

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

5969

APPLICANT NAME

Lori Watkins, ID Associates, Inc.

LOCATION425 Schillinger Road South
(East side of Schillinger Road South, 425'± South of
Airport Boulevard)**VARIANCE REQUEST****SIGN:** To allow 4 wall signs and a freestanding sign for an
restaurant in a B-3, Community Business District**ZONING ORDINANCE
REQUIREMENT**The Zoning Ordinance allows 2 wall signs and 1
freestanding sign for a restaurant in a B-3, Community
Business District.**ZONING**

B-3, Community Business District.

AREA OF PROPERTY

0.52± Acres

**TRAFFIC ENGINEERING
COMMENTS**

This request was not reviewed by Traffic Engineering.

**CITY COUNCIL
DISTRICT**

District 6

ANALYSIS

The applicant is requesting a Sign Variance to allow 4 wall signs and a freestanding sign for a restaurant in a B-3, Community Business District; the Zoning Ordinance allows 2 wall signs and 1 freestanding sign for a restaurant in a B-3, Community Business District.

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:

Dear Board of Zoning Adjustment,

Wendco of Alabama, Inc. owner of the Wendy's restaurant on Schillinger Road respectfully requests a sign variance for the number of signs allowed and on an additional building elevation.

Wendy's will apply for signs permits for the following signs as they are allowed by code:

- A. Front elevation — One 36" illuminated Wendy's wall sign with cameo — Sign F 32.1 SF*
- B. Right elevation — One 36" illuminated Wendy's wall sign with cameo and Quality Is Our Recipe non-illuminated PVC letters - Sign A 84.79 SF*
- C. Left elevation — Thank you blade sign non-illuminated with no cameo — Sign E 2 SF*
- D. Pylon Sign — Replacement faces for existing hi-rise cabinet*

The sign variance applies to the following signs which have been determined to require a variance:

- A. Left elevation — One 36" illuminated Wendy's wall sign with cameo— Sign C 32.1 SF.*
- B. Left elevation - Quality Service That Doesn't Cut Corners Is Our Recipe non-illuminated PVC letters - Sign D 30.8 SF*

The purpose of the sign variance is to allow additional signs on the building which will provide additional building recognition to customers in the shopping center. The signs on the drive thru elevation are not visible from the right of way.

Due to the building layout, the right elevation and the front elevation face public right of ways and will provide visibility to potential customers on Schillinger Road and Airport Blvd. Signs on the drive thru elevation face into the parking lot of the shopping center and would provide additional guidance for customers within the shopping center. These two signs will require a variance.

Code will only allow two signs which Wendy's will be permitting and installing on the front and right elevation as noted previously. A variance for the two signs on the drive thru elevation will be required; however it should be noted that the signs are not visible from the right of way and provide signage to customers in the shopping center. The shopping center is congested as is, and would provide visibility to customers unlike neighboring properties.

Based on these statements, Wendy's respectfully requests your approval of the sign variance request.

The sign request is based on the fact that the site is being redeveloped with a new Wendy's. the previous building appears to have had signage on all four sides. It appears that two adjacent competitors within the same shopping center also have 3 to 4 wall signs; however, they were built prior to annexation into the City. Since the site in question is being completely redeveloped full sign compliance is required, with the exception of the non-conforming freestanding sign.

The proposed sign C is a typical Wendy's wall sign and although the proposed sign D is composed of only words and does not have a Wendy's logo, a sign permit is required since the sign is greater than 25 square feet and advertises a product or service the business offers.

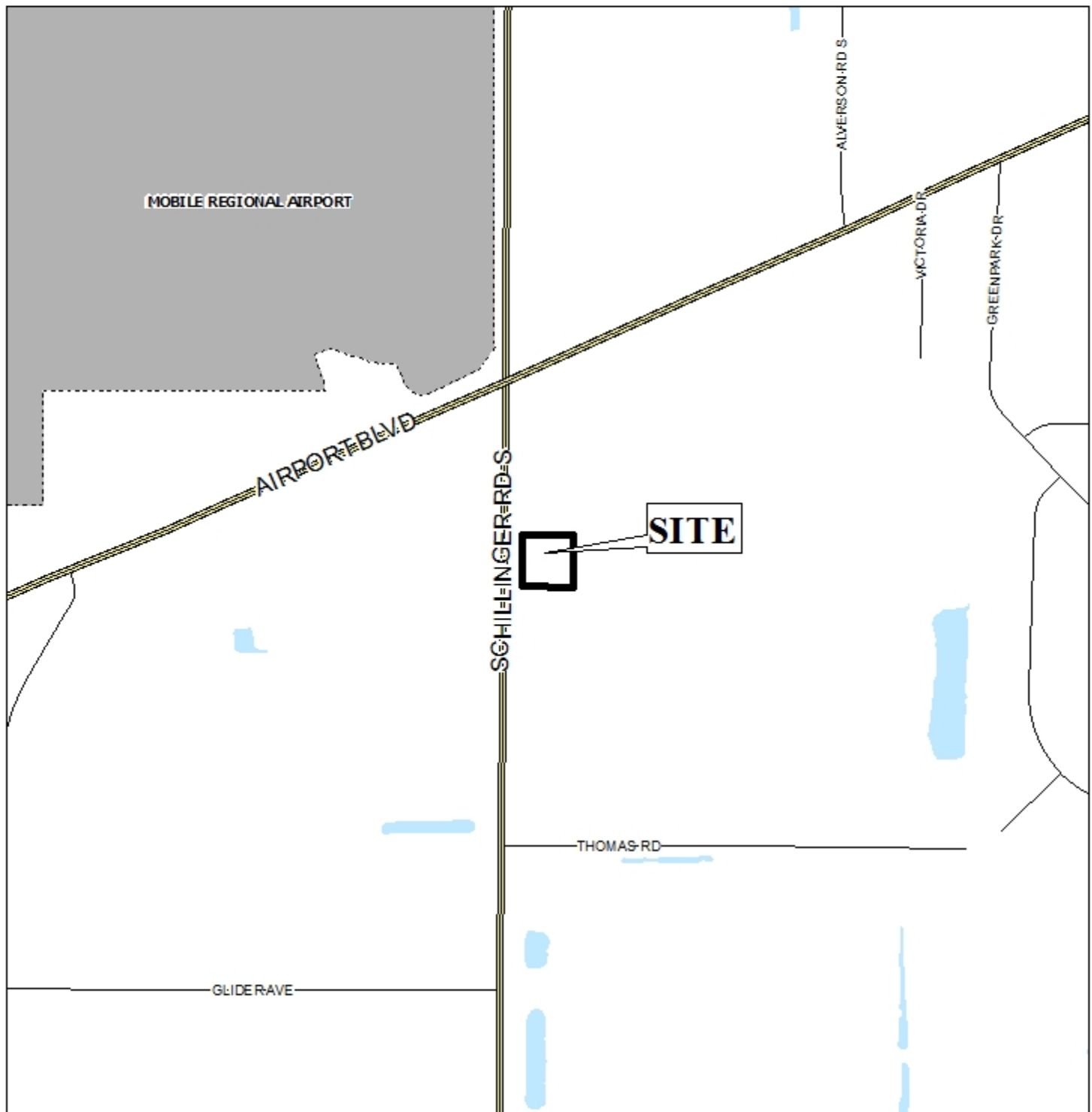
The approval of this request is contrary to the public's interest since the site is being redeveloped and a newly built structure fronting Schillinger's, within the shopping center, provided compliant signage.

RECOMMENDATION

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

- 1) Approving the variance requests will be contrary to the public's interest since redevelopment requires compliance;
- 2) Special conditions do not exist that a literal enforcement of the provisions of the chapter will result in unnecessary hardship to the applicant; and
- 3) That the spirit of the chapter shall not be observed and substantial justice not done to the applicant and the surrounding neighborhood by granting the variance since approving the variance will set the precedent for other newly built business to seek similar signage requests.

LOCATOR MAP



APPLICATION NUMBER 5969 DATE May 4, 2015

APPLICANT Lori Watkins, ID Associates, Inc

REQUEST Sign Variance



BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units.

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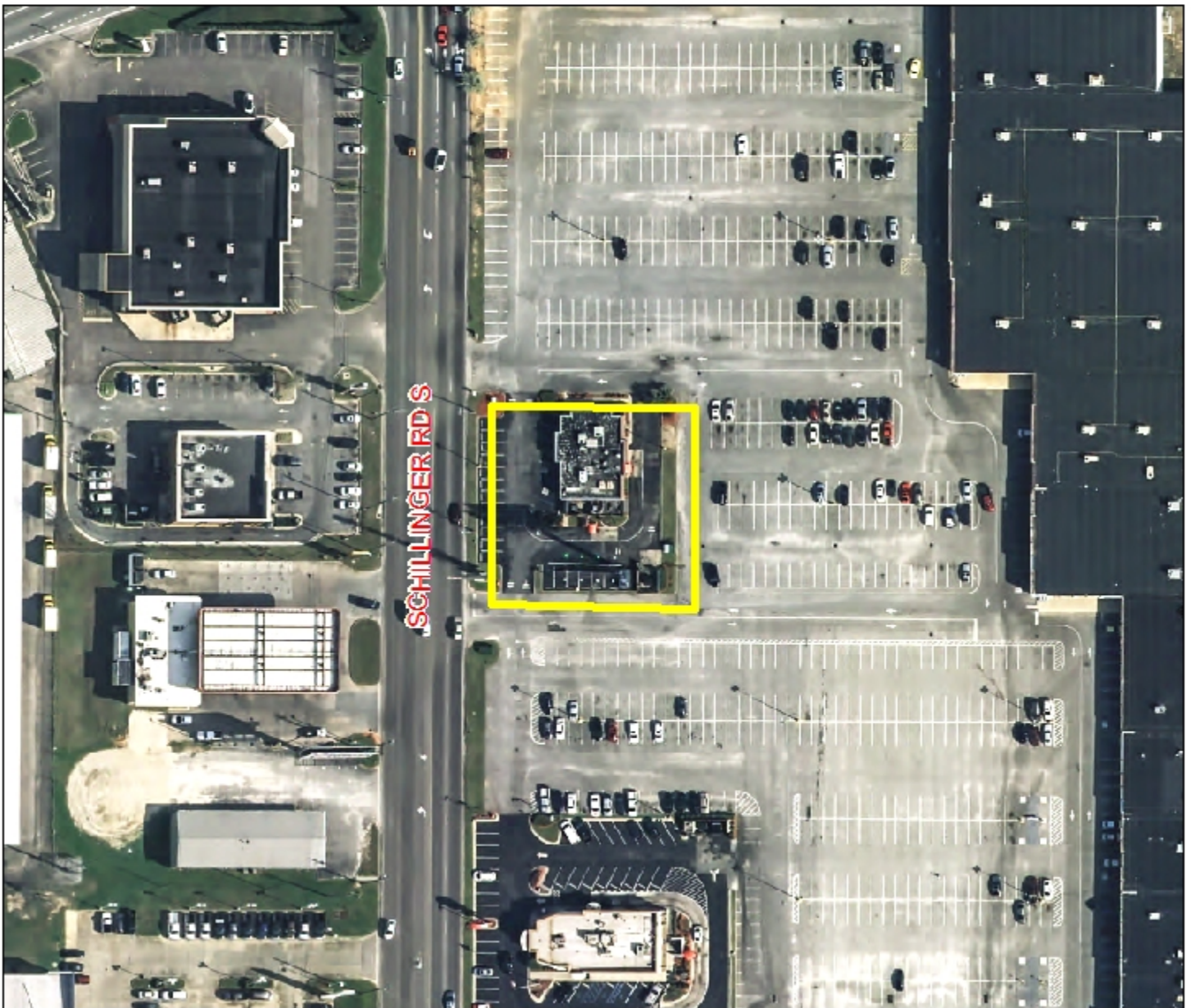
APPLICANT Lori Watkins, ID Associates, Inc

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

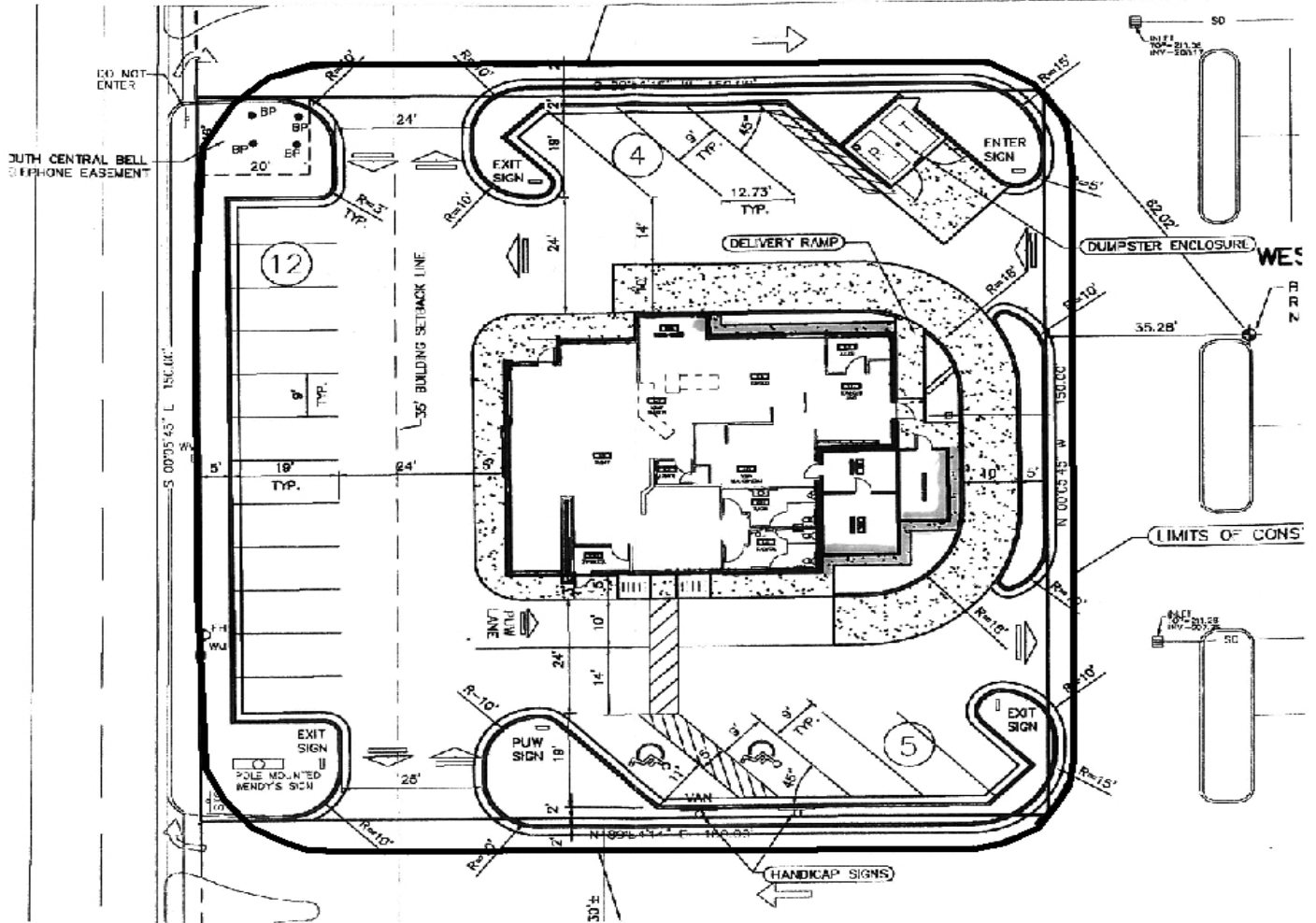


The site is surrounded by commercial units.

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SITE PLAN



The site plan illustrates the existing building, setback, and parking.

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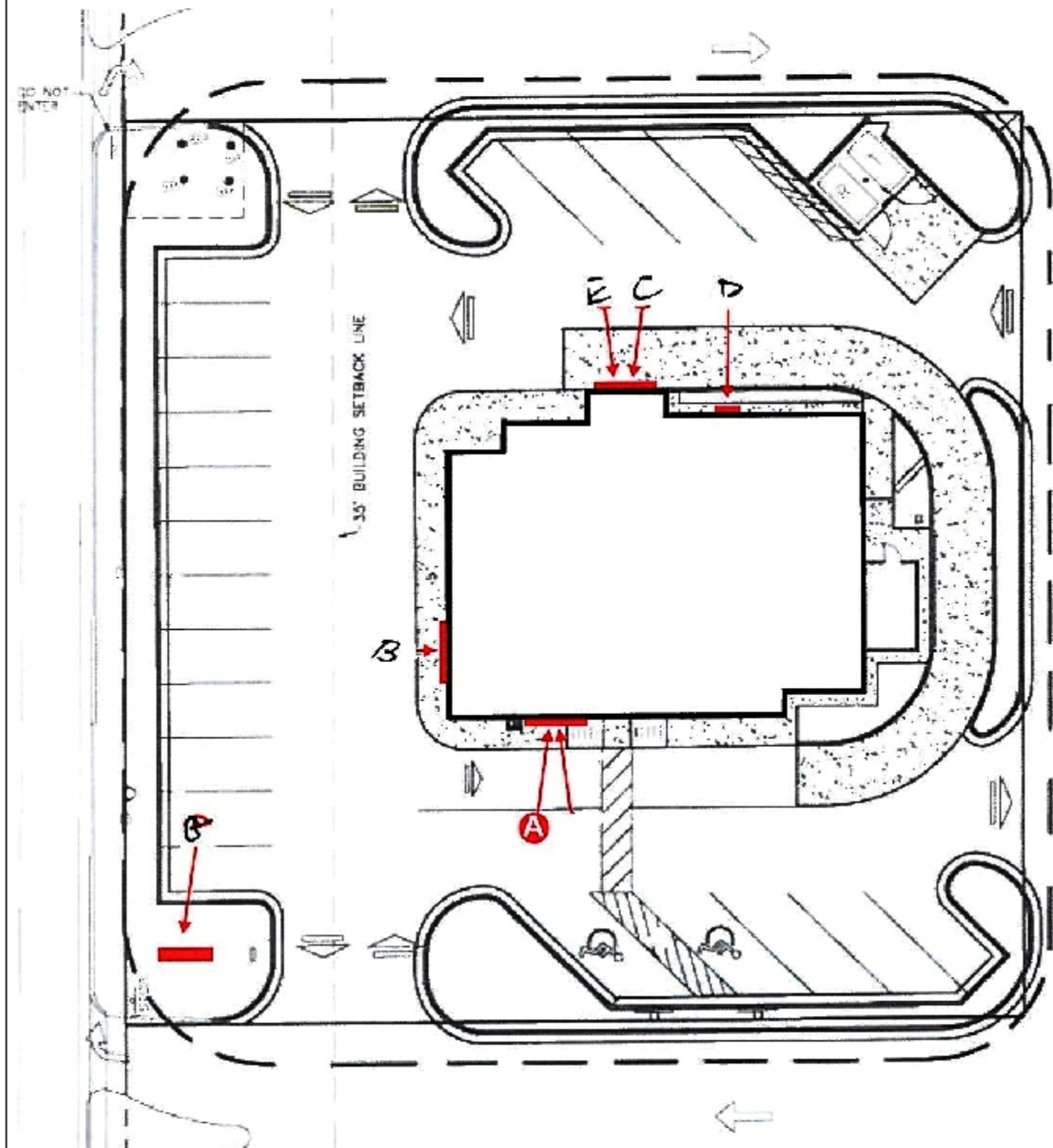
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REQUEST Sign Variance



NTS

DETAIL SITE PLAN



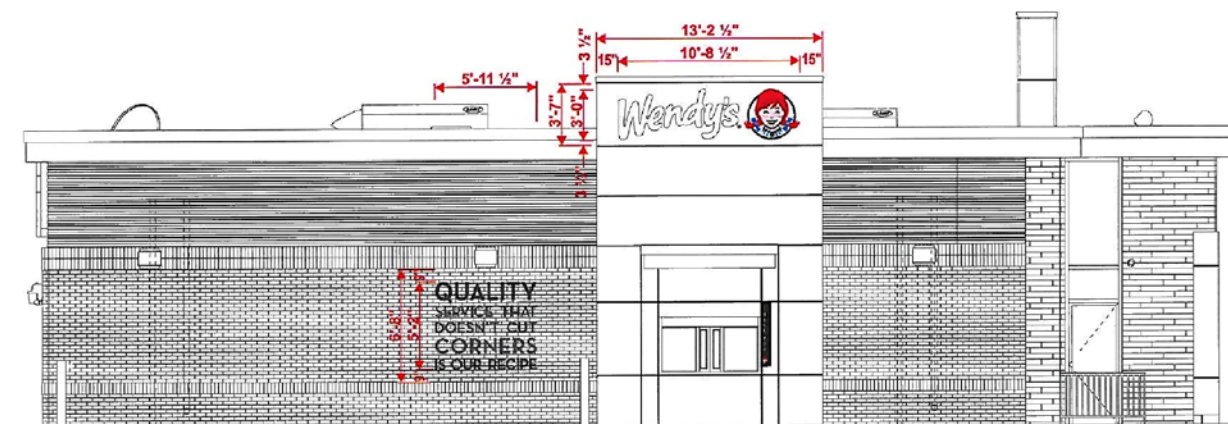
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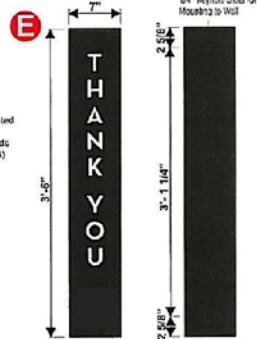
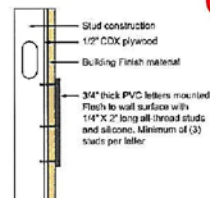
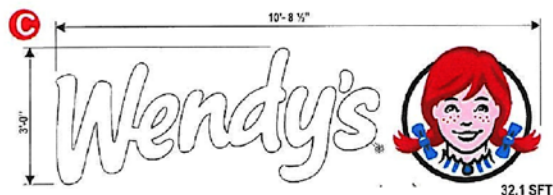


DETAIL SITE PLAN



DRIVE-THRU ELEVATION

Scale: 1/8" = 1'-0"



NON-ILLUMINATED BLADE SIGN

- Aluminum Construction
- Wall Mounted
- 1/2" PVC Letters
- 2 Square Feet

TY-DT

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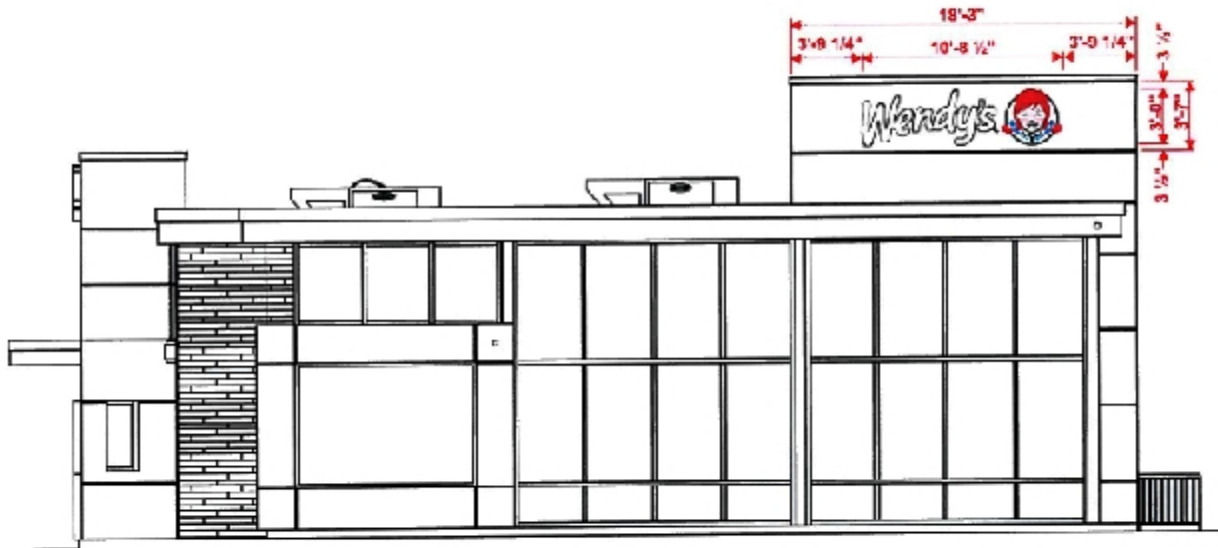
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REQUEST Sign Variance

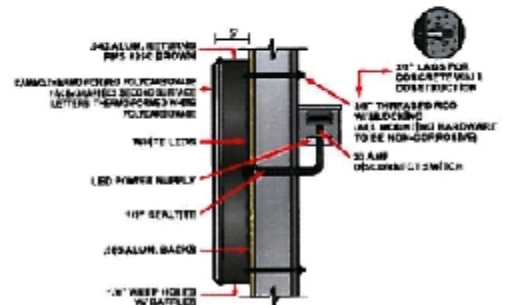
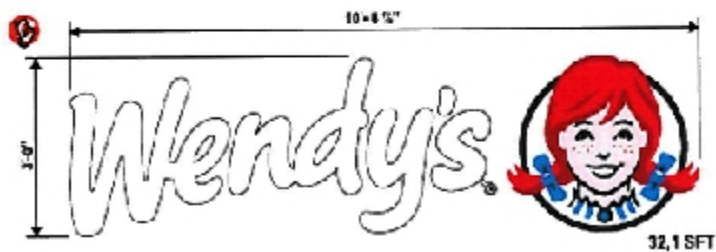


NTS

DETAIL SITE PLAN



FRONT ELEVATION
Scale: 1/8" = 1'-0"



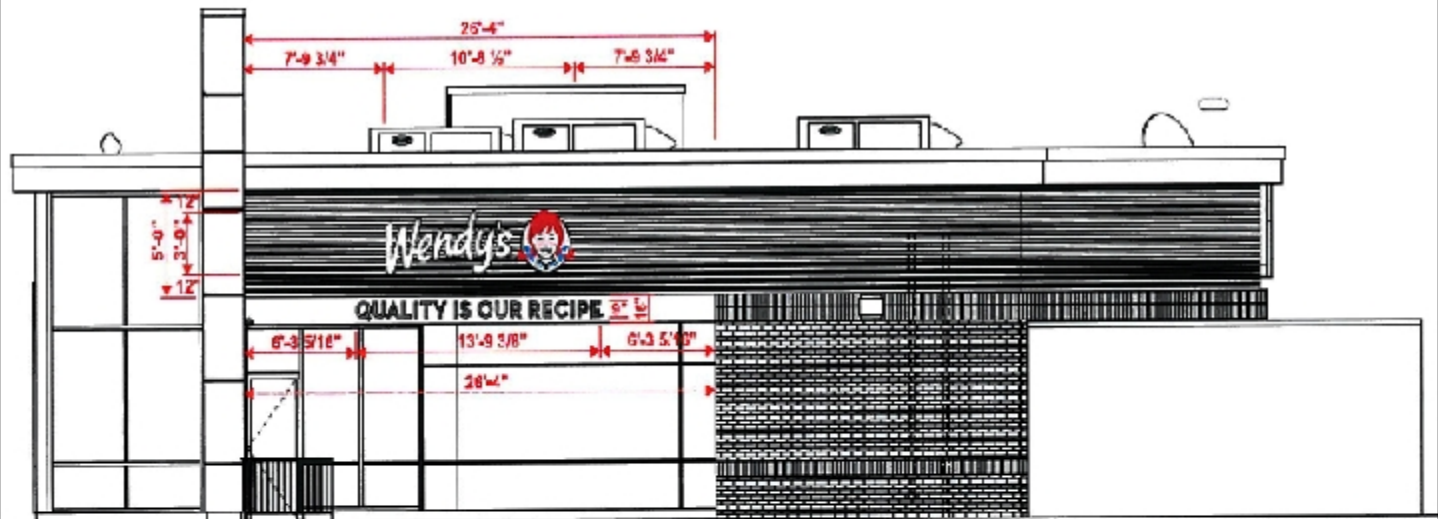
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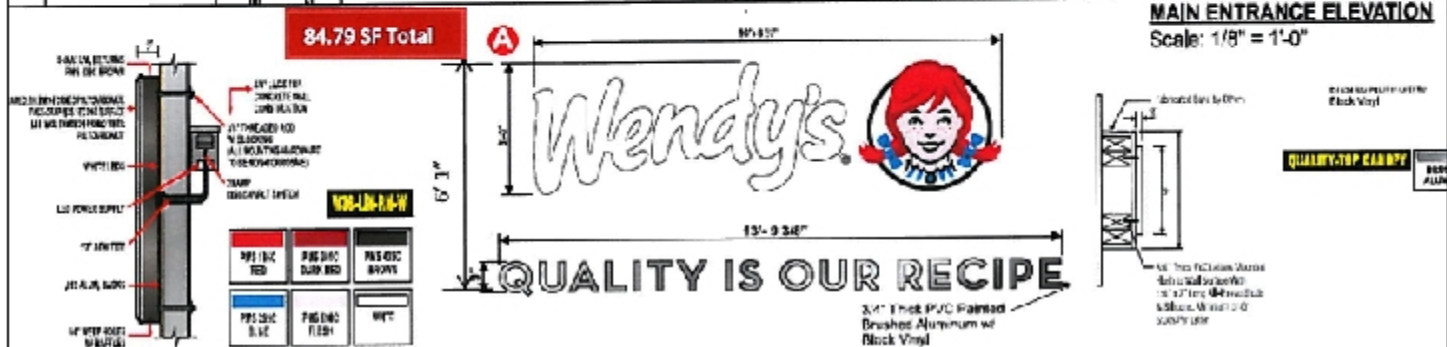
REQUEST Sign Variance



DETAIL SITE PLAN



MAIN ENTRANCE ELEVATION
Scale: 1/8" = 1'-0"



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REQUEST_____Sign Variance

