

REPORT OF THE PLANNING DEPARTMENT

APPLICATION FOR SIGN WAIVER ORDINANCE 2025-0313 (SW-25-02)

JUNE 3, 2025

<i>Location:</i>	2320 Atlantic Blvd Located between Merrill and Flesher Avenue
<i>Real Estate Number(s):</i>	130105-0000
<i>Waiver Sought:</i>	Reduce minimum setback from 10 feet to 2.5 feet
<i>Present Zoning:</i>	Commercial Community/General-2 (CCG-2)
<i>Current Land Use Category:</i>	Community/General Commercial Category (CGC)
<i>Planning District:</i>	3-Southeast
<i>Council District:</i>	District 5
<i>Applicant:</i>	Michael Herzberg 12483 Aladdin Road, Jacksonville, Florida 32223
<i>Owner:</i>	Mayfair Enterprises, LLC. 1520 Mayfair Road, Jacksonville, Florida 32207
<i>Staff Recommendation:</i>	APPROVE

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2025-0313 (SW-25-02)** seeks to reduce the minimum setback from 10 feet to 2.5 feet for a 15.6 square foot poly/pylon sign. The auto service shop has one existing 15.6 square feet sign located on the corner of Atlantic Boulevard and Flesher Avenue. The 0.56-acre auto service shop is located on the principal arterial roadway, Atlantic Boulevard, between Merrill Avenue and Flesher Avenue.

The building was constructed in 1955, prior to consolidation and the presence of current Zoning Code. Atlantic Boulevard is a vital historic, commercial corridor that provides access to many commercial developments that existed prior to current Zoning Code. The existing sign does not currently meet the 10-foot setback permitted by Sign Code. The sign base is 8.17 feet from Atlantic Boulevard, while the northly edge of the sign is 2.5 feet from Atlantic Boulevard. Therefore, the Sign Waiver is needed to bring the property into compliance with the current Sign Code.

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 656.133(c)(i) 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:

- (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 in that nearby free-standing signs are a similar distance from the right-of-way. Many of the signs in the immediate area have existed for several years and are considered legally non-conforming and this request for a setback reduction would not create signage out of character for the general area. Similar signs exist at 2404 Atlantic Boulevard and 2468 Atlantic Boulevard.

- (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 Applicant will not be making any changes to the current sign existing on the property but due to making changes to the sign face property is required to bring the sign into compliance or file for a sign waiver. Given the location of the sign 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 existed for several years with no issues. Moving the sign back to meet the 10-foot setback would significantly alter the traffic flow on site. The applicant is not seeking to make any changes to existing sign characteristics, therefore it's 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 in that the signage has remained in its current location since being constructed without issues.

- (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. Like most other commercial properties along this corridor, the parcels are uniquely shallow and building are located close to the right-of-way, serving to block typical signage. A new sign location will require the sign to be placed in the vehicular use area, which may obstruct or impede customer vehicles, or affect business operations.

- (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. Current zoning permits a 50foot tall, 200 square foot sign on this property, which would be far more detrimental to the character of the area than what is being proposed.

- (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. The signs have existed on the property for several years with no violations. No complaints prompted the filing for a sign waiver, rather a new tenant is the basis of the request as it is required to bring the signs into compliance or file for a sign waiver.

- (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 signs locations as well as assures that the safety and interests of the public and the property owner are protected. Granting of this sign waiver ensures the character of the community and scale of signage remains typical to this community.

- (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 signs outside the required setbacks.

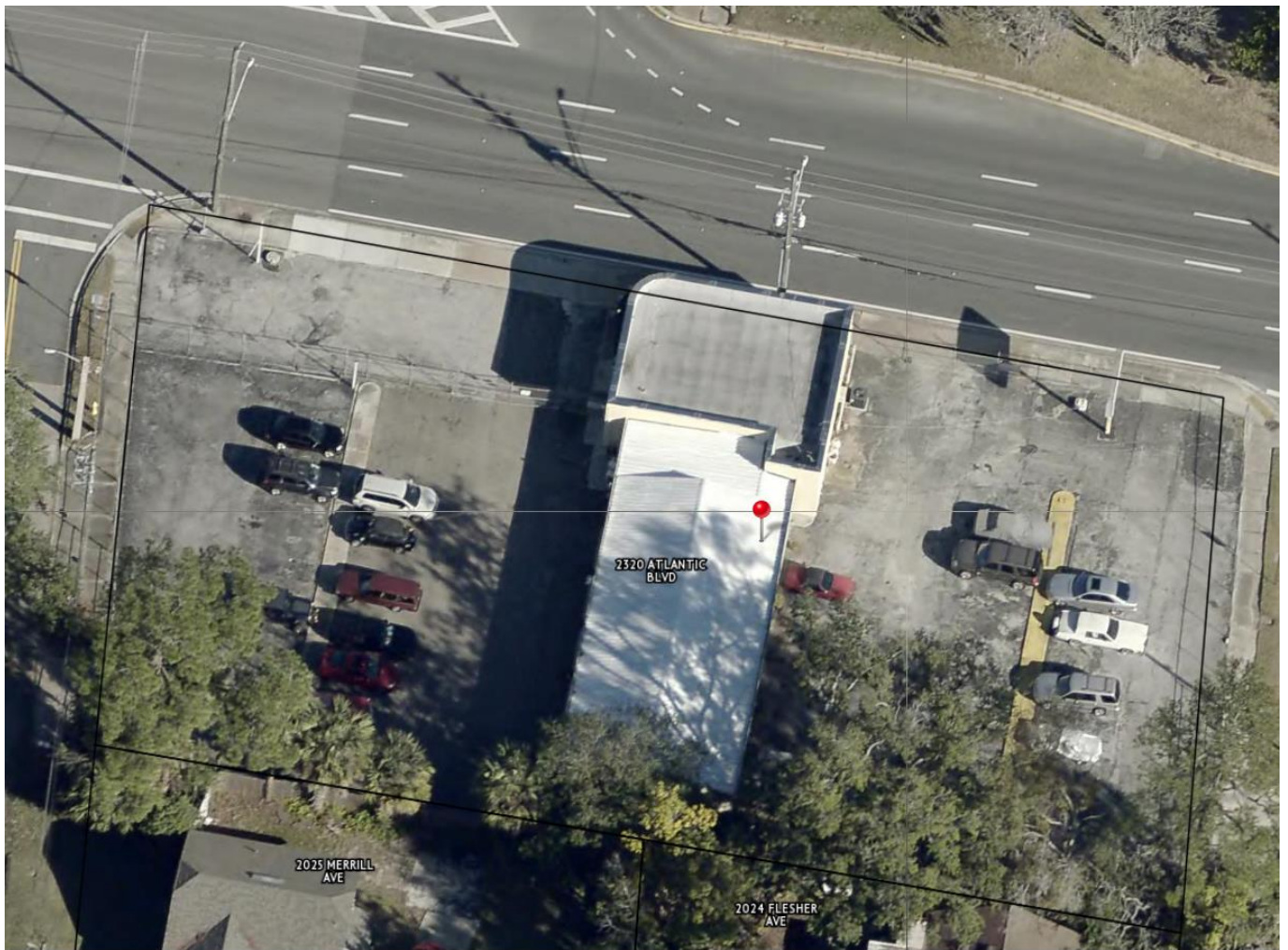
SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on May 8th, 2025, by the Planning Department, the required Notice of Public Hearing sign **was** posted on the property.



RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning Department that Application Sign Waiver **Ordinance 2025-0313 (SW-25-02)** be **APPROVED**.



Aerial view of subject property.



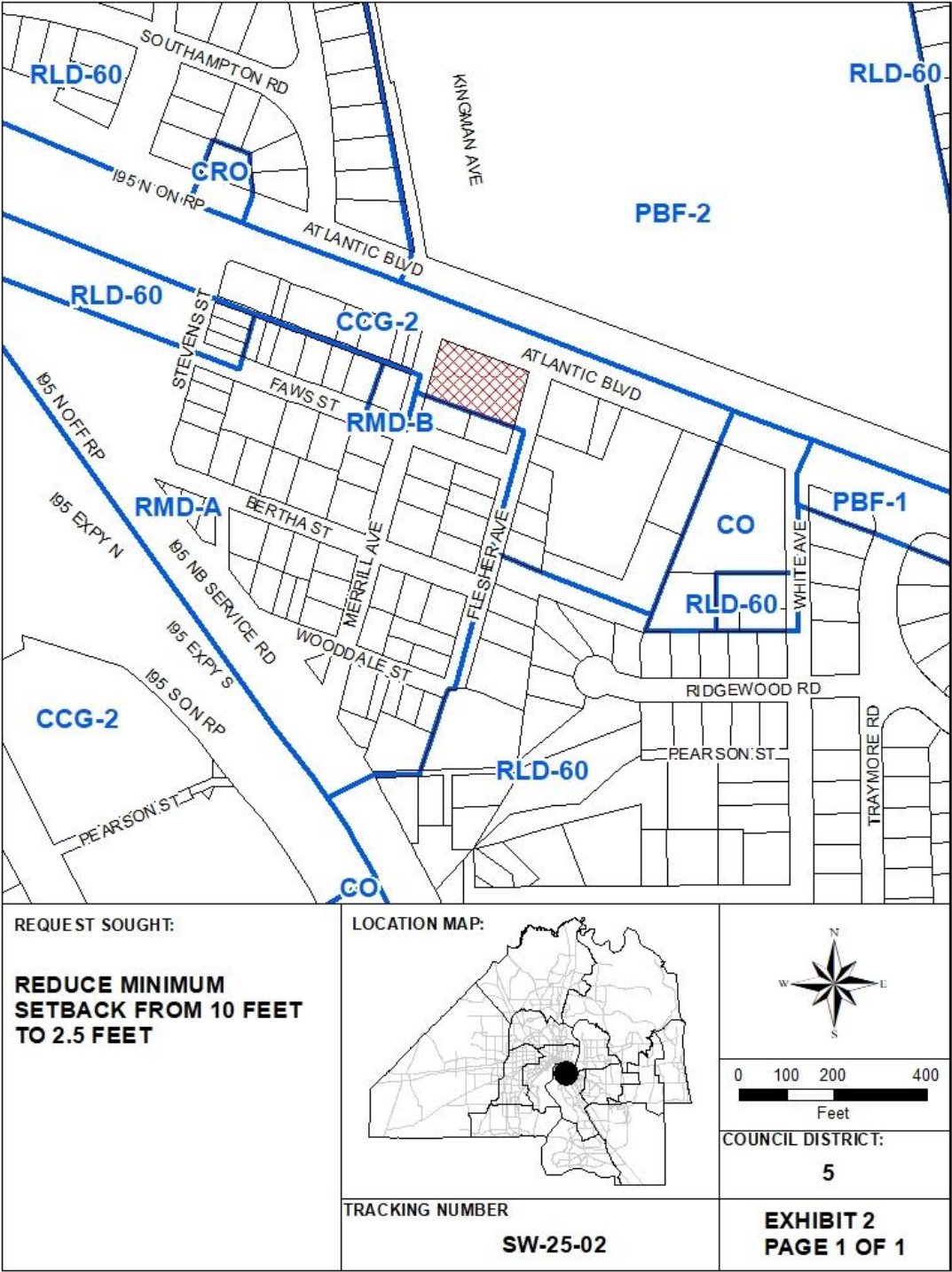
View of subject property and sign from Flesher Avenue



View of property 2404 Atlantic Blvd sign



View of property 2468 Atlantic Blvd sign



Legal Map