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## City Council Regular Meeting

**DEPARTMENT:** Development Services

**FROM:** Tony McIlwain, Director Development Services

**MEETING:** January 23, 2023

**SUBJECT:**

**Razoo's at 135 W Ellison St. (Case 22-156):** Consider approval of a resolution for a sign variance to allow for a roof sign and two projection signs; Chapter 63, Sign Regulations. (*Staff Presenter: Tony McIlwain, Development Services Director*) (*No Planning and Zoning Commission action was required for this item.*)

**SUMMARY:**

On November 28, 2022, an application was submitted by Tommy Tanner with Mello Signs, on behalf of the owner Justin Bond for two sign variances allowing for a roof sign and two projection signs on the same elevation. Per the sign code, roof signs are prohibited. Roof signs are defined as a "wall sign erected in whole or in part on a roof, or against, or directly above the highest point of the roofline, parapet, fascia of the building or above the surface of an awning or canopy". The applicant is requesting a waiver to allow for a roof sign to be located above the surface of the canopy on the front (north) elevation. The sign code also limits projection signs to one per elevation. The applicant is requesting permission to place two projections signs on the east elevation. The applicant's justification for approval in granting the variances has been attached as Exhibit 4.

Planning Analysis

Section 63-11 (Prohibited signs) of the Sign Ordinance prohibits the following sign type:

19. Roof signs as defined in section 63-20 of this chapter.

Section 63-20 (Definition of sign types) of the Sign Ordinance describes roof signs as:

- *Roof sign means a wall sign erected in whole or in part on a roof, or against, or directly above the highest point of the roofline, parapet, fascia of the building or above the surface of an awning or canopy.*

Section 63-37 (Projection sign) of the Sign Ordinance contains the following requirement:

- C. *Number of signs.* One per building elevation.

**Approval Standards in Granting a Variance.**

(Chapter 63-Sign Regulations, Section 63-12(b) - Variances):

<b>Considerations</b>
<b>Special conditions</b> exist that are <b>peculiar to the land, structure or building</b> involved and are not applicable to other lands, buildings or structures in the same vicinity. The City may attach such conditions to granting all or a portion of any variance necessary to achieve the purpose of this chapter.
The <b>strict interpretation</b> of the chapter would <b>deprive the applicant of rights commonly enjoyed by other properties</b> in the vicinity under the terms of this chapter.
Special conditions and circumstances do not <b>result from the actions of the applicant(s)</b> and such conditions and circumstances do not merely constitute pecuniary hardship or inconveniences.
Granting the variance will meet the objectives of the ordinance and not be injurious to the adjoining property owners or otherwise detrimental to the public welfare
The request will be the minimum variance necessary to alleviate the special hardship or practical difficulties faced by the applicant in meeting the requirements of this chapter; and
Granting the variance will be in harmony with the <b>spirit and purpose</b> of this chapter.

The applicant has provided justification statements for the variance requests in Exhibit 4 of the packet.

**OPTIONS:**

- 1) Approve the sign variance with or without conditions;

- 2) Deny the sign variance.

**RECOMMENDATION:**

Staff recommends approval of the sign variances for a roof sign and two projection signs.

**FISCAL IMPACT:**

None.

**STAFF CONTACT:**

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