



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: October 10, 2022
Re: File # V22-22

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

Section 1: Project Summary

Variance application by applicant White & Choate Attorneys for property located at 100 W. Cherokee Avenue, zoned DBD (Downtown Business District). Said property contains approximately 0.38 acres. This is an after-the-fact application.

The applicant proposes to install a new freestanding sign in the same location as the previous freestanding sign for the business. The sign will be located in the parking lot and is not required to be at least 5ft from the property line per the DBD sign ordinance.

The proposed sign will be 7.4 feet in height including the base, and have 31 square feet of sign area. The DBD sign ordinance allows freestanding signs to be no taller than 6 feet and no larger than 24 square feet.

The HPC will review the same application on Tuesday, Nov. 15th.

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: The Electric System takes no exception the variance case #V22-12.

Fibercom: Cartersville FiberCom takes no exception to V22-22 sign variance application for 100 W Cherokee.

Fire Department: V22-22- CFD takes no exceptions to the request to increase the size of the monument sign.

Gas Department: The Gas System takes no exception to the following as shown in the attachments provided no part of the proposed sign encroaches within the public right-of-way.

Public Works Department: Since there is a four way stop at Erwin and Cherokee, we do not take issue with this variance.

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).

Chapter 20, Article II, Sec. 20-27. – DBD Sign Regulations.

All signs under this section require a permit. The standards and requirements of this section shall be in addition to city-wide standards and requirements. In the event of conflicting regulations, the standards and requirements of this section shall take precedence.

(1) *General regulations.*

- a. *Banners.* No more than one (1) banner, not to exceed thirty-two (32) square feet in area, may be displayed at each place of business and shall be securely attached to the facade of a building. A registration permit is required, at no cost, and such banners shall be displayed for a period not to exceed thirty (30) days.
- b. *Color.* For all signs in the DBD district, fluorescent colors shall not be used. Such signs shall not contain more than five (5) colors, except in instance of an illustration.
- c. *Freestanding signs.* One (1) freestanding sign shall be allowed on each property frontage, not to exceed six (6) feet in height, and shall not exceed twenty-four (24) square feet in area. Electronic freestanding signs which 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.
- d. *Pole banners.* Such banners shall not exceed twelve and one-half (12-1/2) square feet in area; shall have a maximum width of two and one-half (2-1/2) feet and a maximum height of five (5) feet; shall have a minimum display height from the bottom edge of the banner to the ground of eight (8) feet; and shall have a

maximum display height of twenty-five (25) feet measuring from the top edge of the banner to the ground. Such banners attached to public utility poles or light poles shall be approved by the appropriate city department prior to attachment.

- e. *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:
 - 1. The sign shall not exceed an area of six (6) square feet.
 - 2. The horizontal dimension of the sign shall not exceed three (3) feet.
 - 3. The sign shall be attached perpendicular to the building wall.
 - 4. 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) feet over a street or driveway.
 - 5. The distance from the building wall to the sign shall not exceed six (6) inches.
 - 6. 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.
 - 7. 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.
- f. *Wall signs.*
 - 1. 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. No wall sign shall be closer than eighteen (18) inches to an adjacent property line and shall not be installed or extend over a party wall.
 - 3. Wall signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
 - 4. Wall signs shall be no greater than twenty-four (24) inches in height (excludes permanent window signage).
 - 5. Animated illumination or effects, electronic, blinking, flashing, rotating, and/or scrolling wall signs shall be prohibited.
- g. *Window signs.* Each ground level business having windows directly oriented to a street may use all of that glass area as one (1) allowable sign, but no single window shall be covered more than thirty (30) percent. Electronic window signs in the downtown business district (DBD) shall be no greater than four (4) square feet in area and shall only be stationary.

(2) *Maintenance and appearance of signs.*

- a. All signs in the DBD zoning district shall be maintained in good condition, so as to present a quality and orderly appearance. The city finds that neglected or dilapidated signs in the DBD zoning district may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
 - b. Signs shall be considered neglected or dilapidated signs if any of the following conditions are present: Rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; nonoperative or partially nonoperative illuminating or mechanical devices; or missing letters in sign copy.
 - c. The planning and development department, after due notice, may have any sign removed which shows gross neglect or becomes dilapidated. Said notice shall be given to the property owner and current tenant by first class mail, with proof of mailing obtained from the post office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only an owner reflected on the records of the tax assessors as of January 1st of the applicable year shall be entitled to notice. The zoning administrator or designee shall give the owner thirty (30) days' written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the zoning administrator or designee may have the sign removed at the expense of the owner.
- (3) *Prohibited signs in the DBD district in addition to section 20-22*
- a. Animated illumination or effects, electronic, and/or flashing signs, unless noted above.
 - b. Billboards.
 - c. Signs painted directly onto roofs, retaining walls, fences or building facades or walls. Commemorative wall signs of historical significance are exempt from this provision.
 - d. Streamers.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 8, 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. *Variations.* 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

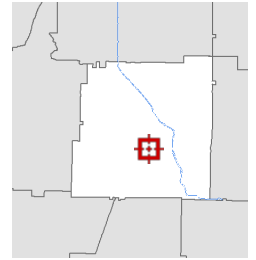
application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

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.*



Overview



Legend

-  Parcels
-  Roads

Date created: 10/10/2022
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Developed by  **Schneider**
GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 11/10/2022 5:30pm

Application Number: V22-22
Date Received: 10/4/2022

Applicant White & Choate Attorneys Office Phone 770-382-9591
(printed name)
Address 100 W. Cherokee Ave Mobile/ Other Phone _____
City Cartersville State Ga. Zip 30120 Email jchoate@wcwattorneys.com
Tim Gilstrap - New Beginnings Signs Phone (Rep) 404-392-6884
Representative's printed name (if other than applicant) Email (Rep) tim@nbsigns.com
 Representative Signature  Applicant Signature
Signed, sealed and delivered in presence of: _____ My commission expires: _____
 Notary Public 

* Titleholder WGW Properties LLC Phone 770-382-9591
(titleholder's printed name)
Address 100 W Cherokee Ave Email jchoate@wcwattorneys.com
Signature Harold J. Choate III
Signed, sealed, delivered in presence of: _____ My commission expires: 11/23/23
 Notary Public 

Present Zoning District _____
Acreage 38 Land Lot(s) 483 & 454 District(s) 4th Section(s) 3rd
Location of Property: 100 W. Cherokee Ave corner of Erwin St.
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: DBD
Summary Description of Variance Request: 30 sqft sign 7'-4" tall with base

(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.

Article 11 Section 20-27 Subsection Free standing Signs
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: We are asking for 6 sqft more than allowed & 15" taller with the stucco base.

* This sign is only 4" taller than Bartow County Courthouse & Sam Jones Church sign.

* We are asking for the 15" base (stucco) to match the building

NOTICE OF PUBLIC HEARING

The City of Cartersville Board of Zoning Appeals will hold a public meeting on Nov. 10 at 4:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia, 30120.

The Board of Zoning Appeals will review an application by New Beginnings Signs (name of applicant) of White & Chaste (applicant address) for property located at 100 W. Cherokee Ave in Land Lot(s) 4830454 of the 4th District, 3rd Section, in the DBD zoning district. Property contains approximately 0.38 acres.

Applicant requests a variance to have a 30 sq ft sign (monument)
7'-4" tall with base

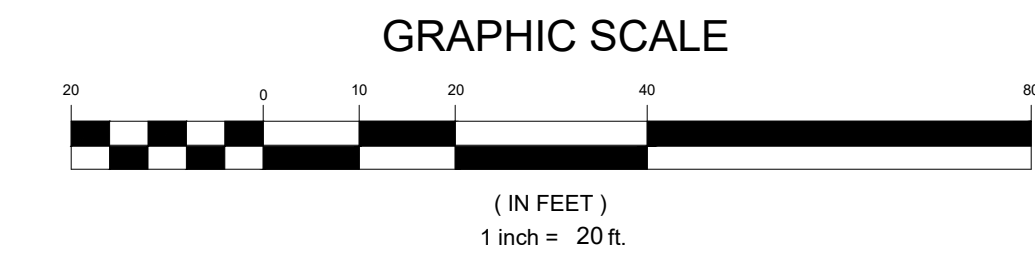
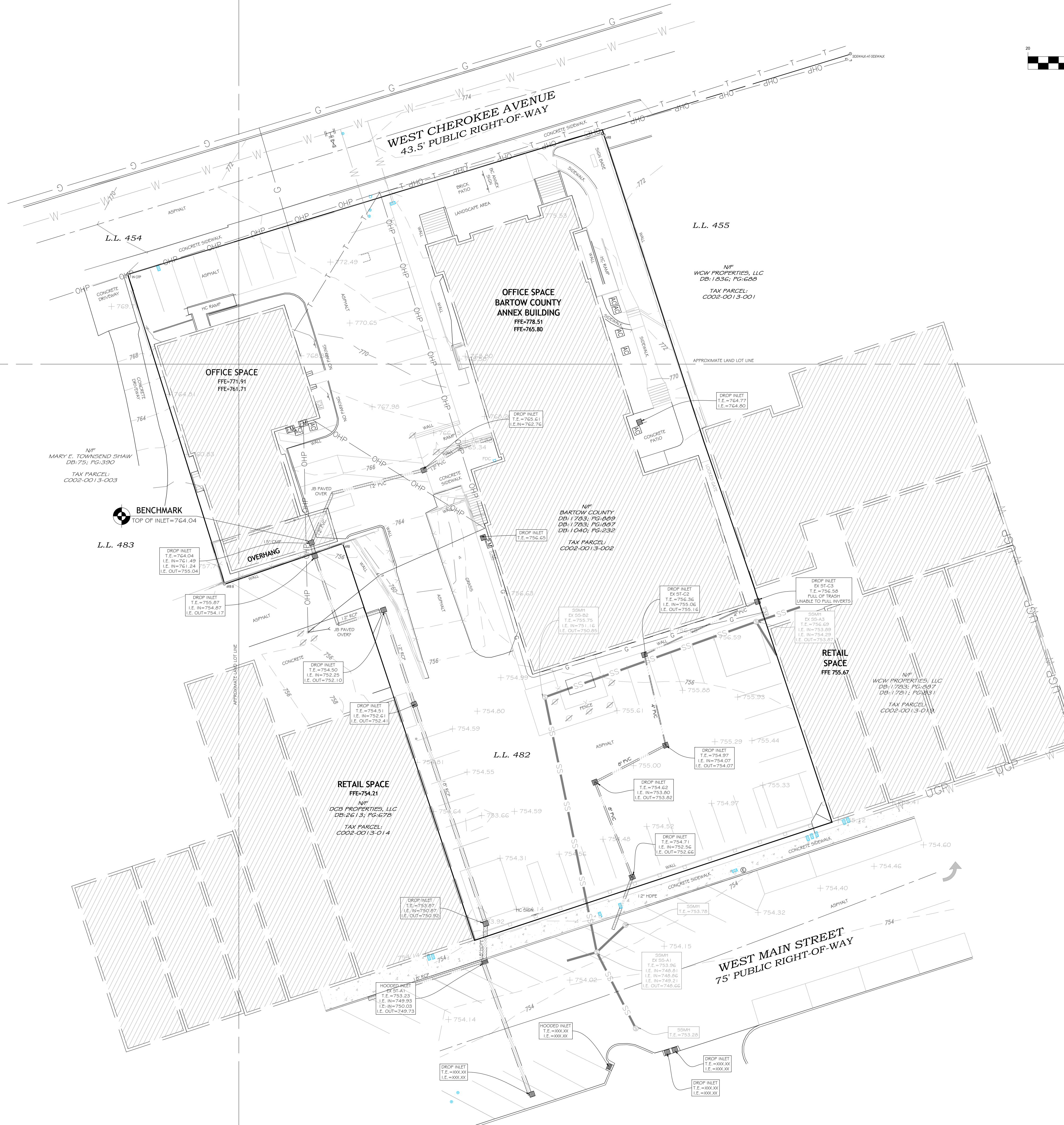
Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing.

If you have interest in the proposed variance as stated above, you are encouraged to attend the meeting as stated herein.

CITY OF CARTERSVILLE

Case # _____

C:\20000\20045 - BARTOW COUNTY PARKING DECK\DESIGN\DESIGN 1.dwg 10/27/2020 11:57 AM



PROJECT NO.: 20045
DATE: 10/8/2020

REVISIONS:	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

BARTOW COUNTY PARKING DECK
LOCATED IN LAND LOTS 454, 455, 482, & 483
4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA



SHEET TITLE:
EXISTING CONDITIONS
SHEET NO.:
C101



New Beginning Signs & Graphics
 5 Gilmer Street
 Cartersville, Georgia 30120
 770-387-1720
 www.nbsigns.com

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- Make corrections and return revised proof

Your emailed approval will be a legal binding for payment on your order.
 IF YOU HAVE ANY QUESTIONS PLEASE CALL 770-387-1720

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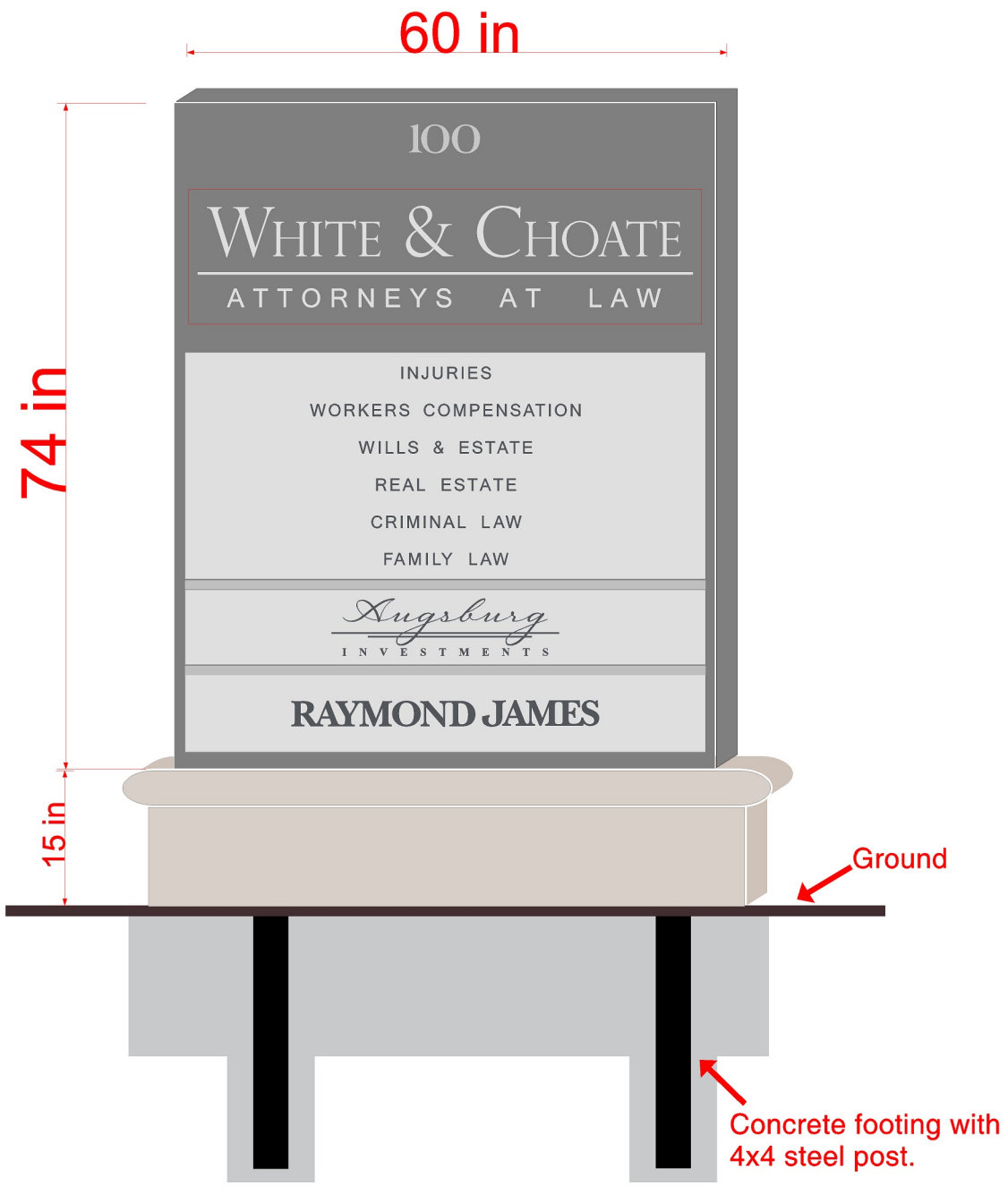


New Beginning Signs & Graphics
 5 Gilmer Street
 Cartersville, Georgia 30120
 770-387-1720
 www.nbsigns.com

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IMAGES TAKEN 10-24-22



IMAGES TAKEN 11-3-22 (Temporary Sign)

