



## PLANNER'S REPORT

DATE: August 16, 2019  
TO: Adrienne Senter  
FROM: Lynn Patterson  
RE: Sign Variance Application – 583-B North Central Avenue – Sanskrit Moon Yoga

### **BACKGROUND**

The City of Hapeville has received a variance application from Chandra Fowler (Sanskrit Moon Yoga Center) to allow for an unpermitted installed window sign located at 583-B North Central Avenue to remain in place. A permit for a projecting sign (5 SF) was applied for and approved by the Planning & Zoning Department on 02/05/2019.

The window sign is spread across several windows and the entrance door, and has the following dimensions:

- Sign on door: 25.5" x 17" (3 SF)
- Two mirrored panels on windows: 57" x 23.5" (9.3 SF) each
- Third panel: 29.5" x 23" (4.7 SF)

The total area of all window signs is 26.3 SF. The total area of all signs, including the approved projecting sign, is 31.3 SF. The tenant's frontage along North Central Avenue is 14'-3".

The Code (see below) requires that window signs may not exceed 12 SF and 50 percent of the window area. The Code also states the total square footage of all signs cannot exceed one square foot per linear foot of tenant frontage. The applicant is requesting the following variances:

1. allow the square footage of window signs to exceed 12 SF.
2. allow the square footage of all signs on the building to exceed the linear footage of frontage.

The property is located within the U-V Urban Village Zoning District and is subject to the provisions of the Downtown Historic District Sign Regulations.

### **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. 93-3.3-2. - Definitions.**

*Sign area.* The total area on which a message is displayed on any sign. For double-faced signs, the side with the largest sign area shall be used in computing sign area. The sign area of a double-faced sign having unequal faces shall be the area of the larger face. ***The sign area of wall signs shall be the net geometric area measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign, including the outer extremities of all letters, characters and delineations.*** Double-faced signs having an interior angle formed by the faces greater than 45 degrees shall be considered individual sign faces and the area of each face shall be used in computing sign area. ***Window sign area shall be measured in the same manner as wall signs.***

*Window sign.* Any sign displayed to an outside observer on or through a window or covering a window clearly visible from the right-of-way. Any sign that conveys a message at a scale as to font size or graphics or the use of such components as neon or LED lighting clearly intended to advertise to pedestrians or motorists in the right-of-way, despite the location in a store, shall be considered window signs. Window sign shall include signs posted on or otherwise affixed to a glass door.

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

(d) Downtown district. Permitted sign types and regulations for signs in the downtown sign district include:

(4) Window signs shall not exceed 50 percent of the window area and shall be a maximum of 12 square feet of sign area. A second window sign of the same dimension shall be allowed on buildings with multiple frontages fronting on a public street. Interior neon or LED signs not to exceed an aggregate maximum of six square feet in sign area shall be permitted.

(10) The aggregate 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.

#### Downtown District

	Projecting Sign	Wall Sign	Window Signs	Awning Sign	Temporary Sign
Maximum Height	Not above roofline				6 feet
Maximum Width	4 feet	50% of façade width			8 feet
Maximum Area Primary Facade	12 square feet	1 SF/LF of building or tenant façade	50% of window area	50% of awning area	32 square feet
Maximum Area Secondary Facade	12 square feet	1 SF/LF of building or tenant façade	50% of window area		
Maximum Number	1/primary facade; 1/secondary facade	1/primary facade; 1/secondary facade	No Maximum	2	1

#### **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:

(7) *Window signs.* Window signs shall not exceed 50 percent of the window area of the building in which they are displayed. Window signs may be arranged as a single sign or as multiple signs. Window signs shall be limited to ground floor windows. Interior neon or LED signs not to exceed an aggregate maximum of six square feet shall be permitted.

#### **PROCEDURE**

#### **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.

## **FINDINGS**

The intent, in part, of the sign ordinance is 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.” The City cannot allow or deny permits to applicants based on content without violating their First Amendment right to free speech. It can, however, control non-speech aspects of signs, such as sign area. The two area limitations under consideration are both designed to reduce clutter and keep signs in scale with the downtown pattern of small street level store fronts without considering content.

The code has a specific prescription for the determination of sign area, stating “The sign area of [window] signs shall be the net geometric area measured by the smallest possible rectangle or combination of rectangles enclosing the display surface of the sign, including the outer extremities of all letters, characters and delineations.” By this standard, the window sign is measured to be 26.3 square feet in area.

The window sign area alone is 116 percent larger than the Code permits (12 SF) and the total square footage of all signs exceeds the maximum allowable square footage by 119 percent.

The Board of Appeals should review criteria from Sec. 93-3.3-22 and determine if the variance should be granted.



583-B North Central Avenue