

**MEMORANDUM**

**To:** Zoning Board of Appeals

**From:** Howard Koontz, AICP

**Date:** August 2, 2012

**Subject:** ZBA 12-084: John Roegge, applicant on behalf of Starbucks, tenant of 4441 Ashford Dunwoody Road, Dunwoody, GA, 30346, seeks the following: Variance from Chapter 20 to erect additional signage and oversized signage.



**ITEM DESCRIPTION**

Hilton Displays, Inc, the applicant of record representing Hines Atlanta LP, owner of 4441 Ashford Dunwoody Rd, requests a variance for additional directional signs, a clearance bar sign which would reference the height of the canopy over the drive-through window, and a menu reader board in excess of 18 square feet, the maximum sign menu area allowed by code.

## BACKGROUND

The site is an out parcel on the campus of the Ravinia office park, located on the southeast corner of Ashford Dunwoody Road and Ravinia Parkway. The property is currently undergoing construction and when complete will serve as a quick service restaurant with a drive through. Rezoned in October 2011 to C-1c (Local Commercial district, conditional), the lot is bordered on the north, east and south sides by the remainder of the Ravinia office park, zoned O-Ic, and to the west across Ashford Dunwoody Road by Perimeter Mall, similarly zoned C-1.

There is no direct entrance to the property from Ashford-Dunwoody Road. Rather, a driveway entrance is located on the east side of the property, off of Ravinia Drive, a private street. The driveway leads into the lot from the east, to the entrance of the drive through lane which runs along the east, north and west property lines, serving the drive through window on the north side of the building.

Direction	Zoning	Use	Current Land Use
N	OI	Commercial	Office
S	OI	Commercial	Office
E	OI	Commercial	Office
W	C-1	Commercial	Retail

## ANALYSIS

The applicant's request has been made in three parts: (1) to install multiple directional signs on the property, some of which will not exist within five feet of an authorized curb cut as required by code; (2) to install a clearance bar with signage advising the motoring public of the height of the canopy above the drive through window, a sign for which there is no allowance in the Dunwoody code; and (3) a changeable text menu board alongside the drive through lane which exceeds the allowable 18 square feet.

### Conditions Of The Sign Ordinance

#### *Article 1, §20-1 Definitions*

*Directional sign* shall mean any sign placed within five feet of an authorized curb cut, specifically placed to manage and avoid conflicting vehicular movements.

#### *Article 2, §20-59 Directional signs*

- (a) The height of any directional sign shall not exceed three feet above the ground and shall not exceed six square feet in area.
- (b) Two directional signs are allowed per authorized curb cut.

*Article 3, §20-65* of the City of Dunwoody Sign Ordinance identifies the following criteria for evaluation that should be examined when determining the appropriateness of a variance:

...

(b) Variances from the regulations of this chapter shall be limited to the following hardship situations:

(1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or

***The applicant's request is not related to signage on adjoining properties.***

(2) Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and

***The visibility of the sign is not impaired by any built or natural features. It is not the intention of the applicant for the sign in question to be visible to patrons off the premises.***

a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;

***No such placement alternatives exist in the case of the clearance bar; the Dunwoody sign code simply does not make a provision for the installation of such a sign; the placement of the directional signs away from the authorized curb cut is requested so that the signs can exist closer to the drive through entrance, which exists further than five feet from said curb cut; the menu board request is not related to any placement issue.***

b. Such visibility obstruction was not created by the owner of the subject property; and

***The operators of the restaurant designed and constructed the facility from an undeveloped parcel of land.***

c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

***It is not likely the proposed variances would create any safety hazard; it can be argued that the placement of the warning signage could ameliorate potential hazards.***

(c) Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.

***In the case of the clearance bar, the minimum relief necessary would be to allow the sign to be erected; for the directional signage, the relief designed by the applicant's submittal is to allow for signage at key intersections to direct traffic; There does not appear to be a rational reason to allow for menu signs greater than what is already allowed by code: Dunwoody's sign code allows for four (4) drive through menu signs, of which ground mounted signs can exist at up to 18 square feet each, and wall mounted signs can total nine (9) square feet each. This translates to 72 total square feet of allowable signage for a message intended for patrons not further than 20 feet away from the message.***

(d) The staff or community development department shall conduct a site inspection of and shall prepare an analysis of each application for variance applying the criteria and standards set forth in this section. Said staff shall present its findings and recommendations in written form to the board at least seven days prior to the public hearing thereon.

***Staff can support the installation of the clearance bar signage as a function of public safety and to protect property; additionally, the spatial requirements for directional signage, requiring no more than five feet between the sign and an authorized curb cut can be varied so long as the primary purpose of the signage is for the orderly flow of vehicular traffic and not commercial speech; finally, staff does not support the request for the menu board square footage, as it confers to this applicant a privilege not extended to other tenants in the city. Additionally, the request is discretionary in nature because not granting the request does not***

***preclude the use of the site or subsequent advertising as planned, and there are other remedies available to the tenants that are within the terms of the sign code.***

## **RECOMMENDATION**

- Staff **supports** the applicant's request for clearance bar signage;
- Staff **supports** the placement of directional signage as required throughout the site, irrespective of proximity to authorized curb cuts, provided the signage is for orderly traffic flow in the site, and not for commercial speech;
- Staff recommends **denial** of the menu board signage request, as other remedies exist which can be affected under the terms of the existing sign code, without need for variance.

## **Attachments**

- Location and Zoning Maps
- Application Packet
- Site Plan
- Renderings