



CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Thursday, September 14, 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. August 10, 2023

VARIANCE CASES

2. V23-21. 124 Old Mill Rd. Applicant: Tilley Holdings LLC
3. V23-18. 12 Aspen Lane. Applicant: Edwin Bonayon
4. V23-19. 8 Sunset Circle. Applicant: Carlos Stephenson
5. V23-20. 26 Saddlebrook Dr. Applicant: Lee Couch
6. V23-23. 429 W. Main St. Applicant: Bartow County Library System. Carmen Sims, Dir.

STAFF OR COMMITTEE COMMENTS

OTHER

The next meeting of the Board of Zoning Appeals will be Thursday, Oct. 12. 5:30pm.

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

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



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	September 14, 2023
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	August 10, 2023
DEPARTMENT SUMMARY RECOMMENDATION:	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
LEGAL:	N/A

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

Item 1.

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on August 10, 2023, in the Council Chambers.

ROLL CALL

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

APPROVAL OF MINUTES

1. June 8, 2023

Board Member Hudson made a motion to approve the minutes from June 8, 2023. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

VARIANCE CASES

2. V23-16: 115 Mayflower St. Applicant: Monique Frazier
Variance: To allow a privacy fence in the front yard of a corner lot

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

Continuing, Mr. Hardegree gave an overview of the case stating this variance application by applicant, Monique Frazier, for property located at 115 Mayflower Street, zoned R-7 Residential. Setbacks are Front- 25ft (Ohio St), 20ft (Alley) and Side- 8ft. Said property contains approximately 0.23 acres. The lot is a corner lot with road frontages along Mayflower St., Ohio St. and an alley.

The applicant proposes to build a privacy fence to enclose the west and north sides of the property that include the front yards along the Ohio St. Right-of-Way and the alley. The property has been surveyed and the property lines have been marked with pink flags. The fence ordinance for corner lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the side of the house, but in the front yard along Ohio St. the fence segment along the eastern property line is compliant with the ordinance but will enclose the gas and electric meters. 24/7 access to the meters and service lines is required by the utility departments. A double locking gate is required.

The property line is approx. 10ft, from the edge of payment along the alley. This fence section is not expected to interfere with trash service. A double gate will be installed for vehicular access to the property.

Chairman Pendley opened the public hearing.

Monique Frazier, 115 Mayflower St., came forward to represent the application and to answer any questions from the Board Members.

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.

Mr. Hardegree stated that in the write up for this application, there was a typo stating the request was for an 8-foot tall fence but wanted to state for the record that the request was for a 6-foot fence.

Board Member McElwee made a motion to approve V23-16. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 4-0

3. V23-17: 138 Luckie St. Applicant: Joyce Huskins
Variance: To reduce side and rear yard setbacks for construction of accessory structure.

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

Continuing, Mr. Hardegree gave an overview of the case stating this was a variance application by owner/applicant Joyce Huskins for property located at 138 Luckie St, zoned R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.24 acres.

The applicant proposes to build a detached garage at the end of her driveway and in the rear yard. The ordinance pertaining to accessory structures on residential lots, Sec. 4.9, requires all accessory structures be in the rear yard and 5ft off all property lines. The proposed garage will encroach into the required 5ft setback in the side and rear yard. The proposed encroachment is approximately 3.5ft in the side yard and 1.2ft in the rear yard.

The house is approximately 1800sf. The 16' x 28' garage is 448 sf. The proposed garage is compliant with the square footage requirement. Also, the garage may not be taller than the house. There is no indication that the garage will exceed the height of the house.

Chairman Pendley opened the public hearing.

Joyce Huskins, 138 Luckie St., came forward to represent the application and to answer any questions from the Board Members.

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 V23-17. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 5:40 P.M.

September 14, 2023 _____
Date Approved

/s/ _____
Chair



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	September 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-21. 124 Old Mill Rd Applicant: Tilley Holdings LLC
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to increase the height of a digital billboard
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: September 5, 2023
Re: File # V23-21 Billboard Variance

Summary: Variance to increase the height of digital billboard from 30ft. to 35ft.

Variance application by Tilley Holdings, LLC for property located at 124 Old Mill Rd in LL 626, 4th District, 3rd Section. Tax Parcel ID. C019-0005-001. The property containing the billboard is approx. 3.12 acres. The billboard is currently a double sided, static billboard located adjacent to and on the east side of an existing structure. The lower edge of the billboard is obscured by the structure's roof. The applicant intends to upgrade the billboard to digital on both sides and wants to raise the billboard to the minimum height required to not be obscured by the roof.

A text amendment, T22-03, to the sign ordinance was approved on October 6, 2022 to allow digital billboards on Old Mill Rd. within 1,000ft. of the west side of the S. Erwin St. intersection.

The billboard is approx. 700ft. from the intersection of Old Mill Rd and S. Erwin St. The original billboard was erected prior to adoption of the sign ordinance (2012) and was considered legal, non-conforming. Variance, V06-22, approved 7/17/06, allowed the billboard to be installed with reduced setbacks.

There is also an existing two-sided, double stacked, static billboard on the Cody Js restaurant site located at 675 S. Erwin St. This billboard is approx. 300 ft. from the intersection of Old Mill Rd and S. Erwin St. The separation distance between the Tilley Holdings, LLC billboard and the Cody Js billboards is approx. 500ft.

The Cody Js billboard was allowed to increase in height from 30ft. to 45ft per Variance V17-22, approved 11-13-17, to accommodate the double stacking of billboard signs.

The existing Tilley billboard is more than the required 500ft. separation distance from residential zoning districts. The billboard is generally surrounded by Industrial zoning and uses.

The variance request is to:

1. Increase the minimum height of a digital billboard from 30ft. to 35ft. (Sec. 20-29, Billboards (B)(1)(b).

Department Comments Received:

Electric Department: No comments received.

Fibercom: As long as the location and size of the billboard remains the same Cartersville FiberCom takes no exception.

If either the size or location of the billboard changes, we will request further review to ensure adequate separation from overhead facilities along Old Mill Road.

Fire Department: Takes no exception

Gas Department: Takes no exception

Public Works Department: Takes no exception

Water Department: Takes no exception

Public Comments Received by Staff: None as of 9-1-23

Applicable Sign Ordinance Sections:

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

From the Sign Ordinance, Sec. 20-29. Billboards:

Sec. 20-29. Billboards.

- (a) Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:
 - (1) State Route 20.
 - (2) U.S. 41 and corresponding frontage roads.
 - (3) U.S. 411 and corresponding frontage roads.
 - (4) West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).

- (5) State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the GA Hwy. 113 centerline and continuing west a distance of two thousand seven hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- (b) Billboards require a permit to be erected, and shall comply with the following regulations:
- (1) *General standards.*
- a. Shall be allowed a maximum sign area of three hundred (300) square feet.
 - b. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
 - c. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.
 - d. Shall be a minimum of five hundred (500) feet from a residential zoning district.
 - e. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one (1) billboard to another on the same road.
 - f. Shall not be visible from or located along Interstate Highway 75.
 - g. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.
- (2) *Electronic billboards.*
- a. Billboards which are directly illuminated, exhibit animation, blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one (1) of the following roads:
 1. State Route 20.
 2. U.S. 41 and corresponding frontage roads.
 3. U.S. 411 and corresponding frontage roads.
 4. West Avenue (beginning at, and including, the intersection with Henderson Drive and running southwest).
 5. State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the Georgia Highway 113 centerline and continuing west a distance of two thousand seven hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
 6. Old Mill Road (beginning at the centerline of the Old Mill Road right-of-way intersection with the Erwin Street center line and continuing west a distance of one thousand (1,000) feet. Applicable to billboard signs existing as of July 26, 2022).
 - b. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from nonelectronic billboards.
 - c. Any permit for an electronic billboard shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
 - d. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such billboards may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.

- e. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
 - f. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
- (3) *Nonconforming billboards.* Billboard signs legally existing on the date of adoption of this article may be continued even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

(Ord. No. 26-12, 5-3-12; Ord. No. 29-18, § 1, 11-1-18; Ord. No. 20-22, § 1, 10-6-22)

Sign Ordinance variance guidelines:

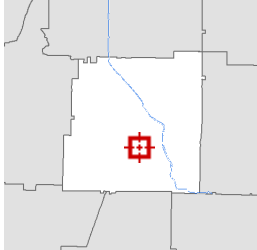
Sec. 20-39. - Variance.

- (a) *Limitations.* The board of zoning appeals shall be allowed to grant variances to this article.
- (b) *Procedure.* Except as modified by this article, the procedures for requesting a variance from the standards of this article shall be the same procedures as that for seeking a variance from the city's ordinances regulating zoning.
- (c) *Standards.* The standards which shall be considered for granting a variance from the standards of this article shall be only the following:
 - (1) Relief to this article may only be granted where existing foliage or structures bring about a hardship whereby a sign meeting the maximum letter size, square footage and height requirements cannot be read from an adjoining road;
 - (2) The application of the particular provision of this sign ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public; or
 - (3) Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements can not be read from adjoining public road.
- (d) *Timing.* The board of zoning appeals shall hear and decide upon a variance within eighty (80) days of the submission of a complete and accurate application.
- (e) The fee assessed pursuant to this section is as referenced on the fee schedule in the City of Cartersville Code subsection [17-90\(c\)](#).

(Ord. No. 26-12, 5-3-12)



Overview



Legend

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

Parcel ID C019-0005-001	Alternate ID 34555	Owner Address TILLEY HOLDINGS LLC
Sec/Twp/Rng n/a	Class Industrial	EVANS KEVIN CARL
Property Address 124 OLD MILL RD	Acreage 3.12	917 N TENNESSEE ST
		CARTERSVILLE, GA 30120
District Cartersville		
Brief Tax Description LL 626 LD4 S3 124 OLD MILL RD		
	(Note: Not to be used on legal documents)	

Date created: 7/28/2023
Last Data Uploaded: 7/27/2023 9:04:59 PM

Developed by Schneider GEOSPATIAL

Ordinance No. 20-22

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES, CHAPTER 20, SIGNS AND OUTDOOR ADVERTISING, ARTICLE II- SIGN ORDINANCE, SECTION 20-29, BILLBOARDS, SUBSECTION (B) (2), ELECTRONIC BILLBOARDS, is hereby amended by deleting section (a) in its entirety and replacing it as follows:

a. Billboard which are directly illuminated, exhibit animation; blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one of the following roads:

1. State Route 20.
2. U.S. 41 and corresponding frontage roads.
3. U.S. 411 and corresponding frontage roads.
4. West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
5. State Route 113 (beginning at the centerline of the I-75 Right-of-Way intersection with the GA Hwy 113 centerline and continuing west a distance of 2,700 feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
6. "Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft. Applicable to billboards signs existing as of July 26, 2022)."

2.

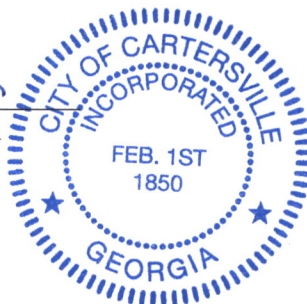
It is the intention of the City Council, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention.

BE IT AND IT IS HEREBY ORDAINED

FIRST READING: September 15, 2022
SECOND READING: October 6, 2022


MATTHEW J. SANTINI, MAYOR

ATTEST: 
JULIA DRAKE, CITY CLERK



City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 9/14/23 5:30pm

Application Number: V23-21

Date Received: 7-27-23

Applicant Tilley Holdings, LLC Office Phone 770 386 0040
(printed name)

Address 1 N. Tennessee Street Mobile/ Other Phone _____

City Cartersville State GA Zip 30120 Email beth.tilley@bellsouth.net

Robert Walker Phone (Rep) (770) 387-1373
 Representative's printed name (if other than applicant)

Robert Walker Email (Rep) rwalker@jbwpw.com
 Representative Signature Applicant Signature

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

Kharris B. Bramlett 
 Notary Public

* Titleholder Tilley Holdings LLC Phone 770 386 0040
(titleholder's printed name)

Address 1 N. Tennessee St. Email beth.tilley@bellsouth.net

Signature B. Tilley

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

Kharris B. Bramlett 
 Notary Public

Present Zoning District L-I Parcel ID No. _____

Acreage 3.12 Land Lot(s) 626 District(s) 4 Section(s) 3

Location of Property: 124 Old Mill Road
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: C019-0005-001

Summary Description of Variance Request: To increase the height of an outdoor advertising sign from 30' to 35' (Billboard)
(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.

City Code Chapter 20

Article 11 Section 20-29 Subsection (b.)(1.)(b.)

Article _____ Section _____ Subsection _____

Article _____ Section _____ Subsection _____

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

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

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

Additional Comments by Applicant: See attached letter of appeal.

July 26, 2023

City of Cartersville

Board of Zoning Appeals

Variance Request: To increase the height of a Billboard sign.

Board Members,

It is the belief of the applicant that the subject property has restrictions and obstructions which will interfere with the proposed remodel of the existing billboard sign on the subject property. The applicant has an approved permit from the city issued on March 16, 2023, to modify the existing billboard sign from a "static board" to an "electronic/digital board." However, the applicant has a hardship. The existing sign face is partially obscured by the roof top of an existing building on site. Furthermore, the adjacent railroad right-of-way causes additional restrictions regarding the positioning of the proposed electronic board. We believe that by increasing the height of the proposed sign by a total of 5 feet, we can resolve the hardship. The requested height increase will position the sign face adequately above the existing building roof top and thereby eliminate any visual obstruction.

Therefore, we are asking for relief from the existing hardship as stated above by seeking a variance from city ordinance Chapter 20, Article II, Section 20-29, Subsection (b.), (1.), (b.). The applicant seeks to increase the height of a billboard sign from the maximum allowed height of 30 feet to 35 feet.

Thank you for your consideration.



Beth Tilley

Tilley Holdings, LLC



Billboard at Building. View to the west along Old Mill Rd.



Billboard is somewhat hidden by building. View to the east along Old Mill Rd.



Billboard is somewhat hidden by building. View to the east along Old Mill Rd. at River Dr.







BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	September 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-18. 12 Aspen Lane Applicant: Edwin Bonayon
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a privacy fence in the front yard of a corner lot.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

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MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: August 17, 2023
 Re: File # V23-18

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

Section 1: Project Summary

Variance application by applicant, Edwin Bonayan, for property located at 12 Aspen Lane, zoned P-D Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 5ft. Said property contains approximately 0.25 acres. The lot is a corner lot with road frontages along Aspen Ln., and Ashwood Dr.

The applicant proposes to build a privacy fence to enclose the west and south sides of the property that include the front yard along Ashwood Dr. Right-of-Way. The fence ordinance for corner lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the rear of the house, but in the front yard along Ashwood Dr. This property does have a 20 ft. storm line easement on the eastern boundary. The Stormwater Department does support the fence installation location provided gates are installed and they retain 24/7 access to the underground storm pipe and associated detention pond to the north of the property.

The variance request is for the following:

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

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: The additional double gates shown do satisfy the PW requirements.

Water Department: Not in service area.

Section 3. Public Comments Received by Staff

None received as of 8/17/2023.

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.

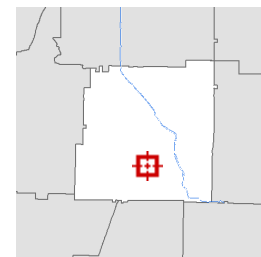
1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for residential and used for that purpose.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared 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 gate will be required for 24/7 access to the detention pond.
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	C125-0001-387	Alternate ID	42307	Owner Address	MATTHEWS JOHNATHON E
Sec/Twp/Rng	n/a	Class	Residential		O'ROURKE-MATTHEWS KATHLEEN M
Property Address	12 ASPEN LN	Acreage	0.25		833 FRANK KIRK RD NW
					KENNESAW, GA 30152

District Cartersville
Brief Tax Description LT J1387 CARTER GROVE S/D PH I S J
 (Note: Not to be used on legal documents)

Date created: 7/31/2023
 Last Data Uploaded: 7/28/2023 9:03:38 PM

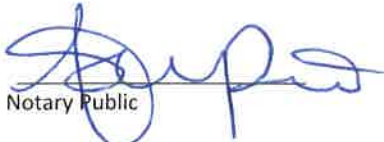
Developed by  Schneider
 GEOSPATIAL



City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: Sept. 14 5:30pm

Application Number: VZ3-18

Date Received: 6-28-2023

Applicant Edwin Bonayan Office Phone _____
(printed name)
 Address 12 Aspen LN SE Mobile/ Other Phone 608-395-4600
 City Cartersville State GA Zip 30120 Email abonayan@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
 

* Titleholder Edwin Bonayan Phone 608-395-4600
(titleholder's printed name)
 Address 12 Aspen LN SE Email abonayan@gmail.com
 Signature _____
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
 

Present Zoning District P-D Parcel ID No. C125-0001-387
 Acreage 0.25 Land Lot(s) _____ District(s) 4 Section(s) 3
 Location of Property: 12 Aspen LN SE, Cartersville GA 30120
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: SEC. 4.16
 Summary Description of Variance Request: fence in double frontage lot

 (Additional detail can be provided on Justification Letter)

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

CONDITIONS VERIFICATION

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

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

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

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

- 1. _____ The property is exceptionally narrow, shallow or unusually shaped,
- 2. _____ The property contains exceptional topographic conditions,
- 3. _____ 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: _____



Item 3.

29

Service Contract

JOB #: _____

PREPARED BY: Justin Sims

DATE: 7/20/2023

CUSTOMER NAME: Ashley Bonyan

CUSTOMER ADDRESS: 12 Aspen Ln SE CITY: Cartersville STATE: GA ZIP: 30120

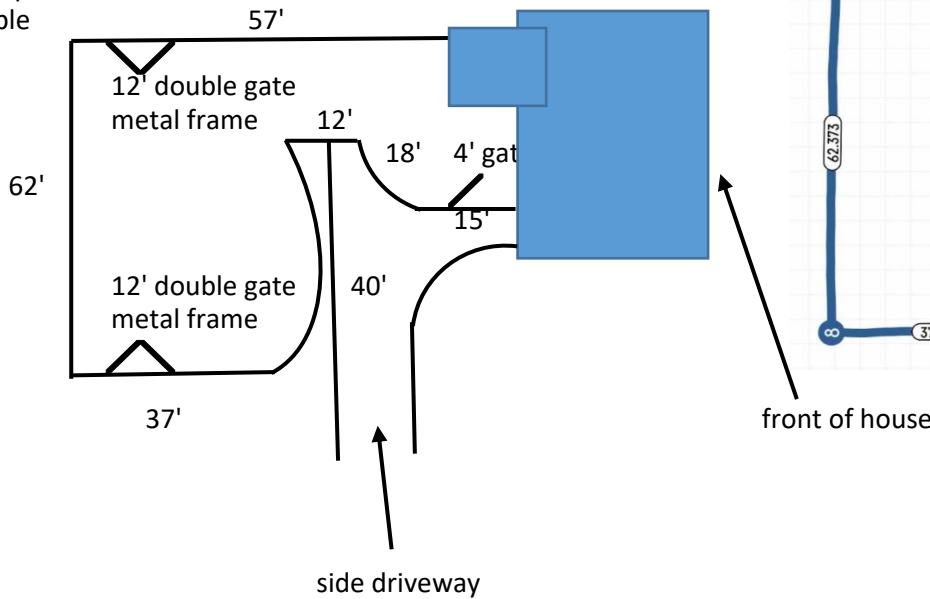
PHONE: 720-317-5352 FAX: _____ EMAIL: abonayon@gmail.com

DESCRIPTION OF WORK

Demo and haul existing fence. Install 241 lineal feet of 6' standard wood privacy fence with one 4' wide walk gate and two 12' double gates with metal frames. Double gate posts to be 6x6x8. All wood to be pressure treated pine. Fence to be assembled with galvanized ring shank nails. All posts to be set in cement.

FENCE LAYOUT

6x6 gate posts
 for double
 gates



		TOTAL
2.75% Service Fee added for Credit Card Payment		\$8,657.45

THIS QUOTE IS VALID THROUGH: 5 Days

DEPOSIT DUE UPON ACCEPTANCE \$ 4,328.73

DATE OF INSTALLATION: _____

AMOUNT DUE UPON COMPLETION: \$ 4,328.73

CUSTOMER SIGNATURE: _____ DATE ACCEPTED: _____







BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	September 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-19. 8 Sunset Circle Applicant: Carlos Stephenson
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a privacy fence in the front yard
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: August 17, 2023
 Re: File # V23-19

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

Section 1: Project Summary

Variance application by applicant, Carlos Stephenson, for property located at 8 Sunset Circle, zoned R-15 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.78 acres.

The applicant proposes to build an 8ft tall privacy fence to enclose the north side of the property that includes the front yard along the Sunset Circle Right-of-Way. This fence will replace a 4ft tall chain link fence that is currently installed. The fence ordinance for residential lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the front and side of the home, and also encroaches into the front yard setback. Construction of this fence began without prior approval in early July, 2023. On July 7, 2023 Code Enforcement noticed the fence installation and notified the homeowner that a variance was required. Due to sight distance issues along the roadway the homeowner was required to remove a section of fence immediately. No further work on the fence has occurred.

The variance request is for the following:

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

Section 2. Department Comments

Electric Department: In addition to it not being in the R/W, they would also need to be sure not to enclose the electric meter inside the fencing.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: The Gas System takes no exception to the following as shown in the attachments provided that only the side property line is proposed to be fenced and not the front property line hampering access to the existing natural gas service line.

Public Works Department: The fence would need to be around 26 feet from the center of the inside lane on Sunset Circle. Currently the fence is much closer to the center of that inside lane of Sunset Circle. A lower chain link fence that can be seen through might work but we need to have at least 155 feet of stopping sight distance (SSD) on Sunset Circle for safety per national AASHTO standards. See attached for further information.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 8/17/2023.

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.*
If constructed as proposed the fence would create a sight distance issue along Sunset Circle.

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.*

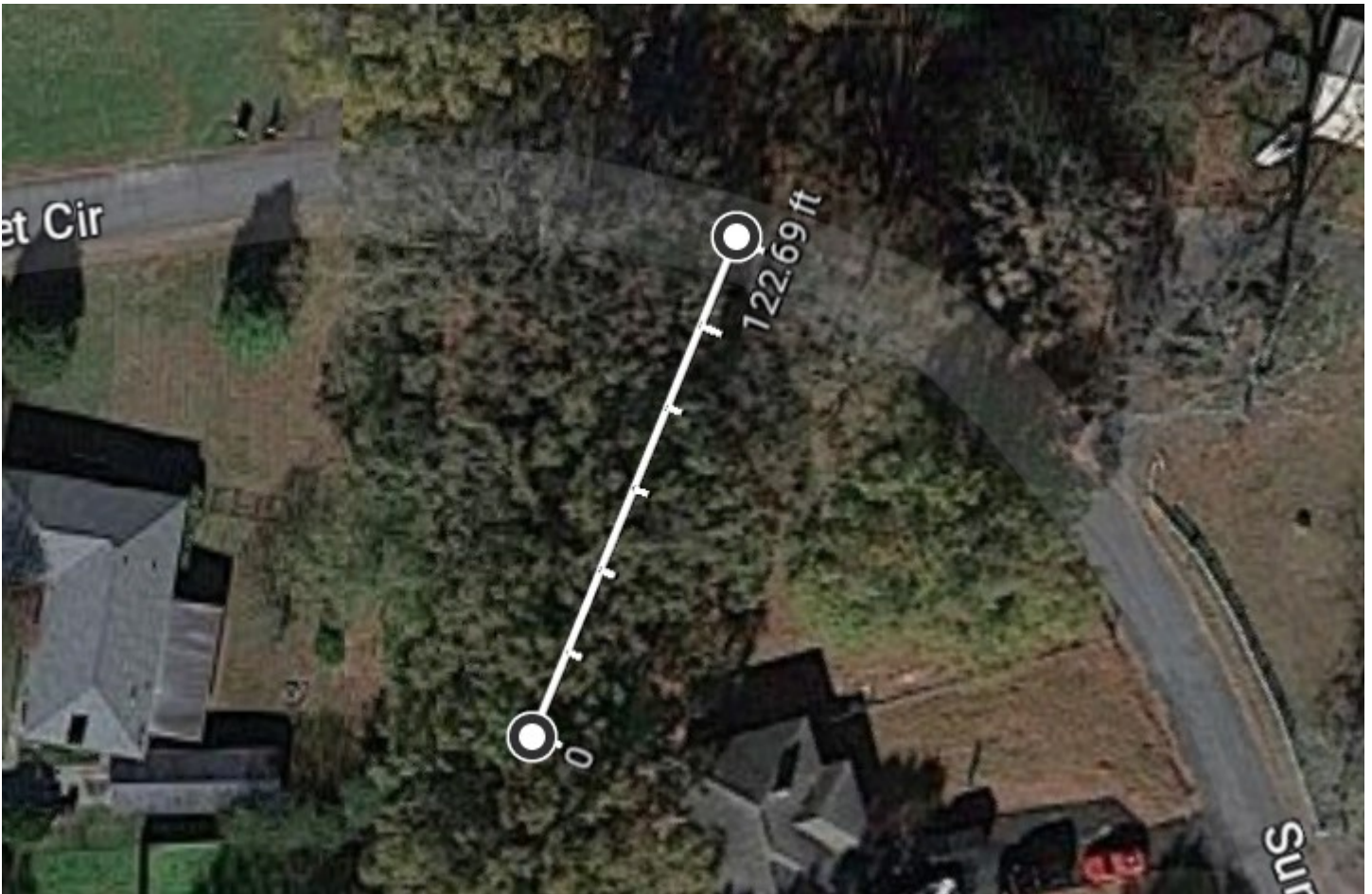
There are no known conditions.

Zack Arnold

From: Steven Foy
Sent: Thursday, August 3, 2023 10:39 AM
To: Zack Arnold
Cc: Amrie Lisse; Brent Beck; Chad Prater; Charlie Waits; Clifton Blalock; David Hardegree; Derek Hampton; Eric Williams; Jason Amerson; Jason Hubbard; Lynn Gayton; Mark Hathaway; Michael De Leon; Steven Foy; Steven Grier; Todd Jessee; Tommy Rozier; Wade Wilson; Greg Thacker; Jacob O'Bryant; Jason Hubbard; Michael Dickson
Subject: FW: Reply to "V23-19 Variance Request - 8 Sunset Circle"
Attachments: 1.jpg; Panel Removed.JPG; 3.jpg; Application.pdf; 2.jpg

Good morning,

CPW takes exception the privacy fence as proposed due to the American Association of State Highway and Transportation Officials (AASHTO) standard minimum stopping sight distance (SSD) for a 25 mph not being met with proposed variance. Below is a rough estimation of the Sunset Circle curve radius which is used to determine what the minimum horizontal sightline offset should be for Sunset Circle which is assumed to be a 25-mph road.



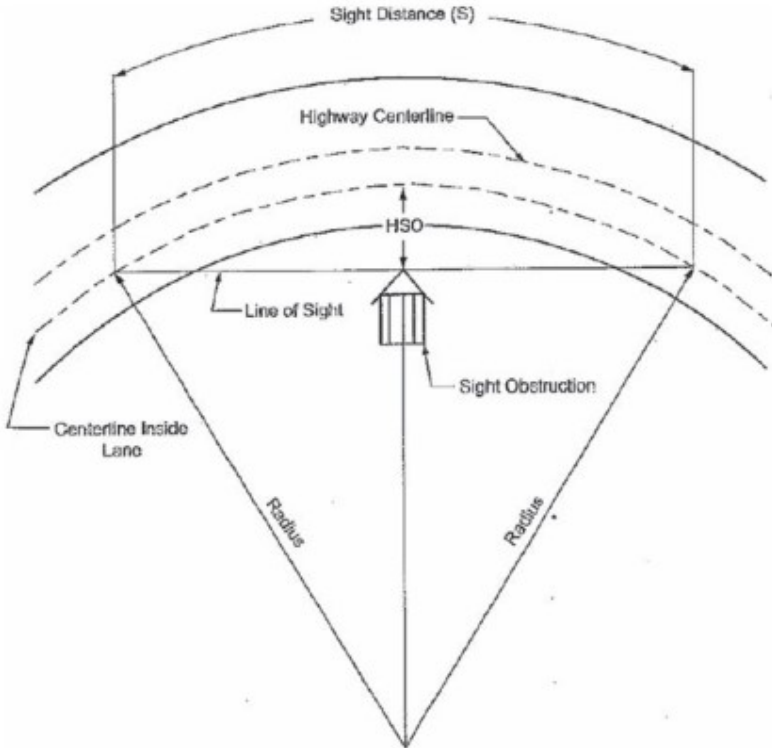


Figure 1. Diagram illustrating components for determining horizontal sight distance (AASHTO 2011).

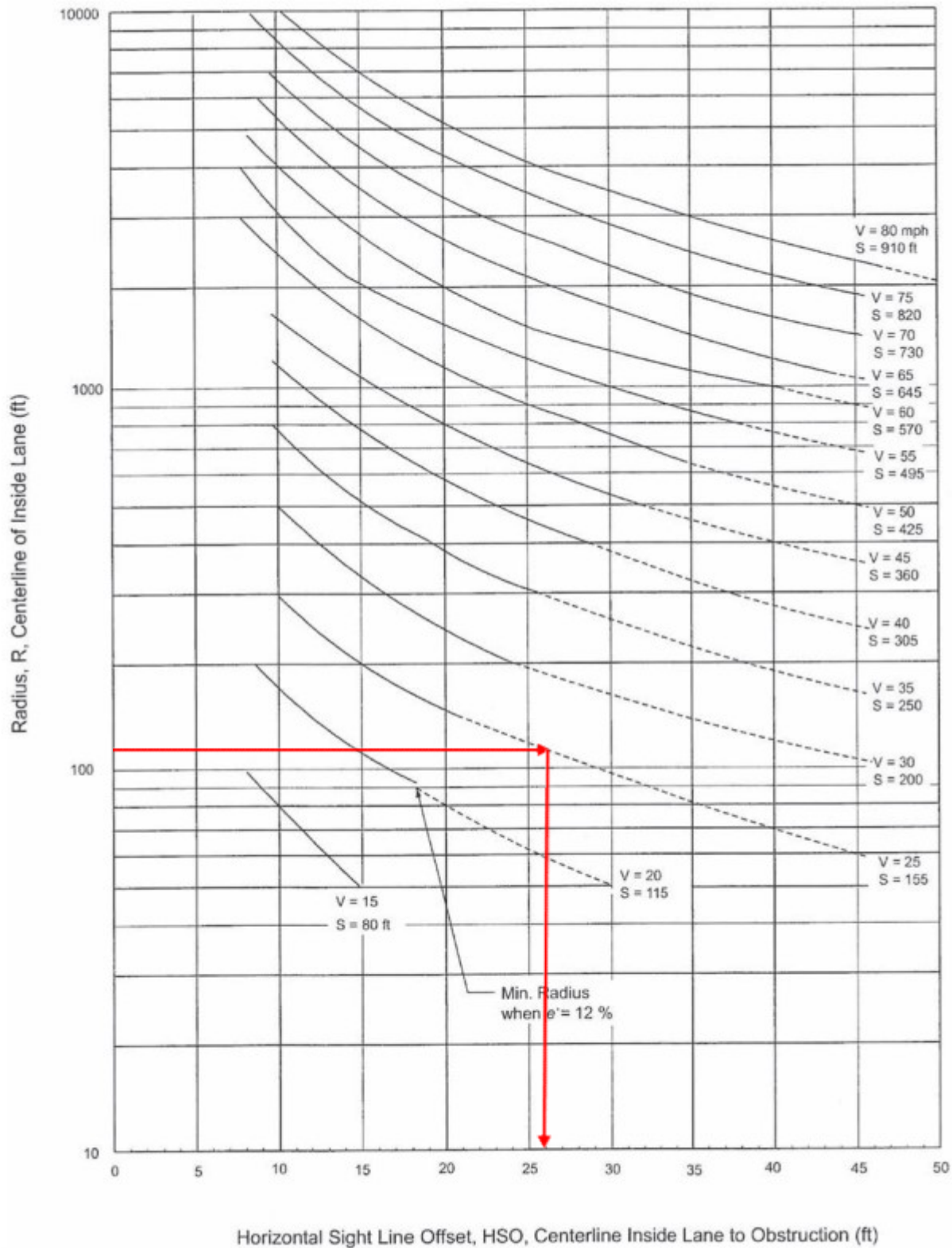
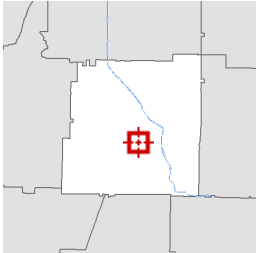


Figure 9. SSD on horizontal curves (AASHTO 2011).

According to the AASHTO chart above using approximately 120 feet as a rough estimate of the radius of the curve on Sunset Circle and a 25-mph design speed, the fence would need to be around 26 feet from the center of the inside lane on Sunset Circle. Currently the fence is much closer to the center of that inside lane of Sunset Circle. A lower chain link fence that can be seen through might work but we need to have at least 155 feet of stopping sight distance (SSD) on Sunset Circle for safety per national AASHTO standards.



Overview



Legend

- Parcels
- Roads

Date created: 8/24/2023
Last Data Uploaded: 8/23/2023 8:58:49 PM


Developed by Schneider
GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 9-14-2023 5:30pm

Application Number: V23-19

Date Received: 7-14-2023

Applicant Carlos Stephenson Office Phone _____
(printed name)
 Address 8 Sunset Circle Mobile/ Other Phone 470-452-9178
 City Cartersville State GA Zip 30120 Email Carlos.Stephenson@rocketmail.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 BENJAMIN STEPHENSON Phone (770) 882-8527
(titleholder's printed name)
 Address 8 Sunset Circle Email _____
 Signature Benjamin Stephenson
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public 

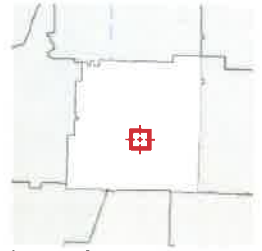
Present Zoning District R-15 Parcel ID No. C029-0002-008
 Acreage .78 Land Lot(s) 266 District(s) 4 Section(s) 3
 Location of Property: 8 sunset circle
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Sec. 4.16
 Summary Description of Variance Request: Privacy fence in front yard

(Additional detail can be provided on Justification Letter)

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



Overview



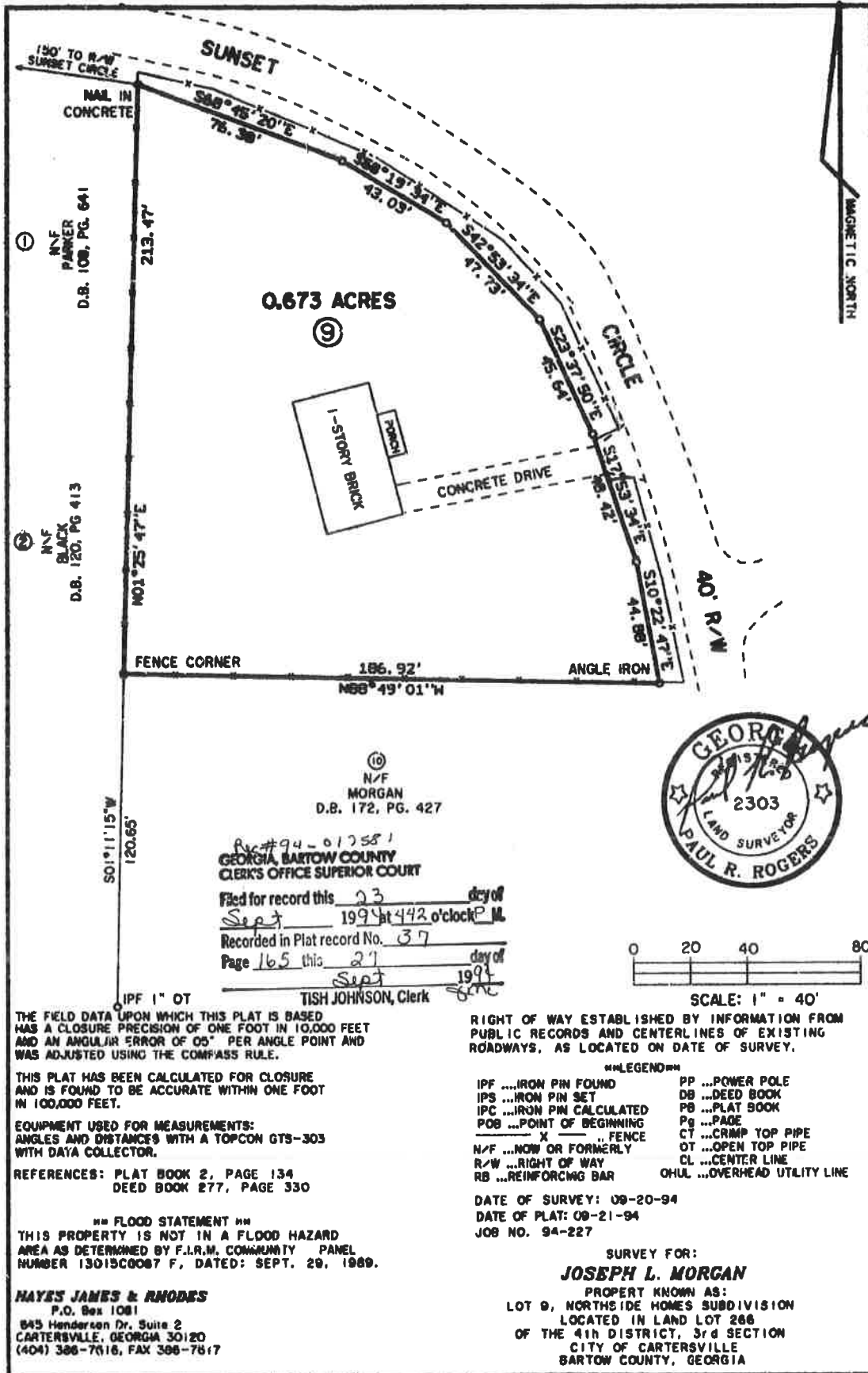
Legend

- Parcels
- Roads

Parcel ID	C029-0002-008	Alternate ID	35444	Owner Address	STEPHENSON BENJAMIN
Sec/Twp/Rng	n/a	Class	Residential		8 SUNSET CIR
Property Address	8 SUNSET CR	Acreage	0.78		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL266 LD4 LT 9 Northside				
	(Note: Not to be used on legal documents)				

Date created: 7/12/2023
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Developed by Schneider
 GEOSPATIAL



⑩
N/F
MORGAN
D.B. 172, PG. 427

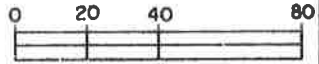
File # 94-017581
 GEORGIA, BARTOW COUNTY
 CLERK'S OFFICE SUPERIOR COURT

Filed for record this 23 day of
Sept 1994 at 4:42 o'clock P.M.

Recorded in Plat record No. 37

Page 165 this 27 day of
Sept 1994

TISH JOHNSON, Clerk



THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

EQUIPMENT USED FOR MEASUREMENTS: ANGLES AND DISTANCES WITH A TOPCON GTS-303 WITH DATA COLLECTOR.

REFERENCES: PLAT BOOK 2, PAGE 134
 DEED BOOK 277, PAGE 330

== FLOOD STATEMENT ==
 THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. COMMUNITY PANEL NUMBER 13019C0087 F, DATED: SEPT. 29, 1989.

HAYES JAMES & RHODES
 P.O. Box 1081
 845 Henderson Dr. Suite 2
 CARTERSVILLE, GEORGIA 30120
 (404) 386-7616, FAX 386-7817

RIGHT OF WAY ESTABLISHED BY INFORMATION FROM PUBLIC RECORDS AND CENTERLINES OF EXISTING ROADWAYS, AS LOCATED ON DATE OF SURVEY.

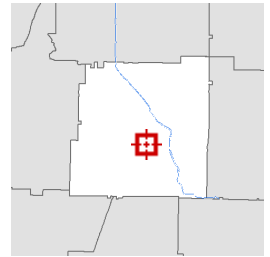
- ==LEGEND==
- IPF ...IRON PIN FOUND
 - IPS ...IRON PIN SET
 - IPC ...IRON PIN CALCULATED
 - POB ...POINT OF BEGINNING
 - N/F ...NOW OR FORMERLY
 - R/W ...RIGHT OF WAY
 - RB ...REINFORCING BAR
 - PP ...POWER POLE
 - DB ...DEED BOOK
 - PB ...PLAT BOOK
 - Pg ...PAGE
 - CT ...CRIMP TOP PIPE
 - OT ...OPEN TOP PIPE
 - CL ...CENTER LINE
 - OHUL ...OVERHEAD UTILITY LINE

DATE OF SURVEY: 09-20-94
 DATE OF PLAT: 09-21-94
 JOB NO. 94-227

SURVEY FOR:
JOSEPH L. MORGAN
 PROPERTY KNOWN AS:
 LOT 9, NORTHSIDE HOMES SUBDIVISION
 LOCATED IN LAND LOT 286
 OF THE 4TH DISTRICT, 3rd SECTION
 CITY OF CARTERSVILLE
 BARTOW COUNTY, GEORGIA



Overview



Legend

- Parcels
- Roads

Date created: 8/24/2023
Last Data Uploaded: 8/23/2023 8:58:49 PM

Developed by Schneider
GEOSPATIAL

Item 4.



7/7/23, 1:30 PM
8 Sunset Cir

Item 4.



7/7/23, 1:30 PM
8 Sunset Cir









BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	September 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-20. 26 Saddlebrook Dr. Applicant: Lee Couch
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to decrease the rear setback for a house 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: August 29, 2023
 Re: File # V23-20

Summary: To reduce the rear yard setback for construction of house addition.

Section 1: Project Summary

Variance application by owner/applicant Lee Couch for property located at 26 Saddlebrook Dr., zoned R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.17 acres.

The applicant proposes to build an addition to the home in the rear yard. The addition consists of an 18x16 finished closet area with bathroom, and a 18x36 covered porch. The zoning ordinance section, Sec. 6.5., for the R-7 zoning district requires a rear yard setback of 20ft. The proposed addition will encroach approximately 16ft into the required setback.

This property is in the local floodplain which will require the applicant to make the house addition compliant with the City's floodplain ordinance, if approved. The Building Department and Public Works have met with the applicant to provide comments and guidance on how to satisfy the requirements.

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

1. To reduce the rear yard setback from 20ft to 4ft for construction of house addition (Sec. 6.5.).

Section 2. Department Comments

Building Department: The exterior wall will have to have a one-hour fire rating if it is closer than five feet from the property line.

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: CFD takes exception to the request for property located at 26 Saddlebrook Dr. to reduce the rear setback to 4'. The setbacks from each property line help to maintain a safe distance between structures on different properties.

Gas Department: Takes no exception.

Public Works Department: We met with the owner last week on Friday and we discussed that we would need the 18' x 16' closet addition proposed to have flood vents with more than 288 square inches of area. Also, after discussing it further internally, it was determined that we need the FEMA substantial improvement worksheet to be submitted to verify that the improvement does not exceed the 50% threshold.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

No public comments received as of 8-29-2023

Section 4. Variance Justification:

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

Sec. 6.5. R-7 Single-family dwelling district.

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)

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

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

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

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

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

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

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

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

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

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

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

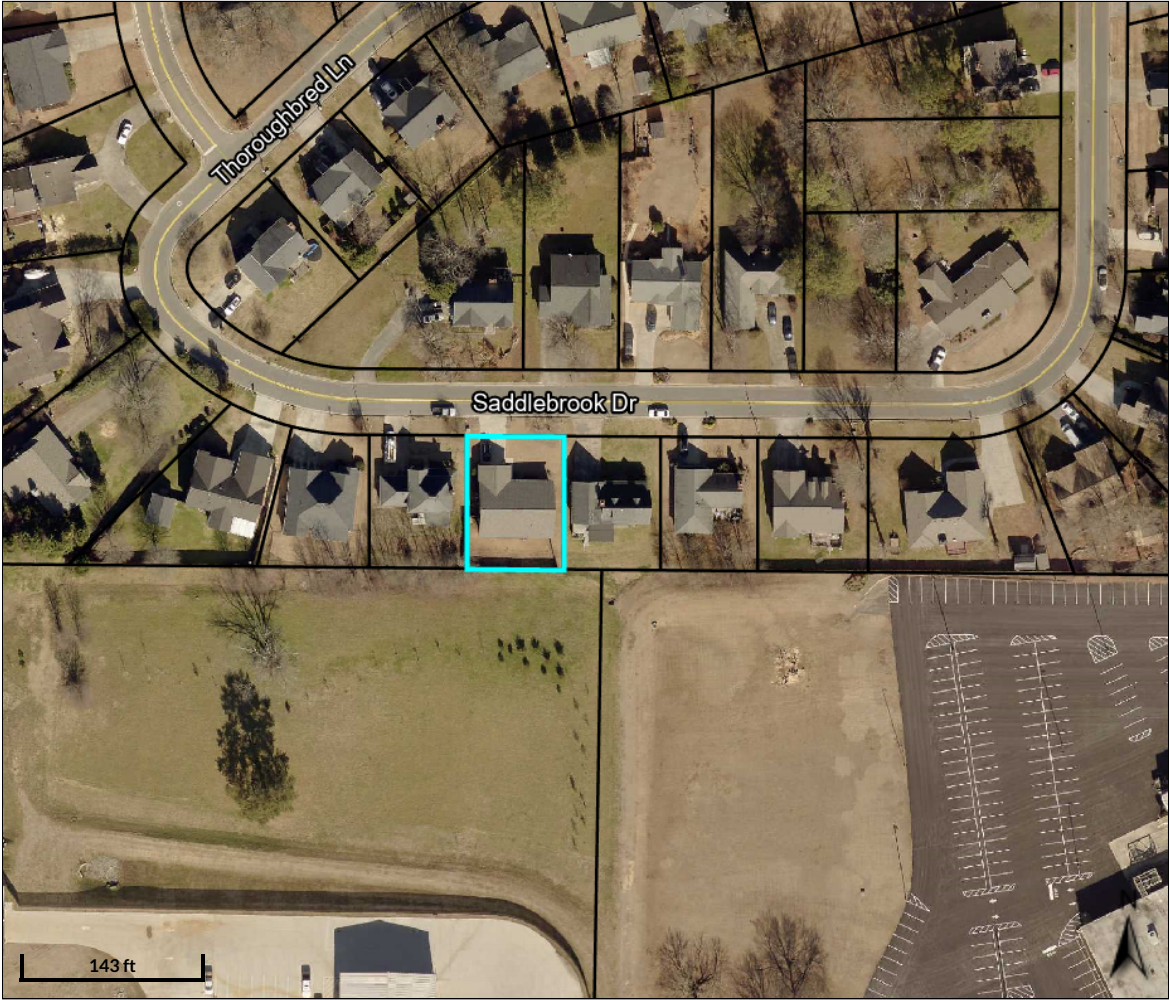
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create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

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

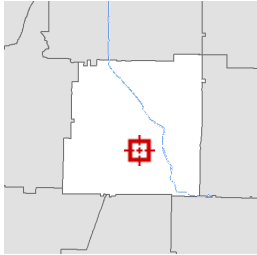
STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties, except to the rear, are zoned for residential and used for that purpose. The property to the rear is zoned P-I and contains the City's Gas Department.
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 extend living space in the existing home.
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.*
It is possible that this project could adversely affect drainage to the rear of the lot.
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.



Overview



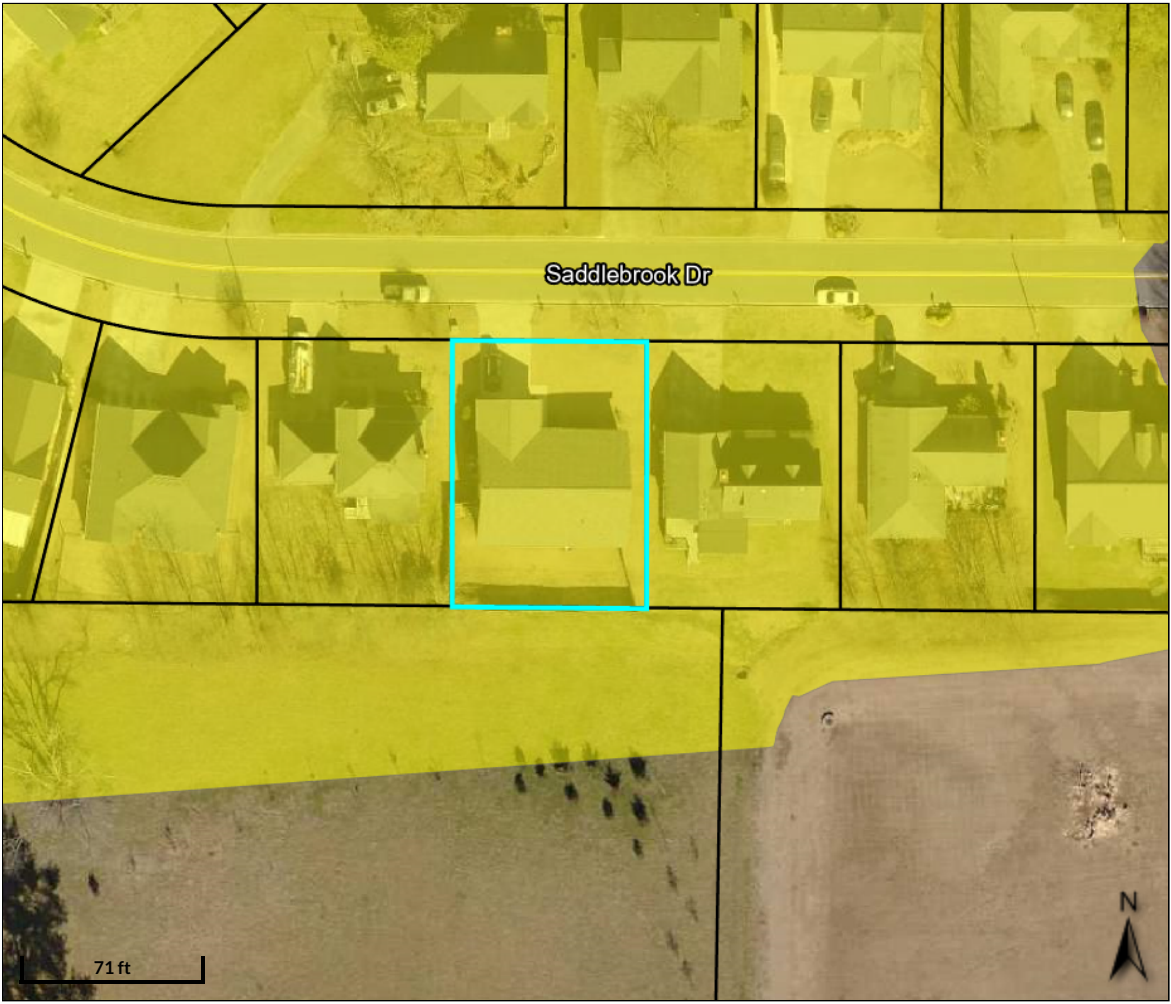
Legend

- Parcels
- Roads

Parcel ID	C020-0003-058	Alternate ID	34653	Owner Address	GAZAWAY SUSIE M
Sec/Twp/Rng	n/a	Class	Residential		709 S BARTOW ST
Property Address	26 SADDLEBROOK DR	Acres	0.17		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT 10 ERWIN DOWNS LL 598 LD 4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/29/2023
 Last Data Uploaded: 8/28/2023 9:01:49 PM

Developed by Schneider
 GEOSPATIAL



- Legend**
- Parcels
 - Roads
 - Flood Hazard Area**
 - Bartow Regulatory
 - FEMA

Parcel ID	C020-0003-058	Alternate ID	34653	Owner Address	GAZAWAY SUSIE M
Sec/Twp/Rng	n/a	Class	Residential		709 S BARTOW ST
Property Address	26 SADDLEBROOK DR	Acreage	0.17		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT 10 ERWIN DOWNS LL 598 LD 4				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 8/2/2023
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Developed by **Schneider**
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 9-14-2023 5:30pm

Application Number: V23-20

Date Received: 7-7-2023

Applicant Lee Couch Office Phone _____
 (printed name)
 Address 26 Saddlebrook Drive Mobile/ Other Phone 770-324-4542
 City Cartersville State GA Zip 30120 Email lcouch92@gmail.com
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 _____ Email (Rep) _____
 Representative Signature _____ Applicant Signature Lee Couch
 Signed, sealed and delivered in presence of: My commission expires:
Danielle Graham DANIELLE GRAHAM
 Notary Public Bartow County
 State of Georgia
 My Comm. Expires 3/25/2026

* Titleholder Brooke & Lee Couch Phone 770-324-4542
 (titleholder's printed name)
 Address 26 Saddlebrook Dr. Cartersville, GA Email lcouch92@gmail.com
 Signature Brooke Couch Lee Couch
 Signed, sealed, delivered in presence of: My commission expires:
Danielle Graham DANIELLE GRAHAM
 Notary Public Bartow County
 State of Georgia
 My Comm. Expires 3/25/2026

Present Zoning District R-7 Parcel ID No. C020-0003-058
 Acreage .17 Land Lot(s) 598 District(s) 4 Section(s) 3
 Location of Property: 26 Saddlebrook Dr. Cartersville, GA 30120
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: _____
 Summary Description of Variance Request: To reduce the rear yard setback to 4' in order to construct a closet
and patio addition to the current dwelling.
 (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 6 Section 6.5 Subsection 6.5.3
 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: Lot is .17 acres. House current sits ~22' from the rear property line.
We would like to construct an 18'x16' closet addition as well as an 18'x36' covered patio area.
Based off the setbacks in the ordinance, the developable space is severely hindered.

81 SADDLEBROOK

S88°22'

<p>102.12'</p> <p>73.45'</p> <p>7.501</p> <p>SQ. FT.</p> <p>9</p> <p>01°37'55"W</p>	<p>102.12'</p> <p>73.45'</p> <p>25'</p> <p>7.501</p> <p>SQ. FT.</p> <p>10</p> <p>01°37'55"E</p>	<p>102.12'</p> <p>73.45'</p> <p>BUILDING</p> <p>7.501</p> <p>SQ. FT.</p> <p>11</p> <p>01°37'55"W</p>
---	---	--

N 88°22' 05" W 987'



John R. Knight

ERWIN DOWNS PHASE II

IN LAND LOTS 898 & 899, 4TH DISTRICT,
3RD CITY OF CARTERSVILLE,
BARTON COUNTY, GEORGIA.
DATE 5-03-88 CORSCALE 1"=80'
KNIGHT & KNIGHT LAND SURVEYORS.
REVISED 6-03-88

ROBERT DABBS & KATHY M. STRICKLAND

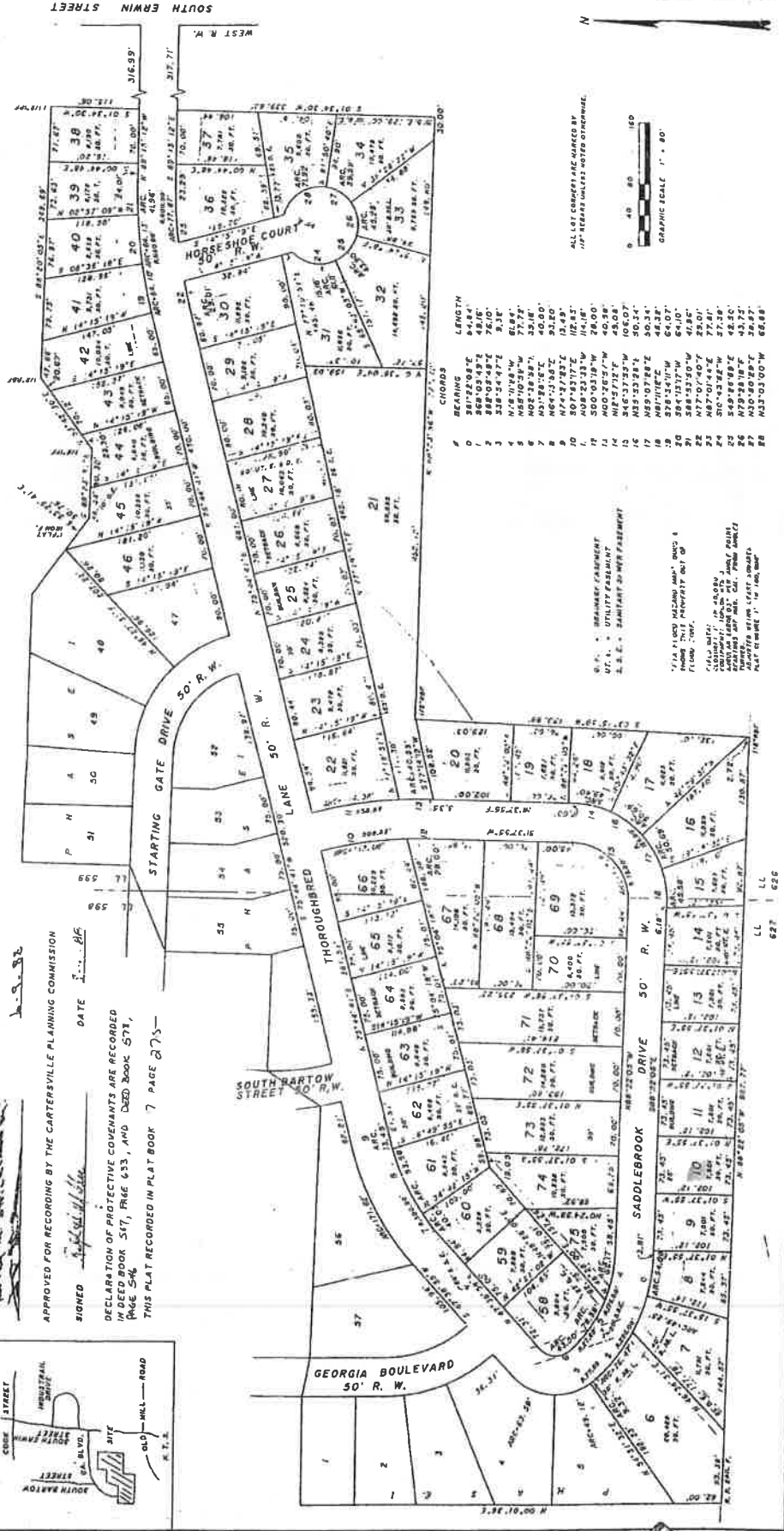
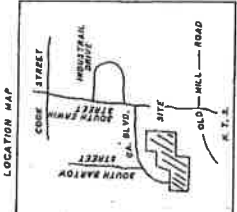
DEEDS, BARTON COUNTY
CLERK'S OFFICE, CARTERSVILLE,
GA.
RECORDED IN PLAT BOOK 7, PAGE 273

WE, THE UNDERSIGNED OWNERS OF THE ERWIN DOWNS SUBDIVISION HEREBY
DEDICATE AND / OR RESERVE FOR PUBLIC USE THE STREET RIGHT-OF-WAYS,
EASEMENTS, AND OTHER GRADING SHOWN ON THIS PLAT.

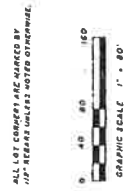
OWNERS
Robert Dabbs
DATE 6-9-88

APPROVED FOR RECORDING BY THE CARTERSVILLE PLANNING COMMISSION
SIGNED *[Signature]* DATE 3-1-88

DECLARATION OF PROTECTIVE COMMENTS ARE RECORDED
IN DEED BOOK 517, PAGE 633, AND DEED BOOK 571,
PAGE 54.
THIS PLAT RECORDED IN PLAT BOOK 7 PAGE 273-



CHORDS	BEARING	LENGTH
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ALL LOT CORNERS ARE MARKED BY
1/4" REBAR UNLESS NOTED OTHERWISE.

26 Saddlebrook Dr. – Variance Justification Letter

Lee Couch
26 Saddlebrook Dr.
Cartersville, GA 30120
June 30, 2023

Zoning Appeals Board
City Hall
10 N. Public Square
Cartersville, GA 30120

Subject: 26 Saddlebrook Dr. – Rear Setback Reduction Variance

Dear Board,

My wife and I are looking to construct a closet and covered patio addition to our dwelling located on 26 Saddlebrook Dr. The present house structure is 1,800 sf of conditioned space and the closet addition will add roughly 288 sf of conditioned space. The house is roughly 22 ft. from the rear property line of the lot, which is adjoining the rear property line of the Cartersville Gas Department building, and the current setback is 20 ft. We are proposing to construct a 18' D x 16' W closet addition and a 18' D x 36' W covered patio addition, which will require the 20 ft. setback to be decreased to roughly 5 ft. The lot was platted in 1988 as .17 acres, so we have 2 ft. of usable area to make an addition, which is practically no space.

Our backyard is small, and we virtually have no use for the space as it sits now. We would like to construct these additions in order to gain an incremental increase in the conditioned area but also to be able to give our back yard some use to us, all while not impeding onto any of our neighbor's properties. We feel as if this variance request will not be detrimental to the zoning ordinance as the addition will match the current elevation of the house (masonry and fiber cement siding) and will not be visible from the street (Saddlebrook Dr.). Once the addition construction is complete, we will install a 6 ft. privacy fence around the back yard property lines to be a buffer to our adjoining neighbors.

Search

Hunt Map Layers

Item 5.



26 Saddlebrook Dr.



83° 2 mph N

68

Navigation controls including a compass, zoom in (+) and zoom out (-) buttons, and a satellite view (Sat 2D) button.



Proposed 18'x36' covered patio area.

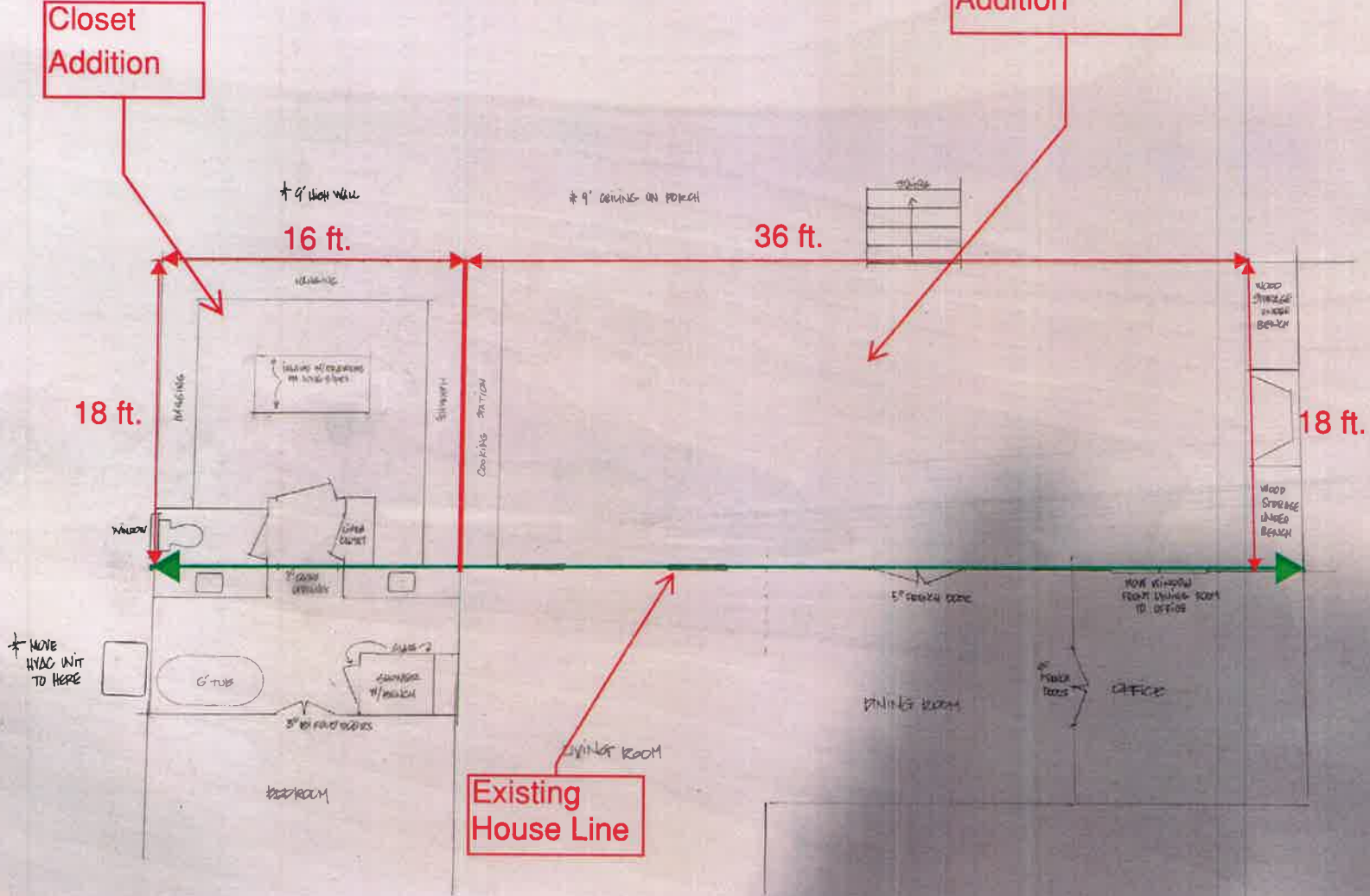
Proposed 18'x16' closet addition to current house.

- (3) SHEETS 3/4 PLYWOOD ROOF
- (96) SHEETS OF ROOF DECKING
- (12) 2x8 x 26' ROOF RAFTERS
- (120) (60) 2x8 x 16' RAFTERS JOIST
- (60) 2x8 x 16' FLOOR JOIST
- (140) 2x4 x 8' STUDS
- (700) sq. ft. FLOOR FLOOR

Closest Addition

Covered Patio Addition

Existing House Line



Saddlebrook Dr

C020-0003-056

C020-0003-057

C020-0003-058

C020-0003-059

C020-0003-060

11-598
D 04
S 3

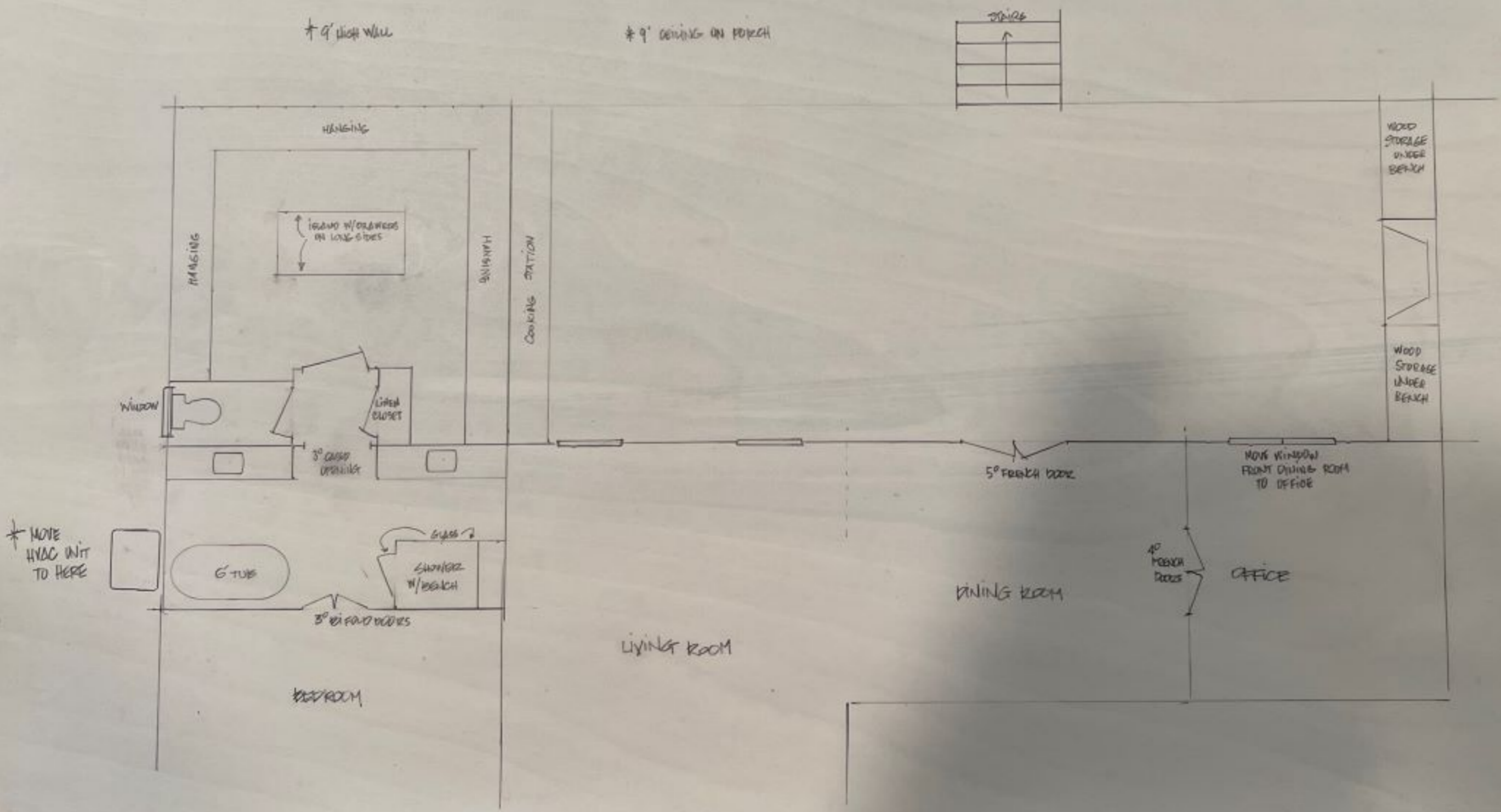


C020-0003-042

11-598
D 04
S 3

C020-0003-040

- (8) 6000 sq. ft. 3/4 FINISHED FLOOR
- (56) SHEETS OF ROOF DECKING
- (60) 2x8 x 26' ROOF RAFTERS
- (60) 2x8 x 16' CEILING JOIST
- (60) 2x8 x 16' FLOOR JOIST
- (140) 2x4 x 8' STUDS
- (700) sq. ft. PORCA FLOOR



Images Taken 8-29-23



Image Taken 8-29-23



Image Taken 8-11-23





BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	September 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-23. 429 W. Main St. Applicant: Bartow County Library System. Carmen Sims, Dir.
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow an accessory structure (performance patio) in the front yard of a corner lot.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

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

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: September 1, 2023
 Re: File # V23-23

Summary: To allow an accessory structure (performance patio) in the front yard of a corner lot.

Section 1: Project Summary

Variance application by applicant, Bartow County Library System, for property located at 429 W. Main St, zoned P-I (Public Institutional). Parcel ID No. C007-0002-003. Setbacks are Front-20ft. and Side- 10ft. Said property contains approximately 5.05 acres.

The applicant proposes to construct a 34ft. x 46ft. accessory structure (i.e. performance patio/patio) in the front yard near School Street. It will be sited just north of the grove of trees taking advantage of the large green space beside School Street. The patio will be a brick structure approximately 24in. in height at the corner closest to School St. and diminishing into grade closer to the library as determined by the sloping topography. Ramps will be provided on either side for access.

The patio will be located approx. 39ft from the back of the School St. sidewalk and aligned with a rear edge of the library building. The back of sidewalk is the approximate property line location. The patio is approx. 19ft. behind the 20ft. front yard setback.

A wooden arbor along the back side of the patio nearest the tree grove, approx. 8ft. in height, is shown on the elevation detail and plan for the patio, but this may be a design option. Clarification needed.

The zoning ordinance, Sec. 4.9, requires accessory structures to be in the side yard; however, parking lots for the library occupy the side yards.

The variance request is for the following:

1. To allow an accessory structure (performance patio) in the front yard of a corner lot.(Sec. 4.9, Accessory Structures)

Section 2. Department Comments

Electric Department: CES takes no exception to the variance case #V23-23.

Additionally, please note that any power needs that occur at the patio shall be supplied by the existing service to the library.

Fibercom: No comments received.

Fire Department: Takes no exception.

Gas Department: Takes no exception

Public Works Department: Takes no exception

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 8/17/2023.

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. 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.

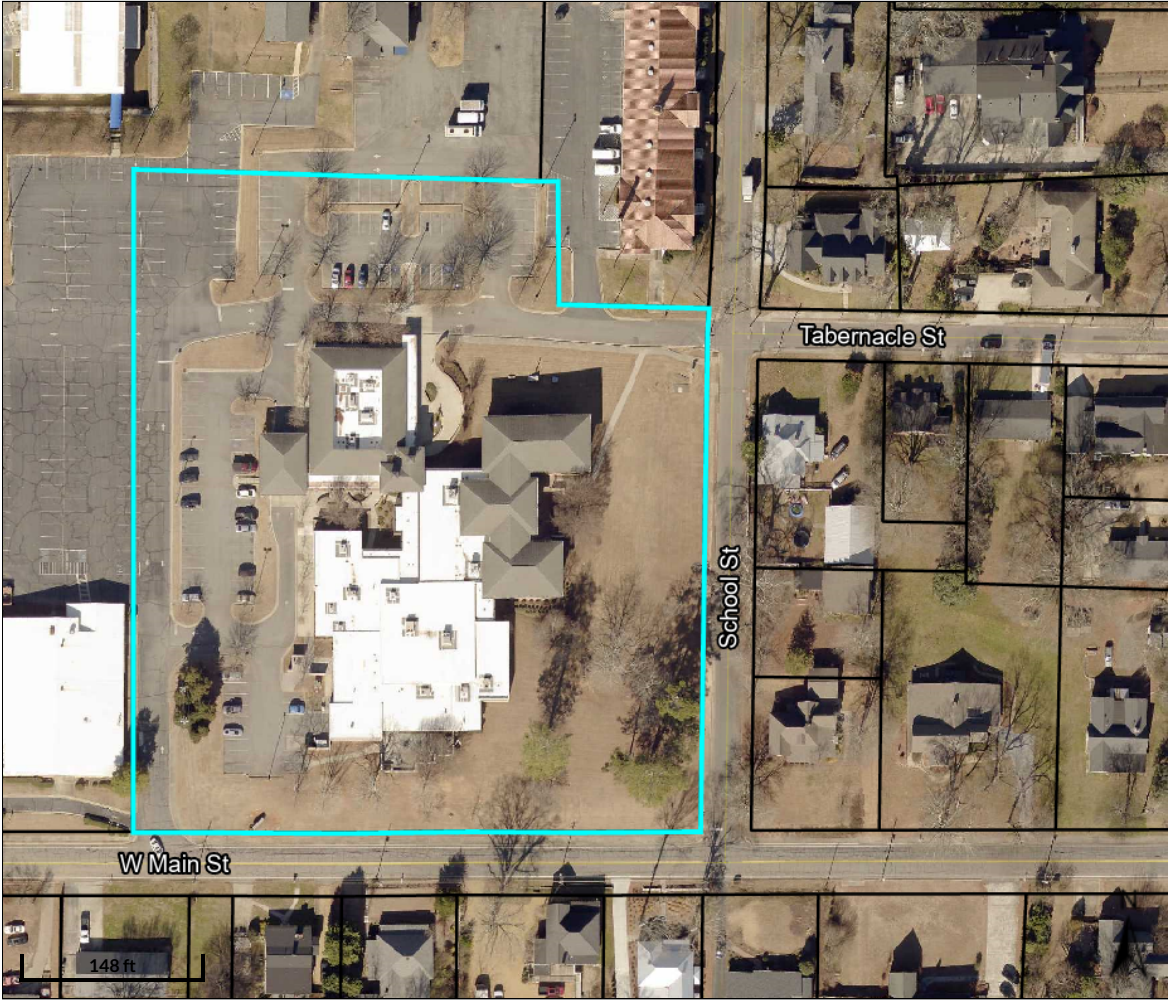
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create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

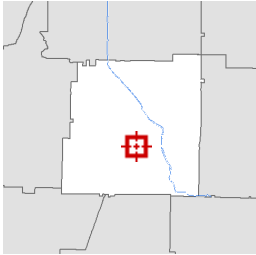
1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for residential and used for that purpose.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public would gain an event and educational space for planned library functions.
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 should not have an adverse effect on the existing use or usability of adjacent or nearby property. As this project has evolved over the last 12 months, neighbors have expressed concerns over the hours of use and programming for the space. This is a different issue than the variance request.
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.



Overview



Legend

- Parcels
- Roads
- Flood Hazard Area**
 - Bartow Regulatory
 - FEMA

Parcel ID	C002-0007-003	Alternate ID	32155	Owner Address	CITY OF CARTERSVILLE
Sec/Twp/Rng	n/a	Class	Exempt		PO BOX 1390
Property Address	429 W MAIN ST	Acres	5.05		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 484 D 4 Bartow County Public Library				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 9/6/2023
 Last Data Uploaded: 9/5/2023 9:01:54 PM

Developed by Schneider
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: ~~9/20/2022~~ **9-14-23**

5:30pm

Application Number: **V23-23**

Date Received: **9-20-22**

Applicant Bartow County Library System Office Phone 770-382-5657
(printed name)

Address 429 West Main St. Mobile/ Other Phone _____

City Cartersville State GA Zip 30120 Email carmen@bartowlibrary.org

Carmen Sims Phone (Rep) 770-382-5657, ext. 123
 Representative's printed name (if other than applicant)

 Email (Rep)

Carmen Sims _____
 Representative Signature

Signed, sealed and delivered in presence of: _____ My commission expires: 9-28-2024

Tiffany Dotson
 Notary Public



* Titleholder City of Cartersville Phone 770-387-5607
(titleholder's printed name)

Address 10 N Public Square Email _____

Signature _____

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

 Notary Public

Present Zoning District **P-I** Parcel ID **C002-0007-003**

Acreage **5.05** Land Lot(s) **484** District(s) **4** Section(s) **3**

Location of Property: 429 West Main St., Cartersville, GA 30120
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: _____

Summary Description of Variance Request: To allow an accessory structure in the front yard of a corner lot per Section 4.9 of the zoning ordinance.

(Additional detail can be provided on Justification Letter)

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

City of Cartersville * Planning and Development Department * 2nd Floor * 10 N. Public Square
Cartersville, GA 30120 * 770-387-5600 * www.cityofcartersville.org

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 Subsection 9

Article _____ Section _____ Subsection _____

Article _____ Section _____ Subsection _____

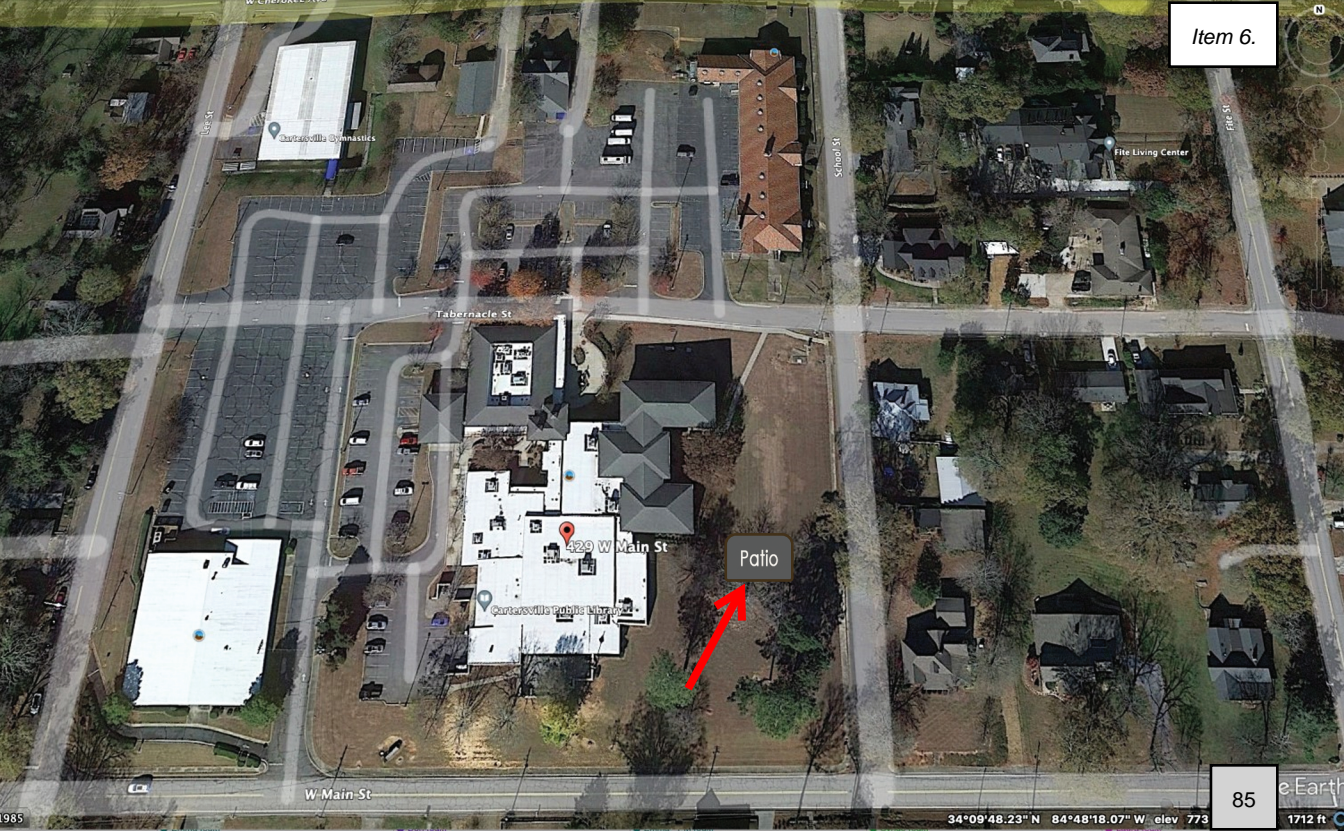
The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the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

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

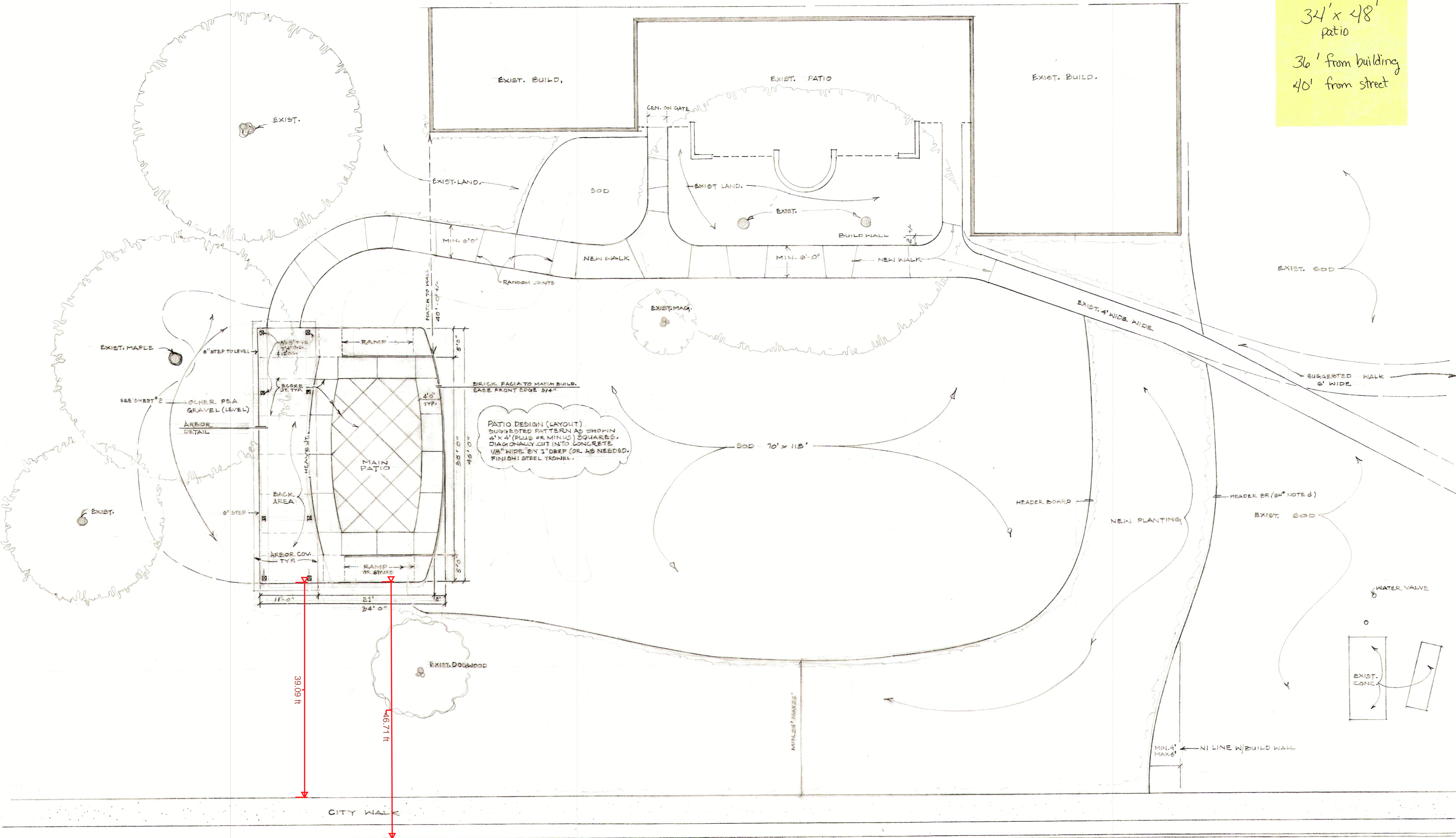
- 1. _____ The property is exceptionally narrow, shallow or unusually shaped,
- 2. _____ The property contains exceptional topographic conditions,
- 3. X The property contains other extraordinary or exceptional conditions; and
- 4. _____ There are other existing extraordinary or exceptional circumstances;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

Additional Comments by Applicant: to allow an accessory structure in the front yard of a corner lot per Section 4.9 of the zoning ordinance.

Item 6.



34' x 48' patio
36' from building
40' from street



PATIO DESIGN (LAYOUT)
 SUGGESTED PATTERN AS SHOWN
 4' X 4' (PLUS OR MINUS) SQUARES,
 DIAGONALLY CUT INTO CONCRETE,
 1/8" WIDE BY 1" DEEP (OR AS NEEDED),
 FINISH: STEEL TROWEL.

NORTH (APP.)
 PLAN SCALE 1" = 8'-0"

- GENERAL NOTES**
- 1. ARBOR: SEE ADDITIONAL SHEETS (C).
 - 2. CONCRETE: MIN. 3 1/2" DEEP, W/ 6x6 # WIRE & 2"x2" OC #4 BAR. (SEE SHEET C--)
 - 3. FOR FOOTING & CONCRETE BEAM DETAILS. NOTE, REAR AREA CONCRETE
 - 4. FINISH TO STEEL W/ LIGHT BROOM. ALSO RAMPS BOTH ENDS. MAIN PATIO STEEL TROWEL FINISH.

PHILIP ADLIN / PLANNER
 CARTERSVILLE, GA.
 770-234-8275 / philadlin@comcast.net

PERFORMANCE PATIO ART IN BARTOW
 CARTERSVILLE PUBLIC LIBRARY

DATE
 FEB 1 23
 SCALE
 1" = 8'-0"
 DR. BY
 PA
 SHEET NO.
 1
 1 OF 2



PERFORMANCE PATIO AREA
SCALE 1" = 4'-0" DEC / 22

DR & DESIGN PHILP ADLIN



View South to Performance Patio location on Library Property.





View West to Library from School St. sidewalk in front of Performance Patio location (left)



View north from Performance Patio location across greenspace



View West along W. Main St. at School St.



View West along W. Main St. at School St.

Image Taken 8-15-23

