



CARTERSVILLE BOARD OF ZONING APPEALS

Council Chambers, Third Floor of City Hall
Thursday, November 10, 2022 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

ASSISTANT CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. October 13, 2022

VARIANCE CASES

2. V22-21. 768 West Ave. Applicant: Dr. Justin Gusching
3. V22-22. 100 Cherokee Ave. Applicant: White & Choate Attorneys

STAFF OR COMMITTEE COMMENTS

OTHER

The next meeting of the Board of Zoning Appeals will be Thursday, Dec. 8th. 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:	November 10, 2022
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	October 13, 2022
DEPARTMENT SUMMARY RECOMMENDATION:	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
LEGAL:	N/A

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

Item 1.

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on September 8, 2022, in the Council Chambers.

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

CALL TO ORDER

Vice Chair, Linda Brunt, called the meeting to order at 5:32 PM

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Minutes: September 8, 2022

Vice Chairwoman Brunt called for a motion on the September 8, 2022 BZA meeting minutes. Board Member Hudson made a motion to approve the minutes. Motion was seconded by Board Member Cooley and carried unanimously. Vote: 4-0

VARIANCE CASES

JB Hudson recuses himself from the next item given he was the applicant.

2. V22-19: 32 Cassville Rd Applicant: Hudson and Company, Inc.
Variance: To allow a portion of a privacy fence to encroach into the front yard of a corner lot

David Hardegree, Planning and Development Assistant Director, stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Hardegree gave an overview of the case explaining the variance application applicant Hudson and Co. Inc. for property located at 32 Cassville Rd, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 4.25 acres. The lot is a corner lot with road frontages along Charles St. and Cassville Rd.

The applicant proposes to build a privacy fence along the western property line to provide additional privacy to the rear of the home. The privacy fence will encroach approx. 100ft. into the Charles St. front yard, but will be no closer than 58ft. to the Charles St. ROW. See attached plan.

The HPC reviewed the encroachment at the September 20th meeting and approved the request with a condition that the privacy fence have pickets on both sides of the fence.

Vice Chair Brunt opened the public hearing.

JB Hudson, 122 Arrowhead Dr., came forward to represent the application and answer any questions from the board.

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

Board Member McElwee made a motion to approve V22-19. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 4-0 with Vice Chair Brunt voting.

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

November 10, 2022
Date Approved

/s/ _____
Chair



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 10 th , 2022
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V22-21. 768 West Ave. Applicant: Dr. Justin Gusching
DEPARTMENT SUMMARY RECOMMENDATION:	To decrease the required 20ft. buffer for a portion of the office-commercial property.
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: David Archer/ Keith Lovell
 Date: November 2, 2022
 Re: File # V22-21

Summary: To decrease the required 20ft. buffer for a portion of the office-commercial property.

Section 1: Project Summary

Variance application by Dr. Justin Gusching, owner, Reflections Medical Spa, for property located 768 West Ave. and zoned O-C (Office-Commercial). Said property contains approximately 1.39 +/- acres. The property is surrounded by residential zoning and uses on the east, north and south sides. Commercial zoning and use is to the west.

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. 33ft. in width at the front and can be constructed to or outside the 10ft side yard building setback. The eastern wall is approx. 48ft. 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 8ft 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 on site 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. See pictures.

The buffer encroachment is only for 48ft of the 268ft. length of the eastern property line.

The zoning regulation for which relief is sought is Zoning Ord. Chapter 26, Sec. 9.5.3(H):

H. Minimum buffer requirements. In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property

lines which abut a residential district or use to provide a visual screen in accordance with [section 4.17](#) of this chapter.

The variance request is for the following:

To decrease the required 20ft. buffer for a portion of the office-commercial property along the eastern property line for the construction of a building addition.

Section 2. Department Comments

Electric Department: CES has no comments on adding an addition. However, we will have comments on the specifics of the building plans. IE: How far away from our facilities will this building be. I would have to agree with the comments on reviewing this addition as a site plan/building permit review.

Fibercom: Cartersville FiberCom has no comment regarding the buffer encroachment variance.

Fire Department: From CFD standpoint, it needs to go through the whole process [site plan review process].

Gas Department: Takes No Exception

Water Department: Takes No Exception

Public Works Department: The proposed addition appears to be within 10 feet of the existing ditch and storm pipe along the eastern property line. However, without a survey, it cannot be determined the actual location of the property line and storm components. I am not certain if there are any easements other than a prescriptive easement along this property line. Based on this variance request, we would not support construction within 10 feet of the outside wall of the storm pipe or stormwater ditch.

Section 3. Public Comments Received by Staff

11-3 – Meredith Geldhauser. West Ave. resident. Application emailed. Invited to attend BZA meeting to voice concerns.

Section 4. Variance Justification

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

Chapter 26, Zoning. Article IV, General Provisions.

Sec. 4.17. Buffer and screening requirements.

Buffers or screening as required by this chapter are subject to review and approval by the zoning administrator. The following are required standards for buffers and shall be utilized by the zoning administrator in reviewing development plans:

1. Buffers shall be designated on the site plan and required plats as permanent buffer strip or area.
2. Buffers shall be natural/undisturbed areas of existing mature trees, which meet the intent of the definition of buffer. Where substantially devoid of existing trees, or where it is necessary to disturb the existing natural area, a planted/landscaped buffer shall be established in accordance with this section.
3. Buffers shall be established and maintained along required adjoining property to meet the minimum width requirements as stated within the individual zoning district development standards.
4. Buffers shall provide year-round visual screening from the ground to a height of at least six (6) feet.
5. Buffers that utilize trees and/or other vegetation shall be installed not only to provide visual screening, but to allow for proper plan growth and maintenance.
6. Buffer design shall be integrated with the overall design concept of the project.
7. Existing tree cover and natural vegetation shall be undisturbed for areas designated as natural/undisturbed except for the addition of supplemental plantings or other approved screening, devices, or for the provision of required access or utility crossings as approved by the zoning administrator. Where a buffer is substantially devoid of trees and shrubbery, or where a planted/landscaped buffer is proposed by the developer, grading may be allowed within the buffer area prior to replanting or the provision of other screening devices as required.
8. All plantings, with exception of infill plantings as may be approved by the zoning administrator, shall be in staggered rows, with vegetation spaced fifteen (15) feet apart (measured trunk to trunk) with a minimum of two (2) staggered rows of plantings for buffers designated to be fifteen (15) feet or smaller in width. Planting, maintenance, and removal shall be in accordance with the Cartersville landscaping ordinance.

Chapter 26, Zoning. Article IX, Commercial District Conditions.

9.5.3. Development standards.

- A. *Height regulations.* Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) 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 frontage:* One hundred ten (110) feet adjoining a street.
- F. *Minimum lot width at the building line:* One hundred ten (110) feet.
- G. *Minimum heated floor area per dwelling unit.*
 - *3-bedroom:* Nine hundred (900) square feet.

- *2-bedroom*: Seven hundred fifty (750) square feet.
 - *1-bedroom*: Six hundred (600) square feet.
 - *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.
- H. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- I. *Accessory structure requirements.* See section 4.9 of this chapter.
- J. *[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 O-C district with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[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.
- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.

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.

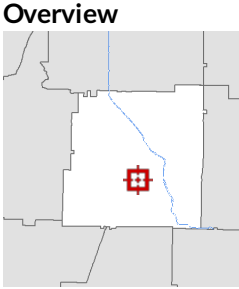
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

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.*

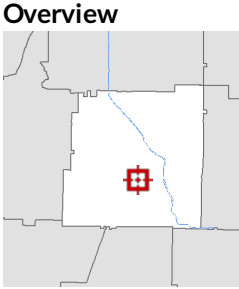
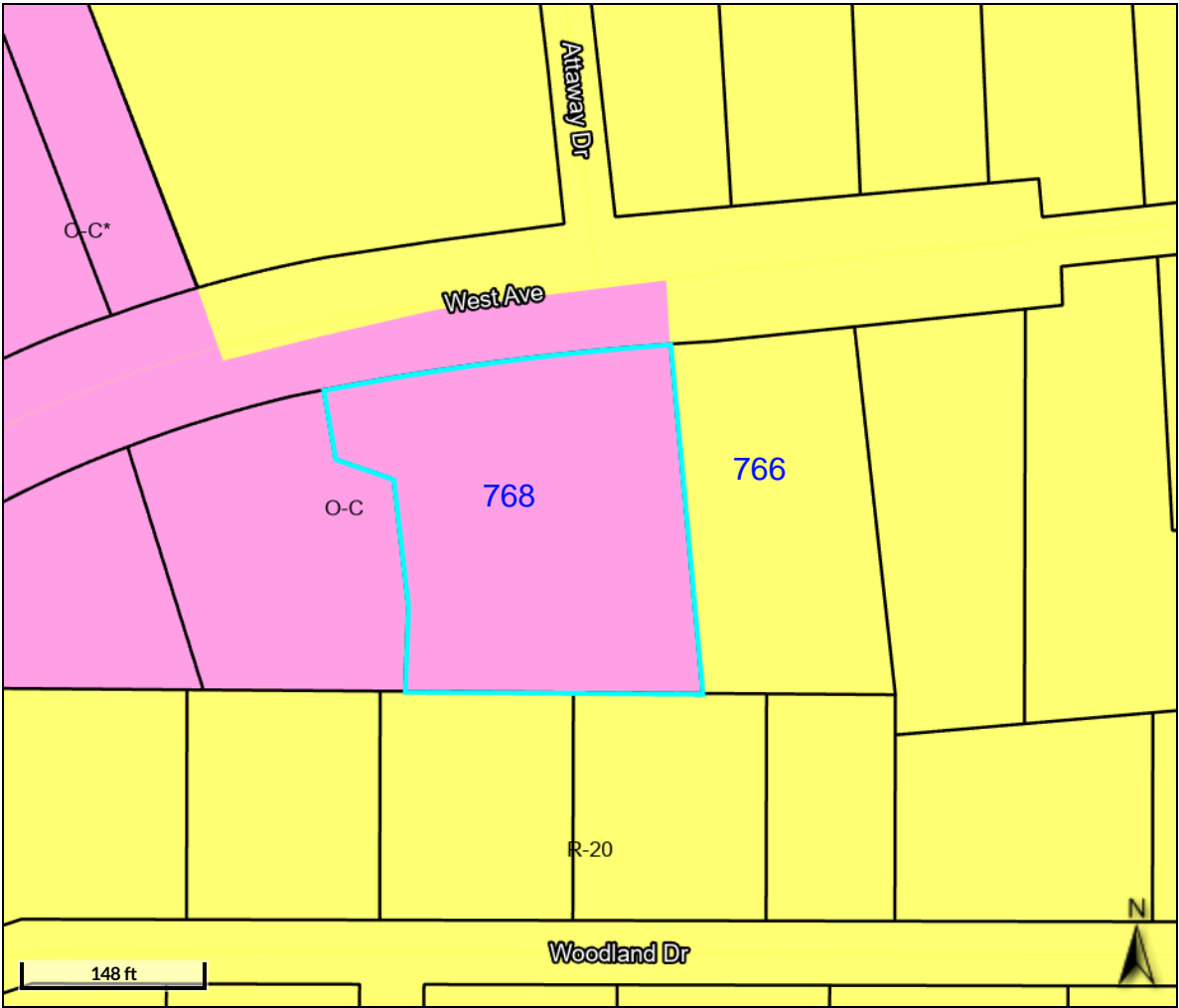


Legend
 □ Parcels
 — Roads

Parcel ID	C015-0008-005	Alternate ID	33850	Owner Address	GUSCHING PROPERTY DEVELOPMENT LLC
Sec/Twp/Rng	n/a	Class	Commercial		768 WEST AVE
Property Address	768 WEST AVE	Acreage	1.39		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 523 D 4 PLAT 52-43 Reflections Spa				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 10/7/2022
 Last Data Uploaded: 10/6/2022 10:32:37 PM

Developed by 



- Legend**
- Parcels
 - Roads
- Cartersville Zoning**
- AG
 - DBD
 - G-C
 - G-C*
 - H-I
 - H-I*
 - L-I
 - L-I*
 - 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

Parcel ID	C015-0008-005	Alternate ID	33850	Owner Address	GUSCHING PROPERTY DEVELOPMENT LLC
Sec/Twp/Rng	n/a	Class	Commercial		768 WEST AVE

Property Address 768 WEST AVE **Acreage** 1.39
District Cartersville
Brief Tax Description LL 523 D 4 PLAT 52-43 Reflections Spa
(Note: Not to be used on legal documents)

CARTERSVILLE, GA 30120

Item 2.

Date created: 10/7/2022
Last Data Uploaded: 10/6/2022 10:32:37 PM

Developed by  Schneider
GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

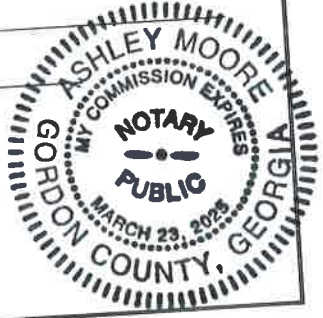
Item 2.

Hearing Date: Nov. 10th 2022 5:30pm

Application Number: V 22-21
Date Received: 10/3/22

Applicant Justin Gusching Office Phone 770-383-3552
(printed name)
 Address 768 West Ave Mobile/ Other Phone 419-733-9729
 City Cartersville State GA Zip 30120 Email drgusching@cosmeticsurgery.com
 Representative's printed name (if other than applicant) _____
 Representative Signature _____
 Signed, sealed and delivered in presence of:
Ashley Moore
 Notary Public

Applicant Signature _____
 My commission expires:
March 23 2025



* Titleholder Justin Gusching Phone 419-733-9729
(titleholder's printed name)
 Address 233 Evening Mist Dr, Newirth Email DrGusching@CosmeticSurgery.com
 Signature _____
 Signed, sealed, delivered in presence of:
Ashley Moore
 Notary Public

My commission expires:
March 23, 2025



Present Zoning District Office Commercial
 Acreage 1.39 Land Lot(s) 523 District(s) 4 Section(s) 3
 Location of Property: 768 West Ave
(street address, nearest intersections, etc.) 9.5.3 (H)
 Zoning Section(s) for which a variance is being requested:
 Summary Description of Variance Request: Requesting to expand my building to
the east in the buffer.
(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 9 Section 5 Subsection 3
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

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

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

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

Additional Comments by Applicant: Expanding the building is crucial to the growth and viability of my business. This expansion would be difficult without a variance due to the unusual "L" shape of the building as well as its placement on the property.

RECEIPT OF PAYMENT

Receipt Number: 2022002794
Receipt Date: 10/05/2022
Date Paid: 10/05/2022
Full Amount: \$350.00

Payment Details:	Payment Method	Amount Tendered	Check Number
	Check	\$350.00	1165

Amount Tendered: \$350.00
Change / Overage: \$0.00
Contact: REFLECTIONS COSMETIC SURGERY, Address: 768 WEST AVE,
 Phone: (770) 383-3552

FEE DETAILS:

Fee Description	Reference Number	Amount Owing	Amount Paid
BZA Variance	MS202200686	\$300.00	\$300.00
Fee-Business			
CD-Advertising	MS202200686	\$50.00	\$50.00

**GEORGIA
CITY OF CARTERSVILLE
BARTOW COUNTY
Land Lot 523
4TH District 3RD Section**

REFERENCE

1. A SURVEY PLAT FOR JAMES C. HAIGLER DATED APRIL 6TH 2005 BY WILLIAM C. SMITH AND FOUND IN PLAT BOOK 65 PAGE 82 OF THE CLERK OF COURTS OF BARTOW COUNTY GEORGIA.
2. A SURVEY BY DANIEL TRENHOLM BAKER DATED MAY 3RD 2001 FOR THE WISEBRAM FAMILY, LLC. AND FOUND IN PLAT BOOK 52 PAGE 43 OF THE CLERK OF COURTS OF BARTOW COUNTY GEORGIA.

PARKING COUNT

TOTAL PARKING SPACES = 60
TOTAL HANDICAP SPACES = 2
TOTAL PARKING COUNT = 62

AREA

60,700 Sq Ft
1.393 Acres

NOTES

1. THE FIELD DATA, COLLECTED 11/08/2017, A S6 TRIMBLE ROBOTIC TOTAL STATION WAS USED TO OBTAIN LINEAR AND ANGULAR MEASUREMENTS.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE WITHIN ONE FOOT IN 301,559 FEET.
3. THE UTILITIES HAVE BEEN LOCATED FROM ABOVE GROUND EVIDENCE. THERE WAS NO VISIBLE EVIDENCE ABOVE GROUND OF A BURIAL SITE OR GRAVEYARD. THE SURVEYOR DID NOT PERFORM EXTENSIVE RESEARCH ON THE MATTER AND HAD NO ARCHEOLOGIST PERFORM ANY SUCH RESEARCH. THEREFORE, THE SURVEYOR TAKES EXCEPTION TO ANY SUCH ITEMS.
4. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHTS OF WAY OR RESTRICTIONS THAT ARE NOT OF RECORD OR THAT WOULD HAVE BEEN DISCOVERED BY AN ACCURATE AND CURRENT TITLE SEARCH. THEREFORE THE SURVEYOR TAKES EXCEPTION TO ANY SUCH ITEMS.
5. THE PURPOSE OF THIS SURVEY IS TO SHOW THE PROPERTY BOUNDARY AND ANY EXISTING STRUCTURES PER DEED BOOK 2763 PAGE 423 RECORDED IN THE CLERK OF COURTS OF BARTOW COUNTY GEORGIA.
6. THERE EXISTS A SEWER EASEMENT THAT WAS NOT FOUND ON RECORD AT THE BARTOW COUNTY COURTHOUSE.

FOR RECORDING PURPOSES

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

S. Clark Tompkins

S. CLARK TOMPKINS, PROFESSIONAL SURVEYOR
REGISTRATION NO. 3257

LEGEND

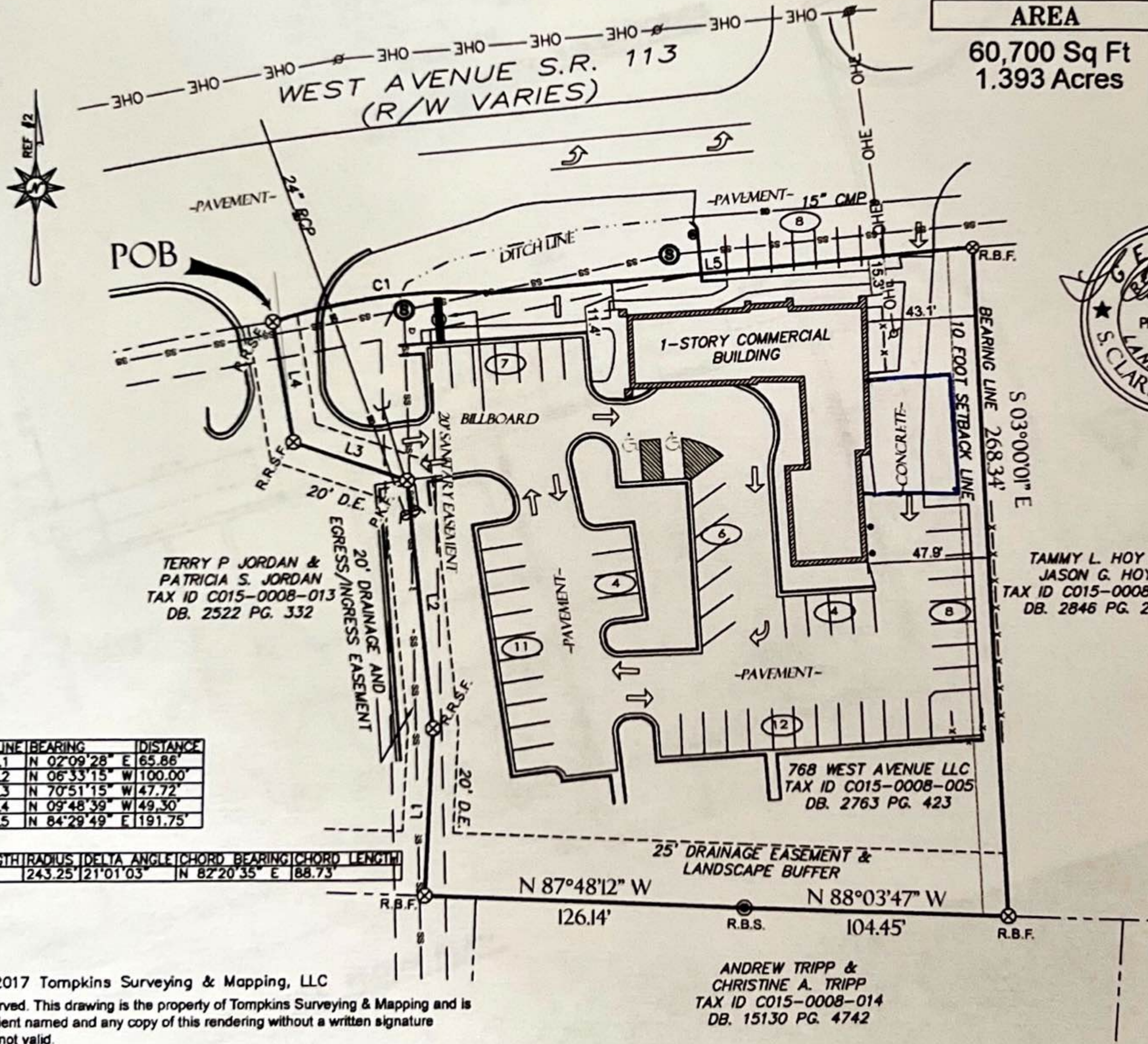
- SUBJECT PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- ORIGINAL LOT LINES
- - - DITCH LINE
- - - FENCE LINE
- WM WATER METER (WM)
- G GAS VALVE
- CO SS CLEAN OUT (CO)
- PC PROPERTY CORNER SET
- PCF PROPERTY CORNER FOUND
- OL ORIGINAL LOT NUMBER
- FH FIRE HYDRANT (FH)
- R.B.S. REBAR SET
- R.R.S.F. RAIL ROAD SPIKE FOUND
- R.B.F. REBAR FOUND
- P.O.B. POINT OF BEGINNING
- P.K.F. PK NAIL FOUND

LINE	BEARING	DISTANCE
L1	N 02°09'28" E	65.86'
L2	N 06°33'15" W	100.00'
L3	N 70°51'15" W	47.72'
L4	N 09°48'39" W	49.30'
L5	N 84°29'49" E	191.75'

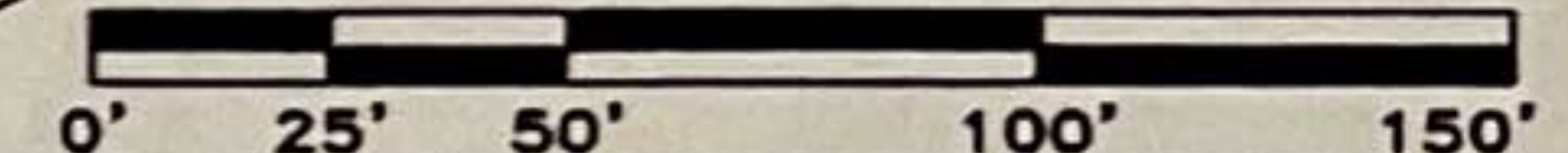
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	89.23'	243.25'	21°01'03"	N 82°20'35" E	88.73'

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GRAPHIC SCALE



DATE	REVISION DESCRIPTION	NO.
AUTHORIZED BY: RICHARD CARLTON		
PROJECT: 768 WEST AVENUE, CARTERSVILLE, GA 30120		
DRAWING TITLE: A RESIDENTIAL BOUNDARY SURVEY FOR: NORTHSIDE BANK		
JOB NO. 17-0161	DWG NO. 17-0161.dwg	
DRN BY: C. WOOD	SCALE: 1"=50'	
CHKD BY: C. TOMPKINS	DATE: DECEMBER 6TH 2017	
	SHEET 1 OF 1	

Tompkins
SURVEYING & MAPPING
162 WEST MAIN STREET, SUITE 306
CARTERSVILLE, GA 30120
PHONE: 866-979-1845 FAX: 866-979-1968

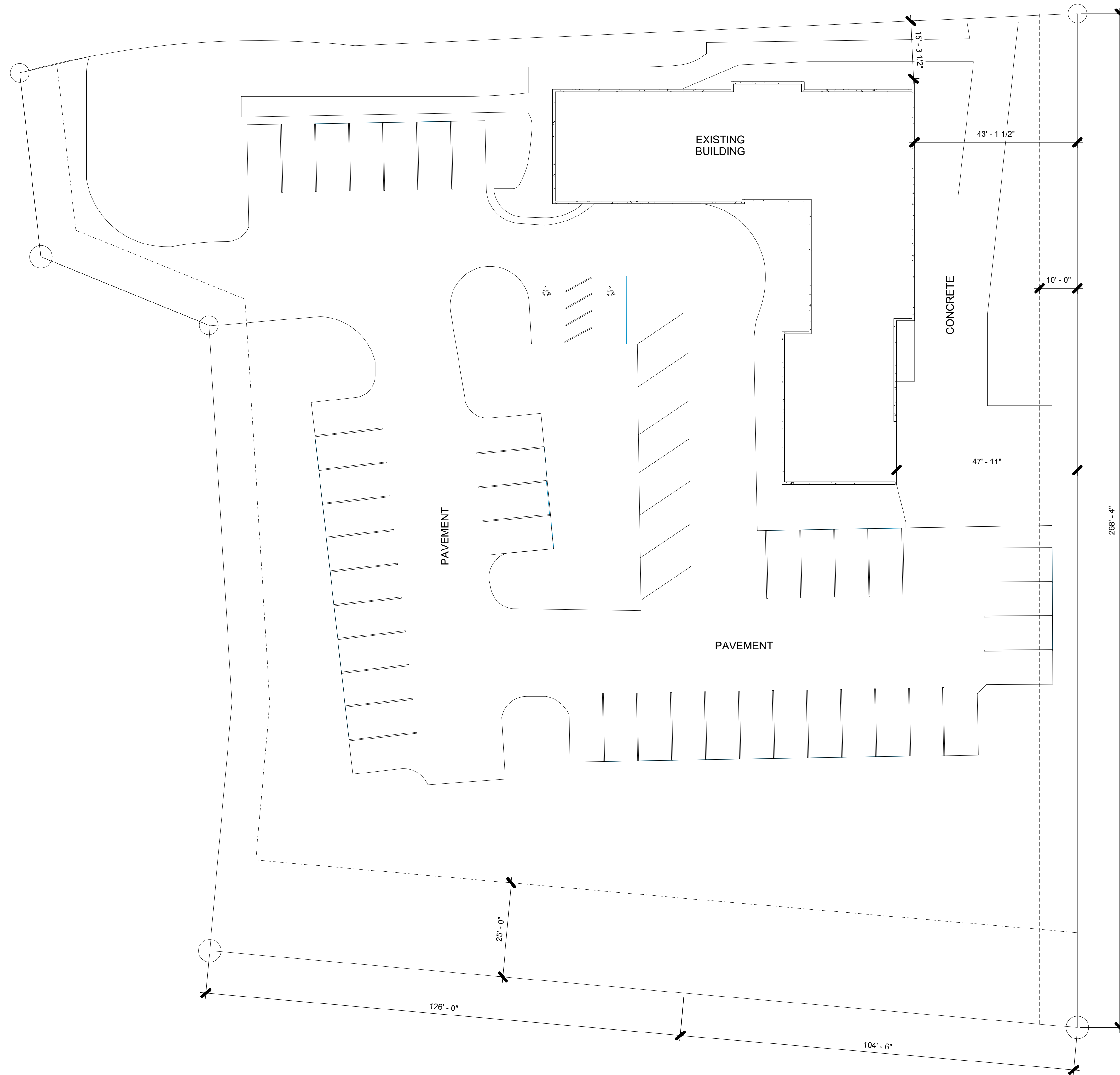
LAND SURVEYING | 3D MODELING | AERIAL SURVEYS
LASER SCANNING

www.TompkinsSurveying.com

ANDREW TRIPP & CHRISTINE A. TRIPP
TAX ID C015-0008-014
DB. 15130 PG. 4742

TAMMY L. HOY & JASON G. HOY
TAX ID C015-0008-004
DB. 2846 PG. 242

TERRY P. JORDAN & PATRICIA S. JORDAN
TAX ID C015-0008-013
DB. 2522 PG. 332



1 EXISTING SITE PLAN
1/16" = 1'-0"

REFLECTIONS SKIN & LASER CENTER
768 WEST AVE CARTERSVILLE, GA 30120
EXISTING SITE PLAN

BALDWIN
ARCHITECTURAL GROUP
M. Christopher Baldwin, Architect
3330 Cumberland Blvd.
(404) 406-9041

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Revision Schedule		
No.	Date	By

DATE
DRAWN: JTC
CHECKED: MCB

JOB NO.
0830-2022

SHEET NO.
A100



1 **PROPOSED SITE PLAN**
 1/16" = 1'-0"

REFLECTIONS SKIN & LASER CENTER
 768 WEST AVE CARTERSVILLE, GA 30120

PROPOSED SITE PLAN

BALDWIN
 ARCHITECTURAL GROUP
 M. Christopher Baldwin, Architect
 3330 Cumberland Blvd.
 (404) 406-9041

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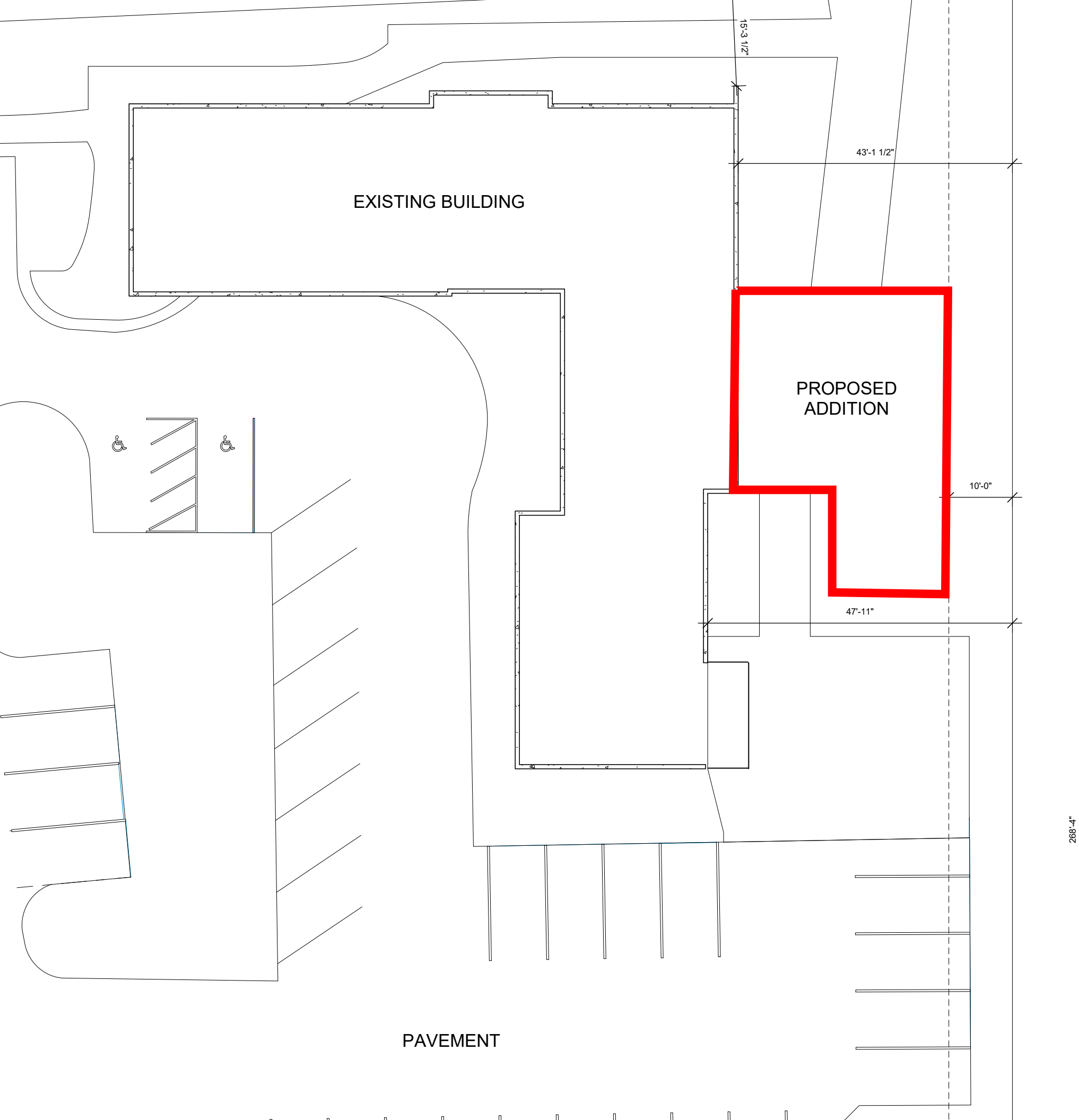
Revision Schedule

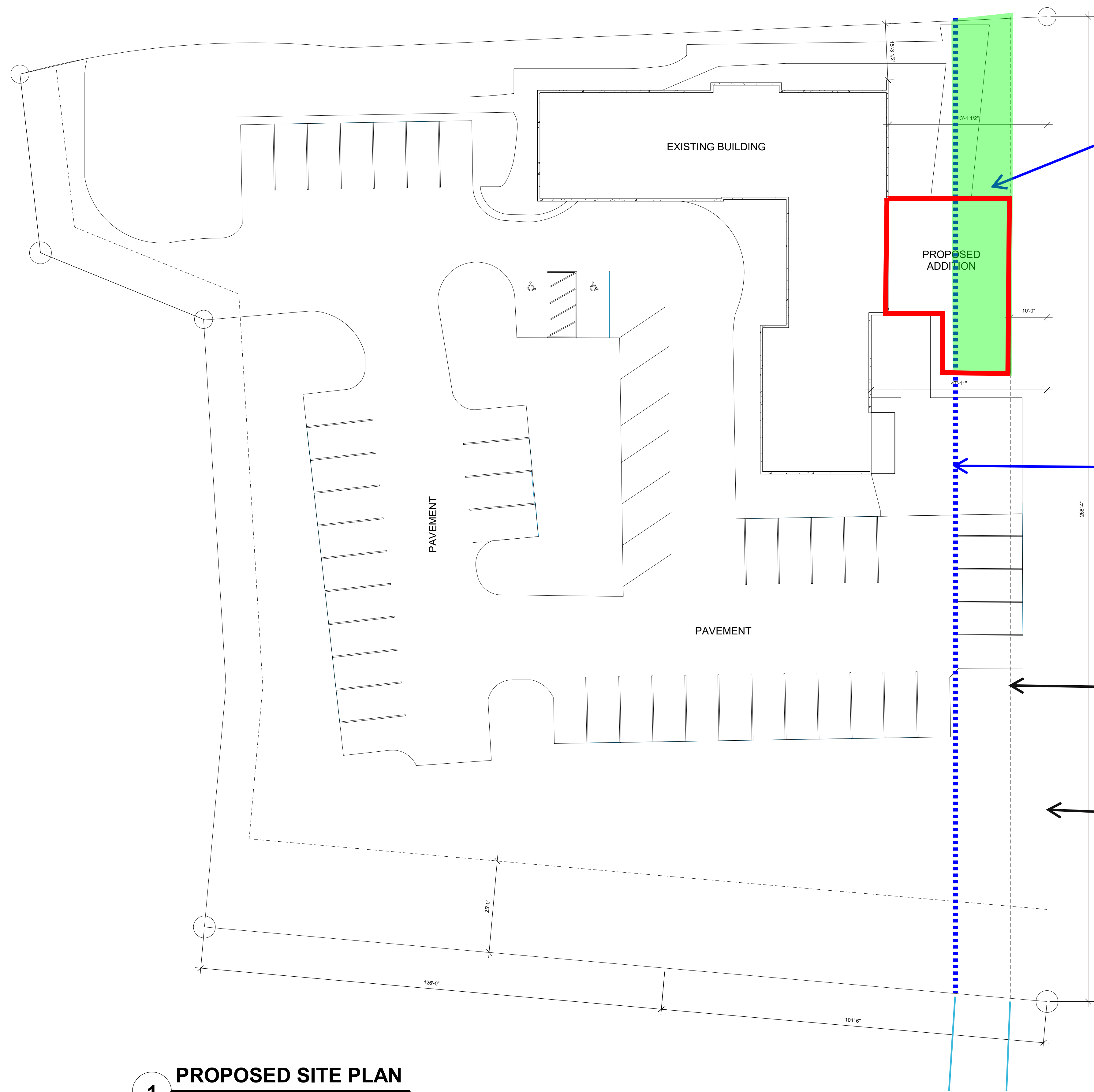
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DATE
 DRAWN: JTC
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JOB NO.
0830-2022

SHEET NO.
A103





Per ord. Sec. 9.5.3(H): Minimum buffer requirements. In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

EDGE OF 20FT. BUFFER SETBACK. (5FT. MAY BE WITHIN THE 10FT. SETBACK LINE)

10FT. BUILDING SETBACK LINE

PROPERTY LINE

1 PROPOSED SITE PLAN
1/16" = 1'-0"

REFLECTIONS SKIN & LASER CENTER
768 WEST AVE CARTERSVILLE, GA 30120
PROPOSED SITE PLAN

BALDWIN
ARCHITECTURAL GROUP
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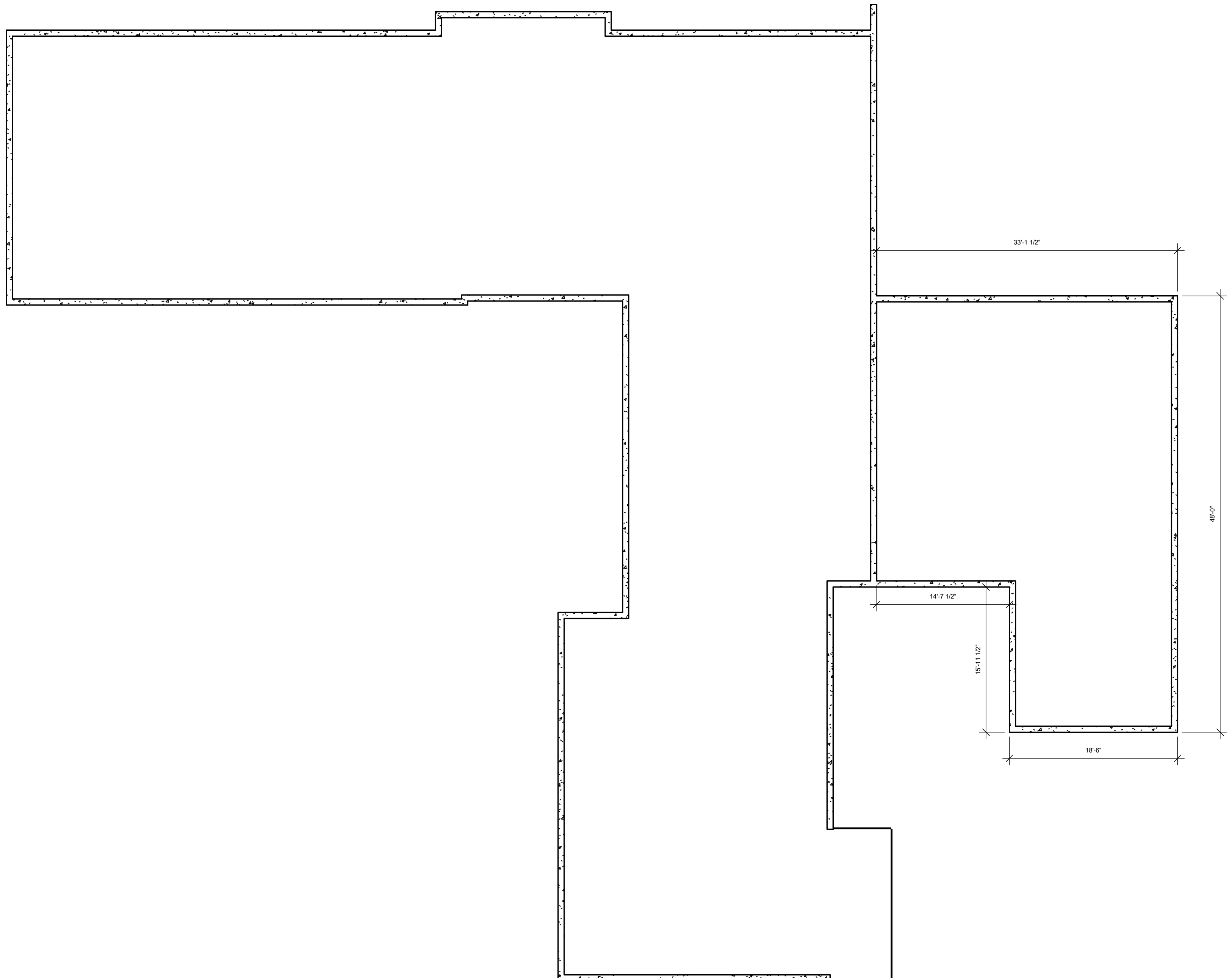
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Revision Schedule		
No.	Date	By

DATE
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JOB NO.
0830-2022

SHEET NO.
A103



1 PROPOSED FLOOR PLAN
 1/8" = 1'-0"

REFLECTIONS SKIN & LASER CENTER
 768 WEST AVE CARTERSVILLE, GA 30120
 PROPOSED FLOOR PLAN

BALDWIN
 ARCHITECTURAL GROUP
 M. Christopher Baldwin, Architect
 3330 Cumberland Blvd.
 (404) 406-9041

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No.	Date	By

Revision Schedule		
No.	Date	By

DATE
 DRAWN: JTC
 CHECKED: MCB

JOB NO.
0830-2022

SHEET NO.
A104











BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	November 10 th , 2022
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V22-22. 100 Cherokee Ave. Applicant: White & Choate Attorneys
DEPARTMENT SUMMARY RECOMMENDATION:	To increase the height and area of a new freestanding sign.
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: David Archer/ Keith Lovell
 Date: October 10, 2022
 Re: File # V22-22

Summary: To increase the height and area of a new freestanding sign.

Section 1: Project Summary

Variance application by applicant White & Choate Attorneys for property located at 100 W. Cherokee Avenue, zoned DBD (Downtown Business District). Said property contains approximately 0.38 acres. This is an after-the-fact application.

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 5ft 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, Nov. 15th.

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

1. To increase the height and area of a new freestanding sign.

Section 2. Department Comments

Electric Department: The Electric System takes no exception the variance case #V22-12.

Fibercom: Cartersville FiberCom takes no exception to V22-22 sign variance application for 100 W Cherokee.

Fire Department: V22-22- CFD takes no exceptions to the request to increase the size of the monument sign.

Gas Department: The Gas System takes no exception to the following as shown in the attachments provided no part of the proposed sign encroaches within the public right-of-way.

Public Works Department: Since there is a four way stop at Erwin and Cherokee, we do not take issue with this variance.

Water Department: No comments received

Section 3. Public Comments Received by Staff

None received by staff.

Section 4. Variance Justification:

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

Chapter 20, Article II, Sec. 20-27. – DBD Sign Regulations.

All signs under this section require a permit. The standards and requirements of this section shall be in addition to city-wide standards and requirements. In the event of conflicting regulations, the standards and requirements of this section shall take precedence.

(1) General regulations.

- a. *Banners.* No more than one (1) banner, not to exceed thirty-two (32) square feet in area, may be displayed at each place of business and shall be securely attached to the facade of a building. A registration permit is required, at no cost, and such banners shall be displayed for a period not to exceed thirty (30) days.
- b. *Color.* For all signs in the DBD district, fluorescent colors shall not be used. Such signs shall not contain more than five (5) colors, except in instance of an illustration.
- c. *Freestanding signs.* One (1) freestanding sign shall be allowed on each property frontage, not to exceed six (6) feet in height, and shall not exceed twenty-four (24) square feet in area. Electronic freestanding signs which exhibit animation, blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited.
- d. *Pole banners.* Such banners shall not exceed twelve and one-half (12-1/2) square feet in area; shall have a maximum width of two and one-half (2-1/2) feet and a maximum height of five (5) feet; shall have a minimum display height from the bottom edge of the banner to the ground of eight (8) feet; and shall have a

maximum display height of twenty-five (25) feet measuring from the top edge of the banner to the ground. Such banners attached to public utility poles or light poles shall be approved by the appropriate city department prior to attachment.

- e. *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
1. The sign shall not exceed an area of six (6) square feet.
 2. The horizontal dimension of the sign shall not exceed three (3) feet.
 3. The sign shall be attached perpendicular to the building wall.
 4. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) feet over a street or driveway.
 5. The distance from the building wall to the sign shall not exceed six (6) inches.
 6. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
 7. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- f. *Wall signs.*
1. Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
 2. No wall sign shall be closer than eighteen (18) inches to an adjacent property line and shall not be installed or extend over a party wall.
 3. Wall signs shall not obscure important architectural details or features such as windows, transom panels, sills, moldings and cornices.
 4. Wall signs shall be no greater than twenty-four (24) inches in height (excludes permanent window signage).
 5. Animated illumination or effects, electronic, blinking, flashing, rotating, and/or scrolling wall signs shall be prohibited.
- g. *Window signs.* Each ground level business having windows directly oriented to a street may use all of that glass area as one (1) allowable sign, but no single window shall be covered more than thirty (30) percent. Electronic window signs in the downtown business district (DBD) shall be no greater than four (4) square feet in area and shall only be stationary.

(2) *Maintenance and appearance of signs.*

- a. All signs in the DBD zoning district shall be maintained in good condition, so as to present a quality and orderly appearance. The city finds that neglected or dilapidated signs in the DBD zoning district may adversely affect the public health, safety and welfare. Such signs may adversely affect the aesthetic characteristics of the city and may adversely affect public safety due to the visual impact of said signs on motorists and the structural characteristics of said signs.
 - b. Signs shall be considered neglected or dilapidated signs if any of the following conditions are present: Rust or holes on or in the sign or sign structure; broken, missing, loose or bent parts; faded or flaking paint; nonoperative or partially nonoperative illuminating or mechanical devices; or missing letters in sign copy.
 - c. The planning and development department, after due notice, may have any sign removed which shows gross neglect or becomes dilapidated. Said notice shall be given to the property owner and current tenant by first class mail, with proof of mailing obtained from the post office. Proof of mailing means either a first class "certificate of mailing" or a first class "certified mail" receipt; a proof of delivery is not required. Only an owner reflected on the records of the tax assessors as of January 1st of the applicable year shall be entitled to notice. The zoning administrator or designee shall give the owner thirty (30) days' written notice to correct the deficiencies or to remove the sign or signs. If the owner refuses to correct the deficiencies or remove the sign, the zoning administrator or designee may have the sign removed at the expense of the owner.
- (3) *Prohibited signs in the DBD district in addition to section 20-22*
- a. Animated illumination or effects, electronic, and/or flashing signs, unless noted above.
 - b. Billboards.
 - c. Signs painted directly onto roofs, retaining walls, fences or building facades or walls. Commemorative wall signs of historical significance are exempt from this provision.
 - d. Streamers.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 8, 3-5-15)

Chapter 26, Article XXI, Sec. 21.3. - Powers and duties of the board of zoning appeals.

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

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

of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.

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

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

21.3.3. *Variations.* 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

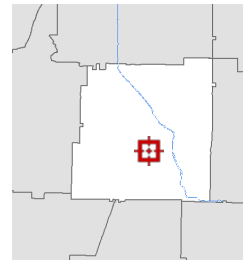
application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

- 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.*



Overview



Legend

-  Parcels
-  Roads

Date created: 10/10/2022
Last Data Uploaded: 10/7/2022 10:23:54 PM

Developed by  **Schneider**
GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals


Hearing Date: 11/10/2022 5:30pm

Application Number: V22-22
Date Received: 10/4/2022

Applicant White & Choate Attorneys Office Phone 770-382-9591
(printed name)
 Address 100 W. Cherokee Ave Mobile/ Other Phone _____
 City Cartersville State Ga. Zip 30120 Email jchoate@wcvattorneys.com
Tim Gilstrap - New Beginnings Signs Phone (Rep) 404-392-6884
 Representative's printed name (if other than applicant) Email (Rep) tim@nbsigns.com
 Representative Signature _____ Applicant Signature Harold J. Choate III
 Signed, sealed and delivered in presence of: My commission expires: _____
Patti S. Rogers Notary Public



* Titleholder WCV Properties LLC Phone 770-382-9591
(titleholder's printed name)
 Address 100 W Cherokee Ave Email jchoate@wcvattorneys.com
 Signature Harold J. Choate III
 Signed, sealed, delivered in presence of: My commission expires: _____
[Signature] Notary Public 11/23/23



Present Zoning District _____
 Acreage 38 Land Lot(s) 483 & 454 District(s) 4th Section(s) 3rd
 Location of Property: 100 W. Cherokee Ave corner of Erwin St.
(street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: DBD
 Summary Description of Variance Request: 30 sqft sign 7'-4" tall with base

 (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 11 Section 20-27 Subsection Free standing Signs
 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: We are asking for 6 sqft more than allowed & 15" taller with the stucco base.
* This sign is only 4" taller than Bartow County Courthouse & Sam Jones Church sign.
* We are asking for the 15" base (stucco) to match the building

NOTICE OF PUBLIC HEARING

The City of Cartersville Board of Zoning Appeals will hold a public meeting on Nov. 10 at 4:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia, 30120.

The Board of Zoning Appeals will review an application by New Beginnings Signs (name of applicant) of White & Chaste (applicant address) for property located at 100 W. Cherokee Ave in Land Lot(s) 4830454 of the 4th District, 3rd Section, in the DBD zoning district. Property contains approximately 0.38 acres.

Applicant requests a variance to have a 30 sq ft sign (monument)
7'-4" tall with base

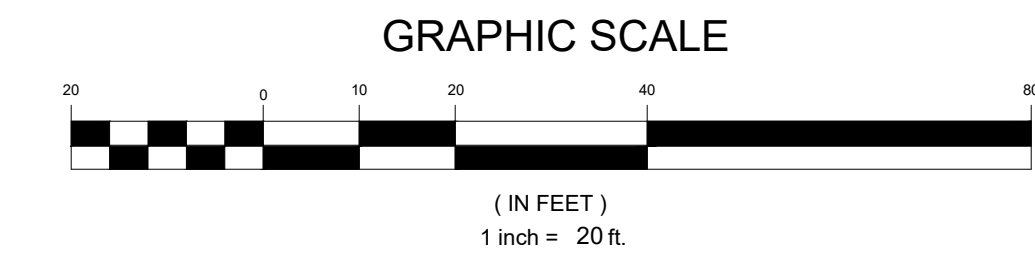
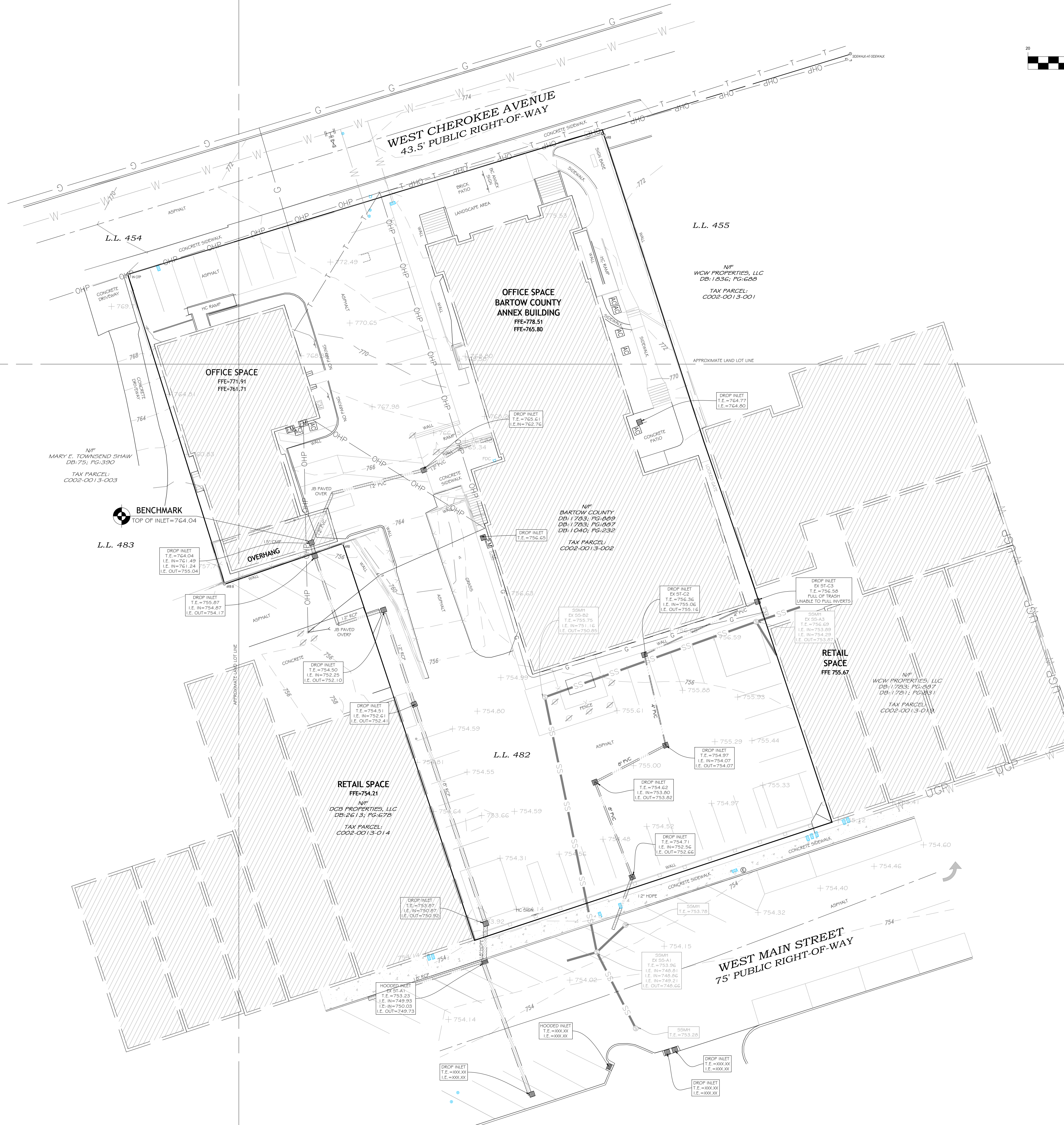
Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing.

If you have interest in the proposed variance as stated above, you are encouraged to attend the meeting as stated herein.

CITY OF CARTERSVILLE

Case # _____

C:\20000\20045 - BARTOW COUNTY PARKING DECK\DESIGN\DESIGN 1.dwg 10/27/2020 11:57 AM

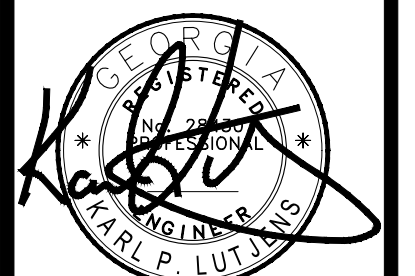


PROJECT NO. 20045
DATE: 10/8/2020

REVISIONS:	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

BARTOW COUNTY PARKING DECK
LOCATED IN LAND LOTS 454, 455, 482, & 483
4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA



SHEET TITLE:
EXISTING CONDITIONS
SHEET NO.:
C101



New Beginning Signs & Graphics
 5 Gilmer Street
 Cartersville, Georgia 30120
 770-387-1720
 www.nbsigns.com

THIS ORDER IS ON
HOLD
 PENDING WRITTEN APPROVAL

PROOF

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 PLEASE CHECK YOUR INFORMATION CAREFULLY. YOUR SIGNATURE BELOW RELEASES NB SIGNS FROM ALL RESPONSIBILITY FOR ERRORS AND OMISSIONS ON FINISHED SIGNS. THIS CUSTOM DESIGN IS THE EXCLUSIVE PROPERTY OF NEW BEGINNING SIGNS. ALL RIGHTS TO ITS USE AND REPRODUCTION ARE RESERVED.
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Item 3. CT. VED



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- OK to produce order with changes noted on proof
- Make corrections and return revised proof

Your emailed approval will be a legal binding for payment on your order.
 IF YOU HAVE ANY QUESTIONS PLEASE CALL 770-387-1720

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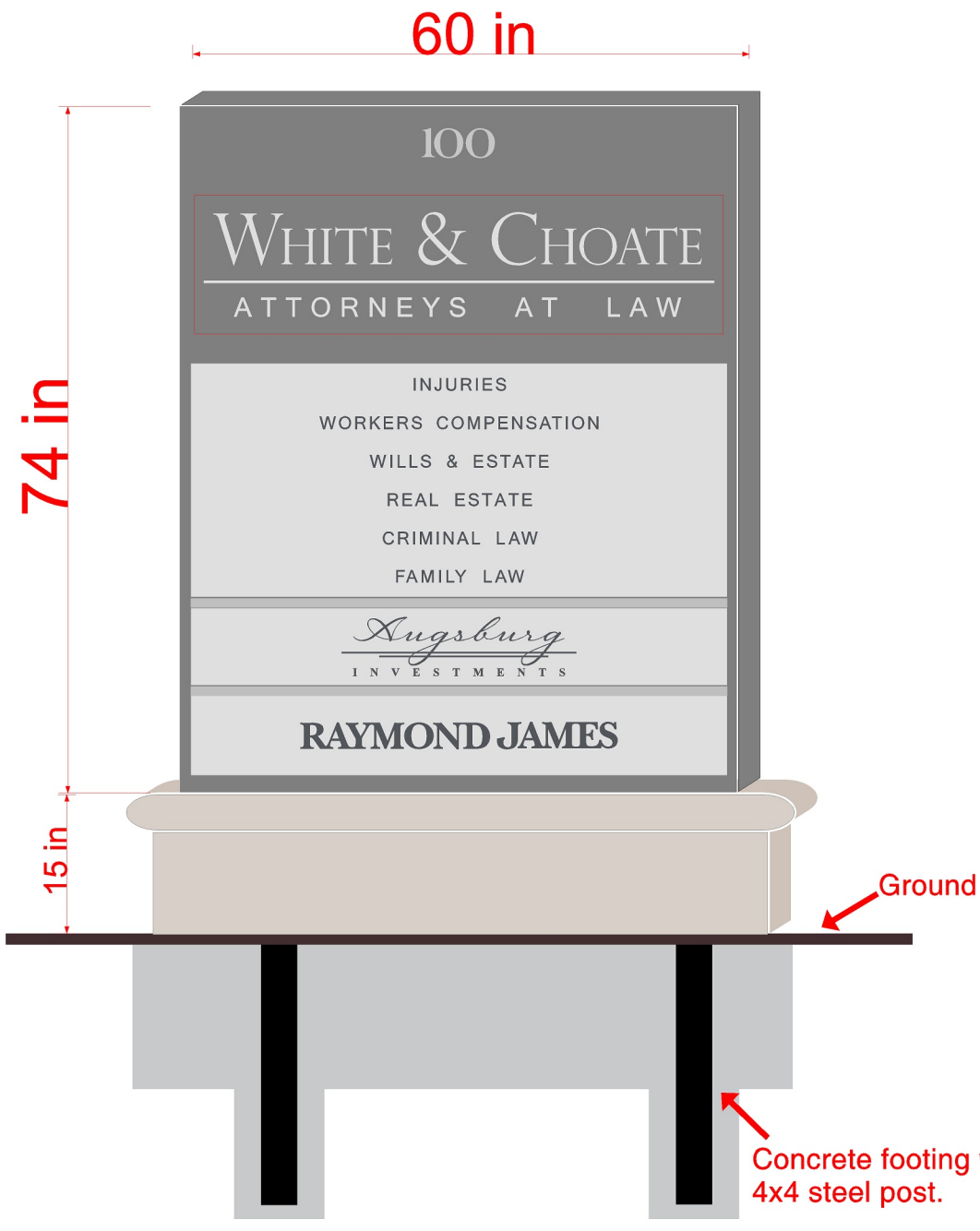


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IMAGES TAKEN 11-3-22 (Temporary Sign)

