



**Case Number: VAR2506-002**

**Date of Staff Report Preparation: 07/22/25**

**Board of Zoning Appeals Public Hearing Date: 08/11/25**

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**Applicant:** Kristal Riggins

**Property Owner:** Madison Canton LLC.

**Property Location:** 591 Jackie Moore Lane

**Parcel ID:** 91N10 010B

**Zoning:** RM-15

**Land Use:** Apartments under construction

**Lot Area:** 17.121 acres

**Street Frontage:** 60'

**Existing Lot Coverage:** N/A

**Request(s):** Applicant seeks to exceed the 8' height maximum for monument signs (103.05.10) and place a monument sign less than 10' from the back of the curb (103.05.04).

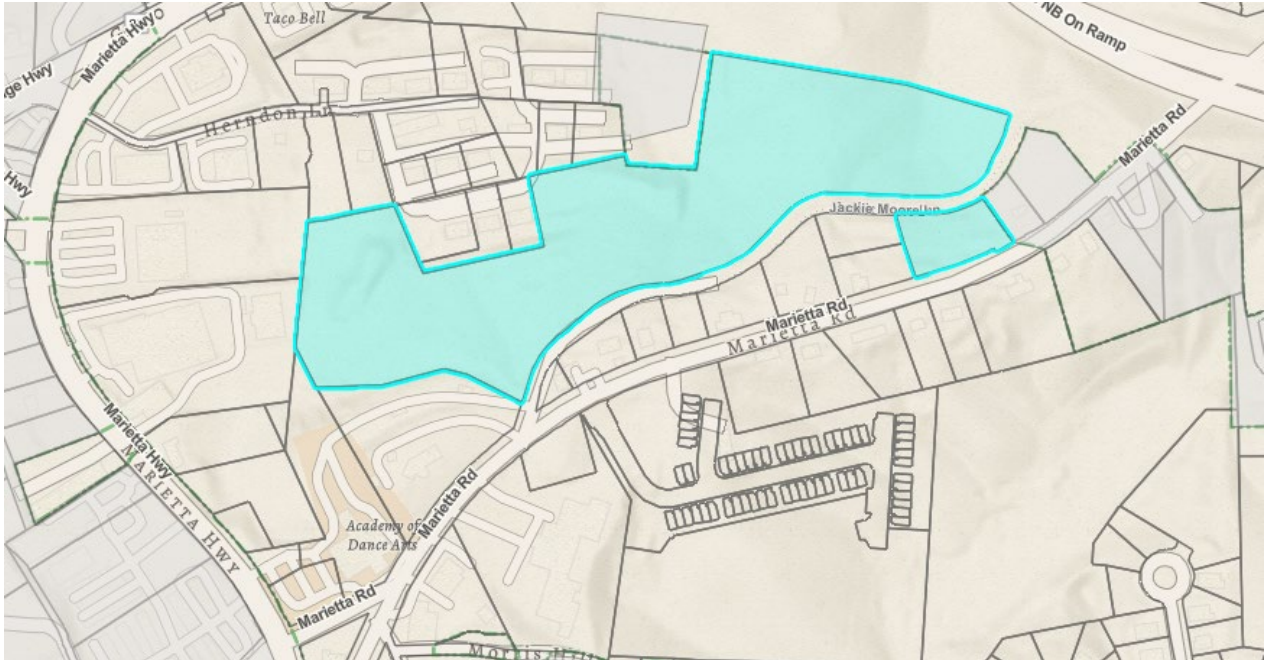
**District Standards:**

Zoning District Standards (Primary Street)			
Impervious Surface (max.)	40%	Front Yard Setback (min.)	40'
Open Space (min.)	N/A	Side Yard Setback (min.)	25'
Building Height (max.)	60'	Rear Yard Setback (min.)	40'
Building Height (min.)	N/A	Buffer Planting (min.)	N/A
Zoning Buffer	25'-50'	Overlay Zone	N/A

**Surrounding Land Uses and Zoning:**

	Uses	Zoning District(s)
Northwest	Multi-family residential	RM-15
North	I-575 R/O/W	N/A
South	Convenience store, office, Single-family residential	GC, O-I, R-10
East	I-575 R/O/W	N/A
West	Commercial	GC

## Location Map



### **Site Description:**

The property is currently occupied by a 252-unit apartment complex under construction called Madison Overlook. There are two entrances to the development: one off Marietta Road and another off Jackie Moore Lane.

### **Site History:**

The concrete footings for the signs located at each entrance to the development were poured before sign permits were obtained. Staff became aware of the potential that the signs were too close to the roadway and/or were over the height maximum allowed in residential zoning districts.

The larger sign footing at the Marietta Road entrance was determined to be 8'-7", which is 7" greater than the maximum allowed sign height when measured from the road grade. The same sign footing was also found to be poured at 9'-5 1/2" from the bottom of the ADA sidewalk ramp. When brick is added, it will render the sign 9' from the bottom of the ADA ramp, which is 1' less than the required distance.

### **CRITERIA TO BE APPLIED**

1. The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;



2. The variance request is based on conditions that are:
  - a. Unique to the subject property;
  - b. Not generally applicable to other properties in the same zoning district;
3. Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
4. The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;
5. The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
6. The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

#### **CONDITIONS FOR CONSIDERATION**

Should the Zoning Board of Appeals approve the requested variance(s), conditions of approval to consider are:

- 1.



## Site Images







7/1/2025

Re: **Madison Overlook - Letter of Intent**  
Planners and Engineers Collaborative, Inc. Project No. 21311.00

To whom it may concern,

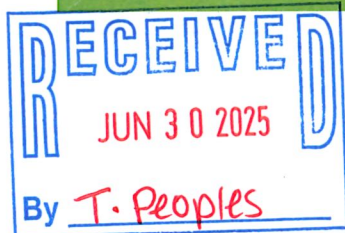
This letter serves as a formal letter of intent to request a post-construction variance for the placement and height of a monument sign located at the entrance of the Madison Overlook Multi-family development, at 591 Jackie Moore Lane in the City of Canton.

The signs were installed before permits were secured and are now within the required right-of-way setback. One of the signs is also 8'-10" above the adjacent road grade. However, neither the locations or the heights of the signs will obstruct driver visibility, pedestrian access, or intersections. Relocating the signs would require demolition and reconstruction, creating unnecessary cost and disruption.

Please reach out to me if you have any questions.

Sincerely,  
**Planners and Engineers Collaborative, Inc.**  
Doug McClure

E: [dmcclure@pec360studio.com](mailto:dmcclure@pec360studio.com)  
D: 678-684-6223



Community Development Department  
110 Academy Street, Canton, Georgia 30114  
770-704-1500

## VARIANCE APPLICATION

Project # LD2206-151 **VAR2506-002**

1. **Application Requirements:** All applications must be complete and include required support materials (listed on the reverse side of this application form). Incomplete applications will not be forwarded to the Canton Board of Appeals (BOA) for review. Applications shall be submitted through the City's online permitting portal system found here: <https://canton.onlama.com/>. Two (2) paper copies should also be furnished to the Community Development Department.
2. **Pre-Submittal Meeting:** A Pre-Submittal Meeting with Community Development Staff must be scheduled by the Applicant prior to submittal of the application.
3. **Application Deadline:** Applications and support materials must be submitted by the last Monday of the month, subject to change based on City Holidays. Please refer to the schedule listed on the reverse side of this application form for deadlines and meetings.
4. **Application Representation:** The Applicant or authorized representative of the Applicant must be present at the Public Hearing to support the application.
5. **Building Permit Requirements:** If a previously submitted building permit is being held pending variance action, the building permit will only be issued upon submittal of an action letter confirming variance approval.
6. **Perpetuity:** Unless otherwise conditioned by the Canton Board of Appeals or Mayor and City Council, an approved variance is held in perpetuity with the subject property so long as the property remains in its current configuration. Any future modification to the subject property as a result of assemblage or subdivision would deem the approved variance null and void.
7. **Adjacent Property Notification:** Applicants are required to notify adjacent property owners of the proposed variance as required by the City of Canton Unified Development Code Section 105.10.03. Such notification shall be forwarded to all contiguous property owners and their respective homeowner's association utilizing the City of Canton formatted notification letter located in this Application. Applicants should furnish a copy of each forwarded notification letter and one copy of a certified Certificate of Mailing from the United States Postal Service to the Community Development Department no later than fifteen (15) days prior to the Public Hearing meeting.
8. **Extension and Withdrawal:** The Applicant is allowed two (2) requests for extensions beyond the scheduled Public Hearing. If the request for extension is received after the Notice of Public Hearing is published, a \$500.00 readvertising fee will be assessed for each extension. An application may be withdrawn without prejudice (no waiting time to re-file) at any time prior to the Public Hearing. A request for withdrawal without prejudice must be made in writing.
9. **Appeal:** Any party aggrieved by any decision of the Board of Appeals may appeal the decision by submitting a Letter of Appeal to the Community Development Department no later than ten (10) days after the Board of Appeals decision has been rendered. The City Council will determine whether or not to hear the appeal, and if heard, will act accordingly on the appeal. Please refer to Section 105.14.02 of the Unified Development Code for more details regarding the appeals process. Any aggrieved party of the decision of the City Council may appeal the final decision to the Cherokee County Superior Court via writ of certiorari, submitted within thirty (30) days of the final decision.

*If there are any questions about the Variance application process, procedures, or policies, please contact the Community Development Department at (770) 704-1500.*

**BY SIGNING BELOW, I ACKNOWLEDGE THAT I HAVE FULLY READ AND UNDERSTAND THE ABOVE POLICIES AND PROCEDURES OF SUBMITTING A VARIANCE APPLICATION WITH THE CITY OF CANTON.**

X Kristal Riggins  
APPLICANT SIGNATURE

X Kristal Riggins- PEC+  
PRINT NAME



Community Development Department  
110 Academy Street, Canton, GA 30114  
(770) 704-1500

## VARIANCE PUBLIC HEARING APPLICATION

**Project #(s):**

LD2206-151

VAR2506-002

This Application is for a:

☐ Pre-Construction Variance

☒ Post-Construction Variance

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1500.

### Applicant Information:

Name: Kristal Riggins- PEC+  
Address: 350 Research Court, Suite 200  
City: Peachtree Corners  
State: GA ZIP Code: 30092  
Telephone: 678.684.6217  
Email Address: KRiggins@pec.plus

### Owner Information:

Name: Madison Owner, LLC  
Address: 6805 Carnegie Lane, Suite 120  
City: Charolette  
State: NC ZIP Code: 28211  
Telephone: 919.358.4141  
Email Address: rrabun@madisoncapgroup.com

I, Kristal Riggins (Applicant), do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Variance Application is true and correct and contains no misleading information. I, Kristal Riggins (Applicant), have received and thoroughly read the Public Hearing Procedures.

This 30th day of June, 2025.

Applicant Signature: Kristal Riggins Print Name: Kristal Riggins





Community Development Department  
110 Academy Street, Canton, GA 30114  
(770) 704-1500

## AUTHORIZATION OF OWNER AND APPLICANT

**Project #(s):**

LD2206-151

VAR2506-002

This form is to be executed under oath. I, Madison Canton Owner, LLC, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 30 day of June, 2025.

Owner Signature: WR Rabun Print Name: Ross Rabun

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton and do hereby authorize the following person named below to act as Applicant in the pursuit of a request for a:

☐ Pre-Construction Variance

☒ Post-Construction Variance

**Authorized Applicant Name:**

Kristal Riggins

Signature: Kristal Riggins

**Mailing Address:**

350 Research Court, Suite 200

**City:** Peachtree Corners

**State + ZIP:** GA 30092

**Email:** KRiggins@pec.plus

**Telephone:** 678.684.6217

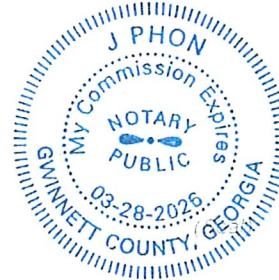
**Applicant Status:**

- ☐ Owner  
☐ Option to Purchase  
☐ Lessee  
☐ Area Resident  
☒ Other (explain:  
Project Coordinator

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is

Sworn To and Subscribed Before Me This  
Day Of June 30th, 2025.

Notary Signature: [Signature]





Community Development Department  
110 Academy Street, Canton, GA 30114  
(770) 704-1500

## PROPERTY INFORMATION

Project #:

LD2206-151

VAR 2506-002

Address(es): 591 Jackie Moore Lane

Land Lot(s): 161 District: 14 Section: Parcel ID(s) 14-0161-0027, 14-0161-0034

Existing Zoning Of Property: RM-15 ☐ City ☐ County Total Acreage Of Property: 17.121 acres

Existing Use(s) Of Property Multifamily Residential Development

## ADJACENT PROPERTY/OWNER INFORMATION:

Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	OWNER NAME AND PARCLE ID	CURRENT ZONING	CURRENT LAND USE
NORTH	RAYES S SNELL - 91N19 026	RM -15	R3
NORTH	PASCUAL PAIZ BERNABE - 91N19 025	RM -15	R3
NORTH	JSFF PROPERTY LLC - 91N19 024 B	RM -15	R3
NORTH	KENNY & TERESA HERNDON - 91N19 024 A	RM -15	R3
NORTH	JIMMY J AMOS & JACKIE H AMOS - 91N19 024 C	RM -15	R3
NORTH	KENNY & TERESA HERNDON - 91N19 008 B	RM -15	R3
NORTH	HUGH S TURNER - 91N19 008	RM -15	R3
NORTH	JSFF PROPERTY LLC - 91N19 019 A	RM -15	NA
NORTH	KENNY & TERESA HERNDON - 91N19 024 F	RM -15	NA
NORTH	500 HERNDON WAY LLC -- 91N19 024 E	RM -15	NA
NORTH	HUGH S TURNER - 91N19 024 D	RM -15	NA
NORTH	DONNA L STANCIL - 91N19 023	RM -15	R3
SOUTH	CANTON MOTOR SALE, INC - 91N10 01 A	RM -15	C3
SOUTH	JAUQUELINE F. MOOR, TRUSTEE - 91N10 01	O-RT	R4
SOUTH	ELBER VICENTE - 91N10 03	O-RT	NA
SOUTH	ROBET R ROPER & MELINDA T ROPER - 91N10 001	NA	R3
WEST	PARANOIA HUANT LLC - 91N10 016 A	GC	C4
WEST	AREC 28 LLC - 91N10 0 16	NA	C5

Ordinance section(s) for which a variance is requested: 103.05.10 - Permanent signs

Please explain the reasoning for the requested variance:

Construction of the sign began prior to permitting; however, its placement does not currently obstruct any lines of sight from the road and provides optimal visibility for the community.

(This should additionally be addressed in the required Letter of Intent)





Community Development Department  
110 Academy Street, Canton, GA 30114  
(770) 704-1500

## VARIANCE REVIEW CRITERIA

**Project #:**

LD2206-151

VAR2506-002

Are there any extraordinary or exceptional conditions pertaining to the subject property because of its size, shape, or topography? N/A

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Yes, the construction would need to be demolished and rebuilt.

Does a literal interpretation of the Zoning code deprive the Applicant of any rights that others in the same district are allowed? N/A

Has the condition from which relief or variance is sought been a result from action by the Applicant?

Are there conditions peculiar to the subject property? N/A

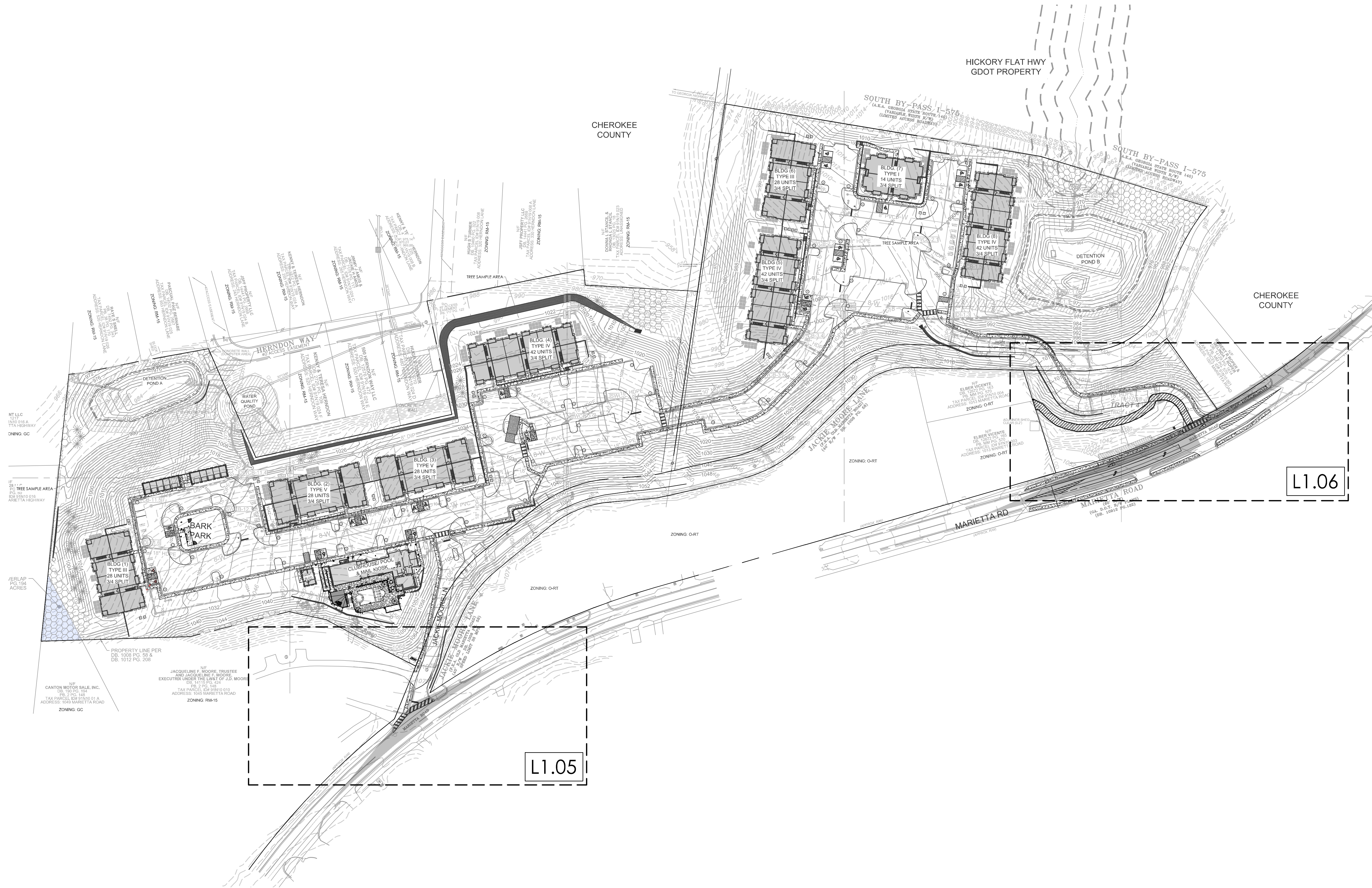
Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City? \_\_\_\_\_

No, the signs are outside the sight distance triangles and therefore pose no foreseeable detriment.

**(These criteria should additionally be addressed in the required Letter of Intent.)**



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**MADISON  
OVERLOOK**

591 JACKIE MOORE LANE

CANTON, GA 30114

161

14TH

FOR

MADISON CANTON  
OWNER, LLC

6805 CARNEGIE BLVD  
CHARLOTTE, NC 28211

CONTACT:  
ROSS RABUN  
478.737.5173

REVISION	DATE
LDP SUBMITTAL	09/01/2022
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LDP SUBMITTAL	11/18/2022
DESIGN DEVELOPMENT SET	11/22/2022
60% CDs	12/09/2022
LDP SUBMITTAL	05/26/2023
PRICING SET	06/16/2023
100% CD SET	10/24/2023
90% ISSUE FOR PERMIT	12/19/2023
PRE-CON MEETING	01/23/2024
REVISION 1	02/22/2024
ADA UPDATE	08/01/2024
REVISION 4 RFI #100	03/06/2025

DRAWN BY: JP  
APPROVED BY: DM

PROJECT NUMBER

21311.00

SEAL



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DATE

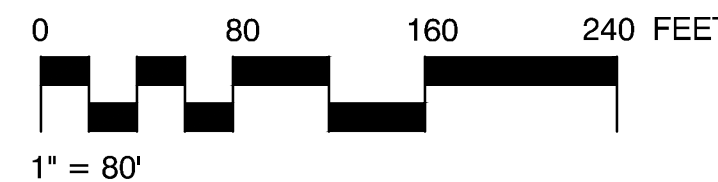
03/06/2025

TITLE

**LANDSCAPE  
ARCHITECTURAL  
SITE PLAN**

SHEET

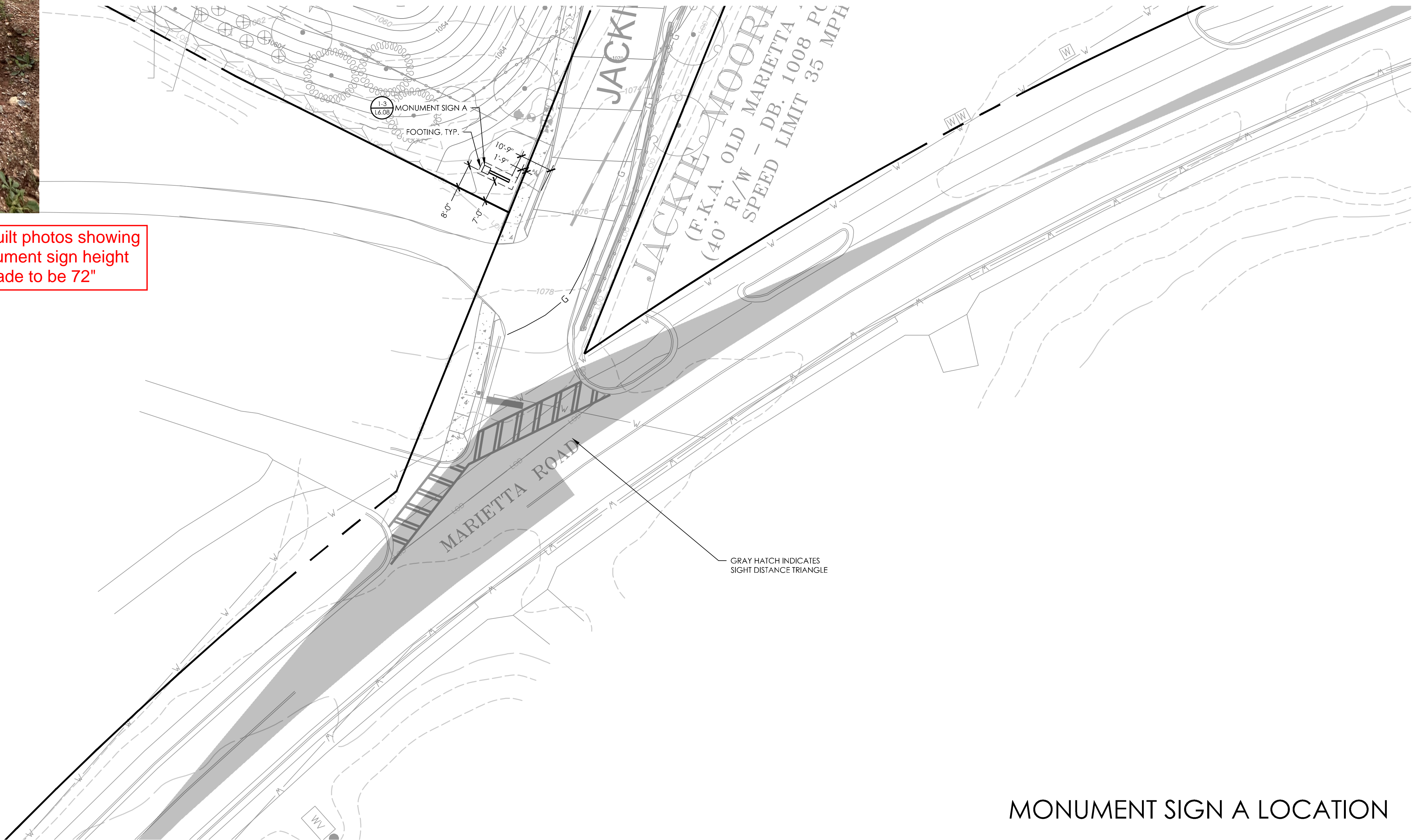
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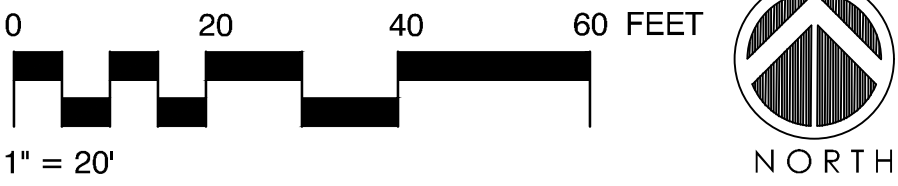




As built photos showing monument sign height at grade to be 72"



MONUMENT SIGN A LOCATION



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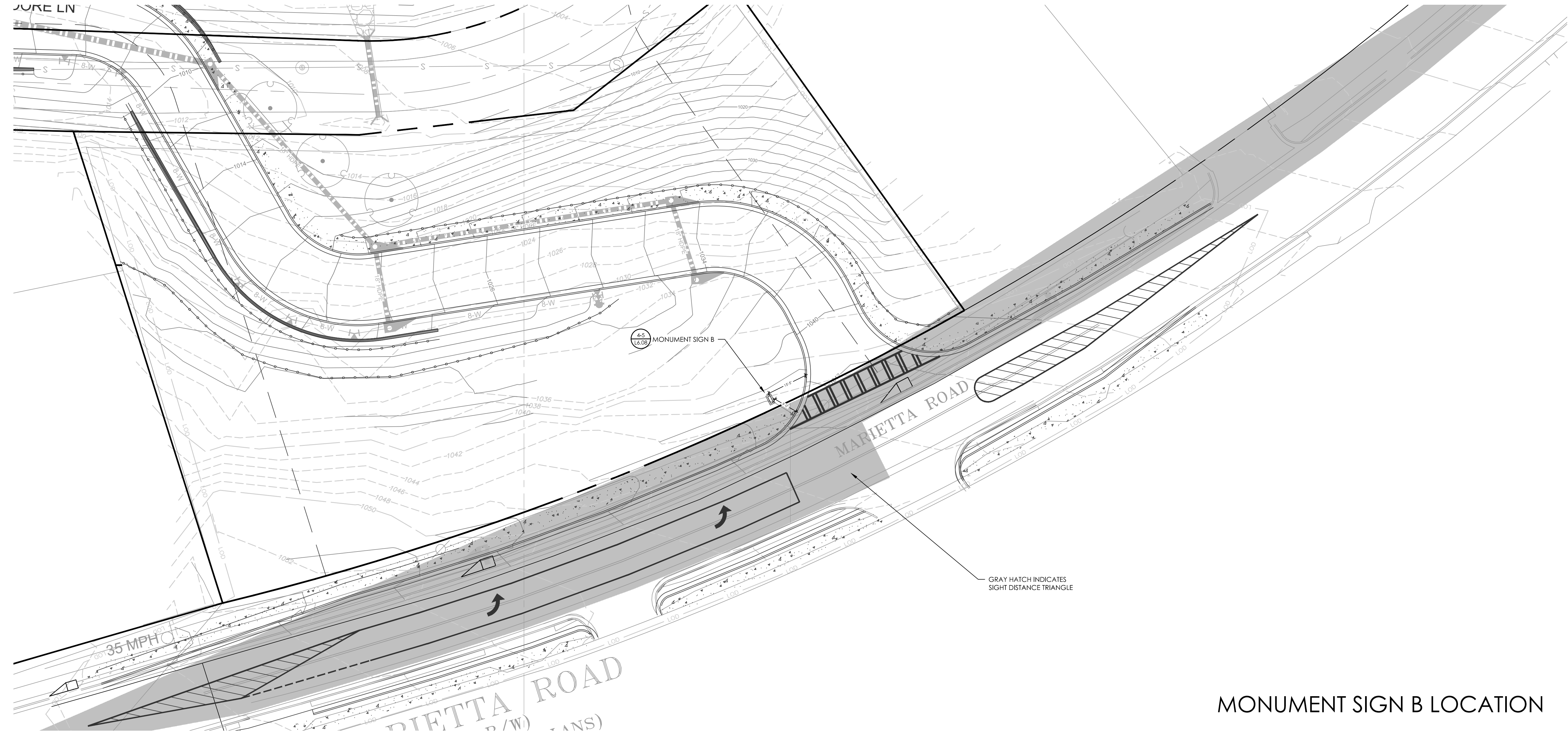
**HARDSCAPE PLAN  
ENLARGMENT**

SHEET

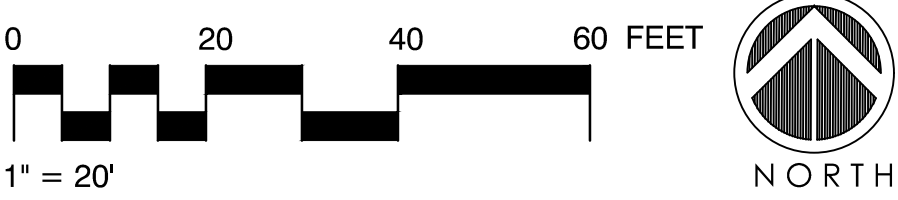
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MONUMENT SIGN B LOCATION



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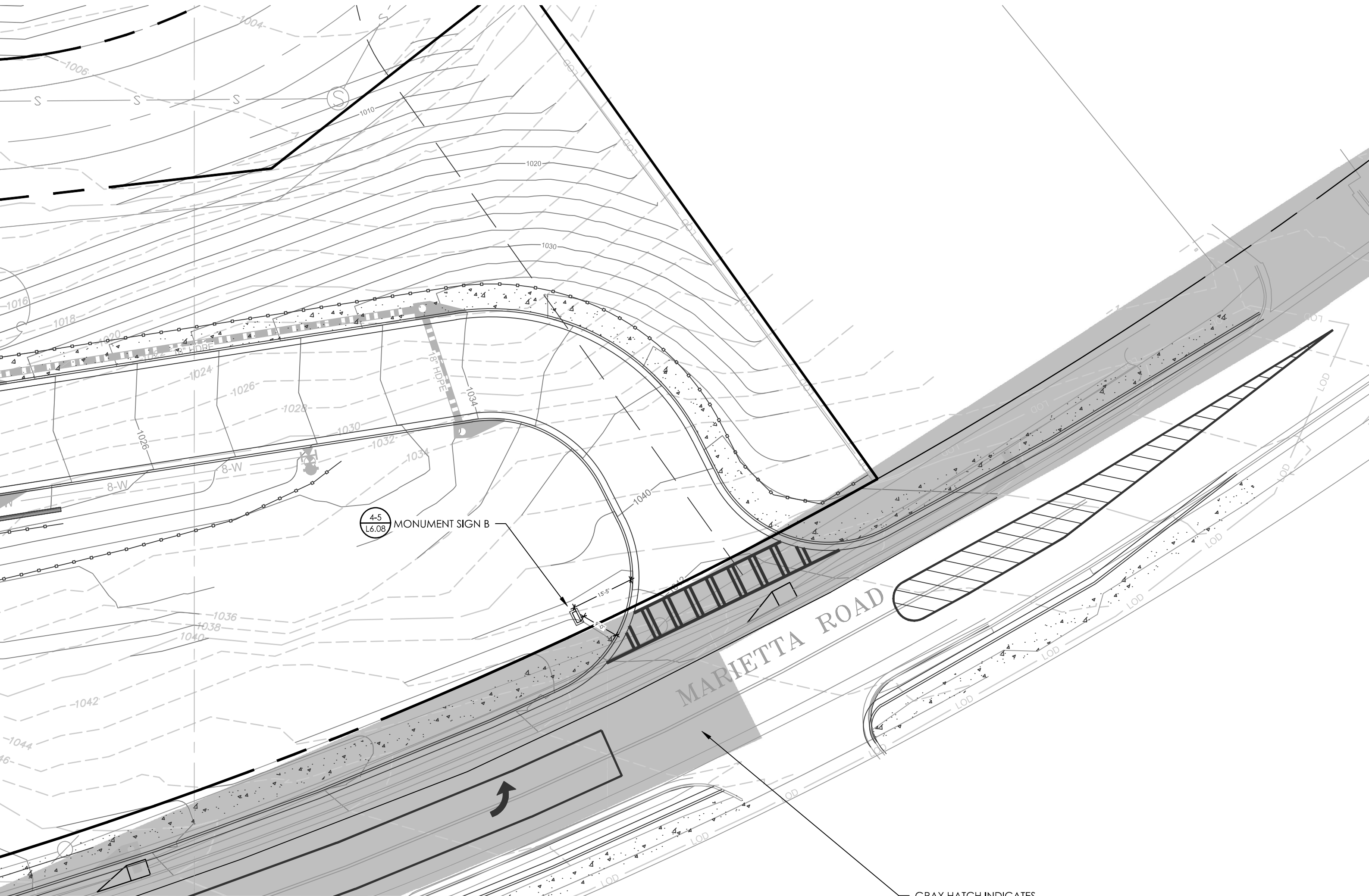
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**HARDSCAPE PLAN  
ENLARGMENT**

SHEET

**L1.06**





4-5  
L6.08  
MONUMENT SIGN B

MARIETTA ROAD

GRAY HATCH INDICATES



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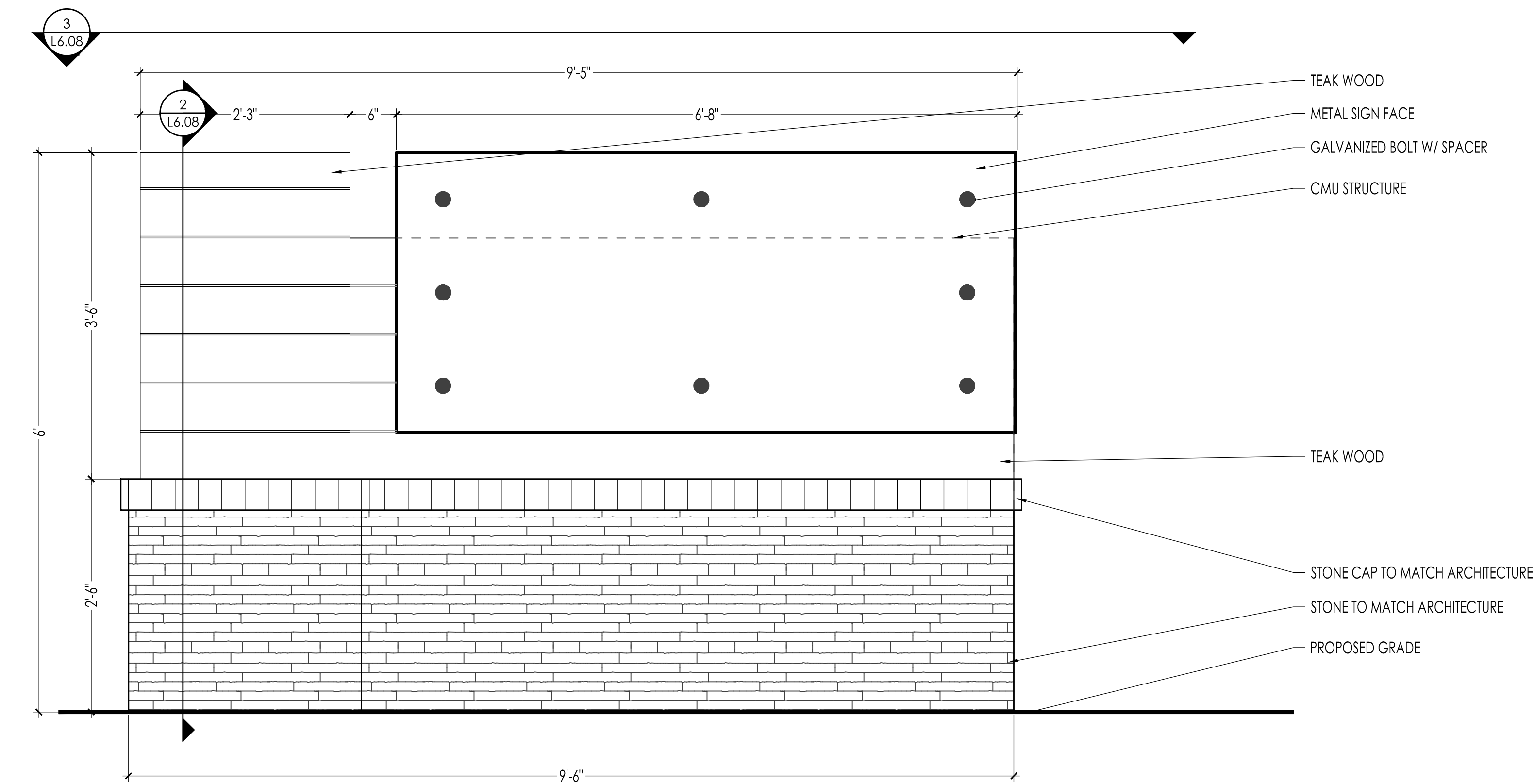
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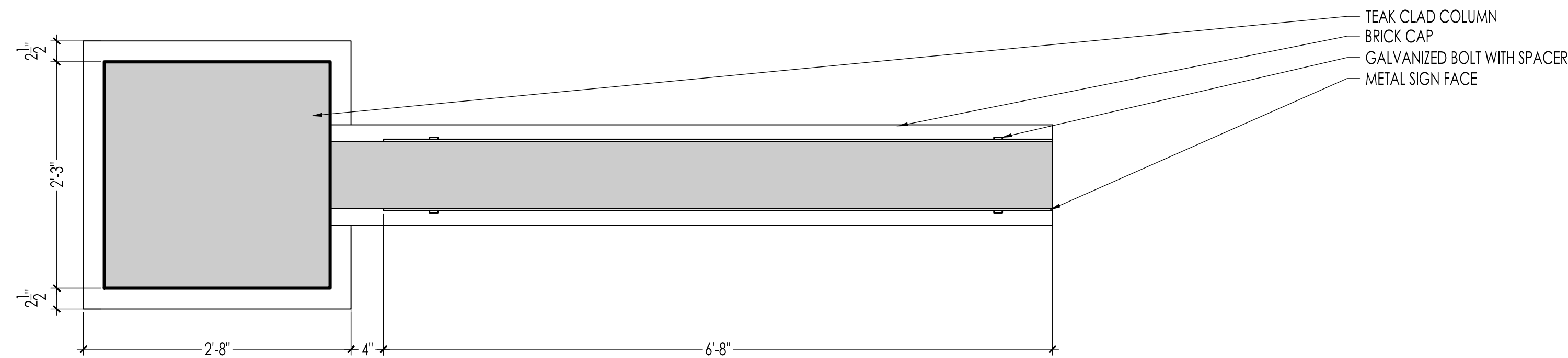
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DETAILS

SHEET

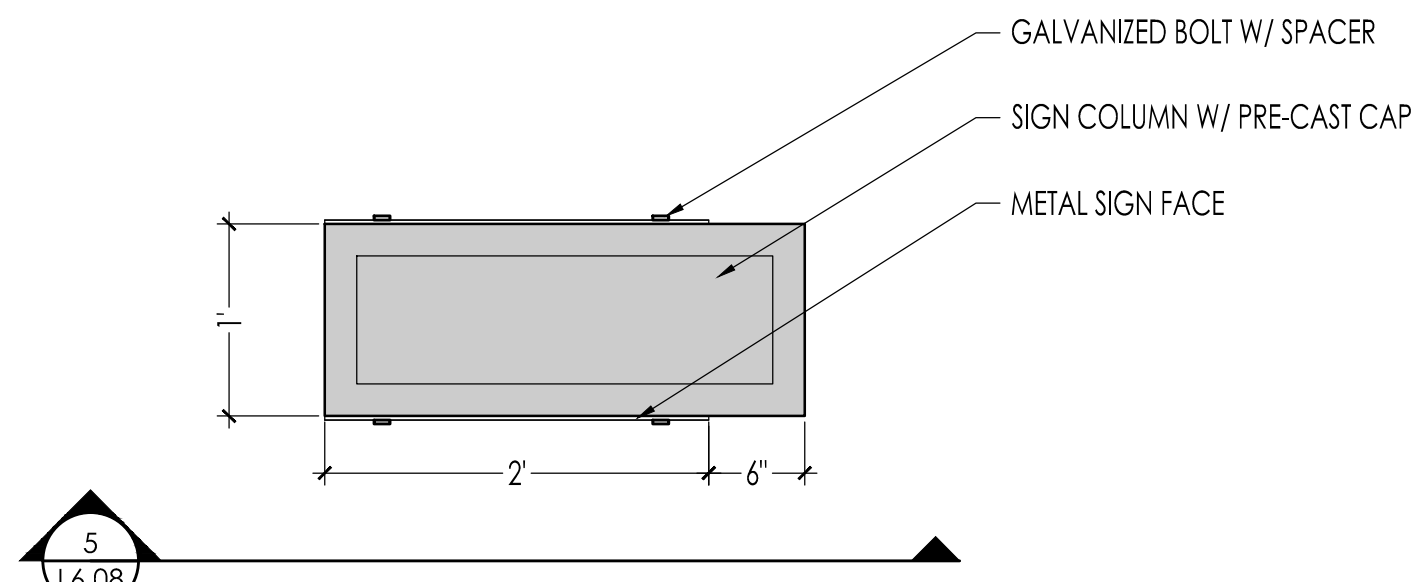
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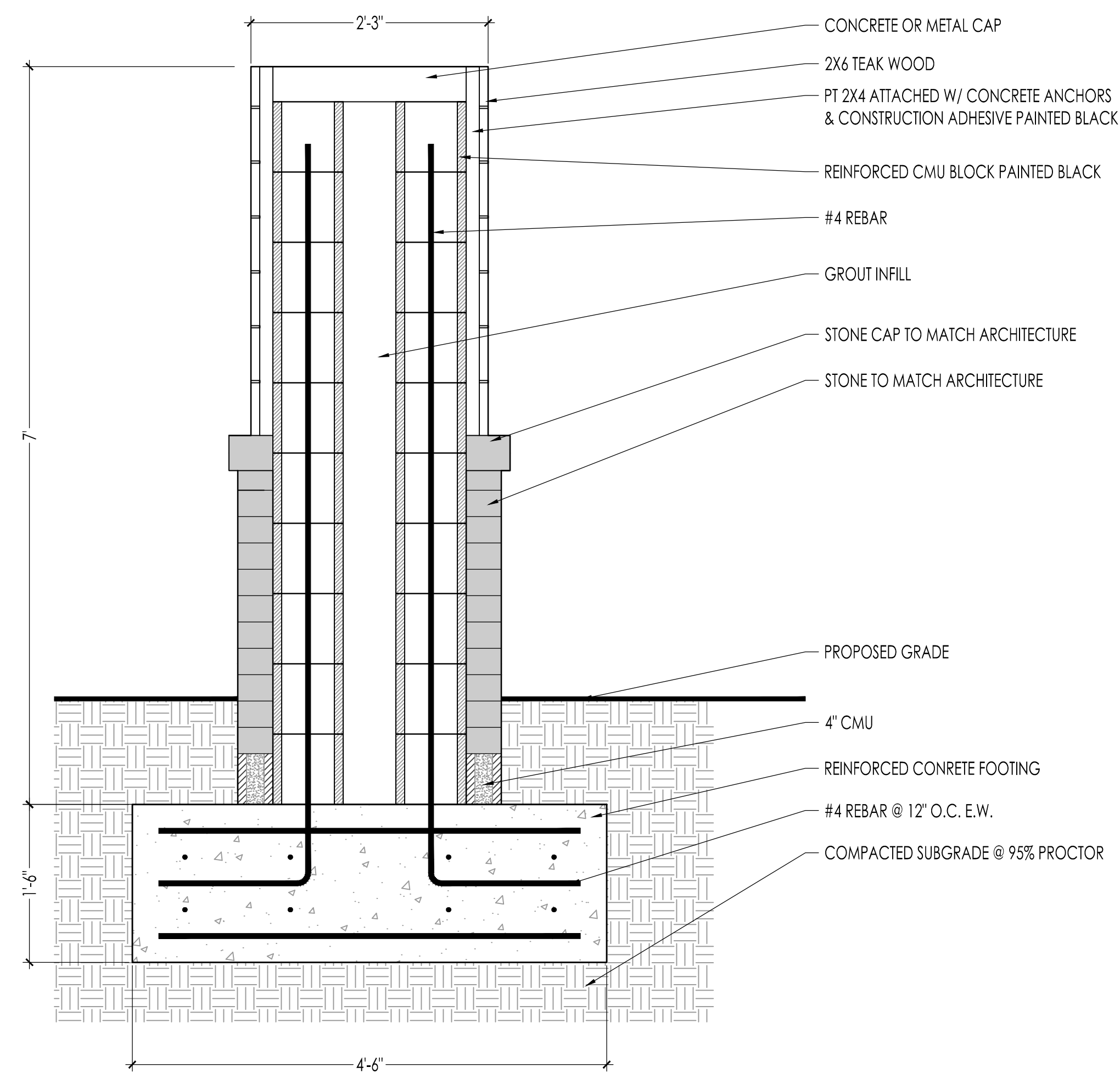
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ELEVATION  
SCALE: 1"=1'-00"



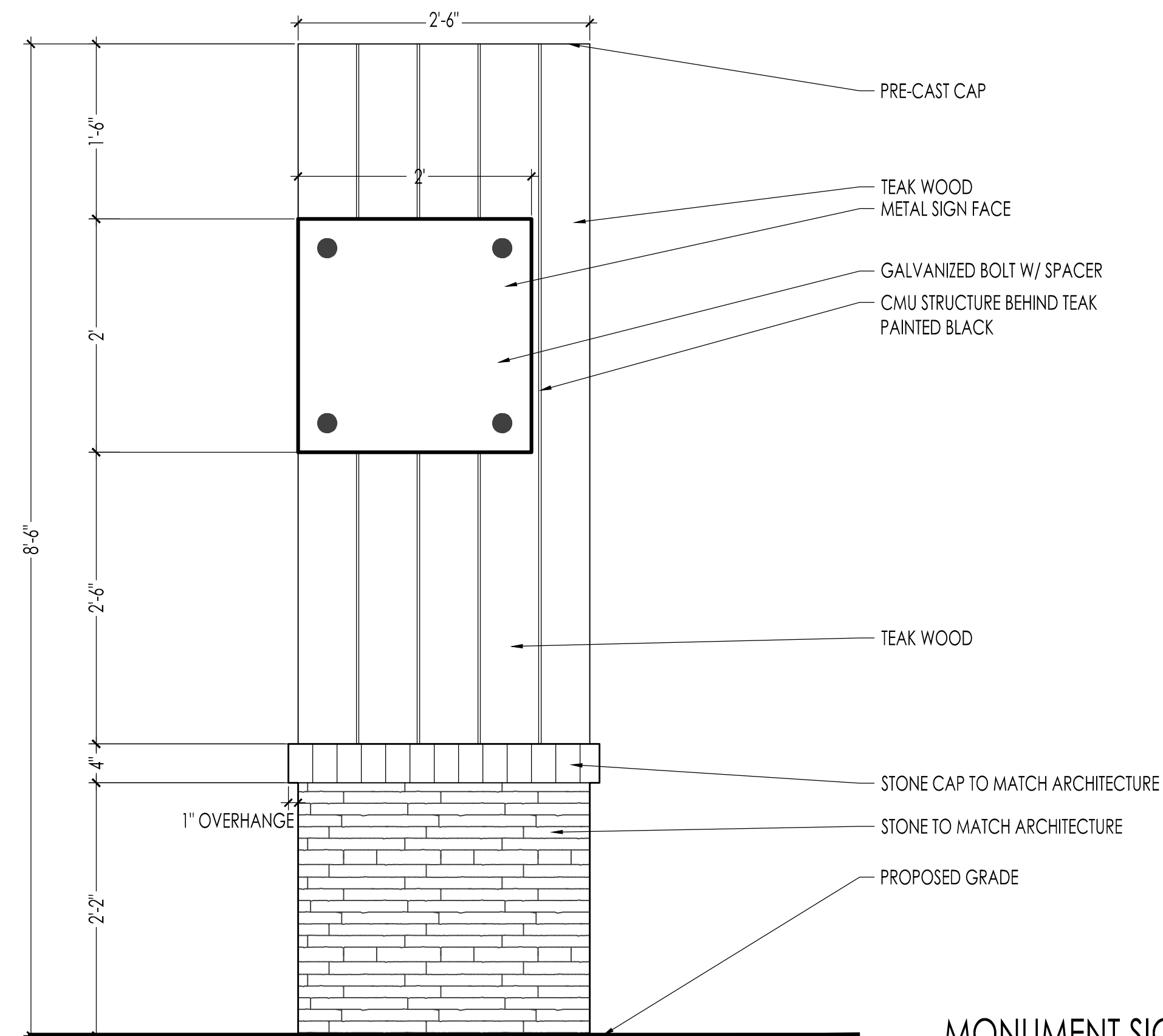
MONUMENT SIGN A  
PLAN  
SCALE: 1"=1'-00"



MONUMENT SIGN B  
PLAN  
SCALE: 1"=1'-00"



MONUMENT SIGN A  
SECTION  
SCALE: 1"=1'-00"



MONUMENT SIGN B  
ELEVATION  
SCALE: 1"=1'-00"