
STAFF REVIEW

Variance Case #: V2019-09 **Legistar #:** 20190184

City Council Hearing: Wednesday, April 10th, 2019 – 7:00 p.m.

Property Owner: James Freeman, LLC
380 Clark Creek Pass
Acworth, GA 30102

Applicant: Outfront Media
3745 Atlanta Industrial Drive
Atlanta, GA 30331

Agent: Webb, Klase & Lemond, LLC
Matthew C. Klase
1900 The Exchange, SE, Suite 480
Atlanta, Georgia 30339

Address: 1751 Bells Ferry Road

Land Lot: 798 **District:** 16 **Parcel:** 0040

Council Ward: 5B **Existing Zoning:** CRC (Community Retail Commercial)

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

1. Variance to waive the requirement that a billboard be regulated as a principal use. §714.04 (G.1)
2. Variance to modify a billboard within 500' of a residential zoning district. §714.04 (G.2)
3. Variance to locate a billboard within 500' of a church. §714.04 (G.2.)
4. Variance to modify a billboard within 1,000' of other billboards. §714.04 (G.5)
5. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located. §714.04 (G.9) and §714.06 (A.10)

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



Aerial view of subject billboard

Staff Review:

On behalf of James Freeman, LLC, Outfront Media, LLC is requesting variances to increase the height of an existing, nonconforming billboard on the east side of I-75 and located at 1751 Bells Ferry Road. The subject property is approximately thirty (30) acres in size, zoned CRC (Community Retail Commercial) and contains a total of five (5) billboards. There is also a cell tower in the middle portion of the parcel. Property zoned RA-8 (Single Family Attached – 8 units/acre) in the City of Marietta lies immediately to the east. To the north is property zoned R-20 (Single Family Residential) in Cobb County.

Outfront Media, LLC is requesting to raise the height of an existing billboard by thirty (30) feet on 1751 Bells Ferry Road due to the Georgia Department of Transportation constructing a sound barrier along the eastside of I-75. James Freeman, LLC and Outfront Media, LLC both indicate that they were not informed about the sound barrier being constructed along I-75. The billboard in question is in the southernmost corner of the parcel near Bells Ferry Road. The applicants claim the new barrier obstructs the visibility of the sign and only by increasing the allowable sign height will visibility be restored.

Raising the height of the billboard by thirty (30) feet will result in the sign being sixty-eight (68) feet above road grade. The height limit for billboards along I-75 is seventy (70) feet. Although a height variance is not needed, there are limitations on the modification of existing, nonconforming billboards. Section 714.04 (G.) states that “*No billboard lawfully in existence on December 11, 2013 shall be altered or moved unless it is made to comply with the provisions of this Division.*” Additionally, Section 714.06 (C.3) states that “*no structural repairs or changes in the size, shape, location, or design of this sign shall be permitted except to make the sign comply with the requirements of this article.*” In order to raise the height of this sign, the following variances would be necessary:

1. Variance to waive the requirement that a billboard be regulated as a principal use.
2. Variance to modify a billboard within 500’ of a residential zoning district.
3. Variance to locate a billboard within 500’ of a church.
4. Variance to modify a billboard within 1,000’ of other billboards.
5. Variance to allow a general advertising sign be located on a lot upon which a building and signage is located.

Should these variances be granted, staff suggest a stipulation that would only allow the alteration of the southernmost billboard (*GDOT Permit #07807; City of Marietta Permit 85-1342*) on the property.

Attached is a list of variance requests related to billboard signs since 2001.



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

FILE #	APPLICANT	STREET #	ST NAME	ACRES	STATUS	DATE
V2001-26	Whiteway Outdoor	1155	Powers Ferry Pl	9.83	Approved	12/12/01
V2001-27	Bressler Outdoor	1679	Cobb Pkwy S	4.39	Approved	12/12/01
V2002-02	Lamar Advertising	552	Cobb Pkwy	1.44	Denied	3/13/02
V2003-06	US Media	488	Cobb Pkwy N	1.27	Denied	4/9/03
V2003-15	Robert D. Spratlin	1641	Cobb Pkwy S	2.16	Approved	7/9/03
V2005-25	Liberty Church	1285	Cobb Pkwy N	7.26	Approved	12/14/05
V2006-03	Joe Garner - Clear Channel Outdoor	155	Cobb Pkwy S	1.92	Denied	3/8/06
V2010-08	GA Cumberland 7th Day Adventist	1440	Field Pk Cir	4.5	Denied	9/15/10
V2010-12	Dosetareh & Shaliyehsaboo	562	Cobb Pkwy N	1.26	Denied	5/12/10
V2014-38	CBS Outdoor	121	Freys Gin Rd	0.68	Approved	8/8/14
V2014-39	CBS Outdoor	100	Chert Rd	0.24	Approved	8/8/14
V2014-40	CBS Outdoor	1200	Gresham Rd	0.12	Approved	1/14/15
V2014-41	Clear Channel Outdoor	1318	Kassandra Dr	0.2	Approved	8/8/14
V2014-42	Clear Channel Outdoor	646	Webb Ind Dr	0.22	Approved	8/8/14
V2014-43	Clear Channel Outdoor	611	Webb Ind Dr	0.21	Denied	1/14/15
V2015-03	Chuck Clancy Ford	880	Cobb Pkwy S	1.62	Approved	1/14/15
V2015-23	Swiftland	455	Franklin Rd	3.21	Denied	6/10/15
V2015-42	Clear Channel	131	Cobb Pkwy N	0.45	Approved	10/14/15
V2015-52	Clear Channel	131	Cobb Pkwy	0.45	Approved	12/9/15
20180107	Ikea	1019	Franklin Gtwy	34.4	Approved	2/14/18
V2017-31	Atlanta United Football Club	861	Franklin Gtwy	32	Approved	8/9/17
V2017-41	Clear Channel Outdoor	1092	Marietta Ind Dr	4	Approved	12/13/17
V2017-42	Clear Channel Outdoor	646	Webb Ind Dr	0.02	Approved	12/13/17
V2017-43	Clear Channel Outdoor	2241	Northwest Pkwy	7.3	Approved	12/13/17
V2018-10	Studio Movie Grill	80	Powers Ferry Rd	16.8	Approved	4/11/18
V2018-34	Lamar Advertising	2424	Delk Rd	0.67	Approved	8/8/2018
V2018-35	Lamar Advertising	2430	Delk Rd	0.76	Approved	8/8/2018