
City Council Regular Meeting

DEPARTMENT: Development Services
FROM: Tony McIlwain, Development Services Director
MEETING: February 3, 2025

SUBJECT:

Dairy Queen located at 1620 SW Wilshire BLVD (Case 24-365): Consider approval of a resolution for variances to Chapter 63, Sign Regulations, relating to type of sign and the setback of the proposed sign, allowing for the installation of a pole sign instead of the allowed monument sign and for the sign to be approximately eight feet six inches (8'6") from the side property line instead of the required ten feet (10'). *(Staff Presenter: Tony McIlwain, Development Services Director) (No Planning and Zoning Commission action was required for this item.)*

SUMMARY:

On December 9, 2024, an application was submitted by Molly Brown with Comet Signs (Applicant on behalf of Mayfield Usher LLC (owner) of Dairy Queen, for sign variances allowing for a pole sign instead of the allowed monument sign and for the proposed pole sign to be approximately eight feet, ten inches (8'10") from the northeast side property line instead of the required ten feet (10').

During the construction of the new restaurant, a public sewer line extension was required along SW Wilshire BLVD which in turn increased the required utility easement from ten feet (10') to twenty-five feet (25') along the front property line adjacent to SW Wilshire BLVD.

Due to the depth of an existing manhole, the new sewer line had to be installed shallower than the original design. This decrease in pipe depth required that if the monument sign were to be installed in its approved location, it would require a Right-of-Way Use agreement as well as encasing the pipe in concrete due to separation of the signs designed footer and the new sewer line which is approximately two feet (2').

Planning Analysis

Section 63-50 (a) (Generally) of the Sign Ordinance contains the following standard:

- All freestanding signs shall be setback a minimum of ten feet from the property line

Section 63-56 (a)(4)(a) (Pole Signs) of the Sign Ordinance contains the following Standard:

- Signs shall be allowed to locate on premises with frontage onto IH 35 and within the North Wilshire Sign Corridor only.

- a. North Wilshire Sign Corridor map (see figure 63-H below). The extent of the North Wilshire Sign Corridor is defined as properties fronting on either side of Wilshire Boulevard, north of Elk Drive and south of IH 35.

The applicant was informed that the sign would need variances as proposed. The applicant's justification for approval in granting the variances has been attached as Exhibit 4.

Approval Standards in Granting a Variance.

(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

Consideration
Special conditions exist that are peculiar to the land, structure or building involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.
The strict interpretation of the chapter would deprive the applicant of rights commonly enjoyed by other properties in the vicinity under the terms of this chapter.
Special conditions and circumstances do not result from the actions of the applicant(s) and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.
Granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare
The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
Granting the variance will be in harmony with the spirit and purpose of this chapter.

RECOMMENDATION:

Staff recommends denial of variances to Chapter 63, Sign Regulations, as requested.

PRIOR ACTION/INPUT (Council, Boards, Citizens):

None

REFERENCE:

burlesontx.com | 817.426.9611 | 141 W Renfro Street, Burleson, Texas 76028

<https://ecode360.com/39934165#39934166>

<https://ecode360.com/39934165#39934251>

FISCAL IMPACT:

None

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