

Date Submitted:
Date Filed: 6/13/22

Application Number: SV.22.4
Public Hearing:

Application for Sign Waiver
City of Jacksonville, Florida
Planning and Development Department

Please type or print in ink. Instructions regarding the completion and submittal of this application are located at the end of this form. For additional information, please contact the Planning and Development Department at (904) 255-7865.

For Official Use Only		
Current Zoning District: CCG-1	Current Land Use Category: CGC	
Council District: 5	Planning District: 3	
Previous Zoning Applications Filed (provide application numbers): N/A		
Applicable Section of Ordinance Code: 656.1303 (I) (2)		
Notice of Violation(s): N/A		
Neighborhood Associations: SAN MARCO PRESERVATION		
Overlay: SAN MARCO		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: \$1425.00	Zoning Asst. Initials:

PROPERTY INFORMATION	
1. Complete Property Address: 1538 Hendricks Ave Jacksonville, FL 32207	2. Real Estate Number: 080525-0000
3. Land Area (Acres): .27	4. Date Lot was Recorded: July 31st, 1975
5. Property Located Between Streets: Lasalle St & Cedar St	6. Utility Services Provider: City Water / City Sewer <input checked="" type="checkbox"/> Well / Septic <input type="checkbox"/>

7. Waiver Sought:

Increase maximum height of sign from _____ to _____ feet (maximum request 20% or 5 ft. in height, whichever is less). *Note – Per Section 656.1310, no waiver shall be granted which would permit a sign in excess of 40 feet in height in any zoning district.

Increase maximum size of sign from _____ sq. ft. to _____ sq. ft. (maximum request 25% or 10 sq. ft., whichever is less)

Increase number of signs from _____ to _____ (not to exceed maximum square feet allowed)

Allow for illumination or change from _____ external to _____ internal lighting

Reduce minimum setback from 10 feet to 1 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted? 1538 Hendricks Avenue LLC

9. Is transferability requested? *If approved, the waiver is transferred with the property.*

Yes

No

OWNER'S INFORMATION (please attach separate sheet if more than one owner)

10. Name: <u>1538 Hendricks Avenue LLC</u>	11. E-mail: <u>Wccsery@cesery.net</u>
12. Address (including city, state, zip): <u>1450 San Marco Blvd. #3 JACKSONVILLE, FL 32207</u>	13. Preferred Telephone: <u>904-396-9601</u>

APPLICANT'S INFORMATION (if different from owner)

14. Name: <u>Taylor Sign & Design, Inc</u>	15. E-mail: <u>KVarne@taylorsignco.com</u>
16. Address (including city, state, zip): <u>4162 St. Augustine Rd. JACKSONVILLE, FL 32207</u>	17. Preferred Telephone: <u>904-396-4652</u>

CRITERIA

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1302 of the Ordinance Code defines a sign as *"a painting, structure, projected image or device which is placed, erected, constructed or maintained on or in the ground or water, or on or outside of an enclosed building, boat, ship, vessel or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of display, information, advertisement or attraction of the attention of persons, including posters, pictures, pictorial or reading matter and a letter, word, model, device or representation used in the nature of an advertisement, announcement, attraction or direction."*

Section 656.133(c)1 through 10, Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

1. *Will the effect of the sign waiver be compatible with the existing contiguous signage or zoning and consistent with the general character of the area considering population, density, scale, and orientation of the structures in the area?*
2. *Would the result detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity?*
3. *Could the effect of the proposed waiver diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and could such waiver substantially interfere with or injure the rights of others whose property would be affected by the same?*
4. *Would the waiver have a detrimental effect on vehicular traffic or parking conditions, or result in the creation of objectionable or excessive light, glare, shadows or other effects, taking into account existing uses and zoning in the vicinity?*
5. *Is the proposed waiver detrimental to the public health, safety or welfare, or could such waiver result in additional public expense, creation of nuisances, or cause conflict with any other applicable law?*
6. *Does the subject property exhibit specific physical limitations or characteristics, which would be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?*
7. *Is the request based exclusively upon a desire to reduce the costs associated with compliance and is the request the minimum necessary to obtain a reasonable communication of one's message?*
8. *Is the request the result of a violation that has existed for a considerable length of time without receiving a citation and if so, is the violation that exists a result of construction that occurred prior to the applicant's acquiring the property, not being a direct result of the actions of the current owner?*
9. *Does the request accomplish a compelling public interest such as, for example, furthering the preservation of natural resources by saving a tree or trees?*
10. *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

18. Given the above definition of a "sign" and the aforementioned criteria by which the request will be reviewed against, please describe the reason that the waiver is being sought. Provide as much information as you can; you may attach a separate sheet if necessary. Please note that failure by the applicant to adequately substantiate the need for the request and to meet the criteria set forth may result in a denial.

PLANNING AND DEVELOPMENT DEPARTMENT

In 2011, a sign waiver (2011-381-E) was granted to allow this property to have a monument sign located 1 ft behind the property line. The existing, outdated sign was removed, and the new proposed monument sign is 2' wider. As a result, the owner is now seeking approval for a monument sign to be located in the exact same place as previously granted.

There is no room for a monument sign to be located anywhere else on this property. If the sign was required to meet the 10 ft setback requirement it would not be visible to any oncoming traffic. The buildings are so close together that customers need to be able to identify the restaurant before they get to the entry drive. If you aren't familiar with the location a driver will either have to slam on breaks to make the turn or go back around the block. The 10 ft setback would also require the removal of well-maintained landscaping. Furthermore, the sign would have to be extremely narrow to be placed within the 2ft space between the fence and curb. At which point, it will not meet the 2 ft distance from the back of the curb as required by FDOT.

The placement of the sign will not pose any visibility issues for as the driveway is for incoming traffic only. The exit is in the rear of the building. Additionally, the proposed location has the sign at least 7 ft from the back of curb. This greatly exceeds the FDOT requirement to help with vehicular safety.

ATTACHMENTS

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, http://apps.coi.net/pao_propertySearch/Basic/Search.aspx, or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- Photographs of sign structure showing nonconforming nature and physical impediments to compliance.
- If waiver is based on economic hardship, applicant must submit the following:
 - Two (2) estimates from licensed contractors stating the cost of bringing the sign structure into compliance; and
 - Any other information the applicant wished to have considered in connection to the waiver request.

FILING FEES

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

<u>Base Fee</u>	<u>Public Notices</u>	<u>Advertisement</u>
Residential Districts: \$1,161.00	\$7.00 per Addressee	Billed directly to owner/agent
Non-residential Districts: \$1,173.00		

NOTE: City Council may, as a condition of the waiver, specify a time period within which the sign structure shall be required to conform to the requirements of the City’s sign regulations.

AUTHORIZATION

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

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

I hereby certify that I have read and understand the information contained in this application, that I am the owner or authorized agent for the owner with authority to make this application, and that all of the information contained in this application, including the attachments, is true and correct to the best of my knowledge.

<p>Owner(s) Print name: <u>William R Casery Jr</u> Signature: <u>[Signature]</u></p>	<p>Applicant or Agent (if different than owner) Print name: <u>Kelly Varn</u> Signature: <u>[Signature]</u></p>
<p>Owner(s) Print name: _____ Signature: _____</p>	<p><i>*An agent authorization letter is required if the application is made by any person other than the property owner.</i></p>

SUBMITTAL

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

Submit applications to:

Planning and Development Department, Zoning Section
214 North Hogan Street, 2nd Floor
Jacksonville, Florida 32202
(904) 255-8300

EXHIBIT A

Property Ownership Affidavit – Limited Liability Company (LLC)

Date: 05/03/2022

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: 1538 Hendrick Ave RE#(s): 080525-0000

To Whom it May Concern:

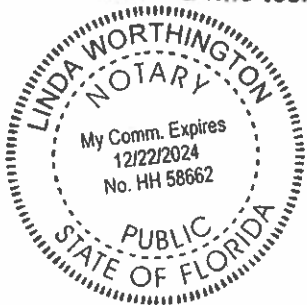
I, William R Cesery Jr, as owner of
1538 Hendrick Ave, LLC, a Limited Liability Company organized under the laws of the
state of Florida, hereby certify that said LLC is the Owner of the property described in Exhibit
1 in connection with filing application(s) for sign waiver submitted to the Jacksonville
Planning and Development Department.

(signature) [Handwritten Signature]
(print name) William R Cesery Jr

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

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 3rd day of
May 2022, by William R. Cesery Jr. as
owner of 1538 Hendricks Ave, a Limited Liability
Company, who is personally known to me or who has produced _____
as identification and who took an oath.



[Handwritten Signature]
(Signature of NOTARY PUBLIC)
Linda Worthington
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: 12/22/24

EXHIBIT B

Agent Authorization – Limited Liability Company (LLC)

Date: 05/03/2022

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: 1538 Hendricks Ave RE#(s): 080525.0000

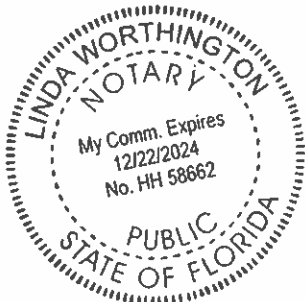
To Whom It May Concern:

You are hereby advised that William R Cesery Jr as owner of 1538 Hendricks Ave LLC, a Limited Liability Company organized under the laws of the state of Florida, hereby certify that said LLC is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers Taylor Signs sign variance to act as agent to file application(s) for with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change as submitted to the Jacksonville Planning and Development Department.

(signature) [Signature]
(print name) William R Cesery Jr

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 3rd day of May 2022, by William R. Cesery Jr as owner of 1538 Hendricks Ave, a Limited Liability Company, who is personally known to me or who has produced _____ as identification and who took an oath.



[Signature]
(Signature of NOTARY PUBLIC)
Linda Worthington
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: 12/22/24

Book 10347 Page 200

THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:
W. Robinson Frazier
1515 Riverside Avenue, Suite A
Jacksonville, Florida 32204

Doc# 2002037003
Book: 10347
Pages: 200 - 201
Filed & Recorded
02/07/2002 09:26:18 AM
JIM FULLER
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 1.50
DEED DOC STAMP \$ 1,312.50
RECORDING \$ 9.00

WARRANTY DEED

THIS WARRANTY DEED made as of the 24th day of January, A.D. 2002 by WILLIAM R. CESERY, JR., a married man, as to an undivided 16.6% interest in the real property hereinafter described, and BARBARA H. CESERY, a single person, as to an undivided 83.4% interest in the real property hereinafter described, hereinafter called the grantors, whose post office address is 1450-3 San Marco Boulevard, Jacksonville, Florida 32207, to 1538 HENDRICKS AVENUE, LLC, a Limited Liability Company, whose post office address is 1450-3 San Marco Boulevard, Jacksonville, Florida 32207, hereinafter called the grantee.

(Wherever used herein the terms "grantor" and "grantee" include all the parties in this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

WITNESSETH: That the grantor, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in Duval County, Florida, the property appraiser's identification number of which is 080525-0000, viz:

The North 30 Feet of Lot 6 and all of Lot 5, Block 11, Oklahoma, according to plat recorded in Plat Book 2, page 7 of the current public records of Duval County, Florida.

Grantors hereby warrant and represent that none of the foregoing real property constitutes the homestead property of either of the Grantors, their respective spouses, or their respective minor children. All of such persons reside elsewhere.

2

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

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

AND the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except easements, covenants and restrictions of record and ad valorem taxes accruing subsequent to December 31, 2001.

IN WITNESS WHEREOF, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Susan H. Dyer
Susan H. Dyer

William R. Cesery, Jr. (SEAL)
William R. Cesery, Jr.

Patricia A. Fowler
Patricia A. Fowler

Barbara H. Cesery (SEAL)
Barbara H. Cesery

Witnesses

STATE OF FLORIDA
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 24th day of January, 2002, by WILLIAM R. CESERY, JR. and BARBARA H. CESERY, both of whom are personally known to me.

Patricia A. Fowler
Patricia A. Fowler
State of Florida at Large (Seal),
My Commission Expires:

RE	LNAME	LNAME2	MAIL_ADDR1	MAIL_ADDR2	MAIL_CITY	MAIL_MAIL_ZIP
080531 0000	1510 HENDRICKS AVENUE LLC		1450-3 SAN MARCO BLVD		JACKSONVILLE	FL 32207
080525 0000	1538 HENDRICKS AVENUE LLC		1450 SAN MARCO BLVD #3		JACKSONVILLE	FL 32207-8551
080522 0000	BASIL THAI RESTAURANT AND BAR LLC		1004 HENDRICKS AVE		JACKSONVILLE	FL 32207
080535 0000	BONNIE W KING REVOCABLE LIVING TRUST		1705 RIVER OAKS RD		JACKSONVILLE	FL 32207-4123
080543 0000	CARAWAY CHARLES B ET AL		1331 LASALLE ST		JACKSONVILLE	FL 32207
080558 0000	CARROLL C BRALEY		948 CARLOTTA RD		JACKSONVILLE	FL 32211
080519 0000	CITY OF JACKSONVILLE		C/O CITY REAL ESTATE DIV	214 N HOGAN ST 10TH FL	JACKSONVILLE	FL 32202
080545 0000	FITZPATRICK PHILIP ET AL		1568 NALDO AVE		JACKSONVILLE	FL 32207
080555 0000	GARNER MEGHAN E		1518 NALDO AVE		JACKSONVILLE	FL 32207
081939 0010	GERTZ PARTNERS LP		28 17TH ST		ATLANTIC BEACH	FL 32233
080523 0000	GOOD GUYS PROPERTY LLC		8720 BEACH BLVD		JACKSONVILLE	FL 32216
080556 0000	GUTHRIE TRUST		118 OLEANDER ST		NEPTUNE BEACH	FL 32266
080527 0000	HADDAD RALPH		108 TURTLE BAY LN		PONTE VEDRA	FL 32082
080520 0000	HENDRICKS & CEDAR LLC		1400 PRUDENTIAL DR STE 7		JACKSONVILLE	FL 32207-8177
080541 0000	INNOVATIVE INVESTMENT HOLDINGS LLC		7643 GATE PKWY STE 104 385		JACKSONVILLE	FL 32256
080524 0000	JACK RABBIT'S MUSIC INC		1528 HENDRICKS AVE		JACKSONVILLE	FL 32207
080544 0000	JACKSONVILLE HOUSING AUTHORITY		1300 BROAD ST		JACKSONVILLE	FL 32202-3996
080534 0000	KING JASON		4263 GREAT OAKS LN		JACKSONVILLE	FL 32207
080538 0020	KREDELL MICHAEL C		10148 FORD RD		BRYCEVILLE	FL 32009-1597
080537 0000	LIEBERMAN CHRIS A		1537 NALDO AVE		JACKSONVILLE	FL 32207
080538 0010	MACDOWELL CHRISTOPHER L		4230 ORO PLACE		JACKSONVILLE	FL 32207
080526 0000	MANGO SHOPPING CENTER LLC		8659 BAYPINE RD STE 304		JACKSONVILLE	FL 32256
080528 0000	METHODIST CHURCH TRUSTEE		1415 LA SALLE ST		JACKSONVILLE	FL 32207
080557 0000	MOORE TIMOTHY ET AL		1536 NALDO AVE		JACKSONVILLE	FL 32207
080559 0000	MURPHY LAUREL E		10724 SAINT PAUL ST		KENSINGTON	MD 20895
080531 0010	OSTRANDER ANDREW		1414 CEDAR ST		JACKSONVILLE	FL 32207
080529 0000	PENDULUM PROPERTIES LLC		P O BOX 600910		JACKSONVILLE	FL 32260
080536 0000	RENE CASSANDRA		1531 1533 NALDO AVE		JACKSONVILLE	FL 32207
080666 0010	SAN MARCO STATION LLC		ATTN THOMAS BECKLER	344 PABLO TER	PONTE VEDRA BE FL	32082
080674 0020	SAN MARCO TRAIN STATION LLC		3982 ALHAMBRA DR W		JACKSONVILLE	FL 32207
080532 0000	SHINN THOMAS R		1505 NALDO AVE		JACKSONVILLE	FL 32207-3133
080533 0000	SUMNER ELIDA N		2222 GUILFORD RD		JACKSONVILLE	FL 32207-8802
080458 0000	SWAIM MEMORIAL METHODIST		CHURCH INC	1620 NALDO ST	JACKSONVILLE	FL 32207-3136
080457 0010	VYSTAR CREDIT UNION		PO BOX 45085		JACKSONVILLE	FL 32232
080540 0005	WATERS HAROLD H		1286 MUNDY DR		JACKSONVILLE	FL 32207
080517 0000	WBT PROPERTY LLC		1458 SAN MARCO BLVD		JACKSONVILLE	FL 32207
	SOUTHEAST	JOANNE PARKER GRIFFIN	4222 LAROSA DR		JACKSONVILLE	FL 32217
	SAN MARCO PRESERVATION SOCIETY	ATTEN: CURRENT PRESIDENT	1468 HENDRICKS AV		JACKSONVILLE	FL 32207