



CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Thursday, December 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. November 9, 2023

VARIANCE CASES

2. V23-30. 3 Carrington Dr. Applicant: Curtis Stiles
3. V23-31. 709 S. Bartow St. Applicant: Susie Gazaway

STAFF OR COMMITTEE COMMENTS

The next meeting of the Board of Zoning Appeals will be Thursday, January 11, 2024. 5:30pm.

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



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	December 14, 2023
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	November 9, 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 November 9, 2023, in the Council Chambers.

ROLL CALL

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

APPROVAL OF MINUTES

1. October 12, 2023

Board Member Hudson made a motion to approve the minutes from October 12, 2023. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

VARIANCE CASES

2. V23-25: Adjacent to 605 E. Main St. Parcel ID: C005-0004-002

Applicant: R.H. Ledbetter Properties, LLC.

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

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 was a variance application by R.H. Ledbetter Properties, LLC, for property located on E. Main St. (Parcel ID: C005-0004-002), zoned G-C, General Commercial. Said property contains approximately 1.93 +/- acres. The setbacks are 20ft front & rear, and 10ft sides. This site is currently undeveloped. The owner is intending to build a restaurant on the property.

The applicant is requesting the following variances.

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

Chairman Pendley opened the public hearing.

Joshua Cox, 280 Dodd Lane, Alpharetta, came forward and stated he was the civil engineer for the project and was available to answer any questions from the board.

Continuing, Mr. Hardegree gave an overview of the case stating this was a variance application by owner/applicant for property located at 26 Quail Run, zoned R-7 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.21 acres. The lot is a double frontage lot with frontages along Guyton St. and Quail Run.

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

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

The variance request is for the following:

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

Mr. Hardegree also stated that Public Works requires a 10' setback.

Chairman Pendley opened the public hearing.

Chereta Gordon, 26 Quail Run, came forward to represent the application and stated that there is foot traffic through her property and would like the fence to enhance safety and privacy.

With 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 V23-28 with the double gate and lock. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0 with Chairman Pendley voting.

6. V23-29: 124/126 Lee St.

Applicant: David Munisteri

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

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 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 the time of approval of any final plats.*

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

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

41 Walker St: 4,412sf
 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.

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

The variance request is for the following:

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

Chairman Pendley opened the public hearing.

David Munisteri, 25 Hastings Dr., came forward to represent the application.

Deloris Garnigan, 36 Walker St., came forward to speak against the application.

De'Asia Jefferson, 117 Lee St., came forward to speak on behalf of Marsha Underwood, who lives at 115 Lee St. In her statement, it was understood that Ms. Underwood is opposed to the application.

Dustin Garnigan, 36 Walker St, came forward to speak on behalf of Sherry Jefferson, who resides at 117 Lee St. In his statement, it was understood that Ms. Sherry Jefferson was opposed to the application.

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

Keith Lovell, City Attorney, made the comment that whether this variance application is approved or denied, houses can still be built on the lot to which all those that spoke against the application, understood.

Mr. Munisteri returned to the podium and stated that he had not spoken with any of the neighbors and were not aware of their concerns. However, he understands their concerns.

Board Member McElwee made a motion to approve V23-29. Board Member Hudson seconded the motion. Motion failed with a vote of 3-1 with Board Member Cooley in opposition.

Mr. Lovell stated that the Board of Zoning Appeals does require four votes to pass an application and without four votes, the application request is denied.

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:44 P.M.

December 12, 2023
Date Approved

/s/ _____
Chair



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	December 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-30. 3 Carrington Dr. Applicant: Curtis Stiles
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a house addition to encroach into the side yard setback.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

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

MEMO

To: BZA
From: Randy Mannino/David Hardegree/Zack Arnold
CC: Keith Lovell
Date: November 28, 2023
Re: File # V23-30

Summary: To reduce the side yard setback for construction of house addition/greenhouse.

Section 1: Project Summary

Variance application by owner/applicant Curtis Stiles for property located at 3 Carrington Dr., zoned R-10 Residential. Setbacks are Front and Rear- 20ft and Side- 10ft. Said property contains approximately 0.37 acres.

The applicant has partially constructed a greenhouse as an addition to the home in the side yard. The greenhouse addition is 12x31. This addition encroaches approximately 10ft into the side yard setback. The zoning ordinance section, Sec. 6.3., for the R-10 zoning district requires a side yard setback of 10ft.

City Code Enforcement noticed this addition and contacted the homeowner on 10-12-2023. The homeowner was asked to discontinue work at this time. The existing construction was completed without applicable building permits or City utility approval. To finish construction in the current location the homeowner must receive a variance for setback encroachment as well as obtain all required building permits and satisfy City utility requirements.

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

1. To reduce the side yard setback from 10ft to 0ft for construction of greenhouse (Sec. 6.3.).

Section 2. Department Comments

Building Department: The structure will have to have a one-hour fire rating to a point five feet from the property line.

Electric Department:

- 1) This blocks our access to the meter.
- 2) The meter panel cannot be opened to access the internals of the meter base in case of emergency.

This addition would need to be removed.

Fibercom: Takes no exception.

Fire Department: CFD takes exception to the variance request for a greenhouse addition at 3 Carrington. This addition intrudes greatly into the side yard setback. The side setback helps to establish a minimum safe distance between houses in case of fire or collapse. Structures built too close could allow for a fire to travel between houses creating a severe risk to the neighboring property. All effort should be taken to maintain all minimum setbacks.

Gas Department: Takes no exception.

Public Works Department: No comments received.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

Ms. Cash – 5 Carrington Dr. – General Inquiry – 11-16-2023

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. 6.3. R-10 Single-family dwelling district.

6.3.1. *R-10 district scope and intent.* Regulations set forth in this section are the R-10 district regulations. The R-10 district encompasses lands devoted to medium density and cluster developed residential areas and closely related uses, and provides a transition from higher

density residential areas to lower density residential areas as further described in section 3.1.4 of this chapter.

6.3.2. *Use regulations.* Within the R-10 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.
- Guest house.
- Golf courses.
- Group homes (SU).*
- Home occupations.
- Parks, private.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Schools, private (SU).*
- Single-family detached dwellings.

* Special use approval required.

6.3.3. *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:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Ten thousand (10,000) square feet.

- F. *Minimum lot width at the building line on noncul-de-sac lots:* Eighty (80) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand two hundred (1,200) square feet.
- I. *Metal building exterior finish materials.* 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-10 district.
- J. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.
- K. *Optional density bonus.* Proposed developments may contain lots with minimum areas of eight thousand (8,000) 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.
- L. *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.
- 6.3.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-10 district.
- City of Cartersville Landscaping Ordinance.
 - City of Cartersville Sign Ordinance.

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

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

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
- A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
 - B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
 - C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

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

- 21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.
- 21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.
- 21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.

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

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned 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 add an addition to the house.
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.*

6. **The proposed variance would have no effect on the use of the subject property. Per current configuration, it may impact the adjacent property at 5 Carrington Dr. The fire department has concerns about combustible materials too close to the adjacent property.**

Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.

7. **The proposed variance would have no effect on the use of the subject property. Per current configuration, it may impact the adjacent property at 5 Carrington Dr. The fire department has concerns about combustible materials too close to the adjacent property.**

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.

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

9. *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 effect is anticipated.

10. *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 greenhouse currently prevents unimpeded, 24/7 access to the electric meter. See electric department comments.**

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.


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 12/14/23 5:30pm


Application Number: V23-30

Date Received: 10/20/23

Applicant Curtis Stiles Office Phone _____
 (printed name)
 Address 3 Carrington Dr Mobile/ Other Phone 770-873-9084
 City Cartersville State GA Zip 30120 Email pd_business1@yahoo.com
 Representative's printed name (if other than applicant) _____
 Phone (Rep) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature [Signature]
 Signed, sealed and delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public [Signature]



* Titleholder CURTIS STILES Phone 770-241-9358
 (titleholder's printed name)
 Address 3 Carrington Dr, Cartersville, GA 30120 Email pd_business1@yahoo.com
 Signature [Signature]
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public [Signature]



Present Zoning District R-10 Parcel ID No. C065-0022-045
 Acreage 0.37 Land Lot(s) 737 District(s) 4th/5th Section(s) 3rd
 Location of Property: Carrington Dr
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: 6.3.3 C
 Summary Description of Variance Request: Variance for side yard
Set back for Green house
 (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 6.3.3 Subsection _____
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

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

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

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

Additional Comments by Applicant: Greenhouse - 12 x 31 on
Left side of house from view of street.
See Pictures.

Bartow County, GA

Summary

Parcel Number C065-0002-045
Location Address 3 CARRINGTON DR
Legal Description LT 44 CARRINGTON
(Note: Not to be used on legal documents)
Class R3-Residential
(Note: This is for tax purposes only. Not to be used for zoning)
Tax District Cartersville (District 01)
Millage Rate 29.65
Acres 0.37
Neighborhood 008B-Carrington & Topridge (00008B)
Account Number 36795
Homestead Exemption No (S0)
Landlot/District 737 / 04

[View Map](#)



STILES CURTIS D & LUTRICIA PAIGE
 3 CARRINGTON DR
 CARTERSVILLE, GA 30120

Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Residential	Carrington and Spicewood	Lot	0	0	0	0	1

Residential Improvement Information

Style Single-Family
Heated Square Feet 2548
Interior Walls Drywall
Exterior Walls Hardy Board - Concrete Base
Foundation Continuous Ft
Attic Square Feet 0
Basement Square Feet 0
Year Built 1996
Roof Type Asphalt Comp Shg
Flooring Type Hardwood
Heating Type Central heat & air
Number Of Rooms 0
Number Of Bedrooms 4
Number Of Full Bathrooms 2
Number Of Half Bathrooms 0
Number Of Plumbing Extras 3
Value \$268,255
Condition Average
Fireplaces\Appliances Prefab Metal Fireplace 1
House Address 3 CARRINGTON DR

Valuation

2023 Values are Preliminary and subject to change until Certified.

	2023	2022	2021	2020
Fair Market Land Value	\$80,000	\$36,745	\$40,000	\$40,000
+ Fair Market Improvement Value	\$338,713	\$268,255	\$208,740	\$200,088
+ Fair Market Accessory Value	\$0	\$0	\$0	\$0
= Fair Market Value	\$418,713	\$305,000	\$248,740	\$240,088
Assessed Land Value	\$32,000	\$14,698	\$16,000	\$16,000
+ Assessed Improvement Value	\$135,485	\$107,302	\$83,496	\$80,035
+ Assessed Accessory Value	\$0	\$0	\$0	\$0
= Assessed Value (40% FMV)	\$167,485	\$122,000	\$99,496	\$96,035

Assessment Notice 2023



Assessment Notice 2022



Assessment Notice 2021



Assessment Notice 2020



Assessment Notice 2019



Sketches

FINAL PLAT FOR:

CARRINGTON

LOCATED IN LAND LOTS 704, 737 & 776
4TH DISTRICT, 3rd SECTION
CITY OF CARTERSVILLE
BARTOW COUNTY, GEORGIA
SEPTEMBER 12, 1993

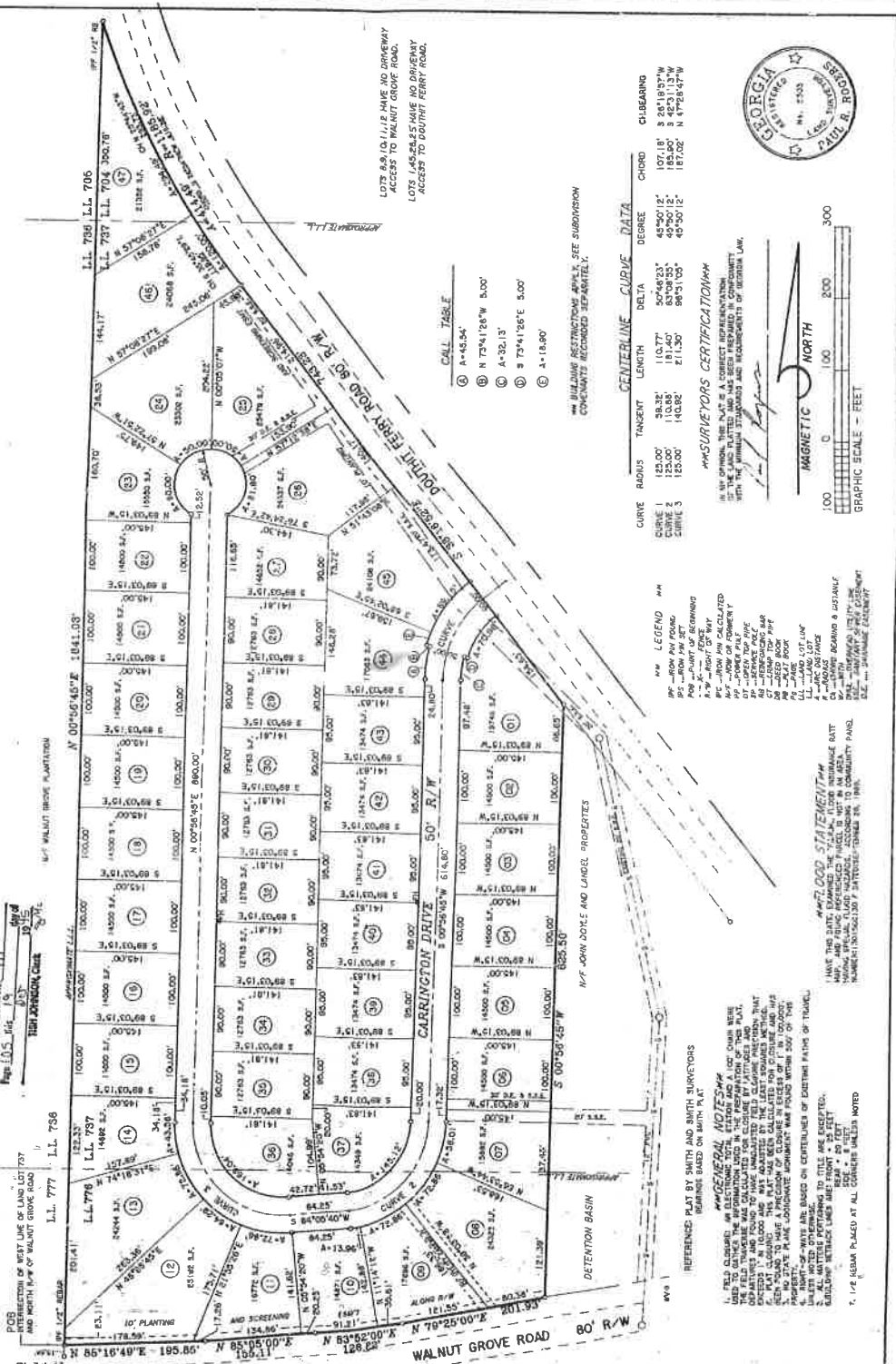
APPROVED FOR RECORDING BY THE CARTERSVILLE PLANNING COMMISSION

DATE: 9-29-93

RECORDING OF PROTECTIVE COVENANTS ARE RECORDED IN DEED BOOK 211, PAGE 436

GEORGIA BARTOW COUNTY
CLERK OF SUPERIOR COURT

FILED FOR READING 11
BOOK 115, PAGE 44
THOMAS J. JOHNSON, CLERK



The owner of this tract should let this plat, why in person or from an actual survey and address for the plat was public having, all errors, errors, and public places, fresh show: 10-A-95

RHODES ENGINEERING SERVICES, INC.
CIVIL ENGINEERS & LAND SURVEYORS
645 Henderson Drive, Suite 2, Cartersville, Georgia 30130 404/286-7818

Design	
Drawn	
Checked	
Job no.	95-03
Date	9-12-93

DESIGN
CARRINGTON
FINAL PLAT

No.	
Date	
Description	



CURVE	RADIUS	TANGENT	LENGTH	DELTA	CHORD	CHANGING
CURVE 1	120.00'	58.32'	110.77'	50°48'23"	49°50'12"	107.18' S 28°18'37"W
CURVE 2	120.00'	110.88'	181.40'	83°08'35"	188.80'	8 28°31'13"W
CURVE 3	120.00'	140.92'	211.50'	95°51'05"	187.02'	8 17°28'47"W

CALL TABLE
 ① 1-45.54'
 ② N 73°41'28"W 5.00'
 ③ 1-32.13'
 ④ S 73°41'28"E 5.00'
 ⑤ 1-18.90'

ALL BUILDING RESTRICTIONS APPLY, SEE SUBDIVISION COVENANTS RECORDED SEPARATELY.

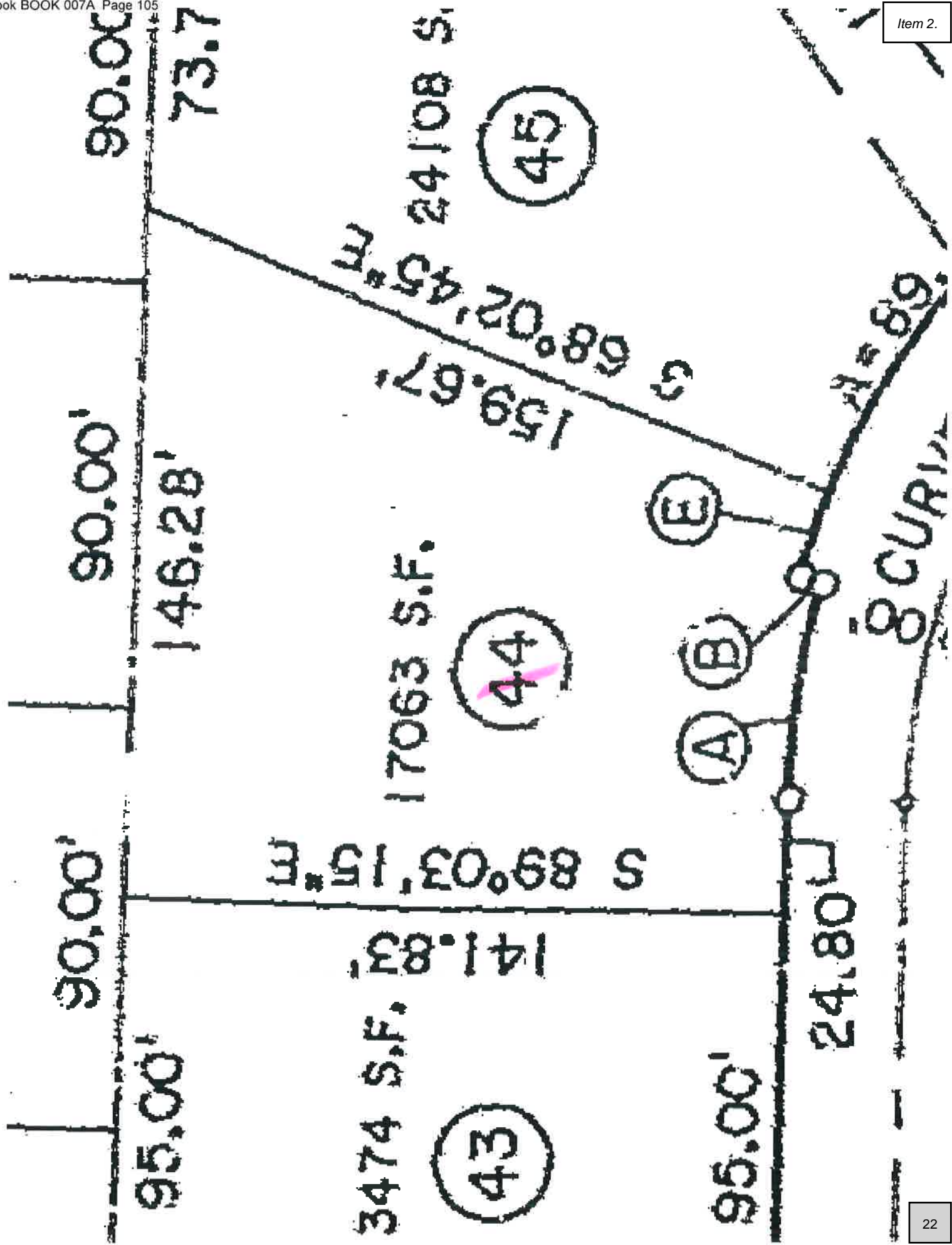
WE OPERATED THIS PLAN AS DIRECTED BY THE CLIENT. THE LAND PLATTED HAS BEEN PREPARED IN CONFORMANCE WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF GEORGIA LAW.

WE SURVEYORS CERTIFICATION

LEGEND
 PW - PROPERTY BOUNDARY
 PL - PLANTING
 SW - 1/4 SECTION
 SE - 1/4 SECTION
 NE - 1/4 SECTION
 NW - 1/4 SECTION
 S - SOUTH
 N - NORTH
 E - EAST
 W - WEST

MAGNETIC NORTH

GRAPHIC SCALE - FEET
 0 100 200 300





Item 2.

Greenhouse Location



Ground Clearance: 5.2 ft-4

12/31/2021

© All EagleView Technology Corporation



Overview



Legend

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

Parcel ID	C065-0002-045	Alternate ID	36795	Owner Address	STILES CURTIS D & LUTRICIA PAIGE
Sec/Twp/Rng	n/a	Class	Residential		3 CARRINGTON DR
Property Address	3 CARRINGTON DR	Acreage	0.37		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT 44 CARRINGTON				

(Note: Not to be used on legal documents)

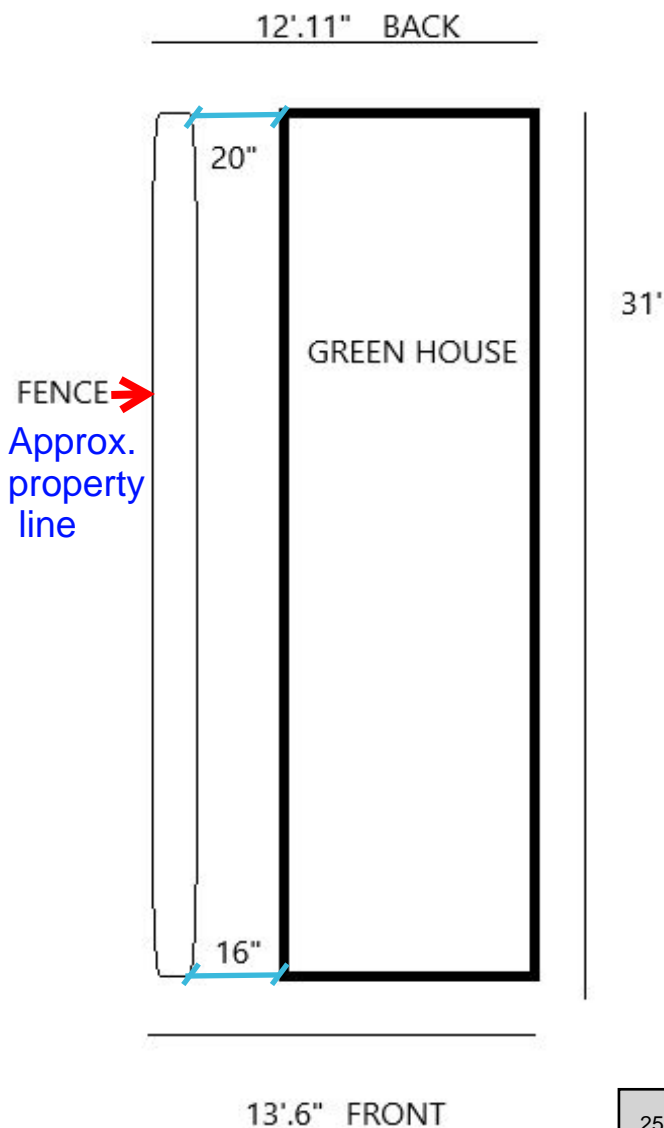
Date created: 10/20/2023
 Last Data Uploaded: 10/19/2023 9:03:35 PM

Developed by Schneider
 GEOSPATIAL

STILES

3 CARRINGTON DR

Item 2.



Site visit by code enforcement. Donna Fritz. 10-12-23.

Item 2.









Electric meter is inside the greenhouse.









BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	December 14, 2023
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V23-31. 709 S. Bartow St. Applicant: Susie Gazaway
DEPARTMENT SUMMARY RECOMMENDATION:	Variance to allow a house addition to encroach into the side yard setback.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

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

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Zack Arnold
 CC: Keith Lovell
 Date: November 28, 2023
 Re: File # V23-31

Summary: To reduce the side yard setback for construction of house addition/outdoor patio.

Section 1: Project Summary

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 partially constructed an outdoor patio with a roof as an addition to the home in the side yard. The addition is approximately 16x16. 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.

City Code Enforcement noticed this addition and contacted the homeowner on 9-25-2023. The homeowner was asked to discontinue work at this time. The existing construction was completed without applicable building permits. To finish construction in the current location the homeowner must receive a variance for setback encroachment as well as obtain all required building permits.

Variance case V19-05, approved on 4-22-2019, reduced the side yard setback on the property from 10ft to 2ft for the construction of an enclosed garage only. A variance is needed for this patio/ roof structure encroachment.

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

1. To reduce the side yard setback from 10ft to 2.5ft for construction of outdoor patio with a roof structure (Sec. 6.1.).

Section 2. Department Comments

Building Department: The structure will have to have a one-hour fire rating to a point five feet from the property line.

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: CFD takes exception to the variance request for a covered patio at 709 S. Bartow St. This patio intrudes greatly into the side yard setback. The side setback helps to establish a minimum safe distance between properties in case of fire or collapse. Structures built too close could allow for a fire to travel between houses creating a risk to the neighboring property. All effort should be taken to maintain all minimum setbacks.

Gas Department: Takes no exception.

Public Works Department: No comments received.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

No public comment received as of 11-28-2023

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. 6.1. R-20 Single-family dwelling district.

6.1.1. *R-20 district scope and intent.* Regulations set forth in this section are the R-20 district regulations. The R-20 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.2 of this chapter.

6.1.2. *Use regulations.* Within the R-20 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 buildings or uses.
- Accessory apartments (SU).*
- 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.
- Golf courses.
- Group homes (SU).*
- Guest house.
- Home occupations.
- Parks, private.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Schools, private (SU).*
- Single-family detached dwellings.

* Special use approval required.

6.1.3. *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*: Ten (10) feet.
- D. *Rear yard setback*: Twenty (20) feet.
- E. *Minimum lot area*: Twenty thousand (20,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots*: One hundred (100) feet.
- G. *Minimum lot frontage*: Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area*: One thousand three hundred (1,300) square feet.
- I. *Metal building exterior finish materials*. 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-20 district.
- J. *Accessory use, building, and structure requirements*. [See section 4.9 of this chapter.]
- K. *Optional density bonus*. Proposed developments may contain lots with minimum areas of seventeen thousand (17,000) 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.
- [L. *Reserved*.]
- M. *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.

6.1.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-20 district.

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

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

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

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
- A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
 - B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
 - C. Adjacent property would not be unduly damaged by such use of the building; and
 - D. The use is to be identical or similar to the prior nonconforming use of the building.
- 21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:
- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 1. The property is exceptionally narrow, shallow or unusually shaped;
 2. The property contains exceptional topographic conditions;

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

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

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

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

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

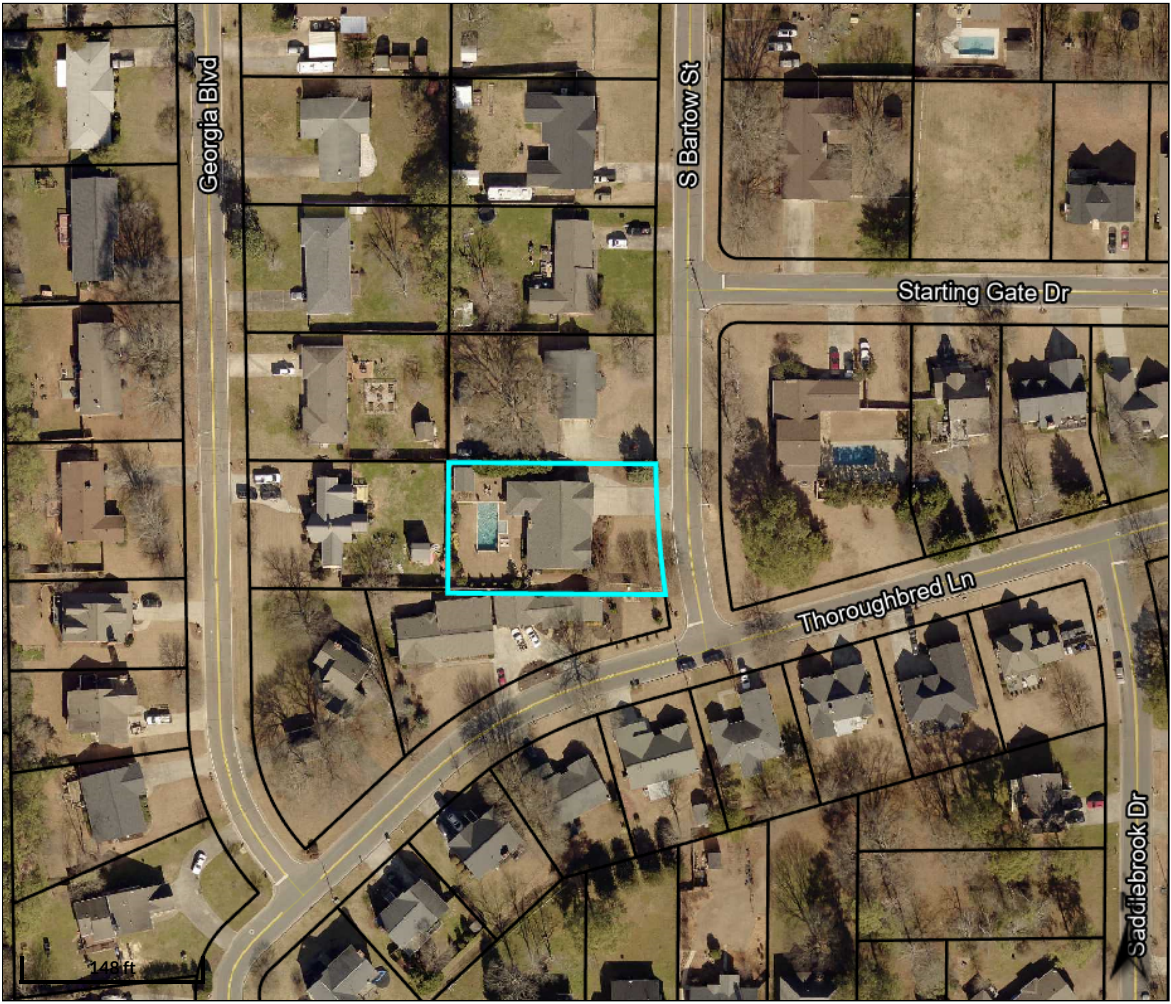
Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned 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 add an addition to the house.

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. The fire department does have safety concerns about the structures proximity to the property line.
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 adjacent property.
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.*
This project will not affect utilities or local infrastructure.
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	C020-0003-044	Alternate ID	34639	Owner Address	GAZAWAY SUSIE H
Sec/Twp/Rng	n/a	Class	Residential		709 SOUTH BARTOW ST
Property Address	709 S BARTOW ST	Acreage	0.37		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 598 D 4 LOT 36 TINSLEY PARK				
	(Note: Not to be used on legal documents)				

Date created: 12/6/2023
 Last Data Uploaded: 12/5/2023 9:05:24 PM

Developed by Schneider
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 12-14-2023 5:30pm

Application Number: V23-31

Date Received: 9-25-2023

Applicant Jusie GAZAWAY Office Phone _____
 (printed name)
 Address 709 S. BARTOW Mobile/ Other Phone _____
 City CARTERSVILLE State GA Zip 30120 Email JusieGAZAWAY@AOL.COM
 Phone (Rep) 770-387-8507
 Representative's printed name (if other than applicant) _____
 Email (Rep) _____
 Representative Signature _____ Applicant Signature [Signature]
 Signed, sealed and delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public [Signature]



* Titleholder Jusie GAZAWAY Phone 770 387-8507
 (titleholder's printed name)
 Address 709 S. BARTOW Email JusieGAZAWAY@AOL.COM
 Signature [Signature]
 Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26
 Notary Public [Signature]



Present Zoning District R-20 Parcel ID No. C 020-0003-044
 Acreage .137 Land Lot(s) 548 District(s) 4 Section(s) 3
 Location of Property: 709 S. BARTOW ST.
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: _____
 Summary Description of Variance Request: ADD 16x16 PAVILLION TO
SIDE OF HOUSE
 (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 VI Section 61.3 Subsection C
 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.

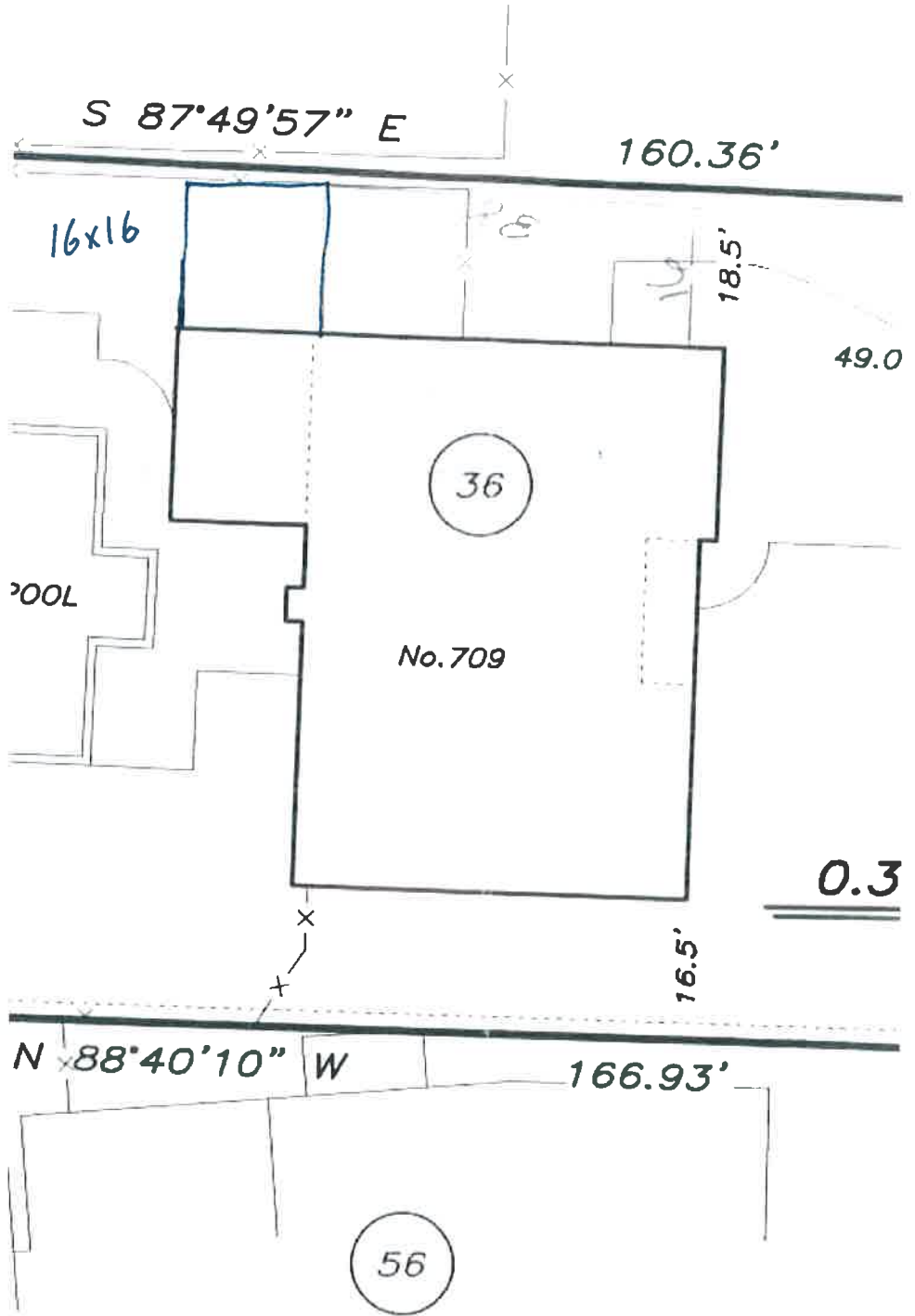
To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

- 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

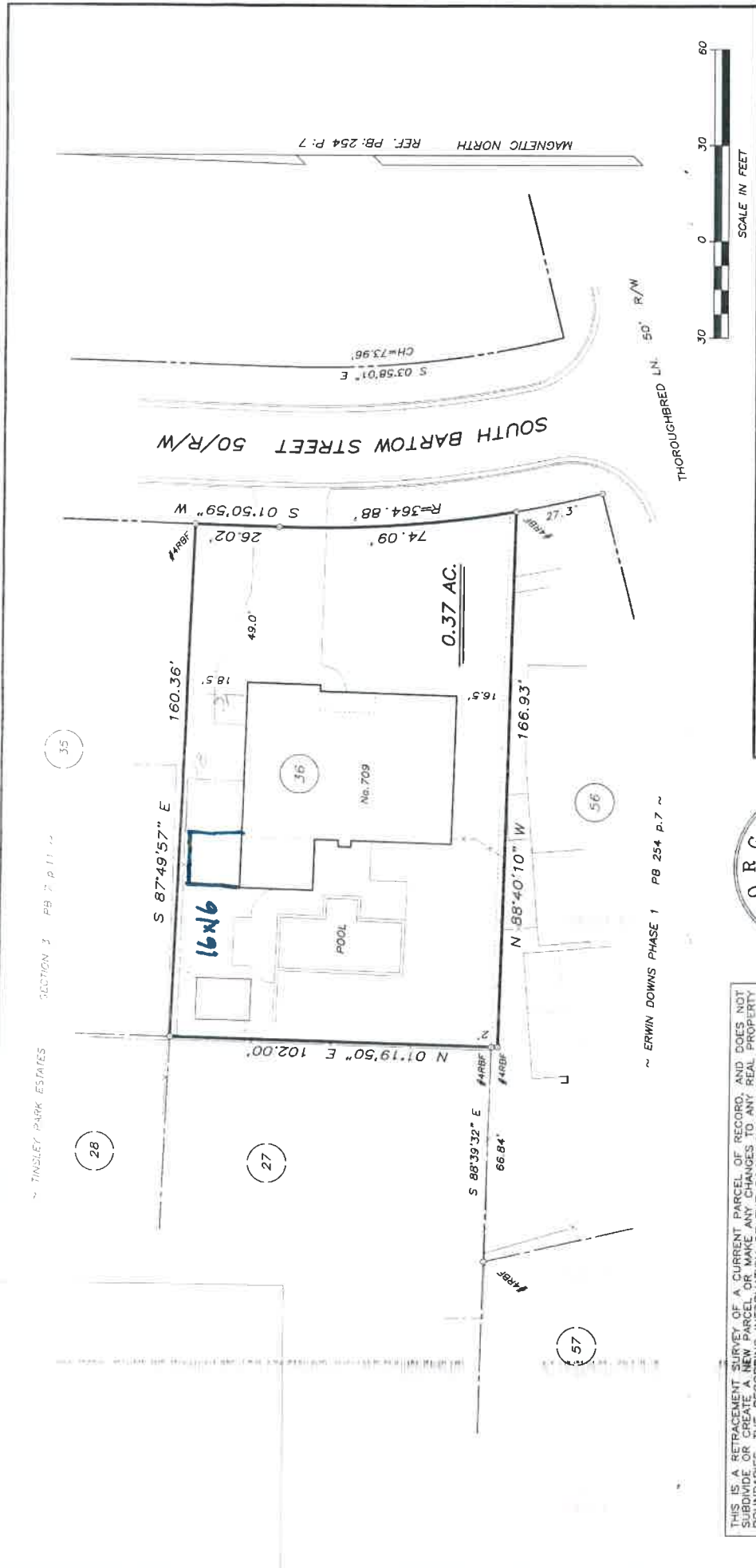
Additional Comments by Applicant: Approval for a 17x17
Roof over concrete slab adjoining my fireplace

3 PB 7 p.11 ~

35



CHASE 1 PB 254 p.7 ~



BOUNDARY RETRACEMENT SURVEY FOR:
MARK SMITH
 LOT 36 TINSLEY PARK ESTATES
 & PART OF
 LOT 56, ERWIN DOWNS, PHASE 1
 LOCATED IN L.L. 598
 4th DIST., 3rd SECT.,
 BARTOW COUNTY, GA.
 CITY OF CARTERSVILLE

DATE : 02-13-19
 SCALE : 1"=30'
 DRAWN BY : DTB
 CHECKED BY : MEB
 019\tinsley park\top36

DANIEL BAKER, PC
LAND SURVEYORS
 Post Office Box 2047
 CARTERSVILLE, GEORGIA 30120
 (770) 382-5999



THIS IS A RETRACEMENT SURVEY OF A CURRENT PARCEL OF RECORD, AND DOES NOT SUBDIVIDE OR REARANGE PARCELS OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INSTRUMENTS CREATING THIS PARCEL ARE STATE RECORDS. THIS PLAT DOES NOT IMPLY APPROVAL OF ANY JURISDICTION, AVAILABILITY, PERMITS, COMPLIANCE WITH LOCAL REGULATIONS, REQUIREMENTS, OR SUITABILITY FOR ANY INTENDED USE OF THE PROPERTY. THE UNDERSIGNED CERTIFIES THAT THIS PLAT IS MADE IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS, FOR LAND SURVEYS AS SET FORTH IN O.C.G.A. §15-16-17.

Georgia Land Surveyor Registration No. 2327
 2019-02-13
 Date

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/44,443 ; ANGULAR PRECISION: 05" yr. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/67,829. MATTERS OF TITLE ARE EXCEPTED.





Item 3.



46

Item 3.



47

Images Taken 11-13-23

