



4415 Senator Russell Avenue  
Acworth, Georgia 30101  
Office: (770) 974-3112  
Fax: (770) 917-0590  
[www.acworth.org](http://www.acworth.org)

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## **STAFF ANALYSIS AND REPORT**

### **Variance Request #2010-05VAR**

**OWNER/APPLICANT:** Martin Neon & Signs for the Shoppes at Cobblestone, LLC

**LOCATION:** 3485 Acworth Due West Road

**CURRENT ZONING/USE:**

Zoning: C-2 (Community Retail Commercial)  
Use: Retail Shopping Center

**PROPOSED USE:** No change in use

**REQUESTED VARIANCE:** Request to waive a zoning stipulation restricting the height of a monument sign from 10 feet to allow for 20 feet in height.

**ZONING/ADJACENT LAND USE:**

North C-2 (Community Retail Commercial)  
South LRO (Low Rise Office)  
West C-2 (Community Retail Commercial)  
East C-2 (Community Retail Commercial)

**MEETING INFORMATION:**

Planning Commission: 08/24/2010 – 7:30 P.M.  
Council Public Hearing: 08/30/2010 – 6:30 P.M.  
Council Final Vote: 09/02/2009 – 7:00 P.M.

**RECOMMENDATION:** Approval with stipulations

## STAFF REPORT AND IMPACT STATEMENT:



August 18, 2010

**To:** City of Acworth Planning and Zoning Commission

**From:** Christine Dobbs, Community Development Director

**Subject:** Variance request to waive a zoning stipulation restricting the height of a monument sign from 10 feet to allow for 20 feet in height.

**Background:** In April 2005, the subject property was part of a larger 63 acre tract that was replatted subdividing several parcels and adding a through road (Acworth Summit Boulevard). During this process, there were specific stipulations placed upon the three out-lots along Acworth Due West Road (including the subject parcel) in regards to signage. Specifically, the subject parcel (lot #3) is allowed to have a monument sign no taller than ten (10) feet in height. The subject property has developed into a multi-tenant retail shopping center and the applicant is seeking to increase the height of the monument sign from the approved 10 feet to 20 feet.

**Analysis:** Pursuant to the City of Acworth Zoning Ordinance, Staff has reviewed the request in accordance with the review criteria for variances established in Section 110. The Planning and Zoning Board and the Mayor and Aldermen shall consider evidence that such variance is required by *at least one* of the following causes:

- a) **Review Criteria: Because of an existence in good faith of a non-conforming use at a time prior to the adoption of the Zoning Ordinance of the City of Acworth, or amendments thereto, requires the continuance of such non-conforming use.**

The subject property is currently developed as a multi-tenant retail shopping center. There is not an existing monument sign on-site. This is not a request to continue a non-conforming use. Therefore, this criterion is not applicable in this case.

- b) **Review Criteria: There are extraordinary and exceptional conditions creating a substantial hardship to the applicant which pertain to the particular piece of property or building in question because of its size, shape or topography.**

The property is not irregularly shaped and has a level pad without topographical concerns. Therefore, this cause is is not applicable in this case.

- c) **Review Criteria: Relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the ordinance.**

Staff has conducted a survey of signage located along this portion of Acworth Due West Road and found that the average height of a monument sign is 9 feet in height with the tallest sign located directly across from the subject property at 16 feet in height. The original stipulations allowed a ten foot sign for the subject property as well as allowing provisions for a multi-tenant sign for the Acworth Summit Development at fifteen (15) feet in height. The fifteen foot height is more in line with the other signage in the immediate area. Staff would

not recommend approval of the applicant's request of 20 feet in height; however, would support a height of 15 feet. By doing so, the subject property's signage would meet the spirit of the original stipulations as well as that of surrounding signage. Therefore, this overall criterion is satisfied.

**STAFF RECOMMENDATION:**

Finding that criteria (c), as described above, has been met in this case; staff recommends approval of the applicant's request with the following stipulations:

1. The monument sign may be no taller than 15 feet in height as measured from the crown of the adjacent intersection of Acworth Summit Boulevard and Acworth Due West Road.
2. All other stipulations found in SL#2005-08 shall remain in effect where not in conflict with this request.
3. The development shall adhere to the stipulations set forth in Section 69.4 [A] of the City of Acworth Zoning Ordinance.
4. The development shall meet all City of Acworth Codes and the provisions of the Zoning Ordinance and Subdivision Regulations unless specifically approved otherwise by the Mayor and Board of Aldermen.