

ZONING BOARD OF ADJUSTMENT STAFF REPORT

May 23, 2022

ZBA-53-22

GENERAL INFORMATION

Property Owner (X) Petitioner (X)

Sher-Wil, Inc.

Requested Action and Purpose

Petition for a variance from the freestanding sign height restrictions to utilize an existing sign

Location and Existing Zoning

819 Skyland Boulevard East. Zoned BH. (Council District 7)

Size and Existing Land Use

Approximately 0.82 acres, Single-family residential

Surrounding Land Use and Zoning

North: Commercial, BN

East: Restaurant, BH

South: Restaurant, BH

West: Restaurant, BH

Applicable Regulations

[Sec. 24-135](#). – Permitted and allowed signs.

(2) Freestanding signs.

(a) The height of freestanding signs on property lying below the grade of the street shall be taken from the adjacent curb elevation or in the absence of a curb, the street centerline elevation. All other sign heights shall be measured from grade.

(b) Any berming or filling solely for the purpose of locating the sign shall be computed as a part of the sign height.

(c) Freestanding general business signs shall not exceed two hundred (200) square feet in area and twenty-five (25) feet in height on any individual development site, unless specifically allowed or further limited by this section.

SUMMARY

The petitioner is requesting a variance to utilize an existing freestanding sign. Guthrie's operated on this property and unfortunately closed its doors in the mid 2000's. However, the restaurant is now in the process of returning to this property with hopes of revitalizing the existing sign. The petitioner states the particular physical surroundings, shape and topographical location of the property provide a particular hardship. In addition, the petitioner states the current height of the sign is necessary to alert individuals traveling on the interstate of the location of the restaurant. Within the surrounding areas, many signs of similar height are currently being

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utilized. However, this sign is located at an abandoned property, so a variance is needed to allow the sign to be used in its current state.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Code Enforcement: No violations found or complaints received

Office of Urban Development, Building and Inspections Division: No comment

Infrastructure and Public Services, Engineering Division: No comment

Fire and Rescue Department, Fire Administration: No comment



ZONING BOARD OF ADJUSTMENT

PETITION APPLICATION

Last Updated, July 2021

Please complete all of the following required fields:

Location of Petitioned Property

Address: 819 Skyland Blvd., Tuscaloosa, AL 35405

Property Owner

Name: Sher-Wil, Inc. Phone: 205-752-0677 Email: spate@pateholdings.net
Address: 1301 Industrial Park Drive, Tuscaloosa, AL ZIP Code: 35401

Petitioner (if different from owner)

Name: Phone: Email:
Address: ZIP Code:

The Petitioner requests the following item(s) from the Zoning Board of Adjustment:

A special exception is a conditional use which the zoning ordinance expressly permits under conditions specified in the zoning ordinance. A variance is a deviation from the regulations in the zoning ordinance which requires proof of an unnecessary hardship. An appeal is a formal challenge of the zoning officer's ruling.

- | | | |
|---|--|---|
| <input type="checkbox"/> Special Exception | <input type="checkbox"/> Use Variance | <input checked="" type="checkbox"/> Variance |
| Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot | Commercial \$ 200.00 per lot |
| Residential \$ 50.00 per lot | Residential \$ 50.00 per lot | Residential \$ 50.00 per lot |
| <input type="checkbox"/> Short-Term Rental \$ 400.00 per lot <input type="checkbox"/> Appeal Zoning Officer's ruling \$ 10.00 per lot | | |

Briefly describe the variance, special exception, and/or appeal being requested. Include any related information, such as number of parking spaces, hours of operation, etc., related to your request.

Property owner requests a variance to allow the existing "Guthrie's" pole sign to remain in place at its current height.

**PLEASE SUBMIT AN ELECTRONIC COPY OF THIS APPLICATION AND ANY
NECESSARY SUPPORTING MATERIALS TO:**

Office of Urban Development:
Planning Division

2201 University Boulevard, Annex III
Tuscaloosa, AL 35401

Email: zba@tuscaloosa.com

Answer the following for VARIANCE requests ONLY:

The petitioner must specifically state a hardship for the variance. Explain the ways in which the zoning regulation creates a hardship on the property. When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in unnecessary hardship. Explain any special circumstances or conditions that are peculiar to the land or buildings because of which a strict application of the ordinance would deprive the applicant of the reasonable use of such land or building.

The particular physical surroundings, shape and topographical location of the Guthrie's property, and the property lying between the Guthrie's property and Interstate 20/59, would bring particular hardship upon the property owner if a variance for the height of the existing Guthrie's sign is not granted. Specifically, the existing sign and its heightened visibility is necessary to alert traffic traveling east and west on Interstate 20/59 to the Guthrie's location in time for such traffic to safely exit the Interstate. If Guthrie's customers cannot see the Guthrie's sign from the Interstate in a timely manner they are faced with a choice of a late, and potentially unsafe decision to exit the Interstate, or exiting at the next exit and traveling back to the Guthrie's location (which is unlikely to happen).

Explain how the variance request is in harmony with the general purpose and intent of the regulations imposed by this ordinance on the district in which it is located and shall not be injurious to the neighborhood or otherwise detrimental to the public welfare.

The area in which Guthrie's is located is an area of dense commercial development currently in serious decline. The Guthrie's location would be entirely new construction, and result in much needed capital investment in this area – which is an area targeted by the City for redevelopment. New businesses in this area are important to revitalization. It is noteworthy that the other businesses near and adjacent to this Guthrie's have signs of a similar or the same height. Granting this variance request would in no way be injurious to the area/neighborhood. In fact, preserving the height of the Guthrie's sign is likely to draw more Interstate 20/59 traffic to Skyland Blvd., both for the benefit of Guthrie's and other businesses in the area. The height of the existing Guthrie's sign will enhance public safety, both on Interstate 20/59 and Skyland Boulevard, by maximizing the visibility of the site and thus the opportunity for Guthrie's customers to make a decision to drive to Guthrie's without the need for last second exiting of the interstate or U-turns on other surface roads. There is a significant public benefit to having more signs for recognizable businesses like Guthrie's at their existing heights which draw more traffic and more customers to the area for the benefit of all the surrounding businesses.

Answer the following for SHORT-TERM RENTAL requests ONLY:

Provide the number of bedrooms and bathrooms the property has. Provide how many adults you are requesting to rent to and how many vehicles you are able to park in your driveway or parking areas (parking on the street is not allowed). Typically, two adults are allowed per vehicle. Include the width and length of your driveway. A typical parking space is 9' wide by 20' deep. Tandem parking (one vehicle behind the other) of not more than two vehicles is allowed, and a garage can be used. Photos can be provided with this application showing the proposed parking.

N/A

- For all requests for any variance from or special exception to a zoning requirement pertaining to a dimensional requirement or the site, a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect shall be required.
- Requests for an exception from fence requirements must depict proposed location and design of fence.
- Any request which will not be represented by the property owner at the public hearing must be accompanied by a designation of agent form.

Certification of Applicant

I certify that the foregoing facts, to the best of my knowledge, are true and correct and that except for the exception, variance, or appeal requested in this petition, the proposed construction and use complies with all requirements for the zoning district in which the property is located. I recognize the City will send public notification and place a sign on the property with information for the public. This Petition will not be accepted until all required information is provided.

Print Name: Sher-Wil, Inc.

Signature: _____

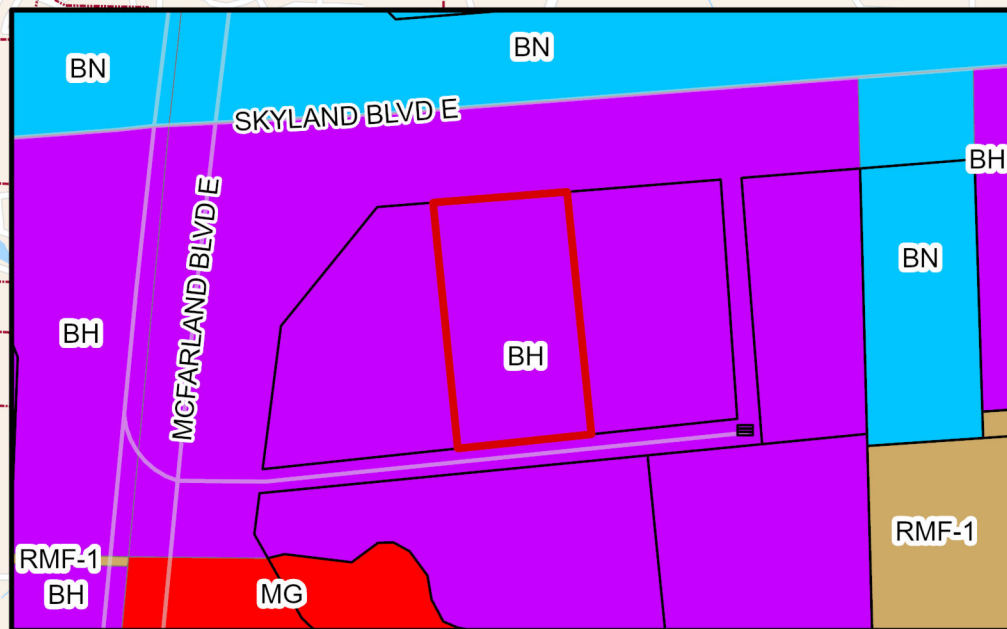
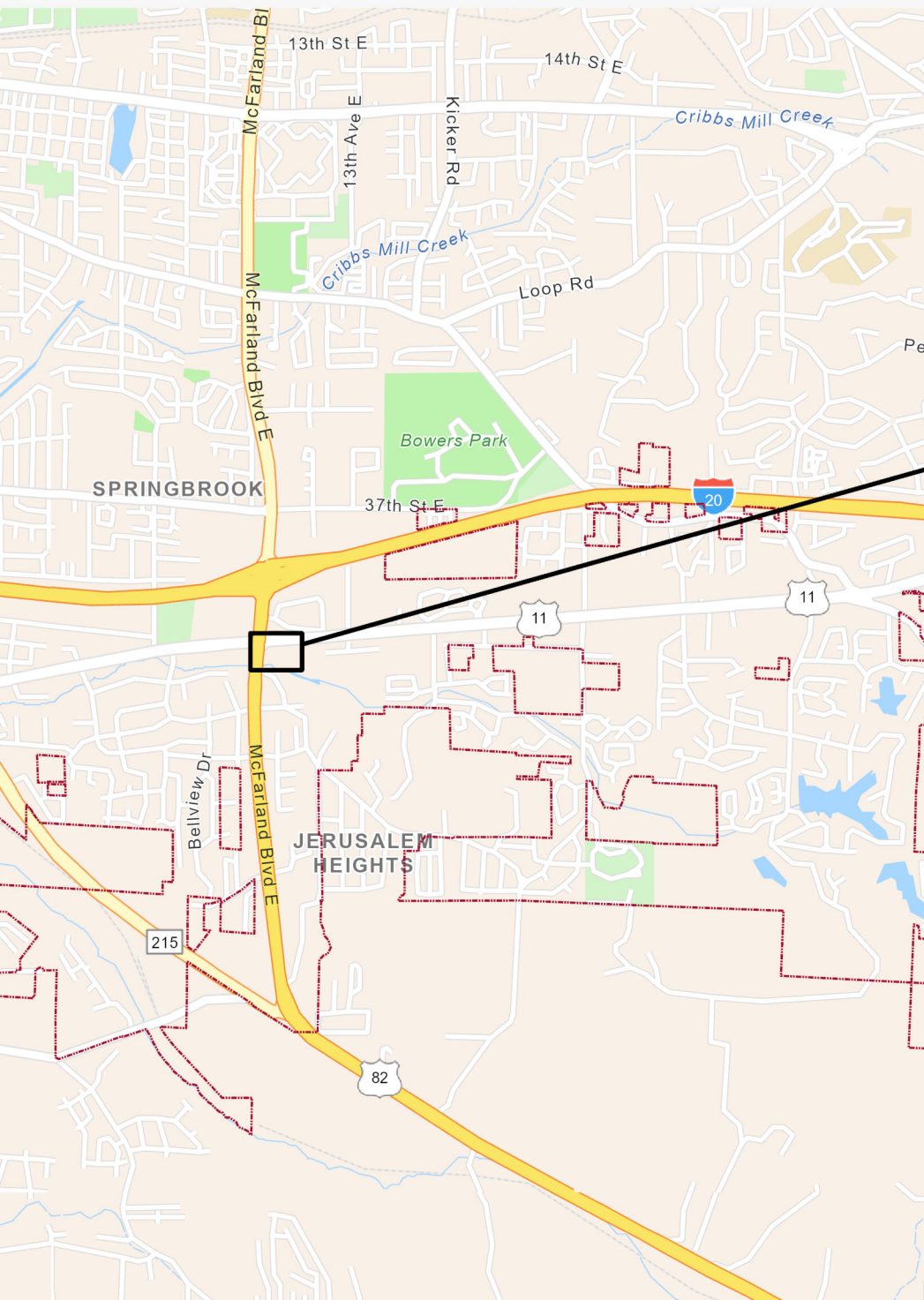
Date: 5/2/22



819 Skyland Blvd

1 inch = 200 feet
0 100 200 300 400

N





819 Skyland Blvd E

1 inch = 67 feet

0 50 100 150 200

N



Guthrie's

Hardee's
CHARBROILED THICKBURGERS

HAND BREADED
CHICKEN
TENDERS

NORTH
11

RED BONY
SUCH A BLE



Guthrie's

Hardee's
COUNTRY BROILED THICKBURGERS

VENUE
RECORDING
HOLBY

D BREADED
WEN TENDERS

chili's





Days Inn
SUITES

KFC

1969
IHOPPY HOUR
3pm-9pm Everyday
6 Menu • Dine In only

SKYLAND
OFFICE
PARK

WING
HOME
PACKAGE
STORE

Hardee's
CHARBROILED THICKBURGERS

Guthrie's

HAND BREADED
CHICKEN TENDERS

NORTH
11