



***Board of Zoning Appeals Public Hearing
October 20, 2015 — 7:00 P.M***

CASE NUMBER:	V-15-019, V-15-020, V-15-021
PROPERTY LOCATION:	11250 Medlock Bridge Road, Johns Creek, GA 30097 1st District, 1st Section Land Lots 357, 374
CURRENT ZONING:	MIX (Mixed-Use District) Conditional
PARCEL SIZE:	2.31 Acres
PROPERTY OWNER(S):	Johns Creek Promenade
STAFF RECOMMENDATION:	DENIAL

REQUEST

The applicant has requested three variances for a freestanding menu sign at a drive-through Dunkin Donuts restaurant:

- V-15-019: to exceed the 6’ maximum sign height by 1’3”
- V-15-020: to allow a freestanding sign without a brick or stone base
- V-15-021: to reduce the minimum 2’ base of a sign to 23”

The subject property is zoned MIX (Mixed Use District) Conditional and is located within the Johns Creek Walk development. The subject property is the southernmost of three retail and commercial parcels. The new menu sign is located on the northwest corner of the building along an internal driveway between the Dunkin Donuts building and the building to the north. The sign is visible from the public right-of-way and the greenway path along Medlock Bridge Road. The business is currently under construction and is yet to open to the public.

The readable portion of the sign would be 63.69” in height and 75.75” in width on top of a 23”-high metal base. While freestanding menu signs are not limited in area, they are limited to 6’ in total height, and must include a minimum 2’ brick or stone base.

The proposed sign has been installed without a sign permit. The Department would note that the applicant is required to submit a sign permit application for review by the City of Johns Creek, should the request be approved. The applicant would have been informed of these requirements during the permit process. Additionally, the sign as currently installed includes four “extenders” protruding off the sign beyond the base. If the requested variances are approved and a sign permit is granted, these extenders must be removed. If the variance request is denied as recommended by Staff, a new or modified sign is required without these extenders.

The Department would also note that variances may only be granted to exceed the allowable height of a sign by not more than 20 percent. The applicant’s request of a 7’3” sign exceeds this maximum height by 0.6”. If the

requested variance is granted, the applicant would be required to reduce the proposed sign height by 0.6” in order to receive a sign permit.

ADJACENT ZONING AND LAND USES

The subject property is located on a parcel within the Johns Creek Walk mixed-use development on the west side of Medlock Bridge across from its intersection with Johns Creek Parkway. The adjacent property to the north is also zoned MIX and is developed as part of the same retail center as the subject property, and the adjacent property to the south is an undeveloped parcel zoned MIX within Johns Creek Walk. The adjacent parcel to the west is zoned AG-1 (Agricultural) and is part of the Standard Club golf course, and the property directly across Medlock Bridge Road to the east is an undeveloped part of Technology Park, which is zoned M-1A (Industrial Park) conditional

APPLICABLE CODE REQUIREMENTS

City of Johns Creek Zoning Ordinance; Article XXXIII: Signs; Section 25: Construction Standards; E. Sign Materials:

Freestanding sign structure/base materials shall be constructed of brick or stone with a base of at least two (2) feet.

City of Johns Creek Zoning Ordinance; Article XXXIII: Signs; Section 33.26: Restrictions Based on Location; E. Commercial and Mixed Use Districts; 4. Menu Sign:

One menu sign as part of a drive-thru or drive-in facility, not legible by the traveling public, shall not exceed six (6) feet in height.

VARIANCE REQUIREMENTS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Board of Zoning Appeals in considering the application and its merits. These considerations from Section 33.12 of the Zoning Ordinance include:

1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of this Article; or
2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the Lot, impairs the visibility of the sign such that it cannot be seen.

STAFF RECOMMENDATION

V-15-019, V-15-020, and V-15-021 do not meet the standards of a hardship as described in the City’s Sign Ordinance. Variances are to be granted only in cases where a hardship is caused by either the topography of a lot rendering it impossible to conform to the standards of the ordinance, or if the natural features of a lot impair the visibility of a sign. The subject property does not meet either of these conditions. There are no topographical challenges that would affect the applicant’s ability to install a sign meeting the standards of the zoning ordinance, nor are there any natural features on the lot that would impair the visibility of a freestanding menu

board sign constructed in such a way as to avoid the necessity of variances. A sign meeting the requirements of the zoning ordinance could be constructed on the subject property without reduced visibility, and constructing a sign without proper permitted does not qualify as a hardship. In addition, removing the brick or stone base would be in conflict with the heightened design expectations for mixed-use development. Therefore the Department recommends **DENIAL** of V-15-019, V-15-020 and V-15-021.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of V-15-019, V-15-020 and V-15-021. If the variances are approved, Staff recommends the following conditions:

1. The sign shall be constructed in general accordance with the site plan and sign elevations received by the Community Development Department on September 8, 2015, with changes to meet zoning and development regulations.
2. The applicant shall provide landscaping a minimum of 24” in height around the base of the sign. Landscaping plans shall be subject to the approval of the Community Development Director prior to the issuance of a sign permit.
3. The applicant shall reduce the height of the sign to 7’2.4” in order to meet the requirements of the Sign Ordinance for variances for sign height.

