

REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**APPLICATION FOR SIGN WAIVER SW-23-07 (ORDINANCE 2023-667)****NOVEMBER 7, 2023**

Location: 1566 Dunn Avenue
Between Leonid Road and Rutgers Road

Real Estate Number: 044211-0025

Waiver Sought: Reduce sign setback from 10 feet to 2 feet
Reduce the minimum distance between signs from
200 feet to 160 feet

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: North, District 6

Applicant /Owner: Michael Herzberg
12483 Aladdin Road
Jacksonville Florida 32223

Applicant /Owner: William A. Watson, Jr., Trustee
Revocable Living Trust of William A. Watson, Jr.
7821 Deercreek Club Road, Suite 200
Jacksonville Florida 32256

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2023-667 (SW-23-07)** seeks a reduction in the required minimum setback from the property line from 10 feet to 2 feet and reduce the minimum distance between signs from 200 feet to 160 feet. The sign on Leonid Rd. is to be replaced, and needs the setback reduction. The 1.74 acre property has frontage on three roads, Dunn Ave., Leonid Rd. and the road connecting Dunn Ave., and Leonid Rd. The property has been used a realty office since the 1970's.

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 several signs along this section of Dunn Avenue that were constructed in the 1980's before the Zoning Code was enacted. These signs appear to be inconsistent with the required setbacks. The 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, and promotes signage that is consistent with that found in the surrounding area. The owner is removing and upgrading the existing sign on Leonid Road which needs the setback reduction due to the existing trees. Given the location of the signs 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. Photos in this report indicate that the visibility views for ingress and egress are not affected. It is 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.

- (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. There are numerous large trees on the site which may block the sign from vehicles on Leonid Road if the sign was required to meet the setback.

- (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.

- (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 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 October 10, 2023 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 Application Sign Waiver SW-23-07 (Ordinance 2023-667) be **APPROVED**.



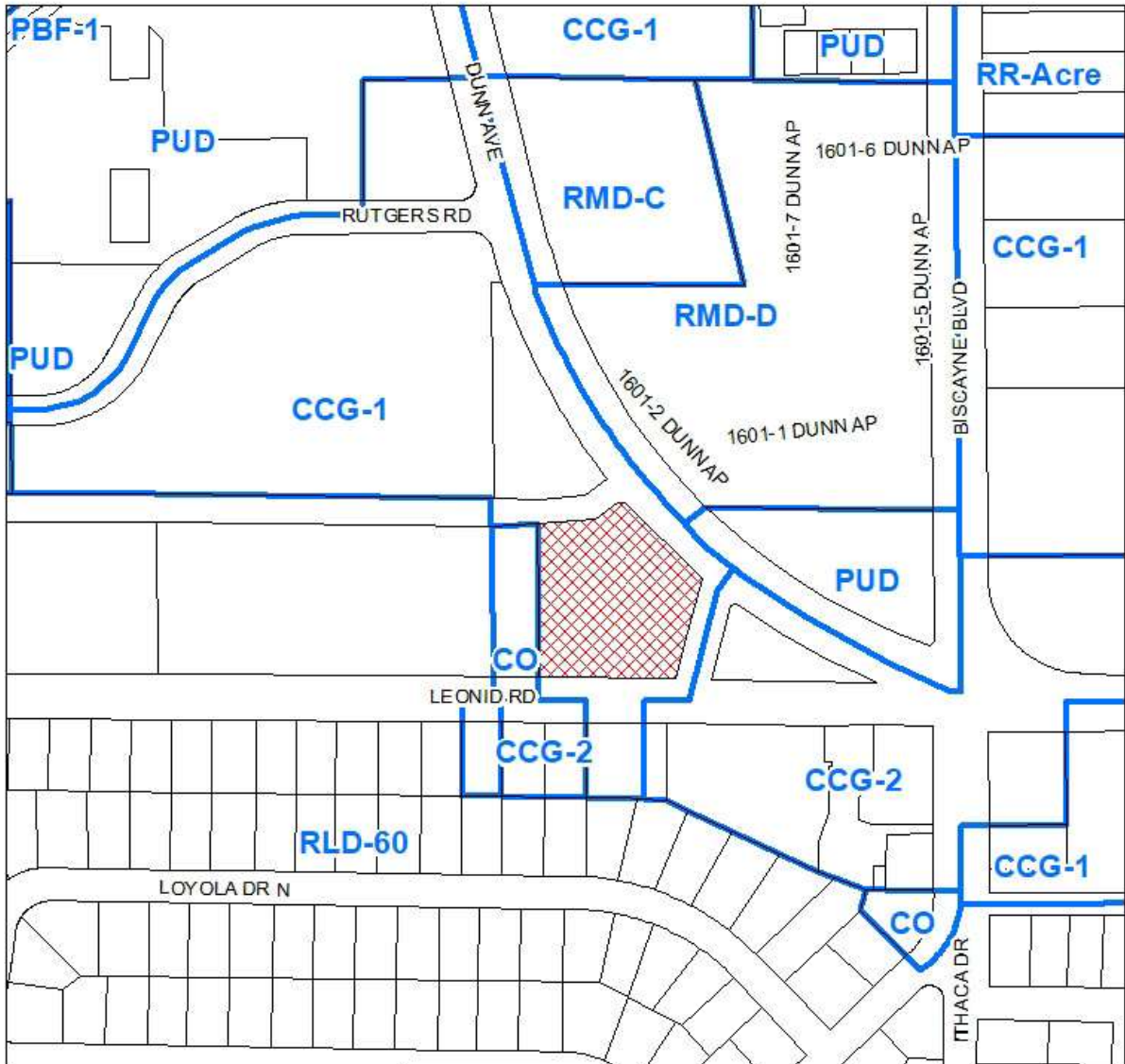
Aerial view of subject property

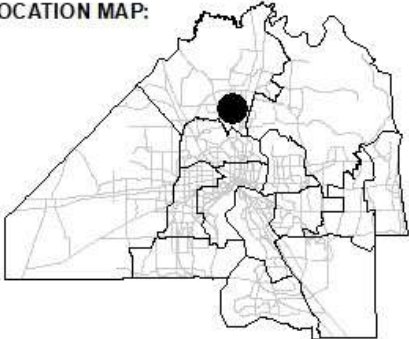
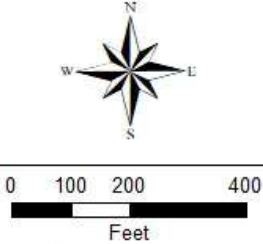


View of sign on Dunn Avenue



Second sign on Leonid Road to be replaced.



<p>REQUEST SOUGHT:</p> <p>REDUCE SETBACK BETWEEN SIGNS FROM 200 FEET TO 160 FEET</p> <p>REDUCE SETBACK FROM ROW FROM 10 FEET TO 2 FEET</p>	<p>LOCATION MAP:</p> 	
<p>ORDINANCE NUMBER</p> <p>ORD-2023-0667</p>	<p>TRACKING NUMBER</p> <p>SW-23-07</p>	<p>COUNCIL DISTRICT:</p> <p>8</p> <p>EXHIBIT 2</p> <p>PAGE 1 OF 1</p>