

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Sophie Le Tily (Big Mouth Signs)

Request Variance in height and Amending PCD conditions

Proposed Use New monument sign

Size 14.09± acres

Zoning PCD

Location **4336 Cornelia Highway** | Tax Parcel 09085 000008

Commission District Three

Planning Commission Date November 21, 2022

Staff Recommendation **Approval, based on the existing site conditions
and other signage along Cornelia Highway**

Planning Commission Recommendation.....**Approval, with conditions**

Vote: 4-0 (Pilcher Absent)

1. The proposed sign shall be approved as presented in the sign rendering submitted with this application and dated 8.19.2022. The sign shall not exceed 13 feet in height, nor shall it exceed 11.25 feet in width.
2. Internal illumination is permitted but there shall be no electronic message board permitted as a component of the sign.
3. There shall be approval from GDOT for the sign’s location prior to issuance of the Building Permit.

Public Forum:

There were no comments in support or opposition.

Summary Analysis

The applicant is requesting to amend the conditions of an existing Planned Commercial Development (PCD, [17.180.080](#)) to construct an internally illuminated sign on the property. The proposed sign will replace an existing non-conforming sign on the property.

Within the Gateway Corridors Overlay District (GCOD, [17.420](#)) internally illuminated signs are prohibited, unless approved as part of a planned development. The applicant is requesting to amend the previously approved conditions of the planned development to permit an internally illuminated sign.

The proposed sign monument sign is located 15 feet from the front property line, to the north side of where the driveway connects to Cornelia Highway. The sign is proposed to be 15 feet in height and includes areas for signs to be installed, one identifying the business and two representing brands sold on premises. The business sign is proposed to be 60 square feet in area (6' x 10') and the two brand signs are approximately a combined 25 square feet in area (2.5' x 10').

- Within the Gateway Corridors Overlay District (GCOD, [17.420](#)) one ground mounted monument sign with a maximum sign area of 48 square feet and a maximum height of 8 feet above grade is permitted for parcels containing 10,001 – 50,000 square feet of building area, ([17.420.060](#)).
 - The proposed sign is 12.666 feet / 152.8 inches in height.
 - The applicant’s statement of hardship states that the wide right of way and drive speeds along Cornelia Highway necessitate the need for an increase in the height of the

One **variance** related to sign height will be required if the sign renderings, as presented, are approved:

Maximum Height Allowed. = 8FT
 Maximum Height Proposed = 13FT
Variance Req’d. = 5FT

Based on the existing site conditions and other signage along Cornelia Highway, staff finds the proposed increase in sign height and internally illuminated signage consistent with the development pattern of that area.

Zoning Analysis

The proposed signage is consistent with other signage along Cornelia Highway due to site conditions, right-of-way width, and travel speed.

The Planning Commission is hereby authorized to grant variances from the strict application of this Resolution upon proof by a preponderance of the evidence that [2.60.030.J](#) provided the request meets the criteria set forth in [2.60.030.K](#).

1. There are extraordinary and exceptional conditions pertaining to the particular lot in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship); **The property is located on a divided state highway. The parcel’s front property line is approximately 132FT from the edge of pavement of the northbound right turn lane. The proposed sign is an additional 15FT from the front property line, in order to meet the required setback.**

2. The application of the requirements of this [Title 17](#) to this particular piece of property would create an unusual hardship; **An 8FT non-illuminated sign would not be an effective business identification given the distance from the lanes of travel; a smaller sign could possibly impede safe travel along Cornelia Hwy/Hwy 365 since it would be harder for drivers to read.**

3. Such conditions are peculiar to the particular piece of property involved and are not common to other properties in the neighborhood; and **The condition is common to other properties in the area. Although the conditions are not unique to this parcel, the request is consistent with other signs in the area.**

4. Such conditions are not the result of any actions of the property owner; **The owners have not created the parcel conditions that place their property line so far from the edge of pavement. The existing sign is larger than the proposed sign but must be removed because it is located within an easement.**

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of [Title 17](#); provided, however, that no variance may be granted for a use of land or building or structure that is prohibited by [Title 17](#) or for a conditional use which has been denied by the county planning commission. **Granting relief should not cause any detriment to the public good or impair the intent and purposes of [Title 17](#).**

Per Planning Commission and Hall County Commission consideration and decision ([17.380.060](#)), the planning commission shall study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry shall be considered, to wit:

1. Whether the zoning proposal will permit a use that is suitable in view of the use, development and zoning of adjacent and nearby property; **The proposed signage is consistent with other signage along Cornelia Highway due to site conditions, right-of-way width, and travel speed and thus is suitable in view of the use, development and zoning of adjacent and nearby property.**
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **The proposed signage should not adversely affect the existing use or usability of adjacent or nearby property.**
3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; **The property is zoned Planned Commercial Development (PCD, [17.180.080](#)) and as such has reasonable economic use as currently zoned. A sign that meets the requirements of the Zoning Regulations ([Title 17](#)) could be permitted without amending the zoning approval. The current request is to amend the PCD zoning conditions to allow an internally lighted monument.**
4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities or emergency medical service; **The proposed sign should have no impact on of existing streets, transportation facilities, or utilities.**
5. Whether the zoning proposal is in conformity with the policy and intent of the future land use plan for the physical development of the area; **The proposed sign does not comply with the regulations of the Zoning Regulations ([Title 17](#)). Signage is not explicitly discussed in the Comprehensive Plan.**
6. The extent to which property values are diminished by the existing zoning restrictions; **Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is complete.**

7. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff has not identified that the existing property values have been impacted by the existing zoning or conditions.**
8. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned. This is not a request to rezone but to amend a condition of the original PCD approval.**
9. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The property is developed. This is not a request to rezone but to amend a condition of the original PCD approval to allow an internally lighted sign.**
10. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **The proposed signage is consistent with other signage along Cornelia Highway due to site conditions, right-of-way width, and travel speed and thus the existing conditions can give supporting grounds for approval of the proposed sign and the request to amend the previous PCD rezoning conditions.**
11. Whether the change would create an isolated district unrelated to the surrounding districts; **No, there are no proposed changes to the underlying zoning district. This is not a request to rezone but to amend a condition of the original PCD approval to allow an internally lighted sign.**
12. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **No, the Planned Commercial Development (PCD, [17.180.080](#)) zoning was established in 2004 and there is no evidence that the district boundaries are illogically drawn.**
13. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The request does not appear to be out of scale with the needs of the County as a whole.**
14. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **The proposed amendment relates to signage for the existing business which is located on the subject property. The proposed sign is only permissible for properties that are developed with a gross floor area of over 100,000 square feet. Internal illumination is permissible outside of the Gateway Corridors Overlay District (GCOD, [17.420](#)).**
15. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **This is not a request to rezone but to amend a condition of the original PCD approval to allow an internally lighted sign.**
16. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **The proposed sign will be required to meet all applicable local, state, and federal regulations during the development permitting process.**

17. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **The current request is to amend a Planned Commercial Development (PCD, 17.180.080) to permit internal illumination of a sign and is not a rezoning request; therefore, the question is not applicable.**

Section **17.180.080**, supplemented with the application materials from the rezoning request, provide the standards and allowable uses for this development.

Section **17.420.60** provides the sign standards Gateway Corridors Overlay District (GCOD).

Development Support and Constraints –Departmental /agency comments

Hall County Environmental Health

An email dated October 31, 2022 from Emily McGahee states “no comment”.

Hall County Fire Rescue

In an email dated November 2, 2022, Lieutenant John Hornick, NPQ Fire Inspector 1, Plans Review, states: “Fire Marshal’s office has no comments regarding new monument sign as proposed.”

Hall County Public Works and Utilities

In a memo dated November 3, 2022, from Srikanth Yamala, Director of Public Works and Utilities, the following comments were provided:

Engineering:

No comments

Traffic:

No comments

Utilities:

No comments

Georgia Department of Transportation

Per an email dated November 3, 2022, Parker Niebauer, District 1 Traffic Operations Supervisor, confirmed that this project will require GDOT coordination to verify no work being performed in GDOT R/W.

➤ **Excerpts from the minutes of the November 21, 2022 meeting**

Applicant’s Presentation:

Randi Doveton, Planning Director, presented a summary of the request.

Andy Darnell, 4336 Cornelia Highway, Lula, presented the request. The applicant stated that the current sign needed to be updated.

Public Forum:

There were no comments in support or opposition.

Planning Commission Comments

Mr. Braswell stated that the note in the application stated that there would be a 72 x 170 top light cabinet for internal lighting.

Motion: A motion to approve, with conditions was made by Mr. Hunt and seconded by Mr. Bell. Vote: 4-0 (Pilcher absent)

Conditions:

1. *The proposed sign shall be approved as presented in the sign rendering submitted with this application and dated 8.19.2022. The sign shall not exceed 13 feet in height, nor shall it exceed 11.25 feet in width.*
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