

# Application For Administrative Deviation

## Planning and Development Department Info

**Application #** N/A **Staff Sign-Off/Date** N/A / N/A  
**Filing Date** N/A **Number of Signs to Post** N/A  
**Current Land Use Category** N/A  
**Deviation Sought** N/A  
**Applicable Section of Ordinance Code** N/A  
**Notice of Violation(s)** N/A  
**Hearing Date** N/A  
**Neighborhood Association** N/A  
**Overlay** N/A

## Application Info

**Tracking #** 5399 **Application Status** FILED COMPLETE  
**Date Started** 01/05/2024 **Date Submitted** 01/05/2024

## General Information On Applicant

**Last Name**  **First Name**  **Middle Name**   
**Company Name**   
**Mailing Address**   
**City**  **State**  **Zip Code**   
**Phone**  **Fax**  **Email**

## General Information On Owner(s)

**Last Name**  **First Name**  **Middle Name**   
**Company/Trust Name**   
**Mailing Address**   
**City**  **State**  **Zip Code**   
**Phone**  **Fax**  **Email**

## Property Information

**Previous Zoning Application Filed?**   
**If Yes, State Application No(s)**

Map RE#	Council District	Planning District	Current Zoning District(s)
Map 014518 0000	14	4	CCG-1

Ensure that RE# is a 10 digit number with a space (##### #)

**Total Land Area (Nearest 1/100th of an Acre)**

**In Whose Name Will The Deviation Be Granted**  
BURGER KING COMPANY, LLC

**Is transferability requested?**  Yes  No

If approved, the administrative deviation is transferred with the property.

**Location Of Property**

**General Location**

SOUTH SIDE OF 103RD STREET, APPROX 1,000 FT WEST OF I-295

House #	Street Name, Type and Direction	Zip Code
7320	103RD ST	32210

**Between Streets**

REDSTONE DRIVE and FIRESTONE ROAD

**Utility Services Provider**

City Water/City Sewer  Well/Septic  City Water/Septic  City Sewer/Well

**Deviation sought**

**Click on a check box to provide details pertaining to the deviation sought.**

- Reduce required minimum lot area from [ ] to [ ] square 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 [ ] feet.
  - 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 [ ] feet.
  - Decrease minimum number of loading spaces from [ ] required to [ ] loading spaces.
- Reduce the dumpster setback from the required **5** feet along:
- North to [ ] feet;
  - East to [ ] feet;
  - South to [ ] feet;
  - West 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 [ ] square feet to [ ] square feet.
  - Increase the distance from the vehicle use area to the nearest tree from **55** feet maximum to [ ] feet.
  - Reduce the number of terminal island trees from [ ] terminal islands required to [ ] terminal islands.

Reduce the landscape buffer between vehicle use area along  
Enter Street Name \_\_\_\_\_ 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 Enter Street Name \_\_\_\_\_ from \_\_\_\_\_  
required to \_\_\_\_\_ shrubs.

Reduce the number of trees along Enter Street Name \_\_\_\_\_ from \_\_\_\_\_  
required to \_\_\_\_\_ trees.

Reduce the perimeter landscape buffer area between vehicle use area and abutting property from  
**5** feet minimum width required along:

North boundary to \_\_\_\_\_ feet;

East boundary to 0 \_\_\_\_\_ feet;

South boundary to \_\_\_\_\_ feet;

West boundary to \_\_\_\_\_ feet.

Reduce the number of trees along:

North property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees;

East property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees;

South property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees;

West property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees.

Increase the maximum width of the driveway access from Enter Street Name \_\_\_\_\_  
from  24  36  48 feet required to \_\_\_\_\_ feet.

Decrease the minimum width of the driveway access from Enter Street Name \_\_\_\_\_  
from  24  36  48 feet required to \_\_\_\_\_ feet.

Increase the maximum width of the driveway access to adjoining property from **24** feet required  
along:

North to \_\_\_\_\_ feet;

East to \_\_\_\_\_ feet;

South to \_\_\_\_\_ feet;

West to \_\_\_\_\_ feet.

Decrease the minimum width of the driveway access to adjoining property from **24** feet required  
along:

North to \_\_\_\_\_ feet;

East to \_\_\_\_\_ feet;

South to \_\_\_\_\_ feet;

West to \_\_\_\_\_ feet.

Reduce the uncomplimentary land use buffer width from **10** feet wide required along:

North property boundary to \_\_\_\_\_ feet wide;

East property boundary to \_\_\_\_\_ feet wide;

South property boundary to \_\_\_\_\_ feet wide;

West property boundary to \_\_\_\_\_ feet wide.

Reduce the uncomplimentary land use buffer trees along:

North property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees;

East property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees;

South property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees;

West property boundary from \_\_\_\_\_ required to \_\_\_\_\_ trees.

Reduce the uncomplimentary land use buffer visual screen from **6** feet tall and **85** % opaque required along:

- North property boundary to  feet tall and  %;
- East property boundary to  feet tall and  %;
- South property boundary to  feet tall and  %;
- West property boundary to  feet tall and  %.

### Required Attachments

The following items must be attached to the application.

- Survey
- Site Plan
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description - may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof Of Property Ownership - may be print-out of property appraiser record card if individual owner, <https://paopropertysearch.coj.net/Basic/Search.aspx>, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <https://search.sunbiz.org/Inquiry/CorporationSearch/ByName>

### Supplemental Information

- Letter From DCFS, Department of Children and Family Services - day care uses only
- Letter from the applicable Home Owner's Association, stating that the request meets their architectural and aesthetic requirements; or letter stating that the subject parcel is not within the jurisdiction of a Home Owner's Association - residential only
- Elevations, must be drawn to scale - height increase requests only

### 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:

**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.**

THE PROJECT IS A BUILDING REMODEL WITH SITE IMPROVEMENTS ONLY BASED ON CITY AND/OR FDOT REQUIREMENTS. THE EXISTING EASTERN LOT LINE HAS ZERO VUA BUFFER AND THE DRIVE-THRU/BYPASS LANE IS PROPOSED TO REMAIN IN THE EXISTING CONDITION BASED ON THE BUILDING LOCATION AND NO CHANGE CREATING A HARDSHIP

1. There are practical or economic difficulties in carrying out the strict letter of the regulation;

REDEVELOPMENT ASSOCIATED TO A REMODEL CAUSES EXTRA CONSTRAINTS THAT MAY NOT OTHERWISE BE REALIZED AS IT INHERITS THE NON-COMPLIANCE. THE LOCATION OF THE BUILDING AND REQUIREMENT FOR BYPASS LANE TO THE DRIVE-THRU MAKE ITS INFEASIBLE TO MEET THE CODE REQUIREMENT FOR THE SITE.

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.

THE REQUEST IS NOT BASED ON A COST REDUCTION AND ONLY ON THE EXISTING BUILDING LOCATION, DRIVE-THRU AND BYPASS LANE CREATING AN EXISTING NON-COMPLIANCE.

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;

THE DEVIATION BEING REQUESTED WILL REMAIN IN THE EXISTING CONDITION BETWEEN TWO COMMERCIAL PROPERTIES. THE PROPERTY TO THE EAST HAS A LANDSCAPE BUFFER THAT WILL REMAIN PROVIDING A SMALL BREAK BETWEEN THE DEVELOPMENTS.

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;

THE DEVIATION BEING REQUESTED IS BASED ON THE EXISTING CONDITION BETWEEN TWO COMMERCIAL PROPERTIES WITH ABUTTING VEHICLE USE AREAS THAT WILL REMAIN UNCHANGED.

5. The proposed deviation has been recommended by a City landscape architect, if the deviation is to reduce required landscaping; and

N/A

6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.

THE ABUTTING PROPERTY HAS AN EXISTING LANDSCAPE BUFFER THAT WILL REMAIN AND AS SUCH BELIEVE THE INTENT IS BEING MET; THE NORTH, WEST, AND SOUTH VUA BUFFERS ARE ALL COMPLIANT.

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;

N/A

(ii) The length of time the violation has existed without receiving a citation; and

N/A

(iii) Whether the violation occurred as a result of construction which occurred prior to the acquisition of the property by the owner.

N/A

## Public Hearings

Please review your application. No application will be accepted until all of the requested information has been supplied and the required fee has been paid. The acceptance of an application as being complete does not guarantee its approval by the Planning Commission. The owner and/or authorized agent must be present at the public hearing.

The required public notice signs must be posted on the property within five (5) working days after the filing of this application. Sign(s) must remain posted and maintained until a final determination has been made on the application.

## Application Certification

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

Agreed to and submitted

## Filing Fee Information

<b>1) Non-residential District Base Fee</b>	\$952.00
<b>2) Plus Notification Costs Per Addressee</b>	
<b>15 Notifications @ \$7.00/each:</b>	\$105.00
<b>3) Total Application Cost:</b>	\$1,057.00

\* Applications filed to correct existing zoning violations are subject to a double fee.

**\*\* The fee for the advertisement is in addition to the above fees. The newspaper will send the invoice directly to the applicant.**

**Property Ownership Affidavit – Limited Liability Company (LLC)**

Date: 3/05/2024

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Suite 300,  
Jacksonville, Florida 32202

Re: Property Owner Affidavit for the following site location in Jacksonville, Florida:  
Address: 7320 103rd Street, Jacksonville, FL 32210 RE#(s): 014518-0000

To Whom it May Concern:

I Vicente Tome, as Manager of Burger King Company, LLC,  
a Limited Liability Company organized under the laws of the state of Florida, hereby certify  
that said LLC is the Owner of the property described in Exhibit 1 in connection with filing application(s)  
for Administrative Deviation submitted to the Jacksonville Planning and Development  
& Sign Waiver  
Department.

(signature) *Vicente Tome*

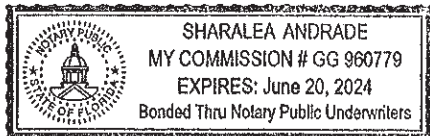
(print name) Vicente Tome

Please provide documentation illustrating that signatory is an authorized representative of the LLC. This may be shown through a printout from sunbiz.org showing that the person is either a "sole member" or a "managing member." Other persons may be authorized through a resolution, power of attorney, etc.

**STATE OF FLORIDA**  
**COUNTY OF ~~DUVAL~~ MIAMI-DADE**

Sworn to and subscribed and acknowledged before me by means of  physical presence or  online notarization, this 11 day of March 2024, by Vicente Tome, as manager, of Burger King Company, a Florida corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

*Sharalea Andrade*  
(Signature of NOTARY PUBLIC)



Sharalea Andrade  
(Printed name of NOTARY PUBLIC)

State of Florida at Large.  
My commission expires: 6/20/24

**Agent Authorization – Limited Liability Company (LLC)**

Date: 3/05/2024

City of Jacksonville  
Planning and Development Department  
214 North Hogan Street, Suite 300,  
Jacksonville, Florida 32202

Re: Agent Authorization for the following site location in Jacksonville, Florida:

Address: 7320 103rd Street, Jacksonville, FL 32210 RE#(s): 014518-0000

To Whom It May Concern:

You are hereby advised that Vicente Tome, as Manager of Burger King Company, LLC, hereby certify that the Burger King Company, LLC is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers John J Stoeckel, PE (MJ Stokes Consulting, LLC) to act as agent to file application(s) for Administrative Deviation & Sign Waiver for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

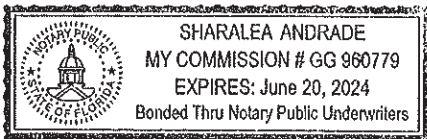
(signature) *[Handwritten Signature]*

(print name) Vicente Tome

**STATE OF FLORIDA**  
**COUNTY OF ~~DUVAL~~ MIAMI-DADE**

Sworn to and subscribed and acknowledged before me by means of  physical presence or  online notarization, this 11 day of March 2024, by Vicente Tome, as Manager, of Burger King Company a Florida corporation, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

*[Handwritten Signature]*  
(Signature of NOTARY PUBLIC)



Sharalea Andrade  
(Printed name of NOTARY PUBLIC)

State of Florida at Large. 6/20/24  
My commission expires: \_\_\_\_\_



THIS INSTRUMENT PREPARED BY:

Heileen Bell, Esq.  
Burger King Corporation  
5707 Blue Lagoon Drive  
Miami, Florida 33126

RETURN TO:

Sher Garner Cahill Richter Klein & Hilbert, L.L.C.  
Attn: Jonathan B. Cerise, Esq.  
909 Poydras Street, Suite 2800  
New Orleans, Louisiana 70112

**Note to Recorder: This instrument is exempt from Florida documentary stamp taxes pursuant to F.S. Sections 201.02 and 201.0201 as a transfer from a parent corporation to its wholly owned subsidiary without any change in beneficial ownership.**

#### WARRANTY DEED

This Warranty Deed made effective the 31<sup>ST</sup> day of August, 2022, by **BURGER KING CORPORATION**, a Florida corporation, hereinafter called the "Grantor," whose address is 5707 Blue Lagoon Drive, Miami, Florida 33126, to **BURGER KING COMPANY LLC**, a Florida limited liability company, hereinafter called the "Grantee," whose address is 5707 Blue Lagoon Drive, Miami, Florida 33126

WITNESSETH: That the Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other valuable consideration, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto Grantee, all that certain land situate in Duval County, Florida, viz:

SEE EXHIBIT "A" ATTACHED HERETO

TOGETHER with all the tenements, hereditaments, rights, ways, easements and appurtenances thereto belonging or in anywise appertaining, including, without limitation, any and all buildings and other improvements thereon.

TO HAVE AND TO HOLD, the same in fee simple forever.

AND the Grantor hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 2021, reservations, restrictions and easements of record, if any.

[signatures on following page(s)]

IN WITNESS WHEREOF, the Grantor has caused these presents to be executed in its name, and its corporate seal to be hereunto affixed, by its proper officers thereunto duly authorized, the day and year first above written.

Signed, sealed and delivered in our presence:

BURGER KING CORPORATION, a Florida corporation

Catherine Garcia  
Print Name: Catherine Garcia  
Witness

By: Michele Keusch  
Michele Keusch, Assistant Secretary

Crystal Ramirez  
Print Name: Crystal Ramirez  
Witness

STATE OF FLORIDA            )  
  ) SS.  
COUNTY OF MIAMI-DADE    )

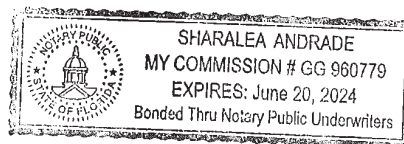
The foregoing instrument was acknowledged before me by means of  physical presence or  online notarization, this 22 day of August, 2022, by Michele Keusch, as Assistant Secretary of Burger King Corporation, a Florida corporation, on behalf of the corporation.  
Personally Known  OR Produced Identification

Type of Identification Produced: N/A

Sharalea Andrade  
(Signature of Notary Public)

\_\_\_\_\_  
(Print, Type, or Stamp Commissioned Name of Notary Public)

My Commission expires: \_\_\_\_\_



[Deed Signature Page for BK # 03616 - JACKSONVILLE, FL]



[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Florida Limited Liability Company  
BURGER KING COMPANY LLC

### Filing Information

<b>Document Number</b>	L22000043924
<b>FEI/EIN Number</b>	59-0787929
<b>Date Filed</b>	02/04/2022
<b>State</b>	FL
<b>Status</b>	ACTIVE
<b>Last Event</b>	CORPORATE MERGER
<b>Event Date Filed</b>	12/22/2022
<b>Event Effective Date</b>	12/23/2022

### Principal Address

5707 BLUE LAGOON DR  
MIAMI, FL 33126

### Mailing Address

5707 BLUE LAGOON DR  
MIAMI, FL 33126

### Registered Agent Name & Address

C T CORPORATION SYSTEM  
1200S PINE ISLAND RD  
PLANTATION, FL 33324

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

CURTIS IV, THOMAS B  
5707 BLUE LAGOON DR  
MIAMI, FL 33126

Title MGR

TOME, VICENTE  
5707 BLUE LAGOON DR  
MIAMI, FL 33126

Title MGR

KEUSCH, MICHELE  
5707 BLUE LAGOON DR  
MIAMI, FL 33126

**Annual Reports**

<b>Report Year</b>	<b>Filed Date</b>
2023	03/20/2023

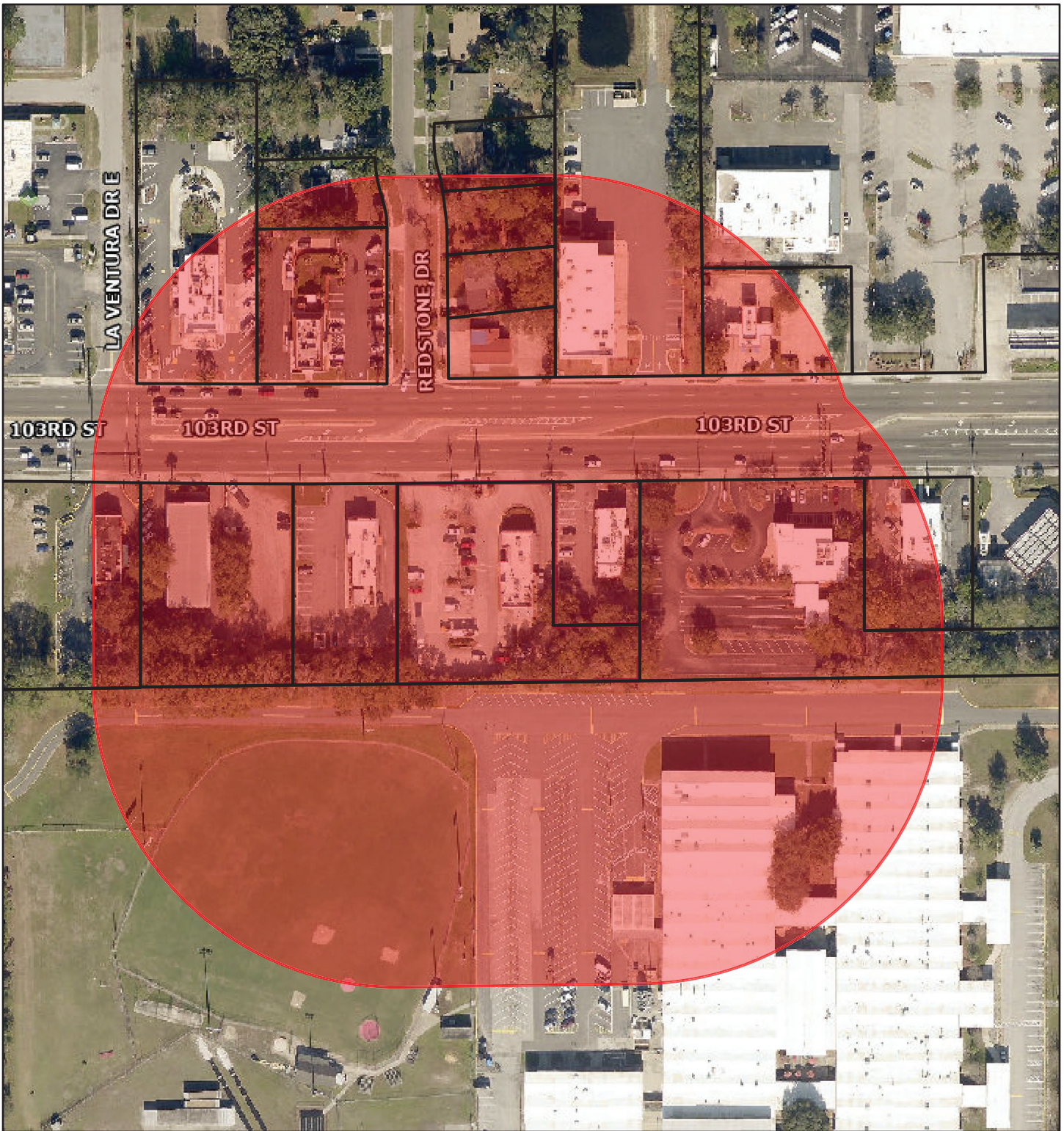
**Document Images**

<a href="#">03/20/2023 -- ANNUAL REPORT</a>	<a href="#">View image in PDF format</a>
<a href="#">12/22/2022 -- Merger</a>	<a href="#">View image in PDF format</a>
<a href="#">02/04/2022 -- Florida Limited Liability</a>	<a href="#">View image in PDF format</a>






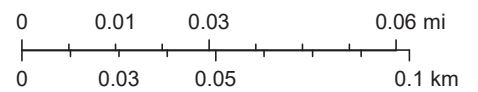
# Land Development Review



January 23, 2024

 23115830\_T-2024-5399

1:2,257





RE	LNAME	LNAME2	MAIL_ADDR1	MAIL_ADDR2	MAIL_ADDR3	MAIL_CITY	MAIL_STATE	MAIL_ZIP
013853 0000	103RD STREET BELLS LLC		520 D ST UNIT C			CLEARWATER	FL	33756
096367 0000	5313 REDSTONE DR PSJAX39 LLC		667 MADISON AVE FL 20			NEW YORK	NY	10065
014521 0010	ANDRADE MANUEL S TRUST		C/O JACKSONVILLE DONUTS INC	7328 103RD ST		JACKSONVILLE	FL	32210-6709
	ARGYLE AREA CIVIC COUNCIL	BILL LEWIS	8852 SOUTH IVYMILL PL			JACKSONVILLE	FL	32244
014518 0000	BURGER KING COMPANY LLC		C/O RYAN LLC	PO BOX 460189		HOUSTON	TX	77056
014517 0000	DHVEY REALESTATE LLC		295 CONSTANCE LN			ST AUGUSTINE	FL	32095
013861 0000	DISCOUNT MINI STORAGE OF JACKSONVILLE LLC		1893 THATCH PALM DR			BOCA RATON	FL	33432
014520 0000	DUVAL COUNTY SCHOOL BOARD		1701 PRUDENTIAL DR			JACKSONVILLE	FL	32207-8152
014521 0100	EAGLE AND TIGER LLC		7400 103RD STREET			JACKSONVILLE	FL	32210
013859 0100	HALLE PROPERTIES LLC		20225 N SCOTTSDALE RD			SCOTTSDALE	AZ	85255
096368 0000	JAD LEIZER		5426 BLANDING BLVD			JACKSONVILLE	FL	32244
013861 0010	JZS ENTERPRISES OF JAX INC		3881 REDS GATE LN			JACKSONVILLE	FL	32223
013852 0060	MCDONALDS RESTAURANTS OF FL INC		JTS ENTERPRISES OF TAMPA LTD/BLAKE CASPER	4908 W NASSAU ST		TAMPA	FL	33607
096365 0000	MINOTT VICTOR		6027 BLANK DR			JACKSONVILLE	FL	32244
014521 0000	NNN REIT LP		358 SAW MILL RIVER RD			MILLWOOD	NY	10546
014515 0000	RADIFI FEDERAL CREDIT UNION		562 PARK ST			JACKSONVILLE	FL	32204-2918
	SOUTHWEST	CHRISTINA PURDY	6008 LAKE COVE AV			JACKSONVILLE	FL	32222
014518 0010	THREE FOWLER INVESTMENTS LLC		139 SOUTHWEST DR			JONESBORO	AR	72401
	WEST JAX CIVIC ASSOCIATION	PAUL CARNEAL	886 CRESSWELL LN W			JACKSONVILLE	FL	32221
096366 0000	ZIEGENBEIN ALVA V TRUST		C/O ALVA V ZIEGENBEIN TRUSTEE	380 PERTSHIRE DR		ORANGE PARK	FL	32073-5770