

AD-09-99

LOCATION: 5933 Blackthorn Road

REAL ESTATE NUMBER: 098103-0000

DEVIATION SOUGHT: 1. Reduce required front yard from 20 feet to 3 feet

Existing Carport

PRESENT ZONING: RLD-60

CURRENT LAND USE: LDR

PLANNING DISTRICT: 4

COUNCIL DISTRICT: 12

SIGNS POSTED: 2

**OWNER: Stephen and Jeri Kovacs
5933 Blackthorn Road
Jacksonville, FL 32244**

AGENT: None

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>There is an active building violation for this structure for building an addition without a permit (CARE # 2009-136838). In order to pull the appropriate permit to allow for existing carport. The applicant is requesting grant of a deviation to reduce the required front yard from 20 feet to 3 feet along the south property line. The length and width of the carport is approximately 20 feet by 10 feet along the south property line.</p> <p>There are properties in the surrounding area that have similar sizes and shapes as the subject property, as well as similar structures like that of the applicant's carport encroaching into the front yard. The granting of this request will have a cumulative detrimental effect on residential and commercial uses. Further similar requests and will that this request is not consistent with the spirit and intent of the Code.</p> <p><u>Findings:</u></p>
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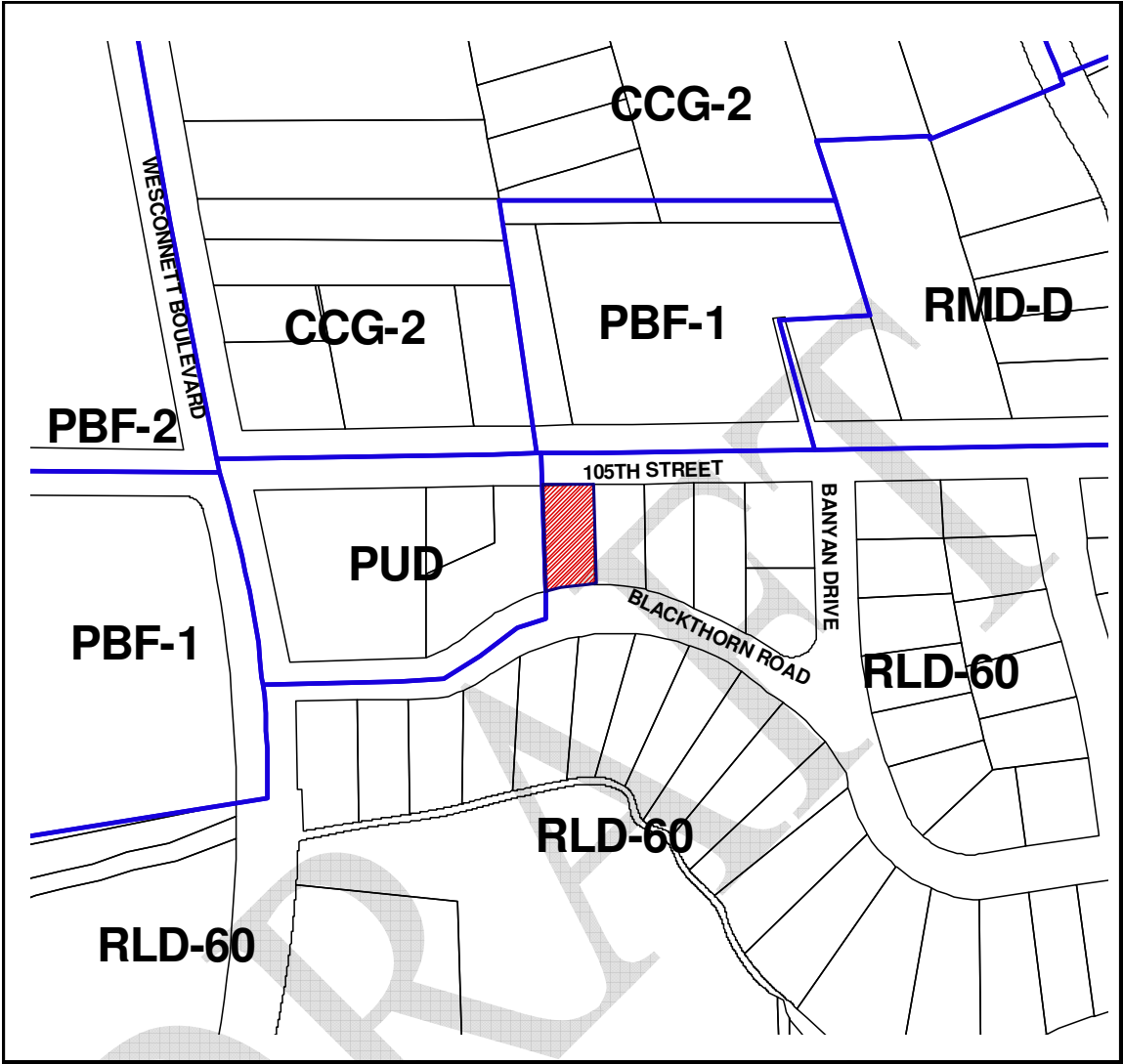
<p>2. There are practical and economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u></p> <p>Yes. The demolition and removal of the carport to bring the site into compliance does entail a modest expenditure. The applicant has indicated that due to health issues that both he and wife are suffering with, the carport provides cover for them from the elements as such. The applicant is also bound by the same regulations and requirements as 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 that would allow continued covered parking for vehicles on the property.</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. There is no evidence that the proposed encroachment would substantially diminish area property values or injure the rights of other property owners. The applicant is bound by the same regulations and requirements as surrounding property owners. The front yard reductions diminish open space and negatively alter establishing development patterns and curb appeal.</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>No. The carport will not be detrimental to the public health, safety, or welfare, as a result in any additional public expense. The carport is in direct violation of the zoning code's requirement of a 20 foot setback in the front yard as it extends into the property line of the required setback.</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>No, the effect of the proposed deviation is not in harmony with the spirit and intent of the Code. In fact, it is the goal of the Code to protect the</p>

	essential character of the area by maintaining consistent required yards <u>Findings:</u>
7. The City landscape architect (has/has not) recommended the proposed deviation.	N/A
8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.	The violation (2009-136838) was created on June 10, 2009 (according to the C.A.R.E. System). There is no reason to believe that the applicant created the violation with intent to violate the Building or Zoning Code requirements.

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

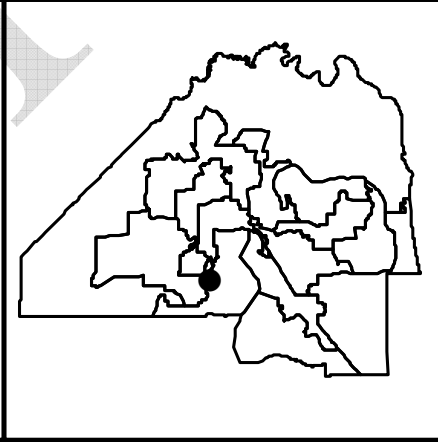
ZONING ADMINISTRATORS DECISION:
DATE:

DRAFT



REQUEST SOUGHT:

**REDUCE FRONT YARD
SETBACK
FROM 20 FT. TO 3 FT.**



0 100 Feet

COUNCIL DISTRICT: 12

APPLICATION NUMBER: AD-2009-0099