



ZBOA Agenda Item # 7

DECEMBER 5, 2017

Variance Request by Axis Infrastructures File #: APP-2017-06

Axis Infrastructure is requesting a variance to LDR Section 230-9(E)(3) as it pertains to the size of signs (menu boards) at drive-thru restaurants. The subject property consists of 1.54 acres is located at 4109 Bemiss Road, which is at the SW corner of Bemiss Road and Skipper Bridge Road. It is currently zoned C-C and contains an existing fast food restaurant (McDonald's) and convenience store.

McDonald's submitted remodeling plans, which were approved. Permits were purchased in September 2017. As a part of the remodeling, a local sign contractor submitted a sign application to redo the McDonald's signage. The proposal was for 2 menu boards and 2 pre-sell boards. It was discovered that the total square footage of these was too large to be approved without a variance. LDR Section 230-9(E)(3) sets a cap for total square footage for menu boards at 48 square feet. Between 2 two pre-sell boards and 2 menu boards, the applicant is proposing 53.13 square feet. (Staff can consider, with hardship, an administrative variance for up to 10% over the maximum 48 square feet – or up to 52.80 square feet in this case). The applicant's proposal is slightly over the 10% that staff can consider administratively. Currently, the restaurant has 2 menu boards at 50 square feet each.

Variances are intended to give relief in situations beyond design's control. Staff understands the desire to update periodically. However, variances are designed to provide an opportunity for relief in circumstances beyond design's control where it would be difficult if not impossible to meet the regulations. Staff reviewed the case and found no hardship that justifies recommending approval of the request. Additionally, the restaurant has 2 menu boards that, with a combined total, are larger in terms of square footage than what they are currently proposing. They can keep the currently grandfathered-in menu boards and change the panels out with no permits needed.

Staff Recommendation: Find inconsistent with the Variance Review Criteria and **deny** the request.