

AD FINAL ORDERS



May 24, 2019

BEFORE THE ZONING
ADMINISTRATOR, PLANNING AND
DEVELOPMENT DEPARTMENT OF THE
CITY OF JACKSONVILLE, FLORIDA

APPLICATION: **AD-19-23**

In re: The Zoning Administrative Deviation
Application of:

MMCM, LLC

**ORDER APPROVING APPLICATION FOR ZONING
ADMINISTRATIVE DEVIATION AD-19-23**

This matter came to be heard upon the Application for Zoning Administrative Deviation filed by MMCM, LLC, the owner of that certain real property located at 2111 Liberty Street. In accordance with Section 656.109 of the Zoning Code, the owner seeks permission to a) reduce the required dumpster setback along the north property line from 5 to zero feet, b) reduce the required vehicle use area interior landscape from 440 to 200 square feet, c) reduce the required number of terminal island/trees from 8 to 6 terminal islands/trees, d) reduce the required landscape buffer between the vehicle use area along 11th Street East from 10 feet per linear feet of frontage/5 feet minimum width to 5 feet per linear feet of frontage and 2.5 feet minimum width and e) reduce the required perimeter landscape buffer area between the vehicle use area and the abutting property along the east property boundary line from 5 feet minimum width required to 2.5 feet. The property is located in the IDP zoning district.

At the noticed public hearing on May 24, 2019, the agent, Kyle Davis, appeared in support of the application. Having duly considered all the testimony and documentary evidence presented at the public hearing, the Zoning Administrator of the Planning and

Development Department of the City of Jacksonville, Florida, hereby makes findings of fact and conclusions of law, which along with the staff report and application are attached hereto as **Exhibit “A”**.

Now, therefore, it is **DETERMINED** as follows:

1. The application for Zoning Administrative Deviation **AD-19-23** is hereby **APPROVED**.
2. The approval granted herein shall not be construed as an exemption from all other applicable City, State or Federal laws, requirements, permits or approvals.
3. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, and regulations or by easements, covenants or agreements, the provisions of this Order shall control.
4. The Administrative Deviation granted herein shall **not** be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Administrative Deviation is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws.

Issuance of this Administrative Deviation does not approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.

5. Failure to exercise the deviation herein granted by commencement of the use or action herein approved within one (1) year of the effective date of this Order shall render this Order invalid and all rights arising therefrom shall terminate.

This Order shall become effective fifteen (15) days after the date of execution unless appealed pursuant to Section 656.109(j) of the Zoning Code.

Dated this 5TH day of JUNE, 2019.

FORM APPROVED


Cherry Shaw Pollock
Assistant General Counsel


Sean Kelly, Zoning Administrator
Planning and Development Department


William Killingsworth, Director
Planning and Development Department

Copies:
MMCM, LLC
Michael Mumford
2111 Liberty Street North
Jacksonville, FL 32206
Owner

Kyle F. Davis, P.E.
219 N. Newman Street
Jacksonville, FL 32202

Agent
GC-#1285907-v1-AD-19-23_Approve_060319.docx

AD-19-23

LOCATION: 2111 Liberty Street, between Carmen Street and 11th Street East

REAL ESTATE NUMBER(S): 057268-0010

DEVIATION SOUGHT:

1. Sec. 656.606 and Sec. 656.607 (i): Reduce the required dumpster setback along north property line from 5 feet to 0 feet.
2. Sec. 656.1214 (a): Reduce required vehicle use area interior landscape from 440 square feet to 200 square feet.
3. Sec. 656.1214 (d): Reduce the required number of terminal island/trees from 8 terminal island/trees to 6 terminal islands/trees.
4. Sec. 656.1215(a)(1): Reduce the required landscape buffer between vehicle use area along 11th Street East from 10 feet per linear feet of frontage/5 feet minimum width to 5 feet per linear feet of frontage and 2.5 feet minimum width.
5. Sec. 656.1215 (b)(1): Reduce the required perimeter landscape buffer area between vehicle use area and abutting property along the east property boundary from 5 feet minimum width required to 2.5 feet.

PRESENT ZONING: IBP **CURRENT LAND USE:** BP

PLANNING DISTRICT: 1

COUNCIL DISTRICT: 7

SIGNS POSTED: 2

OWNER:

Michael Mumford, MMCM LLC
1855 River Road
Jacksonville, Florida 32207

AGENT:

Kyle F. Davis, P.E.
219 N. Newman Street
Jacksonville, Florida 32202

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u> Similar. This property is located in the industrial section of Springfield. The Springfield Overlay does not have an Industrial zoning districts, therefore the only applicable standards in Subpart I of Part 3 of the Zoning Code is Sec. 656.369 for additional performance standards. Lots in the area that were developed for industrial uses years ago were developed with different standards than today. The subject property and well as any of the properties in the area were built with zero lot lines, no landscaping, and almost 100% lot coverage for the buildings. This is the trend for blocks in this area.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The site was developed in 1930. It is not practical for the current site to meet current code without demolishing the whole building and starting from scratch. The property has been used in this configuration for decades. There is no practical way for the owner to acquire more land to meet code. The physical and economic difficulties outweigh the ability to conform to current code.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The requests made are not based upon the desire to reduce cost of developing the site but would accomplish a result that is in the public interest. The site is fully developed and has been for nearly 90 years. The deviations requested reflect the current state of the property and are being sought as a relief from compliance that is not possible for the site.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The proposed deviations will not substantially diminish property values in the area. The site has existed, as developed, for years. By allow for the deviations to be approved, the owners can rent out the property and continue use and allow the building to be occupied. This will bring business to the area and discourage the site from falling into disrepair.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The proposed deviations will not be detrimental to the public health, safety, or welfare and will not result in additional public expense, the creation of nuisances, or conflict with any other applicable law. The deviations sought are to allow for the continued use of a property that does not meet current code but is already developed.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The proposed deviations are in harmony with the spirit and intent of the Zoning Code. The intent of the code is to protect the health, safety, and welfare of the public. It is the</p>

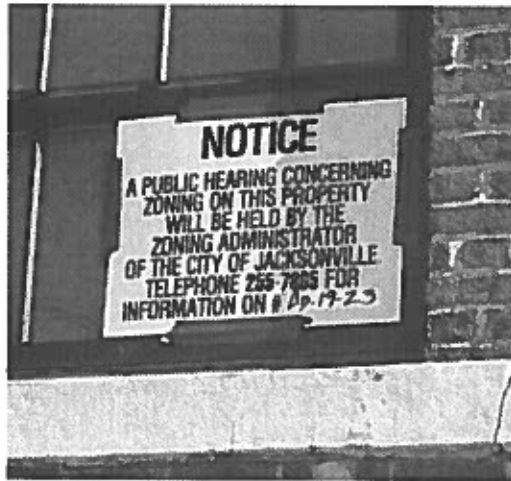
	<p>opinion of staff that approval of the request for deviation is generally consistent with those goals.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>7. The City landscape architect (has/has not) recommended the proposed deviation.</p>	<p><u>Recommendation:</u> The landscape memo dated April 25, 2019 supports the proposed deviations. See attached memo.</p> <p><u>Findings: Adopt staff recommendation</u></p>
<p>8. The existing violation was not created by the applicant with intent to violate the Zoning Code.</p>	<p><u>Recommendation:</u> N/A</p> <p><u>Findings:</u></p>

PLANNER RECOMMENDATION: APPROVE

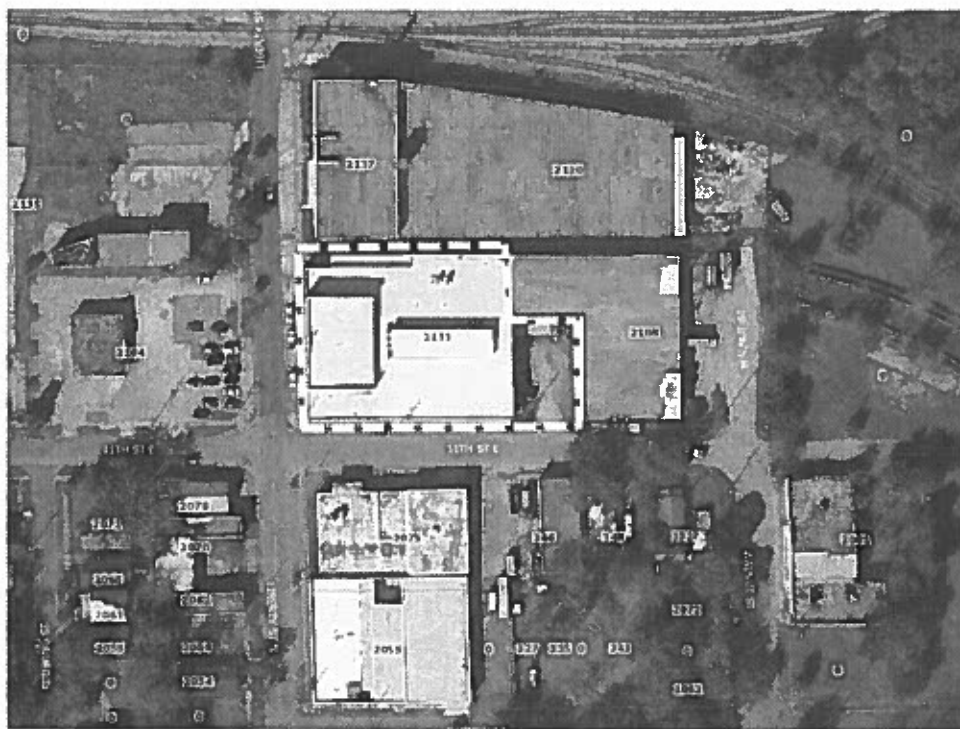
DATE OF REPORT: MAY 24, 2019

ZONING ADMINISTRATOR'S DECISION: Approve

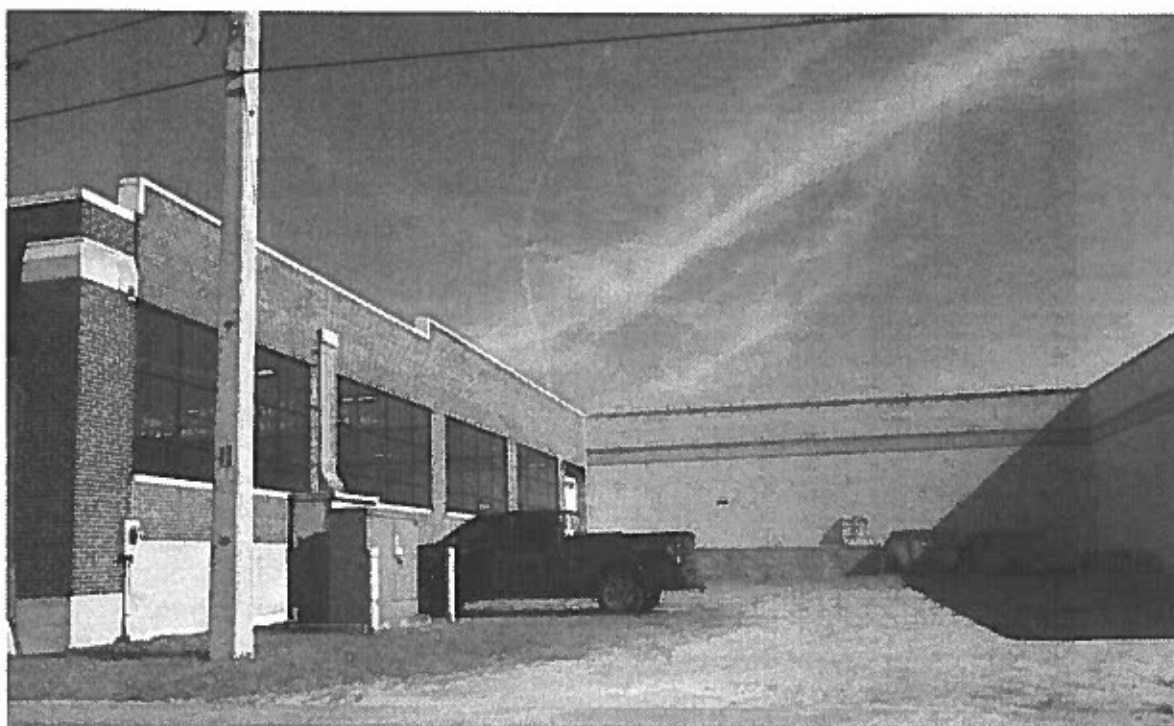
DATE: May 30, 2019



Sign posted on site visit 04/23/2019



Aerial view of site.



Subject site.

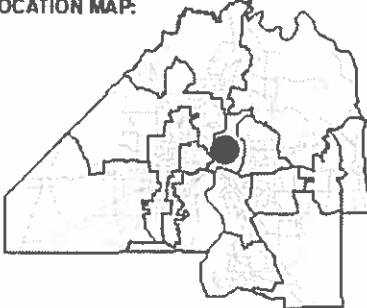



Subject site



Subject site.



<p>REQUEST SOUGHT:</p> <p>REDUCE SETBACK AND REDUCE LANDSCAPE BUFFERS</p>	<p>LOCATION MAP:</p> 	 <p>0 45 90 180 Feet</p>
<p>APPLICATION NUMBER</p> <p>AD-19-23</p>	<p>COUNCIL DISTRICT:</p> <p>7</p> <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>	

BEFORE THE ZONING
ADMINISTRATOR, PLANNING AND
DEVELOPMENT DEPARTMENT OF THE
CITY OF JACKSONVILLE, FLORIDA

APPLICATION: **AD-19-25**

In re: The Zoning Administrative Deviation
Application of:

KARTHIK KRISHNAMURTHY AND ANESSA KRISHNAMURTHY

**ORDER APPROVING APPLICATION FOR ZONING
ADMINISTRATIVE DEVIATION AD-19-25**

This matter came to be heard upon the Application for Zoning Administrative Deviation filed by Karthik Krishnamurthy and Anessa Krishnamurthy, the owners of that certain real property located at 4205 Venetia Blvd. In accordance with Section 656.109 of the Zoning Code, the owners seek permission to reduce the required front setback from 20 to 13 feet. The property is located in the RLD-60 zoning district.

At the noticed public hearing on May 24, 2019, the agent, Angela Farford, appeared in support of the application. Having duly considered all the testimony and documentary evidence presented at the public hearing, the Zoning Administrator of the Planning and Development Department of the City of Jacksonville, Florida, hereby makes findings of fact and conclusions of law, which along with the staff report and application are attached hereto as **Exhibit "A"**.

Now, therefore, it is **DETERMINED** as follows:

1. The application for Zoning Administrative Deviation **AD-19-25** is hereby **APPROVED**.

2. The approval granted herein shall not be construed as an exemption from all other applicable City, State or Federal laws, requirements, permits or approvals.
3. The approval granted herein shall not interfere with or abrogate or annul any easement, covenant or other agreement between any parties. In the event that the provisions of this Order impose a greater restriction upon the use, structures or development of the property than are imposed or required by other ordinances, rules, and regulations or by easements, covenants or agreements, the provisions of this Order shall control.
4. The Administrative Deviation granted herein shall **not** be construed as an exemption from any other applicable local, state or federal laws, regulations, requirements, permits or approvals. All other applicable local, state or federal permits or approvals shall be obtained before commencement of the development or use and issuance of this Administrative Deviation is based upon acknowledgement, representation and confirmation made by the applicant(s), owner(s), developer(s) and/or any authorized agent(s) or designee(s) that the subject business, development and/or use will be operated in strict compliance with all laws. Issuance of this Administrative Deviation does **not** approve, promote or condone any practice or act that is prohibited or restricted by any federal, state or local laws.
5. Failure to exercise the deviation herein granted by commencement of the use or action herein approved within one (1) year of the effective date of this

Order shall render this Order invalid and all rights arising therefrom shall terminate.

This Order shall become effective fifteen (15) days after the date of execution unless appealed pursuant to Section 656.109(j) of the Zoning Code.

Dated this 5th day of June, 2019.

FORM APPROVED


Cherry Shaw Pollock
Assistant General Counsel


Sean Kelly, Zoning Administrator
Planning and Development Department


William Killingsworth, Director
Planning and Development Department

Copies:

Karthik Krishnamurthy
Anessa Krishnamurthy
4205 Venetia Blvd.
Jacksonville, FL 32210
Owners

Angela Farford
1031 Lasalle Street
Jacksonville, FL 32207

Agent

GC-#1285911-v1-AD-19-25_Approve_060319.docx

AD-19-25

LOCATION: 4205 Venetia Blvd

REAL ESTATE NUMBER: 102403-0000

DEVIATION SOUGHT:

1. Reduce required front setback from 20 feet to 13 feet.

PRESENT ZONING: RLD-60

CURRENT LAND USE: LDR

PLANNING DISTRICT: 4

COUNCIL DISTRICT: 14

SIGNS POSTED: 1

OWNER/AGENT:

Karthik Krishnamurthy
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> Similar. This property is similar in size and shape to others along Venetia Boulevard and several other properties within the area have had garage and primary structures constructed within the required front setback. The applicant is requesting a reduction to the required front setback from 20 feet to 13 feet for the placement of a home backup generator within the required front yard setback. The proposed location is the only feasible placement of the generator without interfering with existing landscaping (trees), pool equipment, and flood zones while also being in range of electrical panels. The property to the West was approved back in 2001 (AD-01-36) for a front setback reduction from 20 feet to 0 feet. The placement of the generator will be located 13 feet from the front property line and 5 feet from the West Property line. The generator will also be hidden from the road by landscaping and shrubbery.</p> <p>Findings: Adopt staff recommendation</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> No. There are no economic difficulties in carrying out the strict letter of the regulation but following the strict letter of the regulation limits the applicant's ability to place a home generator anywhere on the property while also meeting the required setbacks. There are practical difficulties in</p>

	<p>that the applicant is very limited on locations where the generator would meet all the requirements of both the zoning code and electrical load requirements.</p> <p><u>Findings: Adopt staff recommendation</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> No. The request is not based upon a desire to reduce the cost of development of the site but rather to protect the existing landscaping, including several large oak trees on the property from having to be removed in order to place the generator out of the setbacks and within the required distance to meet all electrical requirements.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The proposed deviation will not 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. Several homes along Venetia Boulevard have been constructed within the front setback and approval of this request will not create a lot out of character for the surrounding area. The generator will also be hidden from the street due to placement of landscaping and shrubbery.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The requested deviations will not be detrimental to the public health, safety or welfare, nor will it result in a public expense, the creation of nuisances or conflict with any other applicable law in that the placement of the generator has been reviewed by electricians and contractors as the best placement of the unit.</p> <p><u>Findings: Adopt staff recommendation</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> Yes. The intent of the Zoning Code is to promote the health and safety of the public, while allowing for deviations that are within the public's best interest. The proposed deviation does not negatively affect the public's health or safety, and allows the property owner to place a home back-up generator on his property to provide protection to his home and</p>

	<p>family during power outages. Therefore, the effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</p> <p><u>Findings: Adopt staff recommendation</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>There are currently no existing Zoning Code violations associated with the subject property.</p>

PLANNER RECOMMENDATION: Approve

DATE OF REPORT: May 24, 2019

ZONING ADMINISTRATOR'S DECISION: Approve

DATE: May 30, 2019



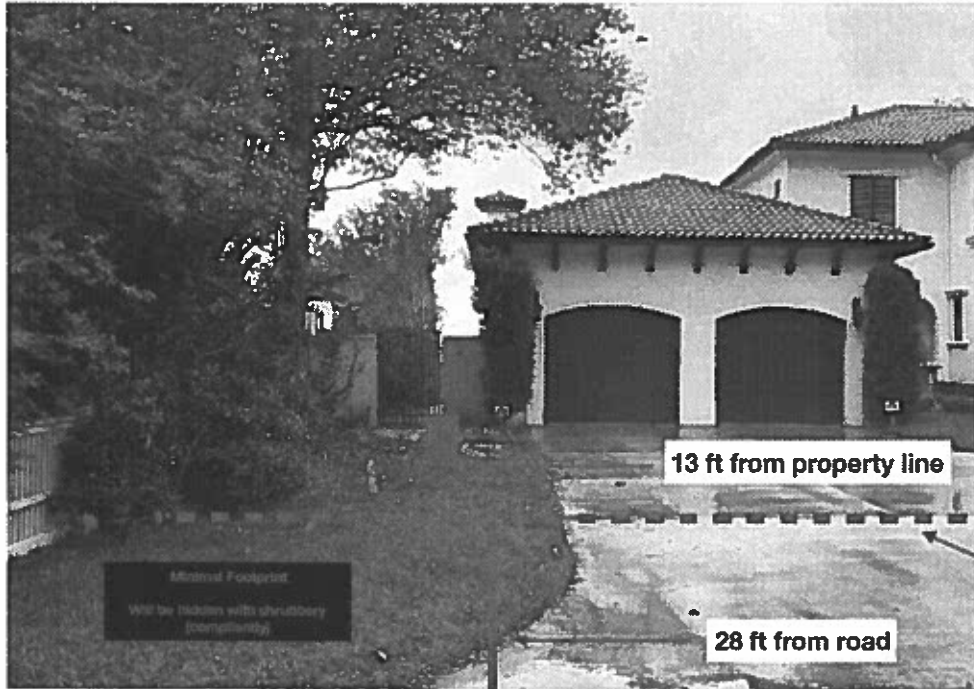
Aerial View
Source: JaxGIS



The Required Notice of Public Hearing Sign Was Posted
Source: Planning and Development Department, COJ (Date: May 7, 2019)



Property View
Source: Planning and Development Department, COJ (Date: May 7, 2019)

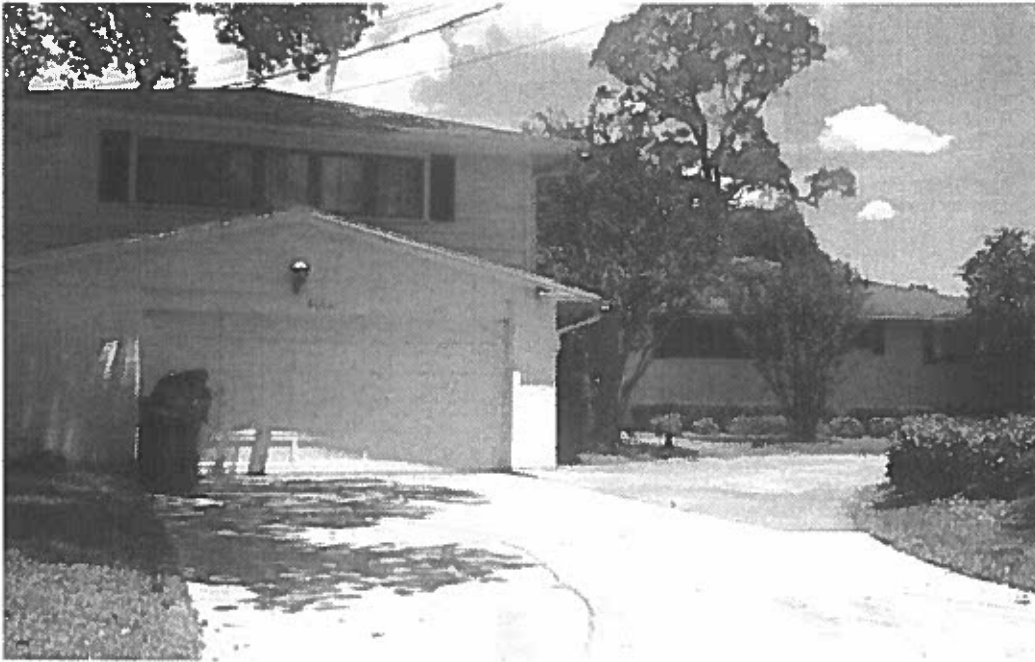


View of location for generator on Property



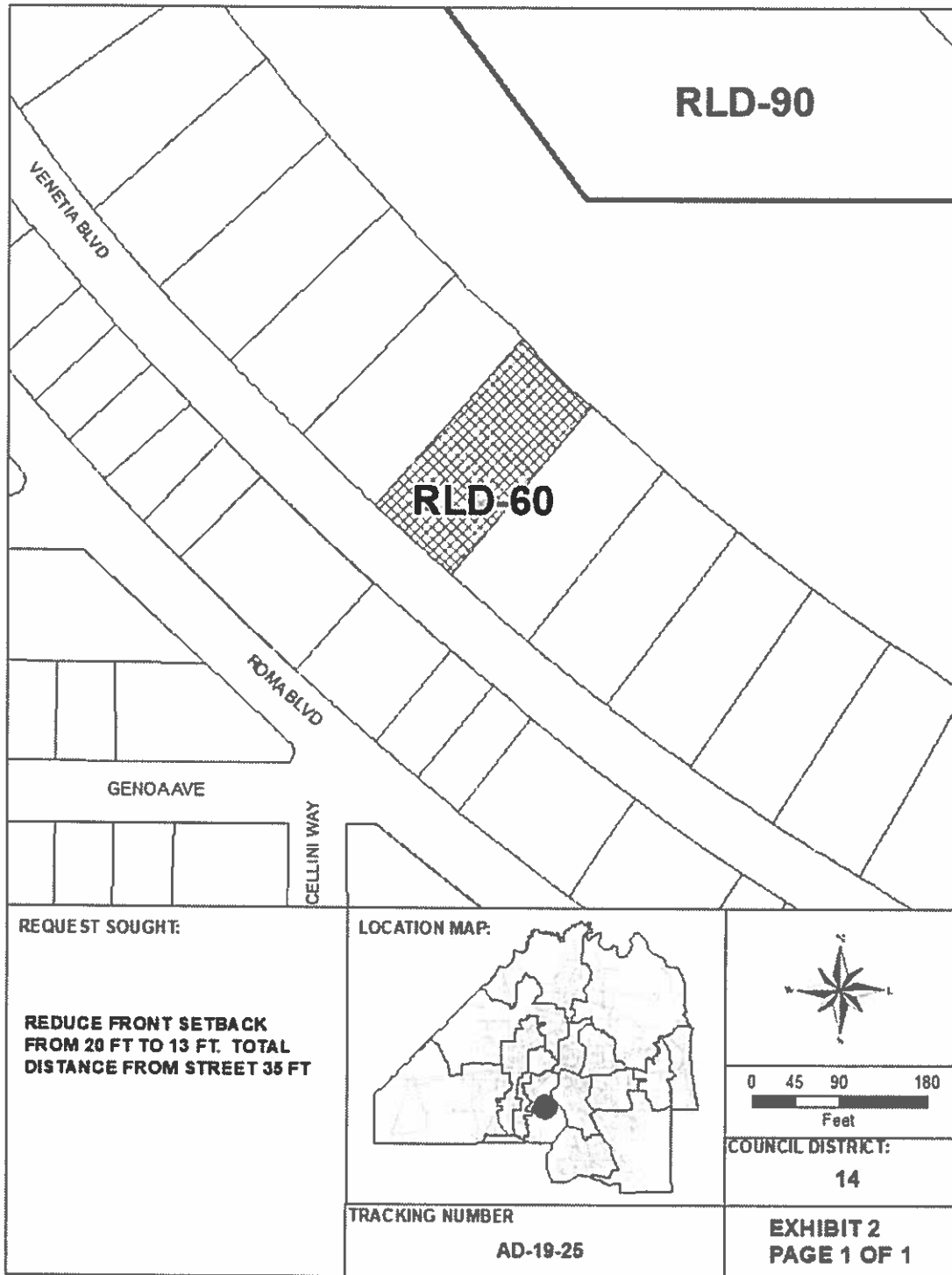
View of Properties to the West (AD-01-36)

Source: Planning and Development Department, COJ (Date: May 7, 2019)



View of Property to the East

Source: Planning and Development Department, COJ (Date: May 7, 2019)



Legal Map
Source: JaxGIS