

Our Report of the Planning and Development Department
Application for Sign Waiver Ordinance 2024-0834 (SW-24-08)

NOVEMBER 19, 2024

Location: 1833 Atlantic Blvd

Real Estate Number: 081602-0000

Waiver Sought: Reduce minimum setback from 10 feet to 1 foot

Current Zoning District: Commercial Residential Office (CRO)

Current Land Use Category: Residential Professional Institutional (RPI)

Planning District: 3-Southeast

Council District: 5

Applicant/Agent: Ken Adams
13500 Sutton Park Dr South, Suite 101
Jacksonville, Florida 32224

Owner: JND Holdings LLC
1833 Atlantic Blvd
Jacksonville, Florida 32207

Staff Recommendation: **APPROVE**

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2024-0834 (SW-24-08)** seeks to reduce the minimum setback from 10 feet to 1 foot. The attorney's office located at 1833 Atlantic Blvd hired a contractor to replace the existing business sign and was placed ostensibly in the location of the old sign. The owner believed that the contractor had obtained the necessary permissions to install the new sign, however, the City of Jacksonville informed the owner of the property that the sign was nonconforming in nature and would need to seek a sign waiver. This portion of Atlantic Blvd was initially established as a residential property and has evolved as a commercial corridor. With the widening of the roadway over time, imposition of the strict letter of the regulation would be unduly burdensome.

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 desired waivers will 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. Due to the existing historical development pattern along Atlantic Blvd. There are several signs that do not meet the minimum 10-foot setback along Atlantic Blvd.

- (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 approved sign is comparable to other signs located in the vicinity, which also seem to not meet the 10-foot setback requirements. The position of the sign at 1 foot is not dissimilar to nearby signs.

- (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 sign does not diminish the property values or injure the rights of others. The sign is not too large or too much of a distraction for drivers or pedestrians.

- (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, or result in the creation of objectionable or excessive light, glare, shadows, or other effects, given the nature of Atlantic Blvd.

- (v) *Is the proposed waiver detrimental to 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?*

The proposed waiver will not have a detrimental effect on vehicular or pedestrian traffic or parking conditions. The proposed waiver will not be detrimental to the public welfare in that the sign does not create or contribute to any visual obstruction. Although the sign will be 1 foot from the property line, it is not elevated to a height where it could block the views of drivers.

- (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 widening of Atlantic Blvd overtime along with the area gradually shifting from a residential neighborhood into a commercial corridor would make the imposition of the strict letter of the regulation be unduly burdensome.

- (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. Staff finds no evidence that the request is 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 the result of a violation that has existed, and that the property owner was cited for. The owner hired a contractor who completed the construction without obtaining the property permits and waivers, thus being a direct result of the actions of the current owner. The sign has existed on the property since 1987 with a sign face change received in 1995 through S-95-5906.

- (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 installation of this sign will improve the visibility of/for this site. A public benefit is that the use will be more identifiable with new monument signage.

- (x) *Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?*

No. Strict compliance with the sign regulations would not create a substantial financial burden. Strict compliance would result in the applicant not being allowed to have signage since the home is only setback from the property line by 11 and 8 feet along Dewey Place.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on October 24, 2024, by the Planning and Development Department, 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 Ordinance **2024-834 / SW-24-08** be **APPROVED**.



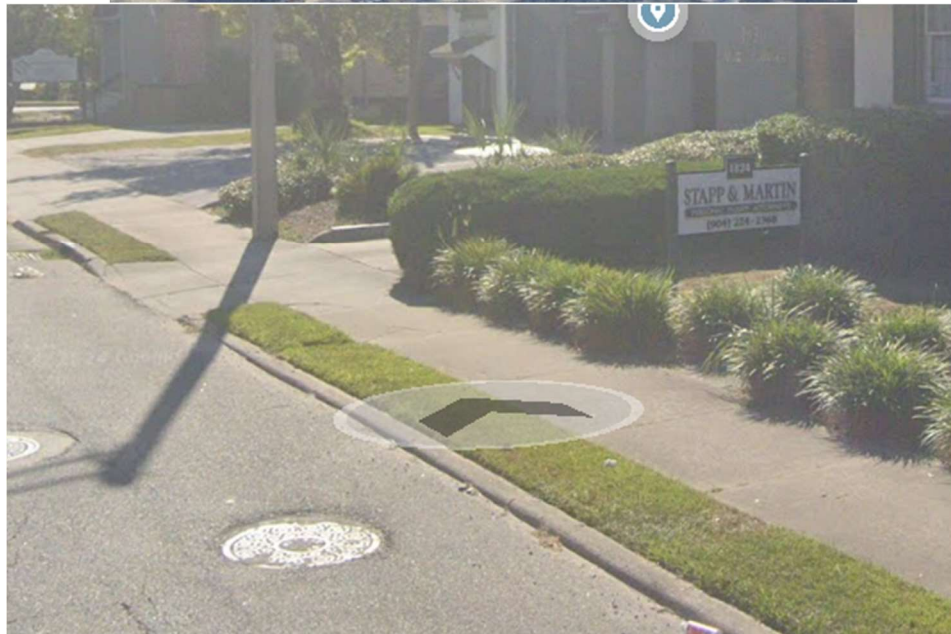
Aerial View



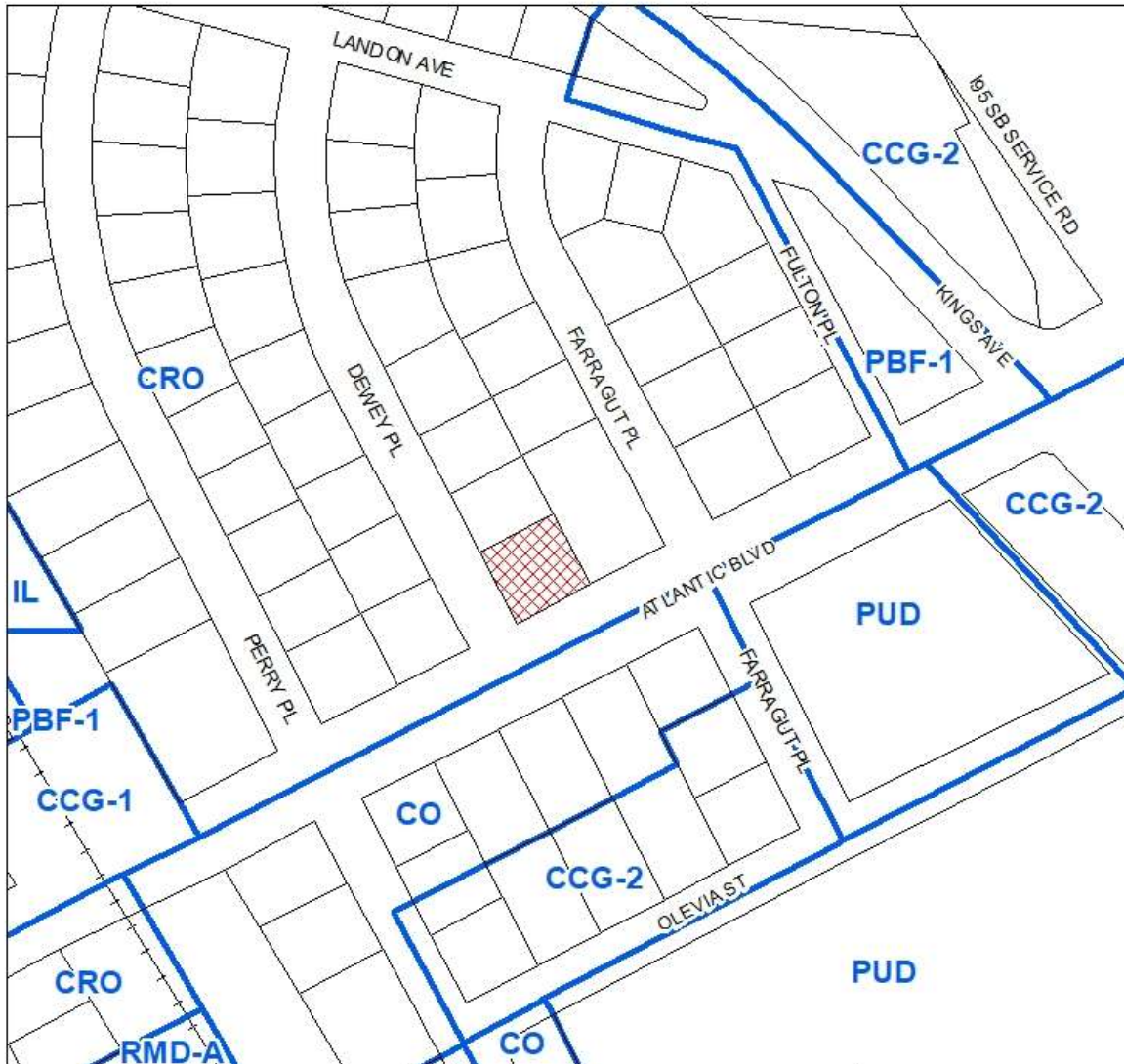
View of the Subject Property



View of previous sign in February of 2019



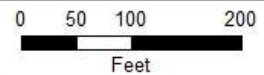
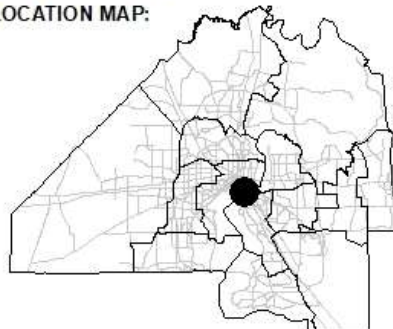
View of the neighboring properties signs with similar conditions



REQUEST SOUGHT:

**REDUCE MINIMUM
SETBACK FROM 10 FEET
TO 1 FOOT**

LOCATION MAP:



COUNCIL DISTRICT:

5

TRACKING NUMBER

SW-24-08

**EXHIBIT 2
PAGE 1 OF 1**