

Planning Staff Analysis

V26-0007 / Texaco 525 Eagle Dr

City Council District #3

REQUEST:

Hold a public hearing and consider approval of a variance from Chapter 33 Signs and Advertising Devices of the Code of Ordinances, specifically Section 33.14.2(c) as it relates to the minimum setback from a side yard property line, to allow for a sign with a side yard setback of approximately 3 feet 7 inches for an existing gas station, located on an approximately 0.23-acre property on the south side of Eagle Drive and approximately 235 feet west of Cleveland Street.

STAFF RECOMMENDATION

Staff do not find that all the criteria are strictly met; therefore, staff does not recommend approval of the variance. However, staff have no objection should the Zoning Board of Adjustment find that the request meets the spirit and intent of the criteria for approval in the DDC and Chapter 33 of the Code of Ordinances.

SITE DATA:

The 0.23-acre subject property is located on the south side of Eagle Drive within the City of Denton. The property was developed in 1975 and has maintained the same layout since then. Its current use is Automotive Fuel Sales (i.e. gas station). The existing site has a drive approach approximately six feet from the side property line and is nearly all paved over, except for the buildings, for vehicle circulation and parking. The owner removed a legally, nonconforming sign and placed the current sign, the subject of this sign variance, in approximately the same location without a permit. The current sign is setback approximately 3 feet 7 inches from the side yard property line.

CONSIDERATIONS:

Section 33.14.2(c) of the Code of Ordinances requires signs be setback a minimum of 10 feet from side yard property lines. The existing sign has a setback of 3 feet 7 inches from the side yard property line. Placing the sign in compliance with the standards would put it in a drive aisle. Due to the existing site layout, there is limited space for the sign to be placed where it would not interfere with vehicle circulation on site.

Per Subsection 33.6(b) of the Code of Ordinances, the Zoning Board of Adjustment is authorized to hear all appeals, variances, and special exceptions in accordance with powers, rules and procedures applicable. Any property owner seeking relief from Chapter 33 of the Code of Ordinances may request a variance when the strict application of the standards would meet the approval criteria listed in Section 33.6(b)(3) and DDC Subsection 2.8.1D. In reviewing a variance application, the Zoning Board of Adjustment shall find that all of the following exist:

- 1. Special circumstances or conditions apply to the parcel for which the variance is sought, which circumstances or conditions are peculiar to such parcel and do not apply generally*

to other parcels in the same district or neighborhood and that said circumstances or conditions are such that the strict application of the provisions of this DDC would deprive the applicant of the reasonable use of such parcel;

The existing drive approach is approximately six feet from the side property line and leads to a drive aisle that runs parallel to the property line at the same distance or closer. Additionally, the rest of the property frontage is paved for use as a drive aisle (see Exhibit 6). These conditions create a situation where the strict application of the Sign Code Ordinance would require the sign be placed in the middle of an existing drive aisle. This would create a safety hazard that may deprive the applicant of the reasonable use of such parcel unless significant site changes were made to the property.

The development pattern of paving nearly the entire site except the structure is a pattern typical of older developments, but it is not necessarily unique to this parcel. However, as properties in the City redevelop, this pattern becomes less prevalent due to current development standards. For example, a new development on the subject property would be required to provide a minimum 20% landscape area onsite, including a 15-foot-wide landscape buffer along the side property line in question where a sign could be placed in and comply with the City's minimum standard.

2. *The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the district or neighborhood in which the parcel is located;*

Granting the variance will not be detrimental to the public welfare. The monument sign complies with current height and size standards. The sign also complies with the setback requirement from the front property line and thus does not obstruct visibility of vehicles entering and exiting the site nor use of the public sidewalk.

3. *The variance granted is the minimum variance that will accomplish this purpose;*

The variance, if granted, is the minimum needed to accomplish its purpose. A side yard setback of 3 feet 7 inches is the minimum needed to ensure the sign is not placed in a drive aisle.

4. *The literal enforcement and strict application of the provisions of the DDC will result in an unnecessary hardship inconsistent with the general provisions and intent of this DDC and that in granting such variance the spirit of the DDC will be preserved and substantial justice done;*

The strict application of the Sign Code Ordinance would result in an unnecessary hardship inconsistent with the general provisions and intent of the City's standards. Per Section

33.14.2(c) of the Code of Ordinance, the monument sign is required to be at least 10 feet from the side yard property line. According to the applicant, compliance with this standard would place the sign in the middle of an existing drive aisle used for entry into and exit from the site and circulation around the gas station canopy (see Exhibit 5). This would create a safety hazard for individuals attempting to navigate the site and a hardship on any owner attempting to use the site. There is no practical alternative location for the sign that would not create a safety hazard, per the applicant, except for the location proposed by this variance. Granting the variance would preserve the spirit of the Sign Code Ordinance and DDC to promote the safety of the City's inhabitants.

5. *The granting of a variance is not solely for the purpose of mitigating a financial hardship; and*

As discussed herein, the granting of the variance is to prevent a safety hazard that would result from the strict enforcement of the City's regulations, and it is not solely for the purpose of mitigating a financial hardship.

6. *The condition or feature that creates the need for the variance did not result from the owner's actions.*

The property's current site layout did not result from the current owner's actions. According to records from the Denton County Appraisal District (see Exhibit 9), the current owner purchased the property in 2025, but the site was developed in 1975. Furthermore, the City has not received permits to modify the location of driveways and vehicle lanes since the adoption of the Sign Code Ordinance in 2014.

The board may grant a variance from a requirement of Chapter 33 if it finds all the following exist:

1. *Due to some unique condition or feature of the property which is not generally common to other properties, literal compliance with the sign regulation would cause unnecessary hardship;*

As discussed in the Criteria above, the proximity of the drive approach and connected drive aisle to the side yard property line causes an unnecessary hardship since literal compliance would create a safety hazard and the current location does not. While this site condition is not unique to this parcel, it is becoming less prevalent as properties redevelop under the current development standards.

2. *The granting of the variance will not violate the spirit or the intent of the ordinance; and*

As discussed in the Criteria above, the granting of the variance is anticipated to maintain the spirit or intent of the ordinance and not violate it.

3. *The condition or feature, which creates the need for the variance, did not result from the property owners' acts.*

As discussed in the Criteria above, the development of the site—including the location of the driveways and vehicle lanes—did not result from the current property owner's actions.

4. *The Board shall not grant a variance to any applicant solely for personal convenience, financial hardship, or other reasons unrelated to the property.*

As discussed in the Criteria above, this variance seeks to prevent a safety hazard associated with conditions of the site and is not solely for personal convenience or financial hardship.