REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT APPLICATION FOR SIGN WAIVER SW-19-08 (ORDINANCE 2019-0685)

NOVEMBER 5, 2019

Location: 5707 University Boulevard West (SR 109)

Real Estate Number: 152621-0020

Waiver Sought: Reduce sign setback from 10 feet to 2 feet

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

Current Land Use Category: Community General Commercial (CGC)

Planning District: 3-Southeast

Applicant /Agent: Jennifer Vargas

482 S. Keller Road Orlando, FL 32810

Owner: Zeavy, LLC.

4653 Camellia Ave.

North Hollywood, CA 91602

Staff Recommendation: APPROVE

GENERAL INFORMATION

Application for Sign Waiver **Ordinance 2019-0685** (SW-19-08) seeks to permit a reduction in the required minimum setback from the property line abutting Barnes Road and University Boulevard for an existing pylon sign from 10 feet to 2 feet. The site is within a CCG-1 zoning district and has a CGC functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element (FLUE) adopted as part of the 2030 Comprehensive Plan.

The 0.56± acre subject property is located along University Boulevard West and contains a 2,293 square foot fast-food restaurant (Krystal Burgers) constructed in 1970. The applicant is applying additionally for a companion Administrative Deviation (**AD-19-53**, **Ord.2019-0686**) seeking deviations from landscape requirements. The property owners intend to demolish the existing building and rebuild. Due to the redevelopment of the property the site must now come into full compliance or seek deviations/waivers. The applicant does not intend to change the face of the

existing pylon sign.

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 in that nearby free-standing signs are a similar distance from the right-of-way. The neighboring property to the South (5675 University Boulevard West) has an existing pole sign that encroach into the setback requirements for CCG-1 Zoning District. Many of the signs along University Boulevard have been existing for several years and considered legally non-conforming and this 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, 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 do to redeveloping the property the 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 sign is already existing and is located the same distance from the public right of way similar to other properties along University Boulevard.
- (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. Due to the applicant not making any changes to the existing sign it is therefore 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 in that similar signage already exists along University Boulevard and have not caused issues previously.
- (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. The sign is currently located 2 feet from the property line and if it were to be moved back 10 feet to meet the setback it will be located within the parking spaces 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?

No. The request is not the result of any cited violations. The sign has been existing on the property for several years with no violations but due the redevelopment of the property the owner is required to bring the sign 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 sign location as well as assures that the safety and interests of the public and the property owner are protected. Granting the exception allows the owner to continue using the sign in its original location and applicant will not make any changes to the sign.

(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 outweigh 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

Upon visual inspection of the subject property on **October 8, 2019** by the Planning and Development Department, the required Notice of Public Hearing signs **were posted**.



Date: October 8, 2019

Source: Planning and Development Department

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-19-08 (Ordinance 2019-0685) be APPROVED.



Aerial View

Source: JAXGIS



View of Property

Date: October 8, 2019

Source: Planning and Development Department



View of Sign Setback along Barnes Road

Source: GoogleMaps



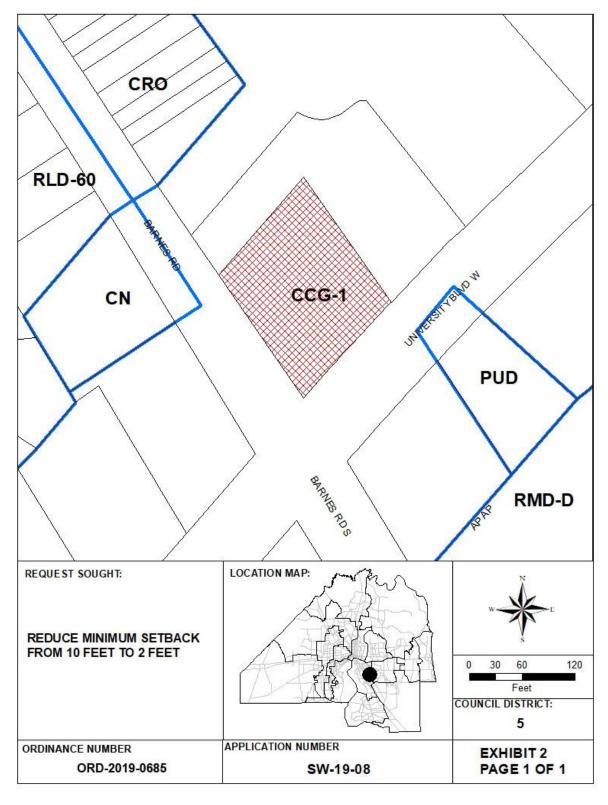
View of Signage on adjacent property 5675 University Blvd W.

Source: GoogleMaps



View of property to the North

Date: October 8, 2019 Source: Planning and Development Department



Source: JAXGIS

Date Submitted:	Application Number:
Date Filed:	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:		Current Land Use Category:	
Council District:		Planning District:	
Previous Zoning Applications Filed (provide application numbers):			
Applicable Section of Ordinance Cod	le:		
Notice of Violation(s):			
Neighborhood Associations:			
Overlay:			
LUZ Public Hearing Date:		City Council Public Hearing Date:	
Number of Signs to Post:	Amount of Fee		Zoning Asst. Initials:
PROPERTY INFORMATION			
1. Complete Property Address:		2. Real Estate Number:	
5707 University Blvd. W, Jacksonville, FL 32216		152621-0020	
3. Land Area (Acres): 0.564		4. Date Lot was Recorded:	
5. Property Located Between Streets:		6. Utility Services Provider:	
University Blvd. W and Barnes Rd. S.		City Water / City Sewer	
		Well / Septic	

last update: 1/12/2017

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	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 distri	ct.		
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 feet (less than 1 ft. may be granted		
administratively)			
8. In whose name will the Waiver be granted?			
9. Is transferability requested? If approved, the waiver	is transferred with the property.		
Yes			
No			
OWNER'S INFORMATION (please attach separa	te sheet if more than one owner)		
10. Name:	11. E-mail:		
ZEAVY, LLC.	rzeavy@yahoo.com		
12. Address (including city, state, zip):	12 Dueferred Taleshauer		
4653 Camellia Ave., North Hollywood, CA	13. Preferred Telephone:		
	(818) 521-4007		
91602	· ·		
	· ·		
	· ·		
	(818) 521-4007		
91602 APPLICANT'S INFORMATION (if different from a 14. Name:	(818) 521-4007		
91602 APPLICANT'S INFORMATION (if different from a	(818) 521-4007 owner)		
APPLICANT'S INFORMATION (if different from a 14. Name: Jennifer Vargas 16. Address (including city, state, zip):	(818) 521-4007 wner) 15. E-mail:		
APPLICANT'S INFORMATION (if different from a 14. Name: Jennifer Vargas	(818) 521-4007 owner) 15. E-mail: jennifer.vargas@atkinsglobal.com		
APPLICANT'S INFORMATION (if different from a 14. Name: Jennifer Vargas 16. Address (including city, state, zip):	(818) 521-4007 wner) 15. E-mail: jennifer.vargas@atkinsglobal.com 17. Preferred Telephone:		

last update: 1/12/2017

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:

- 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.
- 1.) The effect of the sign waiver will not effect the existing contiguous signage or zoning and consistent with the general character of the area since this is an existing sign to remain.
- 2.) The result will not detract from the specific intent of the zoning ordinance by promoting the continued existence of nonconforming signs that exist in the vicinity since the sign is existing.
- 3.) This sign wavier will not diminish property values in, or alter the aesthetic character of the area surrounding the site and will not substantially interfere with or injure the rights of others who property would be affected by the deviation. We believe this redevelopment will improve surrounding property values.
- 4.) The waiver will not 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 since the property will keep the existing sign. However, we are improving the site and the sign will be within a landscape island instead of over parking.
- 5.) The waiver will not result in additional public expense, creation of nuisances, or cause conflict with any other applicable law since this sign is existing.
- 6.) There is no known 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 for the existing sign to remain on this property.
- 7.) The request is not based exclusively upon a desire to reduce the costs associated with compliance.
- 8.) The request is not the result of a violation that has existed for a considerable length of time without receiving a citation.
- 9.) Does the request does not accomplish a compelling public interest since it involves an existing sign.
- 10.) Strict compliance with the regulation would not create a substantial financial burden when considering the cost of compliance.

АТТ	ACHMENTS
The	following attachments must accompany each copy of the application
1	Survey
1	Site Plan – two (2) copies on 8 ½ x 11 and two (2) copies on 11 x 17 or larger
V	Property Ownership Affidavit (Exhibit A)
1	Agent Authorization if application is made by any person other than the property owner (Exhibit B)
1	Legal Description – may be written as either lot and block, or metes and bounds (Exhibit 1)
V	Proof of property ownership — may be print-out of property appraiser record card if individual
	owner, http://apps.coi.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.

Base Fee

Public Notices

<u>Advertisement</u>

Residential Districts: \$1,161.00

Non-residential Districts: \$1,173.00

\$7.00 per Addressee

Billed directly to owner/agent

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.

last update: 1/12/2017

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.

<u>I hereby certify that I have read and understand</u> 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.

Owner(s)	Applicant or Agent (if different than owner)
Print name: Reuven Zeavy	Print name: Jennifer Vargas
Signature: Rev 24	Signature: Junifi Varacis
	*An agent authorization letter is required if the
Owner(s)	application is made by any person other than the property owner.
Print name:	
Signature:	
	I .

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

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EXHIBIT A

Property Ownership Affidavit – Limited Liability Company (LLC)

Date:		
City of Jacksonville		
Planning and Development Dep	partment	
214 North Hogan Street, Suite	300,	
Jacksonville, Florida 32202		
Re : Property Owner Affidavit f	or the following site location in Ja	cksonville Florida:
4,97.7	RE#(s): 152621-00	
To Whom it May Concern:		
Reuven Zeavy	, as Managing Member	of
Zeavy LLC.		pany organized under the laws of the
state of California, her		mer of the property described in Exhibit
		submitted to the Jacksonville
Planning and Development Dep	partment.	
	29	
(signature)		
(print name) Reuven Zeav	у	
Please provide documentation illu	strating that signatory is an authorize	ed representative of the LLC. This may be
		ither a "sole member" or a "managing
member." Other persons may be よろ	authorized through a resolution, pow	ver of attorney, etc.
STATE OF FLORIDA COLLA	ornia AB	
COUNTY OF BUVAL LOS		
AB		11th
Sworn to and subscri	bed and acknowledged before	me this <u>9'</u> day of
10/10 20/19 by	, of Zeary LLC.	, as
Manualing Member	, of zeary ccc.	, a Limited Liability
	known to me or who has produ	uced Chirolnia DL
as identification and who to	A 56 105	
	Alex Blance	19
	(Signature of NOTARY	PUBLIC)
	Alexi Blanc	λ
	(Printed name of NOT	
	California	
	State of Florida at Larg	te.
	My commission expire	es: May 18, 2023

docx

ALEXI BLANCO
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2289021
LOS ANGELES COUNTY
My Comm. Exp. May 18, 2023

EXHIBIT B

Agent Authorization - Limited Liability Company (LLC)

Date:				
City of Jacksonville				
Planning and Development Departmen	t			
214 North Hogan Street, Suite 300,				
Jacksonville, Florida 32202		77		
Re: Agent Authorization for the following Address: 5707 W University Boulevard	ing site location in Jacksonville RE#(s): 152621-0020	, Florida:		
To Whom It May Concern:				
You are hereby advised that	Reuven Zeavy	, as <u>M</u>	lanaging Member	of
Zeavy LLC.	_, a Limited Liability Comp			
	said LLC is the Owner of the p			*
authorizes and empowers Jennifer Vargas Sign Waiver	***		ct as agent to file ap	
with such authorization to file such a			renced property and	
(print name) Reuven Zeavy				
STATE OF FLORIDA				
COUNTY OF DUVAL				
Sworn to and subscribed and 2019, by Reuven Zeavy Zeavy UC produced California DL		Aging Members, who took an oa	onally known to me	e or who has
	State of Florida at Large. My commission expires:	May 18,	2023	

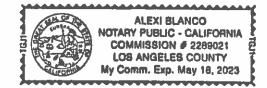


EXHIBIT 1

Legal Description

(ORB 16009, PG 853)

THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PART OF THE F. RICHARD GRANT, SECTION56, TOWNSHIP 3 SOUTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF BARNES ROAD (A 60-FOOT RIGHT OF WAY) WITH THE NORTHWESTERLY RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD WEST (AN UN-EVENED RIGHT OF WAY WIDTH) (BOTH AS NOW ESTABLISHED BY THE STATE ROAD DEPARTMENT OF FLORIDA); THENCE NORTH 33°-20'-56" WEST ALONG SAID NORTHEASTERLY RIGHT OF WAY LINE OF BARNES ROAD, 170.0 FEET; THENCE NORTH 40°-54'-04" EAST, AND PARALLEL TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD WEST, 150.0 FEET; THENCE SOUTH 33°-20'-56" EAST AND PARALLEL TO SAID NORTHEASTERLY RIGHT OF WAY LINE OF BARNES ROAD, 170.0 FEET TO SAID NORTHWESTERLY RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD WEST; THENCE SOUTH 40°-54'-04" WEST ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE OF UNIVERSITY BOULEVARD WEST, 150.0 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT: THAT PORTION AS DESCRIBED IN O.R. BOOK 7474 AT PAGE 580.

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Department of State / Division of Corporations / Search Records / Detail By Document Number /

Detail by Entity Name

Foreign Limited Liability Company

ZEAVY LLC

Filing Information

Document Number

M12000004406

FEI/EIN Number

65-1250263

Date Filed

08/06/2012

State

CA

Status

ACTIVE

Principal Address

4653 Camellia Ave

North Hollywood, CA 91602

Changed: 04/18/2018

Mailing Address

4653 Camellia Ave

North Hollywood, CA 91602

Changed: 04/18/2018

Registered Agent Name & Address

PARACORP INCORPORATED 155 OFFICE PLAZA DRIVE

1ST FLOOR

TALLAHASSEE, FL 32301

Name Changed: 04/23/2015

Address Changed: 12/03/2014

Authorized Person(s) Detail

Name & Address

Title MGR

ZEAVY, REUVEN 4653 CAMELLIA AVE.

NORTH HOLLYWOOD, CA 91602

Title MANAGING MEMBER

1Z

Martin Zeavy, Martene 4653 CAMELLIA AVE NORTH HOLLYWOOD, CA 91602

Annual Reports

 Report Year
 Filed Date

 2016
 04/25/2016

 2017
 04/20/2017

 2018
 04/18/2018

Document Images

04/18/2018 ANNUAL REPORT	View image in FDF format
04/20/2017 - ANNUAL REPORT	View image in PDF format
04/25/2016 ANNUAL REPORT	View image in PDF format
04:23 2015 - ANNUAL REPORT	View image in PDF format
04:24 2014 ANNUAL REPORT	View image in PDF format
04:C4:2013 ANNUAL REPORT	View image in PD≐ format
11 13/2012 - Reg. Agent Change	View image in PDF format
08/06/2012 Foreign Limited	View image in PDF format



