

**BOARD OF ZONING ADJUSTMENT
STAFF REPORT**

Date: December 5, 2016

CASE NUMBER 6070

APPLICANT NAME BJ's Restaurants, Inc.

LOCATION 3748 Airport Boulevard
(North side of Airport Boulevard, 410'± East of Lleyn Avenue)

VARIANCE REQUEST **SIGN:** Sign Variance to allow five wall signs and one freestanding sign for a single business site in a B-3, Community Business District.

ZONING ORDINANCE REQUIREMENT **SIGN:** The Zoning Ordinance allows two wall signs and one freestanding sign per single business site in a B-3, Community Business District.

ZONING B-3, Community Business

AREA OF PROPERTY 2.1± Acres

ENGINEERING COMMENTS No comments

TRAFFIC ENGINEERING COMMENTS This request was not reviewed by Traffic Engineering.

CITY COUNCIL DISTRICT District 5

ANALYSIS The applicant is requesting a Sign Variance to allow five wall signs and one freestanding sign for a single business site in a B-3, Community Business District; the Zoning Ordinance allows two wall signs and one freestanding sign per single business site 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.

The purpose of the Sign Regulation Provisions is to promote the economic well-being of the entire Mobile community by creating a favorable physical image, to afford the business community an equal and fair opportunity to advertise and promote products and services, and to protect the right of the citizens to enjoy Mobile's natural scenic beauty.

The site was previously occupied by Cheddar's Restaurant which closed and the structure was demolished. BJ's Restaurant is now in the process of re-developing the site and desires extra signage; hence this application.

The applicant states:

The purpose of this application is to request a sign variance for additional building signage on the BJ's Restaurant at the above referenced location.

a. Front (south) elevation- *BJ's requests that the "Restaurant" letters, BJ's logo and the "Brewhouse" letters be considered one sign and each component boxed individually to determine the square footage. The Front (south) elevation has been designed to provide both horizontal and vertical relief. As a result, the entry tower is not on the same plane as the balance of the building elevation. The BJ's logo sign is placed on the tower. The "Restaurant" and "Brewhouse" letters, which flank the logo, are placed on the main building wall. While the letters are only 12 inches high, the amount of letters in the words "Restaurant" and "Brewhouse" make is necessary to provide 11 feet of wall area on either side of the logo on which to display these words. BJ's believes that the architectural design of the building and the design of signage should not be compromised in order to meet a strict interpretation of the sign ordinance. When the ordinance was created the idea of placing signage on different building planes may not have been contemplated or the length of the name of a business. BJ's meets with the spirit of the ordinance. The signage was an integral part of the building design. The signage is tasteful and appropriate to the scale of the building and to the material and color palette. If one box is drawn around all three components an extensive amount of blank wall area is included, The square footage grows from 40.3 sf, if the signs are boxed individually, to 292.55 sf if boxed in one long rectangle.*

BJ's requests that the metal architectural silhouettes on the Front (south) elevation not be considered signage. The proposed metal silhouettes should not be considered signage but rather an architectural element. There is no reference to the products or services within the building. BJ's will not be brewing beer or engaging in farming activities within the restaurant. Additional information about the metal silhouettes and the graphic mural on the Rear (north) elevation that depicts steelworkers is attached.

b. Right (east) elevation- *BJ's requests that the "Restaurant" letters, BJ's logo and the "Brewhouse" letters be boxed individually to determine the square footage and still considered one sign. In order to maintain the proper spacing of the "Restaurant", logo and*

"Brewhouse" letters on the Right (east) elevation, approximately 35 linear feet of wall area is required. If a box is drawn around this entire area an extensive amount of blank wall area is included. The square footage grows from 37.9 sf, if the signs are boxed individually, to 175.32 sf if boxed in one long rectangle.

***c. Left (west) elevation--** BJ's requests an additional sign on this elevation. Due to restrictions imposed by the property owner, BJ's building must sit further back on Airport Blvd. than the adjacent buildings on both the east and west elevations. Signage on this elevation will help to mitigate this disadvantage by providing an opportunity for potential guests to identify the building when traveling east bound. BJ's requests that the "Restaurant" letters, BJ's logo and the "Brewhouse" letters be boxed individually to determine the square footage and still considered one sign. If a box is drawn around this entire area an extensive amount of blank wall area is included. The square footage grows from 37.9 sf, if the signs are boxed individually, to 175.32 sf if boxed in one long rectangle.*

Total proposed building sign area:

If the three components of BJ's building signs, "Restaurant", logo and "Brewhouse" are boxed individually on each of the three elevations the total square footage is 116.1 sf which is far below the maximum allowable of 350 sf. The metal silhouettes are not considered in this calculation per BJ's request to have them considered an architectural element and not a sign. BJ's is not only new to Mobile but to the state of Alabama. With over a 4 million dollar investment in this project it is imperative for BJ's to successfully build their brand identity in this new marketplace. Part of BJ's marketing efforts will be to make the BJ's logo readily identifiable. The first step is to have the restaurant properly signed. Signage on both the Left (east) and Right (west) elevations will help to capture guest from both the east and west.

BJ's is prohibited from constructing their building in line with the adjacent buildings. The view of the BJ's building is thus impaired. The granting of this variance request will help BJ's to have an equal and fair opportunity to for potential guests to identify the restaurant and for BJ's to promote their brand in spite of the restrictions imposed by the property owner. The granting of this variance does not impact the health, safety and welfare of the citizens of Mobile.

An application for the proposed monument sign is pending final approval. However, it should be noted that, as submitted, the sign permit application indicates a sign with a 10' width and 5' height per face, and being slightly over 5' above grade overall height. The monument sign in the applicant's signage package submitted with the Variance application indicates a much larger sign at 12' wide and 6' high per face, with an overall height of 16'-3" above grade.

Pertaining to the front elevation, due to the projection of the entrance tower several feet beyond the plane of the main front wall of the building, the centered logo triangle on the tower cannot be considered in the same plane as the words "RESTAURANT" and "BREWHOUSE" on the main front wall. The applicant asserts that there must be 11' of wall area on either side of the logo on which to display the words. By separating the three items as proposed three separate wall signs would be created. As proposed, the sign would occupy 292.5 square feet of wall space, well below the 350 square feet allowed, if on one plane. However, the front face of the entrance tower, as designed, provides sufficient wall area to include not only the logo triangle but also

those words if placed on either side of the lower point of the logo triangle. Such an arrangement would occupy approximately 156 square feet, well below the approximately 226 square feet of signage allowed for that wall plane. The applicant might also find that, placed together, the logo and the words would all be visible from any single viewing point to the front if in such a position.

The applicant requests that the proposed silhouette images on the main front wall and the mural on the rear wall not be considered signage and contends that there is no reference to the products or services within the business. Staff agrees with this request and no permits would be required for these two images.

The other two wall signs requested, one on the East wall and one on the West wall, are similar to the proposed front sign except all portions of each would be in the same wall plane. Such signs would be allowable as a single sign each as all elements of each could be grouped into one total sign at 175.32 square feet. The maximum allowable for each would be 350 square feet based upon the wall plane area.

In instances where additional corporate logo wall signage was requested due to multiple store entrances or lack of visibility, the Board has been sympathetic to the applicant's request. However, in this case, the site is a stand-alone business. Given that a prominent street frontage monument sign is proposed, the business would have its own individual identity regardless of the front setback of the building. The granting of this particular request could set a precedent for other similar requests and a situation could possibly be created causing a cluttered and confusing appearance which would be contradictory to the intent of the Sign Regulation Provisions.

The applicant has not demonstrated that a literal enforcement of the Sign Regulation Provisions of the Zoning Ordinance would result in an undue hardship. The applicant simply wishes to have more signage than is allowed and the Board should consider this application for denial

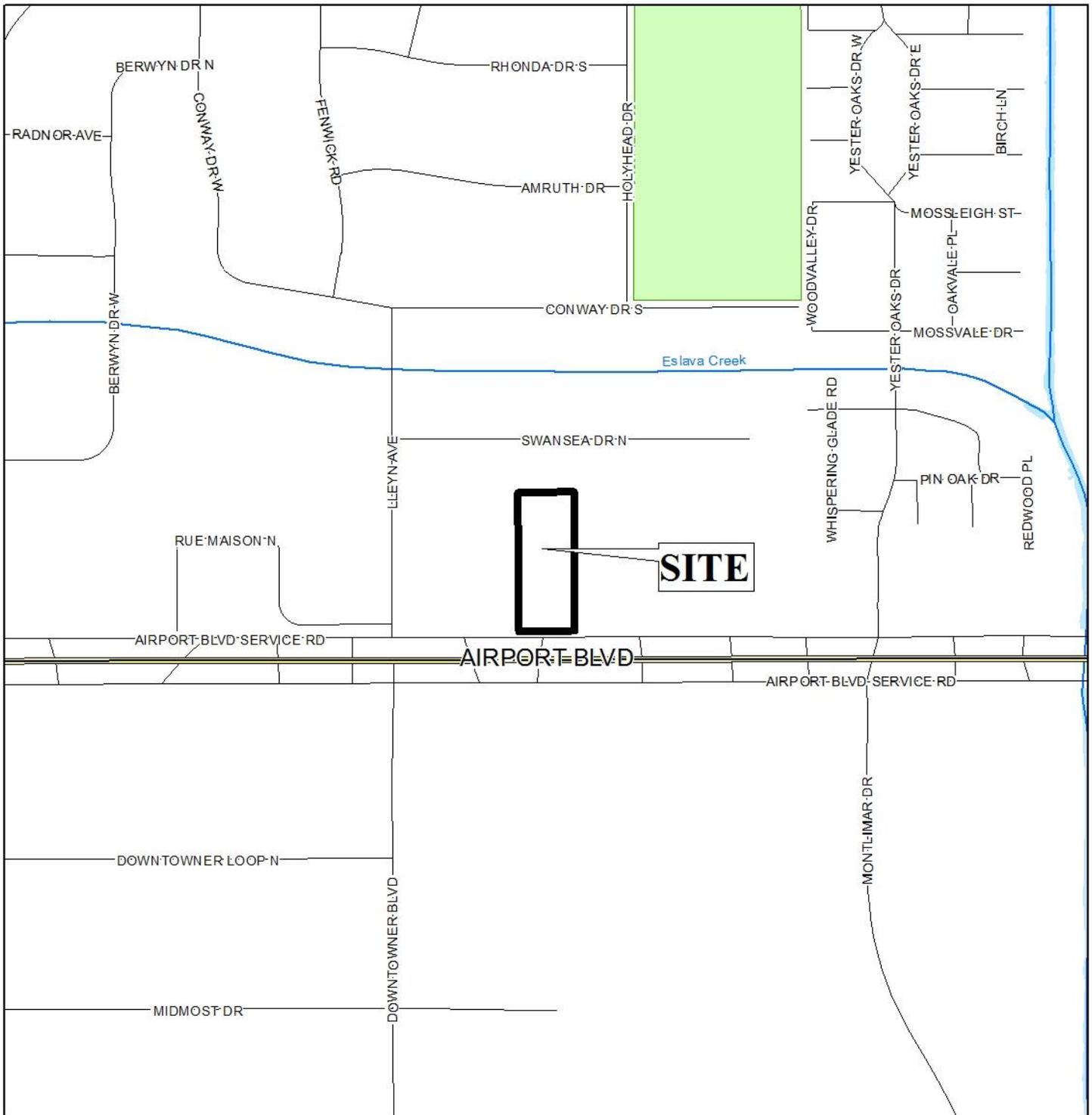
RECOMMENDATION: Staff recommends to the Board the following findings of facts for denial:

- 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.

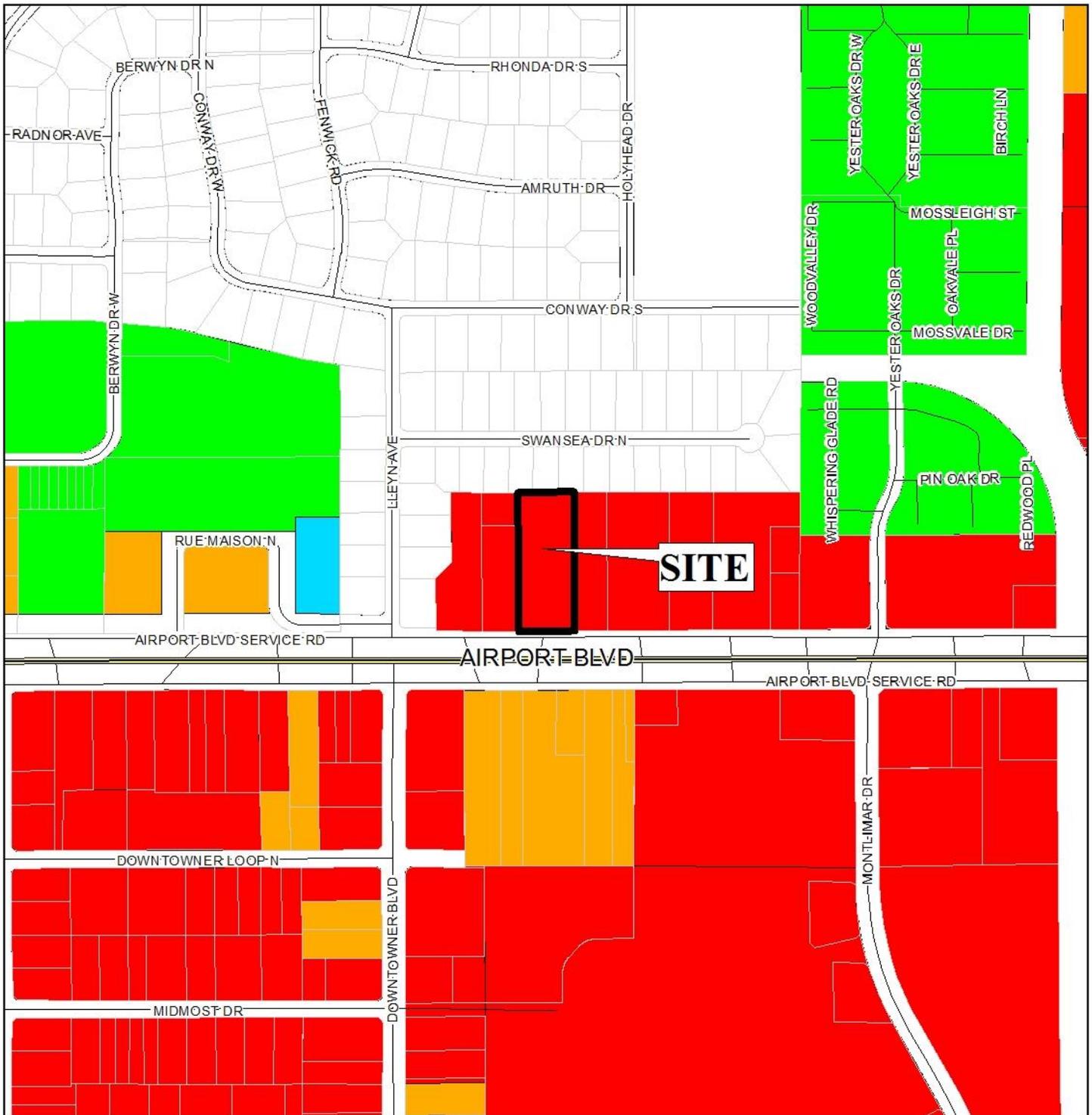
LOCATOR MAP



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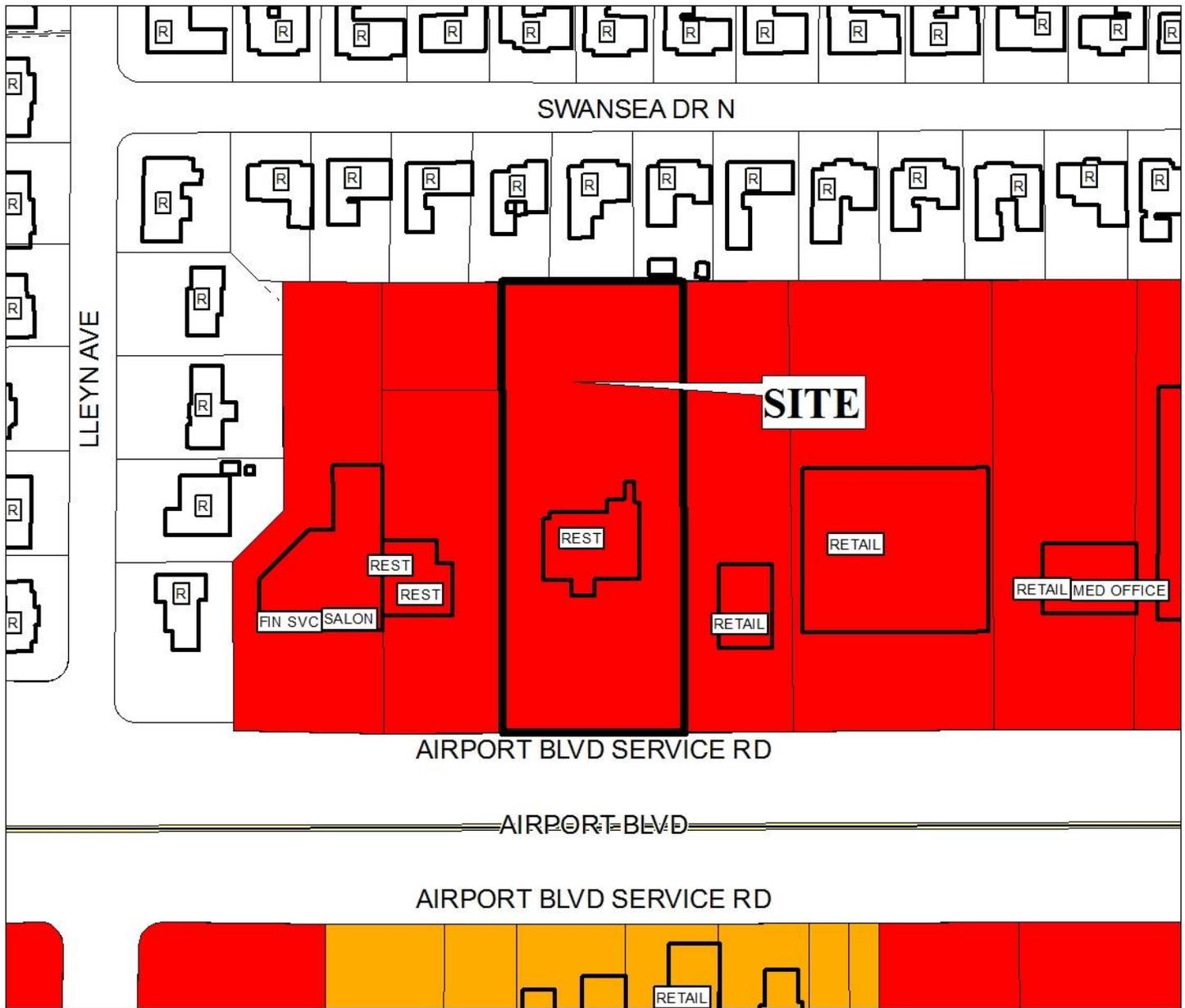
LOCATOR ZONING MAP



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BOARD OF ADJUSTMENT VICINITY MAP - EXISTING ZONING



The site is surrounded by commercial units to the east and south.
Residential units are located to the north and west.

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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 AERIAL



The site is surrounded by commercial units to the east and south.
Residential units are located to the north and west.

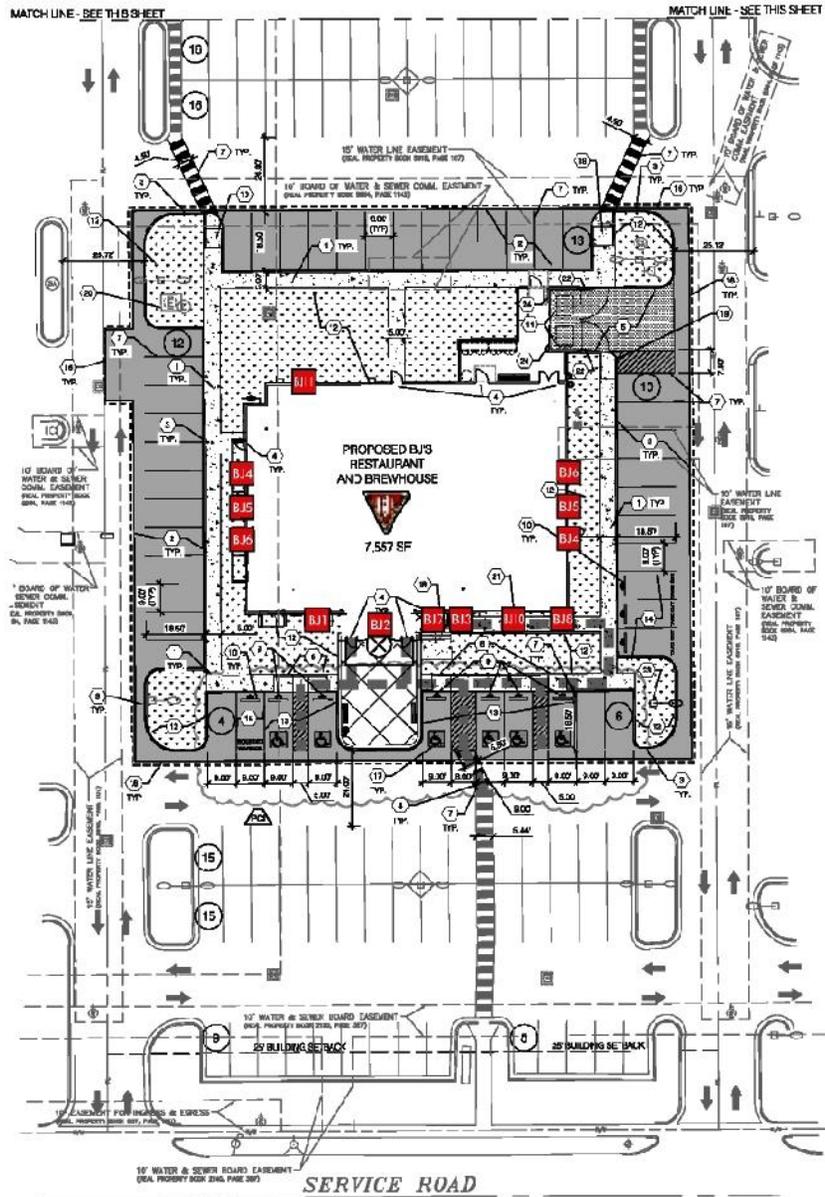
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SITE PLAN

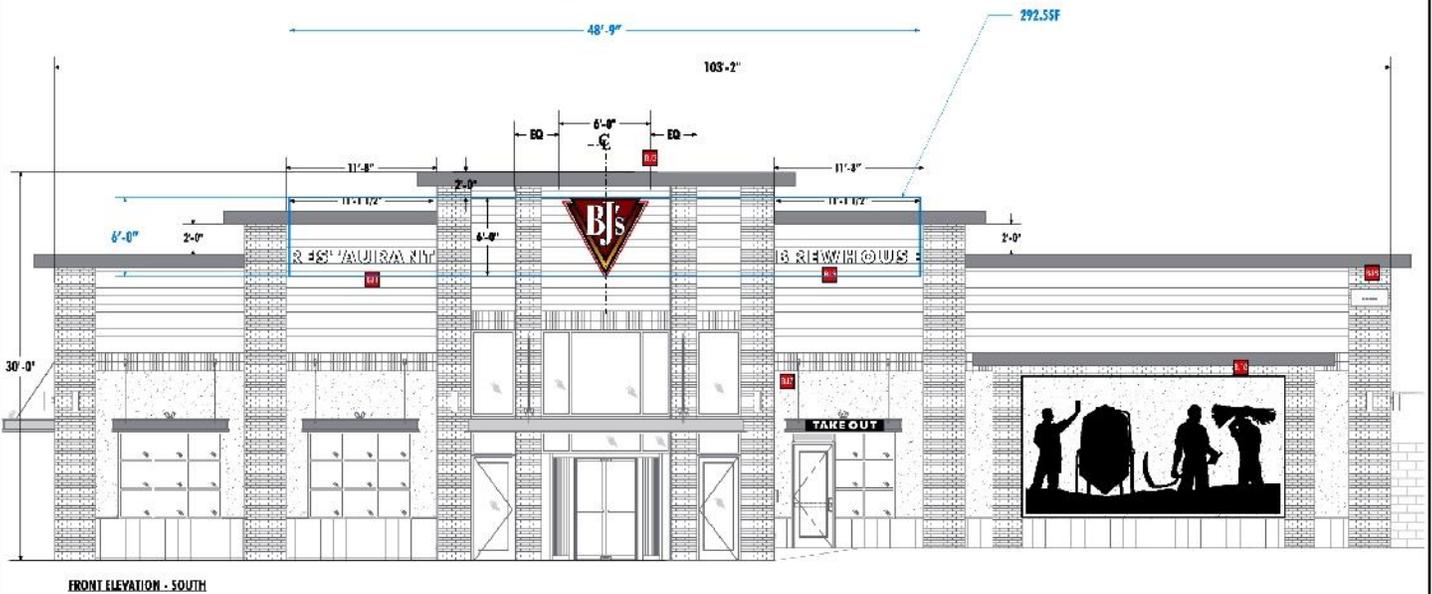


The site plan illustrates the proposed building, setbacks, and proposed sign locations.

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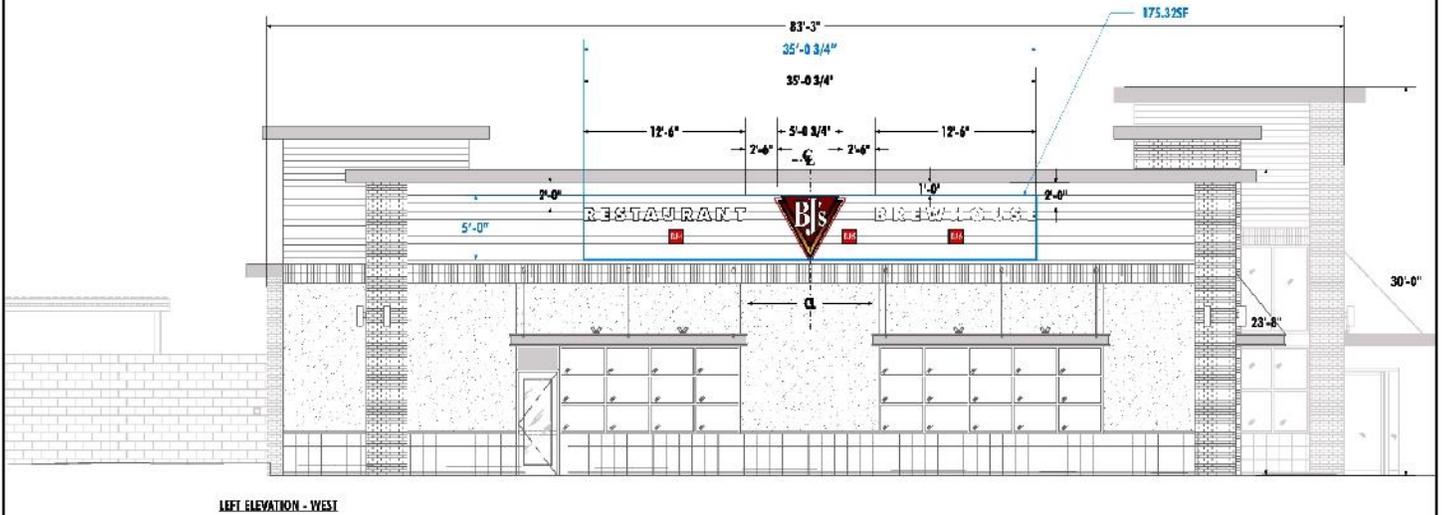
DETAIL SITE PLAN



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DETAIL SITE PLAN

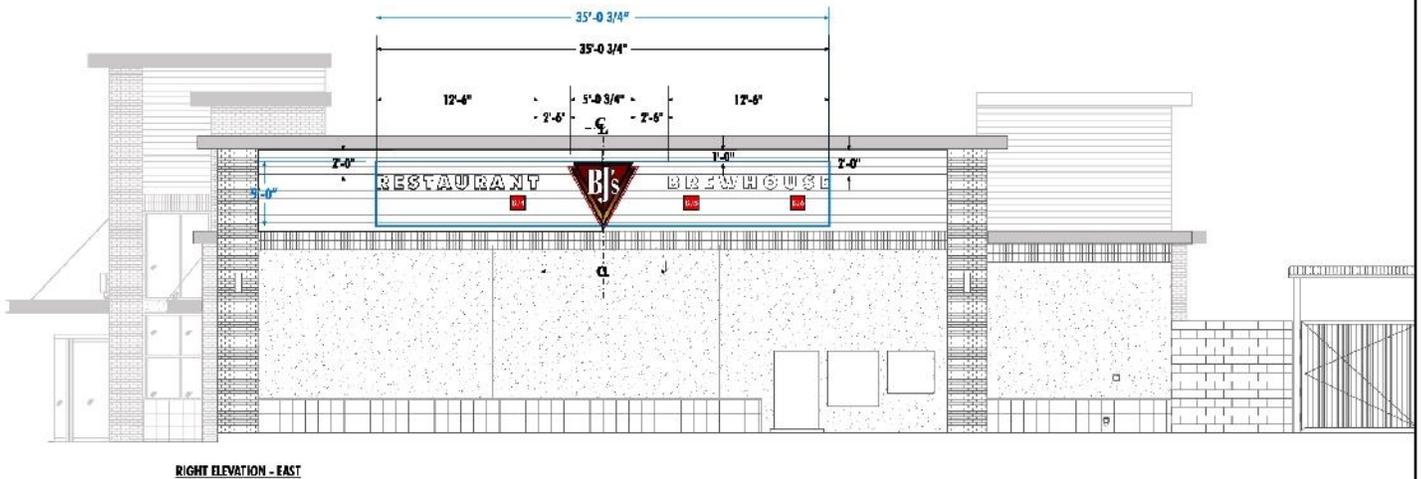


LEFT ELEVATION - WEST

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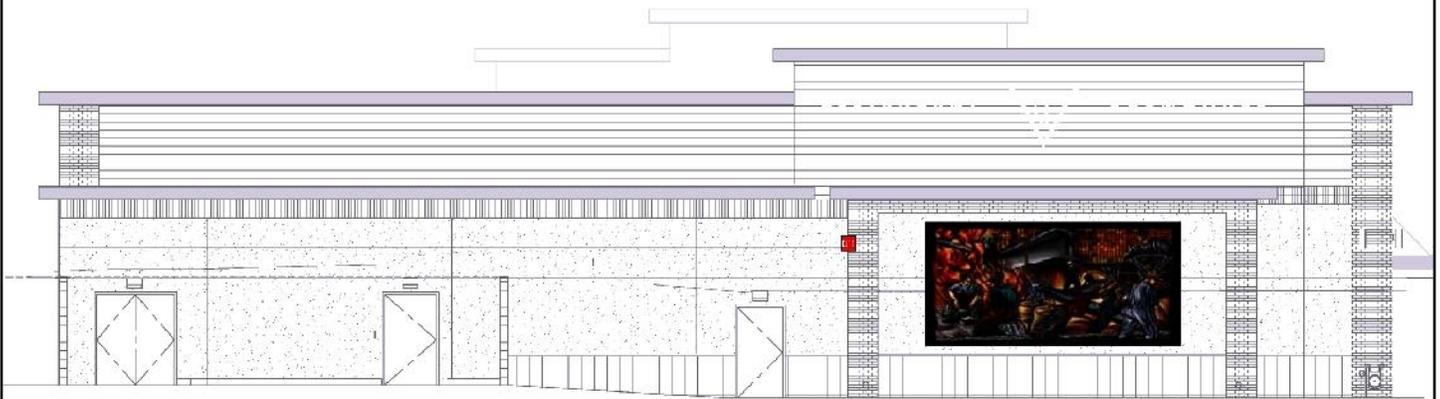
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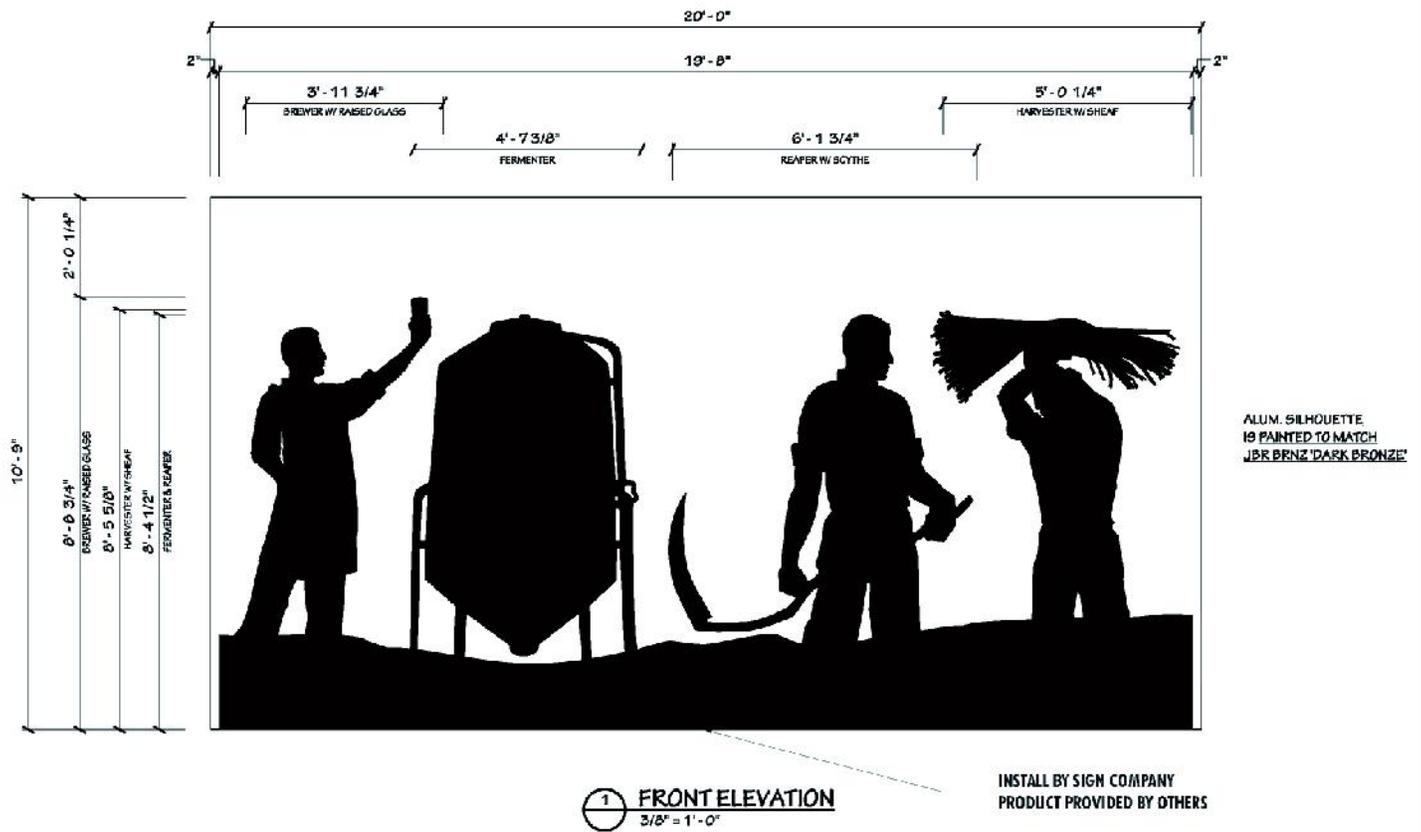
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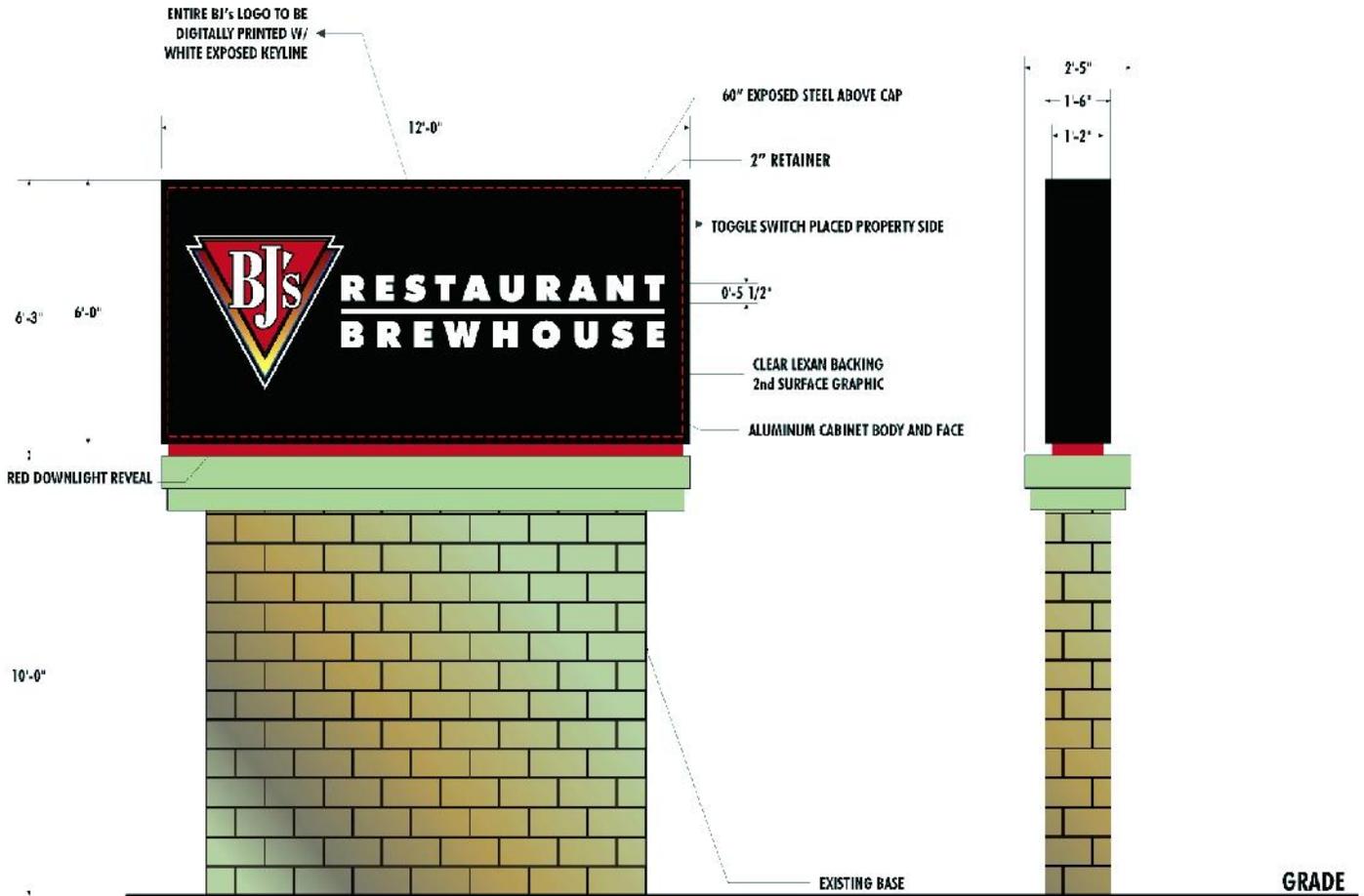
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