

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR SIGN WAIVER SW-22-6 (ORDINANCE 2022-679)**

**OCTOBER 18, 2022**

***Location:*** 430 8<sup>th</sup> Street West

***Real Estate Number:*** 071535-0010

***Waiver Sought:*** Reduce sign setback from 10 feet to 0 feet

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

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

***Planning District:*** Urban Core, District 1

***Applicant /Agent:*** Raymond Scott Pollitt  
Aluminum Plus  
750 E. International Speedway Blvd.  
Deland, Florida 32724

***Owner:*** ECM BG2 Jacksonville FL 7 UT, LLC  
4747 Williams Drive  
Georgetown Texas 78633

***Staff Recommendation:*** APPROVE

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2022-679 (SW-22-6)** seeks to permit a reduction in the required minimum setback from the property line abutting both Boulevard and 8<sup>th</sup> Street West for one existing pylon sign, from 10 feet to 0 feet. The site is within the Springfield Zoning Overlay, but outside the Springfield Historic District.

The 0.52± acre property is developed as a filling station/convenience store with one pylon sign. The property was constructed sometime in 1972 as a filling station. The property owner wishes to change the sign face for the new business which is resulting in the need for the existing sign to come into compliance with the current Zoning Code or seek a sign waiver.

### 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), Ordinance Code, provides that, with respect to action upon Applications for Sign Waivers, the City Council **may** grant a waiver only if substantial competent evidence exists to support a positive finding based on **each** of the following criteria as applicable:

#### **TEXT FROM ZONING CODE:**

The Council, in considering a proposed sign waiver shall determine whether the proposed waiver is in harmony with the spirit and intent of the Zoning Code, considering 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 in that nearby free-standing signs are a similar distance from the right-of-way. Many of the signs in the immediate area have been existing for several years and considered legally non-conforming and this request for a setback reduction would not create signage out of character for the general area.

- (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. The Applicant will not be making any changes to the current sign existing on the property but due to making changes to the sign face property is required to bring the sign into compliance or file for a sign waiver. Given the location of the sign in relationship to the established developed pattern of the area, 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 area surrounding the site, in that the signs are already existing.

- (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. The waiver is unlikely to have a detrimental effect on vehicular traffic or parking conditions as it has been existing for several years with no issues. Due to the applicant not making any changes to the existing sign location it is therefore also unlikely to create objectionable light, glare or other effects to what already exists in the area.

- (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 in that the signage has remained in its current location since being constructed without issues.

- (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. A new sign location will require the sign to be placed in the vehicular use area, which may obstruct or impede customer vehicles, deliver vehicles or tanker trucks.

- (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. The signs have been existing on the property for several years with no violations but due to the redevelopment of the property and the need for a sign face change the owner is required to bring the signs into compliance or file for a sign waiver.

- (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?*

Yes. The request will further the public interest as it recognizes the original signs locations 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 signs in their original locations and applicant will not make any changes to the sign.

- (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 outweigh the benefits of complying with the strict letter. A substantial burden would be imposed in order to relocate the signs within the required setbacks.

### SUPPLEMENTARY INFORMATION

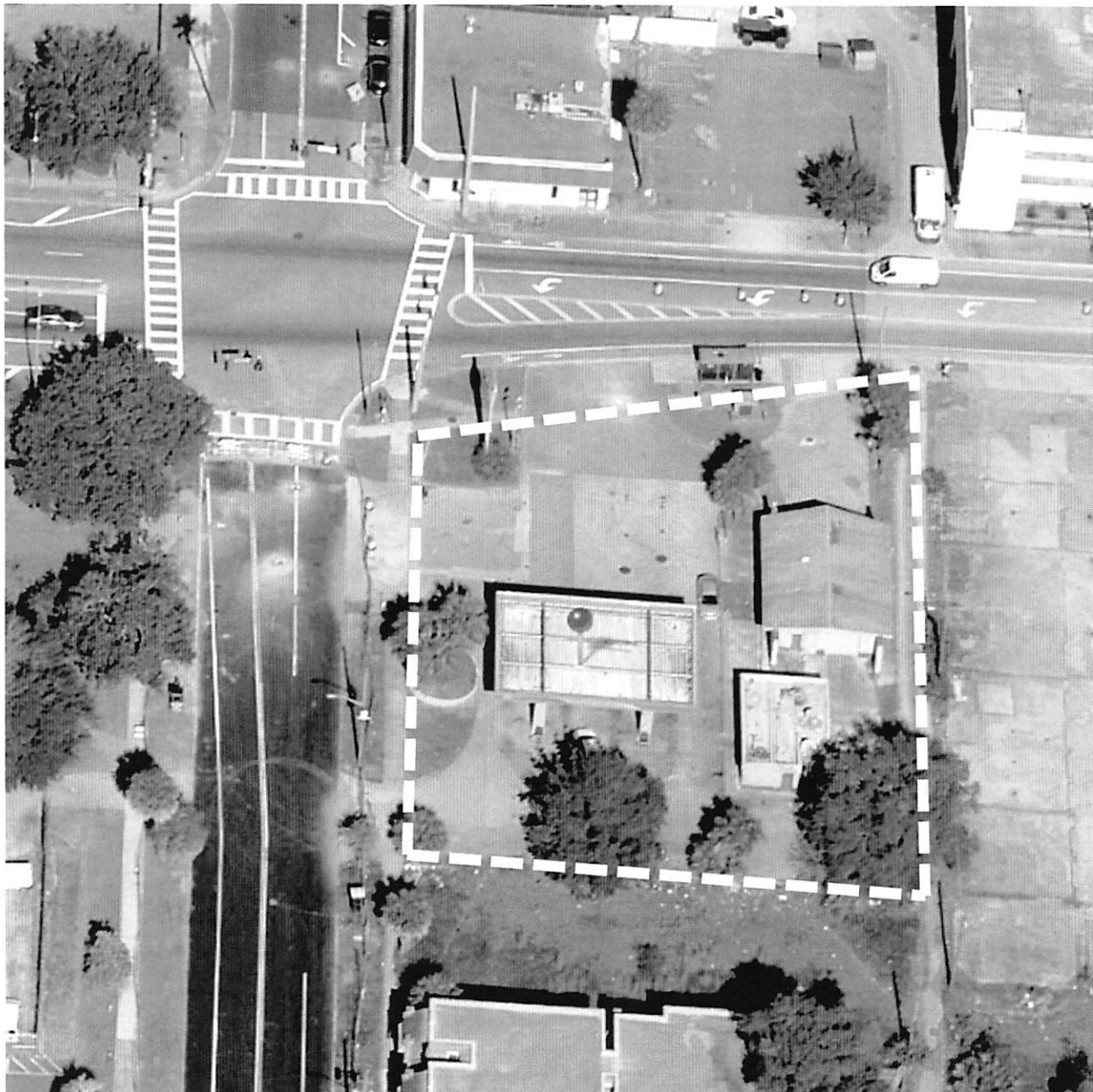
The applicant provided documentation and photo proof to the Planning and Development Department on October 7, 2022 that the Notice of Public Hearing signs were **not** posted.

### RECOMMENDATION

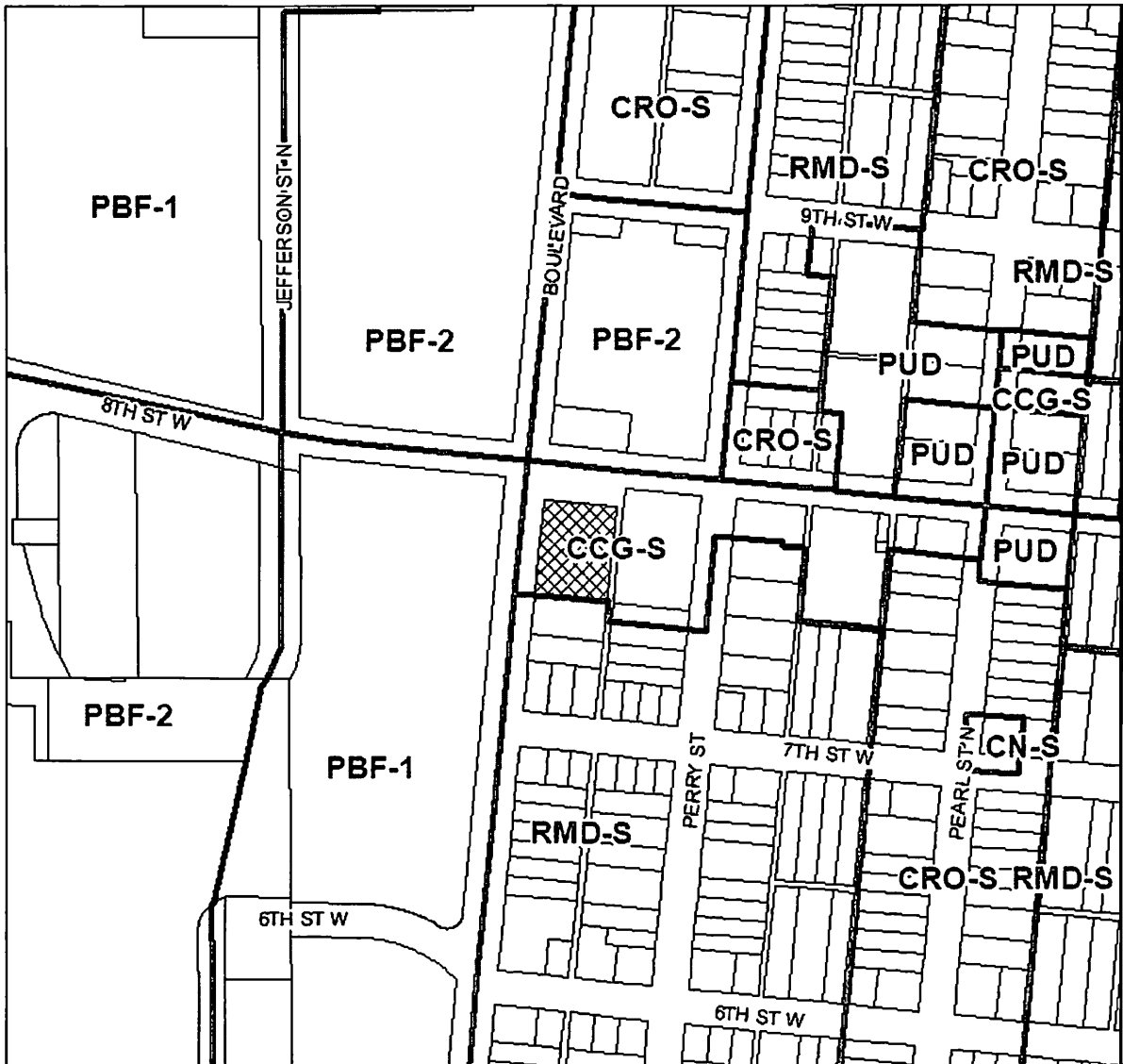
Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-22-6 (Ordinance 2022-679) be **APPROVED**.



View of existing sign



Aerial view of the subject property



<p><b>REQUEST SOUGHT:</b></p> <p><b>REDUCE THE SETBACK FROM 10 FEET TO 0 FEET</b></p>	<p><b>LOCATION MAP:</b></p>	
<p><b>ORDINANCE NUMBER</b> ORD-2022-0679</p>	<p><b>TRACKING NUMBER</b> SW-22-06</p>	<p><b>COUNCIL DISTRICT:</b> 7</p> <p><b>EXHIBIT 2</b> <b>PAGE 1 OF 1</b></p>

Date Submitted:	6/23/2022
Date Filed:	7/6/22

Application Number:	Suo-22-06
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:	CCQ-S	Current Land Use Category:	CCQ
Council District:	7	Planning District:	1
Previous Zoning Applications Filed (provide application numbers): none found			
Applicable Section of Ordinance Code: 656.13031(2)			
Notice of Violation(s): none found			
Neighborhood Associations: please see attached			
Overlay: Springfield Zoning Overlay			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post:	2	Amount of Fees:	\$1404.
		Zoning Asst. Initials:	CIP

PROPERTY INFORMATION	
1. Complete Property Address: 430 W 8TH ST 32206	2. Real Estate Number: 071535-0010
3. Land Area (Acres): 23,479 SF	4. Date Lot was Recorded: 1971
5. Property Located Between Streets: BOULEVARD ST & W 8TH ST	6. Utility Services Provider: City Water / City Sewer <input 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 0 feet (less than 1 ft. may be granted administratively)

**8. In whose name will the Waiver be granted?**  
 ECM BG2 JACKSONVILLE FL 7 UT 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)**

<b>10. Name:</b> ECM BG2 JACKSONVILLE FL 7 UT LLC	<b>11. E-mail:</b> APLUS@ALUMINUMPLUS.COM
<b>12. Address (including city, state, zip):</b> 4747 WILLIAMS DR GEORGETOWN, TX 78633	<b>13. Preferred Telephone:</b> 386-734-2864

**APPLICANT'S INFORMATION (if different from owner)**

<b>14. Name:</b> RAYMOND SCOTT POLLITT/ALUMINUM PLUS	<b>15. E-mail:</b> APLUS@ALUMINUMPLUS.COM
<b>16. Address (including city, state, zip):</b> 750 E. INTERNATIONAL SPDWY. BLVD. DELAND, FL 32724	<b>17. Preferred Telephone:</b> 386-734-2864

## 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.

This sign waiver is being sought by the property owner due to the fact that the current price sign does not meet the current setback required by City of Jacksonville Code of Ordinances.

1. Granting this waiver will not not impact the location or the general character of the area.
2. The result would not detract from the intent of the zoning ordinance within this vicinity.
3. The sign waiver will not diminish the value of the property or those properties in the surrounding area
4. The existing sign will meet criteria for all other signage elements such as ground clearance and size and not have a detrimental effect on vehicular traffic.
5. The sign waiver will not have an effect to public health, safety or welfare.
6. If the sign was to be moved it would place a burden on the property due to the fact the placement would be located in a traffic area
7. This request is due to the limitations of existing area for sign placement
8. Existing canopy signage permits need to be closed out. We are not aware of any current violations with the exception of current setback of existing signage.
9. This request allows for the utilization of the existing signage and to distract from further construction on this site.
10. If compliance we required, access to the property would become limited due to the required placement of the sign.

**ATTACHMENTS**

The following attachments must accompany each copy of the application.

- Survey
- Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
- Property Ownership Affidavit (Exhibit A)
- Agent Authorization if application is made by any person other than the property owner (Exhibit B)
- Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
- Proof of property ownership – may be print-out of property appraiser record card if individual owner, [http://apps.coj.net/pao\\_propertySearch/Basic/Search.aspx](http://apps.coj.net/pao_propertySearch/Basic/Search.aspx), or print-out of entry from the Florida Department of State Division of Corporations if a corporate owner, <http://search.sunbiz.org/Inquiry/CorporationSearch/ByName>.
- 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.

**Owner(s)**

Print name: Rocky Hardin MS2  
Signature: [Signature]

**Applicant or Agent (if different than owner)**

Print name: Debra Bree / Aluminum Plus  
Signature: [Signature]

*\*An agent authorization letter is required if the application is made by any person other than the property owner.*

**Owner(s)**

Print name: \_\_\_\_\_  
Signature: \_\_\_\_\_

**SUBMITTAL**

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

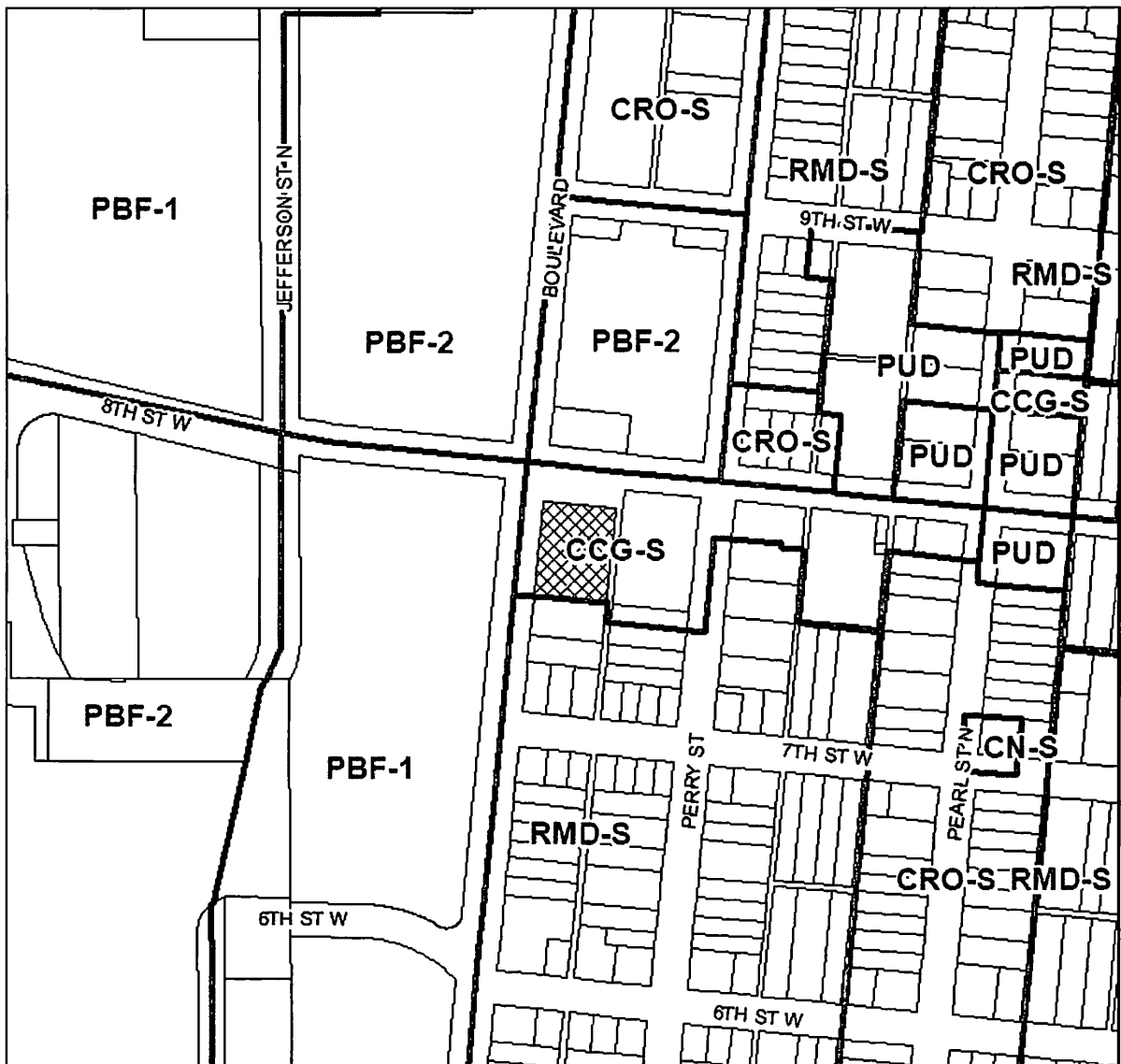
Submit applications to:

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

LEGAL DESCRIPTION  
JUNE 21, 2022  
EXHIBIT 1

The land referred to here in is situated in the County of DUVAL, State of Florida, and described as follows:

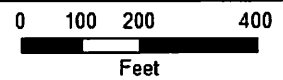
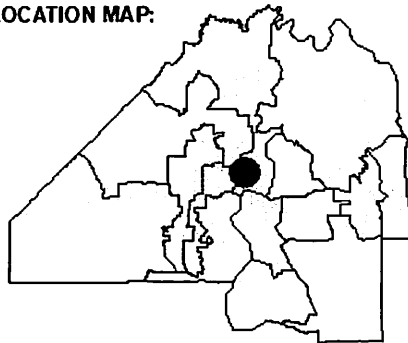
Lots 4, 5 AND 6 (except that part of Lot 6 lying within the right of way of 8<sup>th</sup> street and taken by Order of Taking recorded in Official Records Book 3021, Page 544), Block 39 of WEST SPRINGFIELD, according to the Plat thereof as recorded in Plat Book 2, Page(s) 5, of the Public Records of DUVAL County, Florida.



REQUEST SOUGHT:

**REDUCE THE SETBACK FROM  
10 FEET TO 0 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

**7**

TRACKING NUMBER

**SW-22-06**

**EXHIBIT 2  
PAGE 1 OF 1**

**EXHIBIT A**

**Property Ownership Affidavit – Limited Liability Company (LLC)**

Date: 6-20-22

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: 430 W 8TH ST RE#(s): 071535-0010

To Whom it May Concern:

I Rocky Hardin, as CFO / MGR of  
ECM - BG2 Jacksonville FL 707, LLC a Limited Liability Company organized under the laws of the  
state of UTAH, 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) Rocky Hardin  
(print name) Rocky Hardin

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~~ Texas  
COUNTY OF ~~DUVAL~~ Williamson

Sworn to and subscribed and acknowledged before me this 20th day of  
June 20 22, by Rocky Hardin as  
CFO / MGR, of ECM - BG2 Jacksonville FL 707, LLC a Limited Liability  
Company, who is personally known to me or who has produced \_\_\_\_\_  
as identification and who took an oath.



Teresa M. Santi  
(Signature of NOTARY PUBLIC)  
Teresa M. Santi  
(Printed name of NOTARY PUBLIC)

Texas  
State of ~~Florida~~ at Large.  
My commission expires: 10/31/2024



**EXHIBIT B**

**Agent Authorization – Limited Liability Company (LLC)**

Date: 6-20-22

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: 430 W 8TH ST RE#(s): 071535-0010

To Whom It May Concern:

You are hereby advised that Rocky Hardin, as CEO/MGR of ECM-BGZ Jacksonville FL 7 UT, LLC a Limited Liability Company organized under the laws of the state of UTAH, hereby certify that said LLC is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers ALUMINUM PLUS to act as agent to file application(s) for SIGN WAIVER 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 as submitted to the Jacksonville Planning and Development Department.

(signature) Rocky Hardin  
(print name) Rocky Hardin

STATE OF FLORIDA  
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 20th day of June 2022, by Rocky Hardin, as CEO/MGR, of ECM-BGZ Jacksonville FL 7 UT, a Limited Liability Company, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

Teresa M. Santi  
(Signature of NOTARY PUBLIC)

Teresa M. Santi  
(Printed name of NOTARY PUBLIC)

Texas  
State of Florida at Large.  
My commission expires: 10/31/2024





[Department of State](#) / [Division of Corporations](#) / [Search Records](#) / [Search by Entity Name](#) /

## Detail by Entity Name

Foreign Limited Liability Company  
ECM-BG2-JACKSONVILLE, FL-7-UT, LLC

### Filing Information

**Document Number** M19000010603  
**FEI/EIN Number** 84-3115183  
**Date Filed** 11/01/2019  
**State** UT  
**Status** ACTIVE

### Principal Address

4747 WILLIAMS DR.  
GEORGETOWN, TX 78633

### Mailing Address

4747 WILLIAMS DR.  
GEORGETOWN, TX 78633

### Registered Agent Name & Address

COGENCY GLOBAL INC.  
115 NORTH CALHOUN ST.  
SUITE:4  
TALLAHASSEE, FL 32301

### Authorized Person(s) Detail

#### **Name & Address**

Title MGR

HARDIN, ROCKY  
4747 WILLIAMS DR.  
GEORGETOWN, TX 78633

### Annual Reports

<b>Report Year</b>	<b>Filed Date</b>
2020	03/09/2020
2021	01/27/2021
2022	03/29/2022

### Document Images

**EXHIBIT B**

**Agent Authorization – Limited Liability Company (LLC)**

Date: 6-20-22

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

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Address: 430 W 8TH ST RE#(s): 071535-0010

To Whom It May Concern:

You are hereby advised that Rocky Hardin, as CFO/MGR of ECM-BGZ Jacksonville FL UT, LLC a Limited Liability Company organized under the laws of the state of UTAH, hereby certify that said LLC is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers ALUMINUM PLUS to act as agent to file application(s) for SIGN WAIVER 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 as submitted to the Jacksonville Planning and Development Department.

(signature) Rocky Hardin  
(print name) Rocky Hardin

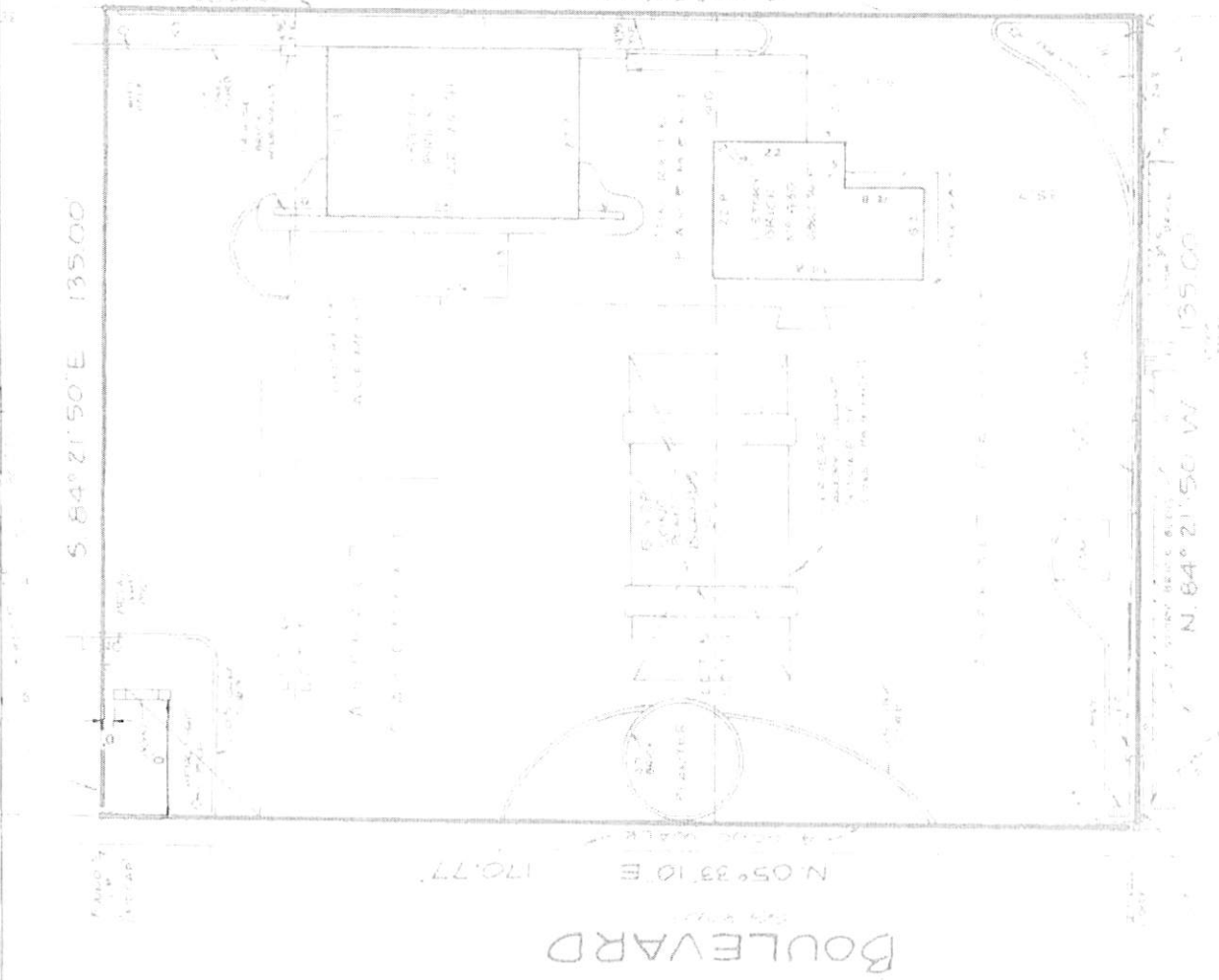
**STATE OF FLORIDA  
COUNTY OF DUVAL**

Sworn to and subscribed and acknowledged before me this 20th day of June 2022 by Rocky Hardin, as CFO/MGR, of ECM-BGZ Jacksonville FL UT, a Limited Liability Company, who is personally known to me or who has produced \_\_\_\_\_ as identification and who took an oath.

Teresa M. Sants  
(Signature of NOTARY PUBLIC)  
Teresa M Sants  
(Printed name of NOTARY PUBLIC)  
Texas  
State of Florida at Large.  
My commission expires: 10/31/2024

8TH ST.

NORTH  
FOR LOCATION ONLY  
SCALE 1:30







RECEIVED

