

**REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT**

**APPLICATION FOR SIGN WAIVER SW-14-12**

**JANUARY 6, 2015**

***Location:*** 3535 Hendricks Avenue  
between Sheridan Street & Parkwood Street

***Real Estate Number:*** 083011-0000

***Waiver Sought:*** Reduce Minimum setback from 10 feet to 5.5 feet

***Current Zoning:*** Planned Unit Development (PUD) 2004-1104

***Current Land Use Category:*** Residential, Professional, Institutional (RPI)

***Planning District:*** District 3, Southeast

***Planning Commissioner:*** Marvin Hill

***City Council Representative:*** The Honorable Don Redman, District 4

***Owner:*** Matt & Karen Carlucci  
1532 Alexandria Place South  
Jacksonville, FL 32207

***Agent:*** Janet O. Whitmill  
P.O. Box 5212  
Jacksonville, FL 32247

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

**GENERAL INFORMATION**

Application for Sign Waiver Ordinance **2014-0728 (SW-14-12)** seeks to allow for a reduction in the minimum setback for a proposed new 24 square foot monument sign from 10 feet to 5.5 feet. The subject property is a traditional brick residentially designed structure, which is zoned Planned Unit Development (PUD) 2004-1104. This PUD zoning district is specifically designed to allow this structure and the structure to the north to be used for office purposes, and provide additional on-site parking to the rear. The adjacent structure to the south is currently a professional office, with a monument sign. The land use is Residential / Professional / Office, and the surrounding zoning is CRO to the north and south, with RLD- 60 to the east. There are

several other signs located along this stretch of Hendricks Avenue, and they appear to be inside the 10 foot setback, specifically the property located at the corner of Hendricks Avenue and Sheridan Street.

**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 spirit 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;*

Yes. The subject property is in a Planned Unit Development zoning district, and is adjacent to CRO zoning districts to the north and south. There are several signs in the area that are also located within the 10 foot setback. The proposed 24 square foot monument sign is of a similar design and style of the other signs located along Hendricks in this area, and there are several signs that appear to be within the 10 foot setback. The proposed location of this sign, inside the 10 foot setback would be consistent with the character of other signs in the area and the surrounding commercial uses.

- 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;*

No. The intent of the zoning ordinance as it relates to this request is to promote signage that is consistent with the character of the adjoining community. Most of the properties located along Hendricks in this area are used for office purposes, and many have small monument signs that are of a similar design as this sign. Several of the signs in this area are within the 10 foot required setback, so allowing this sign to be 4.5 feet closer to the right of way would not be promoting the continued existence of non-conformities, but rather allowing this property to better utilize it's property without removing mature landscaping.

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;*

No. The proposed sign will not interfere with the vision of motorists as they approach the driveway intersection with Hendricks Avenue. The sign is outside of the vision triangle for the driveway of the subject property as it intersects with Hendricks. There will also be no effect on the property values in the surrounding property, as the sign is of a similar style and aesthetic as the signs in the area and will comply with all other aspects of the sign code for this area.

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;*

No. The sign is located outside the clear line of sight for roadway intersections and access ways. The surrounding properties are developed for commercial and offices uses that will not be negatively impacted by this request.

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;*

No. The requested location of the sign would still be outside the vision triangle for the intersection of the driveway and Hendricks Avenue. There would be no limit to visibility of oncoming vehicle or pedestrian traffic.

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;*

Yes. The site is part of a PUD designed specifically for commercial and professional office uses. The site itself is of a residential design, and has lots of mature landscaping both on site, and on the surrounding properties. The landscaping on site is large and would have to be removed to allow for the sign to be placed the standard 10 feet from the right of way. Also, the landscaping and trees along the adjoining properties to the north would prevent drivers traveling north on Hendricks Avenue from seeing the sign until they were nearly past it. Allowing the sign closer to the right of way would increase visibility, and allow the existing landscaping to remain.

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 new sign should not have any difference in cost based on its location.

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 a request to locate a new sign.

9. *The request accomplishes a compelling public interest, such as, for example, furthering the preservation of natural resources by saving a tree or trees...*

Yes. It is in the public interest to offer relief from certain standards to help promote the continued viability for an existing commercial site, as opposed to strict adherence to the code. Approval of this application will help ensure continued use of this site, and help promote continued vitality in the area.

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

Yes. Strict compliance with the regulation would place the sign inside existing mature landscaping, as well as reduce the visibility of this for northbound drivers on Hendricks Avenue. Requiring the removal of the landscaping would be a burden on the applicant, as well as the potential for reduced traffic to their site, based on the poor visibility of the sign if it were located 10 feet from the right of way.

**SUPPLEMENTARY INFORMATION**

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



*Source: Planning and Development Department*

*Date: December 8, 2014*

**RECOMMENDATION**

Based on the foregoing, it is the recommendation of the Planning and Development Department that Application Sign Waiver **SW-14-009** be **APPROVED**.



**Aerial**

*Source: Planning and Development Department*

*Date: December 8, 2014*



**Subject Property**

*Source: Planning and Development Department*

*Date: December 8, 2014*



**Neighboring property south**

*Source: Planning and Development Department*

*Date: December 8, 2014*





**Neighboring commercial sign north**

*Source: Planning and Development Department*

*Date: December 8, 2014*



**Sign across Sheridan Street to the north**

*Source: Planning and Development Department*

*Date: December 8, 2014*

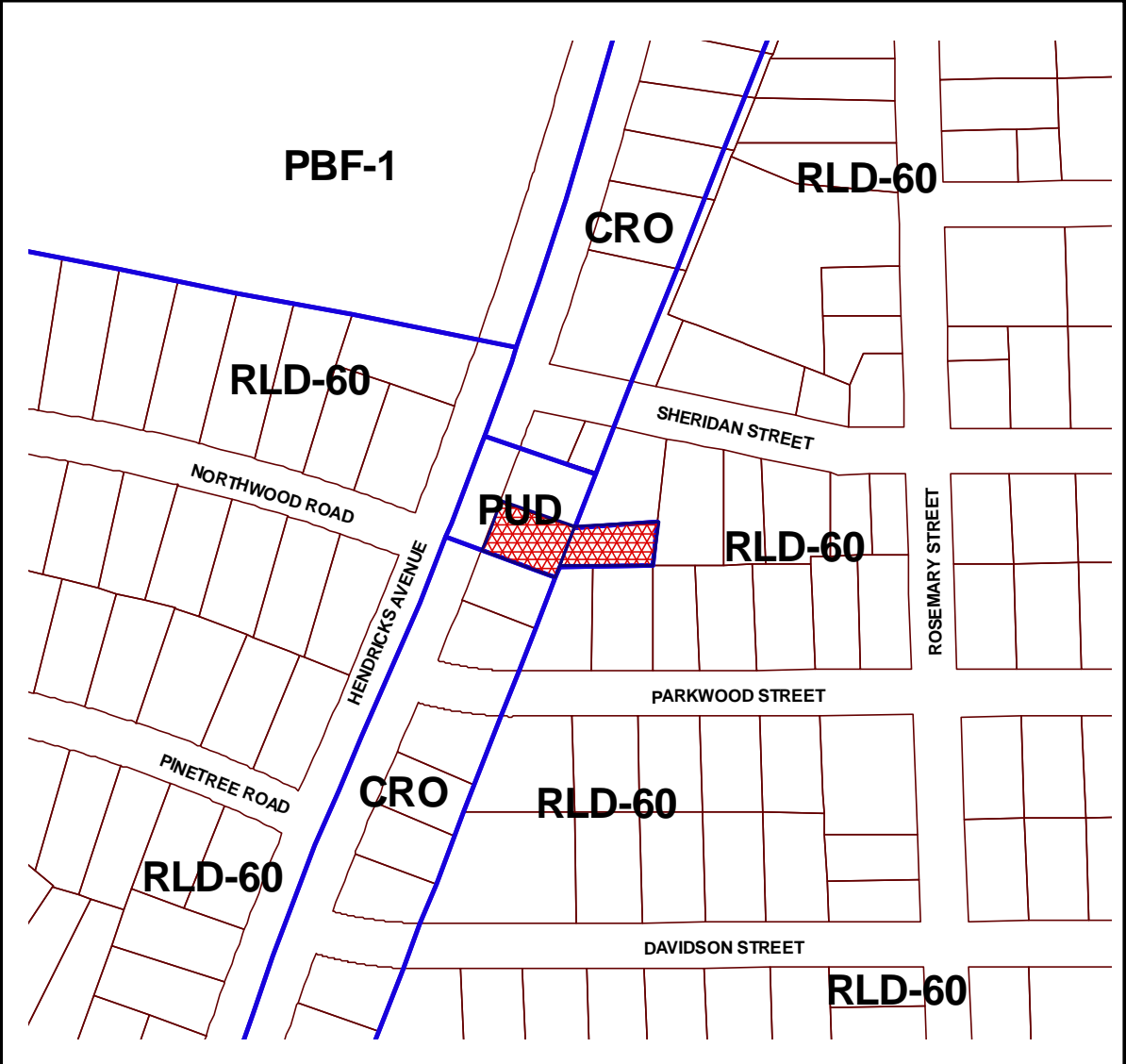


**View from subject property's driveway towards proposed sign.**

*Source: Planning and Development Department*

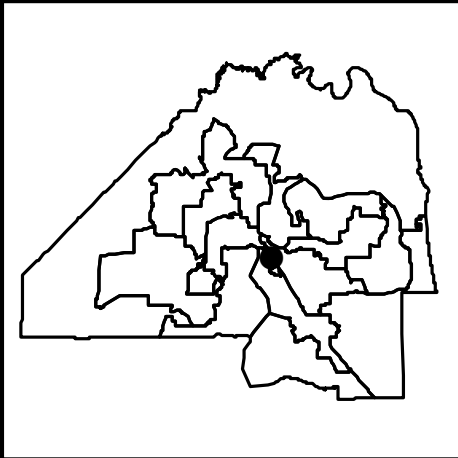
*Date: December 8, 2014*





**REQUEST SOUGHT:**

**REDUCE SIGN SETBACK FROM 10 FT. TO 5.5 FT.**



N  
W E  
S

0 100 Feet

COUNCIL DISTRICT: **5**

APPLICATION NUMBER: **SW-2014-0012**

# 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>2014-728</u>
Application Number: <u>SW-14-12</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>10-10-14</u>	2. Date Filed: <u>10-24-14</u>	3. Current Zoning District(s): <u>PUD</u> <u>2004-1104</u>	4. Future Land Use Ma Category (FLUMs): <u>RPI</u>	5. Applicable Section of Ordinance Code:
---------------------------------------	-----------------------------------	--	---	--

6. LUZ Public Hearing Date: <u>1/6/15</u>	7. City Council Public Hearing Date: <u>12/9/14</u>
8. Neighborhood Association (If Applicable): _____	
9. Number of Signs To Be Posted: <u>1</u>	

## TO BE COMPLETED BY APPLICANT

10. Complete Property Address: <u>3535</u> <u>Hendricks ave 32207</u>	13. Between Streets: <u>Sheridan Street</u> and <u>Hendricks Avenue</u>
11. Real Estate Number: <u>083011-0000</u>	
12. Date lot was recorded: <u>1943</u>	
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>10</u> ft. to <u>5.5</u> ft. (Less than 1 ft. may be granted administratively).	

15. In whose name will the waiver be granted? MATTHEW F & KAREN L. CARTUCCI

Is transferability being requested? Yes:  No:

16. Land Area(1/100 Acres): .323 acres

17. Utility Services Provider

Well:  City Water:   
Septic Tank:  City Sewer:

**\*\* 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?

No

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?

Yes

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

**EXHIBIT A**

**Property Ownership Affidavit**

Date: 10/9/14  
~~9/24/14~~

**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, Matt & Karen Carlucci 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.

Karen L. Carlucci 7-24-14  
(Owner's Signature)

Karen L. Carlucci 10/9/14

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing affidavit was sworn and subscribed before me this 9<sup>th</sup> day of  
OCTOBER (month), 2014 (year) by  
MATT CARLUCCI  
KAREN L. CARLUCCI who is personally known to me or has  
produced \_\_\_\_\_ as identification.

Laura K. Robertson  
(Notary Signature)



**LAURA K. ROBERTSON**  
Notary Public, State of Florida  
My Comm. Expires Mar. 6, 2016  
Commission No. EE 172157

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: MATT & Karen Carlucci Name: Janet O Whitmill

Address: 1532 Alexandra Address: PO Box 5212

Fl. S.

City: Jax City: Jacksonville

State: FL Zip: 32207 State: FL Zip: 32247

Email: MATT@MATTCARLUCCI.COM Email: j.o.whit@bellsouth.net

Daytime Telephone: 904 703 0999 Daytime Telephone: 904 398 7688

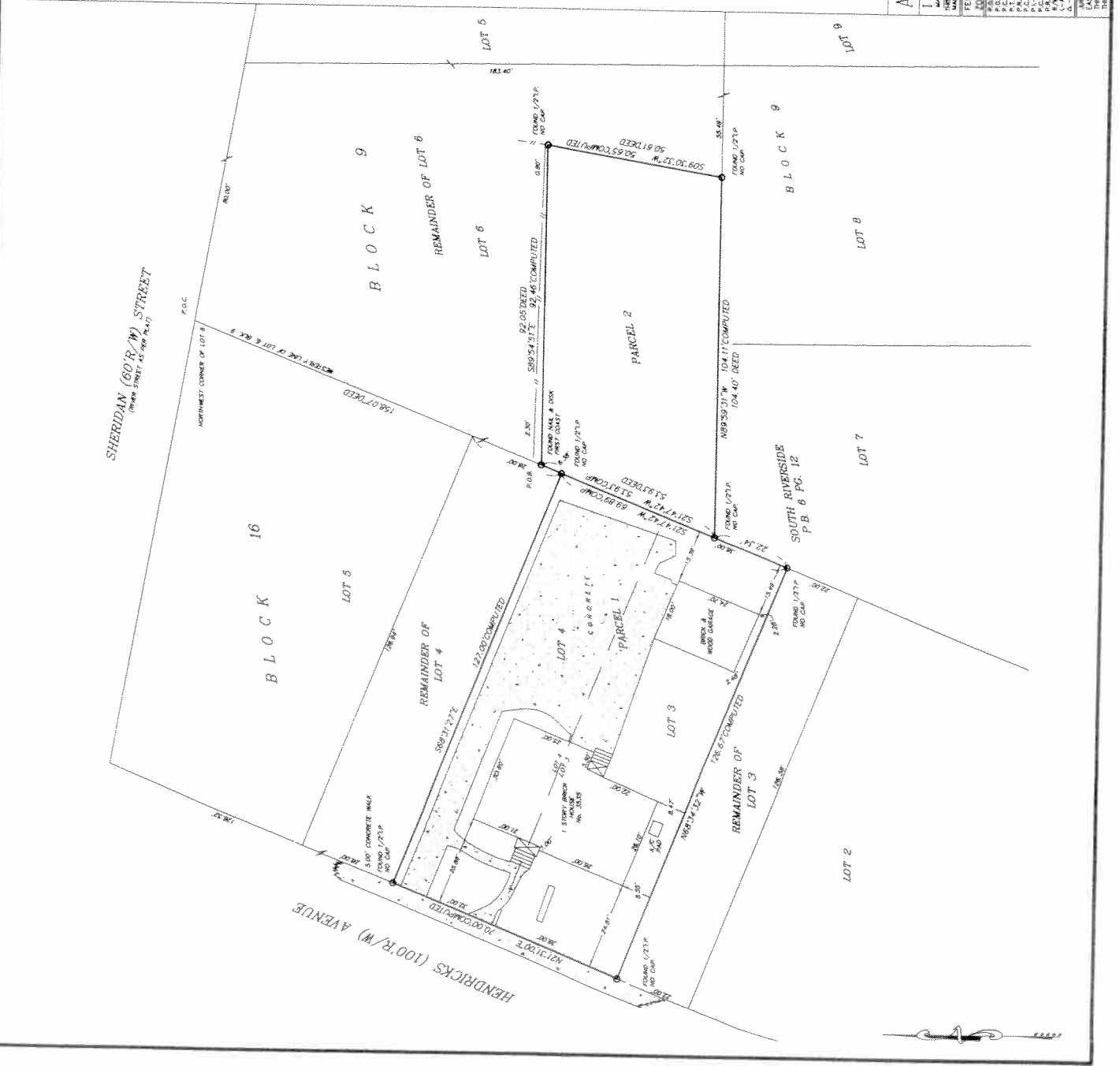
   
SIGNATURE OF OWNER(S) SIGNATURE OF AUTHORIZED AGENT(S)

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



**MAP SHOWING BOUNDARY SURVEY OF PARCEL 2**

A PART OF LOT 6, BLOCK 9, AS SHOWN ON THE MAP OF SOUTH RIVERSIDE AS RECORDED IN PLAT BOOK 6, PAGE 12, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE PARTICULARLY THE WESTERLY LINE OF SAID LOT 6, 158.07 FEET TO THE WESTERLY CORNER OF SAID LOT 6, THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 6, 55.83 FEET TO THE SOUTHWESTERLY CORNER, THENCE CONTINUE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 6, 104.40 FEET; THENCE NORTHWESTERLY 20.67 FEET, THENCE WESTERLY ALONG THE SOUTHERLY SOUTHERLY LINE OF LOT 6, 92.05 FEET TO THE POINT OF BEGINNING.



NOTES:  
 1. BEARINGS ESTABLISHED FROM BOOK 16, PAGE 283, CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.  
 2. BEARINGS ESTABLISHED FROM BOOK 16, PAGE 283, CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.



**ANTHONY PAUL O'NEIL**  
 7749 NORMANDY BOULEVARD #145-308  
 JACKSONVILLE, FLORIDA 32221  
 PHONE (904)-626-5138 ROONEYSON@AOL.COM

**I, HEREBY CERTIFY TO:** LAMARQUE DEL FREY/ET AL ORIGINAL FILED INSURANCE COMPANY  
 THIS SURVEY WAS MADE AND THE BOUNDARIES THEREON WERE ESTABLISHED BY ME OR BY AN ASSISTANT OF MINE OR BY A PROFESSIONAL LAND SURVEYOR AND MAPPER IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 349, F.S., AND THE RULES OF THE BOARD OF PROFESSIONAL LAND SURVEYORS AND MAPPERS IN CHAPTER 349-17.000, F.A.C. AS APPLICABLE TO THIS SURVEY.

**FEMA FLOOD INSURANCE RATE INFORMATION PERTAINING TO LANDS CHARGED HEREBY:**

AREA	FLOOD ZONE	INSURANCE RATE
AREA 1	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 2	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 3	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 4	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 5	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 6	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 7	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 8	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 9	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 10	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 11	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 12	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 13	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 14	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 15	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 16	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 17	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 18	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 19	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE
AREA 20	UNDESIGNATED	\$1.00 PER \$100 OF INSURANCE VALUE

DATE BORNED: 02-12-12  
 SURVEY PAUL O'NEIL PSM 5684

**SHERIDAN (60' R/W) STREET**  
(RIVER STREET 30' R/W PLAT)

**HENDRICKS (100' R/W) AVENUE**

**BLOCK 9**

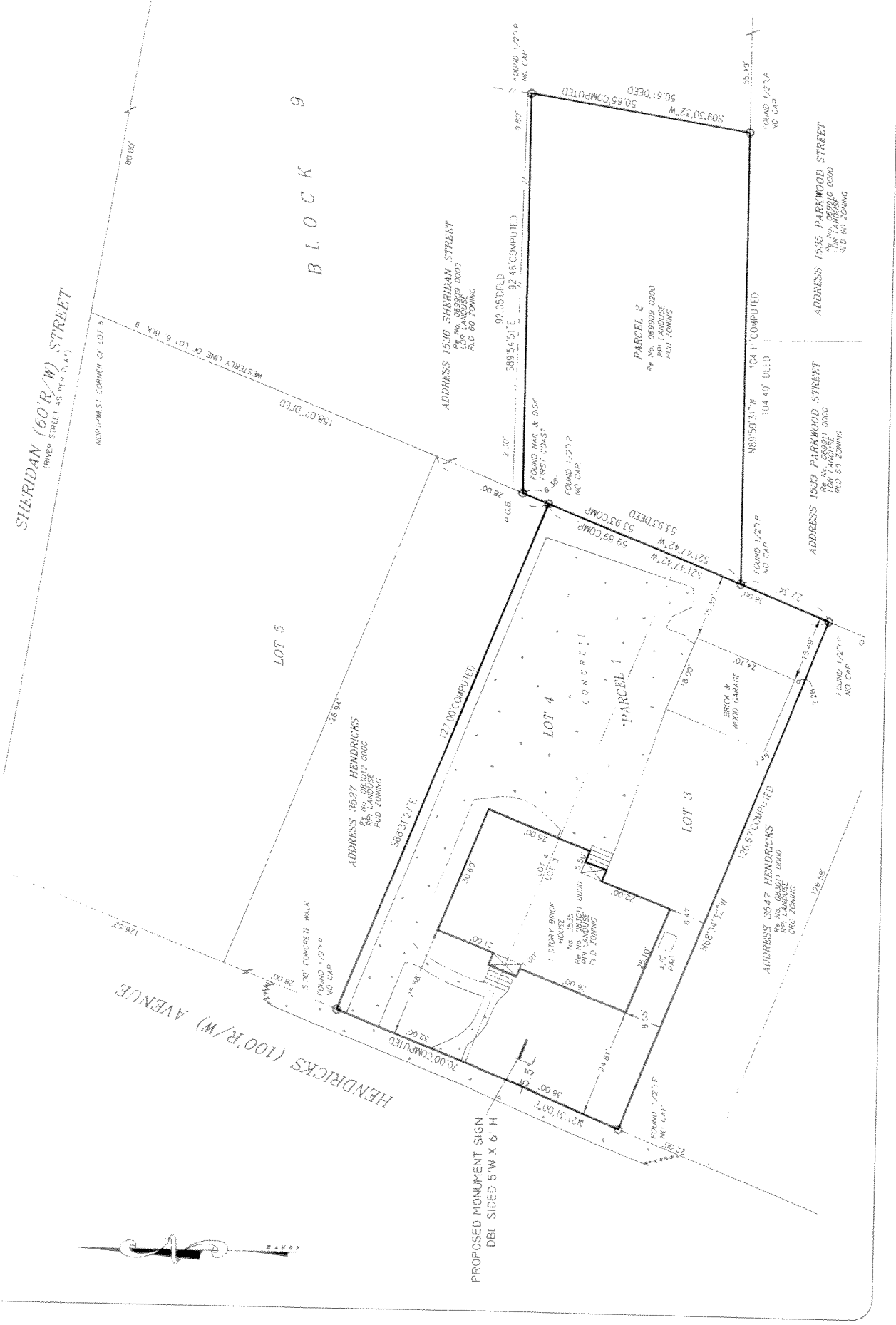
JANET O. WHITMILL, R.L.A., INC.  
LANDSCAPE ARCHITECTURE  
P.O. BOX 5272, JACKSONVILLE, FL 32244 (904) 396-7888

DATE: 08/28/2008  
PROJECT: 08/28/2008  
DRAWN: JWD  
CHECKED: JWD  
SCALE: 1" = 20'

CARLUCCI OFFICE  
SIGN WAIVER

SITE PLAN  
10.10.14

NO.	DATE	DESCRIPTION
1	08/28/08	PRELIMINARY
2	08/28/08	REVISED
3	08/28/08	REVISED
4	08/28/08	REVISED
5	08/28/08	REVISED
6	08/28/08	REVISED
7	08/28/08	REVISED
8	08/28/08	REVISED
9	08/28/08	REVISED
10	08/28/08	REVISED
11	08/28/08	REVISED
12	08/28/08	REVISED
13	08/28/08	REVISED
14	08/28/08	REVISED
15	08/28/08	REVISED
16	08/28/08	REVISED
17	08/28/08	REVISED
18	08/28/08	REVISED
19	08/28/08	REVISED
20	08/28/08	REVISED



PROPOSED MONUMENT SIGN  
DBL SIDED 5' W X 6' H

# ORDINANCE

---

## Legal Description

### *MAP SHOWING BOUNDARY SURVEY OF*

*PARCEL 1:*

*NORTH 38.00 FEET OF LOT 3 AND SOUTH 32.00 FEET OF LOT 4, BLOCK 16, COLONIAL MANOR, ACCORDING TO PLAT THEREOF, RECORDED IN PLAT BOOK 16, PAGE 95, CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.*

*PARCEL 2:*

*A PART OF LOT 6, BLOCK 9, AS SHOWN ON THE MAP OF SOUTH RIVERSIDE, AS RECORDED IN PLAT BOOK 6, PAGE 12, OF THE CURRENT PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWESTERLY CORNER OF SAID LOT 6; THENCE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 6, 158.07 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTHWESTERLY ALONG THE WESTERLY LINE OF SAID LOT 6, 53.93 FEET TO THE SOUTHWESTERLY CORNER OF LOT 6; THENCE EASTERLY ALONG THE SOUTHERLY LINE OF SAID LOT 6, 104.40 FEET; THENCE NORTHEASTERLY 50.61 FEET; THENCE WESTERLY AND PARALLEL TO THE SAID SOUTHERLY LINE OF LOT 6, 92.05 FEET TO THE POINT OF BEGINNING.*



**Brightway**  
**INSURANCE**

Matthew Carlucci, Jr.

Joe Carlucci II

399-1000

**3621**





