

REPORT OF THE PLANNING DEPARTMENT**APPLICATION FOR SIGN WAIVER 2025-0636 (SW-25-05)****OCTOBER 21, 2025**

Location: 1233 Lane Avenue South

Real Estate Number: 011709-0000

Waiver Sought: 1.) Reduce Minimum Setback for two signs from 10 feet to 1 foot
2.) Reduce the minimum distance between two signs from 200 feet to 79 feet

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: District 4 – Southwest

Council District: District 9

Applicant /Agent: Michael Herzberg
12483 Aladdin Road
Jacksonville, Florida. 32223

Owner: Bateh Jurban 1233 South Lane Avenue, LLC.
2844 Scott Mill Estates Drive
Jacksonville, Florida. 32257

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2025-0726** (SW-25-05) seeks to reduce the minimum setback for two sign from 10 feet required to 1 foot, and to reduce the minimum distance between two signs from 200 feet to 79 feet to permit two sign which have existed since at least the 1970's. The subject site is a 1.61 acre parcel which has been developed and used as a commercial shopping center since 1976. The site is located on the eastern side of Lane Avenue, a FDOT Minor Arterial Roadway. The sign's locations have been in place since they were constructed, but the roadway has undergone widening since that time which has caused the setbacks to be closer than the 10 foot requirements.

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 waivers will be compatible with the existing contiguous zoning and general character of the area, if approved. Lane Avenue is a commercial corridor which has many commercial developments that do not meet the requirements of today’s code. The proposed signage in its existing location will not alter the character of the area, nor has it caused issues since they were built over 50 years ago.

- (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 waivers will not detract from the specific intent of the zoning ordinance, in that the existing sign is unable to conform to required setbacks due to the configuration of the site. The existing signs will remain in place, and conform to their original setbacks which have been reduced due to government takings for the widening of Lane Avenue South.

- (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 waivers are unlikely to diminish property values in, or

negatively alter the aesthetic character of the area surrounding the site, in that the signs will still be setback from the road and separated by a sidewalk.

- (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 sign waivers will not have a detrimental effect on vehicular traffic or parking conditions. Rather, the reduced setback will allow the sign to be seen by motorists and will fit the character of the area as there are other signs along Lane Avenue that are close to the right of way.

- (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 waivers for setbacks and distance 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 permit the existing, and allow for a replacement if needed, still at the same location without disrupting existing vehicle areas 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. The existing sign is only a few feet from the asphalt drive aisles that run through the property. The distance from the ROW and the drive aisle does not leave enough room for the sign to comply with the 10-foot setback requirement and therefore the signs would need to be placed in the drive aisles.

- (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 continue to provide signage for the property with the location of the existing signs remaining the same.

- (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 active 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 against 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 signs to allow for the required setback would create an unnecessary financial cost for the establishment and would limit the ease of traffic on the site.

SUPPLEMENTARY INFORMATION

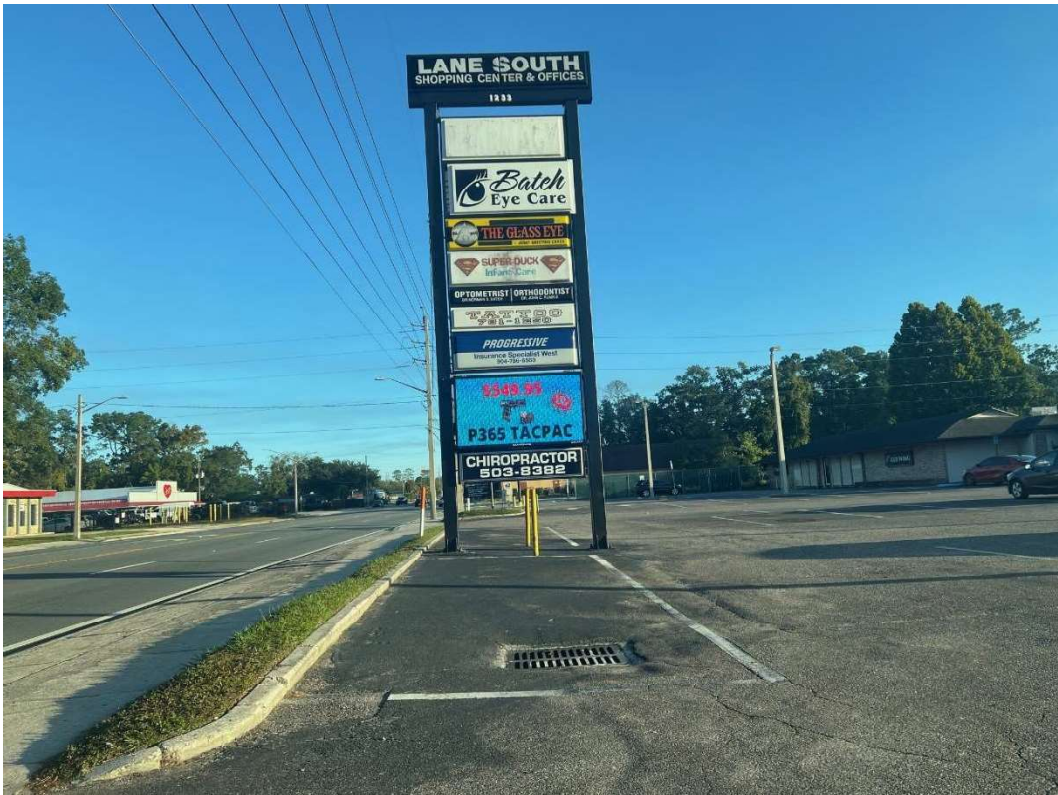
Upon visual inspection of the subject property on October 14, 2025, the Planning Department staff noticed that the required Notice of Public Hearing sign **was not** posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning Department that Application Sign Waiver **2025-0726 (SW-25-05)** be **APPROVED**.



Aerial Map



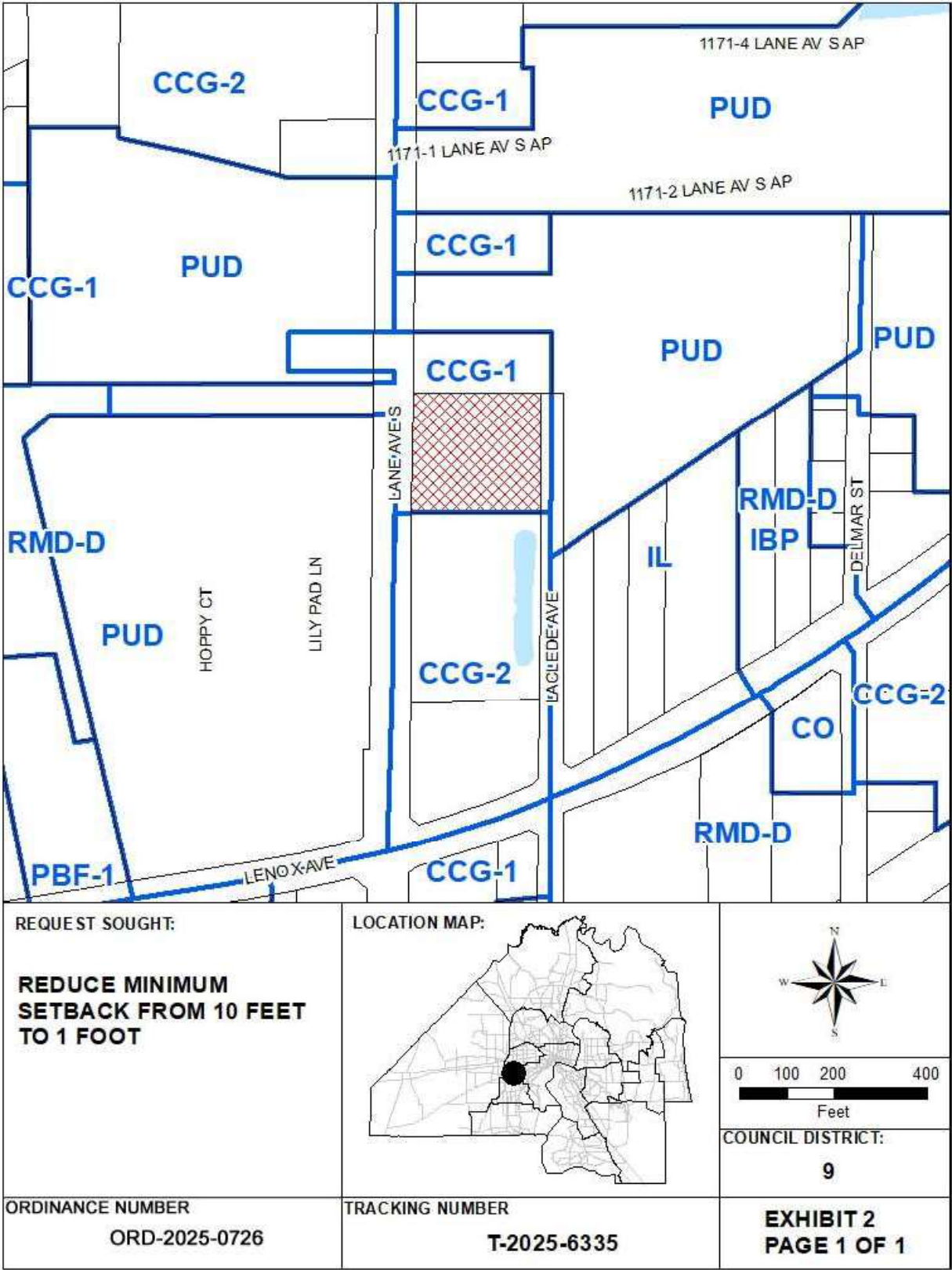
View of the larger sign on site



View of the smaller sign on site



View of the neighboring sign in the shared parking lot



Legal Map