

**NOTICE OF APPEAL FROM A
FINAL ORDER OF THE
JACKSONVILLE PLANNING COMMISSION**

I. INSTRUCTIONS

As provided in §656.140, Ordinance Code, any person with standing may appeal a Jacksonville Planning Commission final order with respect to an application for zoning exception, variance, or waiver to the City Council. An appeal must be filed **within 21 calendar days** after the order granting, granting with conditions, or denying an application is signed by the Commission Chairman. To appeal a Commission final order, complete and submit this form to the Legislative Services Division, Suite 430, City Hall-St. James, 117 W. Duval Street, Jacksonville, Florida 32202 with the supporting documents (*see* Section III) and appropriate fees (*see* Section IV). A copy of the order and the list of persons who testified before or wrote to the Commission about the application (*see* Sec. III (1) and (4)) may be obtained from the Secretary to the Planning Commission at the Planning and Development Department, 3rd Floor, Edward Ball Building, 2814 North Hogan Street, Suite 300, Jacksonville, Florida 32202. For questions regarding the Appeal process, please contact the Secretary to the Planning Commission at (904) 255-7800.

II. NOTICE OF APPEAL

I, Zach Miller, Esq. (agent), hereby file this Notice of Appeal from the final order of
PRINT NAME CLEARLY
the City of Jacksonville Planning Commission concerning Exception/Variance/Waiver Number ^{E-22-01/AD-22-01}.

I am (Please circle one):

- (a) The person who filed the application for the zoning exception, variance, or waiver;
- (b) A person who owns, lives, or operates a business on property within 350 feet of the property which has been granted or denied a zoning exception, variance, or waiver;
- (c) A person, other than a member of the City Council, who provided a qualifying written statement or who testified before the Planning Commission. The statement must have been in writing, expressing a position on the merits of the application for zoning exception, variance, or waiver, other than a petition, such as a letter, a memo or an e-mail, containing a reference to the specific application number and the name and mailing address of the person making the statement. The statement must have been specifically addressed to the City’s Chief, Current Planning Division, or any member of the Planning Commission (with a copy to the Chief, Comprehensive Planning Division), and which was delivered to and received by the City’s Planning and Development Department by hand delivery, mail, facsimile, or e-mail at least two working days before the public hearing at which the Commission took final action on the application, or which is read into the record at the public hearing, or distributed to the Commission at the hearing with a copy to the Commission’s staff.

III. SUPPORTING DOCUMENTS

To complete your Notice of Appeal, you **must** submit the following documents with this form:

- (1) A copy of the Final Order you are appealing.
- (2) If you circled II(c) above, you must provide a statement of your interest sufficient to show how you are or will be *adversely* affected by the Commission’s decision. Please provide this statement in the space below:

If you need additional space, please attach a separate sheet.

(3) A description of the specific error(s) you believe the Commission committed. Please provide this description in the space below:

Please see attached sheet.

(4) The list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who testified before the Commission about the application, or who provided a qualifying written statement to the Commission about the application. (You must pay a \$7.00 notification fee for each person on the list.)

(5) A list of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who own real property within three hundred and fifty feet of the boundaries of the land which is the subject of the appeal, and if the appeal concerns an application for a waiver of the minimum distance requirements from a church or school for a liquor license, the list shall include all churches and schools within one thousand five hundred feet identified pursuant to Section 656.804. (You must pay a \$7.00 notification fee for each person on the list.)

IV. FILING AND NOTIFICATION FEES

Section 656.147, Ordinance Code, requires persons appealing Final Orders to pay filing and notification fees. These fees must be paid at the time you file your Notice of Appeal with the Legislative Services Division or your Appeal will not be accepted. You may include the filing and notification fees in one payment. Make checks payable to TAX COLLECTOR.

Filing Fee: \$1,161.00
Notification Fee: \$7.00 for each notification.

V. Contact Information

Name (Printed): Zach Miller
Address: 3203 Old Barn Court
Ponte Vedra Beach, Florida 32082
Daytime Phone: (904)396-5731
Evening Phone:
E-mail address: zwmillerlaw@gmail.com

VI. CERTIFICATION (Please read, sign and date the following statement)

I have read and understand the information contained in this Notice of Appeal. I hereby certify that I have provided all the information required under §656.141, Ordinance Code, and I understand that if this Notice of Appeal is incomplete, my appeal will not processed until it is complete, and that it may be rejected for incompleteness. I further certify that all my statements in this Notice of Appeal are true and correct to the best of my knowledge.

Zach Miller Digitally signed by Zach Miller
Date: 2022.02.14 13:52:49 -05'00'

Signature

2/14/22

Date

<END OF FORM>

EXHIBIT A - Property Ownership Affidavit

Date: February 14, 2022

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: 0 Hubbard Street
RE#: 071838-000

To Whom it May Concern:

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

If Owner is Individual:

By _____
Print Name: _____

If Owner is Corporate Entity:*

Print Corporate Name:

FITZ LLC
By [Signature]
Print Name: Alex Sifakis
Its: Managing Membr

*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

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14 day of February, 2022 by Alex Sifakis, who is personally known to me or who has produced n/a as identification.

[Notary Seal]

[Signature]
Notary Public



Brittany Caroon
Comm.: HH 153890
My Commission Expires:
July 14, 2025

Brittany Caroon
Name typed, printed or stamped
My Commission Expires: July 14, 2025

EXHIBIT B
Agent Authorization Affidavit- Property Owner

Date: February 14, 2022

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: 0 Hubbard Street
RE#: 071838-000

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 Zach Miller to act as agent to file application(s) for APPEAL 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.

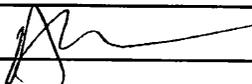
If Owner is Individual:

By _____
Print Name: _____

If Owner is Corporate Entity:*

Print Corporate Name:

FIT0Z LLC

By 
Print Name: Alex Sifakis

Its: Managing Member

*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

The foregoing instrument was acknowledged before me by means of physical presence or online notarization, this 14 day of February, 2022 by Alex Sifakis, who is personally known to me or who has produced n/a as identification.

[Notary Seal]



Brittany Caroon
Comm.: HH 153890
My Commission Expires:
July 14, 2025


Notary Public

Brittany Caroon
Name typed, printed or stamped
My Commission Expires: July 14, 2025

Description of Specific Errors and Request for Relief

APPEAL - E-22-01 and AD-22-01

DESCRIPTION OF PROPERTY

The Applicant is the owner of property located at 0 Hubbard Street (the “Property”), which is on the eastern side of Hubbard Street in historic Springfield just north of the intersection of 8th Street and Hubbard Street. The Property is currently vacant.

The Property is zoned CCG-S and is designated as CGC on the Future Land Use Map of the 2030 Comprehensive Plan. New single-family residences are not allowed by right or exception in CCG-S. New single-family residences are prohibited in the CGC land use category.

The following uses are *some* of the uses allowed by right on the Property:

- Retail outlets
- Pet shops
- New automobile part stores
- Barber and beauty shops
- Restaurants
- Laundry and dry cleaning
- Funeral home
- Home equipment rental
- Bank
- Building trades contractor
- Commercial indoor recreational or entertainment facilities such as bowling alleys, swimming pools, theaters, indoor skating rink
- Nursing home
- Day care center
- Hospital
- Veterinarians
- Off-street commercial parking lot

For these uses there are:

- No parking requirements
- No front setback requirements
- The maximum height is forty-five (45) feet
- No side setback required where the adjacent building is built to the property line.

E-22-01 Application and Staff Report

Pursuant to Section 656.368(IV)(c)(2), new multi-family dwellings are allowed by exception on the Property if the proposed use meets the criteria set forth in Section 656.131(c).

The applicant filed an application for an exception for a duplex on the Property. The City's professional staff reviewed the application and found that the proposed use met all the requirements for an exception (*See E-22-01 Staff Report*).

AD-22-01 Application and Staff Report

Pursuant to Section 656.109, the applicant filed an application for administrative deviation to reduce the side yard setback requirements for the project and reduce the parking requirements.

The City's professional staff reviewed the application and found the proposed requested administrative deviations met all the requirements in section 656.109 (*See AD-22-01 Staff Report*).

February 3, 2022, Planning Commission Hearing

At the planning commission hearing, a motion was made for approval, which received a second. Commissioners Moldovan and Garrison both stated that the proposed use and requested deviations met the applicable requirements. *See Pages 13-14, Lines 17-25/1-2, Transcript and Page 18, Lines 20-23*. Specifically, it was noted that of all the uses allowed on the Property, the proposed duplex was the least intense. *See Page 18, Transcript*.

Commissioners Brown and Blanchard both noted that it was not fair to the applicant to deny the exception and deviations because of the setbacks of the neighboring home. *See Pages 17-18, Transcript and Pages 24-25, Lines 17-25/1-2, Transcript*.

Commissioners inquired to staff as to the normal side yard setbacks in Springfield, to which staff confirmed that the proposed side yard setbacks are consistent with the setbacks in the area. *See Page 10, Lines 15-20, Transcript*.

Despite the comments from the board members and the unconditioned approval from staff, the exception received two (2) votes in favor and five (5) against.¹ Included in those members who voted against were Commissioners Garrison and Moldovan who specifically stated that the application met the requisite requirements.

The only speaker in opposition was the owner of the property immediately to the south of the Property, who stated he did not want the applicant to build on the Property. *See Page 9, Lines 1-2, Transcript.*

ED-22-01 Order

The Planning Commission's order denying the exception provides there was no competent substantial evidence that the application met the criteria in Section 656.131 because it found that,

*"[T]he impact of the new use would detrimentally affect the adjoining parcel in that (sic) and the scale, orientation of structures to (sic) the area, property values and other characteristics of adjoining properties will be impacted adversely by the grant of this exception."*²

It is unclear exactly what the reasons quoted in the above order mean. Regardless, none of the reasons have anything to do with the requirements for an exception or the competent substantial evidence presented to the Planning Commission.

The City's professional staff reviewed the application and found that it met the applicable criteria for an exception. Analysis and reports by a local government's zoning staffs constitute competent substantial evidence. *City of Hialeah Gardens v. Miami-Dade Charter Found., Inc.*, 857 So. 2d 202, 205 (Fla. 3d Dist. 2003), *Palm Beach County v. Allen Morris Co.*, 547 So. 2d 690, 694 (Fla. 4th Dist. 1989); *Hillsborough County Bd. of County Comm'rs v. Longo*, 505 So. 2d 470, 471 (Fla. 2d Dist. 1987); *Metropolitan Dade County v. Fuller*, 515 So. 2d 1312, 1314 (Fla. 3d Dist. 1987); *City of Tampa v. Madison*, 508 So. 2d 754, 754 (Fla. 2d Dist. 1987) and *Jesus Fellowship, Inc., v. Miami-Dade County*, 752 So.2d 708, 710 (Fla. 3d Dist. 2000).

¹ There was no motion to deny the exception. Applicant's agent inquired with counsel for the planning commission who stated that a positive motion is not needed.

² As noted in the staff report, the criterion is an impact on "future development of contiguous properties or the general area." As the staff report provides, the area is developed and there is no impact on any future development.

Appeal E-22-01 and AD-22-01

Moreover, there was no competent substantial evidence that the proposed use would have a detrimental impact on property values, in fact there was only one speaker in opposition, who does not want anything to be built on the Property.

Katherine's Bay, LLC v. Fagan, 52 So. 3d 19 (Fla. 1st DCA 2010) holds that such public testimony, even as to property values, is not competent substantial evidence, explaining,

"Lay witness's speculation about potential traffic problems, light and noise pollution, and general unfavorable impacts of a proposed land use are not, however, considered competent, substantial evidence. Similarly, lay witness's opinions that a proposed land use will devalue homes in the area are insufficient to support a finding that such devaluation will occur. There must be evidence other than the lay witness's opinions to support such claims... (internal citations omitted)."

Similar duplexes have been approved in the area and there has been no impact on property values (*See 1739 Market Street, exception unanimously approved by the Planning Commission on October 8, 2020*).

The proposed use is less intense than the uses allowed by right. The proposed use has setbacks that are greater than the setbacks of the surrounding properties. The proposed use has setbacks which are greater than the setbacks which would be allowed by RMD-S zoning.

The same street has a tri-plex (*1835 Hubbard Street*), a quad-plex (*1832 Hubbard Street*), and several duplexes (*1938 Hubbard Street, 1954 Hubbard Street, 1923 Hubbard Street, 1655 Hubbard Street, 1643 Hubbard Street, 1641 Hubbard Street, 1623 Hubbard Street, 1619 Hubbard Street, 1609 Hubbard Street*)³, with most of the foregoing examples being located immediately adjacent to single-family homes.

AD-22-01 Order

The Planning Commission's Order denying the administrative deviations requested provides there was no competent substantial evidence that the application met the criteria in Section 656.109 because it found that,

³ All are within 1,000 feet of the Property.

Appeal E-22-01 and AD-22-01

“[T]he standards and criteria set forth in Section 656.109(h) of the Zoning Code, particularly the increased traffic would negatively impact the welfare and safety of the community.”

There was no competent substantial evidence, nor any evidence, that the proposed deviations would increase traffic to the area. Moreover, there is no criteria in Section 656.109(h) which even concerns traffic.

One proposed deviation was to allow for parking which exceeds the parking required for single-family uses in Springfield (zero), multi-family uses in RMD-S and the commercial uses allowed by right for the Property (zero).

The other deviation was to allow for setbacks which are greater than the setbacks for the property to the north (2.31 Feet per *PUD 2018-670*) and the property to the south (which is effectively to the property line).

The professional planning staff found that the deviations requested met the applicable criteria. As to the setbacks, the staff testified that the setbacks requested are consistent with the setbacks found in the Springfield Historic District. *See Page 10, Lines 15-20, Transcript.*

While traffic is not one of the criterion for an administrative deviation, the use proposed would generate less traffic the majority of the uses allowed by right by the zoning (*See ITE Trip Generation Manual*).

Requested Relief

The applicant is filing this appeal requesting that the land use and zoning committee and city council grant the appeal and thereby approve the exception and administrative deviation.

For the reasons set forth above, the reasons cited for denial in the orders are not supported by competent substantial evidence and/or are not criteria for exceptions or administrative deviations.

As part of this appeal, the applicant is submitting a revised site plan (attached) which increases the side yard setback from the southern property line from what was originally submitted.



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Planning and Development Department

Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

February 23, 2022

RE: Certified Copy of Final Order

I hereby certify that the attached is a true and accurate copy of the Final Order of E-22-01 / AD-22-01:

E-22-01 / AD-22-01 heard on February 3, 2022

Patricia Sales BEL

Patricia Sales

Patricia Sales

Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

On File

Page 11 of 62

FINAL ORDER
E-22-01

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: **E-22-01**

IN RE: the Zoning Exception Application of

FITOZ, LLC

ORDER DENYING APPLICATION FOR ZONING EXCEPTION E-22-01

This matter came to be heard upon the Application for Zoning Exception filed by Fitoz, LLC, the owner of certain real property located at 0 Hubbard Street, RE #071838-0000, seeking to allow the new multi-family dwelling (duplex), in the CCG-S Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on February 3, 2022, including the Report of the Planning and Development Department on Application for Zoning Exception **E-22-01** and all attachments thereto ("Staff Report"), a copy of which is attached hereto as **Exhibit "A"**, the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.131 of the Zoning Code;
2. That substantial competent evidence fails to demonstrate that application **E-22-01** meets to the extent applicable the standards in criteria set forth in Section 656.131(c) of the Zoning Code; the Commission specifically finds that the impact of the new use would detrimentally affect the adjoining parcel in that and the scale, orientation of structures to the area, property values and other characteristics of adjoining properties will be impacted adversely by the grant of this exception; and
3. That the land which is subject of this exception application **E-22-01** is owned by Fitoz, LLC. A copy of the legal description of the subject property is attached as part of **Exhibit "A"** and incorporated herein by reference.

NOW THEREFORE, it is **ORDERED** by the Planning Commission:

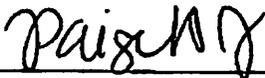
1. Application **E-22-01** is hereby **DENIED**.

Executed this 3rd day of February, 2022.



David Hacker
Chairman, Planning Commission

FORM APPROVED:



Paige Hobbs Johnston
Assistant General Counsel



Ian Brown
Secretary, Planning Commission

Copies to:

Zach Waton Miller, Esquire
Law Office of Zach Miller
7563 Philips Highway
Jacksonville, FL 32256
Applicant/Agent

Alex Sifakis
Fitoz, LLC
7563 Philips Highway, Suite 208
Jacksonville, FL 32256
Owner

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code.

GC-#1479776-v1-Order_on_E-22-01_D_2-3-22.docx

STAFF REPORT E-22-01

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR ZONING EXCEPTION E-22-01

FEBRUARY 3, 2022

Location: 0 Hubbard Street; Between Market Street and Main Street (US 1)

Real Estate Number: 071838-0000

Zoning Exception Sought: New Multi-Family Dwelling (Duplex)

Current Zoning District: Commercial Community/General-Springfield (CCG-S)

Current Land Use Category: Community/General Commercial (CGC)

Planning District: District 1-Urban Core

Applicant/Agent: Zach Waton Miller, Esq.
Law Office of Zach Miller
7563 Philips Highway
Jacksonville, Florida 32256

Owner: Alex Sifakis
Fitoz, LLC
7563 Philips Highway, Suite 208
Jacksonville, Florida 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Exception E-22-01 seeks to permit the development of two (2) multi-family dwelling units in the Commercial Community/General-S (CCG-S) Zoning District. The subject property is approximately 0.10± acres, vacant, and located within the Springfield Historic District and Springfield Zoning Overlay. New multi-family structures are permissible by zoning exception in the Springfield Zoning Overlay.

There is a companion application for Administrative Deviation (AD-22-01) to reduce the minimum number of parking spaces from four (4) spaces to two (2) spaces, reduce the side yard setback from 15 feet to three (3) feet, and reduce the distance between structures from six (6) feet to 3.75 feet.

Exhibit A

DEFINITION

According to Section 656.1601 of the Zoning Code, *exception* means a use that would not be appropriate generally or without restriction throughout the zoning district but which, if controlled as to number, area, location or relation to the neighborhood, could promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity or general welfare. Such uses may be permissible in the zoning district as exceptions if specific provision for the exception is made in the Zoning Code and the uses are found by the Commission to be in conformity with the standards and criteria for granting the same contained in Section 656.131(c) thereof.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to the provisions of Section 656.131 (c) of the Zoning Code, the Planning Commission shall grant an exception only if it finds from a preponderance of the evidence that the exception meets, to the extent applicable, the following standards and criteria:

(i) Will the proposed use be consistent with the Comprehensive Plan?

Yes. The site is located in the Community/General Commercial (CGC) land use category within the Urban Priority Development Area. CGC in the Urban Priority Area is intended to provide compact development, which should generally be developed in nodal and corridor development patterns while promoting the revitalization or advancement of existing commercial districts and the use of existing infrastructure through infill development and redevelopment. Development that includes residential uses is preferred to provide support for commercial and other uses. Principal uses include commercial retail sales and service establishments including auto sales; restaurants; hotel and motel; office; financial institutions; multi-family dwellings; commercial recreation and entertainment facilities; and similar. Development that includes residential uses is preferred to provide support for commercial and other uses. A combination of compatible mixed uses should be vertically integrated with a multistory building.

Although multi-family residential is permitted in the CGC land use category, residential uses shall not be the sole use and shall not exceed 80 percent of a development. The applicant argues that the proposal of a duplex on the application site meets the mixed-use development criteria if the entire CGC land use category is considered. It has been determined that Springfield as a whole complies with the 80/20 mix. The area is under one zoning overlay and one historic district. Therefore, a residential use duplex as a single use is consistent with Springfield Zoning Overlay and Historic District.

The proposed zoning application should be reviewed in relation to the following goals, objectives, polices or text of the 2030 Comprehensive Plan:

Future Land Use Element:

Policy 1.2.9
 Require new development and redevelopment in the Central Business District, Urban Priority Area, Urban Area, and Suburban Area to be served by centralized wastewater collection and potable water distribution systems when centralized service is available to the site. New septic tanks in this area maybe permitted only as interim facilities pursuant to the requirements of the Sanitary Sewer Sub-Element.

The proposed development shall adhere to the aforementioned policy once development of the site commences.

Goal 3
 To achieve a well-balanced and organized combination of residential, non-residential, recreational and public uses served by a convenient and efficient transportation network, while protecting and preserving the fabric and character of the City’s neighborhoods and enhancing the viability of non-residential areas.

The proposed development is located in the Urban Priority Area and fulfills the criteria mentioned above. The requested exception is for two (2) multi-family dwelling units located in the Springfield Historic District and Zoning Overlay.

(ii) *Will the proposed use be compatible with the existing contiguous uses or zoning and compatible with the general character of the area, considering population density, design, scale, and orientation of structures to the area, property values, and existing similar uses or zoning?*

Yes. The proposed use will be compatible with the existing contiguous uses considering the residential nature of the proposed use. Due to being located within the Springfield Historic district and zoning overlay, the general character of the neighborhood area will be preserved in relation to design, scale, and orientation. Nonetheless, adjacent land uses and zoning districts are as follows:

<u>Adjacent Property</u>	<u>Land Use Category</u>	<u>Zoning District</u>	<u>Current Property Use</u>
North	MDR	PUD 2018-0670	Single-Family Dwelling
South	CGC	CCG-S	Single-Family Dwelling
East	CGC	CCG-S	Undeveloped Land
West	CGC	CCG-S	Commercial Retail Sales/Service

(iii) *Will the proposed use have an environmental impact inconsistent with the health, safety, and welfare of the community?*

No, it is the opinion of the Planning and Development Department that the proposed use will not have a negative environmental impact with the health, safety and welfare of the community. Additionally, the proposed development will still be held to all applicable federal, state, and local environmental regulations.

- (iv) *Will the proposed use have a detrimental effect on vehicular or pedestrian traffic, or parking conditions, and will not result in the creation or generation of traffic inconsistent with the health, safety, and welfare of the community?*

No. In relation to surrounding residential and commercial uses, Staff finds that the proposed use will not generate significant traffic that is inconsistent with the health, safety, and welfare of the community.

- (v) *Will the proposed use have a detrimental effect on the future development of contiguous properties or the general area?*

No, the proposed use will not have a detrimental effect on the future development of contiguous properties or the general area as the dwelling will be surrounded by other residential uses. Moreover, if properly conditioned to meet the architectural and aesthetic regulations set forth in Chapter 307 of the Ordinance Code, the construction of a new multi-family dwelling will contribute to residential infill on an underutilized parcel, minimize blight, and aid in the redevelopment of the Springfield Historic District.

- (vi) *Will the proposed use result in the creation of objectionable or excessive noise, lights, vibrations, fumes, odors, dust or physical activities, taking into account existing uses or zoning in the vicinity?*

No. Based on the aforementioned criteria, Staff finds the proposed use unlikely to cause additional objections from neighboring properties due to the nature of the requested exception and surrounding properties.

- (vii) *Will the proposed use overburden existing public services and facilities?*

No. The proposed use will not require additional services nor adversely affect existing public services and facilities given the low-intensity nature of the development.

- (viii) *Will the site be sufficiently accessible to permit entry onto the property for fire, police, rescue and other services?*

Yes. The site will be sufficiently accessible for emergency services via Hubbard Street.

- (ix) *Will the proposed use be consistent with the definition of a zoning exception, and will meet the standards and criteria of the zoning classification in which such use is proposed to be located, and all other requirements for such use set forth elsewhere in the Zoning Code, or otherwise adopted by the Planning Commission?*

Yes. The proposed construction of a duplex will be consistent with the definition of a Zoning Exception and with the zoning classification standards found in the Zoning Code by providing for the infill development of a vacant and underused property.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on **January 20, 2022**, by the Planning and Development Department, the Notice of Public Hearing signs were posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application for Zoning Exception E-22-01 be **APPROVED**.

Figure A:



Source: Planning & Development Dept, 12/02/21

Aerial view of the subject site and parcel, facing north.

Figure B:



Source: Planning & Development Dept, 01/20/22

View of the subject property, facing east.

Figure D:



Source: Planning & Development Dept, 01/20/22

View of the neighboring dwellings to the north of the subject property.

Figure E:



Source: Planning & Development Dept, 01/20/22

View of the neighboring dwelling to the south of the subject property.

Figure E:

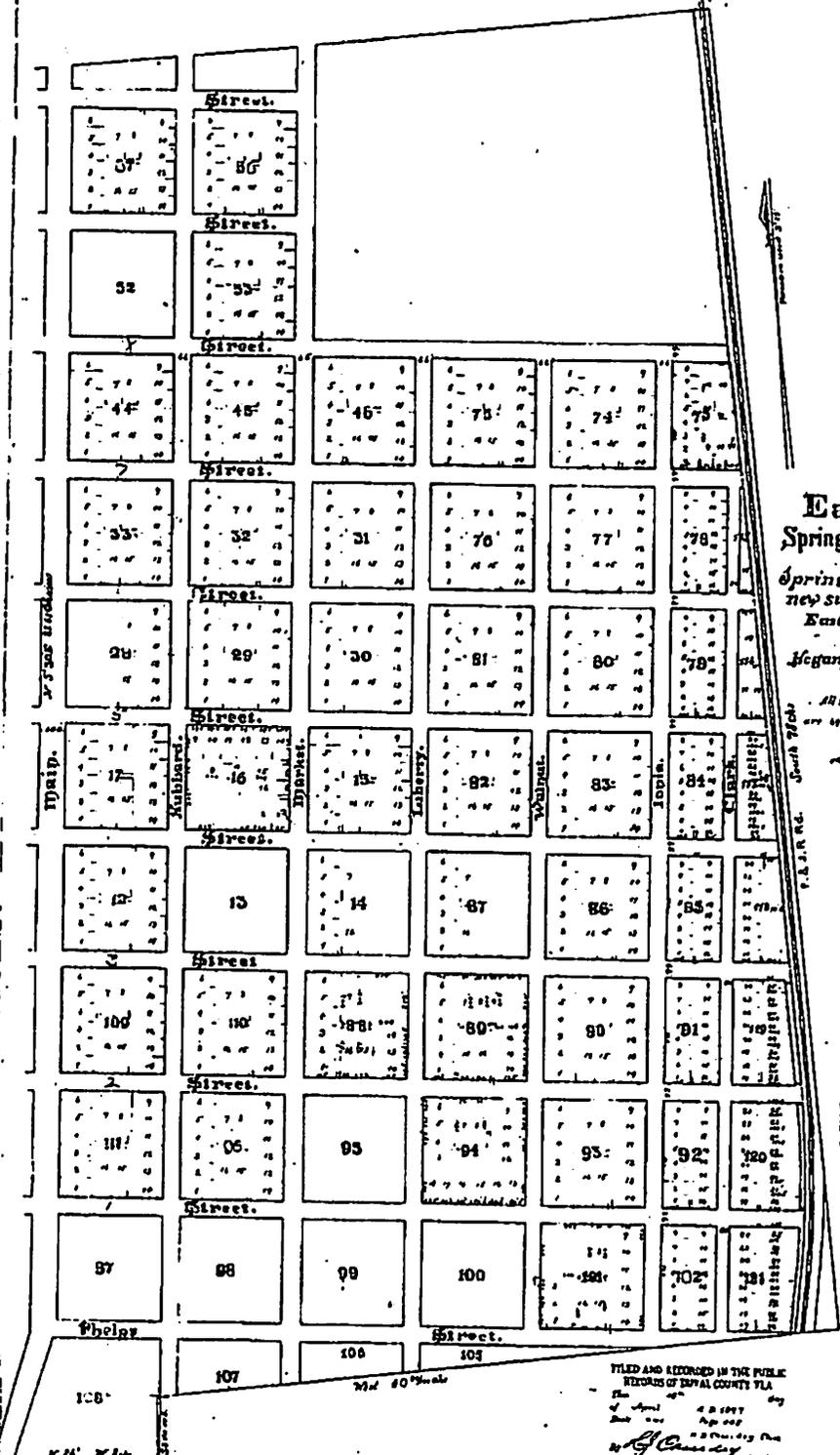


Source: Planning & Development Dept, 01/20/22

View of the neighboring dwellings across the street from the subject property.



<p>REQUEST SOUGHT: NEW MULTI-FAMILY DWELLING (DUPLEX)</p>	<p>LOCATION MAP: </p>	 <p>0 30 60 120 Feet</p>
	<p>TRACKING NUMBER E-22-01</p>	<p>COUNCIL DISTRICT: 7</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>



**East
Springfield.**
 The
Springfield Company's
 new subdivision of the
 Eastern portion
 of the
Hagan Donation.
 188
 All regular lots 166
 75 x 100
 75 x 100

Filed on 27th day of April
 County of Duval, Fla.
 A. D. 1917
W. Cassidy

FILED AND RECORDED IN THE PUBLIC
 RECORDS OF DUVAL COUNTY FLA.
 This 27th day of April 1917
 W. Cassidy

State of Florida,
 County of Duval,
 Do it remembered that on this 16th day of April
 1917, in the County and State aforesaid, before me personally came
 James B. Hagan, to me well known and made oath before me that he is
 the President of the Springfield Company, a corporation under the laws
 of the State of Florida, and that the map to which this affidavit is
 attached has been adopted by the said Springfield Company, pursuant
 to a resolution of the Board of Directors of the said Company for the
 purpose of showing a new division of the lots and blocks of the
 East portion of its tract of land called Springfield, and for the
 purpose of showing the streets which said Company proposes to lay

FINAL ORDER AD-22-01

BEFORE THE PLANNING COMMISSION
OF THE CITY OF JACKSONVILLE

APPLICATION NO: **AD-22-01**

IN RE: The Administrative Deviation Application of

FITZ, LLC

ORDER DENYING APPLICATION FOR ADMINISTRATIVE DEVIATION AD-22-01

This matter came to be heard upon the Application for Administrative Deviation filed by Fitz, LLC, the owner of certain real property located at 0 Hubbard Street, RE #071838-0000, seeking to 1) decrease minimum number of off-street parking spaces from four (4) spaces to two (2) spaces; 2) reduce the side yard setback from 15 feet to three (3) feet along the north property line; and 3) reduce distance between structures from six (6) feet to 3.75 feet along the south property line, in the CCG-S Zoning District.

Having duly considered both the testimonial and documentary evidence presented at the public hearing on February 3, 2022, including the Report of the Planning and Development Department on Application for Administrative Deviation **AD-22-01** and all attachments thereto ("Staff Report"), a copy of which is attached hereto as **Exhibit "A"**, the Planning Commission of the City of Jacksonville hereby adopts and incorporates herein the recommendations of the Staff Report, and,

FINDS AND DETERMINES:

1. That the applicant has complied with all application requirements set forth in Section 656.109 of the Zoning Code.
2. That the land which is the subject of this exception application **AD-22-01** is owned by Fitz, LLC. A copy of the legal description of the subject property is attached as part of **Exhibit "A"** and incorporated herein by reference.
3. That substantial competent evidence fails to demonstrate that application **AD-22-01** meets, to the extent applicable, the standards and criteria set forth in Section 656.109(h) of the Zoning Code; particularly the increased traffic would negatively impact the welfare and safety of the community.
4. The Commission finds that Application for Administration Deviation **AD-22-01** is a self-imposed hardship.

NOW THEREFORE, it is **ORDERED** by the Planning Commission:

1. An administration deviation is hereby **DENIED**.

Executed this 3rd day of February, 2022.


David Hacker
Chairman, Planning Commission

FORM APPROVED:


Paige Hobbs Johnston
Assistant General Counsel
Ian Brown
Secretary, Planning Commission

Copies to:

Zach Waton Miller, Esquire
Law Office of Zach Miller
7563 Philips Highway
Jacksonville, FL 32256
Applicant/Agent

Alex Sifakis
Fitoz, LLC
7563 Philips Highway, Suite 208
Jacksonville, FL 32256
Owner

NOTICE: This Order does not become final until the expiration of the twenty-one (21) day appeal period provided in the Zoning Code.

GC-#1479779-v1-Order_on_AD-22-01_D_2-3-22.docx

STAFF REPORT AD-22-01

AD-22-01

LOCATION: 0 Hubbard Street, Jacksonville, Florida 32206

REAL ESTATE NUMBER: 071838-0000

DEVIATION SOUGHT:

1. Section 656.368(IV)(L): Decrease minimum number of off-street parking spaces from four (4) spaces to two (2) spaces.
2. Section 656.368(h)(2): Reduce the side yard setback from 15 feet to three (3) feet along the north property line.
3. Section 656.368(h)(2): Reduce distance between structures from six (6) feet to 3.75 feet along the south property line.

CURRENT ZONING: CCG-S

CURRENT LAND USE: CGC

PLANNING DISTRICT: 1

COUNCIL DISTRICT: 7

SIGNS POSTED: 1

OWNER:

Alex Sifakis
Fitoz, LLC
7563 Philips Highway, Suite 208
Jacksonville, Florida 32256

AGENT:

Zach Waton Miller, Esq.
Law Office of Zach Miller
7563 Philips Highway
Jacksonville, Florida 32256

STANDARDS, CRITERIA AND FINDINGS

<p>1. Is this situation unique or similar to other properties in the neighborhood?</p>	<p><u>Recommendation:</u> Unique. The 0.10± acre subject property consists of one (1) vacant, undeveloped lot located in the Springfield Zoning Overlay and Springfield Historic District. The applicant is seeking to develop the property with a new, two-story multi-family structure and is requesting reductions in parking and setbacks in order develop the site. Because new multi-family structures are permissible by Zoning Exception in the CCG-S zoning district, the applicant has submitted a companion application for a Zoning Exception (E-22-01) in order to permit the development of two (2) multi-family dwelling units, otherwise known as a duplex.</p> <p>According to the applicant, both units will contain three (3) bedrooms. Based on the parking standards set forth in Section 656.604(a)(2) of the Zoning Code, the following off-street parking spaces are required for three (3) or more bedroom units:</p> <ul style="list-style-type: none">• 2.25 spaces for three (3) or more bedroom units
---	---

Exhibit A

	<p>While Part 6 requires the proposed development to have five (5) parking spaces, Section 656.368(IV)(L) of the Springfield Zoning Overlay only requires 80% of Part 6 parking spaces to be met—which equates to four (4) parking spaces. The applicant intends to develop the site with two (2) parking spaces in the rear, which will be accessed by the platted alleyway from 8th Street and 9th Street.</p> <p>Additionally, Section 656.368(h)(2) outlines the minimum lot requirements. Measuring 33 feet in lot width, the applicant renders the lot functionally limited in meeting the side yard setback and building separation requirement.</p>
<p>2. There are practical or economic difficulties in carrying out the strict letter of the regulation in that...</p>	<p><u>Recommendation:</u> Yes. There are practical difficulties associated with carrying out the strict letter of the regulation as the proposed multi-family dwelling units would have to conform to parking formulas that warrant more parking and more land availability within an area that historically has smaller lot sizes and use alleyways for ingress/egress purposes. Moreover, the smaller setbacks—and in turn the reduced setbacks—are consistent with the smaller setbacks and mixed use development located along Hubbard Street and other commercial areas within Springfield.</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 upon a desire to reduce the cost of developing the site. Rather, granting of this deviation would accomplish a result in the public interest by allowing the applicant to promote infill development that is similar in character, intensity, and scale to adjacent uses within the Springfield Historic District and Zoning Overlay.</p>
<p>4. The proposed deviation will not substantially diminish property values in, nor alter the essential character of the area surrounding the site and will not substantially interfere with or injure the rights of others whose property would be affected by the deviation, in that...</p>	<p><u>Recommendation:</u> Yes. Staff finds no evidence that the proposed deviation is likely to diminish property values in the surrounding area or alter the essential character of the area.</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...	<u>Recommendation:</u> Yes. The proposed deviation is unlikely to have a detrimental effect on the public health, safety or welfare, nor create a public expense or potential nuisance.
6. The effect of the proposed deviation is in harmony with the spirit and intent of the Zoning Code.	<u>Recommendation:</u> Yes. The proposed deviation is in harmony with the spirit and intent of the Zoning Code, which seeks to allow infill development of sites, encourage the development of pedestrian-oriented, walkable communities, and promote the health, safety and general welfare of the public as outlined in the 2030 Comprehensive Plan.
7. The City landscape architect has/has not recommended the proposed deviation.	N/A
8. The existing violation was not created by the applicant with an intent to violate the Zoning Code.	N/A

STAFF RECOMMENDATION: APPROVE

DATE OF REPORT: 02/03/2022

Figure A:



Source: Planning & Development Dept, 12/13/2021

Aerial view of the subject site and parcel facing north.

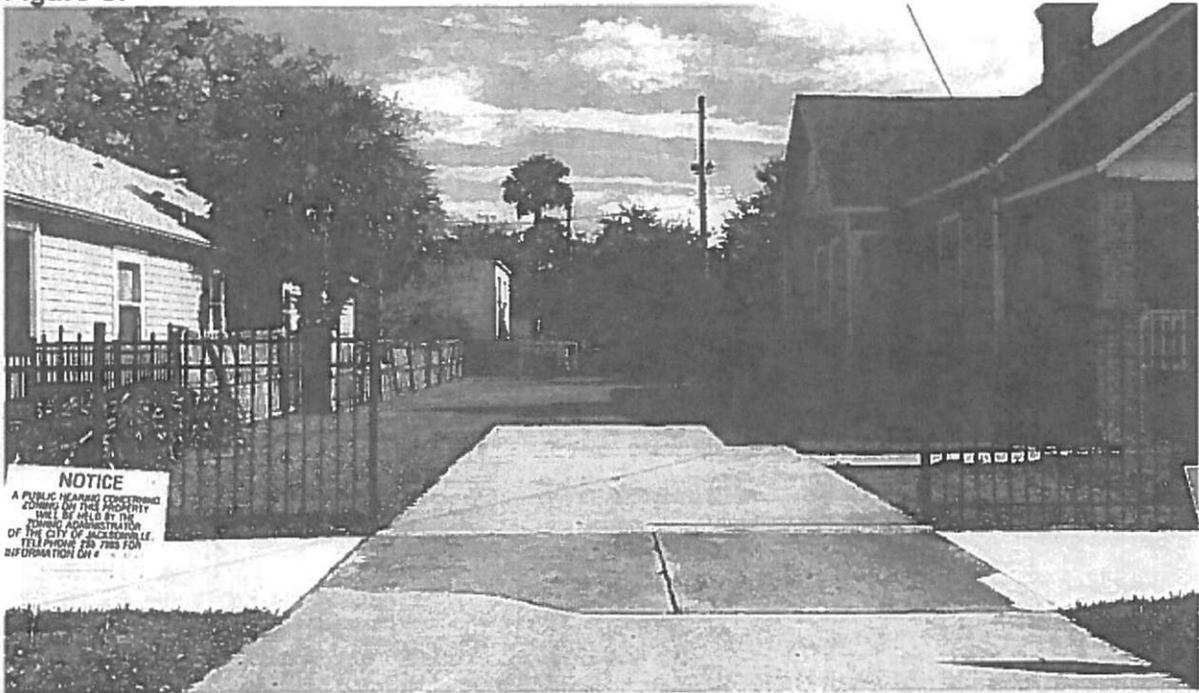
Figure B:



Source: Planning & Development Dept, 01/20/2022

Upon visual inspection, the Notice of Public Hearing signs were posted.

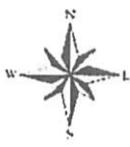
Figure C:



Source: Planning & Development Dept, 01/20/22

View of the subject property and the alleyway in the rear, facing east.



<p>REQUEST SOUGHT:</p> <p>SIDE YD FROM 15 TO 3 ALONG NPL AND REDUCE DISTANCE BETWEEN STRUCTURES FROM 6 TO 3.75 ALONG SPL</p> <p>REDUCE MINIMUM NUMBER OF OFF-STREET PARKING SPACES FROM 4 TO 2</p>	<p>LOCATION MAP:</p> 	 <p>0 30 60 120 Feet</p> <p>COUNCIL DISTRICT: 7</p>
<p>TRACKING NUMBER AD-22-01</p>		<p>EXHIBIT 2 PAGE 1 OF 1</p>



ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Planning and Development Department

Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

February 23, 2022

RE: Appeal of E-22-01 / AD-22-01

Please find attached:

- * **Certified 350 ft. property owner list**
- * **Certified speaker / provider of written statement list**
- * **Copy of Final Order**
- * **Copy of Meeting Transcript**

If there are any further questions, please feel free to contact me at (904) 255-7829

E-22-01 / AD-22-01 heard on February 3, 2022



Patricia Sales

Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

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City of Jacksonville, Florida

Planning and Development Department

Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

February 23, 2022

RE: Certified Speaker / Provider of Written Statement List

I hereby certify that attached are the complete names and mailing addresses of any and all persons who either provided a written statement to, or testified before, the Commission regarding Application:

E-22-01 / AD-22-01 heard on February 3, 2022

Patricia Sales BEL

Patricia Sales

Patricia Sales

Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

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City of Jacksonville, Florida

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Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

February 23, 2022

RE: Certified 350 ft. Property Owner List

I hereby certify that the attached is a true and accurate copy of the owners of real property within three hundred and fifty feet of the boundaries of the land regarding Application:

E-22-01 / AD-22-01 heard on February 3, 2022

Patricia Sales

Patricia Sales
Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

On File

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List of the persons (names and complete addresses), certified by the Secretary of the Planning Commission, who testified before the Commission about the application, or who provided a qualifying written statement to the Commission about the application.

E-22-01
071664 0000
150 EAST 8TH STREET LLC
4740 UNIVERSITY BLVD N
JACKSONVILLE, FL 32277-1000

1

E-22-01
071653 0000
27 EAST 7TH STREET LLC
2025 TYLER ST
HOLLYWOOD, FL 33020

2

E-22-01
071831 0000
ALDRED ELIZABETH A B/E
1810 HUBBARD ST
JACKSONVILLE, FL 32206-3724

3

E-22-01
071842 0015
AYRES EVA ET AL
1835 HUBBARD ST
JACKSONVILLE, FL 32206-3723

4

E-22-01
071828 0000
BYRDALICIA FRANCES
1824 HUBBARD ST
JACKSONVILLE, FL 32206

5

E-22-01
071861 0000
CHARLES W CULP FAMILY TRUST
P O BOX 7504
SAINT MARYS, GA 31558

6

E-22-01
071849 0000
CONROY WILLIAM J
128 E 9TH ST
JACKSONVILLE, FL 32206

7

E-22-01
071860 0000
CULP CHARLES W FAMILY TRUST
PO BOX 7504
ST MARYS, GA 31558

8

E-22-01
071856 0000
DENNIS WILLIAM
1711 BAY SE ST
WASHINGTON, DC 20003

9

E-22-01
071813 0000
DUVAL ATLANTIC PROPERTIES INC
1701 N PEARL ST
JACKSONVILLE, FL 32206-4348

10

E-22-01
071838 0000
FITOZ LLC
7563 PHILIPS HWY STE 208
JACKSONVILLE, FL 32256

11

E-22-01
071813 0010
GLUON HOLDINGS LLC
152 E 4TH ST
JACKSONVILLE, FL 32206

12

E-22-01
071858 0020
GREENWALD MELISSA EMILY
1820 MARKET ST N
JACKSONVILLE, FL 32206

13

E-22-01
071847 0000
HARPER DEMETRESS NICOLE
122 9TH ST E
JACKSONVILLE, FL 32206-3708

14

E-22-01
071661 0000
HOOSE OZ 1 LLC
7563 PHILIPS HWY SUITE 208
JACKSONVILLE, FL 32256

15

E-22-01
JACKSONVILLE CULTURAL DEVL P CORP
SUZANNE PICKETT
648 UNION ST E
JACKSONVILLE, FL 32206

16

E-22-01
071824 0000
JAX ONE HOLDINGS LLC
14241 LAKE CANDLEWOOD CT
MIAMI LAKES, FL 33014

17

E-22-01
071839 0000
JELANI JABARI
1811 HUBBARD ST
JACKSONVILLE, FL 32206

18

E-22-01
071830 0000
KASSA ZEWDENEH
443 MARTIN LAKES DR S
JACKSONVILLE, FL 32220

19

E-22-01
071821 0000
KEYSTONE EQUITY GROUP LLC
3 S ST
SAINT AUGUSTINE, FL 32084

20

E-22-01
071910 0010
KRAMER TERRY II
1911 HUBBARD ST
JACKSONVILLE, FL 32206

21

2
1
3

E-22-01
071940 0000
LAFFERTY HAILEY FELICIA LIFE ESTATE
31 VILLAGE WALK CT
PONTE VEDRA BEACH, FL 32082

22

E-22-01
071941 0000
LAFFERTY SHAUN E
125 E 9TH ST
JACKSONVILLE, FL 32206

23

E-22-01
071826 0000
LEM TURNER ROAD JACKSONVILLE LLC
C/O LRS CO DBA TSG REALTY
8650-12 OLD KINGS RD S
JACKSONVILLE, FL 32217

24

E-22-01
071848 0000
LESEANE CAMERON R
2520 VINTAGE ST
FARMERS BRANCH, TX 75234

25

E-22-01
071835 0000
MARIAM 21ST INVESTMENTS INC
PO BOX 6124
JACKSONVILLE, FL 32236

26

E-22-01
071832 1000
MARSILIO PATRICIA
38 E 31ST ST
JACKSONVILLE, FL 32206-1420

27

E-22-01
071855 0000
MASSEY ELIZABETH MARIE
1838 MARKET ST N
JACKSONVILLE, FL 32206

28

E-22-01
071822 0000
MCDONALD SANDRA ANN
52 E 9TH ST
JACKSONVILLE, FL 32206

29

E-22-01
071857 0000
MCNUTT ERIC K
1830 MARKET ST N
JACKSONVILLE, FL 32206-3742

30

E-22-01
071850 0000
MILLER ROY W
4216 BURNING TREE LN S
JACKSONVILLE, FL 32223

31

E-22-01
071852 0000
MOSELY BEN
140 9TH ST E
JACKSONVILLE, FL 32206

32

E-22-01
071851 0000
MOSELY BEN JR
140 E 9TH ST
JACKSONVILLE, FL 32206-3708

33

E-22-01
071858 0000
NELSON JOSHUA ROBERT
1824 N MARKET ST
JACKSONVILLE, FL 32206

34

E-22-01
071825 0000
OMIS 26 REALTY LLC
1645 UTICA AVE
BROOKLYN, NY 11234

35

E-22-01
OPERATION NEW HOPE LINDA JOSEPH
1830 MAIN ST N
JACKSONVILLE, FL 32206

36

E-22-01
071823 0000
PATRICK ERIC S
1842 HUBBARD ST
JACKSONVILLE, FL 32206

37

E-22-01
071841 0000
PIERRO DANIELLE
1819 HUBBARD ST
JACKSONVILLE, FL 32206

38

E-22-01
PRESERVATION SOS, INC. NICOLE LOPEZ

39

E-22-01
071909 0000
PRUITT EDGAR
709 PINEY PL
JACKSONVILLE, FL 32259-5441

40

E-22-01
071829 0000
ROCHA MATEUS HENRIQUE
1820 HUBBARD ST
JACKSONVILLE, FL 32206

41

E-22-01
071836 0000
RP9 LLC
11 E BORDER CIR
MEDFORD, MA 02155

42

E-22-01
071840 0000
SADDLER ASHLEY NICOLE
1825 HUBBARD ST
JACKSONVILLE, FL 32206

43

E-22-01
071827 0000
SETZER FAMILY FOUNDATION INC
C/O LRS CO DBA TSG REALTY
8650-12 OLD KINGS RD S
JACKSONVILLE, FL 32217

44

E-22-01
071854 0000
SIMON ROB
3020 STATE RD 13
SAINT JOHNS, FL 32259-9266

45

E-22-01
SPAR CHRISTINA PARRISH
1321 NORTH MAIN ST
JACKSONVILLE, FL 32206

46

E-22-01
SPRINGFIELD AREA MERCHANTS ASSOC.
KELLY RICH
1321 NORTH MAIN ST
JACKSONVILLE, FL 32206

47

E-22-01
SPRINGFIELD CIVIC ASSOCIATION KELLY RICH

48

E-22-01
SPRINGFIELD IMPROVEMENT ASSOCIATION
ADAM HALSTED
210 7TH ST W
JACKSONVILLE, FL 32206

49

E-22-01
071845 0000
SPRINGFIELD PARTNERS LLC
C/O ANN & JOHN HOOMANY
125 SW 8TH AVE
BOCA RATON, FL 33486

50

E-22-01
SPRINGFIELD PRESERVATION & REVITALIZATIO
KELLY RICH
1334 WALNUT ST
JACKSONVILLE, FL 32206

51

E-22-01
SUSTAINABLE SPRINGFIELD ALISON GOOD
454 EAST 3RD ST
JACKSONVILLE, FL 32206

52

E-22-01
071815 0005
UP SIDE MANAGEMENT COMPANY
211 MIDDLE RIDGE CT
HUBERT, NC 28539

53

E-22-01
URBAN CORE
KIM PRYOR
245 5TH ST
JACKSONVILLE, FL 32206

54

E-22-01
071662 0000
URBAN MINISTRIES OF SPRINGFIELD INC
PO BOX 3301
JACKSONVILLE, FL 32206-0301

55

E-22-01
071910 0500
WALKER DELORES
105 9TH ST E
JACKSONVILLE, FL 32206

56

E-22-01
071845 0500
WATERS JASON E
1851 HUBBARD ST
JACKSONVILLE, FL 32206

57

E-22-01
ZACH W MILLER
LAW OFFICE OF ZACH MILLER
7563 PHILIPS HIGHWAY
JACKSONVILLE, FL 32256

58

E-22-01
ALEX SIFAKIS
FITOZ, LLC
7563 PHILIPS HWY, STE 208
JACKSONVILLE, FL 32256

59

**List of the persons (names and complete addresses),
certified by the Secretary of the Planning
Commission, who own real property within three
hundred and fifty feet of the boundaries of the land
which is the subject of the appeal**

From: Sales, Patricia
To: zwmillerlaw@gmail.com
Subject: RE: Appeal of Planning Commission Denials of E-22-01 and AD-22-01
Date: Tuesday, February 8, 2022 12:35:04 PM

Zach,

There were only two speaker cards for E-22-01 / AD-22-01:

Zachary Miller, agent, 3203 Old Barn Court, Ponte Vedra Beach, FL 32082

Jabari Jelani, 1811 Hubbard Street, Jacksonville, FL, 32206, (443) 253-3839, in opposition

From: zwmillerlaw@gmail.com <zwmillerlaw@gmail.com>
Sent: Sunday, February 06, 2022 4:46 PM
To: Sales, Patricia <PMacer@coj.net>
Subject: Appeal of Planning Commission Denials of E-22-01 and AD-22-01

EXTERNAL EMAIL: This email originated from a non-COJ email address. Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Mrs. Sales,

Hope you are well. I am appealing the denials of E-22-01 and AD-22-01 (2/3/22) by the planning commission and am in need of following as required by Sections 4 and 5 of the appeal application:

- List of persons who testified before the planning commission (should just be me and one other person)
- The list of persons and addresses who own real property within 350 feet of the boundaries of the property.

Please let me know if you need anything from me.

Thank you!

Zach Miller, Esq.
904-651-8958

WIRE FRAUD ALERT: Criminals are hacking email accounts of settlement attorneys, real estate agents, title companies, and others, resulting in fraudulent wire instructions being used to divert funds to the account of the criminal. The emails look legitimate, but they are not. Parties should not wire any funds without personally speaking to the intended recipient of the wire to confirm the routing number and the account number. Parties should not send personal information such as social security numbers, bank account numbers, and credit card numbers except through secured email or personal delivery to the intended recipient.

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This e-mail channel is not encrypted. Please do not send any unencrypted e-mail containing Personally Identifiable or Non-Public Personal Information such as social security numbers, credit card numbers, medical information etc. If you must send this type of information via e-mail, it is essential that you use a secure e-mail channel.

zwMillerlaw@gmail.com

From: Sales, Patricia <PMacer@coj.net>
Sent: Monday, February 7, 2022 5:56 PM
To: zwMillerlaw@gmail.com
Cc: Huxford, Folks; Lewis, Bruce
Subject: RE: Appeal of Planning Commission Denials of E-22-01 and AD-22-01
Attachments: AD-22-01.pdf; E-22-01.pdf; 350 list E-22-01.pdf

Mr. Miller

Please see the attached Final Orders along with the 350' mailing list.

I have contacted the court reporter about the speaker cards and when they are available I will email the information to you.

Also in the public record file is an email from Jason Waters jasonnh3@gmail.com and Danielle Pierro Danielle.Pierro@bkfs.com.

Thank you
Patricia Sales
904-255-7829

From: zwMillerlaw@gmail.com <zwMillerlaw@gmail.com>
Sent: Sunday, February 06, 2022 4:46 PM
To: Sales, Patricia <PMacer@coj.net>
Subject: Appeal of Planning Commission Denials of E-22-01 and AD-22-01

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Thank you!

Zach Miller, Esq.
904-651-8958

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This e-mail is from a law firm and is intended solely for the use of the individual(s) to whom it is addressed. If you believe you received this e-mail in error, please notify the sender immediately, delete the e-mail from your computer and do not copy or disclose it to anyone else. If you are not an existing client of ours, do not construe anything in this e-mail to make you a client unless it contains a specific statement to that effect and do not disclose anything to us in reply that you would expect us to hold in confidence. If you properly received this e-mail as a client, co-counsel or retained expert of ours, you should maintain its contents in confidence in order to preserve the attorney-client or work product privilege that may be available to protect confidentiality.

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ONE CITY. ONE JACKSONVILLE.

City of Jacksonville, Florida

Planning and Development Department

Current Planning Division
Ed Ball Building
214 North Hogan Street, Suite 300
Jacksonville, FL 32202
(904) 255-7865
www.coj.net

Notice of Certification

February 23, 2022

RE: Certified Transcript of the Planning Commission Meeting

Please find attached:

*** Certified Planning Commission Transcript on E-22-01 /
AD-22-01**

If there are any further questions, please feel free to contact me at (904) 255-7829

Public Hearing February 3, 2022

Patricia Sales B.S.L.

Patricia Sales

Patricia Sales

Executive Secretary, I

PLANNING AND DEVELOPMENT DEPARTMENT

214 North Hogan Street, 3rd Floor | Jacksonville, Florida 32202 | Phone: 904.255.7800 | Fax: 904.255.7884 | www.coj.net

On File

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CITY OF JACKSONVILLE
PLANNING COMMISSION
MEETING

Excerpt of Proceedings held on Thursday,
February 3, 2022, commencing at 1:00 p.m., at the
Ed Ball Building, 214 North Hogan Street, 1st Floor
Training Room, Jacksonville, Florida, before Diane M.
Tropia, FPR, a Notary Public in and for the State of
Florida at Large.

PRESENT:

DAVID HACKER, Chairman.
ALEX MOLDOVAN, Vice Chair.
IAN BROWN, Secretary.
MARSHALL ADKISON, Commission Member.
DANIEL BLANCHARD, Commission Member.
JOSHUA GARRISON, Commission Member.
JASON PORTER, Commission Member.

ALSO PRESENT:

FOLKS HUXFORD, Chief, Current Planning.
KRISTEN REED, Chief, Community Planning Div.
BRUCE LEWIS, Planning and Development Dept.
LURISE BANNISTER, Transportation Planning Div.
PAIGE JOHNSTON, Office of General Counsel.
RANDY GALLUP, Duval County Public Schools.
PATRICIA SALES, Planning and Development Dept.

- - -

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1 MR. HUXFORD: Application for zoning
2 exception E-22-01 is for property on Hubbard
3 Street in Springfield. This is a property --
4 it's mid-block, just north of 8th Street. The
5 request for the exception is a new multifamily
6 dwelling, a duplex in the CCG-S zoning
7 district.

8 So this is one where we did get some
9 emails in opposition, which we forwarded to
10 you.

11 Staff felt that this was appropriate
12 infill at this location. The application that
13 we did does include the Sanborn maps showing
14 the historic pattern of housing out in the
15 area. And the PUD immediately to the north was
16 done a couple of years ago for the same type of
17 thing, for infill housing. In that case, it
18 was done for single-family housing, which you
19 can't normally do in the CCG-S. But with a
20 duplex, you can if you get a zoning exception.

21 We had no objections and we recommended
22 approval.

23 As far as the deviation, this is to
24 decrease some parking and to allow for a closer
25 distance between structures and to reduce

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1 PROCEEDINGS
February 3, 2022 1:00 p.m.

2 - - -

3 THE CHAIRMAN: Good afternoon, everybody.
4 Welcome to the February 3rd meeting of the
5 Jacksonville Planning Commission.

6 As a courtesy, please place any mobile
7 phones, tablets, or audible devices on silent
8 mode.

9 Please join me now as we stand and recite
10 the Pledge of Allegiance and remain standing
11 for a brief moment of silence.

12 (Recitation of the Pledge of Allegiance.)

13 THE CHAIRMAN: Let the record reflect that
14 we have a quorum with Commissioners Blanchard,
15 Adkison, Hacker, Moldovan, Brown, and Porter
16 present.

17 In attendance also, our Duval County
18 public schools representative, Randy Gallup.
19 Matt Schellhorn representing the military is
20 not with us today. We also have members of the
21 City's Planning and Development Department and
22 the Office of General Counsel.

23 * * * * *

24 THE CHAIRMAN: Folks, let's go to E-22-01
25 and AD-22-01, please.

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1 setback. Again, if you look at the Sanborn
2 map, we found that it's consistent with the
3 pattern of development in the area. For that
4 reason, we're recommending approval.

5 And I would note that this is in a
6 historic district and it will still have to get
7 a Certificate of Appropriateness.

8 THE CHAIRMAN: Okay. Thank you, Folks.
9 (Mr. Miller approaches the podium.)

10 THE CHAIRMAN: Mr. Miller, name and
11 address for the record.

12 MR. MILLER: Good afternoon.

13 Zach Miller, 3203 Old Barn Court.

14 Just to sort of give more detail to what
15 Folks said, this property is zoned CCG-S.
16 Single-family is not allowed. It's also on the
17 future land use map of CGC, so you would have
18 to do a full future land use map change and
19 probably a PUD just to get one single-family.

20 The use is allowed by right on this
21 0.1-acre site. It would be retail, nursing
22 homes, daycare centers, off-street parking
23 lots, restaurants, hospitals, sanitarium. It
24 also is allowed by right to go up to 45 feet in
25 height. Also, anything that'd be built there

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1 would have to exceed 70 percent of the lot
2 width.
3 Also, under the Springfield Overlay, both
4 single-family and commercial have no parking
5 requirements. So any of those uses would not
6 have to have any parking at all.
7 It's a little bit of a quirk in that when
8 you do multifamily as an exception under CCG-S,
9 you have to abide by the side yard setbacks,
10 which are 15 feet for CCG-S. The lot is only
11 33 feet wide, so that would be a 3-foot-wide
12 building.
13 The weird part is that the RMD-S standards
14 allow for a side yard setback of 14 percent of
15 the entire lot width, and you divide it to be
16 equal on each side. So the RMD-S standards for
17 a duplex in Springfield would be about
18 two-and-a-half feet. So what we're requesting
19 on the deviation is actually more than the side
20 yard setback under the Springfield Overlay for
21 duplexes.
22 On the parking, as I mentioned, both
23 commercial and single-family under the
24 Springfield Overlay, you are not required to do
25 any parking. You are required to do 80 percent

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1 of what Part 6 requires. In that case, we are
2 asking for a deviation, but we're going to put
3 an 18-by-18-foot parking pad in the rear that
4 would be accessed by the platted alleyway.
5 If there's anybody in opposition, I'll
6 certainly try to address their comments.
7 THE CHAIRMAN: Thank you, Mr. Miller.
8 I do have one person in opposition. I'll
9 give you an opportunity to address their
10 concerns.
11 Next, we have Jabari Jelani.
12 AUDIENCE MEMBER: You tried.
13 THE CHAIRMAN: Mr. Jelani, give us your
14 name and address for the record, please.
15 AUDIENCE MEMBER: Sure. My name is Jebari
16 Jelani. I live at 1811 Hubbard Street, right
17 next to that property.
18 THE CHAIRMAN: Before you get started,
19 Ms. Tropa is going to swear you in.
20 THE REPORTER: If you would raise your
21 right hand for me, please.
22 MR. JELANI: (Complies.)
23 THE REPORTER: Do you affirm that the
24 testimony you are about to give will be the
25 truth, the whole truth, and nothing but the

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1 truth?
2 MR. JELANI: Nothing but.
3 THE REPORTER: Thank you.
4 THE CHAIRMAN: Thank you, sir.
5 Go ahead.
6 MR. JELANI: When I bought this property,
7 it was sold to me by a nonprofit. The
8 nonprofit received the property from the City.
9 The reason why I bought the property, because
10 it's all fenced in. Later on I learned -- I
11 done seen some people cutting the grass next
12 door to my property -- that the property next
13 to me was owned by -- the lot -- not the
14 property but the lot was owned by someone else.
15 And that was, like, four years after I owned
16 the home.
17 After I found that out, I went and
18 searched for the survey to get a property line
19 to see where the property -- where my actual
20 lines was because it wasn't given to me during
21 my closing of buying the property. Come to
22 find out the property line bumps up against my
23 house. There's no space from my property line
24 to the line of the new property they want to
25 build on.

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1 If they put a fence up, it would hit up
2 against my house. Not only that, the house is
3 built in 1941. It [sic] was a deck put on the
4 house. The steps that are coming off the side
5 of the house, I would have to remove that
6 because that's on the property line. I have a
7 back fence with a rolling gate to open up. I
8 would have to remove that as well.
9 There's no space between my house and the
10 property line. I thought -- I'm from up
11 north -- there had to be a certain amount of
12 space between the house and the property line.
13 If I was to walk out the side of my house, I
14 could not walk up on that side at all.
15 And then also, they are going to build a
16 duplex there. I thought in Springfield,
17 because it's historic, they only build
18 single-family homes. The two homes they built
19 adjacent to their property are single-family,
20 one-story homes. I don't see a reason for them
21 to have to build a two-story home in that
22 community, which I don't think it fits.
23 I don't have the space. I put a driveway
24 on this property. I would have to take that up
25 because it's on their property now.

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1 I just oppose them building their property
2 there.
3 Thank you.
4 THE CHAIRMAN: Thank you, Mr. Jabari
5 [sic].
6 Mr. Miller, would you like to take an
7 opportunity to address his -- seems to be valid
8 concerns.
9 (Mr. Miller approaches the podium.)
10 MR. MILLER: Yes. Thank you.
11 Yes, the issue of removing any piece of
12 his building that's on our property line or
13 anything, that would be the case whether we
14 built or got a special exception or an AD. I'm
15 looking at the site plan based on our survey,
16 and his building is not on our property. There
17 is a small bump-out on the north side of his
18 house that does come up against our property
19 line.
20 As I said earlier, I sympathize with him,
21 but CGC, the land use map, the Comprehensive
22 Plan doesn't allow single-family here, so we
23 can't do single-family without changing the
24 Comp Plan. This is the least intense use we
25 can do on this property.
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1 THE CHAIRMAN: All right. Thank you.
2 Anyone else here today to speak on E-22-01
3 or AD-22-01?
4 AUDIENCE MEMBERS: (No response.)
5 THE CHAIRMAN: All right. I'll close the
6 public comment and bring it back to the
7 Commission.
8 COMMISSIONER MOLDOVAN: Mr. Chairman, I
9 move to approve E-22-01.
10 COMMISSIONER BROWN: Second.
11 THE CHAIRMAN: All right. We've got a
12 motion and a second.
13 Comments from the Commission?
14 Commissioner Adkison.
15 COMMISSIONER ADKISON: Through the Chair
16 to staff, how many homes are like this, where
17 the homes are clearly bumped up against
18 property lines?
19 MR. HUXFORD: In Springfield it's actually
20 fairly common.
21 COMMISSIONER ADKISON: It's fairly common?
22 MR. HUXFORD: Yeah. There are some areas,
23 like over on 7th Street, where they are almost
24 pancaked right next to each other.
25 COMMISSIONER ADKISON: And this one here,
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1 he wants to do a two-story. And everything
2 that I saw in the pictures and everything is
3 single-story in the area, right?
4 MR. HUXFORD: It is.
5 COMMISSIONER ADKISON: All right. Thank you.
6 THE CHAIRMAN: Thank you.
7 Commissioner Blanchard.
8 COMMISSIONER BLANCHARD: Thank you,
9 Chairman.
10 Through the Chair to staff, what -- I know
11 that -- this is an unusual situation, in my
12 mind, in that the house looks like -- according
13 to the survey, it's 6 inches off the property
14 line. And then the neighbor has to sort of
15 make up the difference with the new house,
16 which doesn't exactly seem fair, but it's just
17 a weird situation that we all find ourselves
18 in.
19 What does the fire marshal say about
20 distance between buildings on new construction?
21 You know, I've seen some unusual things with
22 multifamily about distance between buildings
23 and things as a -- not just from the zoning
24 perspective, but from fire code.
25 So if you put these buildings 3 or 4 feet
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1 apart, what is the fire marshal's position on
2 that?
3 MR. HUXFORD: Through the Chair, I don't
4 know the fire marshal's position, but he's not
5 going to care once it's done whether this
6 deviation is granted or not. He's going to
7 follow the fire code -- fire safety code, and
8 the building official's going to follow the
9 Florida Building Code as far the separation
10 between structures.
11 COMMISSIONER BLANCHARD: That's a good
12 point. I didn't think about that.
13 So when they do the plan review on the
14 actual vertical construction, the fire marshal
15 does get a say in that. And if it's too close
16 or too far, he may make you adjust. I don't
17 know what the rule is, but there's something
18 there. So that makes me feel good knowing that
19 there will be a second set of eyes on that to
20 be sure that it's safe and meets whatever
21 safety requirements it is.
22 It's unfortunate that this feels like a
23 driveway to the neighbor and things and, you
24 know, I get that. I almost wish they could
25 just sell you the lot and you could keep it.
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1 MR. JELANI: I asked them to do that.
 2 COMMISSIONER BLANCHARD: I don't blame
 3 you. That would be great. But it doesn't mean
 4 that they shouldn't be allowed to use their lot
 5 either. So it's a tough spot.
 6 Thank you.
 7 THE CHAIRMAN: Thank you, Commissioner
 8 Blanchard.
 9 Commissioner Moldovan.
 10 COMMISSIONER MOLDOVAN: Thank you,
 11 Mr. Chairman.
 12 I think that my knee jerk reaction to this
 13 was to side with Mr. Jabari [sic]. This is one
 14 of the most narrow lots on this street, it
 15 seems, from what I'm looking at here with the
 16 aerial.
 17 But, I mean, Mr. Miller brought to my
 18 attention that the Comp Plan won't allow for a
 19 single-family home. So I think that what we're
 20 looking at here might just be the best bet for
 21 this property. I wish that the Comp Plan had
 22 it written differently because I would agree
 23 with you, this is such a narrow lot and it's
 24 sandwiched right in between single-family
 25 homes. It doesn't seem very consistent, but I
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1 have to side with staff and the Comprehensive
 2 Plan on this one.
 3 Thank you, Mr. Chairman.
 4 THE CHAIRMAN: Thank you, Commissioner
 5 Moldovan.
 6 Commissioner Porter.
 7 COMMISSIONER PORTER: Thank you, Chairman.
 8 Question for staff: Folks, what process
 9 would you have to go through to build a
 10 single-family on this lot?
 11 MR. HUXFORD: Probably the easiest thing
 12 would be to do what they did immediately north
 13 of the two homes there, would be to do a PUD
 14 and try to leave the CGC the way it is.
 15 And Kristen could explain this better than
 16 me, but normally when you do residential in CGC
 17 land use, you have an 80/20 split. But because
 18 it's in an historic area, we view the CGC from
 19 the context of the entirety of Springfield as
 20 opposed to the individual lots.
 21 COMMISSIONER PORTER: Thank you. So --
 22 MR. HUXFORD: She might need to clarify
 23 what I said.
 24 MS. REED: Through the Chair, you would
 25 also need a land use change.
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1 MR. HUXFORD: Oh, so there you go.
 2 MS. REED: So you'd need to go to maybe an
 3 RPI to do single-family or Medium Density
 4 Residential.
 5 COMMISSIONER PORTER: Thank you.
 6 Question to the applicant: You may not be
 7 this far along in the site plan. How much
 8 distance are we talking about here between what
 9 you're asking for and the home adjacent?
 10 MR. MILLER: Through the Chair to
 11 Commissioner Porter, do you mean the home
 12 adjacent to the south or the north?
 13 COMMISSIONER PORTER: The --
 14 MR. MILLER: I can just give you both.
 15 COMMISSIONER PORTER: It's the east, isn't
 16 it?
 17 MR. MILLER: It's -- Hubbard runs
 18 north-south.
 19 COMMISSIONER PORTER: Closer to 8th Street?
 20 MR. MILLER: So closer to 8th Street on
 21 the Florida window that is coming out, we have
 22 got, I think, about 3.75 feet to the property
 23 line and then 6 inches. But the rest of that
 24 building is set back between 3-and-a-half and
 25 4 feet, so you have got about 7 to 8 feet, give
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1 or take, between the majority of the home.
 2 Also, I just want to point out something
 3 because I think Folks might have slightly
 4 misspoken. There are a lot of two-story
 5 buildings in this neighborhood. And there is
 6 actually a couple of multifamily. There's
 7 actually a quad-plex across the street.
 8 COMMISSIONER PORTER: Across the street it
 9 definitely has a lot of two-story.
 10 All right. I'll --
 11 MR. MILLER: And the other side -- sorry,
 12 I didn't finish the question. I believe the
 13 setback on the single-family to the north is
 14 3 feet. So we have 3 feet. So it would be
 15 6 feet, give or take.
 16 COMMISSIONER PORTER: All right. I don't
 17 have any further questions. I'm interested to
 18 see what everyone else has to say.
 19 THE CHAIRMAN: All right. Thank you,
 20 Commissioner Porter.
 21 MR. HUXFORD: Mr. Chairman, I just want to
 22 clarify. I made the mistake of assuming that
 23 the PUD had an underlying land use of CGC to
 24 the north. They did a land use amendment and
 25 took it to MDR.
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1 THE CHAIRMAN: Okay. So you would not
2 need to go to the State for that?
3 MR. HUXFORD: That was -- that would be a
4 land use amendment as well as a zoning change.
5 THE CHAIRMAN: Gotcha. Okay.
6 Commissioner Brown.
7 COMMISSIONER BROWN: Thank you.
8 Through the Chair, step one, I'm going to
9 disclose ex parte. Alex Sifakis called me this
10 morning; we spoke about the project.
11 On a personal level, my sentiments to
12 Mr. Jabari [sic]. It's an unfortunate
13 situation. I mean, these images. If I didn't
14 know anything, I just looked at the image, I
15 would think, oh, you could never put anything
16 there. But this does tend to have my support.
17 I think -- on the side, you might want to
18 go back to who sold you this property if
19 there's a broker, talk to them, because if you
20 really thought you were getting all this land,
21 you might have a cause of action, but not
22 against these owners, the group building the
23 duplex.
24 And I think -- I can't remember all the
25 uses, but I think there was, like, a nursing
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1 home and 55 feet and -- of all the things they
2 could do here, this is actually probably the
3 best. The worst thing is it's 3 feet from
4 your -- you know, I don't know if it's your
5 kitchen or your bedroom or what it is, but it's
6 really close to your property and it used to
7 feel like your yard.
8 So that part I hate, but we have to follow
9 the process and follow -- legally, I really
10 think you should be able to do this. And I
11 think it's probably the least intense you could
12 put here. But it's a small lot and I feel for
13 Mr. Jabari. It's your backyard.
14 MR. JELANI: Thank you.
15 THE CHAIRMAN: Thank you, Commissioner Brown.
16 Any other comments from the Commission?
17 Commissioner Garrison.
18 COMMISSIONER GARRISON: Thank you,
19 Mr. Chairman.
20 I just want to echo the sentiment. I
21 normally don't, but I really feel for you here
22 because this is a tough situation. Legally, I
23 think we're -- it's the right thing to do.
24 But it is tough, and I got on the mic to
25 say, try to sell it. You could try to sell
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1 your home to, you know, JWB and create more --
2 if I may? I'm way out of line. Just
3 personally, but, you know, you may -- you know,
4 they buy things. I feel for you.
5 Thank you.
6 THE CHAIRMAN: Thank you, Commissioner
7 Garrison.
8 Mr. Miller.
9 MR. MILLER: Yes, sir.
10 THE CHAIRMAN: If Mr. Jabari's house is on
11 his property line, how far -- what is the side
12 setback on the side of this building -- your
13 property line to the side of the building?
14 MR. MILLER: If his building was right up
15 against our property line, how far would it be
16 from our building?
17 THE CHAIRMAN: Right.
18 MR. MILLER: It would be what the -- if it
19 was right on the property line, it would be the
20 three-and-a-half feet.
21 But, again, it looks like -- not looks
22 like. This is what the site plan shows. He's
23 got a little bit of space, but it really is
24 just that part that bumps out, which I would
25 call a Florida room or Florida window that is
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1 up against the property line.
2 THE CHAIRMAN: Part of the conditioned
3 house, right?
4 MR. MILLER: Yes.
5 THE CHAIRMAN: So part of the house. And
6 that's going to be three-and-a-half feet from
7 y'all's building, which will be how tall?
8 MR. MILLER: The plans I've seen so far --
9 and I don't want to commit to it because we
10 still have to go through -- if this were
11 approved, to go through the COA process. It
12 would be about 26 feet.
13 THE CHAIRMAN: So 3-and-a-half to 4 feet
14 from a window in his house will be a
15 26-foot-tall, two-story wall. I don't know,
16 man. That's -- I get that it's a weird lot and
17 I get that his isn't quite conforming at the
18 moment. Neither is yours. But that's -- I
19 don't know if that's considered prudent
20 planning or not.
21 Okay. Any other comments from the
22 Commission?
23 Mr. Miller, would you like to address
24 that?
25 MR. MILLER: The only thing I'd say is the
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1 actual standards for a duplex that is in
 2 Springfield are less. It's 14 percent of the
 3 total lot width. So it would be
 4 2-and-a-half feet is what would be required
 5 actually under the code. It's just because
 6 we're CCG-S that we apply the 15-foot setback
 7 rule for commercial.

8 THE CHAIRMAN: I get the technical side of
 9 it. It's not a great spot technically, right?
 10 Yours isn't. His isn't. But what we are going
 11 to be left with is three-and-a-half feet from
 12 his bay window of his house to a 26-foot-tall
 13 wall. I don't know. I don't know what the
 14 right answer is, but that doesn't feel great.

15 So any other comments from the Commission?
 16 Commissioner Porter.

17 COMMISSIONER PORTER: Thank you, Chairman.
 18 I'm just looking through the report, the
 19 question about is the proposed use compatible
 20 with the existing contiguous uses. And among
 21 those are orientation of structures to the
 22 area, property values, and existing similar
 23 uses or zoning.

24 And the report says yes on that, but I
 25 don't understand how that could be true. It's
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1 clearly going to affect his property value.
 2 And the orientation of the structure is not
 3 compatible.

4 So I think at this point I'm not in
 5 support of this one.

6 That's all I've got.

7 THE CHAIRMAN: Thank you, Commissioner
 8 Porter.

9 Folks, Commissioner Porter brought up a
 10 good point. Any color on that part of the
 11 staff report?

12 MR. HUXFORD: Sounds like we just
 13 disagree.

14 THE CHAIRMAN: Fair enough. All right.
 15 Commissioner Moldovan.

16 COMMISSIONER MOLDOVAN: Mr. Chairman, I'll
 17 be quick. I just -- my gosh, the more we look
 18 at this, I just feel so bad for Mr. Jabari. I
 19 know we, as a board, have a fiduciary duty to
 20 look at strictly the code and law, but I also
 21 think that there's a reason that there's a
 22 board so we can look at this and put human eyes
 23 on it and, you know, bring some feeling into
 24 it.

25 And I'm telling you, I just -- this --
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1 like Mr. Chairman has said, we have got a
 2 26-foot wall right outside of his window. This
 3 is probably going to be one of the worst
 4 planning decisions that I'll have to be a part
 5 of, honestly. I wish there were a way that we
 6 could --

7 MR. MILLER: I'm trying not to take that
 8 personally.

9 COMMISSIONER MOLDOVAN: I'm sure we'll see
 10 more, but this is just right smack up against
 11 this gentleman.

12 (Simultaneous speaking.)

13 COMMISSIONER MOLDOVAN: So I don't know
 14 how much more we could talk about it, but I
 15 wish that there were more time for more
 16 discussion about this. I hate to move so
 17 quickly on something this important.

18 Thank you, Mr. Chairman.

19 THE CHAIRMAN: Thank you.
 20 Commissioner Garrison.

21 COMMISSIONER GARRISON: Thank you,
 22 Mr. Chairman.

23 Through the Chair to Mr. Miller and
 24 Mr. Sifakis, I said, you know, letter of the
 25 law. I respect you, respect Alex. I keep
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24

1 looking at this photo. And I've said words
 2 that I think it's legally right, and take those
 3 words and run.

4 But I'm not going to vote for this, I'm
 5 sorry. I'm looking the man right in the face
 6 and I'm looking at the picture, and I can't
 7 support it. As much as -- I can't support this
 8 one.

9 Thank you.

10 THE CHAIRMAN: Commissioner Blanchard.

11 COMMISSIONER BLANCHARD: Thank you,
 12 Chairman.

13 I will support this and here's why: The
 14 gentleman who is here with the existing home,
 15 his house on the survey shows 6 inches from the
 16 property line. And perhaps with the window
 17 bump-out, it may be like 0 inches.

18 The house that the applicant is proposing
 19 is going to be about three-and-a-half feet or
 20 so from the property line, which is typical and
 21 ordinary for that -- actually, it's more than
 22 what's ordinary in that market. And so I don't
 23 think it is fair to punish the neighbor because
 24 this lot next door is insufficient. It's
 25 terrible and sad that it is, but it is what it
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1 is.
2 So if the applicant was here and saying,
3 hey, I want to put my home 6 inches from the
4 property line, then we would say, well, that's
5 not fair. But that's what the neighbor has
6 already done. Whether he knew it or not,
7 that's the existing condition. So I don't
8 think it is fair to punish this lot owner
9 because the lot next door did something that
10 they weren't supposed to do. I don't think it
11 is reasonable to punish this one.

12 Is it an unfortunate situation? Yeah.
13 Did the owner do it? No. It was done long
14 ago. And it's just an unfortunate situation.
15 But I don't think that you can take rights away
16 from the neighbor, from the applicant because
17 the neighbor's lot is insufficient.

18 Thank you.

19 THE CHAIRMAN: Thank you, Commissioner
20 Blanchard.

21 Commissioner Adkison.

22 COMMISSIONER ADKISON: Through the Chair
23 to staff, those two lots that we're talking
24 about, when were they split or how long ago
25 were they plotted? And my question would be,

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1 did someone plot them a while ago thinking they
2 were going to do this, and so that's where the
3 problem started at?

4 Were the two plots or two lots joined by
5 one -- owned by one person at one time?

6 MR. JELANI: Yes.

7 MR. HUXFORD: Honestly, I don't know the
8 answer to that and I'm not going to try to
9 guess.

10 MR. JELANI: I can answer.

11 COMMISSIONER ADKISON: I know you can.
12 You want to answer?

13 MR. MILLER: Yes. They were -- I believe
14 they were separately platted, but they were
15 owned together at one point in time. I don't
16 know when they were separated out.

17 COMMISSIONER ADKISON: That's how they got
18 to the property line, and then they came back
19 and --

20 MR. MILLER: Yes.

21 COMMISSIONER ADKISON: -- and redid the
22 property line.

23 Do you know when that was?

24 MR. MILLER: When they were separated out?

25 COMMISSIONER ADKISON: Yeah. See, this

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1 makes it all different for me.

2 MR. MILLER: I don't know when they were
3 separated.

4 COMMISSIONER ADKISON: I'm sorry. You
5 know which way I got to go on this now.

6 MR. MILLER: I know.

7 COMMISSIONER ADKISON: All right. Thank
8 you.

9 MR. MILLER: The last point is --

10 THE CHAIRMAN: Go ahead, Mr. Miller.

11 MR. MILLER: No matter what we're doing,
12 whether it's commercial, whether it's -- we did
13 a Comp Plan amendment to do single-family and
14 do a PUD. In order to build something here,
15 we're going to have to come in for some sort of
16 AD for a setback variance. There's no way
17 around that.

18 COMMISSIONER ADKISON: Or buy them out.

19 MR. MILLER: Or buy them out.

20 THE CHAIRMAN: Thank you, Mr. Miller.

21 I get that. And we don't owe you this by
22 right. You know, we do have a say -- you know,
23 he's there. This -- what you want to put there
24 is not allowed to be there right now, so this
25 is not something that we owe you by right.

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1 I love everything that Alex has done
2 across the city. And I know -- I feel terrible
3 about this, but I can't -- I'd feel really bad
4 about him never being able to sell his house
5 because it's 3 feet from a two-story wall.

6 Commissioner Brown.

7 COMMISSIONER BROWN: Thank you.

8 Through the Chair, sounds like I might be
9 in the minority when we vote, but I'm in
10 support of it. And I can look you in the eye,
11 sir -- and you don't get to talk back.

12 My heart does go out to you. You were
13 wronged either intentionally or accidentally or
14 negligently, but I don't think it is our job to
15 remedy an error or something from five years
16 ago, whether it was the broker, a bad closing
17 attorney, bad title work, bad -- whatever it
18 was, you don't own that land and it's too bad.

19 And by right -- I kind of brought this up
20 earlier -- without bothering our board, you can
21 put a 5-, 6-story product, commercial, less
22 parking.

23 So I just feel like we're trying to
24 remedy -- I hate to call it an evil, but, you
25 know, something from the past by impairing the

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1 property rights of today when they're pretty
 2 much there and this is a less-intense use than
 3 the CCG-S would allow them to do by right.
 4 THE CHAIRMAN: Mr. Garrison.
 5 COMMISSIONER GARRISON: Thank you,
 6 Mr. Chairman.
 7 Through the Chair to Mr. Huxford, this is
 8 pure curiosity. Could any CCG product you
 9 could think of go here and not have to get some
 10 sort of a -- like a parking variance or
 11 something in an AD?
 12 MR. HUXFORD: Maybe a parking lot. I
 13 don't know. I would have to look at the
 14 standards. CCG-S is -- so little land is
 15 actually zoned CCG-S. I don't have it
 16 memorized like I would a generic zoning
 17 district.
 18 COMMISSIONER GARRISON: Thank you,
 19 Mr. Chair.
 20 THE CHAIRMAN: I think Mr. Miller made it
 21 pretty clear. As it's zoned now, it's almost
 22 next to impossible to put anything there.
 23 MR. MILLER: The main use, actually,
 24 that -- without any sort of AD -- and it's a
 25 little tricky because the 15 feet is -- it says
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1 from a residential district. So, technically,
 2 Mr. Jabari is not in a residential district;
 3 he's actually in a commercial district. So
 4 that 15-foot setback is probably not that
 5 applicable to him.
 6 You could probably do some sort of retail
 7 without any parking requirements there without
 8 getting an AD. You could probably do an
 9 off-street parking lot without anything. That
 10 would probably be the easiest use. I don't
 11 think that's the best use. I don't think
 12 that's what anybody wants, but, you know ...
 13 THE CHAIRMAN: Thank you for that color.
 14 Again, I don't think saying the least
 15 intrusive thing -- because this is the least
 16 intrusive thing we can put here means we should
 17 put it here. And that's kind of where I stand.
 18 Any other comments from the Commission?
 19 Commissioner Garrison.
 20 COMMISSIONER GARRISON: Thank you,
 21 Mr. Chairman.
 22 Very quickly, I'll support a single-family
 23 home here all day long through the land use
 24 amendment and everything else.
 25 Thank you, Mr. Chair.
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1 THE CHAIRMAN: Any other comments?
 2 COMMISSION MEMBERS: (No response.)
 3 THE CHAIRMAN: All right. We have a
 4 motion and a second for approval of E-22-01.
 5 All those in favor?
 6 This is a motion and second for approval
 7 of E-22-01.
 8 COMMISSIONER BROWN: (Indicating.)
 9 COMMISSIONER BLANCHARD: (Indicating.)
 10 THE CHAIRMAN: So all those in favor,
 11 Commissioner Brown, Commissioner Blanchard.
 12 Those not in favor?
 13 COMMISSIONER ADKISON: (Indicating.)
 14 COMMISSIONER MOLDOVAN: (Indicating.)
 15 COMMISSIONER PORTER: (Indicating.)
 16 COMMISSIONER GARRISON: (Indicating.)
 17 THE CHAIRMAN: (Indicating.)
 18 Commissioner Adkison, Commissioner Hacker,
 19 Commissioner Moldovan, Garrison, and Porter.
 20 So that does not pass.
 21 We'll go ahead and take up the AD,
 22 please.
 23 COMMISSIONER MOLDOVAN: Mr. Chairman, I
 24 move to deny AD-22-01.
 25 COMMISSIONER BROWN: Second.
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1 THE CHAIRMAN: Motion and a second for
 2 AD-22-01.
 3 Any other commissioners like to -- beat
 4 the horse, is that -- what do I say --
 5 Commissioner Blanchard -- okay.
 6 Motion and a second for denial of
 7 AD-22-01.
 8 All those in favor?
 9 UNIDENTIFIED COMMISSION MEMBERS: Aye.
 10 THE CHAIRMAN: All right. That one's
 11 denied.
 12 MR. MILLER: Thank you.
 13 THE CHAIRMAN: Thank you, Mr. Miller.
 14 Let's move --
 15 MS. JOHNSTON: Mr. Hacker, can I just
 16 clarify something for the record because Diane
 17 was turning to look at me and Folks was, too.
 18 There's been some prior precedent about if
 19 you vote to approve and it doesn't get
 20 sufficient votes, then you have to vote to
 21 deny. I am not of the opinion that you have to
 22 go through those steps because you have the
 23 votes on the record as to who's in favor and
 24 who's against.
 25 (Discussion held off the record.)
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1 MS. JOHNSTON: I will tell you who voted
 2 for and against, but I'm making a point on the
 3 final order.
 4 For the final order's sake, both final
 5 orders will be to deny the AD and to deny the
 6 exception. It doesn't matter procedurally
 7 whether you vote to approve or vote to deny.
 8 It's the votes that are taken.
 9 So I just wanted to clarify that because
 10 Folks and I have had internal debate over that.
 11 And so I'm just going to lay it out there.
 12 So, Diane, for the first item, the
 13 exception, the motion was to approve, and you
 14 had Mr. Blanchard and Mr. Brown voting in favor
 15 and all other members voting against. So that
 16 item is denied.
 17 So now we're moving forward with the AD.
 18 The motion was to deny in line with the prior
 19 action, so the motion to deny had the five that
 20 had voted against the prior motion, which is
 21 Garrison, Porter, Moldovan, Hacker, and
 22 Adkison. And the two that voted against the
 23 denial was Blanchard and Brown.
 24 THE REPORTER: Thank you.
 25 THE CHAIRMAN: Thank you, Paige.

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1 Just to make sure common folk like me
 2 understand this, if Commissioner Moldovan makes
 3 a motion for approval but we don't -- we don't
 4 have enough to approve that, then it becomes a
 5 denial. That's the gist of what you're saying?
 6 MS. JOHNSTON: The effective result is
 7 that it is denied. I prepare an order as a
 8 denial. So in my opinion, you don't have to
 9 take a vote to approve and then take a vote to
 10 deny if the approval fails. So that's just the
 11 Folks-and-I debate and I'm just clarifying it
 12 for you all now because it comes up every so
 13 often.
 14 And Mr. Miller actually asked me if we had
 15 to have a vote to deny. So I'm just stating on
 16 the record that it's the opinion of OGC that
 17 that's not necessary and to explain to the
 18 Commission how the order would reflect their
 19 actions.
 20 THE CHAIRMAN: Okay. Fair enough.
 21 And when I looked at this agenda, I
 22 thought it was going to be easy today.
 23 * * * * *
 24
 25

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1 CERTIFICATE OF REPORTER
 2
 3 STATE OF FLORIDA)
 4)
 5 COUNTY OF DUVAL)
 6
 7 I, Diane M. Tropa, Florida Professional
 8 Reporter, certify that I was authorized to and did
 9 stenographically report the foregoing proceedings and
 10 that the transcript is a true and complete record of my
 11 stenographic notes.
 12
 13
 14
 15 DATED this 15th day of February 2022.
 16
 17 Diane M Tropa
 18 Diane M. Tropa
 19 Florida Professional Reporter
 20
 21
 22
 23
 24
 25

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Bank of America
University Point
Jacksonville, FL 32217
63-4/630

02/23/2022

\$ 1,588.00

DUVAL COUNTY TAX COLLECTOR

ONE THOUSAND FIVE HUNDRED EIGHTY EIGHT AND 00/100 DOLLARS

DUVAL COUNTY TAX COLLECTOR
231 E Forsyth St Room 141
Jacksonville Florida 32202-3389

AUTHORIZED SIGNATURE

MP

MEMO

0 Hubbard St - Appeal Application

HOOSE OZ 1, LLC

7563 Phillips Hwy Suite 208
Jacksonville, FL 32256
904-677-6777

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02/23/2022

Hoose OZ 1, LLC

DUVAL COUNTY TAX COLLECTOR

\$0.00

0 Hubbard St - Appeal Application

Bank of America

Jim Overton

Duval County

Date Time: 02/23/2022 02:07PM

Drawer: P04

Clerk: JHB

Transaction: 4570617

Paid
\$1,588.00

Item
CR Processing:
CR624342
LEGISLATIVE SERVICES
DIVISION
117 WEST DUVAL
STREET, SUITE 430 JAN
FL 32202
Total:

\$1,588.00

Receipt: 460-23-00131106

\$1,588.00

\$1,588.00

\$0.00

Total Entered

Check:

CHK#17

Balance:

Paid By: HOOSE OZ 1 LLC

RECEIPT

DATE 2-23-22

No. 523403

\$ 1,588.00

RECEIVED FROM HOOSE OZ 1, LLC

ONE THOUSAND FIVE HUNDRED EIGHTY-EIGHT ^{XX/100} DOLLARS

FOR RENT
 FOR PC APPEAL OF E-22-01 AND AD-22-01 @ HUBBARD ST.

ACCOUNT	
PAYMENT	<u>1588.00</u>
BAL. DUE	

- CASH
- CHECK
- MONEY ORDER
- CREDIT CARD

FROM _____ TO _____

BY [Signature]

3-11

Duval County, City Of Jacksonville
Jim Overton , Tax Collector
 231 E. Forsyth Street
 Jacksonville, FL 32202

General Collection Receipt

Account No: CR624342
 User: Matthews, Jessica
 Generic CR

Date: 2/23/2022
 Email: JMatthews@coj.net

Name: LEGISLATIVE SERVICES DIVISION
Address: 117 WEST DUVAL STREET, SUITE 430 JAX FL 32202
Description: RECEIVED A CHECK IN AMOUNT OF 1588.00 (CHECK # 00017) FROM
 HOOSE OZ 1 LLC RE: APPEAL APPLICATION E-22-01/AD-22-01 (0 HUBBARD STREET) ON
 2.23.22.

Fund	Center	Account	Project	Activity	Interfund	Future	Debit Amount	Credit Amount
00111	000000	104001	000000	00000000	00000	0000000	1588.00	0.00
00111	221001	369050	000000	00000000	00000	0000000	0.00	1588.00

Total Due: \$1,588.00

Jim Overton , Tax Collector
General Collections Receipt
City of Jacksonville, Duval County

Account No: CR624342
 Generic CR

Date: 2/23/2022

Name: LEGISLATIVE SERVICES DIVISION
Address: 117 WEST DUVAL STREET, SUITE 430 JAX FL 32202
Description: RECEIVED A CHECK IN AMOUNT OF 1588.00 (CHECK # 00017) FROM HOOSE OZ 1 LLC RE:
 APPEAL APPLICATION E-22-01/AD-22-01 (0 HUBBARD STREET) ON 2.23.22.

Total Due: \$1,588.00