
Sec. 7-4-21. Variances to sign requirements.

- (a) After denial of a sign permit by the building official, a property owner or sign contractor may either appeal the decision pursuant to section 7-4-22(f) or apply to the Hearings Board established under the zoning code for a variance by filing an application on a form to be obtained from the Planning Department. The variance request must be filed within ten calendar days after the denial of the sign permit. The variance request must be set for hearing within 75 calendar days of the filing of the complete written variance application.
- (b) The Hearings Board is authorized to grant such variance from the strict application of the requirements of this chapter related to sign setback, sign height, sign placement, and/or sign type (but only insofar as to whether the sign is a wall sign or freestanding sign) when due to special conditions a literal enforcement of the provisions of this chapter will, in an individual case, result in unusual hardship, so the spirit of this chapter shall be observed, public safety and welfare secured, and substantial justice done. A variance to sign setback, height, placement or type may be granted in an individual case of unusual hardship upon a finding by the Hearings Board that the following conditions exist:
 - (1) There exist extraordinary and exceptional conditions pertaining to the property in question resulting from its size, shape, or topography which are not applicable to other lands or structures in the area;
 - (2) A literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other similar properties;
 - (3) Granting the variance requested will not confer upon the property of the applicant any significant privileges which are denied to other similar properties;
 - (4) The requested variance will be in harmony with the purpose and intent of this chapter and will not be injurious to the neighborhood or to the general welfare and safety;
 - (5) The special circumstances are not the result of actions of the applicant;
 - (6) The variance, if granted, will represent the minimum variance that will afford relief from the identified hardship and will represent the least deviation possible from the zoning regulation and from the comprehensive plan; and
 - (7) The variance is not a request to increase the allowable square footage of sign area, to increase the total number of signs allowed, or to increase the maximum allowable total sign square footage allowed per site.
- (c) Appeals from the decision of the Hearings Board shall follow the appeals procedure set forth in the zoning code for appeals from decisions of the Hearings Board.

(Ord. of 4-3-2007, § 1; Ord. of 4-7-2009, § 26)

Sec. 7-4-22. Permits.

- (a) *Permits required.* Except for signs exempted from permitting under this chapter, it shall be unlawful for any person to erect, repair, alter, replace or relocate within Athens-Clarke County any sign, as defined in this chapter, without first obtaining a sign permit from the Director of Building Inspections and making payment scheduled for the same. This requirement does not include routine maintenance of a sign or change of message on a lawfully erected sign. All signs shall, in addition, be subject to the applicable provisions of the building code and the electrical code and any permit fees required thereunder. A permit shall be required for each incidence of temporary sign usage.

In addition, all applications for sign permits must be submitted by an individual(s) with 51 or more percent ownership in fee simple of subject property or his legal agent in writing over the owner's signature.

Notwithstanding any provisions in this chapter concerning the location of signs, signs shall be permitted in the future right-of-way only if the applicant acknowledges in writing that:

- (1) Athens-Clarke County shall not be financially responsible for any sign erected within the future right-of-way; and
- (2) The applicant waives all claims to compensation on the part of the sign owner should the acquisition of the future right-of-way become necessary by Athens-Clarke County.

(b) *Illuminated graphic/approved by electrical inspector.* The application for a permit for any sign in which electrical wiring and connections are to be used shall be submitted to the electrical inspector. The electrical inspector shall examine the plans and specifications respecting all wiring and connections to determine if the same complies with the electrical code of Athens-Clarke County and he shall approve the permit within the time limit for the sign permit approval if the plans and specifications comply with the Code. All illuminated signs shall conform to any nationally-recognized testing laboratory (NRTL) standard.

(c) *Application for sign permit.* Applications for sign permits shall be made upon application forms provided by the building official and shall contain or have attached thereto the following information:

- (1) Name, address, and telephone number of the applicant;
- (2) Address of building, structure, or lot to which or upon which the sign is to be attached or erected;
- (3) Position of the sign in relation to nearby buildings, structures, or property lines;
- (4) One accurate scale drawing of the plans, specifications, and method of construction and attachment to the building or ground for the sign, as well as a scale drawing of the site showing drives, structures, all existing ground and wall signs, including their size(s) and height(s) and any other limiting site features;
- (5) Name or person, firm, corporation, or association erecting the structure;
- (6) Any electrical permit required and issued for said sign;
- (7) Application for a certificate of appropriateness where applicable; and
- (8) Authorization by owner, if applicable, or by owner's authorized agent.

(d) *Permit issued if application is in order; time for consideration.*

- (1) It shall be the duty of the building official, upon the filing of an application for a sign permit, to examine such plans and specifications and other data and the premises upon which it is proposed to erect the sign, and if it shall appear that the proposed structure is in compliance with all the requirements of this chapter, upon final inspection of the sign all applications meeting the requirements of this chapter shall be granted. If an application fails to meet the requirements of this chapter, the denial shall be in writing and shall identify the requirements that are not met by the application. Any application rejected for incompleteness shall identify the reasons further action cannot be taken. If the work authorized under a sign permit has not been started within six months after date of issuance, the permit shall become null and void and a new permit shall be required.
- (2) All sign permit applications shall be granted, denied or rejected for incompleteness within 45 **60** calendar days of the building official's actual receipt of a completed application and the payment of the permit fee. The building official or designee shall give notice to the applicant of the decision by hand delivery or by mailing a notice to the address on the permit application on or before the 45 **60**th calendar day after receipt of the completed application and payment. If mailed, the notice shall be deemed to have been given upon the date of mailing in conformity with this section. If the building

official fails to act by granting, denying or rejecting the application within the 45 **60**-calendar day period, the permit shall be deemed to have been denied.

- (e) *Vouchers for billboards.* Upon proof of ownership of a billboard face or structure and upon proof of removal of such billboard face or structure, the billboard owner will receive a voucher permitting said billboard owner to replace such billboard face or structure in accordance with all applicable provisions of this Chapter. A voucher shall become void one (1) year after its issuance or upon issuance of a permit to construct a replacement billboard face or structure, whichever occurs first. Upon issuance of a permit to construct a replacement billboard face or structure, the person or entity receiving the permit must completely construct the billboard within six (6) months of issuance or said permit shall become void.
- (f) *Appeal.* A person whose permit application has been denied may appeal the decision to the Administrative Hearing Officer in writing within ten days of the date of the denial pursuant to the provisions of section 1-5-2 and section 9-4-8. The appeal hearing must be set to occur within 45 **75** calendar days of the filing of the written appeal.
- (g) *Permit fees.* The permit fee for signs shall be based on the cost of administering the sign permit program, inspecting signs and enforcing the sign regulations as established by the Mayor and Commission by resolution. The permit fee for each permanent sign shall be \$75.00 plus \$10.00 per \$1,000.00 of the total cost of each sign. The fee for each temporary sign shall be \$30.00. The money collected from these permit fees shall be kept in a fund to be used for sign inspection, regulation, and enforcement.

(Ord. of 4-3-2007, § 1; Ord. of 4-7-2009, § 27; Ord. of 6-4-2013, § 10; Ord. of 11-6-2018(2), § 2)