



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE SUMMARY

April 13, 2021

CASE NUMBER: #BOA 21-01

REQUEST: Variance from UDO Sec. 207-6.6.B, Multiple Signs to Allow the Addition of Two Conforming Signs While Also Allowing Two Non-conforming Signs to Remain on the Property

LOCATION: Wisteria Village Shopping Center
2420 Wisteria Drive, Snellville, Georgia

TAX PARCEL(S): R5038 001; R5038 170; R5038 326; and R5038 327

CURRENT ZONING: BG (General Business) District

OVERLAY DISTRICT: Towne Center Overlay District

DEVELOPMENT/PROJECT: 20.07± Acre Wisteria Village Shopping Center (Existing)

PROPERTY OWNER: JBL Wisteria Shopping Center 2, LLC
Hollywood, Florida 33020

APPLICANT/CONTACT: Ryan Miller
Miller Plus Architects
Woodstock, Georgia
404-545-7003 or millerplusarchitects@gmail.com

RECOMMENDATION: Approval



**CITY OF SNELLVILLE
PLANNING & DEVELOPMENT DEPARTMENT
BOARD OF APPEALS**

VARIANCE CASE ANALYSIS

April 13, 2021

TO: Snellville Board of Appeals

REGULAR MEETING DATE: April 13, 2021

FROM: Jason Thompson, Director
Department of Planning and Development

CASE NUMBER: **#BOA 21-01**

FINDINGS OF FACT:

The Department of Planning and Development has received a variance application from William R. Miller, AIA representing JBL Wisteria Shopping Center 2, LLC requesting a variance from the Sign Ordinance to allow for the construction and use of a conforming monument sign and conforming internal direction sign, while allow two non-conforming freestanding pylon signs to remain 'as-is' with some modification to one of the non-conforming signs.

One new conforming monument sign (Sign C) would be constructed at a shopping center entrance along Wisteria Drive and a new conforming directional sign (Sign D) would be constructed at the beginning of the internal parking area.

Currently, there exist two non-conforming freestanding pylon signs (Signs A-B) that were constructed around the time of initial development of the shopping center in 1985, with the larger pylon sign located near the southeastern shopping center entrance along E. Main Street/Hwy. 78, and smaller secondary pylon sign located in the northwestern parking area of the center adjacent to Hugh Drive.

REQUEST:

The applicant is requesting a variance from the Sign Ordinance, as follows:

1. **Variance from Sec. 207-6.6.B, Multiple Signs of Chapter 200 of the Unified Development Ordinance (UDO) that states, “No business is allowed to install an additional conforming sign until it has removed any existing non-conforming signs. Provided, however, that on lots with three or more businesses, at least two of which are party to a lease or leases, any business that does not own or control the non-conforming sign may erect a wall sign.”**

The applicant is requesting to allow the existing non-conforming freestanding pylon sign (Sign B) on parcel R5038 327 along Main St. to remain, and be improved through maintenance, minor material changes and a new paint scheme to be complimentary of the shopping center and new signage (see right photo).



And, allow the existing non-conforming freestanding pylon sign (Sign A) on parcel 5038 170 to remain but be improved to be less non-conforming by the addition of a solid decorative brick base, up to the level of the lower sign cabinet, and be further improved through maintenance and a new paint scheme to be complimentary of the shopping center and new signage (see left photo).

SIGN REGULATIONS:

The Sign Ordinance provides for the following definitions which are applicable in this case:

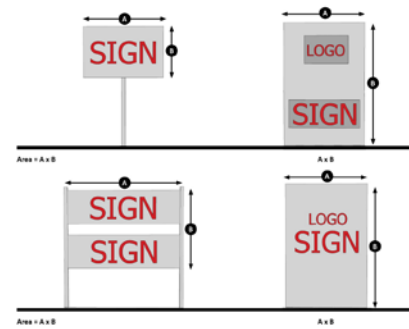
Freestanding Sign. *“A permanent sign with no decorative base that is supported by one or more upright poles, columns, or braces placed in or on the ground and not attached to any building or structure.”*

Monument Sign. *“A permanent ground sign designed so the base of the sign face is flush with the supporting base and the supporting base is flush with the ground. Sign must include a solid, decorative base and may include a decorative frame. The base must be at least as wide as the sign and/or frame upon it and a minimum of two feet in height. Decorative base and frame materials include stone, brick, EIFS or true hard coat stucco. No support posts may be exposed. Electrical disconnect and/or meter base may not be visible from the public right-of-way.”*

Non-conforming Sign. *“Any sign and its supporting structure that does not conform to all or any portion of this section and was in existence and lawfully erected before the effective date of this*

UDO; and was in existence and lawfully located and used in accordance with the provision of any prior ordinances applicable thereto, or which was considered legally non-conforming thereunder, and has since been in continuous or regular use; or was used on the premises at the time it was annexed into the City and has since been in regular and continuous use.”

Sign Area. *“The entire area within a continuous perimeter, enclosing the extreme limits of the sign structure, not to include the first 24 inches of the base height of a monument sign. Curved, spherical, or any other shaped sign face area will be computed based on the actual surface area. The copy of signs composed of individual letters, numerals, or other devices will be the sum of the area of the smallest rectangle or other geometric figure encompassing each of said letter or device as well as spaces between each letter or device.”*



The Sign Ordinance further regulates monument signs as defined in Sec. 207-6.2 (above) as follows:

- a. Monument sign area is defined as the entire area within a continuous perimeter, enclosing the extreme limits of the sign structure (overall height by overall width), not to include the first 24 inches of the base height of a monument sign.
- b. One monument sign is allowed per road frontage.
- c. The maximum square footage of the sign is based upon 0.50 square feet per 1 foot of road frontage or 64 square feet, whichever is larger.
- d. In lieu of allowing a second monument sign, corner lots with two adjacent road frontages may utilize 30% of the allowable sign area from the second frontage for the sign area calculation of the one monument sign. Sign area variances of Sec. 207-6.6.C are not allowed.
- e. The maximum sign area allowed is 225 square feet.
- f. Signs more than 5 high must be set back at last 10 feet from the right-of-way. Signs more than 10 feet high must be set back at least 15 feet from the public right-of-way.
- g. Monument base must be constructed of natural brick or stone (not painted or stained); or EIFS/true hard coat stucco painted or stained using colors from EIFS/true hard coat stucco painted or stained using colors from the official City color palette shown in Figure 208-1.4. Foamcore monument signs are prohibited.
- h. Monument base shall be at least as wide as the sign and/or frame upon it and a minimum of 2 feet in height. No support posts may be exposed.
- i. Electrical disconnect and/or meter base must not be visible from the public right-of-way.
- j. Monument sign must include the numeric street address of the property upon which it is located. The numbers used to identify the address may be no less than 5 inches in height and no more than 9 inches in height.

In addition, Sec. 207-6.3. of the Sign Ordinance prohibits twenty-one sign types including:

- a. Freestanding signs larger than 6 sq. ft. in sign area.
- b. Signs over 15 feet in height.

In addition Sec. 207-6.4.B.7 of the Sign Ordinance allows for 'freestanding signs' in the non-residential zoning districts, provided the signs are less than 6 sq. ft. in area, not to exceed 3 feet in height including the support mechanisms, The maximum number of signs permitted is two per road frontage or two per curb cut, whichever is greater (per parcel). Signs must meet the setback requirements of Sec. 207-6.6.A.

The intent for this particular sign type is have these serve as directional signage to signify the entry and exit drives for smaller commercial properties where the entry and exit drives are located in close proximity to one another. However, since the ordinance is content-neutral, the signs may be used for any purpose and display any message.

ANALYSIS:

Both existing freestanding pylon signs (Signs A and B) are non-conforming to the 'Monument Sign' definition as the sign structure/cabinet is not flush with the supporting decorative base. The two metal support columns for the Hugh Drive sign (Sign A) are also exposed and visible. As freestanding pylon signs, both signs also exceed the 6 sq. ft. maximum sign area and exceed the 3 foot maximum height requirement. And the 31'-6" tall Main Street sign (Sign B), well exceeds the prohibition for signs over 15 feet in height.

For Sign A, the property owner intends to add a new six-foot tall by six-foot wide brick base to the Hugh Drive freestanding sign, making it more conforming to the monument sign definition for a solid decorative base; however, the two metal support columns will continue to be exposed and visible, with open areas between the top and middle sign cabinets. Although no sign setback from right-of-way information has been provided, it appears the sign is currently setback approximately 10 feet from the Hugh Drive right-of-way, 5 feet less than the 15 foot setback required by Sec. 207-6.4.B.5.f.

Other than minor material changes and a new paint scheme for Sign B, the property owner does not intend to make any modifications to the Main St. sign that would make it more conforming to the sign definition and regulations for a 'monument sign'.

STANDARDS FOR CONSIDERATION:

Pursuant to Sec. 103-7.2.B of Chapter 100 of the UDO, 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 zoning district;

Applicant Response: Wisteria Village is uniquely situated on a corner lot with street frontages on Main St. and Wisteria Drive. There is currently one pylon sign (Non-Conforming Pylon Sign B) serving the main shopping center situated on Main St. and we would like to add a Monument Sign on Wisteria Drive. The UDO allows us to have (1) Monument Sign per road frontage according to Section 207.6.4-(B)(S.)(b.). However, per UDO Section 207-6.6(B), we cannot provide a new conforming sign on Wisteria Drive until the existing non-conforming Pylon Sign B is brought into conformance. Bringing Pylon Sign B into conformance would require us to significantly reduce the size of the existing Pylon Sign B and eliminate required signage area called for in current leases. Additionally, it would limit the possibility of future lease opportunities as the typical tenant expects to enjoy the visibility of the existing pylon sign.

Existing Pylon Sign A is on a separate parcel and serves a smaller shop building only and should not be considered as the shopping center's second Monument Sign. We only request to improve it to make it less nonconforming and more attractive with a new brick base. Additionally, this existing sign is set far back from the public R.O.W. and is much less visible.

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

Applicant Response: Similar developments in the same zoning districts have larger pylon signs than currently allowed by the UDO- such as the pylon sign for Snellville Oaks Shopping Center at 2135 Main St. Therefore, reducing the size of our existing Pylon Sign B to bring it into full conformance would lessen the visibility of our current tenants and put our shopping center at a leasing and business visibility disadvantage.

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

Applicant Response: The existing Pylon Signs A and B were a part of the shopping center when we purchased it. Through the purchase we inherited the nonconforming signs but would like to make them less nonconforming and improve their appearance, not only to improve the aesthetics and attractiveness of our shopping center, but also for the visual improvement of this important commercial corridor in Snellville.

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

Applicant Response: Granting this variance will not confer any special privilege because we are not simply requesting to add signage and leave the existing signage as-is in its current

condition. We will be making significant aesthetic changes and providing needed maintenance to the current nonconforming signs. It is our intent, by improving the signs, to partner with the City to improve the aesthetics of the shopping center, giving us a better opportunity to attract new businesses to the area and improve the visual characteristics of this important commercial corridor.

Per Sec. 103-7.2.B.7 of Chapter 100 of the UDO, the Board of Appeals must make a finding that the granting of the variance “will be in harmony with the general purpose and intent of the UDO, and will not injurious to the neighborhood, or otherwise detrimental to the public welfare.”

STAFF RECOMMENDATION:

The Department of Planning and Development recommends **Approval** of the variance to allow the construction of a conforming monument sign (Sign C) and conforming internal directional sign (Sign D) without the removal of two existing non-conforming freestanding pylon signs (Signs A-B) with the following **Conditions**:

1. Modification of the existing freestanding pylon sign (Sign A) and the addition of the decorative solid brick base, shall require a Building Permit, approved by the Director of Planning and Development and include a signed and sealed letter from a Georgia registered Professional Engineer that the sign complies with the minimum design requirements of UDO Sec. 207-6.9.A. Modification shall be completed before submittal of any new sign permit application for Sign C and/or Sign D.
2. The new monument sign (Sign C) shall meet all applicable sign regulations for a monument sign and shall require the submittal of a sign permit application and applicable fees for review and approval by the Director of Planning and Development before construction.
3. The new internal directional sign (Sign D) shall meet all applicable sign regulations for an internal directional sign and shall require the submittal of a sign permit application and applicable fees for review and approval by the Director of Planning and Development before construction.
4. Granting of the variance shall not repeal Sec. 207-6.10, Non-conforming Signs of Chapter 200 of the UDO.
5. Property owner shall submit to the Director of Planning and Development for review and approval a replanting plan to replace any dead, diseased or removed trees and shrubbery that were planted in accordance with Condition #3 of the 6-9-2015 approved variances for case #BOA 15-04 and shall apply fresh mulch to these areas. Plantings and mulch shall be completed within six (6) months of variance approval and area maintained in accordance with UDO Sec. 207-3.6.E.