CARTERSVILLE BOARD OF ZONING APPEALS

Council Chambers, Third Floor of City Hall
Thursday, December 08, 2022 at 5:30 PM

## AGENDA

BOARD MEMBERS:
Lamar Pendley - Chairman
Linda Brunt
John Clayton
J.B. Hudson

Kevin McElwee
Malcolm Cooley
Patrick Murphy

## CALL TO ORDER

## ROLL CALL

## APPROVAL OF MINUTES

1. November 10, 2022

## VARIANCE CASES

2. V22-23. 21 \& 23 Ashwood Drive. Applicant: Kerley Family Homes

## STAFF OR COMMITTEE COMMENTS

## OTHER

The next meeting of the Board of Zoning Appeals will be January 12th, 2023

## OTHER

Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.
P.O Box 1390-10 N. Public Square - Cartersville, Georgia 30120

Telephone: 770-387-5616 - Fax 770-386-5841 - www.cityofcartersville.org

| SOARD OF ZONING APPEALS |  |
| :--- | :--- |
| ITEM SUMMARY |  |
| MEETING DATE: | December 8, 2022 |
| SUBCATEGORY: | Approval of Minutes |
| DEPARTMENT NAME: | Planning and Development |
| AGENDA ITEM TITLE: | November 10, 2022 |
| DEPARTMENT SUMMARY | The Board of Zoning Appeals Minutes have been uploaded for your <br> RECOMMENDATION: |
| review and approval |  |

## THE CARTERSVILLE BOARD OF ZONING APPEALS

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on November 10, 2022, in the Council Chambers.

Prior to the meeting beginning, Board Member McElwee made a motion to appoint Board Member JB Hudson as the acting chair in the absence of Chairman Pendley and Vice-Chair Brunt. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 3-0

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

## ROLL CALL

## APPROVAL OF MINUTES

## 1. Approval of Minutes: October 13, 2022

Acting Chair Hudson called for a motion on the October 13, 2022 BZA meeting minutes. Board Member McElwee made a motion to approve the minutes. Motion was seconded by Board Member Murphy and carried unanimously. Vote: 3-0

## VARIANCE CASES

## 2. V22-21: 768 West Ave <br> Applicant: Dr. Justin Gusching <br> Variance: To decrease the required 20ft. buffer for a portion of the office-commercial property.

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 explaining the applicant wishes to construct a new addition to the east side of the existing structure. The addition will be approx. 1350sf. The addition is approx. 33 ft . in width at the front and can be constructed to or outside the 10 ft side yard building setback. The eastern wall is approx. 48 ft . in length and parallel to the eastern property line. The addition will encroach into the required landscape buffer along the eastern property line. The buffer is required because of the adjacent residential zoning and land use for 766 West Ave (766).

Currently, there is a drainage ditch, several Leyland Cypress' that form a screen and an 8 ft privacy fence along the eastern property line. The fence is very near, if not installed, on the property line and owned by the adjacent (766) property owners. The ditch centerline seems skewed beginning on the applicants' property and ending on the (766) property. The drainage ditch appears to receive water from the onsite detention pond outflow pipe. The outflow pipe appears to be installed between the edge of the parking lot and property line. The L.
Cypresses near West Ave. are on the applicants' property.
The buffer encroachment is only for 48 ft of the 268 ft . length of the eastern property line.
The zoning regulation for which relief is sought is Zoning Ord. Chapter 26, Sec. 9.5.3(H):

Acting Chair Hudson opened the public hearing.

Justin Gusching, 768 West Ave., applicant, came forward to represent the application and answer any questions from the board.

Tammy Hoy, 766 West Avenue, came forward and stated she had no objections to the variance request but would like to see more of a buffer.

Derek Geldhauser, 762 West Ave., came forward and stated he had no objection to the addition but would like to see more of a buffer added to give more privacy for their pool.

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

Keith Lovell, Assistant City Attorney, asked the applicant if any additional lighting would be added to cause a nuisance for the neighbors to which Mr. Gusching stated that no additional lighting would be added.

Acting Chair Hudson reopened the public hearing for another comment from the audience.
Meredith Geldhauser, 762 West Ave., came forward and stated that her and her husband have a private pool and where the addition is being proposed, you can see straight into their yard and would like to see more of a buffer.

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

Board Member McElwee made a motion to approve V22-21 based on review by the City Engineer to ensure that the drainage issue is addressed. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 3-0
3. V22-22: 100 Cherokee Ave.

Applicant: White and Choate Attorneys Variance: To increase the height and area of a new freestanding sign.

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 explaining the applicant proposes to install a new freestanding sign in the same location as the previous freestanding sign for the business. The sign will be located in the parking lot and is not required to be at least 5 ft from the property line per the DBD sign ordinance.

The proposed sign will be 7.4 feet in height including the base, and have 31 square feet of sign area. The DBD sign ordinance allows freestanding signs to be no taller than 6 feet and no larger than 24 square feet.

The HPC will review the same application on Tuesday, November 15, 2022.

Acting Chair Hudson opened the public hearing.
Tim Gilstrap, 5 Gilmer St, owner of New Beginning Signs came forward to state that his company had been contracted to install the sign. Furthermore, he is looking to add more positive signage to the downtown area.

Harry White, 100 W . Cherokee St., came forward to answer any questions from the Board Members.

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

Board Member Murphy made a motion to approve V22-22. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 3-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 5:58 P.M.

December 8, 2022
Date Approved
/s/
Chair

| ITE BOARD OF ZONING APPEALS |
| :--- | :--- |
| ITEM SUMMARY |

P.O. Box $1390 \cdot 10$ 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: December 1, 2022
Re: File \# V22-23

## Summary: To allow encroachment into the City's impervious and undisturbed stream bank buffer

## Section 1: Project Summary

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

The applicant wishes to construct homes on these lots that will encroach into the City's 25 ft . impervious streambank buffer and the 25 ft . undisturbed vegetative streambank buffer. No encroachment is proposed in the twenty-five foot ( 25 ft ) State streambank buffer.

The proposed encroachment at 21 Ashwood Drive includes 422 square feet of the home constructed in the impervious streambank buffer, and 297 square feet of disturbance in the undisturbed streambank buffer.

The proposed encroachment at 23 Ashwood Drive includes 178 square feet of the home constructed in the impervious streambank buffer, and 182 square feet of disturbance in the undisturbed streambank buffer. The applicant proposes to construct a rain garden as the mitigation solution for each property. This approach has never been presented as a mitigation solution to an encroachment.

All downspouts are proposed to be piped to the rain garden.

## Property Summary:

## 21 Ashwood Drive`

Total buffer encroachment: 719sf.
Total proposed rain garden area: 118sf
Total Area draining to rain garden: 2800sf approx. measured per submitted plans.
*Applicant measured area per plans: 1995sf
Rain Garden area requirement based on drainage area: 130-186sf (per sizing table on mitigation plan)

## 23 Ashwood Drive

Total buffer encroachment: 360sf.
Total proposed rain garden area: 187sf
Total Area draining to rain garden: 4600sf approx. measured per submitted plans.
*Applicant measured area per plans: 2084sf
Rain Garden area based on drainage area: 208-290 sf (per sizing table on mitigation plan)

The mitigation plan required by City ordinance may be satisfied by the rain garden plans; however, the proposed rain gardens are smaller in area than the minimum provided in the sizing table.

The development regulations for which relief is sought is 7.5-205 (a)(1) and 7.5-205 (a)(2).

## The variance request is for the following:

1. For 21 Ashwood Drive, allow the home to encroach into the impervious and vegetative streambank buffers for approx. 719sf; and
2. For 23 Ashwood Drive, allow the home to encroach into the impervious and vegetative streambank buffers for approx. 360sf.

## Proposed Conditions:

If the BZA supports the rain garden mitigation plans as provided, Planning and Development staff recommend the following conditions for each site. The conditions allow additional time to address engineering concerns:

1) The rain garden mitigation plans are to be approved by the city engineer and in conjunction with the review of the Tertiary Plans;
2) The approved rain garden mitigation plans are to be recorded for each parcel;
3) The approved rain garden mitigation plans are to be included with a Stormwater Maintenance Agreement to be approved by the City; and
4) Items 1-3 are to be completed prior to issuance of a Certificate of Occupancy.

## Section 2. Department Comments

## Electric Department: Not in Service Area

Fibercom: Not in Service Area

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

Water Department: No comments received
Public Works Department: See attached comments below.

## Section 3. Public Comments Received by Staff

11/21: General Inquiry. Adjacent neighbor.

## Section 4. Variance Justification

Please review the following findings, as stated in the Development Regulations, that are to be utilized in determining justification for approval or denial of variance request(s).
A. Sec. 7.5-205. - Land development requirements.
(a) Buffer and setback requirements. All land development activity subject to this article shall meet the following requirements:
(1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
(2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
(3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.
(b) Variance procedures. Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:
(1) Where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land development consistent
with this article, and the City of Cartersville finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the board of appeals (BA) of the City of Cartersville may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
(2) Except as provided above, the BA of the City of Cartersville shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the BA. The City of Cartersville shall give public notice of each such public hearing in a newspaper of general circulation within the city. The City of Cartersville shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:
a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted.
b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.
(3) At a minimum, a variance request shall include the following information:
a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
d. Documentation of unusual hardship should the buffer be maintained;
e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
f. A calculation of the total area and length of the proposed intrusion;
g. A stormwater management site plan, if applicable; and
h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
(4) The following factors will be considered in determining whether to issue a variance:
a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
b. The locations of all streams on the property, including along property boundaries;
c. The location and extent of the proposed buffer or setback intrusion; and
d. Whether alternative designs are possible which require less intrusion or no intrusion;
e. The long-term and construction water-quality impacts of the proposed variance;
f. Whether issuance of the variance is at least as protective of natural resources and the environment.
(Ord. No. 52-06, 8-3-06)

David Hardegree

| From: | Wade Wilson |
| :--- | :--- |
| Sent: | Wednesday, November 23, 2022 9:59 AM |
| To: | Zack Arnold |
| Cc: | David Hardegree; Tommy Rozier; Lynn Gayton |
| Subject: | RE: V22-23 Application |

Zack,
In response to the buffer variance requests for 21 and 23 Ashwood Drive:
We understand the need for a variance, as this property was platted prior to the adoption of our stream buffer ordinance in August of 2006. We do not disagree on the fact that the buffer requirements, along with the topography, make these lots more difficult to develop. It appears that the options for house development would be as follows:

1. Reduce the house size and limit the rear yard.
2. Apply for a front setback variance, which would present potential parking issues.
3. Apply for the stream buffer variance that has been applied for.

Option \#3 is the approach the builder is taking. This variance would allow for some disturbance in a very steep and delicate buffer area, which is typically not suggested. Extreme protection and stabilization would need to occur if this variance is granted. The mitigation that is suggested is a rain garden. These stormwater BMP's (Best Management Practice) need extensive design before installation.

Below you will see a guidance document for rain garden designs:

## CONSTRUCTION STEPS:

1. Locate rain garden(s) where downspouts or driveway runoff can enter garden flowing away from the home. Locate at least 10 feet from foundations, not within the public right of way, away from utility lines, not over septic fields, and not near a steep bluff edge.
2. Measure the area draining to the planned garden and determine required rain garden surface area from the table on the next page and your planned excavation depth.
3. Optionally, perform infiltration test. If the rate is less than $0.25 \mathrm{in} / \mathrm{hr}$ an underdrain will be necessary. If the rate is more than $0.50 \mathrm{in} / \mathrm{hr}$ the size of the garden may be decreased $10 \%$ for every $0.50 \mathrm{in} / \mathrm{hr}$ infiltration rate increase above $0.50 \mathrm{in} / \mathrm{hr}$.
4. Measure elevations and stake out the garden to the required dimensions insuring positive flow into garden, the overflow elevation allows for six inches of ponding, and the perimeter of the garden is higher than the overflow point. If the garden is on a gentle slope a berm at least two feet wide can be constructed on the downhill side and/or the garden can be dug into the hillside taking greater care for erosion control at the garden inlet(s).
5. Remove turf or other vegetation in the area of the rain garden. Excavate garden being careful not to compact soils in the bottom of the garden. Level bottom of garden as much as possible to maximize infiltration area.
6. Mix compost, topsoil, and some of the excavated subsoil together to make the 'amended soil'. The soil mix should be $1 / 3$ compost, $2 / 3$ native soil (topsoil and subsoil combined).
7. Fill rain garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2 " of mulch. The surface of the rain garden should be as close to level as possible.
8. Build a berm at the downhill edge and sides of the rain garden with the remaining subsoil. The top of the berm needs to be level, and set at the maximum ponding elevation.
9. Plant the rain garden using a selection of plants.
10. Mulch the surface of the rain garden with two to three inches of non-floating organic mulch. The best choice is finely shredded hardwood mulch. Pinestraw is also an option.
11. Water all plants thoroughly. As in any new garden or flower bed, regular watering will likely be needed to estal plants during the first growing season.
12. During construction build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. Use of an impermeable liner under the rocks at the end of the swale near the house is recommended to keep water from soaking in at that point. Test the drainage of water from the source to the garden prior to finishing. 13. Create an overflow at least 10 feet from your property edge and insure it is protected from erosion.

As shown in the guidance document, there is a lot of design standards to be considered. As submitted, it was noticed that very little detail or design has been provided for these rain gardens. At this time, these plans do not give our staff confidence that this BMP can be constructed as shown. We would prefer additional design and a maintenance plans and schedule submitted prior to approving the Tertiary Plans that have been submitted. This could lead to an alternative variance need. However, we cannot respond to this need until additional design is provided. Also, a stormwater maintenance agreement would be needed to be recorded prior to a certificate of occupancy (CO) on either house.

Thanks,

Thanks,

## Wade Wilsan

Wade Wilson, PE, CFM
City Engineer

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


From: Zack Arnold [zarnold@cityofcartersville.org](mailto:zarnold@cityofcartersville.org)
Sent: Thursday, November 10, 2022 4:20 PM
To: Wade Wilson [wwilson@cityofcartersville.org](mailto:wwilson@cityofcartersville.org)
Subject: V22-23 Application

I got your message. The application is attached. The link is reposed below. Let me know if that one doesn't work.

## Link

V/R,
Zack Arnold

GENERAL NOTES
ownerbulloer: KERLEY FAMLY HOMES
3957 SOUTH MAIN STREET
ACWORTH, GEORGIA 3010
DAVE MERRLLL
$770-367-0411$
engineersurveyor:
FALCON DESIGN CONSULTANTS
235 CORPORATE CENTER DRIVE
LLC
 PH. $7770-39-8666$
FAX $70-389-8656$
4. THE PURPOSE O O THIS PAA IS TO SHOW THE
MEASURES THATNEET TO BE INSTALLLDO N


 HE DISTURBED AREA AS WELL ENHANCE TH
WATER QUALITY OFSTORMWATER RUNOFF

CONTRACTOR SHALL VERIFY ALL CONDITIINS AND DIMENSIONS BEFOR
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6. THE CONTRACTOR SHAL COORDINATE ANY AND ALL UTLITY
RELOCATON WTH THE APPROPRIATE UTLITY COMPANY PRIOR TO THE START OF ANY UTLITYY WORK.
 63, PAGE 98 OF BARTOW COUNTY RECORDS
8. TOPOGRAPHIC INFORMATION S
FALCON DESIGN CONSULTANTS.
9. ACCORDING TO THE F.I.R.M. OF BARTOW COUNTY, PANEL NUMBER
13015co355G, DATED 100512018 , THIS LOT IS NOT LOCATED IN A SPECIAL $13015 C 035 G G$ D DAEE 10
FLOOD HAZARD RREA.
10. A COPY OF THESE PLANS ARE TO BE KEPT ON SITE DURING THE
DURATON OF THE PROJECT.
 TAX ID: LOT J1380 \#21 ASHWOOD DRIVE IMPERVIOUS AREA: COT J1380: 1,995 SQ FT
RAIN GARDEN DETAILS


$\qquad$
NOTE: ALL DOWNSPOUTS TO BE PIPED
TO PROPOSED RAIN GARDEN.
TO PROPOSED RAIN GARDEN.


THE OWNERS CONTRACTOR WILL BE RESPONSIBLE OR INVESTIGATION/INSPECTION/REHABILITATION AN LOCATION OF ALL WATER SERVICE(S) INCLUDING METER BOX(S) \& SEWER STUB OUT PRIOR TO THE RESPONSIBE FOR ANY DAMAGESTO ANY WATER SERVICE(S)BOX(S) OR SEWER STUB OUT AT ANY TIME
"THE OPERATION AND MAINTENANCE OF THE STORM WATER MANAGEMENT FACILITIES AND ASSOCIATED CONVEYANCE STRUCTURES/PRACTICES(i.e.,detentention ponds, pipes not whin public right of way, inlets, outlets, riprap, ext) WILL BE SOL RESPONSIBILTY OF THE PROPERTY OWNER. THESE FACILITIES AND STRUCTURES SHALL BE KEPT CLEAR OF TRASH, DEBRIS, OR ANY OBSTRUCTIONS THAT WOULD
PREVENT PROPER FUNCTION OF THE DRAINAGE SYSTEM"

ownerbulloer:
KERLEY FAMLY HOMES
3957 SOUTH MAIN STREE
ACWORTH, GEORGIA 3010
DAVE MERRLL
$770-367-0411$
engineersurveyor:
FALCON DESIGN CONSULTANTS, LLC
235 CORPORATE CENTER DRIVE
 ${ }_{\text {PHAX }}^{\text {PHTO-389-8656 }}$
4. THE PURPOSE OF THIS PLAN IS TO SHOW THE





CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS BEFORE

 ULD BE CALCULATED OR REA
6. THE CONTRACTOR SHAL COORDINATE ANY AND ALL UTLITY
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FIINLLLAA FOOCARTER GROVE PATATITN, RECORDED IN PLAT BOOK 63, PAGE 98 OF BARTOW COUNTY RECORDS.
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ACCORDING TO THE FIIRM. OF BARTOW COUNTY, PANEL NUMBER

0. A COPY OF THESE PLANS ARE TO BE KEPT ON SITE DURING THE
OURATION OF THE PROJECT.


AIN GARDEN DETAILS


THE OWNERS CONTRACTOR WILL BE RESPONSIBLE OR INVESTIGATION/INSPECTION/REHABILITATION AND LOCATION OF ALL WATER SERVICE(S) INCLUDING METER BOX(S) \& SEWER STUB OUT PRIOR TO THE RESPONSIBLEFOR ANY DAMAGES TO ANY WATER SERVICE(S)BOX(S) OR SEWER STUB OUT AT ANY TIME
"THE OPERATION AND MAINTENANCE OF THE STORM WATER MANAGEMENT FACILITIES AND ASSOCIATED CONVEYANCE STRUCTURES/PRACTICES(i.e., detentention ponds, pipes not thin public right of way, inlets, outlets, riprap, ext) WILL BE SOLE RESPONSIBILTY OF THE PROPERTY OWNER. THESE FACILITIES AND STRUCTURES SHALL BE KEPT CLEAR OF TRASH, DEBRIS, OR ANY OBSTRUCTIONS THAT WOULD REVENT PROPER FUNCTION OF THE DRAINAGE SYSTEM"





## © qPublic.net ${ }^{\text {T" }}$ Bartow County, GA

Acreage 0.2

| District | Cartersville |
| :--- | :--- |
| Brief Tax Description | LTJ1380CARTER GROVE S/D PHISJ |
|  | (Note: Not to be used on legal documents) |



## Legend

$\square$ Parcels Roads
Cartersville Zoning

| AG |
| :---: |
| DBD |
| G-C |
| G-C* |
| H-I |
| H-I* |
| L-I |
| L-1* |
| M-U |
| M-U* |
| MF-14 |
| MF-14* |
| MN |
| O-C |
| O-C* |
| P-D |
| P-D* |
| P-I |
| P-S |
| P-S* |
| R-10 |
| R-10* |
| R-15 |
| R-15* |
| R-20 |
| R-20* |
| R-7 |
| R-7* |
| R-D |
| RA-12 |
| RA-12* |
| RSL |

## A qPublic.net ${ }^{\text {™ }}$ Bartow County, GA



Cartersville
Brief Tax Description

LT J1380 CARTER GROVE S/D PH I S J
(Note: Not to be used on legal documents)

Date created: 12/2/2022
Last Data Uploaded: 12/1/2022 10:34:58 PM
Developed by (S) Schneider

## City of Cartersville

## Application for Variance

Board of Zoning Appeals


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

City of Cartersville * Planning and Development Department * $2^{\text {nd }}$ 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_ 7.5-205 | Section (a) | Subsection (2) |
| :---: | :---: | :---: |
| Article $\quad 7.5-205$ | Section (a) | Subsection (1) |
| 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. $\qquad$ The property is exceptionally narrow, shallow or unusually shaped,
2. $\qquad$ The property contains exceptional topographic conditions,
3. $\qquad$ The property contains other extraordinary or exceptional conditions; and
4. $\qquad$ There are other existing extraordinary or exceptional circumstances; and
5. $\qquad$ 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:There are convenience the neighborhood HOA requires the proposed homes meet. Additionally with the combination of the buffers and the set back requirements it limits the location the proposed houses are able to sit on the lots; with the current setbacks/buffers the homes would need to be approximately $20^{\prime}$ in depth.

For these reasons mitigation an/or alternative plans are not possible and a variance is being requested.
** Storm water advised to wait to submit the ESPC plan until variance was approved.

## LIST OF ADJACENT PROPERTY OWNERS

(Not required if City mails public notices)

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

NAME

1. Kerley Family Homes J1378 25 Ashwood Drive
2. Kerley Family Homes J1369 22 Ashwood Drive
3. Kerley Family Homes J1368 20 Ashwood Drive
4. 
5. 
6. 
7. 
8. 
9. 
10. $\qquad$
11. $\qquad$
12. 
13. 
14. 
15. 

$\qquad$
$\qquad$

Attach additional names if necessary.
(Indicate property owned by the above persons on plat accompanying this application.)

To Whom It May Concern,
Kerley Family Homes has purchased the below lots in the Carter Grove Plantation Subdivision.
J1379 - 23 Ashwood Drive Cartersville GA 30120 and J1380 - 21 Ashwood Drive Cartersville GA 30120
We are requesting a variance to build on these two lots as the proposed homes will encroach on the additional impervious buffer as well as the limits of disturbance that is in effect due to a state water running through these lots.

For lot J1379 - The back right corner of the proposed home and the deck encroach a total of $13.1^{\prime}$ on the 25 ' impervious buffer. The limits of disturbance encroach on the 25 ' city buffer.

For lot J1380 - The back of the proposed home and the deck encroach a total of $18.2^{\prime}$ on the $\mathbf{2 5}{ }^{\prime}$ impervious buffer. The limits of disturbance encroach on the $25^{\prime}$ city buffer.

Thank you in advance for your consideration.


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









## IMAGES TAKEN

 11-18-22


