

Date Submitted: 9.17.20
Date Filed: 7-14-21

Application Number: SW-21-06
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: CCG-2	Current Land Use Category: CGC	
Council District: 4	Planning District: 2	
Previous Zoning Applications Filed (provide application numbers): V-95-78 V-96-11		
Applicable Section of Ordinance Code: 656.1303(C)(3) / (i)(2)		
Notice of Violation(s): N/A		
Neighborhood Associations: NONE		
Overlay: N/A		
LUZ Public Hearing Date:	City Council Public Hearing Date:	
Number of Signs to Post: 1	Amount of Fee: EXEMPT	Zoning Asst. Initials:
FILED FOR REVIEW SEPT, 2020		

PROPERTY INFORMATION	
1. Complete Property Address: 6349 Beach Blvd.	2. Real Estate Number: 136060-0000
3. Land Area (Acres): .39	4. Date Lot was Recorded: 1 8-7 52-25-27E-43 2. Ryars SID NO 2 PT 3 PT 1/2 LOT 5 RECD 9/R 9563-137
5. Property Located Between Streets: Ryar Rd Hickman Rd	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 0 feet (less than 1 ft. may be granted administratively)

8. In whose name will the Waiver be granted? Zeus + Zeus Trust

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>Zeus & Zeus Trust</u>	11. E-mail: <u>ZeusandZeusTrust@aol.com</u>
12. Address (including city, state, zip): <u>1611 Carbondale Dr. W. Jax FL 32208</u>	13. Preferred Telephone: <u>904 885-5303</u>

APPLICANT'S INFORMATION (if different from owner)

14. Name: <u>KEN BRINGLE</u>	15. E-mail: <u>CNS516NS100@GMAIL.COM</u>
16. Address (including city, state, zip): <u>CNS SIGNS 263 EDGEWOOD AVE S. JACKSONVILLE, FL 32254</u>	17. Preferred Telephone: <u>904 425 3363</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.

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, 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>Zeno Zeno Trust</u> Signature: <u>[Signature]</u></p>	<p>Applicant or Agent (if different than owner) 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>
<p>Owner(s) Print name: _____ Signature: _____</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: 7-15-20

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: 6349 Beach Blvd RE#(s): 136060-0000

To Whom it May Concern:

I, STEVEY BARNES Trustee as Trustee of Zeus & Zeus Trust, a Limited Liability Company organized under the laws of the state of FL, hereby certify that said LLC is the Owner of the property described in Exhibit 1 in connection with filing application(s) for _____ submitted to the Jacksonville Planning and Development Department.

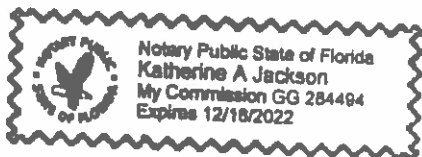
(signature) _____

(print name) STEVEY BARNES Trustee

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 15 day of July 2020, by Stevey Barnes, as Trustee of Zeus & Zeus, a Limited Liability Company, who is personally known to me or who has produced _____ as identification and who took an oath.



(Signature of NOTARY PUBLIC)

Katherine Jackson
(Printed name of NOTARY PUBLIC)

State of Florida at Large.

My commission expires: 12/18/2022

EXHIBIT B

Agent Authorization - Individual

Date: 7-15-20

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: 10349 Beach Blvd RE#(s): 136060-0000

To Whom it May Concern:

You are hereby advised that Stevey Barnes, as Trustee of Zeus & Zeus, hereby certify that said undersigned is the Owner of the property described in Exhibit 1. Said owner hereby authorizes and empowers Kenneth Bringle to act as agent to file application(s) for Zeus & Zeus Trust 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.

By: [Signature]
Print Name: Stevey Barnes Trustee

STATE OF FLORIDA
COUNTY OF DUVAL

Sworn to and subscribed and acknowledged before me this 15 day of July 2020 by Stevey Barnes, who is personally known to me or who has produced _____ as identification and who took an oath.



[Signature]
(Signature of NOTARY PUBLIC)
Katherine Jackson
(Printed name of NOTARY PUBLIC)

State of Florida at Large.
My commission expires: 12/16/2022

005m1825

PREPARED BY AND RECORD
AND RETURN TO:
BRYAN L. BLACKBURN, ESQUIRE
1921 Dewey Place
Jacksonville, FL 32207
RE PARCEL ID #: 136060-0000
BUYERS TIN: 244-19-4597

Doc# 2000052444
Book: 9563
Pages: 137 - 138
Filed & Recorded
03/08/00 12:10:03 PM
HENRY W COOK
CLERK CIRCUIT COURT
DUVAL COUNTY
TRUST FUND \$ 1.50
DEED DOC STAMP \$ 2,975.00
RECORDING \$ 9.00

WARRANTY DEED

THIS WARRANTY DEED, made this 6th day of March, 2000, by James D. Culp and Nancy S. Culp, husband and wife, whose address is 3515 Beauclerc Circle North, hereinafter called Grantor, to Stevey L. Barnes and Sheila Barnes, as co-trustees of the Zeus and Zeus Trust, hereinafter called Grantee and whose address is 6349 Beach Boulevard, Suite 1, Jacksonville, Florida 32216

(Wherever used herein the terms "grantor" and "grantee" include all the parties to 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 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, lying and being in Duval County, Florida, viz:

See attached Exhibit "A"

SUBJECT TO covenants, restrictions and easements of record, if any; however, this reference thereto shall not operate to reimpose same.

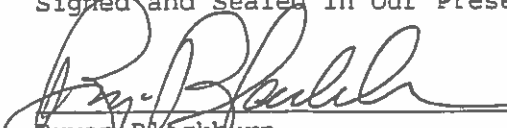
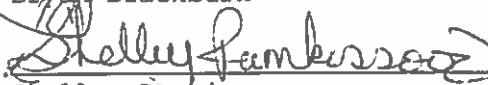
TOGETHER with all the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.


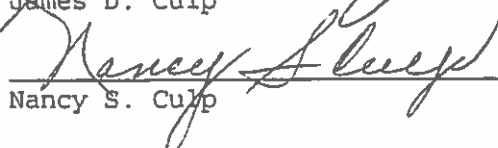
TO HAVE AND TO HOLD the same in fee simple forever.

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 taxes accruing subsequent to December 31, 1992.

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

Signed and Sealed in Our Presence:


Bryan Blackburn

Shelley Ramkissoon


James D. Culp

Nancy S. Culp

2

FILE: SM1825

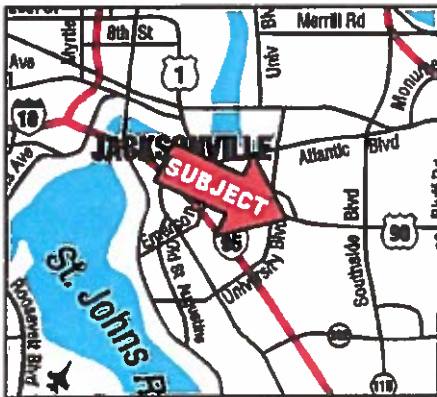
EXHIBIT "A"

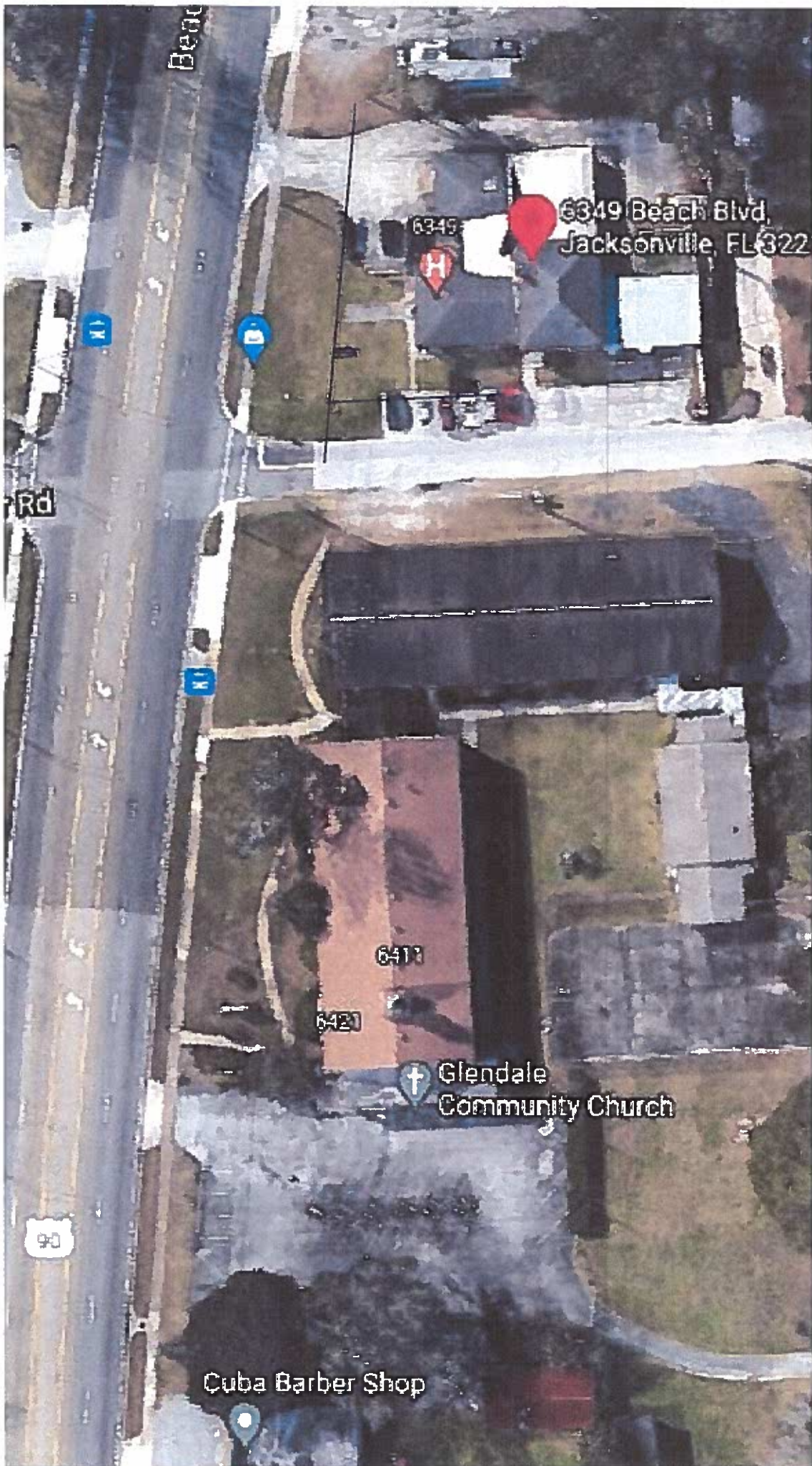
A part of Lot 5, MILLAGE RYERS SUBDIVISION, NO. 2, according to plat thereof as recorded in Plat Book 8, page 7, Current Public Records of Duval County, Florida, more particularly described as follows: Commencing at the Southerly corner of said Lot 5, the same being the Northerly Right-of-Way line of Beach Boulevard as now established; thence North 70° 39' 50" West, along the Southerly line of said Lot 5, 10.61 feet to the Westerly Right-of-Way line of Ryar Road as now established, for the Point of Beginning; thence continuing along the Southerly line of said Lot 5, North 70° 39' 50" West, 124.45 feet; thence North 04° 45' 00" East 130 feet; thence South 82° 14' 10" East, 120.44 feet to the Westerly Right-of-Way line of said Ryar Road; thence South 04° 45' 00" West, along said Right-of-Way line, 155 feet to the Point of Beginning. EXCEPTING THEREFROM ANY PORTION LYING WITHIN RYAR ROAD AND BEACH BOULEVARD.

5517 Beach Blvd. Close to Memorial Hospital



John Conley 1999





6349 Beach Blvd,
Jacksonville, FL 322

6349

6411

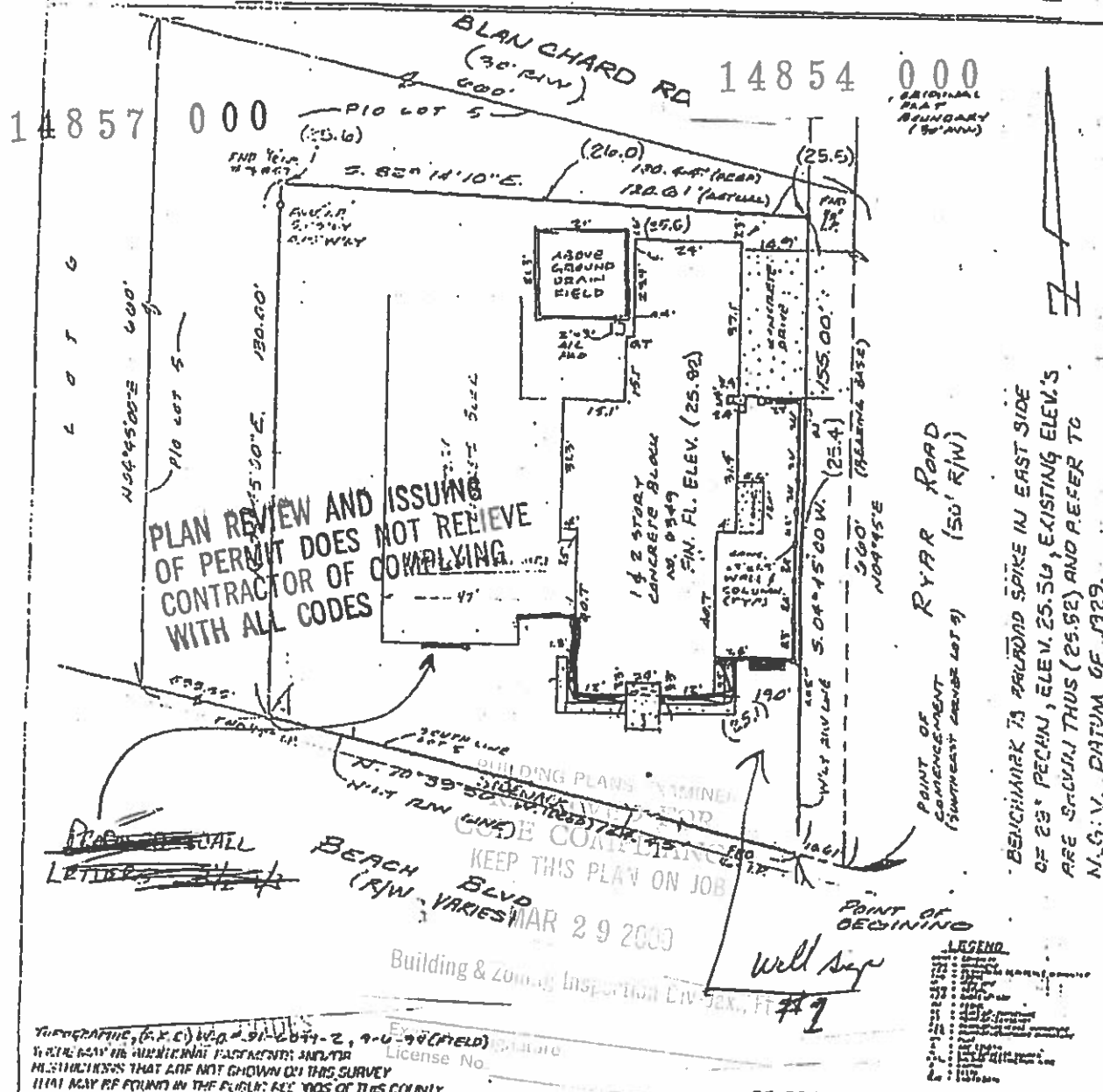
6421

Glendale
Community Church

Cuba Barber Shop

90

LOT 5 BLOCK ~ AS SHOWN ON MAP OF
 MILLEGE RYERS SUBDIVISION NO. 2 (SEE ATTACHED LEGAL DEED)
 AS RECORDED IN PLAT BOOK 8 PAGES 7 OF THE PUBLIC RECORDS OF DUVAL CO. FLA.
 CERTIFIED TO: JAMES R. & NANCY S. GULF FIRST AMERICAN TITLE CO.



THEORITICAL (P.L.C.) NO. 91-0099-2, 9-0-90 (FIELD) License No. 5100
 I HEREBY CERTIFY THAT THE LAND SHOWN HEREON IS IN THE SPECIAL FLOOD HAZARD ZONE "X" AS SHOWN ON FLOOD INSURANCE RATE MAP 220 FOR THE CITY OF JACKSONVILLE, FLORIDA, DATED 8-12-89

ALL AMERICAN SURVEYORS, INC.
 1201 SURVEYORS - 6789 SAN JOSE BLVD. - JACKSONVILLE, FLORIDA, 32217 - 904/767-2217
 SUITE 300

<p>1. IRON 2. IRON W/W 3. IRON COR. W/PT WITH CAP (S.L. 1/2") 4. IRON COR. (1" DIA) 5. CROSS COR.</p>	<p>I HEREBY CERTIFY THAT THE ABOVE LANDS WERE SURVEYED UNDER MY RESPONSIBLE SUPERVISION AND DIRECTION, THAT THERE ARE NO ENCUMBRANCES EXCEPT AS SHOWN AND THAT THE SURVEY SHOWN HEREON MEETS THE TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS PURSUANT TO SECTION 474.037, FLORIDA STATUTES</p> <p>JAMES O. HARRISON, JR., P. L. E. NO. 6647</p> <p>SCALE 1" = 30'</p> <p>FIELD DATE 11-27-91</p> <p>REGISTERED SURVEYOR, STATE OF FLORIDA</p>	<p>5 4 3 2 1</p> <p>ALL AMERICAN SURVEYORS, INC.</p> <p>9 8 7</p>
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F. U. 70(1) 23
 ORDER NO. 91-0099

DEPARTMENT OF PUBLIC WORKS
Building and Zoning Inspection Division



The city of Jacksonville hereby issues the type of certificate checked at the below listed address:

FOR PROPERTY AT:

OCCUPANT
006349 BEACH BV
JACKSONVILLE, FL

CONTRACTOR:

LICENSE NOT REQUIRED
, 00000

RE#: 136060 0000 Permit#: 36090.000 1997 S

OWNER:

Type of Construction _____
Occupancy Type _____
Occupancy Floor Load _____
#Persons/Floor Max _____

JAMES D & CULP
6349 BEACH BV
JACKSONVILLE , FL 32216-2707

CERTIFICATE OF OCCUPANCY

This is to advise that the above referenced project has been completed to the best of our knowledge in compliance with all Building Code and Zoning Regulations applicable therein. No further authorization by this office is required prior to the project being occupied and used for the purpose stated in the permit. We are not aware of any litigation or other pending action attacking the validity of the laws under which the project was approved. This Certificate of Occupancy is not a warranty either written or implied. It is issued for the protection of the municipality as a whole and not for the sole benefit of the property owner. It is the responsibility of the property owner to obtain any other state or local permits and/or approvals necessary, prior to occupancy. Per Florida Administrative Code Rule 64E-6.003(2)(d), if the project is serviced by an on site septic system, occupancy may not take place until approval is obtained by the Health Department.

CERTIFICATE OF COMPLETION

This is to certify that the Building and Zoning Inspection Division has inspected and approved the construction for the structure identified above, as permitted.

PARTIAL/TEMPORARY CERTIFICATE OF OCCUPANCY

This certificate authorizes the portion of the building described below to be occupied for the use specified prior to the completion of construction (specify area, sections or length of time).

Conditions of approval: _____

APRIL 09, 1999
Certificate Issued Date

A handwritten signature in black ink, appearing to read "T. H. Goldsbury".

Thomas H. Goldsbury, P.E., CBO
Building Official