



CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Thursday, February 08, 2024 at 5:30 PM

AGENDA

BOARD MEMBERS:

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

CITY CLERK:

Julia Drake

PLANNING DIRECTOR:

Randy Mannino

CITY PLANNER:

David Hardegree

CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. January 11, 2023

VARIANCE CASES

2. V24-07. 216 W. Main St. Applicant: Todd Adams

STAFF OR COMMITTEE COMMENTS

OTHER

The next meeting of the Board of Zoning Appeals will be March 14th. 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:	February 8, 2024
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	January 11, 2023
DEPARTMENT SUMMARY RECOMMENDATION:	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
LEGAL:	N/A

MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

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

ROLL CALL

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

APPROVAL OF MINUTES

1. December 14, 2023

Board Member McElwee made a motion to approve the minutes from December 14, 2023. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 5-0

VARIANCE CASES

2. V23-31: 709 S. Bartow St (TABLED) Applicant: Susie Gazaway *Variance: To reduce the side yard setback for construction of house addition/outdoor patio.*

Board Member McElwee made a motion to remove V23-31 from the table. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 5-0

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

The applicant has constructed an outdoor patio with roof as an addition to the home in the side yard. The addition is approximately 16x16 and is not attached to the home. This addition encroaches approximately 8.5ft into the side yard setback. The zoning ordinance section, Sec. 6.1., for the R-20 zoning district requires a side yard setback of 10ft.

The building department requested that fire rating material be used.

Chairman Pendley opened the public hearing.

Susie Gazaway, 709 S Bartow St, came forward to represent the application and stated that she was willing to adhere to the requirements of the fire rating material.

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

Board Member Clayton made a motion to approve V23-31. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 5-0.

3. V24-01: 252 Belmont Dr.**Applicant: Forestar Group, Inc.*****Variance: To allow a driveway to encroach a total of 948 square feet into the City's 25ft. impervious streambank buffer.***

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

Continuing, Mr. Arnold gave an overview of the case stating this was a variance Variance application for property located at 252 Belmont Drive and zoned R-10 (Single Family Residential). The property contains approximately 211 acres, which is planned for 330 residential lots known as "Parkside at Carter Grove Plantation".

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

Continuing, Mr. Hardegree reviewed the department comments stating all departments took no exception. However, Public Works would conditionally approve V24-01 if orange "Snow" fence that was made of 4-foot-high orange plastic fabric fencing stapled in 3 locations to 2x4 treated wood stakes set 6 feet on center be installed along the 50 undisturbed buffer indicated on plans to outline and protect the 50-foot undisturbed buffer area.

Chairman Pendley opened the public hearing.

David Stuart, 1266 Powder Springs Rd., Marietta, came forward to represent the application and to answer any questions from the board.

David Hardegree, Planning and Development Assistant Director, reviewed a public comment from Sue Wadsworth, sent via email and requested that her email be a part of the minutes. See Exhibit 'A'. Ms. Wadsworth was in opposition to the variance application.

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

Board Member Hudson made a motion to approve V24-01 to include the orange buffer to be installed per Public Works request. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

4. V24-02: 135 Douglas St.**Applicant: Blake Whiting*****Variance: To allow a 6 ft. privacy fence to be installed in the front yard of a double frontage lot.***

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Arnold stated this was a variance application by applicant, Blake Whiting, for property located at 135 Douglas St, zoned R-D Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.22 acres. The lot is a double frontage lot with frontages along Douglas St. and Ruby St.

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

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

Chairman Pendley opened the public hearing.

Blake Whiting, 135 Douglas St., came forward to represent the application.

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

Board Member Clayton made a motion to approve V24-02 with the condition that the fence be set back 10' from the curb line. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0

5. V24-03: 75 Jackson Farm Rd.

Applicant: Marlene Morgan

Variance: To allow a 6 ft. privacy fence to be installed in the front yard of a double frontage lot.

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Arnold stated this was a variance application by Marlene Morgan, for property located at 75 Jackson Farm Road, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.26 acres. The lot is a double frontage lot with frontages along Jackson Farm Rd., and Doubletree Path.

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

Chairman Pendley opened the public hearing.

Marlene Morgan, 75 Jackson Farm Rd., came forward to represent the variance application. She stated that she used Fox Fence Company and did not know that a variance was needed.

The public hearing was closed.

Board Member McElwee made a motion to approve V24-03. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 5-0

6. V24-04: 13 Jackson Farm Rd.

Applicant: Alvair Leno Krahembuhl

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

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Arnold stated this was a variance application by Alvair Krahembuhl, for property located at 13 Jackson Farm Road, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.24 acres. The lot is a double frontage lot with frontages along Jackson Farm Rd., and Doubletree Path.

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

Chairman Pendley opened the public hearing.

Alvair Krahembuhl, 13 Jackson Farm Rd., came forward to represent the application and stated that he used Sunshine Dreamscapes Restoration and stated he had HOA approval and was not aware that he needed anything further. Continuing, he apologized for the oversight.

The public hearing was closed.

Board Member Hudson made a motion to approve V24-04. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0

7. V24-05: 13 Rock Foot Way

Applicant: Paul Pena

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

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Arnold stated this was a variance application by Paul Pena, for property located at 13 Rock Foot Way, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.25 acres. The lot is a double frontage lot with frontages along Rock Foot Way., and Doubletree Path.

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

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

In closing, Mr. Arnold stated that Public Works would not support approval of a variance that encroached into the easement.

Chairman Pendley opened the public hearing.

Paul Pena, 13 Rock Foot Way, came forward to represent the application. He stated he used Summit Fence Company and is prepared to move the fence.

Lee Tuck, owner of Summit Fence Company, stated that he apologized and was not aware of the easement. Continuing, he stated he even had a survey done of the property that did not reference this easement. However, he is prepared to move the fence out of the easement at no charge to Mr. Pena.

The public hearing was closed.

Board Member Clayton made a motion to approve V24-05 with the condition that the fence is moved out of the easement within 30 days. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

8. V24-06: 124/126 Lee Street

Applicant: David Munisteri

Variance: Reduce lot area on two lots for construction of two homes.

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Arnold stated this was a variance application by David Munisteri for property located at 124 and 126 Lee Street, formerly known as 38 Walker Street and zoned R-7 (Single Family Residential). Said properties contain approximately 0.13 acres each.

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

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

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

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

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

134 Lee St: 3,300sf

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

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

In closing, Mr. Arnold stated that this case came before the Board of Zoning Appeals previously in November 2023 and was denied with a vote of 3-1. However, Mr. Munisteri wanted to reapply to see if he could receive a favorable outcome.

Chairman Pendley opened the public hearing.

David Munisteri, 25 Hastings Dr., came forward to represent the application and to express his desire to provide EarthCraft quality homes.

Sherri Jefferson, 117 Lee St., came forward to speak against this application due to traffic and narrow roadway.

Mr. Munisteri returned to the podium and stated that due to the lot sizes, he was unable to face a house and driveway toward Walker St.

Chairman Pendley called for a recess at 6:49pm until 7:00pm to allow Mr. Munisteri and Ms. Jefferson to attempt to come up with a resolution.

Chairman Pendley called the meeting back to order at 7:00pm.

Keith Lovell stated that Mr. Munisteri was requesting both driveways to be on Lee St. However, Ms. Jefferson was requesting one of the driveways to access from Walker St.

Ms. Jefferson returned to the podium and stated if access off of Walker Street was not feasible, she would be pleased as long as the driveways are not directly across from her driveway.

Mr. Munisteri stated he is willing to work with Ms. Jefferson to come up with a solution.

The public hearing was closed.

Board Member McElwee made a motion to approve the variance requested with the condition that one driveway access is off of Walker St. and one driveway access is off of Lee St. Board Member Clayton seconded the motion. Motion carried. Vote: 4-1 with Board Member Murphy in opposition.

With no other business to discuss, Board Member McElwee made a motion to adjourn at 7:11 P.M.

February 8, 2023
Date Approved

/s/ _____
Chairman

Exhibit 'A'

David Hardegree

From: Sue Wadsworth <suewadsworth@outlook.com>
Sent: Thursday, January 11, 2024 1:22 PM
To: David Hardegree
Subject: [EXTERNAL] January 11, Carter Grove / Wilson Variance

Follow Up Flag: Follow up
Flag Status: Flagged

My property directly adjoins the stream and property effected by this Variance. I know Carter Grove was sued by Tim Wilson for access. Obviously, this was the resolution to that suit.

The Notice Of Variance appears to refer to a decrease from 75' to 25' for the whole 211 acres. Which will void the existing Hydrology Study for Parkside, since a large protion of the property is included in the stream EPA setbacks. If you review the Hydrology Study that adjoins my property you will note that Forestar/Parkside has diverted stormwater runoff from hard surfaces to two retainage ponds (so 80 to 100 acres runoff going to one 6 ac.and an 11 ac. pond -BOTH of which then drain into a small creek) which runs the lenght of the east side of my property. This same creek is the one effected by this variance.

A couple of years ago I tried to negotiate a deal to get Emergency access on that side of my property, per the request of the State Forestry Service. This access was to allow me to remove an overgrowth of trees on the east side of the creek. The main reason the Forestry Service was concerned was the that after the Parkside development is completed there will be almost no access in case of a forest fire . I even offered to purchase a lot for an emergency entrance. Forestar, among other things, sited the restriction of the stream set back.

Setbacks are designed to protect our State Waterways. When it comes to Carter Grove, Parkside and Forestar the City of Cartersville seems to bend the rules for their convenience.

Their are several other places for this driveway even though they have already violated the rules and installed it.

Please reject the variance.

Sue Wadsworth

344 Dogwood Ln
 Hiram, GA 30141

Cell: 404-304-9040



Bartow County, GA

Map Search Sales Search More



GAZAWAY SUSIE H
 709 S BARTOW ST
 0.37 Acres Value \$369,500

View: [Report](#) | [Field Definitions](#)



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	February 8, 2024
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V24-07. 216 W. Main St. Applicant: Todd Adams
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to reduce the side yard setback and to allow a detached garage in the front yard of a multi-frontage lot.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

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

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: January 26, 2024
 Re: File # V24-07

Summary: To allow a detached garage in the front yard of a multi-frontage lot, and to allow encroachment into the side yard setback.

Section 1: Project Summary

Variance application by applicant, Todd Adams, for property located at 216 W. Main St., zoned R-7 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.40 acres. The lot is a multi-frontage lot with frontages along Etowah Dr., Tabernacle St., and W. Main St.

The applicant proposes to construct a detached garage in the location of an existing carport to the south of the home. The new structure will be located in the front yard along Etowah Dr., and encroach 3ft into the side yard setback.

The variance request is for the following:

1. To allow an accessory structure to be constructed in the front yard of a double frontage lot (Sec. 4.9).
2. To allow accessory structure to encroach 3ft into the side yard setback (Sec. 6.5.3).

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: No comments received.

Fire Department: V24-07- CFD has reviewed the variance application for the property located at 216 W. main St. to allow a garage to be located within the required setback by 3'. Though some risk to the public way exists, we feel the 3' setback reduction does not pose a significant risk and therefore, we take no exceptions to the request provided the structure is built as stated in the application.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 1/26/2024

Section 4. Variance Justification:

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

Sec. 4.9. 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. 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. *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.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater*

recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.

No adverse environmental impact is anticipated.

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

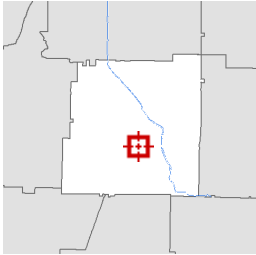
The proposed variance will not increase the burden to streets, transportation, or utilities.

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

There are no known conditions.



Overview



Legend

- Parcels
- Roads

Parcel ID	C002-0004-003	Alternate ID	32114	Owner Address	ADAMS THORNTON TODD & BURNELL LYNN
Sec/Twp/Rng	n/a	Class	Residential		216 W MAIN ST
Property Address	216 W MAIN ST	Acreage	0.4		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL483 LD4 216 W MAIN				
	(Note: Not to be used on legal documents)				

Date created: 12/18/2023
 Last Data Uploaded: 12/15/2023 9:06:05 PM

Developed by **Schneider**
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: Feb 8, 2024 **5:30pm**

Application Number: V2407
~~12/6/23~~

Date Received: 12/6/23

Applicant Thornton Todd Adams Office Phone _____
(printed name)
 Address 216 W Main St Mobile/ Other Phone 404.915.1156
 City Cartersville State GA Zip 30120 Email ttoddadams@yahoo.com
 Phone (Rep) _____
 Representative's printed name (if other than applicant) _____
 Email (Rep) _____
 Representative Signature _____
 Applicant Signature Thornton Todd Adams
 Signed, sealed and delivered in presence of: _____ My commission expires: 04/28/2024
 Notary Public Scarlett Goodner

* Titleholder Thornton Todd and Burnell L Adams Phone 404.915.1156
(titleholder's printed name)
 Address 216 W Main St, C'ville 30120 Email ttoddadams@yahoo.com
 Signature Thornton Todd Adams
Burnell L Adams
 Signed, sealed, delivered in presence of: _____ My commission expires: 04/28/2024
 Notary Public Scarlett Goodner

Present Zoning District R-7 Parcel ID No. C002-0004-003
 Acreage .371 Land Lot(s) 483 District(s) 04 Section(s) 3
 Location of Property: 216 W Main St, Cartersville, GA 30120
(street address, nearest intersections, etc.) Zoning Section(s) for which a variance is being requested: Section 4.2, paragraph 1
 Summary Description of Variance Request: To allow a detached garage in front yard of a multi-frontage lot. To reduce the setback distance to 5 ft.

(Additional detail can be provided on Justification Letter)

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

CONDITIONS VERIFICATION

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

Article	<u>4</u>	Section	<u>4.9</u>	Subsection	<u>Parag 1</u>
Article	<u>6</u>	Section	<u>6.5</u>	Subsection	<u>3C</u>
Article	<u> </u>	Section	<u> </u>	Subsection	<u> </u>

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

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

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

Additional Comments by Applicant: _____
 The lot is a multi-frontage lot that includes 3 front yards (Main St, Tabernacle, and Etowah Drive). The requested variance would permit us to place a garage "behind" the existing residential home and 5 feet from adjacent property line.

T. Todd Adams
 Burnell L Adams
 216 West Main St
 Cartersville GA, 30120

December 4, 2023

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

RE: Variance Letter

To Whom it May Concern,

We are the owners of the property at 216 West Main Street and wish to build a detached 2-car garage to house our vehicles and to provide additional general storage space.

We are seeking two variances as described below.

1. Variance to allow a detached garage in the front yard of a multi-frontage lot

Regulation: Section 4.9, paragraph 1:

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.

Requested variance: To construct the detached garage on the Etowah Drive side of the house using the existing driveway to Tabernacle Street.

Justification: The reasonable location for a garage is where the existing carport is located near the "back door" of the house. There is no room for a garage on the east or west sides of the house and the "architectural front" of the house faces West Main Street.

2. Variance to reduce the setback distance from 8ft to 5ft

Regulation: Section 4.9, paragraph 1.

Regulation: Section 6.5.3 Development Standards, Item C (R-7 Single-family dwelling district):

Side yard setback: Eight (8) feet.

Requested variance: To reduce the new structure setback from the neighboring property from 8ft to 5ft.

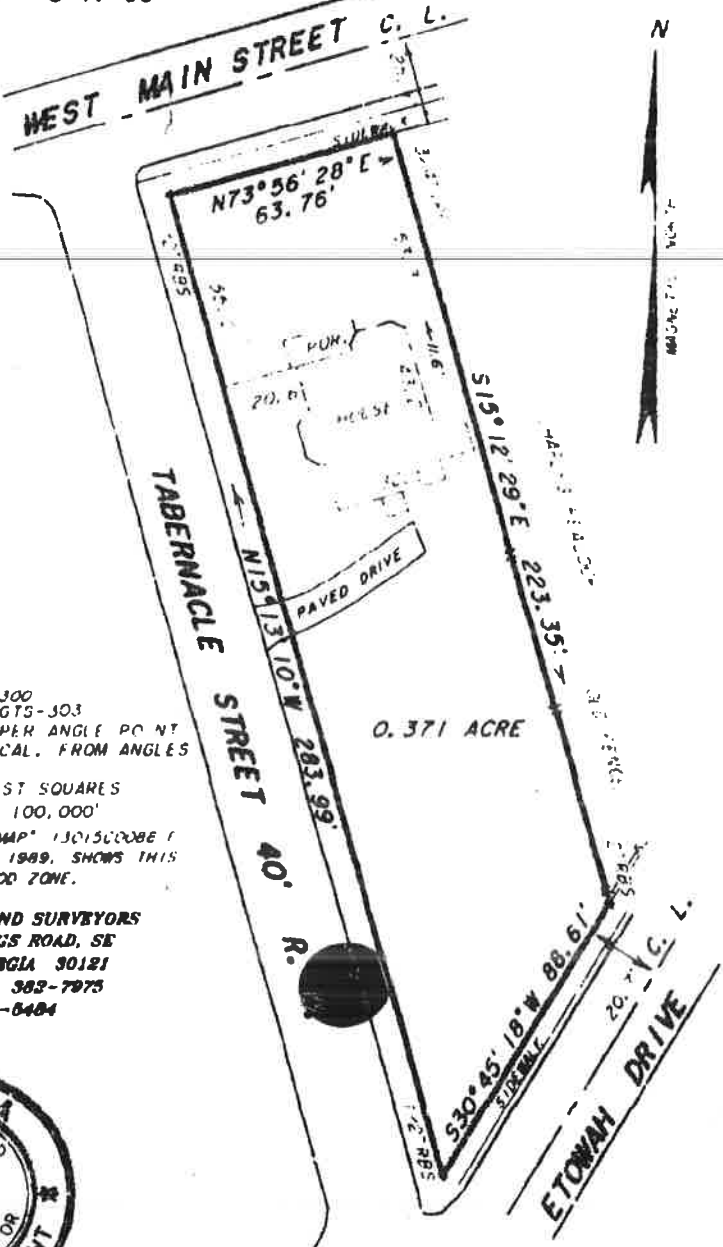
Justification: We would like the garage to be located as far from Tabernacle Street as possible while also aligning well with the primary home and the home's back door. Note that a portion of the existing home is 3.5ft from the adjacent property line, but we feel that a 5ft setback should suffice for this project.

Thank you for your consideration of our request,

T. Todd Adams
Burnell L Adams

SURVEYED FOR
THE ADAMS FAMILY LIVING TRUST,
DATED MAY 28, 1998
 IN LAND LOT 483, 4TH. DISTRICT, 3RD. SECTION,
 CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
 DATE 5-06-92 SCALE 1" = 40'
 REVISED 8-17-98

Book 92, 020353
 GEORGIA, BARTOW COUNTY
 CLERK'S OFFICE SUPERIOR COURT
 Filed for record this 25th day of May 1998
 Witness my hand and the seal of said Court
 this 19th day of May 1998
 JERRY W. WILSON, CLERK

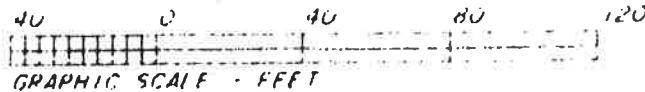


FIELD DATA:
 CLOSURE: 1" IN 29,300
 EQUIPMENT: TOPCON GTS-303
 ANGULAR ERROR: 06" PER ANGLE POINT
 BEARINGS ARE MAG. CAL. FROM ANGLES TURNED.
 ADJUSTED USING LEAST SQUARES
 PLAT CLOSURE 1" IN 100,000
 *FEMA FLOOD HAZARD MAP 130150008E1
 DATED SEPTEMBER 29, 1989, SHOWS THIS
 PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS
 172 ROWLAND SPRINGS ROAD, SE
 CARTERSVILLE, GEORGIA 30121
 TELEPHONE (770) 383-7975
 OR (770) 338-6404

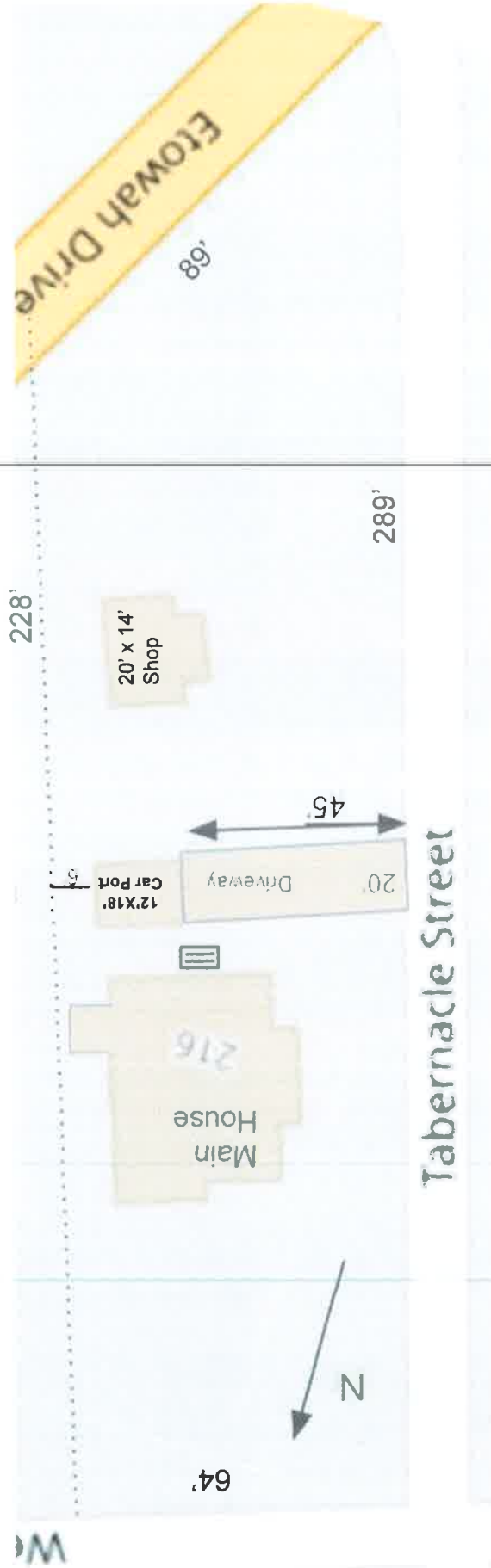


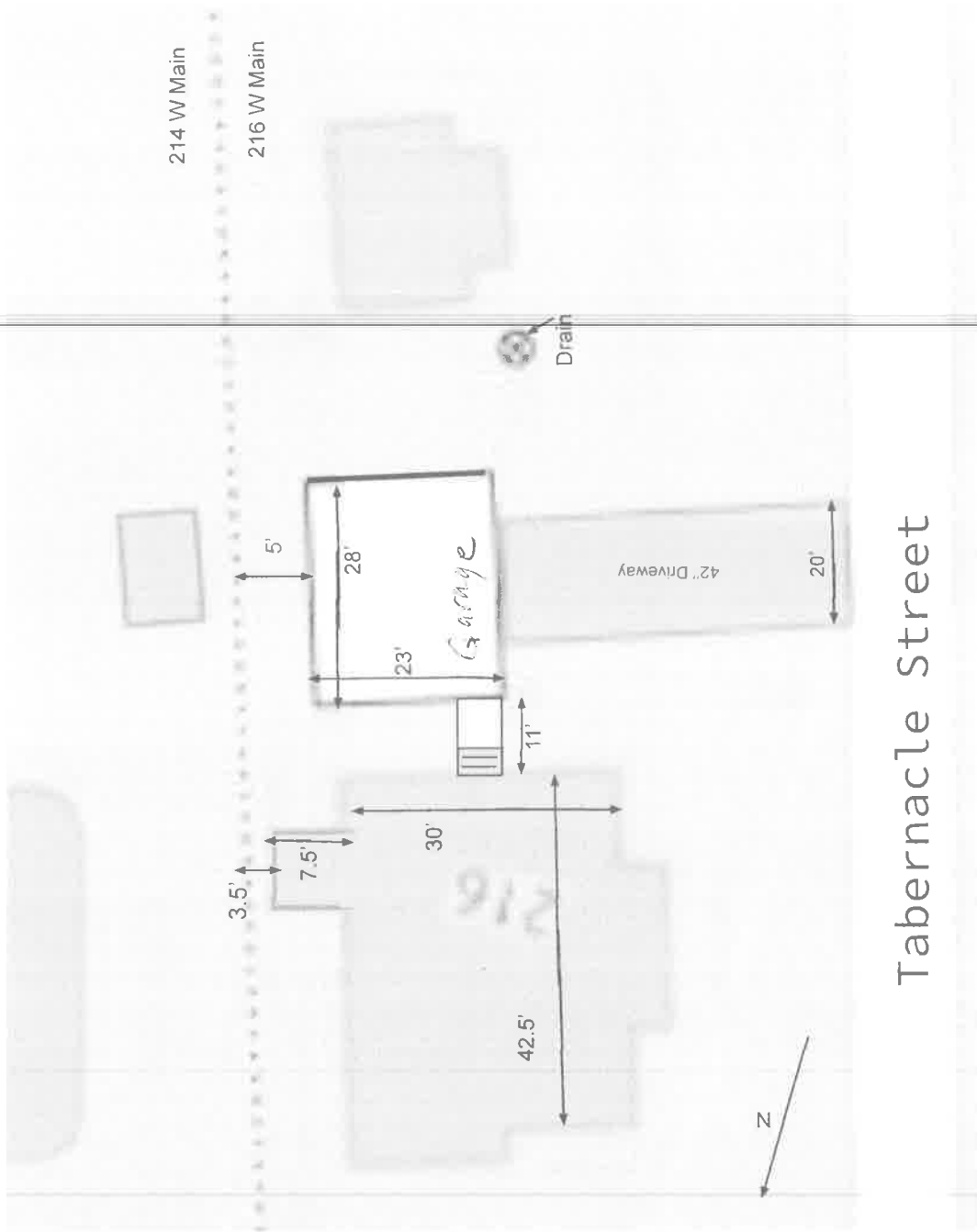
Johnny R. Knight



Lot: 483
Parcel: C002-0004-003
Acreage: .4

Existing Conditions - 216 W Main St





Proposed
216 W Main St

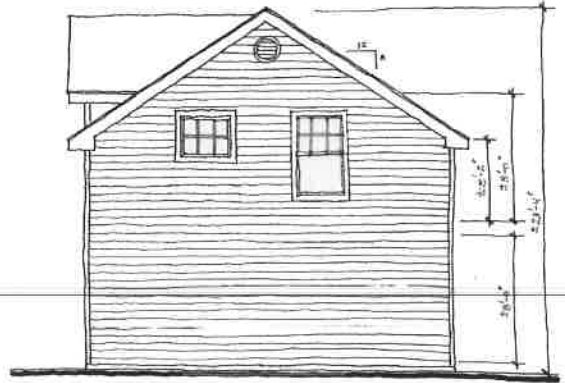
Main
Street
Side

Etowah
Drive
Side

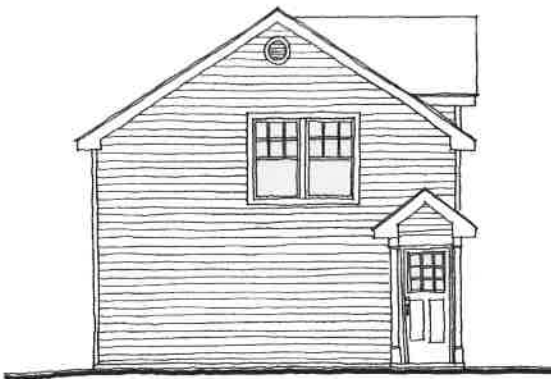
Tabernacle Street



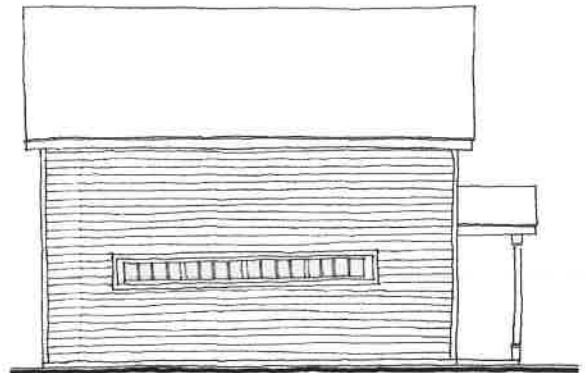
FRONT ELEVATION



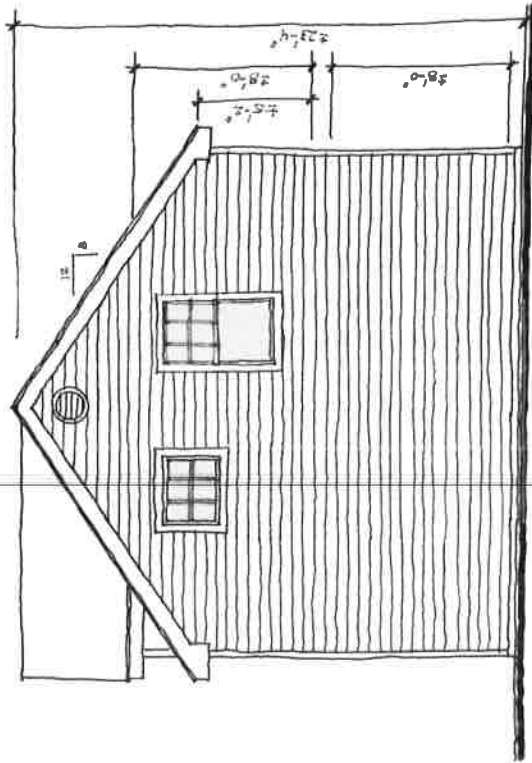
SIDE ELEVATION FACING COTTAGE



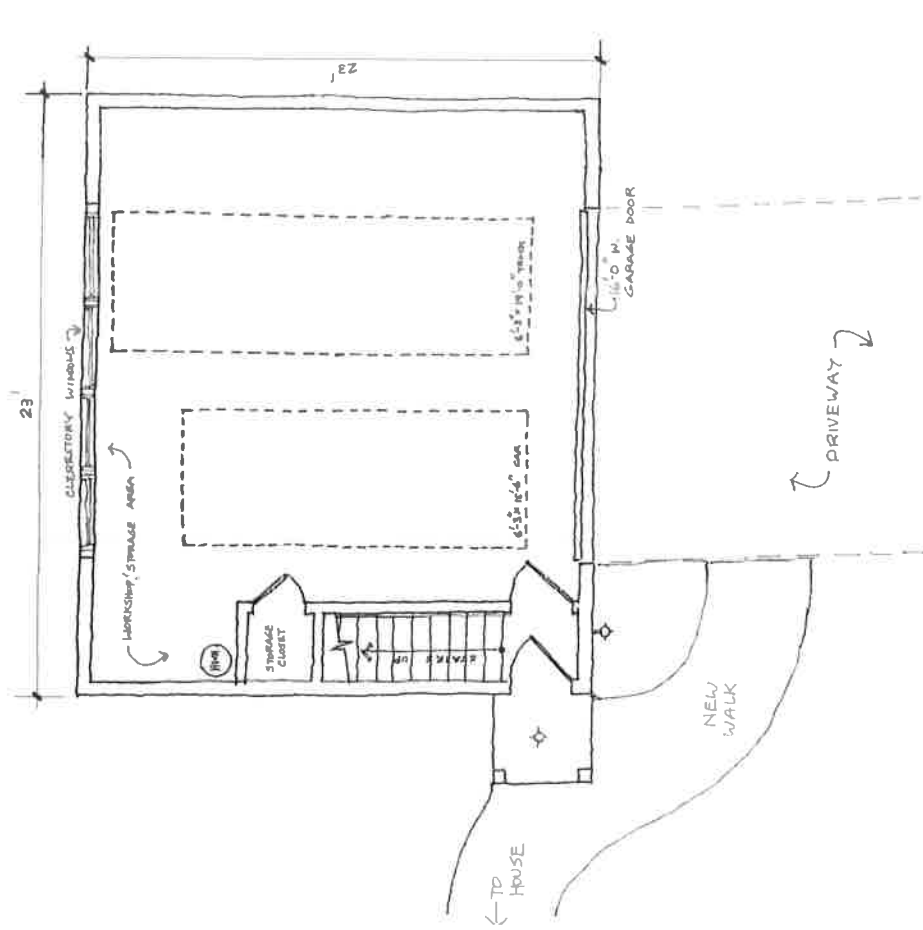
SIDE ELEVATION FACING HOUSE



REAR ELEVATION



SIDE ELEVATION FACING COTTAGE



FIRST FLOOR PLAN

