



# CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall  
Thursday, May 09, 2024 at 5:30 PM

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## AGENDA

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### BOARD MEMBERS:

Lamar Pendley – Chairman  
Linda Brunt  
John Clayton  
J.B. Hudson  
Kevin McElwee  
Jacqueline Hendricks  
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.](#) April 11, 2023

### VARIANCE CASES

- [2.](#) V24-12. 310 S. Tennessee St. Applicant: Angie Vittur
  
- [3.](#) V24-13. 10 Bob White Trail. Applicant: Leonard Mathias

### STAFF OR COMMITTEE COMMENTS

### OTHER

The next meeting of the Board of Zoning Appeals will be Thursday, June 13th. 5:30pm.

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

**P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120**  
**Telephone: 770-387-5616 – Fax 770-386-5841 – [www.cityofcartersville.org](http://www.cityofcartersville.org)**



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	May 9, 2024
<b>SUBCATEGORY:</b>	Approval of Minutes
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	April 11, 2023
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
<b>LEGAL:</b>	N/A

# MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

Item 1.

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on April 11, 2024, in the Council Chambers.

Chairman Lamar Pendley welcomed our new Board Member, Jacqueline Hendricks.

## ROLL CALL

Board Members Present: Lamar Pendley, Kevin McElwee, Linda Brunt, John Clayton, JB Hudson, Patrick Murphy, and Jacqueline Hendricks

Absent:

Staff Present: Randy Mannino, David Hardegree, Zack Arnold and Julia Drake

## APPROVAL OF MINUTES

### 1. February 8, 2024

Board Member McElwee made a motion to approve the minutes from February 8, 2024. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 6-0

## VARIANCE CASES

### 2. V24-08: 105 Grassdale Rd.

**Applicant: Emory Harris**

**Variance:** *To increase the allowed area of an accessory structure from 764 sf to 1,280 sf. (Sec. 4.9); and To increase the allowed height of an accessory structure roof above the existing house roof. Height to be determined. (Sec. 4.9)*

David Hardegree, Assistant Planning and Development Director gave an overview of the case stating this was a variance application by applicant, Emory Harris for property located at 105 Grassdale Rd. and zoned R-20 (Single Family Residential). Said properties contain approximately 0.46 acres.

Mr. Harris wishes to construct a two-story accessory structure in the rear yard that will serve as a personal hobby shop for wood and metal working. The structure is planned at 24ft x 50ft with a 12ft. wide wrap-around porch on the west and south sides. The total floor area of the two-story structure is 2,400sf. The total height above grade at the roof peak will be approximately 24ft.

The existing house contains a heated floor area of approximately 1,366sf. The floor area of the accessory structure will exceed the floor area of the house by 1,034sf. The allowed floor area is 50% of the house floor area or 683sf.

City GIS and available images place the height of the existing house at approximately 22ft. above the left side yard grade.

The rear yard slopes from right to left. The justification letter states the accessory structure will be raised approximately 2ft above the lowest point at the accessory structure for positive drainage. This will give the highest point of the accessory an elevation of approximately 773.2. The highest





In closing, Mr. Hardegree stated that there was a slight language barrier between staff and the applicant. Therefore, Jackie Medina, Bi-Lingual Customer Service Team Lead, was in attendance to assist with communication.

Chairman Pendley opened the public hearing.

Reymundo Salazar, 518 N. Gilmer St., came forward to represent the application and to answer questions from the Board Members with the assistance of Ms. Medina. Continuing, he stated that he was not aware of the setback requirements and was willing to move the fence, if needed and fully understood the requirements for access for the Electric Department.

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

Board Member Brunt asked if the City would be willing to assist the applicant with locating the property line and where the fence would need to be moved to. Mr. Hardegree responded stating that ideally, a surveyor would need to be involved to locate the property lines.

Discussions commenced regarding whether Electric Department would need the access if the electric meters were not within the fenced in area. Zack Arnold, Assistant City Planner, showed a Google Map of the property and determined that the meters were not encompassed within the fenced area. Mr. Salazar agreed that the electric meters were not within the fenced area. Therefore, it was determined that the 12-foot gate for access would not be required.

Board Member Clayton made a motion to approve V24-10, stating that the fence would need to be moved at least one-foot off the right of way. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 6-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:10 P.M.

May 9, 2024  
Date Approved

/s/ \_\_\_\_\_  
Chairman



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	May 9, 2024
<b>SUBCATEGORY:</b>	Variance
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	V24-12. 310 S. Tennessee St. Applicant: Angie Vittur
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	Variance to increase the allowable wall sign (mural) area from 40sf to 160sf.
<b>LEGAL:</b>	N/A



# City of Cartersville

PLANNING AND DEVELOPMENT

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

## MEMO

To: BZA  
From: Randy Mannino/David Hardegree/Zack Arnold  
CC: Keith Lovell  
Date: March 8, 2024  
Re: File # V24-12

**Summary: To increase the area of a wall sign.**

### Section 1: Project Summary

Variance application by applicant Angie Vittur for property located at 310 S. Tennessee St., zoned M-U (Multiple Use). Said property contains approximately 1.07 acres.

The applicant has painted a new wall sign on an accessory structure to promote her car sales business. The sign is approximately 8ft tall by 20ft long, totaling 160 square feet of sign area. The City Ordinance for wall signs, Sec. 20-26., requires wall signs to not exceed 2 square feet for every linear foot of building frontage, up to a maximum of 200 square feet in total area. The applicant’s building has a frontage of 20ft, which would allow for 40 square feet of total sign area. The applicant’s request is to exceed the allotted size by 120 square feet of sign area.

**The variance requests are for the following and per the submitted renderings:**

1. To increase the area of a new wall sign.

### Section 2. Department Comments

**Electric Department:** Takes no exception.

**Fibercom:** Takes no exception.

**Fire Department:** Takes no exception.



**Gas Department:** No comments received.

**Public Works Department:** Takes no exception.

**Water Department:** No comments received.

### **Section 3. Public Comments Received by Staff**


None received by staff.

### **Section 4. Variance Justification:**

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

#### **Sec. 20-26. Wall signs; canopy signs; awning signs; projecting signs; and window signs.**

All signs under this section require a permit. Wall signs, canopy signs and awning signs for all nonresidential use properties except the DBD district shall comply with the following:

- 
- (1) *Area.* Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
  - (2) *Changeable copy.* Wall, canopy or awning signs shall not have changeable copy unless approved as a marquee sign. Marquee wall signs may be substituted for wall signs for uses as approved such as theaters and hotels where their use is customary. Such signs shall not extend above the roofline of the building, nor extend more than two (2) feet from the face of the building upon which secured. Allowable sign dimensions shall be the same as for wall signs.
  - (3) *Height.* No wall sign that projects more than four (4) inches from the building surface on which it is attached shall be less than eight (8) feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.
  - (4) *Prohibited.* Animated illumination or effects, electronic, and/or flashing wall signs are prohibited.
  - (5) *Projection.* No wall sign shall project more than twenty-four (24) inches from the building surface on which it is attached.
  - (6) *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
    - a. The sign shall not exceed an area of six (6) square feet.

- b. The horizontal dimension of the sign shall not exceed three (3) feet.
  - c. The sign shall be attached perpendicular to the building wall.
  - d. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) over a street or driveway.
  - e. The distance from the building wall to the sign shall not exceed six (6) inches.
  - f. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
  - g. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- (7) *Window signs.* Each business having windows shall not cover more than fifty (50) percent of the glass area of each window with signage. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited unless stationary as defined herein and no greater than four (4) square feet in sign area. Stationary electronic window signs do not require a permit.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 7, 3-5-15)

### **Chapter 26, Article XXI, 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.

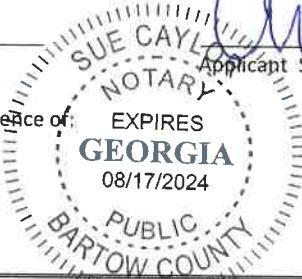
City of Cartersville  
Application for Variance  
Board of Zoning Appeals

Hearing Date: April 11, 2024 5:30pm

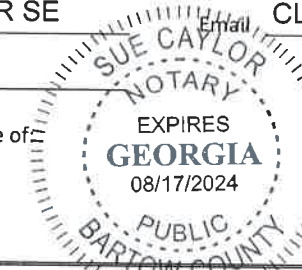
Application Number: V24-12

Date Received: 2-9-2024

Applicant Angie Vittur for Cumberland Cars LLC Office Phone 678-888-2277  
(printed name)  
 Address 310 S TENNESSEE STREET Mobile/ Other Phone 770-827-6776  
 City CARTERSVILLE State GA Zip 30120 Email \_\_\_\_\_  
 Representative's printed name (if other than applicant) \_\_\_\_\_ Phone (Rep) \_\_\_\_\_  
 Email (Rep) angie@cumberlandcars.com  
 Representative Signature \_\_\_\_\_ Applicant Signature [Signature]  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 08/17/24  
[Signature]  
 Notary Public



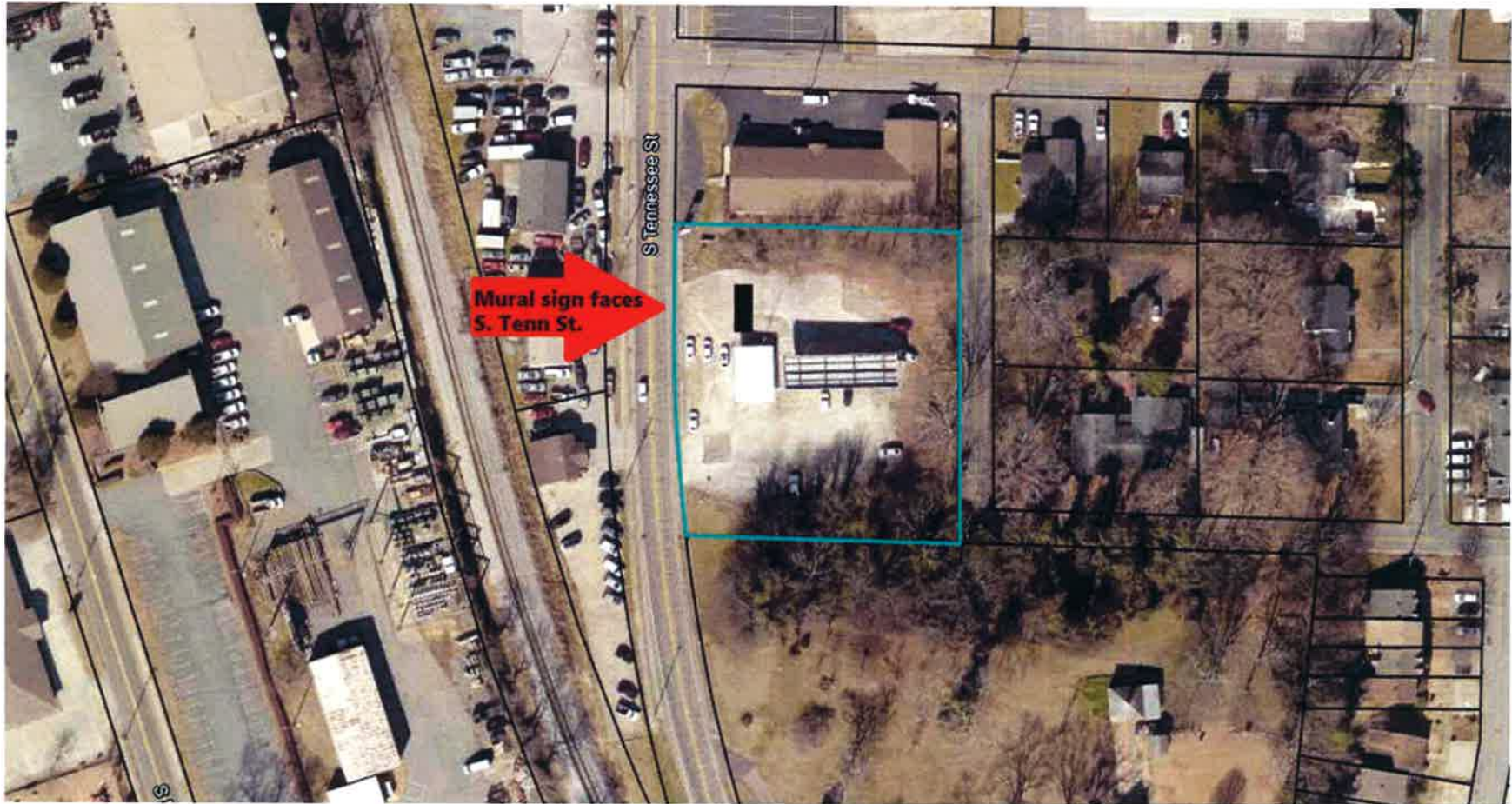
\* Titleholder JOHN CLAYTON Phone 404-295-2775  
(titleholder's printed name)  
 Address 127 CHEROKEE CIR SE Email CLAYTON@GEORGIAPA.COM  
 Signature [Signature]  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: 08/17/24  
[Signature]  
 Notary Public



Present Zoning District MU Parcel ID No. \_\_\_\_\_  
 Acreage 1.07 Land Lot(s) 528 District(s) 4 Section(s) \_\_\_\_\_  
 Location of Property: 310 S TENNESSEE STREET, CARTERSVILLE, GA 30120  
(street address, nearest intersections, etc.)  
 Zoning Section(s) for which a variance is being requested: \_\_\_\_\_  
 Summary Description of Variance Request: sign variance to increase allowable square footage of a sign from  
2 sq ft per linear foot of building (20x2=40sq ft) to 8 sq ft per linear foot of building (20x8=160sq ft)  
(Additional detail can be provided on Justification Letter)

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

**PROPERTY TAX MAP FOR 310 S. TENNESSEE STREET, CARTERSVILLE, GA 30120**



The property owner is not in possession of a survey/plat. The accessory building indicated above in black has been approved by the city as it falls within the city ordinance guidelines. This variance request is for the mural sign on the face of the accessory building that faces S. Tennessee Street.



**Cumberland Cars LLC**  
310 S. Tennessee St.  
Cartersville, GA 30120  
678-888-2277

2/9/2024

To: City of Cartersville Planning & Development Department

RE: Variance Application for mural sign

Please accept this letter as justification for the approval for a variance to allow a mural sign painted on the side of an accessory building at 310 S. Tennessee Street.

**The Request:**

This variance request is to increase the allowable square footage of a sign from 2 sq ft per linear foot of building as indicated in Article II Section 20 Subsection 26 of the city code to 8 sq ft per linear foot. The accessory building where the sign is located is 20' in length so the current code only allows for 40 sq ft of signage ( $20 \times 2 = 40$ ). We are requesting 160 sq ft of signage ( $8 \times 20 = 160$ ).

**The Justifications:**

1. *The sign is in alignment with the cultural values of the city to embrace the arts.*
  - We leased this property in June 2023 in preparation for a used car dealer lot. The property needed a lot of “sprucing up” both inside and out. We knew we had to paint the building and structures, but we also were looking for a visually appealing way to stand out. The last tenant used huge vinyl letters across the whole front glass of the building that were garish and very unattractive. We love the arts and saw how Cartersville shared a vision to “promote arts downtown – draw from Booth, have arts events, allow wall murals, etc.” on page 11 of the 2024 Cartersville Downtown Master Plan. So, we developed a plan to incorporate a beautiful mural with a car theme to help beautify the property, promote our business, disguise a storage building, and make a visual destination location within the city.
  
2. *Denial of the sign variance would cause us undue hardship.*
  - We invested in the accessory building and the mural sign, not realizing that the mural would be considered a sign and fall under the sign ordinance. When we searched the city ordinance for any reference to a mural, we found none. We have financial resources invested, but we also have a lot of marketing that is built around the mural as a visual

representation for our business. Removing the mural would be hurtful to our business efforts as a new business in town, and to the artist, the community, and would leave a more unattractive building.

3. *Granting this variance only enhances the neighborhood as the mural sign is tastefully done and thereby would not be impairing the intent and purpose of this ordinance.*

- We selected a local artist, Dorothy Reavis, to do the mural. The design and execution are top-notch. She has other art in this community and is one of the Arts in Bartow approved artists.
- We get lots of compliments on the mural. No one really sees it as a sign but as a piece of art that beautifies the area.
- The art represents our car business and gives a positive message that "Life is a Journey...Enjoy your Ride."

We do apologize to the city for not receiving approval for this mural in advance. Now that it is here and is adding so much value to our business and the community, we humbly ask you to grant this variance so we can keep the mural and stay in compliance with the city.

Warm regards,



Angela W. Vittur  
Co-owner



Charles M. Vittur, Jr.  
Co-owner

*Attachments:* Photos of before when we leased the property and after with the accessory building and the mural sign and all the exterior sprucing up that has occurred.





LIFE IS A JOURNEY... ENJOY YOUR RIDE!

@dottyrea

BEFORE:



NOW:







## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	May 9, 2024
<b>SUBCATEGORY:</b>	Variance
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	V24-13. 10 Bob White Trail. Applicant: Leonard Mathias
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	Variance to increase the allowed floor area of an accessory structure from 50% to approx. 115% of the principal structures' floor area.
<b>LEGAL:</b>	N/A



# City of Cartersville

## PLANNING AND DEVELOPMENT

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

### MEMO

To: BZA  
 From: Randy Mannino/David Hardegree/Zack Arnold  
 CC: Keith Lovell  
 Date: March 26, 2024  
 Re: File # V24-13

**Summary: To allow an accessory structure to exceed 50% of the principal structure**

#### **Section 1: Project Summary**

Variance application by Leonard Mathias for property located at 10 Bob White Trail, zoned R-20, Single-family Residential. Said property contains approximately 0.99 acres. Setbacks are Front/Rear- 20ft and Side- 10ft.

Mr. Mathias requests to add on to an existing auto garage. The existing garage is approximately 2,496 square feet which exceeds 50% of the size of the primary structure that is allotted by ordinance. Since the existing garage was constructed before the Zoning Ordinance was adopted, a variance was not necessary for the initial construction. The new addition Mr. Mathias is proposing would add 1,280 square feet to the structure, making the garage a total of 3,776 square feet.

The Zoning Ordinance referring to accessory structure (Sec. 4.9.) states that accessory building floor area shall be no larger than 50% of the principal structure area. According to tax records, Mr. Mathias' primary structure is 2,828 square feet. If approved, the request would increase the allotted accessory structure size to approximately 134% of the primary structure. These numbers were compiled using County tax records and the provided survey. Mr. Mathias provided some notes that contradict these measurements by 192 square feet, as well as a shop drawing that contradicts these measurements by 512 square feet. Both documents are included.

**The variance requests are for the following and per the submitted surveys and site plan sketch:**

1. To increase the allowed floor area of an accessory structure from 50% to approx. 134% of the principal structures' floor area (Sec. 4.9, parag. 3).

#### **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**

3/24: Rhonda Gaffoglio. Property owner, 23 Bob White Trail. Letter Attached.

### **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. 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.*



City of Cartersville  
Application for Variance  
Board of Zoning Appeals

Hearing Date: 4-11-2024 5:30pm

Application Number: V24-13

Date Received: 2-20-2024

Applicant LEONARD P. MATHIAS Office Phone —  
(printed name)  
 Address 10 BOB WHITE TRAIL Mobile/ Other Phone 678 986-1656  
 City CARTERSVILLE State GA Zip 30120 Email shelbysailor@yahoo.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: \_\_\_\_\_  
 Notary Public \_\_\_\_\_

\* Titleholder LEONARD P MATHIAS JR Phone 678 986 1656  
(titleholder's printed name)  
 Address 10 BOB WHITE TR CARTERSVILLE Email shelbysailor@yahoo.com  
 Signature   
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
 Notary Public \_\_\_\_\_

Present Zoning District R20 Parcel ID No. C020-0005-005  
 Acreage .99 Land Lot(s) 627 District(s) 4 Section(s) 3  
 Location of Property: 10 BOB WHITE TRAIL  
(street address, nearest intersections, etc.)  
 Zoning Section(s) for which a variance is being requested: SEC - 4.9  
 Summary Description of Variance Request: INCREASE ALLOWED SIZE OF ACCESSORY  
STRUCTURE  
(Additional detail can be provided on Justification Letter)

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

### CONDITIONS VERIFICATION

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

Article IV Section 4.9 Subsection \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

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

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

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

Additional Comments by Applicant: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

HOUSE

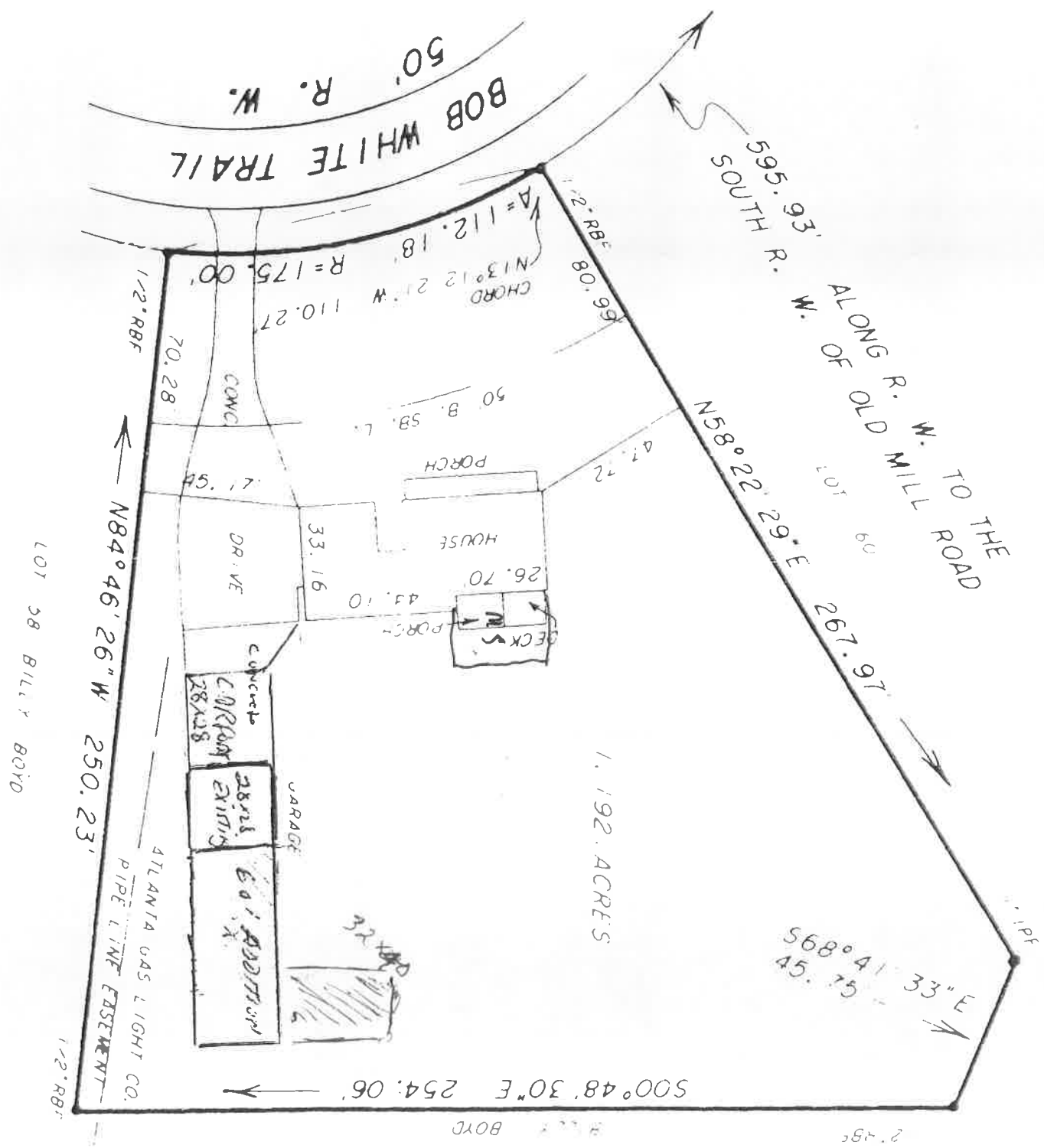
DOWNSTAIRS	1320	
MASTER SUITE	784	3384 sq ft
UPSTAIRS	1280	

EXISTING SHOP/GARAGE 1728 SQ FT + CARPORT 576 SQ FT

PROPOSED ADDITION 1280 SQ FT

These numbers contradict the county records by 192 square feet.

FIELD NOTES



Bartow County, GA



Summary

Parcel Number C020-0005-005  
 Location Address 10 BOB WHITE TR  
 Legal Description LL 627 D 4 LOT 59 CONYERS EST SEC 2  
 (Note: Not to be used on legal documents)  
 Class R3-Residential  
 (Note: This is for tax purposes only. Not to be used for zoning.)  
 Tax District Cartersville (District 01)  
 Millage Rate 29.65  
 Acres 0.99  
 Neighborhood 008K-South Cville, Etowah- Old Mill (00008K)  
 Account Number 34680  
 Homestead Exemption Yes (L6)  
 Landlot/District N/A

[View Map](#)

Owner

MATHIAS LEONARD P &  
 MATHIAS DONNA L  
 10 BOBWHITE TR  
 CARTERSVILLE, GA 30120

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	South Cville 8k-LT	Lot	43,089	159	271	0.99	1

Residential Improvement Information

Style Single Family  
 Heated Square Feet 2828  
 Interior Walls Drywall  
 Exterior Walls Aluminum/Vinyl Siding  
 Foundation Continuous Ft  
 Attic Square Feet 0  
 Basement Square Feet 0  
 Year Built 1987  
 Roof Type Asphalt Comp Shg  
 Flooring Type Carpet  
 Heating Type Central heat & air  
 Number Of Rooms 0  
 Number Of Bedrooms 3  
 Number Of Full Bathrooms 2  
 Number Of Half Bathrooms 1  
 Number Of Plumbing Extras 5  
 Value \$359,215  
 Condition Average  
 Fireplaces/Appliances BATH - FULL 2  
 BATH - HALF 1  
 Prefab Metal Fireplace 1  
 House Address 10 BOB WHITE TR

*R-20*  
*Sec. 4.9*  
*IV*

Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Carport	1994	24x20 / 0	1	\$1,944
Garage	1988	84x24 / 0	1	\$34,373

Valuation

2023 Values are Preliminary and subject to change until Certified.

	2023	2022	2021	2020
Fair Market Land Value	\$85,000	\$75,000	\$75,000	\$75,000
+ Fair Market Improvement Value	\$359,215	\$292,694	\$199,672	\$182,309
+ Fair Market Accessory Value	\$36,317	\$21,442	\$21,442	\$21,442
= Fair Market Value	\$480,532	\$389,136	\$296,114	\$278,751
Assessed Land Value	\$34,000	\$30,000	\$30,000	\$30,000
+ Assessed Improvement Value	\$143,686	\$117,078	\$79,869	\$72,924
+ Assessed Accessory Value	\$14,527	\$8,577	\$8,577	\$8,577
= Assessed Value (40% FMV)	\$192,213	\$155,654	\$118,446	\$111,500

Assessment Notice 2023

[2023 Assessment Notice \(PDF\)](#)

Assessment Notice 2022

[2022 Assessment Notice \(PDF\)](#)

Assessment Notice 2021

[2021 Assessment Notice \(PDF\)](#)

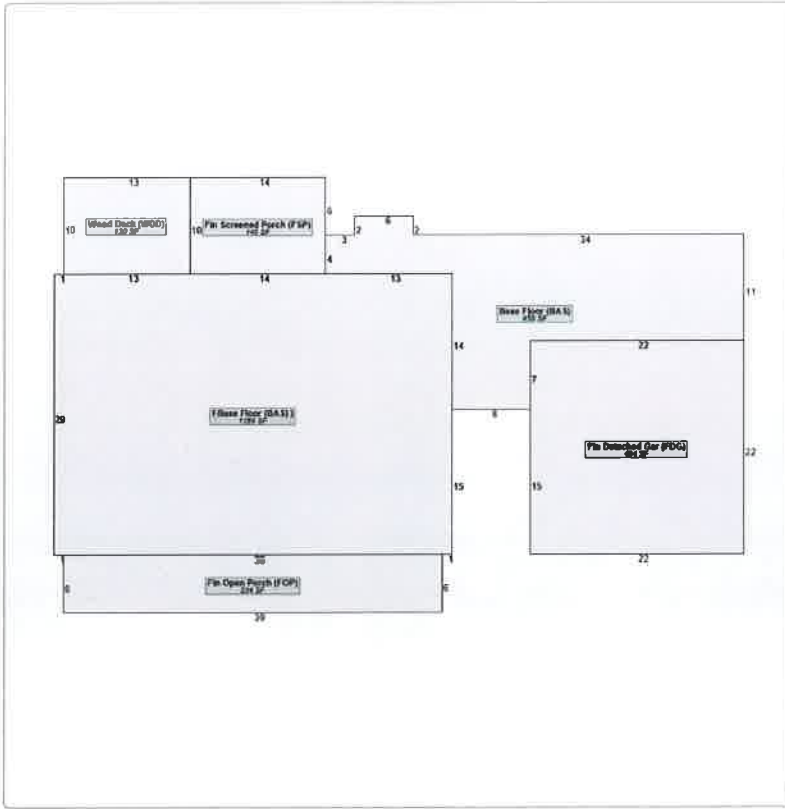
Assessment Notice 2020

[2020 Assessment Notice \(PDF\)](#)

Assessment Notice 2019

[Assessment Notice 2019 \(PDF\)](#)

Sketches



Photos



Sale Date	Deed Book / Page	Plat Book / Page	Sale Price	Reason	Grantor	Grantee
5/1/1994	8349 225	NULL NULL	\$1,000	Deed Shows \$3 or less in revenue stamps	NULL	NULL
5/1/1994	829 223		\$149,500	Qualified Sale	NULL	NULL
7/1/1987	547 290		\$0	Other, Unknown, Please add notes	NULL	NULL

Comp Search (Residential)

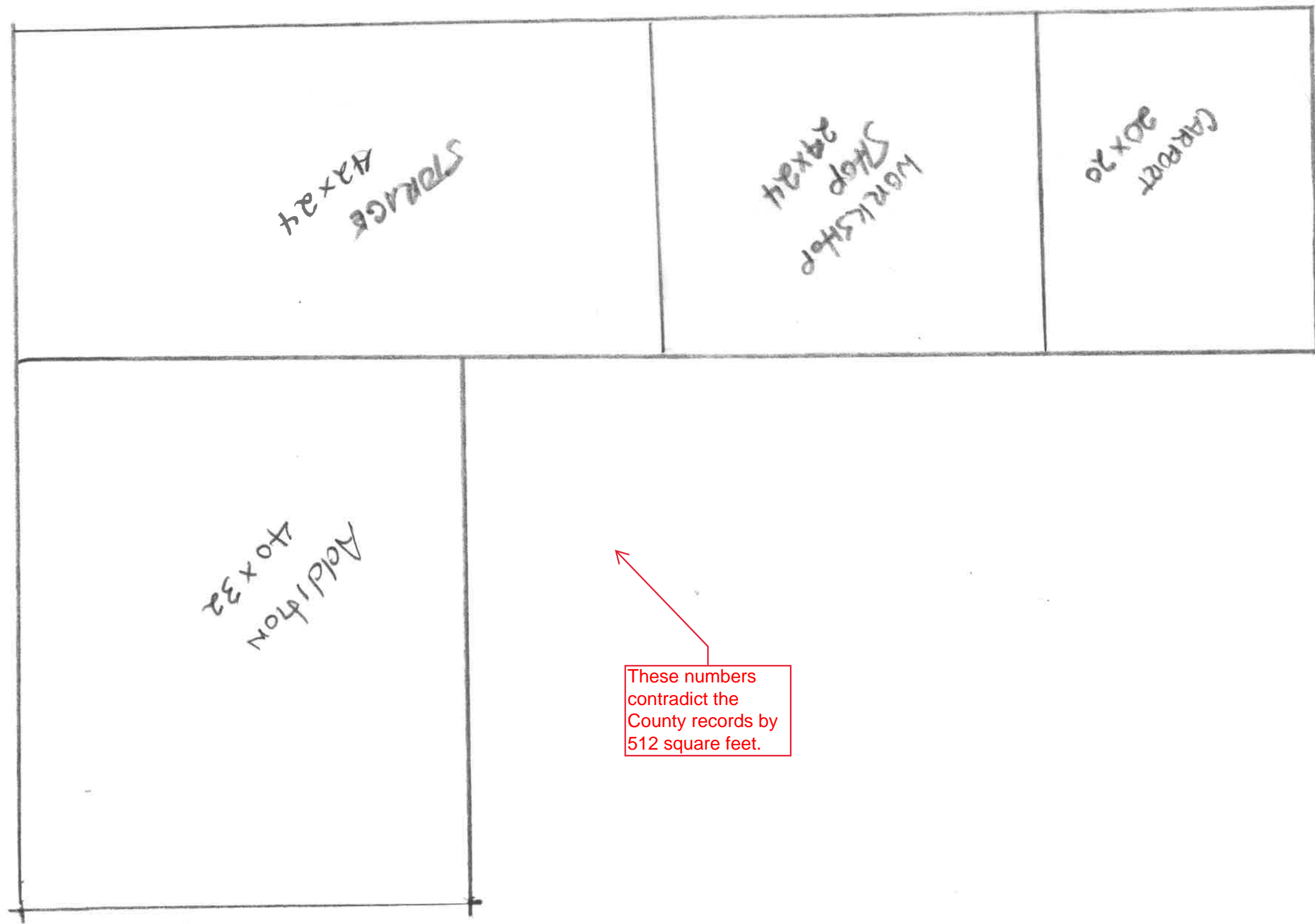
Start Comp Search

No data available for the following modules: Online Appeal, Comp Search (Vacant), Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes, Permits, Comp Search (Commercial)

The Bartow County Board of Assessors makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.  
[User Privacy Policy](#) | [GDPR Privacy Notice](#)  
 Last Data Upload: 2/19/2024, 10:40:50 PM

Contact Us

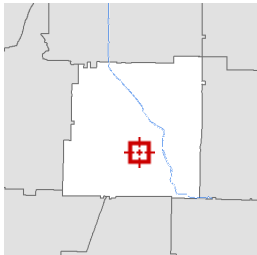




These numbers contradict the County records by 512 square feet.



Overview



Legend

- Parcels
- Roads

<b>Parcel ID</b>	C020-0005-005	<b>Alternate ID</b>	34680	<b>Owner Address</b>	MATHIAS LEONARD P & MATHIAS DONNA L 10 BOBWHITE TR CARTERSVILLE, GA 30120
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		
<b>Property Address</b>	10 BOB WHITE TR	<b>Acreage</b>	0.99		
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 627 D 4 LOT 59 CONYERS EST SEC 2 <i>(Note: Not to be used on legal documents)</i>				

Date created: 3/26/2024  
 Last Data Uploaded: 3/25/2024 10:50:04 PM

Developed by Schneider  
 GEOSPATIAL



TO: City of Cartersville Zoning Board

FROM: Rhonda Gaffoglio

23 Bob White Trail

RE: Variance 24-13

March 24, 2024

Regarding the variance 24-13 for the enlarging of a garage at 10 Bob White Trail, I would like to oppose this variance and support my opposition with the following information the Board needs to consider.

- There is currently a business, named Mustang Farm Renovation, housed in the current garage.
- The business can be found on Google or Facebook with the address 10 Bob White Trail.
- According to the site the business has been operating since 2019.
- As I understand the city code, there cannot be an automobile business at a house in the city of Cartersville.

I have been a resident on Bob White Trail for 42 years and desire to keep the street and the neighborhood free of a business establishment.

At times there are multiple cars parked in the driveway. I have witnessed trailers bringing in mustang cars to be worked on. This is not a normal neighborhood activity.

I regret that I will be out of town on April 11<sup>th</sup> and unable to attend the hearing in person but am hopeful the Board will consider the intent of the variance and I strongly recommend the variance be denied.

Thank you for your time and consideration of my position.

Mar 7, 2024 at 16:00:23  
10 Bob White Trail  
Cartersville GA 30120  
United States



Mar 7, 2024 at 16:00  
10 Bob White Trail  
Cartersville GA 30120  
United States



Mar 7, 2024 at 16:01:51  
12 Bob White Trail  
Cartersville GA 30120  
United States

