

ORD-2014-541  
SW-14-03  
MEE

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR SIGN WAIVER SW-14-03**

**SEPTEMBER 16, 2014**

***Location:*** 601 Airport Center Drive, East  
Between Airport Center Drive, East and Perdue  
Road

***Real Estate Number:*** 106618-5000

***Waiver Sought:*** Reduce minimum setback from 20 feet to 10  
feet

***Current Zoning District:*** Residential Low Density-60 (RLD-60)

***Current Land Use Category:*** Low Density Residential (LDR)

***Planning District:*** North, District 6

***City Council Representative:*** The Honorable Ray Holt, District 11

***Applicant / Agent:*** Dan Boswell  
4014 Ranie Road  
Jacksonville, Florida 32218

***Owner:*** Diocese of Saint Augustine  
11625 Old Saint Augustine Road  
Jacksonville, Florida 32218

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

**GENERAL INFORMATION**

Application for Sign Waiver **Ordinance 2014-541 (SW-14-03)** seeks to allow for a reduction in the setback distance for a proposed church entrance externally illuminated monument sign from 20 feet to 10 feet. The site is within a Residential Low Density-60 (RLD-60) zoning district and a Low Density Residential (LDR) functional land use category as defined by the Future Land Use Map series (FLUMs) contained within the Future Land Use Element

- (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. Section 656.1301 of the Zoning Code reads in part that, "The Council notes that numerous municipalities and counties around the state and country have enacted sign control ordinances. These local governments have found that partial or complete elimination of off-site signs and regulation of on-site signs benefits their communities by improving aesthetics and traffic control." The intent of the ordinance is to promote aesthetically pleasing signage with great deference to adjoining properties, the general character of the area and the streetscape. The sign is of a size and scale that is consistent with other signage in the area and is aesthetically compatible with the institutional property that they will identify. Granting of this waiver will not promote nonconforming signs in the area because the type of signage sought is fundamentally different than commercial signage in the area. Therefore, granting of this waiver is not precedent setting for continued proliferation of commercial signage in a residential area.

- (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 approval of this sign waiver will not alter the aesthetic character of the area surrounding the site, nor will it injure the rights of others by granting more signage rights to the applicant than are otherwise afforded to adjoining property owners along Airport Center Drive, East, a minor arterial roadway. The request is to allow the owner to construct a monument sign ten feet off the right of way that would allow better visibility for traffic.

- (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 sign will not create nor contribute to visual obstructions along Airport Center Drive, East. The sign placement has been requested to be placed 10 feet from the right-of-way which will allow vehicular traffic to easily identify the entrance, as well as those entering and leaving to see and be seen by other drivers. The proposed sign does not limit vehicular access to the site, and does not limit road or right-of-way visibility.

- (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. proposed waiver will not have a detrimental effect on vehicular or pedestrian

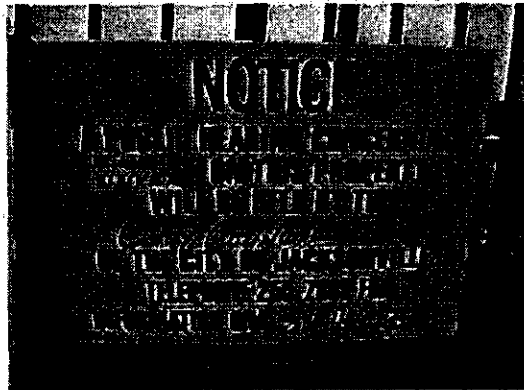
along Airport Center Drive, East and Perdue Road. It also furthers the public interest as it recognizes the uniqueness of the proposed sign at the location and the loss of ability to reasonably comply with the regulation due to the site's configuration, as well as assuring that the safety and interests of the public and the property owner are protected.

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

Yes. The request is not based upon a desire to reduce costs of compliance. In order to comply with the regulation, the sign would be placed in such a way that would not adequately identify the location or display the message of the church. The proposed signage would allow adequate visibility of directional information of oncoming traffic.

#### SUPPLEMENTARY INFORMATION

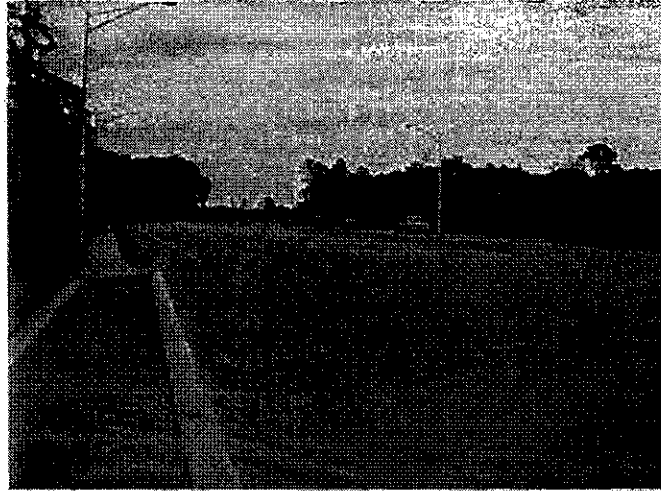
Upon visual inspection of the subject property on September 8, 2014 by the Planning and Development Department, the required Notice of Public Hearing sign was posted:



#### RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-14-03 (Ordinance 2014-541) be **APPROVED**.

View looking east on Airport Center Drive off right-of-way from  
subject property

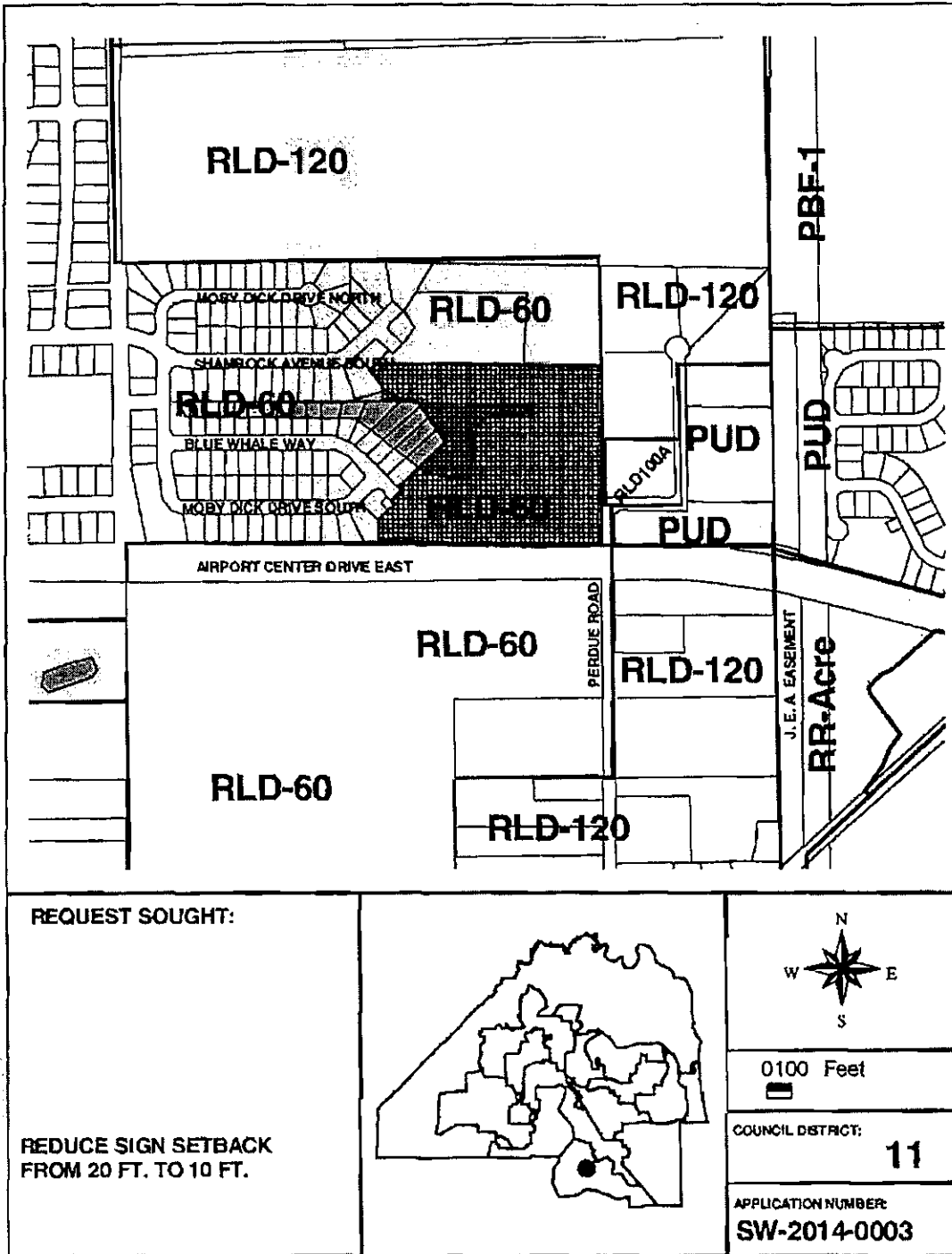


*Source: City of Jacksonville Planning & Development Department*  
*Date: 9/8/14*

View looking west on Airport Center Drive off right-of-way from  
subject property



*Source: City of Jacksonville Planning & Development Department*  
*Date: 9/8/14*



\$ 1,387.00

# APPLICATION FOR SIGN WAIVER

This application must be typed or printed in black and submitted in person with three (3) other copies for a total of four (4) copies.

Ordinance Number: <u>2014-541</u>
Application Number: <u>SW-14-03</u>
Notice of Violation:

Planning and Development Department,  
Zoning Section  
Ed Ball Building  
214 North Hogan Street, 2nd Floor  
Jacksonville, Florida 32202

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-7865.  
**TO BE COMPLETED BY PLANNING AND DEVELOPMENT DEPARTMENT ONLY**

1. Date Submitted: <u>6-19-14</u>	2. Date Filed: <u>7-8-14</u>	3. Current Zoning District(s): <u>RLD60</u>	4. Future Land Use Ma Category (FLUMs): <u>LDR</u>	5. Applicable Section of Ordinance Code: <u>656.1303</u> <u>(a)(3)</u>
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6. LUZ Public Hearing Date: <u>    /    /    </u>	7. City Council Public Hearing Date: <u>    /    /    </u>
8. Neighborhood Association (If Applicable): _____	
9. Number of Signs To Be Posted: <u>6</u>	

### TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>601 AIRPORT CTR. DR. E. JACKSONVILLE FL 32218</u>	13. Between Streets: <u>PERDUE RD</u> and <u>GILLESPIE AV</u>
11. Real Estate Number: <u>106618-5000</u>	
12. Date lot was recorded: _____	
14. Application being sought:	
<input type="checkbox"/> Increase maximum height of sign from _____ to _____ ft. (Not to Exceed 20% or 5 ft. in height, whichever is less.).	
<input type="checkbox"/> Increase maximum size of sign from _____ SF to _____ SF (Maximum request 25% or 10 Sq. Ft., whichever is less).	
<input type="checkbox"/> Increase number of signs from _____ to _____ (Not to exceed maximum square feet allowed).	
<input type="checkbox"/> Allow for illumination or change from _____ external to _____ internal lighting:	
<input checked="" type="checkbox"/> Reduce minimum set back from <u>20</u> ft. to <u>10</u> ft. (Less than 1 ft. may be granted administratively).	

15. In whose name will the waiver be granted? DIocese OF St. AUGUSTINE

Is transferability being requested? Yes:  No:

16. Land Area(1/100 Acres): <p style="text-align: center;">13.76</p>	17. Utility Services Provider Well: _____ City Water: <u>JEA</u> Septic Tank: _____ City Sewer: <u>JEA</u>
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**\*\* NOTICE TO OWNER/AGENT/APPLICANT \*\*\***

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, 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."

Section 656.1310(a)(i) through (x), 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:

18. Provide answers to the following questions pertaining to the standards and criteria. You may attach a separate sheet if necessary. (Please note that failure by the applicant to adequately substantiate the need for the waiver and to meet the criteria set forth below may result in a denial).

1. 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

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? NO

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. NO

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? NO

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?

NO

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?

YES, BASED UPON EXISTING FENCING ELEVATION OF SITE AND TRAFFIC A WAIVER TO 10' WOULD ALLOW BETTER VISIBILITY AND SMOOTHER TRAFFIC MOVEMENT TO CORRECT STRUCTURE.

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?

NO

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 applicants acquiring the property, not being a direct result of the actions of the current owner?

NO

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?

NO

10. Would strict compliance with the regulation create a substantial financial burden when considering the cost of compliance?

NO

19. Attachments - One of each of the following should be included in each copy of the application, providing for four (4) complete copies. All copies, with the exception of the 2 required large site plans, should be on 8 1/2" x 11" paper.

Survey

Site Plan as required per instructions. (All copies on 8 1/2" x 11" and 2 copies on 11" x 17" or larger)

Letter of Authorization for Agent is required if any person other than the property owner makes the application.

Legal description may be either lot and block, including book and page numbers, or metes and bounds descriptions; and either shall include real estate assessment number(s) of the subject property.

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 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.

Proof of Ownership

(Note: the 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.)

**\*\*\* NOTICE TO OWNER / AGENT \*\*\***

Please review your application. All spaces noted as "TO BE COMPLETED BY APPLICANT" must be filled in for the application to be accepted.

No application will be accepted as "Complete and filed" until all 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. You (or your agent) must be present at the public hearing.

Required signs received at the time of payment must be posted on the property within five (5) working days after the filing of this application. The sign(s) must remain posted and maintained until a final determination has been made on the application. An advertising fee will be charged by the Daily Record and a separate bill must be paid by the applicant or agent. Proof of notice of publication must be submitted to City Council Legislative Services, 117 West Duval Street, Suite 430, Jacksonville, Florida 32202, (904) 630-1404, PRIOR TO THE HEARING.

Also, an agent's letter of authorization must be attached if the application is not signed by the owner of record and also if someone attends the meeting on the applicant's behalf without prior authorization.

<b>FILING FEES</b>	
<b>RESIDENTIAL DISTRICTS.....\$985.00</b>	<b>NOTIFICATION COSTS: \$7.00 PER ADDRESSEE</b>
<b>NON-RESIDENTIAL DISTRICTS..... \$927.00</b>	<b>ADVERTISING COSTS: BILLED TO OWNER /AGENT</b>

**\*\*\* Applications filed to correct existing zoning violations are subject to a double fee. \*\*\***

I HEREBY CERTIFY THAT I HAVE READ AND UNDERSTAND 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.

PLEASE PRINT:

Name and address of Owner(s)

Name and address of Authorized Agent(s)

Name: DIocese of St. Augustine

Name: DAN C. BOSWELL

Address: 11625 OLD ST. AUGUSTINE  
RD.

Address: 4014 RANIE RD.

City: JACKSONVILLE

City: JACKSONVILLE

State: FL Zip: 32218

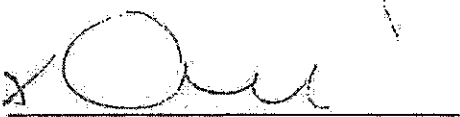
State: FL Zip: 32218

Email: fatherliquori@hotmail.com

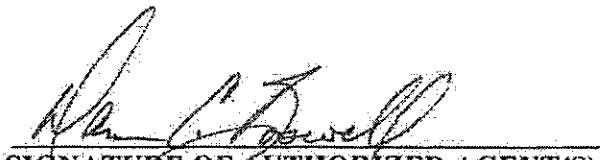
Email: dancboswell@yahoo.com

Daytime Telephone: 904-768-2593

Daytime Telephone: 904-476-7993



SIGNATURE OF OWNER(S)



SIGNATURE OF AUTHORIZED AGENT(S)

The Agent's letter of authorization must be attached if application is not signed by the owner of record.

**EXHIBIT B**  
**Agent Authorization**

Date: 5-13-14

City of Jacksonville City Council / Planning and Development Department 117 West Duval Street, 4<sup>th</sup> Floor / Ed Ball Building, 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202

Re: Agent Authorization for the following site location:

601 AIRPORT CTR. DR, E. JACKSONVILLE, FL. 32218

Gentleman:

You are hereby advised that the undersigned is the owner of the property described in


**Exhibit 1** attached hereto. Said owner hereby authorizes and empowers

DAN C. BOSWELL

to act as

agent to file application(s) for SIGN WAIVER

for the above referenced property and in connection with such authorization to file such applications, papers, documents, requests and other matters necessary for such requested change.

  
(Owner's Signature)  
FR. CHRISTOPHER LIGOARI

STATE OF FLORIDA  
COUNTY OF DUVAL

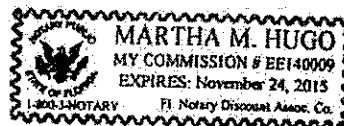
The foregoing affidavit was sworn and subscribed before me this 13 day of

May (month), 2014 (year) by \_\_\_\_\_

who is personally known to me or has produced  \_\_\_\_\_ as

identification.

  
(Notary Signature)



**EXHIBIT A**

**Property Ownership Affidavit**

Date: 5/13/14

**City of Jacksonville**

City Council / Planning and Development Department  
117 West Duval Street, 4<sup>th</sup> Floor / Ed Ball Building, 214 North Hogan Street, Suite 300,  
Jacksonville, Florida 32202

Re: Ownership Certification

Gentleman:

I, DIOCESE OF ST AUGUSTINE hereby certify that I am  
the Owner of the property described in the attached legal description, **Exhibit 1** in  
connection with filing application(s) for SIGN WAIVER  
\_\_\_\_\_ submitted to the Jacksonville Planning and

Development Department.

[Signature]  
(Owner's Signature)  
FR. CHRISTOPHER LIBERT

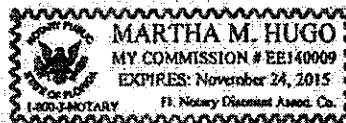
STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 13 day of

May (month), 2014 (year) by

✓ who is personally known to me or has  
produced \_\_\_\_\_ as identification.

Martha M. Hugo  
(Notary Signature)



# ORDINANCE

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## Legal Description

A part of the Northeast ¼ of Section 7 of the John Broward Grant lying within Section 37, Township 1 North, Range 27 East, Duval County, Florida, being more particularly described as follows:

For a Point of Beginning commence at the Southeast corner of Lot 22, as shown on the plat of Oceanway Manor Unit Six-A as recorded in Plat Book 44, pages 4, 4A and 4B, of the current public records of said county and run North 00 degrees 49 minutes 30 seconds East, along the Easterly line of said Lot 22, a distance of 88.93 feet to the most Southerly corner of Lot 21, said Oceanway Manor Unit Six-A; run thence North 45 degrees 49 minutes 30 seconds East, along the Southeasterly line of said Lot 21 and along the Southeasterly line of Tract "A" (Lift Station), said Oceanway Manor Unit Six-A, a distance of 96.06 feet to the most Easterly corner of said Tract "A"; run thence in a Northwesterly direction along the arc of a curve in the Northeasterly line of said Tract "A", said curve being concave Northeasterly and having a radius of 189.14 feet, an arc distance of 20.04 feet to the point of tangency of said curve, said arc being subtended by a chord bearing and distance of North 47 degrees 12 minutes 36 seconds West, 20.03 feet; thence North 45 degrees 49 minutes 30 seconds East, along the Easterly terminus of Blue Whale Way (a 60 feet right of way), 60.00 feet; thence North 44 degrees 10 minutes 30 seconds West, along the Northeasterly right of way line of said Blue Whale Way, 18.23 feet to the most Southerly corner of Lot 20, said Oceanway Manor Unit Six-A; thence North 45 degrees 49 minutes 30 seconds East, along the Southeasterly line of said Lot 20, a distance of 267.70 feet to the most Easterly corner of said Lot 20; thence North 33 degrees 27 minutes 54 seconds West, along the Northeasterly line of Lots 20, 19, 18 and 17, said Oceanway Manor Unit Six-A, 205.74 feet; thence North 89 degrees 10 minutes 30 seconds West, along the North line of Lots 17 and 16, said Oceanway Manor Unit Six-A, 145.96 feet to the Southeast corner of Lot 104, as shown on the plat of Oceanway Manor Unit Six-B, as recorded in Plat Book 45, pages 63 and 63A of said current public records; thence North 00 degrees 49 minutes 30 seconds East, along the Easterly line of said Lot 104, a distance of 61.47 feet to an angle point in said Easterly line; thence North 39 degrees 13 minutes 59 seconds West, along said Easterly line of Lot 104, a distance of 84.59 feet to the most Southerly corner of Lot 103, said Oceanway Manor Unit Six-B; thence North 45 degrees 49 minutes 30 seconds East, along the Southeasterly line of said Lot 103, a distance of 38.63 feet; thence South 89 degrees 10 minutes 30 seconds East, a distance of 928.50 feet; thence South 00 degrees 26 minutes 10 seconds West, a distance of 744.79 feet to the Northeast corner of Farm 11, as shown on the plat of Rhodes Farms, as recorded in Plat Book 16, page 46 of said current public records; thence North 88 degrees 46 minutes 30 seconds West, along the North line of Farm 11 and 12, said Rhodes Farms (also being the Easterly prolongation of the Southerly line of previously mentioned Oceanway Manor Unit Six-A), a distance of 916.46 feet to the Point of Beginning.

ALSO DESCRIBED AS:

A PART OF THE NORTHEAST 1/4 OF SECTION 7 OF THE JOHN BROWARD GRANT LYING WITHIN SECTION 37, TOWNSHIP 1 NORTH, RANGE 27 EAST, DUVAL COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



DIOCESE OF ST. AUGUSTINE  
11825 OLD ST. AUGUSTINE ROAD  
JACKSONVILLE, FL 32218

ST. PATRICK  
CATHOLIC CHURCH  
JACKSONVILLE, FLORIDA  
DUVAL COUNTY

8244

ISSUE A COPY TO  
FL REGISTRATION FOR PLANS

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMITS	12/14/17
2	REVISED PER PERMITS	12/14/17

DATE REVISION: 02/08/18  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DESIGNED BY: [Name]

SHEET TITLE

GEOMETRY  
PLAN

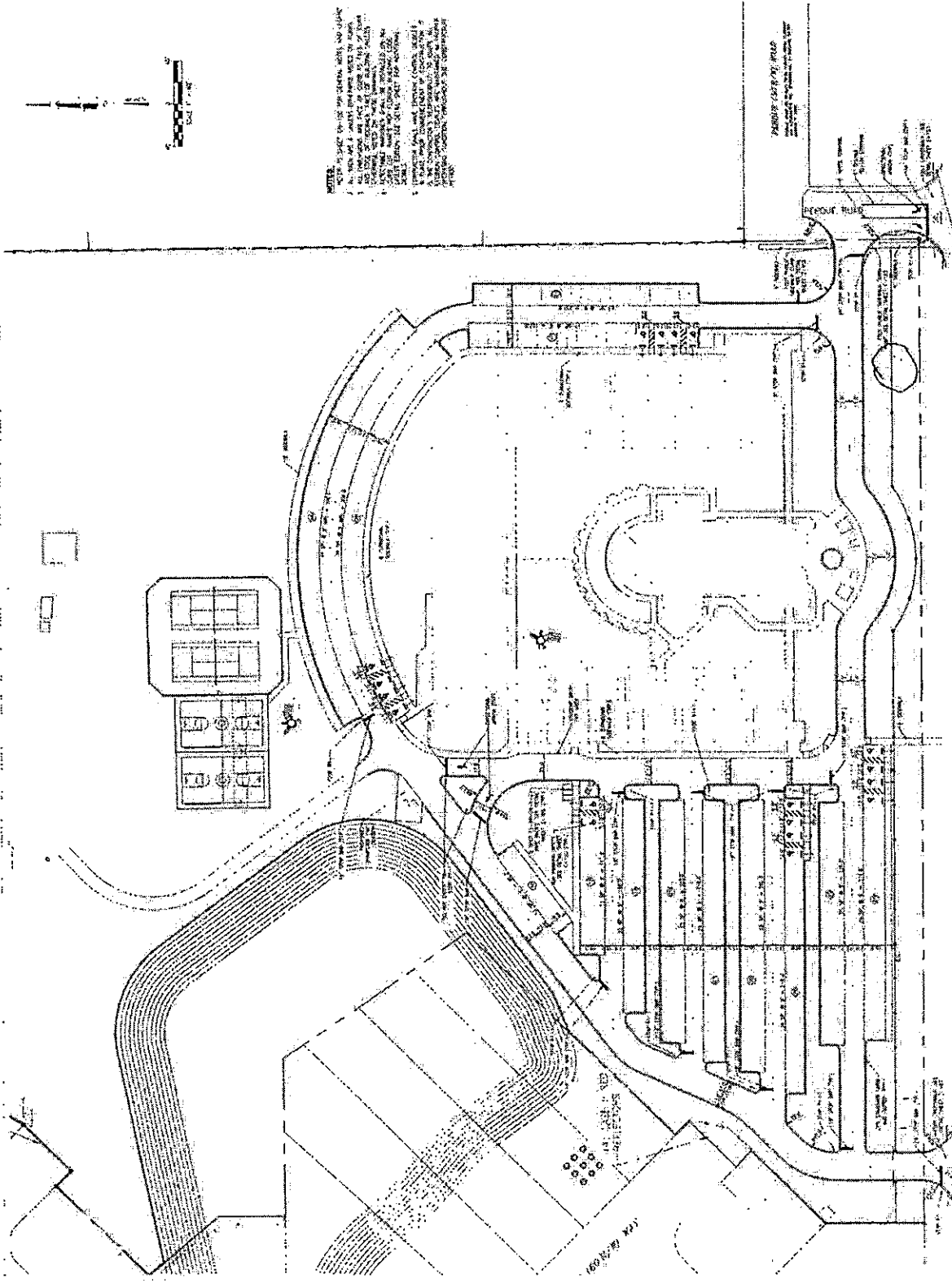
SHEET NUMBER

C-101

FOR CONSTRUCTION

NOTES:  
1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
2. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
3. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
4. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
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9. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.  
10. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.

DATE: 02/08/18  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
DESIGNED BY: [Name]



GRAPHIC CENTER LINE

100' 0" = 1" MAP