

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-24-04 (ORDINANCE 2024-0316)

June 4, 2024

Location: 4204 Hershel Street between Irvington Avenue and Marquette Avenue

Real Estate Number: 069400-0000

Waiver Sought: Reduce the minimum setback from 10 feet to 2 feet

Current Zoning District: Commercial Community General-1 (CCG-1)

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

Planning District: Southwest, 4

Council District: District 7

Owner: 4216 Hershel LLC
Stanton Hudson
2650 2 Rosselle Street
Jacksonville, Florida 32204

Agent: Taylor Sign & Designs, Inc.
Kelly Varn
4162 St. Augustine Road
Jacksonville, Florida 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2024-0316 (SW-24-04)** seeks to reduce the minimum setback for a sign from 10 feet to 2 feet for an existing sign location. The subject site is an existing commercial center. The building was constructed in 1966, prior to the Zoning Code and sign regulations. Ownership of the building changed in 2019, which requires the sign to be brought into compliance or have an approved sign waiver. The sign is within the 25' sight visibility triangle, however, it does not cause any traffic visibility issues because of the height of the pole and the size of sign. If the sign were to be relocated to meet the current code, it would cause a safety issue for vehicles entering/existing the driveways on both Hershel Street and Irvington Avenue. The applicant requested that the existing sign remain as in with the 2-foot setback on Hershel Street and 30-inch setback on Irvington Avenue.

NOTICE TO OWNER / AGENT

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1310 of the Ordinance Code defines a sign as “a painting, structure or device which is placed, erected, or constructed or maintained on or in the ground, or on or outside of an enclosed building or other object or structure or affixed or painted on or inside an exterior window of a building for the purpose of displaying 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”.

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.1310(a)(i) through (x), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the Planning Commission shall grant a waiver only if substantial competent evidence exists to support a positive finding based on each of the following criteria as applicable:

- (i) ***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?***

Yes. The effect of the sign waiver will be compatible with the existing contiguous zoning and general character of the area, as the sign post has been in the location prior to the zoning code, according to the applicant, while the façade of the sign has changed over the years with different commercial tenants.

- (ii) ***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?***

No. The intent of the zoning ordinance is to have signage that does not interfere with visibility, but promotes signage that is consistent with that found in the surrounding area. Given the existing sign location, staff has determined that the requested reduction in setback distance does not detract from the specific intent of the zoning ordinance as it relates to compatibility.

- (iii) ***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?***

No. The effect of the proposed sign waiver is unlikely to diminish property values in, or negatively alter the aesthetic character of the surrounding area due to the construction of the sign being prior to the zoning code over 35 years ago.

- (iv) *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?*

No. Approval of the waiver will not have a detrimental effect on vehicular traffic or parking conditions on site. Without the waiver, the sign would be located within the drive aisle of the business, making moving vehicles difficult.

- (v) *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?*

No. The proposed waiver is unlikely to be detrimental to the public health, safety, or welfare.

- (vi) *Does the subject property exhibit specific physical limitations or characteristics, which could be unique to the site and which would make imposition of the strict letter of the regulation unduly burdensome?*

Yes. The subject property does exhibit specific physical limitations that limit the setback of the sign location from the road. The sign is within the 25' sight visibility triangle, however, it does not cause any traffic visibility issues because of the height of the pole and the size of sign. If the sign were to be relocated to meet the current code, it would cause a safety issue for vehicles entering/exiting the driveways on both Hershel Street and Irvington Avenue. The applicant requested that the existing sign remain as in with the 2-foot setback on Hershel Street and 30-inch setback on Irvington Avenue.

- (vii) *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?*

No. The request is not based on a desire to reduce the costs associated with compliance.

- (viii) *Is the request the result of 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 applicants acquiring the property, not being a direct result of the actions of the current owner?*

No. The request is not the result of any cited violations. Staff has been unable to find the original sign permit. The condition of the sign structure suggests it has been in that location prior to the zoning code.

- (ix) *Does the request accomplish a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees?*

No. The request will not further the public interest as it recognizes the original sign location

as well as assures that the safety and interests of the public and the property owner are protected. Granting the waiver allows the owner to continue using the sign in its original location.

- (x) *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

Yes. While the goal of the Zoning Code is not to promote the continued existence of nonconforming signs, maintaining a sign in the specified location significantly outweighs the benefits of complying with the strict letter. A substantial burden would be imposed in order to relocate the sign within the required setbacks.

SUPPLEMENTARY INFORMATION

The applicant provided documentation and photo proof to the Planning and Development Department on May 9th, 2024 that the Notice of Public Hearing signs **were** posted.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that **Ordinance 2024-0316 (SW-24-04)** be **APPROVED**.



Aerial View

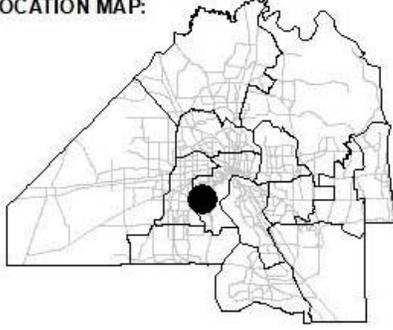
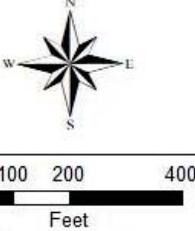
Source: JaxGIS, 5/3/2024



View of proposed sign location

Source: Planning & Development, 5/7/2024



<p>REQUEST SOUGHT:</p> <p>REDUCE MINIMUM SETBACK FROM 10' TO 2'</p>	<p>LOCATION MAP:</p>  <p>TRACKING NUMBER</p> <p>SW-24-04</p>	 <p>COUNCIL DISTRICT:</p> <p>7</p> <p>EXHIBIT 2 PAGE 1 OF 1</p>
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Legal Map