

AD-18-54

LOCATION: 2783 Mandarin Meadows Drive North

REAL ESTATE NUMBER: 159473-0000

DEVIATION SOUGHT:

1. Reduce required minimum lot area from 87,120 square feet to 32,670 square feet.

PRESENT ZONING: RR-Acre

CURRENT LAND USE: LDR

PLANNING DISTRICT: 3

COUNCILDISTRICT: 6

SIGNS POSTED: 1

OWNER:

Matthew C. Wood
2783 Mandarin Meadows Dr. N.
Jacksonville, FL 32223

AGENT:

William McCullough
Master Building Pros Inc.
9838 Old Baymeadows Rd #335
Jacksonville, FL 32256

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u> Similar. The subject property is seeking to reduce the minimum required square footage for two homes in Zoning District RR-Acre from 87,120 square feet to 32,670 square feet. The request is derived from the desire to renovate an already existing accessory structure (utility shed) into a guest house for aging relatives to live on the property. With the new addition to the accessory structure total living space is 817 square feet. The applicant has already begun renovation of the structure not including the kitchen but is requesting the deviation to include the kitchen for the safety and convenience for the aging relatives who would be occupying the space. In order to have two residential dwelling on one subject property the lot must have double the required square footage and width in order to accommodate the two dwellings and be in compliance with the zoning code. The minimum requirements for one dwelling in Zoning District RR-Acre is 43,560 square feet and 100 feet of frontage. The subject property only has 32,670</p>
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	<p>square feet and therefore does not meet the requirements of square footage for two dwellings. The subject property has not changed in size since it was originally plotted.</p> <p>This Administrative Deviation has a companion waiver application (2018-831) WRF-18-24 which is requesting a reduction of the required minimum road frontage from 160 feet to 100 feet. Approving both applications will set a precedent for other properties within the neighborhood in similar size to create second dwellings on their property and potentially renting them out to individuals. It's not the intent of the Planning and Development Department to approve the creation of non-conforming lots that circumvent the zoning code.</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> No. There are no practical and economic difficulties associated with carrying out the strict letter of the regulation. The applicant is currently having to make renovations to the existing accessory structure that could easily not include a kitchen and therefore would meet the requirements for a single-family dwelling in Zoning District RR-Acre with an accessory structure.</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> Yes. The request is not based exclusively upon a desire to reduce the cost of developing the site but rather is a request to circumvent the zoning code in order to create a structure that ordinarily would not be permitted on the subject property. The request would not accomplish a result that is in the public's best interest but would rather give other properties the opportunity to create structures in similar nature to rent out for extra income and create over populated neighborhood with out of character properties.</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</p>	<p><u>Recommendation:</u> No. The proposed deviation not substantially diminish property values and alter the essential character of the surrounding area. There are many similar lots within the surrounding neighborhood that could request deviations in required square footage and widths in order to create second</p>

<p>others whose property would be affected by the deviation, in that...</p>	<p> dwellings on smaller lots. Construction of multiple homes on lots will create a nuisance out of character with the neighborhood that is strictly single-family dwellings.</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> No. The requested deviations will be detrimental to the public health, safety or welfare, and will result in a public expense or the creation of nuisances in the neighborhood. If approved, other lots along Mandarin Meadows Drive North could decide to seek similar deviations in order to construct second dwellings.</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> No. 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 negatively affect the public’s health or safety, by allowing for an existing lot to create a second dwelling without having the required footage and minimum road frontage. It is not the intent of the Planning and Development Department to create properties that are not in compliance with the zoning code and by approving this request will set a precedent for other lots to seek similar deviations in order to have second dwellings for unforeseen uses in the future.</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>There are no existing Zoning Code violations associated with the subject property.</p>

PLANNER RECOMMENDATION: Deny

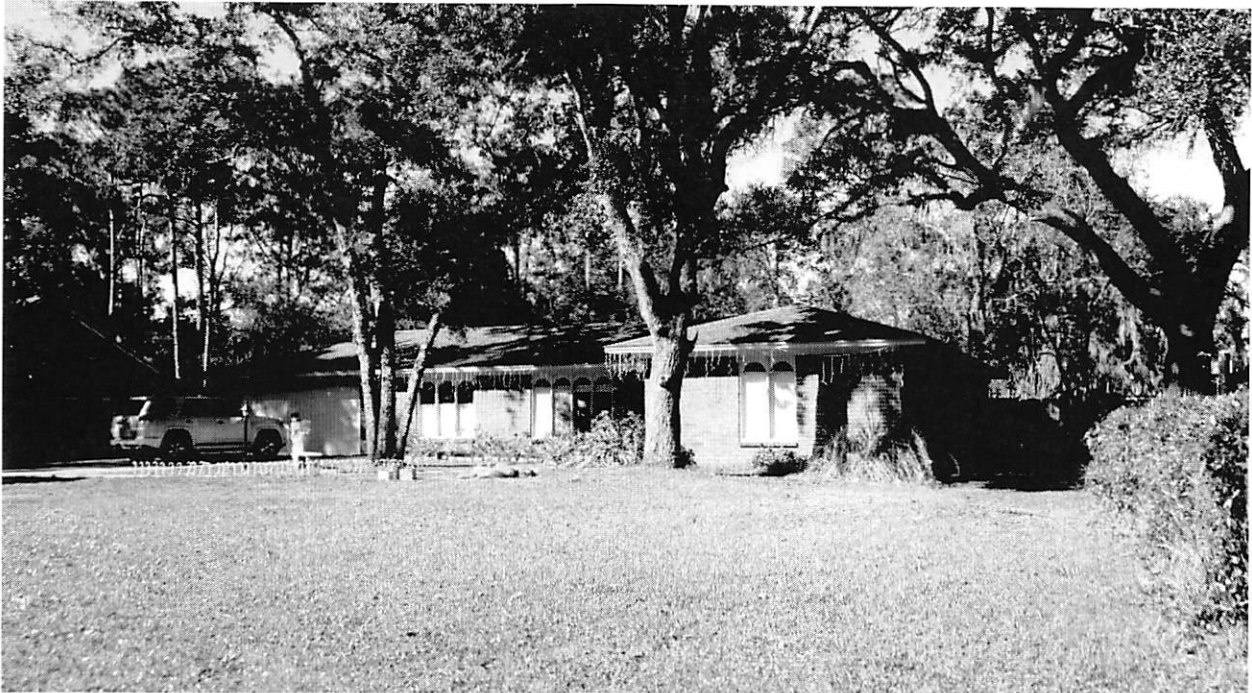
DATE OF REPORT: January 15, 2019



Aerial View
Source: JaxGIS



The Required Notice of Public Hearing Signs Were Posted
Source: Planning and Development Department, COJ (Date: December 28, 2018)



Property View

Source: Planning and Development Department, COJ (Date: December 28, 2018)



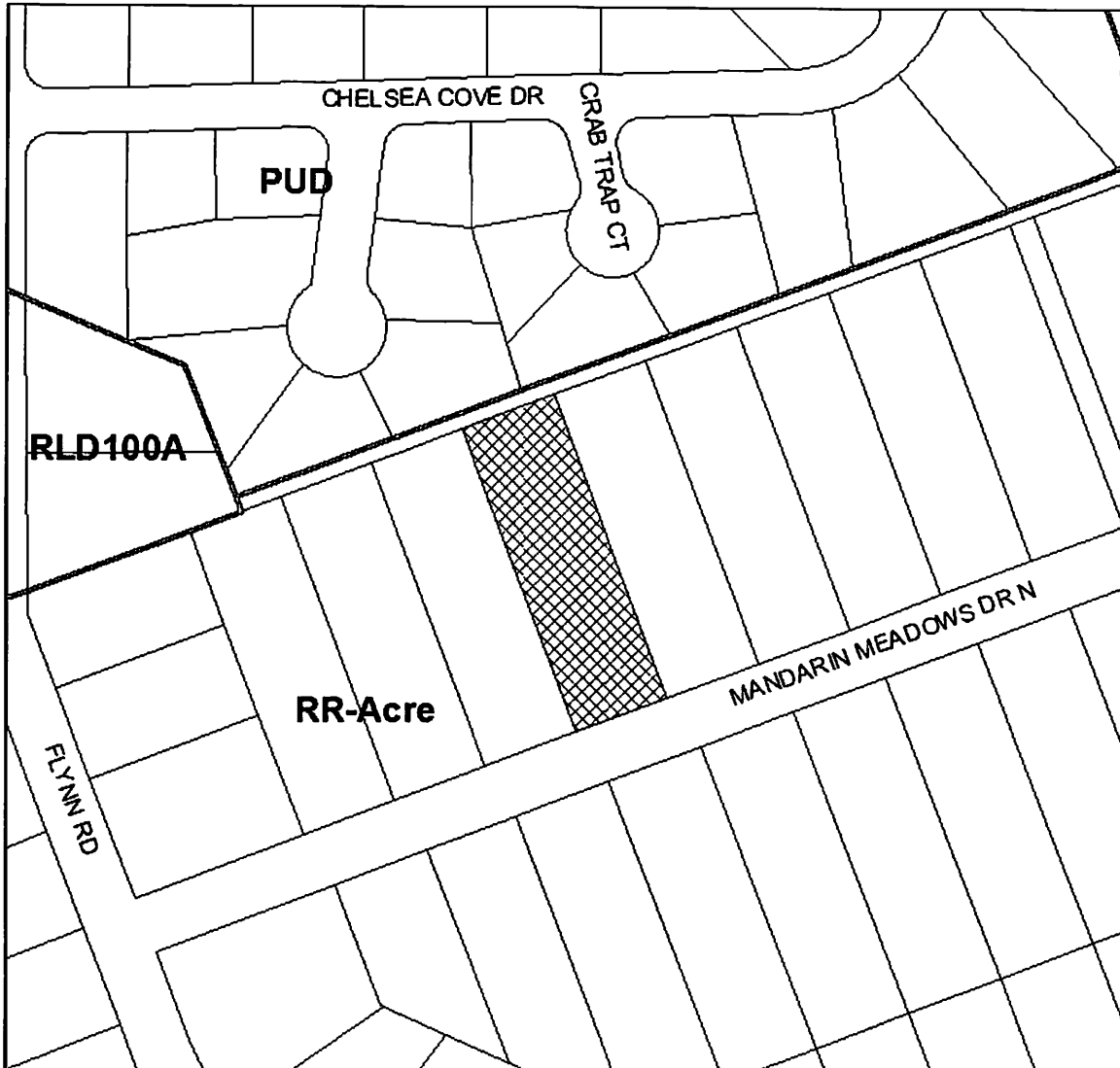
Property to the West: 2773 Mandarin Meadows Dr. N

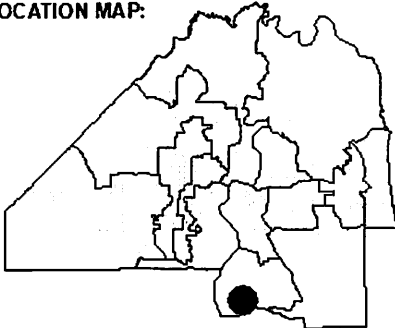

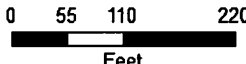
Source: Planning and Development Department, COJ (Date: December 28, 2018)



Property to the East: 2795 Mandarin Meadows Dr. N

Source: Planning and Development Department, COJ (Date: December 28, 2018)



<p>REQUEST SOUGHT:</p> <p>REDUCTION OF LOT AREA</p>	<p>LOCATION MAP:</p> 	  <p>0 55 110 220 Feet</p>
	<p>APPLICATION NUMBER</p> <p>AD-18-54</p>	<p>COUNCIL DISTRICT:</p> <p>6</p> <p>EXHIBIT 2</p>

Legal Map
Source: JaxGIS

Date Submitted:
Date Filed: 10-11-18

Application Number: A.D. 18-54
Public Hearing:

Zoning Application for an Administrative Deviation

City of Jacksonville, Florida
Planning and Development Department

OCT - 9 2018

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: RR-Acre	Current Land Use Category: LDR	
Deviation Sought: Reduction of Lot Area	Applicable Section of Ordinance Code: 656.304. A. 1. (d)(2)	
Council District: 6	Planning District: 3	
Previous Zoning Applications Filed (provide application numbers): None		
Notice of Violation(s): None Found		
Number of Signs to Post: 1	Amount of Fee:	Zoning Asst. Initials: mlehmn
Neighborhood Associations: Ole Mandarin Neighborhood Association Hammock Oaks Beautification Committee, Chelsea Cove HOA		
Overlay: None		

PROPERTY INFORMATION	
1. Complete Property Address: 2783 Mandarin Meadows Dr N, Jacksonville, FL 32223	2. Real Estate Number: 159473-0000
3. Land Area (Acres): .75	4. Date Lot was Recorded: 1974
5. Property Located Between Streets: Mandarin Meadows & PT Petty	6. Utility Services Provider: City Water / City Sewer <input type="checkbox"/> Well / Septic <input checked="" type="checkbox"/>
7. In whose name will the Deviation be granted: Matthew C Wood and Amanda	
8. Is transferability requested? <i>If approved, the administrative deviation is transferred with the property.</i>	
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

9. Deviation Sought:

- Reduce Required Minimum Lot Area from 43560sf to 32670sf feet.
- Increase Maximum Lot Coverage from _____ % to _____ %.
- Increase Maximum Height of Structure from _____ to _____ feet.
- Reduce Required Yard(s) _____
- Reduce Minimum Number of Off-street Parking Spaces from _____ to _____.
- Increase the Maximum Number of Off-street Parking Spaces from _____ to _____.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-1 zoning district from a residential zoning district from a minimum of 15 feet to _____.
- Reduce setback for any improvements other than landscaping, visual screening or retention in the CCG-2 zoning district from a residential zoning district from a minimum of 25 feet to _____.
- Decrease minimum number of loading spaces from _____ required to _____ loading spaces.
- Reduce the dumpster setback along _____ from the required 5 feet to _____ feet.
- Decrease the minimum number of bicycle parking spaces from _____ required to _____ spaces.
- Reduce the minimum width of drive from _____ feet required to _____ feet.
- Reduce vehicle use area interior landscape from _____ sq. ft. required to _____ sq. ft.
- Increase the distance from the vehicle use area to the nearest tree from 55 feet maximum to _____ provided as indicated on the Landscape Site Plan dated _____.
- Reduce the number of terminal island trees from _____ terminal islands required to _____ terminal islands as indicated on the Landscape Site Plan dated _____.
- Reduce the landscape buffer between vehicle use area along _____ from 10 feet per linear feet of frontage and 5 feet minimum width required to _____ feet per linear feet of frontage and _____ feet minimum width.
- Reduce the number of shrubs along _____ from _____ required to _____ shrubs and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the number of trees along _____ from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.
- Reduce the perimeter landscape buffer area between vehicle use area and abutting property along the north / east / south / west property boundary from 5 feet minimum width required to _____ feet. (Circle)
- Reduce the number of trees along the north / east / south / west property boundary from _____ required to _____ trees and relocate as indicated on the Landscape Site Plan dated _____.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access from _____ from 24 / 36 / 48 feet required to _____ feet.

(Circle)

Increase the maximum / Decrease the minimum width of the driveway access to adjoining property along the north / east / south / west property boundary from 24 feet required to _____ feet.

(Circle)

Reduce the uncomplimentary land use buffer width along the north / east / south / west property boundary from 10 feet wide required to _____ feet wide.

(Circle)

Reduce the uncomplimentary land use buffer trees along the north / east / south / west property boundary from _____ required to _____ trees.

(Circle)

Reduce the uncomplimentary land use buffer visual screen along the north / east / south / west property boundary from 6 feet tall and 85 % opaque required to _____ feet tall and _____ %.

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name: Matthew C Wood	11. E-mail: mattwood1317@gmail.com
12. Address (including city, state, zip): 2783 Mandarin Meadows Dr N Jacksonville, FL 32223	13. Preferred Telephone: 330-612-3223 Amanda Wood (Wife)

APPLICANT'S INFORMATION (if different from owner)

14. Name: Master Building Pros Inc., William McCullough	15. E-mail: wmccullough@masterbuildingpros.com
16. Address (including city, state, zip): 9838 Old Baymeadows Rd #335 Jacksonville, FL 32256	17. Preferred Telephone: 904-574-1933

CRITERIA

Section 656.101(a), Ordinance Code, defines an administrative deviation as "a relaxation of the terms of the Zoning Code requirements for minimum lot area, yards, number of off-street parking spaces, landscaping, maximum lot coverage and maximum height of structures, including fences, which the Zoning Administrator is authorized to grant pursuant to the procedures set forth in Section 656.109(e) through (j)."

Section 656.109(e) through (j), Ordinance Code, provides that, with respect to action upon Applications for Administrative Deviations, the Zoning Administrator shall grant a deviation only if substantial competent evidence exists to support a positive finding based on each of the following criteria:

- 1. The need for the proposed deviation arises out of the physical surroundings, shape, topographic condition or other physical or environmental conditions that are limited to the subject property alone; or this issue is common to numerous sites.***
- 1. There are practical or economic difficulties in carrying out the strict letter of the regulation;***
- 2. The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result that is in the public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees.***
- 3. 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;***
- 4. 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;***
- 5. The proposed deviation has been recommended by a City landscape architect, if the deviation is to reduce required landscaping; and***
- 6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.***

If the deviation is proposed to correct an existing violation, the Zoning Administrator shall also consider the following:

- (i) Whether the violation was created by the applicant with the intent to violate the provisions of this Zoning Code;***
- (ii) The length of time the violation has existed without receiving a citation; and***
- (iii) Whether the violation occurred as a result of construction which occurred prior to the acquisition of the property by the owner.***

18. Given the above definition of an "administrative deviation" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the deviation is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the deviation and to meet the criteria set forth above may result in a denial.

Property Owner seeks to an "Administrative Deviation" to allw the Classification of Utility Shed (Shown on the Current Survey) as a "Dwelling". The current Zoning is RR, which Requires 1 + Acre of land for more than one dwelling on the property. Owner wishes to Remodel the current structure to meet all Local and State Building Codes. The renovated structure will be missing a Kitchen Only to make it a Dwelling.

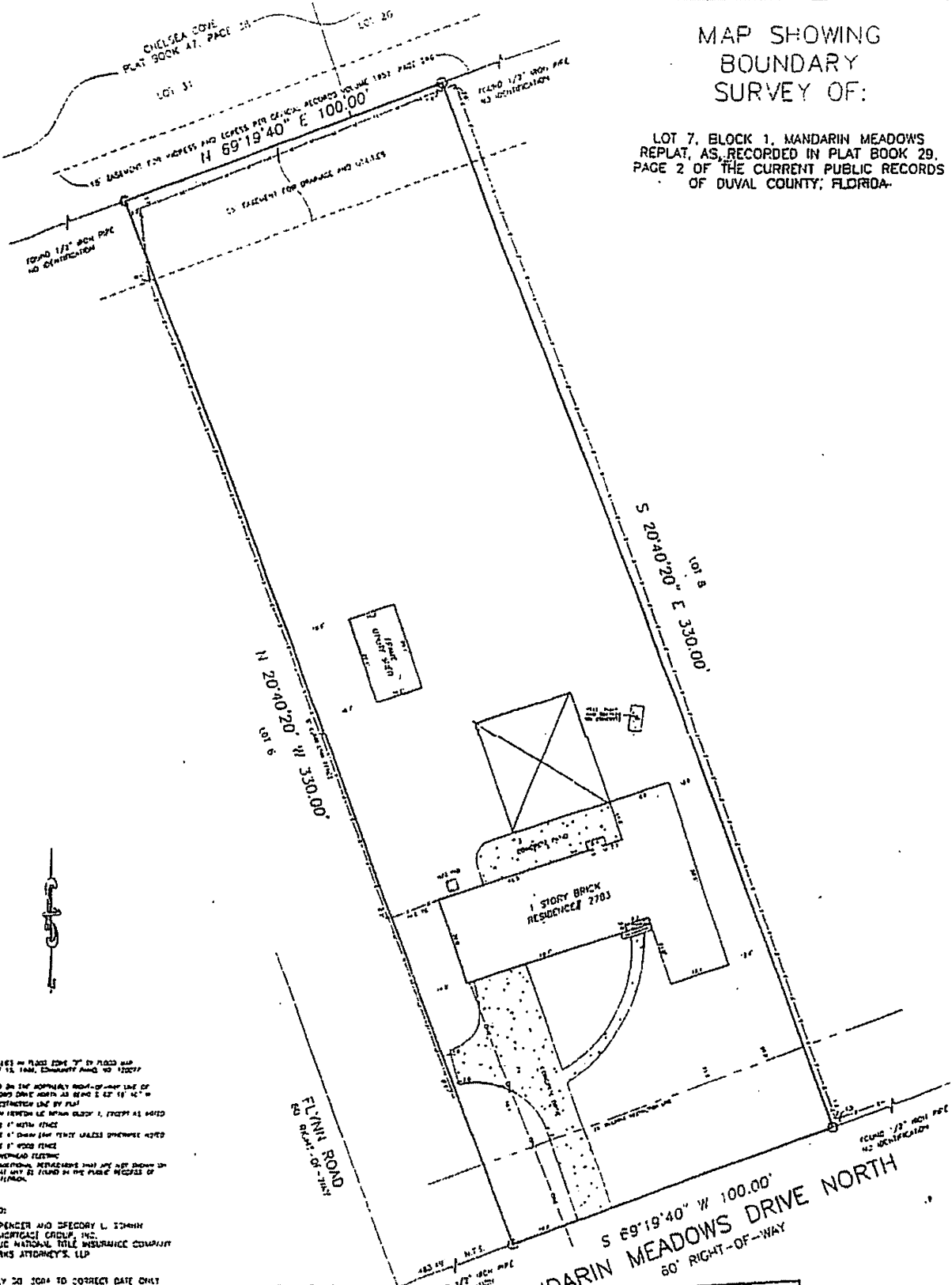
The Owner would like to use this space as a Guest House for aging relatives to live on the property. Please see the attached Architectural and Structural Plans for further explanation.

Owner has Currently started the process of remodeling the existing structure without the Kitchen, but would like to have this added for the safety and convenience for aging occupants that will use the structure.

2361

MAP SHOWING BOUNDARY SURVEY OF:

LOT 7, BLOCK 1, MANDARIN MEADOWS
REPLAT, AS RECORDED IN PLAT BOOK 29,
PAGE 2 OF THE CURRENT PUBLIC RECORDS
OF DUVAL COUNTY, FLORIDA.



NOTES:
 THIS PROPERTY LIES IN PLACE 200' TO PLACE AND
 CROWN 100' TO 120' FROM EXISTING ROAD TO 1200' TO
 2012'.
 ALL DIMENSIONS SHOWN ON THIS MAP ARE BASED ON THE
 SURVEY MADE BY THE SURVEYOR AND THE LINE OF
 MANDARIN MEADOWS DRIVE NORTH AS BEING 2' 10" W
 32' SURVEY DISTANCE LINE BY PLAT.
 ALL LINES SHOWN HEREON ARE WITHIN 0.01', EXCEPT AS NOTED.
 -U- LOCATES 4" METAL PINNACLES
 -S- LOCATES 4" DRAIN LINE PIPES UNLESS OTHERWISE NOTED
 -H- LOCATES 8" WOOD FINISH
 ONE CENTIMETER OVERHEAD PLUMBING
 THERE MAY BE ADDITIONAL MEASUREMENTS AND NOT SHOWN ON
 THIS MAP THAT MAY BE FOUND IN THE PUBLIC RECORDS OF
 DUVAL COUNTY, FLORIDA.

CERTIFIED TO:
 KAREN Y. SPENCER AND GREGORY L. SCHMIDT
 AON AUTO MORTGAGE GROUP, INC.
 OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
 RYAN & MARKS ATTORNEYS, LLP

REVISED JULY 20 2004 TO CORRECT DATE ONLY

DURDEN
 SURVEYING AND MAPPING, INC.
 8155 LINDSEY ROAD
 JACKSONVILLE, FLORIDA 32216
 (904) 734-0288 FAX (904) 734-0154
 LICENSED BUSINESS AND 8181

I HEREBY CERTIFY THAT THIS SURVEY MEETS THE
 USUAL TECHNICAL STANDARDS AS SET FORTH BY
 THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT
 TO THE FLORIDA PROFESSIONAL STATUTES AND CHAPTER
 11017, FLORIDA ADMINISTRATION CODE.

[Signature]
 LAND SURVEYOR LICENSE NO. 10000
 EXPIRES 12/31/2005
 THE PUBLIC RECORDS SECTION
 HAS FILED THIS MAP
 FILE NUMBER 2004-111

THIS SURVEY NOT VALID UNLESS THIS PRINT IS IMPRINTED WITH THE SEAL OF THE ABOVE ENGINEER.

NOTE: All work performed within an
 easement or a Public Right-of-Way
 requires a separate permit by the
 Dept. of Public Works. Provide a
 min 3' clearance from the edge of
 driveway to any structure such as
 inlets, transformers, poles, etc.
 in right-of-way or easement. 1/24/04



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Lenny Curry, Mayor

City Hall at St. James
117 W. Duval St.
Jacksonville, FL 32202
(904) 630-CITY
www.coj.net

December 6, 2019

The Honorable Aaron Bowman, President
The Honorable Matt Schellenberg, LUZ Chair
And Members of the City Council
City Hall
117 West Duval Street
Jacksonville, Florida 32202

**RE: Planning Commission Advisory Report
Ordinance No.: 2018-855**

Dear Honorable Council President Bowman, Honorable Council Member and LUZ Chairperson Schellenberg and Honorable Members of the City Council:

Pursuant to the provisions of Section 656.129 *Advisory recommendation on amendment to Zoning Code or rezoning of land* of the Zoning Code, the Planning Commission voted to recommend **deferral** pending submittal of an application, a revised application, re-advertising or additional information.

- PC Vote: 9-0
- PC Commentary: There were no speakers in opposition and little discussion among the Commissioners.

If you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,

Bruce E. Lewis
City Planner Supervisor – Current Planning Division
City of Jacksonville - Planning and Development Department
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7820
blewis@coj.net