



Zoning Board of Appeals Meeting Agenda

Wednesday, December 02, 2020 at 4:00 PM
Zoom

CALL TO ORDER

ROLL CALL

CHAIRMAN'S COMMENTS

ADOPTION OF MINUTES

1. Review of the meeting minutes from the November 4, 2020 Zoning Board of Appeals meeting

PUBLIC HEARINGS

2. ZA 20-04 - 221 Williams Street - Chick-Fil-A - Request for a sign variance to construct a 144-square foot freestanding business sign at restaurant location - Brandon Guest (Clayton Signs, Inc.), applicant

DISCUSSION ITEMS

3. ZA 20-04 - 221 Williams Street - Discussion of Application among Board Members and Applicant

CITY PLANNER'S REPORT

None

ADJOURN

File Attachments for Item:

2. ZA 20-04 - 221 Williams Street - Chick-Fil-A - Request for a sign variance to construct a 144-square foot freestanding business sign at restaurant location - Brandon Guest (Clayton Signs, Inc.), applicant

CUMBERLAND ZONING BOARD OF APPEALS STAFF REPORT

ZA 20-04: 221 Williams Street (Chick-Fil-A) Sign Variance

October 15, 2020

Overview:

On September 22, 2020, applicant Clayton Signs, Inc. (Brandon Guest, signatory) on behalf of CFA-NC Townridge Square LLC (Chick-Fil-A), property owner, applied for a sign variance to permit the placement of a 144 square foot (12 feet by 12 feet) freestanding business sign. Conceptual pictures of the proposed signage are attached to the application in the appendix of this Staff Report. The proposed freestanding business sign height is within the allowable height for the zone, however, exceeds the maximum sign area of fifty (50) square feet as specified in Section 25-406 (8) (c) of the Cumberland Zoning Ordinance. The subject property (221 Williams Street) is the site of the Chick-Fil-A restaurant, which is currently undergoing renovations to expand their drive-thru to accommodate a second lane. The property is currently zoned B-C (Business Commercial), within which freestanding signs are permitted by right.

Procedural Status:

A Commercial Sign Permit package for the sign was submitted by the applicant on July 7, 2020. A subsequent staff review of the submission determined that maximum sign area variances would be needed for the freestanding sign and the Commercial Sign Permit application was denied by Kevin Thacker, Code Compliance Manager, on July 15, 2020. The applicant then submitted a variance application (ZA 20-04), and the accompanying concept design for the sign on September 22, 2020 (see attached copy of application and supporting documentation). Based on these submissions, the petition was scheduled for a public hearing before the Zoning Board of Appeals on December 2, 2020.

Staff Review & Recommendation:

Staff reviewed the packet of information filed by the applicant with the variance petition and confirmed that the proposed freestanding on-premise sign square footage exceeds the maximum area requirements of the Zoning Ordinance as noted above. The proposed sign cannot be permitted without a variance from the Zoning Board of Appeals.

According to Section 25-174 (i) of the Zoning Ordinance, the applicant shall bear the “burden of proof” for any conditional use or variance application before the Zoning Board of Appeals. Under Maryland Law, this “burden of proof” requires the applicant to produce evidence to the Board in support of the request and to persuade the Board of the justification for the requested relief based on that evidence. Based on the materials submitted with the application and a site investigation of the area, staff can offer the following facts and determinations for the Board’s consideration with regard to the application:

1. The subject property is located in the B-C (Business Commercial District) Zone.
2. The posted speed limit along I-68 in the vicinity of the exits to the property and proposed freestanding sign is 40 MPH.
3. The nearest exit ramp from I-68 Eastbound (from Cumberland) providing the access route to the property begins roughly 1,200 feet from the proposed sign location.
4. The nearest exit ramp from I-68 Westbound (approaching Cumberland) providing the access route to the property begins roughly 1,750 feet from the proposed sign location.
5. The line of sight approaching the Eastbound I-68 ramp from the proposed sign is clear, and the structure is mostly visible from I-68. The presence of the proposed sign will be visible from significantly further than with the current sign.
6. The line of sight approaching the Westbound I-68 ramp from the proposed sign is partially obstructed by buildings on Emily Street.
7. The applicant's justification for the requested variance is provided in the attached letter dated September 23, 2020.

In order to approve the requested variance, the Zoning Board of Appeals must find that the request satisfies the 7 specific criteria outlined in Section 25-175 (b) (1) of the Zoning Ordinance. The following list indicates the *minimum* questions that should be asked of any applicant for a variance to address the aforementioned criteria. The Zoning Board may ask additional related or follow-up questions, but *must* make findings of fact for its decision that address each of the basic questions below.

1.
 - a. **What unique physical circumstances or conditions (including, but not limited to, irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions) exist that are peculiar to your property?**
 - b. **What practical difficulties or unnecessary hardships are caused or created by these unique conditions or circumstances that are specific to your property and not imposed generally by the Zoning Ordinance upon the neighborhood or zoning district in which the property is located?**
2.
 - a. **How do these unique physical circumstances or conditions prevent any reasonable possibility of accomplishing the proposed work on the property in strict conformity with the provisions of the Zoning Ordinance?**

- b. Why is the variance necessary to enable the reasonable use of the property?**
- 3. How can you document that the unnecessary hardship or practical difficulty has not been created by the applicant?**
 - 4. How do you justify that the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare?**
 - 5. How do you justify that granting the requested variance will not give the applicant a special privilege that is otherwise denied by this Ordinance to other lands, structures, or buildings within the same district?**
 - 6. How do you document that the requested variance represents the minimum variation that will afford relief and will represent the least modification possible of the regulation in issue?**
 - 7. Is the justification for your variance based on a nonconforming use of neighboring lands, structures, or buildings in the same district, or the permitted use of lands, structures, or buildings in other zoning districts?**

Staff recommends that the Zoning Board of Appeals apply the following conditions to any approval of the petition:

1. Approval of this Variance Petition by the City does not relieve the owner and applicant from the responsibility of compliance with all applicable local, state, and federal codes, ordinances, and regulations lawfully in effect at later stages of the approval and development process.

Board of Appeals Action:

- [] Approve the requested Variance petition in accordance with the findings of fact indicated on the ZA 20-04 Zoning Appeal form and the attached October 15, 2020 Staff Report, and with the following additional conditions of approval, if deemed necessary, by the Zoning Board of Appeals:

- [] Deny the requested Variance, based on the following findings of fact:

Motion by: _____

Seconded by: _____

Vote:

In favor of motion: _____ Opposed: _____ Abstained: _____

Number of voting members present: _____

Signed:

Chair, Zoning Board of Appeals

Date: _____

Secretary, Zoning Board of Appeals

Date: _____

Appendix

Permit Applications & Documentation

7/15/2020

Letter View



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

57 N. LIBERTY STREET, CUMBERLAND, MD 20502 • PHONE 301-339-6442 • FAX 301-759-6432 • TDD 301-731-2268

www.cumberlandmd.gov

Permit Number: SP20-000002

Approval Date:

Commercial Sign Permit

Permit issued as per plans and subject to all applicable codes and regulations.

Project Location:	221 WILLIAMS ST	Date applied:	07/07/2020
MD Prop. #:	04051130	Work expected to begin:	
Owner:	CFA-NC TOWNRIDGE SQUARE LLC		
Applicant:	Clayton Signs		
Address:	5198 N. Lake Drive		
City/State/Zip:	Lake City, GA 30260		
Phone:	(770) 403-7656		
Email:	brandonguest@claytonsigns.com		



DENIED

Building Size: 0
 Facade Height: 0
 Sign SF: 144
 Zone: B-C
 Appeal Action: Yes

Quantity	Description	Amount	Total Cost
1.0	Permit Filing Fee	15.00	15.00
1.0	Sign Area Fee	72.00	72.00

Work Description:
 221 Williams St. Chik Fila Sign

Note(s): The issuance of this sign permit is subject to appeal within 30 days from date of posting of the building permit on the property. An appeal could result in the rescission of the sign permit. Any construction work undertaken by the applicant or his/her designee within the appeal period or prior to rescission of any appeal that may be filed within the appeal period is undertaken at the sole risk of the applicant.

<p>SUBJECT: However to revocation by the building official, if the building is not in compliance with the requirements of the City ordinances relating to building privileges, especially <u>Ch. 25 Building</u> and any other applicable codes. Further, this permit is void if work is not started within six (6) months after the date hereof and expires two (2) years hence.</p>	<p>STATEMENT: I agree to comply with all regulations applicable, and that work will be carried out as described on the application and as show on the plans, that the provisions of the Laws and ordinances applying to the premises, and proposed work will be complied with, whether stated in the application and to plan or not; the buildings and structures affected by this application will not be used for any other purpose than stated.</p>
 City C.D. Manager or Representative Signature	 Applicant's Signature

**DENIED**

KRT 7/15/2020



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

July 15, 2020

To Whom It May Concern,

A review has been completed of the proposed sign to be located at 221 Williams Street. The sign height is within the allowable height for the zone it is located in. However, the square footage of the sign is well above the allowable square footage. The allowable size in this zone of B-C is 50 sq. ft. and the amount of the proposed sign is 144 sq. ft. For this reason, the sign permit will be denied. The applicant would be allowed the chance for a variance if they so choose to apply for one.

If you have any further questions or need assistance in the process of applying for a variance please feel free to contact me.

MAYOR
RAYMOND M. MORRIS

COUNCIL
SETH D. BERNARD
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
LAURIE P. MARCHINI

Best regards,

Kevin Thacker

CITY ADMINISTRATOR
JEFFREY D. RHODES

Code Compliance Manager

CITY CLERK/ASST.
CITY ADM.
MARJORIE A. WOODRUM

**CODE COMPLIANCE
MANAGER**
KEVIN R. THACKER

**COMM. DEV. PROGRAMS
MANAGER**
KATHY MCKINNEY



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6456 • FAX (301)759-6432 • TDD (800)735-2258



City of Cumberland

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
301-759-6442 • Fax 301-759-6432 • debbie.helmstetter@cumberlandmd.gov

ZA # 20-000004

ZONING APPEAL REVIEW APPLICATION

- ☐ Variance Petition - *public hearing required*
- ☐ Conditional Use or Special Exception - *public hearing required*
- ☐ Appeal from an Administrative Decision - *public hearing required*
- ☐ Approval Extension Request (*no fee*)

Requirements vary depending on the type of appeal

All appeals must be applied for in writing, accompanied by a written explanation of the rationale or justification for the extension.

Project Location 221 WILLIAMS ST CUMBERLAND MD 21502 Tax ID # - 471972112

The Tax ID# can be found on your deed or by visiting www.dat.state.md.us/RealProperty/RealPropertySearch. When construction is being done and several property account numbers are involved, properties must be combined under one property number. It will be necessary to contact the State of Maryland Assessment Office, 112 Baltimore Street, Gateway Center, 301-777-2113, prior to applying.

Applicant Name CLAYTON SIGNS INC Contact Name BRANDON GUEST

Address 5198 N LAKE DR LAKE CITY, CA 30260

Phone 770-403-7656 Fax 404-361-7038 Email BRANDONGUEST@CLAYTONSIGNS.COM

- ☐ Attach a site plan drawn to scale and bearing the dimensional requirements for which the variance is being sought. All boundaries of the property must be shown and all buildings located correctly to scale within them. This may include minimum yard setbacks, maximum building coverage, height requirements and size requirements for signs
- ☐ Provide written justification addressing the variance legal requirements from the Zoning Ordinance 3607, Section 7.05.021.
- ☐ The basic submission requirements for Conditional Use or Special Exception application are specified in the Zoning Ordinance 3607, Section 7.04.09 (2).
- ☐ Certain uses (listed in Zoning Ordinance 3607, Section 8.06) will have additional special requirements that the applicant must satisfy in writing for approval by the Board.
- ☐ An Appeal from an Administrative Decision should include a copy of the denial (or reasons stated for the denial) and a statement of the applicant's rationale or reasons why the decision should be overturned.
- ☐ All appeals require a public hearing.
- ☒ There is a non-refundable \$300 Zoning Appeal review fee payable at time of application.
- ☐ There is no fee for an approval extension request.

Applicant's signature: Date: 09-22-20

H/Community Development/Permit Apps 2017/ZA



September 23, 2020

City of Cumberland MD
 Department of Community Development
 57 N Liberty Street
 Cumberland MD 21502

07-16-2020 Chick-fil-A

Dear Kevin Thacker,

We are seeking a variance regarding the allowable square footage on the main ID sign listed herein for Chick-fil-A located at 221 Williams Street, Cumberland, MD 21502. The height (40') and set back (10') will be within code.

This variance we are requesting is to achieve some visibility for the traffic on route 68. The allowable 50' square feet of area would be inadequate for visibility and would seem very small relative to The 40' height.

Please find the zoning appeal application, plan drawings, as well as payment enclosed. Thank you.

Sincerely,

Brandon Guest
 Sales | *Clayton Signs Inc*
 5198 North Lake Drive • Lake City • GA • 30260
 Direct: 770-403-7656 Fax: 404-361-7038
brandonguest@claytonsigns.com



5198 North Lake Drive • Lake City • Georgia • 30260
 Phone 404-361-3800 Fax 404-361-7038

WE BRING THE WORLD TO YOUR DOOR



07-16-2020

We are seeking a variance to the from the allowable square footage on the main ID sign for the Chick-fil-A located at 221 Williams Street Cumberland, MD 21502. The height (40') and set back (10') will be within code.

We are asking for the variance to achieve some visibility for the traffic on route 68. The allowable 50' square feet of area would be inadequate for visibility and look very small relative to the 40' height.

Thank you,
Brandon Guest
brandonguest@claytonsigns.com
770-403-7656

SPECIFICATIONS

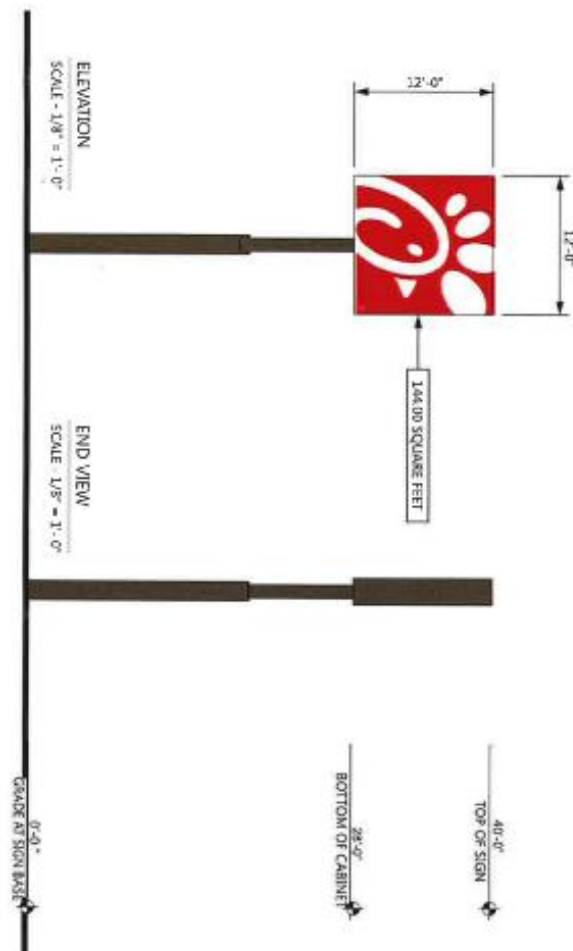
CABINET
DYE ALUM. CABINET WITH SIGNCOMP RETRO FLUO. LED
FRAME AND COVER WITH .063" ALUM. FILLER.
INTERNALLY ILLUMINATED WHITE LED 6500K LIGHTS.
SPACED EVENLY PAINT INTERIOR OF CABINETS MATTE WHITE.
BEADER BOARD.
ALUMINUM CONSTRUCTION CABINET
INTERNALLY ILLUMINATED WHITE LED 6500K LIGHTS.
SPACED EVENLY. READER FACE IS .187" WHITE POLYCARBONATE
LETTER SET INCLUDES FRANKLIN GOTHIC EXTRA CONDENSED
UPPERCASE LETTER SET OF 334 CHARACTERS WITH
PUNCTUATION MARKS & CHANGER ARROW.

3M #880-53 TRANSLUCENT CANONICAL RED

7328 WHITE POLYCARBONATE

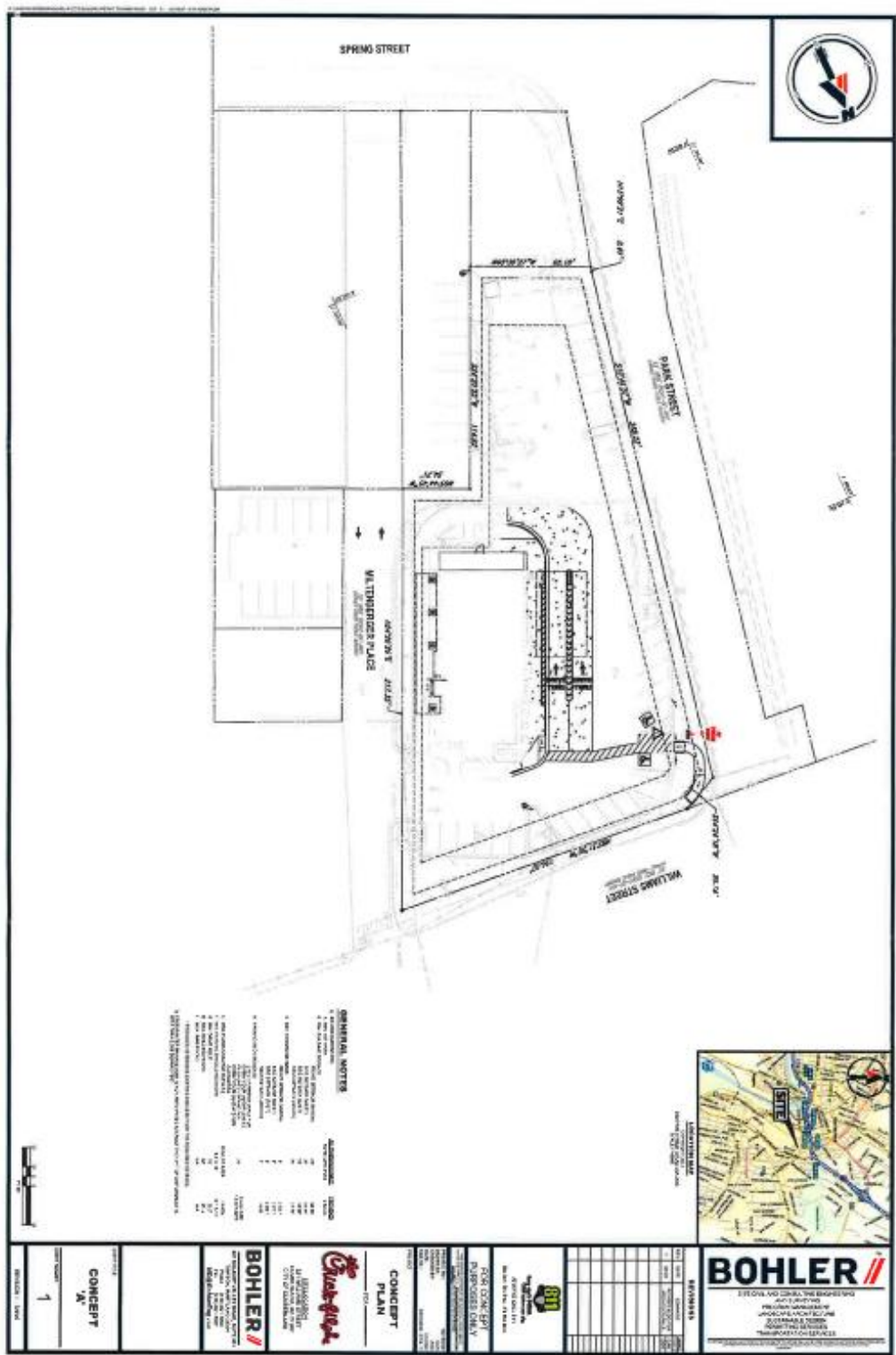
MATTIWEIS #P4135 DARK BRONZE

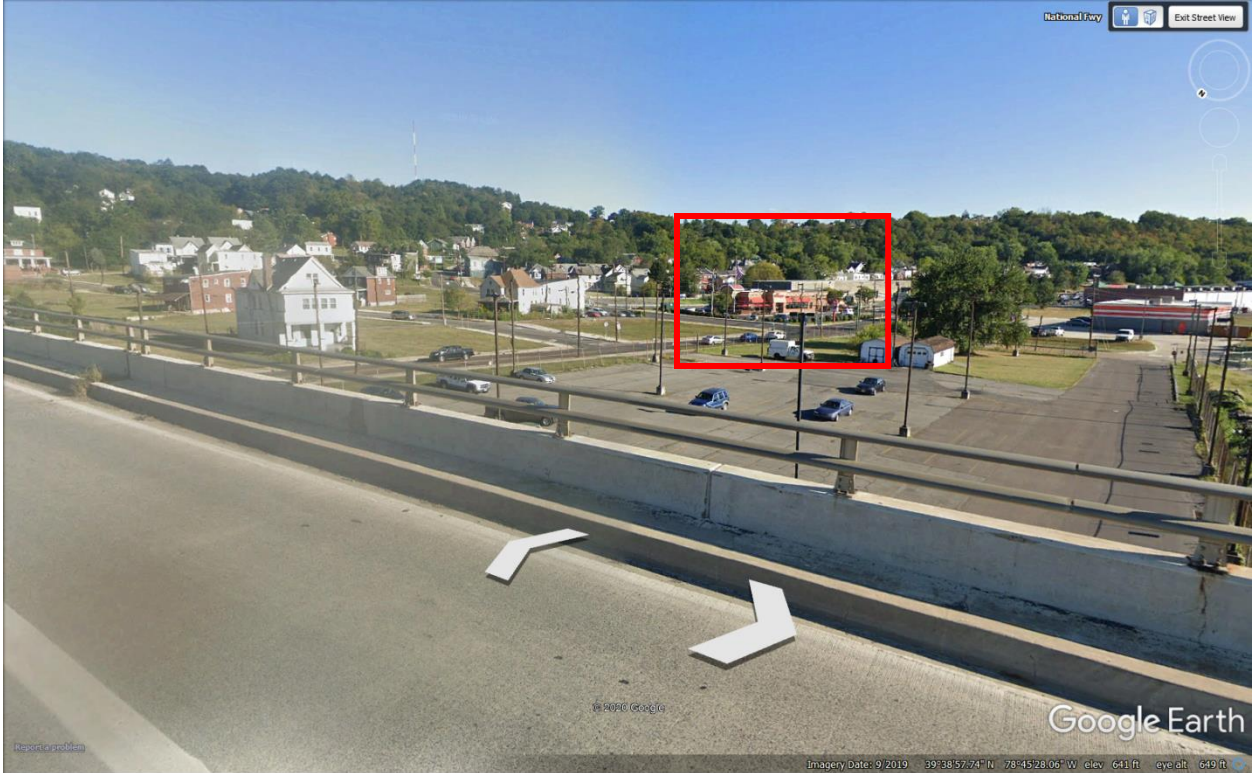
SEE ENGINEER STAMPED DRAWING
FOR FOUNDATION DETAILS



DOUBLE-FACED PYLON SIGN

LOCATION
A





View from I-68 East



View from I-68 West