

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT****Date: May 4, 2015****CASE NUMBER**

5968

APPLICANT NAME

J. Burmeister, LLC. / Todd Dempsey

LOCATION

(North side of Airport Boulevard, 405'± West of Border Drive)

VARIANCE REQUEST**SIGN:** To allow 4 wall signs and a monument sign for a proposed restaurant on a single tenant site in a B-3, Community Business District.**ZONING ORDINANCE
REQUIREMENT**

The Zoning Ordinance allows 2 wall signs and 1 freestanding or 3 wall signs and no freestanding sign for a business on a single tenant site in a B-3, Community Business District.

ZONING

B-3, Community Business District.

AREA OF PROPERTY

1.1± Acres

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 7

ANALYSIS

The applicant is requesting a Sign Variance to allow 4 wall signs and a monument sign for a proposed restaurant on a single tenant site in a B-3, Community Business District; the Zoning Ordinance allows 2 wall signs and 1 freestanding or 3 wall signs and no freestanding sign for a business on a single tenant site in a B-3, Community Business District.

This site appeared before the Board at its June 4, 2012 meeting where the Board approved a request to allow a total of three wall signs and denied a request for an increase in square footage and height of a freestanding sign for Academy Sports + Outdoors.

The Zoning Ordinance states that no variance shall be granted where economics are the basis for the application; and, unless the Board is presented with sufficient evidence to find that the variance will not be contrary to the public interest, and that special conditions exist such that a literal enforcement of the Ordinance will result in an unnecessary hardship. The Ordinance also

states that a variance should not be approved unless the spirit and intent of the Ordinance is observed and substantial justice done to the applicant and the surrounding neighborhood.

Variances are not intended to be granted frequently. The applicant must clearly show the Board that the request is due to very unusual characteristics of the property and that it satisfies the variance standards. What constitutes unnecessary hardship and substantial justice is a matter to be determined from the facts and circumstances of each application.

Applicant's statement: *Burmeister, LLC or its assigns (the "developer") is submitting this application to request a variance to the signage code for this parcel in order to provide the tenant with their standard signage package. The current zoning code allows for a maximum of three (3) signs (one monument or pylon and two (2) building) to be located on site. The tenant's standard signage package calls for four (4) building signs and one (1) monument sign. Therefore, the developer is requesting the variance for two (2) additional building signs. Those building signs are shown on the elevations as building sign B and C which are both just under twenty five square feet (24'8") in total square footage (80.375" x 44.375" = 24'77") for a total of just under fifty square feet (49'6") feet for the total of the two signs requested in the variance. Based on City of Mobile code, the building signage square footage for the parcel is allowed to be a maximum of thirty percent (30%) of the usable wall area or three hundred fifty (350) square feet. The code allows for square footage limitations for a pylon or monument sign of one (1) square foot per linear foot of street frontage or two hundred (200) square feet of display area per side with a maximum height of thirty five (35) feet. The total square footage of the Newk's standard building signage package for this parcel will not exceed one hundred forty (140) square feet. The total square footage of the Newk's monument sign will be less than forty three (43) square feet. The monument sign will not exceed six (6) feet in height. The total building and monument signage combined for the parcel will be less than one hundred eighty three (183) square feet. As a result, the total square footage for the signs on site is well below what the code allows. Therefore, the developer requests approval of a signage variance for the above changes to the signage requirements to allow the tenant to have their standard signage on their building. The developer plans to close on the property in the summer of 2015 and start construction immediately. The developer plans to finish construction in the fall of 2015 with plans to open before the end of the year.*

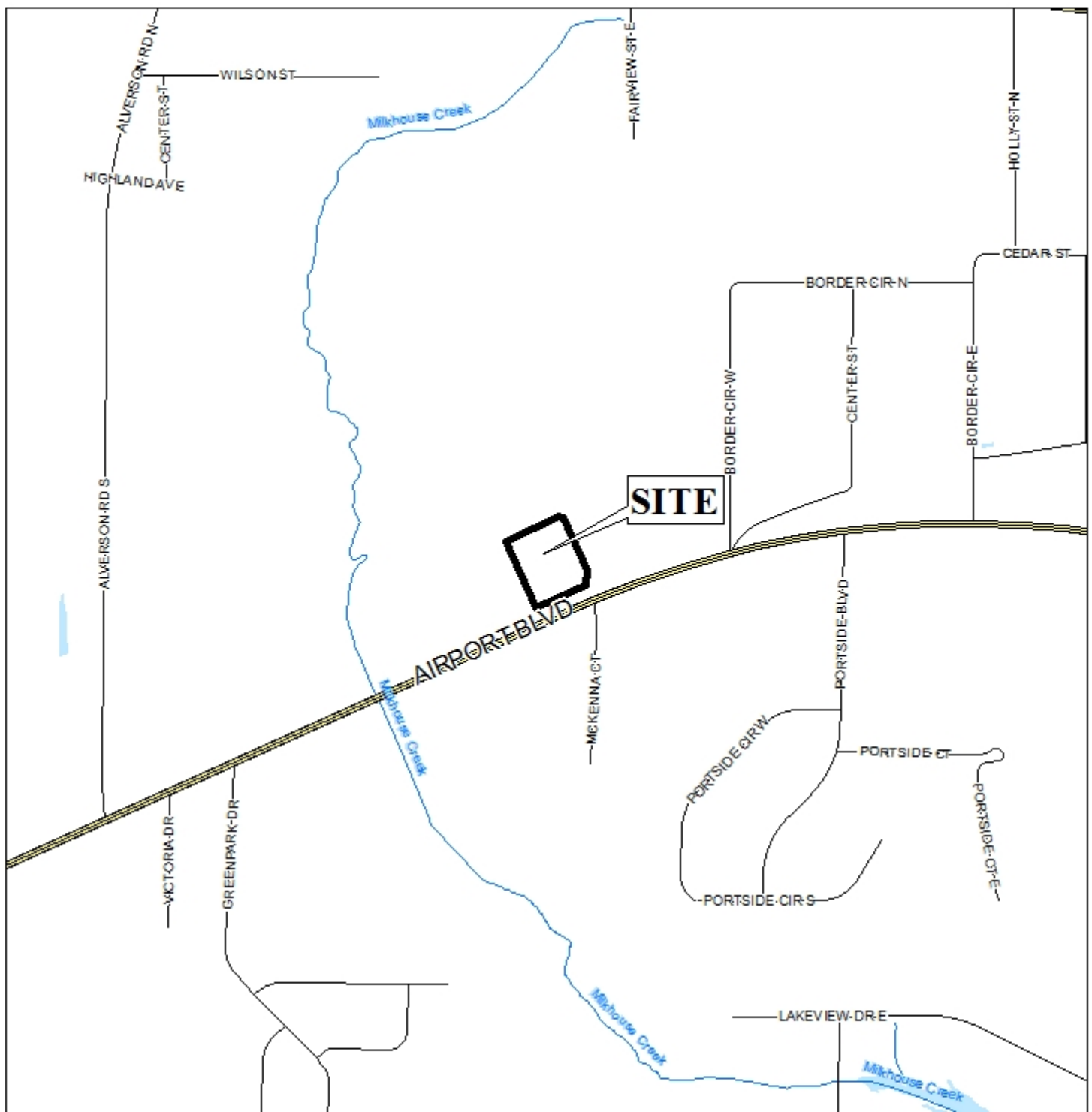
The applicant states that the proposed restaurant's standard sign package includes 4 wall signs and 1 monument sign, which results in a hardship to the applicant as this site only allows a total of 3 signs by-right. The sign information submitted is for a building in Katy, Texas and does not appear to reflect the footprint of the building approved at the April 16th meeting of the Planning Commission. Thus, the information is inaccurate and cannot be considered.

RECOMMENDATION

Based upon the preceding, Staff recommends to the Board the following findings of fact for denial for the following reasons:

- 1) Inaccurate information submitted; and
- 2) No hardship, but simply a desire for the standard sign package.

LOCATOR MAP



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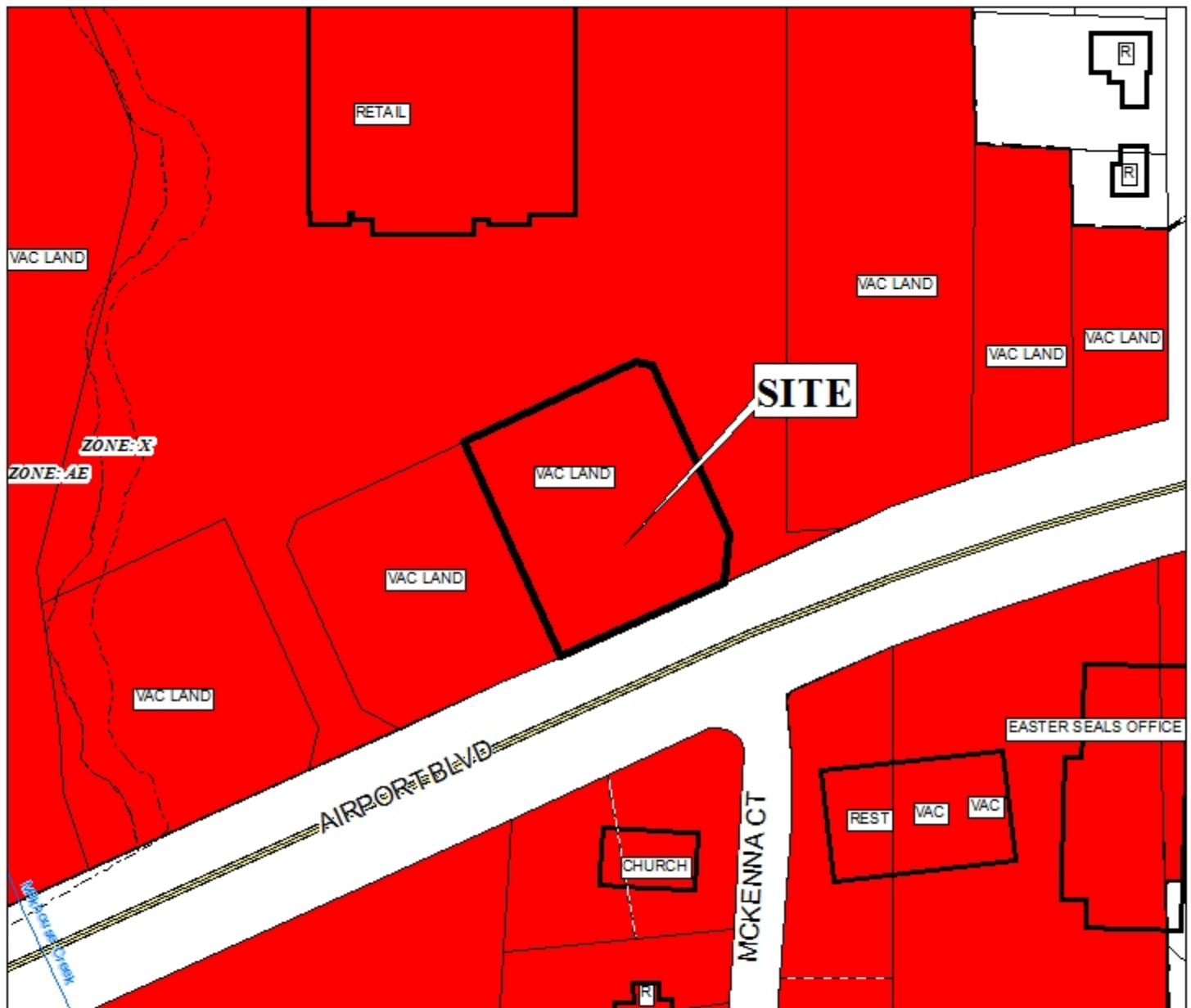
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REQUEST Sign Variance



BOARD OF ADJUSTMENT

VICINITY MAP - EXISTING ZONING



The site is surrounded by miscellaneous commercial and residential units.

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REQUEST Sign Variance

R-A	R-3	T-B	B-2	B-5	MUN	SD-WH	T5.1
R-1	R-B	B-1	B-3	I-1	OPEN	T3	T5.2
R-2	H-B	LB-2	B-4	I-2	SD	T4	T6



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING

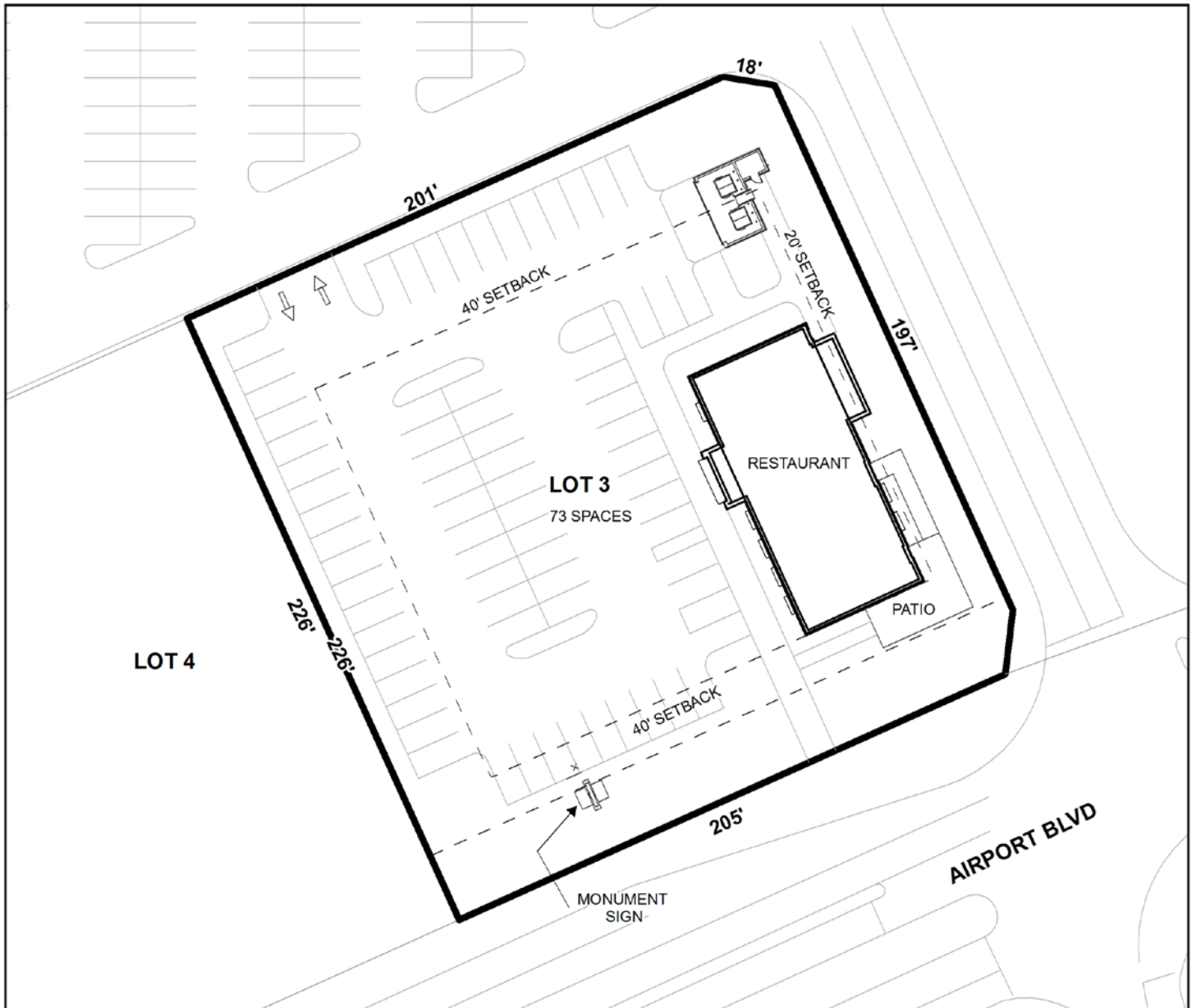


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SITE PLAN



The site plan illustrates the proposed restaurant, setbacks, and parking.

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