

Citizen Advocacy Information  
for  
Administrative Deviation Zoning Applications

*This summary was prepared by Riverside Avondale Preservation for use by its constituents and other members of the general public who are interested in participating in the public process or public hearing.*

*Please note this is an unofficial guide and represents the process to the best of our knowledge at this point in time. The process or dates are subject to change by the City of Jacksonville. Information should be confirmed with Planning and Development Department, (904-255-7800) or by visiting the planning and development department website [here](#).*

**I. Process Overview for an Administrative Deviation with no companion application.** (Note: Applications with a waiver or exception companion follow a different process.)

1. The process begins when an applicant submits an application to the City's Planning and Development Department, filling out the [application for administrative deviation form](#) that defines the requirements and criteria. **These applications, once filed and paid for, are public information and anyone may request a copy of the application.**

1. Contact: Planning and Development Department, 904-255-7800
2. Completed applications can be viewed [here](#). Type the application number into the search bar and submit to see the application data.

*NOTE: Sometimes the applicant will make changes to the site plan and resubmit a revised application. This can come as late as the date of the hearing, so the status of proposed changes are not always known by all parties. In some cases, neighbors or neighborhood associations (such as RAP) negotiate with the applicant to seek changes.*

2. The City's Planning Staff reviews the application for sufficiency (completeness), and schedules a public hearing by the Zoning Administrator. Agendas are published and can be followed on [this link to the Administrative Deviation](#) part of the coj.net website.
3. The Planning Staff reviews the application and writes a staff report. They may recommend approval, denial, or approval with conditions. **This staff report is public information and may be requested via the planning department.** Usually the report is completed about a week prior to the public hearing, but timing can vary. The report is a recommendation, and is not binding.
4. The Zoning Administrator conducts the public hearing and will make a decision based on the staff report, the application, applicant arguments, and public input. If there is a deferral then the public hearing is usually held, but another public hearing is scheduled at which time the decision would be made.
5. Decisions may be appealed within a certain timeframe, usually 21 days. Appeals have their own processes and costs. For AD decisions, the appeal will be heard by the Planning Commission. Please contact the City of Jacksonville's Planning and Development Department or Office of General Council with questions relating to appeals.

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**II. Opportunity for Public Input**

1. Throughout the process, any citizen may email to express their views.
  - Zoning Administrator is Sean Kelly: [skelly@coj.net](mailto:skelly@coj.net).
  - You may also copy: Folks Huxford, Chief, Current Planning Division [fhuxford@coj.net](mailto:fhuxford@coj.net), and
  - Bill Killingsworth, the Director of Planning and Development, [billk@coj.net](mailto:billk@coj.net).

*NOTE: The City Council is not involved with this type of application. Appeals would be heard by the Planning Commission, and further appeals to circuit court.*

2. Citizens may speak at the public hearing. Usually there is a three minute time limit.
3. **Tips for speaking or writing:**
  - a) State who you are along with your home address and why you have an interest or are affected by this application.
  - b) Keep to the time limit when speaking, so practice ahead of time.
  - c) Review the criteria, and prepare your argument to address the specific items that are being requested and how they meet or do not meet the criteria. (See next section for criteria.) You may choose to focus on one or two of the most important criteria that addresses your need or concern.
  - d) Provide support and evidence, if possible. Acceptable evidence may be maps, photos, substantiated data (sourced by professional), or points that discuss how the proposed structure compares to what is around it (height, mass, scale, use, etc.), or factors such as traffic, noise, visual, and other impacts that would negatively impact neighbors.
  - e) Limit opinions to those supported by facts or pertain to the application's criteria.
  - f) If in favor, clearly articulate what is the public benefit.
  - g) If opposed, clearly articulate why will this create harm, and to whom.

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## Decision Criteria for Administrative Deviation

This excerpt of the [application form](#) outlines the decision criteria that must be followed. The application must satisfy all six criteria. Citizen concerns should identify the specific criteria in their discussion.

CRITERIA
<p>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).”</p> <p>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:</p> <ol style="list-style-type: none"><li><b><i>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.</i></b><ol style="list-style-type: none"><li><i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i></li><li><i>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.</i></li><li><i>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;</i></li><li><i>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;</i></li><li><i>The proposed deviation has been recommended by a City landscape architect, if the deviation is to reduce required landscaping; and</i></li><li><i>The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.</i></li></ol></li></ol> <p>If the deviation is proposed to correct an existing violation, the Zoning Administrator shall also consider the following:</p> <ol style="list-style-type: none"><li><i>Whether the violation was created by the applicant with the intent to violate the provisions of this Zoning Code;</i></li><li><i>The length of time the violation has existed without receiving a citation; and</i></li><li><i>Whether the violation occurred as a result of construction which occurred prior to the acquisition of the property by the owner.</i></li></ol>