



PLANNER'S REPORT

TO: Adrienne Senter
FROM: Lynn Patterson
RE: Variance Application for 876 Virginia Avenue
DATE: March 12, 2018

BACKGROUND

The City of Hapeville has received a variance application from Philip Jones of Vancole Investments to allow for the installation of an awning sign as part of the construction of a new Smoothie King at 876 Virginia Avenue. The proposed sign is 1.46' by 11.86', or 17.3 SF in area. The proposed sign would require relief from the requirement that awning signs not exceed 50% of the area of the awning and the total square footage of the sign per district requirements. The property is currently zoned U-V, Urban Village, and is in the General Commercial Sign District.

CODE

ARTICLE 3.3. - SIGNS AND MURALS

Sec. 93-3.3-1. - Statement of purpose and intent.

- (a) This division seeks to create the legal framework necessary to ensure a comprehensive and balanced system of signs within the city. A comprehensive regulation is necessary to ensure that signs installed in the city are compatible with the unique nature and character of the community. The purpose of this division is to preserve the right of free speech and expression, facilitate appropriate communication between people and their environment, promote the public health, safety and welfare, and avoid the visual clutter that is potentially harmful to traffic and pedestrian safety, property values, business opportunities, and community appearance.

With these concepts in mind, the provisions in this division, which regulate signs by such factors as design, size, height, spacing and location, but not on the basis of any message conveyed by such signs, and also regulate the maintenance of signs, are hereby established to achieve the following purposes:

- (1) To protect the health, safety, general welfare and property values of residents and property owners of the city.
- (2) To promote and implement the goals, objectives and policies adopted in the comprehensive plan.
- (3) To effectively balance public and private objectives by allowing adequate signs for the needs of business and developers.
- (4) To regulate the installation and placement of signs in order to provide safe operating conditions for pedestrians and motorists by eliminating unsafe, cluttered, distracting, or illegal signs.

- (5) To promote the use of signs that are aesthetically pleasing, of appropriate scale, integrated with surrounding buildings and landscape, and compatible with the character of the surrounding area.
 - (6) To ensure the protection of free speech rights provided by the United States Constitution and the Georgia Constitution.
- (b) It is the intent of this division to:
- (1) Enable the public to locate and design sign facilities without difficulty or confusion.
 - (2) Provide functional flexibility, encourage variety and relate signing to basic principles of good design.
 - (3) Balance the rights of individuals to convey messages through signs and the right of the public to be protected against the unrestricted proliferation of signs by regulating signs on the basis of such factors as design, height, spacing, and location, but not on the basis of the content of any message conveyed thereby.
 - (4) Provide an enhanced visual environment for residents and visitors and protect existing view sheds in the community.
 - (5) Promote economic development.
 - (6) Ensure the fair and consistent enforcement of sign regulations.

Sec. 93-3.3-17. - Sign standards by sign district.

(e) General commercial. Master planned developments in the general commercial sign district that are proposed or existing developments that propose a sign package may provide a detailed sign plan to planning commission for approval. The commission shall consider the purpose and intent of this division in determining the appropriateness of the sign package.

Permitted sign types and regulations for signs in the general commercial sign district include:

- (7) *Awning signs.*
- (9) ***The sign area for any lot shall not exceed one square foot for every linear foot of lot frontage, regardless of the construction, placement or type of sign or signs.***

General Commercial

	Ground Sign	Projecting Sign	Wall Sign	Temporary Sign	Window Sign	Awning Sign
Maximum Height	15 feet	Not above roofline				
Maximum Width	8 feet	6 feet	50% of façade width	8 feet		
Maximum Area	50 square feet	32 square feet	1 SF/LF of building or tenant façade	32 square feet	50% of window area	50% of awning area
Maximum Number	2	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	2/year	No Maximum	2

Sec. 93-3.3-18. – General sign regulations.

In addition to the limitations set forth in the other sections of this division, the following limitations shall apply to these specific types of signs:

- (3) *Awning signs.*
 - a. An awning sign must be painted or installed directly on the awning.
 - b. **The sign area of any awning sign shall not exceed 50 percent of the surface area of the awning.**
 - c. Awnings must be a maximum of eight feet above the sidewalks and may extend to within one foot of the vertical plane formed by the curb or the public right-of-way line.

FINDINGS

Sec. 93-3.3-22. - Variance for signs in this division.

In any appeal brought under section 93-3.3-4, the board of appeals shall judge a request for a variance from the terms of this division based on the following criteria:

- (1) All signs and structures within the business development are in conformance with this division; and
- (2) The variance, if granted, would not cause substantial detriment to other property owners or tenants, or to the public good, nor would it impair the purpose and intent of this division; and
 - a. The board of appeals may consider factors such as the size of the buildings constructed on the subject lot, the potential to subdivide the lot, and the number of different tenants occupying the buildings.
 - b. Financial loss to the appellant is not sufficient grounds by itself to justify a variance.
 - c. Peculiar conditions or circumstances that are the result of actions of the current or former owner of the property covered by the application cannot be considered as grounds to justify a variance.
 - d. The authority to erect and maintain additional signs as may be permitted under any such variance shall terminate upon the subdivision of the lot for which such variance was granted.

RECOMMENDATION

The restrictions on awning signs as defined in the code presuppose signs made of lettering attached directly to canvas awnings. The lack of acknowledgement of the type of sign proposed by the applicant is a limitation of the code. The installation of a sign made of channel letters attached to a metal awning would not itself run counter to the purpose and intent of this division.

However, the increased size of the sign cannot be justified as it sets a precedent for other businesses in the city. The maximum area of *all* signs on the lot may not exceed one square foot per linear foot of tenant frontage; the proposed Smoothie King logo to be displayed on the wall behind the awning must also be considered in that calculation. The tenant frontage is provided as 18'. While the area of the Smoothie King logo has not been provided, the proposed awning sign alone takes up 17.3 SF of the 18 SF allotment.

The proposed variance for the awning location is recommended for approval by staff. Staff cannot recommend the increased square footage for the total sign area.



876 Virginia Avenue