REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

APPLICATION FOR SIGN WAIVER SW-14-007

OCTOBER 21, 2014

Location:

7403 Merrill Road

Between Lansdowne Drive and Wycombe Drive

West

Real Estate Number:

119664-0000

Waiver Sought:

Allow for internal illumination

Current Zoning:

Commercial Office (CO)

Current Land Use Category:

Residential-Professional-Institutional (RPI)

Planning District:

Greater Arlington/Beaches, District 2

City Council Representative:

The Honorable Clay Yarborough, District 1

Owner:

Tony Hassert

7403 Merrill Road

Jacksonville, Florida 32277

Agent:

Claudia Knight

1001 Washington Avenue

Green Cove Springs, Florida 32043

Staff Recommendation:

DENY

GENERAL INFORMATION

Application for Sign Waiver Ordinance 2014-0616 (SW-14-007) seeks to allow for internal illumination on a new sign. A diagram of the sign is included in the application. The site is within a CO zoning district and the RPI functional land use classification as defined by the Future Land Use Map Series (FLUMs) contained within the Future Land Use Element (FLUE) as adopted by the 2030 Comprehensive Plan.

.

NOTICE TO OWNER / AGENT

Section 656.1310, Ordinance Code, sets forth procedures and criteria for evaluating waivers of the Part 13 sign regulations. Section 656.1302 of the Ordinance Code defines a sign as "a painting, structure, projected image, or device which is placed, erected, or 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..."

STANDARDS, CRITERIA AND FINDINGS

Pursuant to Section 656.1310(a) and Section 656.133(c), Ordinance Code, an Application for Sign Waiver shall be evaluated in relation to the spirt and intent of the Zoning Code, considering the following criteria as applicable:

- 1. The effect of the sign waiver is 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;
 - No. The subject property is in the Commercial Office (CO) Zoning District and is on a major thoroughfare. All of the CO zoned properties along this road are former single family residences that have been converted to business offices but retain their original character that is residential. The proposed sign replaces an existing sign that is larger and is more visually objectionable than the new one. However, this would be the only internally illuminated sign in the CO zoning district along Merrill Road and is not in character.
- 2. The result will not detract from the specific intent of the Zoning Code by promoting the continued existence of nonconforming signs that exist in the vicinity;
 - To the contrary, approval of this request would provide a precedent that the City would be obliged to follow. The cumulative effect of similar requests on all of the properties would result in a transformation of the visual character of the CO properties from residential to more intensive commercial.
- 3. The effect of the proposed waiver will not diminish property values in, or negatively alter the aesthetic character of the area surrounding the site, and will not substantially interfere with or injure the rights of others whose property would be affected by the same;

Yes. The cumulative effect of similar requests would impact the visual effect of the CO zoned properties and could impact adjoining residential properties by peripheral illumination of adjoining residential uses.

- 4. The waiver will not have a detrimental effect on vehicular or pedestrian 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;
 - Yes. The cumulative impact of similar signs could create objectionable or excessive light or glare to adjoining residential properties and would negatively impact the visual character of the corridor.
- 5. The proposed waiver will not be detrimental to the public health, safety or welfare, and will not result in additional public expense, creation of nuisances, or cause conflict with any other applicable law;
 - Yes. Staff has reviewed the request and the proposed sign type in relationship to the development of the site and surrounding area. Due to the layout of the site and character of the area, staff has determined that the requested internal illumination could detract from the specific intent of the zoning ordinance as it relates to compatibility, or health, safety and welfare.
- 6. The subject property exhibits specific physical limitations or characteristics, which are unique to the site, and would make imposition of the strict letter of the regulation unduly burdensome;
 - No. The sign may be located without internal illumination.
- 7. The request is not 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 does not decrease the costs associated with compliance.
- 8. If the request is the result of a violation that has existed for a considerable length of time without receiving a citation, whether the violation that exists a result of construction that occurred prior to the applicant's acquisition of the property, and not being a direct result of the actions of the current owner.
 - No. The request is not a result of an existing violation. This is for a replacement sign on an already developed site.
- 9. The request accomplishes a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees...

Page 4

No. There is no compelling public interest or benefit. The internal illumination benefits only the business establishment.

10. Strict compliance with the regulation will create a substantial financial burden when considering the cost of compliance.

Not applicable.

SUPPLEMENTARY INFORMATION

Upon visual inspection of the subject property on September 15, 2014 by the Planning and Development Department the required Notice of Public Hearing sign was posted.

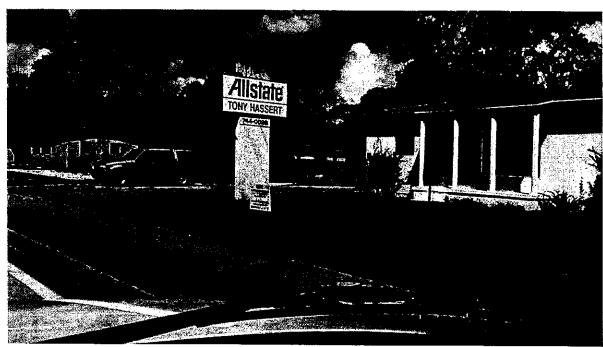
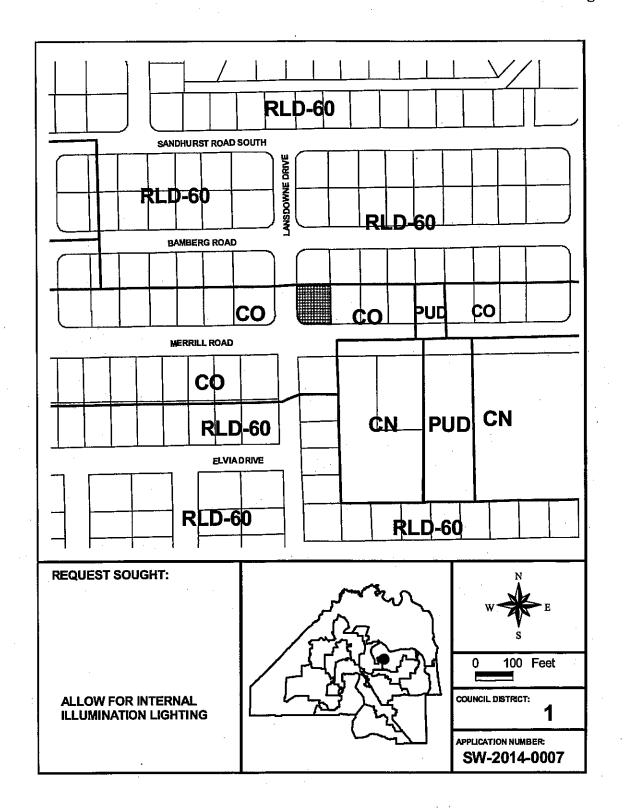


Figure 1. Subject property viewed looking northwest from Merrill Road showing existing non-illuminated sign at location of proposed sign and notice sign is posted.

RECOMMENDATION

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver SW-14-007 is DENIED.



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:	@1
Application Number: SW- 14 - 7	P
Notice of Violation:	

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

FOR INFORMATION REGARDING THIS FORM, CALL: (904) 255-7865.

TO BE COMPLETED BY PLANNING AND DEVELOPMENT DEPARTMENT ONLY

Date Submitted:	2. Date Filed:	3. Current Zoning District(s):	4. Future Land Use Ma	5 . Applicable Section of								
		District(s).	Category	Ordinance Code:								
			(FLUMs):	656.313								
7-21-14	8-21-14	co	RPI	(e)(i)(i)								
	. =		 									
6. LUZ Public Hearing Dat	e: <u>15 / / / 14</u>	7. City Council Put	blic Hearing Date:									
8. Neighborhood Association	on (If Applicable):											
9. Number of Signs To Be	Posted: 2											
	TO BE COMPLETED BY APPLICANT											
10 Complete Property A	.ddress	13. Betwe	en Streets: Lans d	lowne (Corner)								
THE Man 'II D	10. Complete Property Address: 13. Between Streets: Lansdowne (Corner) 7403 Merrill Rd Jacksonville Fl. 32277 and Merrill Rd											
1703 METHICKE	Jacksonviller	7. 200 1 and 17	err.11 Rd									
11. Real Estate Number:	119664-0000											
12. Date lot was recorded	: 1/23/1985											
14. Application being so	ught:											
Increase maximum is less.).	height of sign from	to ft. (Not to	Exceed 20% or 5 ft. i	n height, whichever								
Increase maximum whichever is less).	size of sign from	SF toSF (Max	cimum request 25% or	10 Sq. Ft.,								
Increase number of	signs from	to(Not	to exceed maximum so	quare feet allowed).								
Allow for illuminat	ion or change from	external to	internal lig	hting:								
Reduce minimum s	et back from ft.	to ft. (Less than	I ft. may be granted a	dministratively).								

15. In whose name will the waiver be granted?	ony HASSENT
Is transferability being requested? Yes:	No:
16. Land Area(1/100 Acres):	17. Utility Services Provider
Z3	Well: NA City Water: Tacksonville Septic Tank: NA City Sewer: Tacksonville ER/AGENT/APPLICANT * * *
* * NOTICE TO OWN	ER/AGENT/APPLICANT * * *
regulations. Section 656.1310 of the Ordinance Coplaced, erected, constructed or maintained on or in object or structure or affixed or painted on or inside	
	e, provides that, with respect to action upon Applications for only if substantial competent evidence exists to support a eria as applicable:
	aining to the standards and criteria. You may attach a separate applicant to adequately substantiate the need for the nay result in a denial).
consistent with the general character of the area the structures in the area?	e with the existing contiguous signage or zoning and considering population, density, scale, and orientation of
५१5	
2. Would the result detract from the specific inte	ent of the zoning ordinance by promoting the continued e vicinity?
No	
3. Could the effect of the proposed waiver dimin character of the area surrounding the site, and c rights of others whose property would be affecte	ish property values in, or negatively alter the aesthetic ould such waiver substantially interfere with or injure the d by the same.
No	
	vehicular traffic or parking conditions, or result in the , shadows or other effects, taking into account existing
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?
HO
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?
Ho
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?
ji/o
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?
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 ½ 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.

FILING FEES

RESIDENTIAL

DISTRICTS.....\$985.00

NON-RESIDENTIAL

DISTRICTS...... \$927.00

NOTIFICATION COSTS: \$7.00 PER ADDRESSEE

ADVERTISING COSTS:

BILLED TO OWNER /AGENT

*** 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:

rame and address of Owner(s)	Name and address of Authorized Agent(s
Name: Tony HASsert	Name: Chude Kniber
Address: 7403 Merrill Rd	Address: 1001 Within the Ave
City: Jacksonville	City: Guen Core Spens
State: FloridaZip: 32277	State: R Zip: 32043
Email: thassert egmail. Con	" Email: Chulce heritage signs Fe. come
Daytime Telephone: 904-234-6566	Daytime Telephone: 904-537-744L
la de la contraction	Ω_{Λ}
Jony Hossell	Chill
SIGNATURE OF OWNERS	CICNATURE OF AUTHORITIES I
CONTRACTOR OF CAMPACION	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 A

Property Ownership Affidavit

Date: NAy 7	22/2414	
City Council / I 17 West Duva Jacksonville, Fl	Planning and Developmen il Street, 4* Floor / Ed Ball	Jacksonville at Department Building, 214 North Hogan Street, Suite 300,
Re: Ow	nership Certification	
Gentleman:		
. To	ny Hassert	hereby certify that I am
	•	he attached legal description, Exhibit 1 in
	h filing application(s) for	_
Milection Wil		abmitted to the Jacksonville Planning and
Development I	r's Signature)	
STATE OF FL COUNTY OF		
		subscribed before me this day of
May	(month). <u>2014</u>	(year) by
Anthony	Hassert	(year) by who is personally known to me or has
produced		as identification.
9 !	1	\geqslant
(Notar)	y Signature)	TAHIRAH HAMILTON Notary Public - State of Florida My Comm. Expires May 12, 2015 Commission # EE 93620

Application for Sign Waiver 130927.doc

EXHIBIT B Agent Authorization

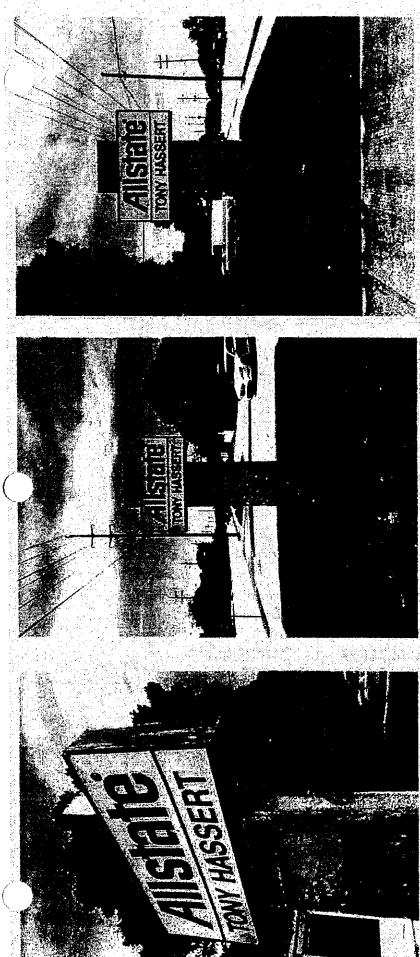
Date: 127, 2014
City of Jacksonville City Council / Planning and Development Department 117 West Duval Street, 4* Floor / Ed Ball Building, 214 North Hogan Street, Suite 300, Jacksonville, Florida 32202
Re: Agent Authorization for the following site location:
7403 Merrill Rd - 540FC 32277 RE 19664-0000
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
Chuck Knierr or Heritage Signs to act as
agent to file application(s) for SIGN WAIVE
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. John dasself (Owner's Signature)
STATE OF FLORIDA COUNTY OF DUVAL
The foregoing affidavit was sworn and subscribed before me this 22 day of
May (month), 2014 (year) by Anthony Hassert.
who is personally known to me or has producedas
identification.
(Notary Signature) TAHIRAH HAMILTON Notary Public - State of Florida My Comm. Expires May 12, 2015 Commission # EE 93620

		ì	ž		ż	÷	Š	i	÷		ુ	H	Ŀ		E			î			ľ		ì	ं			٤	0		ě	Ž	÷		8	8	Ç	Š	k	ġ		٠	į.	0	ä	÷	Š	Š	្	Ü		:	÷	ŝ.		ċ	
ì	L	И	С)	Г	г	C	١,	٧	٧	Ę	1	ľ	Ĺ	S	i,	ŀ	ł	Ŀ	1	ı	ι	ľ	а	H	1	j	ě		1	2	`		Ė	Ÿ	ं			Ġ	S	×	ď	è	9	ď,	1		Š,	3	2	9	3	ď		ũ	
6	٠	¢	ž		÷	h	÷	ď	٠.	÷	: 2	9		÷			1	è	۲	ď.	3	3	٠	w.		1	Ç.	á.	ď	٠,	Ž.	ċ.	1	30	4	e.		7	٠,	٠,	×	٠,			₹,	Σ	5		٠.	×	7	_	:	4	S	

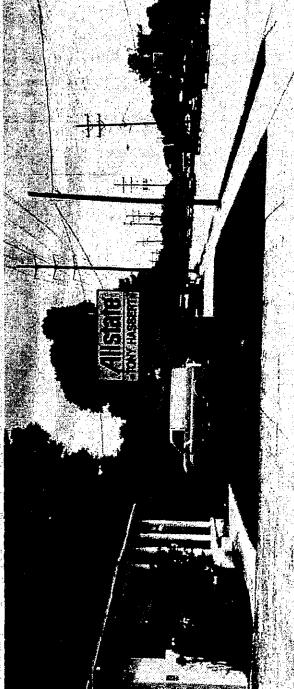
Legal Description Reference Number: 0805195927

ALL THAT CERTAIN PROPERTY SITUATED IN THE CITY OF JACKSONVILLE IN THE COUNTY OF DUVAL AND STATE OF FLORIDA AND BEING DESCRIBED IN A DEED DATED 09/16/2004 AND RECORDED 12/15/2004 IN BOOK 12185 PAGE 826 AMONG THE LAND RECORDS OF THE COUNTY AND STATE SET FORTH ABOVE AND REFERENCEDAS FOLLOWS: LOT 2, SUBDIVISION OLDFIELD CREEK ESTATES , PLAT BOOK 56, PLAT PAGE 56, RECORDED DATE 12/10/2003. PARCEL ID NUMBER: 158913 2115

7403 MERRIN RO.









•21		in 1811 600	44 COR RECORDER
This instrument frepared by: Les Orbords Wilson & Orbords F. A. 1933 Lilian Rose Jacksonsile, Fioths Julia	RECORD AND RETURN TO: Anthony M. Hanna 1433 Mercill Ross Jackstatilla, Fiorida 11111	OFFICIAL REC	PRDS
re parcel id #: 10x64.4%4 Buyers tim		,	<u> </u>
	WARRANTY DEED		·
THIS WARRANTY DEED made this known as Jane A. Robertson, a married wome Dalles, Texas 75248 to Anthony M. Hassert, Road, Jacksonville, Florida 32211.	e maxista mad' vétemblés chi	and whose address is ed Grantee and whose	address is 7403 Merrill
fields, legal topicatefullyes and act	ctutor' nod 'granico' include all the lipse of individuals, and the success WITNESSETH:	were and surigina of corpo	rations)
THAT the Granter, for and in com- considerations, receipt whereof is hereby ack- and confirms unto the Grantee, all that	ideration of the sum of Ter nowledged, hereby grants, bar certain land situate, hing a	richs, sells, allens, rec and being in Duval	alsci, releases, conveys County, Florido, viz
Lot 10, Block 5, ARLINGTON HILLS 29, pages 4, 4A and 4B of the current po	ibile records of Duroi County, F	lorida.	
THE ABOVE DESCRIBED PROPERTY IS NOT AT THE TIME OF EXECUTION HEREOF.	THE CONSTITUTIONAL HON	ESTEAD OF THE GR	ANTOR HEREIN
	Documen	dacy Tax 74-6,5, 201.02 \$	595.00
		Tu 9155, 199	248
	ilane y	Loge Clash of Circle Con	a Dural County
$\mathcal{F}_{\mathcal{F}}}}}}}}}}$	87	hll) the mane	Osputy Clerk
SUDJECT TO covenants, restrictions a operate to reimpose same. TOGETHER with all the tenements, appertaining. TO HAVE AND TO HOLD the same in fe AND the Grantor hereby covenants with that the Grantor has good right and lawful and the title to said land and will defend the same a of all encumbrances. IN WITNESS WHEREOF, the said Gamilton.	hereditaments and appurter to simple forever, said Trantes that the Granton hority to sell and convey said gains: the lawful claims of all p	is lawfully seized of si land; that the Grantos ersous whomsoever; an	nging or in anywith ild land in fee simple; hereby fully warrants d that said lond lafree
Signed, scaled and delivered in our presence:		. 4.	
Menes Signature Cooke	June A. Piatt	a Riatt	
DENISE (DOKE) Wheness Printed Signalure			10 AH 10: 42
Donna Cours	94-0084821		OSO VLRIFIEG
DONNA YOUNG	FILED AND RECORDED IN PUBLIC RECORDS I CHYAL COUNTY FLA		they Wax
Winess Plinted Signalure	- 1,01/41 - 1/4/41 11 6/4	CI FRX I	OF CHOUT COURT
STATE OF JULIES COUNTY OF JULIES	•	nee, w	,
The foregoing instrument was acknowledged be Platt, formerly known as Jane A. Reterrison, a	fore me this 3/ day of married woman who produce to did not take an oath.	May 1	9,94 by Jane A.
Notery Public, State and Consty Alcressid		٠.	
Not by Superiore A Marie	. (Title	r Rank)	
Notary Printed Signification	(डहानी	No, if any)	
TOTAL TOTAL PROPERTY OF THE PARTY OF THE PAR	-		•
Riting Relies, Street Ross Ly Comm. Excins 5-11-90			
Samman			· :

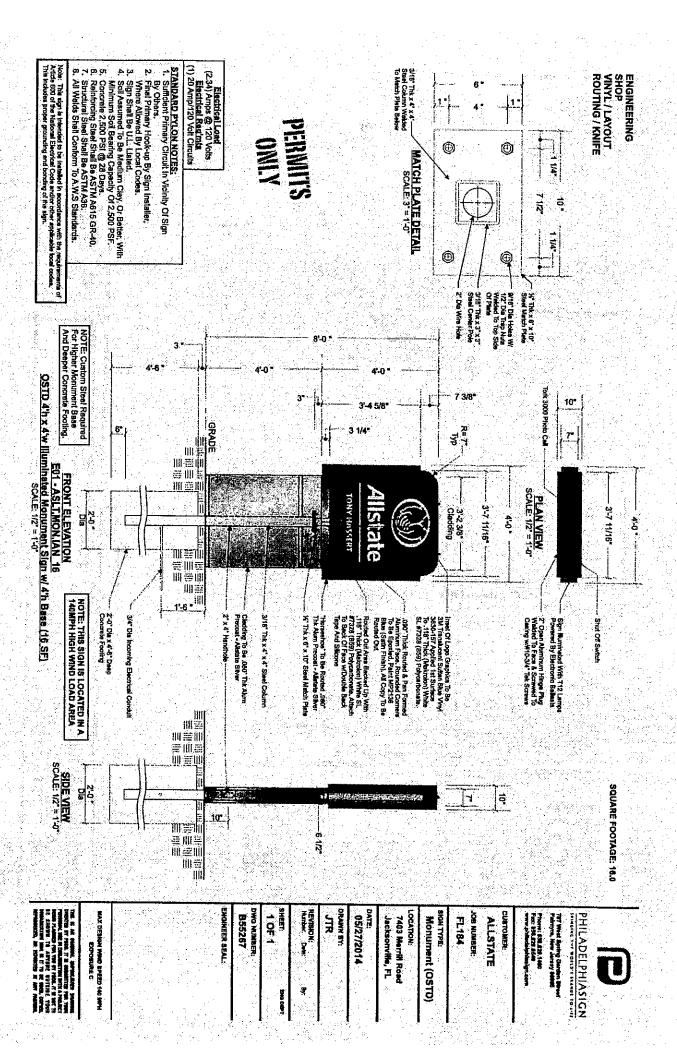
Per t

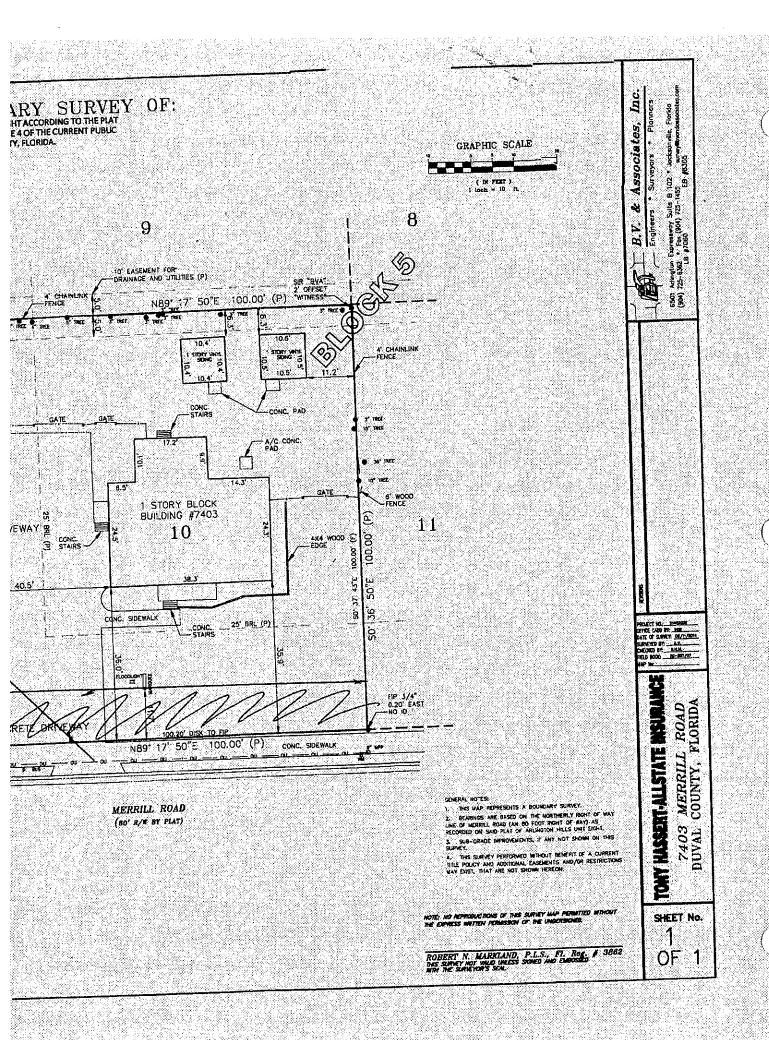
A STREET, WAS A

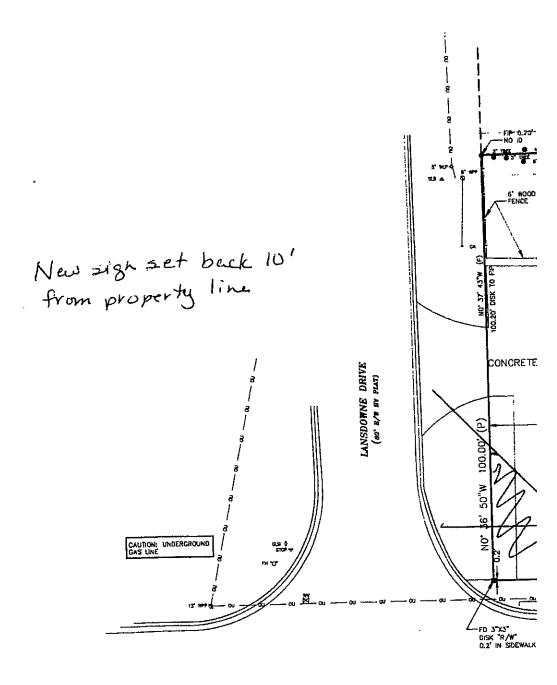
fran Trânspip primated tent falle dyckan, her, 1-162-1324 (bil

MISH

16:11(4:15:0);***







LEGEND

_		
A/C BRLCOK COK FIP (F) A CHO CHO F) A SILS WE WE WE WE WE WE	AIR CONDITIONING BUILDING RESTRICTION CONCRETE FIRE HYDRANT FOUND 'RON P'N FIELD GUY ANCHOR GAS LINE MARKER NO IDENTIFICATION OVERHEAD UTILITY PLAT RIGHT OF WAY SET IRON ROD SPEED LIMIT SIGN WOOD LIGHT POLE WATER WETER WOOD POWER POLE WATER VALVE	LINE