



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: David Archer/ Keith Lovell
Date: September 22, 2023
Re: File # V23-22

Summary: To increase the area of a new wall sign.

Section 1: Project Summary

Variance application by applicant Donald Long on behalf of Sims Bark for property located at 5 Riverside Dr, zoned H-I (Heavy Industrial). Said property contains approximately 53.17 acres.

The applicant proposes to paint a new wall sign to promote the outside sales section of their landscape supplies business. The sign will be painted on a concrete wall adjacent to Highway 113. The wall is approximately 149ft long by 8ft tall, and approximately 285ft from Highway 113. The applicant's intent is for the sign to be legible from Highway 113.

The proposed wall sign will have 528 square feet of sign area. The City Ordinance for wall signs, Sec. 20-26., requires wall signs to not exceed 200 square feet in total 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: No comments received.

Fibercom: No comments received.

Fire Department: No comments received.

Gas Department: The Gas System takes no exception to the following as shown in the attachment.

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. 20-26. 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:

- (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.

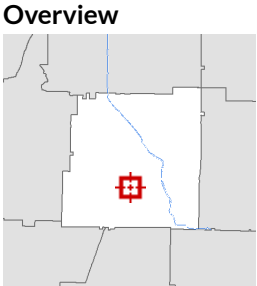
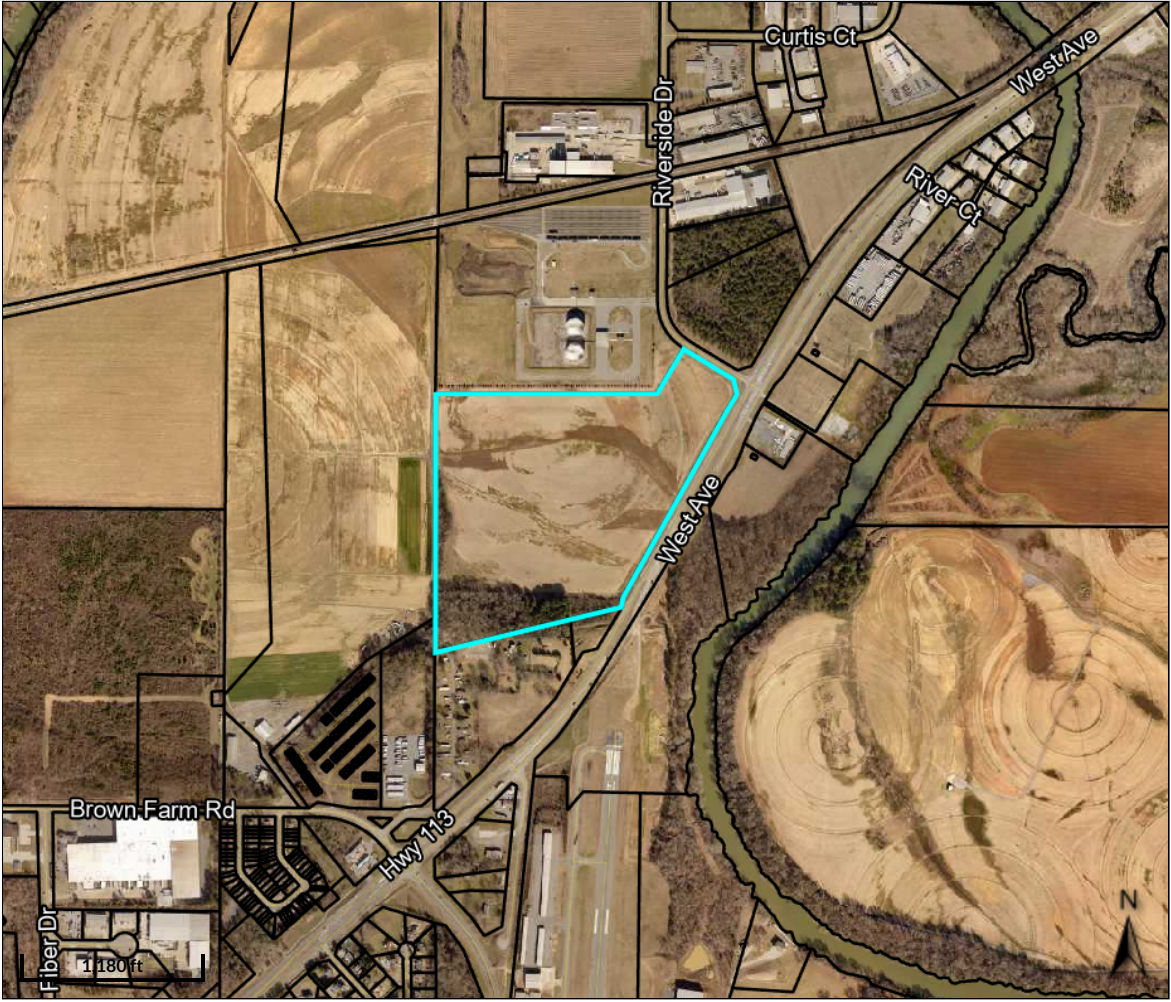
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

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.*



Legend
 □ Parcels
 — Roads

Parcel ID	C046-0001-010	Alternate ID	36405	Owner Address	BARTOW COUNTY LAND CO LLC
Sec/Twp/Rng	n/a	Class	Industrial		1765 SPRING VALLEY RD
Property Address	5 RIVERSIDE DR	Acreage	53.17		TUSCUMBIA, AL 35674
District	Cartersville				
Brief Tax Description	LL 731 732 733 D 4 Sims Bark of GA				
	(Note: Not to be used on legal documents)				

Date created: 9/29/2023
 Last Data Uploaded: 9/28/2023 9:05:26 PM

Developed by Schneider GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 10-12-2023 5:30pm

Application Number: V23-22

Date Received: 8-4-2023

Applicant Donald Long II Office Phone 678-935-0443
(printed name)
Address 5 Riverside Dr SW Mobile/ Other Phone 678-849-1945
City Cartersville State GA Zip 30120 Email Donaldalng@SimsBark.com
Representative's printed name (if other than applicant) _____
Phone (Rep) _____
Email (Rep) _____
Representative Signature _____ Applicant Signature Donald Long II
Signed, sealed and delivered in presence of: _____ My commission expires: _____
Julia Drake Notary Public 

* Titleholder Donald Long II Phone 678-849-1945
(titleholder's printed name)
Address 5 Riverside Drive SW Email Donald.Long@SimsBark.com
Signature Donald Long II
Signed, sealed, delivered in presence of: _____ My commission expires: _____
Julia Drake Notary Public 

Present Zoning District H-I Parcel ID No. C0460001-010
Acreage 53.17 Land Lot(s) 782 District(s) 4 Section(s) 3
Location of Property: 5 Riverside Dr. SW
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: Sec. 20-26 (1)
Summary Description of Variance Request: Requesting a wall sign larger than
200 sqft
(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 II Section 20-26 Subsection 1
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 advertising the Retail lot we
have to the public & 200 sqft for a sign was not
Big enough to see from the road.



ETOWAH VALLEY LANDSCAPE SUPPLY
MULCH GRAVEL SOIL OPEN TO THE PUBLIC

Length of wall 149 Feet
Height - 8 feet.

Painting Sq Ft 528



Sep 8, 2023 at 15:39:41
1-7 Riverside Dr SW
Cartersville GA 30120
United States



CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. **V23-22**
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 5:30 P.M. ON **10-12-2023**
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
PLANNING DEVELOPMENT AT 772-312-2200