



# STAFF REPORT

## MORGAN COUNTY PLANNING COMMISSION

### PETITION FOR: VARIANCE

Property location: 5931 Bostwick Road, Bostwick, GA  
Property tax parcel: 008A-046  
Acreage: 0.697 acres  
Applicant: Yana Enterprises, LLC  
Applicant's Agent: Amit Himani  
Property Owner: Irvin Lowe, 1041 Riverbanks Road, Bishop, GA  
Existing Use: Commercial - convenience store and fueling station

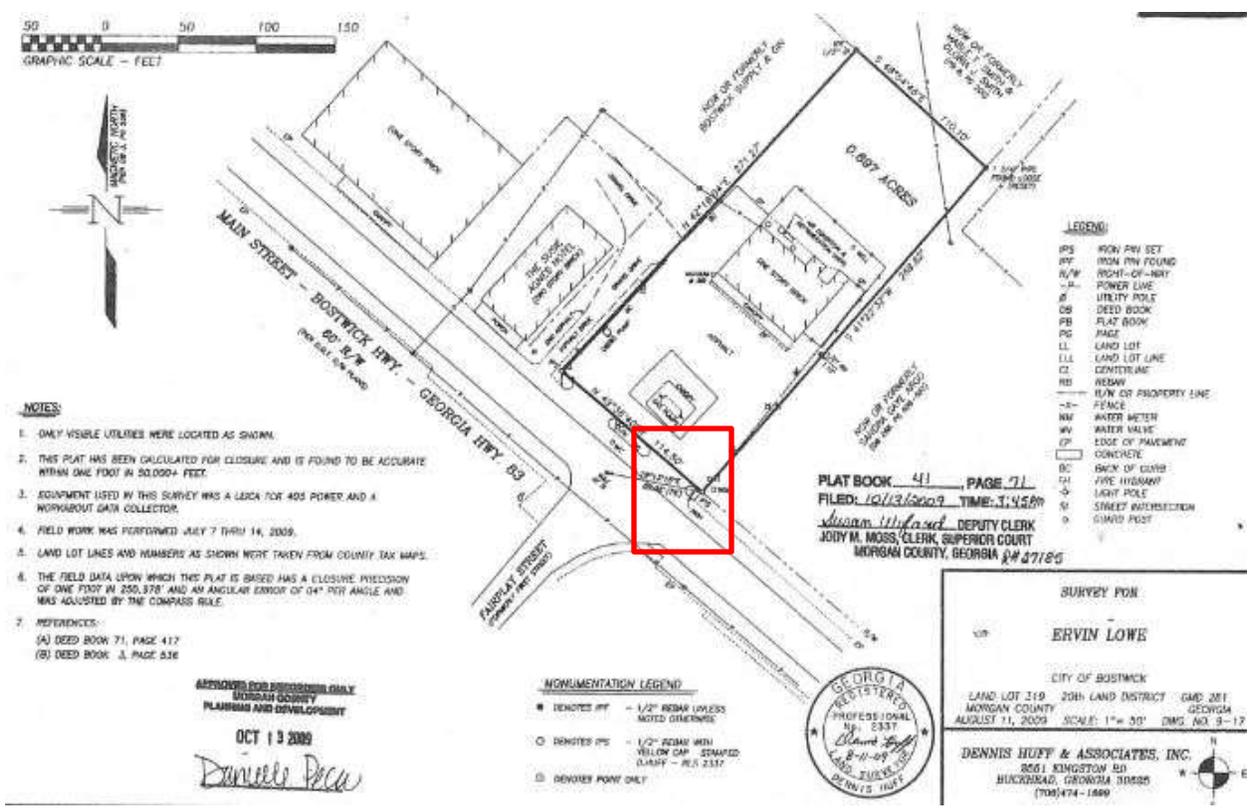
### Summary

Amit Hamani, on behalf of Yana Enterprises, LLC, is requesting a variance to the sign restrictions for the C1 zoning district in the Bostwick Zoning Ordinance. The applicant's variance is for the size of the sign, but there are placement restrictions that must also be addressed with this application.

The applicant is requesting a freestanding sign with company logo and digital gasoline prices. Digital gasoline prices are currently not allowed in Bostwick and are discussed in a separate text amendment application. Article X, Signs, Page 10-7, table for C1 and L1 Zoning Districts lists three categories under the "Freestanding" heading: Residential, Other and Incidental. This sign is not residential or incidental, so it falls under the "Other" category. The sign face is allowed 12 square feet and the sign cannot be more than 12 feet high. The sign specifications submitted by the applicant show the proposed sign face is 21 square feet and the total height is undetermined, as the base height is not given.



The current sign meets the sign face size and height requirements of the ordinance. The location of the sign is grandfathered.



Above is the recorded plat for the property. The red box above is shown enlarged at left.

The current freestanding sign is located on the Highway 83/Bostwick Road right-of-way. The red arrow points to the dashed line that delineates the right-of-way. The arched island with curbing shown in the photo on the previous page can be seen just inside the right-of-way line. The sign location is identified.





#### Criteria for Consideration

From the Bostwick Zoning Ordinance. Article XI, Section 1.2.7, Required Conditions for approval of a Variance:

- 1.2.7.1 There are extraordinary and exceptional conditions pertaining to the property because of size, shape and topography;
- 1.2.7.2 The literal application of this Ordinance would create an unnecessary hardship;
- 1.2.7.3 A variance would not cause substantial detriment to public good and impair the purposes and intent of this Ordinance;
- 1.2.7.4 A variance would not confer upon the property of the applicant any special privilege denied to other properties in the district;
- 1.2.7.5 The special circumstances surrounding the request for the variance are not the result of acts of the applicant;
- 1.2.7.6 The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district; and
- 1.2.7.7 The variance is the minimum variance that will make possible an economically viable use of the land, building or structure.

## Staff Comments

Although the variance application is for sign size, other issues must be addressed. The requested sign size is almost twice the maximum sign face size allowed. As we have seen in the county and in Rutledge, gasoline stations want to use digital signs for gasoline prices because the signs are more noticeable and the prices are much easier to change. The size of the sign requested, particularly on a state highway, is not extremely large. However, the Bostwick Zoning Ordinance specifies smaller sizes for signage throughout the city, in all zoning districts.

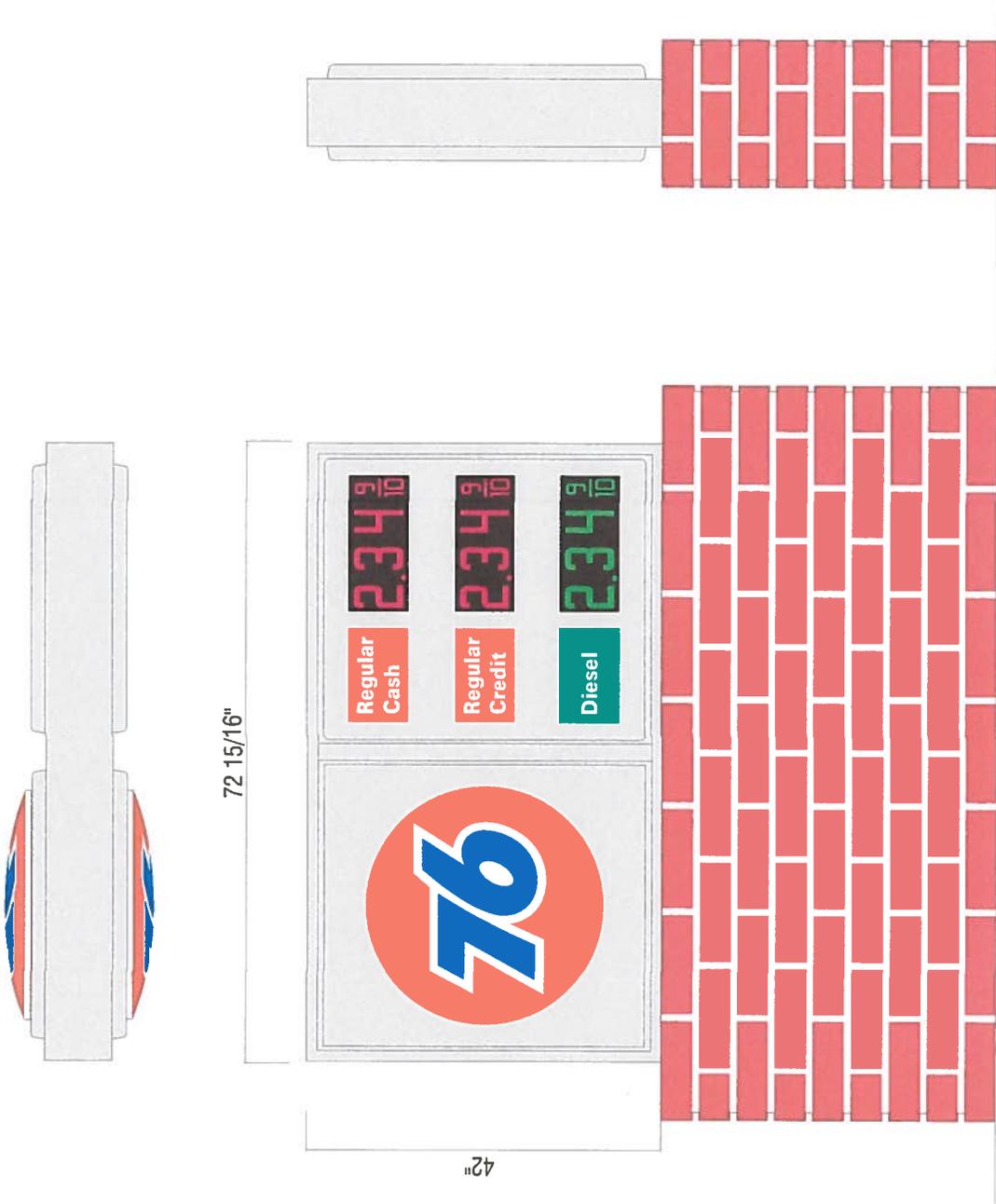
According to Section 1.6, the applicant must choose either internal or external lighting; the sign cannot have both, as indicated on the sign application.

Unless located in the existing cabinet in the existing location, the sign must be moved off the right-of-way. Only the existing location and size are grandfathered. If the applicant is approved for a new, enlarged, sign, the location must also be moved away from the residentially zoned property immediately to the right of the gas station. One hundred feet from the residential property line is marked by a red dot in the aerial above the Criteria for Consideration. Unless additional variances are given, these location requirements will create an issue for sign visibility. The Susie Agnes Hotel is situated close enough to the road that it may block the sign, especially for cars travelling south on Bostwick Road.

# 3'-6" x 6' (21SF)

3'-6 x 3': Brand Face

3'-6 x 3': 3 Product Face w/ 6" Able LED's  
-Painted Products



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Job Number: CT176523.E  
Date: 08.28.17  
Sheet Number: 1 of 1  
Design Number:



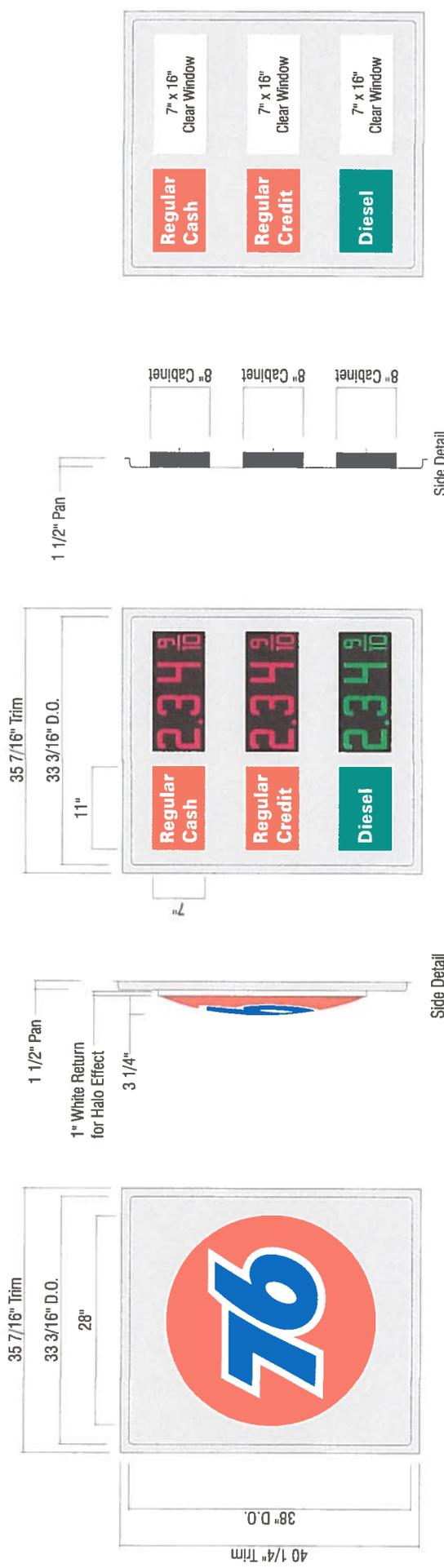
Account Rep:  
Project Manager: DEBBY NEWLAND  
Drawn By: JJS  
Underwriters Inc. (U.I.)  
ELECTRICAL TO USE UNLIMITED ALL W.E.C. STANDARDS  
ALL ELECTRICAL WORK IS TO BE DONE WITH ALL BRANDS THE PROPER TOOLS AND WIRING OF ALL SIZES

REMARKS:  
THIS DRAWING IS YOUR FINAL PROOF. IT SUPERSEDES ALL VERBAL AND WRITTEN COMMUNICATION BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THE ABOVE SPECIFICATION  
Client: Approval/Date:  
Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match

# Custom 3'-6" x 6' CP (21.3SF)

76 Crest Face  
 3 Product Price Face  
 w/ 6" Able LED's  
 -Painted Products

17" Cabinet



**COLORS**

3630-44	VINYL	ORANGE
3630-69	VINYL	BLUE
LG-3124	PAINT	WHITE
C8-1954	PAINT	SILVER ( OPAQUE )
	To Match PMS 165	ORANGE (Product Panels)
	To Match PMS 341	PAINT GREEN

**FEDERAL HEALTH**  
 VISUAL COMMUNICATIONS  
 www.FederalHealth.com  
 1500 North Bolton Jacksonville, TX 75766  
 (903) 589-2100 (800) 888-1327 Fax (903) 589-2101

Account Rep: \_\_\_\_\_  
 Project Manager: **PEGGY NEWLAND**  
 Drawn By: **JJS**  
 Laboratories Inc. **UL** **UL** **UL**  
 ALL ELECTRICAL WORK SHALL BE TO COMPANY WITH I.E.C. STANDARDS  
 ALL ELECTRICAL WORK SHALL BE TO COMPANY WITH I.E.C. STANDARDS  
 THE PROPER GROUNDING AND BONDING OF ALL SYSTEMS

**THIS DRAWING IS YOUR FINAL PROOF. IT SUPERSEDES ALL VERBAL AND WRITTEN COMMUNICATION BY SIGNING BELOW YOU ARE AUTHORIZING US TO MANUFACTURE TO THE ABOVE SPECIFICATION**

Client Approval/Date: \_\_\_\_\_

Colors Depicted In This Rendering May Not Match Actual Finished Materials. Refer To Product Samples For Exact Color Match.

**76**

Job Number: **C176523**  
 Date: **08.28.17**  
 Sheet Number: **1** of **1**  
 Design Number: \_\_\_\_\_

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MORGAN COUNTY PLANNING AND DEVELOPMENT  
 Post Office Box 1357  
 150 East Washington Street, Suite 200  
 Madison, Georgia 30650  
 (706) 342-4373 Office (706) 343-6455 Fax

## SIGN PERMIT APPLICATION

### SIGN LOCATION

Property Address: 5931 BOSTWICK HWY City: Bostwick State: GA Zip: 30623  
 Name of subdivision: \_\_\_\_\_ Tax Map and Parcel #: 008A 046  
 Land Use:  Agricultural  Commercial  Public Use  Residential

### PROPERTY OWNER'S INFORMATION

Name: IRVIN T. LOWE  
 Current Address: 1041 RIVERBANKS ROAD City: BISHOP State: GA Zip: 30621  
 Phone #: 706-769-1374

### CONTRACTOR INFORMATION

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone #: \_\_\_\_\_  
 State certification #: \_\_\_\_\_ Expiration date: \_\_\_\_\_

### ELECTRICAL CONTRACTOR INFORMATION

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone #: \_\_\_\_\_  
 State certification #: \_\_\_\_\_ Expiration date: \_\_\_\_\_

### TYPE OF SIGN PERMIT REQUESTED

- |   |                                     |   |                                      |
|---|-------------------------------------|---|--------------------------------------|
| <input checked="" type="checkbox"/> Free Standing Principle | <input type="checkbox"/> Wall       | <input type="checkbox"/> Window           | <input type="checkbox"/> Directional |
| <input type="checkbox"/> Free Standing (Planned Center)     | <input type="checkbox"/> Projecting | <input type="checkbox"/> Banner           |                                      |
| <input type="checkbox"/> Under-Canopy                       | <input type="checkbox"/> Billboard  | <input type="checkbox"/> Project Entrance |                                      |
| <input type="checkbox"/> Free Standing Canopy               | <input type="checkbox"/> Awning     | <input type="checkbox"/> Temporary Event  |                                      |

### SIGN INFORMATION:

Total cost of construction: \$ \_\_\_\_\_ Total Height (Above Ground Elevation) \_\_\_\_\_  
 Sign Structure Dimensions: X Sign Face Dimensions: X  
 Internal Illumination:  Yes  No External Illumination:  Yes  No  
 Is sign located within 200 feet of any State Waters?  Yes  No

### SIGN MATERIAL/SUPPORT:

- Wood  Concrete  Brick  Stone  Metal  Plastic  
 Other Explain: \_\_\_\_\_

### PERMIT APPLICATION MUST INCLUDE THE FOLLOWING:

- An itemized list and a keyed site plan at a suitable scale showing the location of all existing signs and sign structures currently on the property.
- An itemized list and a keyed site plan at a suitable scale showing the location of all proposed signs to be located on the property and all existing signs proposed to be removed.
- A scaled drawing with dimensions and specifications, specifying materials, illumination, character sizes, colors, and support system for each propped sign.
- By signing below the applicant shall indemnify the County against all damages, demands or expenses of any kind caused by the sign or the structure.

All information is true and accurate to the best of my knowledge.

**Applicant**

**Date**

Alvin

10/07/17

**Yana Enterprises LLC**

**DBA: Bostwick Citgo**

5931 Bostwick Road

PO Box 522

Bostwick, GA 30623

706-207-8311

October 24, 2017

Morgan County Planning & Development

150 E. Washington Street, Suite 200

Madison, GA 30650

RE: LED Sign Variance Request

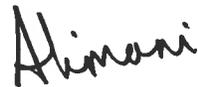
5931 Bostwick Road, Bostwick GA 30623 Tax Parcel 008A 046

Dear Morgan County Board of Commissioners,

Attached herewith is my application for variance for the above subject property. This property, used as a gas station/convenience store, has a small freestanding sign. With this sign potential customers do not notice the business and shows the gallon price of one grade of gasoline. I have entered into a new contract with Jones Petroleum Company and require a larger LED sign (42" X 72.94") that not only offers more visibility but shows prices of three grades of gasoline. LED lighting added as part of the renovation process is cost effective and environment friendly. To bring this plan to fruition I request a variance from Bostwick Zoning Ordinance for permitted signs, Section 10.3.5

I hope my request meets the criteria for variance. Should you have any questions, please do not hesitate to contact me. Thank you for your consideration of this request.

Sincerely,



Amit Himani