Digital Billboard Height Variance Appeal

Appeal of Board of Adjustment denial • 1710 N. 25th Street • PZVAR2026-00001

City Commission requested action: determine whether to affirm or reverse the May 28, 2026, Board of Adjustment decision based on the record, applicable Code provisions, and competent substantial evidence.

10 ft

Permitted / existing billboard height

25 ft

Requested digital billboard height

July 28, 2026

Request Before the City Commission

DECISION UNDER APPEAL

Board of Adjustment denial of a variance to increase an existing ground-mounted off-premises advertising sign from 10 feet to 25 feet.

Affirm the Board's decision, or
Reverse the Board's decision
Base action on the appeal record, Code criteria and competent substantial evidence

ISSUE

Not whether a 25-foot sign may be preferable or commercially advantageous.

The controlling question is whether the applicant established every mandatory variance criterion at Sec. 125-100Criteria for granting variances .

All 5 criteria required

Failure of any one supports denial

Property & Surrounding Context

The zoning map identifies the subject parcel on N. 25th Street, with Residential Low / R-3 immediately to the east and General Commercial / C-3 to the north, south and west.

Address	1710 N. 25th Street
Parcel	2404-611-0009-000-5
Area	Approx. 0.25 acre
FLU / Zoning	General Commercial /C-3
Existing use	Off-premises advertising sign
Requested relief	15-foot increase above 10-foot limit

Adjacent residential context is relevant

Mandatory Variance Criteria at City Code Sec 125-100.

(1)	(2)	(3)	(4)	(5)
Peculiar special condition	Condition not self-created	Deprivation + undue hardship	Minimum variance necessary	Harmony / no public-welfare injury

All five criteria must be satisfied. Staff concluded that none were satisfied.

Criteria (1) – (2) : Peculiar Condition & Self-Created Need

CRITERION (1): SPECIAL CONDITIONS

Applicant's cited circumstances — parcel size, undeveloped status, N. 25th Street frontage, intersection proximity, traffic access, and development potential — did not establish a physical condition requiring 25 feet.
No topography, easement, wetland, utility, obstruction, grade or sight-distance evidence requiring the height.
Existing approved 10-foot billboard shows conforming physical use is feasible.

Staff finding: not satisfied

CRITERION (2): NOT APPLICANT-CREATED

The asserted need for height arose principally from the preferred sign design and business objectives, not inherent property conditions.

No landscaping plan proving infeasibility
No vandalism history or security analysis
No traffic-engineering evidence of vehicle-strike hazard

Staff finding: not satisfied

Criteria (3) & (4): Hardship & Minimum Relief

CRITERION (3): RIGHTS / HARDSHIP

The regulation limits height; it does not prohibit the off-premises sign use.

The applicant already obtained a permit for, and constructed, a compliant billboard.
Hardship assertions relate to visibility, advertising effectiveness and revenue, not exceptional property conditions.
Existing 10-foot billboard provides actual reasonable use.

Staff finding: not satisfied

CRITERION (4): MINIMUM VARIANCE

No evidence showed that 25 feet — rather than 10, 15, or 20 feet — is the minimum relief required.

No comparative visibility analysis
No photo simulations or line-of-sight profile
No elevation survey, structural/safety analysis, or advertising-function study

Staff finding: not satisfied

Criterion (5): Harmony, Area Impact & Public Welfare

Residential Low / R-3 immediately east of the subject property

Height standards are part of the sign ordinance's intent; permitting billboards does not waive dimensional limits. Applicant did not provide sufficient evidence addressing a 25-foot digital sign's relationship to adjacent residential property. Record lacked detailed illumination, automatic dimming, hours of operation, message duration, transition effects, landscaping and screening information.

Staff finding: not satisfied

Staff did not rely on unsupported claims of accidents or property-value impacts; the applicant carries the burden of satisfying the criterion.

Alleged Comparable 25-Foot Billboard

The applicant asserted that the City previously approved another 25-foot off-premises sign and that applying the 10-foot standard here is inconsistent.

Referenced permit: DPCR 22-200005667
Location: 532 S. US Hwy 1
0.23-acre C-3 / General Commercial parcel
Approved without variance despite Code noncompliance

The existence of another 25-foot sign does not create a right to the same height for this property.

Variance decisions must be based on conditions of the subject property. The subject parcel is adjacent to residential property; the alleged comparable is primarily commercial and near industrial railyard context. The required variance criteria still control.

Evidence Supporting the Board's Denial

Existing compliant use	Permitted 10-foot billboard already constructed.
No peculiar condition	No physical constraint shown requiring 25 feet.
No technical support	No visibility, line-of-sight, safety, landscaping or security analysis.
No minimum relief proof	No evidence that 25 feet is the least necessary height.
Adjacent residential context	Insufficient evidence addressing effects on nearby Residential Low / R-3 property.

Board of Adjustment unanimously concluded the mandatory variance criteria were not met.

ACTION

Staff Recommendation & Recommended Motion

STAFF RECOMMENDATION

Affirm the May 28, 2026, decision of the Board of Adjustment and deny the appeal.

Applicant failed to satisfy mandatory variance criteria. The Record supports the Board's determination Existing 10-foot billboard provides reasonable use

RECOMMENDED MOTION

Move to affirm the May 28, 2026 decision denying Application PZVAR2026-00001 for a billboard height variance at 1710 N. 25th Street, based upon competent substantial evidence that the applicant failed to satisfy Section 125-100 variance criteria, including absence of a peculiar special condition, absence of unnecessary and undue hardship, availability of reasonable use through the existing 10-foot billboard, and failure to demonstrate that 25 feet is the minimum variance necessary.