



THE CITY OF MOBILE, ALABAMA
BOARD OF ZONING ADJUSTMENT
LETTER OF DECISION

****CORRECTED****

December 8, 2016

BJ's Restaurants, Inc.
7755 Center Ave. Suite 300
Huntington Beach, CA92647

Re: #6070
(Case #ZON2016-02171)
BJ's Restaurants, Inc.
3748 Airport Boulevard
(North side of Airport Boulevard, 410'± East of Lleyne Avenue)

Dear Applicant(s) / Property owner(s):

On December 5, 2016, the Board of Zoning Adjustment considered your request for a **Sign Variance to allow 5 wall signs and 1 freestanding sign for a single business site in a B-3, Community Business District; the Zoning Ordinance allows 2 wall signs and 1 freestanding sign per single business site in a B-3, Community Business District** at the above referenced location.

After discussion, the Board determined the following findings of facts for Denial:

- 1) Approving the variance will be contrary to the public interest in that it would not afford other similar businesses within the area an equal and fair opportunity to advertise and promote their products and services;**
- 2) Special conditions (the applicant needs additional signage due to the building's setback) do not exist such that the literal enforcement of the provisions of the chapter will result in an unnecessary hardship as the business is allowed a prominent freestanding sign for itself; and**
- 3) The spirit of the chapter shall not be observed and substantial justice shall not be done to the surrounding neighborhood by granting the variance because the proposed signage could set a precedent for other businesses within the area to be allowed additional wall signage creating a cluttered and unfavorable physical image.**

It should be noted that the proposed silhouette image on the front wall and the mural on the rear wall are not considered signage and are allowable under the Sign Regulation Provisions of the Zoning Ordinance. These would not count toward the number or size of allowable wall signs requiring permits.

Any party aggrieved by this decision may, within fifteen days of the date of the decision, appeal to the Circuit Court of Mobile County by filing a written notice of appeal, specifying the decision from which the appeal is taken. Notice of the appeal, as well as a date stamped copy of the appeal filed in Circuit Court must be filed with this Board within the fifteen-day appeal period.

Sincerely,

BOARD OF ZONING ADJUSTMENT

William Guess, Chairman

By: Marie York
Marie York, Planner II

cc: White-Spunner Investment, LLC
AW-S CO LLC AN AL LIMITED
McCrory Williams, Inc.

/lr