

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

APPLICATION: **AD-19-33**

In re: The Zoning Administrative Deviation
Application of:

BREEZE HOMES, LLC

**ORDER APPROVING APPLICATION FOR ZONING
ADMINISTRATIVE DEVIATION AD-19-33**

This matter came to be heard upon the Application for Zoning Administrative Deviation filed by Breeze Homes, LLC, the owner of that certain real property located at 1306 Lake Shore Blvd. In accordance with Section 656.109 of the Zoning Code, the owner seeks permission to reduce the required second front yard from 10 to 3 feet for a corner lot. The property is located in the RMD-A zoning district.

At the noticed public hearing on June 21, 2019, the agent, Michael O'Neal, 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-19-33** 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 17 day of July, 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:
Breeze Homes, LLC
1538 Hendricks, Suite 2
Jacksonville, FL 32207
Owner

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AD-19-33

LOCATION: 1306 Lake Shore Boulevard Jacksonville, FL 32205

REAL ESTATE NUMBER: 066821-0000

DEVIATION SOUGHT:

1. Reduce required second front yard from ten (10) feet to three (3) feet for corner lot.

PRESENT ZONING: RMD-A

CURRENT LAND USE: MDR

PLANNING DISTRICT: 4

COUNCIL DISTRICT: 9

SIGNS POSTED: 1

OWNER:

Breeze Homes LLC
1538 Hendricks Avenue, Suite 2
Jacksonville, Florida 32207

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u> Unique. The proposed dwelling will be situated on a 0.06 acre corner lot with a secondary front yard along Woodcrest Road (see Figure A.) In an effort to allow for the development of a new dwelling, which will encroach into the ten (10) foot setback requirement, the applicant is requesting a reduction in setback to three (3) feet.</p> <p>Moreover, this situation is unique in that this is the first time in this area there has been a deviation request for a reduced secondary yard. Many of the surrounding lots have been combined to create 50 foot lots, however, the property owner has chosen to keep their property as 25 foot lots of record. The challenge that arises is due to the fact that the property is located on a corner, and must be built to current Zoning Code, which requires secondary front yards of at least 10 feet. The property owner faces issues with building reasonably sized dwellings on the two corner lots (Lots 23 and Lot 24) based on Zoning Code requirements.</p> <p><u>Findings:</u> 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> Yes. Practical and economic difficulties associated with carrying out the strict letter of the regulation include encroaching upon the required secondary</p>

	<p>yard setback. Adhering to the current setback minimums would not allow for a reasonably sized house to be built on the lot.</p> <p><u>Findings:</u> Adopt staff recommendation</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 request is not based exclusively upon the desire to reduce the cost of developing the site. Granting this deviation would accomplish a result in the public interest by enhancing property values. Based upon Staff's visual inspection, the property is currently undeveloped and approving this deviation allows for residential infill.</p> <p><u>Findings:</u> Adopt staff recommendation</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 is unlikely to diminish property values of the surrounding area or alter the essential character of the area, as the reduction of the secondary front yard would have minimal impact on the surrounding properties.</p> <p><u>Findings:</u> Adopt staff recommendation</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. It is unlikely that the proposed deviation will have a detrimental effect on public health, safety, or welfare, nor create a public expense or nuisance as there are no significant changes being made with the proposed site plan.</p> <p><u>Findings:</u> Adopt staff recommendation</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 deviation is in harmony of the spirit and intent of the Zoning Code, by encouraging redevelopment of blighted areas and aesthetic improvements that seek to protect the character and integrity of the neighborhood.</p> <p><u>Findings:</u> Adopt staff recommendation</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: APPROVE
DATE OF REPORT: 5/28/2019

ZONING ADMINISTRATORS DECISION: APPROVE
DATE: July 17, 2019

Figure A:



Source: Planning & Development Department, 5/21/2019

Aerial view of the subject site and parcel facing north.

Figure B:



Source: Planning & Development Department, 5/21/2019

Upon visual inspection, the Notice of Public Hearing sign was posted.

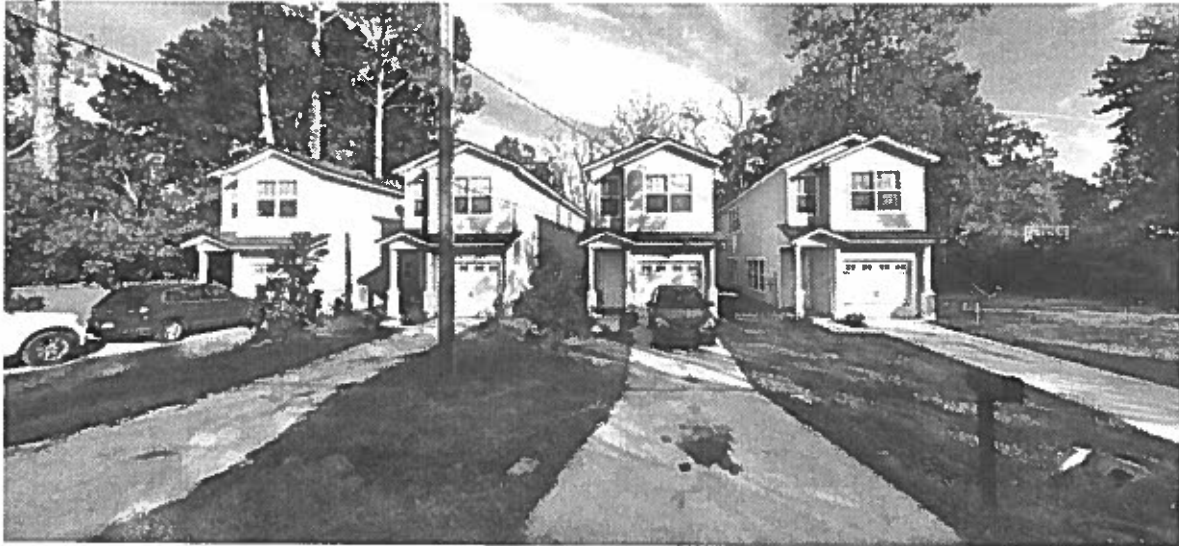
Figure C:



Source: Planning & Development Department, 05/21/2019

Primary front yard of the subject property, facing east on Lake Shore Boulevard.

Figure D:



Source: Planning & Development Department, 05/21/2019

Neighboring property to the north of the subject site, facing west on Mull Street.

