



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120

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MEMO

To: BZA
From: Randy Mannino/David Hardegree/Zack Arnold
CC: Keith Lovell
Date: March 19, 2025
Re: File # V25-10

Summary: To increase the height and area of a new freestanding sign.

Section 1: Project Summary

Variance application by applicant Erika Bodzy for property located at 4 Charley Harper Dr, zoned G-C (General Commercial). Said property contains approximately 1.2 acres.

The applicant proposes installing a new freestanding sign along Charley Harper Drive to advertise gas prices for the newly constructed service station. This will be the second sign on the property as the business already has an approved sign permit for the installation of a sign on West Avenue. Both signs will be in landscaped areas and are required to be at least 5ft off the property line.

The proposed sign will be 11.3 feet in height including the base and have 61.32 square feet of sign area. The sign ordinance allows freestanding signs on Charley Harper to be no taller than 10 feet and no larger than 32 square feet.

This sign is also going through the Text Amendment process to allow digital signs on Charley Harper Drive. The case will go before the Planning Commission on April 8th, and City Council on April 17th and May 1st.

The variance requests are for the following and per the submitted site plan sketch:

1. To increase the height and area of a new freestanding sign.

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

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. 20-25. Freestanding signs.

All signs under this section require a permit.

- (1) *Location.* If a lot has more than one (1) street frontage and a freestanding sign is proposed on each street, then the freestanding sign allowed on each frontage can be no closer to the intersection of said streets than half the distance of the frontage on each street.
- (2) *Electronic freestanding signs.*
 - a. Electronic freestanding signs which are directly illuminated; exhibit animation; blink; change copy; display moving pictures or images; flash; contain light emitting diode (LED); and/or contain liquid crystal display (LCD) shall be prohibited for residential use properties and the downtown business district (DBD).
 - b. Electronic freestanding signs on nonresidential use properties shall be prohibited except when located adjacent to one (1) of the following roads:
 1. Burnt Hickory Road (beginning at, and including, the intersection with West Avenue and running north).
 2. Cassville Road (beginning at, and including, the intersection with North Erwin Street and running northwest).
 3. Church Street (beginning at, and including, the intersection with North Tennessee Street and running east).

4. Collins Drive.
5. Douthit Ferry Road (beginning at, and including, the intersection with West Avenue and running south until, and including, intersection with Indian Mounds Road).
6. East Main Street, stationary electronic sign only (beginning at U.S. 41 and running east to the east side of the I-75 interchange).
7. Felton Road (beginning at, and including, the intersection with Tennessee Street and running east until, and including, the intersection with U.S. 41).
8. Gentilly Boulevard.
9. Grassdale Road (beginning at, and including, the intersection with U.S. 41 and running north).
10. Henderson Drive.
11. Jones Street (within three hundred twenty (320) feet of the intersection with Aubrey Street).
12. Martin Luther King Jr. Drive (between Roosevelt Street and Felton Street).
13. Old Mill Road (beginning at, and including, the intersection with Henderson Drive and running west).
14. State Route 20.
15. Tennessee Street.
16. U.S. 41 and corresponding frontage roads.
17. U.S. 411 and corresponding frontage roads.
18. West Avenue (beginning five hundred (500) feet northeast of the intersection with Henderson Drive as measured from the centerline of Henderson Drive at West Avenue, and running southwest).
 - c. Electronic freestanding signs, including animated illumination or effects; electronic sign; electronic sign, stationary; and/or flashing as defined herein, shall in no case exceed fifty (50) percent of total sign face.
 - d. No more than one (1) electronic freestanding sign may exist on a single lot.
 - e. No electronic freestanding sign may be located within one hundred (100) feet of a single-family residential dwelling.
 - f. Any permit for an electronic freestanding sign shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
 - g. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such signs may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
 - h. All such signs shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - i. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic freestanding

sign. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.

- j. All new electronic freestanding sign installations are required to submit to the city a report certifying that the daytime and nighttime light levels are compliant with the brightness level requirements stated in item (k) below.
 - k. Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change to ensure the brightness is decreased in low light situations. Brightness levels may not exceed more than two-tenths (0.20) foot candles above ambient light levels (at measurement conditions) as measured at a distance of one hundred twenty-five (125) feet.
 - l. If the sign is located in the line of sight of a residential dwelling, such sign shall not operate at brightness levels of more than one-tenth (0.1) foot candles above ambient light levels (at measurement conditions) as measured to the nearest property line of the residential dwelling from the electronic sign.
 - m. In the course of investigating a brightness complaint, the planning and development department may request a certification of the brightness (under measurement conditions) by an independent contractor, if the sign has not been certified within the preceding twelve (12) months. If the investigation and certification indicate that the sign exceeds the brightness levels specified in this chapter, the owner of the sign shall turn off the sign until the brightness of the sign is brought into compliance with this chapter within twenty-four (24) hours of a request. Compliance with these requirements will be at the owner's expense.
- (3) *Nonresidential use properties.* Freestanding signs in all nonresidential use properties except DBD shall comply with the following table of regulations:

**FREESTANDING SIGN REGULATIONS FOR NONRESIDENTIAL USE
PROPERTIES**

Location of Property Frontage	Maximum Number and Size of Sign	Maximum Height of Sign
<ul style="list-style-type: none"> - East Main St./State Route 113 (beginning at, and including, U.S. 41 and running east) - State Route 20 - U.S. 41 and corresponding frontage roads - U.S. 411 and corresponding frontage roads - West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest) 	<p>One (1) sign on each property frontage with maximum 120 square feet sign area.</p> <p>Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum fifteen (15) feet in height.</p>	20 feet
<ul style="list-style-type: none"> - Burnt Hickory Rd. (beginning at, and including, the intersection with West Ave. 	<p>One (1) sign on each property frontage with maximum fifty</p>	15 feet

and running north) - Cassville Rd. (beginning at, and including, the intersection with North Erwin St. and running northwest) - Church St. (beginning at, and including the intersection with North Tennessee St. and running east) - Collins Dr. - Douthit Ferry Rd. (beginning at, and including, the intersection with West Ave. and running south until, and including, the intersection with Pine Grove Rd.) - East Main St. (beginning at, and including, the intersection with Tennessee St. and running east to the intersection with U.S. 41) - Felton Rd. (beginning at, and including, the intersection with Tennessee St. and running east until, and including, the intersection with Roving Rd.) - Gentilly Blvd. - Grassdale Rd. (beginning at, and including, the intersection with U.S. 41 and running north) - Henderson Dr. - Old Mill Rd. (beginning at, and including, the intersection with Henderson Dr. and running west) - Tennessee St.	(50) square feet sign area. Freestanding signs on all outparcel lots shall be a maximum of fifty (50) square feet in area and a maximum ten (10) feet in height.	
All other streets not listed above	One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of thirty-two (32) square feet.	10 feet

- (4) *Residential use properties.* Freestanding signs for all residential use properties shall not be directly illuminated, and shall comply with the following tables of regulations:

FREESTANDING SIGN REGULATIONS FOR RESIDENTIAL USE PROPERTIES

Property Frontage Location and Development Type	Maximum Number and Size of Sign	Maximum Height of Sign
Individual lots on all streets	One (1) freestanding sign shall be allowed on each property frontage and shall have a maximum sign area of six (6) square feet	4 feet
Residential subdivisions and/or	Two (2) subdivision or entrance signs per entrance shall be allowed into any subdivision	6 feet

developments on all streets	or development and shall have a maximum sign area of thirty-two (32) square feet	
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(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 6, 3-5-15; Ord. No. 10-18, §§ 1, 2, 4-19-18; Ord. No. 12-18, § 1, 6-7-18; Ord. No. 34-19, § 1, 9-5-19; Ord. No. 19-22, § 1, 10-6-22)

Chapter 26, Article XXI, 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. *Variances.* The board of appeals has the power to hear requests for variances 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.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

- 1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned commercial.
- 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. Property owner hardship is 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: 4-10-2025 5:30pm

Application Number: V25-10

Date Received: 1-17-2025

Applicant <u>Erika Bodzy</u> <small>(printed name)</small>	Office Phone _____
Address <u>4732 N Atlanta Royal Dr</u>	Mobile/ Other Phone <u>404.455.0248</u>
City <u>Tucker</u> State <u>GA</u> Zip <u>30084</u>	Email <u>erikabodzy@gmail.com</u>
Representative's printed name (if other than applicant) _____	
Phone (Rep) _____	
Email (Rep) _____	
Representative Signature _____	Applicant Signature <u>Catalina Ifergan Bodzy</u>
Signed, sealed and delivered in presence of: _____	My commission expires: _____
Notary Public _____	NOTARY PUBLIC Fulton County, GEORGIA My Commission Expires 05/16/2026

* Titleholder: <u>Johnny Adhikari</u>	Phone: <u>678.93838934</u>
Address <u>3 Westwillow Ln Rome GA, 30165</u>	
Email: <u>Johnnyadhikari@gmail.com</u>	
Signature _____	My commission expires: _____
Signed, sealed, delivered in presence of: _____	<u>04/14/28</u>
Notary Public _____	

Present Zoning District _____	Parcel ID No. <u>C022-0004-032</u>
Acreage <u>1.2</u>	Land Lot(s) <u>022</u> District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>4 Charley Harper DR</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: <u>Article 2- Section 20-25, Subsection 3</u>	
Summary Description of Variance Request: <u>We are requesting to go from 32 SF to 62 SF on a 2nd ground sign at the site</u>	
<small>(Additional detail can be provided on Justification Letter)</small>	

* 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.

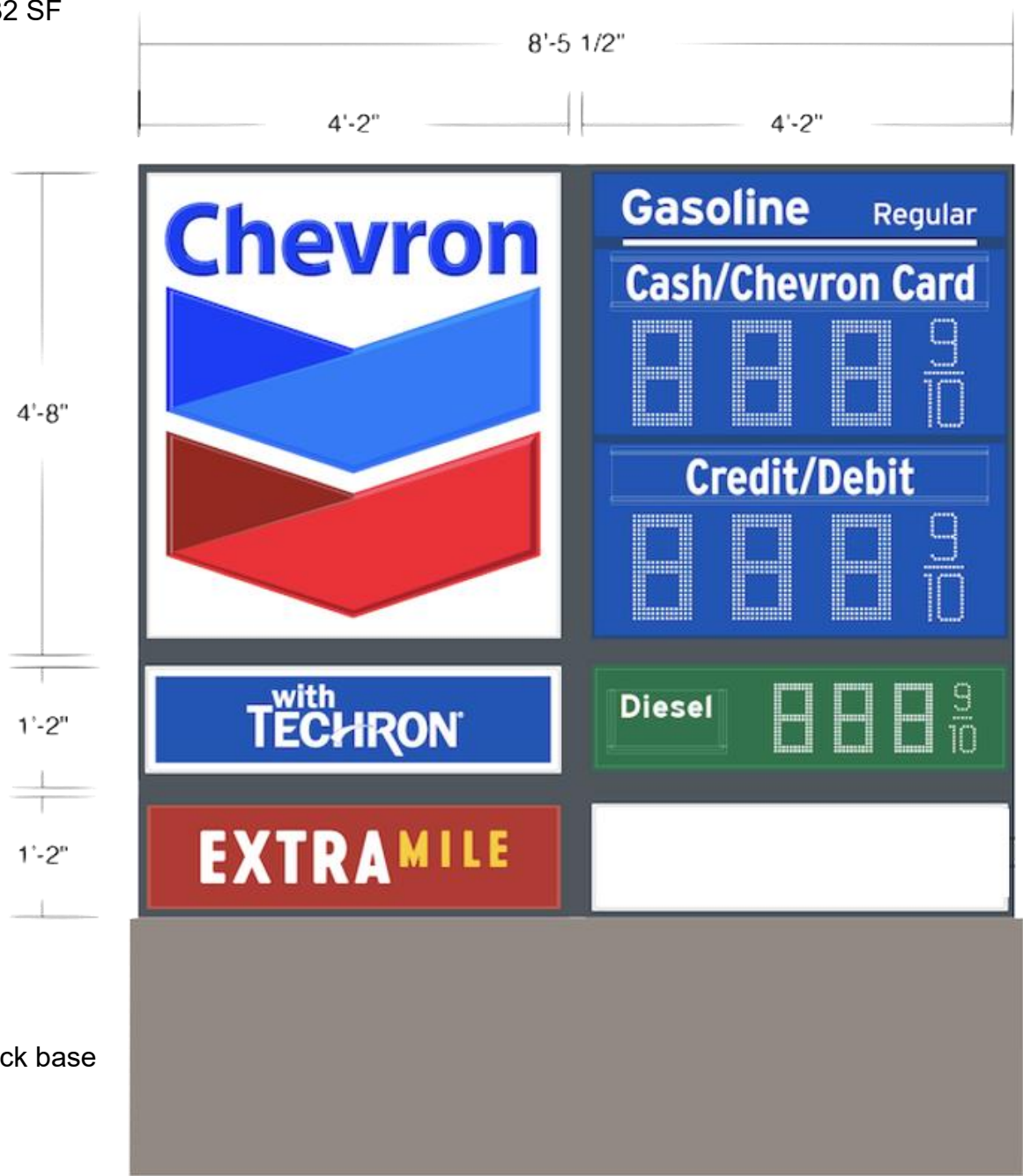
Article II Section 20-25 Subsection (2)(B)
Article _____ Section _____ Subsection _____
Article _____ Section _____ Subsection _____

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. X _____ 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. X _____ The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: _____



PMS
Grey 7

Note: Base By Others
Stone Gray
PMS Warm Gray 7

Chevron COLOR SPECS			
Color	Lacryl	PMS FOR PRINT	vinyl for plastic
Blue		2935C	3120SL (ARLON)
Red		186C	83 REGAL
Cyan		Cyan	337 PROCESS
Dark Red		202	3630-53
Dark Grey		431C	
Green		3415	3630-26



NOTE: NOT TO SCALE

Cash/Chevron Card
Credit/Debit

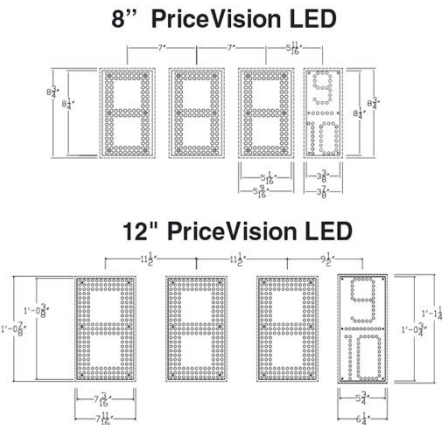
5 5/8" x 3'-7 3/4"
Insert Panel copy is
Interstate Bold Condensed

Diesel

7" x 13"
Diesel copy
to be Interstate Bold

12" and 8" PriceVision LED
"Gasoline" copy to be Interstate Bold Condensed futher condensed
Condensed 85%
"Regular" copy to be Interstate Regular font.

- ExtraMile**
Vacuum-thermo formed UV Polycarbonate plastic face
- **Returns of the face will be PMS 7620**
 - Mask and Spray
 - 2nd surface decoration





Feb 27, 2025 at 12:41:14
4 Charley Harper Dr
Cartersville GA 30120
United States

