CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS

VARIANCE CASE SUMMARY

November 12, 2019

CASE NUMBER: #BOA 19-09

REQUEST: Variances from the Sign Ordinance

APPLICABLE SECTIONS: Sec. 12.3, Signs Prohibited and Sec. 12.4(B)(5), Monument Signs

LOCATION: Snellville Plaza Shopping Center
2507 E. Main Street, Snellville

TAX PARCEL: 5026 044

ZONING: BG (General Business) District

ACREAGE: ±6.83 Acres

DEVELOPMENT/PROJECT: Monument Sign Construction

PROPERTY OWNER: Snellville Plaza LP
Atlanta, Georgia 30360

APPLICANT/CONTACT: Eric Larsen
Commercial Signs, Inc.
770-431-0807 or signsupatlanta@gmail.com

RECOMMENDATION: Approval with Conditions
FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from Eric Larsen, Commercial Signs, Inc. representing Snellville Plaza, L.P. (aka M&P Shopping Centers) to allow the construction of two (2) new monument signs adjacent to U.S. Highway 78/E. Main Street for the Snellville Plaza Shopping Center, 2507 E. Main Street, Snellville.

The previous legal non-conforming monument sign was removed to allow for the construction of G-DOT’s Displaced Left-Turn Intersection (DLTI) project at the U.S. Highway 78 and State Route 124 intersection with construction beginning in 2018 with major construction ending at the end of 2019.
In addition to the removal of the shopping center sign, the DLTI project also eliminated the former Smoothie King outparcel building and approximately 40-50 parking spaces. The adjacent roadway grade has been raised approximately 5 feet with a 3-foot high concrete retaining wall constructed along the westbound roadway apron.

The 81,000± sq. ft. shopping center was originally constructed in 1975, and currently contains twenty-seven (27) tenant spaces and related parking.

REQUEST:

The applicant is requesting several variances from Section 12.3, Signs Prohibited and Section 12.4(B)(5), Monument Signs of Article XII of the Snellville Zoning Ordinance as follows:

1. Variance from Sec. 12.3(A)(16), Signs over 15 feet in height prohibited to construct two 23 feet high monument signs.

2. Variance from Sec. 12.4(B)(5)(b), One monument sign allowed per road frontage to allow two 238 sq. ft. monument signs along the Highway 78/E. Main Street road frontage.

3. Variance from Sec. 12.4(B)(5)(e), 225 sq. ft. maximum allowable sign area to allow each monument sign to be 238 sq. ft. in sign area.

4. Variance from Sec. 12.4(B)(5)(f), 15 feet setback from right-of-way for signs greater than 10 feet tall to allow each monument sign to be setback 8 feet from the right-of-way.

And, although not requested by the applicant, the following additional variance is also required:

5. Variance from Sec. 12.4(B)(5)(g), monument base shall be constructed of natural brick, stone, stucco, or EIFS to allow each monument base to be constructed of split-faced block.

VARIANCE ANALYSIS:

1. Variance from Sec. 12.3(A)(16), Signs over 15 feet in height prohibited to construct two 23 feet high monument signs.

The applicant is proposing to construct two (2) monument signs 23 feet in overall height with approximately 234 SF of sign area. Article XII of the Zoning Ordinance, Section 12.3 prohibits signs above 15 feet in height. The monument sign for the shopping center was removed in 2017 by GDOT construction crews due to ongoing construction related to the US-78 (Main Street) and SR-124 (Scenic Hwy) DLTI intersection project.
The applicant is proposing to replace the sign that was removed with two monument signs that exceed the 15 feet maximum sign height due to a change in the grade of the roadway. The applicant is concerned that the maximum height currently allowed would not provide the same amount of visibility, due to the increased height of the roadway and newly constructed 8 feet high retaining wall located between the roadway and parking lot where the proposed sign is to be located. The maximum height of the proposed signs would be 15 feet from the top of the retaining wall.

This request is recommended for approval.

2. Variance from Sec. 12.4(B)(5)(b), One monument sign allowed per road frontage to allow two 238 sq. ft. monument signs along the Highway 78/E. Main Street road frontage.

The applicant contends that due to “the size of the center and the large number of tenants, one sign would not be adequate to allow all tenants to have a presence in one sign.” Planning Department staff suggested utilizing a second monument sign to provide for adequate tenant visibility for the 27 tenant spaces in the center and as a compromise in keeping the overall sign height limited to 15 feet above the retaining wall.

This request is recommended for approval.

3. Variance from Sec. 12.4(B)(5)(e), 225 sq. ft. maximum allowable sign area to allow each monument sign to be 238 sq. ft. in sign area.

The 238 sq. ft. of sign area for each of the two proposed signs is calculated based on the Sign Ordinance definition for Sign Area, “The entire area within a continuous perimeter, enclosing the extreme limits of the sign structure, not to include the first 24” of the base height of a monument sign.” Because the sign base measures 12 inches wider than the sign itself, the actual sign area is 21 sq. ft. less in area or 217 sq. ft. in total sign area.

Similar to the request for increased height, the applicant is requesting an increase in the allowable sign area in order to overcome the visibility challenges presented by the new conditions resulting from the intersection construction. The increased sign area also provides more space for larger tenant panels.

This request is recommended for approval.

4. Variance from Sec. 12.4(B)(5)(f), 15 feet setback from right-of-way for signs greater than 10 feet tall to allow each monument sign to be setback 8 feet from the right-of-way.

A large portion of the shopping center’s parking lot was condemned as part of the intersection construction project. The applicant argues that the placement of the sign is to preserve as much of the remaining spots as possible. They also argue that the retaining wall serves as a protective
barrier not normally present, and thus the extended distance from the ROW is not needed. Each sign will be protected by four concrete bollards. This variance is recommended for approval.

5. **Variance from Sec. 12.4(B)(5)(g), monument base shall be constructed of natural brick, stone, stucco, or EIFS to allow each monument base to be constructed of split-faced block.**

As this was a variance request added by staff, the applicant has not provided an argument for the need for the variance. The base would most likely not be visible from the public ROW due to the aforementioned retaining wall. However, there is no obvious hardship that would prevent the applicant from using approved building materials (i.e. natural stone, natural brick or traditional stucco.)

This request is recommended for denial.

**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;

   **Applicant Response:** Roadway construction has caused a condition where the sign location would be significantly lower than the road grade, requiring additional sign height and area to be visible to overcome the topographical hardship.

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;

   **Applicant Response:** By adhering to a strict interpretation of the sign ordinance, a freestanding sign would not be visible.

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

   **Applicant Response:** Roadway construction is beyond the control of the property owners or tenants.

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.

Applicant Response: Granting the proposed variance would not confer any special privilege denied by the Zoning Ordinance or Development Regulations due to the unique conditions of the site not present in usual site conditions.

CONCLUSION:

The Department of Planning and Development recommendations for each of the five variances are summarized below:

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<thead>
<tr>
<th>No.</th>
<th>Summary</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>1</td>
<td>23-foot sign height.</td>
<td>Approval</td>
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<tr>
<td>2</td>
<td>Two signs along US-78.</td>
<td>Approval</td>
</tr>
<tr>
<td>3</td>
<td>Sign area increase from 225 sq. ft. to 238 sq. ft.</td>
<td>Approval</td>
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<tr>
<td>4</td>
<td>Sign setback reduction from 15 ft. from ROW to 8 ft.</td>
<td>Approval</td>
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<tr>
<td>5</td>
<td>Sign base to be constructed of split-face block.</td>
<td>Denial</td>
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</tbody>
</table>

Further, the Planning Department recommends the attachment of the following Conditions:

1. Applicant shall be allowed to erect the two monument signs as per the sign drawings for Snellville Plaza 2807 Hwy. 78 East Snellville, GA 30078 revised 09-25-19 and stamped received 10-24-2019;

2. Signs shall meet all other requirements of the City of Snellville Sign Ordinance regulations;

3. Prior to installation of the signs, the applicant shall be required to submit an application for Monument Sign Permit, one per sign for review and approval by the Department of Planning and Development; and

4. All approved variances shall become null and void upon redevelopment of the property or where the structure(s) has been destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at time of loss, it shall not be reconstructed except in conformity with the provisions of the City Code of Snellville.