

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT****APPLICATION FOR SIGN WAIVER SW-23-11 (ORDINANCE 2024-66)****MARCH 5, 2024**

***Location:*** 3719 Blanding Boulevard between Wilson Boulevard and Cedar Forest Drive

***Real Estate Number:*** 102972-0020

***Waiver Sought:*** Reduce the minimum setback from 10 feet to 0 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 9

***Owner:*** Beach Food Post, Inc.  
27545 Centurion Parkway, Suite 204  
Jacksonville Florida 32256

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

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

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2024-66 (SW-23-11)** seeks to reduce the minimum setback for a sign from 10 feet to 0 feet for an existing sign location. The subject site is an existing service garage. The building was constructed in 1968, prior to the Zoning Code and sign regulations. Blanding Boulevard has expanded since that time which has caused the sign to be non-conforming. The owner is adding a 30 square foot electronic message device to the existing 96 square foot sign. An electronic message device is permitted meeting the regulations in the Zoning Code. The applicant indicates the sign cannot be relocated elsewhere on the site due to the size of the property.

### 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. There are additional signs along Blanding Boulevard with similar setbacks.

- (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 owner is adding an electronic message device to the existing sign. 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 there are similar sign setbacks in the Blanding corridor.

- (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 automobiles 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. Due to the expansion of the road, there is approximately 53 feet from the building to the edge of the parking area. Relocating the sign back 10 feet will leave 33 feet to maneuver cars in and out of the building. This distance makes the imposition of the strict letter of the regulation an unduly burdensome for the 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.

- (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?***

Yes. 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 for several decades.

- (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 February 23, 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 2024-66 (SW-23-11)** be **APPROVED**.



Examples of non-conforming signs along Blanding Blvd.



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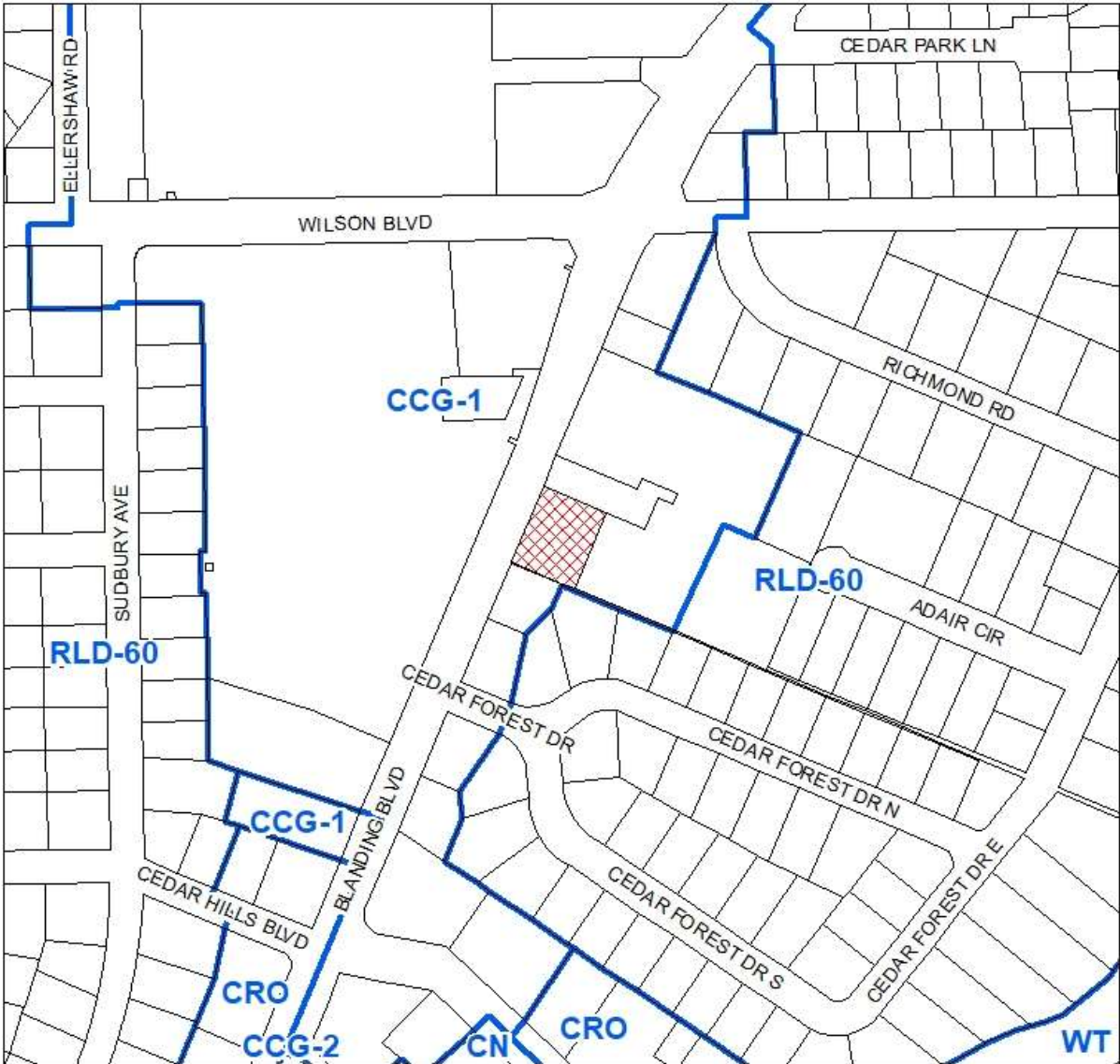


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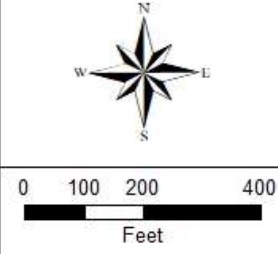
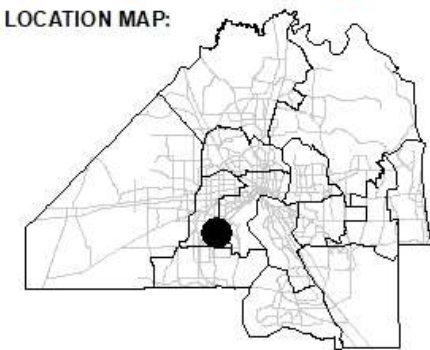




Aerial view of subject property



REQUEST SOUGHT:  
**REDUCE MINIMUM  
SETBACK FROM 10 FT. TO  
0 FT.**



COUNCIL DISTRICT:  
**9**

TRACKING NUMBER  
**SW-23-11**

**EXHIBIT 2  
PAGE 1 OF 1**