



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
CC: Keith Lovell
Date: September 5, 2023
Re: File # V23-21 Billboard Variance

Summary: Variance to increase the height of digital billboard from 30ft. to 35ft.

Variance application by Tilley Holdings, LLC for property located at 124 Old Mill Rd in LL 626, 4th District, 3rd Section. Tax Parcel ID. C019-0005-001. The property containing the billboard is approx. 3.12 acres. The billboard is currently a double sided, static billboard located adjacent to and on the east side of an existing structure. The lower edge of the billboard is obscured by the structure's roof. The applicant intends to upgrade the billboard to digital on both sides and wants to raise the billboard to the minimum height required to not be obscured by the roof.

A text amendment, T22-03, to the sign ordinance was approved on October 6, 2022 to allow digital billboards on Old Mill Rd. within 1,000ft. of the west side of the S. Erwin St. intersection.

The billboard is approx. 700ft. from the intersection of Old Mill Rd and S. Erwin St. The original billboard was erected prior to adoption of the sign ordinance (2012) and was considered legal, non-conforming. Variance, V06-22, approved 7/17/06, allowed the billboard to be installed with reduced setbacks.

There is also an existing two-sided, double stacked, static billboard on the Cody Js restaurant site located at 675 S. Erwin St. This billboard is approx. 300 ft. from the intersection of Old Mill Rd and S. Erwin St. The separation distance between the Tilley Holdings, LLC billboard and the Cody Js billboards is approx. 500ft.

The Cody Js billboard was allowed to increase in height from 30ft. to 45ft per Variance V17-22, approved 11-13-17, to accommodate the double stacking of billboard signs.

The existing Tilley billboard is more than the required 500ft. separation distance from residential zoning districts. The billboard is generally surrounded by Industrial zoning and uses.

The variance request is to:

1. Increase the minimum height of a digital billboard from 30ft. to 35ft. (Sec. 20-29, Billboards (B)(1)(b)).

Department Comments Received:

Electric Department: No comments received.

Fibercom: As long as the location and size of the billboard remains the same Cartersville FiberCom takes no exception.

If either the size or location of the billboard changes, we will request further review to ensure adequate separation from overhead facilities along Old Mill Road.

Fire Department: Takes no exception

Gas Department: Takes no exception

Public Works Department: Takes no exception

Water Department: Takes no exception

Public Comments Received by Staff: None as of 9-1-23

Applicable Sign Ordinance Sections:

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

From the Sign Ordinance, Sec. 20-29. Billboards:

Sec. 20-29. Billboards.

- (a) Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:
 - (1) State Route 20.
 - (2) U.S. 41 and corresponding frontage roads.
 - (3) U.S. 411 and corresponding frontage roads.
 - (4) West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).

- (5) State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the GA Hwy. 113 centerline and continuing west a distance of two thousand seven hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- (b) Billboards require a permit to be erected, and shall comply with the following regulations:
- (1) *General standards.*
- a. Shall be allowed a maximum sign area of three hundred (300) square feet.
 - b. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
 - c. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.
 - d. Shall be a minimum of five hundred (500) feet from a residential zoning district.
 - e. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one (1) billboard to another on the same road.
 - f. Shall not be visible from or located along Interstate Highway 75.
 - g. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.
- (2) *Electronic billboards.*
- a. Billboards 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 except when located adjacent to one (1) of the following roads:
 1. State Route 20.
 2. U.S. 41 and corresponding frontage roads.
 3. U.S. 411 and corresponding frontage roads.
 4. West Avenue (beginning at, and including, the intersection with Henderson Drive and running southwest).
 5. State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the Georgia Highway 113 centerline and continuing west a distance of two thousand seven hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
 6. Old Mill Road (beginning at the centerline of the Old Mill Road right-of-way intersection with the Erwin Street center line and continuing west a distance of one thousand (1,000) feet. Applicable to billboard signs existing as of July 26, 2022).
 - b. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from nonelectronic billboards.
 - c. Any permit for an electronic billboard 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.
 - d. 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 billboards 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.

- e. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - f. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. 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.
- (3) *Nonconforming billboards.* Billboard signs legally existing on the date of adoption of this article may be continued even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

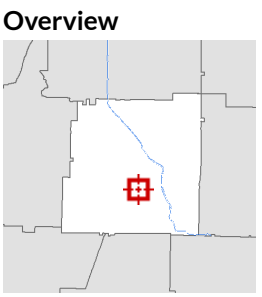
(Ord. No. 26-12, 5-3-12; Ord. No. 29-18, § 1, 11-1-18; Ord. No. 20-22, § 1, 10-6-22)

Sign Ordinance variance guidelines:

Sec. 20-39. - Variance.

- (a) *Limitations.* The board of zoning appeals shall be allowed to grant variances to this article.
- (b) *Procedure.* Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be the same procedures as that for seeking a variance from the city's ordinances regulating zoning.
- (c) *Standards.* The standards which shall be considered for granting a variance from the standards of this article shall be only the following:
 - (1) Relief to this article may only be granted where existing foliage or structures bring about a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from an adjoining road;
 - (2) The application of the particular provision of this sign ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or
 - (3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from adjoining public road.
- (d) *Timing.* The board of zoning appeals shall hear and decide upon a variance within eighty (80) days of the submission of a complete and accurate application.
- (e) The fee assessed pursuant to this section is as referenced on the fee schedule in the City of Cartersville Code subsection [17-90\(c\)](#).

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



- Legend**
- Parcels
 - Structural Numbers**
 - Abandoned or Inactive
 - Active
 - Proposed
 - <all other values>
 - Roads

Parcel ID	C019-0005-001	Alternate ID	34555	Owner Address	TILLEY HOLDINGS LLC
Sec/Twp/Rng	n/a	Class	Industrial		EVANS KEVIN CARL
Property Address	124 OLD MILL RD	Acreage	3.12		917 N TENNESSEE ST
					CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 626 LD4 S3 124 OLD MILL RD				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 7/28/2023
 Last Data Uploaded: 7/27/2023 9:04:59 PM



Ordinance No. 20-22

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 20, SIGNS AND OUTDOOR ADVERTISING, ARTICLE II- SIGN ORDINANCE, SECTION 20-29, BILLBOARDS, SUBSECTION (B) (2), ELECTRONIC BILLBOARDS, is hereby amended by deleting section (a) in its entirety and replacing it as follows:

a. Billboard 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 except when located adjacent to one of the following roads:

1. State Route 20.
2. U.S. 41 and corresponding frontage roads.
3. U.S. 411 and corresponding frontage roads.
4. West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
5. State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
6. "Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft. Applicable to billboards signs existing as of July 26, 2022)."

2.

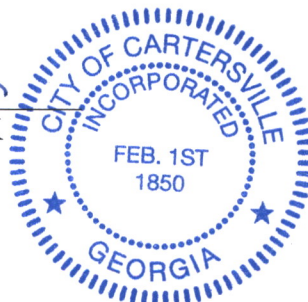
It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: September 15, 2022
SECOND READING: October 6, 2022


MATTHEW J. SANTINI, MAYOR

ATTEST: 
JULIA DRAKE, CITY CLERK



City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 9/14/23 5:30pm

Application Number: V23-21
Date Received: 7-27-23

Applicant <u>Tilley Holdings, LLC</u> <small>(printed name)</small>	Office Phone <u>770 386 0040</u>
Address <u>1 N. Tennessee Street</u>	Mobile/ Other Phone _____
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u> Email <u>beth.tilley@bellsouth.net</u>	
<u>Robert Walker</u> Representative's printed name (if other than applicant)	Phone (Rep) <u>(770) 387-1373</u>
<u>Robert Walker</u> Representative Signature	Email (Rep) <u>rwalker@jbpw.com</u>
	<u>B. Tilley</u> Applicant Signature
Signed, sealed and delivered in presence of: <u>Kharris B. Bramlett</u> Notary Public	My commission expires: 

* Titleholder <u>Tilley Holdings LLC</u> <small>(titleholder's printed name)</small>	Phone <u>770 386 0040</u>
Address <u>1 N. Tennessee St.</u>	Email <u>beth.tilley@bellsouth.net</u>
Signature <u>B. Tilley</u>	
Signed, sealed, delivered in presence of: <u>Kharris B. Bramlett</u> Notary Public	My commission expires: 

Present Zoning District <u>L-I</u>	Parcel ID No. _____
Acreage <u>3.12</u> Land Lot(s) <u>626</u> District(s) <u>4</u> Section(s) <u>3</u>	
Location of Property: <u>124 Old Mill Road</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: <u>C019-0005-001</u>	
Summary Description of Variance Request: <u>To increase the height of an outdoor advertising sign from 30' to 35' (Billboard)</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.

City Code Chapter 20
Article 11 Section 20-29 Subsection (b.)(1.)(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. 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: See attached letter of appeal.

July 26, 2023

City of Cartersville

Board of Zoning Appeals

Variance Request: To increase the height of a Billboard sign.

Board Members,

It is the belief of the applicant that the subject property has restrictions and obstructions which will interfere with the proposed remodel of the existing billboard sign on the subject property. The applicant has an approved permit from the city issued on March 16, 2023, to modify the existing billboard sign from a "static board" to an "electronic/digital board." However, the applicant has a hardship. The existing sign face is partially obscured by the roof top of an existing building on site. Furthermore, the adjacent railroad right-of-way causes additional restrictions regarding the positioning of the proposed electronic board. We believe that by increasing the height of the proposed sign by a total of 5 feet, we can resolve the hardship. The requested height increase will position the sign face adequately above the existing building roof top and thereby eliminate any visual obstruction.

Therefore, we are asking for relief from the existing hardship as stated above by seeking a variance from city ordinance Chapter 20, Article II, Section 20-29, Subsection (b.), (1.), (b.). The applicant seeks to increase the height of a billboard sign from the maximum allowed height of 30 feet to 35 feet.

Thank you for your consideration.



Beth Tilley

Tilley Holdings, LLC

Site Visit 8-23-22



Billboard at Building. View to the west along Old Mill Rd.



Billboard is somewhat hidden by building. View to the east along Old Mill Rd.



Billboard is somewhat hidden by building. View to the east along Old Mill Rd. at River Dr.

Images taken 8-29-23



Image taken 8-11-23

