

AD-09-104

LOCATION: 1354 Woodward Avenue

REAL ESTATE NUMBER: 082900-0000

DEVIATION SOUGHT: 1. Reduce required west property line from 5 feet to .03 feet

Proposed Construction

PRESENT ZONING: RLD-60

CURRENT LAND USE: LDR

PLANNING DISTRICT: 3

COUNCIL DISTRICT: 5

SIGNS POSTED: 2

**OWNER: Terry L. Byrd
1354 Woodward Ave
Jacksonville, FL 32207**

**AGENT: Heather Stockton
4205 Venetia Blvd.
Jacksonville, FL 32210**

STANDARDS, CRITERIA AND FINDINGS

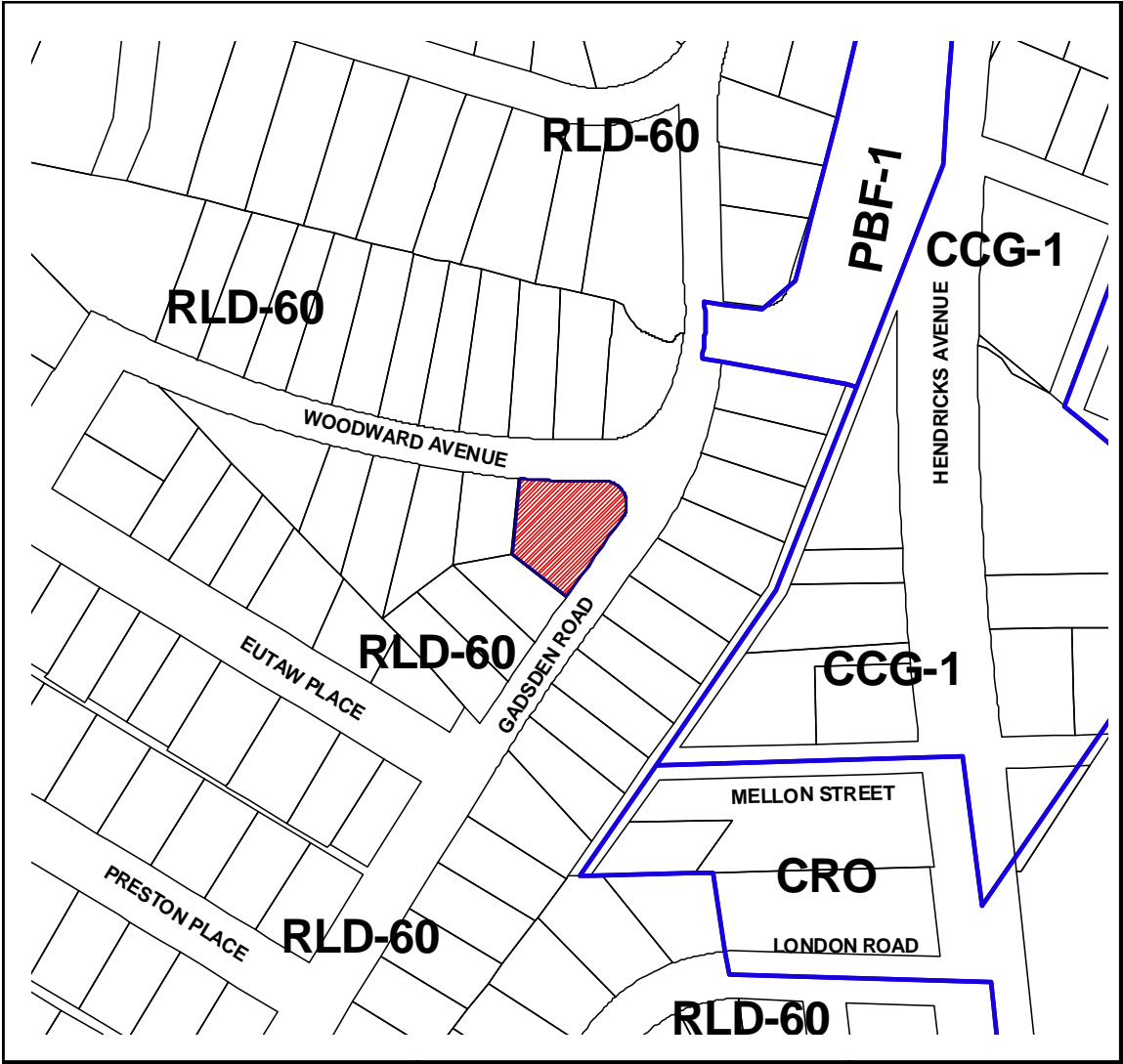
<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u></p> <p>Similar. The subject property is located on a corner lot that has a unique bell shape to it. The proposed deviation is for the reduction in the required side yard northeast property line from 5 feet to .03 feet.</p> <p>The existing .03' setback is for the detached garage and dates to the original construction (circa 1941).</p> <p>The deviation is being sought to accommodate an addition to the existing single-family home that will connect the detached accessory structure to the primary structure. The addition changes the characteristic of the single family use, as an accessory structure is being converted to the principal structure. There are no similar yard encroachments for a principal residential structure in the neighborhood.</p>
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	<p>The accessory structure was built in 1953, and was built as a garage apartment according to the Property Appraiser’s web site.</p> <p>Due to the lack of unique characteristics present on the subject property in comparison to surrounding properties and development, it is highly likely that the granting of this request will prompt further similar requests and will have a negative cumulative effect on the area and surrounding property owners.</p> <p><u>Findings:</u></p>
<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u></p> <p>No. There are no practical or economic difficulties in carrying out the strict letter of the regulation. The applicant is creating a self-imposed hardship that will negatively alter the residential character of the surrounding neighborhood. The requirements and regulations are the same for all surrounding property owners.</p> <p><u>Findings:</u></p>
<p>3. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish a result that is in the public interest.</p>	<p><u>Recommendation:</u></p> <p>No. The request is not based exclusively upon a desire to reduce the cost of developing the site but rather an attempt to add two bedrooms. The applicant is seeking to expand the existing structure on site by connecting it to the accessory structure and therefore will not meet the current zoning requirements. The request is contrary to the public interest for maintaining open space, as it would set a precedent that would diminish existing yard setback requirements. Granting of this request does not accomplish a result that is in the public interest.</p> <p><u>Findings:</u></p>
<p>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</p>	<p><u>Recommendation:</u></p> <p>No. The proposed deviation will not substantially diminish property values in the area. However, a grant of this request, is likely to promote similar requests in the area. Therefore, cumulatively the grant of this request will alter the essential character of the area surrounding the site and will interfere with or injure the rights of others whose</p>

	<p>property will be affected by the deviation.</p> <p><u>Findings:</u></p>
<p>5. The proposed deviation will not be detrimental to the public health, safety, or welfare, result in additional public expense, the creation of nuisances, or conflict with any other applicable law, in that...</p>	<p><u>Recommendation:</u></p> <p>Yes. The deviation will be detrimental to the public safety by having the addition of a two bedrooms and a laundry room according to the site plan on file, .03 feet away from the western property line. The grant of the deviation would diminish the perceived open space, and intensify the residential use, thereby alter the character of the area where all other properties along Woodward Avenue appears to comply with the yard requirements for a single family residential dwelling.</p> <p><u>Findings:</u></p>
<p>6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p>	<p><u>Recommendation:</u></p> <p>It is the intent of the Code to promote consistency in an area while permitting some variances from its requirements in unique situations that likely will not promote further similar requests that diminish the intent of the code or have cumulative detrimental effects. Based upon the above criteria, the request is not in the harmony with the spirit and intent of the Code.</p> <p>The effect of the proposed deviation requested for the addition of a garage is not in harmony with the spirit and intent of the Zoning Code in that the detached accessory structure pre-dates the existing Zoning Code and exists now as a non-conforming use. It is the intent of the Zoning Code to allow for the existence of non-conforming uses but not to allow for accessory structures to evolve into primary structures. By connecting the accessory structure to the primary structure this clearly violates the Zoning Code and the character of the surrounding area.</p> <p><u>Findings:</u></p>
<p>7. The City landscape architect (has/has not) recommended the proposed deviation.</p>	<p>N/A</p>
<p>8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.</p>	<p>N/A</p>

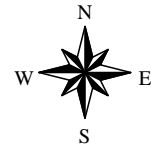
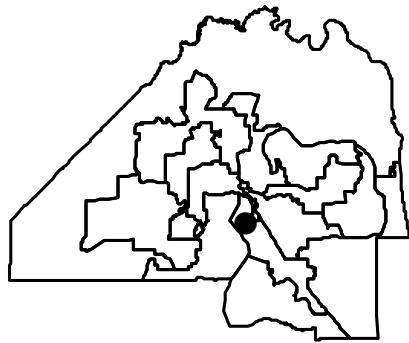
PLANNER RECOMMENDATION: DENY
DATE OF REPORT: 11/6/09

ZONING ADMINISTRATORS DECISION:
DATE:



REQUEST SOUGHT:

**REDUCE WEST SIDE YARD
SETBACK
FROM 5 FT. TO .03 FT.**



0 100 Feet

COUNCIL DISTRICT:
5

APPLICATION NUMBER:
AD-2009-0104