



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: Keith Lovell
Date: March 8, 2024
Re: File # V24-12

Summary: To increase the area of a wall sign.

Section 1: Project Summary

Variance application by applicant Angie Vittur for property located at 310 S. Tennessee St., zoned M-U (Multiple Use). Said property contains approximately 1.07 acres.

The applicant has painted a new wall sign on an accessory structure to promote her car sales business. The sign is approximately 8ft tall by 20ft long, totaling 160 square feet of sign area. The City Ordinance for wall signs, Sec. 20-26., requires wall signs to not exceed 2 square feet for every linear foot of building frontage, up to a maximum of 200 square feet in total area. The applicant's building has a frontage of 20ft, which would allow for 40 square feet of total sign area. The applicant's request is to exceed the allotted size by 120 square feet of sign area.

The variance requests are for the following and per the submitted renderings:

1. To increase the area of a new wall sign.

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: No comments received.

Public Works Department: Takes no exception.

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. 20-26. Wall signs; canopy signs; awning signs; projecting signs; and window signs.

All signs under this section require a permit. Wall signs, canopy signs and awning signs for all nonresidential use properties except the DBD district shall comply with the following:

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- (1) *Area.* Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
 - (2) *Changeable copy.* Wall, canopy or awning signs shall not have changeable copy unless approved as a marquee sign. Marquee wall signs may be substituted for wall signs for uses as approved such as theaters and hotels where their use is customary. Such signs shall not extend above the roofline of the building, nor extend more than two (2) feet from the face of the building upon which secured. Allowable sign dimensions shall be the same as for wall signs.
 - (3) *Height.* No wall sign that projects more than four (4) inches from the building surface on which it is attached shall be less than eight (8) feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.
 - (4) *Prohibited.* Animated illumination or effects, electronic, and/or flashing wall signs are prohibited.
 - (5) *Projection.* No wall sign shall project more than twenty-four (24) inches from the building surface on which it is attached.
 - (6) *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
 - a. The sign shall not exceed an area of six (6) square feet.

- b. The horizontal dimension of the sign shall not exceed three (3) feet.
 - c. The sign shall be attached perpendicular to the building wall.
 - d. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) over a street or driveway.
 - e. The distance from the building wall to the sign shall not exceed six (6) inches.
 - f. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
 - g. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- (7) *Window signs.* Each business having windows shall not cover more than fifty (50) percent of the glass area of each window with signage. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited unless stationary as defined herein and no greater than four (4) square feet in sign area. Stationary electronic window signs do not require a permit.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 7, 3-5-15)

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.

City of Cartersville
Application for Variance
Board of Zoning Appeals

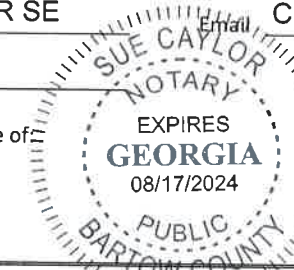
Hearing Date: April 11, 2024 5:30pm

Application Number: V24-12
Date Received: 2-9-2024

Applicant Angie Vittur for Cumberland Cars LLC Office Phone 678-888-2277
(printed name)
Address 310 S TENNESSEE STREET Mobile/ Other Phone 770-827-6776
City CARTERSVILLE State GA Zip 30120 Email _____
Phone (Rep) _____
Representative's printed name (if other than applicant) _____
Email (Rep) angie@cumberlandcars.com
Representative Signature _____ Applicant Signature [Signature]
Signed, sealed and delivered in presence of: _____ My commission expires: 08/17/24
[Signature] Notary Public



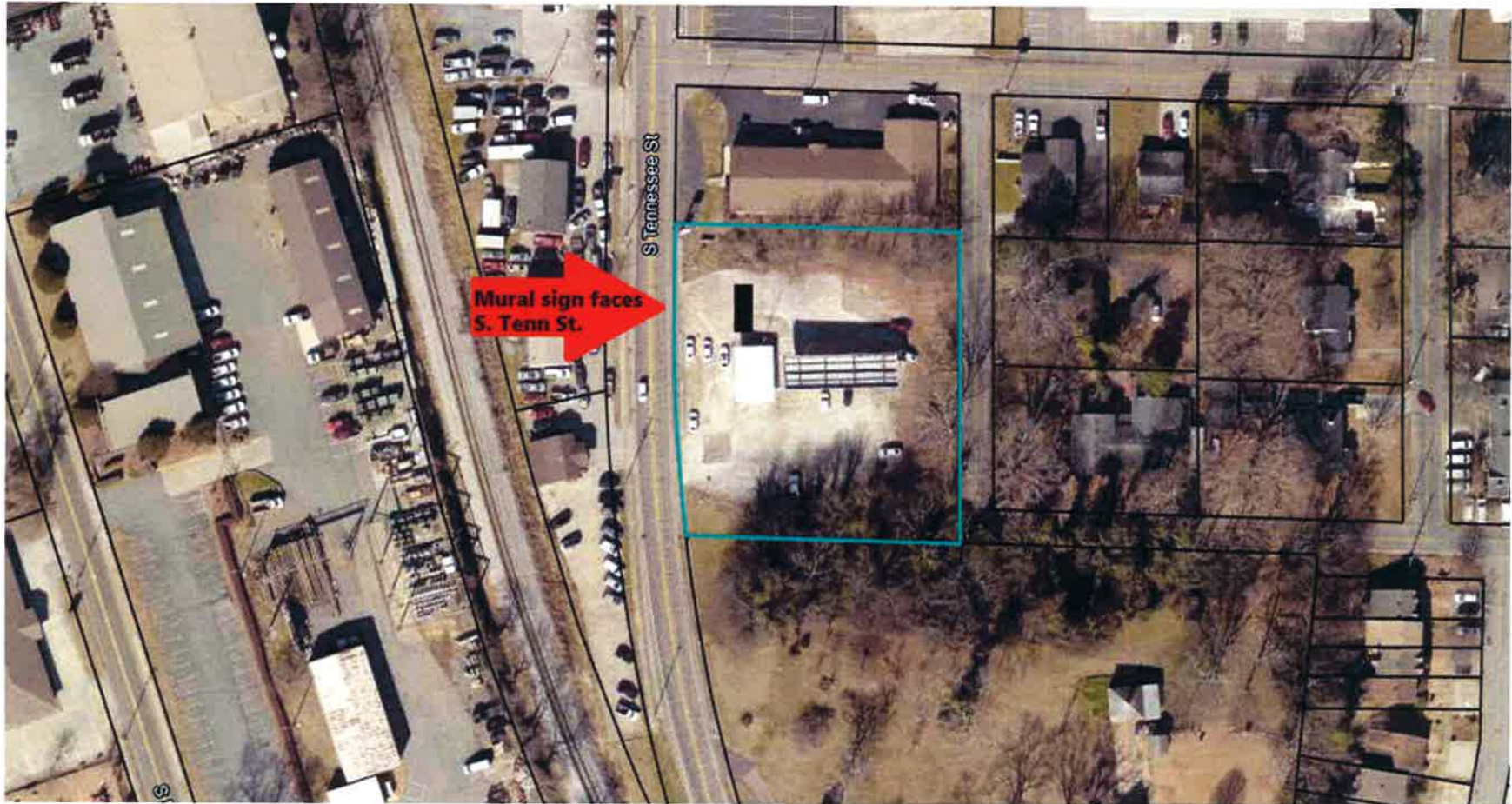
* Titleholder JOHN CLAYTON Phone 404-295-2775
(titleholder's printed name)
Address 127 CHEROKEE CIR SE Email CLAYTON@GEORGIAPA.COM
Signature _____
Signed, sealed, delivered in presence of: _____ My commission expires: 08/17/24
[Signature] Notary Public



Present Zoning District MU Parcel ID No. _____
Acreage 1.07 Land Lot(s) 528 District(s) 4 Section(s) _____
Location of Property: 310 S TENNESSEE STREET, CARTERSVILLE, GA 30120
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: _____
Summary Description of Variance Request: sign variance to increase allowable square footage of a sign from
2 sq ft per linear foot of building (20x2=40sq ft) to 8 sq ft per linear foot of building (20x8=160sq ft)
(Additional detail can be provided on Justification Letter)

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

PROPERTY TAX MAP FOR 310 S. TENNESSEE STREET, CARTERSVILLE, GA 30120



The property owner is not in possession of a survey/plat. The accessory building indicated above in black has been approved by the city as it falls within the city ordinance guidelines. This variance request is for the mural sign on the face of the accessory building that faces S. Tennessee Street.

Cumberland Cars LLC
310 S. Tennessee St.
Cartersville, GA 30120
678-888-2277

2/9/2024

To: City of Cartersville Planning & Development Department

RE: Variance Application for mural sign

Please accept this letter as justification for the approval for a variance to allow a mural sign painted on the side of an accessory building at 310 S. Tennessee Street.

The Request:

This variance request is to increase the allowable square footage of a sign from 2 sq ft per linear foot of building as indicated in Article II Section 20 Subsection 26 of the city code to 8 sq ft per linear foot. The accessory building where the sign is located is 20' in length so the current code only allows for 40 sq ft of signage ($20 \times 2 = 40$). We are requesting 160 sq ft of signage ($8 \times 20 = 160$).

The Justifications:

1. *The sign is in alignment with the cultural values of the city to embrace the arts.*
 - We leased this property in June 2023 in preparation for a used car dealer lot. The property needed a lot of "sprucing up" both inside and out. We knew we had to paint the building and structures, but we also were looking for a visually appealing way to stand out. The last tenant used huge vinyl letters across the whole front glass of the building that were garish and very unattractive. We love the arts and saw how Cartersville shared a vision to "promote arts downtown – draw from Booth, have arts events, allow wall murals, etc." on page 11 of the 2024 Cartersville Downtown Master Plan. So, we developed a plan to incorporate a beautiful mural with a car theme to help beautify the property, promote our business, disguise a storage building, and make a visual destination location within the city.

2. *Denial of the sign variance would cause us undue hardship.*
 - We invested in the accessory building and the mural sign, not realizing that the mural would be considered a sign and fall under the sign ordinance. When we searched the city ordinance for any reference to a mural, we found none. We have financial resources invested, but we also have a lot of marketing that is built around the mural as a visual

representation for our business. Removing the mural would be hurtful to our business efforts as a new business in town, and to the artist, the community, and would leave a more unattractive building.

3. *Granting this variance only enhances the neighborhood as the mural sign is tastefully done and thereby would not be impairing the intent and purpose of this ordinance.*

- We selected a local artist, Dorothy Reavis, to do the mural. The design and execution are top-notch. She has other art in this community and is one of the Arts in Bartow approved artists.
- We get lots of compliments on the mural. No one really sees it as a sign but as a piece of art that beautifies the area.
- The art represents our car business and gives a positive message that "Life is a Journey...Enjoy your Ride."

We do apologize to the city for not receiving approval for this mural in advance. Now that it is here and is adding so much value to our business and the community, we humbly ask you to grant this variance so we can keep the mural and stay in compliance with the city.

Warm regards,



Angela W. Vittur
Co-owner



Charles M. Vittur, Jr.
Co-owner

Attachments: Photos of before when we leased the property and after with the accessory building and the mural sign and all the exterior sprucing up that has occurred.



Cumberland
Cars

LIFE IS A JOURNEY ... ENJOY YOUR RIDE!

@dottyrea

BEFORE:



NOW:



