



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE SUMMARY

February 13, 2018

CASE NUMBER: #BOA 18-03

REQUEST: Variance from the Sign Ordinance

APPLICABLE SECTION: Section 12.10, Non-Conforming Signs of Article XII, Sign Ordinance

LOCATION: **2764 W. Main Street, Snellville, Georgia**

PROEPRTY SIZE: 1.40± Acres

DEVELOPMENT: Gwinnett Clinic

PARCEL: 5007 171

ZONING: BG (General Business) District

OVERLAY DISTRICT: Corridor Overlay District

PROPERTY OWNER: GCJT1, LLC
Duluth, Georgia 30097

APPLICANT/CONTACT: Bryan Gaylor, Clear Channel Outdoor
678-309-7684 or
bryangaylor@clearchannel.com

**PLANNING DEPARTMENT
RECOMMENDATION:** **Approval with Conditions**



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PLANNING & DEVELOPMENT DEPARTMENT**

BOARD OF APPEALS

VARIANCE CASE ANALYSIS

February 13, 2018

TO: Snellville Board of Appeals

DATE: February 13, 2018

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: #BOA 18-03

FINDING OF FACT:

The Department of Planning and Development has received an application from GCJT1, LLC and Clear Channel Outdoor requesting variance from the City of Snellville Sign Ordinance to allow the existing non-conforming freestanding billboard sign to be modified for the installation and use of a 40-inch LED digital message board (timer) to display the average Emergency Departments patient wait time at the Eastside South Campus, 2160 Fountain Drive, Snellville, Georgia.

The subject 1.40± acre property, zoned BG (General Business) District, is located across from Fountain Drive on U.S. Hwy. 78 (W. Main Street), adjacent to Magic Motors used car sales. The subject property is within the Corridor Overlay District.

The property was redeveloped in 1985 serving as a branch location for Gwinnett Federal Savings & Loan. In 1995 the property was acquired by the current owner and the 3,500± sq. ft. one-story brick building was remodeled for a medical office and now serves as the Snellville location for Gwinnett Clinic, a primary and specialty care provider.

In 2002, the City of Snellville settled a lawsuit filed by Trinity Outdoor and Advantage Advertising which challenged the City's regulations restricting the posting of signs and billboards and entered into a Settlement Agreement to allow the parties to construct and erect a total of eight (8) billboard signs throughout the City. On 3-22-2002, a building permit was approved and issued to Trinity Outdoor, Inc. for the construction and installation of a 14'H x 48'W x 56'OAH center-mounted V-type billboard on the subject property. A Certificate of Completion was approved and issued on 6-26-2002.



On 10-10-2017 a code enforcement case was opened and Notice of Violation issued to the property owner for making modifications to the legal non-conforming billboard sign without an approved sign permit. After a couple of weeks, Bryan Gaylor, VP, Real Estate & Public Affairs, Clear Channel Outdoor, contacted the City to get the matter resolved. After meeting with Planning Department staff, Mr. Gaylor began preparations to file a variance application including a letter from GRC Engineering, Inc. attesting that the additional weight of the LED timer/clock is within allowable thresholds of the 2012 International Building Code. On 1-8-2018 the variance application was filed with the Planning Department.

VARIANCE REQUEST:

The applicant is requesting a variance from Section 12.10, Non-Conforming Signs of Article XII, Sign Ordinance which reads as follows:

“Non conforming signs which met all legal requirements when erected may stay in place until the deterioration of the sign or damage in accordance with the maintenance and removal section of this ordinance unless the damage to the sign was caused by circumstances beyond the owners control in accordance with OCGA §32-6-83, in which case the owner shall either repair or remove the sign. However, no other structural repairs, changes in shape, size or design to non-conforming signs or replacement of non-conforming signs shall be permitted except to make a non conforming sign comply with all requirements of this ordinance.”

The request is to allow modification of the existing legal non-conforming sign for the installation and use of a 40-inch LED digital message board/timer to be used to display the average Emergency Departments patient wait time at the Eastside South Campus, 2160 Fountain Drive, Snellville, Georgia.

STAFF ANALYSIS:

The existing freestanding billboard sign is non-conforming with the current Sign Ordinance as follows:

- a. Section 12.3, Signs Prohibited, item 6 – Freestanding Signs larger than six (6) sq. ft. in sign area as the existing sign is 672 sq. ft. in sign area.
- b. Section 12.3, Signs Prohibited, item 16 – Signs over fifteen-feet (15') in height as the sign is approximately 56 feet OAH.

On 1-8-2013, the Snellville Board of Appeals approved a similar variance request to allow the future modification of the design of the existing legal non-conforming billboard sign at 1580 Tree Lane to install a 54" x 70" electronic message board (digital timer) upon the adoption of any new Sign Ordinance that allows electronic message boards.

On 2-25-2013 the City of Snellville approved an amendment to the Sign Ordinance to allow Electronic Message Board signs subject to the regulations of Section 12.8 of the Sign Ordinance (see attachment). The applicant contends that the average wait time is updated every 30 minutes; therefore compliant with Section 12.8(E)(1) of the Sign Ordinance requiring that the electronic message remain unchanged (static) for a minimum of 15 minutes before changing.

On 3-28-2013, a sign permit was approved for the modification of the Tree Lane billboard sign for the installation of a 48-inch LED digital timer, visible from Tree Lane and Ronald Reagan Parkway. The LED digital timer is still in use today.

The 40-inch LED digital timer on the subject billboard represents approximately 12.5 sq. ft. of electronic message area which is less than 1.9% of the total 672 sq. ft. of total sign area for the billboard.

STANDARDS FOR CONSIDERATION:

Pursuant to Section 14.5, Powers and Duties, of the City of Snellville Zoning Ordinance, the City finds the following standards are relevant in considering all applications for a Variance.

1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;

No special conditions and circumstances exist which are peculiar to the land, structure, or building.

2. That literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Zoning Ordinance;

No, the literal interpretation of the provisions of the Sign Ordinance would not deprive the applicant of rights commonly enjoyed by other properties in the same district.

3. That the special conditions and circumstances do not result from the actions of the applicant;

Actions by the applicant to modify the billboard sign before receiving permit approval from the City has created special circumstances for the Board to consider.

4. That granting the variance requested will not confer on the applicant any special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district.

Granting the variance request would confer on the applicant special privilege that is denied by the Zoning Ordinance to other lands, structures, or buildings in the same district. However, on 1-8-2013, the Board granted a similar variance request. And, Section 14.5(2)(f) allows the Board of Appeals to make a finding that granting of the variance "will be in harmony with the general purpose and intent of the Zoning Ordinance, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare."

STAFF RECOMMENDATION:

In conclusion, the Department of Planning and Development recommends **Approval** of the requested variance with the following **Conditions**:

1. Within five (5) business days from receiving variance approval, applicant shall submit an Electronic Message Board Sign Permit application and fees for review and approval by the Director of Planning and Development;
2. No other structural repairs, changes in shape, size or design to the non-conforming billboard sign shall be allowed, unless authorized in Section 12.10 of the City of Snellville Sign Ordinance;
3. *New* signs higher than 15 feet or larger than 225 square feet are prohibited; and
4. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.