THE SUNRISE CITY
FORT PIERCE
PLANNING DEPARTMENT
Florida

TO: Linda Cox, City Clerk.
Richard Chess, City Manager.
Sara Hedges, City Attorney.

FROM: Kev Freeman, Planning Director.

SUBJECT: Appeal of Board of Adjustment Decision, May 28, 2026
1710 N 25th Street
PZVAR2026-00001

DATE: Prepared July 28, 2026

REQUEST BEFORE THE CITY COMMISSION

The appellant is appealing against the May 28, 2026, decision of the Board of Adjustment denying a variance to increase the maximum permitted height of an existing ground-mounted, off-premises advertising sign from 10 feet to 25 feet at 1710 N. 25th Street.

The subject property is approximately 0.25 acres and is designated General Commercial on the Future Land Use Map and zoned C-3, General Commercial. The property contains an existing 10-foot-high, V-shaped billboard that was approved through a building permit following denial of an earlier request for a 25-foot billboard.

The City Commission is requested to determine whether the decision of the Board of Adjustment should be affirmed or reversed based upon the record, the applicable Code provisions and competent substantial evidence.

PROPERTY INFORMATION

Property address	1710 N. 25th Street
Parcel identification number	2404-611-0009-000-5
Approximate property area	0.25 acre
Future Land Use designation	General Commercial
Zoning district	C-3, General Commercial
Existing use	Off-premises advertising sign
Existing sign	Approximately 10-foot-high V-shaped billboard
Requested sign	25-foot-high digital billboard
Requested relief	15-foot increase above the applicable 10-foot height limitation

Surrounding designations

North	General Commercial	C-3
East	Residential Low	R-3
South	General Commercial	C-3
West	General Commercial	C-3

The staff report maps show residentially designated and zoned property immediately east of the subject site.

PROCEDURAL HISTORY

The applicant previously requested approval of a variance for a 25-foot billboard.

The earlier variance request was denied by the Board of Adjustment at the April 3, 2025, hearing.

The applicant subsequently submitted a permit for a 10-foot-high, non-digital, V-shaped billboard. The 10-foot sign was approved by Planning staff on December 2, 2025.

The applicant submitted the present variance request on January 29, 2026, seeking to increase the billboard height to 25 feet.

The Board of Adjustment conducted a quasi-judicial hearing on May 28, 2026.

Staff recommended denial due to the applicable variance criteria had not being met.

The Board unanimously denied the requested variance.

The applicant timely appealed the Board's decision to the City Commission.

At the May 28, 2026, Board of Adjustment hearing, the applicant stated that the sign should be raised to permit landscaping, reduce the likelihood of vandalism and reduce the possibility of a vehicle striking the sign. The Board concluded that these assertions did not satisfy the variance criteria and that nothing material had changed since the earlier variance request, apart from installation of the permitted 10-foot sign.

APPELLATE HEARING STANDARD

The appeal hearing notice establishes that the City Commission hearing is being conducted pursuant to section 125-108 and Resolution No. 20-R19.

Under those procedures:

a. the appellant presents first;
b. City staff then presents the basis for the decision under appeal;
c. each party is limited to evidence and materials submitted as part of the appeal record;
d. the City Commission may question the appellant and staff;
e. the Commission must determine whether to affirm or reverse the lower board's decision; and
f. the Commission's decision must be based upon competent substantial evidence contained in the record and the oral presentations.

Resolution No. 20-R19 further provides that competent substantial evidence must be sufficiently relevant and material that a reasonable mind would accept it as adequate to support a conclusion. Speculation, hypothetical assertions, generalized statements, fear and unsupported emotional testimony do not constitute competent substantial evidence.

The issue before the Commission is therefore not whether a 25-foot billboard might be commercially advantageous or preferable. The issue is whether the applicant established every criterion required for approval of a variance and whether the Board's denial is supported by competent substantial evidence.

APPLICABLE SIGN REGULATIONS

A. Classification of the sign

The City Code defines an off-premises sign as a sign advertising a use, establishment, product or service provided at a location other than the property on which the sign is located. An off-premises sign is also referred to as an outdoor advertising sign or billboard.

The proposed sign is also a ground sign because it is affixed to the ground and is not attached to a building for support.

The staff presentation identified the applicable Code provision as requiring an off-premises sign that is also a ground sign to comply with the dimensional standards applicable to ground signs. For a site containing approximately 0.25 acre, staff determined that the maximum permitted height is 10 feet.

The applicant seeks a total height of 25 feet and therefore requires a variance of 15 feet.

B. Clarification of staff-report typographical error

The final page of the May 28 staff report contains a sentence stating that ground signs in the C-3 zoning district may not exceed 25 feet above grade.

The sentence should be treated as a scrivener / drafting error. The operative staff determination throughout the application and hearing process was that the approximately 0.25-acre parcel is subject to a maximum ground-sign height of 10 feet.

The City Commission should rely upon the controlling Code provisions and the complete record rather than the isolated erroneous sentence.

VARIANCE STANDARD

The City Code provides that a variance may be granted only when all of the following criteria are satisfied:

Special conditions and circumstances exist that are peculiar to the land, structure or building and are not applicable to other lands, structures or buildings in the same zoning district.

The special conditions and circumstances do not result from the actions of the applicant.

Literal application of the zoning regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district and would result in unnecessary and undue hardship.

The variance is the minimum variance necessary to make possible the reasonable use of the land, building or structure.

Granting the variance would be in harmony with the general intent and purpose of the ordinance and would not be injurious to the area or otherwise detrimental to the public welfare.

The variance may be granted only if all five criteria are satisfied. Failure to satisfy any one criterion is sufficient grounds for denial.

ANALYSIS OF CRITERIA FOR GRANTING VARIANCES.

Sec. 125-100. (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;

The applicant identified the following as special conditions:

a. the parcel contains approximately 0.25 acre;
b. the parcel is undeveloped apart from the sign;
c. the property fronts North 25th Street;
d. the property is near the signalized intersection of North 25th Street and Avenue Q;
e. access may be difficult because of surrounding traffic; and
f. the property allegedly has limited development potential.

These circumstances do not establish a physical condition requiring a 25-foot billboard.

The record does not identify:

a. unusual topography;
b. an irregular or unusually constrained parcel configuration;
c. wetlands or other environmental constraints;
d. grade differentials;
e. easements preventing installation of a conforming sign;
f. utility conflicts;

g. a physical obstruction affecting the sign face;
h. a sight-distance limitation; or
i. another site-specific condition that necessitates a sign height of 25 feet.

The parcel is depicted as a generally rectangular property. The applicant did not submit a professional visibility study, line-of-sight analysis or engineering report demonstrating that a conforming 10-foot sign cannot perform its permitted function.

More significantly, the property presently contains an approved 10-foot billboard. The existence of that sign demonstrates that the site can physically accommodate a sign complying with the applicable height standard.

Traffic volume, intersection proximity and the desire for greater advertising visibility are not peculiar physical conditions of the property sufficient to establish the first criterion.

Staff finding: Sec. 125-100. (1) has not been satisfied.

Sec. 125-100. (2) The special conditions and circumstances do not result from the actions of the applicant.

The asserted need for additional height arises principally from the applicant's proposed design and preferred operation of the billboard.

The applicant previously sought approval for a 25-foot sign and was denied. The applicant then obtained approval for and installed a 10-foot sign. The current request seeks to enlarge the height of that permitted sign.

The applicant stated that additional height would:

a. allow landscaping to be installed around the sign;
b. reduce vandalism;
c. reduce the possibility of a vehicle striking the sign; and
d. improve the effectiveness of the billboard.

However, the record contains no landscaping plan demonstrating that landscaping is infeasible around the existing sign. No crime report, security analysis or history of vandalism was submitted. No traffic engineer or other qualified professional established that the existing sign creates a collision hazard or that increasing its height would resolve such a hazard.

These concerns arise from the applicant's preferred sign configuration and business objectives rather than from circumstances inherent to the land/property.

Staff finding: Sec. 125-100. (2) has not been satisfied.

Sec. 125-100. (3) The literal interpretation of the 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

The applicant has not been deprived of the right to maintain an off-premises sign. As a code-compliant billboard has already been permitted and installed on the property.

The applicable regulation limits the height of the sign; it does not prohibit the sign use itself.

The record therefore demonstrates that:

a. an off-premises sign is permitted on the property;
b. the applicant has obtained a permit for that sign;
c. the sign has been constructed at the permitted height;
d. the property can be used for billboard purposes without the requested variance; and
e. the Code does not deprive the property owner of all reasonable use.

The applicant's asserted hardship relates to visibility, advertising effectiveness and potential revenue. A variance is intended to address hardship arising from exceptional property conditions, not to guarantee the most commercially advantageous use or design.

The applicant also asserted that the property is difficult to develop for other purposes because of its size and access. Even accepting that the site may present development constraints, the applicant did not establish that a 25-foot billboard is necessary to avoid an unnecessary and undue hardship. The existing billboard provides an actual reasonable use of the property.

Staff finding: Sec. 125-100. (3) has not been satisfied.

Sec. 125-100. (4) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure

The applicant seeks a 15-foot variance, increasing the permitted sign height from 10 feet to 25 feet.

The applicant has not provided evidence demonstrating why a total height of precisely 25 feet is the minimum necessary for reasonable use. The record does not contain: a comparative visibility analysis at different sign heights; photographic simulations comparing 10-, 15-, 20- and 25-foot alternatives; a line-of-sight profile; an elevation survey; a landscaping plan requiring additional clearance; a structural or safety analysis; or an advertising-function study.

The statement that a 15-foot variance is necessary because the applicant desires a 25-foot sign does not establish that 25 feet is the minimum relief required.

The existing 10-foot sign demonstrates that reasonable use is already available without a variance. At most, the record establishes that the applicant prefers a taller sign.

Staff finding: Sec. 125-100. (4) has not been satisfied.

Sec. 125-100. (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

The applicant argues that approval would be consistent with the intent of the Code because off-premises signs are permitted in the C-3 district.

The permission to establish a particular sign type does not eliminate the dimensional standards governing that sign. The height regulation is itself part of the intent and purpose of the sign ordinance.

The Code permits an off-premises sign at this location, subject to the applicable standards. Granting a substantial height variance based solely on the fact that billboards are permitted would effectively disregard the express height limitation.

The requested sign would also be located near property designated Residential Low and zoned R-3 immediately east of the subject site. The applicant did not submit sufficient evidence addressing the relationship of a 25-foot digital billboard to those nearby residential properties.

a. The record also lacks detailed information concerning:
b. digital illumination levels;
c. automatic dimming;
d. hours of operation;
e. message duration;
f. transition effects;
g. landscaping; screening;
h. or other measures that could be relevant to evaluating the potential effect of the taller digital sign.

Staff does not rely upon unsupported claims that the digital sign will necessarily cause traffic accidents, reduce property values or create other specific harm. Rather, the applicant bears the burden of satisfying the variance criteria and has not provided sufficient evidence demonstrating that the requested height would be harmonious with the ordinance and non-injurious to the surrounding area.

The property is also within the City's Community Redevelopment Area. The earlier staff presentation stated that the proposal did not advance the City's objectives for economic, social and aesthetic improvement within the redevelopment area. This consideration is secondary to the variance criteria but supports careful application of the City's sign standards.

Staff finding: Sec. 125-100. (5) has not been satisfied.

ALLEGED COMPARABLE BILLBOARD

The applicant asserted in the variance materials that the City previously approved another 25-foot off-premises sign and that application of the 10-foot standard to this property is inconsistent with that prior approval.

A building permit for a proposed 25ft high Billboard sign (DPCR 22-200005667), located at 532 S US Hwy 1, was submitted on Friday July 8, 2022, and subsequently signed off by the Planning Department on August 24, 2022.

The sign, both an off-premises, and a ground sign, is located on a 0.23 Acre parcel 2410-711-0060-000-6, which is zoned C-3 and is designated with a Future Land Use of General Commercial. The Property is located on a busy highway and within a primarily commercially zoned area, which is within 160 ft of an Industrially zoned railyard. The property of this appeal is located on Commercially zoned property adjacent to Residential property.

The Code provisions in effect at the time are essentially the same as those currently in effect. No variance was requested. The sign did not meet sign code but was approved.

The existence of another 25-foot sign does not, by itself, establish that the subject property has a right to the same height. A variance decision must be based on the conditions of the subject property and the required variance criteria.

(see Exhibit I - permit and zoning records for the alleged comparable sign.)

BOARD OF ADJUSTMENT DECISION

At the May 28, 2026, Board of Adjustment hearing, staff presented the applicable sign regulations and variance criteria; the applicant was given an opportunity to present evidence; no public comment was offered; no Board member disclosed an ex-parte communication; the Board considered whether the application differed materially from the earlier request; the Board found that the variance criteria had not been met; and the Board unanimously voted to deny the application.

The minutes reflect that the Board members agreed that the applicant did not satisfy the variance criteria and that no substantial change had occurred since the previous variance request, other than construction of the approved 10-foot billboard.

The existence of the existing compliant sign provides further support for the Board's finding that reasonable use of the property is available without the requested variance.

EVIDENCE SUPPORTING DENIAL

The property contains approximately 0.25 acre. The proposed sign is both an off-premises sign and a ground sign.

Staff consistently applied a 10-foot ground-sign height standard to the subject parcel.

1. The applicant seeks to increase the sign height from 10 feet to 25 feet.
2. The property presently contains a permitted 10-foot billboard.
3. The applicant did not identify a physical property condition requiring a 25-foot sign.
4. The applicant did not provide a visibility or line-of-sight analysis.
5. The applicant did not provide a landscape plan establishing the need for additional height.
6. The applicant did not provide evidence of vandalism or a security assessment.
7. The applicant did not provide an engineering analysis concerning potential vehicle impacts.
8. The applicant did not establish deprivation of a right commonly enjoyed by similarly situated properties.
9. The applicant did not demonstrate that 25 feet is the minimum height necessary.
10. The applicant did not provide sufficient evidence addressing the potential effects of a taller digital billboard on nearby residentially designated and zoned property.

The Board of Adjustment considered the evidence and unanimously concluded that the mandatory variance criteria were not met.

CONCLUSION

The record demonstrates that the applicant can and does make reasonable use of the property through the existing permitted 10-foot billboard.

The request for a 25-foot sign (a 15ft increase) is based primarily on a preference for increased visibility, landscaping clearance, security and advertising effectiveness. Those considerations were not supported by technical evidence establishing a peculiar property condition or an unnecessary and undue hardship.

The applicant did not establish:

1. a special condition peculiar to the property;
2. a hardship not resulting from the proposed sign design or chosen use;
3. deprivation of a commonly enjoyed property right;
4. that 25 feet (15 feet height increase) is the minimum variance necessary; or
5. that the proposal satisfies the intent and public-welfare components of the variance standard.

Because all five criteria must be satisfied, the Board of Adjustment had a competent substantial evidentiary basis to deny the variance.

STAFF RECOMMENDATION

Planning staff recommends that the City Commission affirm the May 28, 2026, decision of the Board of Adjustment and deny the appeal by reason that the record supports the Board's determination that the applicant did not establish all five mandatory variance criteria. In particular:

1. No special physical condition peculiar to the property was demonstrated that requires a 25-foot billboard.
2. The asserted hardship arises primarily from the applicant's preferred sign design, visibility and commercial objectives.
3. Literal application of the Code does not deprive the property owner of reasonable use or of a right commonly enjoyed by similarly situated properties.
4. The existing permitted 10-foot billboard demonstrates that reasonable billboard use is available without the variance.
5. The applicant did not establish that a 25-foot height is the minimum variance necessary.
6. The applicant did not provide sufficient evidence demonstrating that the requested height would be consistent with the intent of the applicable sign regulations and would not adversely affect the surrounding area or public welfare.

RECOMMENDED MOTION

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

Exhibits:

A: Staff Presentation in Respect of the Appeal.
B: Staff Memo in Respect of the Appeal.
C: Staff Agenda item – BOA 5-28-26.
D: Staff Report – BOA 5-28-26.
E: Staff Presentation – BOA 5-28-26.
F: Staff Supporting Documents – BOA 5-28-26.
G: Applicant File – BOA 5-28-26.
H: BOA Minutes – BOA 5-28-26.
I: US-1 Commercial Billboard Permit.