



**STAFF REVIEW AND RECOMMENDATION**

**Variance Case #: V2020-03                      Legistar #:    20191162**

**Board of Zoning Appeals Hearing: Monday, January 27<sup>th</sup>, 2020 at 6:00 p.m.**

**Property Owner:    Tidal Wave  
                             Scott Blackstock  
                             PO Box 311  
                             Thomaston, GA 30286**

**Applicant:            Tracey Diehl  
                             6487 Hilliard Drive  
                             Canal Winchester, OH 43110**

**Address:              1255 Powder Springs Street  
                             Marietta, GA 30064**

**Land Lot: 70            District: 17<sup>th</sup>            Parcel: 390**

**Council Ward: 2B                      Existing Zoning: CRC (Community Retail Commercial)**

**Special Exception / Special Use / Variance(s) Requested:**

1. Variance to allow a digital sign within 200 feet of a residential property line [*§714.04 (F.4)*]
2. Variance to allow a digital sign to be placed above the static copy area [*§714.04 (F.4)*]

**Statement of Fact**

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

**Criteria:**

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**



***Existing signage at 1255 Powder Springs***



*Residential property at 1250 Powder Springs Street across from subject property*



*Residential property at 1250 Powder Springs Street across from subject property*

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**Recommended Action:**

The applicant, Tracey Diehl, is requesting a variance in order to erect a digital sign at the subject property 1255 Powder Springs Street. The property is approximately 1.36 acres total and is zoned CRC (Community Retail Commercial). The property is currently being renovated and will be under new ownership (Tidal Wave). The properties to the northwest and west of the subject property are zoned CRC as well. The property to the north across Powder Springs Street is zoned PRD-MF (Planned Residential Development- Multi-Family); and the adjacent property to the south is zoned RM-12 (Multi-Family Residential (12 units/acre). To the east of the property is a parcel in unincorporated Cobb County that is zoned NRC (Neighborhood Retail Commercial). The requested variance would allow a digital, monument-style sign along Powder Springs Street to remain within 200 feet of a residential property.

Previously there was a non-conforming pylon-style sign on site as a part of the previous owners' auto spa business. The applicant would like to completely change the sign to a monument sign with a digital component. It should be noted that the applicant has a second location at 1505 Roswell Road is currently going through an expansion and renovation and is also updating their freestanding sign. However, the sign on Roswell Road is being updated as a conforming monument sign without a digital sign component. That property is also located next to a residentially zoned property in Cobb County. Both properties are located along arterial roads with heavy traffic. The applicant has not indicated why the subject property at 1255 Powder Springs Street would require an additional digital component along with a static sign while the location along Roswell Road would not.

According to the Zoning Ordinance, a digital sign is defined as "*electronic signage that uses LED screens, plasma panels, or any similar electronic signage devices...*" The applicant has stated that the digital sign is necessary because the business is "*as an impulse driven business it is imperative that motorists be able to identify their destination safely*". The approximate distance from the sign to the residential property is between 100 feet and 115 feet. In addition, the residential property is an apartment complex, and the first building is located 78 feet beyond the front property line.

The applicant is also requesting a variance to allow a digital sign to be placed above a static copy sign area. According to the city ordinance, digital signs cannot exceed 50% of the total sign face and must be located below the static copy area. Though the digital component of the sign takes up less than the allotted 50% total sign face area, the digital sign is placed above a secondary static copy area that reads "Entrance on Cunningham Road – Free Vacuums."

Digital signs in the City of Marietta must comply with the following regulations:

- *Digital signs shall contain static messages only and shall not have movement nor flashing on any part of the sign structure, design, or pictorial segment of the sign*
- *Each sign must have a light sensing device that will adjust the brightness of the display as the natural ambient light conditions change*
- *Digital signs may not operate at brightness levels of more than 0.20 foot-candles above ambient light levels as measured at 125 feet*
- *Each individual static message must be displayed for a minimum of 20 seconds*



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Rusty Roth, AICP, Director

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The applicant has not presented justification for a variance for a digital sign component at the subject property's location on Powder Springs Street. The request is made more questionable since company has a secondary location along a similarly heavily travelled arterial roadway that does not have a digital sign component. As such, ***staff recommends denial of the requested variances.***

***However, if the Board wishes to consider approval of the requested variances, staff recommends the following stipulation:***

- 1. The subject property shall be limited only to the digital sign shown on the proposed plans.***
- 2. The sign will comply with all other restrictions for digital signs specified under Section 714.04 (F.4).***

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Department of Development Services
205 Lawrence Street
Marietta, GA 30060
Phone: 770-794-5440

APPLICATION FOR VARIANCE OR APPEAL

(Owner/Applicant/or Representative must be present at all public hearings)

(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:

Application #: V2020-03 Registrar #: 20191162 BZA Hearing Dt: 1-27-20
City Council Hearing Dt (if applicable) #: - PZ #: 19-531

This is a variance/appeal application for:

Board of Zoning Appeals checkbox (checked)

Board of Zoning Appeals

City Council checkbox (unchecked)

City Council

Owner's Name: Scott Blackstock / Tidal Wave

EMAIL Address: c/o tracey@expeditethediell.com

Mailing Address: PO Box 311 Thomaston GA Zip Code: 30286 Phone Number: c/o 614 828 8215

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: Tracey Diell

EMAIL Address: tracey@expeditethediell.com

Mailing Address: 6481 Hilliard Dr, CW04 Zip Code: 43110 Phone Number: 804 859 7618

Address of subject property: 1255 Powder Springs Rd ST Date of Acquisition: 28 June 2019

Land Lot (s) 7 District 17 Parcel 00390 Acreage 1.307 Zoned CRC Ward 2B FLU: CAC

List the variance(s) or appeal requested (please attach any additional information):

714.04 F.4. for monument sign with digital message center

Required Information

- 1. Application fee (\$250)
2. Completed notarized application. The original application must be submitted with ALL original signature(s) - Copies of the application or signature(s) will NOT be accepted.
3. Copy of the deed that reflects the current owner(s) of the property.
4. Letter describing the reason for the variance request...
5. Site plan - drawn to scale. Site plans must illustrate property lines...
6. Copy of current tax bill showing payment or documentation certified by the City of Marietta Tax Office.

Note: The Department of Development Services reserves the right to obtain additional information that reasonably may be required in order that an informed decision may be made.

OVER

**CAMPAIGN CONTRIBUTIONS**

The Owner and Applicant herein certify that he/she  has  has not made campaign contributions or gifts aggregating \$250.00 or more to the Mayor, any member of Council or any member of the Board of Zoning Appeals within the two (2) years preceding the filing of this application.

Scott Blackstock

Signature of Owner

Scott Blackstock

Print Name

Tracy Diem

Signature of Applicant

Tracy Diem

Print Name

**FINANCIAL INTEREST**

The Applicant herein certifies that he/she  has  has not a financial interest in the property which is ten percent (10%) or more.

Tracy Diem

Print Name

Tracy Diem

Signature of Applicant

**APPLICANT CERTIFICATION**

- The Applicant certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Applicant's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.

Tracy Diem

Signature of Applicant

11/20/19

Date

Tracy Diem

Please Print

**OWNER CERTIFICATION**

- The Owner certifies that all information in this application, and all information furnished in support of this application, is true and complete to the best of the Owners's knowledge and belief. Should any portion not be true, then the application may be rejected.
- Penalty for false or fraudulent statement: Whoever, in any matter, knowingly and willingly falsifies or makes any false, fictitious or fraudulent statement of representatives concerning this application shall be denied the request stated in this application.
- The Owner hereby gives permission to enter on the property for inspection during the time application is pending.

Scott Blackstock

Signature of Owner

Scott Blackstock

Please Print

P.O. Box 311 Thomaston, GA 30286

Address

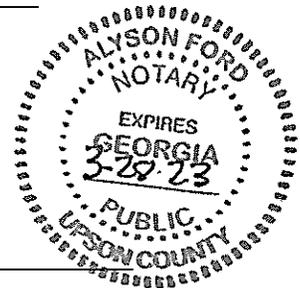
Nov. 19, 2019

Date

Signed, sealed and delivered in the presence of:

Alyson Ford

My Commission Expires: 3-28-23



Note: Owner, Applicant or Representative must be present at meeting in order for case to be heard.

**AFFIDAVIT OF PERMIT AUTHORIZATION**

*This affidavit certifies that the party listed, who is not a lessee, licensed architect, engineer, or contractor, has been granted authorization to obtain a variance(s) on behalf of a property owner. It must be filled out completely by the property owner if another party is submitting an application(s) on the owner's behalf. This form must be notarized and must be submitted prior to issuance.*

I, Scott Blackstock "owner of the property listed below certify that I have granted, Clayton Signs and their permit expeditor Expedite The Diehl, as my duly authorized agents. They have my permission to obtain the sign permits, variances, master sign plans and any other related documents necessary for the construction (or installation) of the Chick-fil-A Signs at the following address:

1255 Powder Springs Rd. Marietta, GA 30064  
Address of permit location

I understand that I am authorizing them to apply for a variance and related variance documents. This is limited to what is necessary for sign variance projects to be completed.

Scott Blackstock  
Signature of Property Owner

Nov. 19, 2019  
Date

Notary

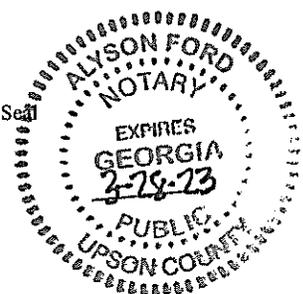
State of Georgia

City/ County of Upson

I, Alyson Ford Notary Public in and for the aforesaid State hereby certify that Scott Blackstock appeared before me in the State and City/County aforesaid and executed this affidavit on this 19<sup>th</sup> day of "November" 2019.

Alyson Ford  
Notary Public

My Commission Expires the 28 day of March, 2023.  
Date Month year



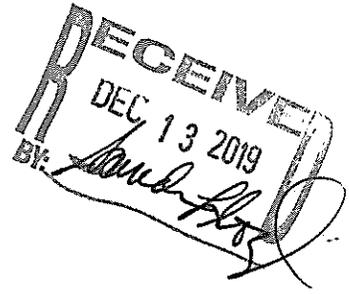
December 12, 2019

City of Marietta

Board of Zoning Appeals

205 Lawrence Street

Marietta, GA 30060



Dear Members of the Board;

The application is for a variance to the sign regulations section 714.04.F4 for a monument sign with electronic message center that is within 200 feet of a residential zone. The adjacent property already has a monument sign with an electronic message center. The proposed sign is approximately 194 feet from the back of the nearest residential building which is directly across the street. The residential property is shielded by mature trees and the proposed monument sign would have no impact on this property.

This sign is proposed for Tidal Wave Auto Spa and the electronic message center is perpendicular to the road and not necessary facing the residential zone but rather the traffic to the east and west.

The proposed double-faced monument sign will be set back 5 feet from the sidewalk and it will be 15 ft in height. This sign is consistent with other signs in the area and the proposed sign is 46.25 sq. ft. Tidal Wave would like to take their place in the community and as an impulse driven business it is imperative that motorists be able to identify their destination safely. The proposed sign is the size necessary to be seen at posted speed limits.

Thank you for your consideration of this request.

  
Tracey Dreni

**TO: Marietta Daily Journal**

**FROM: City of Marietta**

**RUN DATE: January 10, 2020**

**CITY OF MARIETTA  
PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following requests. The Board of Zoning Appeals will consider the following requests on **Monday, January 27, 2020 at 6:00 P.M.**, City Hall. Anyone wishing to attend may do so and be heard relative thereto.

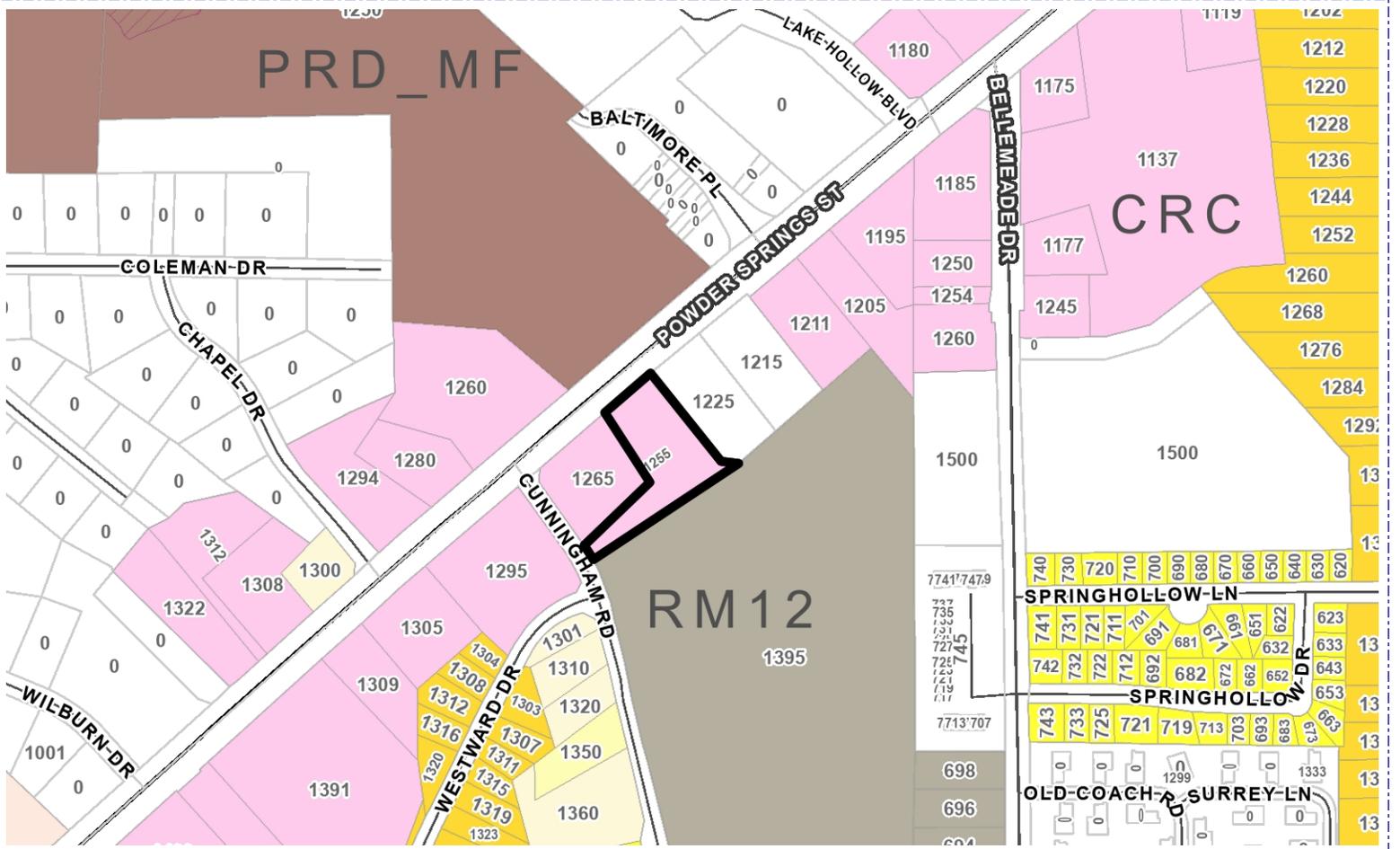
**V2020-03 [VARIANCE] TIDAL WAVE (TRACEY DIEHL)** are requesting variances for property zoned CRC (Community Retail Commercial), located in Land Lot 7, District 17, Parcel 0390, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia, and being known as 1255 Powder Springs Street. Variance to allow a digital sign within 200 feet of a residential property line; variance to allow a digital sign to be placed above the static copy area. Ward 2B.

A description and plat of the property sought for the variances are on file in the Planning and Zoning Office, City Hall, and are available for inspection between 8:00 A.M. and 5:00 P.M., Monday through Friday. Anyone wishing to attend may do so and be heard relative thereto. You may also review the property file at [www.mariettaga.gov](http://www.mariettaga.gov) and enter the case # in the search box.

For additional information please call the Planning and Zoning Office (770) 794-5669.

**Accessibility to Meetings:** If you believe you may need the City/BLW to provide special accommodations in order to attend/or participate in any of the above meetings, please call ADA Coordinator, at 770-794-5558 no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1255 POWDER SPRINGS ST	17000700390	1.362	2B	CRC	CAC

Property Owner:	Scott Blackstock/Tidal Wave	<b>Zoning Symbols</b> 
Applicant:	Tracey Diehl	
BZA Hearing Date:	01/27/2020	
Acquisition Date:		
Case Number:	V2020-03	
<b>City of Marietta Planning &amp; Zoning</b>		

**SIGN TYPES**

ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN 

ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE 

ILLUMINATED DRIVE-UP MENUS 

POST & PANELS SIGNS 



**TIDAL WAVE AUTO SPA**  
1255 POWDER SPRINGS ST.  
MARIETTA, GEORGIA 30064

**SIGNAGE DOCUMENT**

ACCOUNT REP: TODD WILLIS  
DESIGNER: STEVEY MANN



WE BRING THE WORLD  
TO YOUR DOOR

5198 NORTH LAKE DRIVE  
LAKE CITY, GEORGIA 30260  
OFFICE: 404-361-3800  
FACSIMILE: 404-361-7038  
WWW.CLAYTONSIGNS.COM

*Since 1965*

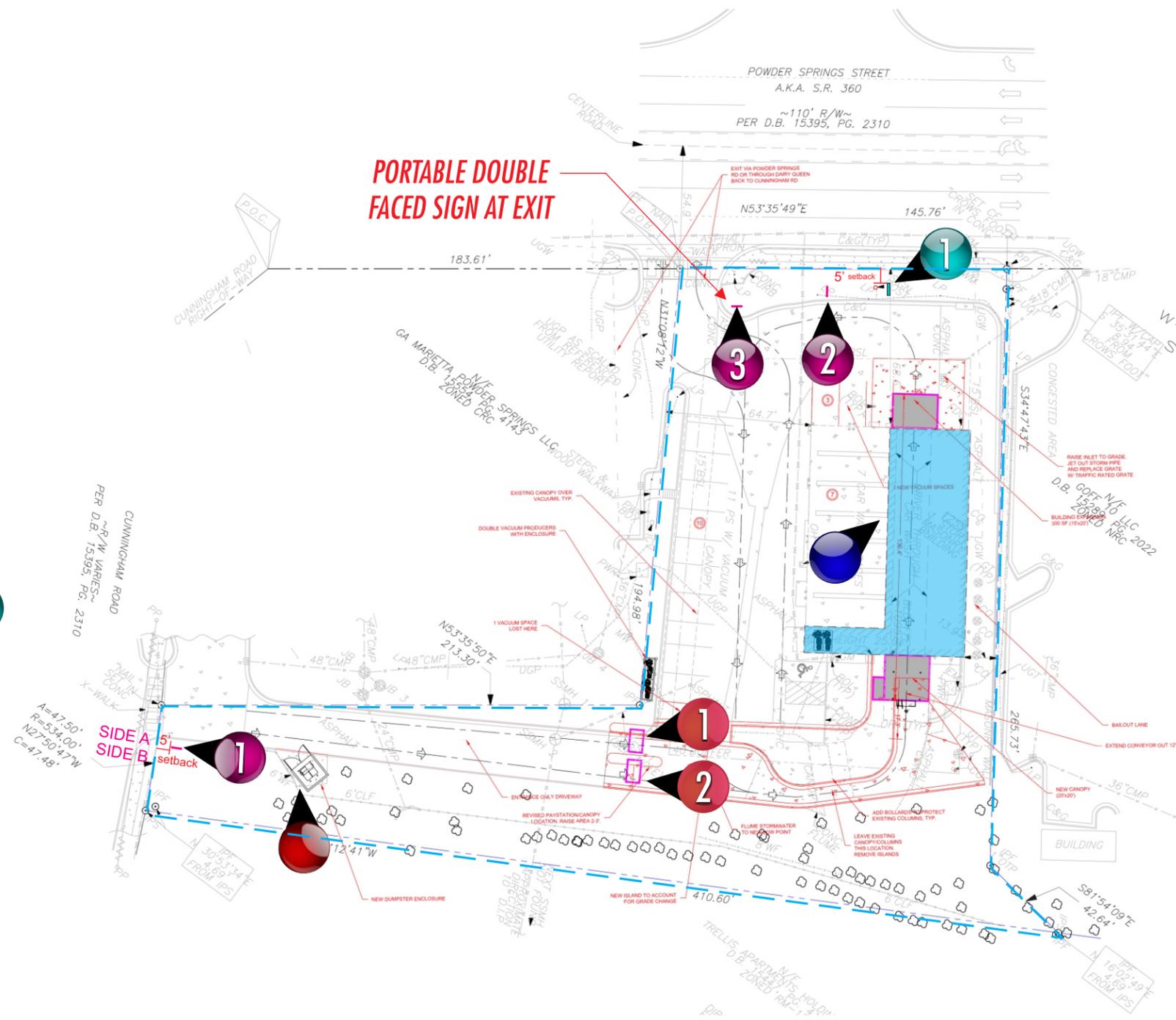
### SIGN TYPE LOCATION LEGEND

ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN 

ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE 

POST & PANELS SIGNS   

ILLUMINATED DRIVE-UP MENUS  



DATE - 7 / 17 / 2019

**SIGN TYPES**

- ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN (DOUBLE-SIDED) 
- ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE 
- DUMPSTER SIGN PANELS 
- POST & PANELS SIGNS 



TIDAL WAVE AUTO SPA  
1255 POWDER SPRINGS RD  
MARIETTA, GEORGIA 30064

**REVISIONS:**

DATE \_\_\_\_\_  
DATE \_\_\_\_\_

DESIGNER STEVEY MANN

ACCOUNT REP TODD WILLIS

SCALE: AS INDICATED

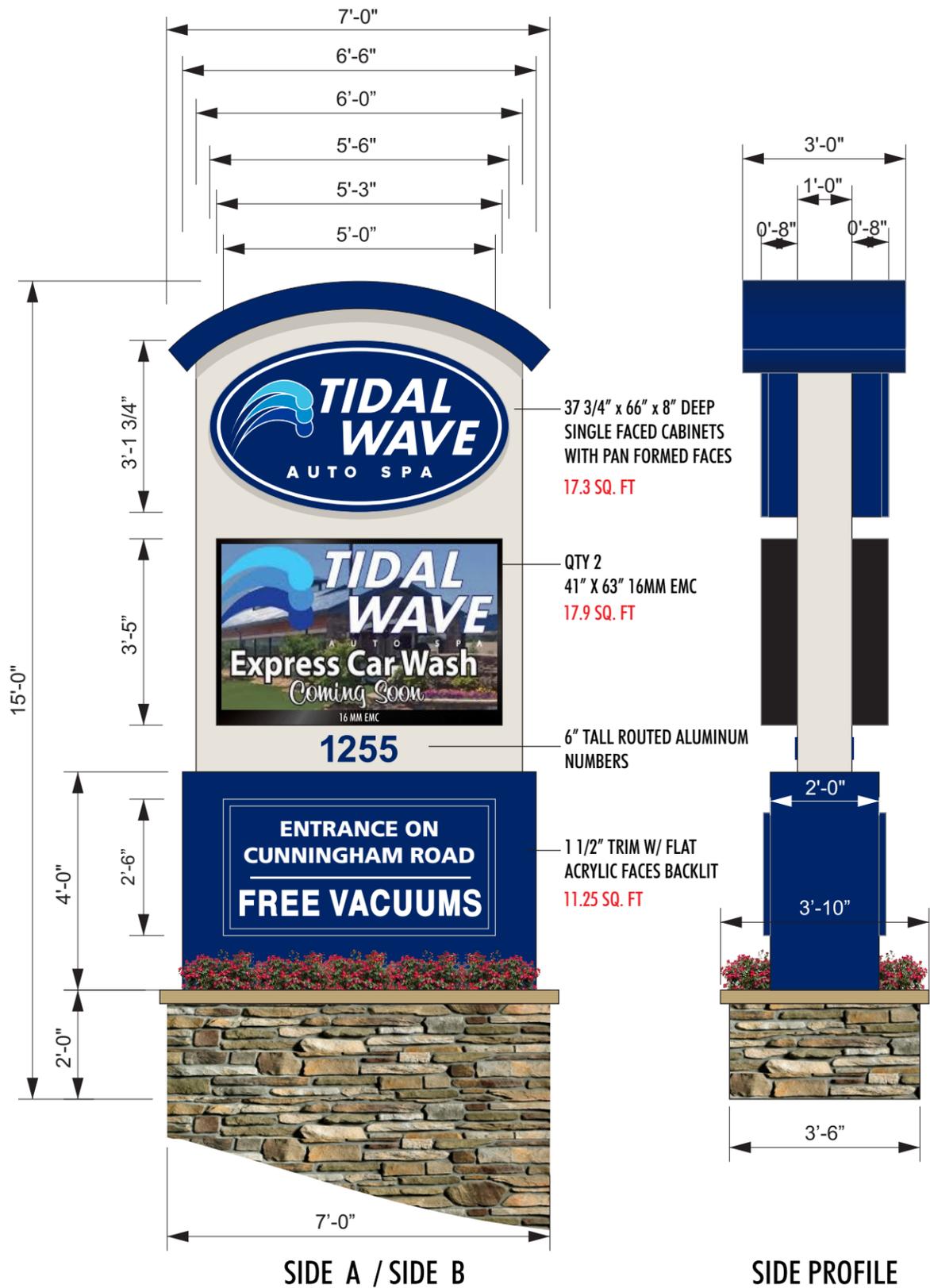
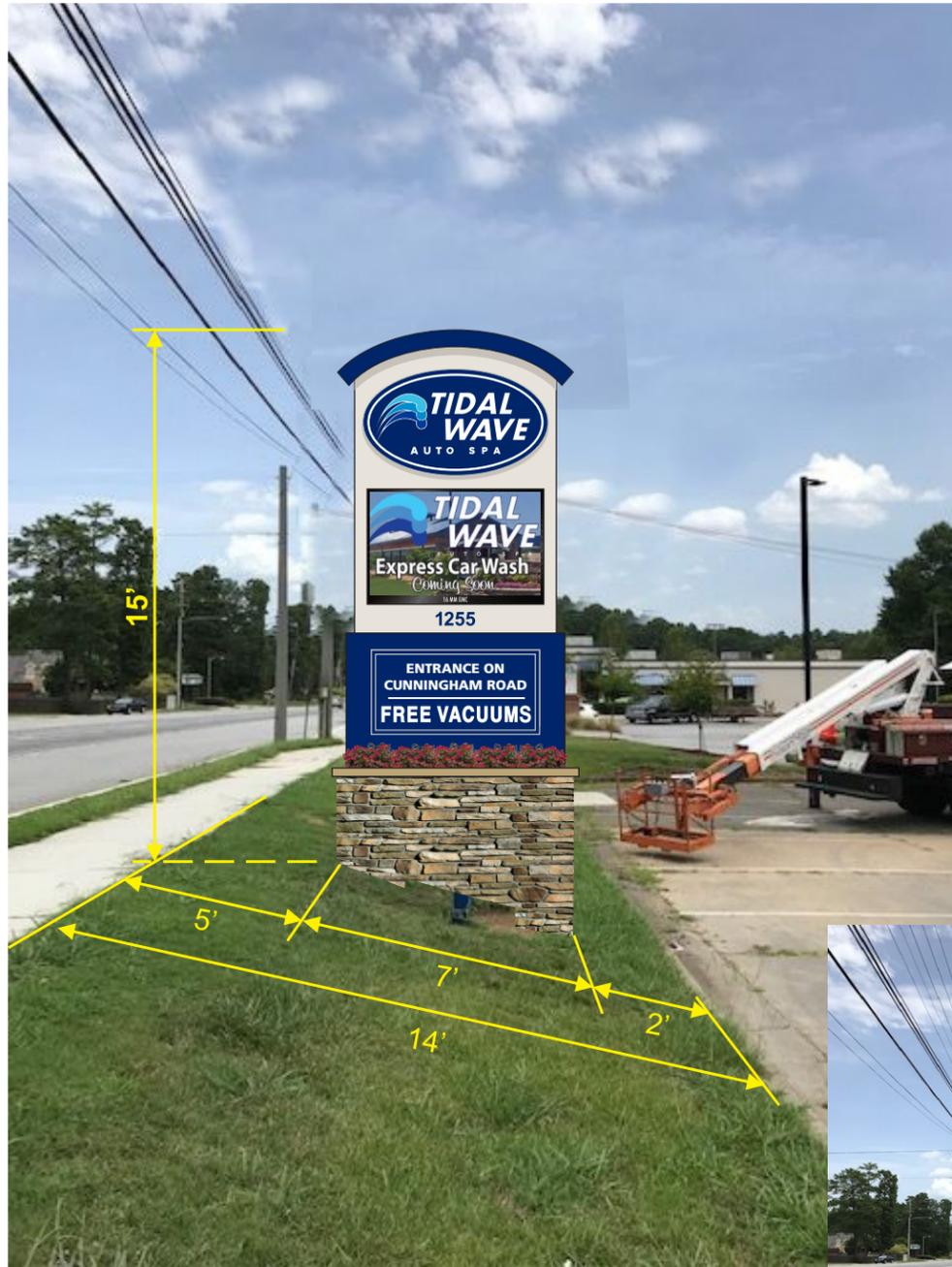
**DRAWING FILE NAME**

O:\BM\ Folder T \ TIDAL WAVE -  
Marietta, Georgia 7.17.19. cdr

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 **TO MATCH PANTONE 281 C. GLOSS FINISH**

**EXISTING SIGN TO BE REMOVED**

**DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN W/ ELECTRONIC MESSAGE CENTER**

**TOTAL SQ. FT = 46.25**

SCALE: 3/8" = 1'-0"



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 LAKE CITY, GA 30260  
 404-361-3800  
 FAX 404-361-7038  
 WWW.CLAYTONSIGNS.COM

DATE - 7 / 17 / 2019
SIGN TYPES
ILLUMINATED MONUMENT SIGN + ALUMINUM ENTRANCE SIGN (DOUBLE-SIDED)
ILLUMINATED OVAL SHAPED CABINET AT FRONT FACADE
DUMPSTER SIGN PANELS
POST & PANELS SIGNS



REVISIONS:
DATE _____
DATE _____

DESIGNER STEVEY MANN  
 ACCOUNT REP. TODD WILLIS  
 SCALE: AS INDICATED  
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DATE - 7 / 17 / 2019

SIGN TYPES

ILLUMINATED MONUMENT SIGN  
+ ALUMINUM ENTRANCE SIGN  
(DOUBLE-SIDED)

ILLUMINATED OVAL SHAPED  
CABINET AT FRONT FACADE

DUMPSTER SIGN PANELS

POST & PANELS SIGNS



TIDAL WAVE AUTO SPA  
1255 POWDER SPRINGS RD  
MARIETTA, GEORGIA 30064

REVISIONS:

DATE \_\_\_\_\_  
DATE \_\_\_\_\_

DESIGNER STEVEY MANN

ACCOUNT REP. TODD WILLIS

SCALE: AS INDICATED

DRAWING FILE NAME

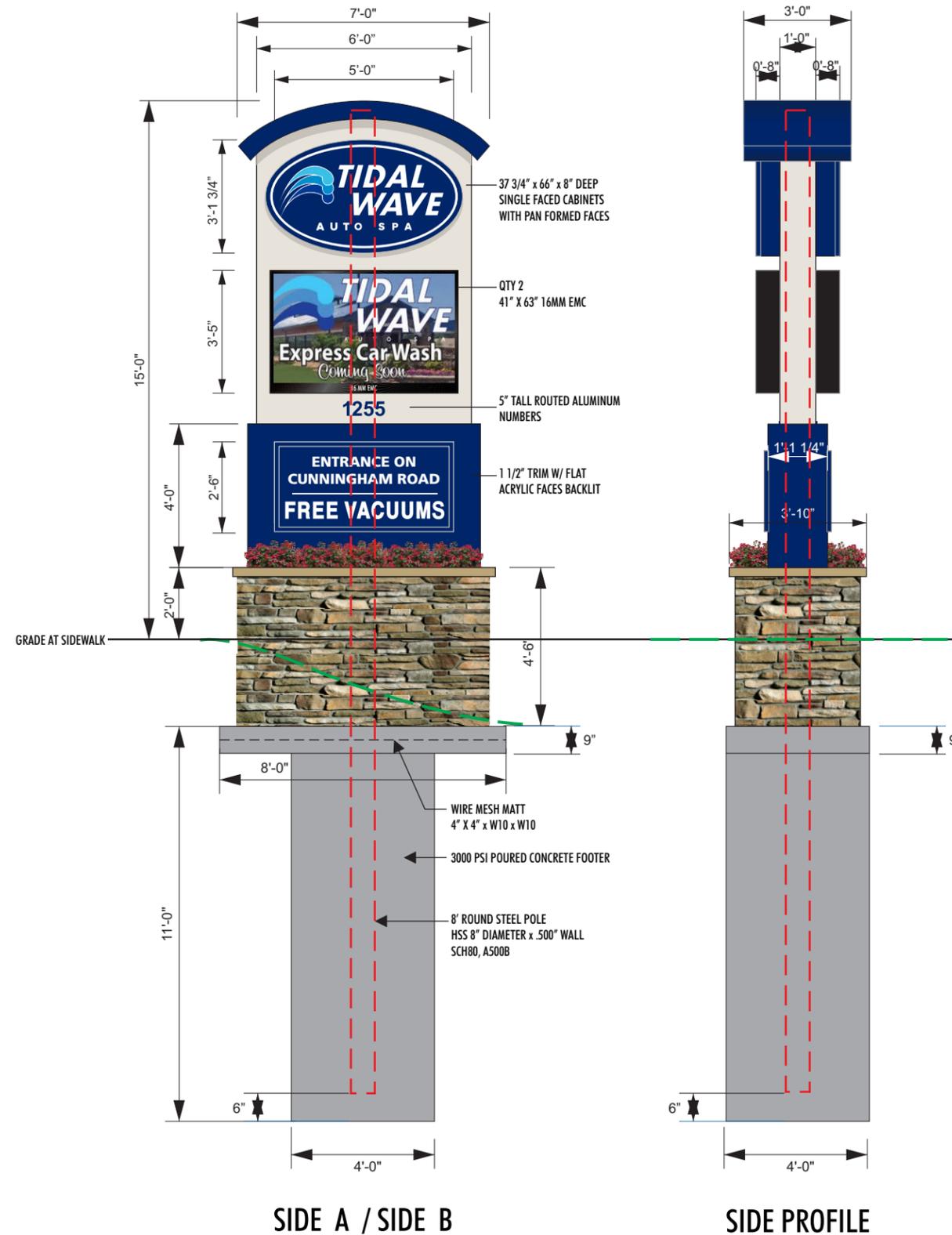
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PAGE  
**2B**



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**DOUBLE FACE INTERNALLY ILLUMINATED MONUMENT SIGN W/ ELECTRONIC MESSAGE CENTER**

SCALE: 1/4" = 1'-0"

