



CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Thursday, November 09, 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

CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. October 12, 2023

VARIANCE CASES

2. V23-25. Adjacent to 605 E. Main St. Parcel ID: C005-0004-002
Applicant: R.H. Ledbetter Properties, LLC.
3. V23-26. 216 E. Cherokee Ave. Applicant: David Holt
4. V23-27. 5 Parmenter St. Applicant: Samantha Thompson
5. V23-28. 26 Quail Run. Applicant: Justin Gordon
6. V23-29. 124 & 126 Lee St. (form. 38 Walker St) Applicant: David Munisteri

STAFF OR COMMITTEE COMMENTS

The next meeting of the Board of Zoning Appeals will be December 14th. 5:30pm.

ADJOURNMENT

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:	November 9, 2023
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	October 12, 2023
DEPARTMENT SUMMARY RECOMMENDATION:	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
LEGAL:	N/A

- (1) To reduce the required 10ft landscape strip along Joe Frank Harris Pkwy to 2ft.*
- (2) To reduce the minimum required parking spaces from 10 spaces to 8 spaces.*

Item 1.

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

Continuing, Mr. Arnold gave an overview of the case stating this was a variance application by Reliance Investors, LLC, for property located at 1396 Joe Frank Harris Parkway, zoned G-C, General Commercial. Said property contains approximately 0.44 +/- acres. Tax ID C088-0001-002. The setbacks are 20ft front & rear, and 10ft sides.

This site is currently a non-functioning car wash. The owner is intending to build a Dunkin Donuts drive-thru restaurant on the property. In closing, Mr. Arnold stated Karl Lutjens with Southland Engineering was present.

Vice Chairwoman Brunt opened the public hearing.

Karl Lutjens, 114 Old Mill Rd., came forward to represent the applicant.

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

Board Member Hudson made a motion to approve V23-24. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 5-0

With no other business to discuss, Board Member Clayton made a motion to adjourn at 5:42 P.M.

November 9, 2023
Date Approved

/s/ _____
Chair



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 9, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-25. Adjacent to 605 E. Main St. Parcel ID: C005-0004-002 Applicant: R.H. Ledbetter Properties, LLC.
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to omit and/or modify landscape strips around the perimeter of the project.
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: November 1, 2023
 Re: File # V23-25

Summary: To reduce the minimum landscape requirements on proposed restaurant site.

Section 1: Project Summary

Variance application by R.H. Ledbetter Properties, LLC, for property located on E. Main St. (Parcel ID: C005-0004-002), zoned G-C, General Commercial. Said property contains approximately 1.93 +/- acres. The setbacks are 20ft front & rear, and 10ft sides.

This site is currently undeveloped. The owner is intending to build a restaurant on the property.

The applicant is requesting the following variances. See site plan and justification letter for details of these requests:

1. To eliminate the 5' landscape strip between the proposed restaurants' vehicular use area and the adjacent Starbucks property. (Sec. 17-66)
2. To eliminate the tree planting requirement within 5' landscape boarder between the proposed restaurant and the Kia dealership property. (Sec. 17-66)
3. To eliminate the tree planting requirement within the 10' landscape boarder along the E. Main St. right-of-way. (Sec. 17-66)

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None as of 11/1/2023

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. 17-66. Landscaping requirements for parking lots and vehicular use areas.

Interior landscaping. Interior landscaping of parking lots shall contain planter islands located at both ends of each single and double parking row and one (1) planter island every twelve (12) parking spaces in a row. Planter islands shall be a minimum of one hundred sixty (160) square feet in area for single parking rows and three hundred twenty (320) square feet in area for double parking rows. Planter islands in single parking rows shall contain at least one (1) small tree from the list of trees found in section 17-71 of this ordinance. Planter islands in double parking rows shall contain at least two (2) small trees from the list of trees found in section 17-71 or one (1) large tree from the list of trees found in section 17-72 of this article.

Non-impervious landscaping strips, a minimum of three (3) feet in width, planted with shrubs, shall be provided for every third interior double parking row in parking lots having one hundred fifty (150) or more parking spaces. As an example, non-impervious landscaping strips would be provided for the first, fourth, and seventh double parking row in a parking lot having eight (8) double parking rows. In such cases, a layout of the parking lot, including the locations, species, and sizes of the shrubs, shall be submitted for approval to the director of planning and development. Shrubs shall be a minimum of one (1) foot in height at the time of planting.

All trees shall have a minimum height when planted of eight (8) feet. No more than thirty-five (35) percent of one (1) species of tree shall be used for a new development. The remaining area in the planter islands shall be landscaped with appropriate materials. Single parking rows abutting a building perimeter border are excluded from this section.

Building perimeter landscaping. The perimeter of each building on the site shall have a landscape area or sidewalk not less than five (5) feet in width. If the area is planted, it shall be landscaped with appropriate materials. In no case shall asphalt paving be contiguous to the base of a building.

Border landscaping. Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines, and planted borders not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

Large trees from the list of trees found in section 17-72 of this ordinance shall be planted in any ten (10) feet in width landscape strip parallel to right-of-way lines. No more than thirty-five (35) percent of one (1) species of tree shall be used for the overall site.

Small trees from the list of trees found in section 17-71 of this ordinance shall be planted in any five (5) feet in width landscape strip along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way. No more than thirty-five (35) percent of one (1) species of tree shall be used for the overall site.

Planted landscape strips parallel to right-of-ways shall have at least one (1) tree for each thirty (30) lineal feet of right-of-way frontage, with a minimum of two (2) trees required. All trees shall have a minimum height when planted of eight (8) feet. The remaining area of the landscape strip shall be planted with appropriate materials.

Planted borders along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way shall have at least one (1) tree having a minimum height when planted of eight (8) feet, for each seventy-five (75) lineal feet or fraction thereof of border area. The remaining area of the border shall be planted with appropriate materials.

Accessways. Landscape border areas and landscape strips may be interrupted to provide vehicular and/or pedestrian ingress and egress.

Encroachment. Landscaped areas shall require protection from vehicular encroachment. Wheel stops or curbing shall be located so as to prevent damage by automobiles to any trees, fences, shrubs or landscaping.

This section may be modified by the board of zoning appeals when strict application will seriously limit the function of an area.

(Ord. No. 43-09, § 1, 10-1-09)

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

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

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

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

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

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

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

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

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

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

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

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

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for commercial and used for that purpose.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. A variance approval would allow the property owner to construct the restaurant without damaging the integrity of the retaining wall or extensively modifying the existing business traffic flow (Starbucks).
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no effect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property. Enforcing the ordinance could have an adverse effect on the existing Starbucks.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.

8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*

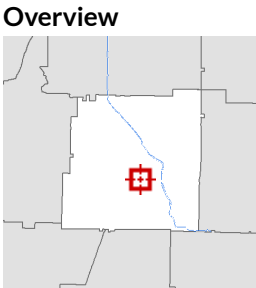
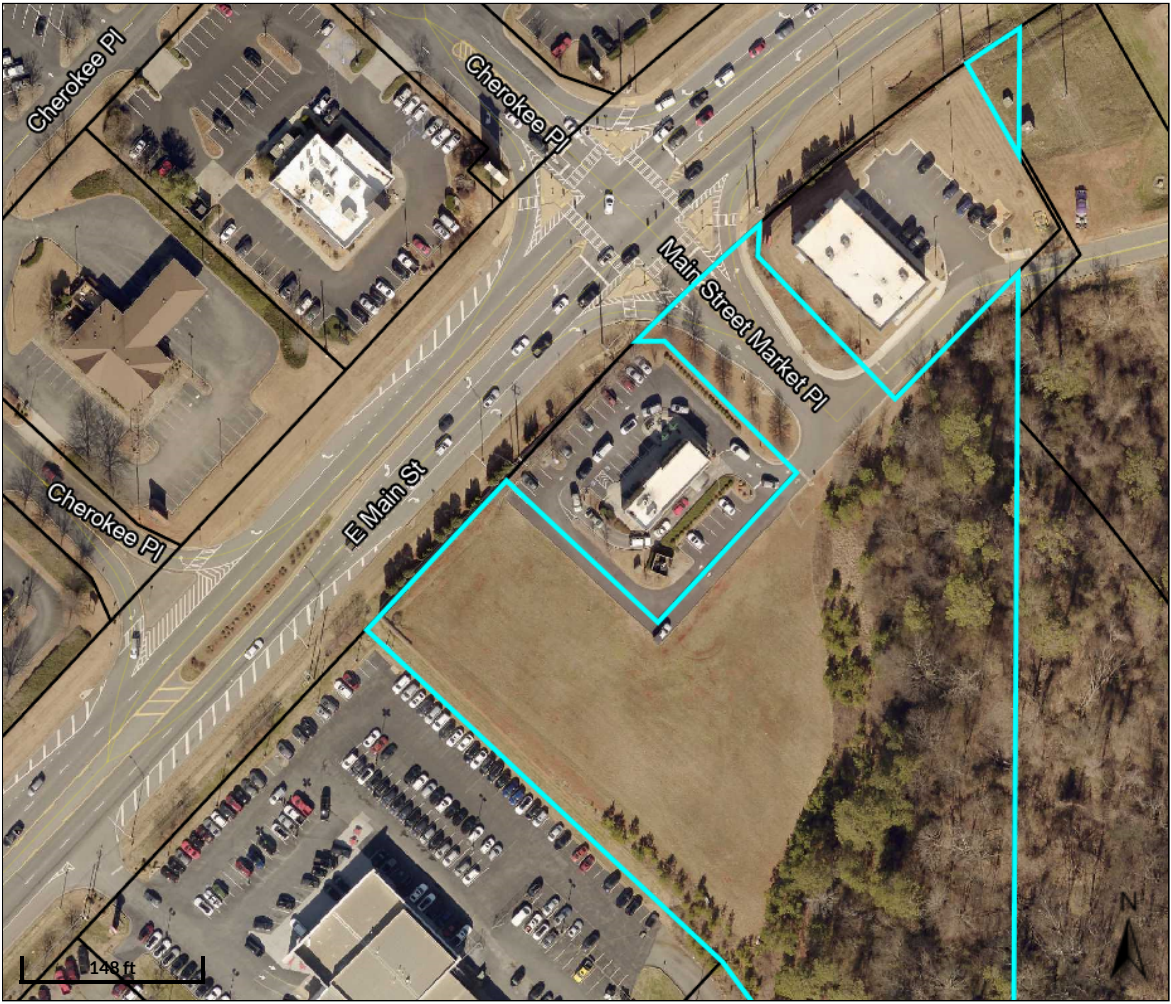
No adverse environmental impact is anticipated.

9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

The proposed variance will not increase the burden to streets, transportation, or utilities.

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

The existing Starbuck traffic flow and integrity of the retaining walls should be protected. Failure of the walls due to tree root growth would create a public safety issue.



Legend
 □ Parcels
 — Roads

Parcel ID	C005-0004-002	Alternate ID	32854	Owner Address	CONNECTOR TWO LTD
Sec/Twp/Rng	n/a	Class	Commercial		P O BOX 1708
Property Address	MAIN STREET MARKET PLACE	Acreage	16.01		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 407 LD 4 DRIVEWAY TO HONDA (Note: Not to be used on legal documents)				

Date created: 11/3/2023
 Last Data Uploaded: 11/2/2023 9:18:45 PM

Developed by  Schneider
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals


Hearing Date: 11-9-23

5:30pm

Application Number: V23-25


Date Received: 9-7-23

Applicant Joshua Cox / Foresite Group LLC Office Phone 678-521-0257
 (printed name)
 Address 3740 Davinci Court, Suite 100 Mobile/ Other Phone _____
 City Peachtree Corners State GA Zip 30092 Email jcox@fg-inc.net
 Phone (Rep) _____
 Representative's printed name (if other than applicant) _____
 Representative Signature _____
 Signed, sealed and delivered in presence of: _____
 Notary Public _____



Applicant Signature: _____
 My Commission Expires: 6-30-2027

* Titleholder Bardell Properties, INC Phone 770-386-3954
 By: Kena R. Butler, its Manager
 (titleholder's printed name)
 Address P.O. Box 1708, Cartersville, GA, 30120 Email kenarbutler@gmail.com
 Signature Kena R. Butler
 Signed, sealed, delivered in presence of: _____
 Notary Public Mary E. Keith



Present Zoning District G-C Parcel ID No. _____
 Acreage 1.93 Land Lot(s) 407 District(s) 04 Section(s) 3
 Location of Property: Undeveloped Parcel West of 605 E Main St, Cartersville, GA 30121
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Sec. 17-66, Sec. 4-16.B. 2&3, & 20-25.3
 Summary Description of Variance Request: Border Landscaping: seeking variances on landscaping strips between adjacent properties and adjacent to right-of-way

 (Additional detail can be provided on Justification Letter)

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

CONDITIONS VERIFICATION

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

Article	<u>IV</u>	Section	<u>17-66</u>	Subsection	<u>border landscaping</u>
Article	<u>IV</u>	Section	<u>17-66</u>	Subsection	<u>plantings in 5' landscape strip</u>
Article	<u>IV</u>	Section	<u>17-66</u>	Subsection	<u>plantings in 10' landscape strip</u>

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 justification letter for detail.

09/06/2023

City of Cartersville
Planning Commission
10 N. Public Square
Cartersville, GA 30120

RE: Variance Justification Letter
Proposed Restaurant Located on Parcel # C005-0004-002

To Whom it May Concern,

On behalf of our client R.H. Ledbetter Properties, LLC, please accept this as the Justification Letter to compliment the Application for Variance. There are three (3) variances being sought, described below, and followed by the applicant's justifications.

1. Variance to Required 5' Landscaping Strips Between Properties

Regulation: Chapter 17 Article IV "Minimum Landscaping Requirements", Section 17-66 Landscaping Requirements for Parking Lots and Vehicular Use Areas: Border Landscaping: Each parking lot or vehicular use area must have planted border not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

Requested Variance: Applicant seeks variance to allow the absence of 5' wide border landscaping strips between the proposed restaurant's parking lot/vehicular use area and the adjoining Starbucks property.

Justification: The 1.93-acre subject tract shares two (2) common property lines with the adjacent 0.61-acre Starbucks parcel. One common property line runs along the centerline of the existing one-way driveway on the southwestern side of the Starbucks parcel, while the other common property line runs along the centerline of the existing two-way driveway on the southeastern side of the Starbucks parcel. It appears the Starbucks building was constructed in 2007, though we are not sure when the parcel was subdivided. It's possible that the landscape strip wasn't a requirement at the time of the permitting/platting, or perhaps it was waived. In any event, the new restaurant development does not propose to alter these existing paved drives, and as such we cannot provide a landscape strip along these property lines.

2. Variance to Planting Requirements Along 5' Landscaping Strip Between Properties

Regulation: Chapter 17 Article IV "Minimum Landscaping Requirements", Section 17-66 Landscaping Requirements for Parking Lots and Vehicular Use Areas: Border Landscaping: Each parking lot or vehicular use area must have planted border not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way. Regulation further requires "small trees from the list of trees found in section 17-71 of this ordinance shall be planted in any five (5) feet in width landscape strip along any site of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way."

Requested Variance: Applicant seeks variance to dismiss the planting requirement of small trees within the 5' wide border landscaping strip between the proposed restaurant and the adjoining Kia dealership property to the southwest.

Justification: There is an existing segmental block retaining wall that runs parallel to the common property line between the subject tract and the adjoining tract (Kia dealership) to the southwest of the property. The bottom of the wall is only a few feet off the existing property line, and as such there is no room for a 5' landscaped strip at the bottom of the wall. At the top of the wall, there is existing, compacted fill material on top of geotextile reinforcement, which provides structural stability to the wall. A planted buffer consisting of small trees could compromise the structural integrity of the compacted fill and geogrid, both during installation of the trees and through the eventual tree root penetration. It should be noted that the area behind the wall (well more than 5' in width) will be landscaped with grass and other small shrubbery or planting material as deemed appropriate by a professional landscape architect.

3. Variance to Planting Requirements along 10' Landscape Strip Along the Right-Of-Way Frontage

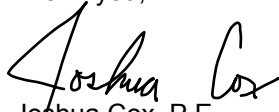
Regulation: Chapter 17 Article IV "Minimum Landscaping Requirements", Section 17-66 Landscaping Requirements for Parking Lots and Vehicular Use Areas: Border Landscaping: "Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines." Regulation further requires "Large trees from the list of trees found in section 17-72 of this ordinance shall be planted in any ten (10) feet in width landscape strip parallel to right-of-way lines".

Requested Variance: Applicant seeks variance to dismiss the planting requirement of large trees within the 10' wide landscaping strip along the right-of-way of East Main Street (SR 113).

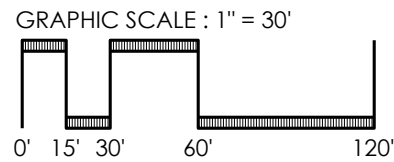
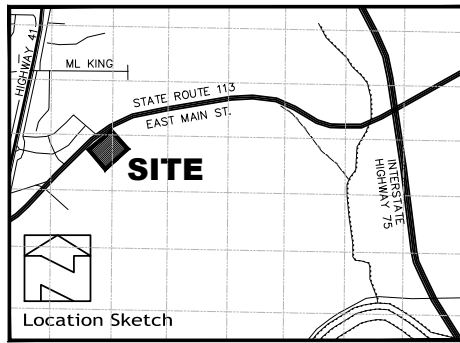
Justification: There is an existing segmental block retaining wall that runs parallel to the the East Main Street right-of-way line. The bottom of the wall is only a few feet off the existing right-of-way line, and as such there is no room for a 10' landscaped strip at the bottom of the wall. At the top of the wall, there is existing, compacted fill material on top of geotextile reinforcement, which provides structural stability to the wall. A planted buffer consisting of large trees could compromise the structural integrity of the compacted fill and geogrid, both during installation of the trees and through the eventual tree root penetration. It should be noted that the area behind the wall (well more than 10' in width) will be landscaped with grass and other small shrubbery or planting material as deemed appropriate by a professional landscape architect. It should also be noted that there are existing, planted trees within the right-of-way along East Main Street (between the retaining wall and the existing sidewalk).

Please don't hesitate to contact us should any additional information be provided for these variance requests.

Thank you,



Joshua Cox, P.E.
Foresite Group, LLC



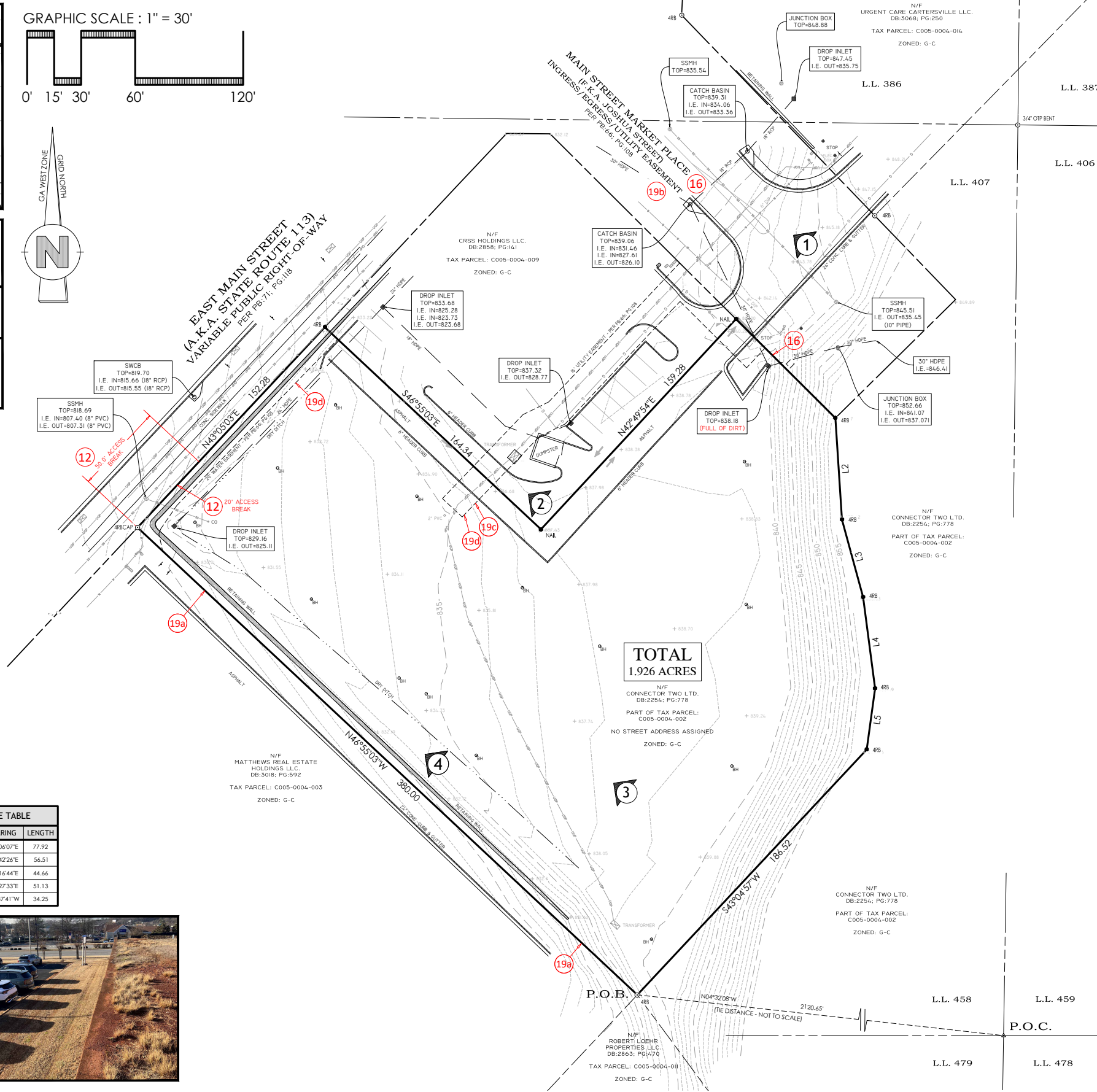
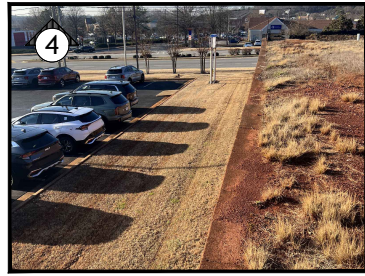
Flood Statement
THE F.I.R.M. (FLOOD INSURANCE RATE MAP) SHOWS THE REFERENCED PARCEL TO BE IN ZONE X AND IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. ACCORDING TO MAP NO. 13015C0266H & 13015C0267H, DATED: 10/05/2018.

Zoning Notes
NO ZONING INFORMATION PROVIDED AS PART OF THIS TITLE COMMITMENT.

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 DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.



LINE	BEARING	LENGTH
L1	S45°06'07"E	77.92
L2	S03°42'26"E	56.51
L3	S15°16'44"E	44.66
L4	S07°27'33"E	51.13
L5	S07°47'41"W	34.25



Legal Description
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOT 407, OF THE 4TH DISTRICT, 3RD SECTION IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A POINT AT THE COMMON LAND CORNER OF LAND LOTS 458, 459, 478, & 479; THENCE WITH A BEARING OF N 04°32'08" W, A DISTANCE OF 210.65 FEET TO AN IRON PIN FOUND (#4 REBAR) AND THE TRUE POINT OF BEGINNING.
FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, THENCE WITH A BEARING OF N 44°55'03" W, A DISTANCE OF 380.00 FEET TO AN IRON PIN FOUND (#4 REBAR - CAPPED) ALONG THE SOUTHEASTERN RIGHT-OF-WAY (R/W) OF EAST MAIN STREET (VARIABLE PUBLIC R/W); THENCE ALONG SAID R/W WITH A BEARING OF N 43°00'00" E, A DISTANCE OF 152.28 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE LEAVING SAID R/W WITH A BEARING OF S 46°55'03" E, A DISTANCE OF 164.34 FEET TO AN IRON PIN PLACED (NAIL); THENCE WITH A BEARING OF N 42°49'54" E, A DISTANCE OF 159.28 FEET TO AN IRON PIN PLACED (NAIL) ALONG THE SOUTHWESTERN R/W OF MAIN STREET MARKET PLACE; THENCE WITH A BEARING OF S 45°06'07" E, A DISTANCE OF 77.92 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 03°42'26" E, A DISTANCE OF 56.51 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 15°16'44" E, A DISTANCE OF 44.66 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 07°27'33" E, A DISTANCE OF 51.13 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 07°47'41" W, A DISTANCE OF 34.25 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 43°04'57" W, A DISTANCE OF 186.52 FEET TO AN IRON PIN FOUND (#4 REBAR) AND THE TRUE POINT OF BEGINNING.

Commitment no: 230788GA
Effective Date: March 21, 2023 at 12:00 AM

- ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I - REQUIREMENTS ARE MET. - NOT A SURVEY MATTER.
- ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
- ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR OR MATERIAL NOT SHOWN BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
- TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
- ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.
- EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
- RIGHTS OF TENANTS, AS TENANTS ONLY IN POSSESSION OF SUBJECT PROPERTY. - NOT A SURVEY MATTER.
- PROPERTY TAXES, WHICH ARE A LIEN NOT YET DUE AND PAYABLE, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES TO BE LEVIED FOR THE FISCAL YEAR 2023. - NOT A SURVEY MATTER.
- ANY ADDITIONAL TAXES, INTEREST AND/OR PENALTIES WHICH MAY BE ASSESSED FOR PRIOR TAX YEARS BY VIRTUE OF ADJUSTMENT, RE-APPRAISAL, RE-ASSESSMENT, APPEAL, OR OTHER AMENDMENT TO THE TAX RECORDS OF THE CITY OR COUNTY IN WHICH THE SUBJECT PROPERTY IS LOCATED. - NOT A SURVEY MATTER.
- ROADS, WAYS, STREAMS OR EASEMENTS, IF ANY, NOT SHOWN OF RECORD, RIPARIAN RIGHTS AND THE TITLE TO ANY FILLED-IN LANDS. - NOT A SURVEY MATTER.
- RIGHT OF WAY DEED FROM THE BARLAND COMPANY, A PARTNERSHIP COMPOSED OF JAMES R. DELLINGER, JR., TRUSTEE, FRED LESTER, CAROLINE L. TAYLOR AND AUBREY CORPORATION TO DEPARTMENT OF TRANSPORTATION, DATED APRIL 14, 1978, FILED JUNE 12, 1978 AND RECORDED IN DEED BOOK 328, PAGE 355, RECORDS OF THE SUPERIOR COURT OF BARTOW COUNTY, GEORGIA. - DOES NOT AFFECT.
- CONVEYANCE OF ACCESS RIGHTS FROM CONNECTOR TWO LTD. TO DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, DATED NOVEMBER 6, 1990, FILED NOVEMBER 9, 1990 AND RECORDED IN DEED BOOK 666, PAGE 615, AFORESAID RECORDS. - CONVEYANCE SHOWS 50' ACCESS BREAK ALONG EAST MAIN STREET. AFFECTS AS SHOWN.
- INDEMNITY AGREEMENT BY AND BETWEEN CONNECTOR TWO, LTD. AND THE GEORGIA DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF GEORGIA, DATED NOVEMBER 13, 1991, FILED DECEMBER 4, 1991 AND RECORDED IN DEED BOOK 704, PAGE 554, AFORESAID RECORDS. - AGREEMENT PROVIDES IRREVOCABLE EIGHTY-FIVE FEET ENCROACHMENT ONTO RIGHT-OF-WAY OF STATE ROUTE 113. LOCATION OF SAID ENCROACHMENT NOT SHOWN. UNABLE TO DETERMINE IF OR HOW IT AFFECTS THE SUBJECT PROPERTY.
- DECLARATION OF EASEMENTS AND COVENANTS BY CONNECTOR TWO, LTD., A GEORGIA LIMITED PARTNERSHIP, DATED JANUARY 16, 2007, FILED JANUARY 24, 2007 AND RECORDED IN DEED BOOK 263, PAGE 304, AFORESAID RECORDS. AS MAY BE FURTHER AMENDED AND/OR SUPPLEMENTED. - VARIOUS EASEMENTS FOR UTILITIES, CROSS PARKING, ACCESS, ETC. AND PROHIBITED USE COVENANTS. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
- DECLARATION OF COVENANTS AND RESTRICTIONS BY CONNECTOR TWO, LTD., DATED APRIL 18, 2007, FILED APRIL 18, 2007 AND RECORDED IN DEED BOOK 281, PAGE 433, AFORESAID RECORDS. AS MAY BE FURTHER AMENDED AND/OR SUPPLEMENTED. - VARIOUS COVENANTS AND RESTRICTIONS. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
- DEED OF DEEDICATION FOR EASEMENTS, BETWEEN CONNECTOR TWO LTD AND CITY OF CARTERSVILLE, A MUNICIPAL CORPORATION OF THE STATE OF GEORGIA, DATED APRIL 19, 2007, FILED APRIL 24, 2007 AND RECORDED IN DEED BOOK 284, PAGE 180, AFORESAID RECORDS. - DEEDICATION OF JOSHUA STREET (CURRENTLY KNOWN AS MAIN STREET MARKET PLACE) FOR PERPETUAL EASEMENT. AFFECTS AS SHOWN.
- DECLARATION OF DRAINAGE EASEMENT BY FORTY-ONE CONNECTOR, LTD., A GEORGIA LIMITED PARTNERSHIP, DATED AUGUST 16, 2008, FILED AUGUST 17, 2008 AND RECORDED IN DEED BOOK 3027, PAGE 584, AFORESAID RECORDS. AS MAY BE FURTHER AMENDED AND/OR SUPPLEMENTED. - DRAINAGE EASEMENT FOR REGIONAL STORM WATER DETENTION. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
- DECLARATION OF EASEMENTS AND COVENANTS BY CONNECTOR TWO, LTD., A GEORGIA LIMITED PARTNERSHIP AND 10 MAIN ST LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED AUGUST 20, 2018, FILED AUGUST 29, 2018 AND RECORDED IN DEED BOOK 3030, PAGE 429, AFORESAID RECORDS. - VARIOUS EASEMENTS FOR UTILITIES, CROSS PARKING, ACCESS, ETC. AND PROHIBITED USE COVENANTS. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
- ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON THE FOLLOWING PLATS, ALL AFORESAID RECORDS:
 - PLAT BOOK 30, PAGE 296. - DEFINES SOUTHWEST LINE OF SUBJECT PROPERTY. AFFECTS AS SHOWN.
 - PLAT BOOK 49, PAGE 95. - DEFINES UTILITY/INGRESS/EGRESS EASEMENT KNOWN AS JOSHUA STREET. AFFECTS AS SHOWN.
 - PLAT BOOK 66, PAGE 77, AND - SHOWS 15' UTILITY EASEMENT EXTENDING ONTO SUBJECT PROPERTY. AFFECTS AS SHOWN.
 - PLAT BOOK 66, PAGE 108 - SHOWS 10' UTILITY EASEMENT EXTENDING ONTO SUBJECT PROPERTY AND 20' WATER EASEMENT ALONG EAST MAIN STREET. AFFECTS AS SHOWN.

Surveyor's Certification

I, KEVIN N. COONEY, A REGISTERED LAND SURVEYOR IN THE STATE OF GEORGIA OF THE FIRM OF SOUTHLAND ENGINEERING, INC., CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA (PHONE - (770) 387-0440), HEREBY CERTIFY TO CONNECTOR TWO, LTD., OR ITS DESIGNEE, LENDER, & CHICAGO TITLE INSURANCE COMPANY THAT THE PREMISES SHOWN HEREON IS A TRUE AND CORRECT PLAT OF THE PROPERTY DESCRIBED HEREON. THAT THE BUILDINGS THEREON ARE LOCATED WITH RESPECT TO PROPERTY BOUNDARIES AS SHOWN. THE SURVEY WAS PREPARED TO INCLUDE 2021 ALTA TAXABLE ITEMS 1, 2, 3, 4, 6(A), 7(A), 7(B)(3), 7(C), 8, 9, 10, 11(A), 13, 16, 17, 18, AND 19. I FURTHER CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AS ARE CURRENTLY AVAILABLE AND HAVE FOUND THAT THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.



WITNESS MY HAND THIS _____ DAY OF _____, 2022.

KEVIN N. COONEY, P.L.S. - GA REG. NO. 2980

General Notes

- THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS COLLECTED USING NETWORK ADJUSTED RTK GPS WITH POSITIONAL ACCURACIES OF +/- 0.07' VERTICAL AND +/- 0.05' HORIZONTAL.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 1452,100 FEET.
- EQUIPMENT USED: TOPCON 3005W TOTAL STATION, EGPS 20T BASE AND ROVER, WITH DATA COLLECTOR.
- RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.
- THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS.
- DISTANCES SHOWN ON THIS PLAT ARE GROUND DISTANCES.
- UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES MAY VARY AND UTILITIES NOT SHOWN ON THIS SHEET MAY EXIST ON THIS SITE.
- THE SURVEYED LAND IS A LAWFULLY CREATED PARCEL AND HAS BEEN SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE LAWS, STATUTES, ORDINANCES, AND REGULATIONS INCLUDING WITHOUT LIMITATION APPLICABLE SUBDIVISION ORDINANCES.
- THE SURVEYED PROPERTY IS THE SAME PROPERTY DESCRIBED IN TITLE COMMITMENT NO. 230788GA WITH A DATE OF MARCH 21, 2023 AT 12:00 AM.
- AT TIME OF SURVEY, NO BUILDINGS OR PARTY WALLS EXIST ON THE SUBJECT PROPERTY.
- AT TIME OF SURVEY, NO PARKING SPACES EXIST ON THE SUBJECT PROPERTY.
- AT TIME OF SURVEY, THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP, OR SANITARY LAND FILL.
- AT TIME OF SURVEY, THERE WAS NO RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- AT TIME OF SURVEY, THERE WERE NO KNOWN PROPOSED CHANGES IN STREET RIGHT-OF-WAY LINES OR EVIDENCE RECENT STREET OR SIDEWALK REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

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

DATE: JUNE 20, 2023 REV: _____ JOB NO: 23006-7
DATE OF FIELDWORK: JAN. 09, 2023 DR: JPC CH: KNC APP: KNC

ALTA/NSPS LAND TITLE SURVEY FOR:
CONNECTOR TWO, LTD, or its designee
LENDER - TBD
CHICAGO TITLE INSURANCE COMPANY

LOCATED in LAND LOT(S) 407, of the 4th DISTRICT, 3rd SECTION, CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

○ = IRON PIN FOUND	⊠ = DOUBLE WING CATCH BASIN	⊗ = GAS VALVE	⊕ = SEWER MANHOLE	⊖ = POWER POLE
⊠ = CONCRETE MON.FOUND	⊠ = SINGLE WING CATCH BASIN	⊗ = GAS METER	⊕ = CLEAN OUT	⊖ = GUY WIRE
● = IRON PIN PLACED	⊠ = JUNCTION BOX	⊗ = TELEPHONE MANHOLE	⊕ = WATER VALVE	⊖ = ELECTRIC METER
⊕ = BENCHMARK	⊠ = CURB INLET	⊗ = ELECTRIC MANHOLE	⊕ = WATER METER	⊖ = TRANSFORMER
⊕ = PHOTO REFERENCE	⊠ = YARD INLET	⊗ = TELEPHONE PEDESTAL	⊕ = FIRE HYDRANT	⊖ = LIGHT POLE
⊕ = EXCEPTIONS	⊠ = DROP INLET	⊗ = SIGN	⊕ = IRRIGATION CONT. VALVE	⊖ = FLOW ARROW
⊕ = PARKING BOLLARD	⊠ = HEADWALL	⊗ = BENCHMARK	⊕ = WELL	⊖ = MAILBOX
— = STORM PIPE	— = OVERHEAD PWR.	— = WATER LINE	— = COMM. LINE	
— = SEWER PIPE	— = FENCE LINE	— = GAS LINE	— = UND. PWR.	

Eastern boundary along Starbucks
travel lane

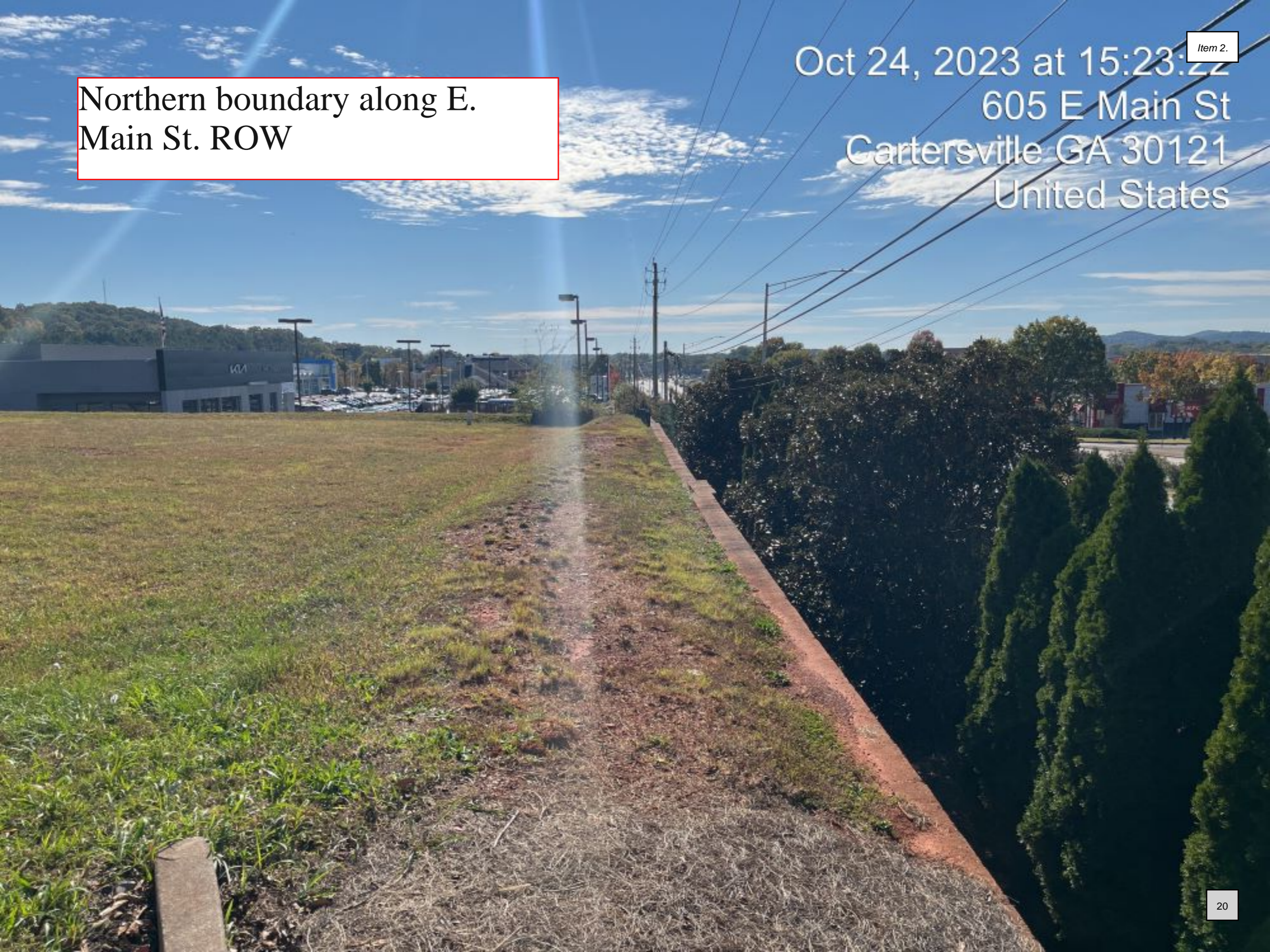
Oct 24, 2023 at 15:22:41
605 E Main St
Cartersville GA 30121
United States

Item 2.



Oct 24, 2023 at 15:23:22
605 E Main St
Cartersville GA 30121
United States

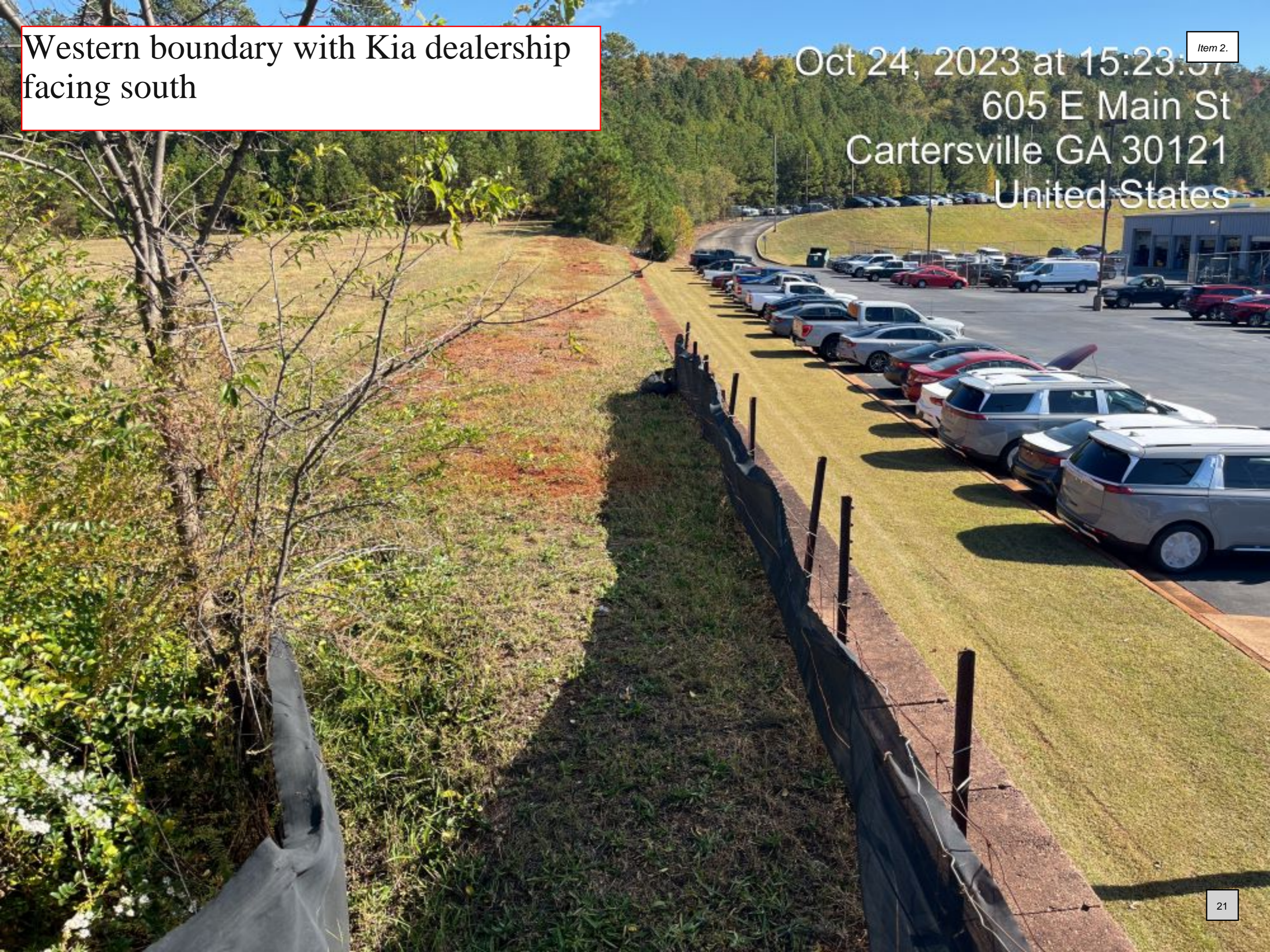
Northern boundary along E.
Main St. ROW



Western boundary with Kia dealership
facing south

Oct 24, 2023 at 15:23:57
605 E Main St
Cartersville GA 30121
United States

Item 2.



Western boundary with Kia dealership
facing north

Oct 24, 2023 at 15:24:55
605 E Main St
Cartersville GA 30121
United States

Item 2.



Oct 6, 2023 at 12:45:00
605 E Main St
Cartersville GA 30121
United States


VARIANCE NOTICE
CASE NO. V23-25
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30 PM. ON 11-9-2023
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
DEVELOPMENT AT 770-387-5600



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 9, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-26. 216 E. Cherokee Ave. Applicant: David Holt
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to decrease the front yard setback for a building addition.
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: October 31, 2023
 Re: File # V23-26

Summary: To reduce the front yard setback for construction of building addition.

Section 1: Project Summary

Variance application by owner/applicant David Holt for property located at 216 E. Cherokee Ave., zoned multiple-use (M-U). Setbacks are 10ft Front, 20ft Rear, and 10ft Side. Said property contains approximately 0.26 acres.

The applicant proposes to build an addition to the building in the front yard. The addition consists of a 26.5' x 32.5' finished space along Cherokee Ave. The zoning ordinance section, Sec. 9.2., for the M-U zoning district requires a front yard setback of 10ft. The proposed addition will encroach approximately 7ft into the required setback.

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

1. To reduce the front yard setback from 10ft to 3ft for construction of building addition (Sec. 9.2.).

Section 2. Department Comments

Building Department: No comments received.

Electric Department: Being that the existing pole line is at the back of the right-of-way, building at the proposed proximity would inhibit the replacement of the existing pole. We request maintaining a 3' clear zone from the pole(s).

Fibercom: No comments received.

Fire Department: V23-26- CFD takes exception to the variance request to reduce the setback from 10' to 1'. Setbacks help to keep the public safe in case of fire and collapse of buildings into the roadway. A reduction down to 1' could put public safety in jeopardy.

Gas Department: Takes no exception.

Public Works Department: Public Works takes exception to the variance request V23-26 due to there being limited right-of-way along East Cherokee Street. Ideally, we would have 60 feet of right-of-way to limit sight distance restrictions and allow for an adequate clear zone from buildings as well as room for utilities. I think that is why we have the 10-foot offset in place now.

Water Department: The water department cannot allow any structure or building footprint to be within 10' of the existing waterline for maintainability purposes.

Section 3. Public Comments Received by Staff

No public comments received as of 10-31-2023

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. 9.2. M-U Multiple use district.

9.2.1. *M-U district scope and intent.* Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to:

- A. Encourage the development of tracts of land in the community;
- B. Encourage flexible, innovative, and creative concepts in site planning;
- C. Encourage efficient use of land;
- D. Provide a stable multiple use environment compatible with surrounding uses; and

- E. Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.

9.2.2. *Use regulations.* Within the M-U 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).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial uses in the same building (SU).*
- Art galleries.
- Assembly halls.
- Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).
- Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays).
- Barber shops.
- Beauty salons.
- Bed and breakfast inn (SU).*
- Brewpub.
- Catering, carry out, delivery.
- Clinics (excludes veterinary).
- Clubs or lodges (noncommercial) (SU).*
- Colleges and universities.
- Community center buildings.
- Condominiums.
- Construction contractors:
 - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Heavy equipment 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).
- Convenience stores.
 - Dancing schools.
 - Day care facilities.
 - Delicatessens.
 - Distillery (SU).*
 - Dry cleaners.
 - Duplex dwellings.
 - Family day care.
 - Financial establishments.
 - Funeral homes (allowed on properties fronting an arterial or major collector street only) (crematories may be allowed in conjunction with a funeral home with approval of a special use).*
 - Group homes (SU).*
 - Guest house.
 - Gymnasiums/health clubs.
 - Home occupations.
 - Homeless shelters (SU).*
 - Hospices (SU).*
 - Hotels (allowed on properties fronting an arterial or major collector street only).
 - Institutions of higher learning including business colleges, music conservatories, and similar institutions.
 - Laboratories (medical and dental).
 - Laundromats.
 - Libraries.
 - Medical offices (excludes veterinary).
 - Microbreweries (SU).*
 - Multifamily dwellings.
 - Museums.
 - Nursing home facilities.
 - Offices, general.
 - Parking lots.


- Parks, private.
- Patio homes.
- Pawn shops and/or title pawn (SU).*
- Pet grooming.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Printing establishments.
- Pubs and taverns.
- Public utility facilities.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).*
- Repair services, light (shoes, small appliances or similar).
- Restaurants (drive-thru restaurants as SU).*
- Retail, general.
- Retail package stores (including liquor and malt beverages and/or wine sales only in a multi-tenant shopping center development consisting of a minimum of seven (7) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted).
- Retirement centers (SU).*
- Reupholstery shops.
- Schools, private (SU).*
- Service stations (allowed on properties fronting an arterial or major collector street only).
- Single-family attached dwellings.
- Single-family detached dwellings.
- Stadiums (allowed on properties fronting an arterial or major collector street only).
- Storage, warehouse (allowed on properties fronting an arterial or major collector street only).
- Theaters.
- Townhouses.
- Wholesale sales office.

* Special use approval required.

- B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.

9.2.3. *Development standards.*

- A. *Height regulations.* Single-family residential buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher; multifamily and nonresidential 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:* Ten (10) feet.

- C. *Side yard setback:* Ten (10) feet.

- If single-family attached, ten (10) feet end of each row.

- D. *Rear yard setback:*

- *Office/institutional/commercial:* Twenty (20) feet.
- *Multifamily:* Twenty-five (25) feet.
- *Townhouse:* Twenty (20) feet.
- *Single-family attached:* Twenty (20) feet.
- *Single-family detached:* Twenty (20) feet.
- *Duplex dwellings:* Twenty (20) feet.

- E. *Minimum lot area.*

- *Townhouse/attached:* Two thousand (2,000) square feet.
- *Single-family detached and duplex dwellings:* Seven thousand (7,000) square feet.

- F. *Maximum density.*

- *Multifamily:* Fourteen (14) dwelling units per acre.
- *Townhouse/attached:* Twelve (12) dwelling units per acre.

- G. *Minimum lot width at building line.*

- *Office/institutional/commercial:* One hundred ten (110) feet per lot.
- *Multifamily:* One hundred ten (110) feet.
- *Townhouse:* Twenty (20) feet per lot.
- *Single-family attached:* Fifty (50) feet per lot.
- *Single-family detached:* Sixty (60) feet per lot.
- *Duplex dwellings:* Fifty (50) feet per lot.

- H. *Minimum lot frontage.*

- *Office/institutional/commercial:* One hundred ten (110) feet per lot.
- *Multifamily:* One hundred ten (110) feet per lot.

- *Townhouse*: Twenty (20) feet per lot.
 - *Single-family attached*: Fifty (50) feet per lot.
 - *Single-family detached*: Sixty (60) feet per lot.
 - *Duplex dwellings*: Thirty-five (35) feet per lot.
- I. *Minimum heated floor area per dwelling unit.*
- *Multifamily*:
 - ▲ *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.
 - *Townhouse/attached*: One thousand (1,000) square feet.
 - *Single-family detached*: One thousand (1,000) square feet.
 - *Duplex*: Nine hundred (900) square feet.
- 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, hard-coat stucco, or fiber cement siding.
- 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. *Minimum buffer requirements.* In addition to required setbacks, all nonresidential and/or multifamily property uses within the M-U district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with section 4.17 of this chapter.
- O. *Minimum open space.* Multifamily developments shall have a minimum twenty (20) percent of gross acreage set aside as open space and shall provide recreational areas within said open space.
- P. *Maximum commercial building floor area*: Twenty thousand (20,000) square feet.
- Q. *Accessory structure requirements.* See section 4.9 of this chapter.
- R. *Other standards.*

1. Townhouse developments shall have a minimum development area of one-half (½) acre. In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.
 - (a) Minimum lot depth: one hundred (100) feet.
 - (b) No fewer than three (3) dwelling units in a row shall be allowed.
 - (c) Alley or private drive access required.
 - (d) Required parking shall be allowed in the rear yard only.
 - (e) Principal buildings shall front a private drive or public right-of-way.
 2. Multifamily developments shall comply with section 7.1.3.K. and N. of this chapter.
 3. Outdoor storage of landscape supplies and materials may be allowed in the side and rear yards of a non-residential land use with a special use (SU) permit.
- S. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
1. No more than one (1) guest house structure per lot.
 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
 5. A guest house structure shall comply with the principal setbacks of the district.
 6. A guest house shall not be allowed in the front yard.
 7. A guest house shall not exceed the height of the principal building on the lot.
 8. Requires owner-occupancy of the principal building on the lot.

9.2.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the M-U district.

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

(Ord. No. 69-12, § 2, 12-6-12; Ord. No. 01-13, § 6, 1-3-13; Ord. No. 11-13, § 1, 7-1-13; Ord. No. 02-18, § 2, 1-18-18; Ord. No. 09-18, § 1, 4-19-18; Ord. No. 11-18, § 2, 5-17-18; Ord. No. 34A-18, § 1, 12-6-18; Ord. No. 30-19, § 1, 8-1-19)

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

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

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

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

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

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

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

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

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

- 21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.
- 21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

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

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned M-U.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. The owner would obtain more useable commercial space.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no effect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*

The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.

7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*

The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.

8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*

No known environmental impacts.

9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*

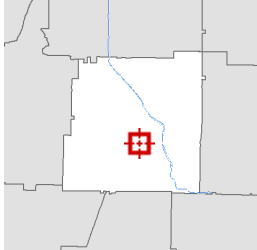
The proposed variance could have an impact on visibility, utility and sidewalk maintenance along the roadway.

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

There are no known conditions.



Overview



Legend

- Parcels
- Roads

Parcel ID	C001-0007-008	Alternate ID	31821	Owner Address	216 E CHEROKEE LLC
Sec/Twp/Rng	n/a	Class	Commercial		PO BOX 3939
Property Address	216 E CHEROKEE AVE	Acreage	0.26		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL456 LD4 Doug's Auto Repair				
	(Note: Not to be used on legal documents)				

Date created: 11/3/2023
 Last Data Uploaded: 11/2/2023 9:18:45 PM

Developed by **Schneider**
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 11/9/23 5:30pm

Application Number: V23 26

Date Received: 9/8/23

Applicant David Holt Office Phone _____
(printed name)

Address PO Box 3939 Mobile/ Other Phone 404-307-4677

City Cartersville State GA Zip 30120 Email david@holtprops.com

Clark Holden Phone (Rep) 678-925-9701
 Representative's printed name (if other than applicant) Email (Rep) clark@holtprops.com

[Signature] Representative Signature *[Signature]* Applicant Signature

Signed, sealed and delivered in presence of: My commission expires: October 19, 2026

[Signature] Notary Public



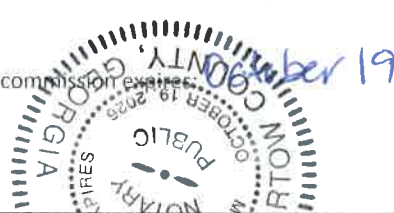
* Titleholder David Holt Phone 404-307-4677
(titleholder's printed name)

Address PO Box 3939 Cartersville, GA 30120 Email david@holtprops.com

[Signature] Signature

Signed, sealed, delivered in presence of: My commission expires: October 19, 2026

[Signature] Notary Public



Present Zoning District M-U

Acres .26 Land Lot(s) 456 District(s) 4th Section(s) 3rd

Location of Property: 216 E Cherokee Ave Cartersville, GA 30120
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: 9.2.3 Development standards

Summary Description of Variance Request: Adding an Addition to the front of building, extending to the property line. Requesting a variance for the 10ft setback.

(Additional detail can be provided on Justification Letter)

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

P2021000119

FILED IN OFFICE
CLERK OF COURT
05/18/2021 09:56 AM
MELBA SCOGGINS, CLERK
SUPERIOR COURT
BARTOW COUNTY, GA

Melba Scoggins

9071166258
7067927936

PARTICIPANT ID
THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

Conformity Statement

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.

KEVIN COONEY - GA PLS 2980

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNER
114 OLD MILL ROAD, CARTERSVILLE, GA 30120
PH: 770.387.0440 FAX: 770.607.5191

Item 3.

BOUNDARY RETRACEMENT SURVEY FOR:

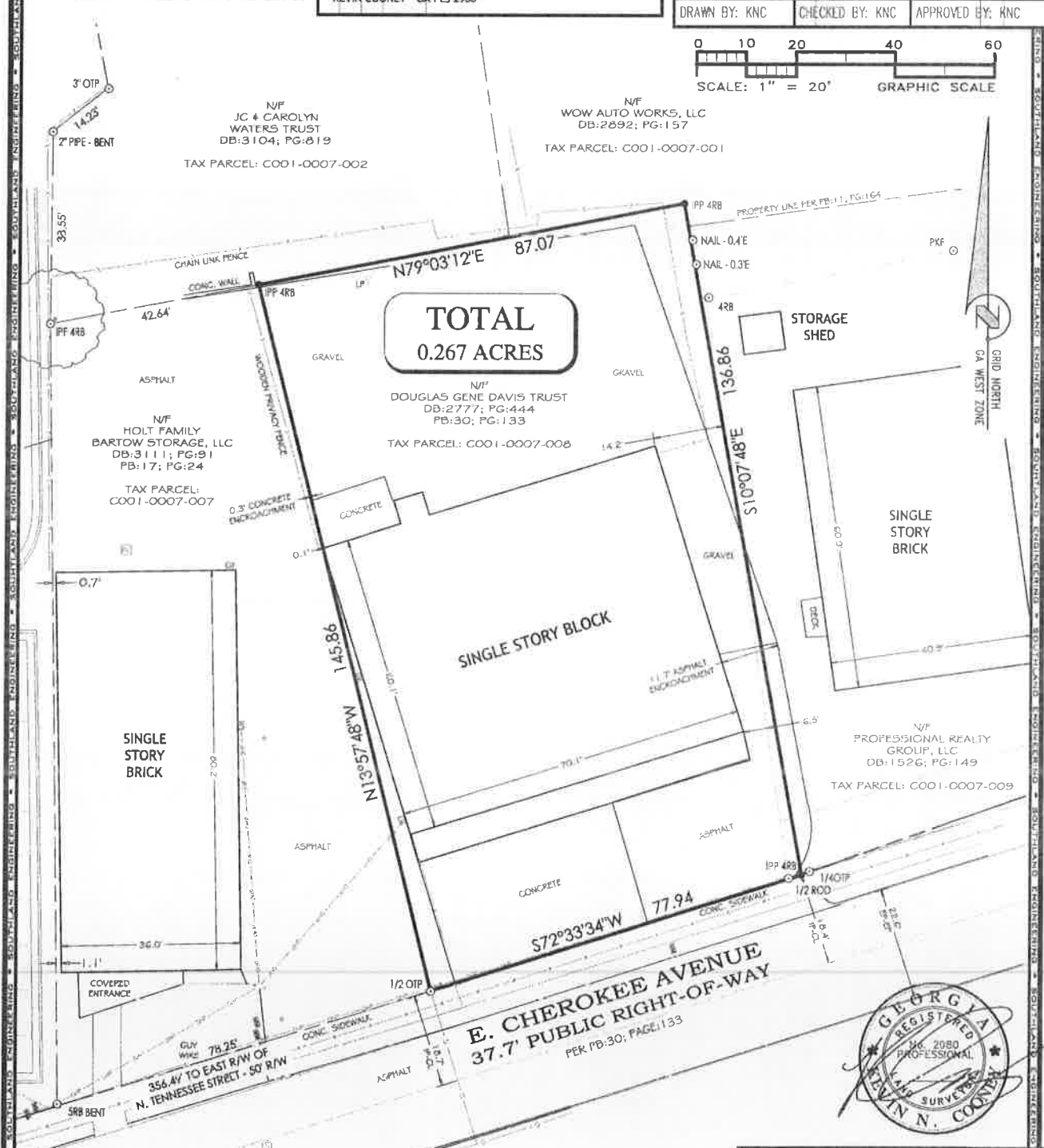
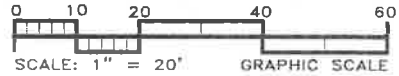
DAVID HOLT

LOCATED IN LAND LOT 456
4th DISTRICT, 3rd SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

DATE: JAN. 12, 2021 REV: JOB NO: 20169

DATE OF FIELDWORK: JAN. 8, 2021

DRAWN BY: KNC CHECKED BY: KNC APPROVED BY: KNC



General Notes

1. ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1" IN 14,400 FEET, AND AN ANGULAR ERROR OF 02" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 300,000 FEET.
4. EQUIPMENT USED: TOPCON 3005W, TOTAL STATION, WITH DATA COLLECTOR.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.

⊙ = IRON PIN FOUND	⊙ = GAS VALVE	⊙ = SEWER MANHOLE	⊙ = POWER POLE
⊠ = CONCRETE MON. FOUND	⊙ = GAS METER	⊙ = CLEAN OUT	⊙ = GUY WIRE
⊙ = IRON PIN PLACED	⊙ = TELEPHONE MANHOLE	⊙ = WATER VALVE	⊙ = ELECTRIC METER
⊙ = BREAK POINT	⊙ = ELECTRIC MAN-HOLE	⊙ = WATER METER	⊙ = TRANSFORMER
⊙ = PHOTO REFERENCE	⊙ = TELEPHONE PEDESTAL	⊙ = FIRE HYDRANT	⊙ = LIGHT POLE
⊙ = EXCEPTIONS	⊙ = SIGN	⊙ = IRRIGATION CONT. VALVE	⊙ = FLOW ARROW
⊙ = PARKING BOLLARD	⊙ = BENCHMARK	⊙ = WELL	⊙ = MAIL BOX
— = OVERHEAD PWR.	— = WATER LINE	— = COMM. LINE	
— = FENCE LINE	— = GAS LINE	— = UNDERGROUND PWR.	



Overview



Legend

- Parcels
- Roads
- Land Lots

Parcel ID	C001-0007-008	Alternate ID	31821	Owner Address	216 E CHEROKEE LLC
Sec/Twp/Rng	n/a	Class	Commercial		PO BOX 3939
Property Address	216 E CHEROKEE AVE	Acreage	0.26		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL456 LD4 Doug's Auto Repair (Note: Not to be used on legal documents)				

Date created: 9/7/2023
 Last Data Uploaded: 9/6/2023 9:03:53 PM

Developed by Schneider
 GEOSPATIAL



EAST END CLASS A OFFICE SPACE

216 E CHEROKEE AVE, CARTERSVILLE, GA 30120

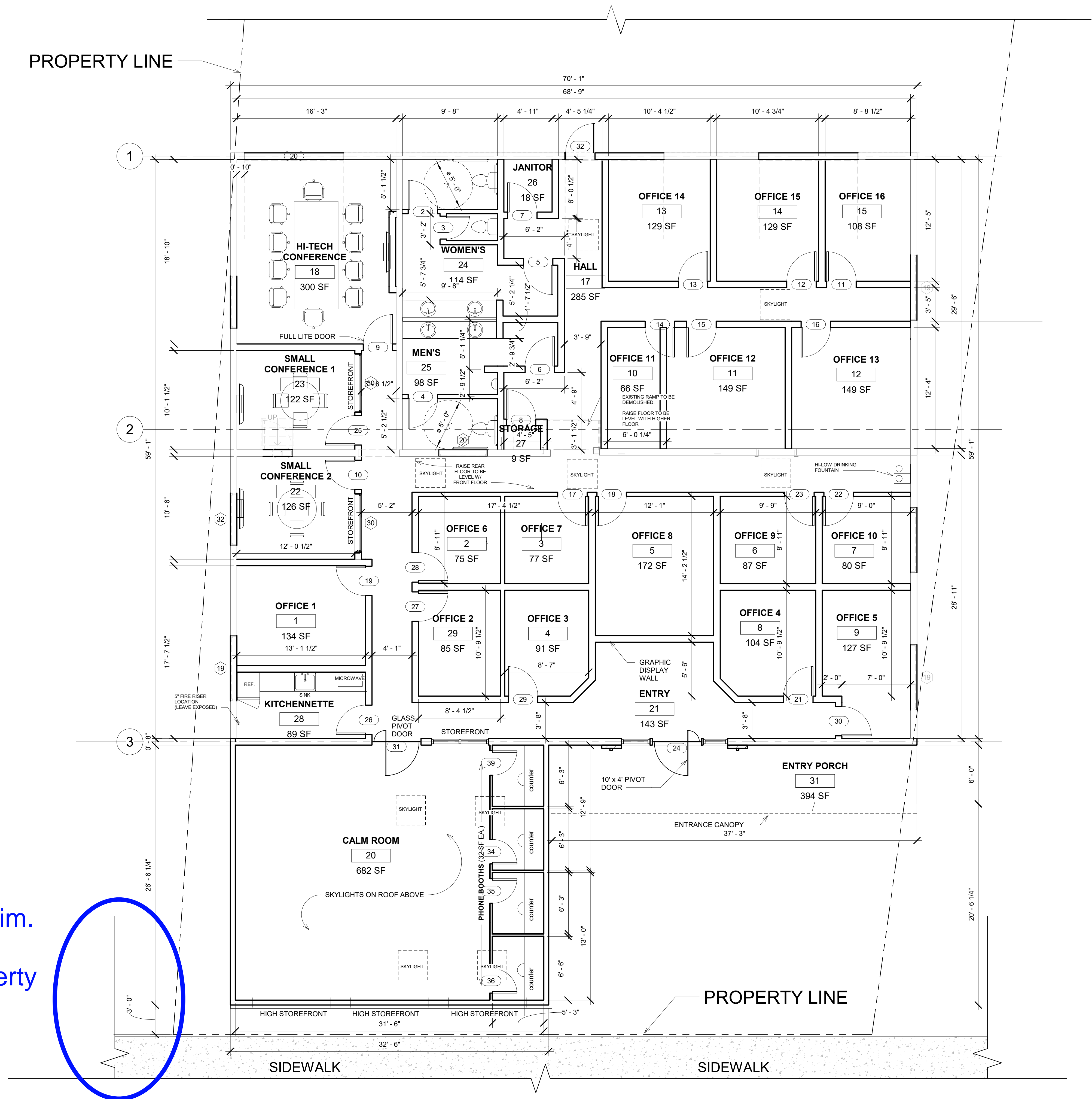
FLOOR PLAN NOTES:

- THE GC SHALL ABIDE BY AND BE RESPONSIBLE FOR ALL REQUIREMENTS STATED IN THE AIA DOCUMENT A201-GENERAL CONDITIONS (CURRENT ISSUE), UNLESS NOTED OTHERWISE.
- THE CONTRACTOR SHALL TAKE FIELD MEASUREMENTS AND VERIFY FIELD CONDITIONS AND SHALL CAREFULLY COMPARE SUCH FIELD MEASUREMENTS, CONDITIONS, AND OTHER INFORMATION KNOWN TO THE CONTRACTOR WITH THE CONTRACT DOCUMENTS BEFORE COMMENCING ACTIVITIES. ERRORS, INCONSISTENCIES, OR OMISSIONS DISCOVERED SHALL BE REPORTED TO THE ARCHITECT AT ONCE. NO ALLOWANCE WILL BE MADE ON BEHALF OF THE CONTRACTOR OR SUBCONTRACTORS FOR FAILURE TO VISIT THE SITE.
- THE CONTRACTOR SHALL PROVIDE PROTECTIVE COVERING FOR CARPET, FURNISHINGS, AND FINISHES IN EXISTING AREAS NOT DESIGNATED FOR DEMOLITION OR NEW CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ANY DAMAGE CAUSED BY HIS WORK OR ANY SUBCONTRACTOR. IN PARTICULAR, THE CONTRACTOR SHALL MAINTAIN A DUST-FREE ENVIRONMENT WITHIN THE MAGNET VAULT.
- THE CONTRACTOR SHALL VERIFY THAT NEW CEILINGS CAN BE INSTALLED IN EXISTING SPACES TO CLEAR DUCTWORK AND OTHER CONSTRUCTED ITEMS AND MAINTAIN FLOOR TO CEILING HEIGHTS INDICATED ON DRAWINGS. IF DISCREPANCIES OCCUR DUE TO EXISTING CONDITIONS, CONSULT WITH THE ARCHITECT BEFORE PROCEEDING.
- THE CONTRACTOR SHALL VERIFY DIMENSIONS OF AS-BUILT CONDITIONS, AND NOTIFY THE ARCHITECT IN WRITING OF ANY DISCREPANCIES. ALL INFORMATION SHOWN ON THE CONSTRUCTION DOCUMENTS IS BASED ON FIELD OBSERVATIONS AND/OR THE ORIGINAL CONSTRUCTION DOCUMENTS OF THE FACILITY.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR CORRECTING DEFECTIVE WORK IN EXISTING CONSTRUCTION WITHIN THE LIMITS OF THE CONSTRUCTION AREA. THIS INCLUDES, BUT IS NOT LIMITED TO, UNEVEN SURFACES AND FINISHES AT PLASTER OR GYPSUM BOARD. THE CONTRACTOR SHALL PATCH AND REPAIR SURFACES TO MATCH NEW ADJACENT SURFACES.

Room Schedule			
Number	Name	Level	Area
1	OFFICE 1	LEVEL 1	134 SF
2	OFFICE 6	LEVEL 1	75 SF
3	OFFICE 7	LEVEL 1	77 SF
4	OFFICE 3	LEVEL 1	91 SF
5	OFFICE 8	LEVEL 1	172 SF
6	OFFICE 9	LEVEL 1	87 SF
7	OFFICE 10	LEVEL 1	80 SF
8	OFFICE 4	LEVEL 1	104 SF
9	OFFICE 5	LEVEL 1	127 SF
10	OFFICE 11	LEVEL 1	66 SF
11	OFFICE 12	LEVEL 1	149 SF
12	OFFICE 13	LEVEL 1	149 SF
13	OFFICE 14	LEVEL 1	129 SF
14	OFFICE 15	LEVEL 1	129 SF
15	OFFICE 16	LEVEL 1	108 SF
17	HALL	LEVEL 1	285 SF
18	HI-TECH CONFERENCE	LEVEL 1	300 SF
20	CALM ROOM	LEVEL 1	682 SF
21	ENTRY	LEVEL 1	143 SF
22	SMALL CONFERENCE 2	LEVEL 1	126 SF
23	SMALL CONFERENCE 1	LEVEL 1	122 SF
24	WOMEN'S	LEVEL 1	114 SF
25	MEN'S	LEVEL 1	98 SF
26	JANITOR	LEVEL 1	18 SF
27	STORAGE	LEVEL 1	9 SF
28	KITCHENETTE	LEVEL 1	89 SF
29	OFFICE 2	LEVEL 1	85 SF
31	ENTRY PORCH	LEVEL 1	394 SF

- OCCUPANCY LOAD:**
4997 PERSONS/ 150 SF/PERSON=
-TOTAL: 33 PERSONS
- PLUMBING FIXTURE COUNT:**
-1 PER 25-1ST 50 PEOPLE-
1/50 REMAINING PERSONS
-TOTAL: 2 (3 TOILETS PROVIDED)
- LAVATORIES : 1/40 -1ST 80 -
1/80 REMAINING PERSONS
-TOTAL: 2 PROVIDED
- DRINKING FOUNTAINS
REQUIRED : 1
-TOTAL: 2 PROVIDED

3ft. dim. from property line



① LEVEL 1
3/16" = 1'-0"

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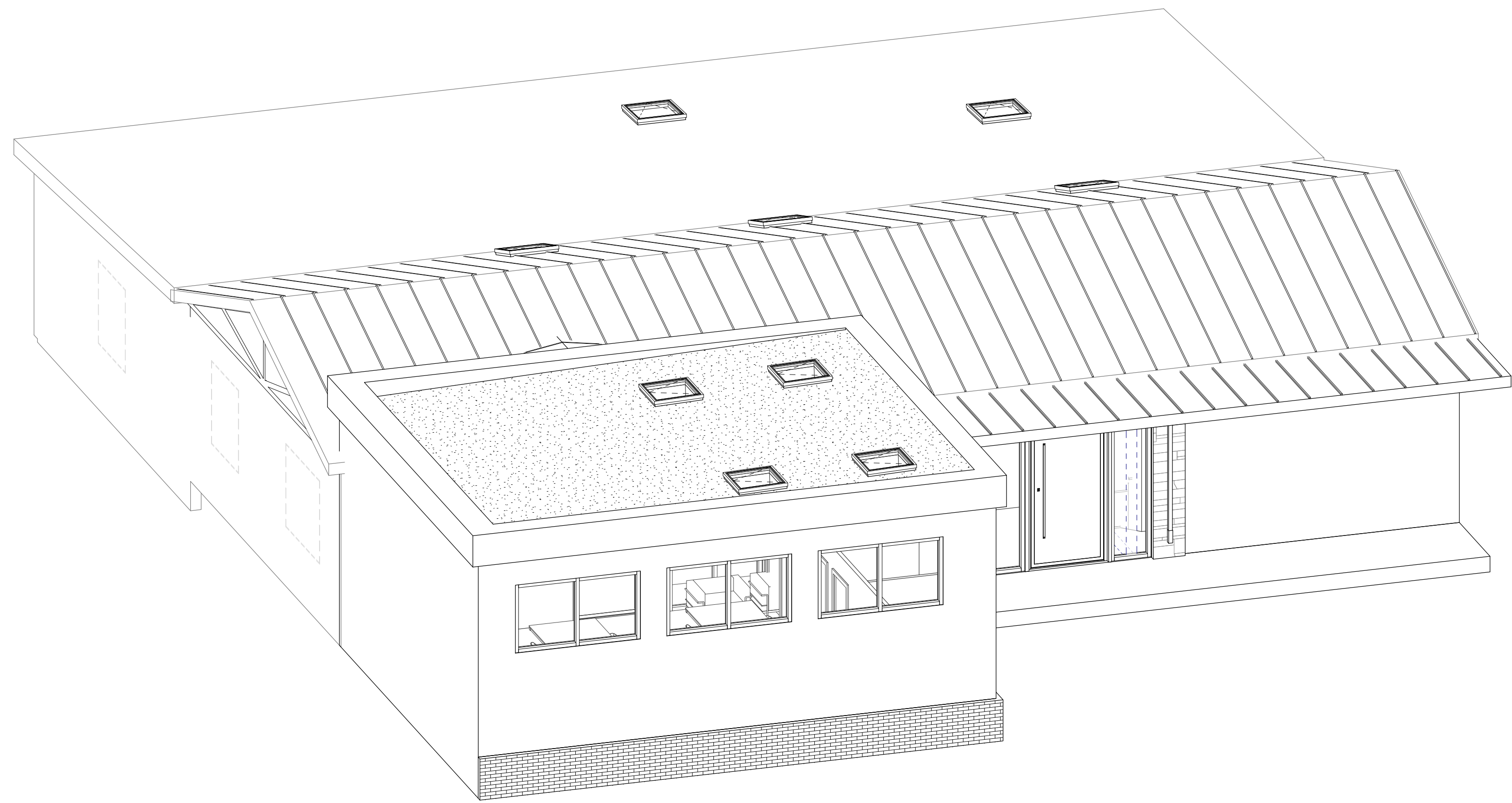
RESERVED FOR REGISTRATION/STAMP

Revisions		
NO.	ISSUE	DATE

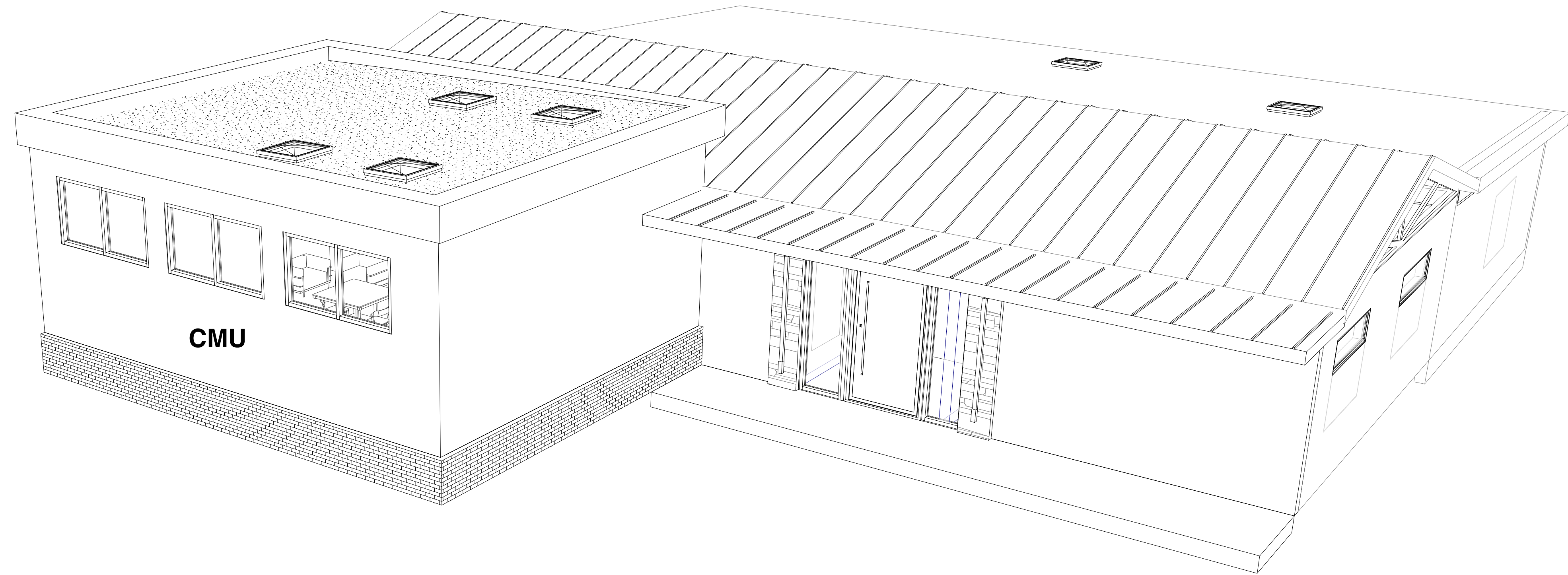
PROPOSED FLOOR PLAN

Sheet Information		Sheet
Date	10.05.2023	A102
Drawn	SCOTT HARRISON	
Checked	LIBBY HANKAL	
Approved	RICHARD TAYLOR	

ISSUED FOR CONSTRUCTION



2 3D 2



3 3D View 2

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EAST END CLASS A OFFICE SPACE

216 E CHEROKEE AVE, CARTERSVILLE, GA 30120

RESERVED FOR REGISTRATION/STAMP

Revisions		
NO.	ISSUE	DATE

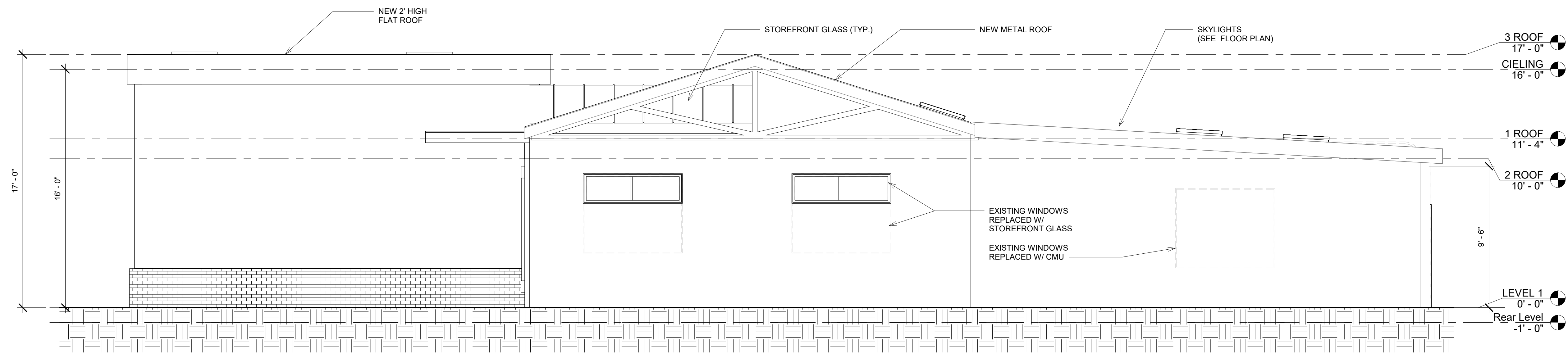
PERSPECTIVE AT ENTRY

Sheet Information		Sheet
Date	10.05.2023	A103
Drawn	SCOTT HARRISON	
Checked	LIBBY HANKAL	
Approved	RICHARD TAYLOR	

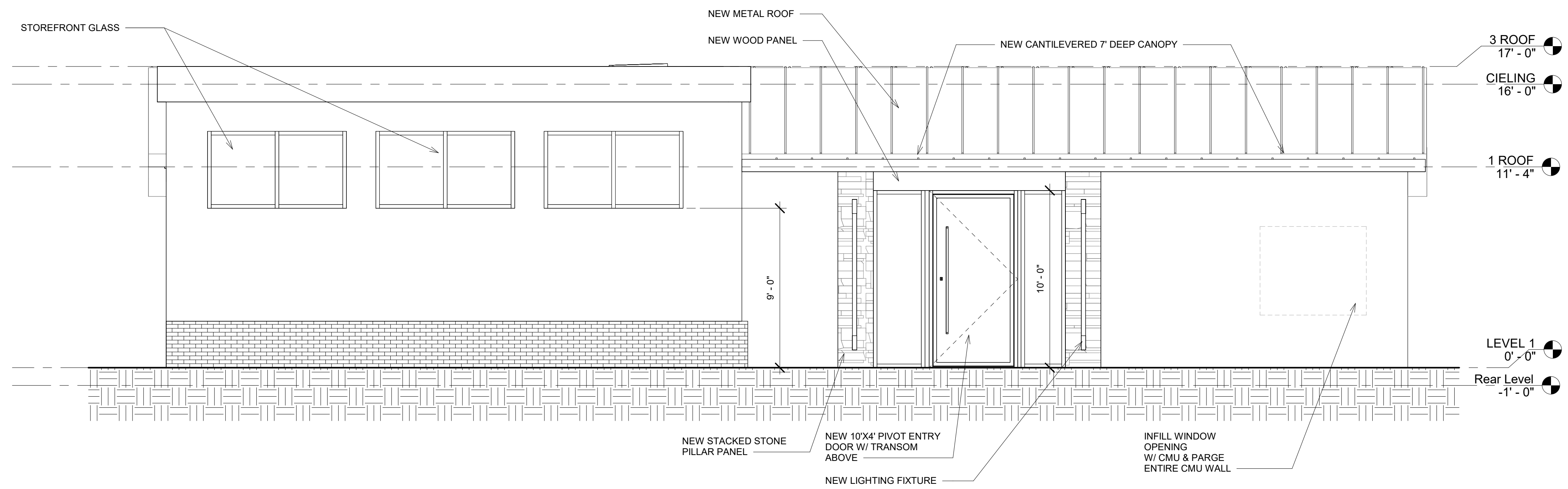
ISSUED FOR CONSTRUCTION

EAST END CLASS A OFFICE SPACE

216 E CHEROKEE AVE, CARTERSVILLE, GA 30120



② RIGHT
1/4" = 1'-0"



① FRONT
1/4" = 1'-0"

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RESERVED FOR REGISTRATION/STAMP

Revisions		
NO.	ISSUE	DATE

PROPOSED ELEVATIONS

Sheet Information Sheet

Date 10.05.2023
 Drawn SCOTT HARRISON
 Checked LIBBY HANKAL
 Approved RICHARD TAYLOR

A200

ISSUED FOR CONSTRUCTION

EAST END CLASS A OFFICE SPACE

216 E CHEROKEE AVE, CARTERSVILLE, GA 30120

RESERVED FOR REGISTRATION/STAMP

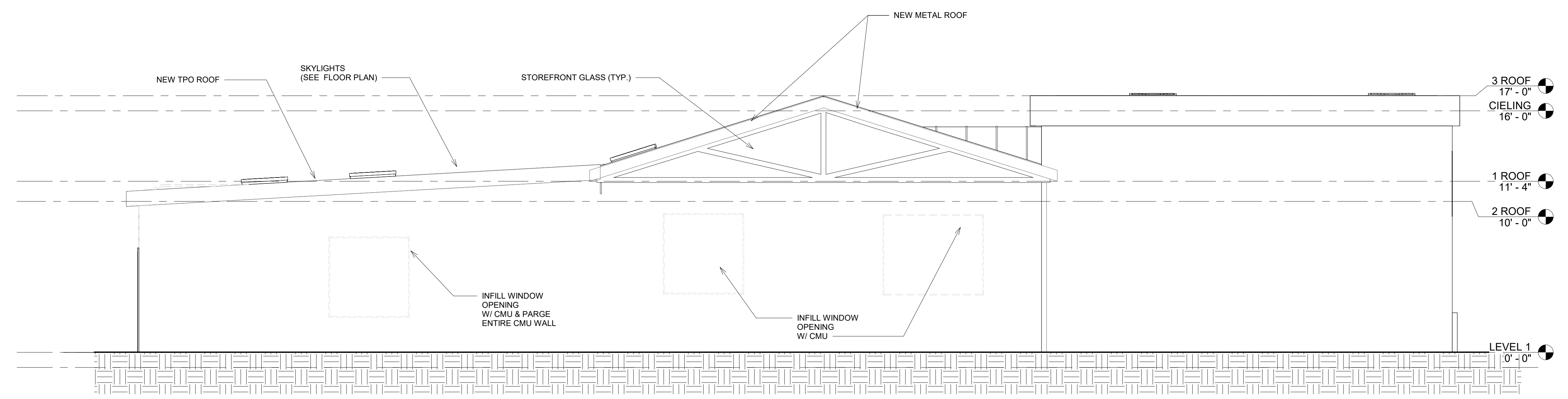
Revisions		
NO.	ISSUE	DATE

PROPOSED ELEVATIONS

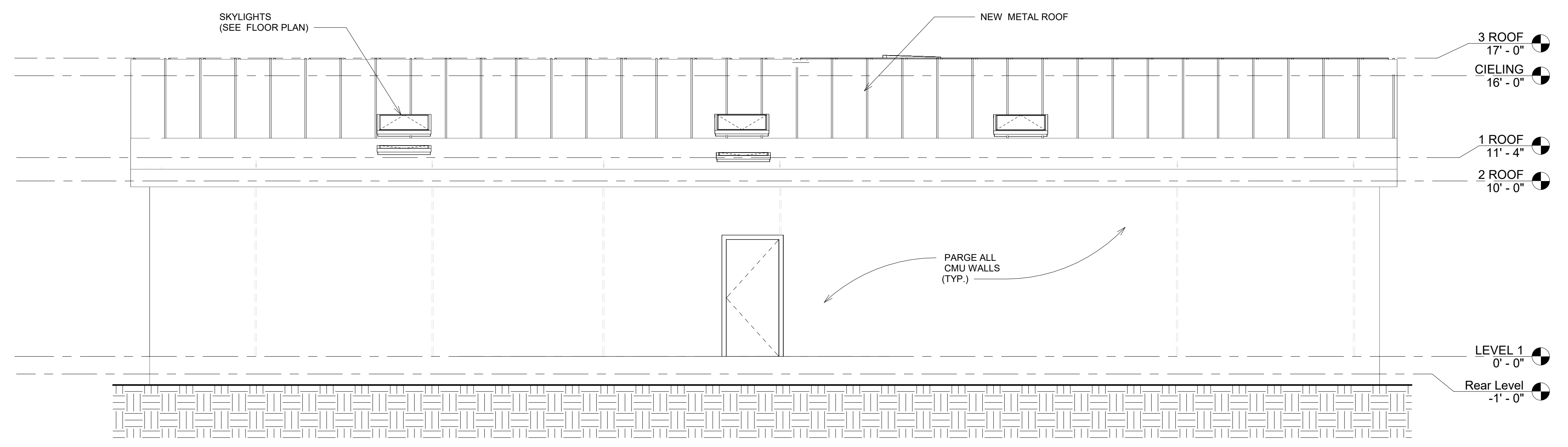
Sheet Information		Sheet
Date	10.05.2023	
Drawn	SCOTT HARRISON	
Checked	LIBBY HANKAL	
Approved	RICHARD TAYLOR	

A201

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② LEFT
1/4" = 1'-0"



① REAR
1/4" = 1'-0"

ISSUED FOR CONSTRUCTION

Facing
west

Oct 24, 2023 at 15:29:24
216 E Cherokee Ave
Cartersville GA 30120
United States

Item 3.



Facing
east

Item 3.

Oct 24, 2023 at 15:30:05
216 E Cherokee Ave
Cartersville GA 30120
United States



Oct 6, 2023 at 12:58:40
216 E Cherokee Ave
Cartersville GA 30120
United States




VARIANCE NOTICE
CASE NO. V23-26
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30PM ON 11-9-2023
FOR ADDITIONAL INFORMATION CONTACT THE
DEPARTMENT OF PLANNING & DEVELOPMENT
AT 770-387-5600



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 9, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-27. 5 Parmenter St. Applicant: Samantha Thompson
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a privacy fence in the front yard (alley) of double frontage 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: October 24, 2023
 Re: File # V23-27

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

Section 1: Project Summary

Variance application by applicant, Samantha Thompson, for property located at 5 Parmenter St, zoned R-7 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.18 acres. The lot is a double frontage lot with frontages along Parmenter St., and a public alley.

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

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

The variance request is for the following:

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

Section 2. Department Comments

1. **Electric Department:** The electric meter is on the rear of the house, and we must maintain 24/7/365 access. Thus, there must be an accessible (4' wide minimum) gate that remains unlocked at all times. In the event of an aggressive pet inside the fence prevent CES

from necessary access, the service will be de-energized until the resident can provide safe access.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: the above referenced address is served natural gas from the rear of the house off Atco Aly from an existing main exceptionally close to the right-of-way. The attachment does not explain if the fence is proposed for the backyard or the front yard as it relates to the front door. The Gas System takes no exception to the following if the fence is proposed for the front yard. Additionally, the Gas System takes no exception to the following if the fence is proposed for the backyard provided the fence is a minimum of 5' from the existing natural main along Atco Aly and the owner provides a double swing gate in the fence to access the existing natural gas service line with mechanized equipment. If this double swing gate is to be locked, it must be interlocked by chain with a Gas System lock that will be provided by the Gas System.

Public Works Department: Takes no exception.

Water Department: There is an 8" sanitary sewer line and manhole that would be enclosed with this proposed privacy fence. To be able to properly maintain the sewer, we would need a 10' wide access gate.

Section 3. Public Comments Received by Staff

None received as of 10/24/2023.

Section 4. Variance Justification:

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

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.

2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
 3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
 4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.
- B. In all residential and commercial zoning districts:
1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
 2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
 3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
 4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
 5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

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

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

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

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive

months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.

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

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

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

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

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

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

21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances

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

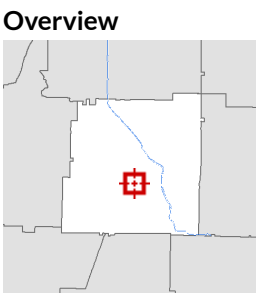
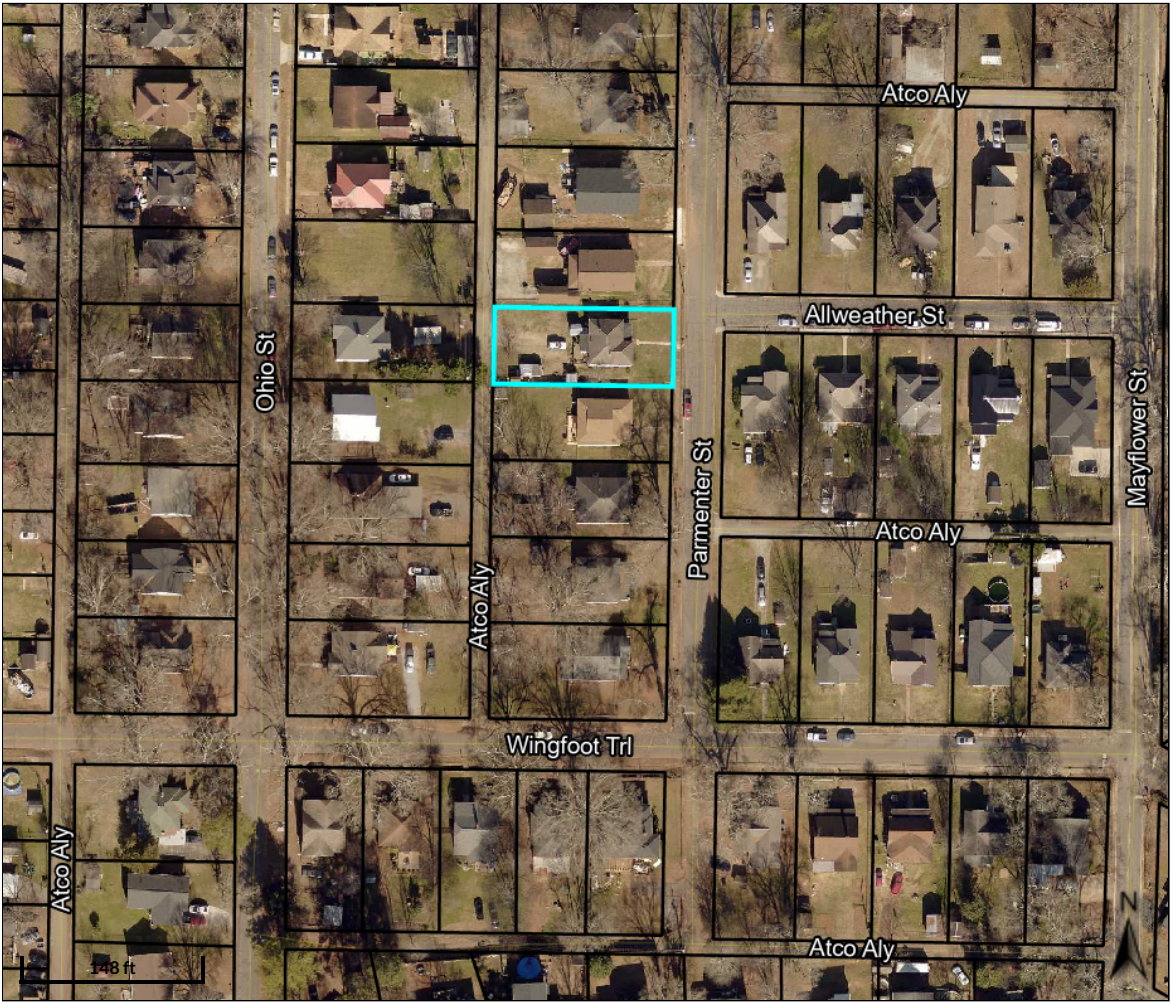
STANDARDS FOR EXERCISE OF ZONING POWERS.

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

No adverse environmental impact is anticipated.

9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities. A double locked gate will be required for 24/7 access to the electric and gas meters and supply lines.

10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.



Legend
 □ Parcels
 — Roads

Parcel ID	C026-0010-005	Alternate ID	35108	Owner Address	THOMPSON SAMANTHA KAYLIN
Sec/Twp/Rng	n/a	Class	Residential		5 PARMENTER ST
Property Address	5 PARMENTER ST	Acreage	0.18		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL344 LD4 LOT 132 ATCO				
	(Note: Not to be used on legal documents)				

Date created: 11/3/2023
 Last Data Uploaded: 11/2/2023 9:18:45 PM

Developed by  Schneider
 GEOSPATIAL

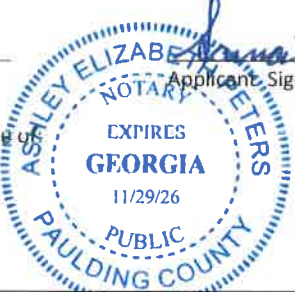
City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 11-9-2023 5:30pm


Application Number: V23-27

Date Received: 9-7-2023

Applicant Samantha Thompson Office Phone _____
(printed name)
 Address 5 Parmenter ST Mobile/ Other Phone 470-713-9780
 City Cartersville State GA Zip 30120 Email S.Thompson2017@outlook.com
 Phone (Rep) _____
 Representative's printed name (if other than applicant) _____
 Email (Rep) _____
 Representative Signature _____
 Applicant Signature Samantha Thompson
 Signed, sealed and delivered in presence of _____ My commission expires: 11/29/26
 Notary Public [Signature]



* Titleholder Samantha Thompson Phone 470-713-9780
(titleholder's printed name)
 Address 5 Parmenter ST Email S.Thompson2017@outlook.com
Cartersville GA 30120
 Signature [Signature]
 Signed, sealed, delivered in presence of _____ My commission expires: 11/29/26
 Notary Public [Signature]



Present Zoning District R-7 Parcel ID No. C026-0010-005
 Acreage .18 Land Lot(s) 344 District(s) 4 Section(s) 03
 Location of Property: 5 Parmenter ST Cartersville GA 30120
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Section 4.16
 Summary Description of Variance Request: privacy fence in front/back yard
(Additional detail can be provided on Justification Letter)

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

49	6.6'	44.9'
	6.6'	57.3'
		<u>151</u>
		144.9'

49	6.6'	44.9'
	6.6'	57.3'
		<u>152</u>
		144.9'

49	6.6'	44.9'
	6.6'	57.3'
		<u>152</u>
		144.9'

STREET

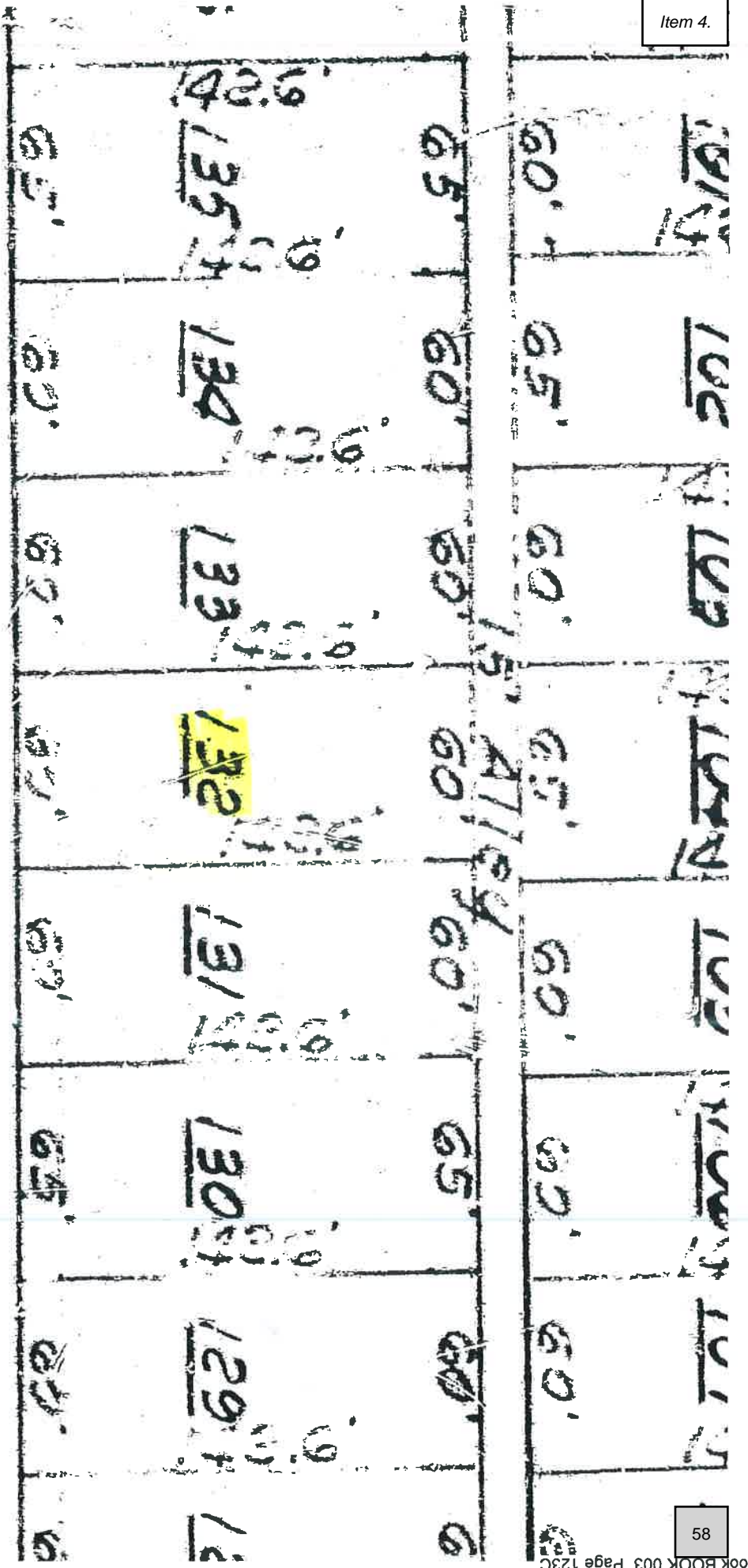
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	6.6'	57.3'
		<u>152</u>
		144.9'

P.A. 1111



Oct 18, 2023 at 13:05:42
5 Parmenter St
Cartersville GA 30120
United States



Oct 18, 2023 at 13:06:00

5 Parmenter St

Cartersville GA 30120

United States



Oct 18, 2023 at 13:06:20

5 Parmenter St

Cartersville GA 30120

United States



Oct 6, 2023 at 11:31:54
5 Parmenter St
Cartersville GA 30120
United States



CITY OF CARTERSVILLE

VARIANCE NOTICE

CASE NO. V23-27

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

A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30 P.M. ON 11-9-2023

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



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 9, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-28. 26 Quail Run. Applicant: Justin Gordon
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a privacy fence and accessory structure in the front yard (Guyton St) of double frontage 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: October 24, 2023
 Re: File # V23-28

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

Section 1: Project Summary

Variance application by applicant, Justin Gordon, for property located at 26 Quail Run, zoned R-7 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.21 acres. The lot is a double frontage lot with frontages along Guyton St., and Quail Run.

The applicant proposes to construct a privacy fence to enclose the property to the rear of the home along Quail Run. The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, less than 4ft tall, and non-opaque in a front yard.

The applicant also proposes to build a storage building to the rear of the home, in the front yard along Quail Run. Sec. 4.9, requires accessory structures on double frontage lots be constructed in the side or rear yard only, and comply with the side yard setbacks.

The variance request is for the following:

1. To allow an 6ft. privacy fence to be installed in the front yard of a double frontage lot (Sec. 4.16).
2. To allow an accessory structure to be constructed in the front yard of a double frontage lot (Sec. 4.9).

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: the above referenced address is served natural gas from a natural gas meter and service line at the rear of the house within the limits of the proposed fencing. The Gas System takes no exception to the following if the proposed fence provides for a double swing gate in the fence to access the existing natural gas service line with mechanized equipment and access to the existing natural gas meter. If this double swing gate is to be locked, it must be interlocked by chain with a Gas System lock that will be provided by the Gas System. As an alternative, the property owner may request the existing natural gas meter and service line to be relocated outside of the limits of the fencing at the expense of the property owner. The property owner shall contact the Gas System at the telephone number in my signature below for an estimate of the costs associated with such a relocation.

Public Works Department: In reviewing the variance request Public Works has determined that the fence and shop should be a minimum of 10 feet from the edge of pavement for Guyton Street per AASHTO Roadside Design Guide and GDOT Regulations for Driveway and Encroachment Control Manual requirements as shown in the attachment.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 10/24/2023.

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. 4.9. 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. 4.16. - Fences and walls.

A. In all zoning districts:

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

B. In all residential and commercial zoning districts:

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

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

C. In all industrial zoning districts:

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

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

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

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

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

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

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

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

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

STANDARDS FOR EXERCISE OF ZONING POWERS.

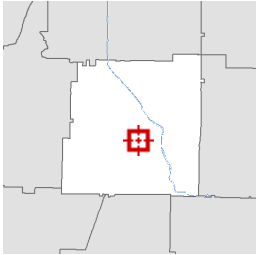
1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for residential and used for that purpose.
2. *The suitability of the subject property for the zoned purposes.*

The property is suitable for the zoned purposes.

3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal. A variance approval would allow the property owner to protect the property.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities. A double locked gate will be required for 24/7 access to the electric and gas meters and supply lines.
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
There are no known conditions.



Overview



Legend

- Parcels
- Roads

Parcel ID	C032-0008-004	Alternate ID	35954	Owner Address	GORDON JUSTIN & CHERETA
Sec/Twp/Rng	n/a	Class	Residential		26 QUAIL RUN
Property Address	26 QUAIL RUN	Acreage	n/a		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	P/O LT 5 BLK A N MEADOWS LL195 D4 <i>(Note: Not to be used on legal documents)</i>				

Date created: 11/3/2023
 Last Data Uploaded: 11/2/2023 9:18:45 PM

Developed by Schneider
 GEOSPATIAL


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 11-9-2023 5:30pm


Application Number: V23-28

Date Received: 9-8-2023

Applicant Justin E. Gordon Office Phone _____
 (printed name)
 Address 26 Quail Run Mobile/ Other Phone 770-386-8860
 City Cartersville State GA Zip 30120 Email cheretaj@icloud.com
 Representative's printed name (if other than applicant) _____
 Phone (Rep) r
 Email (Rep) _____
 Representative Signature _____ Applicant Signature Justin E. Gordon
 Signed, sealed and delivered in presence of _____ My commission expires: 11/29/26
[Signature] Notary Public



* Titleholder Justin Gordon Phone 770 386 8860
 (titleholder's printed name)
 Address 26 Quail Run Email cheretaj@icloud.com
 Signature Justin E. Gordon
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
[Signature] Notary Public



Present Zoning District R-7 Parcel ID No. C032-0008005
 Acreage .21 Land Lot(s) 194-195 District(s) 4 Section(s) 3
 Location of Property: 26 Quail Run and Gayton St.
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: SEC. 4.16 (B) & SEC. 4.9
 Summary Description of Variance Request: privacy fence and eventual storage building
 (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: _____ 5:30pm

Application Number: V23-28

Date Received: _____

Applicant Chereta Gordon Office Phone _____
 (printed name)
 Address 26 Quail Run Mobile/ Other Phone 770 851-3845
 City Cartersville State GA Zip 30120 Email cheretag@icloud.com
 Phone (Rep) _____
 Representative's printed name (if other than applicant) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature Chereta Gordon
 Signed, sealed and delivered in presence of _____ My commission expires: 11/29/20
 Notary Public 

* Titleholder Justin + Chereta Gordon Phone 770 851-3845
 (titleholder's printed name)
 Address 26 Quail Run Email cheretag@icloud.com
 Signature Justin Gordon
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/20
 Notary Public 

Present Zoning District R-17 Parcel ID No C032-0008004
 Acreage 2.22 Land Lot(s) 195 District(s) 4 Section(s) 3
 Location of Property: 26 Quail Run and Guyton St.
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: SEC-4-16 (B) & SEC-4-9
 Summary Description of Variance Request: Requesting to install a privacy fence and storage building
 (Additional detail can be provided on Justification Letter)

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

September 8 ,2023

Justin E. Gordon
Chereta C. Gordon
26 Quail Run
Cartersville, Georgia 30120

RE: Variance Letter

To Whom It May Concern,

We are the property owners of 26 Quail Run and we also own the property adjacent to the Quail Run Property, which is C032-0008-005, Guyton Street, P/O LT 4 BLK A N MEADOWSLL194,195D4. We are well aware that the Guyton Street property was originally intended for a residential structure and that it is considered as frontal property and that the Quail Run property is considered double frontal property. However, the Quail Run property has been our home for over thirty-one years and we consider the land in the back of our home as our "backyard." The Guyton Street property was purchased several years after we bought our home partially due to us being under the impression that the land was already our's. .The other reason for the purchase of the lot was to provide our growing family with a large backyard. Hence, we consider the Guyton Street property as our backyard as well.

The reason for a variance request at this time is due to several developments that have recently occurred. First and foremost, we are requesting a privacy fence for the safety of our family. Due to the openness of the front yard to the back yard, perfect strangers continuously trespass across our property to either gain access to the Okinawa Restaurant which is located less than 10 feet from the edge of our Quail Run property or Los Arcos Restaurant. Both restaurants are situated within a shopping center that yields high volume traffic. Chereta Gordon was startled at 9:00 at night by a complete stranger (male) trespassing across the Quail Run Property, while taking out the trash. No one in the home knew that she was outside and the location where the trash bin is located, does not have windows. We are grateful that she was only startled, things could have gone differently had she encountered a violent individual. Safety should never be an issue in your own yard. For safety reasons and due to the openness of the back end of our property, we cannot permit our grandchildren to play in the backyard alone, not even for a quick moment, for fear of a stranger harming them or kidnapping them. Local law enforcement has also suggested the installation of a privacy fence to minimize the threat to our safety as well.

Secondly, a privacy fence would ensure our family's privacy as well as eliminate any anxiety a neighbor or passersby may experience anytime we utilize or access our property for our own comfort or entertainment. Also, this fence would prevent Okinawa's patrons from utilizing our property as access parking.

Finally, please take into consideration that the back yard view from our home on Quail Run is a filthy alleyway that is used for Okinawa's supply deliveries and the view from my Guyton Street property is a dumpster. A privacy fence would be a much better view for us and it would deter their delivery trucks from parking on our property as well.

Please be advised Guyton Street is a dead end street. The home which faces the back of the Quail Run property, sits on the deadend, its front yard view to my Quail Run backyard is obscured by foliage, a privacy would not obstruct its current view. My neighbors to the left and right of our property, 24 and 28 Quail Run, would greatly benefit from the installation of a privacy fence because it would minimize the threat to their safety as well. Strangers trespass across their property to access our property.

We have already secured a fencing company that understands our needs and our desire for safety. We humbly await your decision and thank you for your time and consideration regarding this issue.

Respectfully,

Justin E. Gordon
Chereta C, Gordon
Property Owners
770-386-8860 (Home)
770-851-3845 (Chereta Gordon Cell)

proposed
20 X 30

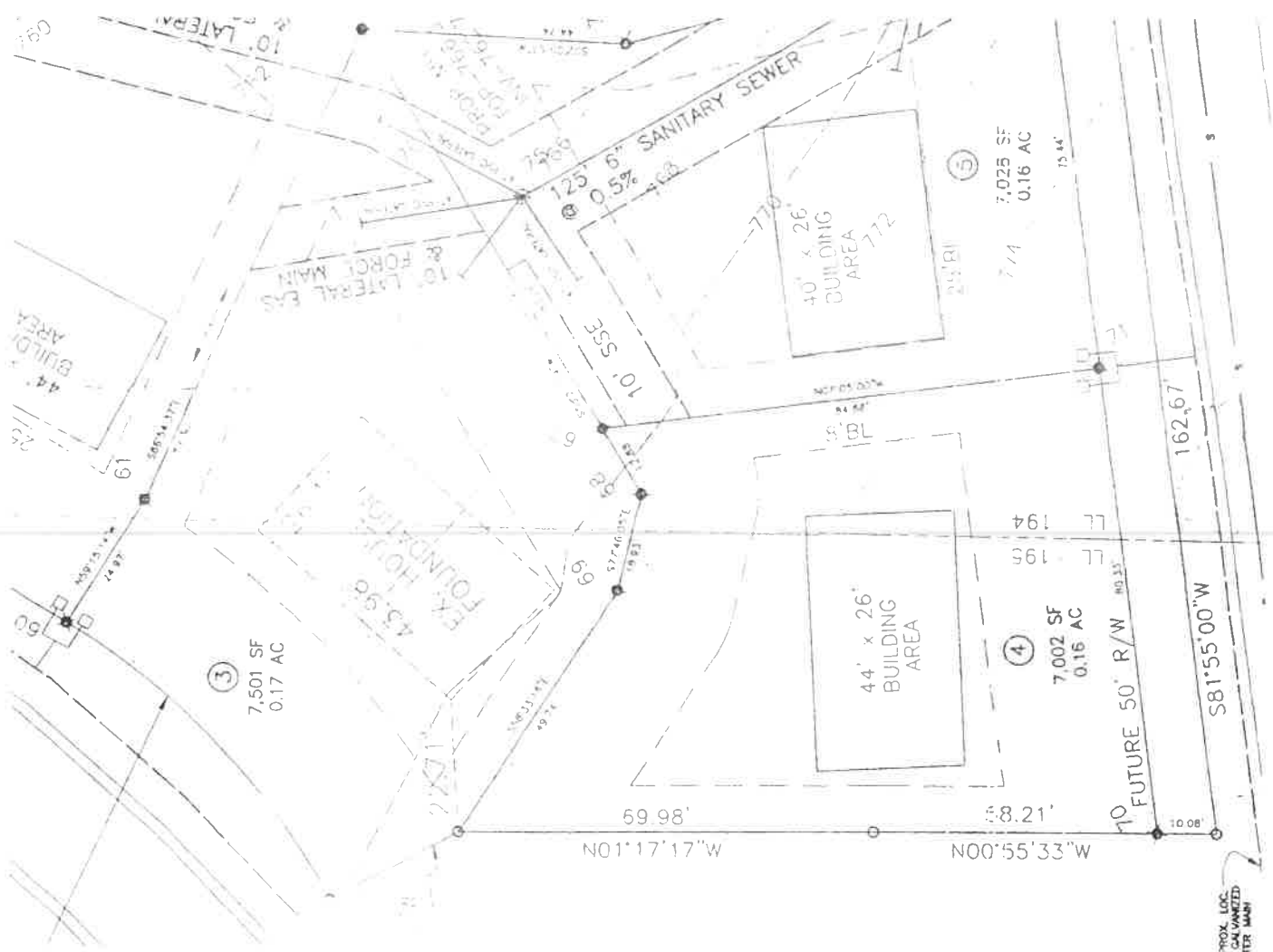
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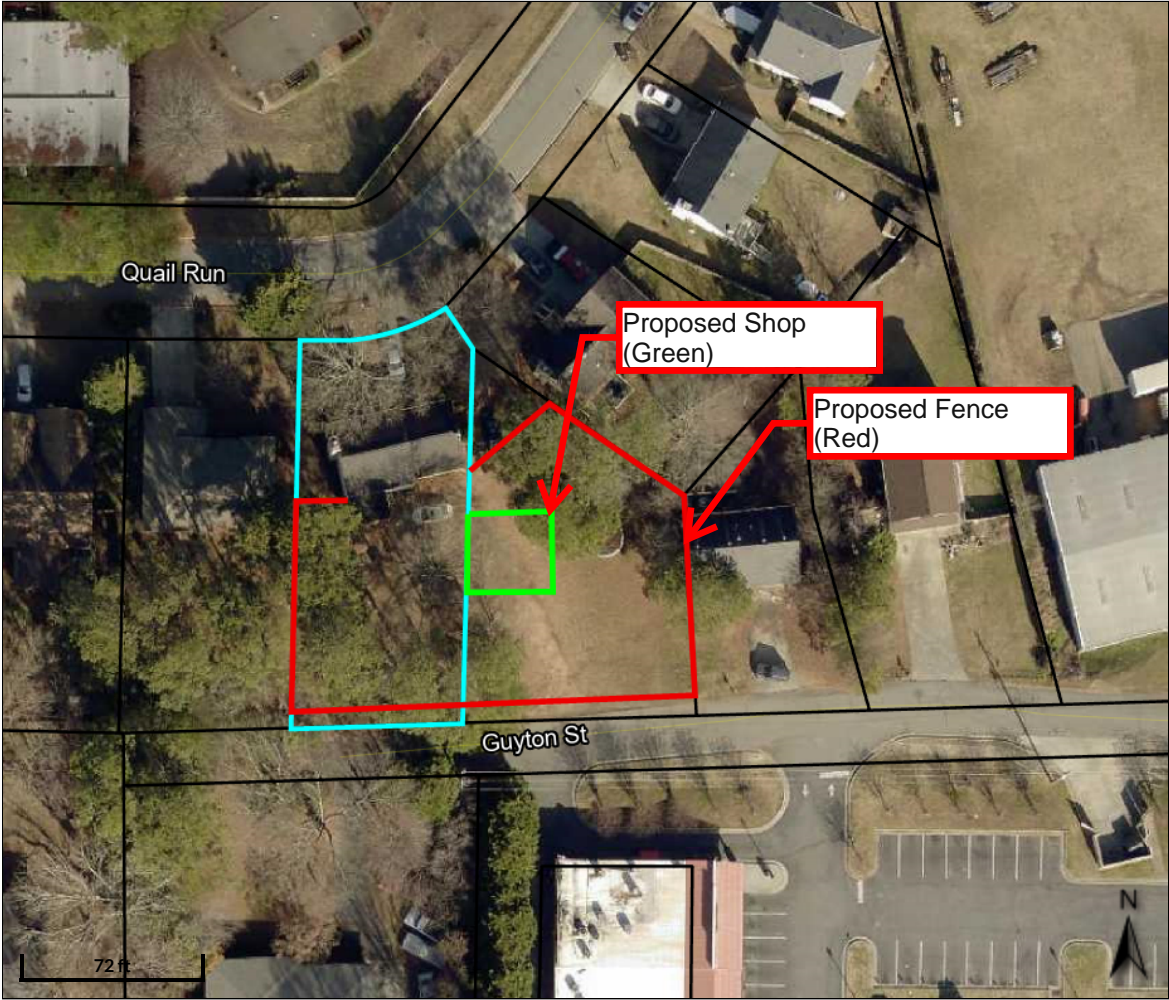


com Wood Barns and stalls

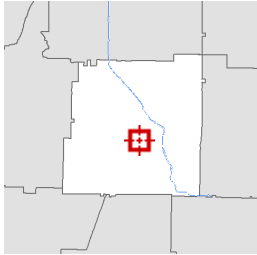
ook.com

s what I was thinking about
age building





Overview



Legend

- Parcels
- Roads

Parcel ID	C032-0008-004	Alternate ID	35954	Owner Address	GORDON JUSTIN & CHERETA
Sec/Twp/Rng	n/a	Class	Residential		26 QUAIL RUN
Property Address	26 QUAIL RUN	Acreage	n/a		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	P/O LT 5 BLK A N MEADOWS LL195 D4 <i>(Note: Not to be used on legal documents)</i>				

Date created: 9/29/2023
 Last Data Uploaded: 9/28/2023 9:05:26 PM

Developed by Schneider
 GEOSPATIAL

4.13 Clear Zone Requirements

AASHTO publishes a Roadside Design Guide that should be used as a reference when designing driveways.

Table 4-10 provides the clear zone distances as contained in the Roadside Design Guide. Driveways must be designed so that all areas within the Highway Right of Way have clear zones as defined in Table 4-10.

(From AASHTO 2011 Roadside Design Guide)

DESIGN SPEED MPH	DESIGN ADT	FILL SLOPES			CUT SLOPES		
		6:1 or Flatter	5:1 to 4:1	3:1	3:1	5:1 to 4:1	6:1 or Flatter
40 OR LESS	< 1,500	10-12	12-14	**	12-14	12-14	12-14
	1,500 – 6,000	12-14	14-16	**	14-16	14-16	14-16
	> 6,000	14-16	16-18	**	16-18	16-18	16-18
45 – 50	< 1,500	14-16	16-20	**	10-12	12-14	14-16
	1,500 – 6,000	16-18	20-26	**	12-14	14-16	16-18
	> 6,000	20-22	24-28	**	14-16	18-20	20-22
55	< 1,500	16-18	20-24	**	10-12	14-16	16-18
	1,500 – 6,000	20-22	24-30	**	14-16	16-18	20-22
	> 6,000	22-24	26-32*	**	16-18	20-22	22-24
60	< 1,500	20-24	26-32*	**	12-14	16-18	20-22
	1,500 – 6,000	26-30	32-40*	**	14-18	18-22	24-26
	> 6,000	30-32*	36-44*	**	20-22	24-26	26-28
65 - 70	Under 1,500	24-26	28-36*	**	12-16	18-20	20-22
	1,500 – 6,000	28-32*	34-42*	**	16-20	22-24	26-28
	Over 6,000	30-34*	38-46*	**	22-24	26-30	28-30

Table 4-10 Clear Zone Distances (In Feet from Edge of Traveled Way)

- NOTES: *
- Clear zones may be limited to 30' for practicality and to provide a consistent roadway template if previous experience with similar designs indicates satisfactory performance. Greater clear zone distances may be provided where indicated by crash history.
 - ** Fixed objects should not be present in the vicinity of the toe of these slopes. The width of the recovery zones should consider a number of factors including right of way availability, environmental concerns, economic factors, safety needs, and accident history.

Feel free to contact me if there are any questions.

Thank you,

Steven Foy

Steven Foy, PE, PTOE

City of Cartersville
Public Works Engineer

Oct 18, 2023 at 13:16:20
26 Quail Run
Cartersville GA 30120
United States



Oct 18, 2023 at 13:20:16
5 Guyton Rd
Cartersville GA 30120
United States



Oct 6, 2023 at 11:57:29
81-99 Guyton Rd
Cartersville GA 30120
United States


CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. V23-28
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30 P.M. ON 11-9-2023
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
COMMUNITY DEVELOPMENT AT 770-337-5600



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 9, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-29. 124 & 126 Lee St. (form. 38 Walker St) Applicant: David Munisteri
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to reduce the lot size for construction of two new homes.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

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

MEMO

To: BZA
From: Randy Mannino/ David Hardegree
CC: Keith Lovell
Date: November 2, 2023
Re: File # V23-29 **Reduce lot area on two lots for construction of two homes**

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

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

- 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.*
- 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.*
- 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.*

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

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

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



City of Cartersville

PLANNING AND DEVELOPMENT

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

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

The variance request is for the following:

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

Department Comments Received

Electric Department: Takes no exception

Fibercom: No comment

Fire Department: Takes no exception

Gas Department: Takes no exception

Public Works Department: No comments received

Water Department: Takes no exception

Public Comments Received by Staff

Several calls and walk-in inquiries were received. No details were recorded on the comments. Most were general inquiries.

Justification:

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

See attached R-7 Zoning District Standards.

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

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

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

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

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

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

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

21.3.4.

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

STANDARDS FOR EXERCISE OF ZONING POWERS.

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

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

There are no known conditions.

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

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

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

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

* Special use approval required.

6.5.3. *Development standards.*

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

half (2½) stories, whichever is higher.

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

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

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

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

(Ord. No. 01-13, § 3, 1-3-13)



New Address:
 Lot 1A
 124 Lee St SE
 Cartersville, GA 30120

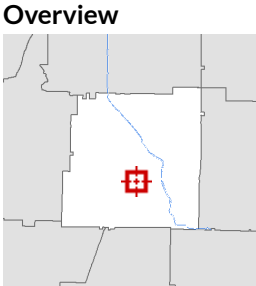
Retired Address:
 38 Walker St SE

New Address:
 Lot 1B
 126 Lee St SE
 Cartersville, GA 30120

0 25 50 75 Feet







Legend
 □ Parcels
 — Roads

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

(Note: Not to be used on legal documents)

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

Developed by Schneider
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 11/9/23 5:30pm

Application Number: V23-29

Date Received: 9-25-23

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



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



Present Zoning District Residential Parcel ID No. C016-0001-015
 Acreage 0.27 Land Lot(s) 525 D4 District(s) 4 Section(s) 3
 Location of Property: 38 Walker St. Cartersville Ga 30120 (124 1/2 St. Lees St.)
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: _____
 Summary Description of Variance Request: Split the lot into 2
REDUCE Lot Area (6.5.3 E) All other Requirements met.
(Additional detail can be provided on Justification Letter)

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

CONDITIONS VERIFICATION

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

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

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

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

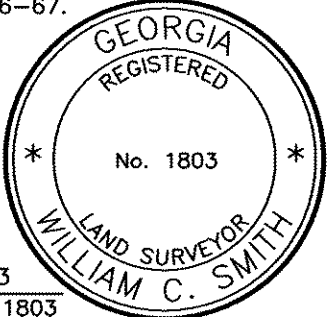
1. _____ The property is exceptionally narrow, shallow or unusually shaped,
2. _____ The property contains exceptional topographic conditions,
3. _____ The property contains other extraordinary or exceptional conditions; and
4. _____ There are other existing extraordinary or exceptional circumstances;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

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

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

Melba Scoggins

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



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

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

OWNER'S CERTIFICATE

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

Owner _____ Date _____

SURVEYOR'S CERTIFICATE

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

William C. Smith 9-07-2023
 Surveyor Date

CITY OF CARTERSVILLE CERTIFICATE:

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

Daryl Hordley 9-12-23
 Zoning Administrator Date

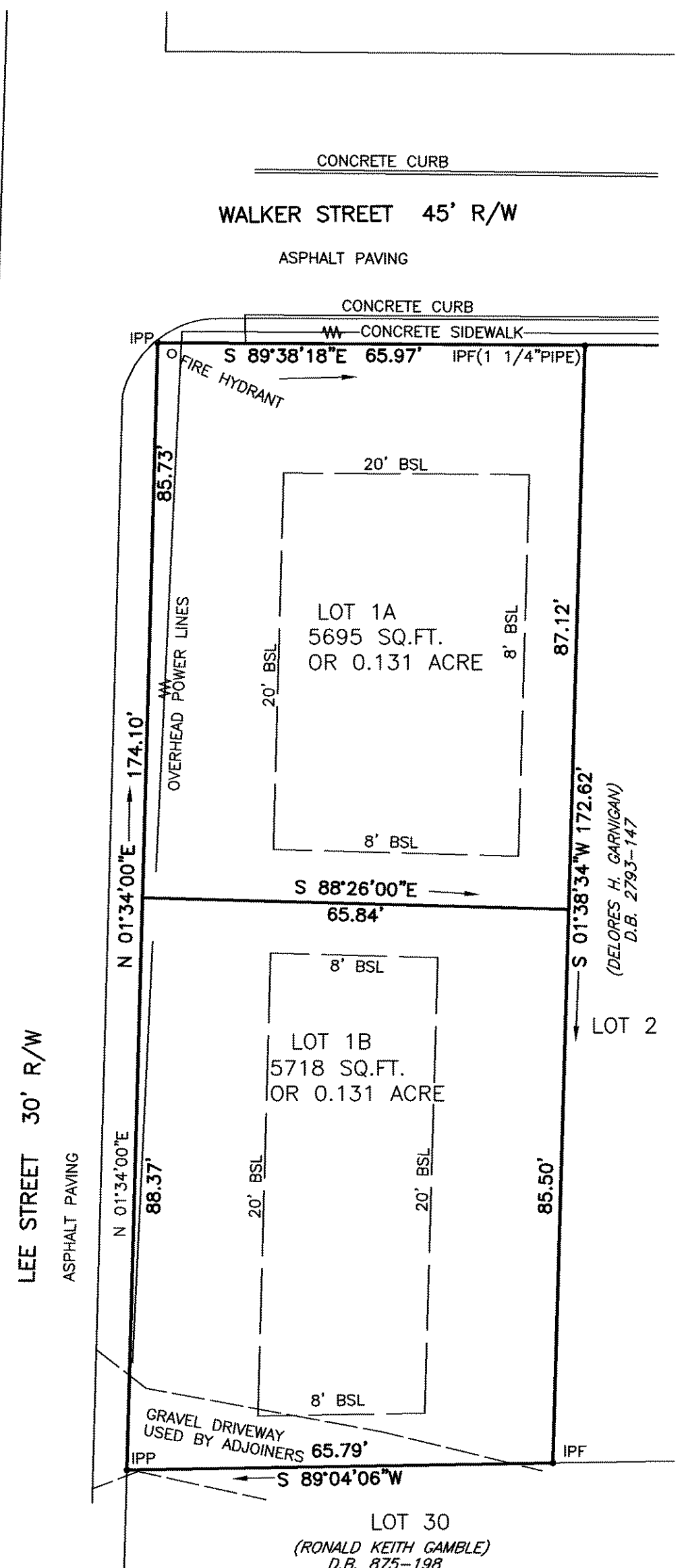
- NOTES: 1. THIS PROPERTY IS ZONED R-7.
 2. THESE LOTS ARE ALLOWED TO BE A MINIMUM OF 5000 SQ. FT. DUE TO OWNER/DEVELOPER SUBMITTING AN AFFIDAVIT CERTIFYING THAT ALL UNITS WILL MEET CERTIFICATION STANDARDS OF THE EARTHCRAFT HOUSE CERTIFICATION PROGRAM OR WILL BE LEED CERTIFIED HOMES PER CITY OF CARTERSVILLE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

GEORGIA ZONE WEST
 GRID NORTH

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

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

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

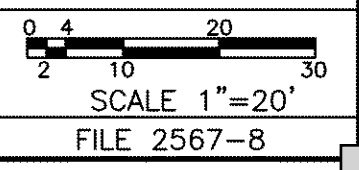


2567SP.CRD 2567-8.DWG
 FLOOD INSURANCE RATE MAP 13015C00266 H
 DATED 10-05-2018 SHOWS THIS PROPERTY IS NOT IN THE 100 YEAR FLOOD ZONE.

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

PLAT CLOSURE;
 ONE FOOT IN
 341,000 FEET.

NOVEMBER 30, 2022
 REVISED 9-07-2023



GENERAL NOTES

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

BUILDING CODES

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

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



38 WALKER STREET

SQUARE FOOTAGE

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

ALL WORK SHALL COMPLY WITH THE FOLLOWING CODES:

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

SHEET INDEX

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



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



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

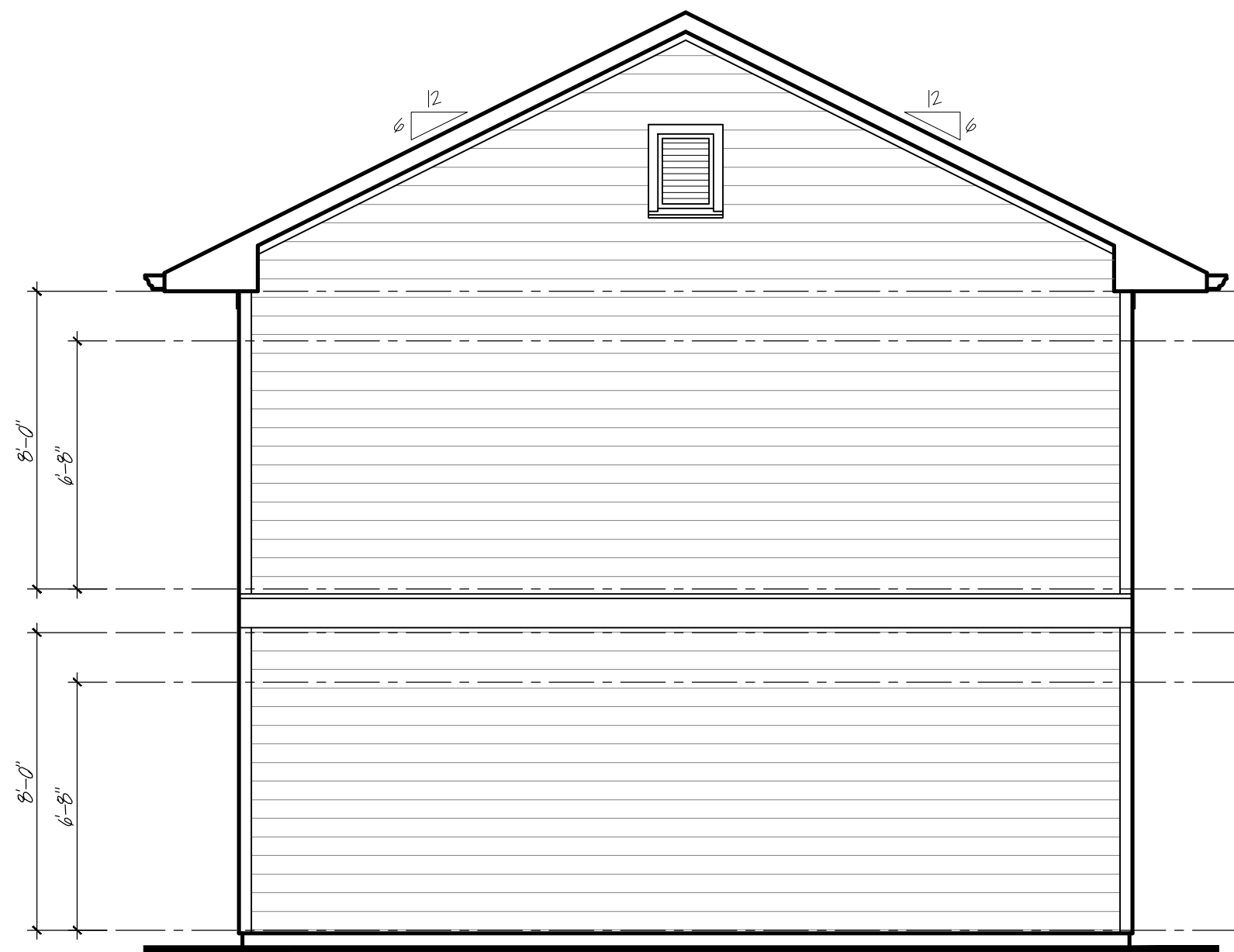
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 PO Box 34
 Emerson, Ga. 30137
 404-569-5039
 David Munisteri

PROJECT:
38 WALKER STREET

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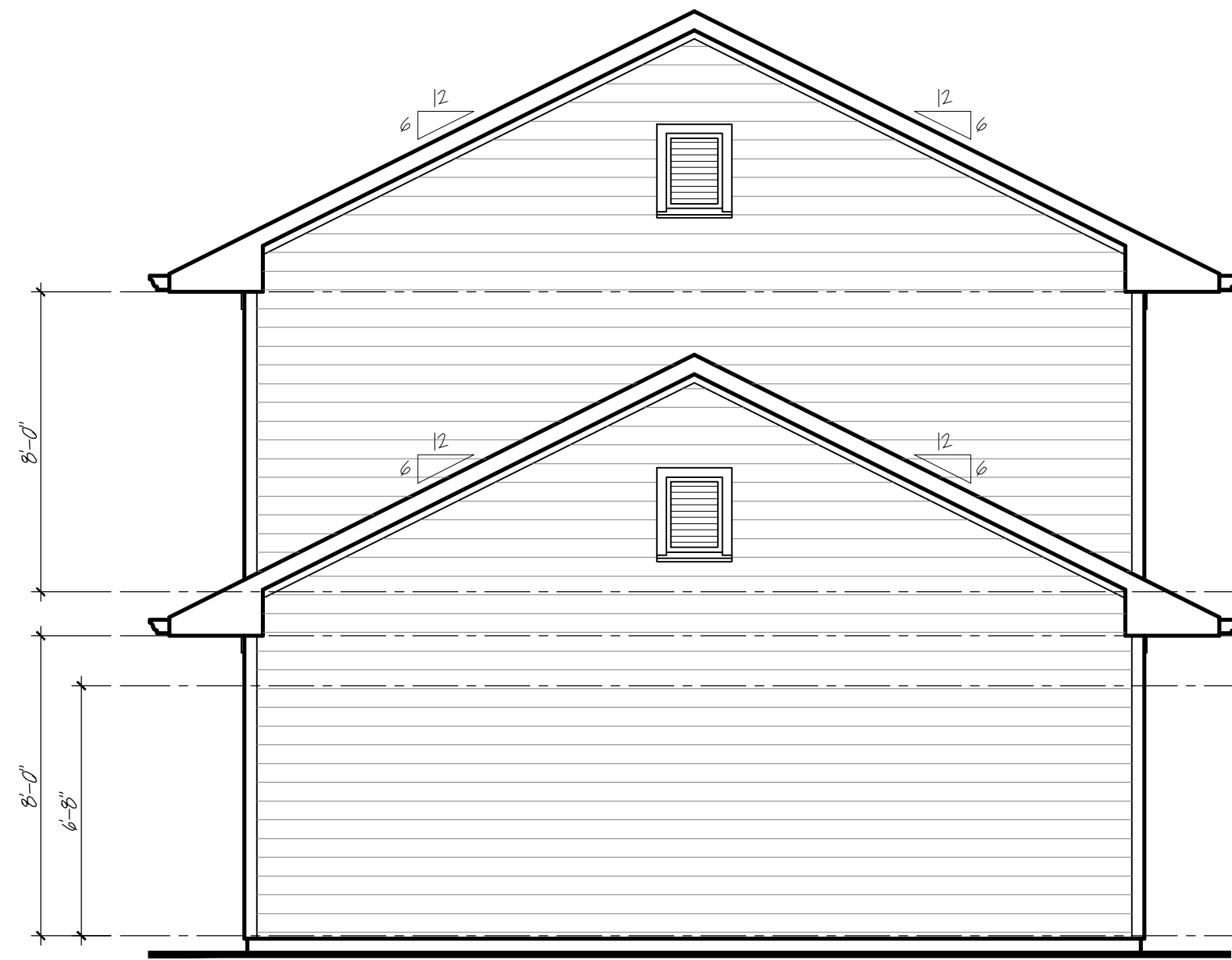
project no.	
drawn by	B.B
checked by	--
date	07/27/23
revised	
revised	

sheet title
 sheet no.
A-1



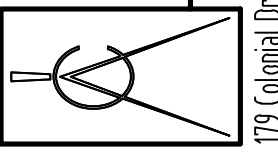
RIGHT ELEVATION

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



LEFT ELEVATION

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



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David Munisteri

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38 WALKER STREET

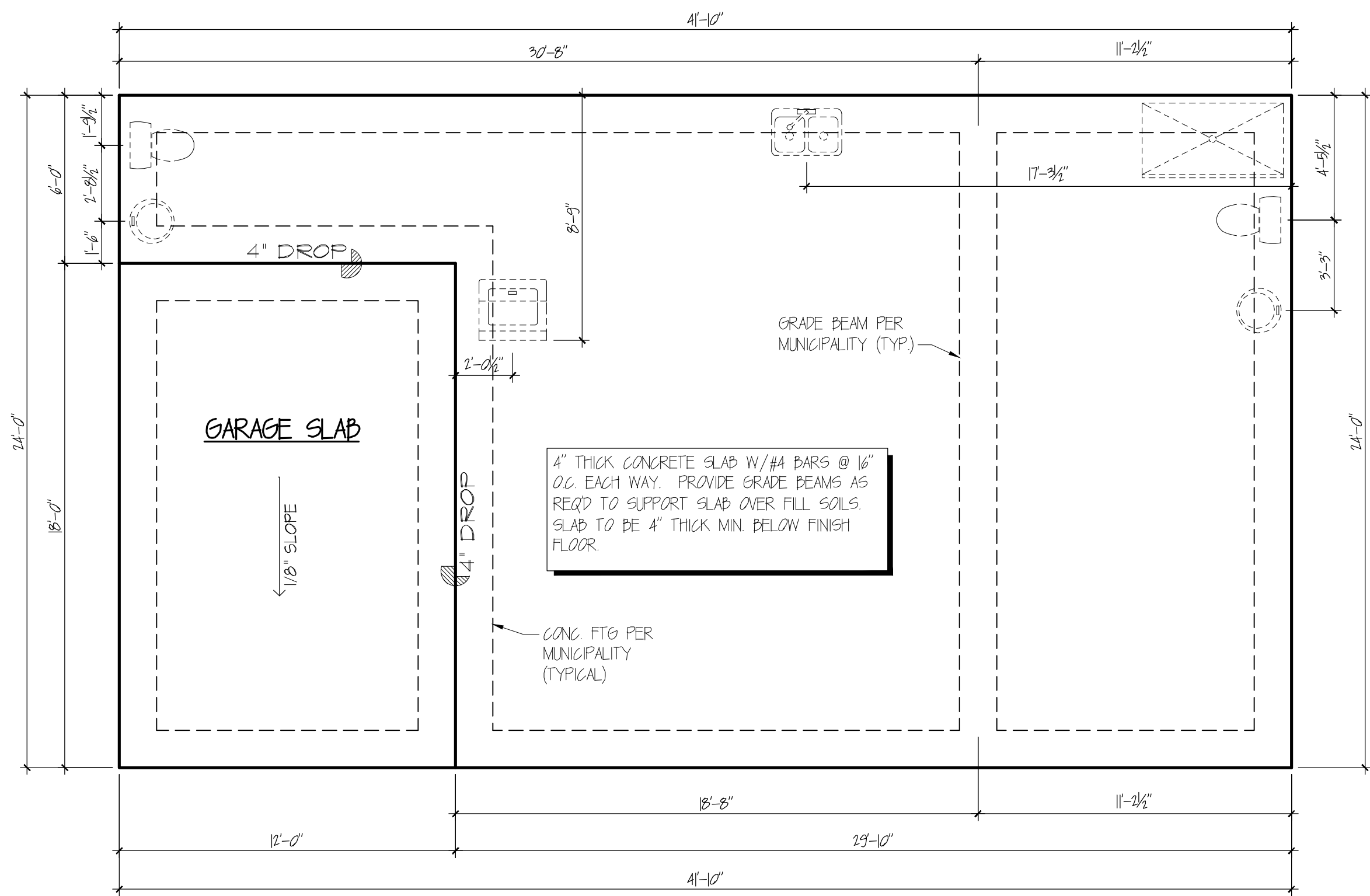
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sheet title

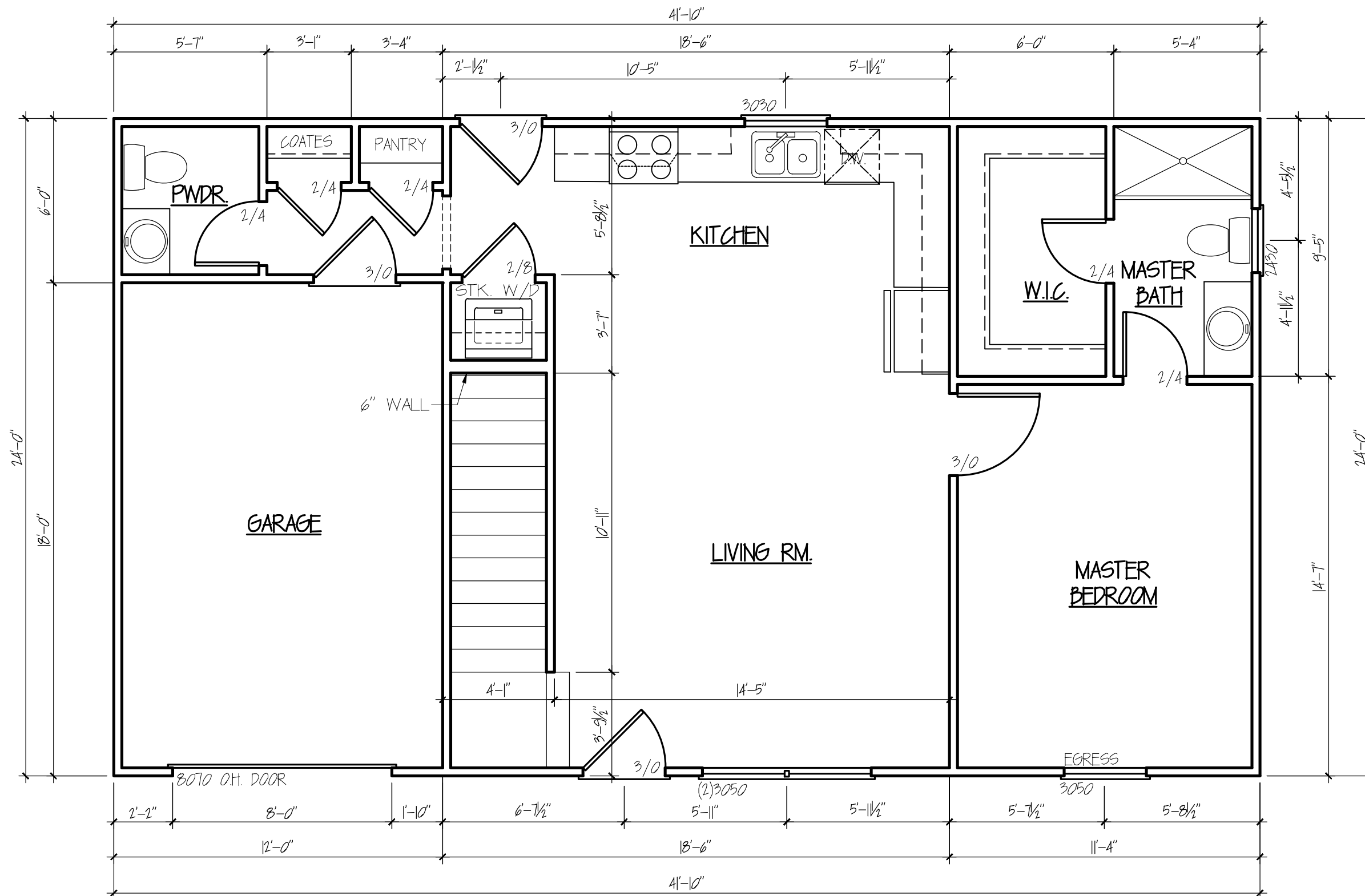
sheet no.

A-2



SLAB PLAN

SCALE : 1/4" = 1'-0"



1ST FLOOR PLAN

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

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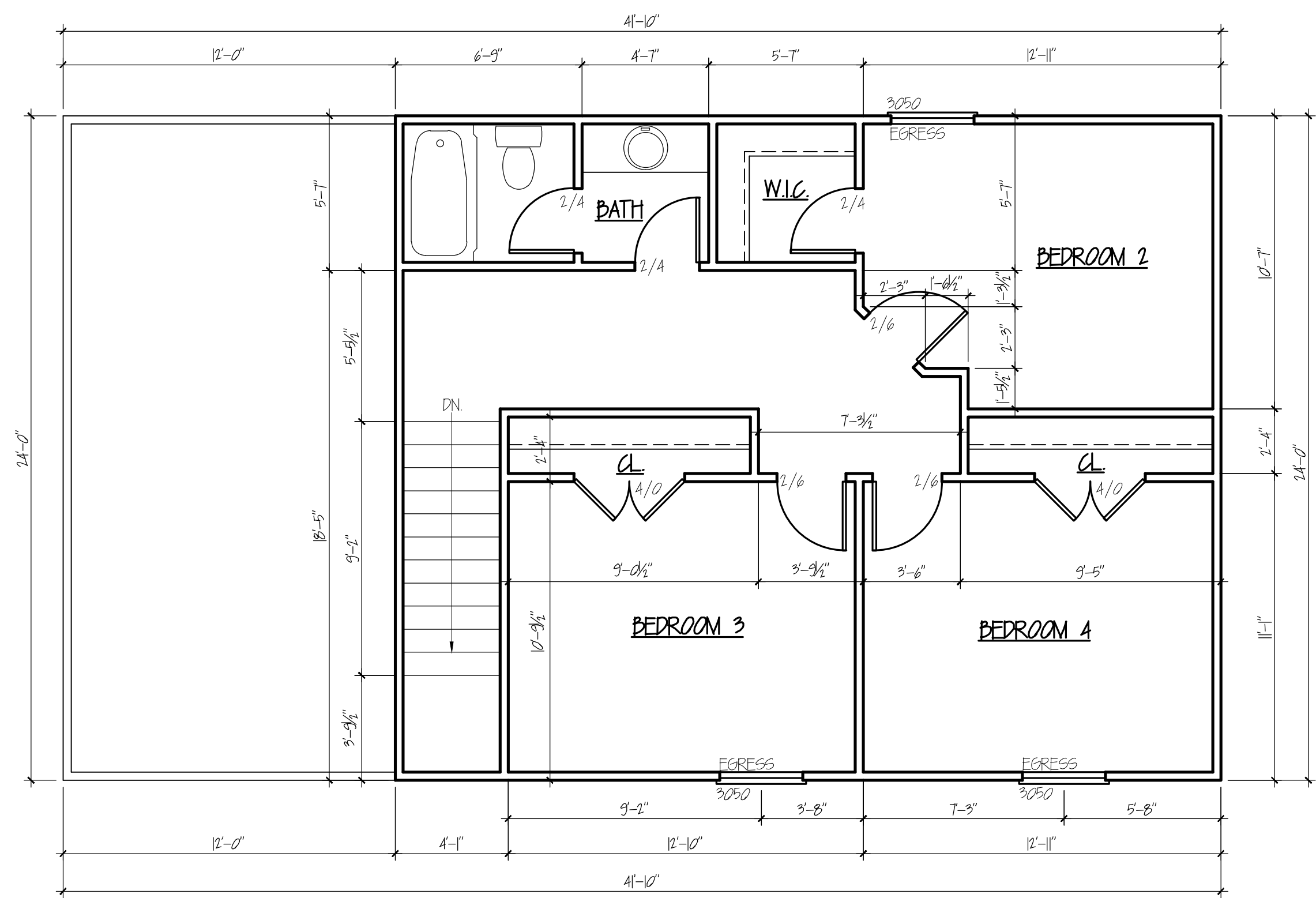
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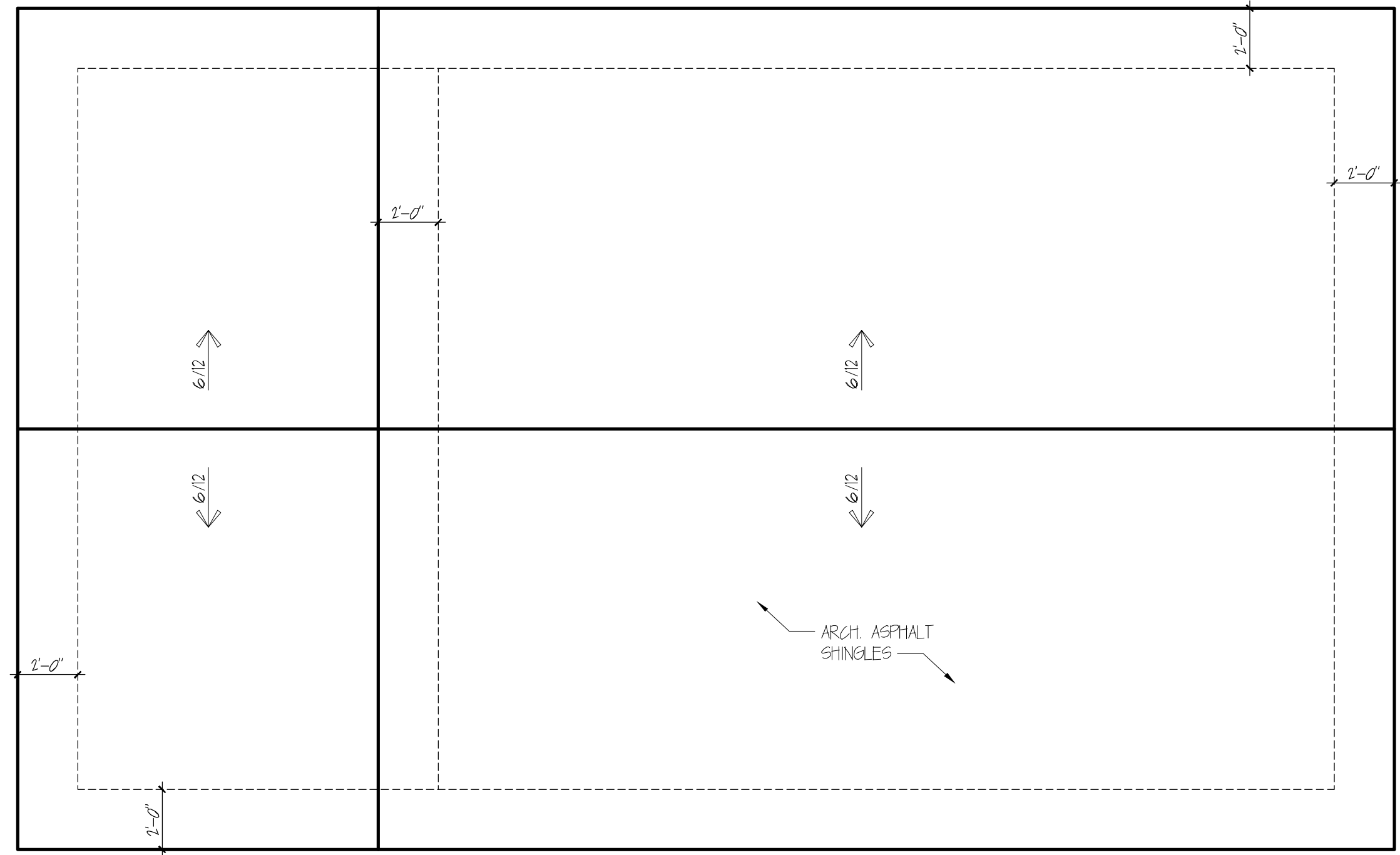
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date	07/27/23
revised	
revised	

sheet title	
sheet no.	A-4



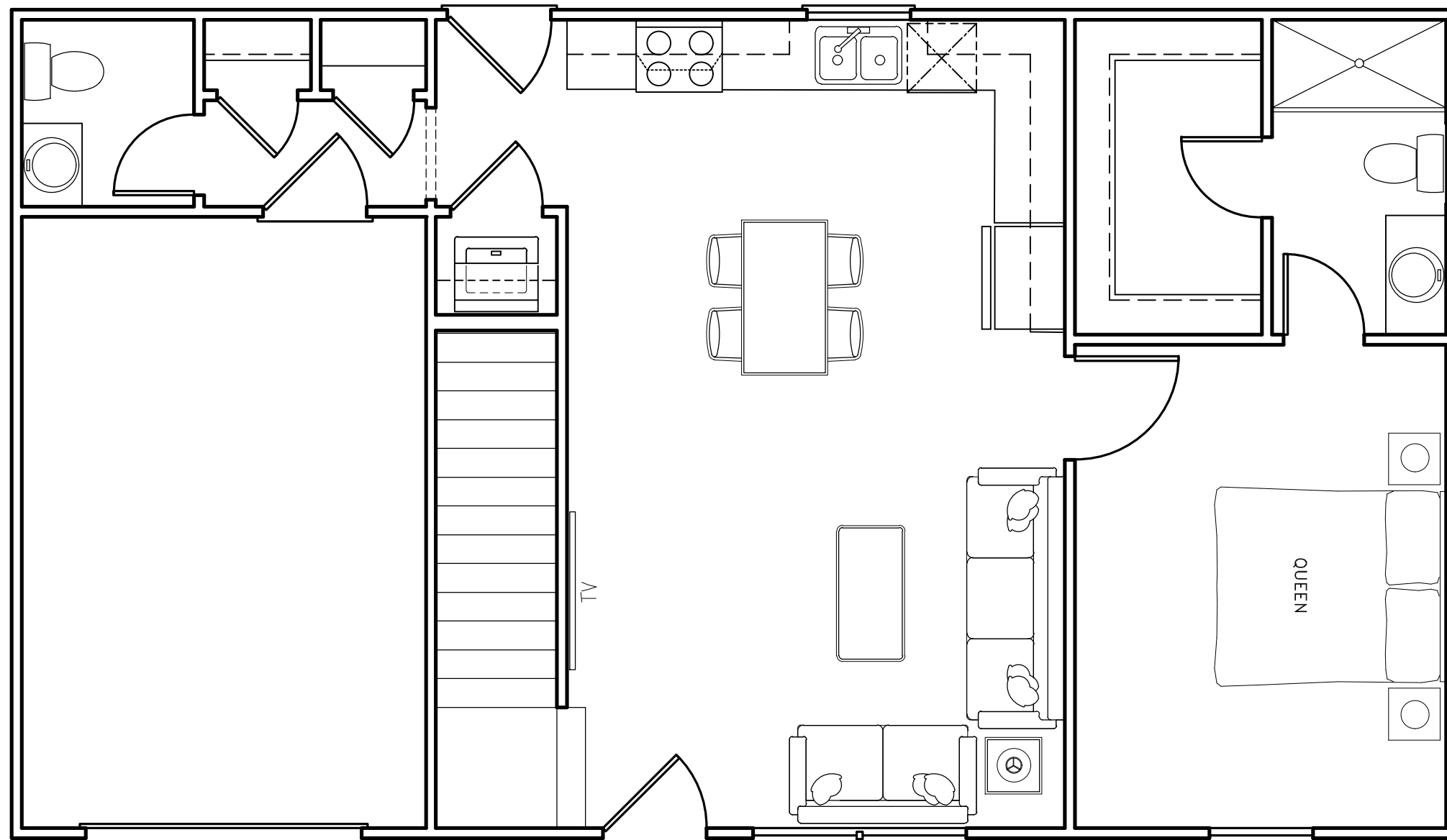
2ND FLOOR PLAN

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



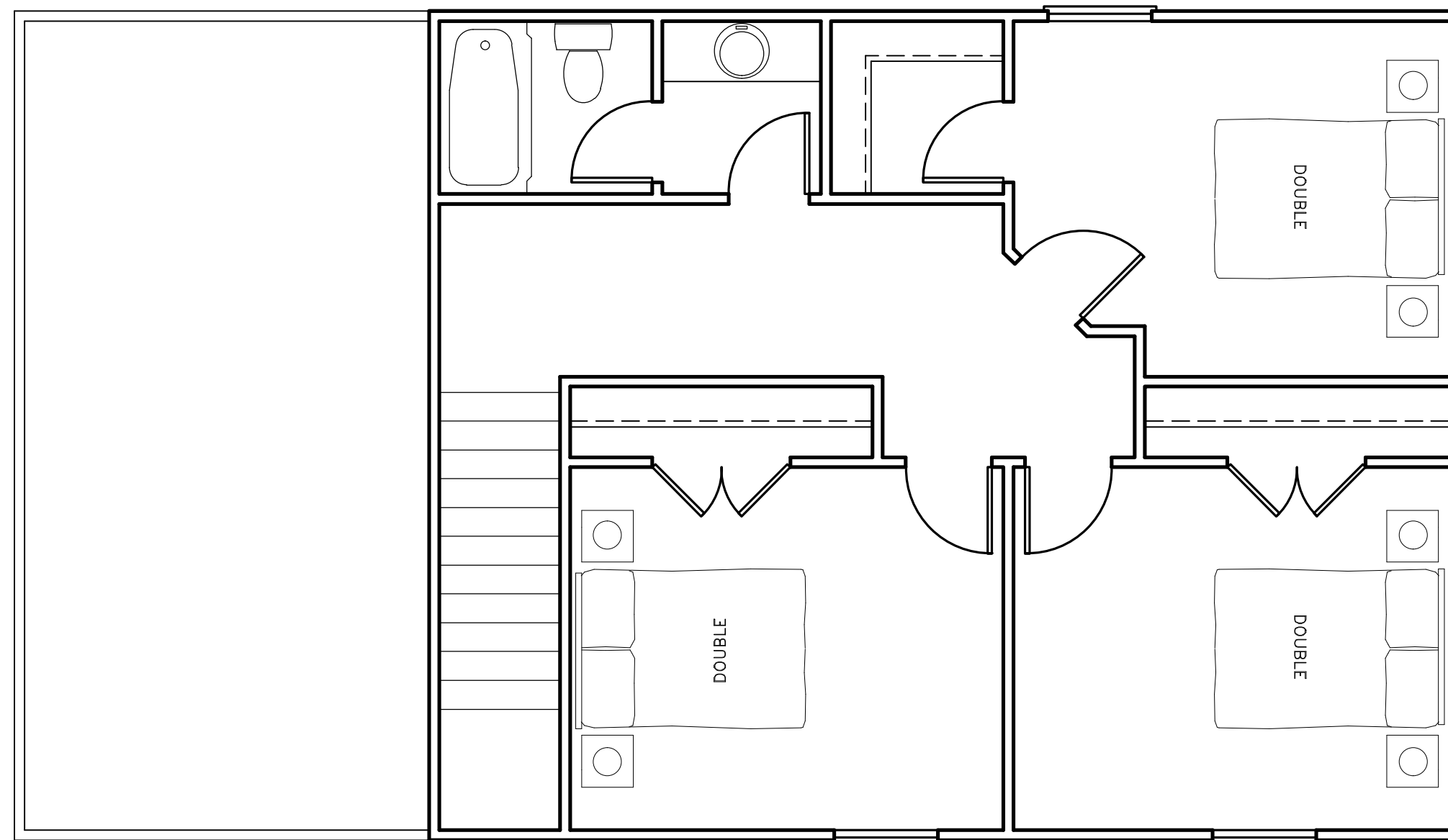
ROOF PLAN

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



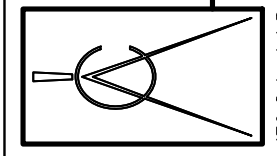
1ST FLOOR FURNITURE PLAN

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



2ND FLOOR FURNITURE PLAN

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



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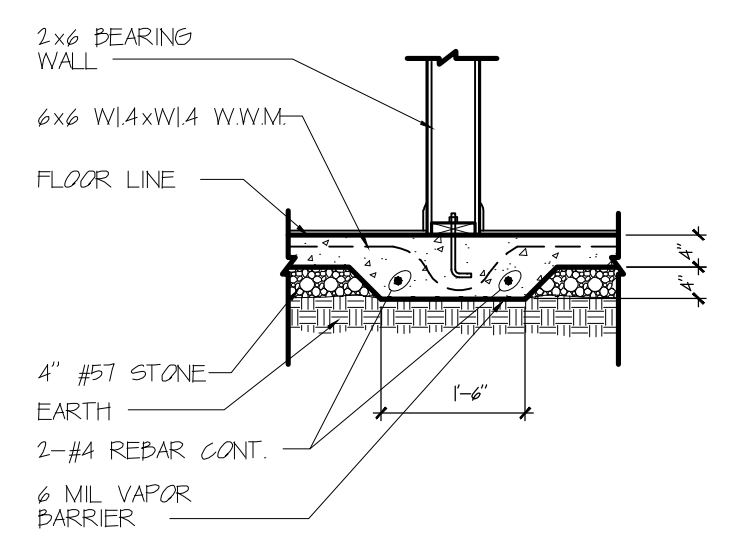
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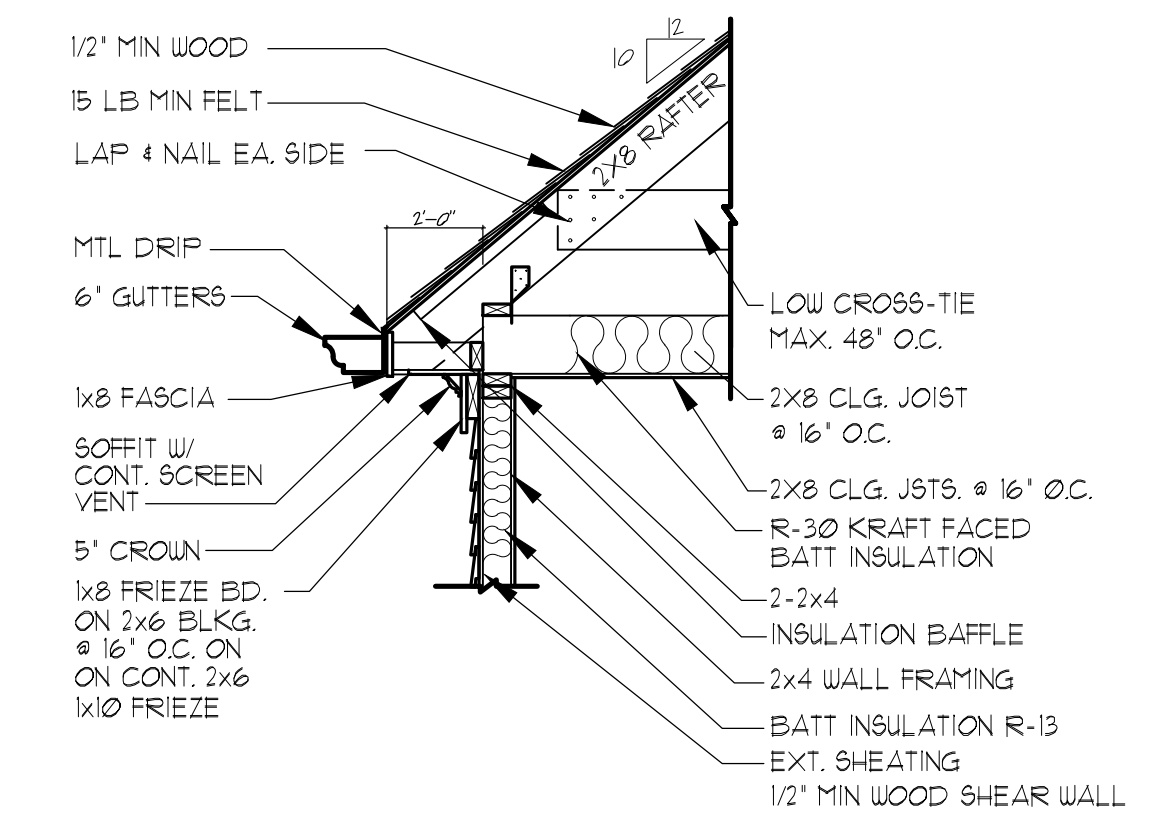
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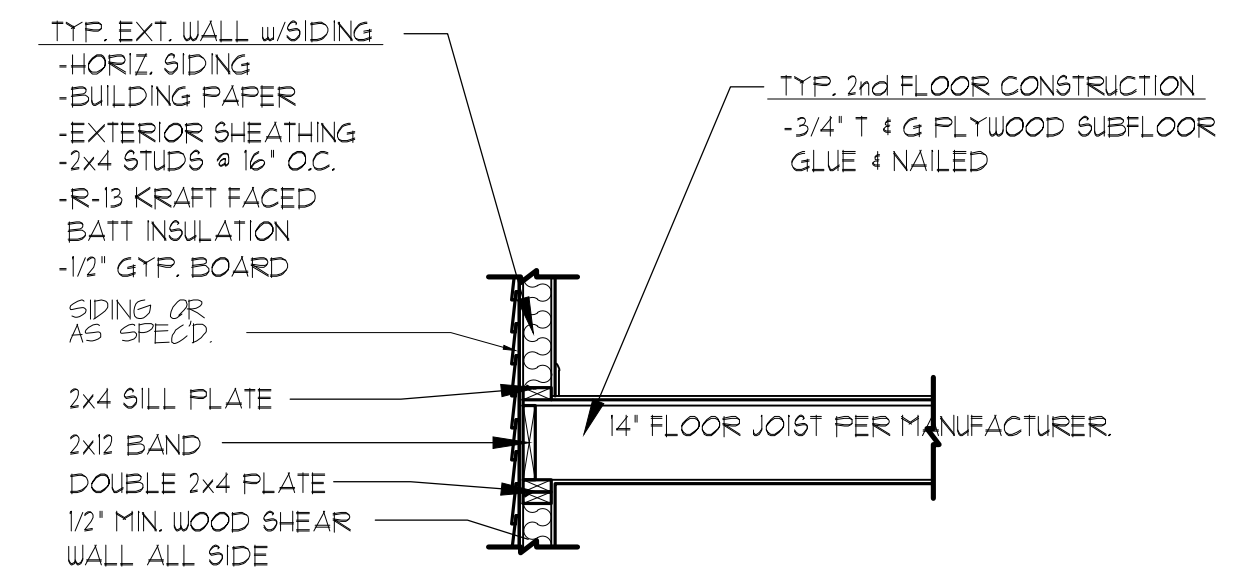
sheet title
sheet no.
A-5



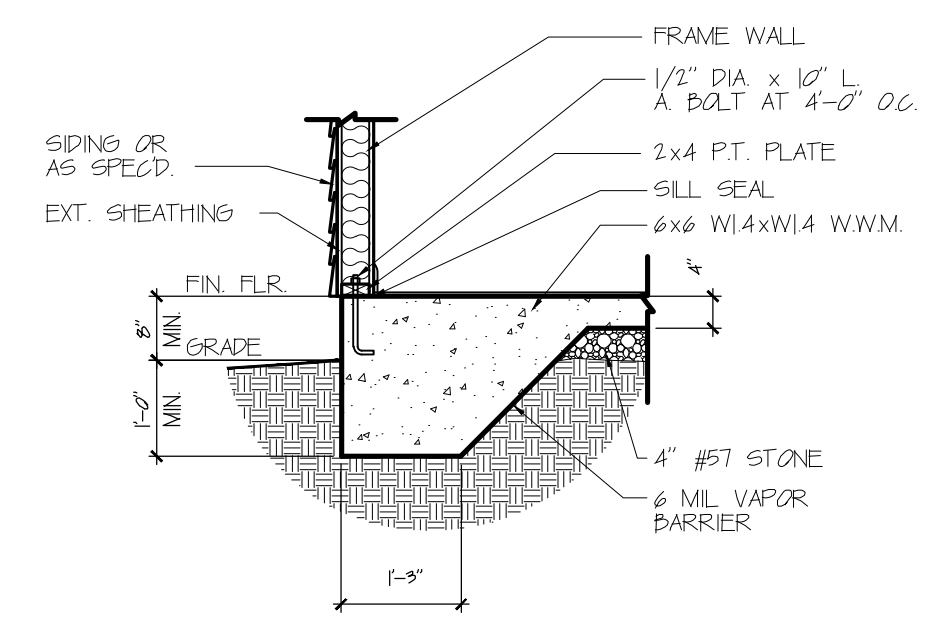
THICKENED SLAB / GRADE BEAM
 SCALE : 1/2" = 1'-0"



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



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



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

Oct 6, 2023 at 13:10:30
114-124 Lee St
Cartersville GA 30120
United States





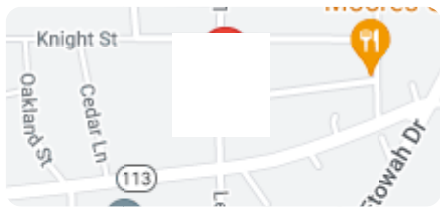




Cartersville, Georgia
Google Street View
Jun 2022 See latest date



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