

1 Introduced by the Land Use and Zoning Committee:  
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4 **ORDINANCE 2021-699**

5 AN ORDINANCE APPROVING THE WAIVER OF MINIMUM  
6 ROAD FRONTAGE APPLICATION WRF-21-12, LOCATED IN  
7 COUNCIL DISTRICT 6 AT 3233 MARBON ROAD, BETWEEN  
8 ABACO LANE AND SAWYER RIDGE COURT (R.E. NO.  
9 158905-1000) AS DESCRIBED HEREIN, OWNED BY BENET  
10 JAKAJ, REQUESTING TO REDUCE THE MINIMUM ROAD  
11 FRONTAGE REQUIREMENTS FROM 72 FEET TO 0 FEET IN  
12 ZONING DISTRICT RESIDENTIAL LOW DENSITY-90 (RLD-  
13 90), AS DEFINED AND CLASSIFIED UNDER THE ZONING  
14 CODE; PROVIDING A DISCLAIMER THAT THE WAIVER  
15 GRANTED HEREIN SHALL NOT BE CONSTRUED AS AN  
16 EXEMPTION FROM ANY OTHER APPLICABLE LAWS;  
17 PROVIDING AN EFFECTIVE DATE.  
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19 **WHEREAS**, an application for a waiver of minimum road frontage,  
20 **On File** with the City Council Office of Legislative Services, was  
21 filed by Benet Jakaj, the owner of property located in Council  
22 District 6 at 3233 Marbon Road, between Abaco Lane and Sawyer Ridge  
23 Court (R.E. No. 158905-1000) (the "Subject Property"), requesting to  
24 reduce the minimum road frontage from 72 feet to 0 feet in Zoning  
25 District Residential Low Density-90 (RLD-90); and

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

29 **WHEREAS**, the Land Use and Zoning Committee, after due notice  
30 held a public hearing and having duly considered both the testimonial  
31 and documentary evidence presented at the public hearing, has made

1 its recommendation to the Council; and

2       **WHEREAS**, taking into consideration the above recommendations and  
3 all other evidence entered into the record and testimony taken at the  
4 public hearings, the Council finds that: (1) there are practical or  
5 economic difficulties in carrying out the strict letter of the  
6 regulation; (2) the request is not based exclusively upon the desire  
7 to reduce the cost of developing the site or to circumvent the  
8 requirements of Chapter 654 (Code of Subdivision Regulations); (3)  
9 the proposed waiver will not substantially diminish property values  
10 in, nor alter the essential character of, the area surrounding the  
11 site and will not substantially interfere with or injure the rights  
12 of others whose property would be affected by the waiver; (4) there  
13 is a valid and effective easement for adequate vehicular access  
14 connected to a public street which is maintained by the City or an  
15 approved private street; and (5) the proposed waiver will not be  
16 detrimental to the public health, safety or welfare, result in  
17 additional expense, the creation of nuisances or conflict with any  
18 other applicable law; now, therefore

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

20       **Section 1. Adoption of Findings and Conclusions.** The  
21 Council has reviewed the record of proceedings and the Staff Report  
22 of the Planning and Development Department and held a public hearing  
23 concerning application for waiver of road frontage WRF-21-12. Based  
24 upon the competent, substantial evidence contained in the record, the  
25 Council hereby determines that the requested waiver of road frontage  
26 meets the criteria for granting a waiver contained in Chapter 656,  
27 *Ordinance Code*. Therefore, Application WRF-21-12 is hereby **approved**.

28       **Section 2. Owner and Description.** The Subject Property is  
29 owned by Benet Jakaj, and is legally described in **Exhibit 1**, dated  
30 June 14, 2021, and graphically depicted in **Exhibit 2, attached hereto**.  
31 A graphic depiction of the easement is **attached hereto** as **Exhibit 3**.

1 The applicant is Benet Jakaj, 3233 Marbon Road, Jacksonville, Florida  
2 32223; (904) 482-5155.

3 **Section 3. Distribution by Legislative Services.** The Office  
4 of Legislative Services is hereby directed to mail a copy of this  
5 legislation, as enacted, to the applicant and any other parties to  
6 this matter who testified before the Land Use and Zoning Committee  
7 or otherwise filed a qualifying written statement as defined in  
8 Section 656.140(c), *Ordinance Code*.

9 **Section 4. Disclaimer.** The waiver of road frontage granted  
10 herein shall not be construed as an exemption from any other  
11 applicable local, state, or federal laws, regulations, requirements,  
12 permits or approvals. All other applicable local, state or federal  
13 permits or approvals shall be obtained before commencement of the  
14 development or use and issuance of this waiver of road frontage is  
15 based upon acknowledgement, representation and confirmation made by  
16 the applicant(s), owner(s), developer(s) and/or any authorized  
17 agent(s) or designee(s) that the subject business, development and/or  
18 use will be operated in strict compliance with all laws. Issuance of  
19 this waiver of road frontage does not approve, promote or condone any  
20 practice or act that is prohibited or restricted by any federal,  
21 state or local laws.

22 **Section 5. Effective Date.** The enactment of this Ordinance  
23 shall be deemed to constitute a quasi-judicial action of the City  
24 Council and shall become effective upon signature by the Council  
25 President and Council Secretary. Failure to exercise the waiver, if  
26 herein granted, by the commencement of the use or action herein  
27 approved within one year of the effective date of this legislation  
28 shall render this waiver invalid and all rights arising therefrom  
29 shall terminate.

1 Form Approved:

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3           /s/ Mary E. Staffopoulos          

4 Office of General Counsel

5 Legislation Prepared By: Bruce Lewis

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