodates the screen repair business with outdoor storage of materials and potential manufacturing of materials in the back yard. The Zoning Code specifies that an authorized reasonable accommodation will continue for only so long as the accommodation is needed. A permanent modification to allow the LI land use on this property will enable a host of industrial uses in the middle of the surrounding low intensity residential uses, which would exist long after the Applicant continues to need the requested accommodation. This application will permanently modify the existing zoning program in this area to improperly insert an intense industrial use into an entirely low density residential area. The applicant has provided a letter outlining the need for this proposal.

The site is located in an established single-family residential neighborhood. All surrounding uses are in the LDR land use category and are single-family residential structures. The residential neighborhood has direct roadway access to Jorick Road, a local roadway, which leads directly to St. Johns Bluff Road, a collector roadway.

The adjacent land use categories, zoning districts and property uses of the land use amendment site are as follows:

North: Land Use: LDR
Zoning: RLD-60
Property Use: Single-family dwellings

South: Land Use: LDR, Public Buildings and Facilities (PBF)
Zoning: RLD-60, Public Buildings and Facilities-2 (PBF-2)
Property Use: Single-family dwellings, cemetery

East: Land Use: LDR, Community General Commercial (CGC)
Zoning: RLD-60, Commercial Neighborhood (CN)
Property Use: Single-family dwellings, neighborhood shopping fronting St. Johns Bluff Road

West: Land Use: LDR
Zoning: RLD-60
Property Use: Single-family dwellings

IMPACT ASSESSMENT

Potential impacts of a proposed land use map amendment have been analyzed by comparing the Development Impact Standards for the subject site's existing vs. proposed land use categories unless maximum density/intensity is noted on the Annotated FLUM or is in a site specific policy. Development Impact Standards are detailed in FLUE Policy 1.2.16, *Development Standards for Impact Assessment*. These standards produce development potentials as shown in this section.

Impact Assessment Baseline Review

Development Analysis of 0.23 of an acre/ 10,018.8 square feet		
Development Boundary	Suburban Development Area	
Roadway Frontage Classification / State Road	Jorick Court West – local roadway	
Plans and/or Studies	Greater Arlington/Beaches Vision Plan	
Site Utilization	Current: Single-family residential	Proposed: Single-family residential with Buddy's Screens, LLC-a screen repair business- operating on site
Land Use / Zoning	Current: LDR / RLD-60	Proposed: LI / IL
Development Standards for Impact Assessment	Current: 5 dwelling units/acre	Proposed: 0.40 FAR
Development Potential	Current: 1 dwelling unit	Proposed: 4,007.52 square feet
Net Increase or Decrease in Maximum Density	Decrease of 1 dwelling unit	
Net Increase or Decrease in Potential Floor Area	Increase of 4,007.52 square feet	
Population Potential	Current: 2 people	Proposed: Not applicable
Special Designation Areas		
Aquatic Preserve	No	
Septic Tank Failure Area	No	
Airport Environment Zone	150-foot Height Restriction Zone for Craig Municipal Airport	
Industrial Preservation Area	No	
Cultural Resources	No	
Archaeological Sensitivity	Low	
Historic District	No	
Coastal High Hazard/Adaptation Action Area	No	
Groundwater Aquifer Recharge Area	0-4 inches	

Development Analysis of 0.23 of an acre/ 10,018.8 square feet	
Wellhead Protection Zone	No
Boat Facility Siting Zone	No
Brownfield	No
Public Facilities	
Potential Roadway Impact	No net new daily trips
Potential Public School Impact	Not Applicable
Water Provider	JEA
Potential Water Impact	Decrease of 120.93 gallons/day
Sewer Provider	JEA
Potential Sewer Impact	Decrease of 90.69 gallons/day
Potential Solid Waste Impact	Increase of 9.8 tons per year
Drainage Basin/Sub-basin	Trout River Sub-Basin, Trout River Basin
Recreation and Parks	Jacksonville Arboretum and Gardens
Mass Transit Access	None
Natural Features	
Elevations	38-39 feet above mean sea level
Land Cover	(1200) Residential
Soils	(71) Urban Land Leon Boulogne Complex, 0 to 2 percent slopes
Flood Zones	No
Wetlands	No
Wildlife (applicable to sites greater than 50 acres)	Not Applicable

Utility Capacity

The calculations to determine the water and sewer flows contained in this report and/or this spreadsheet have been established by the City of Jacksonville Planning and Development Department and have been adopted by JEA solely for the purpose of preparing this report and/or this spreadsheet. The method of calculating water and sewer flows in order to properly size infrastructure shall continue to be based on JEA's Water, Sewer and Reuse for New Development Projects document (latest edition).

The applicant will continue the primary use of the property as a single-family dwelling which will not affect the current water and sewer service.

Future Land Use Element

Policy 1.2.9

Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

Transportation

The Planning and Development Department completed a transportation analysis and determined that the proposed amendment will result in no net new daily external trips. This analysis is based upon the comparison of what potentially could be built on that site (as detailed in FLUE Policy 1.2.16 Development Standards for Impact Assessment) versus the maximum development potential. Trips generated by the new development will be processed through the Concurrency and Mobility Management System Office. A copy of the transportation analysis is on file with the Planning and Development Department.

Transportation Element

Policy 1.2.1 The City shall use the Institute of Transportation Engineers *Trip Generation Manual*, latest edition, to determine the number of trips to be produced or attracted to a particular land use when assessing a traffic impact.

Capital Improvements Element

Policy 1.6.1 Upon adoption of the Mobility Plan implementing ordinance, the City shall cease transportation concurrency and use a quantitative formula for purposes of assessing a landowner's mobility fee for transportation impacts generated from a proposed development, where the landowner's mobility fee shall equal the cost per vehicle miles traveled (A); multiplied by the average vehicle miles traveled per Development Area (B); multiplied by the daily trips (C); subtracted by any trip reduction adjustments assessed to the development.

Supplemental Transportation Information

Objective 2.4 of the Transportation Element (TE) of the 2030 Comprehensive Plan requires that the City shall coordinate the mobility circulation system with the future land uses shown on the Future Land Use Map series in order to ensure that roads, road improvements and other mobility alternative improvements are provided as necessary to support development in an economically efficient and environmentally sound manner.

Policy 2.4.2 of the TE of the 2030 Comprehensive Plan requires that the City shall amend the adopted Comprehensive Plan to incorporate the data and analysis generated by a periodic regional transportation model and study and facilitate the implementation of the study recommendations.

These two Comprehensive Plan policies ensure that the transportation impact related to land use amendments are captured in the Long Range Transportation Plan (LRTP) that is conducted every 5 years. This analysis includes the cumulative effect of all land use amendments that were approved within this time period. This plan identifies the future transportation needs and is used to create cost feasible roadway needs that can be funded by the City's Mobility Strategy Plan.

Mobility needs vary throughout the city and in order to quantify these needs, the city was divided into 10 Mobility Zones. The Mobility Strategy Plan identifies specific transportation strategies and improvements to address traffic congestion and mobility needs for each mode of transportation. The project site is located in Mobility Zone 2.

Subject site is accessible via Jorick Court West, an unclassified facility. The proposed LI development will have zero net new trips and will not have any significant impacts on the external roadway network.

Airport Environment Zone

The site is located within the 150 foot Height and Hazard Zone for the Craig Municipal Airport. Zoning will limit development to a maximum height of less than 150-feet, unless approved by the Jacksonville Aviation Authority or the Federal Aviation Administration. Uses located within the Height and Hazard Zone must not create or increase the potential for such hazards as electronic interference, light glare, bird strike hazards or other potential hazards to safe navigation of aircraft as required by Section 656.1005.1(d).

Future Land Use Element

Objective 2.5 Support and strengthen the role of Jacksonville Aviation Authority (JAA) and the United States Military in the local community, and recognize the unique requirements of the City's other airports (civilian and military) by requiring that all adjacent development be compatible with aviation-related activities.

Aquifer Recharge

The site is located within an area identified as being in the 0 to 4 inch per year aquifer recharge area. This range is below the threshold of 12 inches or more per year which would constitute a prime recharge area as defined in the Infrastructure Element – Aquifer Recharge Sub-Element (IE-AR). Prime aquifer recharge areas are the primary focus of groundwater resource protections. However, development resulting from the proposed land use amendment will be reviewed during the site plan review and permitting process for compliance with the land development regulations that have been established to protect groundwater resources. Such regulations address issues such as drainage systems, septic systems, and landscape/irrigation regulations.

IE-AR Policy 1.2.8

Policy 1.2.8 Within two years of establishment by the SJRWMD and the Water Resources Management Plan of prime recharge areas for the Floridian Aquifer, the Planning and Development Department shall prepare maps of such designated areas showing the special zoning and land use consideration the City has established for such areas as designated by the latest update of the Floridian Aquifer Recharge GIS grid coverage.

Archaeological Sensitivity

According to the Duval County Archaeological Predictive Model, the subject property is located within an area of low sensitivity for the presence of archaeological resources. If archaeological resources are found during future development/redevelopment of the site, Section 654.122 of the Code of Subdivision Regulations should be followed.

Historic Preservation Element

Policy 1.2.6 The Planning and Development Department shall maintain and update for planning and permitting purposes, a U.S.G.S. series of topographic maps upon which recorded archaeological sites are shown.

PROCEDURAL COMPLIANCE

Upon site inspection by the Planning and Development Department on July 15, 2021, the required notices of public hearing signs were posted. Fifty-three (53) notices were mailed out to adjoining property owners informing them of the proposed land use change and pertinent public hearing and meeting dates.

The Citizen's Information Meeting was held on August 2, 2021. The applicant and one member of the public was present to get more information on the proposed land use amendment request.

CONSISTENCY EVALUATION

Consistency with 2030 Comprehensive Plan Goals, Objectives and Policies

Future Land Use Element (FLUE)

Objective 1.1 Ensure that the type, rate, and distribution of growth in the City results in compact and compatible land use patterns, an increasingly efficient urban service delivery system and discourages proliferation of urban sprawl through implementation of regulatory programs, intergovernmental coordination mechanisms, and public/private coordination.

Policy 1.1.2 As depicted on the FLUM series, Development Areas have been established to determine appropriate locations for land uses and densities and consist of five tiers of development intensities ranging from high density infill development in the historic core to very low density in the outlying rural areas. These include: the Central Business District (CBD); the Urban Priority Area (UPA); the Urban Area (UA); the Suburban Area (SA); and the Rural Area (RA). These Development Areas determine differing development characteristics and a gradation of densities for each land use plan category as provided in the Operative Provisions of this element.

Policy 1.1.16 Require mitigation of adverse land use impacts on adjacent uses during development and redevelopment through:

1. Creation of like uses;
2. Creation of complementary uses;
3. Enhancement of transportation connections;
4. Use of noise, odor, vibration and visual/ aesthetic controls; and/or
5. Other appropriate mitigation measures such as requirements for buffer zones and landscaping between uses.

Policy 1.2.9 Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

Policy 2.2.4 Maintain existing stable neighborhoods through coordinated rehabilitation and conservation action by the Building Inspection Division and Planning and Development Department. Protect residential areas from encroachment by incompatible land uses through proper zoning, and from through or heavy traffic by use of buffers and other mitigating measures.

Goal 3 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City's neighborhoods and enhancing the viability of non-residential areas.

Objective 3.1 Continue to maintain adequate land designated for residential uses which can accommodate the projected population and provide safe, decent, sanitary and affordable housing opportunities for the citizens. Protect single-family residential neighborhoods by requiring that any other land uses within single-family areas meet all applicable requirements described in the Development Areas and the Plan Category Descriptions of the Operative Provisions of the 2030 Comprehensive Plan and Land Development Regulations.

Policy 3.1.2 The City shall eliminate incompatible land uses or blighting influences from potentially stable, viable residential neighborhoods through active code enforcement and other regulatory measures.

Policy 3.1.3 Protect neighborhoods from potential negative impacts by providing a gradation of uses and scale transition. The Land Development Regulations shall be amended to provide for an administrative process

to review and grant, when appropriate, relief from the scale transition requirements.

Policy 3.2.1 The City shall promote development of commercial and light/service industrial uses in the form of nodes, corridor development, centers or parks.

Policy 3.2.4 The City shall permit expansion of commercial uses adjacent to residential areas only if such expansion maintains the existing residential character, does not encourage through traffic into adjacent residential neighborhoods, and meets design criteria set forth in the Land Development Regulations.

Pending Property Rights Element (PRE) (Ordinance 2021-334)

Goal 1 The City will recognize and respect judicially acknowledged and constitutionally protected private property rights in accordance with the Community Planning Act established in Chapter 163, Florida Statutes.

Objective 1.1 Local decision making shall be implemented and applied with sensitivity for private property rights and shall not be unduly restrictive.

Policy 1.1.1 The City will ensure that private property rights are considered in local decision making.

Policy 1.1.2 The following rights shall be considered in local decision making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

The subject site is currently within the Low Density Residential (LDR) land use category. According to the Future Land Use Element (FLUE), LDR in the Suburban Development Area is intended to provide for low density residential development for up to seven (7) dwelling units per acre when full urban services are available to the site.

This amendment proposes a Light Industrial (LI) land use designation. According to the FLUE, LI provides for the location of industrial uses which have fewer objectionable impacts than heavy Industrial on residential areas. Industrial uses are generally considered to be the most likely to create unacceptable impacts on residential areas.

Principal uses in the Light Industrial land use category include, but are not limited to, light assembly and manufacturing, packaging, storage, warehousing and outside storage. Plan amendment requests for new LI designations are preferred with access to roads that are classified as a collector or higher. The category description continues stating that compatibility with adjacent and abutting residential neighborhoods shall be achieved through the implementation of site design techniques. Light Industrial use abutting residential uses shall provide a scale transition and elements such as yards, buffers, at-grade parking and perimeter walls shall be arranged, designed and landscaped in a style compatible with adjacent areas to serve as a visual buffering element from adjacent uses. New residential uses are not permitted in the LI land use. Existing homes may continue to be used for single-family residential but cannot be rebuilt if destroyed.

In the Suburban Area, plan amendment requests for new LI designations are preferred in locations which have access to a roadway classified as a collector or higher on the Functional Highway Classification Map; and which are compatible with adjacent residential neighborhoods. While the subject site has access to urban services, the site is along local residential roadways and is part of a single-family residential neighborhood. Additionally, the allowed industrial uses in the LI land use category does not provide a gradation of use and/or intensity in this residential neighborhood creating an incompatible and potentially blighting land use pattern inconsistent with Objective 1.1, Objective 3.1 and Policies 1.1.2, 2.2.4, 3.1.2, 3.1.3 and 3.2.1.

The proposed LI land use designation would allow for an uncomplimentary use in the middle of a residential neighborhood with industrial entitlements that would negatively affect the residential character and fabric of the neighborhood. The adverse impacts of LI land uses on the property to the existing residential neighborhood would have a detrimental effect on the neighborhood and is inconsistent with Goal 3 and Policies 1.1.16, 3.1.2 and 3.2.4.

Consistent with Policy 1.2.9, the applicant intends to continue the primary use of the property as a single-family dwelling which will not affect the current water and sewer service.

Both the existing and proposed land use designation maintain the private property rights of the owner of record; have no impact on the right of the property owner to possess or control his or her interest in the property; maintains the owner's ability to use, maintain, develop and improve the property; protects the owner's right to privacy and security; and maintains the ability of the property owner to dispose of the property at their discretion. Therefore, private property rights, as identified in PRE Goal 1, Objective 1.1 and Policies 1.1.1 and 1.1.2, are not impacted under either land use category.

Greater Arlington/Beaches Vision Plan

The subject property is located within the boundaries of the Greater Arlington/Beaches Vision Plan. Objective 2.1.1 of Guiding Principal 1 of the vision plan states, that neighborhood assets and the character of the area should be identified, preserved, protected and promoted. A neighborhood is defined within the vision plan as "a locality

always dominated by residential land use, although at times may contain other compatible land-uses.” While the intended use of the property will continue as single-family residential, the running of the screen repair business, Buddy’s Screens, LLC, on site, includes outdoor storage and potential manufacturing uses; the LI land use designation is needed to accommodate this use. If the single-family home is destroyed, it cannot be rebuilt under the LI land use. As such, the proposal for LI on this parcel is incompatible with the surrounding neighborhood and inconsistent with the Greater Arlington/Beaches Vision Plan.

Strategic Regional Policy Plan

The proposed amendment is inconsistent with the following Objective, Goal and Policy of the Strategic Regional Policy Plan:

Objective: Improve quality of life and provide quality places in Northeast Florida.

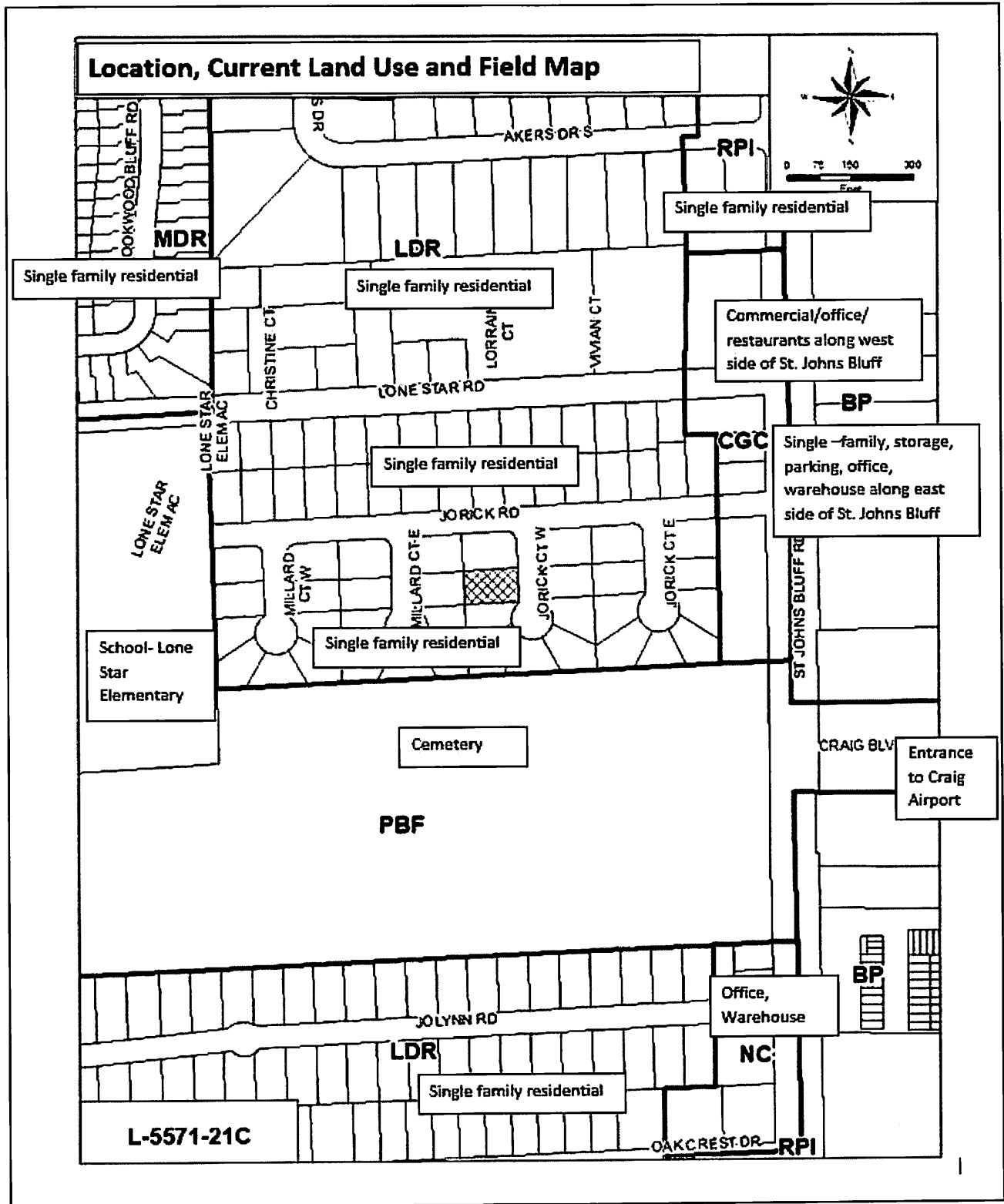
Goal: A safe, sanitary, efficient and resilient housing supply that provides lifestyle choice (agricultural, rural, suburban, and urban) and affordable options for all income, age and ability groups, equitably placed in vibrant, viable and accessible communities throughout the region.

Policy 6: The Region encourages the creation of housing and supportive infrastructure for all of our citizens, including our aging population, veterans, and those with special needs. When such development is designed, it recognizes the linkage between the location of these facilities, access to mobility options and community building that ensures that these facilities are part of the community and not isolated from it.

The Strategic Regional Policy Plan’s chapter of Communities and Affordable Housing encourages programs to further the stability of existing and future residential neighborhoods. While the applicant intends to utilize the property in its existing capacity as his family home in addition to running the screen repair business on site, the industrial entitlements of the LI land use category would disrupt the surrounding neighborhood and community having a detrimental effect on the quality of life and place.

LAND USE AMENDMENT

FIELD / LOCATION / CURRENT LAND USE MAP



LAND USE AMENDMENT
ADDITIONAL INFORMATION FROM THE APPLICATION

Explanation of Accommodation Requested

In 2005 I began working from home. In 2013, I submitted paperwork to the Veterans Administration for Unemployability because I wasn't able to find work outside my home. It is now 2021 and the Veterans Administration still has not made up their mind on my request. Consequently I continue to work from home trying to make whatever money I can. My condition has continually degraded and I am now in a wheelchair. I can get in and out of the house but it is a chore.

I have been classified as disabled in 2011 by Social Security and in 2013 through the Veterans Administration.

Since 2017, I have been running a screening business out of my home. I employ 7 people. I am licensed through the State and the City. Only the administrative functions of the business are in my home. Customers do not come here. We go to their home to work on their screen enclosures. I thought I was in compliance however I had not read the municipal code for RLD-60 zones. I assumed if customers did not come to my home I was OK.

On April 27th 2021 the City's Code Compliance Officer gave me a warning and I did read the applicable municipal code. He was right because I do have employees come to the house for their work assignments. Also Google Maps and MapQuest both have reference to the business at my address.

Both the Federal Fair Housing Act (FHA) and Title II of the Americans with Disabilities Act (ADA), impose an affirmative duty on local government to make reasonable accommodations (i.e., modifications or exceptions) in their zoning laws and other land use regulations and practices when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

I realize that other people that are not disabled cannot get the same accommodation but would like to say that the difference in my case is the use of the wheelchair. Moving my office to another location would just add to my burden because of having to load and unload the wheelchair twice a day every day. The lift I have is hard to work and locking the chair in place for transport is difficult for one person to do.

I have considered the situation and feel that the best choice would be rezoning the property as CRO. That would allow me to use the home office and would allow employees to get their work assignments without breaking the local ordinances.

Other choices might be some sort of Variance or Enforcement Exemption of the areas of the municipal code that currently keeps me from legally running my business.

Your assistance with this matter is greatly appreciated.

/s/Donald E. Swett
Re#: 161951-0000
946 Jorick Ct W
Jacksonville, FL 32225
904-200-6362

Attachment 1