



**CITY OF SNELLVILLE
BOARD OF ZONING APPEALS**

REGULAR MEETING MINUTES
November 12, 2024

Council Chambers, City Hall, 2342 Oak Road

Members Present: Tim Van Valkenburg, Chairman; Emmett Clower, Deborah Jones, Betty Ann Kumin, and Lori-Ann Spears.

Member Absent: None. Post 1 is vacant.

Staff Present: Jason Thompson, Planning Director; and John Dennis, Zoning Administrator.

CALL TO ORDER

Chairman Valkenburg called the November 12, 2024 regular meeting to order at 7:30 p.m.

APPROVAL OF AGENDA

Emmett Clower made a motion to approve the November 12th regular meeting agenda.

Deborah Jones made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

APPROVAL OF MINUTES

Betty Ann Kumin made a motion to approve the August 13, 2024 regular meeting minutes.

Emmett Clower made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

OLD BUSINESS

None.

NEW BUSINESS

#BOA 24-02 - Application by Mike Hammond, Apollo Sign & Light (applicant) representing Veterinary Emergency Group and Crown Group LLC (property owner) requesting variance from Sec. 207-6.4.B.2. (Wall Signs) of Article 7 of Chapter 200 of the Unified Development Ordinance to increase the maximum allowable wall sign area for a wall sign on the front building elevation from 47.03 sq. ft. to 135 sq. ft. for an internally illuminated channel letter wall sign for Veterinary Emergency Group, 1850 Scenic Highway, Suite 100, Snellville, Georgia (Tax Parcel 5057 086).

Jason Thompson presented a summary of the requested variance from the City's sign ordinance to increase the maximum allowable wall sign area for the front building elevation from 47.03 sq. ft. to 135 sq. ft. for Veterinary Emergency Group going into the former Barron's Fine Jewelry location in Barron's Tower Place.

Although the applicant contends the basis for the requested increase in sign area is warranted because of the nature of the business being urgent pet medical care, application of the sign ordinance by the Planning Department continues to be based on the concept of *content neutrality* whereby signs are regulated based on size, height, shape, design, spacing and distance factors, but makes no distinction based on the message or content being displayed on the sign. To give special privilege because of the nature of business being urgent pet medical care means one must look at the message or content of the sign which is contrary to the content neutrality scrutiny upheld by the United States Court of Appeals for the Eleventh Circuit.

Prior to a June 2023 UDO amendment, by administrative variance authority, the Planning Director could approve sign area variances by an additional 25% (maximum). The request by the applicant is not consistent with what would have been considered and approved by the Planning Director prior to June 2023 amendment as the request is well above the 25% approval threshold.

The Planning Department recommends denial of the variance request to increase the maximum wall sign area to 135 sq. ft. for the front building elevation; however, to be consistent with other approved sign area variances, should the Board wish to consider a variance, it is recommended variance approval not exceed an additional 25% for a maximum wall sign area of 58.78 sq. ft. for the front building elevation with the condition the applicant obtain an approved sign and building permit for the wall signage.

The applicant Mike Hammond, Apollo Sign & Light, 1238 Logan Circle, Atlanta was present and stated the reason for the increase in sign area is because of the nature of the business being

urgent pet medical care. Also, the narrow width of the façade light band where the signage is to be installed and will not allow a stacked channel letter sign which would reduce the overall length of the sign and sign area.

Chairman Valkenburg stated there are no members of the public present tonight and asked for a motion.

Emmett Clower made a motion to approve #BOA 24-02 with staff recommendation to allow an increase in the wall sign area by an additional 25% for the front building elevation with wall signage to not exceed 58.78 sq. ft. with the condition that the applicant shall obtain an approved sign and building permit for the wall signage.

Betty Ann Kumin made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

ANNOUNCEMENTS

Mr. Thompson announced that the December 10th regular meeting is cancelled. We'll let you know if there will be a meeting in January.

ADJOURNMENT

Motion to adjourn made by Betty Ann Kumin.

Lori-Ann Spears made a second to the motion.

A vote was taken; voted five (5) in favor, zero (0) opposed, motion approved.

The meeting was adjourned at 7:45 p.m.

Tim Van Valkenburg, Chairman

John Dennis, Secretary

THESE ARE NOT OFFICIAL MINUTES. THIS IS A PRELIMINARY DRAFT, WHICH IS SUBJECT TO CORRECTION AND APPROVAL BY THE BOARD OF APPEALS DURING THEIR NEXT REGULAR MEETING.