

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR SIGN WAIVER 2023-369 (SW-23-06)**

**AUGUST 15, 2023**

***Location:*** 2063 Oak Street  
Between Goodwin Street and Margaret Street

***Real Estate Number:*** 090689-0000

***Waiver Sought:*** Reduce Minimum Setback from 10 feet to 2 feet  
and from 25 feet to 2 feet

***Current Zoning District:*** Commercial Residential Office (CRO)

***Current Land Use Category:*** Residential Professional Institutional (RPI)

***Planning District:*** Northwest – District 5

***Applicant /Agent:*** John Allmand  
3750 Oak Street  
Jacksonville Florida 32205

***Owner:*** OHTULK, LLC  
John Allmand  
3750 Oak Street  
Jacksonville Florida 32205

***Staff Recommendation:*** **APPROVE**

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2023-369 (SW-23-06)** seeks to reduce the minimum setback for a sign from 10 feet to 2 feet and reduce the sight triangle from 25 feet to 2 feet. The applicant is seeking to install a new sign that is a maximum 4 feet high and 9 square feet. The applicant has submitted a photo that shows a similar sign in the same location.

The CRO Zoning District allows one monument sign not to exceed 12 feet high and 24 square feet in area. The parcel is in the Riverside Avondale Zoning Overlay and the Riverside Avondale Historic District.

The Historic Preservation Section approved a Certificate of Appropriateness (COA-22-28593) and finds it consistent with the Riverside Avondale Design Guidelines.

## 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, if approved as conditioned. The proposed setback reflects the same setback of the existing sign that has been in place for decades. The new sign will be in a similar location shown in the historical photograph. If the sign were to meet the required setbacks, the sign would be moved to the required 10 feet minimum it would require the removal of a sidewalk that leads from one building on site to another.

- (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 result of the sign waiver will not detract from the specific intent of the zoning ordinance, in that the new sign is unable to conform to required setbacks due to the existing sidewalk on site. The situation is unique to the subject property and would not promote the existence of any other non-conforming signs in the area.

- (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 proposed sign will still be setback from the road and separated by a sidewalk in the City ROW.

- (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 will not have a detrimental effect on vehicular traffic or parking conditions. The reduced setback will allow the sign to be seen by motorists and will fit the character of the residential 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 for setback is unlikely to be detrimental to the public health, safety, or welfare in that the existing sign is located at the same spot and the request is to replace that sign at the same location without disrupting existing sidewalks on site.

- (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 possible setback of the sign location from the property line. Currently, there is a sidewalk that connects the main church to another building on the subject property where the 10 feet setback would begin. Beyond that is the front façade of the church, making the setback impractical for this property.

- (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, but is based upon a desire to provide signage for the various tenants of the building.

- (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 violation.

- (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?*

The Planning Department has not identified any result of the request that is in the public interest at this time.

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

Yes. Strict compliance with the regulation could create a financial burden on the applicant for setbacks. Removing and relocating the existing sidewalk to allow for the required setback would create an unnecessary financial cost for the church.

### **SUPPLEMENTARY INFORMATION**

Upon visual inspection of the subject property on July 15, 2023, the Planning and Development Department staff noticed that the required Notice of Public Hearing sign **was** posted.



### **RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **2023-369 (SW-23-06)** be **APPROVED**.



Aerial view of subject property





View of sign location

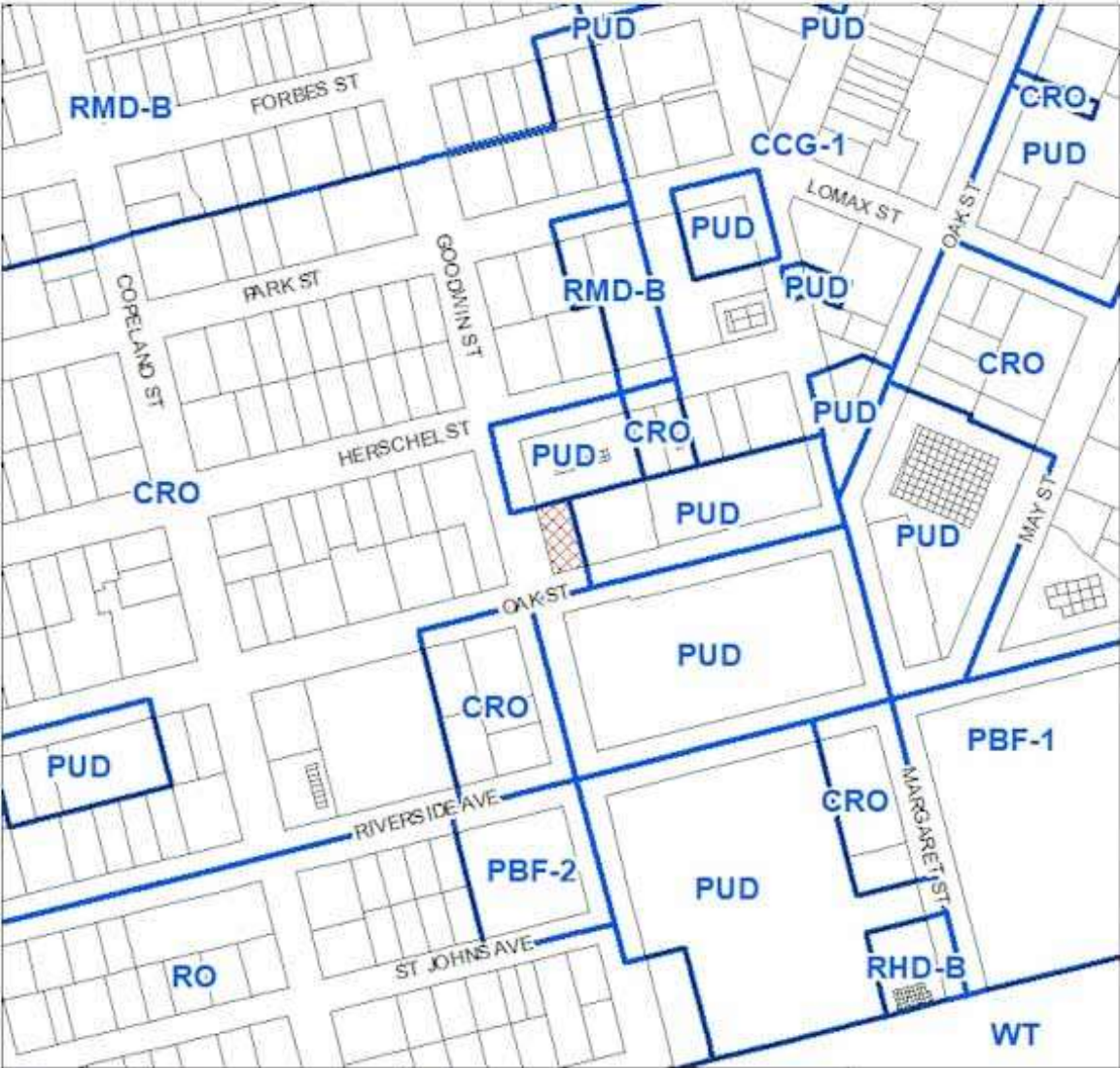


View of subject property



Similar sign across from subject property.

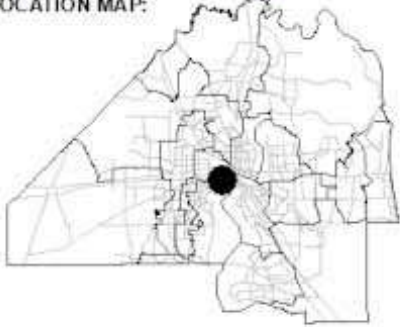




REQUEST SOUGHT:

**REDUCE SETBACK FROM 25 FOOT SIGHT TRIANGLE AND 10 SETBACK TO 2 FEET**

LOCATION MAP:



COUNCIL DISTRICT:

**14**

TRACKING NUMBER

**SW-23-06**

**EXHIBIT 2  
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