



THE SUNRISE CITY  
**FORT PIERCE**  
PLANNING DEPARTMENT *Florida*

---

**TO:** DeVonshay Johnson, Deputy Co-City Manager

**THROUGH:** Kevin Freeman, Planning Director

**FROM:** Kerry C. Driver, Senior Planner

**RE:** **Variance: Billboard**  
**1710 N. 25<sup>th</sup> Street**

**BOARD DATE:** April 3, 2025

---

**STAFF REPORT**

**Owner:** Undisputed Investments,  
LLC  
2300 Avenue P  
Fort Pierce, FL 34950

**Applicant:** Jeffery Mickle  
810 Saturn Street, Unit 16  
Jupiter, FL 33477

**Applicant's Request:** Approval of Variance: Billboard

**Location(s):** 1710 N. 25<sup>th</sup> Street

**Parcel ID:** 2404-611-0009-000-5

**Future Land Use:** General Commercial (GC)

**Current Zoning:** C-3, General Commercial



Surrounding FLU:

North	East	South	West
INST	RL	RL	GC



**Surrounding Zoning:**

North	East	South	West
R-3	R-3	R-3	C-3



**Site Area:** +/- 0.25 acres

**Utilities:** FPUA

**Staff Analysis:**

**Variance Request**

In accordance with Article II of Section 125 of the City Code, the applicant is requesting to deviate from City Code 117-6 to increase the allowed height of a ground sign from 10 feet to 25 feet and to deviate from City Code Section 117-7(5)(3) - Permitted Signs for C-3, General Commercial Zone.

**Project Summary**

The applicant is seeking approval of an 8' x 25' billboard installation. It is being requested to increase the height of the billboard from 10' to 25'.

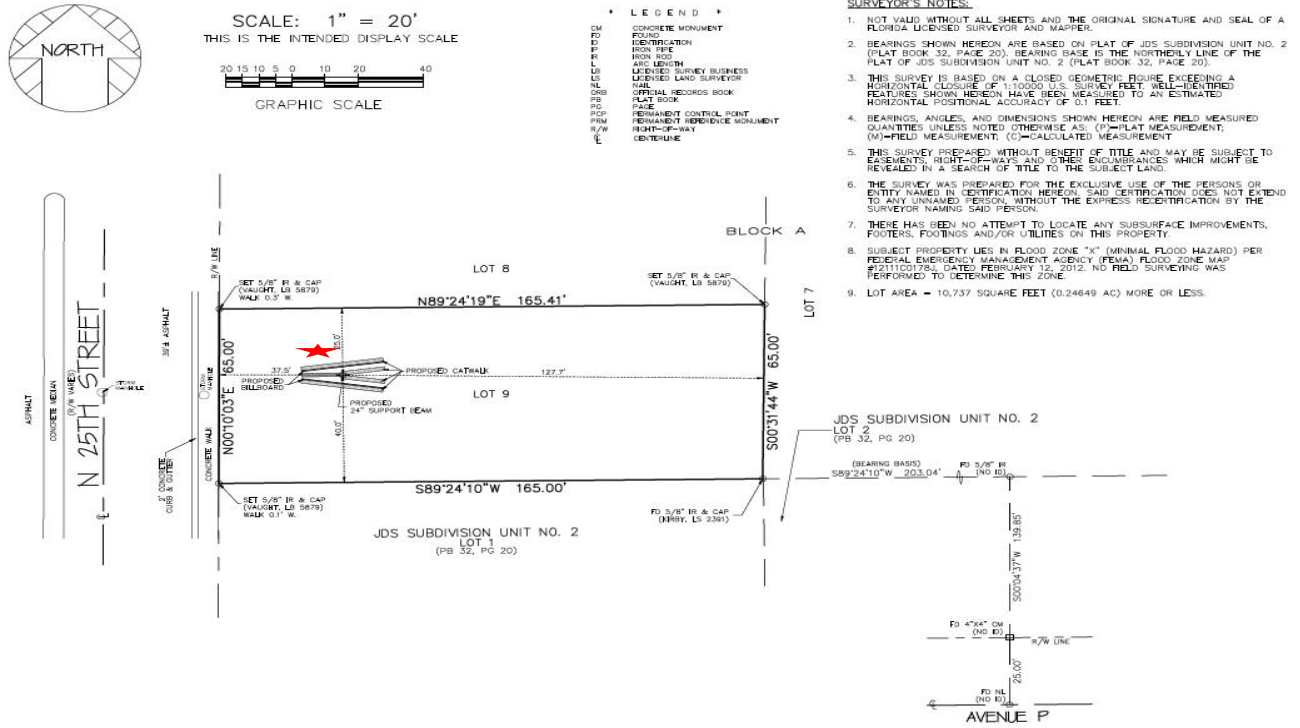
**Planning Staff Determination**

Section 117-6(c)(7), Regulation of the sign code states that the Off-premises signs shall comply with subsection (b)(3) of this section where the off-premises sign is also a ground sign. Ground signs, subsection (3)(a) of Section 116-7 states, "sites that are less than or equal to three acres shall have a maximum height of ten feet in height." Bullet point 1 of this subsection states, "sites that are greater than three acres and less than or equal to five acres shall have a maximum height of 12 feet."

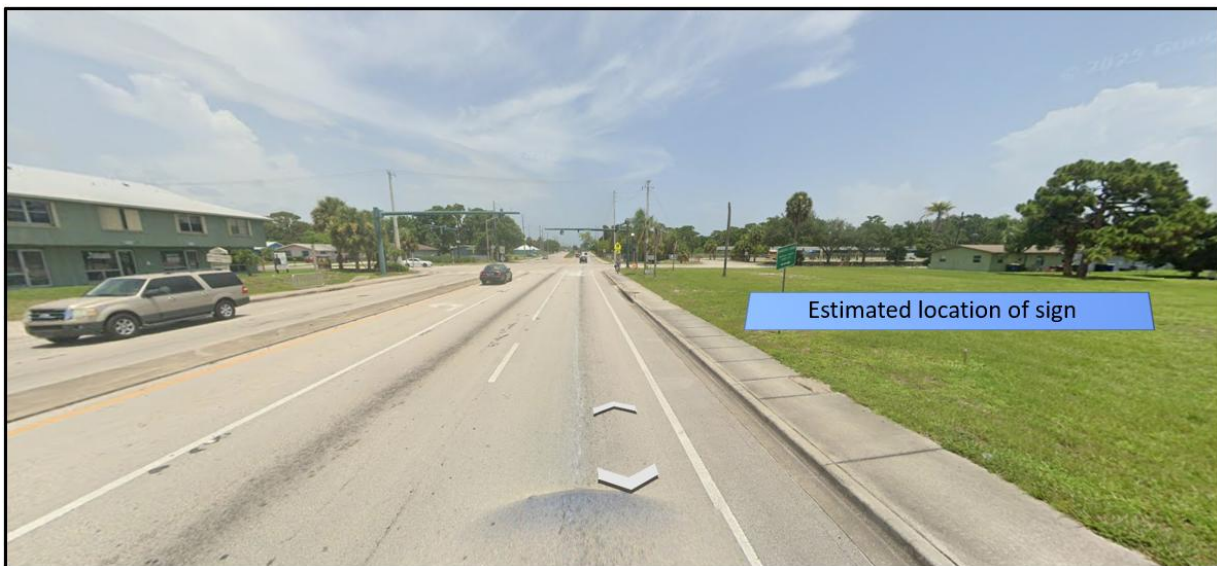
After three (3) resubmittals from the applicant, due to denying with explanation and code reference, the applicant was informed that a variance application can be applied for as Planning is unable to approve the height

of the proposed sign, according to the current code. The applicant is aware that variances are not guaranteed.

**Site Plan & Sign Location**



**Sign Street View**

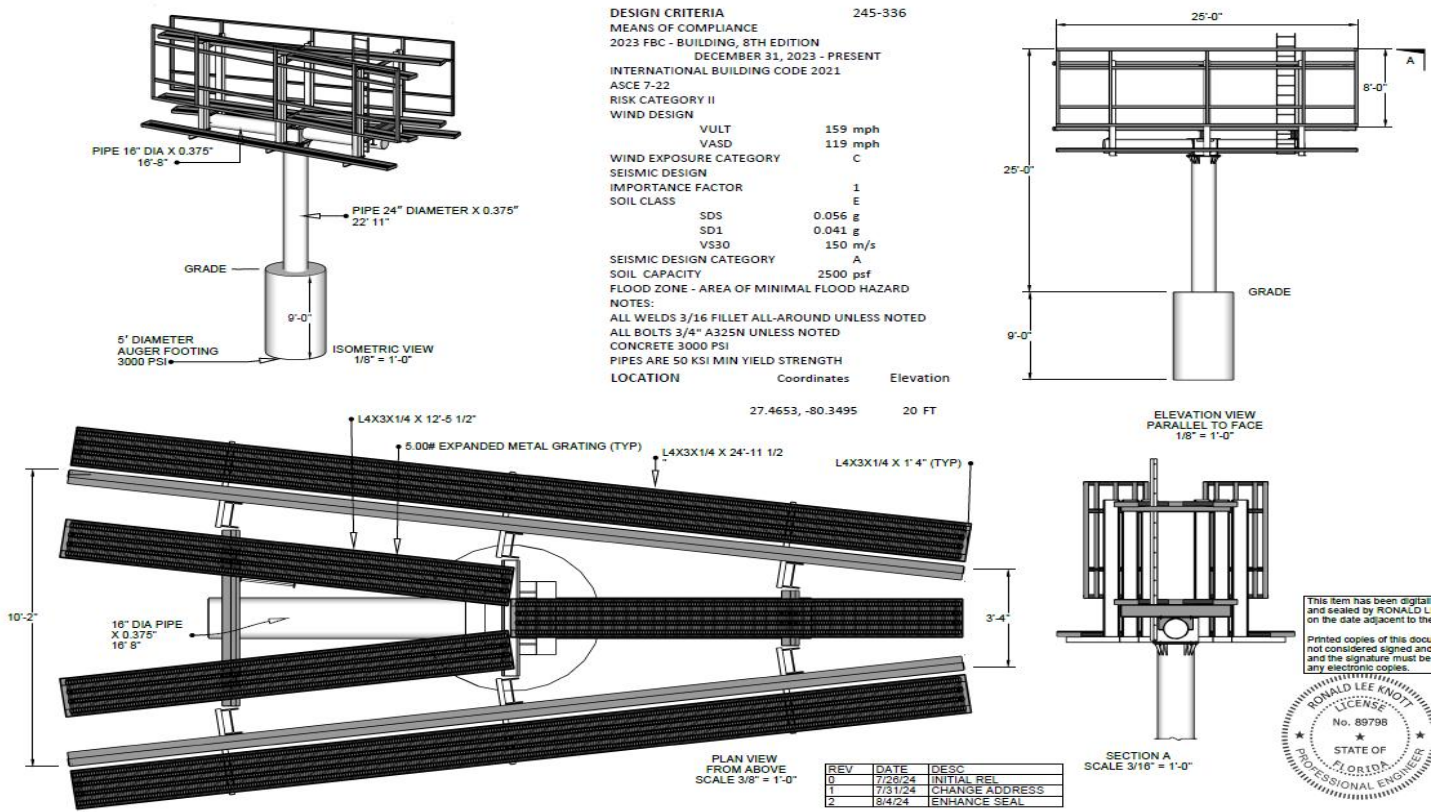


North end view



South end view

**Proposed Sign Dimensions**



**Landscaping**

No landscape details were provided.

**Existing Conditions**

The parcel is currently vacant.

### ***Lighting***

The applicant provided electrical details that the sign proposes a 200 Amp Meter Main 12/12 to supply power to the billboard lighting.

### ***Variance Criteria***

According to Section 125-100, Criteria for granting variances, a variance may be granted only in the event that all of the following criteria are satisfied:

1. Special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district;
2. The special conditions and circumstances do not result from the actions of the applicant;
3. The literal interpretation of this provisions of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the ordinance and would result in unnecessary and undue hardship on the applicant;
4. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
5. The granting of the variance will be in harmony with the general intent and purpose of the ordinance codified in this section and such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

### ***Applicant's Response***

**Explain how the variance request would not impair the intent of the zoning ordinance or be detrimental to the general public welfare.**

Granting the requested variance would not impair the intent of the zoning ordinance or be detrimental to the general public welfare because off-premise signs are expressly allowed by the City's zoning ordinance. Section 117-6(c) "Off-premise signs" of the Fort Pierce Sign Ordinance allows an off-premise sign to be built at the proposed location. The only area of disagreement is the proposed height. Since the ordinance allows such signs to be 25 feet tall – see Section 117-6(c)(3) – allowing the requested height does not impair the intent of the ordinance, which is to allow such signs.

**Describe those conditions peculiar to the specific property and not applicable to other lands, structures, or buildings in the same zoning district.**

This specific property, which is only 0.25 acres in size and undeveloped, is uniquely situated along N 25<sup>th</sup> Street in a location where it does not have access to another thoroughfare with less traffic. Given the parcel's proximity to the traffic light at the intersection of N 25<sup>th</sup> Street and Avenue Q, access to traffic in both directions would be challenging. Allowing the requested sign at the requested height will allow the landowner to generate some revenue from this otherwise unattractive lot with limited development options.

**Do special conditions or circumstances result from actions other than that of yours?**

Respectfully, the City staff's interpretation of its Sign Ordinance has created a situation where a proposed off-premise sign that complies with all of the size, height, and location criteria set forth in Section 117-6(c) "Off-premise signs" is being denied because the City staff believes the off-premise sign is also subject to the height requirements imposed on ground signs in Section 117-6(b)(3). This interpretation is contrary to how the City has permitted off-premise signs previously, including a sign recently permitted by the City for another sign company.

**Please explain Identify any undue hardships or deprivation of commonly enjoyed property rights that would result in the literal interpretation of the code for the zoning district.**

Because the City has previously allowed another sign company to have an off-premise sign that is 25 feet tall and not required this other applicant to comply with the height requirement for ground signs, applying the Sign Ordinance in a different fashion for Scotty Outdoor creates an undue hardship and deprives Scotty Outdoor of its rights under the City's Sign Ordinance.

**What is the minimum variance that would give the reasonable use of the land, building, or structure?**

The minimum variance that would give the reasonable use of the proposed off-premise sign is a 13 foot height variance to allow the sign to be 25 feet tall rather than 12 feet tall.

***Technical Review Committee***

All affected departments have reviewed the proposed Variance application regarding the requirements of the City Code. Findings from the review by corresponding departments and the associated responses by the applicant are provided with the staff's supporting documents.

***Property Owner Response Summary***

A total of 42 notifications of the proposal were mailed to the owners of property located within 500 feet of the subject property. As of March 27, 2025, there have been two (2) responses by adjacent property owners regarding the request. An update will be provided at the Board of Adjustment at the public hearing.

***Staff Recommendation:***

The staff recommendation is that if approval is granted, the variance application should be approved with the following two (2) conditions:

1. Prior to the issuance of final Site Plan approval, the applicant/developer shall provide a full landscape plan which demonstrates buffering that obscures direct sight of the installation from immediate residential properties to the east.
2. Prior to issuance of final certificate of occupancy, a Landscape Maintenance Agreement shall be approved and shall acknowledge the following:
  1. All approved landscaping shall be installed, irrigated, and maintained in perpetuity in accordance with section 123-7 of the City Code or Ordinances, in order that it continues to present a healthy, neat, and orderly appearance free of refuse and debris, in conformity with the following requirements:
    1. Vegetation required by this article shall be replaced with equivalent or better vegetation if it is not living. All trees for which credit is awarded, and which subsequently die shall be replaced by the same or greater number of living trees according to the standards established in this article.

2. Maintenance shall include sufficient weeding, watering, fertilizing, pruning, mowing, edging, mulching and other horticultural practices to ensure that the landscaping continues to maintain a healthy, neat, and orderly appearance.