



CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Thursday, January 11, 2024 at 5:30 PM

AGENDA

BOARD MEMBERS:

Lamar Pendley – Chairman
Linda Brunt
John Clayton
J.B. Hudson
Kevin McElwee
Malcolm Cooley
Patrick Murphy

CITY CLERK:

Julia Drake

PLANNING DIRECTOR:

Randy Mannino

CITY PLANNER:

David Hardegree

CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. December 14, 2023

VARIANCE CASES

2. V23-31 (Tabled). 709 S. Bartow St. Applicant: Susie Gazaway
3. V24-01. 252 Belmont Dr. Applicant: Forestar Group Inc. Mathew Payne, rep.
4. V24-02. 135 Douglas St. Applicant: Blake Whiting
5. V24-03. 75 Jackson Farm Rd Applicant: Marlene Morgan
6. V24-04. 13 Jackson Farm Rd. Applicant: Alvair Leno Krahembuhl
7. V24-05. 13 Rockfoot Way Applicant: Paul Pena
8. V24-06. 124 & 126 Lee St. (form. 38 Walker St) Applicant: David Munisteri

STAFF OR COMMITTEE COMMENTS

ADJOURNMENT

The next meeting of the Board of Zoning Appeals will be February 8th. 5:30pm.

Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.

P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – www.cityofcartersville.org



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	December 14, 2023
DEPARTMENT SUMMARY RECOMMENDATION:	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
LEGAL:	N/A

**MINUTES OF
THE CARTERSVILLE BOARD OF ZONING APPEALS**

Item 1.

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on December 14, 2023, in the Council Chambers.

ROLL CALL

Board Members Present: Lamar Pendley, Kevin McElwee, JB Hudson, and Patrick Murphy
Absent: Linda Brunt, John Clayton, and Malcolm Cooley
Staff Present: Randy Mannino, David Hardegree, Zack Arnold, and Ashley Peters

APPROVAL OF MINUTES

1. November 9, 2023

Board Member McElwee made a motion to approve the minutes from November 9, 2023. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

David Hardegree, Planning and Development Assistant Director stated that there are only 4 members needed for the quorum. It takes all of them to vote and all votes to pass or be denied take all four votes.

VARIANCE CASES

2. V23-30: 3 Carrington Drive

Applicant: Curtis Stiles

Variance: To reduce the side yard setback for construction of house/addition/greenhouse

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree gave an overview of the case stating this was a variance application by owner/applicant Curtis Stiles for property located at 3 Carrington Dr. zoned R-10 Residential. Setbacks are Front and Rear- 20ft and Side 10ft. Said property contains approximately 0.37 acres. Applicant has partially constructed a greenhouse as an addition to the home in the side yard. The addition is 12x31. Currently, it encroaches approximately 10ft into the side yard setback. The zoning ordinance section, Sec 6.3., for the R-10 zoning district requires a side yard setback of 10ft.

There were two concerns from the other City Departments. Electric voiced their concerns regarding it blocking the access to their meter as well as the meter panel cannot be opened to access the internals of the meter base in case of emergency. The Fire Department had concerns due to the greenhouse intrudes into the side yard setback which are set to establish a minimum safe distance between houses in case of fire or collapse. Would like to see it set within the setbacks or a sprinkler system installed that needs to be to code for fire and building.

City Code Enforcement noticed the addition and the owner was asked not to continue work. The existing construction was not permitted, nor did it have city utility approval. To finish construction the applicant must receive a variance for setback encroachment as well as obtain all building permits and satisfy City utility requirements.

The applicant is requesting the following variances.

- 1. To reduce the side yard setback from 10ft to 0ft for construction of greenhouse (Sec 6.3)

Chairman Pendley opened the public hearing.

Curtis Stiles, 3 Carrington Drive, provided an overview of the greenhouse. Stated he personally wrote to his neighbors regarding the greenhouse and received the okay from the neighbor next door.

Chairman Pendley asked if construction was stopped when code enforcement stopped work on the property. Mr. Stiles stated that construction was 99% complete when it was stopped and that it was stopped as soon as they received the violation.

Board Member Hudson asked Mr. Stiles if they are willing to add the sprinkler system that is up to code as well as modify the greenhouse for the electrical department. Mr. Stiles answered yes.

Board Member Murphy asked if it can be relocated to another area on the property. Mr. Stiles stated that he investigated it, but it wouldn't get the amount of sun as it would on the side where it is located.

Chairmen Pendley stated that the way it is laid out now limits the neighbor to be able to do whatever they would want to do with their property, and it would have to be modified for the electrical department. He then asked if there was, anyway, he could move it somewhere else on the property.

Clifton Blalock, Electric System, came forward stating that the electric department needs to have 24-hour access to the facilities and the structure will need to be modified to give access.

Paige Stiles, 3 Carrington, came forward stating that they are willing to move the wall for the electric system and that the neighbors are okay with the greenhouse.

Board Member McElwee wanted clarification on if the applicant needed to modify the 3ft but more than 5ft off the property line. Mr. Hardegree stated that if they add the sprinkler suppression system and move the 3ft for the electrical department it would be acceptable for all departments. Everything will have to be permitted and signed off by Building and Fire.

With no questions from the board, and no one else to come forward to speak for or against the application, the public hearing was closed.

No motion was made on case V23-30. Motion was denied.

3. V23-31: 709 S. Bartow St.

Applicant: Susie Gazaway

Variance: To reduce the side yard setback for construction of house addition/outdoor patio.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree gave an overview of the case stating this was a variance application by owner/applicant Susie Gazaway for property located at 709 S. Bartow St., zoned R-20 Residential. Setbacks are Front and Rear- 20ft and Side- 10ft. Said property contains approximately 0.37 acres.

The applicant has constructed an outdoor patio with roof as an addition to the home in the side yard. The addition is approximately 16x16. This addition encroaches approximately 8.5ft into the side yard setback. The zoning ordinance section, Sec. 6.1., for the R-20 zoning district requires a side yard setback of 10ft.

Code Enforcement noticed the addition and contacted the homeowner and asked them to discontinue work at this time. The existing construction was completed without applicable building permits. To finish construction in the current location the homeowner must receive a variance for setback encroachment as well as obtain all required building permits.

Continuing, Mr. Hardegree reviewed the department comments.

The applicant is requesting the following variances.

1. To reduce the side yard setback for construction of house addition/outdoor patio.

Chairman Pendley opened the public hearing.

Suzie Gazaway, 709 S Bartow St, gave an overview of the project and wanted to make sure that the board knew that the addition was not attached to the house. Received a variance for a garage in 2019 but did not build the garage so believed that since they received that variance it would be fine to build the addition. The wooden fence is off the property line but 1 to 2 feet.

Mr. Hardegree stated that it would consider more of an accessory building 5ft off the property line.

Board Member Murphy asked where the end of the structure would be. The applicant stated that it would be up against the fireplace that is present.

Board Member Hudson asked Mr. Hardegree if even if variance is given it would need to be approved by the fire and building departments. Would need to have fire treated materials and beams to fire rate the property.

Mr. Hardegree stated that there are solutions available and really believes that the applicant needs to get with the building director and possibly fire to see if they can make a solution to have this built.

Chairman Pendley asked if it would be better for the board to table the discussion to be able to discuss with a contractor or building official to figure out a solution. The Applicant agreed to table and come back later.

Board Member McElwee made a motion to table the discussion on V23-31 and move to January 11, 2023, meeting. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 4-0.

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:28 P.M.

January 11, 2023
Date Approved

/s/ _____
Chairman

Item 1.



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024. Tabled at December 14, 2023 meeting
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-31 (Tabled). 709 S. Bartow St. Applicant: Susie Gazaway
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a house addition to encroach into the side yard setback.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: January 4, 2024
 Re: File # V23-31

Summary: To reduce the side yard setback for construction of house addition/outdoor patio.

Section 1: Project Summary

Variance application by owner/applicant Susie Gazaway for property located at 709 S. Bartow St., zoned R-20 Residential. Setbacks are Front and Rear- 20ft and Side- 10ft. Said property contains approximately 0.37 acres.

The applicant has partially constructed an outdoor patio with a roof as an addition to the home in the side yard. The addition is approximately 16x16. This addition encroaches approximately 8.5ft into the side yard setback. The zoning ordinance section, Sec. 6.1., for the R-20 zoning district requires a side yard setback of 10ft.

City Code Enforcement noticed this addition and contacted the homeowner on 9-25-2023. The homeowner was asked to discontinue work at this time. The existing construction was completed without applicable building permits. To finish construction in the current location the homeowner must receive a variance for setback encroachment as well as obtain all required building permits.

Variance case V19-05, approved on 4-22-2019, reduced the side yard setback on the property from 10ft to 2ft for the construction of an enclosed garage only. A variance is needed for this patio/ roof structure encroachment.

The property owner met with the City Building Department regarding a solution to the comments calling for fire rated material within the setback. The homeowner has agreed to install fire rated material to a point 5 feet off of the property line per the Building Department's request.

The variance request is for the following and per the submitted site plan sketch:

1. To reduce the side yard setback from 10ft to 2.5ft for construction of outdoor patio with a roof structure (Sec. 6.1.).

Section 2. Department Comments

Building Department: The structure will have to have a one-hour fire rating to a point five feet from the property line.

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: CFD takes exception to the variance request for a covered patio at 709 S. Bartow St. This patio intrudes greatly into the side yard setback. The side setback helps to establish a minimum safe distance between properties in case of fire or collapse. Structures built too close could allow for a fire to travel between houses creating a risk to the neighboring property. All effort should be taken to maintain all minimum setbacks.

Gas Department: Takes no exception.

Public Works Department: No comments received.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

No public comment received as of 11-28-2023

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 6.1. R-20 Single-family dwelling district.

6.1.1. *R-20 district scope and intent.* Regulations set forth in this section are the R-20 district regulations. The R-20 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.2 of this chapter.

6.1.2. *Use regulations.* Within the R-20 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses.
- Accessory apartments (SU).*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).*
- Clubs or lodges (noncommercial) (SU).*
- College and universities.
- Day care facilities (SU).*
- Family day care.
- Golf courses.
- Group homes (SU).*
- Guest house.
- Home occupations.
- Parks, private.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Schools, private (SU).*
- Single-family detached dwellings.

* Special use approval required.

6.1.3. *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.

B. *Front yard setback:* Twenty (20) feet.

- C. *Side yard setback*: Ten (10) feet.
- D. *Rear yard setback*: Twenty (20) feet.
- E. *Minimum lot area*: Twenty thousand (20,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots*: One hundred (100) feet.
- G. *Minimum lot frontage*: Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area*: One thousand three hundred (1,300) square feet.
- I. *Metal building exterior finish materials*. A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-20 district.
- J. *Accessory use, building, and structure requirements*. [See section 4.9 of this chapter.]
- K. *Optional density bonus*. Proposed developments may contain lots with minimum areas of seventeen thousand (17,000) square feet if one (1) of the following items is met:
1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- [L. *Reserved*.]
- M. *Guest house*. In addition to standards required in this chapter, the following standards shall be met for a guest house:
1. No more than one (1) guest house structure per lot.
 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
 5. A guest house structure shall comply with the principal setbacks of the district.
 6. A guest house shall not be allowed in the front yard.
 7. A guest house shall not exceed the height of the principal building on the lot.

8. Requires owner-occupancy of the principal building on the lot.

6.1.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-20 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.

21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.

- A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
- B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
- C. Adjacent property would not be unduly damaged by such use of the building; and
- D. The use is to be identical or similar to the prior nonconforming use of the building.

21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 1. The property is exceptionally narrow, shallow or unusually shaped;
 2. The property contains exceptional topographic conditions;

3. The property contains other extraordinary or exceptional conditions; or
 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

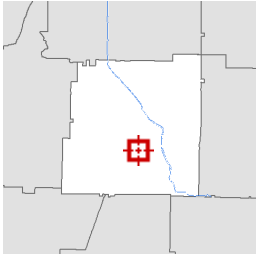
1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for residential and used for that purpose.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*

The public gain would be minimal. A variance approval would allow the property owner to add an addition to the house.



4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no effect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property. The fire department does have safety concerns about the structures proximity to the property line.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
It is possible that this project could adversely affect drainage to the adjacent property.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
This project will not affect utilities or local infrastructure.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C020-0003-044	Alternate ID	34639	Owner Address	GAZAWAY SUSIE H
Sec/Twp/Rng	n/a	Class	Residential		709 SOUTH BARTOW ST
Property Address	709 S BARTOW ST	Acreage	0.37		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 598 D 4 LOT 36 TINSLEY PARK				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 12/6/2023
Last Data Uploaded: 12/5/2023 9:05:24 PM

Developed by 

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 12-14-2023 5:30pm

Application Number: V23-31

Date Received: 9-25-2023

Applicant Jusie GAZAWAY Office Phone _____
 (printed name)
 Address 709 S. BARTOW Mobile/ Other Phone _____
 City CARTERSVILLE State GA Zip 30120 Email JusieGAZAWAY@AOL.COM
 Phone (Rep) 770-387-8507
 Representative's printed name (if other than applicant) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature [Signature]
 Signed, sealed and delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public [Signature]



* Titleholder Jusie GAZAWAY Phone 770 387-8507
 (titleholder's printed name)
 Address 709 S. BARTOW Email JusieGAZAWAY@AOL.COM
 Signature [Signature]
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public [Signature]



Present Zoning District R-20 Parcel ID No. C 020-0003-044
 Acreage .137 Land Lot(s) 548 District(s) 4 Section(s) 3
 Location of Property: 709 S. BARTOW ST.
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: _____
 Summary Description of Variance Request: ADD 16x16 PAVILLION TO
SIDE OF HOUSE
 (Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article VI Section 61.3 Subsection C
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

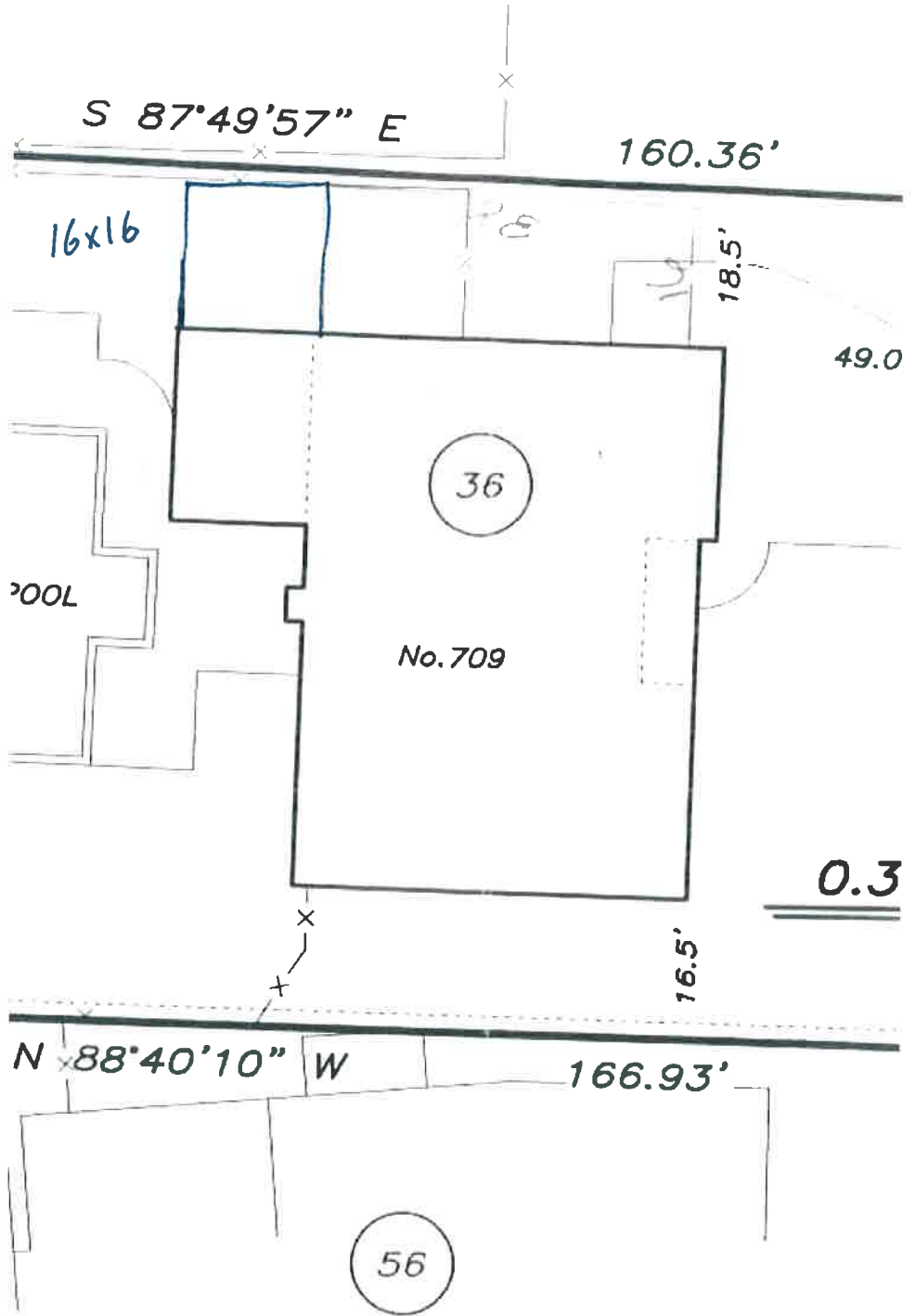
To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

- 1. The property is exceptionally narrow, shallow or unusually shaped,
- 2. The property contains exceptional topographic conditions,
- 3. The property contains other extraordinary or exceptional conditions; and
- 4. There are other existing extraordinary or exceptional circumstances; and
- 5. The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
- 6. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

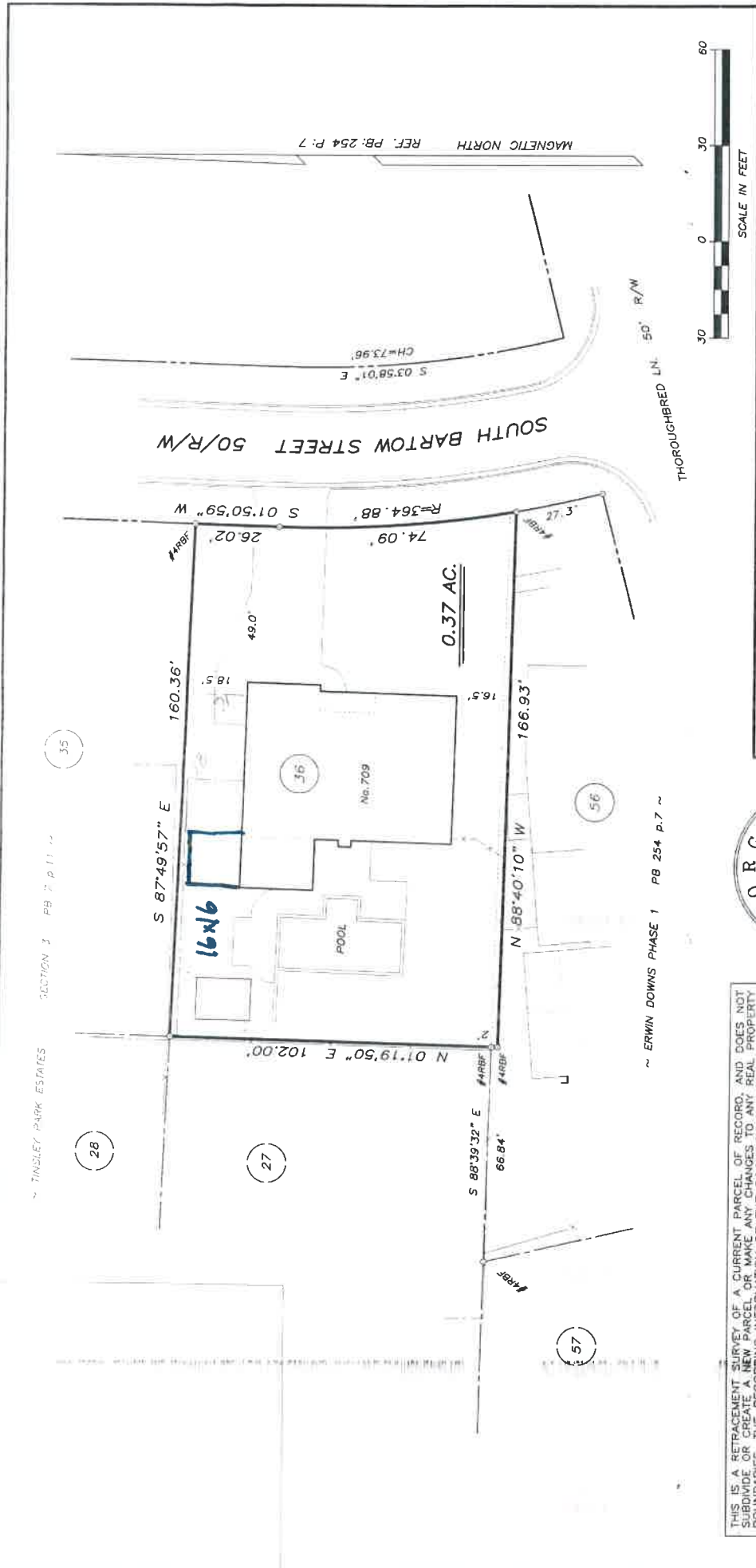
Additional Comments by Applicant: Approval for a 17x17
Roof over concrete slab adjoining my fireplace

3 PB 7 p.11 ~

35



CHASE 1 PB 254 p.7 ~



BOUNDARY RETRACEMENT SURVEY FOR:
MARK SMITH
 LOT 36 TINSLEY PARK ESTATES
 & PART OF
 LOT 56, ERWIN DOWNS, PHASE 1
 LOCATED IN L.L. 598
 4th DIST., 3rd SECT.,
 BARTOW COUNTY, GA.
 CITY OF CARTERSVILLE

DATE : 02-13-19
 SCALE : 1"=30'
 DRAWN BY : DTB
 CHECKED BY : MEB
 019\tinsley park\top36

DANIEL BAKER, PC
LAND SURVEYORS
 Post Office Box 2047
 CARTERSVILLE, GEORGIA 30120
 (770) 382-5999



THIS IS A RETRACEMENT SURVEY OF A CURRENT PARCEL OF RECORD, AND DOES NOT SUBDIVIDE OR REARANGE PARCELS OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING OF THIS SURVEY DOES NOT CONSTITUTE A GUARANTEE OR OTHER INSTRUMENTS CREATING THIS PARCEL ARE STATE RECORDS. THE RECORDING OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY JURISDICTION, AVAILABILITY, PERIOD OF COMPLIANCE WITH LOCAL REGULATIONS, REQUIREMENTS, OR SUITABILITY FOR ANY INTENDED USE OF THE PROPERTY. THE UNDERSIGNED CERTIFIES THAT THIS PLAT IS MADE IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS, FOR LAND SURVEYS AS SET FORTH IN O.C.G.A. §15-16-17.

Georgia Land Surveyor Registration No. 2327
 2019-02-13
 Date

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/44,443 ; ANGULAR PRECISION: 05" yr. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/67,829. MATTERS OF TITLE ARE EXCEPTED.

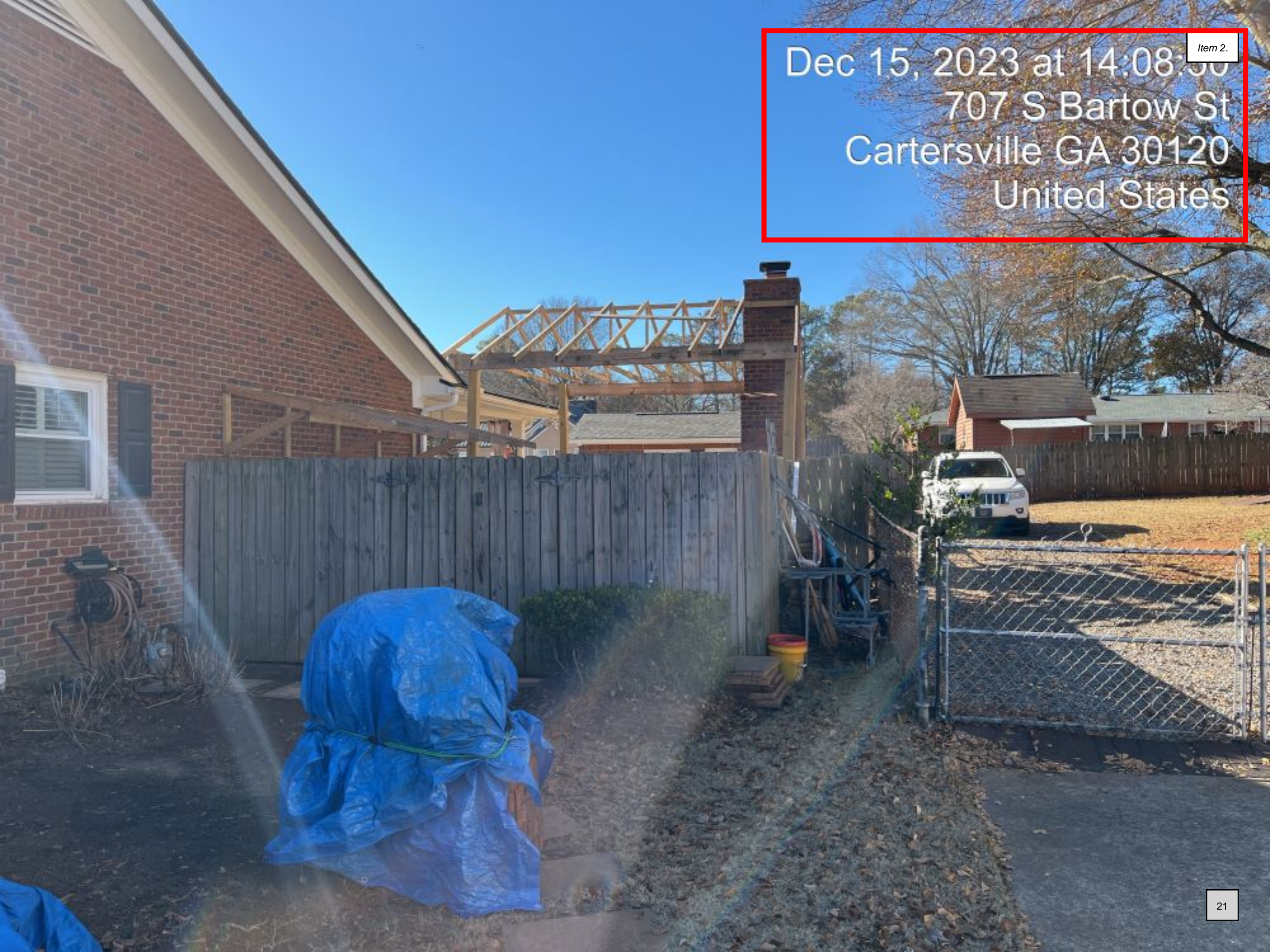
DATE : 02-13-19
 SCALE : 1"=30'
 DRAWN BY : DTB
 CHECKED BY : MEB
 019\tinsley park\top36

DANIEL BAKER, PC
LAND SURVEYORS
 Post Office Box 2047
 CARTERSVILLE, GEORGIA 30120
 (770) 382-5999



Dec 15, 2023 at 14:08:50
707 S Bartow St
Cartersville GA 30120
United States

Item 2.



Dec 15, 2023 at 14:09:03
707 S Bartow St
Cartersville GA 30120
United States



Images Taken 11-13-23





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-01. 252 Belmont Dr. Applicant: Forestar Group Inc. Mathew Payne, rep.
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a driveway to encroach a total of 948 square feet into the City's 25ft. impervious streambank buffer.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: December 28, 2023
 Re: File # V24-01

Summary: To allow encroachment into the City's impervious stream bank buffer

Section 1: Project Summary

Variance application by Forestar Group Inc., Mathew Payne, rep., for property located at 252 Belmont Drive and zoned R-10 (Single Family Residential). The property contains approximately 211 acres, which is planned for 330 residential lots known as "Parkside at Carter Grove Plantation".

The applicant wishes to construct an access driveway adjacent to lot 14 to give the adjacent property owner to the east permanent access to their property. The proposed location of this driveway will encroach a total of 948 square feet into the City's 25ft. impervious streambank buffer per the attached site plan. No encroachment is proposed in the twenty-five foot (25ft) State or local vegetative streambank buffer.

The variance request is for the following:

1. To allow the proposed access driveway to encroach into the impervious streambank buffer for approx. 948sf. Sec. 7.5.205(a)

Section 2. Department Comments

Electric Department: Takes no exception

Fibercom: Takes no exception

Fire Department: Takes no exception

Gas Department: Takes no exception

Water Department: Takes no exception

Public Works Department: Public Works conditionally approves V24-01 Variance Request – Parkside Access Buffer Encroachment if the condition below is met:

1. Orange “Snow” fence that is made of 4-foot-high orange plastic fabric fencing stapled in 3 locations to 2x4 treated wood stakes set 6 feet on center to be installed along the 50 undisturbed buffer indicated on plans to outline and protect the 50-foot undisturbed buffer area.

Section 3. Public Comments Received by Staff

Sue Wadsworth – 93 Douthit Bridge Road – Comments regarding components of the project’s stormwater management system that are unrelated to this specific variance request. Comments received on 12-19-2023.

Section 4. Variance Justification

Please review the following findings, as stated in the Development Regulations, that are to be utilized in determining justification for approval or denial of variance request(s).

A. Sec. 7.5-205. - Land development requirements.

(a) *Buffer and setback requirements.* All land development activity subject to this article shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

(b) *Variance procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land development consistent with this article, and the City of Cartersville finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the

owner, the board of appeals (BA) of the City of Cartersville may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

(2) Except as provided above, the BA of the City of Cartersville shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the BA. The City of Cartersville shall give public notice of each such public hearing in a newspaper of general circulation within the city. The City of Cartersville shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variations will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variations will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.

(3) At a minimum, a variance request shall include the following information:

- a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
- b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
- d. Documentation of unusual hardship should the buffer be maintained;
- e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and
- h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(4) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

(Ord. No. 52-06, 8-3-06)

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variations.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

- 1. *The existing land uses and zoning of nearby property.*
The surrounding properties consist of residential zoning (City) and agricultural zoning (Bartow County). All are used for residential purposes.

2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. A variance approval would allow the property owner to provide permanent access to the adjacent property.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no effect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
A negative environmental impact is expected to be minimal due to the landscape plan that has been submitted to compensate for the buffer encroachment.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
This project will not affect utilities or local infrastructure.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 1-11-2024 5:30pm

Application Number: V24-01

Date Received: _____

Applicant Forestar, Southeast Division, Matthew Payne Office Phone 770.361.6427
(printed name)
 Address 3330 Cumberland Blvd, Suite 275 Mobile/ Other Phone 770.361.6427
 City Atlanta State GA Zip 30339 Email matthewpayne@forestar.com

David Stuart Phone (Rep) 678.437.1755
 Representative's printed name (if other than applicant) Email (Rep) dstuart@gaskinslecrew.com

[Signature] Representative Signature [Signature] Applicant Signature

Signed, sealed and delivered in presence of: Angela S Hughes My commission expires:
[Signature] NOTARY PUBLIC
 Paulding County, GEORGIA
 My Commission Expires 09/28/2027

* Titleholder ForeStar Group INC Phone 770-361-6427
(titleholder's printed name)
 Address 3330 Cumberland Blvd SE Email Matthew Payne @ ForeStar . com
[Signature] Signature

Signed, sealed, delivered in presence of:
[Signature] Notary Public

My commission expires:
 NOTARY PUBLIC
 Cobb County, Georgia
 My Commission Expires March 1, 2026

Present Zoning District R10 Parcel ID No. C107-0001-042

Acreage n/a Land Lot(s) 1096, 1097, 1136, 1137 District(s) _____ Section(s) 3rd

Location of Property: approximately located at Lot 14, Belmont Drive, address 252 Belmont Drive
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: Article VIII, Section 7.5.205 (a)

Summary Description of Variance Request: allowance for driveway to encroach into a portion of the 75-foot impervious buffer.

(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article <u>VIII</u>	Section <u>7.5.205</u>	Subsection <u>(a)</u>
Article _____	Section _____	Subsection _____
Article _____	Section _____	Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

1. The property is exceptionally narrow, shallow or unusually shaped,
2. The property contains exceptional topographic conditions,
3. The property contains other extraordinary or exceptional conditions; and
(stream)
4. _____ There are other existing extraordinary or exceptional circumstances; and
5. The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: _____



November 13, 2023

Mr. Zack Arnold
 Assistant City Planner
 City of Cartersville
 Planning and Development Department
 2nd Floor, City Hall
 10 N. Public Square
 Cartersville, GA 30120
 Phone: 770-607-3947

Subject: Buffer Encroachment Variance Application
 Parkside at Carter Grove, Mr. Tim Wilson Driveway Buffer Encroachment

Dear Mr. Arnold:

A driveway to access property owned by Mr. Tim Wilson is being provided off Belmont Drive within the Parkside at Carter Grove Subdivision. The location of the driveway is approximately 252 Belmont Drive, SE, Cartersville, GA 30120. In order to provide access to Mr. Dixon's property, a portion of the driveway encroaches into the 75-foot impervious buffer.

To address this encroachment, a variance application and supporting documentation is required per the City's variance procedure. The required documents outlined in Article VIII.7.5-205.(3)a-h are provided herein. Also, we address the required information specific to each item with this letter. Below is a list of each item required by the variance, conditions a – h, with the applicant's response to each item:

- a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;*

Applicant Response: A map showing the location of the site and the features listed above is provided below (location Map) and in Exhibit A, Site Map, attached to this letter.

- b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;*

Applicant Response: A map showing the features identified above is provided in Exhibit A, Site Map and Exhibit B, Landscape Plan.

- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;*

Applicant Response: The information outlined in Item c is provided in Exhibit B, Landscape Plan.

- d. *Documentation of unusual hardship should the buffer be maintained.*

Applicant Response: Should the buffer be maintained, there would be no clear path for a driveway to Mr. Tim Wilson's property. Access would be significantly affected if not prohibited.

- e. *At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;*

Applicant Response: Give the location of the stream buffers, the topography and lot layout, there is no practical alternative to the buffer encroachment.

- f. *A calculation of the total area and length of the proposed intrusion;*

Applicant Response: The total area and length of the intrusion is provided on Exhibit B, Landscape Plan.

- g. *A stormwater management site plan, if applicable; and*

Applicant Response: A storm water management plan is not applicable in this instance, given the nature of the private driveway.

- h. *Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.*

Applicant Response: Mitigation in the form of enhanced landscaping including fencing, planting and placement of mulch provides the mitigation for the encroachment. The mitigation is shown in Exhibit B, Landscape Plan.

We believe this letter, completed application and supporting documentation provides the information needed to process and approve the request. If you have any questions, please contact me at (678) 437-1755.

Sincerely,
Gaskins LeCraw, Inc.



David Stuart, P.E.
Director of Engineering, West

Location Map

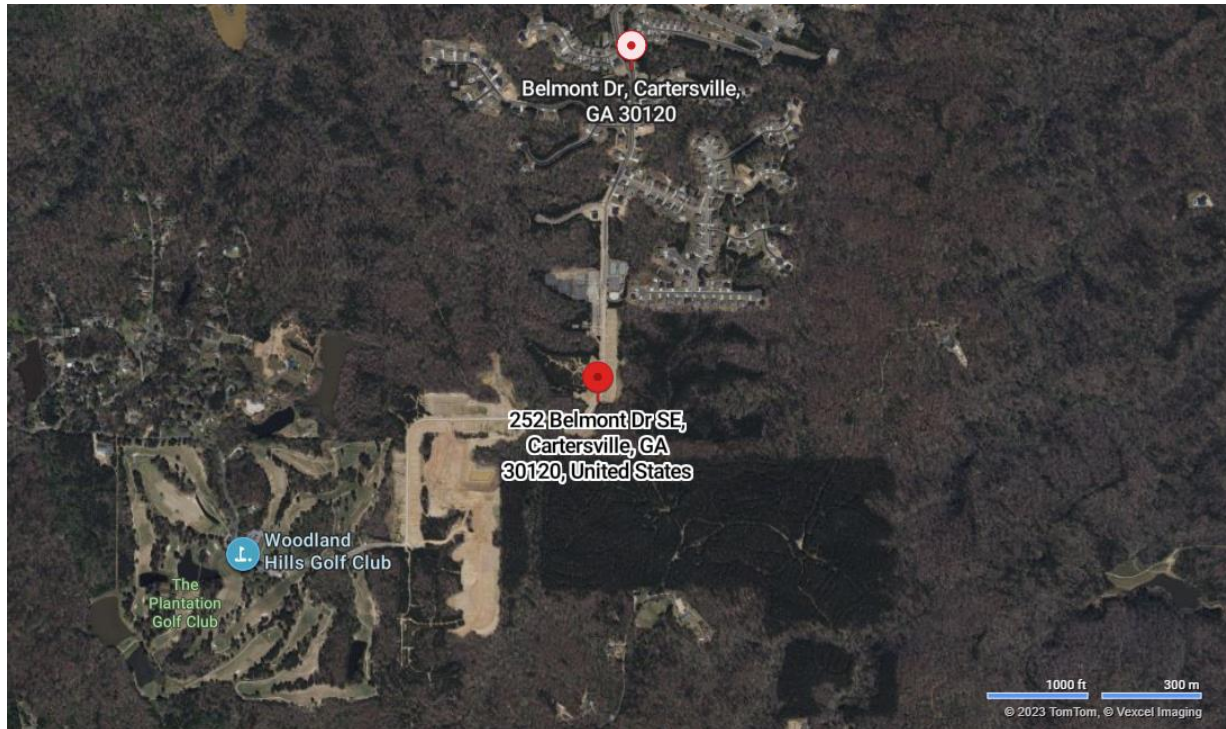
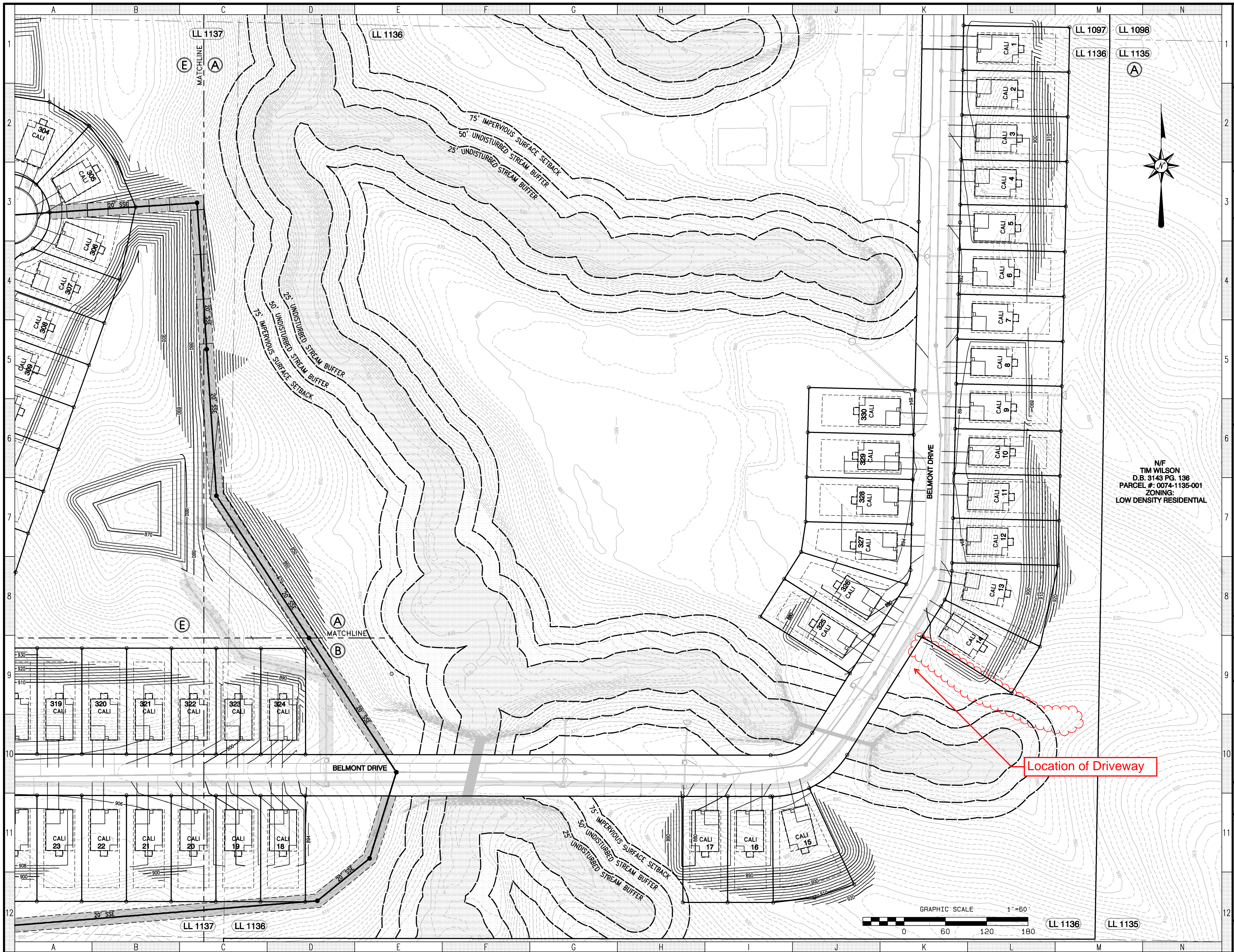
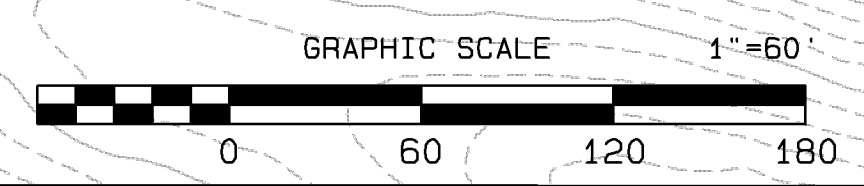


Exhibit A – Site Map

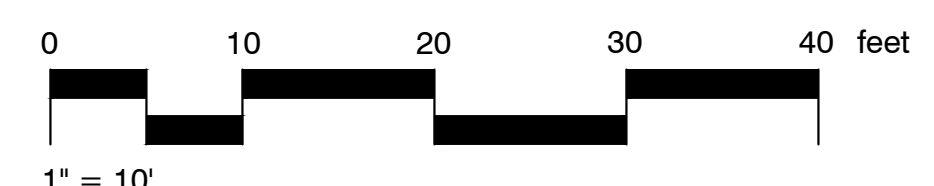
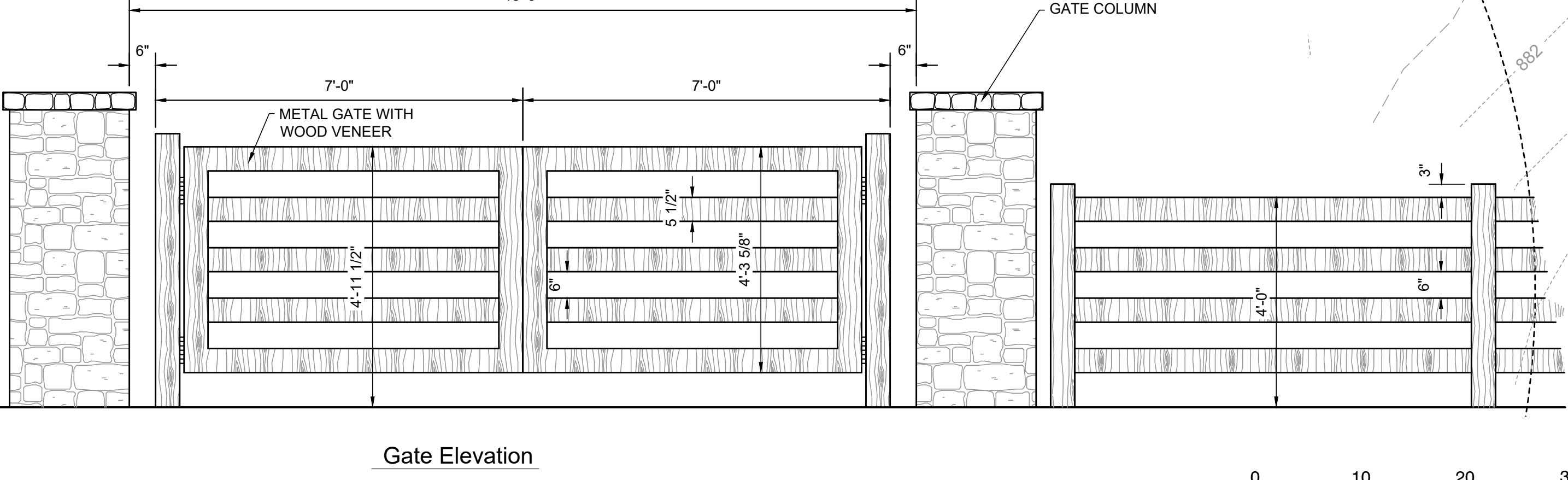
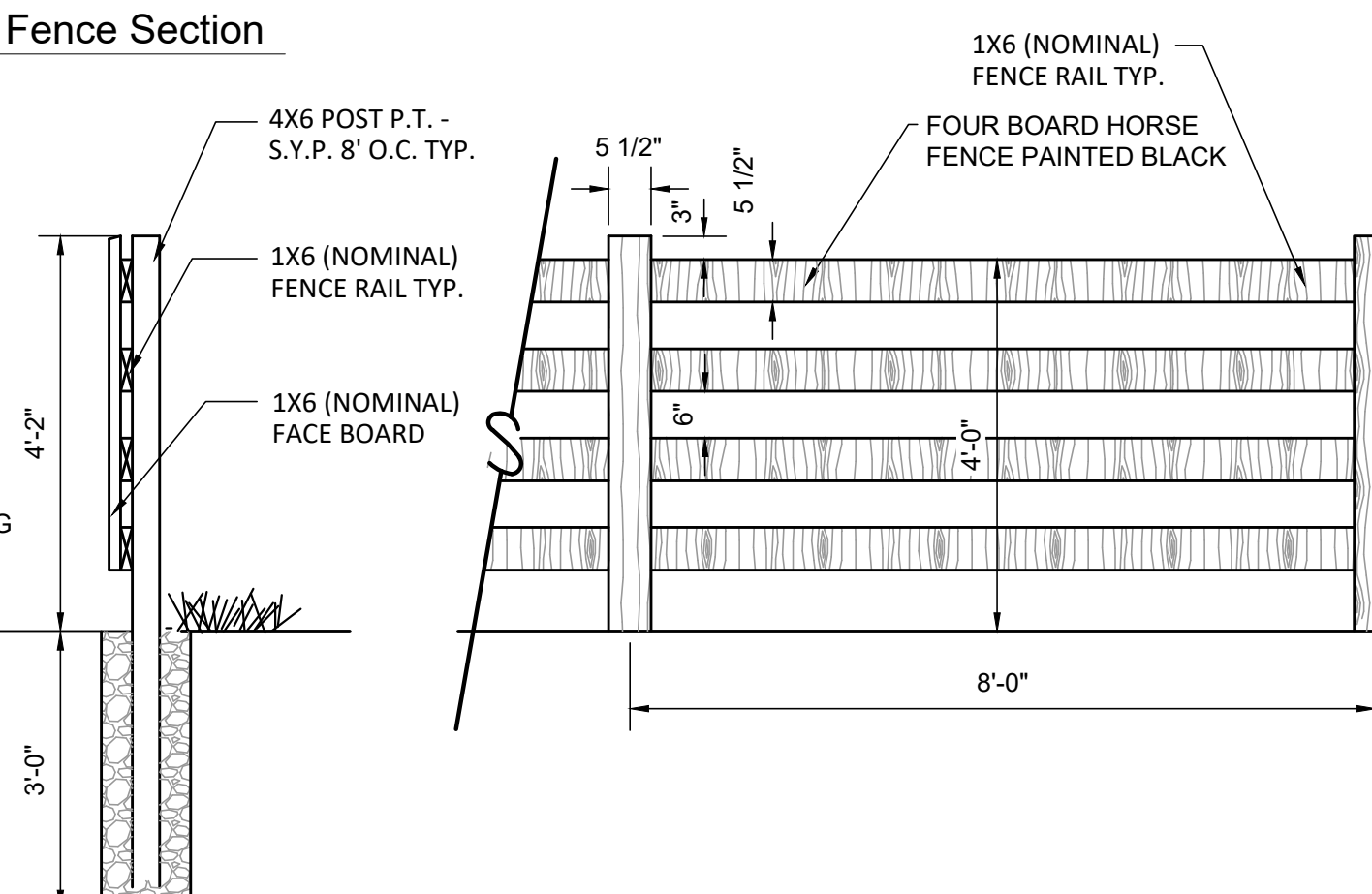
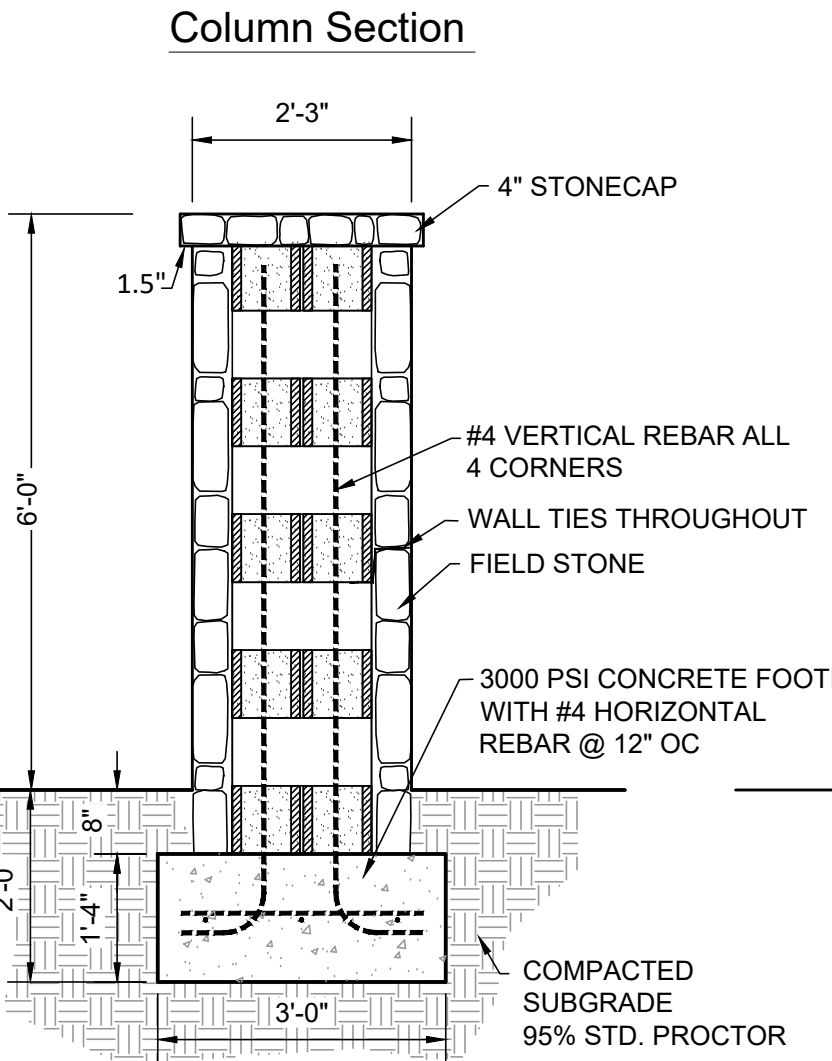
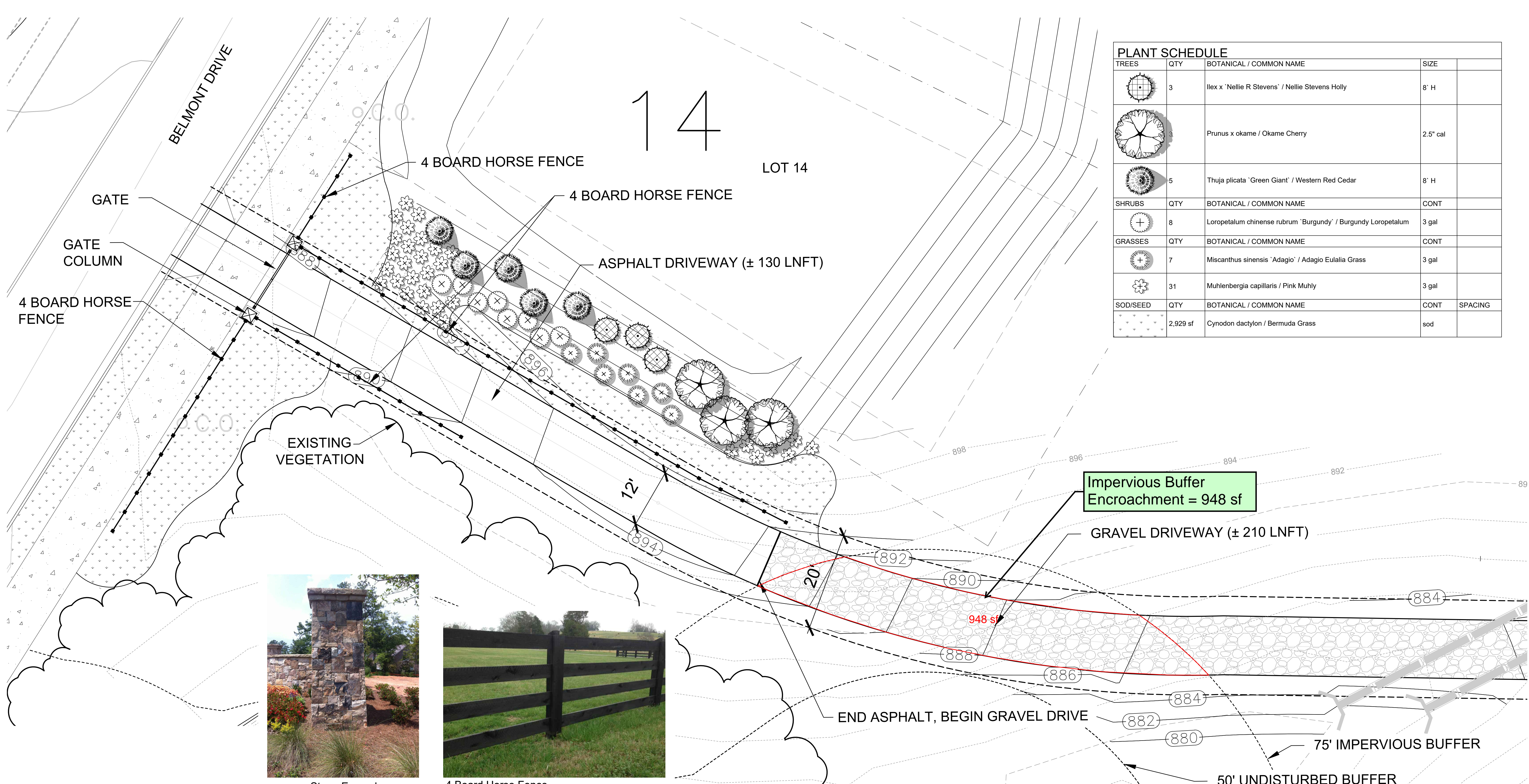


N/F
 TIM WILSON
 D.B. 3143 PG. 136
 PARCEL #: 0074-1135-001
 ZONING:
 LOW DENSITY RESIDENTIAL



Carters Grove Driveway Encroachment Exhibit A - Site Map

Exhibit B – Landscape Plan



MLG

MORGAN LANDSCAPE GROUP, LLC
1387 WOODCUTT PLACE
MARIETTA, GA 30062
770-401-8186

Landscape Architecture
and Site Planning

smorgan@morganlandscapegroup.net



Date	Description
06/20/2022	Entrance Plan
08/03/2022	Client Comments
08/22/2022	Client Comments

CARTERS GROVE - Cartersville, GA

Prepared for: Forestar
3330 Cumberland Parkway, Suite 275
Atlanta, Georgia, 30339
770-272-2141

Entry Plan

L1.0

Dec 15, 2023 at 13:48:40
240 Belmont Dr SE
Cartersville GA 30120
United States



CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. V24-01
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30 P.M. ON 1-11-2024
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
DEVELOPMENT AT (706) 324-6000



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-02. 135 Douglas St. Applicant: Blake Whiting
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: December 28, 2023
 Re: File # V24-02

Summary: To allow a privacy fence in the front yard of a double frontage lot.

Section 1: Project Summary

Variance application by applicant, Blake Whiting, for property located at 135 Douglas St, zoned R-D Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.22 acres. The lot is a double frontage lot with frontages along Douglas St., and Ruby St.

The applicant has constructed a privacy fence to enclose the property to the rear of the home along a section of Ruby St. The applicant also proposes continue the privacy fence approximately 40ft along the Ruby St. right-of-way. The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, less than 4ft tall, and non-opaque in a front yard.

Code Enforcement noticed the construction of the fence and asked the property owner to stop construction until a variance was granted. The majority of the fence is already constructed.

The variance request is for the following:

1. To allow an 6ft. privacy fence to be installed in the front yard of a double frontage lot (Sec. 4.16).

Section 2. Department Comments

1. **Electric Department:** Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 12/28/2023.

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.

3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
1. The property is exceptionally narrow, shallow or unusually shaped;
 2. The property contains exceptional topographic conditions;
 3. The property contains other extraordinary or exceptional conditions; or
 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned residential, multiple use, and public institutional.

2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. A variance approval would allow the property owner to protect the property.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 1-11-24 5:30pm

Application Number: V24-02

Date Received: 11-9-23

Applicant Blake Whiting Office Phone _____
(printed name)

Address 135 Douglas Street Mobile/ Other Phone 7706551661

City Cartersville State GA Zip 30120 Email Blake.whiting@gmail.com

Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 Email (Rep) _____

Blake Whiting _____
 Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: _____ My commission expires: _____

 Notary Public

* Titleholder Christopher Whiting Phone 770-655-1661
(titleholder's printed name)

Address 135 Douglas Street Email blake.whiting@gmail.com

Signature Blake Whiting

Signed, sealed, delivered in presence of: _____ My commission expires: _____

 Notary Public

Present Zoning District R-D Parcel ID No. C004-0012-007

Acreage 0.22 Land Lot(s) 410 District(s) 4 Section(s) 3

Location of Property: 135 Douglas St
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: Sec. 4.16. (B)

Summary Description of Variance Request: Privacy fence in front yard of corner lot

(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article IV Section 4.16. Subsection B

Article _____ Section _____ Subsection _____

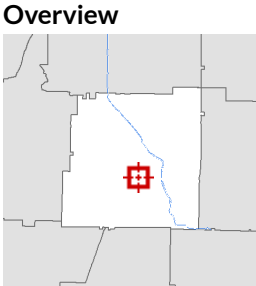
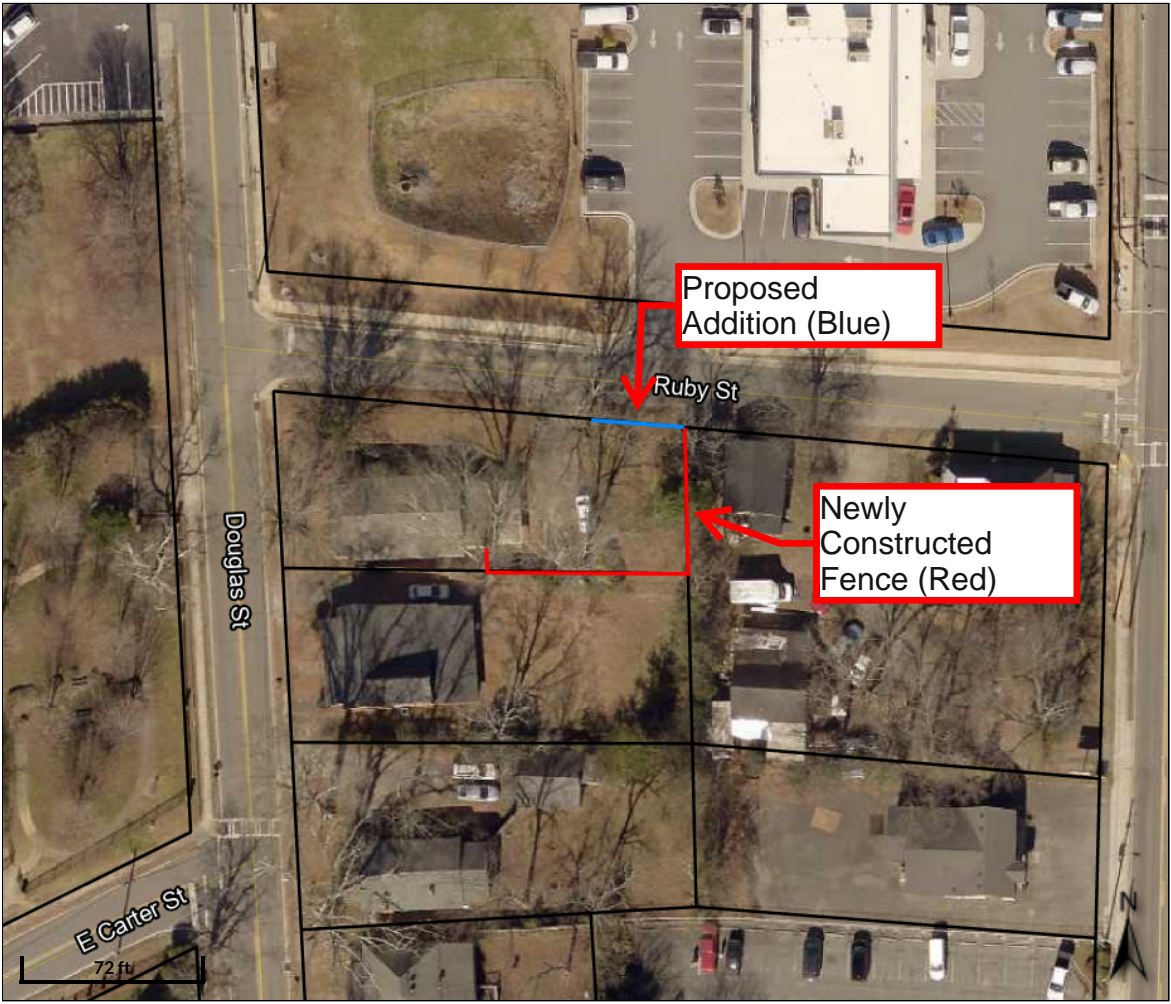
Article _____ Section _____ Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

- 1. _____ The property is exceptionally narrow, shallow or unusually shaped,
- 2. _____ The property contains exceptional topographic conditions,
- 3. ^x_____ The property contains other extraordinary or exceptional conditions; and
- 4. _____ There are other existing extraordinary or exceptional circumstances; and
- 5. _____ The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
- 6. _____ The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: Looking to add the approval of a privacy fence on the road side
of Ruby Street closest to the Ford Dealership. The purpose is to inclose that portion of my yard to make a
true "back yard".



Legend
 □ Parcels
 — Roads

Parcel ID	C004-0005-001	Alternate ID	32654	Owner Address	CARTERSVILLE CITY OF
Sec/Twp/Rng	n/a	Class	Exempt		1 N ERWIN ST
Property Address	320 CHURCH ST	Acreage	25.69		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL408-9 456-7 D 4 Cartersville High School				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 11/22/2023
 Last Data Uploaded: 11/21/2023 9:04:57 PM

Developed by Schneider GEOSPATIAL

Dec 28, 2023 at 15:45:23
101-147 Ruby St
Cartersville GA 30120
United States



Dec 28, 2023 at 15:45:59
2-46 Ruby St
Cartersville GA 30120
United States



Dec 11, 2023 at 15:24:21
135 Douglas St
Cartersville GA 30120
United States



VARIANCE NOTICE

CASE NO. V24-02

APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.

A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30 P.M. ON 1-11-2024

FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
PLANNING DEVELOPMENT AT 770-387-5600



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-03. 75 Jackson Farm Rd Applicant: Marlene Morgan
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: January 2, 2024
 Re: File # V24-03

Summary: To allow a privacy fence in the front yard of a double frontage lot.

Section 1: Project Summary

Variance application by applicant, Marlene Morgan, for property located at 75 Jackson Farm Road, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.26 acres. The lot is a double frontage lot with frontages along Jackson Farm Rd., and Doubletree Path.

The applicant has constructed a privacy fence to enclose the property to the rear of the home along a section of the Doubletree Path right-of-way. The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, less than 4ft tall, and non-opaque in a front yard.

The variance request is for the following:

1. To allow an 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 1/2/2024.

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.

4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
 - A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 1. The property is exceptionally narrow, shallow or unusually shaped;
 2. The property contains exceptional topographic conditions;

3. The property contains other extraordinary or exceptional conditions; or
 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned residential.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal.

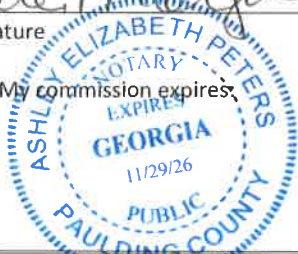
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 1-11-2024 5:30pm

Application Number: V23-34

Date Received: 11-2-2023

Applicant Marlene Morgan Office Phone _____
(printed name)
 Address 75 Jackson Farm RD SE Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email maraloveslife@gmail.com
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature Marlene Morgan
 Signed, sealed and delivered in presence of: _____ My commission expires: 11/29/20
 Notary Public [Signature] 

* Titleholder Marlene Morgan Phone 850 376 5559
(titleholder's printed name)
 Address 75 Jackson Farm RD SE Email maraloveslife@gmail.com
 Signature Marlene Morgan
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/20
 Notary Public [Signature] 

Present Zoning District P-D Parcel ID No. CO25-0011-116
 Acreage .26 Land Lot(s) 1 District(s) Cartersville Section(s) 3
 Location of Property: 75 Jackson Farm RD Se Cartersville GA 30120
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Section 4.16
 Summary Description of Variance Request: Privacy fence for side yard/Back yard already in place
(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article IV Section 4.16 Subsection B
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

- 1. _____ The property is exceptionally narrow, shallow or unusually shaped,
- 2. _____ The property contains exceptional topographic conditions,
- 3. _____ The property contains other extraordinary or exceptional conditions; and
- 4. _____ There are other existing extraordinary or exceptional circumstances; and
- 5. _____ The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
- 6. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: fence is already up -
seeking a varriance to keep it Built fence
well within easement doesnt inpead walking
NO locks on gate. Double gate on side
that faces the road.

LINE TABLE

LINE	BEARING	LENGTH
L51	N00°38'59"E	72.62
L52	N46°11'38"E	23.81

DOUBLETREE PATH
60' PUBLIC RIGHT-OF-WAY

EROSION CONTROL LEGEND

- Co CONSTRUCTION ENTRANCE/EXIT
- Sd1 SEDIMENT BARRIER
- Ds1 DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)
- Ds2 DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)
- Ds3 DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)

RDP APPROVAL

THIS RESIDENTIAL DRAINAGE PLAN HAS BEEN REVIEWED FOR GENERAL COMPLIANCE WITH THE DEVELOPMENT REGULATIONS OF BARROW COUNTY, GEORGIA, AND IS APPROVED FOR ISSUANCE OF A BUILDING PERMIT FOR THE RESIDENTIAL STRUCTURE AND OTHER IMPROVEMENTS SHOWN HEREON. (NO FRAMING INSPECTION WILL BE APPROVED UNTIL A CERTIFICATION OF THE ELEVATION OF THE LOWEST FLOOR, AS-BUILT, PREPARED BY A REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER, HAS BEEN RECEIVED AND ACCEPTED BY THE ENGINEERING DEPARTMENT.) THIS APPROVAL IS GRANTED WITH THE PROVISION THAT A FINAL INSPECTION AND/OR CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED FOR COMPLETION OF CONSTRUCTION UNTIL CONFORMANCE TO THIS RESIDENTIAL DRAINAGE PLAN HAS BEEN FIELD VERIFIED AND AS-BUILT CERTIFIED BY THE DESIGN PROFESSIONAL.

ENGINEERING DEPARTMENT

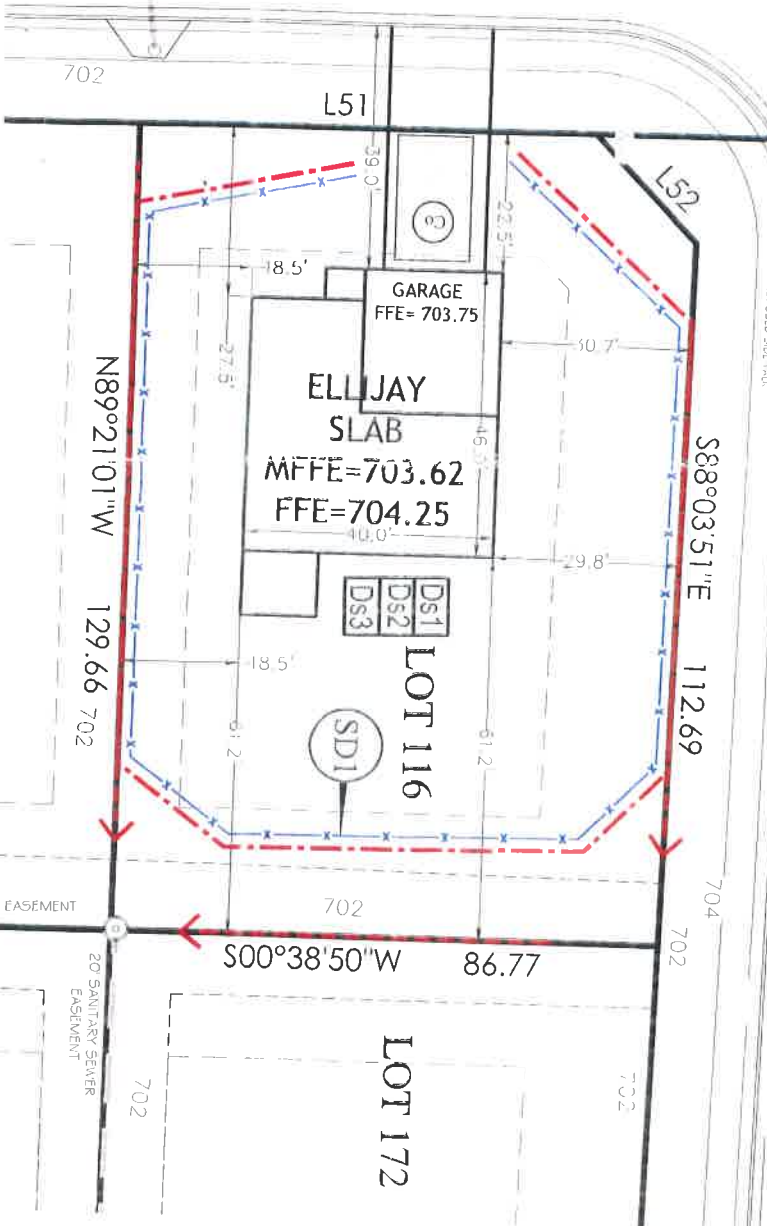
DATE

NOTE: ALL EROSION CONTROL MEASURES AND SYMBOLS ARE REFERENCED FROM THE MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA, LATEST EDITION.

(CONSTRUCTION EXIT IS TO BE 12 FEET x 20 FEET.)

EXISTING CONTOUR DATA PER DESIGN PLANS BY SOUTHLAND ENGINEERING.

PROPOSED GRADES SHOWN ARE INTENDED TO GIVE A GENERAL GUIDELINE OF CHANGES TO BE NECESSARY DEPENDANT UPON ACTUAL LOT CONDITIONS.



SMITH DOUGLAS COMMUNITIES
MR. ERIC MULLINS
110 VILLAGE TRAIL
SUITE 215
WOODSTOCK, GEORGIA 30188
EMULLINS@SMITHDOUGLAS.COM



GSWCC LEVEL II
CDP #3417, EXP. 12/25



- CO = CLEAN OUT
- ICV = IRRIGATION VALVE
- IF = IRON PIN FOUND
- IPP = IRON PIN PLACED
- OTR = OPEN TOP PIPE
- CTP = CRIMPED TOP
- R/W = RIGHT OF WAY
- CM = CONCRETE MONUMENT
- N/F = NOW OR FORMERLY
- SSE = SANIT. SEWER EASEMENT
- WM = WATER METER
- WV = WATER VALVE
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- PP = POWER POLE
- P- = POWER LINE
- X- = FENCE LINE
- CH. = CHORD
- A or L = ARC LENGTH
- DE = DRAINAGE EASEMENT

MAG NORTH

Dec 29, 2023 at 13:03:47
75 Jackson Farm Rd
Cartersville GA 30120
United States



Dec 29, 2023 at 13:04:07
Doubletree Path
Cartersville GA 30120
United States



Dec 29, 2023 at 13:04:50
Doubletree Path
Cartersville GA 30120
United States



Dec 11, 2023 at 14:48:02
75 Jackson Farm Rd
Cartersville GA 30120
United States



CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. **V24-03**
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30PM ON **1-11-2024**
FOR ADDITIONAL INFORMATION CONTACT THE
DEPARTMENT OF PLANNING & DEVELOPMENT
AT 770-387-3600



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-04. 13 Jackson Farm Rd. Applicant: Alvair Leno Krahembuhl
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: January 2, 2024
 Re: File # V24-04

Summary: To allow a privacy fence in the front yard of a double frontage lot.

Section 1: Project Summary

Variance application by applicant, Alvair Krahembohl, for property located at 13 Jackson Farm Road, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.24 acres. The lot is a double frontage lot with frontages along Jackson Farm Rd., and Doubletree Path.

The applicant has constructed a privacy fence to enclose the property to the rear of the home along a section of the Doubletree Path right-of-way. The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, less than 4ft tall, and non-opaque in a front yard.

The variance request is for the following:

1. To allow an 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 1/2/2024.

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.

4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
 - A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 1. The property is exceptionally narrow, shallow or unusually shaped;
 2. The property contains exceptional topographic conditions;

3. The property contains other extraordinary or exceptional conditions; or
 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned residential.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal.

4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 1-11-2024 5:30pm

Application Number: V23-35

Date Received: 10-30-2023

Applicant Alvair Leno Krahembuhl Office Phone _____
(printed name)
 Address 13 Jackson Farm Rd SE Mobile/ Other Phone 706-461-0561
 City Cartersville State GA Zip 30120 Email alvair.leno@gmail.com
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 Email (Rep) _____
 Representative Signature _____
 Signed, sealed and delivered in presence of _____ My commission expires: 10-25-2026
 Notary Public _____



* Titleholder Alvair Leno Krahembuhl Phone: 706-461-0561
(titleholder's printed name)
 Address 13 Jackson Farm Rd SE Email alvair.leno@gmail.com
 Signature _____
 Signed, sealed, delivered in presence of: _____ My commission expires: 10-25-2026
 Notary Public _____



Present Zoning District P-D Parcel ID No. C025-0011-147
 Acreage .24 Land Lot(s) 416 District(s) 4 Section(s) 3
 Location of Property: 13 Jackson Farm Rd SE, Cartersville GA 30120
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: SEC 4.16
 Summary Description of Variance Request: My fence is in place already. IT does NOT hinder walking Traffic or obstruct The view from oncoming Traffic.
(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article IV Section 4.16 Subsection B
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

- 1. _____ The property is exceptionally narrow, shallow or unusually shaped,
- 2. _____ The property contains exceptional topographic conditions,
- 3. _____ The property contains other extraordinary or exceptional conditions; and
- 4. _____ There are other existing extraordinary or exceptional circumstances; and
- 5. _____ The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
- 6. ✓ The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: See The Justification Letter

Justification Letter

This is a new neighborhood, and it is my dream home. I waited for a corner lot to be available because I have a trailer (utility 5 x 8 ft) and also my hobby stuff to storage.

I moved from another County (Clarke) to Bartow to be closer to my workplace, in my previous County they didn't have the same Ordinances, so I was not aware about it.

Before I hired a company to build my 6 ft fence, I got all approvals necessary according to the Jackson Farm Community Guide. I prepared a drawing making sure that my fence will not obstruct the traffic view and sent it to HOA approval, also I called 811 to check if my fence lines is not close to any utilities pipes or cables, only after all approvals I bult the fence. (all drawings and initials approval are on the attachments.

Near to my house there is still a lot of construction work. This area is still under development and a lot of trucks and machines around, they use the side of my house as parking lot, the fence gives me more privacy and sense of security.


After the fence was built, I also built a shed (10 x 12 ft) the HOA does not allow sheds without fence. It is all already installed. I add some pictures on the attachments.

My fence does not obstruct the traffic view at all.

I also don't have the financial means of being able to relocate my fence.

With all being explained, I would like to ask you to approve the Variance on my case.

Respectfully

 7502
Alvair Leno Krahebuhl
706-461.0561

Cartersville, 10/30/2023

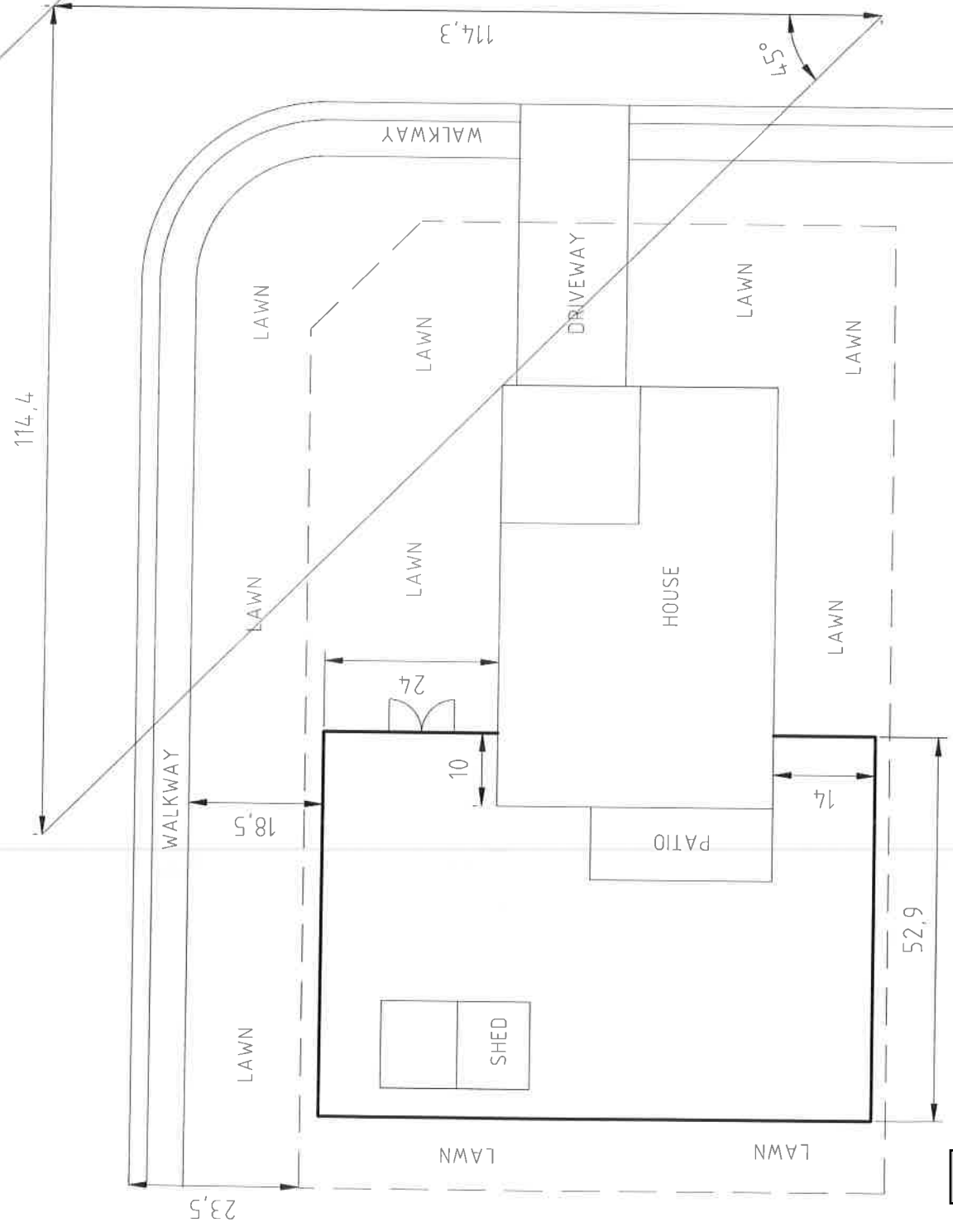






--- LOT LINES
— FENCE

The Triangle shows the free area,
with no obstructions to traffic view



SMITH DOUGLAS COMMUNITIES
 INC. P.O. BOX 11111
 1110 STATE ST. S.W.
 WOODSTOCK, GEORGIA 30189
 ENCLINGS@SMITHDOUGLAS.COM



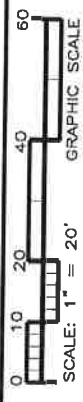
PLAN NOTES

PROPOSED GRADES SHOWN ARE INTENDED TO GIVE A GENERAL GUIDELINE OF HOW TO MEET INTENDED DESIGN STANDARDS. CHANGES MAY BE NECESSARY DEPENDANT UPON ACTUAL LOT CONDITIONS.

PER THE FINAL PLAT FOR JACKSON FARMS S/D- PHASE 1-UNIT 2; PR-2022, PG:347.

1. SETBACKS:
 FRONT: 20 FEET
 SIDE: 10 FEET
 REAR: 20 FEET
2. DRAINAGE EASEMENTS ARE LOCATED ALONG CENTERLINE OF DRAINAGE PIPES.
3. DRAINAGE EASEMENTS LOCATED OFF OF ROAD RIGHT-OF-WAYS SHALL BE MAINTAINED BY THE PROPERTY OWNERS.
4. CURRENT ZONING: PUD
5. LOCATION OF BACK OF CURB SCALED FROM PRELIMINARY PLAT.

NOTE: ALL LOTS MUST BE GRADED TO DRAIN TO STREET.



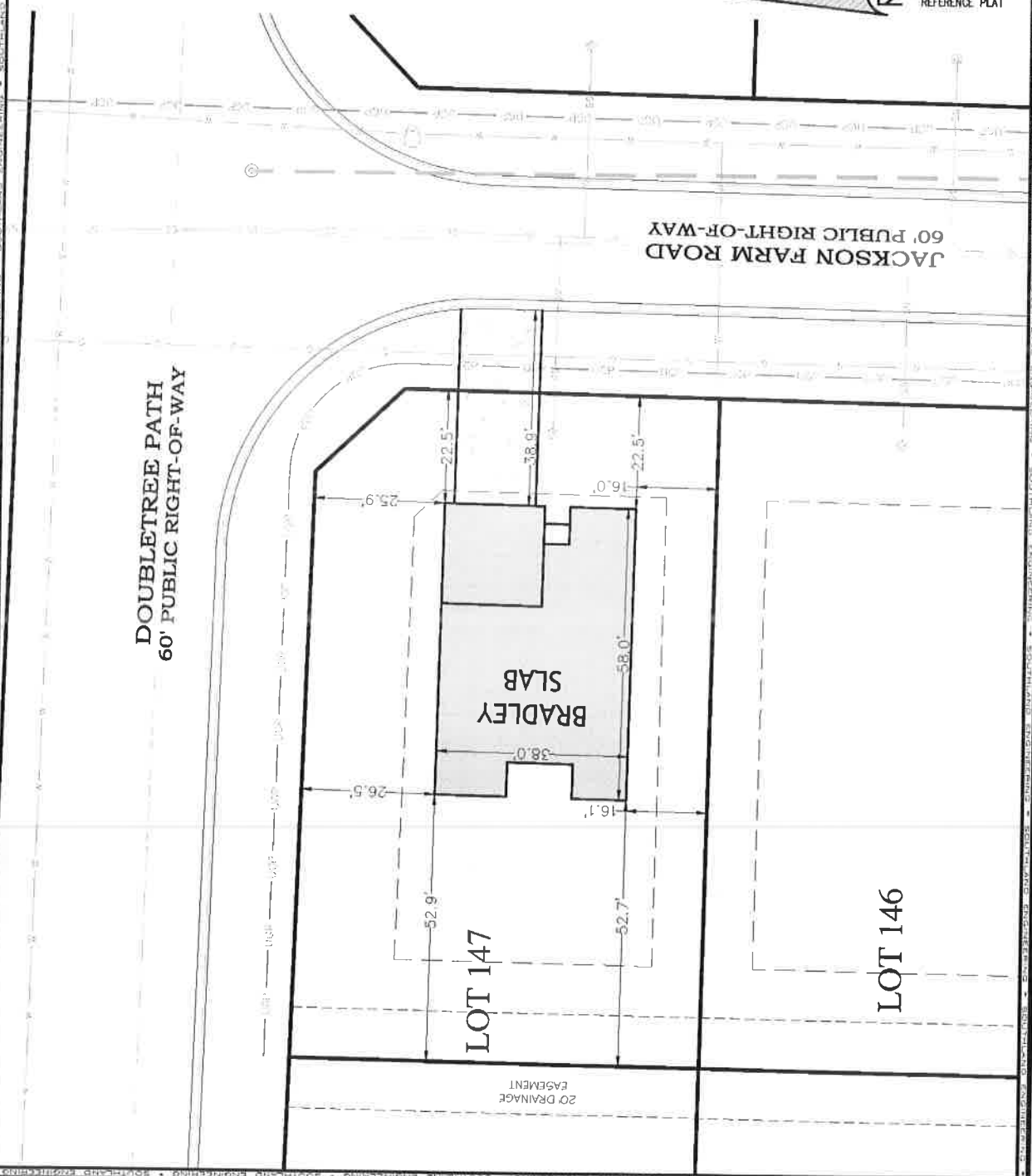
HOME LOCATION PLAN FOR:

SMITH DOUGLAS
 LOT 147 JACKSON FARMS
 LL 449 14th DIST. 3rd SECT
 CITY OF CARTERSVILLE,
 BARTOW COUNTY, GEORGIA

DATE	REVISIONS
SEPTEMBER 23, 2022	1
	2
	3
	4
	5
	6
	7

DATE: SEPTEMBER 23, 2022 JOB NO: 19098
 DATE OF FIELDWORK: N/A EQUIP.: N/A

SOUTHLAND ENGINEERING
 CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
 114 OLD MILL ROAD, CARTERSVILLE, GA 30120
 PH: 770.387.0440 FAX: 770.607.5151



Jackson Farm Community Association
3950 Cobb Pkwy NW, Ste 804
Acworth, GA 30101
Phone 770-222-5955 Fax 770-222-5994
Online: www.acmga.com

Alvair L. Krahembuhl
13 Jackson Farm Road SE
Cartersville, GA 30120

ACC APPROVAL

February 8, 2023

RE: Fence

Dear Alvair L. Krahembuhl,

On behalf of Jackson Farm Community Association, I'm writing you today to notify you of the decision of the Board of Directors. We appreciate your cooperation in submitting this Request. Your request was approved. Specifically, your request for the following change:

Fence is approved with one stipulation. The fence can come no further forward than 10' from the back corner of the home.

The Board reserves the right to make a final inspection of the change to make sure it matches the Request you submitted for Approval and the conditions are met.

If you have any questions, please don't hesitate to give us a call.

Sincerely,

Jeff Hope, CMCA, AMS
Action Community Management
Agent of Jackson Farm Community Association

cc. Board of Directors

Dec 29, 2023 at 13:12:52
Doubletree Path
Cartersville GA 30120
United States



Dec 29, 2023 at 13:13:27
9 Doubletree Path
Cartersville GA 30120
United States



Dec 29, 2023 at 13:13:20
9 Doubletree Path
Cartersville GA 30120
United States



Dec 11, 2023 at 15:01:03
13 Jackson Farm Rd
Cartersville GA 30120
United States





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-05. 13 Rockfoot Way Applicant: Paul Pena
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: January 3, 2024
 Re: File # V24-05

Summary: To allow a privacy fence in the front yard of a double frontage lot.

Section 1: Project Summary

Variance application by applicant, Paul Pena, for property located at 13 Rock Foot Way, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.25 acres. The lot is a double frontage lot with frontages along Rock Foot Way., and Doubletree Path.

The applicant has constructed a privacy fence to enclose the property to the rear of the home along a section of the Doubletree Path right-of-way. The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, less than 4ft tall, and non-opaque in a front yard.

The fence is currently encroaching into a City storm line easement along the southern and western property lines. The applicant was notified on 11-28-2023 that the fence would need to be removed from the easement. If approved, the City Code Enforcement Division is prepared to give the applicant 30 days to relocate the sections of the fence encroaching into the City's easement.

The variance request is for the following:

1. To allow an 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Public Works will not support approval of a variance that encroaches into their easement.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 1/3/2024.

Section 4. Variance Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.

2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
 - A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.

21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

STANDARDS FOR EXERCISE OF ZONING POWERS.

- 1. *The existing land uses and zoning of nearby property.*

The surrounding properties are zoned residential.

2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 1-11-2024 5:30pm

Application Number: V23-36

Date Received: 11/1/23

Applicant Paul Peña Office Phone _____
(printed name)
 Address 13 Rock Foot Way Mobile/ Other Phone 254-371-6411
 City CARTERSVILLE State ga Zip 30120 Email paulpena2000@yahoo.com
 Representative's printed name (if other than applicant) _____
 Phone (Rep) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature [Signature]
 Signed, sealed and delivered in presence of: _____ My commission expires: _____
[Signature]  10/6/2025
 Notary Public

* Titleholder Paul Peña Phone 2543716411
(titleholder's printed name)
 Address 13 Rock Foot Way Email paulpena2000@yahoo.com
 Signature [Signature]
 Signed, sealed, delivered in presence of: _____ My commission expires: _____
[Signature]  10/6/2025
 Notary Public

Present Zoning District P-D Parcel ID No. C025-0011-172
 Acreage .25 Land Lot(s) 416 District(s) 4 Section(s) 3
 Location of Property: 13 Rock Foot Way SE
(street address, nearest intersections, etc.) SEC 4.16
 Zoning Section(s) for which a variance is being requested: _____
 Summary Description of Variance Request: _____
PRIVACY FENCE FRONT CORNER LOT
(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article IV Section 4.16 Subsection B
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

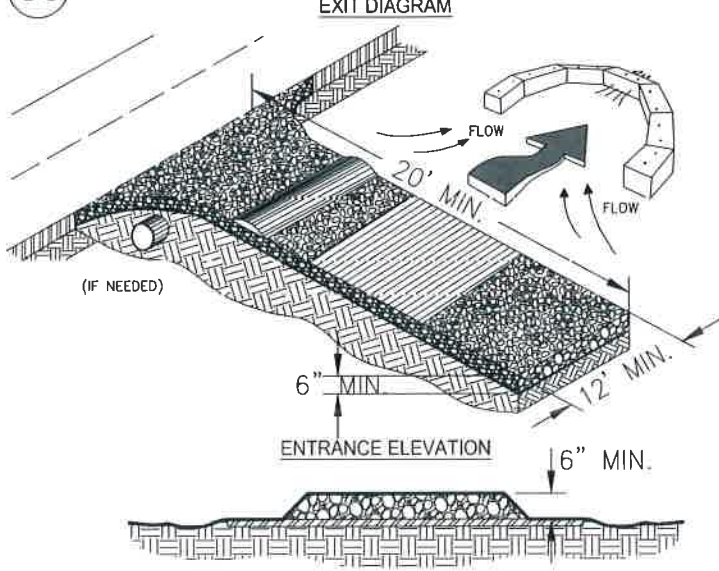
The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

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- 1. _____ The property is exceptionally narrow, shallow or unusually shaped,
- 2. _____ The property contains exceptional topographic conditions,
- 3. _____ The property contains other extraordinary or exceptional conditions; and
- 4. _____ There are other existing extraordinary or exceptional circumstances; and
- 5. _____ The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
- 6. X _____ The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: _____

Co CRUSHED STONE CONSTRUCTION EXIT



- NOTES:**
1. AVOID LOCATING ON STEEP SLOPES OR AT CURVES ON PUBLIC ROADS.
 2. REMOVE ALL VEGETATION AND OTHER UNSUITABLE MATERIAL FROM THE FOUNDATION AREA, GRADE, AND CROWN FOR POSITIVE DRAINAGE.
 3. AGGREGATE SIZE SHALL BE IN ACCORDANCE WITH NATIONAL STONE ASSOCIATION K-2 (1.5"-3.5" STONE).
 4. GRAVEL PAD SHALL HAVE A MINIMUM THICKNESS OF 6".
 5. PAD WIDTH SHALL BE EQUAL FULL WIDTH AT ALL POINTS OF VEHICULAR EGRESS, BUT NO LESS THAN 20'.
 6. A DIVERSION RIDGE SHOULD BE CONSTRUCTED WHEN GRADE TOWARD PAVED AREA IS GREATER THAN 2%.
 7. INSTALL PIPE UNDER THE ENTRANCE IF NEEDED TO MAINTAIN DRAINAGE DITCHES.
 8. WHEN WASHING IS REQUIRED, IT SHOULD BE DONE ON AN AREA STABILIZED WITH CRUSHED STONE THAT DRAINS INTO AN APPROVED SEDIMENT TRAP OR SEDIMENT BASIN (DIVERT ALL SURFACE RUNOFF AND DRAINAGE FROM THE ENTRANCE TO A SEDIMENT CONTROL DEVICE).
 9. WASHRACKS AND/OR TIRE WASHERS MAY BE REQUIRED DEPENDING ON SCALE AND CIRCUMSTANCE. IF NECESSARY, WASHRACK DESIGN MAY CONSIST OF ANY MATERIAL SUITABLE FOR TRUCK TRAFFIC THAT REMOVE MUD AND DIRT.
 10. MAINTAIN AREA IN A WAY THAT PREVENTS TRACKING AND/OR FLOW OF MUD ONTO PUBLIC RIGHTS-OF-WAYS. THIS MAY REQUIRE TOP DRESSING, REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT.

LINE	BEARING	LENGTH
L54	S43°48'22"E	24.27
L55	S00°38'59"W	67.69

RDP APPROVAL

THIS RESIDENTIAL DRAINAGE PLAN HAS BEEN REVIEWED FOR GENERAL COMPLIANCE WITH THE DEVELOPMENT REGULATIONS OF BARTOW COUNTY, GEORGIA, AND IS APPROVED FOR ISSUANCE OF A BUILDING PERMIT FOR THE RESIDENTIAL STRUCTURE AND OTHER IMPROVEMENTS SHOWN HEREON. [NO FRAMING INSPECTION WILL BE APPROVED UNTIL A CERTIFICATION OF THE ELEVATION OF THE LOWEST FLOOR, AS-BUILT, PREPARED BY A REGISTERED LAND SURVEYOR OR PROFESSIONAL ENGINEER, HAS BEEN RECEIVED AND ACCEPTED BY THE ENGINEERING DEPARTMENT.] THIS APPROVAL IS GRANTED WITH THE PROVISION THAT A FINAL INSPECTION AND/OR CERTIFICATE OF OCCUPANCY SHALL NOT BE ISSUED FOR COMPLETION OF CONSTRUCTION UNTIL CONFORMANCE TO THIS RESIDENTIAL DRAINAGE PLAN HAS BEEN FIELD VERIFIED AND AS-BUILT CERTIFIED BY THE DESIGN PROFESSIONAL.

ENGINEERING DEPARTMENT _____ DATE _____

EROSION CONTROL LEGEND

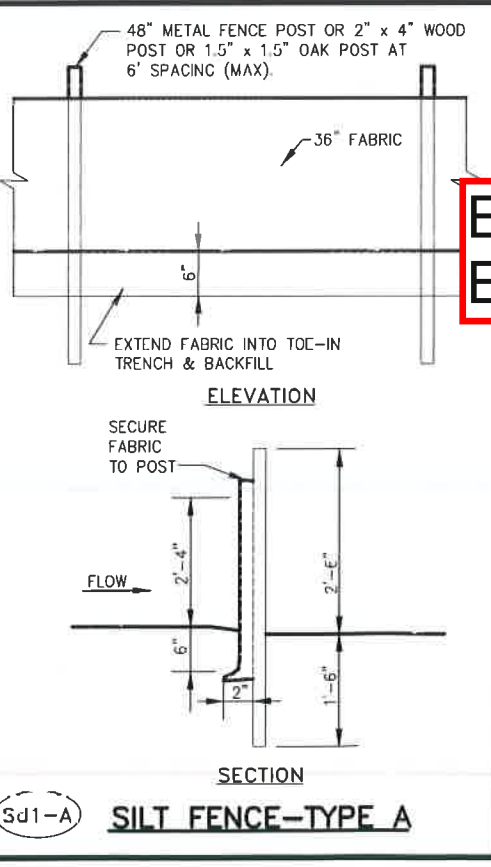
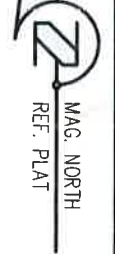
- Co CONSTRUCTION ENTRANCE/EXIT
- Sd1 SEDIMENT BARRIER
- LIMITS OF DISTURBANCE
- DS1 DISTURBED AREA STABILIZATION (WITH MULCHING ONLY)
- DS2 DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)
- DS3 DISTURBED AREA STABILIZATION (WITH PERMANENT VEGETATION)

NOTE: ALL EROSION CONTROL MEASURES AND SYMBOLS ARE REFERENCED FROM THE MANUAL FOR EROSION AND SEDIMENT CONTROL IN GEORGIA, LATEST EDITION.

(CONSTRUCTION EXIT IS TO BE 12 FEET x 20 FEET.)

EXISTING CONTOUR DATA PER DESIGN PLANS BY SOUTHLAND ENGINEERING.

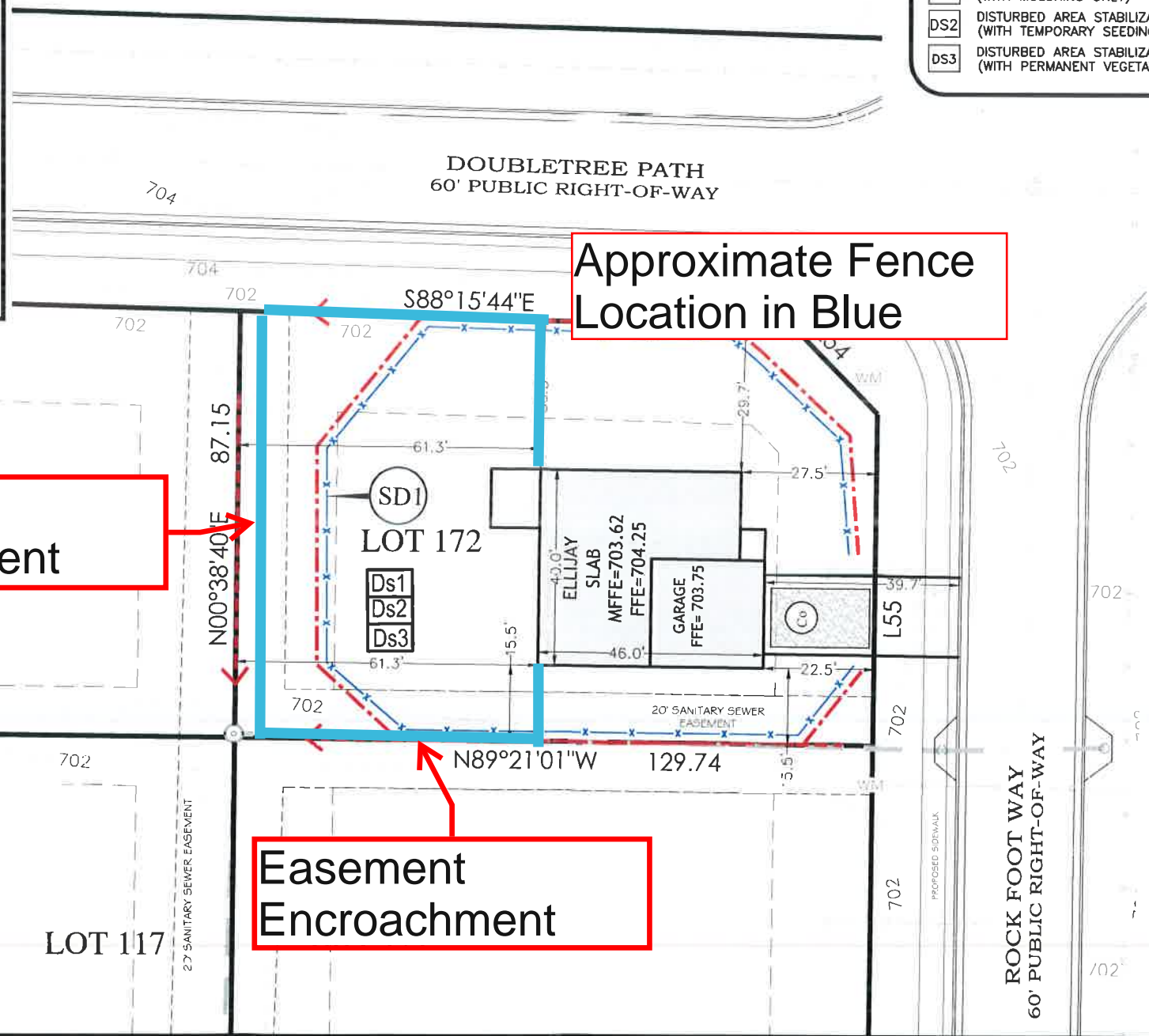
PROPOSED GRADES SHOWN ARE INTENDED TO GIVE A GENERAL GUIDELINE OF HOW TO MEET INTENDED DESIGN STANDARDS. CHANGES MAY BE NECESSARY DEPENDANT UPON ACTUAL LOT CONDITIONS.



Easement Encroachment

Easement Encroachment

Approximate Fence Location in Blue



SMITH DOUGLAS COMMUNITIES
MR. ERIC MULLINS
110 VILLAGE TRAIL
SUITE 215
WOODSTOCK, GEORGIA 30188
EMULLINS@SMITHDOUGLAS.COM



GSWCC LEVEL II
CDP #3417, EXP. 12/25



- CO = CLEAN OUT
- ICV = IRRIGATION VALVE
- IPF = IRON PIN FOUND
- IPP = IRON PIN PLACED
- OTP = OPEN TOP PIPE
- CTP = CRIMPED TOP
- R/W = RIGHT OF WAY
- CM = CONCRETE MONUMENT
- N/F = NOW OR FORMERLY
- SSE = SANIT. SEWER EASEMENT
- WM = WATER METER
- WV = WATER VALVE
- L.L. = LAND LOT
- L.L.L. = LAND LOT LINE
- PP = POWER POLE
- P- = POWER LINE
- X- = FENCE LINE
- CH. = CHORD
- A or L = ARC LENGTH
- DE = DRAINAGE EASEMENT

RESIDENTIAL DRAINAGE PLAN FOR:
SMITH DOUGLAS
LOT 172 JACKSON FARMS
L.L. 416, 4th DIST, 3rd SECT
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA



DATE: MAY 10, 2023 REV: JOB NO: 19088
DATE OF FIELDWORK: N/A

Dec 29, 2023 at 13:04:38
Doubletree Path
Cartersville GA 30120
United States

Fence is encroaching approximately 5' into easement.



Dec 29, 2023 at 13:05:00
Doubletree Path
Cartersville GA 30120
United States



Dec 29, 2023 at 13:06:27
75 Jackson Farm Rd
Cartersville GA 30120
United States

Fence is encroaching approximately 5' into easement.



Dec 29, 2023 at 13:07:10
13 Rock Foot Way
Cartersville GA 30120
United States

Fence is encroaching approximately 5' into easement.



Dec 29, 2023 at 13:09:03
Doubletree Path
Cartersville GA 30120
United States



Dec 11, 2023 at 14:52:50
13 Rock Foot Way
Cartersville GA 30120
United States



CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. V24-05
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30PM ON 1-11-2024
FOR ADDITIONAL INFORMATION CONTACT THE
DEPARTMENT OF PLANNING & DEVELOPMENT
AT 770-387-5600



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	January 11, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-06. 124 & 126 Lee St. (form. 38 Walker St) Applicant: David Munisteri
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to reduce the lot size for construction of two new homes.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
From: Randy Mannino/ David Hardegree
CC: Keith Lovell
Date: January 11, 2024.
Re: File # V24-06 **Reduce lot area on two lots for construction of two homes**

The applicant requested a variance to reduce the lot size of the two lots at the November 9th BZA meeting, V23-29. The Board only had (4) members in attendance. By ordinance, all (4) members needed to vote unanimously for an approval. The vote was split 3-1 in favor, so the variance request was denied.

Per Sec. 21.6.2 of the zoning Appeals section of the ordinance:

The concurring four (4) votes of members of the board shall be necessary to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter or to affect any variation of this chapter.

The applicant has chosen to reapply for the variance in search of a favorable outcome. There have been no changes to the original variance application or request.

Variance application by David Munisteri for property located at 124 and 126 Lee Street, formerly known as 38 Walker Street and zoned R-7 (Single Family Residential). Said properties contain approximately 0.13 acres each.

This variance request is to reduce the minimum lot size for each lot from 7,000sf to 5,695sf (Lot 1A, 124 Lee St) and 5,718sf (Lot 1B, 126 Lee St). Initially, the applicant was able to receive “Density Bonuses” to reduce the lot area if one of the following occurred per Ord. Sec. 6.5.3 (N):

1. *Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.*
2. *Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.*

3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.

The applicant chose to certify the homes as Earthcraft Homes in item 1. The cost for doing this was determined to be excessive, so the applicant is seeking relief through the variance process to reduce the lot size to construct the houses. All other zoning regulations can be met.

For reference, there are (4) lots along Lee St from Herring St to Walker St. that are under 5,000sf in area. These lots are on the same side of the street. Area measurements are approximate per QPublic:

- 41 Walker St: 4,412sf
- 128 Lee St: 4,519sf
- 132 Lee St: 4,359sf
- 134 Lee St: 3,300sf

Lots on the west side of Lee St from Herring St. to Knight St. are a min. 9,000sf in area.

This project was reviewed and approved by the HPC on 8/15/23 per COP23-17. This approval was before the Earthcraft certification costs were known.

The variance request is for the following:

- 1. To reduce the min. lot size from 7,000sf to 5,695sf for Lot 1A, 124 Lee St; and
- 2. To reduce the min. lot size from 7,000sf to 5,718sf for Lot 1B, 126 Lee St.

Department Comments Received

Electric Department: Takes no exception

Fibercom: No comment

Fire Department: Takes no exception

Gas Department: Takes no exception

Public Works Department: No comments received

Water Department: Takes no exception

Public Comments Received by Staff

As of 1-4-23, no calls or comments have been received.

October/ November 2023: Several calls and walk-in inquiries were received. No details were recorded on the comments. Most were general inquiries.

Justification:

Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).

See attached R-7 Zoning District Standards.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:

1. The property is exceptionally narrow, shallow or unusually shaped;
2. The property contains exceptional topographic conditions;
3. The property contains other extraordinary or exceptional conditions; or
4. There are existing other extraordinary or exceptional circumstances; and

B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and

C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

Variance decisions shall be issued in writing within ten (10) business days of the hearing.

21.3.4.

Conditions. In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for residential and used for that purpose.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. A variance approval would allow the property owner to construct houses on two vacant lots.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties. Adjacent properties are under 5,000sf in lot area.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.

10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

There are no known conditions.

6.5.1. *R-7 district scope and intent.* Regulations set forth in this section are the R-7 district regulations. The R-7 district encompasses lands devoted to higher density residential areas downtown, cluster developments adjacent to downtown, and closely related uses as further described in section 3.1.6 of this chapter.

6.5.2. *Use regulations.* Within the R-7 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).*
- Accessory buildings or uses.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).*
- Clubs or lodges (noncommercial) (SU).*
- College and universities.
- Day care facilities (SU).*
- Family day care.
- Group homes (SU).*
- Guest house.
- Home occupations.
- Nursing home facilities (SU).*
- Parks, private.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Retirement centers (SU).*
- Schools, private (SU).*
- Single-family detached dwellings.

* Special use approval required.

6.5.3. *Development standards.*

A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-

half (2½) stories, whichever is higher.

- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Eight (8) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Seven thousand (7,000) square feet.
- F. *Minimum lot width at building line on noncul-de-sac lots:* Sixty (60) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* Nine hundred (900) square feet.
- I. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-7 district.
- J. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- K. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- L. *Minimum open space requirements.* Proposed developments consisting of more than five (5) acres shall reserve a minimum of twenty (20) percent of the gross acreage of the site as open space with common areas provided.
- M. *Accessory use, building, and structure requirements.* See [section 4.9](#) of this chapter.
- N. *Optional density bonus.* Proposed developments may contain lots with minimum areas of five thousand (5,000) square feet if one (1) of the following items is met:
 - 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
 - 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
 - 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- O. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:

1. No more than one (1) guest house structure per lot.
2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
5. A guest house structure shall comply with the principal setbacks of the district.
6. A guest house shall not be allowed in the front yard.
7. A guest house shall not exceed the height of the principal building on the lot.
8. Requires owner-occupancy of the principal building on the lot.

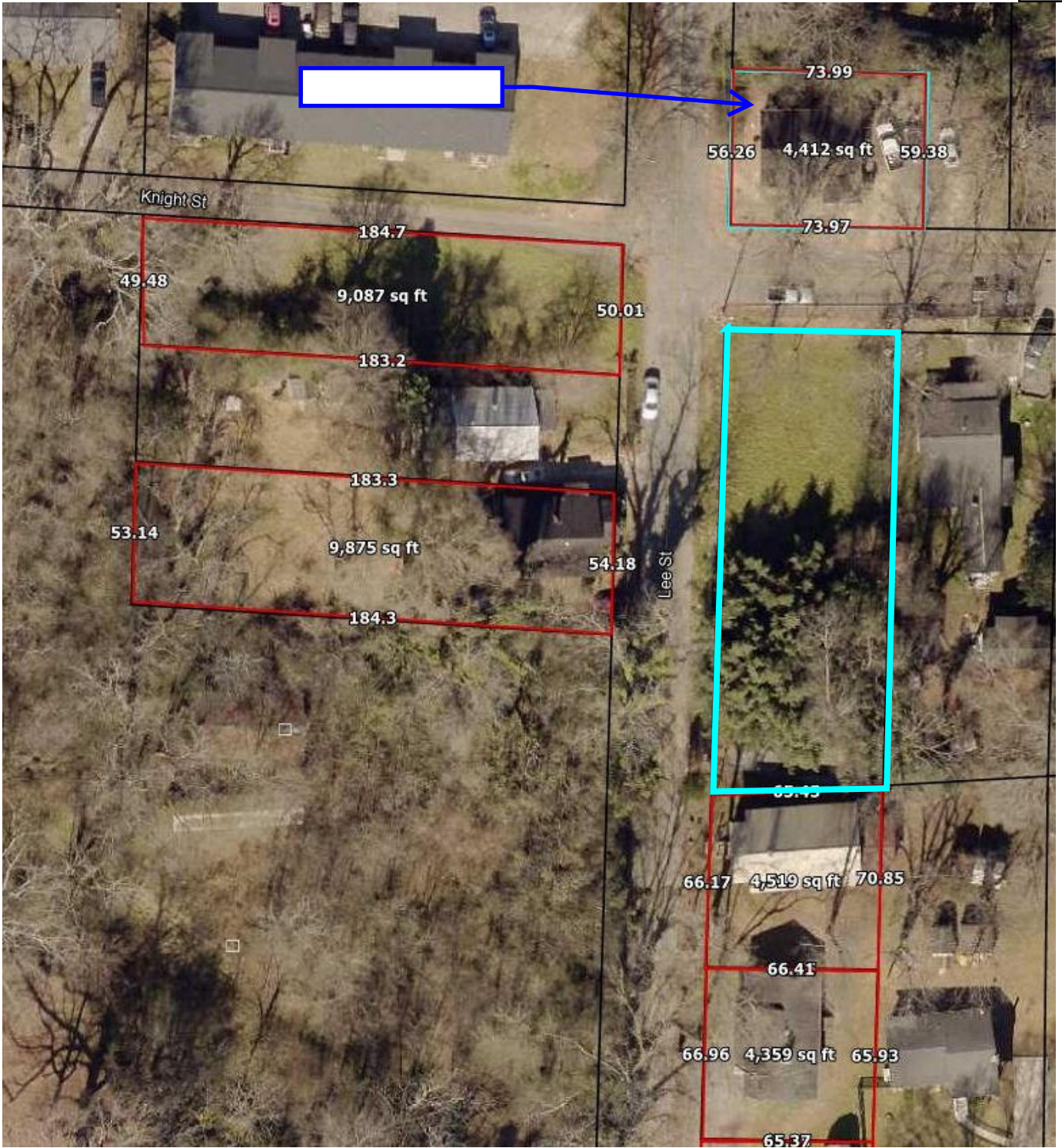
6.5.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-7 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

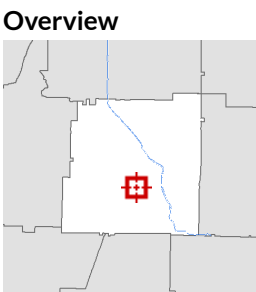
(Ord. No. 01-13, § 3, 1-3-13)



The bottom right corner of the map features the official logo of the City of Cartersville, which includes the text "City of Cartersville" and the slogan "Be Charmed • Be Prosperous • Be Strong". To the right of the logo is a north arrow. Below the logo is a scale bar marked in feet, with increments at 0, 25, 50, and 75. The number 107 is printed at the end of the scale bar.







Legend
 □ Parcels
 — Roads

Parcel ID	C016-0001-015	Alternate ID	33912	Owner Address	CONSCIENCE BAY LLC
Sec/Twp/Rng	n/a	Class	Residential		PO BOX 34
Property Address	38 WALKER ST	Acreage	0.27		EMERSON, GA 30137
District	Cartersville				
Brief Tax Description	LL525 D4				

(Note: Not to be used on legal documents)

Date created: 9/28/2023
 Last Data Uploaded: 9/27/2023 9:04:00 PM

Developed by Schneider
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

1-11-24

V24-06

Hearing Date: 11/17/23 5:30pm


Application Number: V23-29

Date Received: 9-25-23 11-19-23

Applicant David Munisteri Office Phone 404-569-5039
(printed name)
 Address PO Box 34 Mobile/ Other Phone _____
 City Emerson State Ga Zip 30137 Email damunisteri@gmail.com
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature _____
 Signed, sealed and delivered in presence of _____ My commission expires: 11/29/26
 Notary Public _____



* Titleholder Conscience Bay Phone 404-569-5039
(titleholder's printed name)
 Address PO Box 34 Emerson Ga 30122 Email damunisteri@gmail.com
 Signature _____
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public _____



Present Zoning District Residential Parcel ID No. C016-0001-015
 Acreage 0.27 Land Lot(s) 525 D4 District(s) 4 Section(s) 3
 Location of Property: 38 Walker St. Cartersville Ga 30120 (124526)
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: _____
 Summary Description of Variance Request: Split the lot into 2
REDUCE Lot Area (6.5.3 E) All other Requirements met.
(Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article V1 Section 6.5.3 Subsection E min lot area
 Article _____ Section _____ Subsection min. 7000sf
 Article _____ Section _____ Subsection proposed 5695 & 5718 st.

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

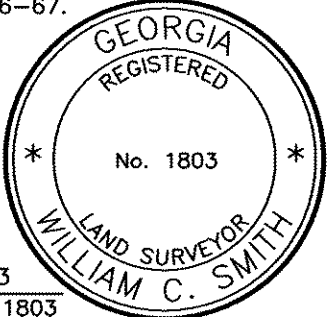
1. _____ The property is exceptionally narrow, shallow or unusually shaped,
2. _____ The property contains exceptional topographic conditions,
3. _____ The property contains other extraordinary or exceptional conditions; and
4. _____ There are other existing extraordinary or exceptional circumstances; and
5. The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: Affordable housing is planned to be constructed on this lot, prior plans would have include excess cost and bring not value to the home. This excess cost would result in higher rent and defeat the purpose of the project. Our goal is to provide nice energy eff. affordable housing.

SPACE FOR CLERK OF SUPERIOR COURT
 2670507172
 PARTICIPANT ID
BK:2023 PG:364-364
P2023000317
 FILED IN OFFICE
 CLERK OF COURT
 09/13/2023 03:34 PM
 MELBA SCOGGINS, CLERK
 SUPERIOR COURT
 BARTOW COUNTY, GA

Melba Scoggins

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which create the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.



William C. Smith
 DATE: 9-07-2023
 WILLIAM C SMITH: GEORGIA REGISTERED LAND SURVEYOR No. 1803
 DATE OF LAST FIELD SURVEY WORK: 11-30-2022

LOT DIVISION SURVEY FOR
CONSCIENCE BAY LLC
 LOT 1, BLOCK 1, RUCKMAN SURVEY
 IN THE CITY OF CARTERSVILLE
 IN LAND LOT 525
 4th DISTRICT, 3rd SECTION
 BARTOW COUNTY, GEORGIA
 LOT 1 TOTAL AREA = 0.262 ACRE

OWNER'S CERTIFICATE

The owner of the land shown on this plat and whose name is subscribed hereto, in person or through a duly authorized agent, certifies that this plat was made from an actual survey, that all state, city and county taxes or other assessments now due on this land have been paid, that all streets, water systems, drains and drainage easements, and public places shown are dedicated to the use of the public forever.

Owner _____ Date _____

SURVEYOR'S CERTIFICATE

It is hereby certified that this plat is true and correct and was prepared from an actual survey of the property by me or under my supervision, that all monuments shown hereon actually exist and their location, size, type and material are correctly shown, and that all requirements of the development and zoning regulations have been fully complied with.

William C. Smith 9-07-2023
 Surveyor Date

CITY OF CARTERSVILLE CERTIFICATE:

In accordance to the City of Cartersville Development Regulations and the City's Zoning Ordinance, all requirements of approval having been fulfilled, this plat was given final approval by the following City personnel on behalf of the City of Cartersville:

Daryl Hordley 9-12-23
 Zoning Administrator Date

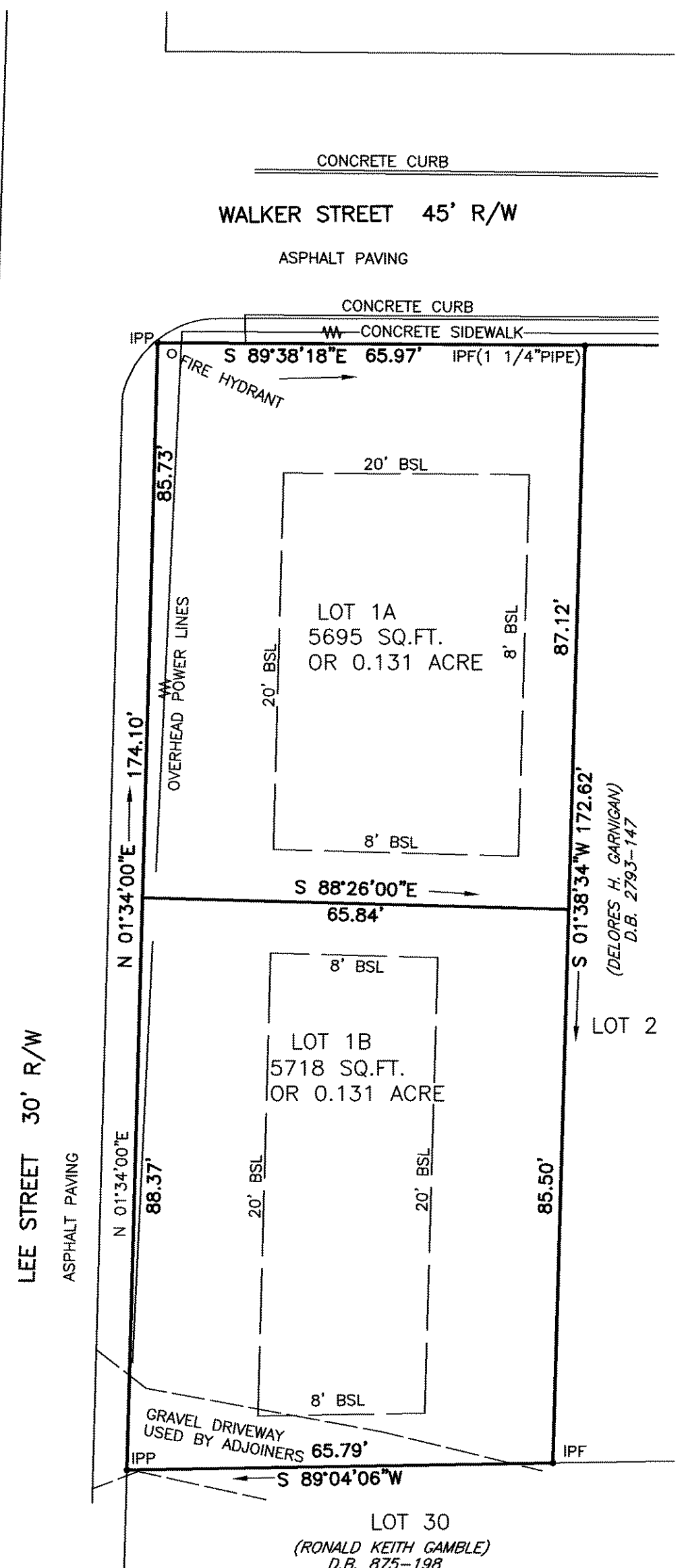
- NOTES: 1. THIS PROPERTY IS ZONED R-7.
 2. THESE LOTS ARE ALLOWED TO BE A MINIMUM OF 5000 SQ. FT. DUE TO OWNER/DEVELOPER SUBMITTING AN AFFIDAVIT CERTIFYING THAT ALL UNITS WILL MEET CERTIFICATION STANDARDS OF THE EARTHCRAFT HOUSE CERTIFICATION PROGRAM OR WILL BE LEED CERTIFIED HOMES PER CITY OF CARTERSVILLE ORDINANCE 6.5.3 (N)(1).

GEORGIA ZONE WEST
 GRID NORTH

FIELD TRAVERSE:
 CLOSURE; ONE FOOT IN 20,000 FEET USING A LIETZ SET 3.
 ANGULAR ERROR; 0'00'06"PER ANGLE POINT USING A LIETZ SET 3.
 ADJUSTED; USING THE COMPASS RULE.

SMITH & SMITH LAND SURVEYORS, P.C.
 LAND SURVEYOR FIRM No. LSF1000133
 2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
 PHONE 770-382-0457
 REGISTERED LAND SURVEYOR No. 1803

R/W — RIGHT OF WAY	R — RADIUS LP— LIGHT POLE
IPP — IRON PIN PLACED	- X - X — FENCE
IPF — IRON PIN FOUND	— — — — LAND LOT LINE
CM — CONCRETE MARKER	⊙ — CENTER LINE
CH — CHORD	— W — POWER LINE
L OR A — LENGTH OF CURVE	PP — POWER POLE

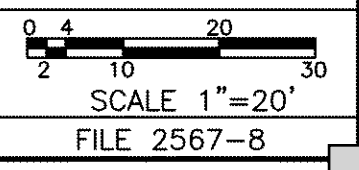


2567SP.CRD 2567-8.DWG
 FLOOD INSURANCE RATE MAP 13015C00266 H
 DATED 10-05-2018 SHOWS THIS PROPERTY IS NOT IN THE 100 YEAR FLOOD ZONE.

NOTE: IRON PINS ARE (1/2"RE-BAR) EXCEPT AS SHOWN.

PLAT CLOSURE;
 ONE FOOT IN
 341,000 FEET.

NOVEMBER 30, 2022
 REVISED 9-07-2023



GENERAL NOTES

- IT IS THE CONTRACTOR'S RESPONSIBILITY TO COMPLY WITH ALL APPLICABLE CODES (INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO FAMILY DWELLINGS WITH THE GEORGIA STATE AMENDMENTS). BUILDER/CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLIANCE WITH CITY, COUNTY, STATE AND FEDERAL CODES IN THE AREA THE HOUSE IS TO BE CONSTRUCTED.
- CONTRACTOR IS SOLELY RESPONSIBLE FOR THE CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES, OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
- BUILDER TO VERIFY ALL EXISTING SITE CONDITIONS AND EXISTING BUILT DIMENSIONS PRIOR TO CONSTRUCTION. NOTIFY THE DESIGNER OF ANY DISCREPANCIES, ERRORS OR OMISSIONS PRIOR TO EXECUTING CONSTRUCTION. BUILDER/ CONTRACTOR/ OWNER SHALL ASSUME RESPONSIBILITY FOR ERRORS THAT ARE NOT REPORTED.
- VERTICAL DIMENSIONS FOR NEW CONSTRUCTION ARE TAKEN FROM TOP OF FINISHED FLOOR TO TOP OF PLATE.
- ALL DIMENSIONS SHOULD BE READ OR CALCULATED. DO NOT SCALE DRAWINGS.
- ALL FRAMING DIMENSIONS TO FACE OF STUD UNLESS NOTED OTHERWISE.
- ALL ANGLED WALLS ARE 45 DEGREES UNLESS NOTED OTHERWISE.
- ENGINEERING DRAWINGS & SPECIFICATIONS ARE NOT PART OF THESE CONSTRUCTION DRAWINGS. BUILDER IS RESPONSIBLE FOR OBTAINING ALL ENGINEERED (CIVIL, STRUCTURAL, MECHANICAL, PLUMBING, ELECTRICAL) WORK REQUIRED FOR CONSTRUCTION.
- ALL DETAILS AND SPECIFICATION (FRAMING MEMBERS, FOUNDATION DESIGN, REINFORCEMENT, CONNECTION) SHOWN ARE DIAGRAMMATIC, AND FOR DESIGN INTENT ONLY. COORDINATE WITH BUILDER/CONTRACTOR/ PROJECT MANAGER FOR OBTAINING ALL ENGINEERED WORK REQUIRED FOR CONSTRUCTION. DESIGNER ASSUMES NO LIABILITY FOR ERRORS AND OMISSIONS OF STRUCTURAL MEMBERS, CONNECTIONS AND FASTENERS REQUIRED IN THE CONSTRUCTION OF THE PROJECT. STRUCTURAL DESIGN (FRAMING, FOUNDATION, REINFORCEMENT, CONNECTION, ETC) IS NOT PART OF THIS SCOPE
- ALL LOAD BEARING WALLS, BEAM SUPPORTS AND RAFTER BRACING SHOULD CARRY LOAD THRU ALL LEVELS TO FOUNDATION AND BE SUPPORTED BY GRADE BEAMS OR FOOTINGS DESIGNED TO CARRY LOAD.
- ALL INTERIOR AND EXTERIOR DOORS ARE TO BE 6'-8" TALL UNLESS NOTED OTHERWISE

BUILDING CODES

ALL CONSTRUCTION TO COMPLY WITH ALL LOCAL CODES AND ORDINANCES CURRENTLY IN USE WITH THE LOCAL JURISDICTION.

- INTERNATIONAL BUILDING CODE (IBC), 2018 EDITION, WITH 2020 GEORGIA STATE AMENDMENTS
- INTERNATIONAL RESIDENTIAL CODE (IRC), 2018 EDITION, WITH 2020 GEORGIA STATE AMENDMENTS
- INTERNATIONAL FIRE CODE, 2018 EDITION, WITH GEORGIA STATE AMENDMENTS
- INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH 2020 GEORGIA STATE AMENDMENTS
- INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH 2015 GEORGIA STATE AMENDMENTS
- INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH 2014 & 2015 GEORGIA STATES AMENDMENTS
- NATIONAL ELECTRICAL CODE, 2018 EDITION, WITH NO GEORGIA STATE AMENDMENTS (EFFECTIVE 1/1/2018)
- INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH 2020 GEORGIA STATE AMENDMENTS
- INTERNATIONAL SWIMMING POOL AND SPA CODE, 2018 EDITION, WITH 2020 GEORGIA STATE AMENDMENTS
- 2018 NFPA 101 - LIFE SAFETY CODE WITH STATE AMENDMENTS



38 WALKER STREET

SQUARE FOOTAGE

FIRST FLOOR	787 SQ. FT.
SECOND FLOOR	716 SQ. FT.
TOTAL:	1503 SQ. FT.
GARAGE	216 SQ. FT.

ALL WORK SHALL COMPLY WITH THE FOLLOWING CODES:

- ? INTERNATIONAL BUILDING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- ? INTERNATIONAL RESIDENTIAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- ? INTERNATIONAL FIRE CODE, 2018 EDITION (NO GEORGIA AMENDMENTS)
- ? INTERNATIONAL PLUMBING CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- ? INTERNATIONAL MECHANICAL CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- ? INTERNATIONAL FUEL GAS CODE, 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)
- ? NATIONAL ELECTRICAL CODE, 2020 EDITION (NO GEORGIA AMENDMENTS)
- ? INTERNATIONAL ENERGY CONSERVATION CODE, 2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS (2020)

SHEET INDEX

SHEET	SHEET CONTENT
A-0	COVER SHEET
A-1	FRONT AND REAR ELEVATIONS
A-2	LEFT AND RIGHT ELEVATIONS
A-3	SLAB AND FIRST FLOOR PLANS
A-4	SECOND FLOOR AND ROOF PLANS
A-5	FURNITURE PLANS
D-1	DETAILS / SECTOIN



FRONT ELEVATION

SCALE : 1/8" = 1'-0"



REAR ELEVATION

SCALE : 1/8" = 1'-0"

Conscience Bay, LLC

P.O. Box 34
 Emerson, Ga. 30137
 404-569-5039
 David Munisteri

PROJECT:
38 WALKER STREET

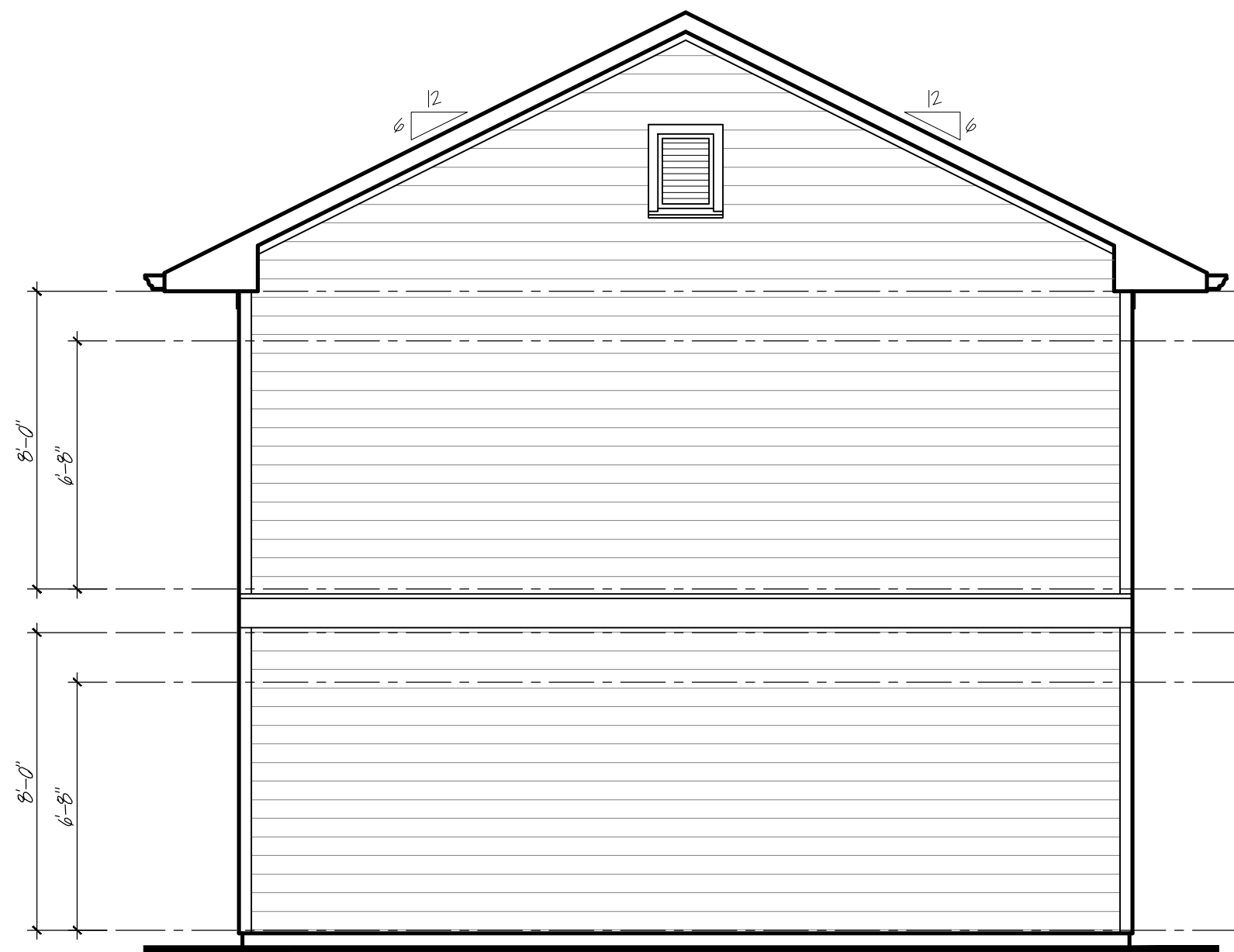
COPYRIGHT 2023

project no.	
drawn by	B.B
checked by	--
date	07/27/23
revised	
revised	

sheet title

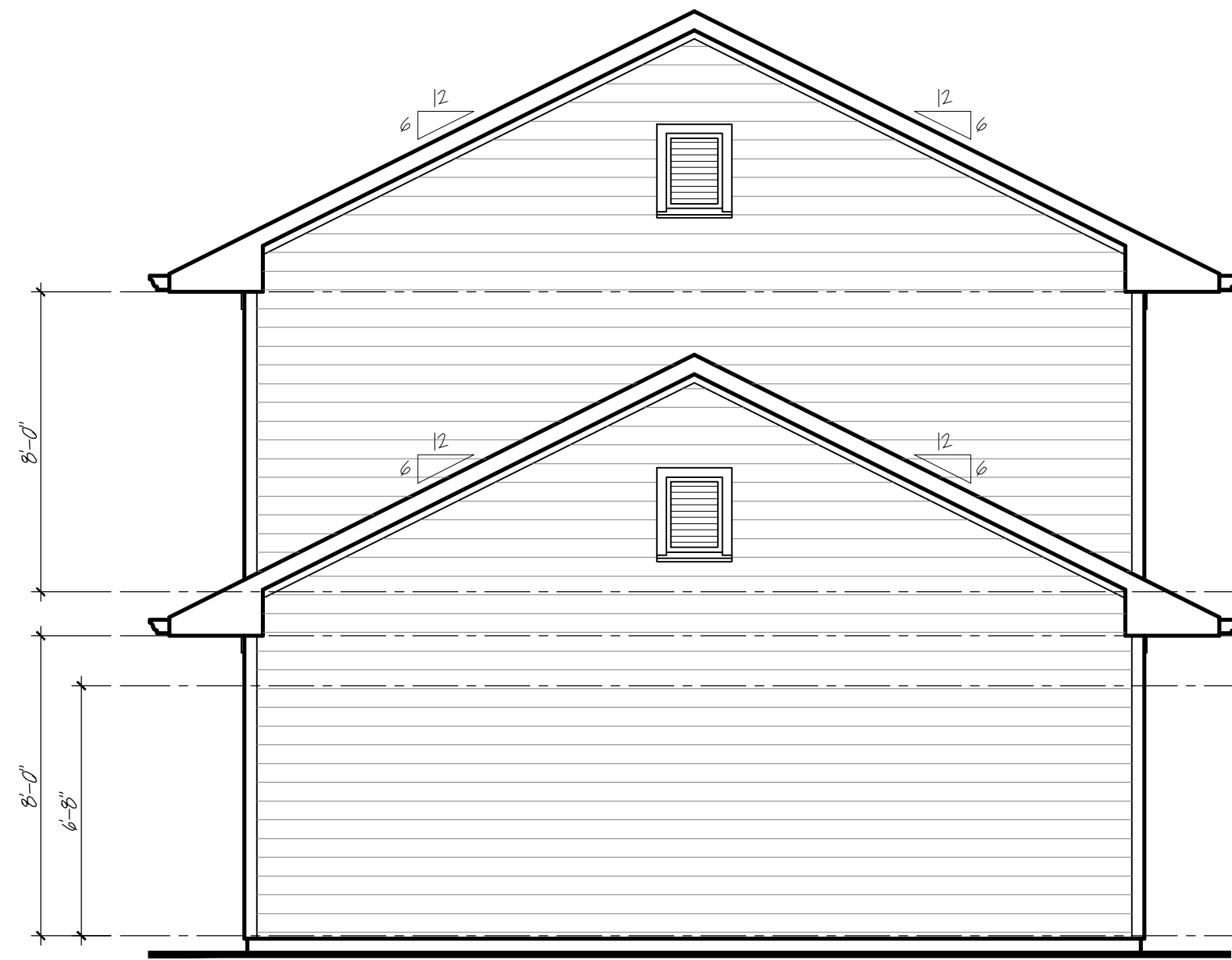
sheet no.

A-1



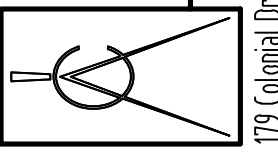
RIGHT ELEVATION

SCALE : 1/8" = 1'-0"



LEFT ELEVATION

SCALE : 1/8" = 1'-0"



Cadd
assistance corp.
DESIGN & DRAFTING
179 Colonial Drive, Woodstock, Ga. 30189 (678) 445-2631

Conscience Bay, LLC
PO Box 34
Emerson, Ga. 30137
404-569-5039
David Munisteri

PROJECT:
38 WALKER STREET

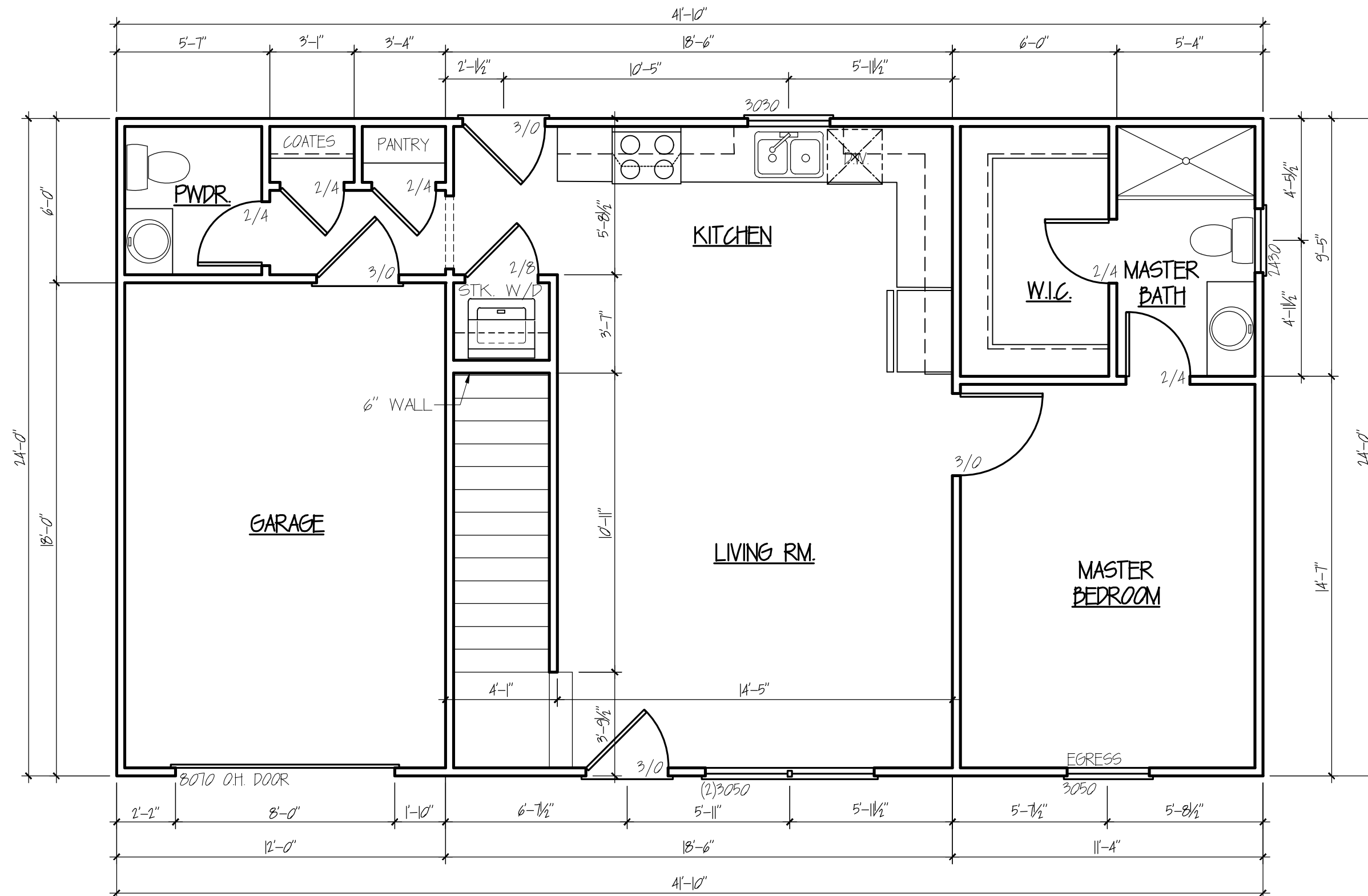
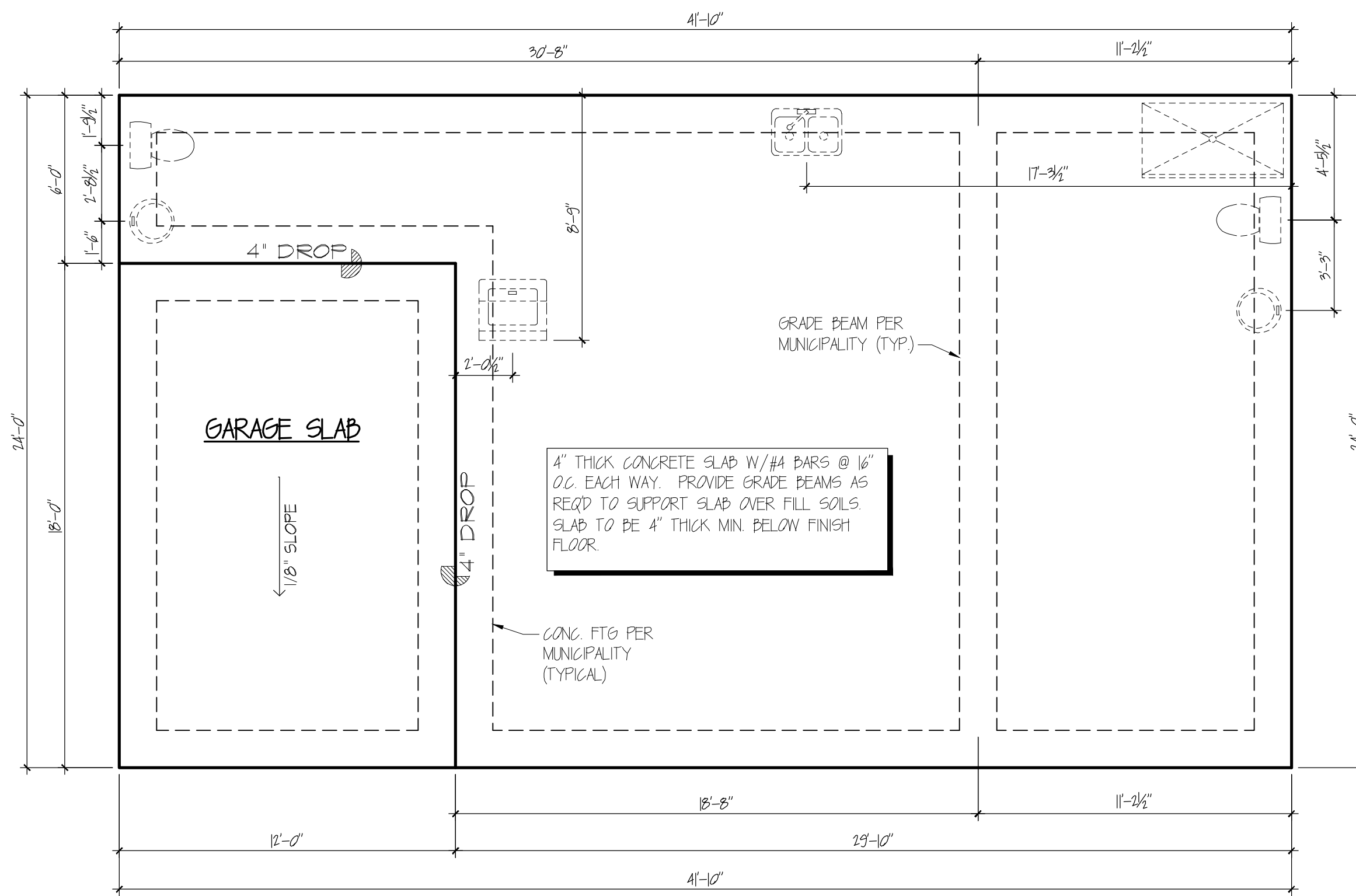
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project no.	
drawn by	B.B
checked by	--
date	07/27/23
revised	
revised	

sheet title

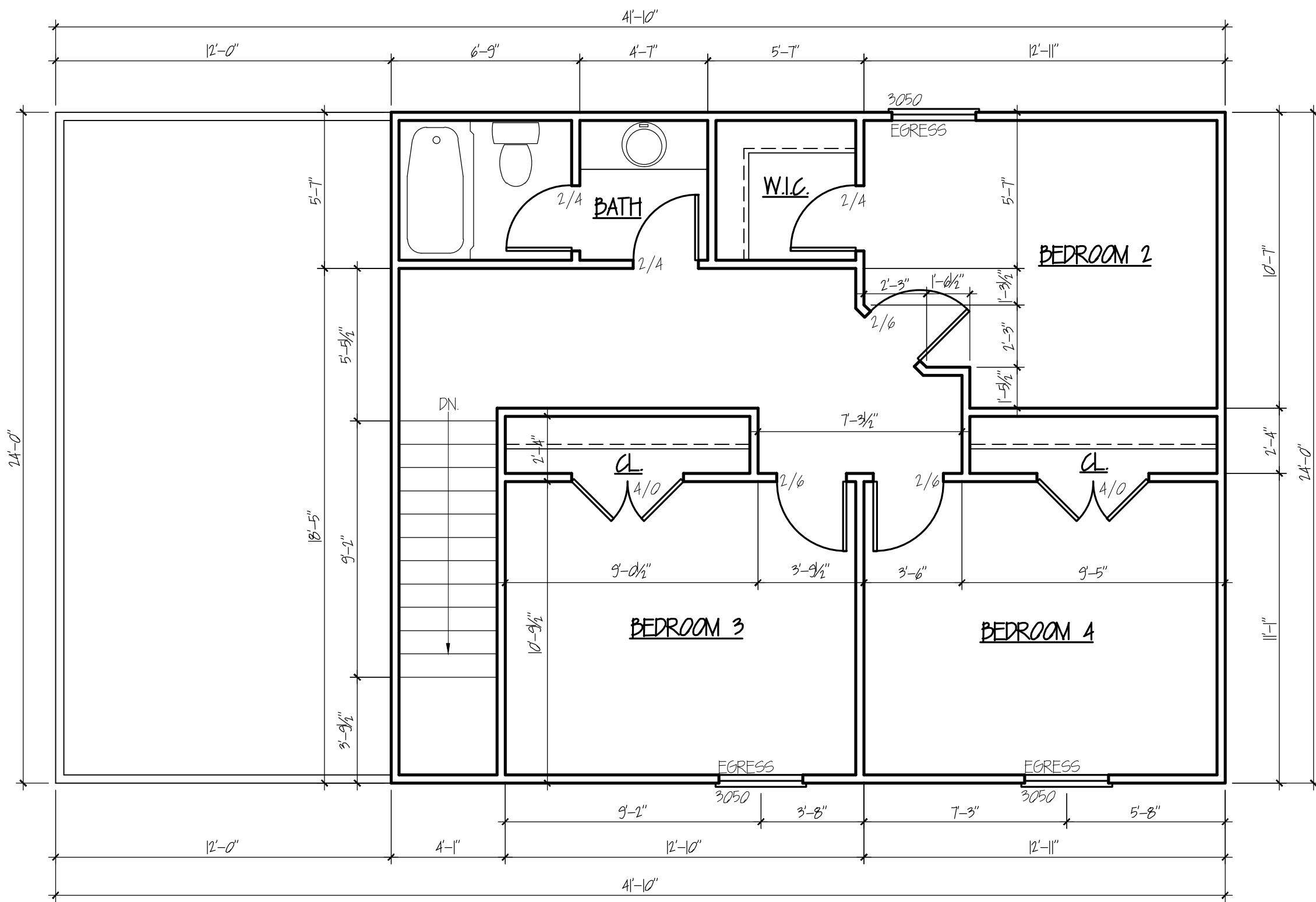
sheet no.

A-2



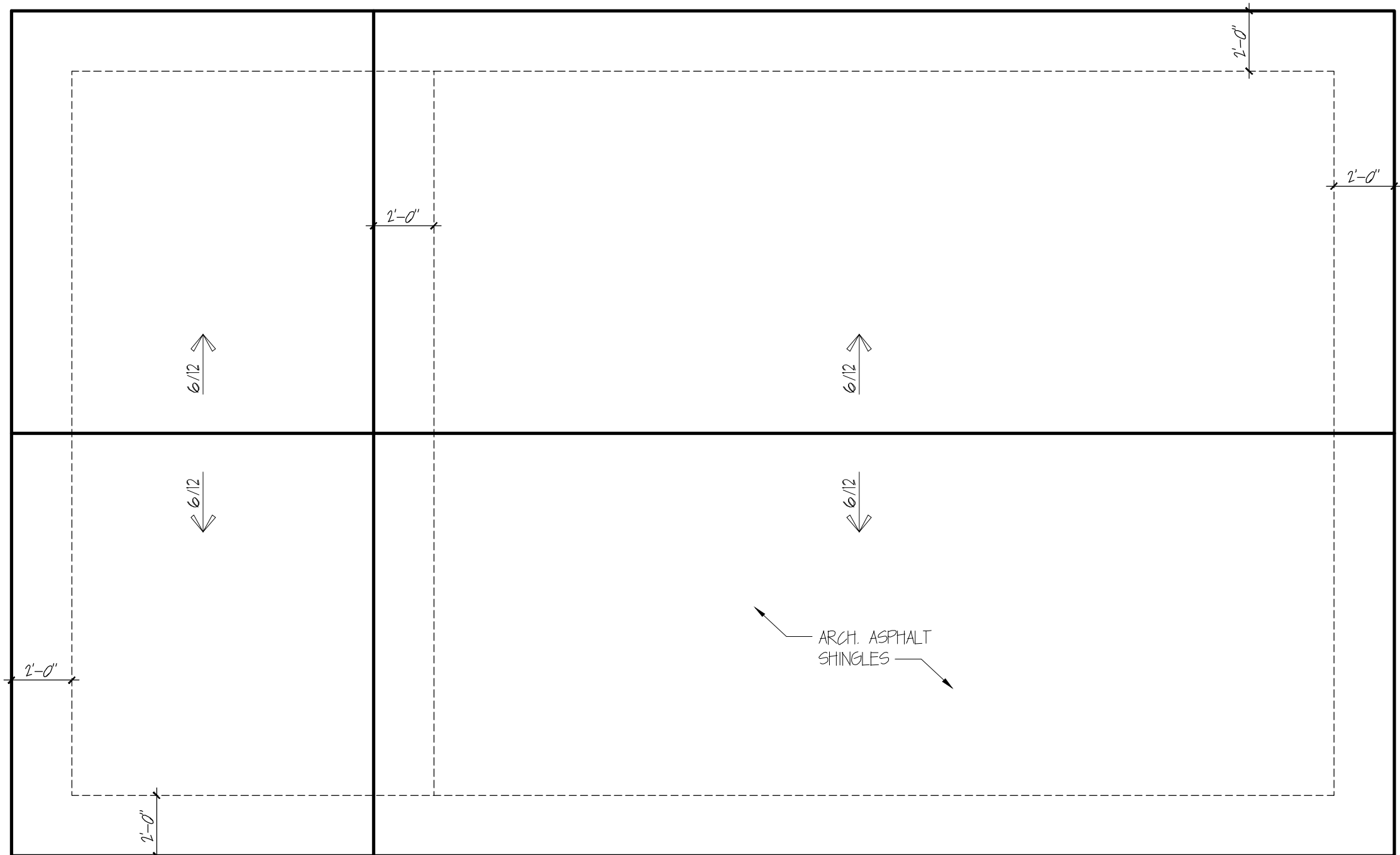
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project no.	
drawn by	B.B.
checked by	--
date	07/27/23
revised	
revised	



2ND FLOOR PLAN

SCALE : 1/8" = 1'-0"



ROOF PLAN

SCALE : 1/8" = 1'-0"

Item 8.

Cadd assistance corp.
DESIGN & DRAFTING
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David Munisteri

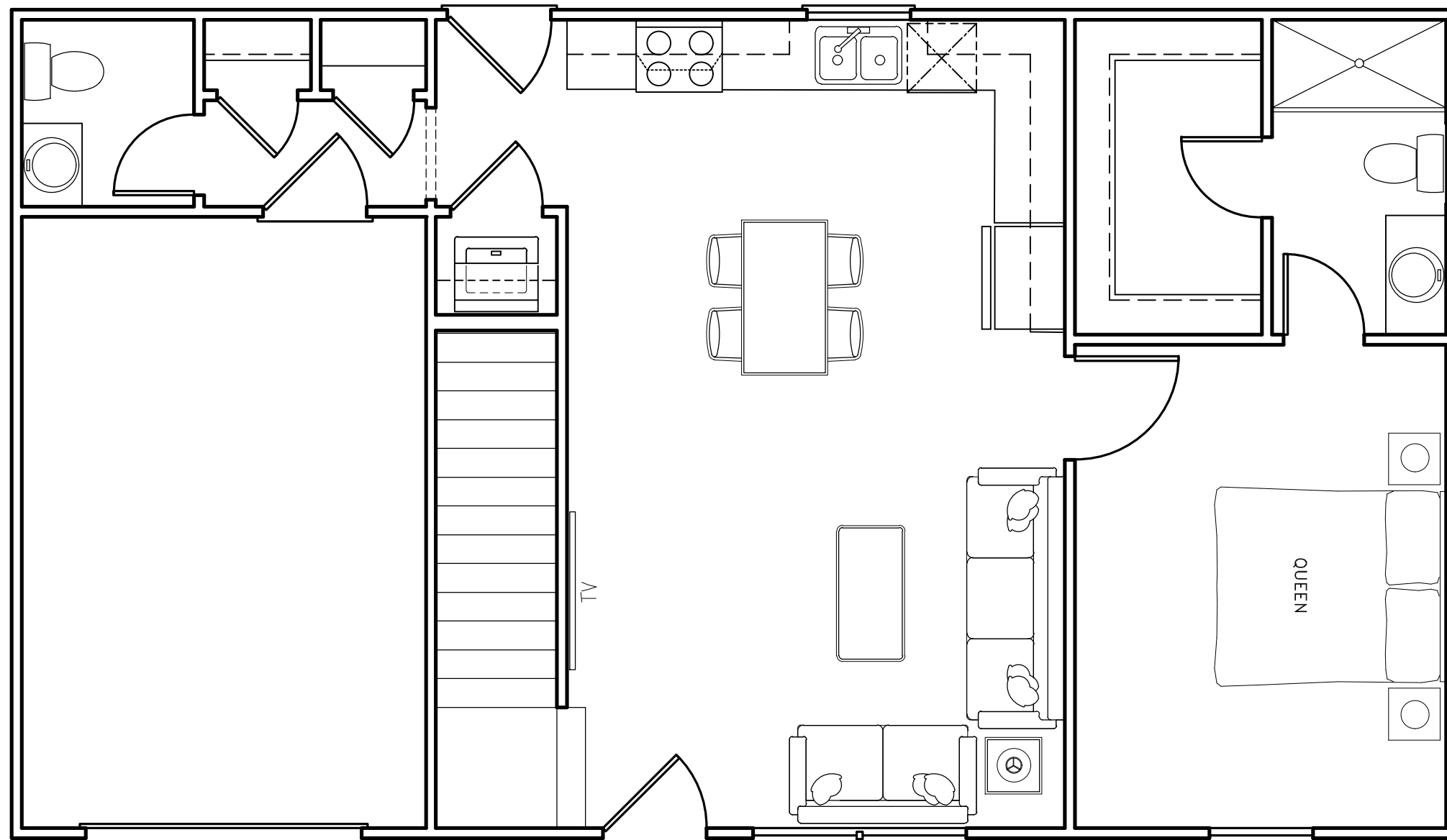
PROJECT:
38 WALKER STREET

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project no.	
drawn by	B.B
checked by	--
date	07/27/23
revised	
revised	

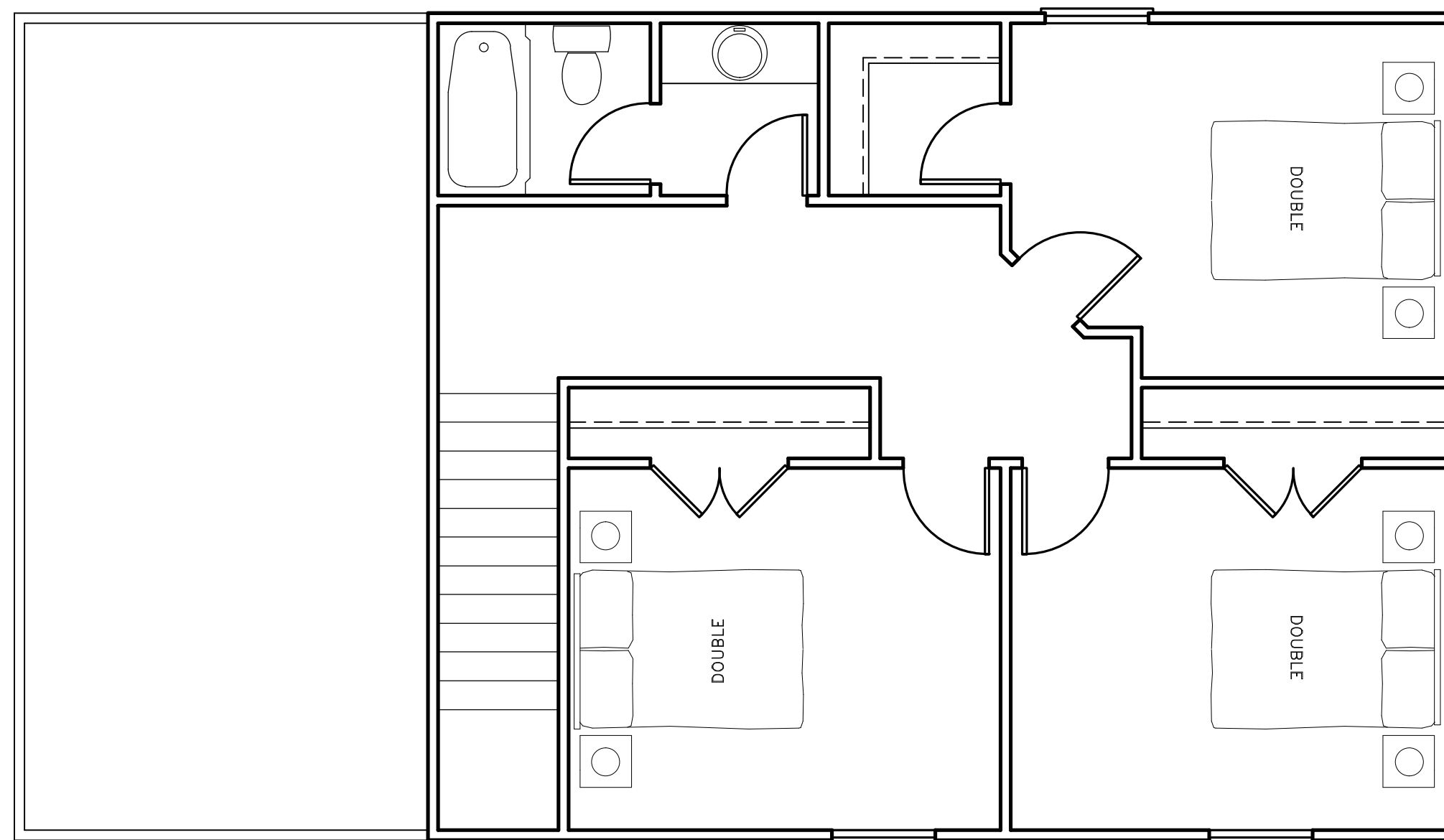
sheet title

sheet no.
A-4



1ST FLOOR FURNITURE PLAN

SCALE : 1/8" = 1'-0"

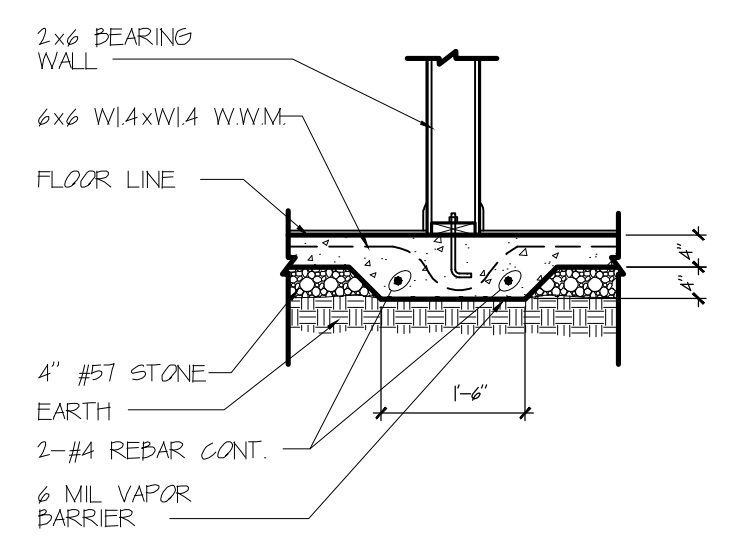


2ND FLOOR FURNITURE PLAN

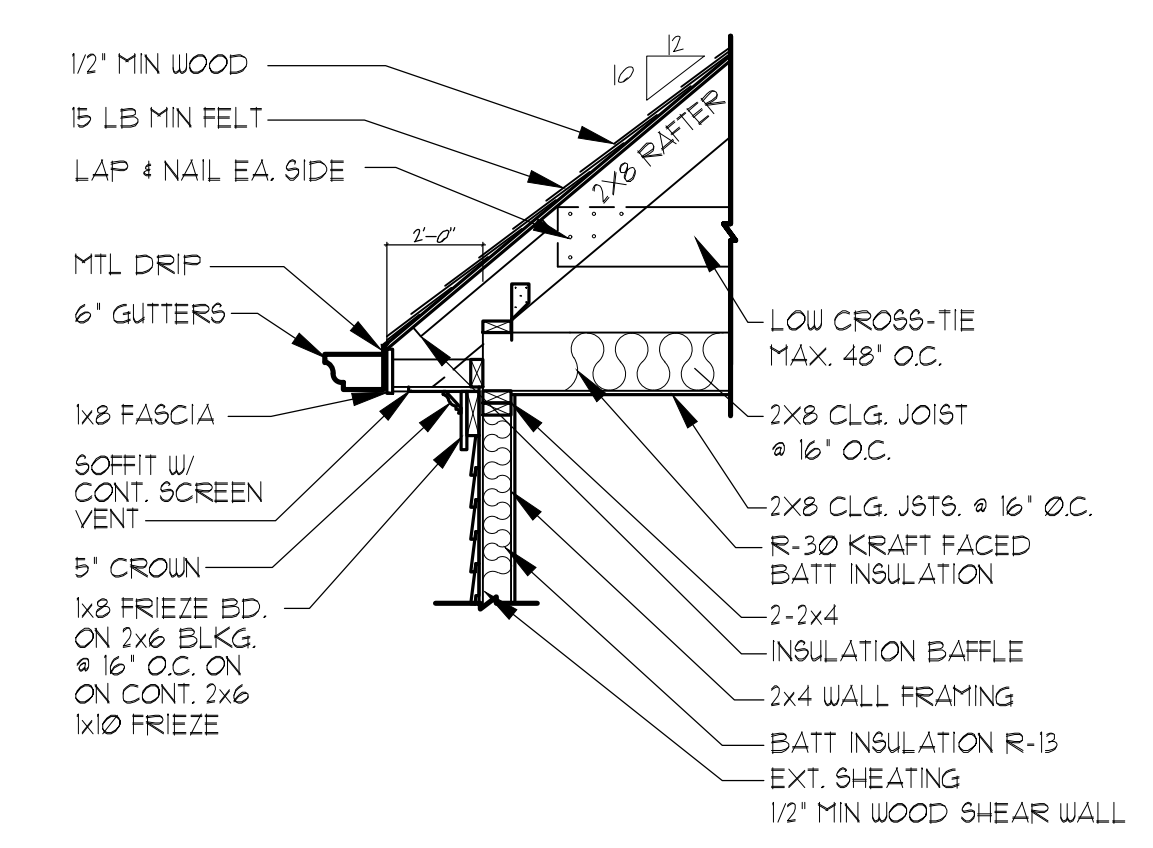
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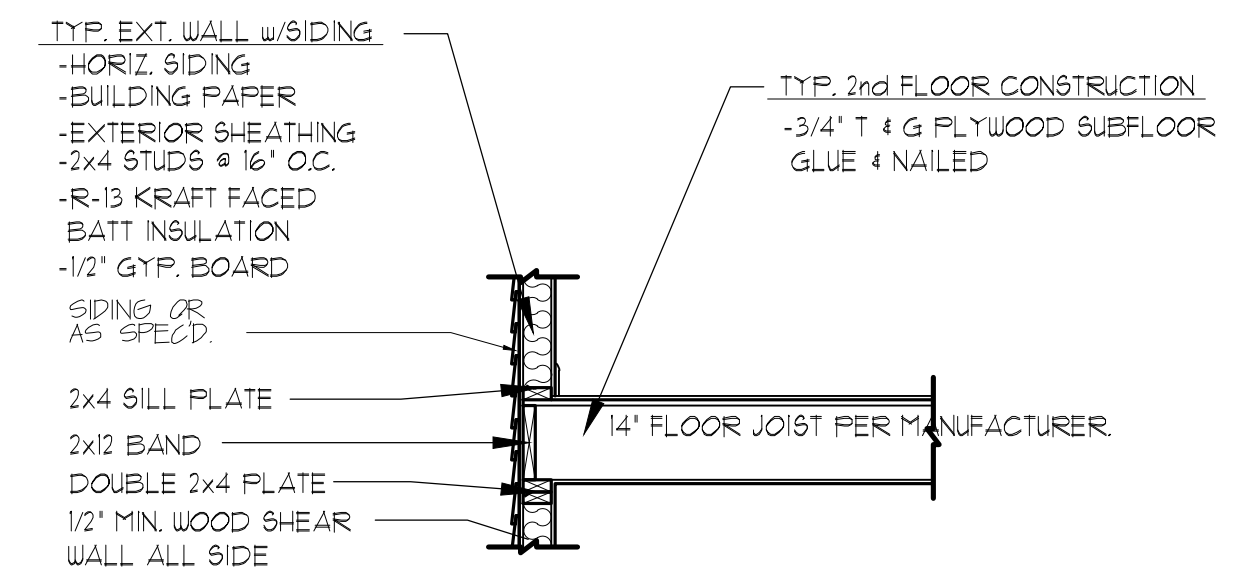
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drawn by	B.B
checked by	--
date	07/27/23
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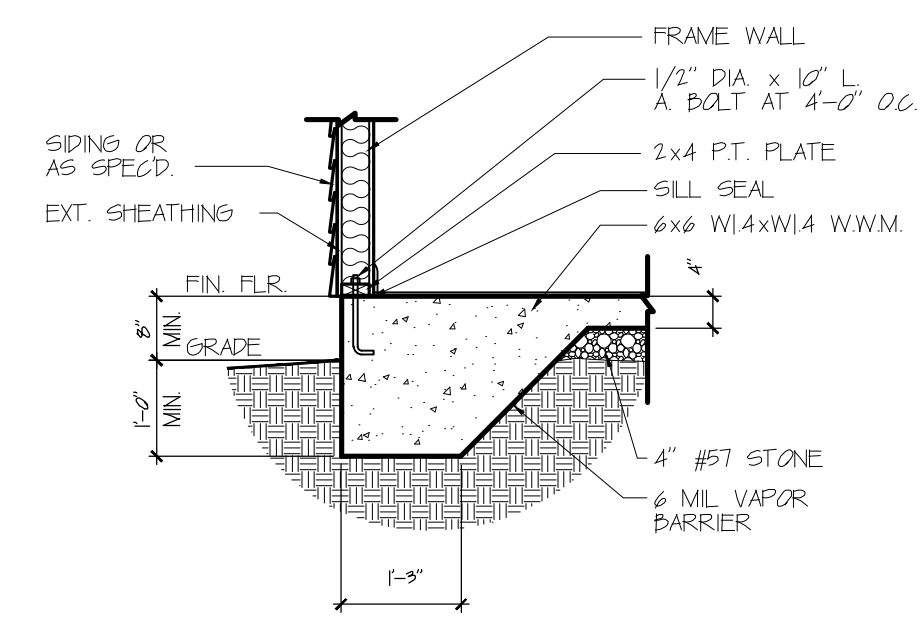
THICKENED SLAB / GRADE BEAM
 SCALE : 1/2" = 1'-0"



TYP. EAVE DETAIL
 SCALE : 1/2" = 1'-0"



FLR. / CLG. FRAMING DETAIL
 SCALE : 1/2" = 1'-0"



TURN DOWN SLAB
 SCALE : 1/2" = 1'-0"





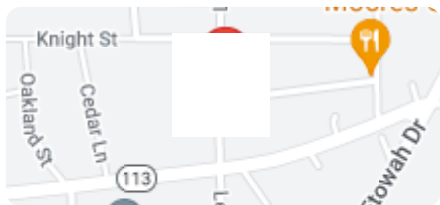




Cartersville, Georgia
Google Street View
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