



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
From: Randy Mannino/David Hardegree/Zack Arnold
CC: David Archer/ Keith Lovell
Date: June 10, 2024
Re: File # V24-17

Summary: To increase the allotted area and duration of temporary event signage.

Section 1: Project Summary

Variance application by applicant Matt Womack for property located at 178 W. Main St, zoned DBD (Downtown Business District). Said property contains approximately 1.6 acres.

The applicant has installed signage to advertise for the upcoming City Overlook development. The installed signs are mounted on the construction fence wrapping the site. One sign is placed along Main St., and one is placed along Bartow St. The signs are approximately 76 square feet each. A 14-day sign permit application was issued for the signs on 4-12-2024. The permit expiration date has been extended to allow the signs to remain until decision by the Board of Zoning Appeals and HPC.

The City Ordinance for temporary event signs, Sec. 20-28., requires signs to not exceed 32 square feet in total area, and be displayed for no more than 14 days. The applicant requests a variance to increase the allotted construction signage area from 32 square feet to 76 square feet (a 44 square feet increase), as well as increase the allotted time the signs can be displayed from 14 days to the end of site construction, or removal of the construction fence.

The HPC reviewed the sign variance at their June 18th meeting, application COP24-19. The HPC took no action on the request.

The variance requests are for the following:

1. Increase the area of (2) temporary banners from the allowed 32sf to 76sf. (4ft x 19ft)
2. Increase duration of (2) temporary banners from the allowed 14 days to end of construction or until temporary fencing is removed.

Section 2. Department Comments

Electric Department: No comments received.

Fibercom: No comments received.

Fire Department: No comments received.

Gas Department: No comments received.

Public Works Department: No comments received.

Water Department: No comments received.

Section 3. Public Comments Received by Staff

None received by staff.

Section 4. Variance Justification:

Please review the following findings, as stated in the City Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 20-28. Temporary event signs.

Businesses and institutions may exhibit balloons, banners, flags or streamers related to an activity or event having a specific duration, or the end of which is related to a specific action, usually lasting only a few days at a time. Examples include grand opening events, seasonal sales events, and close-out sales. Such signs must comply with the following provisions:

- (1) *Duration.* Such signs may be exhibited for no more than fourteen (14) days at a time, with a thirty-day separation period between events, and no more than one (1) time each calendar year on the same property. A new business owner who obtains a new business license (occupational tax certificate) may be eligible to hold a temporary event, even if a former business has held an event earlier on the same property in the same calendar year.
- (2) *Maintenance.* No person shall maintain or permit to be maintained on any premises owned or controlled by that person any temporary event sign which is in a dangerous and defective condition. Any such sign shall be removed or repaired by the permittee of the sign, the owner of the premises, or as otherwise provided for in this article.

- (3) *Permit.* A temporary event permit is required along with a fee per fee ordinance.
- (4) *Setback.* All such signs and devices shall be set back a minimum of five (5) feet from public road right-of-way.
- (5) *Size.* Banners and portable signs shall be a maximum of thirty-two (32) square feet in area.

(Ord. No. 26-12, 5-3-12)

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variations.* The board of appeals has the power to hear requests for variations from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
 - A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 1. The property is exceptionally narrow, shallow or unusually shaped;
 2. The property contains exceptional topographic conditions;
 3. The property contains other extraordinary or exceptional conditions; or

4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*

Section V. STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned Downtown Business District(DBD), Professional Service (P-S) and Residential (R-7) Adjacent property uses include commercial office, retail, religious institution and single family residential.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *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, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.

10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

There are no known conditions.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 7/11/24 5:30pm

Application Number: V24-17

Date Received: 4/26 + 6/3/24

Applicant City Overlook Cartersville Office Phone N/A
(printed name)
Address PO Box 3603 Mobile/ Other Phone 678 776 6872
City Cartersville State GA Zip 30120 Email MattWomackCustomhomes.com
Matt Womack Phone (Rep) same
Representative's printed name (if other than applicant) Email (Rep) same
[Signature] Representative Signature
Signed, sealed and delivered in presence of:
[Signature] Notary Public
Applicant Signature
Gewene Womack
NOTARY PUBLIC
Bartow County, GEORGIA
My Commission Expires 03/29/2026

* Titleholder Matthew R Womack Phone 678 776 6872
(titleholder's printed name)
Address same as above Email same as above
Signature [Signature]
Signed, sealed, delivered in presence of:
[Signature] Notary Public
MAYRA BRAVO
My commission expires:
NOTARY PUBLIC
Bartow County
State of Georgia
My Comm. Expires April 18, 2028

Present Zoning District Downtown Parcel ID No. C002-0002-013
Acreage 1.6 Land Lot(s) 483 District(s) 4 Section(s) _____
Location of Property: 178 W Main St
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: _____
Summary Description of Variance Request: Variance to allow for a
larger sign
(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Chapter 20 - SIGNS

Article _____ Section 20-28 Subsection (1), (4) & (5)
Article _____ Section _____ Subsection _____
Article _____ Section _____ Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

1. _____ The property is exceptionally narrow, shallow or unusually shaped,
2. _____ The property contains exceptional topographic conditions,
3. _____ The property contains other extraordinary or exceptional conditions; and
4. _____ There are other existing extraordinary or exceptional circumstances; and
5. The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: this property the allowed 8'x4' sign isn't large enough for very much legible information. I'm asking for permission to display 2 4'x19' banners for as long as the temporary fence is in place.



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TEMPORARY EVENT 14 DAY PERMIT APPLICATION

PERMIT NO: SP24-40 PERMIT DATE: 4-16-24

BUSINESS NAME: City Overlook Cartersville

BUSINESS LOCATION: 178 W Main St

BUSINESS OWNER OR CONTACT PERSON: Matt Womack

PHONE NUMBER (CELL) OF OWNER OR CONTACT PERSON: 678 776 6872

EMAIL OF OWNER OR CONTACT PERSON: mattwomackcustomhomes.com

BEGINNING DATE OF EVENT: 4/12/24

END DATE OF EVENT (14 DAYS FROM BEGINNING DATE): N/A

NOTE: A \$25 permit fee must accompany this application for processing. All temporary signs, banners, balloons and streamers erected during a temporary event must be placed out of the right-of-the-way and shall not obstruct vehicle driver visibility entering or exiting any street or place of business.

Cartersville Sign Ordinance Sec. 20-28. Temporary event signs.

Businesses and institutions may exhibit balloons, banners, flags, or streamers related to an activity or event having a specific duration, or the end of which is related to a specific action, usually lasting only a few days at a time. Examples include grand opening events, seasonal sales events, and close-out sales. Such signs must comply with the following provisions:

1. *Duration.* Such signs may be exhibited for no more than fourteen (14) days at a time, with a thirty (30) day separation period between events, and no more than one (1) time each calendar year on the same property. A new business owner who obtains a new business license (occupational tax certificate) may be eligible to hold a temporary event, even if a former business has held an event earlier on the same property in the same calendar year.
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3. *Permit.* A temporary event permit is required along with a fee per fee ordinance.
4. *Setback.* All signs and devices shall be a minimum of five (5) feet from public road right-of-way.
5. *Size.* Banners and portable signs shall be a maximum of thirty-two (32) square feet in area.

Sec. 20-28. - Temporary event signs.

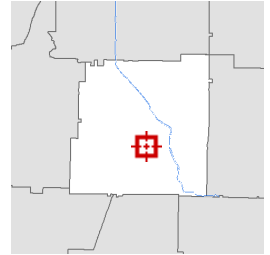
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(Ord. No. 26-12, 5-3-12)



Overview



Legend

- Parcels
- Roads

Parcel ID	C002-0002-013	Alternate ID	32096	Owner Address	CITY OVERLOOK CARTERSVILLE LLC
Sec/Twp/Rng	n/a	Class	Exempt		PO BOX 3603
Property Address	178 W MAIN ST	Acreage	1.6		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL483 D4 Cartersville Police Department				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 6/19/2024
 Last Data Uploaded: 6/18/2024 11:29:18 PM

Jun 11, 2024 at 15:32:27
178 W Main St
Cartersville GA 30120
United States



CITYOVERLOOK

Elevated & Timeless Residences
Cartersville, GA



Marketed Exclusively by:

**PROFESSIONAL
REALTY
GROUP, INC**
770.387.1706

Gina D'Urbano *Cindy Dent*
770.653.9328 770.655.2412





VARIANCE NOTICE

CASE NO. V24-17

APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.

A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE

AT 5:30PM ON 7-11-2024

FOR ADDITIONAL INFORMATION CONTACT THE
DEPARTMENT OF PLANNING & DEVELOPMENT
AT 770-387-5600