

MANDATE

from
Circuit Court of Duval County, Florida

To: City of Jacksonville

Case No: 16-2021-AP-000012-XXXX-MA

Division: AP-A

On appeal to the Circuit Court of Duval County, Florida, from the judgment of your Court rendered on August 24, 2021 in the action that in your court is captioned:

Resolution 2021-374-A

Holly (Sarah) Herman, Rabbi Joseph Kahanov, Widad Zacharia, and Gloria Einstein v. City of Jacksonville

In the Circuit Court of Duval County, Florida, rendered its opinion and judgment, a copy of which is attached and made part hereof on the date recited therein.

You are hereby directed that if any further proceedings in that action in your Court are required by the judgment of the Circuit Court of Duval County, Florida, such requirements be carried out, and that any further proceedings in that action in your court be in accordance with that judgment.

WITNESS the Honorable Bass, Day, Healey, Judge of the Circuit Court of Duval County, Florida, at Jacksonville, Florida this the 27th day of March, 20 24



JODY PHILLIPS
CLERK OF THE CIRCUIT COURT

By: [Signature]
Deputy Clerk

F I L L E D

MAR 27 2024

DUVAL CLERK OF COURT

CC: Ralf Brookes
Craig D. Feiser

Filing # 193507032 E-Filed 03/07/2024 10:12:21 AM

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO: 16-2021-AP-000012

DIVISION: AP-A

HOLLY (SARAH) HERMAN,
RABBI JOSEPH KAHANOV,
WIDAD ZACHARIA; AND
GLORIA EINSTEIN
Petitioners,

v.

CITY OF JACKSONVILLE,
Respondent.

_____ /
Petition for Writ of Certiorari from a decision by the Jacksonville City Council

March 7, 2024

PER CURIAM

Petitioners challenge a decision by the Jacksonville City Council, upholding a decision of the Land Use and Zoning Committee granting a variance to a local restaurant. As a result, the restaurant will be able to serve alcohol within 110 feet of a school and synagogue, which is less than the ordinarily required 500 feet. In their petition, Petitioners largely raise the same issues they raised below: the granting of the variance will result in an unsafe and less pleasant neighborhood.

On certiorari review, this Court must apply the following three-part standard of review: (1) whether procedural due process is accorded; (2) whether the essential requirements of law have been observed; and (3) whether the administrative findings and judgment are supported by competent substantial evidence. Haines City Cmty. Dev. v. Heggs, 658 So. 2d 523, 530 (Fla. 1995)

(citing City of Deerfield Beach v. Vaillant, 419 So. 2d 624, 625-26 (Fla. 1982)).

The Council upheld the Land Use and Zoning Committee's decision after a publicly noticed hearing, so procedural due process was afforded. Though Petitioners submitted competing evidence, it is not the role of this Court to reweigh the evidence. The evidence supporting the Council's decision was competent and substantial. Finally, the City granted the waiver in accordance with the Municipal Ordinance Code, so there was no departure from the essential requirements of the law. Accordingly, the Petition is **DENIED**.

Bass, Day, and Healey, JJ., concur.

Ralf Brookes, counsel for Petitioner
Craig D. Feiser, counsel for Respondent