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Chief Executive Officer

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
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Decatur, GA 30030



Wednesday, May 8, 2019 at 1:00 PM
Planning Department Staff Analysis

N.6 Case No: A-19-1243224 Parcel ID(s): 15-162-02-015

Commission District: 03 Super District 07

Applicant: Johnny Garcia, DC
4982 Covington Highway
Decatur, GA 30035

Owner: Same as Above

Project Name: 4982 Covington Highway

Location: The property is located on the northwest corner of Covington Highway and Glenhaven Circle, at 4982 Covington Highway, Decatur, Georgia 30035.

REQUEST: Variance from Section 21-22(a) of the DeKalb County Sign Ordinance to allow an electronic sign in an OI zoning district.

Staff Recommendation: "Denial"

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-85	Detached single family homes
East	R-85	Undeveloped
South	C-1	Retail
West	C-1	Retail
Northeast	R-85	Undeveloped
Northwest	C-1	Retail
Southeast	R-85	Detached single family homes
Southwest	C-1	Retail
Street Type	Major Arterial and Local Street	

Site Location: The property is located on the northwest corner of Covington Highway and Glenhaven Circle, at 4982 Covington Highway, Decatur, Georgia 30035. The site is zoned OI and is surrounded by R-85 zoned property to the north, east, and south; and C1 to the west. The subject property currently fronts Covington Highway which is currently classified as a major arterial and Glenhaven Circle which is classified as a local street.

Variance request: Variance from Section 21-22(a) of the DeKalb County Sign Ordinance to allow an electronic sign in an OI zoning district. The applicant submitted some of the following comments: "I have owned the property since 2005 and operate my Chiropractic Practice in the facility. We maintain the property with respect to our community and our business is licensed. We are currently zoned O-I and had a previously legally permitted regular electric light box sign since opening our doors in 2005. Recently, the light box sign was destroyed in an unfortunate accident. We need to replace the sign and would like to modernize that sign to digital/electronic, keeping all other aspects the same."

Variance Analysis: Based on submitted materials, the applicant is proposing to build an 8' X 14' electronic sign in front of their chiropractic practice. The property is currently located in O-I which prohibits electronic signs. Per Section 21-22. of the DeKalb County Zoning Ordinance *Electronic signs shall be allowed only in C-1, C-2, M, and M-2 zoning districts.* The site is surrounded by R-85 zoned property to the north, east, and south; and only C1 to the west. Based on staff's site visit, there were no electronic signs installed within close proximity of the subject property.

The applicant has not presented any hardship and does not comply with the following criteria as provided in Ch. 21, Section 21-27. Additionally, Section 21-23 (e) states that: A nonconforming sign structure may not be replaced by another nonconforming sign structure, except that a non-conforming sign may be rebuilt where the original sign structure has been damaged or destroyed by nature or an act of god.

(1) Exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, which are not applicable to other lands or structures in the area;

There is no exceptional conditions pertaining to the property where the sign is to be located as a result of its size, shape, or topography, and is not applicable to other lands or structures in the area cause there are no electronic signs install within close proximity of the property.

(2) Granting the variance would not confer on the applicant any significant privileges which are denied to others similarly situated;

Based on the submitted materials, granting the variance would confer on the applicant privileges which are denied to others similarly situated.

(3) The exceptional circumstances are not the result of action by the applicant;

Staff did not find conditions of exceptional circumstances.

(4) The requested variance is the minimum variance necessary to allow the applicant to enjoy the rights commonly enjoyed by others similarly situated;

If the Board finds grounds for approval, the size and scale of the sign would indicate that it is the minimum necessary.

(5) Granting of the variance would not violate more than one (1) standard of this article.

Based on the submitted petition, granting of the variance would violate more than one (1) standard of this article.

(6) Granting the variance would not result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic.

Based on the submitted variance, granting the variance may result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic since there are no electronic signs installed within close proximity of the property, thus may generate a visual distraction.

FINAL STAFF ANALYSIS:

Based on the submitted variance request, granting the variance may result in allowing a sign that may interfere with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic since there are no other electronic signs installed within close proximity of the property. Therefore, the Department of Planning and Sustainability recommends that the application be "Denied".

STAFF RECOMMENDATION: "Denial"