



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**



**Prior to demolition - Billboard on 1200 Roswell Road (north facing side)**



**Prior to demolition - Billboard on 1200 Roswell Road (south facing side)**



**Vacant property – billboard demolished and removed as of Sept. 2, 2014**



**Billboard located to the south (on 121 Frey's Gin Rd)**



**Billboard located to the north (1181/1199 Roswell Road)**

**Staff Analysis:**

Clear Channel Outdoor, Inc. is requesting variances that would allow a new billboard to be located at 1200 Roswell Road. The subject property is bordered on the east side by Interstate 75 and on the west side by Freys Gin Court and Freys Gin Road, and is zoned CRC (Community Retail Commercial), as is all the surrounding parcels. Clear Channel originally requested to relocate an existing billboard elsewhere on the parcel due to the westward widening of I-75 to accommodate managed lanes. However, GDOT has since acquired the majority of the property; and has demolished and removed the billboard that had been located on this property. Only 0.093 acres of property remain after GDOT acquisition.

Part of the existing property, which contains the existing billboard structure and currently meets the 20,000 square foot minimum lot size for CRC, is being condemned by Georgia Department of Transportation (GDOT). Section 714.06 (C.), regarding nonconforming signs, states both "*a non-conforming sign shall not be replaced by another non-conforming sign...*" and "*...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.*" The applicant wishes to relocate the billboard to the area of the parcel remaining after the taking but will not be able to comply with the following aspects of the Zoning Ordinance.

- The parcel area remaining after the taking will only be 4,054 square feet and will not meet the minimum lot size for CRC.
- Because of the small size of the remaining parcel, a new billboard structure will not be able to meet the required setbacks for CRC. The depth of the parcel is just wide enough to accommodate the width of a panel.
- The ordinance requires billboards be spaced at least 1,000 feet apart; and there is a billboard approximately 315 feet to the north and another billboard approximately 550 feet to the south of the proposed location of the new billboard. There are also billboards on the east side of I-75 and one on Cobb Parkway South that lie within 1,000 feet of the proposed location.
- The billboard ordinance also requires the billboard to have a setback, equal to the height of the billboard, from any permanent structure. The application states the billboard will be lowered 15 feet to meet the ordinance requirement of 70 feet from I-75 road grade (85 feet from the base). The existing billboard is currently 86 feet above I-75 road grade (101' from the base). There is a small building (23 Freys Gin Road) located across Freys Gin Court that is approximately 65 feet from the proposed location of the billboard. This will allow the billboard be constructed with a structure already in its "fall zone," which is prohibited by ordinance.

The letter submitted with the application originally highlighted nonconformities that were to be reduced or eliminated by this proposal. These included the elimination of one of the panels of the billboard, reduction of the overall height, and making the billboard the principal use of the parcel since the existing building is to be demolished.

Since the billboard has been demolished, Staff has not received any new information in regards to the new billboard and which, if any, regulations it would meet.



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

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*This request for variances was discussed by City Council on Wednesday October 8, 2014, and there were questions about the area of the property and the possibility of acquiring additional property. After a lengthy discussion the matter was tabled until the next regularly scheduled City Council meeting on Wednesday November 12, 2014.*

*On November 10, 2014, the applicant requested that this item be tabled until the City Council meeting on December 10, 2014, when it was tabled at the applicant's request to the January 14, 2015 meeting.*

## **PUBLIC NOTICE OF VARIANCES**

The City of Marietta hereby gives notice that a public hearing will be held to give consideration to the following Variances for a recommendation to the City Council at their meeting on **Wednesday, January 14, 2015, 7:00 p.m.**, City Hall, for a final decision to be made.

**V2014-31 [VARIANCE] CLEAR CHANNEL OUTDOOR, INC.** request variance for property located in Land Lot 12390, District 16, Parcel 0130, 2<sup>nd</sup> Section, Marietta, Cobb County, Georgia and being known as 1200 Roswell Road, currently zoned CRC (Community Retail Commercial). Variance to reduce the minimum lot size from 20,000 sq. ft. to 4,054 sq. ft.; variance to reduce the rear setback for a billboard support structure from 35' to 5'; variance to reduce the rear setback for billboard sign faces to 0'; variance reduce the side setbacks for billboard sign faces to 0'; variance to reduce the minimum lot width from 100' to 20'; variance to allow a billboard to be located within 1,000 feet of another billboard; variance to allow a billboard to be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign.

Ward 7A.

A description and plat of the property sought for the rezoning and future land use assignment are on file in the Planning and Zoning Office, City Hall, and is 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.

For additional information please call the Planning and Zoning Office (770) 794-5440.

**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 Mr. Patrick Henley, ADA Coordinator, at 770-794-5558 (voice) or 770-794-5560 (TDD) no later than 48 hours before the date of the above meeting.

City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060





# Aerial Map



Address	Parcel Number	Acreage	Ward	Zoning	FLU
1200 ROSWELL RD	16123900130	0.485	7A	CRC	RAC

<b>Property Owner:</b>	Clear Channel Outdoor
<b>Applicant:</b>	
<b>City Council Hearing Date:</b>	1/14/15
<b>Planning Commission Hearing Date:</b>	
<b>BZA Hearing Date:</b>	Case Number: V2014-31
<b>Comments:</b>	

**Legend**

- Railroads
- City Limits
- Cobb County Pockets

**LEGEND**

IPS	IRON PIN SET	<	GUY WIRE
PF	IRON PIN FOUND	DE	DRAINAGE EASEMENT
OP	OPEN TOP PIPE	CB	CATCH BASIN
CTP	CRIMP TOP PIPE	JB	JUNCTION BOX
RB	REINFORCING BAR	DM	DRAINAGE MANHOLE
CRB	CAPPED RE-BAR	DI	DROP INLET
R/W	RIGHT-OF-WAY	HE	HEAD WALL
LL	LAND LOT	FE	FLARED END SECTION (FES)
LLL	LAND LOT LINE	TM	TELEPHONE MANHOLE
L	LINE	TP	TELEPHONE PEDestal
A	ARC	SB	SEWER MANHOLE
R	RADIUS	SE	SANITARY SEWER EASEMENT
CH	CHORD	SC	SEWER CLEANOUT
C	CURVE	PH	FIRE HYDRANT
CCNC	CONCRETE	WV	WATER VALVE
GP	GUY POLE	WM	WATER METER
GV	GAS VALVE	WS	WATER SEEP
GM	GAS METER	WP	WATER SPROUT
GMK	GAS MARKER	TR	TRAFFIC BOX
LP	LAMP POLE	PS	PEDESTRIAN SIGNAL
PP	POWER POLE	HW	HEAD WALL
FOM	FIBER OPTIC MARKER	BS	BOLLARD (ROUND)
ICV	IRRIGATION CONTROL VALVE	BSQ	BOLLARD (SQUARE)
MW	MONITORING WELL	CB	CABLE BOX
PRV	PRESSURE RELEASE VALVE	CO	COURTYARD
PS	PVC STUD	BH	BORE HOLE
PSB	POWER SUB	FP	FENCE POST
EM	ELECTRIC METER	POC	POINT OF COMMENCEMENT
F	WETLAND FLAG	PI	POINT OF INTERSECTION
CMF	CORRUGATED METAL PIPE		
ICP	REINFORCED CONCRETE PIPE		
CD	CROSS DRAIN		
SS	SANITARY SEWER		
CMF	CONCRETE MONUMENT FOUND		
Z-Z	OVERHEAD UTILITY LINE(S)		

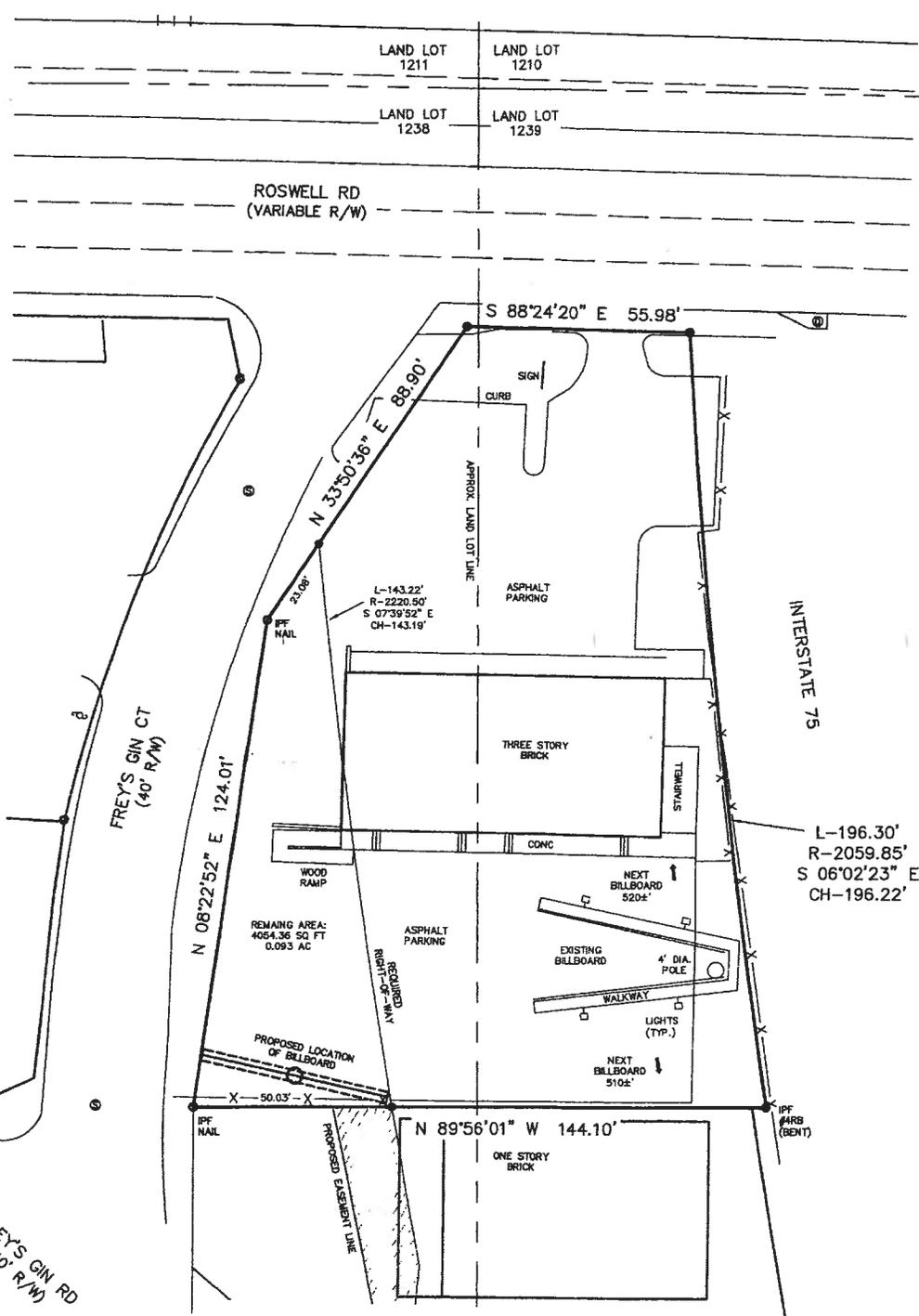
**GENERAL NOTES:**

- PURSUANT TO RULE 180-6.09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS, THE TERM "CERTIFY" OR "CERTIFICATION" RELATING TO LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED ON FACTS AND KNOWLEDGE KNOWN TO THE LAND SURVEYOR AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.
- INFORMATION REGARDING THE REPUTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE RELYING ON THIS PLAT. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNER, ITS EMPLOYEES, ITS CONSULTANTS, ITS CONTRACTORS, AND/OR ITS AGENTS SHALL HEREBY DISTINGUISHLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THIS INFORMATION SHOWN HEREON AS TO SUCH UNDERGROUND INFORMATION.
- UNLESS OTHERWISE STATED HEREON, ONLY EVIDENCE OF EASEMENTS OR STRUCTURES THEREIN WHICH ARE READILY APPARENT FROM A CASUAL ABOVE GROUND VIEW OF PREMISES ARE SHOWN. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO THE EXISTENCE OF ANY EASEMENT NOT DISCOVERED FROM MY CASUAL ABOVE GROUND VIEW OF THE PREMISES.
- UNLESS STATED OTHERWISE, GOVERNMENTAL JURISDICTIONAL AREAS OR NEGATIVE EASEMENTS, IF ANY, WHICH MIGHT IMPACT ON THE USE OF THE PREMISES WERE NOT LOCATED. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR ANY LOSS RESULTING FROM THE EXERCISE OF ANY GOVERNMENTAL JURISDICTION AFFECTING THE USE OF THE PREMISES.
- ACCEPTANCE OF THIS SURVEY PLAT OR USE OF THE CORNER MONUMENTS FOUND OR SET DURING THE PERFORMANCE OF THE FIELD SURVEY HEREBY LIMIT THE UNDERSIGNED LIABILITY RELATED TO PROFESSIONAL NEGLIGENT ACTS, ERRORS, OMISSIONS OR BREACH OF CONTRACT TO AN AMOUNT NOT TO EXCEED THE FEE CHARGED. FOR ADDITIONAL LIABILITY COVERAGE FROM THE UNDERSIGNED, A FEE OF 250% OF THE LIABILITY AMOUNT REQUESTED MUST BE PAID TO THE UNDERSIGNED PRIOR TO COMMENCEMENT OF THIS PROJECT.
- REPRODUCTIONS OF THIS PLAT ARE NOT VALID UNLESS THE SEAL IS SIGNED WITH A "LIVE" SIGNATURE.
- UNLESS OTHERWISE STATED HEREON, THIS SURVEY WAS PREPARED WITHOUT BENEFIT OF AN ABSTRACT OF TITLE. NO LIABILITY IS ASSUMED BY THE UNDERSIGNED FOR LOSS RELATING TO ANY MATTER THAT MIGHT BE DISCOVERED BY AN ABSTRACT OR TITLE SEARCH OF THE PROPERTY.

NOTE: TOP OF SIGN IS 101' FROM BASE AND 86' FROM EXISTING PAVEMENT.

PARCEL 50  
PER GDOT P.I.#  
0008268

AREA:  
21,882 SQ FT  
0.498 AC



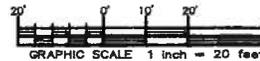
**BOUNDARY SURVEY FOR:  
CLEAR CHANNEL  
OUTDOOR**

LAND LOTS 1238 & 1239 OF THE  
16TH DISTRICT, 2ND SECTION,  
CITY OF MARIETTA,  
COBB COUNTY, GEORGIA

JOB No.: 882-14-104

PLAT INFORMATION: SCALE 1"=20' DATE: 8/18/14

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN N/A FEET AND AN ANGULAR ERROR OF N/A SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION WAS USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT.  
THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.  
Ordinary 10:14 Do not move your neighbor's boundary stone set up by your predecessor...  
MEMBER OF THE SURVEYING & MAPPING SOCIETY OF GEORGIA (SAMSOG)  
ALL MATTERS OF TITLE ARE EXCEPTED. © 2013



**SOUTHEASTERN ENGINEERING, INC.**  
2470 Sandy Plains Road, Marietta, Georgia  
30066  
tel: 770-321-3936 fax: 770-321-3935  
www.seengineering.com

LAW OFFICES  
SCHREEDER, WHEELER & FLINT, LLP  
1100 PEACHTREE STREET, NE  
SUITE 800  
ATLANTA, GEORGIA 30309-4516

(404) 681-3450  
FACSIMILE: (404) 681-1046

Scott W. Peters

E-Mail: [speters@swflp.com](mailto:speters@swflp.com)  
Direct Dial: (404) 954-9836

August 19, 2014

VIA HAND DELIVERY

Mr. Brian Binzer, Director  
Department of Development Services  
City of Marietta  
205 Lawrence Street  
Marietta, GA 30060

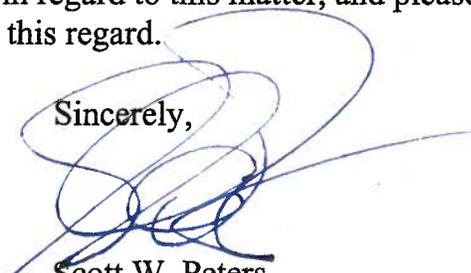
RE: Application for Variance – Clear Channel Outdoor  
1200 Roswell Road  
Supplement to Application

Dear Mr. Binzer:

Please accept the attached Constitutional Objections on behalf of Clear Channel Outdoor and 1200 Roswell Road, LLC, in further support of their Variance Application in regard to the property located at 1200 Roswell Road which was filed on July 2, 2014, which is currently scheduled for hearing on September 10, 2014. We ask that this document be added to the application package and be included in the record of this variance application.

Thank you for your assistance in regard to this matter, and please do not hesitate to call should you have any questions in this regard.

Sincerely,



Scott W. Peters

SWP/cal  
Enclosure

## CONSTITUTIONAL OBJECTIONS

COME NOW Clear Channel Outdoor, Inc. and landowner 1200 Roswell Road, LLC (collectively, the "Applicants") and set forth their constitutional objections in the event their variance application is denied.

The Applicants seek variances in the City of Marietta, Georgia, as described in the foregoing application. The present classification of the subject property without the granting of such variances constitutes a taking of the property without payment of adequate compensation. Lamar Adver. of South Georgia v. City of Albany, 260 Ga. 46, 389 S.E.2d 216 (1990). Moreover, the entire Marietta sign code (division 714 of the Marietta Zoning Ordinance) and specifically sections 714.04(G) and 714.06 of the Marietta Zoning Code, violate the First Amendment to the Constitution of the United States and Article I, Section I, Paragraph V (Free Speech) of the Constitution of the State of Georgia. The sign code impermissibly "evidences hostility to signs in general and to commercial signs in particular." Fulton County v. Galberaith, 282 Ga. 314, 647 S.E.2d 24 (2007). Sections 714.04(G) and 714.06 of the zoning code do not directly advance any governmental interest or, in the alternative, regulate speech more extensively than necessary to serve any government interest. Metromedia, Inc. v. City of San Diego, 453 U.S. 490, 101 S.Ct. 2882, 69 L. Ed. 2d 800 (1981); Cent. Hudson Gas & Elec. Corp. v. Pub. Serv. Comm'n of New York, 447 U.S. 557, 100 S.Ct. 2343, 65 L. Ed. 2d 341 (1980); Union City Bd. of Zoning Appeals v. Justice Outdoor Displays, Inc., 266 Ga. 293, 467 S.E.2d 875 (1996). "To ban any type of commercial speech, the government must have a substantial reason for doing so. A ban on commercial speech must directly

advance the asserted governmental interest, and the prohibition must be tailored so that it sweeps no more broadly than is necessary to achieve that interest.” Fulton County v. Galberaith, 282 Ga. at 318. A government restricting speech “must draw its regulations to suppress no more speech than is necessary to achieve its goals.” Coffey v. Fayette County, 279 Ga. 111, 610 S.E.2d 41 (2005). The Marietta sign restrictions violate these standards.

In addition, the arbitrary and capricious denial of the variance application would constitute a violation of due process and equal protection. Tuggle v. Manning, 244 Ga. 29, 159 S.E.2d 703 (1968). The denial of the variance application would not bear a substantial relation to the public health, safety, morals or general welfare. As a result, the denial of the variance application would be arbitrary and capricious. Sellars v. Cherokee County, 254 Ga. 496, 330 S.E.2d 882 (1985).

Further, the variance process set forth in section 714.04(G)(16) violates the applicant’s right to due process, equal protection, and free speech. Specifically, in order for a variance procedure to be valid, it must be “drawn with specific specificity to apprise an applicant of common intelligence of the standards which he should anticipate the governing body will consider” at the time the application is reviewed. Dinsmore Development Co., Inc. v. Cherokee County, 260 Ga. 727, 728 (1990). (Property owner entitled to special use permit for solid waste landfill where ordinance lacked sufficient objective guidelines to base approval or denial of permit); see also, Arras v. Herrin, 255 Ga. 11 (1985) (applicant entitled to beer and wine license where Board of Commissioners had absolute discretion, to approve or deny application permit); and FSL Corporation v.

Herrington, 262 Ga. 725 (1993) (applicant entitled to special use permit for sanitary landfill where county ordinance provided no objective criteria for approval or denial thereof). This is especially true where issues of free speech are involved because the government is prohibited from deciding who may speak and who may not based upon the content of the speech or the viewpoint of the speaker. City of Lakewood v. Plain Dealer Publishing Co., 486 U.S 750, 764 (1998).

If the Applicants' variance application is denied, their rights under the First and Fourteenth Amendments to the Constitution of the United States and under Article I, Section I, Paragraph I (Due Process); Article I, Section III, Paragraph I (Eminent Domain); Article I, Section I, Paragraph II (Equal Protection); and Article I, Section I, Paragraph V (Free Speech) of the Constitution of the State of Georgia will be violated. Denial of the application will also constitute an improper exercise of the police power.

LAW OFFICES  
SCHREEDER, WHEELER & FLINT, LLP  
1100 PEACHTREE STREET, NE  
SUITE 800  
ATLANTA, GEORGIA 30309-4516

(404) 681-3450  
FACSIMILE: (404) 681-1046

Scott W. Peters

E-Mail: [speters@swfllp.com](mailto:speters@swfllp.com)  
Direct Dial: (404) 954-9836

July 1, 2014

VIA HAND DELIVERY

Mr. Brian Binzer, Director  
Department of Development Services  
City of Marietta  
205 Lawrence Street  
Marietta, GA 30060

RE: Application for Variance – Clear Channel Outdoor  
Letter of Intent

Dear Mr. Binzer:

Please accept this letter in support of the application of Clear Channel Outdoor, Inc., in regard to its request to relocate its existing legal non-conforming billboard located at the south east corner of Roswell Road and Freys Gin Court. This existing outdoor advertising sign is being condemned by the Georgia Department of Transportation (“GDOT”) for the I-75 managed lane project. The requested variances are sought to allow relocation of this sign upon the remainder of the property which is not being acquired by GDOT.

GDOT is condemning the majority of the parcel on which this billboard is presently located. The property originally consisted of approximately 21,682 square feet, and is presently improved with a three story brick building and associated parking lots. GDOT is condemning the vast majority of the property, and in conjunction with the project will demolish all of the improvements that are presently located upon the property. The property owner is left with a remainder consisting of 4,054 square feet located adjacent to Freys Gin Court. The property has a depth of 50 feet at its southern end, and has approximately 212 feet of frontage along Freys Gin Court.

In order to minimize the compensation to be paid by GDOT, and thereby save the taxpayers of the State of Georgia additional funds, Clear Channel Outdoor seeks the right to relocate a reduced version of this sign on the remainder of the subject property. Based upon the size of the remaining parcel, and in a desire to minimize the impact of this sign on the area, Clear Channel Outdoor proposes to construct a single faced sign, rather than

LAW OFFICES  
SCHREEDER, WHEELER & FLINT, LLP

Mr. Brian Binzer

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July 1, 2014

reconstruct the existing double-faced sign, if these variances are approved. Further, while the existing sign is presently 86 feet tall (as measured from existing road grade of I-75), the proposed new sign will only be 70 feet tall (once again, as measured from existing road grade of I-75). This proposed height is in conformance with the height requirements of the Marietta code.

Attached hereto as Exhibit "A" is a Variance Analysis depicting the variances requested to allow the proposed single face sign to be constructed upon the remainder of this property. As you will note from this analysis, several of the existing non-conformities are reduced by this proposed relocation, while several either remain identical or are increased. For example, although the existing sign is 86 feet over I-75 road grade, Clear Channel Outdoor proposes reducing this height to 70 feet. In addition, because the existing office building on the property will be demolished, the reconstructed sign will be the sole principal use of the subject property. Further, the impervious surfaces for the subject property will be reduced, and the landscaped area will be increased. The proposed sign is not located within 500 feet of a residential zoning district, a church, school, park, public building, or cemetery. Although the setbacks for the proposed sign are reduced, this is caused by the small remainder lot size.

In support of this request, Clear Channel Outdoor shows that its existing outdoor advertising sign is a legal non-conforming use which was originally constructed pursuant to a permit that was issued by the City of Marietta. In addition, Clear Channel Outdoor possesses a GDOT permit for this sign. The non-conformity of the existing sign is due to no action by Clear Channel Outdoor, but rather has resulted in changes to the Marietta code following the construction of the sign.

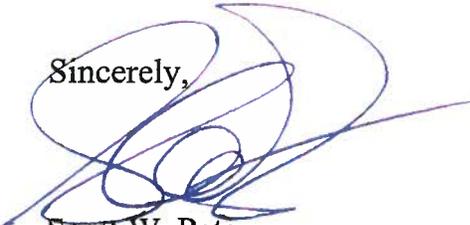
Clear Channel Outdoor further shows that the conditions requiring the request for this variance are being caused by GDOT, and not by any action of Clear Channel Outdoor or the property owner. The extraordinary and exceptional circumstances are the result of the actions of GDOT in condemning the property for the I-75 managed lane project, which result in the size and shape of the property being altered significantly. These alterations are causing a substantial hardship upon Clear Channel Outdoor because the current Marietta Sign Ordinance otherwise prohibits the relocation of this sign (or the construction of any new signs in the immediate vicinity), and as a result, Clear Channel would not otherwise be permitted to retain its existing rights and privileges under its sign permits unless the requested variances are approved. The inability to relocate the sign in a permissive fashion upon the property are due to the small size and irregular shape of the remainder parcel.

LAW OFFICES  
SCHREEDER, WHEELER & FLINT, LLP

Mr. Brian Binzer  
Page 3  
July 1, 2014

Clear Channel Outdoor respectfully requests that this variance application be approved so as to permit the relocation of this existing legal non-conforming sign upon the remainder of this property. Thank you for your consideration in this regard.

Sincerely,



Scott W. Peters

SWP/cal  
Enclosure

**EXHIBIT "A"**

**Parcel 50 - Variance Analysis**  
Clear Channel Outdoor

	<b>Ordinance Requirement</b>	<b>As-Built</b>	<b>As-Proposed</b>
1	Within 100 feet of the right-of-way of Interstate 75.	Yes	Yes
2	Billboards shall also be regulated as a <b>principal use</b> and are required to meet all <b>dimensional standards</b> of the applicable zoning district. CRC setbacks: Min Lot Size: 20,000 sq. ft. Min Lot Width: 100 ft. Max Building Height: 75 ft. Max Floor Area Ratio: 0.50 Max Impervious Surface: 80% Min landscaped area: 15% Front Setback (arterial): 40 ft. Front Setback (collector): 35 ft. Front Setback (local): 35 ft. Side Setback (major): 25 ft. Side Setback (minor): 15 ft. Rear Setback: 35 ft.	Billboard and Office Building both exist on same parcel.  Lot size: 21,682 sf Lot width: ~ 120 ft. Max Building Height: 86 ft. Max Floor Area Ratio: 44% Max Impervious Surface: 95% Min landscaped area: 5% Front Setback (local): 44 ft. Side Setback (major): 25 ft. Side Setback (minor): 35 ft. Rear Setback: 2 ft.	Billboard will be sole use on remaining portion of parcel.  Lot size: 4,054 sf Lot width: ~35 ft. Max Building Height: 70 ft. Max Floor Area Ratio: N/A Max Impervious Surface: 1% Min landscaped area: 99% Front Setback (local): 1 ft. Side Setback (minor): 1ft. Rear Setback: 1 ft.
3	No billboard shall be placed within 500 feet of a residential zoning district, church, school, park, public building or cemetery.	None	None
4	No billboard shall contain a sign area in excess of 672 square feet.	Panel size = 672	Panel size = 672
5	No billboard shall contain more than 2 faces	2 Panel Faces	1 Panel Face
6	No billboard shall be located within a 1,000-foot radius of another billboard	Billboard 510 ft. to the South Billboard 520 ft. to the North	Billboard 510 ft. to the South
7	No billboard may exceed 70 feet in height along an interstate as measured from the established road grade at the nearest point of the aforementioned road	86 ft. over I-75 road grade	70 ft. over I-75 road grade
8	Tree preservation.	N/A	N/A
9	No billboard shall be located or erected on a substandard lot. In addition, billboards shall meet all other zoning district regulations, including required setbacks and lot widths. Support structures shall meet the setback requirement; however sign faces may extend 25%	Dimensions Above	Dimensions Above

	into any required setback.		
10	No billboard shall be located or erected on a lot upon which a building is located if such lot or the building thereon has any sign located thereon	Billboard and Building on same lot	Billboard on individual lot
11	No billboard may be located closer to a permanent structure than a distance that is equal to or greater than the height of the sign	Billboard is located 12 feet from building located on parcel	Billboard will be located 40 feet from building on separate parcel across Frey's Gin Road
12	Billboards shall be permitted in LI, HI, CRC, RRC, and OHR zoning districts. Billboards are prohibited in all other zoning districts	Zoned CRC	Zoned CRC
13	Billboards shall not be permitted within any right-of-way or easement provided for a railroad	N/A	N/A