

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR ZONING VARIANCE**

**ORDINANCE 2021-0019 (V-20-24)**

**FEBRUARY 17, 2021**

***Location:*** 5929 Seaboard Avenue and 0 Seaboard Avenue  
Between 110<sup>th</sup> Street and Bryner Drive

***Real Estate Number(s):*** 103180-0000 and 103183-0000

***Zoning Variance Sought:*** Reduce the structural separation requirement for multi-family dwellings from 40 feet to 20 feet for Lot 11; Reduce the rear/side yard setbacks from 20 feet to 10 feet for Lot 11

***Present Zoning:*** Residential Medium Density-D (RMD-D)

***Current Land Use Category:*** Medium Density Residential (MDR)

***Planning District:*** 4-Southwest

***Applicant/Agent:*** Wyman R. Duggan, Esq.  
Rogers Towers, P.A.  
1301 Riverplace Boulevard, Suite 1500  
Jacksonville, Florida 32207

***Owner/Applicant:*** Troy W. Albers  
154 Riverwood Drive  
Fleming Island, Florida 32003

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Zoning Variance **Ordinance 2021-0019 (V-20-24)** seeks to reduce the structural separation requirement for multi-family dwelling buildings on a common lot from 40 feet to 20 feet and to reduce the rear yard setback along the western property line from 20 feet to ten (10) feet. Both requests are being sought for Lot 11, which will contain five (5) quadruplex buildings, as depicted on the attached site plan.

There is a companion application for Waiver of Minimum Required Road Frontage **Ordinance 2021-0018** (WRF-20-31) seeking to reduce the required minimum road frontage from 32 feet to 0 feet for Lots 12-15, which will be four (4) single-family lots accessed by a private drive. The site will be developed in conjunction with 60 multi-family dwelling units in 15 quadruplex buildings.

The subject property was recently approved by City Council for land use amendment (**Ordinance 2020-0049**) from LDR to MDR and a companion rezoning (**Ordinance 2020-0050**) from RLD-60 to RMD-D. At the time, staff supported both applications and the overall intent to develop the site for multi-family dwellings. However, a site plan was not part of the consideration for the zoning change, so prior staff support should not be construed as current support for the reduction in building separation and setback requirements.

### **DEFINITION**

According to Section 656.1601 of the Zoning Code, the term *variance* means a relaxation of the terms of this Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance nor shall a variance be granted because of the presence of non-conformities in the zoning district or in the adjoining zoning district.

Requests to modify lot requirements so as to increase the permitted density of multi-family dwellings shall not be considered a variance and are specifically prohibited. A variance shall not change the functional classification of a use permitted or permissible in a zoning district.

### **STANDARDS, CRITERIA AND FINDINGS**

Pursuant to the provisions of Section 656.132 (c) of the Zoning Code, the Planning Commission shall grant a variance only if it makes a positive finding, based upon substantial competent evidence, on each of the following criteria:

***(i) Is the proposed request consistent with the definition of a variance?***

Yes. The Zoning Code defines a variance as “a relaxation of the terms of the Zoning Code which will not be contrary to the public interest” owing to conditions peculiar to the property and not the result of the actions of the applicant and that a literal enforcement of the Zoning Code results in an unnecessary and undue hardship.

The proposed request is consistent with the definition of a Variance in that literal enforcement of the code will result in an unnecessary and undue hardship..

- (ii) ***Are there practical or economic difficulties in carrying out the strict letter of the regulation?***

Yes. Staff finds no practical or economic difficulties in carrying out the strict letter of the regulation. Although the applicant did not explicitly mention potential difficulties in carrying out the strict letter of the regulation, Staff does find the mandate to be impractical considering the urban/suburban development pattern surrounding the area.

- (iii) ***Is the request based exclusively upon the desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest, such as for example, furthering the preservation of natural resources by saving a tree or trees.***

Yes. While the request is not based exclusively upon a desire to reduce the cost of developing the site, it is generally in the public interest to allow property owners the maximum benefit and use of their land, provided there is no injury or interference with the rights of other property owners.

- (iv) ***Will the proposed variance substantially diminish property values in, or alter the existing character of the area surrounding the site and interfere with or injure the rights of others whose property would be affected by approval of the variance?***

No. The surrounding area is characterized with a mixture of single family and multi-family dwellings, townhomes, older mobile home parks, and institutional uses. The variance will not substantially diminish property values or alter the essential character of the surrounding area, nor interfere with the rights of others.

- (v) ***Will the proposed variance be detrimental to the public health, safety or welfare, result in additional public expense, the creation of nuisance, or conflict with any other applicable law?***

No. The requested relief will be interior to the proposed development, and staff has not identified a detrimental impact to the existing development in the area.

- (vi) ***Is the effect of the proposed variance in harmony with the spirit and intent of the Zoning Code?***

Yes. The spirit and intent of the Zoning Code is to regulate the use of land and buildings and to implement the 2030 Comprehensive Plan. The variance allows the property owner to develop the property in a manner similar to other properties in the area without diminishing property values in, or altering the existing character of the area.

**SUPPLEMENTARY INFORMATION**

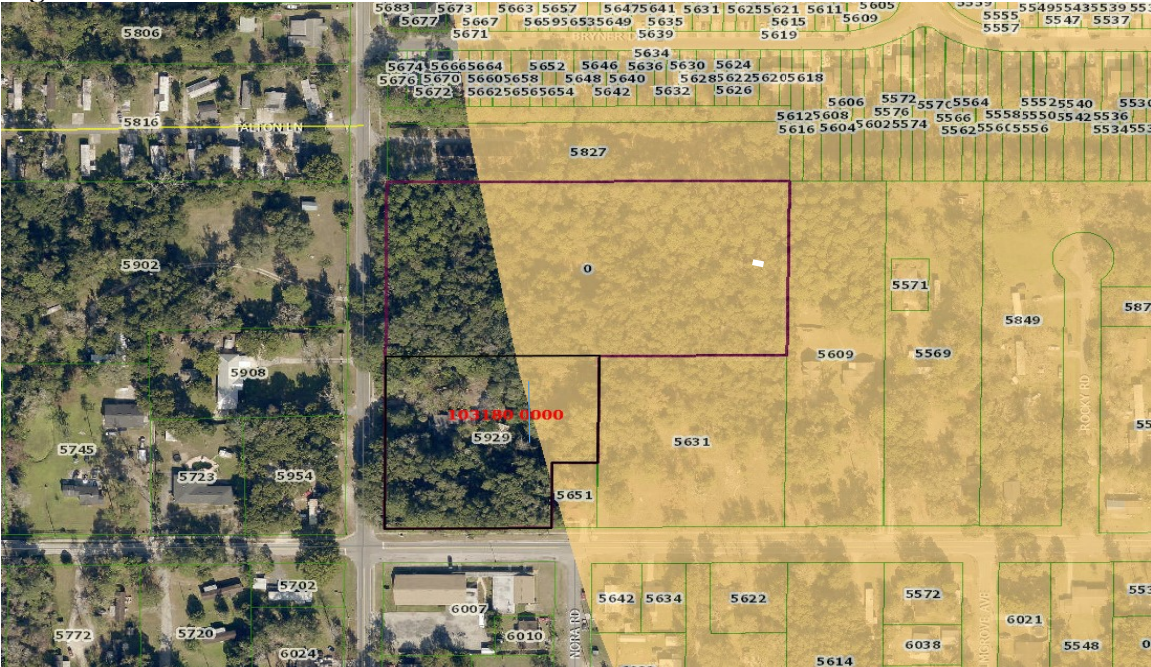
Upon visual inspection of the subject property on **January 21, 2021** by the Planning and Development Department, the required Notice of Public Hearing signs **were** posted on the property.



**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Variance Ordinance 2021-0019 (V-20-24) be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 01/21/21

Aerial view of the subject site and proposed easement, facing north.

Figure B:



Source: Planning & Development Dept, 01/21/21

View of the subject property, facing north on 110<sup>th</sup> Street.

**Figure C:**



**Source: Planning & Development Dept, 01/21/21**

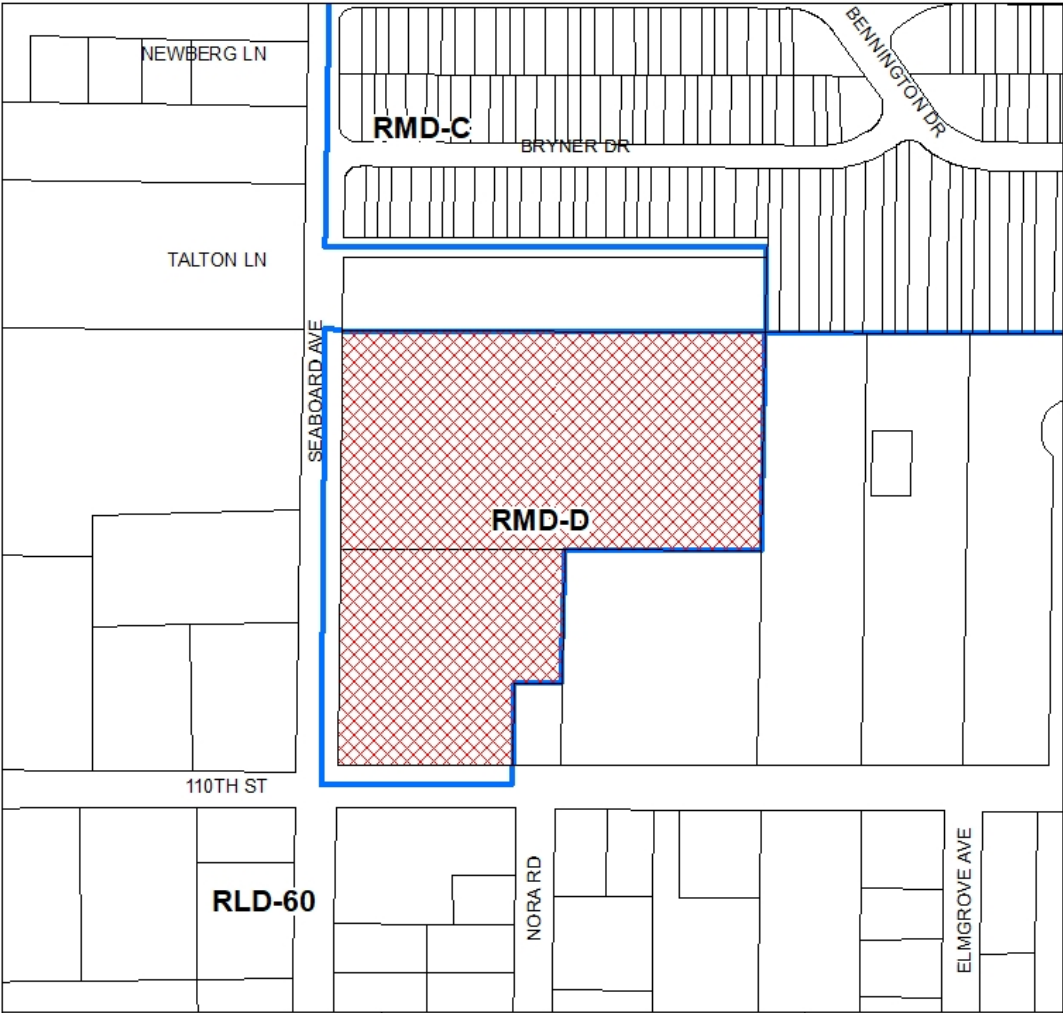
**View of the subject property, facing east on Seaboard Avenue.**

**Figure D:**



**Source: Planning & Development Dept, 01/21/21**

**View of the neighboring property (church), facing east on Seaboard Avenue.**



<p>REQUEST SOUGHT:</p> <p><b>REDUCE 40' STRUCTURAL SERARATION REQUIREMENT FOR MF</b></p> <p><b>REDUCE SETBACK REQUIREMENTS 20' TO 10'</b></p> <p><b>REAR YARD 20' TO 2'</b></p>	<p>LOCATION MAP:</p>	 
	<p>TRACKING NUMBER</p> <p><b>V-20-24</b></p>	<p>COUNCIL DISTRICT:</p> <p><b>9</b></p> <p><b>EXHIBIT 2</b></p> <p><b>PAGE 1 OF 1</b></p>


Date Submitted:	11-2
Date Filed:	12-8

Application Number:	V-20-24
Public Hearing:	1/7/21

**Application for Zoning Variance**  
 City of Jacksonville, Florida  
 Planning and Development Department

COMP WRF  
20-31

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: RMO-D	Current Land Use Category: MDR	
Variance Sought: REDUCE 40' STRUCTURAL SEPARATION REQUIREMENT FOR MF AND REDUCE SETBACK REQUIREMENTS 20' to 10' REAR YD 20' to 10' SIDE	Applicable Section of Ordinance Code: 656.306.A.II(f) AND (g)(2)	
Council District: 9	Planning District: 4	
Previous Zoning Applications Filed (provide application numbers): NONE		
Notice of Violation(s): NONE		
Number of Signs to Post: 6	Amount of Fee: 2945.00	Zoning Asst. Initials: 
Neighborhood Associations: NONE		
Overlay: NONE		

PROPERTY INFORMATION	
1. Complete Property Address: 0 and 5929 Seaboard Avenue	2. Real Estate Number: 103180-0000 and 1030183-0000
3. Land Area (Acres): 7.5	4. Date Lot was Recorded: 1910
5. Property Located Between Streets: 110th Street and Bryner Dr.	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>
7. Variance Sought: Relief from 656.306.A.II(f) and (g)(2), and <del>656.407</del>	
8. In whose name will the Variance be granted: Southern Impression Homes, Inc.	



OWNER'S INFORMATION (please attach separate sheet if more than one owner)	
9. Name: Southern Impression Homes, Inc.	10. E-mail: cfunk@sihomesfl.com
11. Address (including city, state, zip): 5711 Richard St., Ste. 1 Jacksonville, FL 32216	12. Preferred Telephone: (904) 476-6989

APPLICANT'S INFORMATION (if different from owner)	
13. Name: Southern Impression Homes, Inc.	14. E-mail: cfunk@sihomesfl.com
15. Address (including city, state, zip): 5711 Richard St., Ste. 1 Jacksonville, FL 32216	16. Preferred Telephone: (904) 476-6989

CRITERIA
<p>Section 656.101(k), Ordinance Code, defines a variance as "a relaxation of the terms of the Zoning Code which will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Zoning Code would result in unnecessary and undue hardship."</p>
<p>Section 656.132(c), Ordinance Code, provides that, with respect to action upon Applications for Zoning Variances, the Planning Commission shall grant a variance only if it makes a positive finding, based upon substantial competent evidence, on each of the following criteria:</p> <ul style="list-style-type: none"> <li>(i) <i>The proposed request is consistent with the definition of a variance;</i></li> <li>(ii) <i>There are practical or economic difficulties in carrying out the strict letter of the regulation;</i></li> <li>(iii) <i>The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest; for example, furthering the preservation of natural resources by saving a tree or trees;</i></li> <li>(iv) <i>The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the sites and will not substantially interfere with or injure the rights of others whose property would be affected by approval of the variance;</i></li> <li>(v) <i>The proposed variance 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; and</i></li> <li>(vi) <i>The effect of the proposed variance is in harmony with the spirit and intent of the Zoning Code.</i></li> </ul>

17. Given the above definition of a "variance" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the request 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 variance and to meet the criteria set forth may result in a denial.

See attached written description.

#### ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- 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, [http://apps.coj.net/pao\\_propertySearch/Basic/Search.aspx](http://apps.coj.net/pao_propertySearch/Basic/Search.aspx), or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.

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#### PLANNING AND DEVELOPMENT DEPARTMENT

214 N. Hogan Street, Suite 300 Jacksonville, FL 32202 Phone: 904.255.7800 Fax: 904.255.7884 [www.coj.net](http://www.coj.net)

last update: 1/10/2017


<b>FILING FEES</b>		
*Applications filed to correct existing zoning violations are subject to a double fee.		
<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

**AUTHORIZATION**

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.

**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.

<b>Owner(s)</b> Print name: <u>Troy Albers</u> Signature: _____	<b>Applicant or Agent (if different than owner)</b> Print name: <u>Wyman Duggan</u> Signature: 
<b>Owner(s)</b> Print name: _____ Signature: _____	<i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i>

**SUBMITTAL**

This application must be typed or printed in ink and submitted along with three (3) copies for a total of **four (4) applications**. Each application must include **all required attachments**.

Submit applications to:  
 Planning and Development Department, Zoning Section  
 214 North Hogan Street, 2<sup>nd</sup> Floor  
 Jacksonville, Florida 32202  
 (904) 255-8300

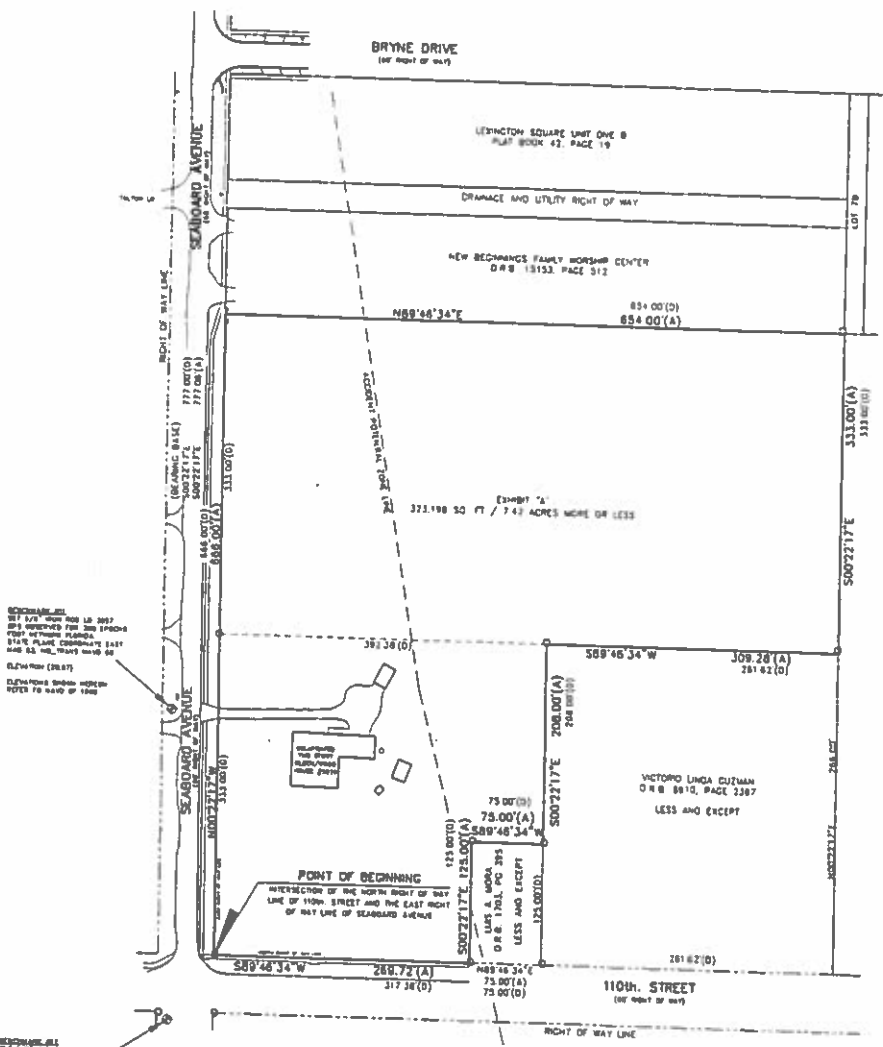
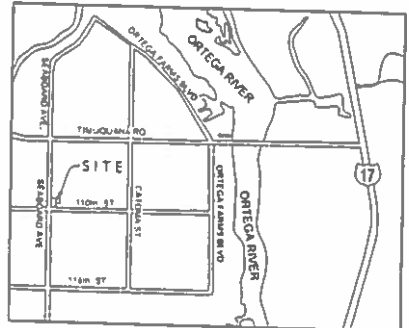
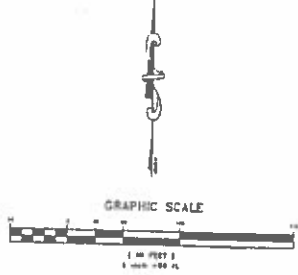
MAP SHOWING BOUNDARY, TOPOGRAPHIC AND TREE SURVEY SURVEY OF LOT 18, BLOCK 29 AS SHOWN ON MAP OF ORTEGA FARMS

LESS AND EXCEPT THAT CERTAIN REAL PROPERTY DESCRIBED IN THESE RECORDS IS OFFICIAL RECORDS BOOK 8618, PAGE 2387 AND OFFICIAL RECORDS BOOK 1762, PAGE 393, OF THE CURRENT PUBLIC RECORDS OF SEASIDE COUNTY, FLORIDA.

(CONNECTED DESCRIPTION) EXHIBIT "A"

FOR A POINT OF REFERENCE, BEGIN AT THE INTERSECTION OF THE NORTH RIGHT OF WAY LINE OF 110th STREET (A 66 FOOT WIDE OF WAY AS NOW ESTABLISHED) AND THE EAST RIGHT OF WAY LINE OF SEASBOARD AVENUE (A 66 FOOT WIDE OF WAY AS NOW ESTABLISHED). THENCE ALONG THE SOUTH EAST CORNER OF THE LINE OF SEASBOARD AVENUE, NORTH BY 42°11' WEST, A DISTANCE OF 524.80 FEET TO THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 18142, PAGE 312 OF SAID COUNTY, THENCE ALONG SAID SOUTH LINE, NORTH BY 42°34' EAST, A DISTANCE OF 533.00 FEET TO THE NORTH LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 8916, PAGE 2387 OF SAID COUNTY, THENCE SOUTH BY 42°34' WEST ALONG SAID NORTH LINE, A DISTANCE OF 333.00 FEET TO THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1762, PAGE 393 OF SAID COUNTY, THENCE SOUTH BY 42°34' WEST ALONG SAID NORTH LINE, A DISTANCE OF 73.00 FEET TO THE WEST LINE OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1762, PAGE 393 OF SAID COUNTY, THENCE ALONG SAID WEST LINE SOUTH BY 42°11' EAST, A DISTANCE OF 125.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF 110th STREET, THENCE ALONG SAID NORTH RIGHT OF WAY LINE, SOUTH BY 42°34' WEST, A DISTANCE OF 269.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 321,188 SQ FT / 7.42 ACRES MORE OR LESS SURVEYED TO SOUTHWEST DEVELOPMENT



REMARKS: ALL 1/2" DIA. IRON ROD L.P. 3087 SHIP ANCHORED FOR 200 SPINCH TEST AT THESE PLACES. STATE PLANT COMMUNITY EAST AND 25.0% PLANT COMMUNITY EAST ELEVATION (28.87). ELEVATIONS SHOWN HEREIN REFER TO CORNER OF 1988.

REMARKS: ALL 1/2" DIA. IRON ROD L.P. 3087 SHIP ANCHORED FOR 200 SPINCH TEST AT THESE PLACES. STATE PLANT COMMUNITY EAST AND 25.0% PLANT COMMUNITY EAST ELEVATION (23.72). ELEVATIONS SHOWN HEREIN REFER TO CORNER OF 1988.

Signature and title of the surveyor.



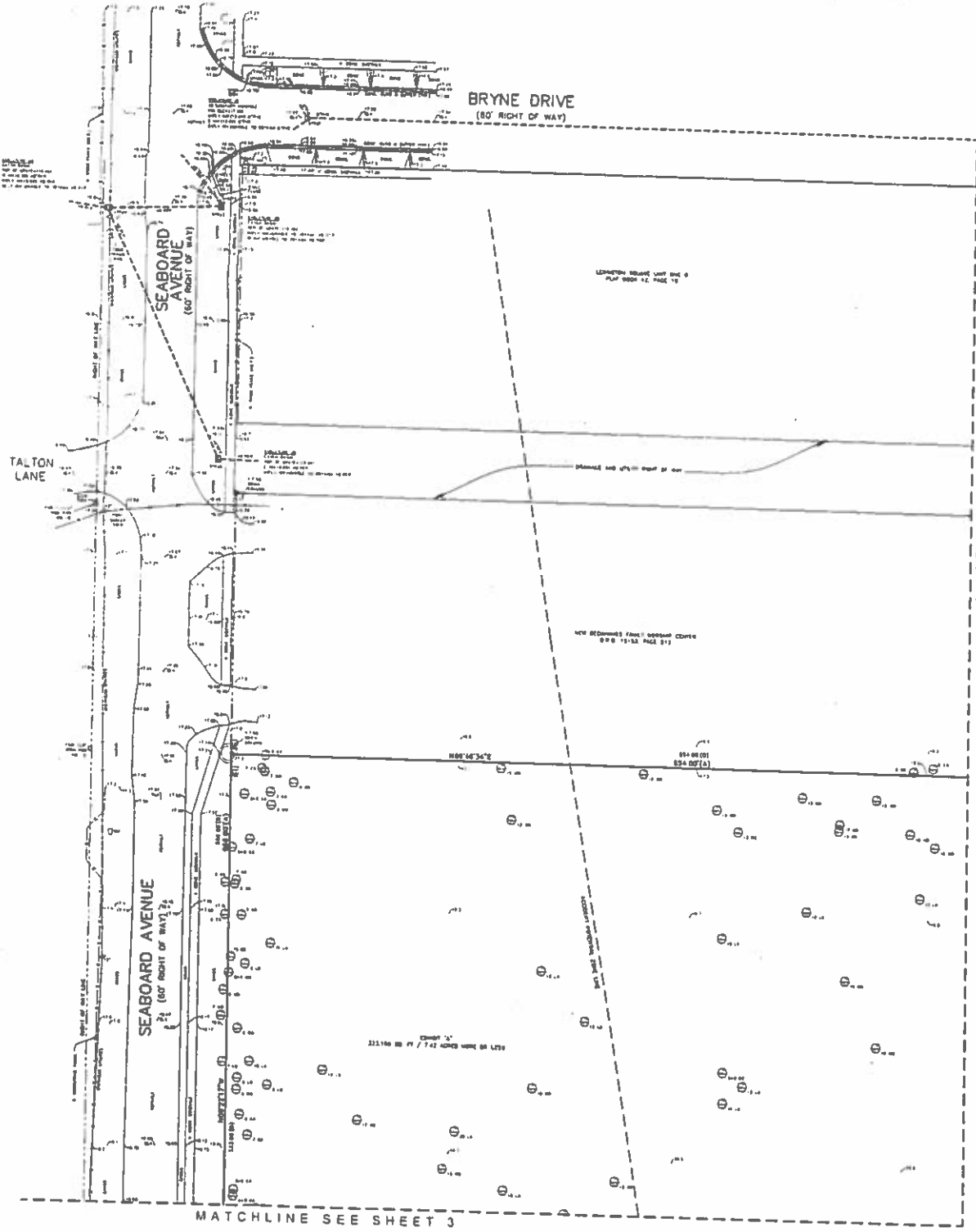
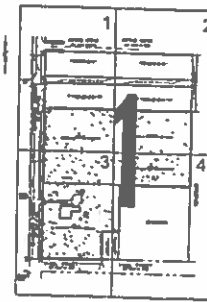
ALL AMERICAN SURVEYORS OF FLORIDA, INC. License information and company details.

MAP SHOWING BOUNDARY, TOPOGRAPHIC AND TREE  
SURVEY OF  
LOT 16, BLOCK 29 AS SHOWN ON MAP OF  
ORTEGA FARMS

LESS AND EXCEPT THAT CERTAIN REAL PROPERTY DESCRIBED IN OTHER RECORDS IN OFFICIAL RECORDS BOOK 6910, PAGE 2387  
AND OFFICIAL RECORDS BOOK 1262, PAGE 385, OF THE CLERK OF PUBLIC RECORDS OF DUNAL COUNTY, FLORIDA.  
(SEE COVER SHEET FOR THE COMPLETE LEGAL DESCRIPTION)



- | LEGEND OF SYMBOLS               | LEGEND OF MARKINGS  |
|---------------------------------|---------------------|
| ○ Surveyed tree                 | ○ 20' to 30' tree   |
| ○ Tree in proposed right of way | ○ 30' to 40' tree   |
| ○ Tree in right of way          | ○ 40' to 50' tree   |
| ○ Tree in right of way          | ○ 50' to 60' tree   |
| ○ Tree in right of way          | ○ 60' to 70' tree   |
| ○ Tree in right of way          | ○ 70' to 80' tree   |
| ○ Tree in right of way          | ○ 80' to 90' tree   |
| ○ Tree in right of way          | ○ 90' to 100' tree  |
| ○ Tree in right of way          | ○ 100' to 110' tree |
| ○ Tree in right of way          | ○ 110' to 120' tree |
| ○ Tree in right of way          | ○ 120' to 130' tree |
| ○ Tree in right of way          | ○ 130' to 140' tree |
| ○ Tree in right of way          | ○ 140' to 150' tree |
| ○ Tree in right of way          | ○ 150' to 160' tree |
| ○ Tree in right of way          | ○ 160' to 170' tree |
| ○ Tree in right of way          | ○ 170' to 180' tree |
| ○ Tree in right of way          | ○ 180' to 190' tree |
| ○ Tree in right of way          | ○ 190' to 200' tree |
| ○ Tree in right of way          | ○ 200' to 210' tree |
| ○ Tree in right of way          | ○ 210' to 220' tree |
| ○ Tree in right of way          | ○ 220' to 230' tree |
| ○ Tree in right of way          | ○ 230' to 240' tree |
| ○ Tree in right of way          | ○ 240' to 250' tree |
| ○ Tree in right of way          | ○ 250' to 260' tree |
| ○ Tree in right of way          | ○ 260' to 270' tree |
| ○ Tree in right of way          | ○ 270' to 280' tree |
| ○ Tree in right of way          | ○ 280' to 290' tree |
| ○ Tree in right of way          | ○ 290' to 300' tree |

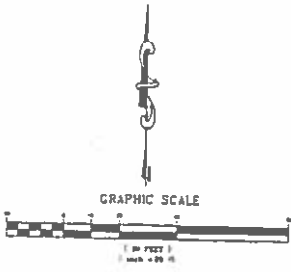


MATCHLINE SEE SHEET 3

MATCHLINE SEE SHEET 2

**MAP SHOWING BOUNDARY, TOPOGRAPHIC AND TREE SURVEY OF LOT 16, BLOCK 29 AS SHOWN ON MAP OF ORTEGA FARMS**

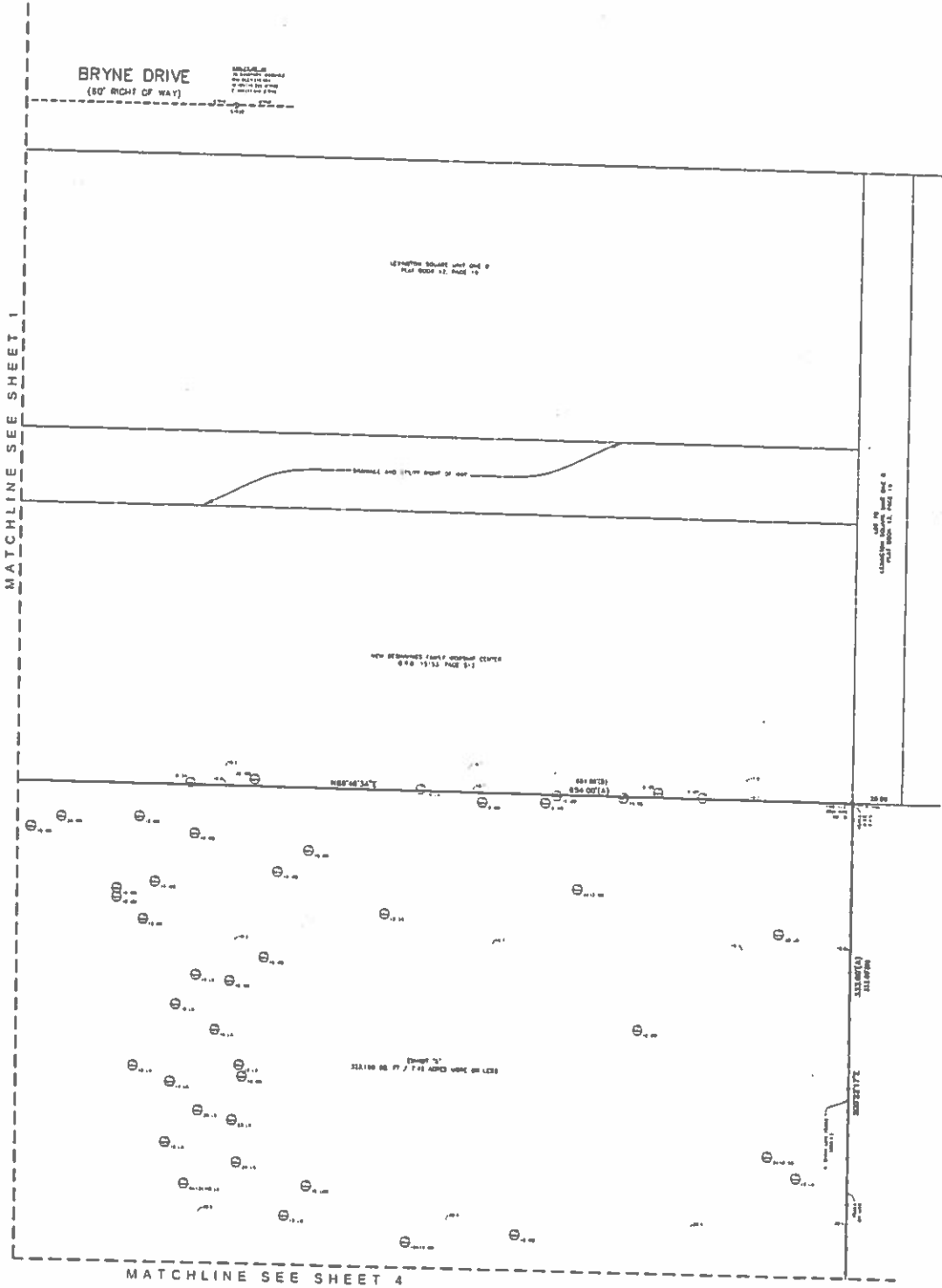
LESS AND EXCEPT THAT CERTAIN REAL PROPERTY DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORDS BOOK 89-6, PAGE 1387 AND OFFICIAL RECORDS BOOK 1388, PAGE 204, OF THE CURRENT PUBLIC RECORDS OF DUNAL COUNTY, FLORIDA (SEE COVER SHEET FOR THE COMPLETE LEGAL DESCRIPTION)



SYMBOLS TO SHOW VEGETATION		TYPE OF TREE & APPROXIMATE HEIGHT	
○	OPEN SPACE	11	VERY TALL TREE
○	WOODS	12	ORANGE TREE
○	WOODS	13	COCONUT TREE
○	WOODS	14	FLAMBO TREE
○	WOODS	15	ALMOND TREE
○	WOODS	16	WALNUT TREE
○	WOODS	17	OLIVE TREE
○	WOODS	18	TEA TREE
○	WOODS	19	COFFEE TREE
○	WOODS	20	PLUM TREE
○	WOODS	21	PEAR TREE
○	WOODS	22	APPLE TREE
○	WOODS	23	CHERRY TREE
○	WOODS	24	PINE TREE
○	WOODS	25	SPRUCE TREE
○	WOODS	26	FIR TREE
○	WOODS	27	REDWOOD TREE
○	WOODS	28	CEDAR TREE
○	WOODS	29	YEW TREE
○	WOODS	30	CYPRESS TREE



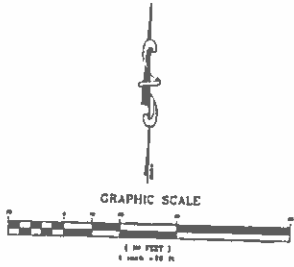
KEY MAP  
SHEET 3 OF 4



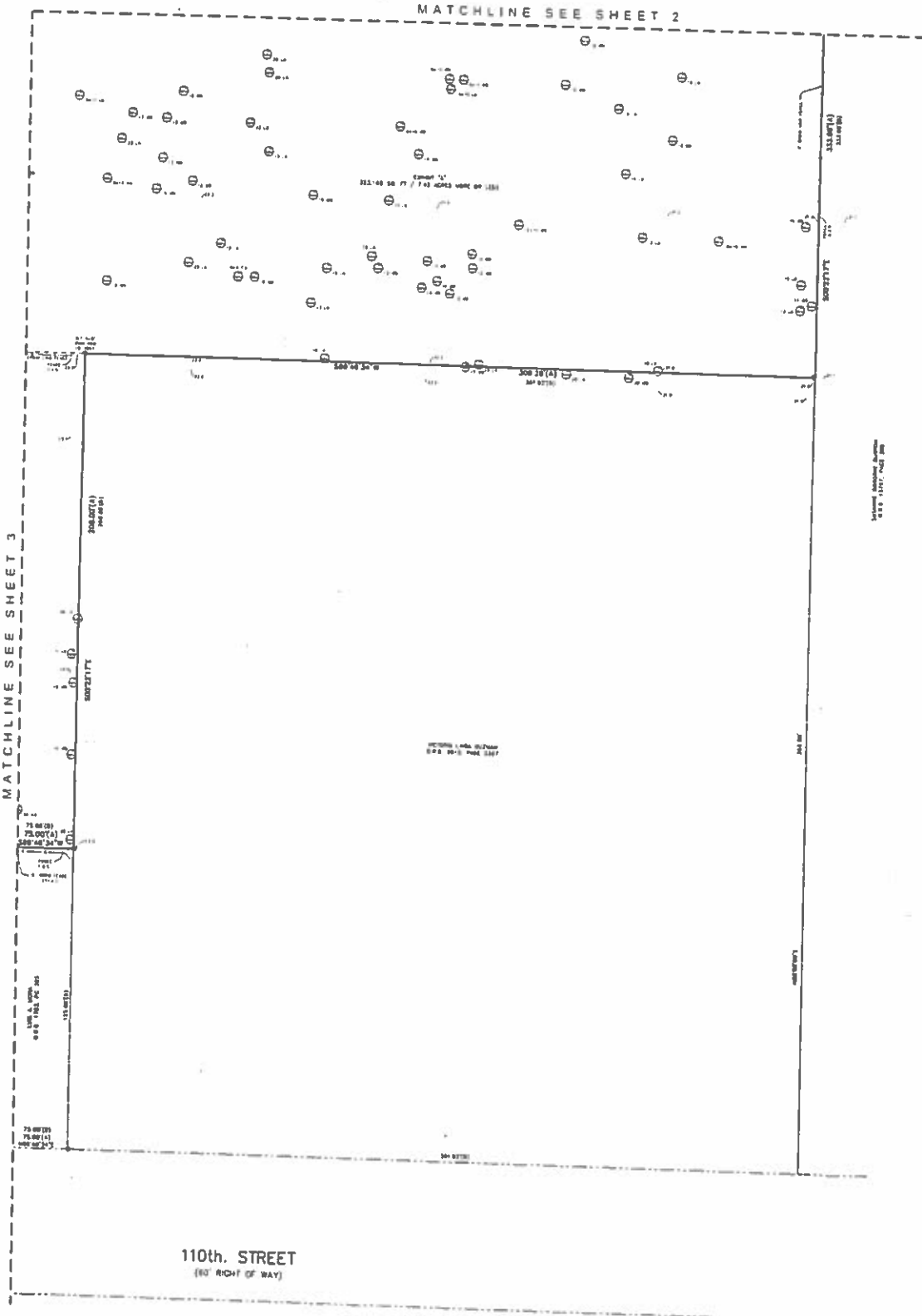
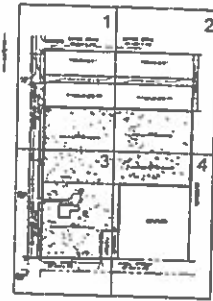


## MAP SHOWING BOUNDARY, TOPOGRAPHIC AND TREE SURVEY OF LOT 16, BLOCK 29 AS SHOWN ON MAP OF ORTEGA FARMS

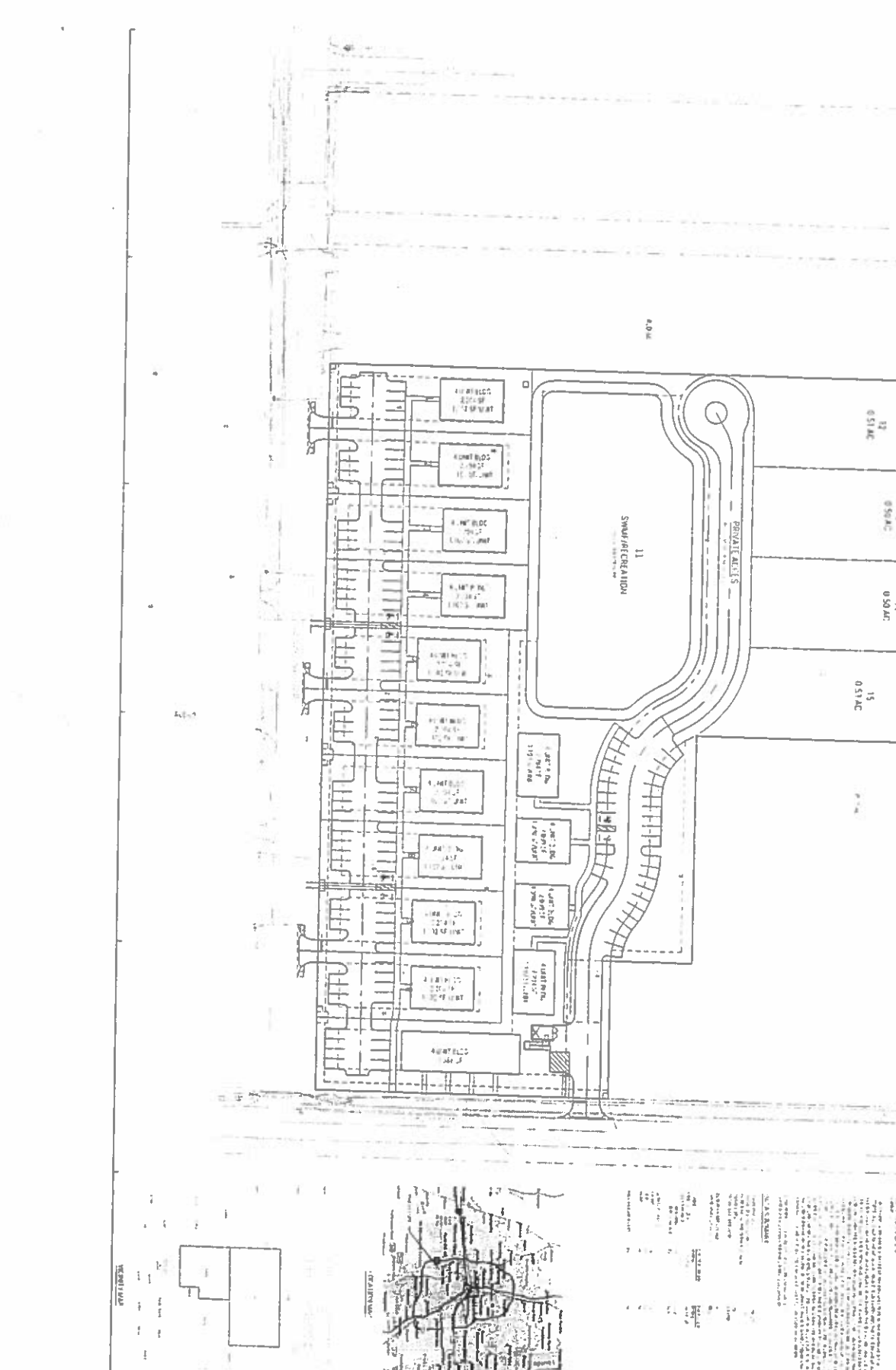
LESS AND EXCEPT THAT CERTAIN REAL PROPERTY DESCRIBED IN DEEDS RECORDED IN OFFICIAL RECORDS BOOK 8618, PAGE 2287 AND OFFICIAL RECORDS BOOK 1978, PAGE 258, OF THE CLERK'S PUBLIC RECORDS OF BUNN COUNTY, FLORIDA.  
(SEE COVER SHEET FOR THE COMPLETE LEGAL DESCRIPTION)



SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
○	Survey Station	○	Water
○	Tree	○	Shrub
○	Boundary	○	Other







**J+J Architects**  
 3800 J. G. Thompson Parkway  
 Jacksonville, FL 32244  
 (904) 361-0000  
 www.jandj.com



**Southern Impression Development**



**SEABOARD VILLAS**

SEABOARD AVE.  
 JACKSONVILLE FL 32244

NO.	DESCRIPTION	DATE
1	PRELIMINARY SITE PLAN	07-20-20
2	CONCEPTUAL LAYOUT	07-20-20
3	FINAL DESIGN	07-20-20
4	CONSTRUCTION DOCUMENTS	07-20-20



DATE	DESCRIPTION
07-20-20	PRELIMINARY SITE PLAN
07-20-20	CONCEPTUAL LAYOUT
07-20-20	FINAL DESIGN
07-20-20	CONSTRUCTION DOCUMENTS

PSD-07-20

**PRELIMINARY SITE DEVELOPMENT PLAN**



NO.	DATE	DESCRIPTION
1	07-20-20	PRELIMINARY SITE DEVELOPMENT PLAN

**C100**

**EXHIBIT A - Property Ownership Affidavit**

Date: 10-16-20

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:  
5929 and 0 Seaboard Avenue

To Whom it May Concern:

I Troy Albers hereby certify that I am the Owner of the property described in Exhibit 1 in connection with filing application(s) for zoning variance submitted to the Jacksonville Planning and Development Department.

If Owner is Individual:

If Owner is Corporate Entity:\*

By Troy Albers

Print Corporate Name: \_\_\_\_\_

Print Name: Troy Albers

By \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

\*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA  
COUNTY OF DUVAL

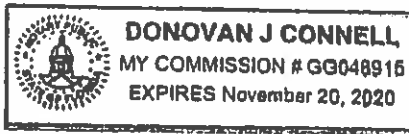
Sworn to and subscribed and acknowledged before me this 16<sup>th</sup> day of October 2020, by Troy Albers, who is personally known to me or who has produced Drivers License as identification and who took an oath.

Donovan J Connell

(Signature of NOTARY PUBLIC)

Donovan J Connell

(Printed name of NOTARY PUBLIC)



State of Florida at Large.

My commission expires: 11/20/2020

**EXHIBIT B - Agent Authorization Affidavit- Property Owner**

Date: 10-16-20

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

Re: Agent Authorization for the following site location: 5929 and 0 Seaboard Avenue

To Whom it May Concern:

You are hereby advised that the undersigned is the owner of the property described in Exhibit 1 attached hereto. Said owner hereby authorizes and empowers Rogers Towers P.A. to act as agent to file application(s) for zoning variance 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.

If Owner is Individual:

If Owner is Corporate Entity:\*

Print Corporate Name:

By Troy Alber  
Print Name: Troy Alber

By \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

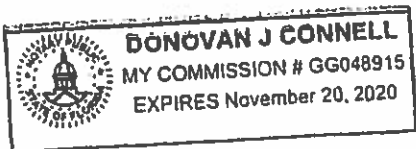
\*If Owner is Corporate Entity, please provide documentation illustrating that signatory is an authorized representative of Owner; this may be shown through corporate resolution, power of attorney, printout from sunbiz.org, etc.

STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 16<sup>th</sup> day of October 2020, by Troy Alber, who is personally known to me or who has produced Driver's License as identification and who took an oath.

Donovan J Connell  
(Signature of NOTARY PUBLIC)

Donovan J Connell  
(Printed name of NOTARY PUBLIC)



State of Florida at Large.  
My commission expires: 11/20/2020

## Legal Description

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The North  $\frac{1}{2}$  of Lot 16, Block 29, Ortega Farms, according to the Plat thereof, recorded in Plat Book 3, Page 79, of the current public records of Duval County, Florida.

Together with:

The South  $\frac{1}{2}$  of Lot 16, Block 29, Ortega Farms, according to the Plat thereof, recorded in Plat Book 3, Page 79, of the current public records of Duval County, Florida. Less and except that certain real property described in deeds recorded in Official Records Book 6910, page 2367 and Official Records Book 12443, page 370, all of the current public records of Duval County, Florida.

**ALBERS TROY W**  
 154 RIVERWOOD DR  
 FLEMING ISLAND, FL 32003  
 SCHRADER ELANA

**Primary Site Address**  
 0 SEABOARD AVE  
 Jacksonville FL 32244

**Official Record Book/Page**  
 18592-00492

**Title #**  
 6517

**0 SEABOARD AVE**

**Property Detail**

RE #	103183-0000
Tax District	GS
Property Use	0000 Vacant Res < 20 Acres
# of Buildings	0
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	01780 ORTEGA FARMS (BLKS1,2)
Total Area	218364

**Value Summary**

Value Description	2020 Certified	2021 In Progress
Value Method	CAMA	CAMA
Total Building Value	\$0.00	\$0.00
Extra Feature Value	\$0.00	\$0.00
Land Value (Market)	\$116,000.00	\$116,000.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$116,000.00	\$116,000.00
Assessed Value	\$96,800.00	\$106,480.00
Cap Diff/Portability Amt	\$19,200.00 / \$0.00	\$9,520.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$96,800.00	See below

The sale of this property may result in higher property taxes. For more information go to [Save Our Homes](#) and our [Property Tax Estimator](#). 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification [Learn how the Property Appraiser's Office values property.](#)

**Taxable Values and Exemptions - In Progress**

If there are no exemptions applicable to a taxing authority, the Taxable Value is the same as the Assessed Value listed above in the Value Summary box.

County/Municipal Taxable Value  
 No applicable exemptions

SJRWMD/FIND Taxable Value  
 No applicable exemptions

School Taxable Value  
 No applicable exemptions

**Sales History**

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
18592-00492	11/5/2018	\$105,000.00	WD - Warranty Deed	Unqualified	Vacant
14514-00993	5/15/2008	\$100.00	QC - Quit Claim	Unqualified	Vacant
12615-02248	7/14/2005	\$100.00	WD - Warranty Deed	Unqualified	Vacant
11856-02015	6/8/2004	\$100.00	WD - Warranty Deed	Unqualified	Improved
10950-01006	3/4/2003	\$100.00	WD - Warranty Deed	Unqualified	Vacant
09176-02090	1/11/1994	\$100.00	MS - Miscellaneous	Unqualified	Vacant
06083-00433	2/4/1986	\$100.00	WD - Warranty Deed	Unqualified	Improved
03183-00562	1/21/1971	\$18,000.00	MS - Miscellaneous	Unqualified	Improved

**Extra Features**

No data found for this section

**Land & Legal**

**Land**

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	0100	RES LD 3-7 UNITS PER AC	RLD-60	0.00	0.00	Common	5.00	Acreage	\$116,000.00

**Legal**

LN	Legal Description
1	3-79 42-3S-26E
2	ORTEGA FARMS
3	N1/2 FARM 16 BLK 29

**Buildings**

No data found for this section

**2020 Notice of Proposed Property Taxes Notice (TRIM Notice)**

Taxing District	Assessed Value	Exemptions	Taxable Value	Last Year	Proposed	Rolled-back
Gen Govt Ex B&B	\$96,800.00	\$0.00	\$96,800.00	\$1,006.89	\$1,107.58	\$1,061.11
Public Schools: By State Law	\$96,800.00	\$0.00	\$116,000.00	\$343.38	\$424.21	\$436.45
By Local Board	\$96,800.00	\$0.00	\$116,000.00	\$197.82	\$260.77	\$251.44
FL Inland Navigation Dist.	\$96,800.00	\$0.00	\$96,800.00	\$2.82	\$3.10	\$2.96
Water Mgmt Dist. SJRWMD	\$96,800.00	\$0.00	\$96,800.00	\$21.24	\$22.14	\$22.14
Gen Gov Voted	\$96,800.00	\$0.00	\$96,800.00	\$0.00	\$0.00	\$0.00
School Board Voted	\$96,800.00	\$0.00	\$116,000.00	\$0.00	\$0.00	\$0.00
Totals				\$1,572.15	\$1,817.80	\$1,774.10

**ALBERS TROY W**  
 154 RIVERWOOD DR  
 FLEMING ISLAND, FL 32003  
 SCHRADER ELANA

**Primary Site Address**  
 5929 SEABOARD AVE  
 Jacksonville FL 32244

**Official Record Book/Page**  
 18592-00492

**Title #**  
 6517

**5929 SEABOARD AVE**

**Property Detail**

RE #	103180-0000
Tax District	GS
Property Use	0100 Single Family
# of Buildings	1
Legal Desc.	For full legal description see Land & Legal section below
Subdivision	01780 ORTEGA FARMS (BLKS1,2)
Total Area	104751

**Value Summary**

Value Description	2020 Certified	2021 In Progress
Value Method	CAMA	CAMA
Total Building Value	\$125,555.00	\$124,509.00
Extra Feature Value	\$0.00	\$0.00
Land Value (Market)	\$72,500.00	\$72,500.00
Land Value (Agric.)	\$0.00	\$0.00
Just (Market) Value	\$198,055.00	\$197,009.00
Assessed Value	\$198,055.00	\$197,009.00
Cap Diff/Portability Amt	\$0.00 / \$0.00	\$0.00 / \$0.00
Exemptions	\$0.00	See below
Taxable Value	\$198,055.00	See below

The sale of this property may result in higher property taxes. For more information go to **Save Our Homes** and our **Property Tax Estimator**. 'In Progress' property values, exemptions and other supporting information on this page are part of the working tax roll and are subject to change. Certified values listed in the Value Summary are those certified in October, but may include any official changes made after certification. [Learn how the Property Appraiser's Office values property.](#)

**Taxable Values and Exemptions - In Progress**

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County/Municipal Taxable Value  
 No applicable exemptions

SJRWMD/FIND Taxable Value  
 No applicable exemptions

School Taxable Value  
 No applicable exemptions

**Sales History**

Book/Page	Sale Date	Sale Price	Deed Instrument Type Code	Qualified/Unqualified	Vacant/Improved
18592-00492	11/5/2018	\$105,000.00	WD - Warranty Deed	Unqualified	Improved
16412-00691	6/3/2013	\$100.00	QC - Quit Claim	Unqualified	Improved
16312-01516	3/11/2013	\$100.00	QC - Quit Claim	Unqualified	Improved
15694-01376	8/16/2011	\$100.00	QC - Quit Claim	Unqualified	Improved
07239-01322	12/18/1991	\$100.00	QC - Quit Claim	Unqualified	Improved

**Extra Features**

No data found for this section

**Land & Legal**

**Land**

LN	Code	Use Description	Zoning Assessment	Front	Depth	Category	Land Units	Land Type	Land Value
1	0100	RES LD 3-7 UNITS PER AC	RLD-60	0.00	0.00	Common	2.50	Acreage	\$72,500.00

**Legal**

LN	Legal Description
1	3-79 42-3S-26 2.5
2	ORTEGA FARMS
3	S1/2 FARM 16 (EX PT RECD D BKS
4	12443-370,O/R 6910-2367) BLK 29

**Buildings**

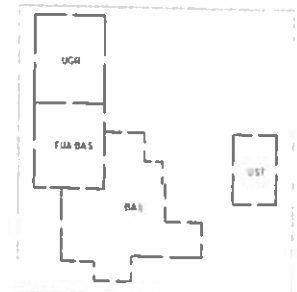
**Building 1**

Building 1 Site Address  
 5929 SEABOARD AVE Unit  
 Jacksonville FL 32244

Building Type	0103 - SFR SPLIT-LEVEL
Year Built	1960
Building Value	\$124,509.00

Type	Gross Area	Heated Area	Effective Area
Unfinished Storage	308	0	123

Element	Code	Detail
Exterior Wall	8	8 Horizontal Lap
Exterior Wall	15	15 Concrete Blk
Roof Struct	3	3 Gable or Hip
Roofing Cover	3	3 Asph/Comp Shng
Interior Wall	5	5 Drywall
Int Flooring	8	8 Sheet Vinyl
Int Flooring	14	14 Carpet
Heating Fuel	4	4 Electric
Heating Type	4	4 Forced-Ducted
Air Cond	3	3 Central



**APPLICATION FOR ZONING VARIANCE  
WRITTEN DESCRIPTION  
RE #103180-0000 and 103183-0000  
October 21, 2020**

Real Estate Parcels #103180-0000 and 103183-0000 (collectively, the "Property") are under development as a unified residential subdivision at the northeast corner of Seaboard Avenue and 110<sup>th</sup> Street. The Property was recently the subject of a land use amendment to Medium Density Residential pursuant to Ordinance 2020-49-E, and a companion rezoning to RMD-D pursuant to Ordinance 2020-50-E. The plan of development contemplates a mix of 60 multifamily dwelling units in 15 quadplex buildings, and 4 single family detached dwelling units. Lots 1 – 10 will each contain a single quadplex building; Lot 11 will contain 5 quadplex buildings; Lots 12 – 15 will each contain a single family detached dwelling unit. However, the Property will be developed as a unified subdivision with uniform covenants and restrictions and subject to a single property owners association.

The Property is bisected by the perimeter of the Accident Potential Zone 2 area for NAS Jacksonville. Development inside the APZ2 area is limited to single family residential dwellings at a density of 2 units per acre. Due to the bifurcation of the Property by the APZ2 perimeter, this application seeks three items of relief:

- A. Pursuant to sec. 656.306.A.II(f), a multifamily dwelling with four units or more that directly faces, or backs up to, another multifamily dwelling with at least four units shall provide a minimum separation of at least forty feet. The applicant proposes a minimum separation of 20 feet.
- B. Pursuant to sec. 656.306.A.II(g)(2), multifamily dwellings with more than one principal structure on the lot shall have a side setback of 20 feet. As shown on the site plan, Lot 11 will have 5 quadplex buildings. The applicant proposes a side yard setback for Lot 11 of 10 feet.
- C. Pursuant to sec. 656.407, lots shall abut either a public street or an approved private street for at least 35 feet. As shown on the site plan, Lots 12 – 15 will not comply with this development standard. The applicant proposes that these 4 lots be accessed by a 40 foot wide easement that connects to Lot 11, which will comply with this development standard.

*(i) The proposed request is consistent with the definition of a variance;*

This request is consistent with the definition of a variance as follows: (i) the bifurcation of the Property by the APZ2 perimeter is peculiar to the property and not the result of actions of the applicant; (ii) the application does not seek to establish or expand an otherwise prohibited use; (iii) the application does not seek to modify lot requirements in order to increase multifamily density; (iv) the application does not seek to change the functional classification of a permitted or permissible use. The requested relaxation of the terms of the Zoning Code will be in the public interest because it will further the goals, objectives, and policies of the Comprehensive Plan identified in the staff reports recommending approval of Ordinances 2020-

49-E and 2020-50-E, such as for example encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities (FLUE Objective 6.3); providing for a wide variety of housing types by area (FLUE Policy 3.1.6); and requiring that all development adjacent to NAS Jacksonville be compatible with aviation-related activities (FLUE Objective 2.5).

*(ii) There are practical or economic difficulties in carrying out the strict letter of the regulation;*

The bifurcation of the Property by the NAS Jacksonville APZ2 perimeter presents a practical difficulty in complying with the regulations identified above, because multifamily development is prohibited within the APZ2 area. Accordingly, spreading the quadplex buildings further apart to comply with the regular setbacks is not possible. Similarly, the single family lots inside the APZ2 perimeter can't meet the road frontage requirements in the way that a unified development consisting entirely of multifamily development would be able to do (see, for example, Lot 11).

*(iii) The request is not based exclusively upon a desire to reduce the cost of developing the site, but would accomplish some result which is in the public interest; for example, furthering the preservation of natural resources by saving a tree or trees;*

Granting the variance would serve the public interest because it will further the goals, objectives, and policies of the Comprehensive Plan identified in the staff reports recommending approval of Ordinances 2020-49-E and 2020-50-E, such as for example by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities (FLUE Objective 6.3); providing for a wide variety of housing types by area (FLUE Policy 3.1.6); and requiring that all development adjacent to NAS Jacksonville be compatible with aviation-related activities (FLUE Objective 2.5).

*(iv) The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the sites and will not substantially interfere with or injure the rights of others whose property would be affected by approval of the variance;*

There will be no diminution of property values, alteration of the essential character of the area, or interference with the rights of others, as the staff reports recommending approval of Ordinances 2020-49-E and 2020-50-E determined that the proposed development of quadplex and single family product is consistent with the 2030 Comprehensive Plan; furthers the goals, objectives and policies of the 2030 Comprehensive Plan; and does not conflict with any portion of the City's land development regulations.

*(v) The proposed variance 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; and*

It will not; see responses to criteria (i)-(iv).



*(vi) The effect of the proposed variance is in harmony with the spirit and intent of the Zoning Code.*

Yes because the requested relief (i) is consistent with the 2030 Comprehensive Plan; (ii) furthers the goals, objectives and policies of the 2030 Comprehensive Plan by encouraging and facilitating new development on vacant, bypassed and underutilized land within areas that already have infrastructure, utilities, and public facilities (FLUE Objective 6.3); providing for a wide variety of housing types by area (FLUE Policy 3.1.6); and requiring that all development adjacent to NAS Jacksonville be compatible with aviation-related activities (FLUE Objective 2.5); and (iii) does not conflict with any portion of the City's land development regulations.