



CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Thursday, April 13, 2023 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

ASSISTANT CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. March 9, 2023

OLD BUSINESS

2. V22-23 REV2. 21 & 23 Ashwood Drive. Applicant: Kerley Family Homes (TABLED)

VARIANCE CASES

3. V23-05. 215 Leake St. Applicant: Katherine Quick
4. V23-06. 111 Remington Dr. Applicant: Melissa Stringer
5. V23-07. 329 Brown Farm Rd. Applicant: Kyle Hoyt, PE. (Rep.)
6. V23-08. 10 Charley Harper Dr. Applicant: Village Hill Eckstein, LLC

STAFF OR COMMITTEE COMMENTS

OTHER

The next meeting of the Board of Zoning Appeals will be May 11th. 5:30PM.

OTHER

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:	April 13, 2023
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	March 9, 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**

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on March 9, 2023, in the Council Chambers.

ROLL CALL

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

APPROVAL OF MINUTES

1. Approval of Minutes: February 9, 2023

Board Member Hudson made a motion to approve the February 9, 2023, Minutes. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

VARIANCE CASES

2. V23-03: 6 Woodland Dr.

Applicant: Jonathan Pressley

Variance:

- *To allow a pool (accessory structure) in the Woodview Drive front yard (Sec. 4.9)*
- *To allow a pool cabana (accessory structure) in the Woodview Drive and Pine Street front yards (Sec. 4.9)*
- *To allow a detached carport (accessory structure) in the Woodland Drive front yard (Sec. 4.9)*

David Hardegree, Planning and Development Assistant Director, stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree gave a detailed overview stating Variance application by applicant Jonathan Pressley for property located at 6 Woodland Dr. Zoning is R-20, Single Family Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 3.98 acres. This is a corner lot with street frontages along Woodland Dr, Woodview Dr, and Pine St.

The applicant proposes to build a pool, approx. 20ft x 40ft, to the rear of the home which is in the front yard of Woodview Dr. The pool cabana, approx. 20ft. x 20ft, is proposed to the rear and side of the home, but in the front yards of Woodview Dr. and Pine St. The structures will meet all building setbacks for accessory structures. Despite having multiple stormwater pipes in this area. The pool can be located to avoid conflicts with the stormwater pipes.

A detached carport (covered parking) is proposed to the west side of the house and in the front yard of Woodland Dr. This encroachment is due primarily to the curvature of the driveway. The proposed location can meet the front and side yard setbacks for the zoning district. However, there is a conflict with the 24” storm pipe as shown on the site plan. The

separation distance from the centerline of the stormwater pipe to the carport should be 5-10ft. This is to avoid damaging the carport structure or its support footing if heavy equipment is used for maintenance or replacement of the pipe.

The city zoning ordinance requires that all accessory structures be located in a side or rear yard and that certain building setbacks be met.

Chairman Pendley opened the public hearing.

Jonathan Pressley, applicant, came forward to represent the application and to answer questions from the Board Members. Continuing, Mr. Pressley stated that he would adhere to the request to stay 6’ off of the storm pipe for the detached carport.

With no one else to come forward, Chairman Pendley closed the public hearing.

Board Member McElwee clarified that voting would be separated for each item.

Board Member Clayton made a motion to approve the installation of the cabana. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member McElwee made a motion to allow the detached carport with the stipulation to remain 6’ off storm pipe. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Hudson made a motion to approve the pool. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

3. V23-04: 12 Euharlee Rd. Applicant: 12 Euharlee Rd., LLC

Variance: To allow an accessory structure (Ice Machine) in the front yard of a commercial corner lot.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, he gave an overview stating the Variance application by applicant 12 Euharlee Rd, LLC, for property located on 12 Euharlee Rd. It is a corner lot at the intersection of Euharlee Rd and the old Euharlee Rd. Zoning is O-C, Office- Commercial. Setbacks are Front - 20ft and Side- 10ft. Said property contains approximately 1.08 acres.

The applicant proposes to install an ice machine (accessory structure) along the outer drive-thru lane on the western edge of the property. Due to the unusual shape of the property located at the split of the old Euharlee Rd and Euharlee Rd intersection, the accessory structure is proposed in a front yard. The property has three (3) front yards. Accessory structures are to be located in the side and rear yards per Zoning Ordinance Sec. 4.9, *Accessory uses, buildings or structures.*

Furthermore, Mr. Hardegree reviewed department comments from the Building Department saying that the structure would need to be permanently anchored to have power connection.

Chairman Pendley opened the public hearing.

Hunter Horton, 16 Stratford Lane, came forward to represent the application and stated that the proposed ice machine would be on a concrete pad in the grass area.

With no one to come forward to speak for or against the application, Chairman Pendley closed the public hearing.

Item 1.

Board Member Clayton made a motion to approve V23-04. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 5:47 P.M.

April 13, 2023
Date Approved

/s/ _____
Chair



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 13 th , 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V22-23 REV2. 21 & 23 Ashwood Drive. Applicant: Kerley Family Homes
DEPARTMENT SUMMARY RECOMMENDATION:	To allow site grading and portions of the homes to encroach into the local 25ft. impervious stream 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: April 4, 2023
 Re: File # V22-23 REV-2. Revised 4-6-23.

Summary: To allow encroachment into the City's 25ft. impervious stream bank buffer

Section 1: Project Summary

Variance application by Kerley Family Homes, for two properties located at 21 & 23 Ashwood Drive and zoned R-20 (Single Family Residential) and P-D (Planned Development). Both properties contain approximately 0.2 acres. These lots are currently undeveloped.

The applicant wishes to construct homes on these lots that will encroach into the City's 25ft. impervious buffer. No encroachment is proposed in the twenty-five foot (25ft) State streambank buffer or twenty-five foot (25ft) City Vegetative buffer. The current mitigation plan is acceptable to Public Works.

The proposed encroachment at 21 Ashwood Drive (Lot 1380) includes 422 square feet of the home constructed in the impervious streambank buffer. The proposed encroachment at 23 Ashwood Drive (Lot 1379) includes 178 square feet of the home constructed in the impervious streambank buffer. The applicant proposes to install filter strips, sod and landscaping as the mitigation solutions for each property.

Side slopes are proposed to be graded to drain into the filter strips. A berm on the backside of the filter strip will aid in directing stormwater into the strips.

The development regulation for which relief is sought is 7.5-205 (a)(2).

The variance request is for the following:

1. For 21 Ashwood Drive, allow the home to encroach into the impervious buffer for approx. 422sf; and
2. For 23 Ashwood Drive, allow the home to encroach into the impervious buffer for approx. 178sf.

Proposed Conditions:

If the variances are approved, Planning and Development staff recommend the following condition for each site.

- 1) *The City Engineer is to inspect and approve compliance of the mitigation plan for each lot prior to issuance of Certificate of Occupancy.*

Section 2. Department Comments

Electric Department: Not in Service Area

Fibercom: Not in Service Area

Fire Department: No comments received

Gas Department: The Gas System takes no exception to the following as shown in the attachments provided the locations of the natural gas meters are proposed outside of any of the required buffers.

Water Department: No comments received

Public Works Department: Takes no exception to the most recent mitigation plan revision dated 2-9-23 (per email sent 2/13/23 to Kerney Family Homes and city staff)

Section 3. Public Comments Received by Staff

11/21/22: General Inquiry. Adjacent neighbor.

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.

Variances 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.

Variances 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)

David Hardegree

From: Wade Wilson
Sent: Monday, February 13, 2023 10:23 AM
To: Wesley Redd; Shelby Thompson
Cc: David Hardegree; Zack Arnold
Subject: RE: [EXTERNAL] Carter's Grove Lots J1379 & J1380

The proposed mitigation for the subject lots are acceptable to Public Works.

Thanks,

Wade Wilson

Wade Wilson, PE, CFM
City Engineer

City of Cartersville Public Works
PO Box 1390/330 S. Erwin Street
Cartersville, GA 30120
Tel (770) 383-7432
Fax (770) 387-5697



From: Wesley Redd <wredd@fdc-llc.com>
Sent: Thursday, February 9, 2023 4:51 PM
To: Wade Wilson <wwilson@cityofcartersville.org>; Shelby Thompson <sthompson@kerleyfamilyhomes.com>
Subject: [EXTERNAL] Carter's Grove Lots J1379 & J1380

CAUTION! : This email originated from outside the City of Cartersville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sender: wredd@fdc-llc.com

Wade,

Please see attached revised mitigation plan. We revised the filter strip from Bermuda to Fescue, added a note to notate a berm to direct all runoff of the filter strip, and added a note stating lots shall be field verified before a CO will be released. Please let me know if any other changes need to be made. Thanks.

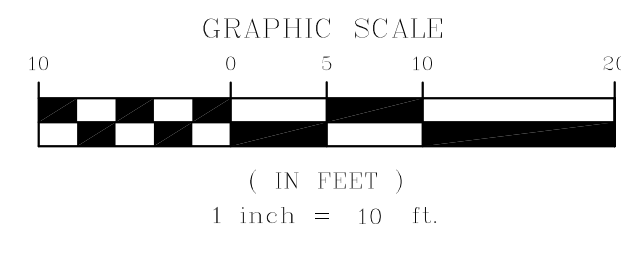
--
Wesley Redd

GENERAL NOTES

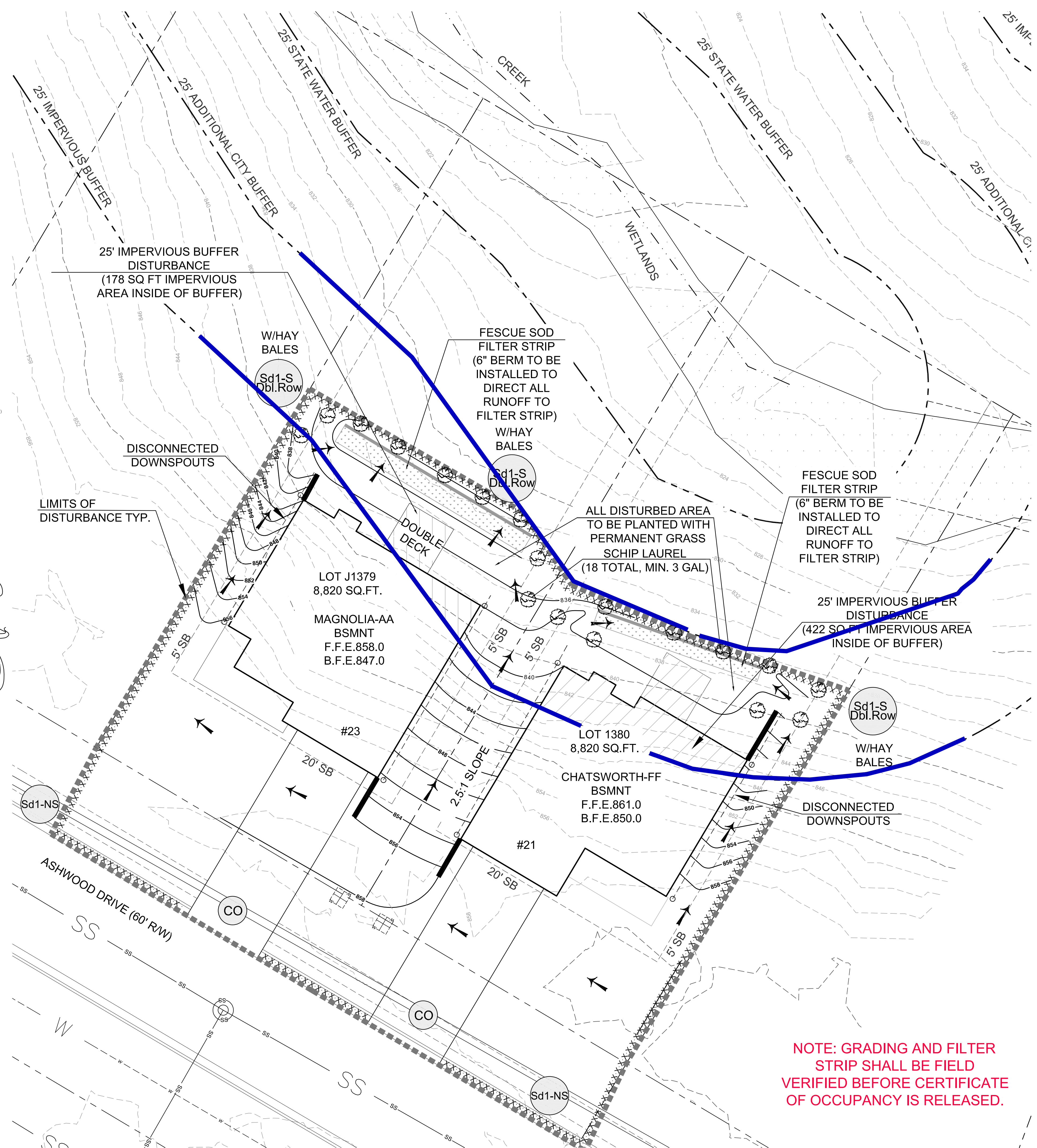
- OWNER/BUILDER:
KERLEY FAMILY HOMES
3957 SOUTH MAIN STREET
ACWORTH, GEORGIA 30101
- 24 HOUR EMERGENCY CONTACT:
DAVE MERRILL
770-367-0411
- ENGINEER/SURVEYOR:
FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DRIVE
STOCKBRIDGE, GA 30281
PH. 770-389-8666
FAX 770-389-8655
- CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE PROJECT ENGINEER FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH THE WORK. CONTRACTOR TO ASSUME RESPONSIBILITY FOR DISCREPANCIES WHICH ARE NOT REPORTED. ALL DIMENSIONS SHOULD BE CALCULATED OR READ.
- THE CONTRACTOR SHALL COORDINATE ANY AND ALL UTILITY RELOCATION WITH THE APPROPRIATE UTILITY COMPANY PRIOR TO THE START OF ANY UTILITY WORK.
- BOUNDARY AND OTHER PERTINENT INFORMATION WAS TAKEN FROM: FINAL PLAT FOR CARTERS GROVE PLANTATION, RECORDED IN PLAT BOOK 63, PAGE 98 OF BARTOW COUNTY RECORDS.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS FIELD RAN TOPO RAN BY FALCON DESIGN CONSULTANTS.
- ACCORDING TO THE F.I.R.M. OF BARTOW COUNTY, PANEL NUMBER 13015C0355G, DATED 10/05/2018, THIS LOT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- A COPY OF THESE PLANS ARE TO BE KEPT ON SITE DURING THE DURATION OF THE PROJECT.

TAX ID:
LOT J1379
C125-0001-379
#23 ASHWOOD DRIVE
IMPERVIOUS AREA:
LOT J1379: 2,084 SQ FT

TAX ID:
LOT J1380
C125-0001-380
#21 ASHWOOD DRIVE
IMPERVIOUS AREA:
LOT J1380: 1,995 SQ FT



THE OWNERS CONTRACTOR WILL BE RESPONSIBLE FOR INVESTIGATION/INSPECTION/REHABILITATION AND LOCATION OF ALL WATER SERVICE(S) INCLUDING METER BOX(S) & SEWER STUB OUT PRIOR TO THE PREPARATION OF THIS LOT(S). OWNER WILL BE RESPONSIBLE FOR ANY DAMAGES TO ANY WATER SERVICE(S). BOX(S) OR SEWER STUB OUT AT ANY TIME.



NOTE: GRADING AND FILTER STRIP SHALL BE FIELD VERIFIED BEFORE CERTIFICATE OF OCCUPANCY IS RELEASED.

CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LAND PLANNING

LAND SURVEYING
LANDSCAPE ARCHITECT

FALCON DESIGN CONSULTANTS

STOCKBRIDGE OFFICE
235 CORPORATE CENTER DRIVE
STOCKBRIDGE, GEORGIA 30281
PH. (770)389-8666 Fax (770)389-8655

NEWAN OFFICE
1000 WOODWAY CT, STE A
NEWAN, GEORGIA 30052
PH. (770) 799-9996

CUMMING OFFICE
580 PHELPS RD, STE 100
CUMMING, GEORGIA 30008
PH. (770) 887-1000

www.fdc-llc.com

MITIGATION PLAN FOR
LOTS J1379 & J1380
CARTER GROVE PLANTATION
PHASE I, SECTION J
BARTOW COUNTY, GEORGIA
LAND LOT 1025, SECTION 4

REVISIONS

1.	REVISED PER COMMENTS 12-9-2022
2.	REVISED PER COMMENTS 12-29-2022
3.	REVISED PER COMMENTS 2-9-2023
4.	REVISED PER COMMENTS 2-9-2023

Know what's below.
Call before you dig.
UTILITIES ARE LOCATED AT THE CENTER OF THE DIAL SET.

DATE:	11-7-2022
SCALE:	1"=10'
FILE NUMBER:	
DRAWN BY:	WR

SHEET NUMBER
1 OF 1



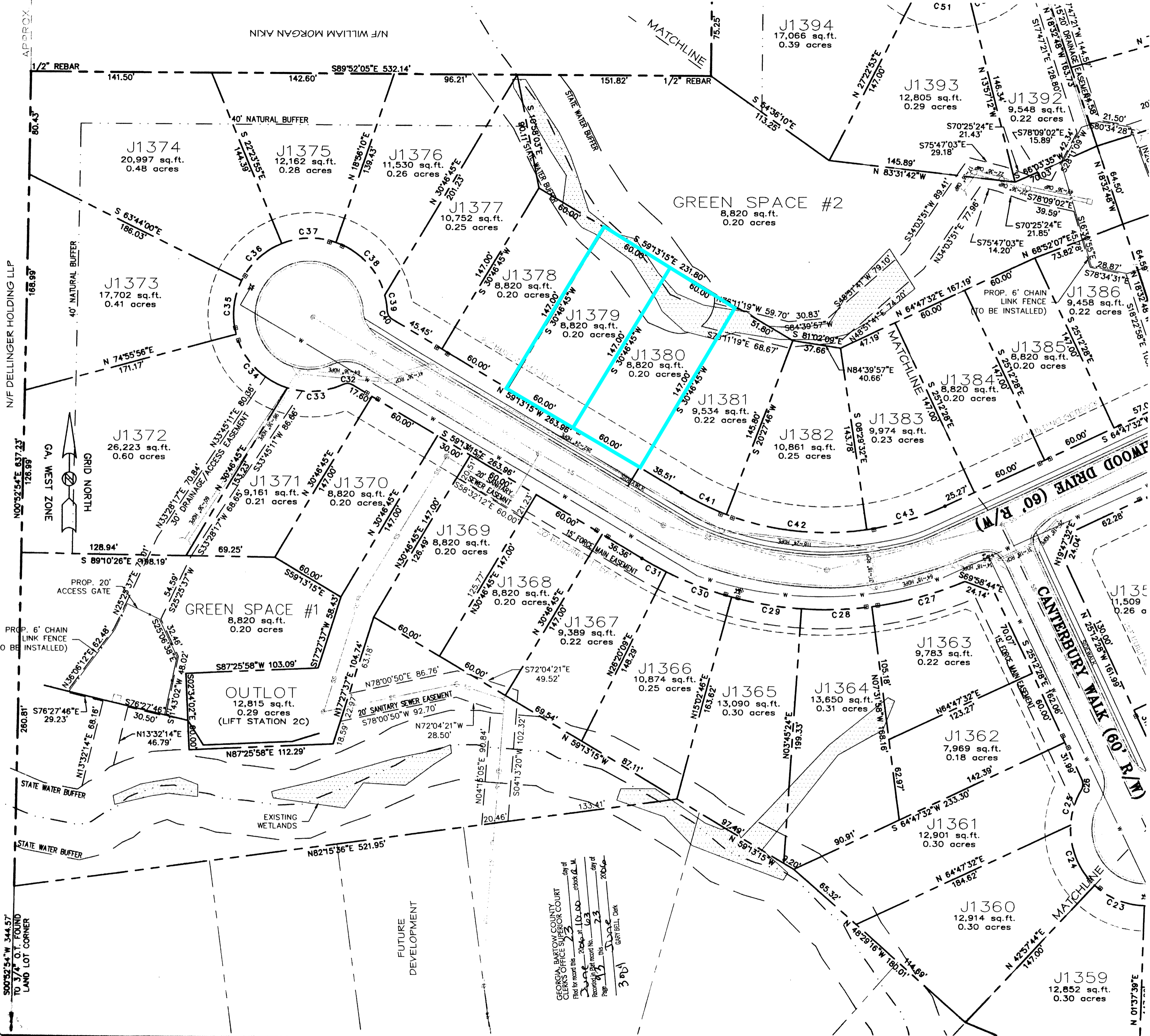
RHODES ENGINEERING SERVICES, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 645 HENDERSON DRIVE, SUITE 2
 CARTERSVILLE, GEORGIA 30120
 PHONE: 770-386-7616 FAX: 770-386-7617

REVISIONS:

NO.	DATE	DESCRIPTION
1	06/02/06	AS PER CITY OF CARTERSVILLE

FINAL PLAT
CARTER GROVE PLANTATION
PHASE I, SECTION J
 LOCATED IN LAND LOTS 992, 1025 & 1028
 4th DISTRICT, 3rd SECTION
 CITY OF CARTERSVILLE
 BARTOW COUNTY, GEORGIA

DESIGN:	
DRAWN:	EAGLE
CHECKED:	RHODES
JOB NO.:	05154
DATE:	05/18/06



Curve	Radius	Length	Chord	Chord Bear.
C24	60.00'	52.42'	50.77'	N 22°00'29" W
C25	60.00'	29.11'	28.82'	N 16°55'11" E
C26	8.00'	7.82'	7.51'	N 02°48'18" E
C27	280.00'	75.70'	75.47'	S 74°43'20" W
C28	280.00'	55.17'	55.08'	S 88°06'43" W
C29	280.00'	55.17'	55.08'	N 80°35'55" W
C30	280.00'	55.17'	55.08'	N 69°18'33" W
C31	280.00'	21.71'	21.71'	N 61°26'33" W
C32	8.00'	7.82'	7.51'	N 87°16'01" W
C33	60.00'	44.55'	43.53'	S 86°01'28" W
C34	60.00'	60.36'	57.85'	N 22°00'29" W
C35	60.00'	42.35'	42.35'	N 16°55'11" E
C36	60.00'	43.29'	42.35'	N 02°48'18" E
C37	60.00'	43.29'	42.35'	S 74°43'20" W
C38	60.00'	56.40'	56.40'	S 88°06'43" W
C39	60.00'	12.34'	12.34'	N 80°35'55" W
C40	8.00'	7.82'	7.51'	N 69°18'33" W
C41	220.00'	39.61'	39.56'	N 61°26'33" W
C42	220.00'	111.18'	110.00'	N 87°16'01" W
C43	220.00'	64.18'	63.95'	S 86°01'28" W

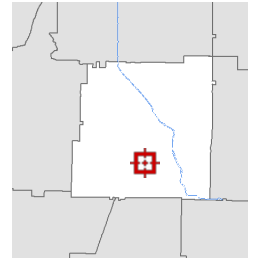
GRAPHIC SCALE
 Scale 1" = 50'

GEORGIA, BARTOW COUNTY
 CLERKS OFFICE SUPERIOR COURT
 Filed for record this 23 day of June 2006 at 10:00 o'clock A.M.
 Recorded in Book No. 23 Page 301
 GARY BELL, CLERK

500°32'54" W 344.57'
 TO 3/4" O.T. FOUND
 LAND LOT CORNER



Overview



Legend

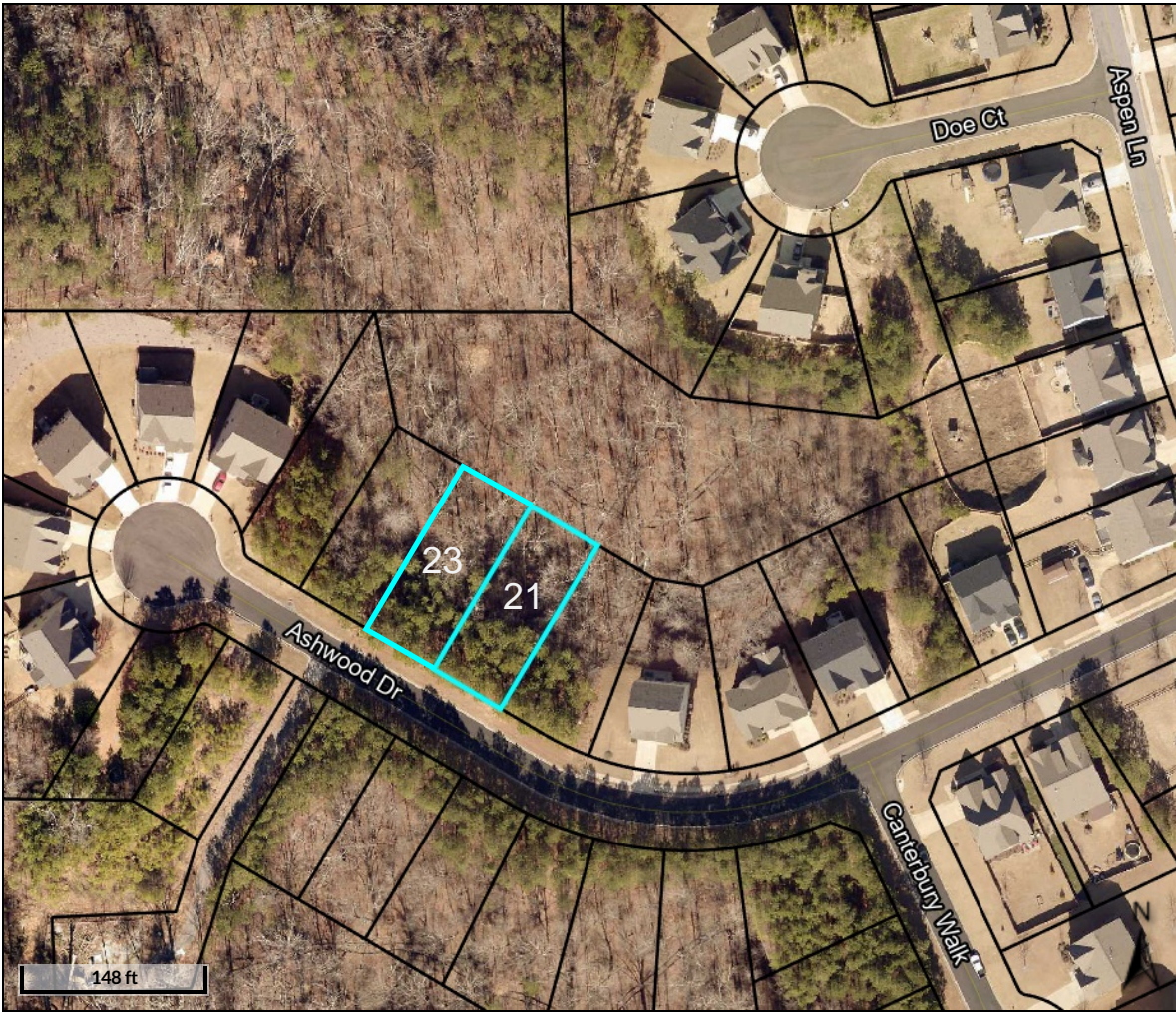
- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
- L-I*
- M-U
- M-U*
- MF-14
- MF-14*
- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
- R-15*
- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*
- RSL

Property Address 21 ASHWOOD DR Acreage 0.2
 District Cartersville
 Brief Tax Description LT J1380 CARTER GROVE S/D PH I S J
 (Note: Not to be used on legal documents)

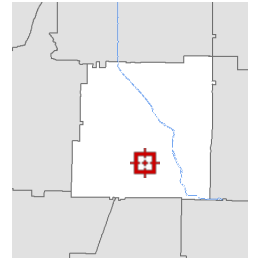
Parcel ID C125-0001-380
 Sec/Twp/Rng n/a

Alternate ID 42300
 Class Residential

Owner Address KERLEY FAMILY HOMES LLC
 750 CHASTAIN CORNER
 MARIETTA, GA 30066



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C 125-0001-380	Alternate ID	42300	Owner Address	KERLEY FAMILY HOMES LLC
Sec/Twp/Rng	n/a	Class	Residential		750 CHASTAIN CORNER
Property Address	21 ASHWOOD DR	Acreage	0.2		MARIETTA, GA 30066
District	Cartersville				
Brief Tax Description	LT J1380 CARTER GROVE S/D PH I S J				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 12/2/2022
 Last Data Uploaded: 12/1/2022 10:34:58 PM

Developed by 

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-13-23

5:30pm

Application Number: V22-23 REV-2

Date Received: 2-14-23

Applicant Shelby Thompson Office Phone 770-792-5500 ext 117
(printed name)
 Address 3957 South Main St Mobile/ Other Phone 770-864-6600
 City Acworth State GA Zip 30101 Email sthompson@kerleyfamilyhomes.com
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 _____ Email (Rep) _____
 Representative Signature Shelby Thompson Applicant Signature _____
 Signed, sealed and delivered in presence of: _____ My commission expires: 6-2-2025

Lynn Bolin
Notary Public



* Titleholder Kerley Family Homes Phone 770-792-5500
(titleholder's printed name)
 Address 3957 South Main St Acworth GA 30101 Email sthompson@kerleyfamilyhomes.com
 Signature Maura Kerley
 Signed, sealed, delivered in presence of: _____ My commission expires: 6-2-2025

Lynn Bolin
Notary Public



Present Zoning District _____
 Acreage J1379 - 0.20 AC
J1380 - 0.20 AC Land Lot(s) 992, 1025 & 1026 District(s) 4th Section(s) 3rd
 Location of Property: J1379 - 23 Ashwood Drive Cartersville GA 30120 and J1380 - 21 Ashwood Drive Cartersville GA 30120
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: 7.5-205(a) 2
 Summary Description of Variance Request:
 J1379 - Right corner of the home is 8' over the buffer but with the addition of the covered deck it is a total of 13' over the buffer.
 J1380 - Left corner of the home is 9.5' over the buffer but with the addition of the covered deck it is a total of 20' over the 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 7.5-205 Section (a) Subsection (2)
 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. X 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. X 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:

The combination of the buffers and the set back requirements limit the location the proposed houses are able to sit on the lots; with the current setbacks/buffers the homes would need to be approximately 20' in depth. A mitigation plan has been provided but an alternative plan is not possible and a variance is being requested.

At this time both lots are spec homes however the footprint of the lot is not likely to change when a contract is in place.

** Storm water advised to wait to submit the ESPC plan until variance was approved.

**LIST OF ADJACENT PROPERTY OWNERS
(Not required if City mails public notices)**

The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the subject property:

	<u>NAME</u>		<u>ADDRESS</u>
1.	Kerley Family Homes	J1378	25 Ashwood Drive
2.	Kerley Family Homes	J1369	22 Ashwood Drive
3.	Kerley Family Homes	J1368	20 Ashwood Drive
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Attach additional names if necessary.

(Indicate property owned by the above persons on plat accompanying this application.)



To Whom It May Concern,

Kerley Family Homes has purchased the below lots in the Carter Grove Plantation Subdivision.

J1379 – 23 Ashwood Drive Cartersville GA 30120 and J1380 – 21 Ashwood Drive Cartersville GA 30120

We are requesting a variance to build on these two lots as both the proposed structures will encroach into the impervious buffer. The limits of disturbance do not extend past the impervious buffer.

For lot J1379 – The back right corner of the proposed home and the deck encroach a total of 13.1' on the 25' impervious buffer (178 sqft impervious area inside of buffer)

For lot J1380 – The back of the proposed home and the deck encroach a total of 18.2' on the 25' impervious buffer. (422 sqft impervious area inside of buffer)

Thank you in advance for your consideration.

Shelby Thompson
Permitting Coordinator



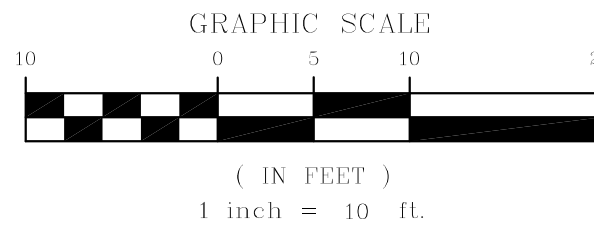
3957 South Main Street
Acworth GA, 30101
Office: 770-792-5500 Ext.117
Fax: 770-792-5503
www.kerleyfamilyhomes.com

GENERAL NOTES

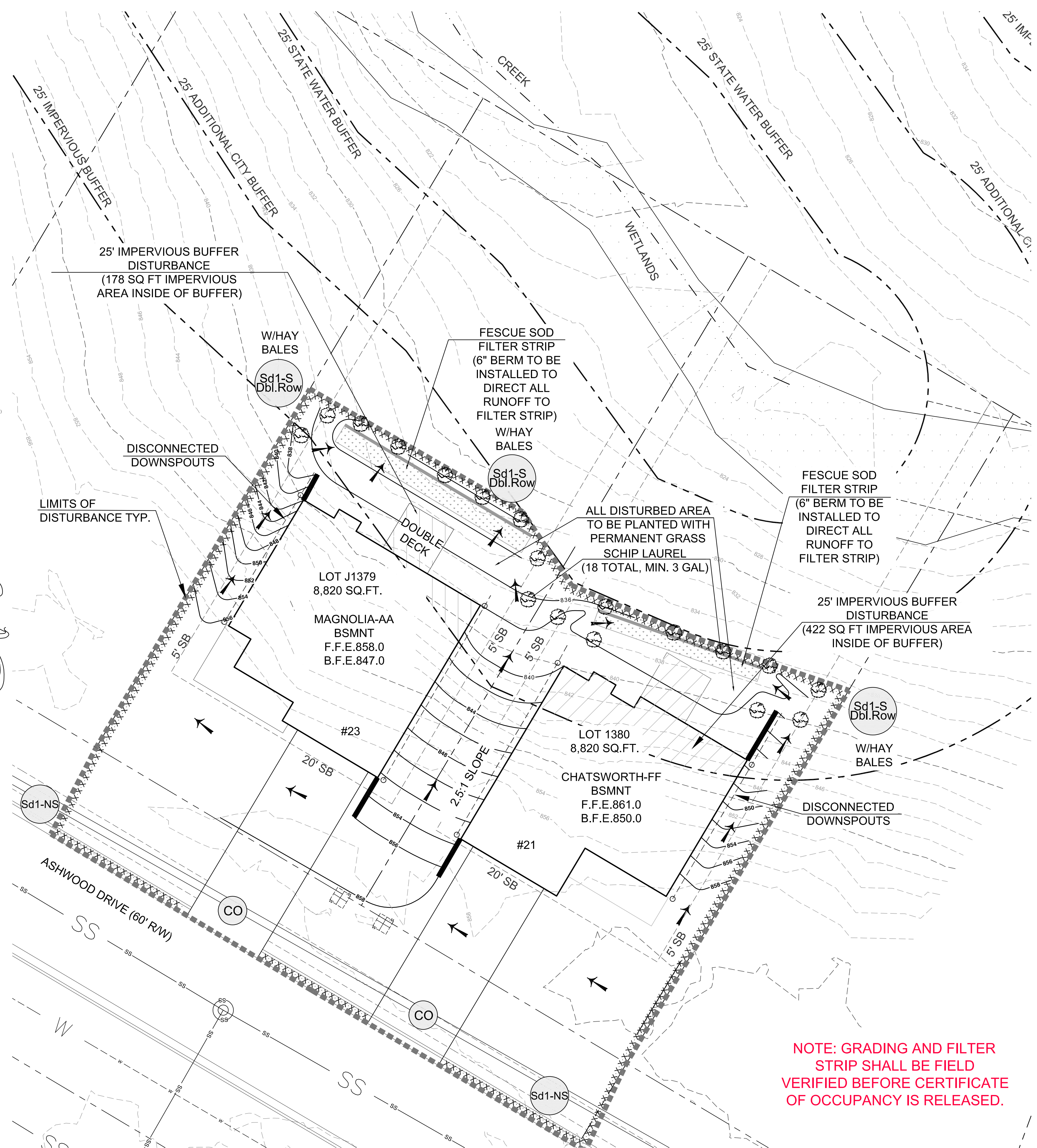
- OWNER/BUILDER:
KERLEY FAMILY HOMES
3957 SOUTH MAIN STREET
ACWORTH, GEORGIA 30101
- 24 HOUR EMERGENCY CONTACT:
DAVE MERRILL
770-367-0411
- ENGINEER/SURVEYOR:
FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DRIVE
STOCKBRIDGE, GA 30281
PH. 770-389-8666
FAX 770-389-8655
- CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE PROJECT ENGINEER FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH THE WORK. CONTRACTOR TO ASSUME RESPONSIBILITY FOR DISCREPANCIES WHICH ARE NOT REPORTED. ALL DIMENSIONS SHOULD BE CALCULATED OR READ.
- THE CONTRACTOR SHALL COORDINATE ANY AND ALL UTILITY RELOCATION WITH THE APPROPRIATE UTILITY COMPANY PRIOR TO THE START OF ANY UTILITY WORK.
- BOUNDARY AND OTHER PERTINENT INFORMATION WAS TAKEN FROM: FINAL PLAT FOR CARTERS GROVE PLANTATION, RECORDED IN PLAT BOOK 63, PAGE 98 OF BARTOW COUNTY RECORDS.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS FIELD RAN TOPO RAN BY FALCON DESIGN CONSULTANTS.
- ACCORDING TO THE F.I.R.M. OF BARTOW COUNTY, PANEL NUMBER 13015C0355G, DATED 10/05/2018, THIS LOT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- A COPY OF THESE PLANS ARE TO BE KEPT ON SITE DURING THE DURATION OF THE PROJECT.

**TAX ID:
LOT J1379
C125-0001-379
#23 ASHWOOD DRIVE
IMPERVIOUS AREA:
LOT J1379: 2,084 SQ FT**

**TAX ID:
LOT J1380
C125-0001-380
#21 ASHWOOD DRIVE
IMPERVIOUS AREA:
LOT J1380: 1,995 SQ FT**



THE OWNERS CONTRACTOR WILL BE RESPONSIBLE FOR INVESTIGATION/INSPECTION/REHABILITATION AND LOCATION OF ALL WATER SERVICE(S) INCLUDING METER BOX(S) & SEWER STUB OUT PRIOR TO THE PREPARATION OF THIS LOT(S). OWNER WILL BE RESPONSIBLE FOR ANY DAMAGES TO ANY WATER SERVICE(S). BOX(S) OR SEWER STUB OUT AT ANY TIME.



NOTE: GRADING AND FILTER STRIP SHALL BE FIELD VERIFIED BEFORE CERTIFICATE OF OCCUPANCY IS RELEASED.

CIVIL ENGINEERING
CONSTRUCTION MANAGEMENT
LANDSCAPE ARCHITECT

LAND SURVEYING
LANDSCAPE ARCHITECT

FALCON DESIGN CONSULTANTS

STOCKBRIDGE OFFICE: 213 CORP. CTR. DR., STE. 200, STOCKBRIDGE, GEORGIA 30281, PH. (770)389-8666, FAX (770)389-8655
NEWNAN OFFICE: 390 PEARSONS RD., STE. A, NEWNAN, GEORGIA 30057, PH. (770) 389-1000
CUMMING OFFICE: 580 PEARSONS RD., STE. C, CUMMING, GEORGIA 30008, PH. (770) 389-1000

www.fdc-llc.com

MITIGATION PLAN FOR

LOTS J1379 & J1380

CARTER GROVE PLANTATION

PHASE 1, SECTION J

BARTOW COUNTY, GEORGIA

LAND LOT 1025, SECTION 4

REVISIONS	DATE
1. REVISED PER COMMENTS 12-29-2022	
2. REVISED PER COMMENTS 12-29-2022	
3. REVISED PER COMMENTS 2-9-2023	
4. REVISED PER COMMENTS 2-9-2023	

Know what's below.
Call before you dig.
UTILITY SERVICES FOR BARTOW COUNTY CENTER
OR DIAL 811

DATE:	11-7-2022
SCALE:	1"=10'
FILE NUMBER:	
DRAWN BY:	WR

DATE:	11-7-2022
SCALE:	1"=10'
FILE NUMBER:	
DRAWN BY:	WR

SHEET NUMBER

1 OF 1

Magnolia

Carter's Grove - Bluffs Lot # J-1379

Elev. AA, Right Hand, Front Entry, Basement

GENERAL NOTES

- ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH ALL NATIONAL AND LOCAL CODES, REGULATIONS, AND THE CURRENT CABO INTERNATIONAL BUILDING CODE WITH ALL CURRENT ADOPTED ADDITIONS.
- CONTRACTOR AND OR SUB-TRADES SHALL, PRIOR TO ANY SITE DISTURBANCE, VERIFY ALL SITE AND SOIL CONDITIONS AND REPORT AND DOCUMENT THE EXISTING CONDITIONS TO THE OWNER AND OR HIS/HER REPRESENTATIVES.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE GENERAL CONTRACTOR AND OR SUB-TRADES SHALL REPORT ANY PLAN OR DOCUMENT DISCREPANCIES. THE GENERAL CONTRACTOR, HIS/HER SUB-TRADES AND REPRESENTATIVES WILL ASSUME ALL RESPONSIBILITIES FOR DISCREPANCIES NOT REPORTED.
- ALL DRAWING AND DOCUMENT DIMENSIONS, NOTES, DETAILS, SECTIONS, ETC. SHALL BE REVIEWED, CALCULATED AND VERIFIED BY THE GENERAL CONTRACTOR, HIS/HER SUB-TRADES AND REPRESENTATIVES PRIOR TO COMMENCEMENT OF CONSTRUCTION OR HE/SHE WILL ASSUME ALL RESPONSIBILITIES FOR DISCREPANCIES NOT REPORTED.
- ALL DRAWINGS, DETAILS, SECTIONS ETC. SHALL NEVER BE SCALED.
- STRUCTURAL FOOTINGS SHOULD ALWAYS BE BELOW THE REQUIRED LOCAL FROST LINE AND MUST REST ON UNDISTURBED OR ENGINEERED FILL VERIFIED BY A LICENSED ENGINEER. A LICENSED SOIL OR STRUCTURAL ENGINEER SHALL BE CONSULTED PRIOR TO COMMENCEMENT OF CONSTRUCTION TO VERIFY PROPOSED FOOTING SIZES, DEPTHS AND REBAR REQUIREMENTS BASED UPON THE PROJECT'S SITE CONDITIONS AND LOCAL CODES.
- ALL FOUNDATIONS AND FOOTINGS SHALL BE REINFORCED PER LOCAL CODES AND VERIFIED BY A LICENSED ENGINEER PRIOR TO CONSTRUCTION.
- ALL FOUNDATIONS, WALLS FOOTINGS, GRADE BEAMS, FLOOR AND ROOF STRUCTURAL MEMBERS SHALL BE DESIGNED AND SEALED BASED UPON LOCAL CODES BY A LICENSED ENGINEER.
- TO INSURE A SAFE AND WELL CONSTRUCTED STRUCTURE AND OR DWELLING, THE GENERAL CONTRACTOR, HIS/HER SUB-TRADES AND REPRESENTATIVES SHALL VERIFY AND PROVIDE ADJUSTMENTS TO ANY PROPOSED STRUCTURAL MEMBERS OR MATERIALS TO MEET ALL LOCAL AND OR NATIONAL CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONCRETE, STEEL, WOOD AND OR COMPOSITE MATERIALS SHALL MEET ALL LOCAL/NATIONAL CODES.
- ALL STRUCTURAL MEMBERS SUCH AS CONCRETE, STEEL, WOOD AND OR COMPOSITE MATERIALS USED AS/FOR COLUMNS, BEAMS AND FRAMING SHALL BE DESIGNED TO CARRY/TRANSFER ALL REQUIRED BEARING LOADS THROUGH THE ENTIRE STRUCTURE AND SHALL TERMINATE THOSE LOADS TO THE STRUCTURAL FOUNDATION/FOOTINGS ON UNDISTURBED SOIL OR ENGINEERED FILL.
- ALL WOOD FRAMING MEMBERS USED SHALL BE APPROVED FOR USE BY LOCAL/NATIONAL BUILDING CODE.

CODE INFORMATION

- INTERNATIONAL BUILDING CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS
- INTERNATIONAL RESIDENTIAL CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL FIRE CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL PLUMBING CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL MECHANICAL CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL FUEL GAS CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL ENERGY CONSERVATION CODE: 2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS.
- NATIONAL ELECTRIC CODE: 2020 EDITION.

SQUARE FOOTAGE

First Floor	948
Second Floor	1,261
Total	2,209
Rear Patio	100
Front Porch	149
Garage	503

SHEET LIST

C-1	COVER SHEET
A-1	FRONT ELEVATION
A-1a	REAR ELEVATION
A-1b	LEFT SIDE ELEVATION
A-1c	RIGHT SIDE ELEVATION
A-2	FOUNDATION PLAN
A-3	FIRST FLOOR PLAN
A-4	SECOND FLOOR PLAN
A-5	ROOF PLAN
E-0	BASEMENT ELECTRICAL PLAN
E-1	FIRST FLOOR ELECTRICAL PLAN
E-2	SECOND FLOOR ELECTRICAL PLAN
D-1	EAVE SECTION - BASEMENT WALL DETAILS
D-2	SLAB - HANDRAIL DETAILS
D-3	SLAB DETAILS
D-4	BASEMENT WALL DETAILS

OPTIONS

OPTIONS SHOWN ON THIS PLAN:

BASEMENT
FIREPLACE
OPEN RAIL
(2) PENDANTS @ KITCHEN COUNTER

CG Lot J-1379

The Magnolia

COVER SHEET

Item 2.



PLAN REVISIONS

DATE	DESCRIPTION
03/16/2022	Site Specific
03/17/2022	Removed cof. clg.
03/30/2022	Added masonry
06/24/2022	Added subbasement
07/21/2022	Added brick
08/02/2022	Revised brick
08/16/2022	Revised ped. sink

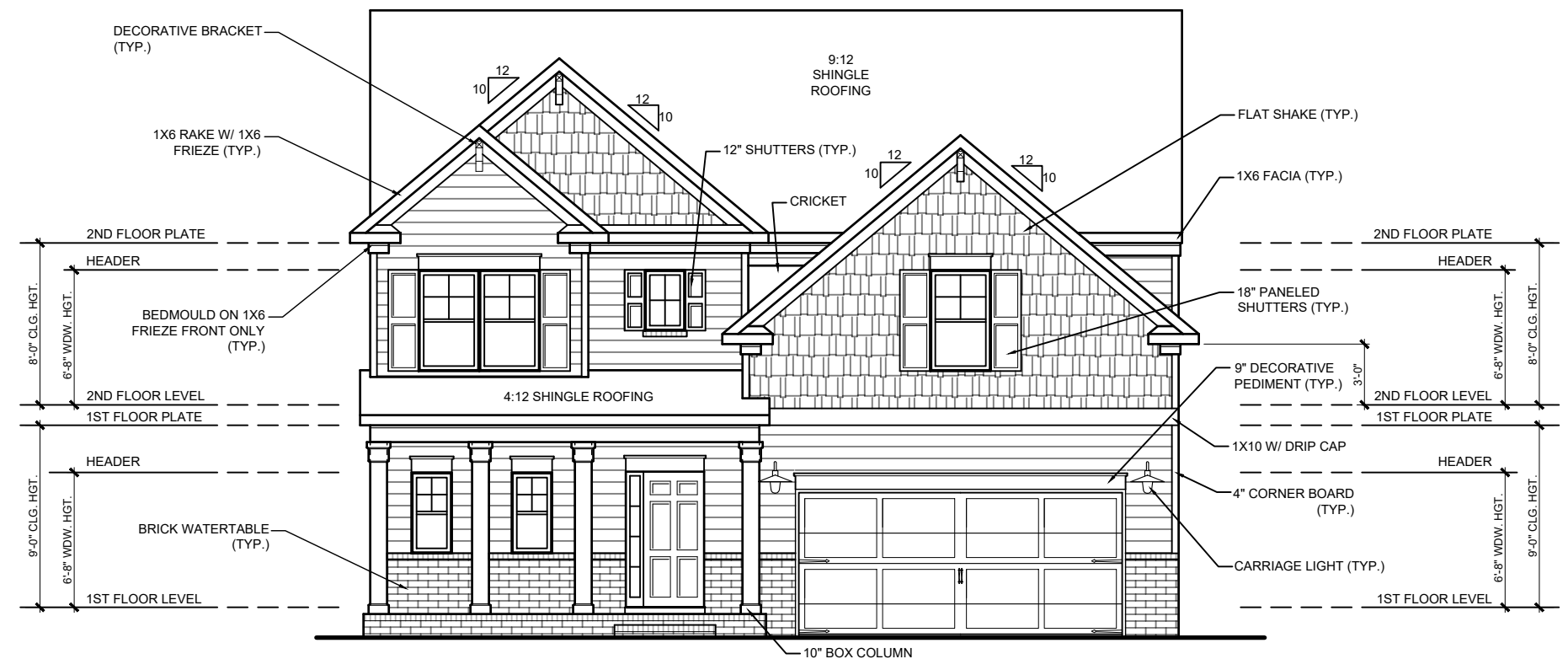
sheet#

C-1

NOTE: ALL IDEAS, ARRANGEMENTS AND PLANS INDICATED ARE OWNED BY, AND THE PROPERTY OF KERLEY FAMILY HOMES. THEY ARE PROTECTED BY THE CURRENT ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT, AND OTHER APPLICABLE LAWS. THESE DRAWINGS WERE CREATED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT, NONE OF SUCH IDEAS, DESIGN ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION, FOR ANY PURPOSE WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF KERLEY FAMILY HOMES. THESE DRAWING ARE NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY CERTIFIED BY KERLEY FAMILY HOMES FOR CONSTRUCTION ONLY.

The Magnolia CG Lot J-1379

FRONT ELEVATION



FRONT ELEVATION

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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08/02/2022	Revised brick
08/16/2022	Revised ped. sink

sheet#
A-1

The Magnolia CG Lot J-1379

REAR ELEVATION



REAR ELEVATION
 SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
 SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

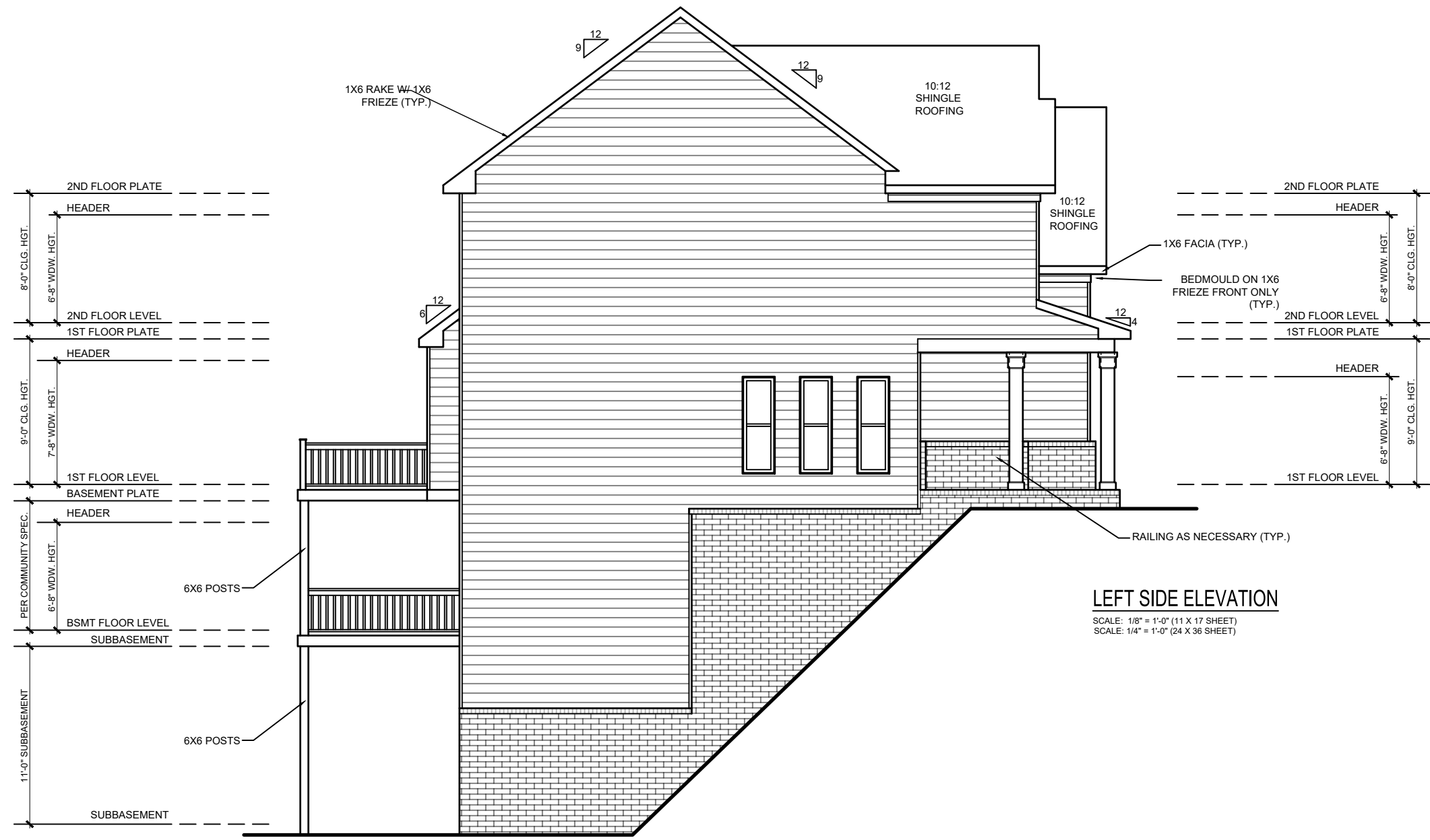
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08/02/2022	Revised brick
08/16/2022	Revised ped. sink

sheet#
A-1a

The Magnolia CG Lot J-1379

LEFT SIDE ELEVATION



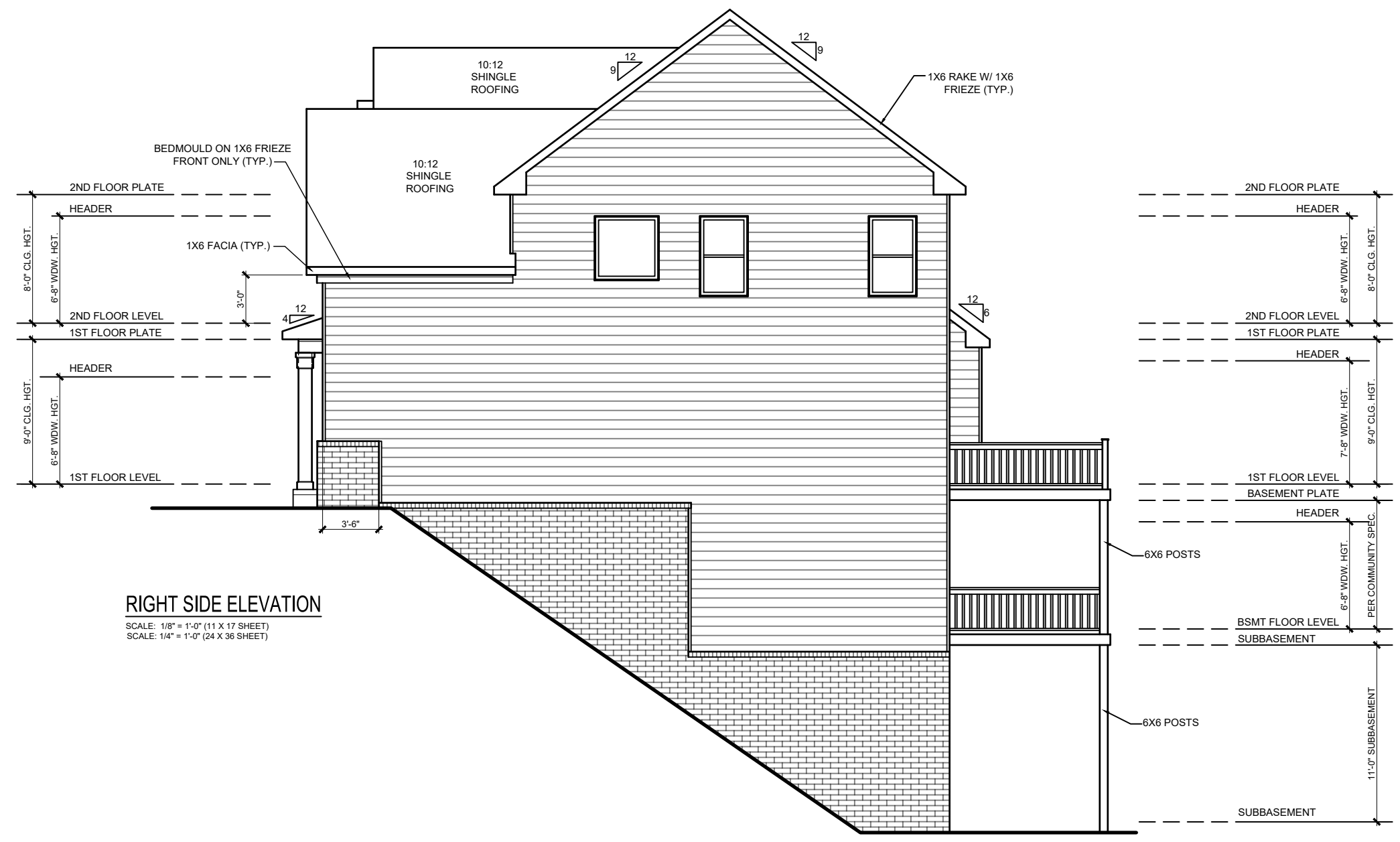
LEFT SIDE ELEVATION
 SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
 SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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08/02/2022	Revised brick
08/16/2022	Revised ped. sink

sheet#
A-1b



RIGHT SIDE ELEVATION
 SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
 SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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The Magnolia CG Lot J-1379
 RIGHT SIDE ELEVATION

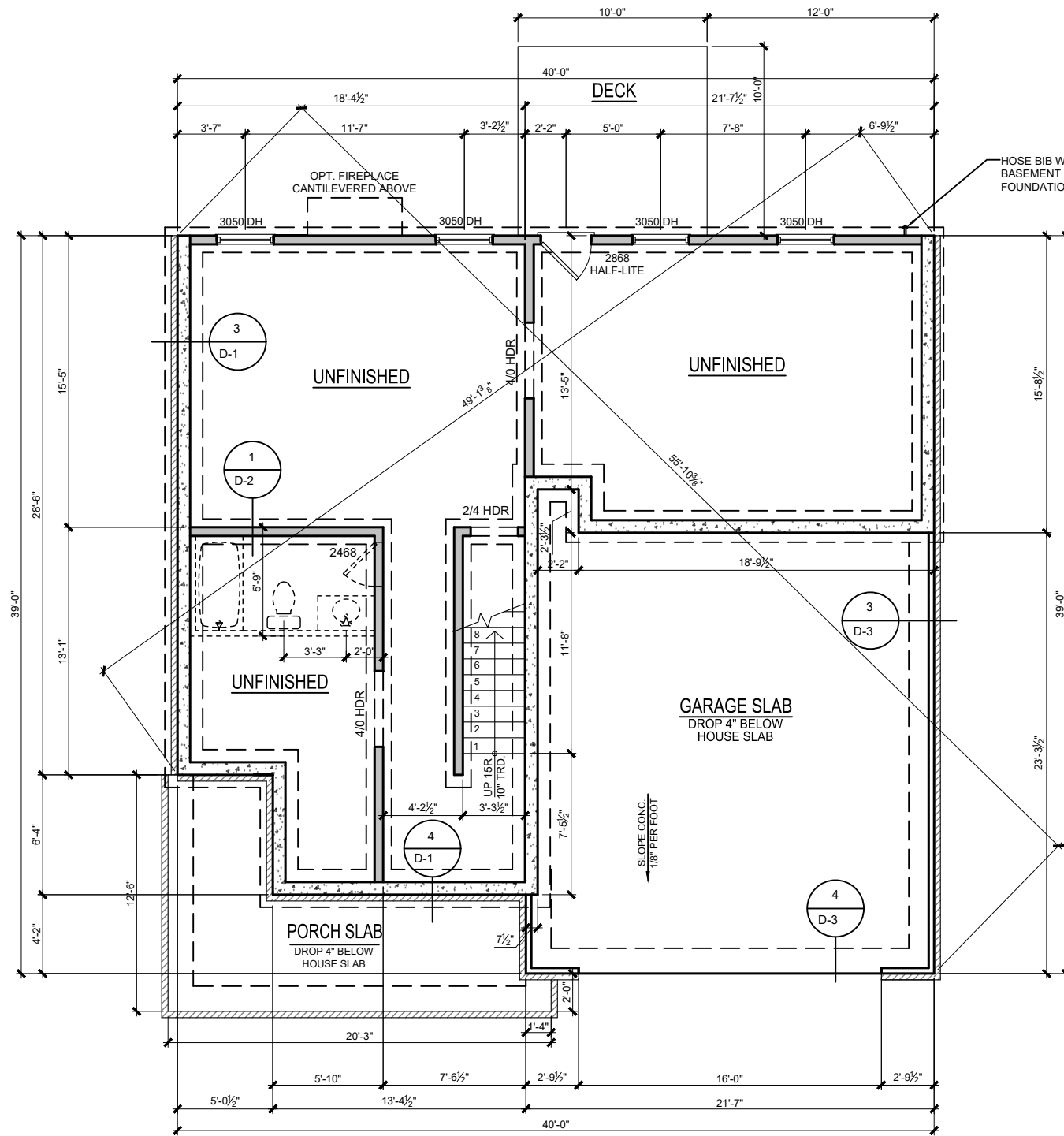


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08/16/2022	Revised ped. sink

sheet#
A-1c

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*NOTE: POURED EXTERIOR CONCRETE WALLS PER GRADE ON LOT, NOT PER PLAN



BASEMENT FOUNDATION PLAN

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Magnolia
CG Lot J-1379

FOUNDATION PLAN

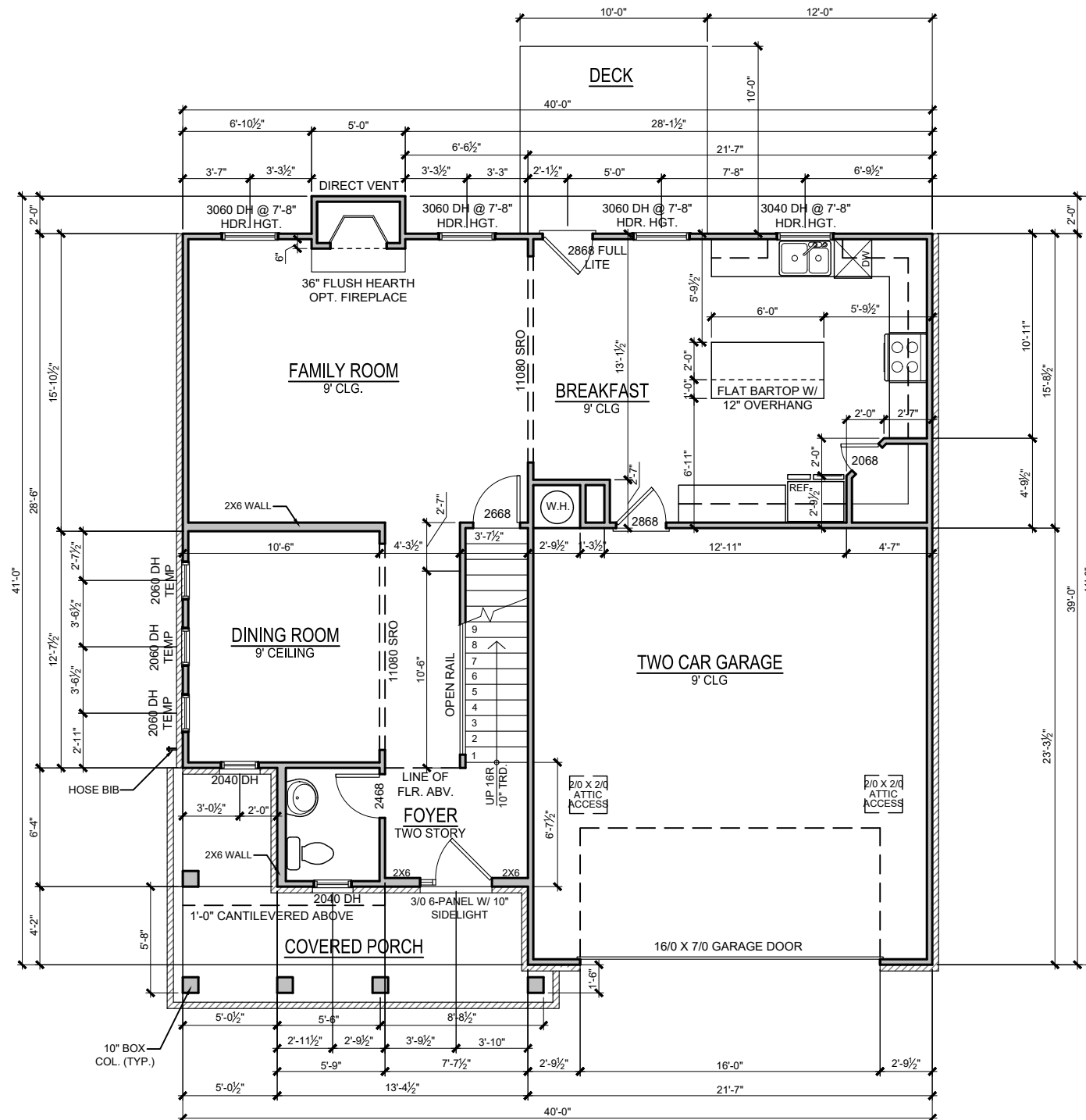


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08/16/2022	Revised ped. sink

sheet#
A-2

Item 2.

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FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Magnolia
CG Lot J-1379
FIRST FLOOR PLAN

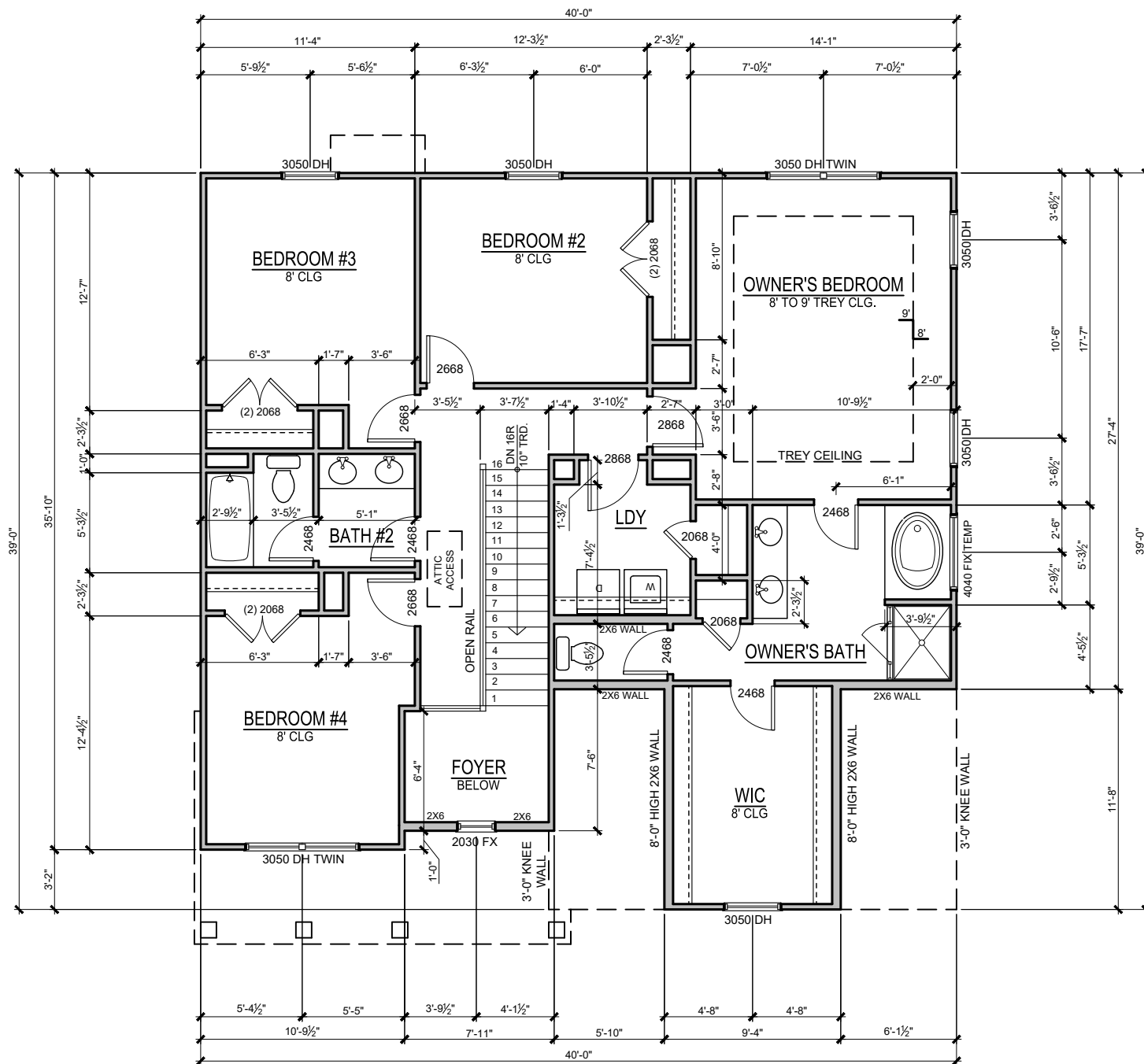


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08/16/2022	Revised ped. sink

sheet#
A-3

Item 2.

NOTE: ALL IDEAS, ARRANGEMENTS AND PLANS INDICATED ARE OWNED BY, AND THE PROPERTY OF KERLEY FAMILY HOMES. THEY ARE PROTECTED BY THE CURRENT ARCHITECTURAL AND CONSTRUCTION ACTS, AND OTHER APPLICABLE LAWS. THESE DRAWINGS WERE CREATED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGN ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION, FOR ANY PURPOSE, WITHOUT THE WRITTEN PERMISSION OF KERLEY FAMILY HOMES. THESE DRAWINGS ARE NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY CERTIFIED BY KERLEY FAMILY HOMES FOR CONSTRUCTION ONLY.



SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Magnolia CG Lot J-1379
SECOND FLOOR PLAN



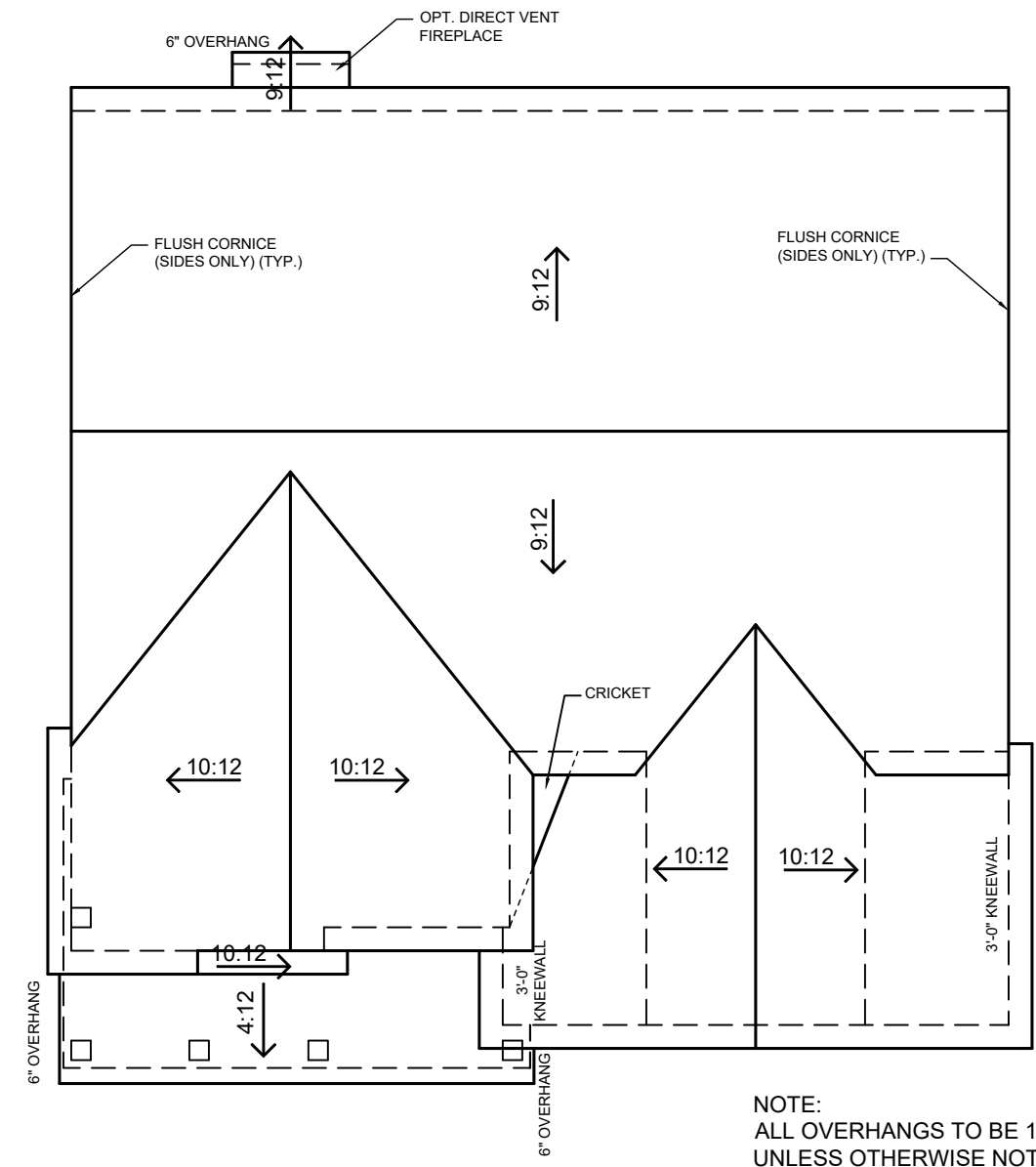
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08/02/2022	Revised brick
08/16/2022	Revised ped. sink

sheet#
A-4

Item 2.

The Magnolia CG Lot J-1379
ROOF PLAN



ROOF PLAN
SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

NOTE:
ALL OVERHANGS TO BE 1'-0"
UNLESS OTHERWISE NOTED.

NOTE:
PROVIDE ROOF VENTILATION AS
REQUIRED PER ALL LOCAL CODES.

NOTE: ALL IDEAS, ARRANGEMENTS AND PLANS INDICATED ARE OWNED BY, AND THE PROPERTY OF KERLEY FAMILY HOMES. THEY ARE PROTECTED BY THE CURRENT ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT, AND OTHER APPLICABLE LAWS. THESE DRAWINGS WERE CREATED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGN ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION, FOR ANY PURPOSE WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF KERLEY FAMILY HOMES. THESE DRAWING ARE NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY CERTIFIED BY KERLEY FAMILY HOMES FOR CONSTRUCTION ONLY.

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sheet#
A-5

Chatsworth

Carter's Grove - Bluffs Lot # J-1380 Elev. FF, Left Hand, Front Entry, Basement

GENERAL NOTES

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- ALL FOUNDATIONS, WALLS FOOTINGS, GRADE BEAMS, FLOOR AND ROOF STRUCTURAL MEMBERS SHALL BE DESIGNED AND SEALED BASED UPON LOCAL CODES BY A LICENSED ENGINEER.
- TO INSURE A SAFE AND WELL CONSTRUCTED STRUCTURE AND OR DWELLING, THE GENERAL CONTRACTOR, HIS/HER SUB-TRADES AND REPRESENTATIVES SHALL VERIFY AND PROVIDE ADJUSTMENTS TO ANY PROPOSED STRUCTURAL MEMBERS OR MATERIALS TO MEET ALL LOCAL AND OR NATIONAL CODES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
- ALL CONCRETE, STEEL, WOOD AND OR COMPOSITE MATERIALS SHALL MEET ALL LOCAL/NATIONAL CODES.
- ALL STRUCTURAL MEMBERS SUCH AS CONCRETE, STEEL, WOOD AND OR COMPOSITE MATERIALS USED AS/FOR COLUMNS, BEAMS AND FRAMING SHALL BE DESIGNED TO CARRY/TRANSFER ALL REQUIRED BEARING LOADS THROUGH THE ENTIRE STRUCTURE AND SHALL TERMINATE THOSE LOADS TO THE STRUCTURAL FOUNDATION/FOOTINGS ON UNDISTURBED SOIL OR ENGINEERED FILL.
- ALL WOOD FRAMING MEMBERS USED SHALL BE APPROVED FOR USE BY LOCAL/NATIONAL BUILDING CODE.

CODE INFORMATION

- INTERNATIONAL BUILDING CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS
- INTERNATIONAL RESIDENTIAL CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL FIRE CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL PLUMBING CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL MECHANICAL CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL FUEL GAS CODE: 2018 EDITION, WITH GEORGIA AMENDMENTS.
- INTERNATIONAL ENERGY CONSERVATION CODE: 2015 EDITION, WITH GEORGIA SUPPLEMENTS AND AMENDMENTS.
- NATIONAL ELECTRIC CODE: 2020 EDITION.

SQUARE FOOTAGE

First Floor	867
Second Floor	1,352
Total	2,219

Rear Patio	100
Front Porch	117
Garage	501

Opt. Luxury Kitchen	+60
Opt. Fireplace	+10

SHEET LIST

C-1	COVER SHEET
A-1	FRONT ELEVATION
A-1a	REAR ELEVATION
A-1b	LEFT SIDE ELEVATION
A-1c	RIGHT SIDE ELEVATION
A-2	FOUNDATION PLAN
A-3	FIRST FLOOR PLAN
A-4	SECOND FLOOR PLAN
A-5	ROOF PLAN
E-0	BASEMENT ELECTRICAL PLAN
E-1	FIRST FLOOR ELECTRICAL PLAN
E-2	SECOND FLOOR ELECTRICAL PLAN
D-1	EAVE SECTION - BASEMENT WALL DETAILS
D-2	SLAB - HANDRAIL DETAILS
D-3	SLAB DETAILS
D-4	BASEMENT WALL DETAILS

OPTIONS

OPTIONS SHOWN ON THIS PLAN:

BASEMENT
FIREPLACE
LUXURY KITCHEN
OPEN RAIL
(2) PENDANT LIGHTS

NOTE: ALL IDEAS, ARRANGEMENTS AND PLANS INDICATED ARE OWNED BY, AND THE PROPERTY OF KERLEY FAMILY HOMES. THEY ARE PROTECTED BY THE CURRENT ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT, AND OTHER APPLICABLE LAWS. THESE DRAWINGS WERE CREATED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT, NONE OF SUCH IDEAS, DESIGN ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION, FOR ANY PURPOSE WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF KERLEY FAMILY HOMES. THESE DRAWING ARE NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY CERTIFIED BY KERLEY FAMILY HOMES FOR CONSTRUCTION ONLY.

The Chatsworth CG Lot J-1380

COVER SHEET

Item 2.



PLAN REVISIONS

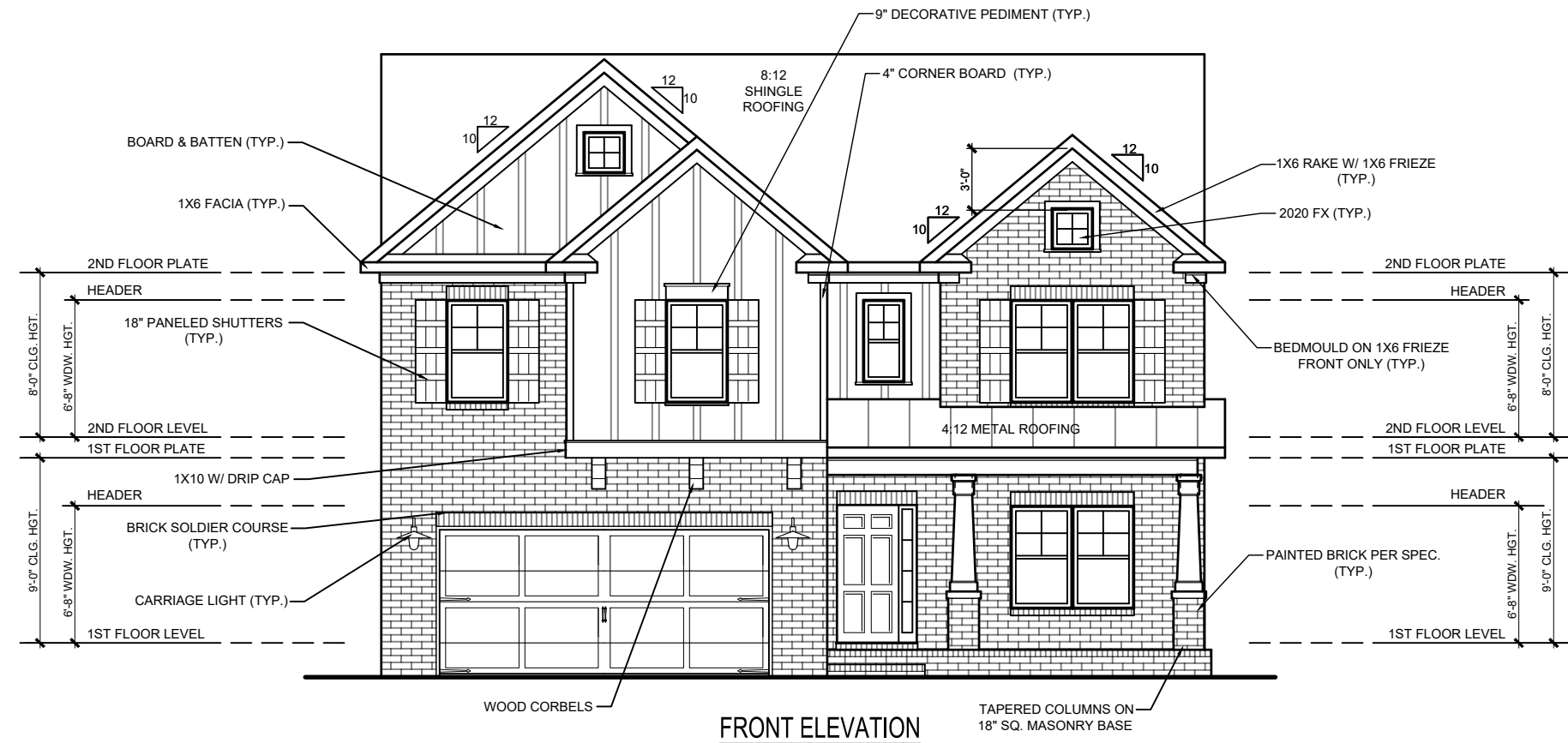
DATE	DESCRIPTION
03/16/2022	Site Specific
03/17/2022	Removed cof. clg.
03/29/2022	Added masonry
06/24/2022	Added subbasement
07/21/2022	Added brick
08/02/2022	Revised brick

sheet#

C-1

The Chatsworth CG Lot J-1380

FRONT ELEVATION



FRONT ELEVATION

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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07/21/2022	Added brick
08/02/2022	Revised brick

sheet#
A-1

The Chatsworth CG Lot J-1380

REAR ELEVATION



PLAN REVISIONS	
DATE	DESCRIPTION
03/16/2022	Site Specific
03/17/2022	Removed cof. clg.
03/29/2022	Added masonry
06/24/2022	Added subbasement
07/21/2022	Added brick
08/02/2022	Revised brick

sheet#
A-1a



REAR ELEVATION
SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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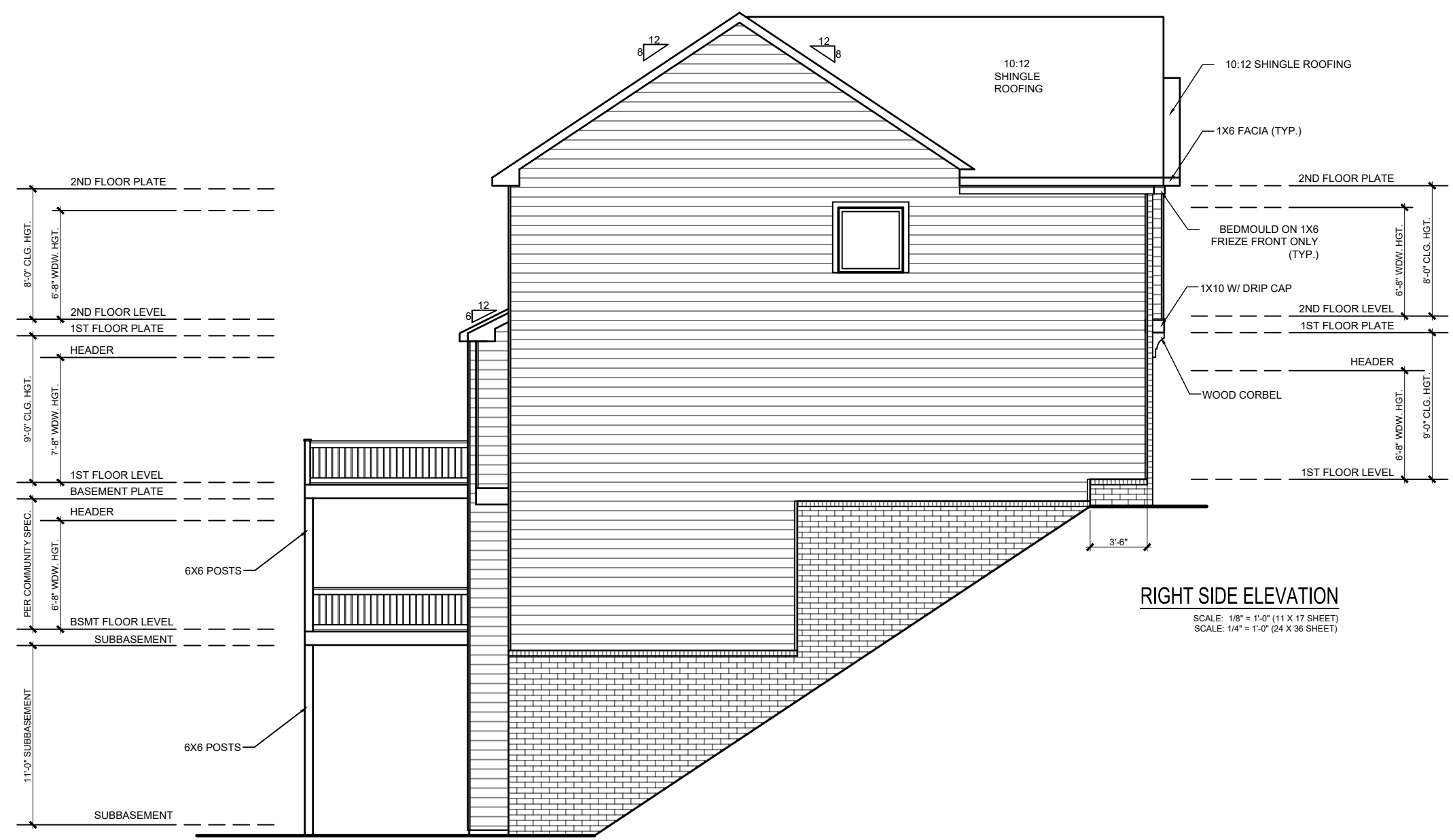
The Chatsworth CG Lot J-1380

LEFT SIDE ELEVATION



PLAN REVISIONS	
DATE	DESCRIPTION
03/16/2022	Site Specific
03/17/2022	Removed cof. clg.
03/29/2022	Added masonry
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08/02/2022	Revised brick

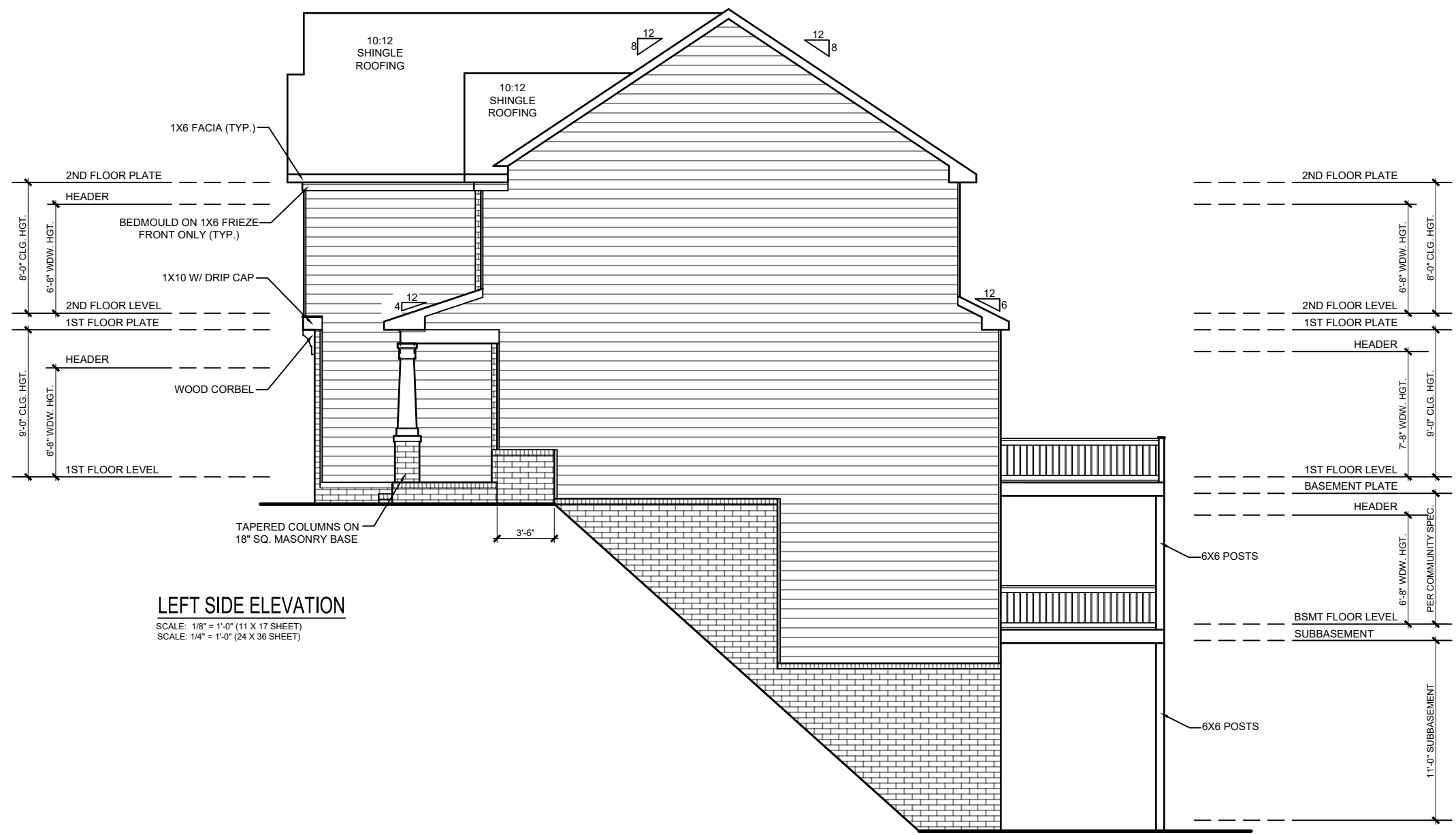
sheet#
A-1b



RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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LEFT SIDE ELEVATION
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 SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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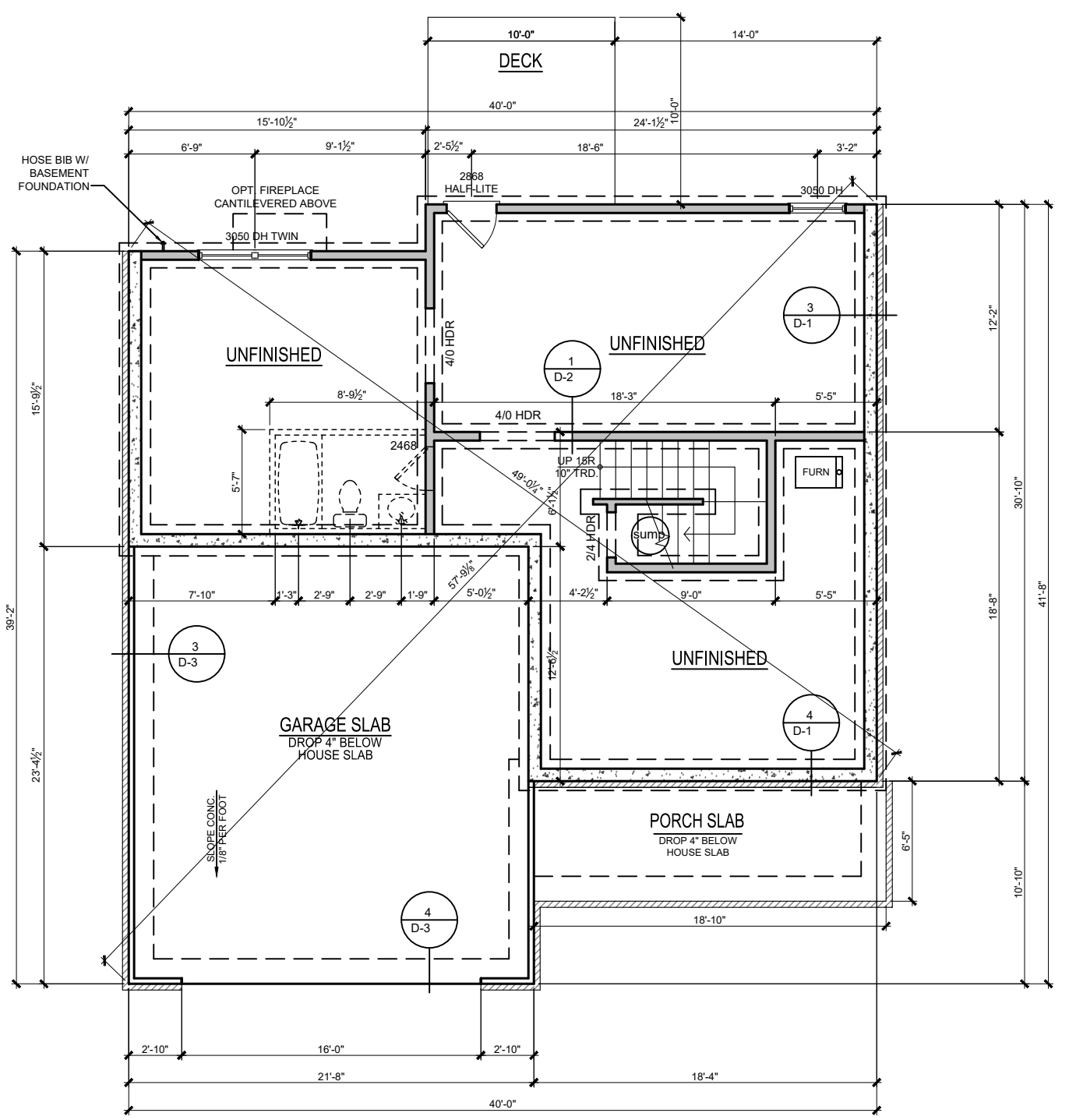
The Chatsworth CG Lot J-1380
 RIGHT SIDE ELEVATION



PLAN REVISIONS	
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sheet#
A-1c

*NOTE: POURED EXTERIOR CONCRETE WALLS PER GRADE ON LOT, NOT PER PLAN



BASEMENT FOUNDATION PLAN

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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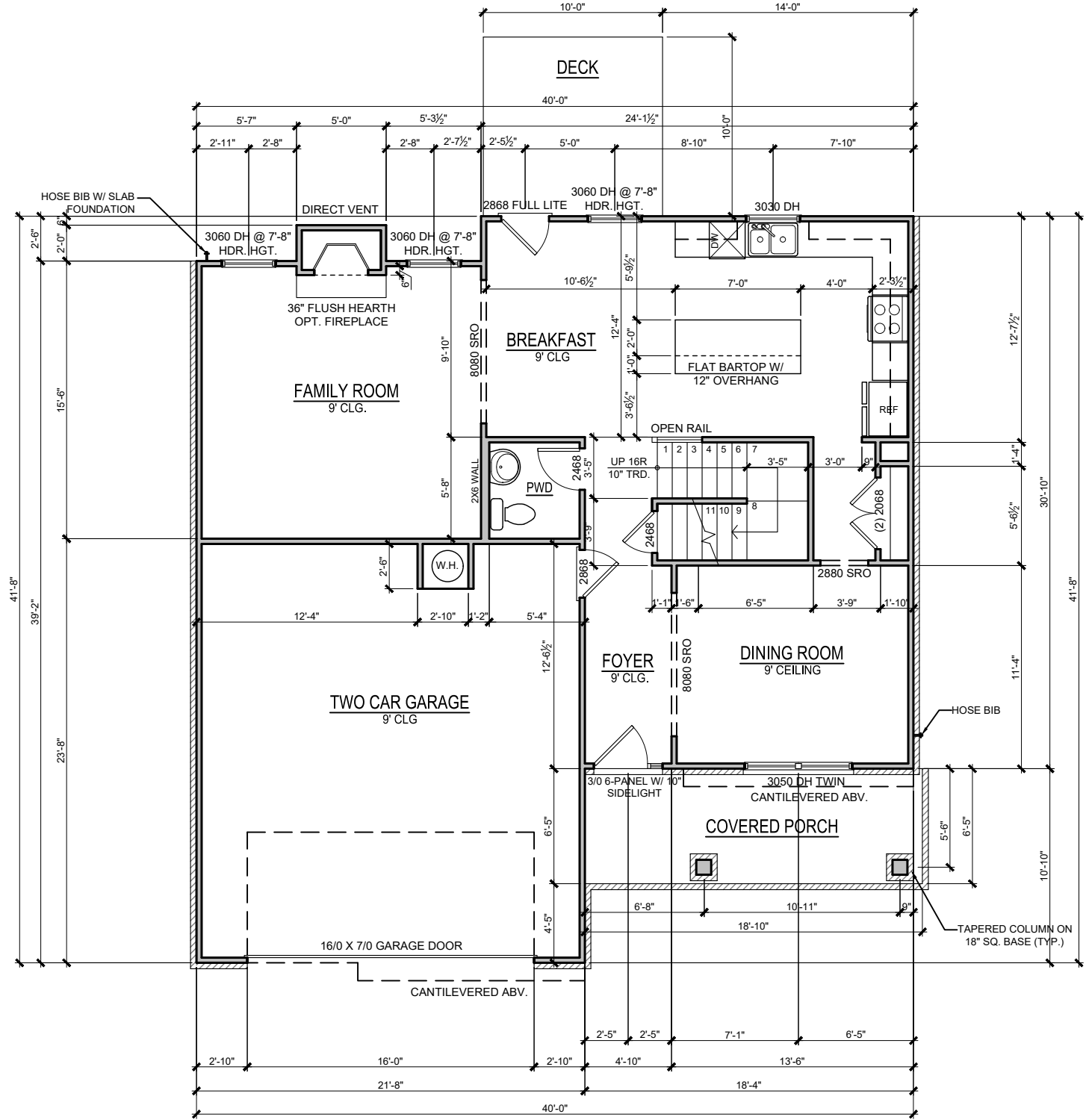
The Chatsworth CG Lot J-1380
FOUNDATION PLAN



PLAN REVISIONS	
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08/02/2022	Revised brick

sheet#
A-2

NOTE: ALL IDEAS, ARRANGEMENTS AND PLANS INDICATED ARE OWNED BY, AND THE PROPERTY OF KERLEY FAMILY HOMES. THEY ARE PROTECTED BY THE CURRENT ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT, AND OTHER APPLICABLE LAWS. THESE DRAWINGS WERE CREATED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGN ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION, FOR ANY PURPOSE WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF KERLEY FAMILY HOMES. THESE DRAWINGS ARE NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY CERTIFIED BY KERLEY FAMILY HOMES FOR CONSTRUCTION ONLY.



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Chatsworth CG Lot J-1380
FIRST FLOOR PLAN

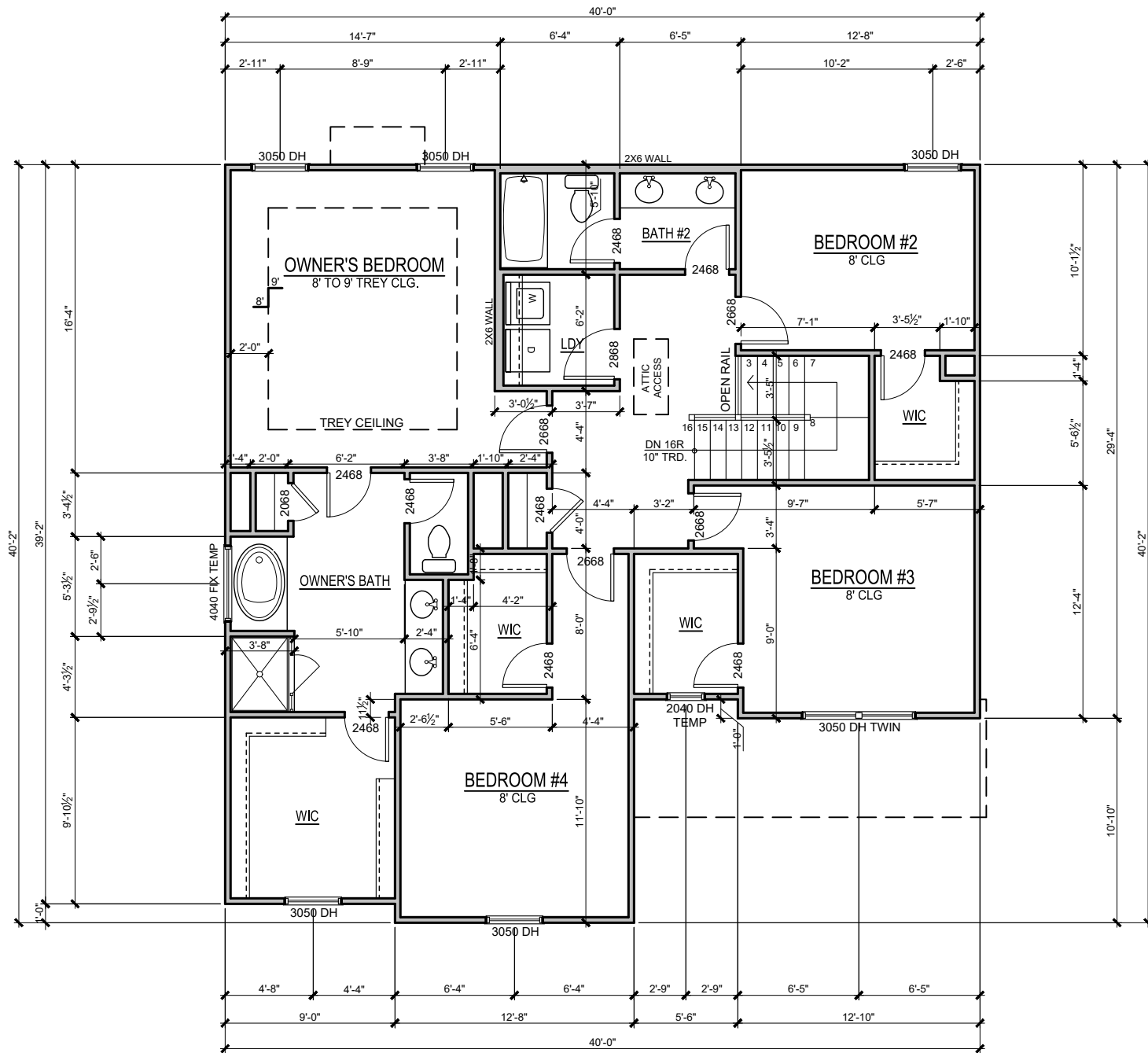


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08/02/2022	Revised brick

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A-3

Item 2.

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SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Chatsworth CG Lot J-1380
SECOND FLOOR PLAN



PLAN REVISIONS

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sheet#
A-4

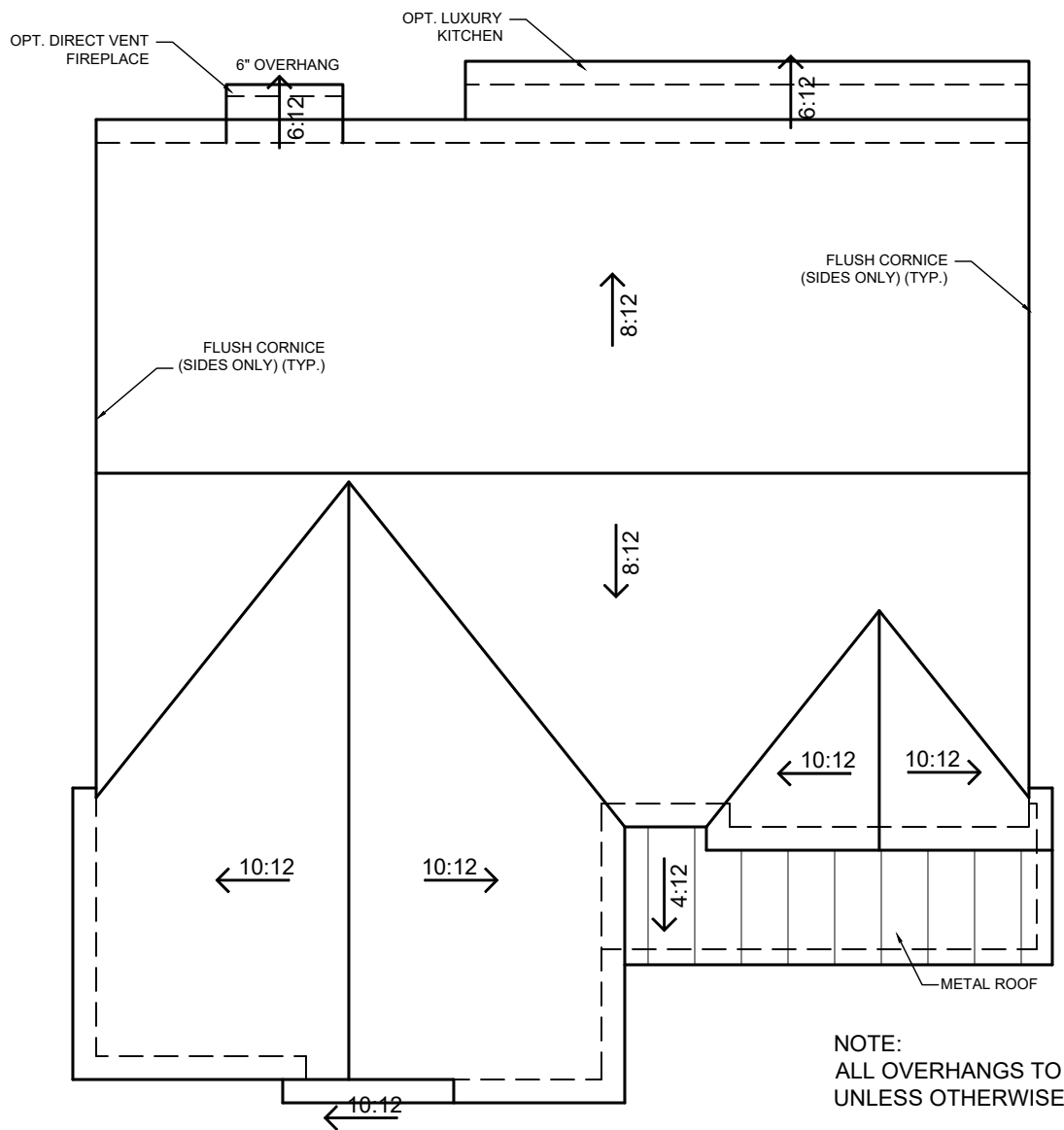
Item 2.

The Chatsworth CG Lot J-1380
ROOF PLAN



PLAN REVISIONS	
DATE	DESCRIPTION
03/16/2022	Site Specific
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sheet#
A-5



NOTE:
ALL OVERHANGS TO BE 1'-0"
UNLESS OTHERWISE NOTED.

NOTE:
PROVIDE ROOF VENTILATION AS
REQUIRED PER ALL LOCAL CODES.

ROOF PLAN
SCALE: 1/8" = 1'-0" (11 X 17 SHEET)
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

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Image Taken 3-10-23





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 13th
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-05. 215 Leake St. Applicant: Katherine Quick
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant proposes to add an accessory structure (storage shed) to the front yard of a corner lot (After-the-fact).
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: March 27, 2023
 Re: File # V23-05

Summary: To allow an accessory structure (prefabricated building) in the front yard of a corner lot. To allow accessory structure encroachment into side yard setback.

Section 1: Project Summary

Variance application by applicant Katherine Quick for property located at 215 Leake St. It is a corner lot at the intersection of Leake Street and Etowah Drive. Zoning is P-S, Professional Services. Setbacks are Front - 20ft and Side- 10ft. Said property contains approximately 0.33 acres.

The applicant proposes to install a prefabricated storage shed (accessory structure) along the front yard with Etowah Drive. The property has three (2) front yards. Accessory structures are to be located in the side and rear yards per Zoning Ordinance Sec. 4.9, *Accessory uses, buildings or structures*. The applicant is also requesting to allow the accessory structure to encroach into the side yard setback approximately 9'8". The side yard setback is 10ft per sec. 9.1, *P-S Professional services district*.

The HPC reviewed the shed and approved the shed with conditions at the March 21st meeting. COP23-06. One condition being that the BZA approve the variance requests for the shed. A storage shed previously existed in the same area of the yard, but was replaced by this proposed shed. No variance was requested for the previous shed, but HPC did review the previous shed and approved it on 8-18-09, COP09-09.

The variance request is for the following:

To allow an accessory structure (prefabricated building) in the front yard of a corner lot. (Sec. 4.9)

To allow accessory structure encroachment into side yard. (Sec.9.1)

Section 2. Department Comments

Building Department: No comments received.

Electric Department: Takes no exceptions.

Fibercom: Takes no exceptions.

Fire Department: CFD takes no exceptions to the variance request for the property located at 215 Leake St. to allow an accessory structure to encroach into the side yard setback. All applicable city adopted codes and ordinances shall be followed.

Gas Department: Takes no exceptions.

Public Works Department: Takes no exceptions.

Water Department: Takes no exceptions.

Section 3. Public Comments Received by Staff

None as of 4-3-23.

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. 4.9. Accessory uses, buildings or structures.

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

Sec. 9.1. P-S Professional services district.

9.1.1. *P-S district scope and intent.* Regulations in this section are the P-S district regulations.

The P-S district is intended to provide land areas for professional offices and related community oriented service activities as further described in section 3.1.14 of this chapter.

9.1.2. *Use regulations.* Within the P-S district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.

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

- Accessory apartments (SU).*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
- Bed and breakfast inn (SU)*.
- Clinics (excludes veterinary).
- Clubs or lodges (noncommercial) (SU)*.
- Colleges and universities.
- Construction contractors:
 - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Heavy equipment and contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Special trade contractors; including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).

- Day care facilities.
- Financial establishments.
- Hospices (SU).*
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Medical offices (excludes veterinary).
- Nursing home facilities (SU).*
- Offices, professional.
- Personal care homes (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Retirement centers (SU).*
- Schools, private (SU).*

* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) 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 frontage:* One hundred ten (110) feet adjoining a street.
- F. *Minimum lot width at building line:* One hundred (100) feet.
- G. *Minimum heated floor area per unit.*
- *3-bedroom:* Nine hundred (900) square feet.
 - *2-bedroom:* Seven hundred fifty (750) square feet.
 - *1-bedroom:* Six hundred (600) square feet.
 - *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
- H. *Minimum buffer requirements.* In addition to required setbacks, a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- I. *Accessory structure requirements.* See section 4.9 of this chapter.

- J. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[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.
- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- N. *Maximum commercial building floor area:* ten thousand (10,000) square feet.

9.1.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the P-S district.

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

(Ord. No. 01-13, § 5, 1-3-13)

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.

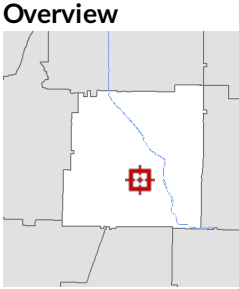
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

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.

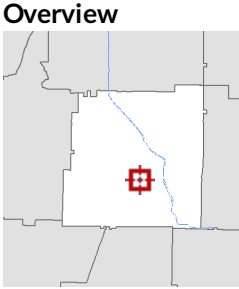
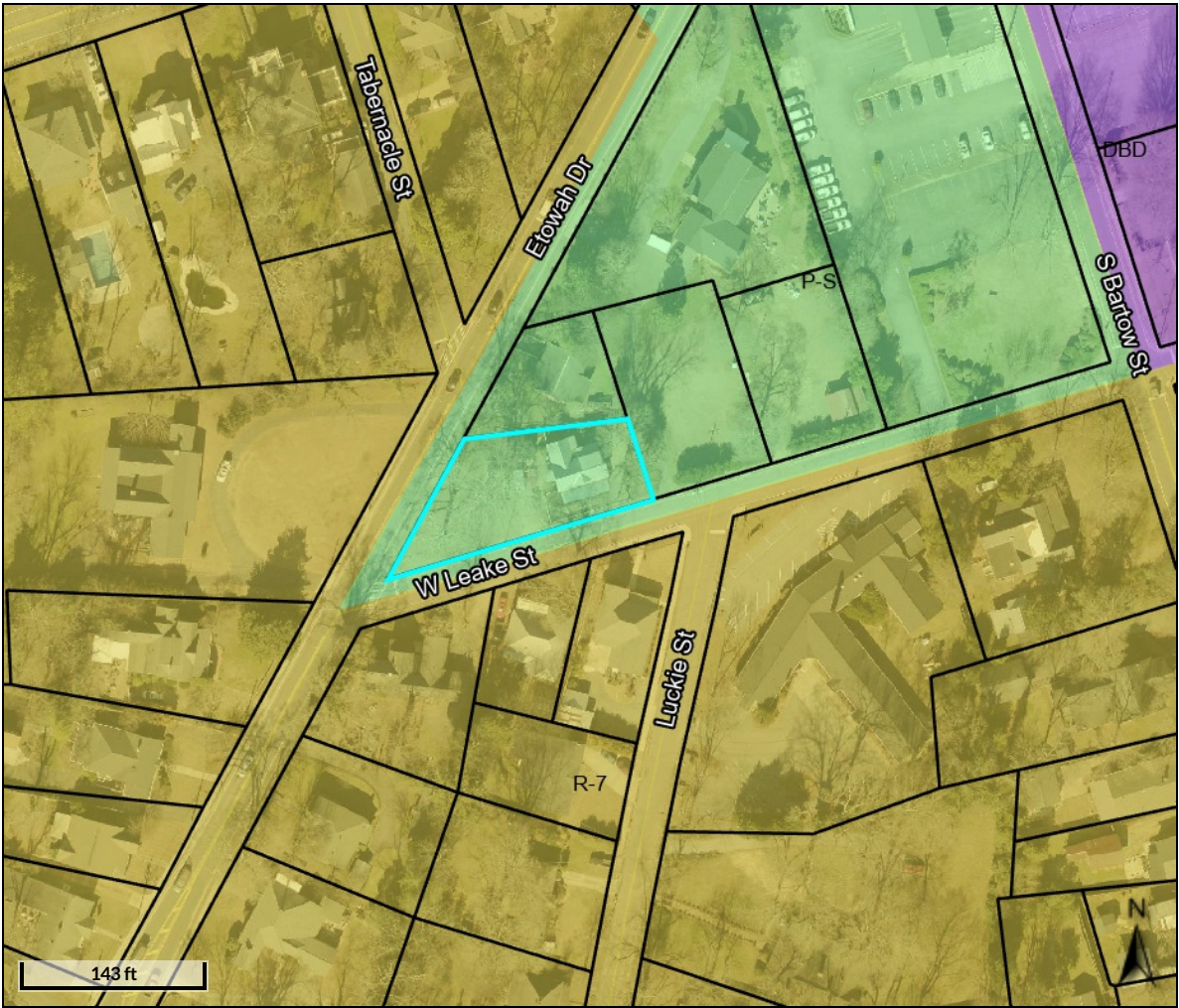


Legend
 Parcels
 Roads

Parcel ID	C002-0003-005	Alternate ID	32109	Owner Address	GARLAND RONALD B
Sec/Twp/Rng	n/a	Class	Residential		QUICK KATHERINE MICHELLE
Property Address	215 LEAKE ST	Acreage	0.33		215 LEAKE ST
					CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL483 LD4				
	(Note: Not to be used on legal documents)				

Date created: 4/3/2023
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- Legend**
- Parcels
 - Roads
- Cartersville Zoning**
- AG
 - DBD
 - G-C
 - G-C*
 - H-I
 - H-I*
 - L-I
 - L-I*
 - M-U
 - M-U*
 - MF-14
 - MF-14*
 - MN
 - O-C
 - O-C*
 - P-D
 - P-D*
 - P-I
 - P-S
 - P-S*
 - R-10
 - R-10*
 - R-15
 - R-15*
 - R-20
 - R-20*
 - R-7
 - R-7*
 - R-D
 - RA-12
 - RA-12*
 - RSL

Parcel ID C002-0003-005
 Sec/Twp/Rng n/a

Alternate ID 32109
 Class Residential

Owner Address GARLAND RONALD B
 QUICK KATHERINE MICHELLE

Property Address 215 LEAKE ST

Acreage 0.33

215 LEAKE ST
CARTERSVILLE, GA 30120

Item 3.

District Cartersville

Brief Tax Description LL483 LD4

(Note: Not to be used on legal documents)

Date created: 4/3/2023

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City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-13-2023 5:30pm

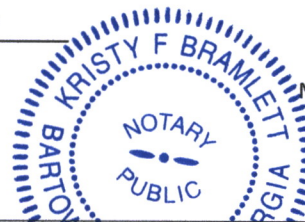
Application Number: V23-05

Date Received: 1-31-2023

Applicant Katherine Quick Office Phone N/A
 (printed name)
 Address 215 Leake Street Mobile/ Other Phone 770.608.0943
 City Cartersville State GA Zip 30120 Email Katiequick2011@gmail.com
 Phone (Rep) _____
 Representative's printed name (if other than applicant) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature Katherine Michelle Quick
 Signed, sealed and delivered in presence of: _____ My commission expires: 02/01/2026
Kristy F. Bramlett
 Notary Public



* Titleholder Katherine Quick Phone 770-608-0943
 (titleholder's printed name)
 Address 215 Leake Street, Cartersville, GA 30120 Email katiequick2011@gmail.com
 Signature Katherine Michelle Quick
 Signed, sealed, delivered in presence of: _____ My commission expires: 02/01/2026
Kristy F. Bramlett
 Notary Public



Present Zoning District R3 / P-S Parcel ID No. C002-0003-005
 Acreage .33 Land Lot(s) 483 District(s) 04 Section(s) _____
 Location of Property: 215 Leake Street, Cartersville, GA 30120
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Article IV, General Provisions, Section 4.9 - Accessory Uses, Buildings, or Structures, Sec 9.1.3.(c) - request for encroachment into side yard setback.
 Summary Description of Variance Request: to add an accessory structure to the front yard of a double frontage lot to allow accessory structure to be less than the required 10' from rear property line

 (Additional detail can be provided on Justification Letter)

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

NOTICE OF PUBLIC HEARING

The City of Cartersville Board of Zoning Appeals will hold a public meeting on _____ at 4:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia, 30120.

The Board of Zoning Appeals will review an application by Katherine Quick (name of applicant) of 215 Leake Street (applicant address) for property located at 215 Leake Street in Land Lot(s) 483 of the 04 District, _____ Section, in the R3 zoning district. Property contains approximately .33 acres.

Applicant requests a variance to Add an accessory structure to the front yard of a double frontage lot, request for encroachment into side yard set back.

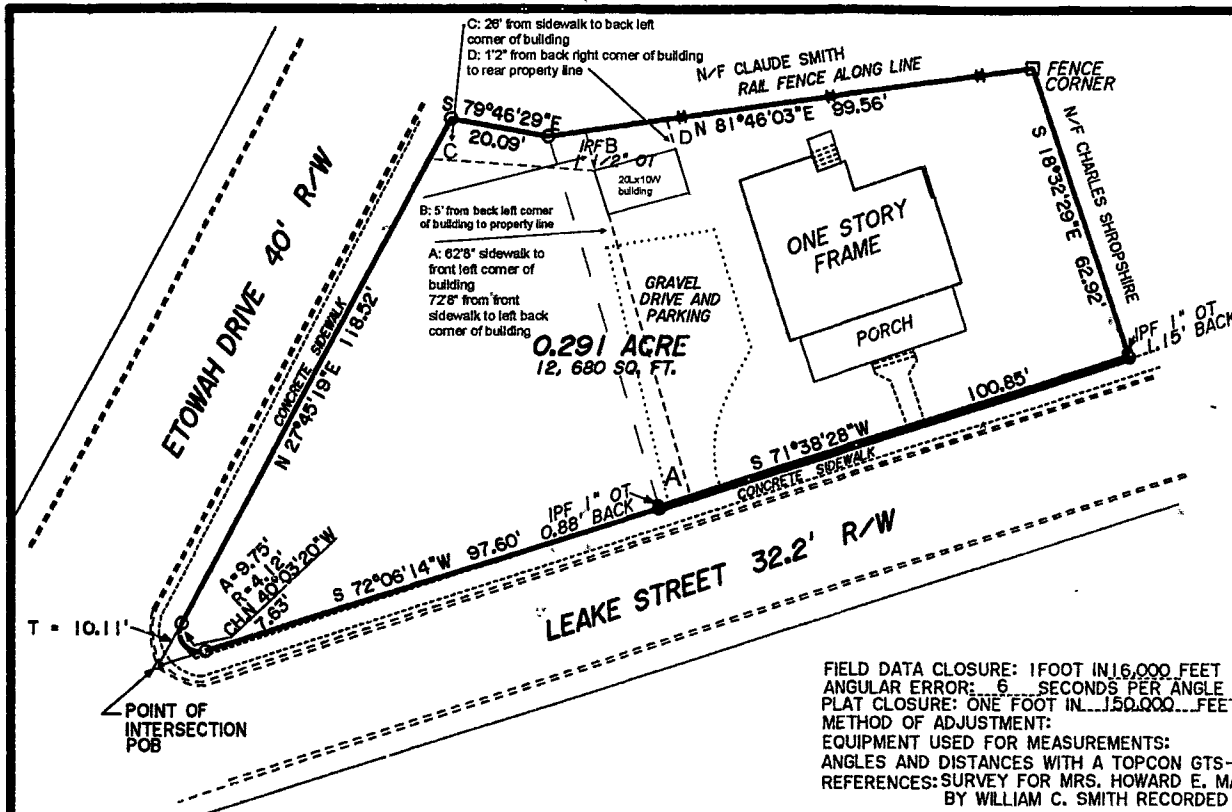
Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing.

If you have interest in the proposed variance as stated above, you are encouraged to attend the meeting as stated herein.

CITY OF CARTERSVILLE

Case # _____





GEORGIA, BARTOW COUNTY
 CLERK'S OFFICE SUPERIOR COURT
 Filed for record this 11 day of
Sept 2002 at 9:25 o'clock A.M.
 Recorded in Plat record No. 55
 Page 58 this 12 day of
Sept 2002
 GARY BELL, Clerk *JMc*



BEARINGS ORIENTED TO SMITH PLAT (P.B. 53, PG. 89)
 MAGNETIC NORTH

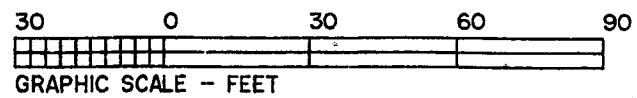
FIELD DATA CLOSURE: 1 FOOT IN 16,000 FEET
 ANGULAR ERROR: 5 SECONDS PER ANGLE POINT
 PLAT CLOSURE: ONE FOOT IN 150,000 FEET.
 METHOD OF ADJUSTMENT:
 EQUIPMENT USED FOR MEASUREMENTS:
 ANGLES AND DISTANCES WITH A TOPCON GTS-303
 REFERENCES: SURVEY FOR MRS. HOWARD E. MARLER
 BY WILLIAM C. SMITH RECORDED IN P.B. 53, PG. 89
 DEED IN D.B. 1347, PG. 802
 DEED IN D.B. 1459, PG. 802

*****LEGEND*****
 IPF ...IRON PIN FOUND
 IPF A... 1/2" REBAR FOUND
 IPS ...IRON PIN SET
 CP ...CALCULATED POINT
 POB ...POINT OF BEGINNING
 X ... FENCE
 N/F ...NOW OR FORMERLY
 R/W ...RIGHT OF WAY
 JB ...JUNCTION BOX
 OHUL ...OVERHEAD UTILITY LINE
 L.L...LAND LOT
 PP ...POWER POLE
 DB ...DEED BOOK
 PB ...PLAT BOOK
 Pg ...PAGE
 CT ...CRIMP TOP PIPE
 OT ...OPEN TOP PIPE
 CL ...CENTER LINE
 LLL...LAND LOT LINE
 MH.... MANHOLE

JOB NO. 02213

DATE OF FIELDWORK: AUGUST 15, 2002
 DATE OF PLAT: AUGUST 19, 2002
 THIS PLAT CORRECTLY REPRESENTS FIELD CONDITIONS AS
 THEY EXISTED ON THE DATE OF FIELDWORK.
 ALL MATTERS OF TITLE ARE EXCLUDED FROM THIS SURVEY.
RHODES ENGINEERING SERVICES
 645 HENDERSON DRIVE
 CARTERSVILLE, GA. 30120
 PH. (770) 386-7616 FAX (770) 386-7617

SURVEY FOR
JAYCE B. STEPP
 IN THE CITY OF CARTERSVILLE
 LOCATED IN LAND LOT 483
 4th DISTRICT, 3rd SECTION
 BARTOW COUNTY, GEORGIA



January 31, 2023
Katherine Quick
215 Leake Street
Cartersville, GA 30120

A -Zoning Variance Application Documentation:

Existing Condition:

2006 18Lx10W white storage shed with shingle roofing to the left of home at the back end of the driveway on the sights of Etowah Drive & Leake Street.

Proposed Condition or project:

2019 20Lx10W wooden (to be painted white in the spring) storage shed with metal roof matching the current metal roof on the main home. Will be located in the same location as previous shed - to the left of home at the back end of the driveway on the sights of Etowah Drive & Leake Street.

Boundary Survey/Plat:

see markup of plat attached

Justification Letter:

City of Cartersville Planning & Development,

This variance request application is to replace an existing 18Lx10W white storage building that was located on the property when I purchased the home. I have since sold that building. The original building was a 2006 and had multiple areas of wood rot and the condition over time had just gotten worse. I have since purchased a 2019 20Lx10W storage building to replace it. In the spring, I plan on painting it white to match the house and to add a matching lattice around the base of the exterior. The location of the storage building will be at the rear of the driveway. In the same location as the previous building. After measuring the location of the building versus the plat, I realized the operator who delivered the building dropped it too close to the back property line. I would like to request to be able to leave the building in its current location despite the length to the property line being less than the required 10'. It allows me to have more length and use for my driveway and the water runoff will be less damaging to the building on the higher elevation at the rear.

Thank you for your time,

Katherine Quick

LIST OF ADJACENT PROPERTY OWNERS
(Not required if City mails public notices)

The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the subject property:

	<u>NAME</u>	<u>ADDRESS</u>
1.	Connie Beanland	222 Leake Street
2.	Ryan Droese	218 Leake Street
3.	Darvey Gore	216 Leake Street
4.	Ivan & Leah Phillips	23 Etowah Drive
5.	George Shropshire	20 Etowah Drive
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

Attach additional names if necessary.

(Indicate property owned by the above persons on plat accompanying this application.)

CONDITIONS VERIFICATION

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

Article IV Section 4.9: Subsection Accessory uses, buildings, or structures
 Article IV Section 9.1.3. (C) Subsection Request for encroachment into the side yard setback
 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: There is no change in location of the storage building, only the storage building itself.

Previously, there was a white 2006 storage unit that was positioned on the property already when I purchased the home in 2017. I have only replaced that storage building with a 2019 storage building that is in much better condition.

I have provided photos of the previous building and the new building within this application.

Adding an accessory structure to the front yard of a lot with double road frontages and also applying for a variance due to the back side of the building not being the minimum of 10' off of the property line.

Existing Building



Proposed Building





Image capture: Jun 2022 © 2023 Google



215 Leake St

All

Street View & 360°

View of existing shed from Leake St.



Image capture: Jun 2022 © 2023 Google



215 Leake St

All

Street View & 360°





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 13th
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-06. 111 Remington Dr. Applicant: Melissa Stringer
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant proposes to add a Privacy Fence in the front yard of a corner lot.
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: April 3, 2023
Re: File # V23-06

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

Section 1: Project Summary

Variance application by applicant, Melissa Stringer, for property located at 111 Remington Drive, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 0.65 acres. The lot is a corner lot with road frontages along Road No. 1 South and Remington Drive.

On 3/13/23, Donna Fritz, Senior Code Enforcement officer, observed the privacy fence post installation occurring on the Public ROW (Right-of-Way). After several conversations with Ms. Fritz and Zack Arnold, Asst. City Planner, the homeowner submitted a variance application to request that the privacy fence be permitted to encroach into the front yard of a corner lot. This is a common request for corner lots.

The applicant proposes to build a privacy fence to enclose the side of the property that will include the front yard along the Road No. 1 South Right-of-Way. The fence ordinance for corner lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the side of the house, but in the front yard along Road No. 1 South.

Regardless of the outcome of the variance hearing, the homeowner will have to remove the new fence posts from the Public ROW. The homeowner should also be aware that either the City of Cartersville or Bartow County may require that the existing retaining wall for the parking area be removed should utility or ROW projects require it. The retaining wall is not part of this variance request.

The variance request is for the following:

1. To allow an 8ft. privacy fence to be installed in the front yard of a corner lot (Sec. 4.16)

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: No Comments made

Fire Department: CFD takes no exceptions to the variance request for the property located at 111 Remington Drive to allow a privacy fence provided that all city adopted codes and ordinances are followed.

Gas Department: The Gas System takes no exception to the following as shown in the attachments as long the proposed fence does not encroach within the public right-of-way.

Public Works Department: We are not opposed to this variance, but the fence cannot be put in the right of way.

Water Department:

WATER SERVICE COMMENTS:

This property is not located in the City of Cartersville Water Department's water service area. Contact the Bartow County Water Department for comments regarding water service.

SEWER SERVICE COMMENTS:

This property is not located in the City of Cartersville Water Department's water service area. Contact the Bartow County Water Department for comments regarding water service.

Bartow County Water: No comments received.

Section 3. Public Comments Received by Staff

None received as of 4/3/2023.

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.

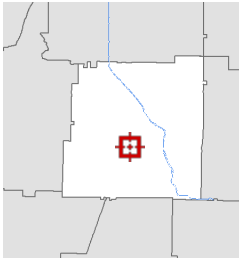
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based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

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



Overview



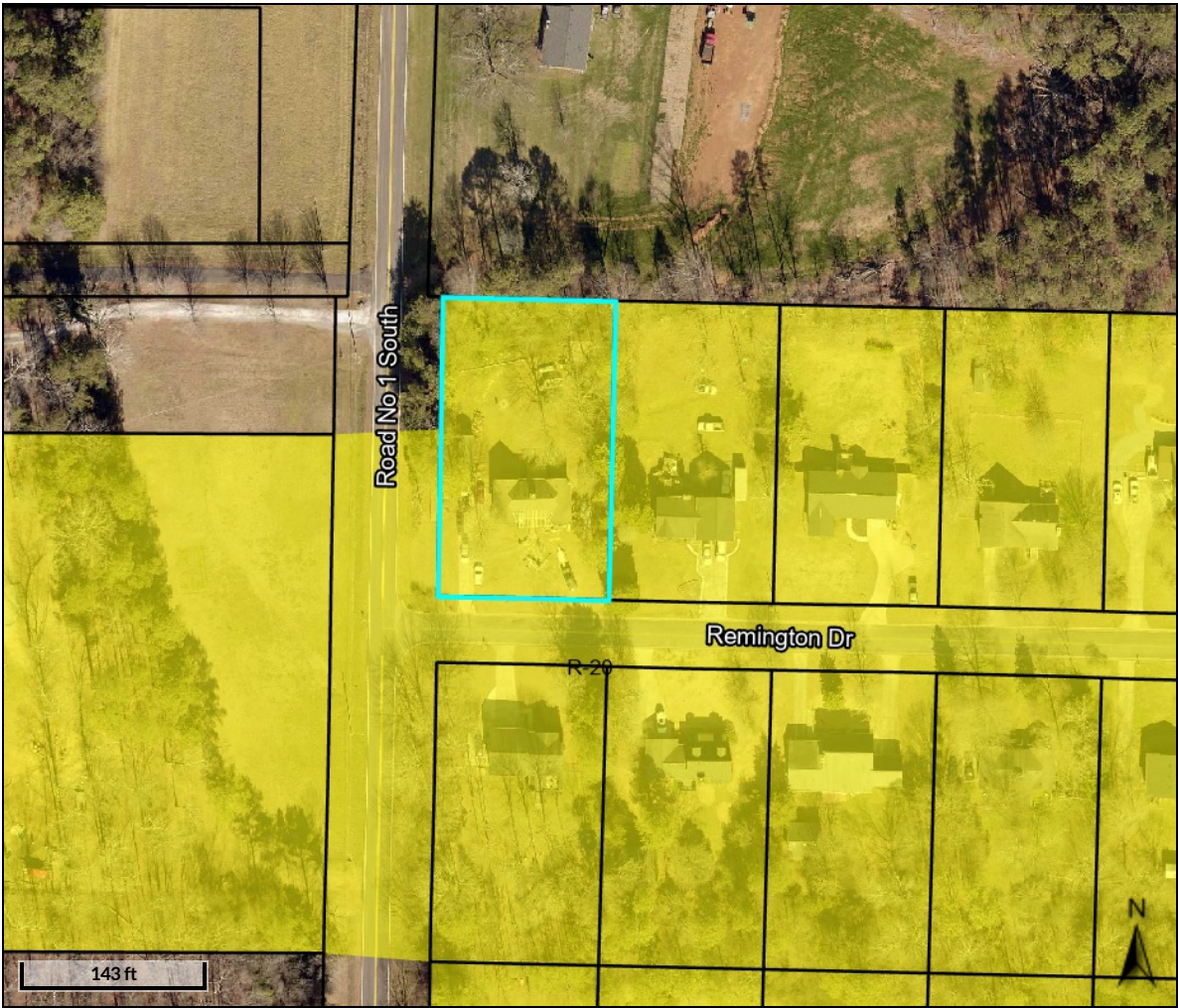
Legend

-  Parcels
-  Roads

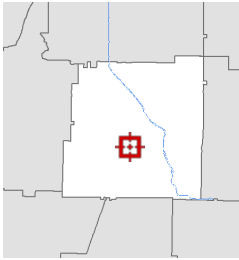
Parcel ID	C080-0003-001	Alternate ID	37390	Owner Address	STRINGER JASON & MELISSA ANN
Sec/Twp/Rng	n/a	Class	Residential		111 REMINGTON DR SW
Property Address	111 REMINGTON DR	Acreage	0.65		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT21 COPPERFIELD II LL 368 LD 4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 4/3/2023
 Last Data Uploaded: 3/31/2023 10:25:55 PM

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Overview



Legend

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
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- MF-14
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- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
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- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*
- RSL

Parcel ID C080-0003-001
 Sec/Twp/Rng n/a

Alternate ID 37390
 Class Residential

Owner Address STRINGER JASON & MELISSA ANN
 111 REMINGTON DR SW

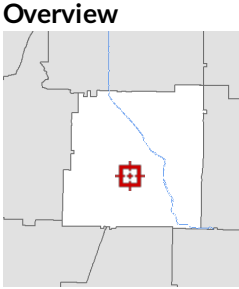
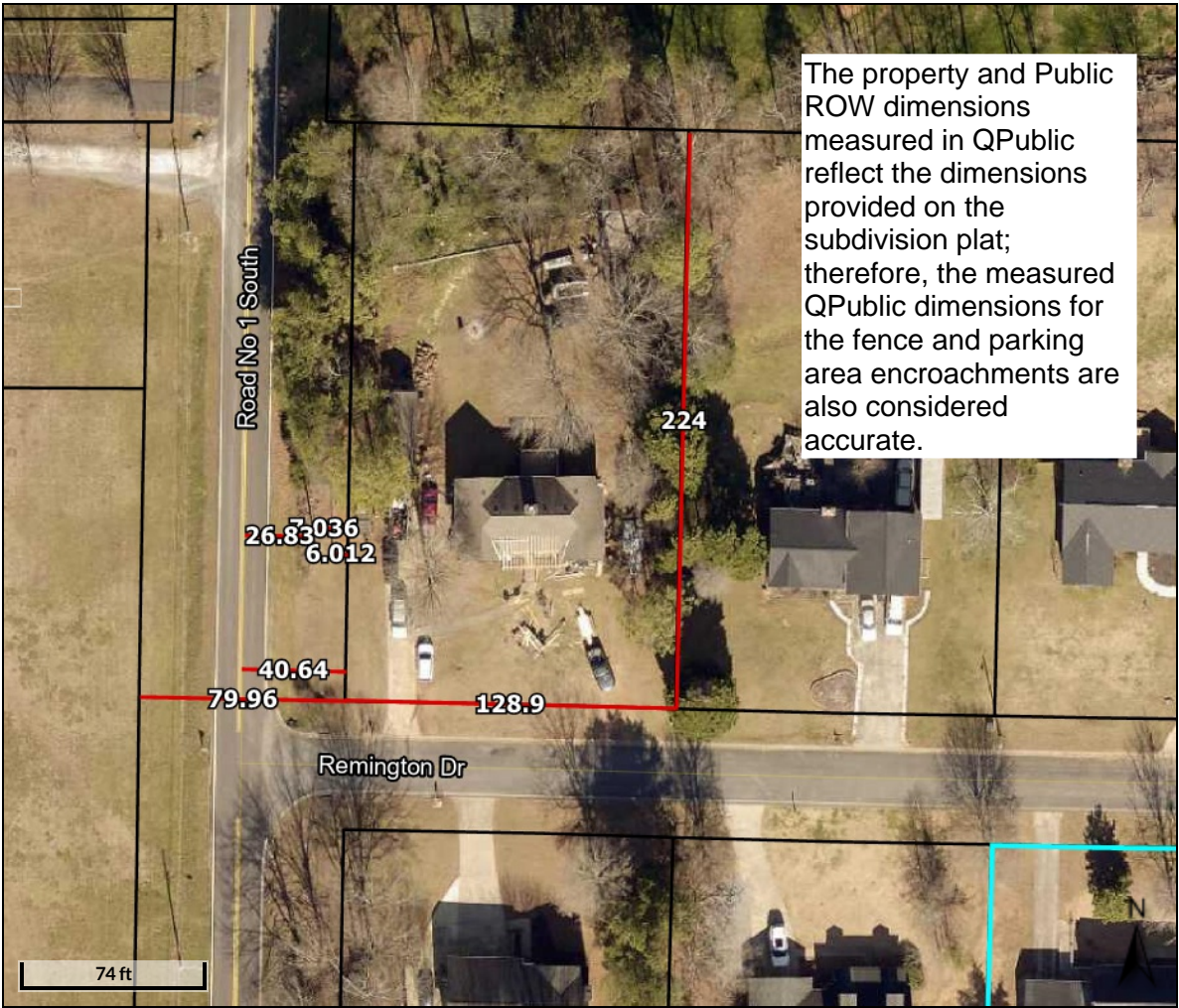
Property Address 111 REMINGTON DR **Acreage** 0.65
District Cartersville
Brief Tax Description LT21 COPPERFIELD II LL 368 LD 4
(Note: Not to be used on legal documents)

CARTERSVILLE, GA 30120

Item 4.

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Legend
 □ Parcels
 — Roads

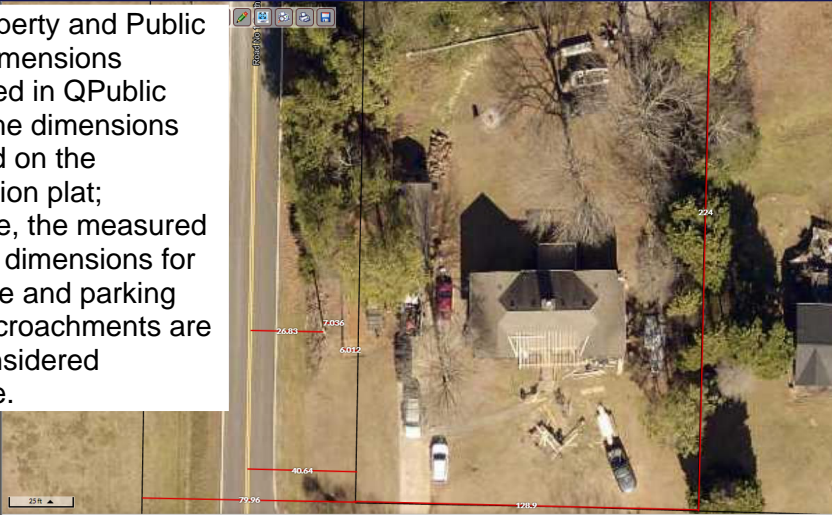
Parcel ID	C080-0003-019	Alternate ID	37408	Owner Address	HILL DENNIS L SR &
Sec/Twp/Rng	n/a	Class	Residential		HILL PAMELA R
Property Address	114 REMINGTON DR	Acres	0.65		114 REMINGTON DRIVE
					CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT39 COPPERFIELD II LL 368 LD 4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 4/6/2023
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Developed by Schneider
 GEOSPATIAL

The property and Public ROW dimensions measured in QPublic reflect the dimensions provided on the subdivision plat; therefore, the measured QPublic dimensions for the fence and parking area encroachments are also considered accurate.

- Euharlee Historic District
 - Euharlee Road Corridor Design
 - Land Lots
 - Streams and Rivers
 - Lakes
 - Flood Hazard Area
 - County Outlines
 - Cass-White Corridor 2022
 - 2021 Aerial Photos
 - 2018 Aerial Photos
 - 2015 Aerial Photos
 - Contours
- [Restore Layer Defaults](#)

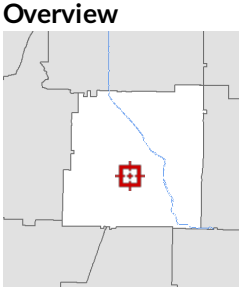


Parcel ID C080-0003-019
Sec/Twp/Rng n/a
Property Address 14 REMINGTON DR

Cartersville
LT39 COPPERFIELD II LL 368 LD 4
(Note: Not to be used on legal documents)

Alternate ID 37408
Class Residential
Acreage 0.65

Owner Address HILL DENNIS L SR &
HILL PAMELA R
114 REMINGTON DRIVE
CARTERSVILLE, GA 30120



Legend
 □ Parcels
 — Roads

Proposed Privacy Fence location requiring a variance for front yard encroachment.

Proposed privacy fence location that does not require a variance.

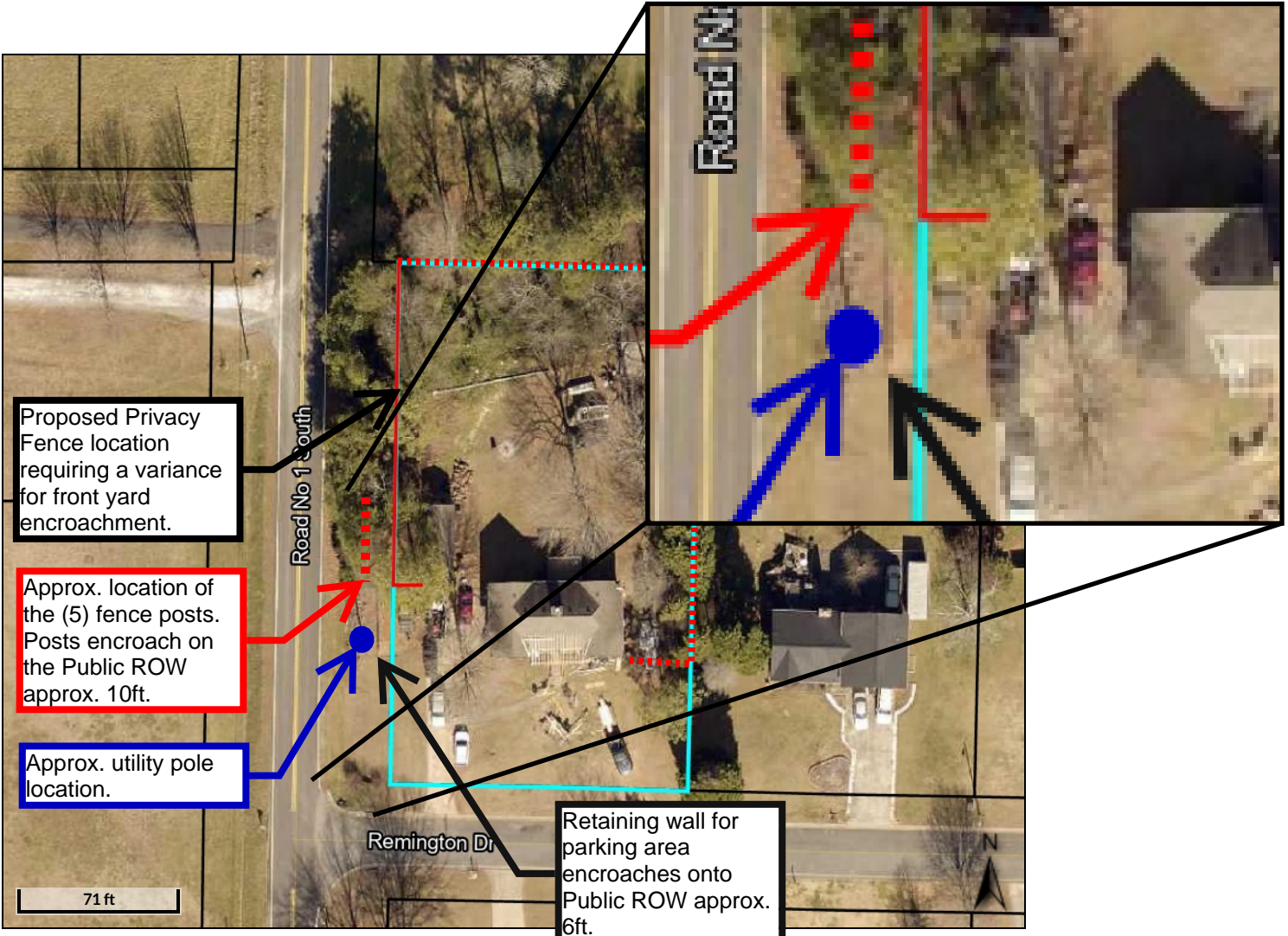
Fence connects to front corner of existing detached garage.

Parcel ID	C080-0003-001	Alternate ID	37390	Owner Address	STRINGER JASON & MELISSA ANN
Sec/Twp/Rng	n/a	Class	Residential		111 REMINGTON DR SW
Property Address	111 REMINGTON DR	Acreage	0.65		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT21 COPPERFIELD II LL 368 LD 4				

(Note: Not to be used on legal documents)

Date created: 4/6/2023
 Last Data Uploaded: 4/5/2023 10:49:52 PM

Developed by Schneider GEOSPATIAL



Proposed Privacy Fence location requiring a variance for front yard encroachment.

Approx. location of the (5) fence posts. Posts encroach on the Public ROW approx. 10ft.

Approx. utility pole location.

Retaining wall for parking area encroaches onto Public ROW approx. 6ft.

Parcel ID	C080-0003-001	Alternate ID	37390	Owner Address	STRINGER JASON & MELISSA ANN
Sec/Twp/Rng	n/a	Class	Residential		111 REMINGTON DR SW
Property Address	111 REMINGTON DR	Acreage	0.65		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT21 COPPERFIELD II LL 368 LD 4				

(Note: Not to be used on legal documents)

Date created: 4/6/2023
Last Data Uploaded: 4/5/2023 10:49:52 PM


Developed by Schneider GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-13-2023 5:30pm

Application Number: V23-06

Date Received: 2-10-2023

Applicant Melissa Stringer Office Phone _____
 (printed name)
 Address 111 Remington Drive Mobile/ Other Phone 678-371-1311
 City Cartersville State GA Zip 30120 Email mstringer1973@gmail.com
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature Melissa Stringer
 Signed, sealed and delivered in presence of: _____ My commission expires: _____
Julia Drake  10/6/2025
 Notary Public

* Titleholder Melissa Stringer Phone 678-371-1311
 (titleholder's printed name)
 Address 111 Remington Drive Email mstringer1973@gmail.com
 Signature Melissa Stringer
 Signed, sealed, delivered in presence of: _____ My commission expires: _____
Julia Drake  10/6/2025
 Notary Public

Present Zoning District R-20 Parcel ID No. C080-0003-001
 Acreage 1.05 Land Lot(s) 368 District(s) 4 Section(s) 3
 Location of Property: 111 Remington Drive Cartersville Ga. 30120
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Section 4.10 (B)
 Summary Description of Variance Request: Privacy Fence in front yard.

 (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: I need to put a fence up for
protection of a pool. we put up a pool and would
like the fence for protection & privacy

DEED BOOK 482, PAGE 277
DEED BOOK 574, PAGE 507
DEED BOOK 609, PAGE 379

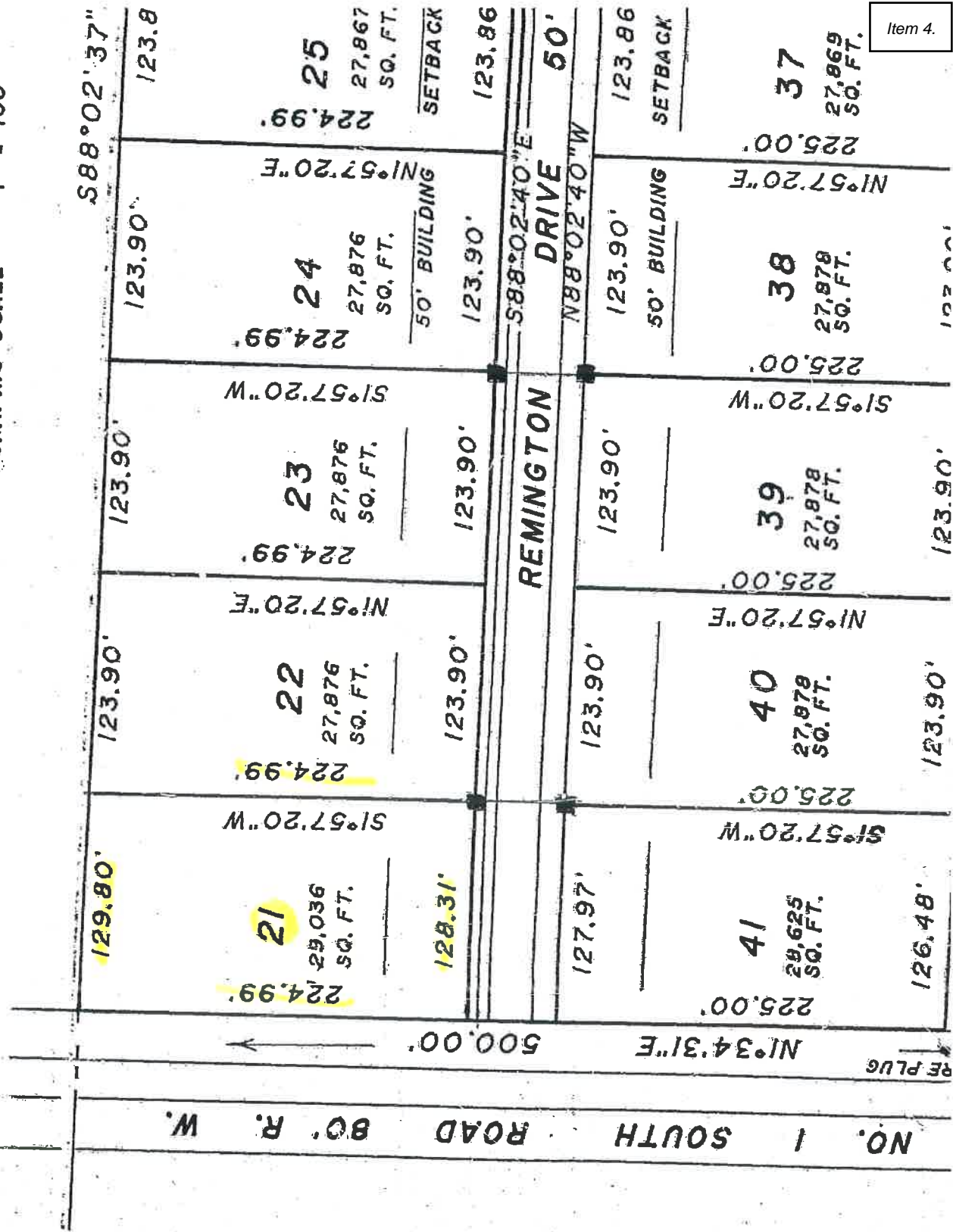
THIS PLAT RECORDED IN PLAT BOOK 7, PAGE 283.

NOTE: ALL CORNERS MARKED BY 1
UNLESS OTHERWISE NOTED.

100 50 0 100



GRAPHIC SCALE 1" = 100'



Item 4.



Images Taken 3-23-23





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 13th
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-07. 329 Brown Farm Rd. Applicant: Kyle Hoyt, PE. (Rep.)
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant proposes to omit the sidewalk requirement for site development.
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: April 3, 2023
 Re: File # V23-07

Summary: To omit the sidewalk requirement for site development

Section 1: Project Summary

Variance application by Southern Freight Lines for property located at 329 Brown Farm Road, zoned H-I, Heavy Industrial. Said property contains approximately 139.95 acres. The lot has approx. 1,950ft of frontage along Brown Farm Road.

The topography and utility conflicts along this section of Brown Farm Road make sidewalk installation challenging. Sidewalk requirements along the south side of Brown Farm Road have been omitted previously along the southern side of Brown Farm and along Friction Drive per V08-19.

The variance request is for the following:

1. Omit the sidewalk requirement along Brown Farm Road required per Development Regulation 7.5-65. Street Design Criteria, Item 10 (A) & (B).

Section 2. Department Comments

Electric Department: Takes No exception.

Fibercom: Takes No exception.

Fire Department: No comments received.

Gas Department: Takes No exception.

Public Works Department: Though we are in favor of installation of sidewalks for the public to utilize on public right of way, it appears that a precedence has been made by granting a variance to omit sidewalks on neighboring properties along Brown Farm Road and Fiber Drive.

Water Department:**WATER SERVICE COMMENTS:**

This property is not located in the City of Cartersville Water Department's water service area. Contact the Bartow County Water Department for comments regarding water service.

SEWER SERVICE COMMENTS:

This property is not located in the City of Cartersville Water Department's water service area. Contact the Bartow County Water Department for comments regarding water service.

Section 3. Public Comments Received by Staff

3/30: Howard Smith. General Inquiry. Application and site plans sent upon request.

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).

7.5-65. Street Design Criteria***(10) Sidewalks:***

- A. Sidewalks shall be required on at least one side of all new streets in residential developments and are required along property frontage of all new developments on existing streets.
- B. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed in accordance with Section 7.5-70, Standard Details, Detail 3.8.15 and located as shown in Detail 3.8.14.
- C. Sidewalks shall be backfilled and landscaped.
- D. Sidewalks shall include handicap ramps at all street intersections to meet the Americans with Disabilities Act (ADA) requirements. See Section 7.5-70, Standard Details, Detail 3.8.16a, 3.8.16b, 3.8.16c and 3.8.16d.

(Ord. No. 20-21, § 1, 4-1-2021)

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.

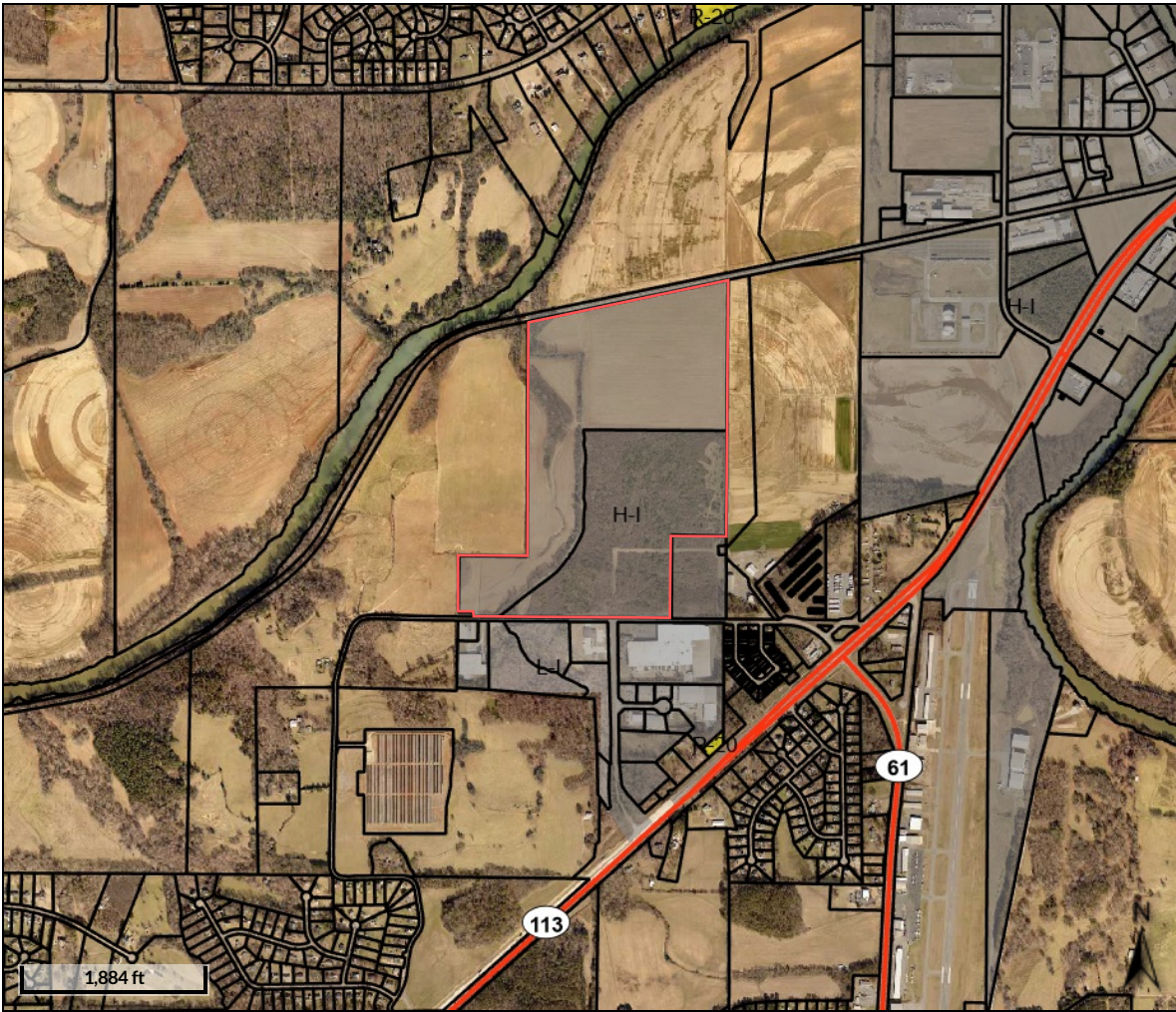
21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public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

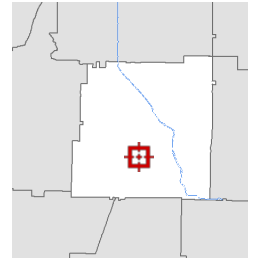
application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

- 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.*



Overview



Legend

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
- L-I*
- M-U
- M-U*
- MF-14
- MF-14*
- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
- R-15*
- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*
- RSL

Parcel ID C100-0001-011
 Sec/Twp/Rng n/a

Alternate ID 38024
 Class Residential

Owner Address TURNER JEFFREY
 TURNER DEANNA

Property Address 19 RIVERSIDE CT

Acreage 0.61

19 RIVERSIDE CT
CARTERSVILLE, GA 30120

Item 5.

District

Cartersville

Brief Tax Description

LT 23 RIVER CHASE II LL 920 LD4 S3 PLAT BK 31

(Note: Not to be used on legal documents)

Date created: 4/3/2023

Last Data Uploaded: 3/31/2023 10:25:55 PM

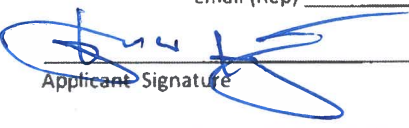

Developed by  Schneider
GEOSPATIAL

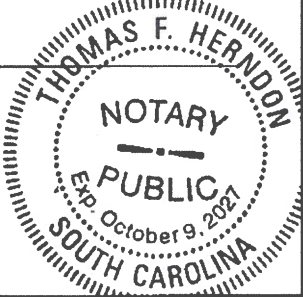
City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-13-2023 5:30pm

Application Number: V23-07

Date Received: 2-22-2023

Applicant Kyle M. Hoyt, P.E. Office Phone 843-408-3546
 (printed name)
 Address 346 Seacoast Parkway Mobile/ Other Phone 843-408-3546
 City Mt. Pleasant State SC Zip 29464 Email khoyt@hoytberenyi.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: 05/04/2028

Jan G. [Signature] 02/22/2023
 Notary Public

* Titleholder Southeastern Freight Lines, Inc Phone 803-794-7300
 (titleholder's printed name)
 Address PO Box 1691, Columbia, SC 29702 Email Ryan.Smigiel@sefl.com
 Signature Ryan Smigiel
 Signed, sealed, delivered in presence of: My commission expires: 10/09/2027

Thomas F. Herndon
 Notary Public

Present Zoning District H-1 Parcel ID No. C054-0801-001,
728, 729, 784, 785, C054-0785-001
 Acreage 139.95 AC Land Lot(s) 800, and 801 District(s) 4th Section(s) 3rd
 Location of Property: 329 Brown Farm Rd
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Article III, Section 7.6, Subsection 65 (10) - Sidewalk Requirements
 Summary Description of Variance Request: Eliminate the required sidewalk. See attached justification letter for further detail.

 (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 III Section 7.5 Subsection 65 (10)
 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 attached Justification Letter.

February 22, 2023

Board of Zoning Appeals – Zoning Variance
City of Cartersville – Planning and Development Department
2nd Floor, City Hall
10 N. Public Square
Cartersville, GA 30120

RE: SEFL Cartersville – 329 Brown Farm Rd

To the BZA:

Please find this letter as justification for the zoning variance application submitted for the SEFL Cartersville project. We are applying for a variance of the sidewalk requirement, noted in Article III, Section 7.5-65(10) of the zoning ordinance titled “Sidewalks”.

The SEFL Cartersville project is situated on 139.95 acres split between two parcels of the same owner, Southeastern Freight Lines Inc, PID# C054-0801-001, C054-0785-001 in Cartersville, GA. The site is zoned H-I (Heavy Industrial) and the proposed improvements include clearing/grading the existing site, new road connection and utility relocation along Brown Farm Rd. and the construction of an approx. 65,000 SF freight terminal, attached warehouse, maintenance shop, employee parking, trailer yard, stormwater ponds, and other related infrastructure.

We are requesting a sidewalk variance due to the following items as noted on the variance application including: exceptional topographic conditions, extraordinary or exceptional conditions and circumstances, undue hardship upon the property owner, and that the requested variance relief may be granted without substantially impairing the intent and purpose of the ordinance.

Exceptional topographic conditions exist on the west frontage of the property where there is a significant stormwater crossing under Brown Farm Rd that runs through the property. There is not sufficient room to construct a sidewalk due to the steep grading beginning at the existing edge of pavement. Most likely wetland/stream impacts would be triggered from this requirement which would cause undue hardship on the property owner.

Exceptional conditions on the property include extensive existing above ground and underground utilities along the frontage of our development and would cause undue hardship on the property owner for further utility relocations due to the construction of a sidewalk over top of current underground utilities. The site is also located in an area designated as heavy industrial which is not conducive to pedestrian connectivity between and within neighboring properties.

There are currently no existing sidewalks along Brown Farm Rd (with the minor exception of the gas station at US-113), and an adjacent property received approval from the BZA for a sidewalk variance (221 Brown Farm Rd). Due to this we believe that the variance relief may be additionally granted to this property without substantially impairing the intent and purpose of the ordinance.

If you have any questions, or require any additional information, do not hesitate to contact me at (843) 532-6757, or via email at KHoyt@HoytBerenyi.com.

Sincerely,



Kyle M. Hoyt, P.E.

Vice President

Hoyt + Berenyi

KHoyt@HoytBerenyi.com

SURVEYOR CERTIFICATION

TO: SOUTHEASTERN FREIGHT LINES, INC., A SOUTH CAROLINA CORPORATION & FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 8, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF APRIL OF 2022.

MCB

Michael C. Bell, GA P.L.S. #3465

05/09/2022
Date

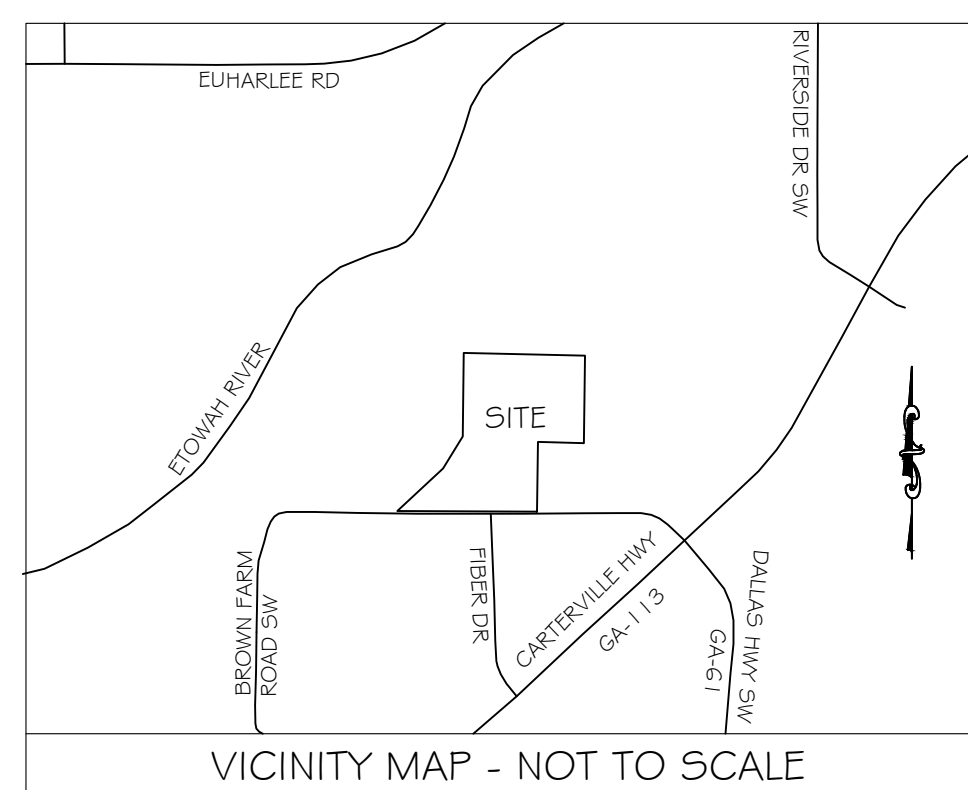
SURVEYOR CERTIFICATION

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 CREATED 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.

MCB

Michael C. Bell, GA P.L.S. #3465

05/09/2022
Date



**TRACT CONTAINS
3,612,186 Sq. Feet
82.924 Acres**

- SURVEY NOTES**
- All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
 - The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
 - According to the Flood Insurance Rate Map (FIRM) for Bartow County, Georgia, (Community-panel number 13015C-0263 H, dated October 05, 2018), a portion of the subject property lies in Zone X Shaded.
 - The locations of underground utilities shown hereon are based on visible structures and maps and/or field located markings provided by Ryken Utility Detection, LLC, and are approximate only. The property shown hereon may be served by underground utilities which are not shown hereon. Alliance makes no warranties or claims that all utilities are marked or accurate. All Utility Companies should be contacted before beginning any design or construction. Ryken's report can be provided upon request.
 - North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positioning System (GPS) and obtained by RTK observations on 04-11-2022 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet. The scale factor applied to adjust GPS gathered data to ground coordinates: 1.00007934700399
 - The field data upon which this plat is based was gathered using base and rover using multiple setups and duplicate observations on corners. The processed data has a horizontal position of less than 0.06 feet.
 - This plat has been calculated for closure and is found to be accurate within one foot in 501,846 feet.
 - Equipment used for measurement:
GPS: Leica G516 GPS Receiver (Base Station)
Leica G516 GPS Receiver (Rover)
LIDAR:
 - This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
 - State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
 - This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
 - There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field survey.
 - Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
 - At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.
 - Current property owner: CERCA5BEST NA
 - Current site address: PID# C054-0801-001 - 329 Brown Farm Rd., Cartersville, GA 30120
 - Topographic data shown hereon is based on LIDAR data gathered on 04/11/2022 with an RMS error of 0.14 feet.

LEGEND

- SIGN
- LIGHT POLE
- FIRE HYDRANT
- WATER VAULT
- SANITARY SEWER MANHOLE
- UTILITY POLE
- GUY WIRE
- GAS VALVE
- GAS METER
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- FIBER OPTIC MARKER
- FIBER OPTIC BOX
- BENCHMARK
- IRON PIN FOUND
- COMPUTED POINT
- IRON PIN SET
- MEASURED DISTANCE
- CALCULATED DISTANCE
- RECORD DISTANCE
- OTF
- CMP
- PVC
- DIP
- RCP
- POC
- POB
- STORM SEWER LINE
- SANITARY SEWER
- GAS LINE
- OVERHEAD ELECTRIC
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- FENCE
- LAND LOT

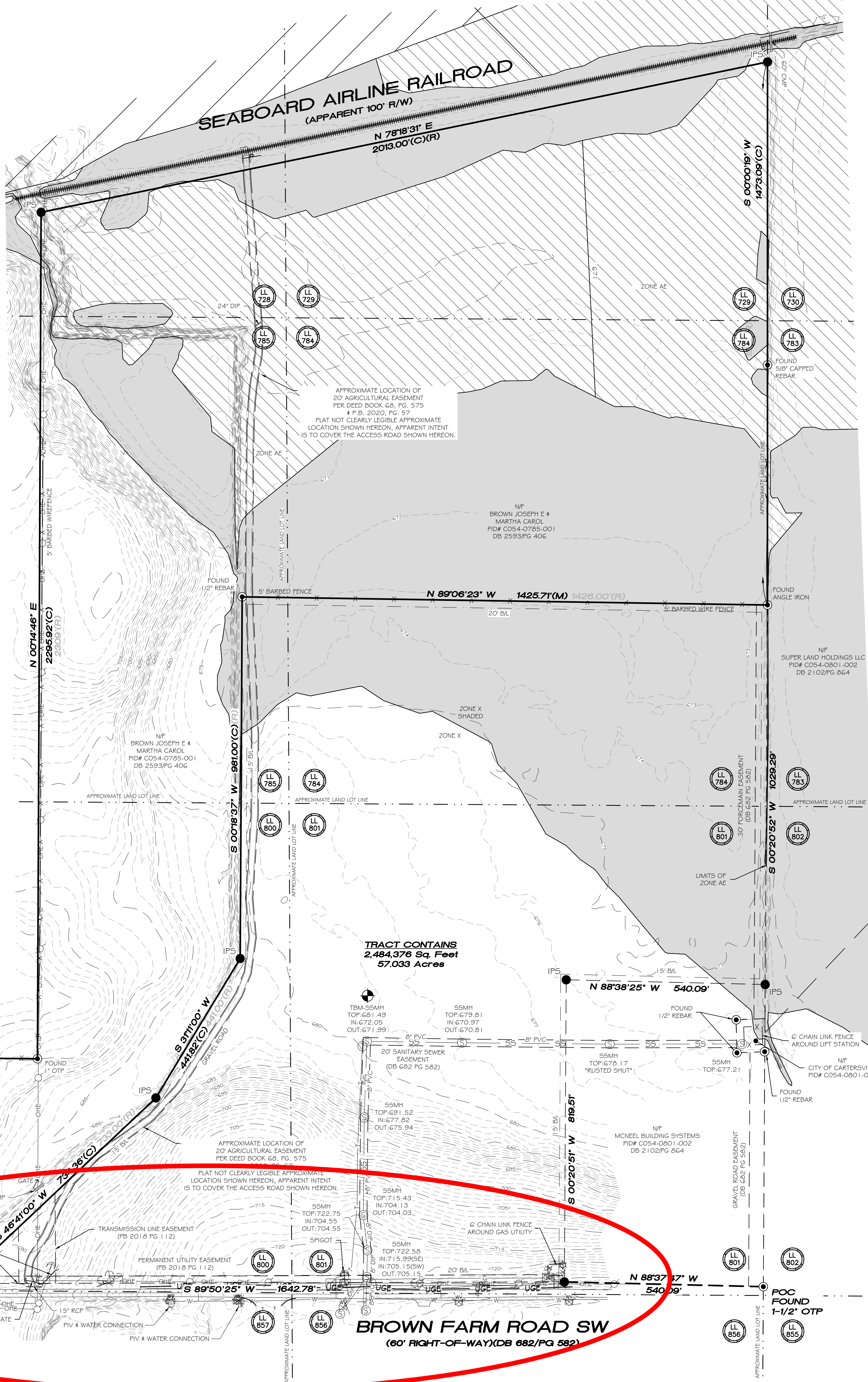
ZONING

THE SUBJECT PROPERTY IS ZONED H-1 PER CITY OF CARTERSVILLE ZONING MAP DATED JUNE 4, 2020.

THE SETBACKS FOR ZONE H-1 HEAVY INDUSTRIAL PER CITY OF CARTERSVILLE ZONING STANDARDS ACCESSED ON 05/03/2022 ARE AS FOLLOWS:

FRONT: 20 FEET
SIDE: 15 FEET
REAR: 20 FEET
MAXIMUM BUILDING HEIGHT: 50 FEET

ANY SETBACKS AND BUFFERS SHOWN ARE COVERED BY THE LOCAL JURISDICTION AND SHOULD BE CONFIRMED IN WRITING PRIOR TO LAND PLANNING OR ANY CONSTRUCTION ACTIVITIES.



1 OF 1

ISSUE:	DATE	DESCRIPTION
INITIAL:	05/09/2022	
REV. 1:	02/17/2023	ADD ADDITIONAL BENCHMARK AND PRIVATE UTILITIES
REV. 2:		
REV. 3:		
REV. 4:		
REV. 5:		
REV. 6:		
REV. 7:		

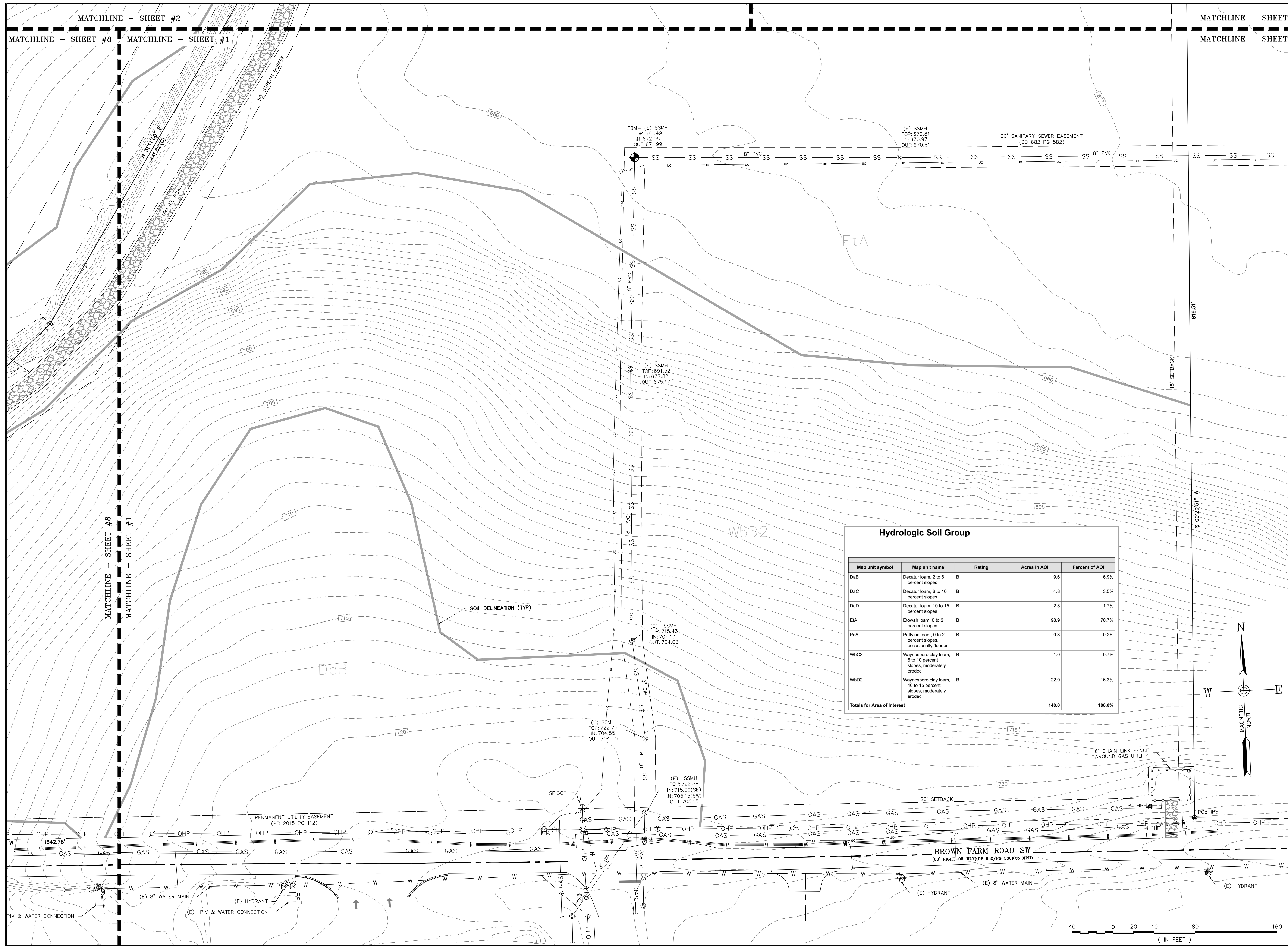
DRAFTED BY: MCB
CHECKED BY: MCB
PROJECT #: 22095

ALTA & NSPS LAND TITLE SURVEY
CARTERSVILLE TRACT
FOR
SOUTHEASTERN FREIGHT LINES, INC., A
SOUTH CAROLINA CORPORATION & FIDELITY
NATIONAL TITLE INSURANCE COMPANY

LOCATED IN:
LAND LOTS 728, 729,
784, 785, 800
4TH DISTRICT 3RD SECTION
BARTOW COUNTY, GEORGIA

ALLIANCE LAND SURVEYING

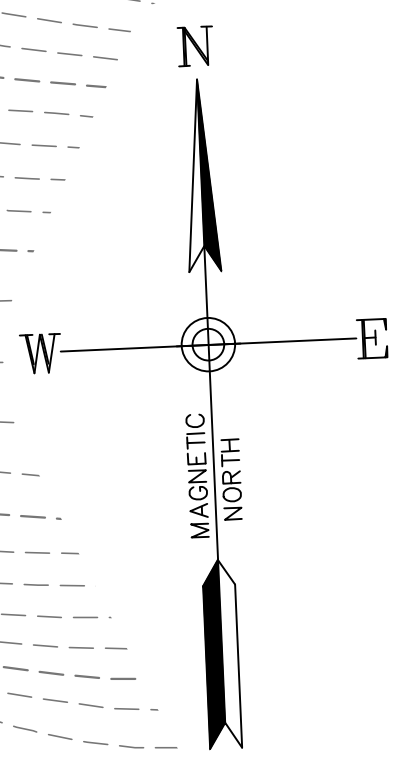
L.S.F. 1322
4525 SOUTH LEE STREET
BUFORD, GEORGIA 30518
678.828.9424 | WWW.AEFPATL.COM



MATCHLINE - SHEET #2
MATCHLINE - SHEET #8 MATCHLINE - SHEET #1
MATCHLINE - SHEET



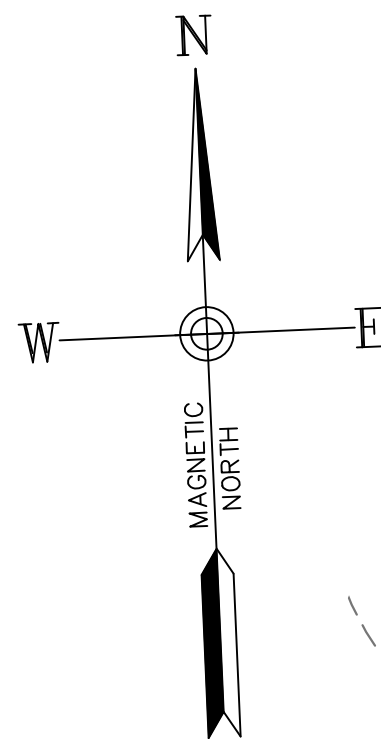
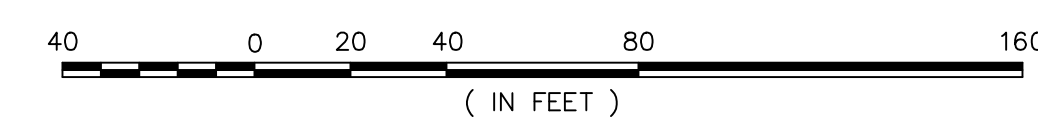
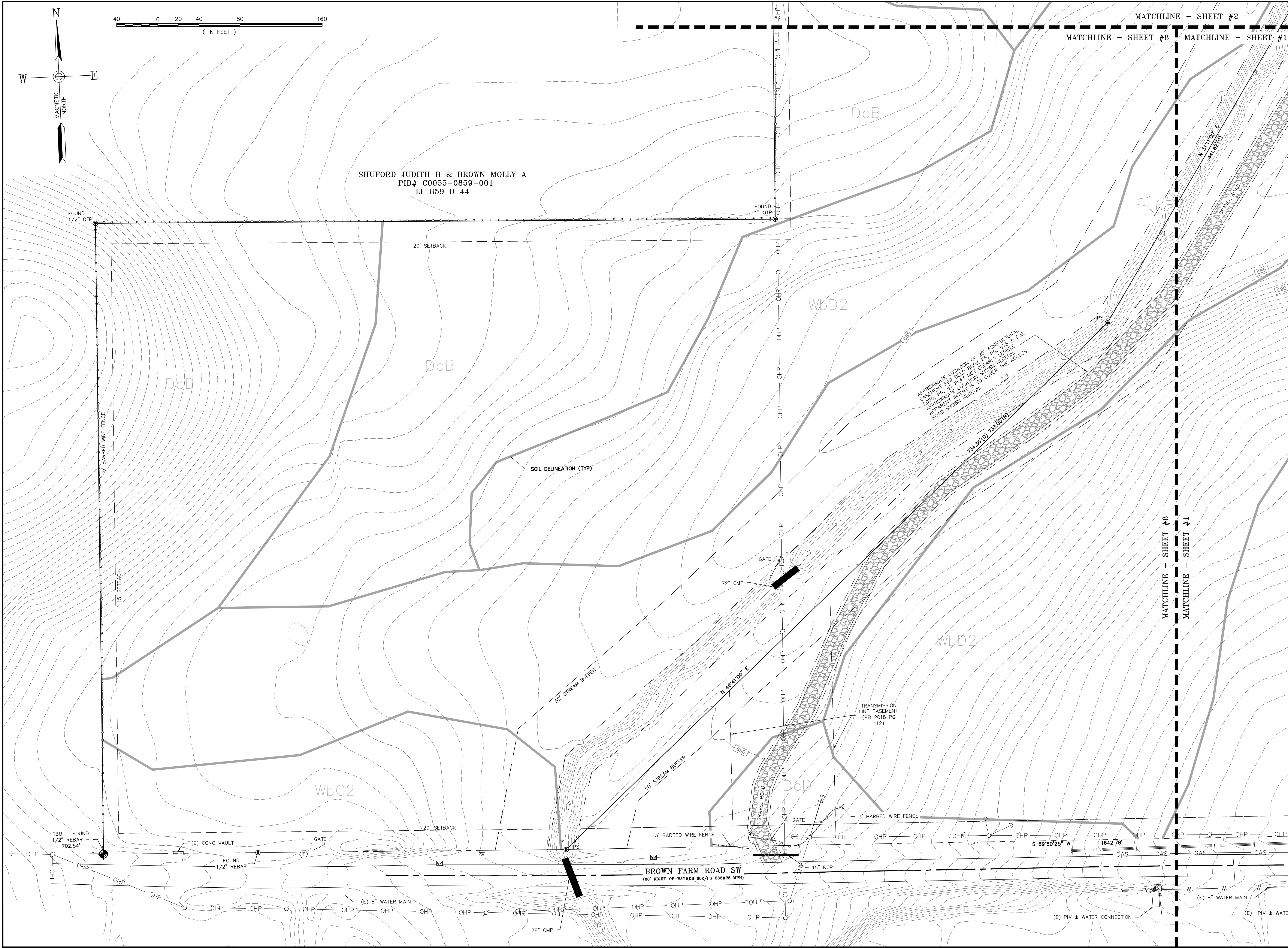
Hydrologic Soil Group				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
DaB	Decatur loam, 2 to 6 percent slopes	B	9.6	6.9%
DaC	Decatur loam, 6 to 10 percent slopes	B	4.8	3.5%
DaD	Decatur loam, 10 to 15 percent slopes	B	2.3	1.7%
EIA	Etowah loam, 0 to 2 percent slopes	B	98.9	70.7%
PaA	Pettitton loam, 0 to 2 percent slopes, occasionally flooded	B	0.3	0.2%
WbC2	Waynesboro clay loam, 6 to 10 percent slopes, moderately eroded	B	1.0	0.7%
WbD2	Waynesboro clay loam, 10 to 15 percent slopes, moderately eroded	B	22.9	16.3%
Totals for Area of Interest			140.0	100.0%



NO.	DATE	DESCRIPTION

DRAWN BY: Mattson C. Wiksell, P.E.
CHECKED BY: Kyle M. Hoyt, P.E.
DATE: 1/18/2023
PROJECT #: 22-014
SCALE: 1"=40'
SHEET TITLE:
Existing Conditions
SHEET NUMBER:

C.1.1



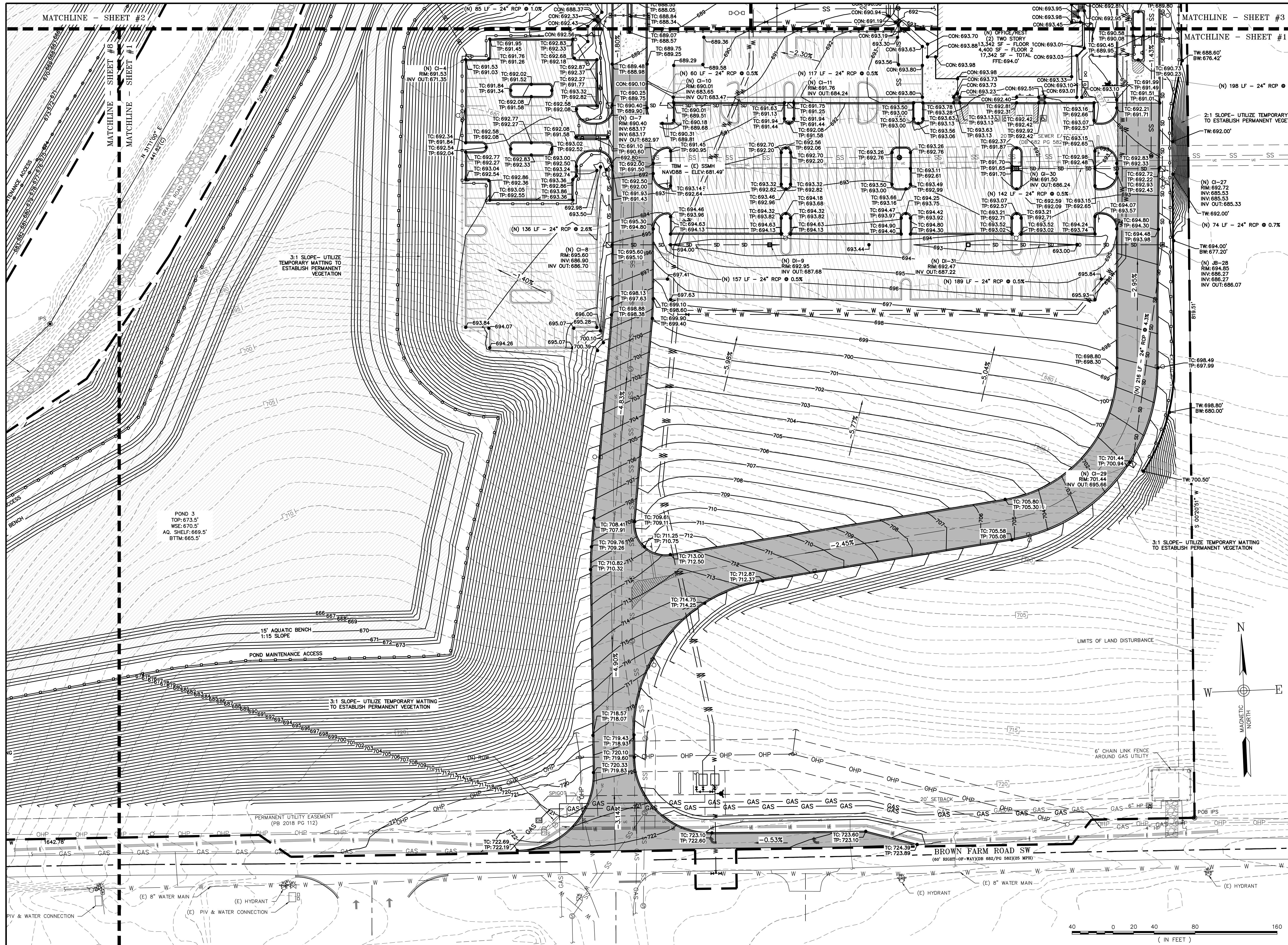
MATCHLINE - SHEET #2
 MATCHLINE - SHEET #8
 MATCHLINE - SHEET #1



REV	DATE	DESCRIPTION	BY

DRAWN BY: Mattson C. Wiksell, P.E.
 CHECKED BY: Kyle M. Hoyt, P.E.
 DATE: 1/18/2023
 PROJECT #: 22-014
 SCALE: 1"=40'
 SHEET TITLE: Existing Conditions
 SHEET NUMBER:

C.1.8



Item 5.

HOYT+BERENY!
P.O. Box 1470 Ladson, SC 29456
843.408.3546 | www.HoytBereny.com

GEORGIA REGISTERED PROFESSIONAL ENGINEER
KYLE M. HOYT
LEVEL II DESIGN PROFESSIONAL #0000098738

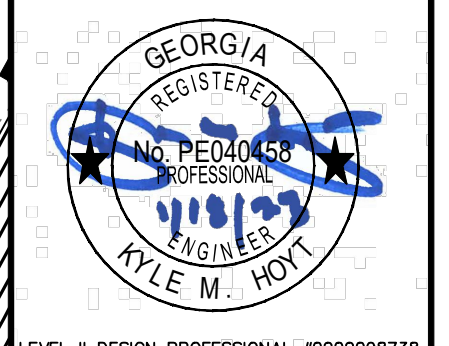
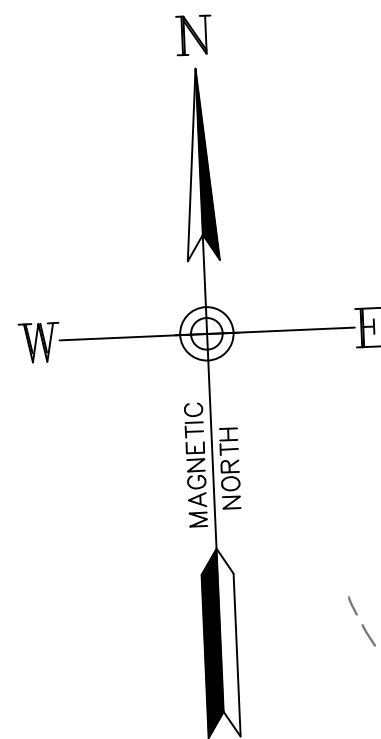
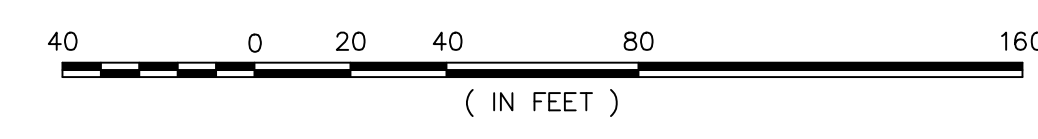
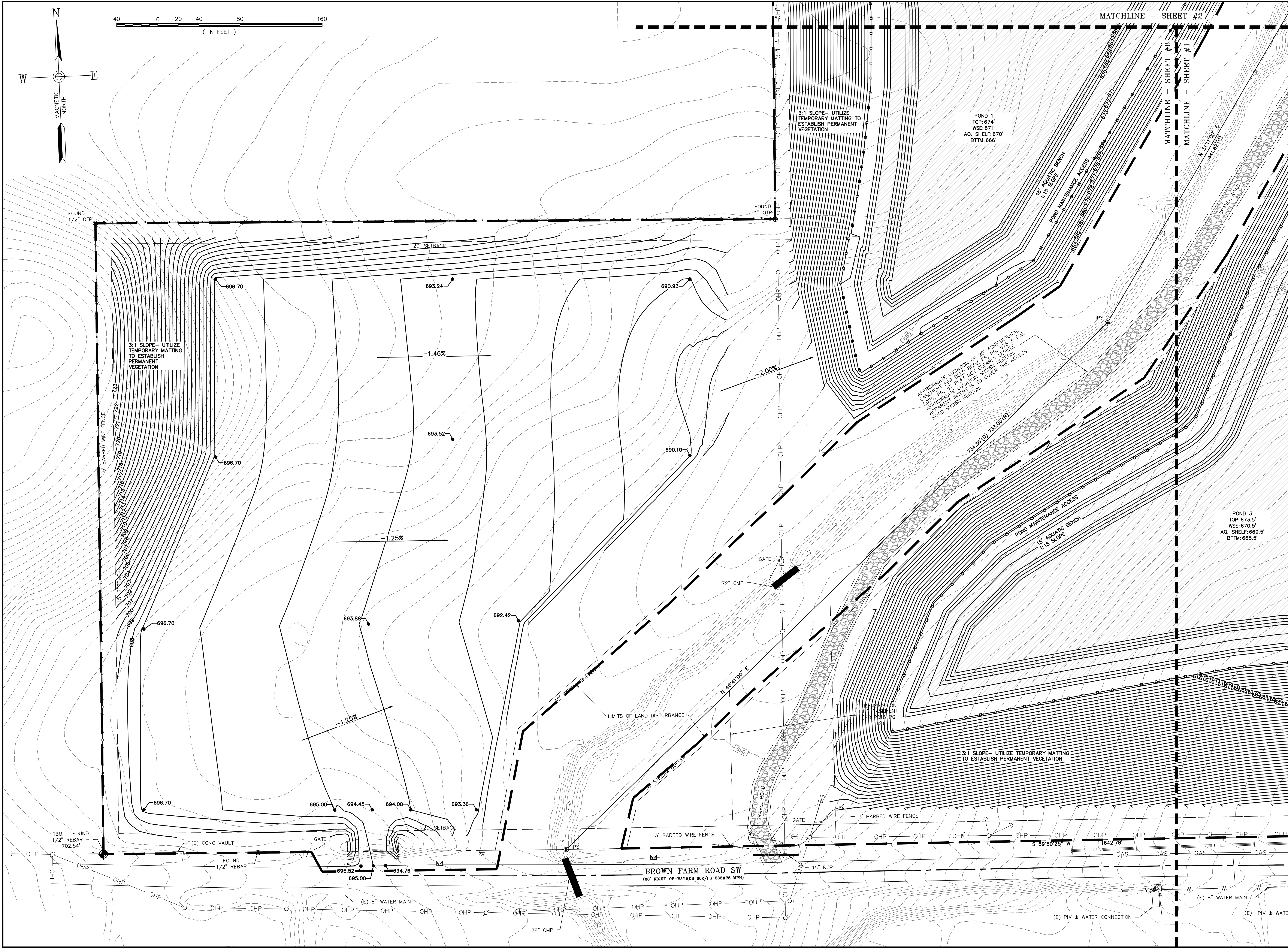
SOUTHEASTERN FREIGHT LINES
Cartersville
TMS #0054-0801-001
329 Brown Farm Rd., Cartersville, GA

GEORGIA811
www.Georgia811.com

REV	DATE	DESCRIPTION

DRAWN BY: Mattson C. Wiksell, P.E.
CHECKED BY: Kyle M. Hoyt, P.E.
DATE: 1/18/2023
PROJECT #: 22-014
SCALE: 1"=40'
SHEET TITLE: Paving Grading Drainage
SHEET NUMBER: C.4.1





SOUTHEASTERN FREIGHT LINES
Cartersville
 TMS #0054-0801-001
 329 Brown Farm Rd., Cartersville, GA



REV	DATE	DESCRIPTION	BY

DRAWN BY: Mattson C. Wiksell, P.E.
 CHECKED BY: Kyle M. Hoyt, P.E.
 DATE: 1/18/2023
 PROJECT #: 22-014
 SCALE: 1"=40'
 SHEET TITLE: Paving Grading Drainage
 SHEET NUMBER: C.4.8

(E) 8" WATER MAIN
 (E) PIV & WATER CONNECTION
 (E) PIV & WATER CONNECTION
 (E) PIV & WATER CONNECTION

Image Taken 3/23/23





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 13th
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-08. 10 Charley Harper Dr. Applicant: Village Hill Eckstein, LLC
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant proposes to add accessory structures (trash compacter, loading dock) in the front yard of a commercial lot.
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: April 4, 2023
 Re: File # V23-08

Summary: To allow Accessory Structures (Trash Compactor and Loading Dock) in the front yard of a commercial site.

Section 1: Project Summary

Variance application by Village Hill Eckstein, LLC for property located at 10 Charlie Harper Drive, zoned G-C (General Commercial). Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 3.04 acres.

The applicant has submitted site plans for two (2) 17,280 S.F. warehouses on the property. City Development Regulations require the site to have a dumpster pad. The proposed layout of the site puts the dumpster pad in the front yard along Charlie Harper Drive. The site also purposes a loading dock to service the warehouses. This is also located in the front yard along Charlie Harper Drive. The zoning ordinance for commercial accessory structures, Sec. 4.9, requires accessory structures to be installed within a side or rear yard while complying with the setbacks for the district.

The proposed location of the dumpster pad and loading dock does not encroach into the Charlie Harper Drive. right-of-way, and is behind the 20ft front yard setback.

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

1. To allow Accessory Structures (Trash Compactor and Loading Dock) in the front yard of a commercial site (Sec. 4.16).

Section 2. Department Comments

Electric Department: The Electric System takes no exception.

Fibercom: Takes No Exception.

Fire Department: No Comments Received.

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 4/4/2023.

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. - Accessory uses, buildings or structures.

- A. Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.
- B. Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.
- C. All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

- D. Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.
- E. All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.
- F. An amenity, as defined by this chapter, shall not be considered an accessory structure.

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 variations 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.

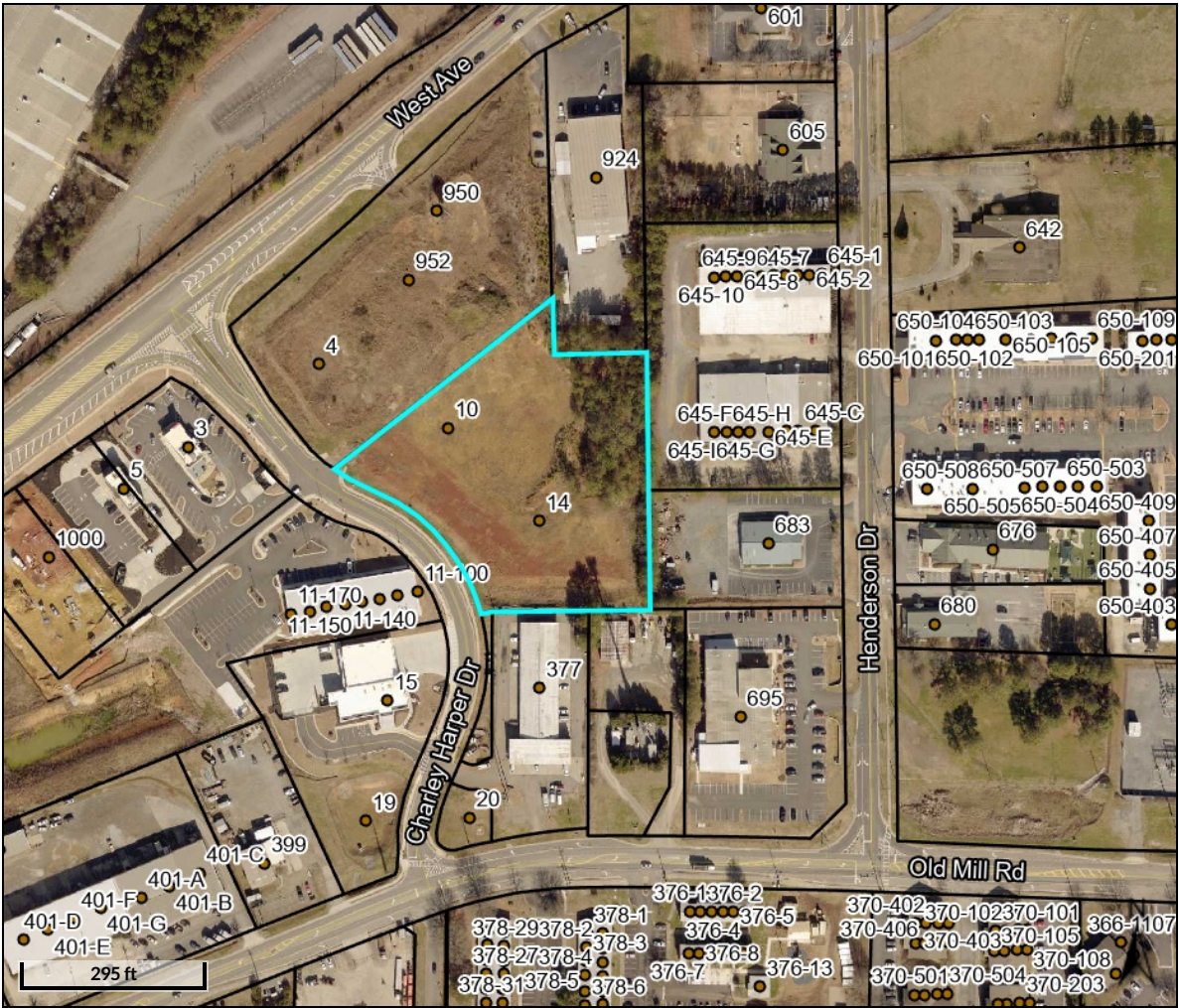
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

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.

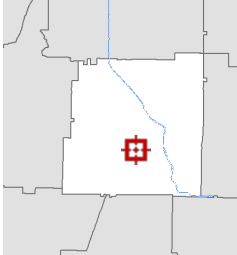
21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute 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.*



Overview



Legend

- Parcels
- Structural Numbers**
- Abandoned or Inactive
- Active
- Proposed
- <all other values>
- Roads

Parcel ID	C022-0004-030	Alternate ID	46676	Owner Address	VILLAGE HILL ECKSTEIN LLC
Sec/Twp/Rng	n/a	Class	Commercial		60 BROAD STREET STE 3503
Property Address	CHARLEY HARPER DR	Acres	3.04		NEW YORK, NY 10004
District	Cartersville				
Brief Tax Description	Lot 7				

(Note: Not to be used on legal documents)

Date created: 4/5/2023
Last Data Uploaded: 4/4/2023 10:27:36 PM

Developed by Schneider GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4/13/23 5:30pm

Application Number: V23-08

Date Received: 2/27/23

Applicant Village Hill Eckstein, LLC Office Phone 770-386-1400
 (printed name)
 Address P.O. Box 606 Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email mark@handrealty.net
Mark Harris Phone (Rep) 770-386-1400
 Representative's printed name (if other than applicant) Email (Rep) mark@handrealty.net

 Representative Signature Applicant Signature
 Signed, sealed and delivered in presence of: My commission expires:

 Notary Public

* Titleholder Village Hill Eckstein, LLC Phone 770-386-1400
 (titleholder's printed name)
 Address P.O. Box 606, Cartersville, GA 30120 Email mark@handrealty.net
 Signature _____
 Signed, sealed, delivered in presence of: My commission expires:

 Notary Public

Present Zoning District G-C Parcel ID No. C022-0004-030
 Acreage 3.50 acres Land Lot(s) 593 & 594 District(s) 4th Section(s) 3rd
 Location of Property: 10 Charlie Harper Drive
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Article IX. Sec. 4.9
 Summary Description of Variance Request: place Dumpster pad area on front side of Charlie Harper Drive.

 (Additional detail can be provided on Justification Letter)

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

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4/13/23 5:30pm

Application Number: V23-08

Date Received: 2/28/23

Applicant Village Hill Eckstein, LLC Office Phone 770-386-1400
 (printed name)
 Address P.O. Box 606 Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email mark@hndrealty.net
 Representative's printed name (if other than applicant) Mark Harris Phone (Rep) 770-386-1400
 Email (Rep) mark@hndrealty.net
 Representative Signature Mark Harris Applicant Signature [Signature]
 Signed, sealed and delivered in presence of: My commission expires: July 20, 2023
Leah Deutsch LEAH DEUTSCH
 Notary Public NOTARY PUBLIC, State of New York
 No. 01DE6328042
 Qualified in Kings County
 Commission Expires July 20, 2023

* Titleholder Village Hill Eckstein, LLC Phone 770-386-1400
 (titleholder's printed name)
 Address P.O. Box 606, Cartersville, GA 30120 Email mark@hndrealty.net
 Signature [Signature]
 Signed, sealed, delivered in presence of: My commission expires: July 20, 2023
Leah Deutsch LEAH DEUTSCH
 Notary Public NOTARY PUBLIC, State of New York
 No. 01DE6328042
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 Commission Expires July 20, 2023

Present Zoning District G-C Parcel ID No. C022-0004-030
 Acreage 3.50 acres Land Lot(s) 593 & 594 District(s) 4th Section(s) 3rd
 Location of Property: Charlie Harper Drive
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Article IX, Sec. 4.9
 Summary Description of Variance Request: place Dumpster pad area on front side of Charlie Harper Drive.
 (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 Article IX Section Sec. 4 Subsection 9

Article _____ Section _____ Subsection _____

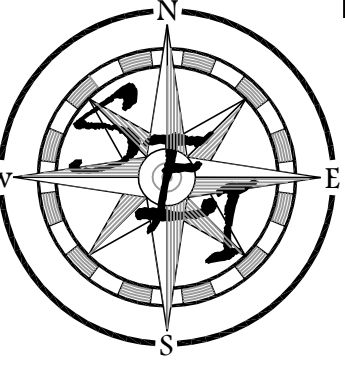
Article _____ Section _____ Subsection _____

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. x 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: _____



STEPHENSON ENGINEERING, INC.

CIVIL ENGINEERING, LAND PLANNING & DEVELOPMENT CONSULTING
PO BOX 3888
180 N. TENNESSEE ST., SUITE D
CARTERSVILLE, GEORGIA 30102
EMAIL: STEPHENSONENG@YAHOO.COM
PHONE: (770)882-2967
FAX: (770)882-3742

REVISION	
DATE	



THE HOLDER OF THIS DOCUMENT WAIVES ALL CLAIMS AGAINST STEPHENSON ENGINEERING, INC. FOR ANY UNAUTHORIZED CHANGES OR REUSE OF THIS DOCUMENT. THE HOLDER HEREBY ASSUMES ALL RESPONSIBILITY AND RETAINS ALL RIGHTS OF COMMON LAW, STATUTE AND COPYRIGHT THEREIN.

OWNER/DEVELOPER:
Village Hill Eckstein, LLC
700 Doughty Ferry Road, Suite 770
P.O. Box 606 Cartersville, GA 30120
Mark Harris - 770-286-1400
email: mark@handtrealty.net

Office Warehouses
Located in Land Lots 593 & 594
4th District, 3rd Section
City of Cartersville, Georgia

PROJECT# 22-004 DATE 1-9-23

SHEET TITLE Boundary

SHEET NO. B1

CURVE TABLE				
CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	174.80	880.46	S73°38'24"W	174.51
C2	171.99	444.85	S56°45'18"E	171.21
C3	234.78	280.08	S40°13'01"E	237.97
C4	187.55	280.08	S02°58'53"W	184.07
C5	53.09	241.37	S19°51'50"W	52.98
C6	56.22	27.72	S48°32'02"E	47.07
C7	34.09	433.67	N87°01'36"E	34.03
C8	157.66	880.46	S74°11'53"W	157.43
C9	19.28	28.69	N12°12'08"E	18.92
C10	117.26	230.00	N57°33'32"E	116.00
C11	153.80	220.00	N52°08'15"E	150.69
C12	178.00	220.00	N41°04'09"W	173.19
C13	139.64	342.00	N50°52'34"W	138.19
C14	17.14	880.46	S88°30'37"W	17.14
C15	28.48	22.92	N78°12'00"E	28.69
C16	20.98	38.44	S82°03'05"E	20.72
C17	138.18	880.00	S84°12'54"W	130.00
C18	138.18	881.11	N84°13'14"E	149.99
C19	130.67	927.51	N82°40'48"E	130.50
C20	138.18	880.00	S84°12'54"W	130.00

LINE TABLE		
LINE	BEARING	LENGTH
L1	N6°57'09"E	67.21
L2	S23°15'46"E	18.71
L3	S39°41'21"W	200.89
L4	S55°10'07"W	186.41
L5	S55°07'47"W	142.34
L6	S48°38'45"W	14.82
L7	S50°03'55"W	130.56
L8	S61°20'33"W	21.24
L9	S19°55'28"E	29.10
L10	S31°54'07"E	107.31
L11	S38°38'31"E	710.13
L12	S22°09'54"E	111.99
L13	N22°09'54"E	120.57
L14	N38°40'54"E	44.49
L15	N45°43'04"W	102.27
L16	N45°43'04"W	23.45
L17	N61°22'16"W	38.44
L18	S79°54'02"W	23.45
L19	S00°21'42"W	10.07
L20	S70°42'16"E	76.71
L21	N41°02'58"E	13.06

Owner Certification

THE OWNER OF THE LAND SHOWN ON THIS PLAN AND WHOSE NAMES IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAN WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE, CITY AND COUNTY TAXES OR OTHER ASSIGNMENTS NOW DUE ON THIS LAND HAVE BEEN PAID, THAT ALL STREETS, WATER SYSTEMS, DRAINAGE EASEMENTS, AND PUBLIC PLACES ARE DEDICATED TO THE USE OF THE PUBLIC FOREVER.

LOCATION: PROPERTIES LLC TAX PARCEL: C022-0004-003, 01, 02, 04, 025, 030 DATE

City of Cartersville Certification

IN ACCORDANCE TO THE CITY OF CARTERSVILLE DEVELOPMENT REGULATIONS AND THE CITY'S ZONING ORDINANCE, ALL REQUIREMENTS OF APPROVAL HAVE BEEN FULFILLED. THIS EXHIBIT DRAWING WAS GIVEN FINAL APPROVAL BY THE FOLLOWING CITY PERSONNEL ON BEHALF OF THE CITY OF CARTERSVILLE:

ZONING ADMINISTRATOR DATE

WATER SUPERINTENDENT DATE

GAS SUPERINTENDENT DATE

ELECTRIC SUPERINTENDENT DATE

FIBER SUPERINTENDENT DATE

CITY ENGINEER DATE

Conformity Statement

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 150-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-4-67.

KEVIN COONEY - GA PLS 2980

Surveyor's Certification

IT IS HEREBY CERTIFIED THAT THIS PLAN 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 OR ARE MARKED THEREON 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.

KEVIN COONEY - GA PLS 2980

General Notes

1. THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF 1" IN 36,000 FEET, AND AN ANGULAR ERROR OF 2" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
2. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 117,962 FEET.
3. EQUIPMENT USED: TOPCON 3005W, TOTAL STATION, WITH DATA COLLECTOR.
4. RIGHTS OF WAY ARE BASED UPON FINDINGS AND/OR CENTERLINES OF TRAVEL.
5. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS.
6. DRAINAGE EASEMENTS OFF THE RIGHT-OF-WAY SHALL BE MAINTAINED BY THE PROPERTY OWNER.
7. ALL IRON PINS PLACED BY REBAR UNLESS NOTED OTHERWISE.

Utility Notes

SOURCE INFORMATION FROM PLANS AND MARKINGS WERE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY COMPLETELY AND RELIABLY DETERMINED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.

Detail 1
SCALE 1"=20'

VICINITY MAP
SCALE: 1" = 60' GRAPHIC SCALE

<ul style="list-style-type: none"> ⊙ IRON PIN FOUND ⊙ CONCRETE MONUMENT ⊙ IRON PIN PLACED ⊙ BENCHMARK ⊙ PHOTO REFERENCE ⊙ EXCEPTIONS ⊙ PARKING BOLLARD — STORM PIPE — SEWER PIPE — DOUBLE WING CATCH BASIN — SINGLE WING CATCH BASIN — JUNCTION BOX — CURB INLET — YARD INLET — DROP INLET — HEADWALL — OVERHEAD PWR — FENCE LINE — GAS VALVE — GAS METER — TELEPHONE MANHOLE — WATER VALVE — WATER METER — FIRE HYDRANT — IRRIGATION CONT. VALVE — WELL — POWER POLE — GUY WIRE — ELECTRIC METER — TRANSFORMER — LIGHT POLE — FLOW ARROW — MAILBOX — WATER LINE — COM. LINE — UNDERGROUND PWR.

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

DATE: JANUARY 5, 2018 REV: _____ JOB NO: 15051
DATE OF FIELDWORK: DECEMBER 13, 2017 DR: CWM II CH: KAC APP: KAC

VILLAGE HILL ECKSTEIN, LLC
LOCATED IN LAND LOT(S) 593, 594, AND 632
4TH DISTRICT, 3RD SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

Flood Statement
THE F.I.R.M. (FLOOD INSURANCE RATE MAP) SHOWS THE REFERENCED PARCEL TO BE IN ZONE X AND NO PORTION OF THE SITE IS LOCATED IN THE 100 YEAR FLOOD PLAIN ACCORDING TO FIRM NO. 13015-C-004-G, DATED SEPTEMBER 26, 2007.

Owner/Developer
VILLAGE HILL ECKSTEIN, LLC
ATTN: MARK HARRIS
5209 STEPHENSON DRIVE
CARTERSVILLE, GA 30120
770.286-1400

Geographic Information
ZONED: C4 - COMMERCIAL
E1 - PERMIT (C022-0004-009)
TOTAL ACREAGE OF SITE: 1.9 021
TOTAL NUMBER OF LOTS: 7
TOTAL NUMBER OF BUILDABLE LOTS: 3
A. MAX BUILDING HEIGHT: 45 FEET
B. FRONT YARD SETBACK: 20 FEET
C. SIDE YARD SETBACK: 10 FEET
D. REAR YARD SETBACK: 20 FEET
E. MINIMUM LOT AREA: N/A
F. MINIMUM LOT WIDTH: 110 FEET

NOT TO SCALE
BOUNDARY SURVEY SHOWN FOR REFERENCE ONLY

Utilities Protection Center, Inc.



**IF YOU DIG GEORGIA
CALL US FIRST!**
1-800-282-7411
It's The Law!

24 Hr Emergency Contact:

Mark Harris
770-386-1400

***** ELEVATION NOTE *****

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***** CAUTION *****

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. IF THERE ARE ANY DISCREPANCIES THE ENGINEER MUST BE NOTIFIED. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



STEPHENSON ENGINEERING, INC.
CIVIL ENGINEERING, LAND PLANNING & DEVELOPMENT CONSULTING
70 BOX 3888
110 N TENNESSEE ST., SUITE D
CARTERSVILLE, GEORGIA 30120
EMAIL: STEPHENSONENGIN@YAHOO.COM
PHONE: (770)82-2977
FAX: (770)82-3742

REVISION	DATE

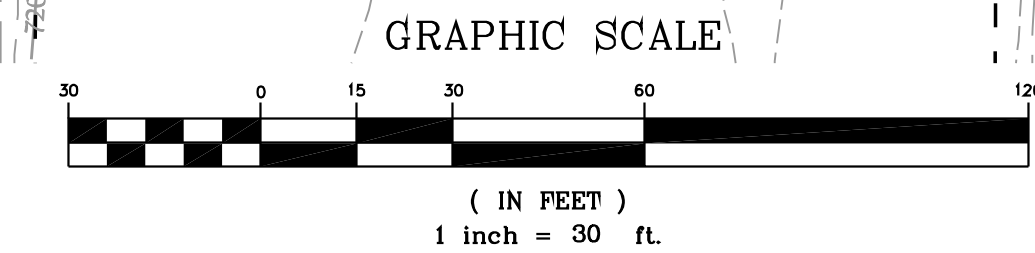
GEORGIA REGISTERED PROFESSIONAL ENGINEER
No. 27439
KEVIN T. STEPHENSON

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OWNER/DEVELOPER:
Village Hill Eckstein, LLC
700 Douthitt Ferry Road, Suite 770
P.O. Box 606 Cartersville, GA 30120
Mark Harris - 770-386-1400
email: mark@handtrealty.net

Office Warehouses
Located in Land Lots 593 & 594
4th District, 3rd Section
City of Cartersville, Georgia

PROJECT# 22-004	DATE 1-9-23
SHEET TITLE Existing Conditions	
SHEET NO. C1.1	



Utilities Protection Center, Inc.



**IF YOU DIG GEORGIA
CALL US FIRST!**
1-800-282-7411
It's The Law!

24 Hr Emergency Contact:

Mark Harris
770-386-1400

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*****INSTALLATION OF INFRASTRUCTURE*****

THE OWNER/DEVELOPER AND CONTRACTOR IS RESPONSIBLE FOR VERIFYING THAT THE INSTALLATION OF ANY AND ALL INFRASTRUCTURE SHALL COMPLY TO ALL CITY OF CARTERSVILLE AND ANY APPLICABLE UTILITY COMPANY, RULES, REGULATIONS AND SPECIFICATIONS. THIS REQUIREMENT APPLIES TO ALL MATERIALS, INSPECTIONS, AND INSTALLATION PROCEDURES REQUIRED FOR THIS PROJECT, BY ANY DEPARTMENT OF THE CITY OF CARTERSVILLE. THIS MAY INCLUDE REQUIREMENTS THAT ARE NOT SHOWN IN SPECIFIC DETAIL ON THIS PLAN, BUT ARE STILL REQUIRED BY THE CITY OF CARTERSVILLE. IF THERE IS ANY QUESTION REGARDING TO THIS REQUIREMENT, THE OWNER/DEVELOPER AND CONTRACTOR MUST CONTACT THE APPROPRIATE DEPARTMENT TO ENSURE ALL WORK IS DONE IN ACCORDANCE WITH ALL SPECIFICATIONS.

**ALL ACCESSIBLE RAMPS AND
ACCESS AISLES SHALL MEET
ALL CODES AND ADAAG REGULATIONS.**

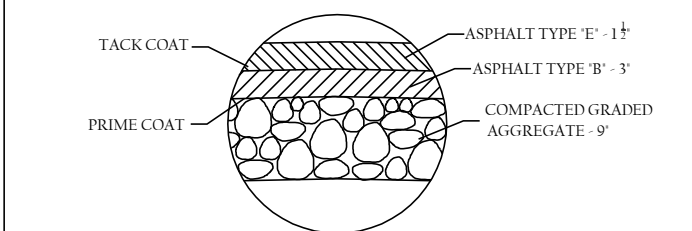
*****CARTERSVILLE GAS & UTILITIES NOTE*****

THERE ARE NO NATURAL GAS SERVICE PROPOSED FOR THIS SITE.

PROPOSED HEAVY DUTY ASPHALT PAVED AREAS

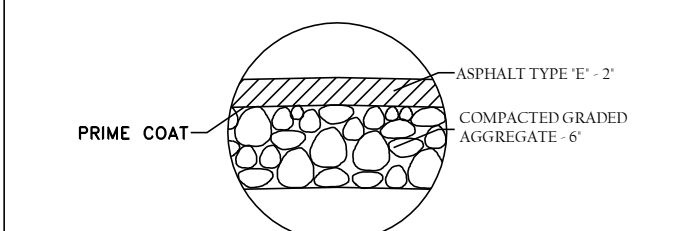
PROPOSED LIGHT DUTY ASPHALT PAVED AREAS

NOTE: SEE CROSS SECTION DETAILS



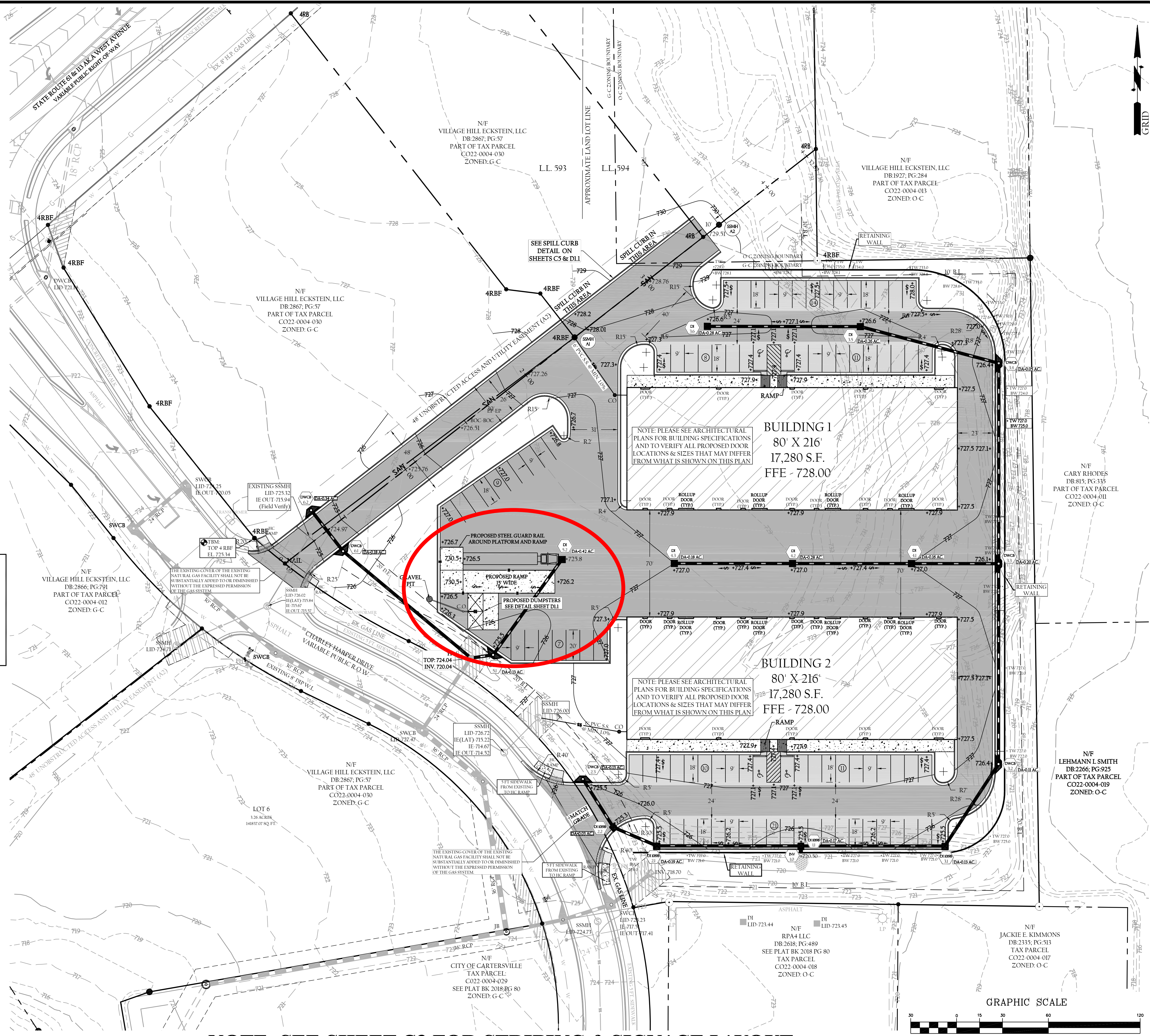
HEAVY DUTY PAVEMENT DETAIL

Note to developer: This paving specification was the same one used on Interstate Commerce Park. If any other paving specification is preferred, it must be approved by a Geotechnical Engineer and by the City of Cartersville.

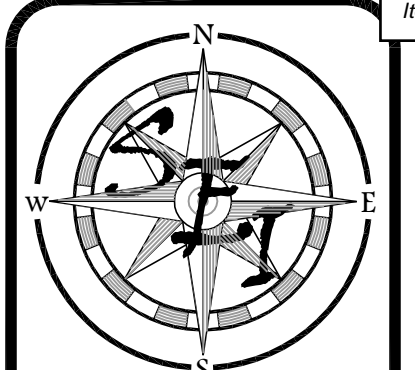
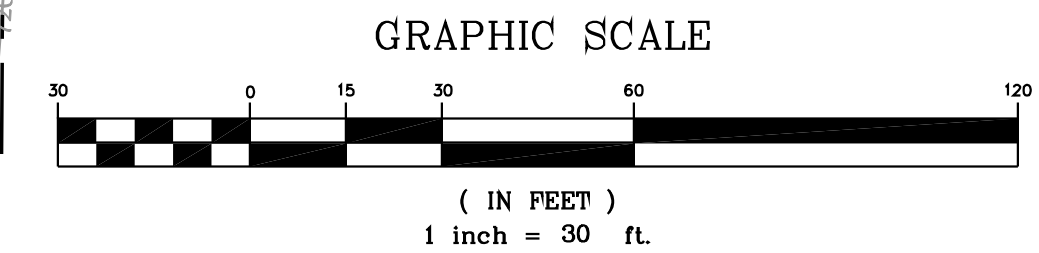


LIGHT DUTY PAVEMENT DETAIL

Note to developer: This paving specification was the same one used on Interstate Commerce Park. If any other paving specification is preferred, it must be approved by a Geotechnical Engineer and by the City of Cartersville.



NOTE: SEE SHEET C3 FOR STRIPING & SIGNAGE LAYOUT



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ENGINEERING, INC.**
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PROJECT# 22-004
DATE 1-9-23
SHEET TITLE Site & Grading Plan

SHEET NO. C2

Images Taken 3-23-23

