

ZONING BOARD OF ADJUSTMENT STAFF REPORT

March 25, 2024

ZBA-30-24

GENERAL INFORMATION

Property Owner () Petitioner (X)

Ivan Blackmon

Requested Action and Purpose

Petitions for a variance from the freestanding restrictions to construct a sign

Location and Existing Zoning

9030 Highway 69 South. Zoned BN. (Council District 2)

Size and Existing Land Use

Approximately 2.27 acres, Vacant Land

Surrounding Land Use and Zoning

North: Commercial, BN

East: Highway 69, Outside City Limits

South: Commercial, BN

West: Commercial, BN

Applicable Regulations

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

(2) *Freestanding signs.*

- (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 maintain a recently installed freestanding sign. The total square footage of the sign faces alone is approximately one hundred and sixty-six (166) square feet. Per the petitioner, when they reviewed the code, they “did not understand that the pole cover would be included in the allowed square footage”. With the pole cover, the total square footage of the sign is approximately two hundred and thirty (230) square feet. Per the petitioner, the pole cover “is part of the new sign design for Foosackly’s” stores and is strictly a cosmetic addition to the sign structure.

Office of Urban Development, Planning Division: No comment

Office of Urban Development, Codes and Development Services Division: No violations found or complaints received

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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

Last Updated, May 2023

Please complete all of the following required fields:

Location of Petitioned Property

Address: _____

Property Owner

Name: _____ Phone: _____ Email: _____

Address: _____ ZIP Code: _____

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.

☐ **Special Exception**

☐ **Use Variance**

☐ **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

☐ **Appeal Zoning Officer's ruling** \$ 10.00 per lot

Provide a detailed description of the proposed request. Include any related information, such as the history of the property in relation to the proposed use, number of parking spaces, hours of operation, number of employees, etc.

**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/Use Variance requests ONLY:

When a variance is at issue, the primary consideration is whether a literal enforcement of a zoning ordinance will result in an unnecessary hardship. Circumstances that are not hardships include self-inflicted or self-created, inconvenient, financial or personal. The petitioner must specifically state a hardship for the variance.

Explain in detail any special circumstances or conditions that are particular to the property or buildings where a strict application of the ordinance would deprive the applicant of the reasonable use of such property or building.

Explain in detail how the granting of the variance/use variance would be in harmony with the character of the surrounding area and why it would not be detrimental to the neighborhood.

Important Items to Note:

- For all variance requests pertaining to a dimensional requirement of the site (setbacks, height, etc.), a scaled site plan and/or building elevation produced by a registered land surveyor, professional engineer, or architect is required to be submitted alone with this application.
- A filing fee related to the specific request (reference page one of this petition) is required to be submitted along with this petition. Check is preferred, but an invoice can be sent upon request.
- In-person attendance at the ZBA meeting is mandatory for the petitioner.
- Any request which will not be represented by the property owner at the public hearing must be accompanied by a notarized designation of agent affidavit.

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 also acknowledge that if the Board determines that any of the foregoing information is not accurate, my petition may be denied because it contained false or otherwise incorrect information. 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: _____ **Signature:** _____ **Date:** _____




THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.

ID. ASSOCIATES		THIS DRAWING IS FOR CONCEPTUAL PURPOSES ONLY. DUE TO CONSTRUCTION CONSTRAINTS, SIZES AND OR LAYOUTS MAY CHANGE SLIGHTLY.									
PLAN	SECTION	DATE	BY	CHKD	DATE	BY	CHKD	DATE	BY	CHKD	DATE
FOOSACKLY'S	R1 08/23/23 JAS										
TUSCALOOSA, ALABAMA	05/31/23										
BILL HOLLAND	R3 09/08/23 JAS										
FOOSACKLY'S-TUSCALOOSA AL-SIGN EXHIBIT	R4 10/30/23 JAS										



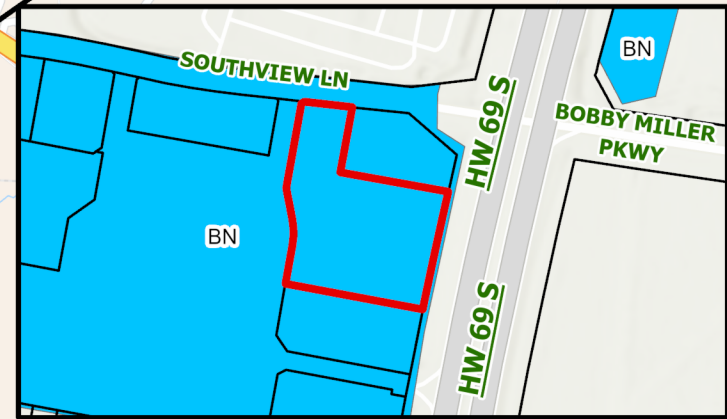
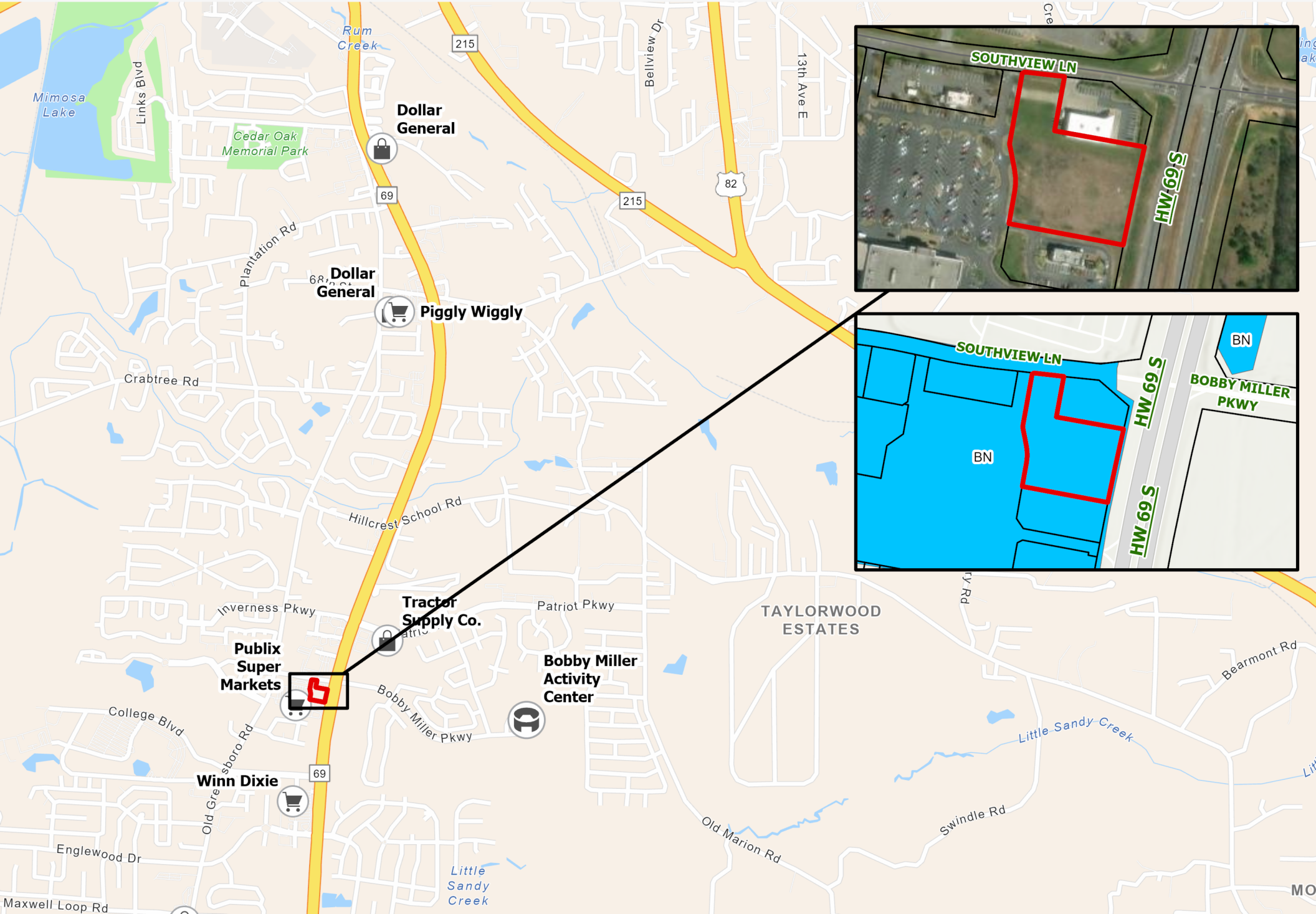
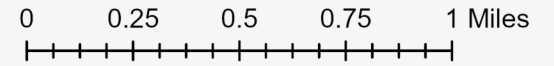
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9030 Highway 69 South





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1 inch = 100 feet
0 50 100 150 200 Feet



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sackly's[®]
chicken fingers

Can't fake the
Foo

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