CARTERSVILLE
BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall
Monday, June 14, 2021 at 5:30 PM

AGENDA

BOARD MEMBERS:
Lamar Pendley – Chairman
Linda Brunt
John Clayton
J.B. Hudson
Kevin McElwee
Malcom 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. May 17, 2021

VARIANCE CASES

2. V21-04. 2 Huntcliff Drive
3. V21-07. 1136 N Tennessee Street.
4. V21-10. 196 McEver St.
5. V21-11. 233 N Erwin Street
6. V21-12. 707 MLK Jr Dr.
7. V21-13. 1010 N. Tennessee St. (Los Arcos Restaurant)

STAFF OR COMMITTEE COMMENTS

ADJOURNMENT

The next meeting of the Board of Zoning Appeals will be July 12, 2021 at 5:30 P.M.

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

PLANNING COMMISSION
ITEM SUMMARY

MEETING DATE:	June 14 , 2021
SUBCATEGORY:	Approval of Minutes
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	May 17, 2021
DEPARTMENT SUMMARY RECOMMENDATION:	The minutes from the May 17, 2021 BZA Meeting are uploaded for 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 May 17, 2021 in the Council Chambers.

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

1. Call to Order

Chairman Pendley called the meeting to order.

2. Roll Call

3. Removed Item from Agenda: V21-07 1136 N. Tennessee St.

Keith Lovell, Assistant City Attorney, stated that the applicant for V21-07: 1136 N. Tennessee Street had withdrawn their application. He stated that if anyone in the audience was present for this variance case, they were free to leave or they were more than welcome to stay for the remainder of the meeting.

4. Approval of Minutes: April 19, 2021

Board Member Clayton called for a motion on the April 19, 2021 BZA meeting minutes. Board Member McElwee made a motion to approve the minutes. Motion was seconded by Board Member Clayton and carried unanimously. Vote: 4-0.

5. Old Business: None

6. New Business:

A. V21-06: 226 Summit Street Applicant: Juana Leon
Variance request to allow privacy fence to encroach into the front yard setbacks of a corner lot.

David Hardegree, City Planner, stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case stating the request was to allow an 8’ privacy fence to encroach into the front yard setbacks. Mr. Hardegree also discussed the comments from the Electric Department, Gas Department, and Public Works. Public Works opposed the request due to the sight obstruction of the cross street. The applicant was present.

Kristi Lee Duarte, 22 Stoneybrook Ct., and applicant, Juana Leon came forward to represent V21-06. Ms. Duarte stated that Ms. Leon spoke little to no English so she would be interpreting for the applicant.

Public hearing opened.

Board Member McElwee stated he visited the site and agrees that a solid privacy fence would create a major sight obstruction. He asked Ms. Duarte if the applicant would be willing to go with a chain link fence to eliminate the concern of visibility. Ms. Duarte stated that they currently have a chain link fence and the privacy fence would be for their children.

Yvonne Jenkins, daughter of neighboring residents, located at 224 Summit Street, came forward to speak against the variance request, as it would create an obstructed view for her elderly parents.

With no one further to speak for or against the item, the public hearing was closed.

Board Member Clayton asked Ms. Duarte and Ms. Leon if they would be willing to honor the 20' setbacks required by Zoning, as this would eliminate the concerns of sight obstructions and the further concerns from the other departments. They stated that they would be willing to adhere to the required setbacks.

With the applicant agreeing to the required setbacks, the variance application was withdrawn.

B. V21-08: 101 Savoy Lane Applicant: Forest McClain, Anverse, Inc.
Variance request to increase the allowable wall sign area from 200 sq. ft. to 244 sq. ft.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case. No department comments were received. Applicant was present.

Public hearing was opened.

John Rice, 25 Hilltop Dr., came forward to speak for the item and answer any questions the Board may have.

With no questions or comments from the Board and no one else to come forward to speak for or against the item, the public hearing was closed.

A motion was made to approve V21-08 by Board Member McElwee and seconded by Board Member Brunt. Motion carried unanimously. Vote: 4-0

C. V21-09: 15 Collins Street Applicant: Gerardo Lopez
Variance request to allow a new house addition to encroach into the side yard setbacks.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case. No department comments were received. Applicant was present.

Public hearing was opened.

Kesia Lopez, 18 Collins St., came forward to represent the applicant and speak for the item. She stated they are currently renting at 18 Collins Street but have purchased 15 Collins Street and are wanting to do the addition prior to moving in so there will be room for the children in the family.

James Neal, 68 Gilreath Rd., came forward and stated he owned an adjacent property and had no issue with the request.

Lois McAfee, 13 Collins Street, came forward and stated she owned and resided in an adjacent property and had no issue with the request.

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

A motion was made to approve V21-09 by Board Member Brunt and seconded by Board Member McElwee. Motion carried unanimously. Vote: 4-0

With no further business, a motion to adjourn the meeting was made by Board Member Brunt.

Meeting was adjourned at 6:21 P.M.

_____ /s/ _____

Date Approved Chair

BOARD OF ZONING APPEALS
ITEM SUMMARY

MEETING DATE:	June 14th, 2021
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V21-04. 2 Huntcliff Drive
DEPARTMENT SUMMARY RECOMMENDATION:	To allow a privacy fence to encroach into the front yard setback of a corner lot.
LEGAL:	N/A

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

MEMO

To: BZA
From: Randy Mannino/David Hardegree/Meredith Ulmer
CC: Keith Lovell
Date: May 18, 2021
Re: File # V21-04

#V21-04: Applicant requests a variance to allow a privacy fence to encroach into the front yard setback of a corner lot.

Section 1: Project Summary

Variance application by Darla Montgomery for property located at 2 Huntcliff Drive, zoned R-7 (Residential). Said property contains approximately 0.23 acres. The property is at the southeast corner of the Huntcliff Dr. and Thornwood Dr. intersection.

The applicant installed the fence earlier this year. The fence is compliant with all zoning requirements except its' location along the Thornwood Drive property line. Code enforcement officer John Goworek noticed the fence encroached into the front yard and made contact with the applicant. The applicant was informed that this fence would have to be relocated behind the setback line or receive a variance for the location.

By ordinance, a privacy fence on a corner lot must be at or behind the front yard setback. In this case the front yard setback is 25ft which is where the house is sited. The property line is located 12ft behind back of curb. The fence is currently located 6'-4" behind back of curb which is on the public right-of-way(ROW) and must be moved off the public right of way. Based on GIS the fence may be installed on top of the City waterline.

Four trees are located approximately 10'-12' behind back of curb and may be on the ROW. The trees were planted between 2000 and 2004 per Google Earth images and by a previous owner.

Th BZA should determine what is an appropriate distance for the fence to be located off the public ROW. The range of distance is between 0ft and 25ft. off the property line or 12ft to 37ft behind back of curb.

The applicant's variance request is in regards to **Section 4.16, Fences and Walls, Item (B)(4). See Section 4 below.**

The variance request is for the following:

1. To allow a 6ft privacy fence to encroach into the front yard setback of a corner lot.

Section 2. Department Comments

Electric Department: No comments received. Not in service area.

Fibercom: Takes no exception.

Fire Department: No comments received

Gas Department: Takes no exception. Not in service area.

Public Works Department: The fence at this location will be required to be removed from the right of way. A variance cannot be obtained for its setback, since it is located on public right of way.

Water Department: Takes No Exception.

Bartow County Water Dept: No comments received.

Section 3. Public Comments Received by Staff

5/19. Johnathan Lewis. Adjacent neighbor. Received notification. General Inquiry.

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).

Chapter 26. Section 4.16 Fences and Walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.

4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

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

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

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

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

A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and

B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and

C. Adjacent property would not be unduly damaged by such use of the building; and

D. The use is to be identical or similar to the prior nonconforming use of the building.

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

A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:

1. The property is exceptionally narrow, shallow or unusually shaped;

2. The property contains exceptional topographic conditions;

3. The property contains other extraordinary or exceptional conditions; or

4. There are existing other extraordinary or exceptional circumstances; and

B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and

C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

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

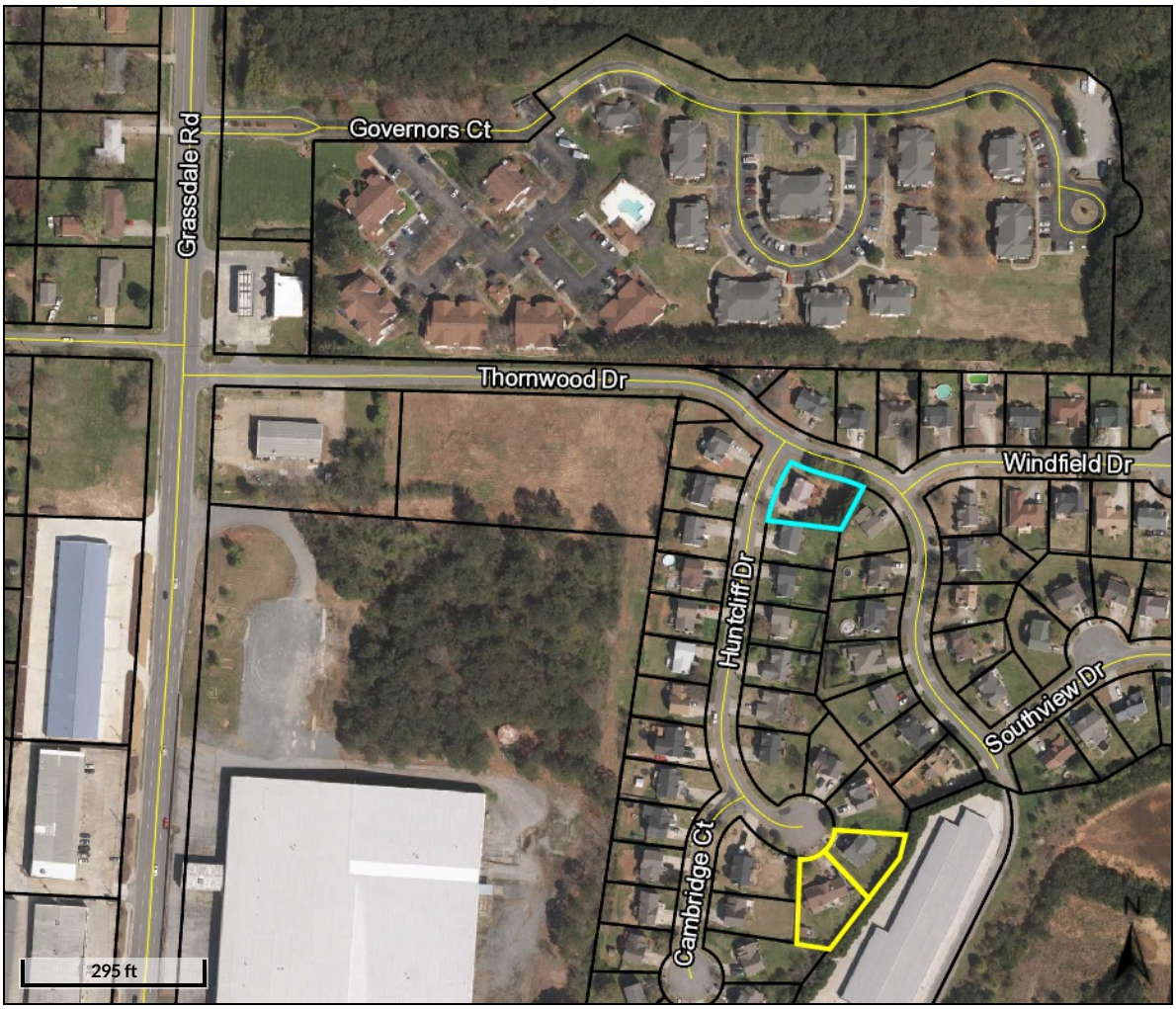
21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public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

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

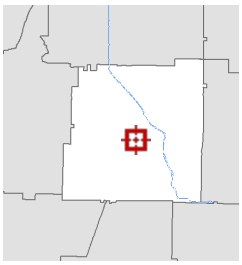
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create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

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

qPublic.net™ Bartow County, GA



Overview



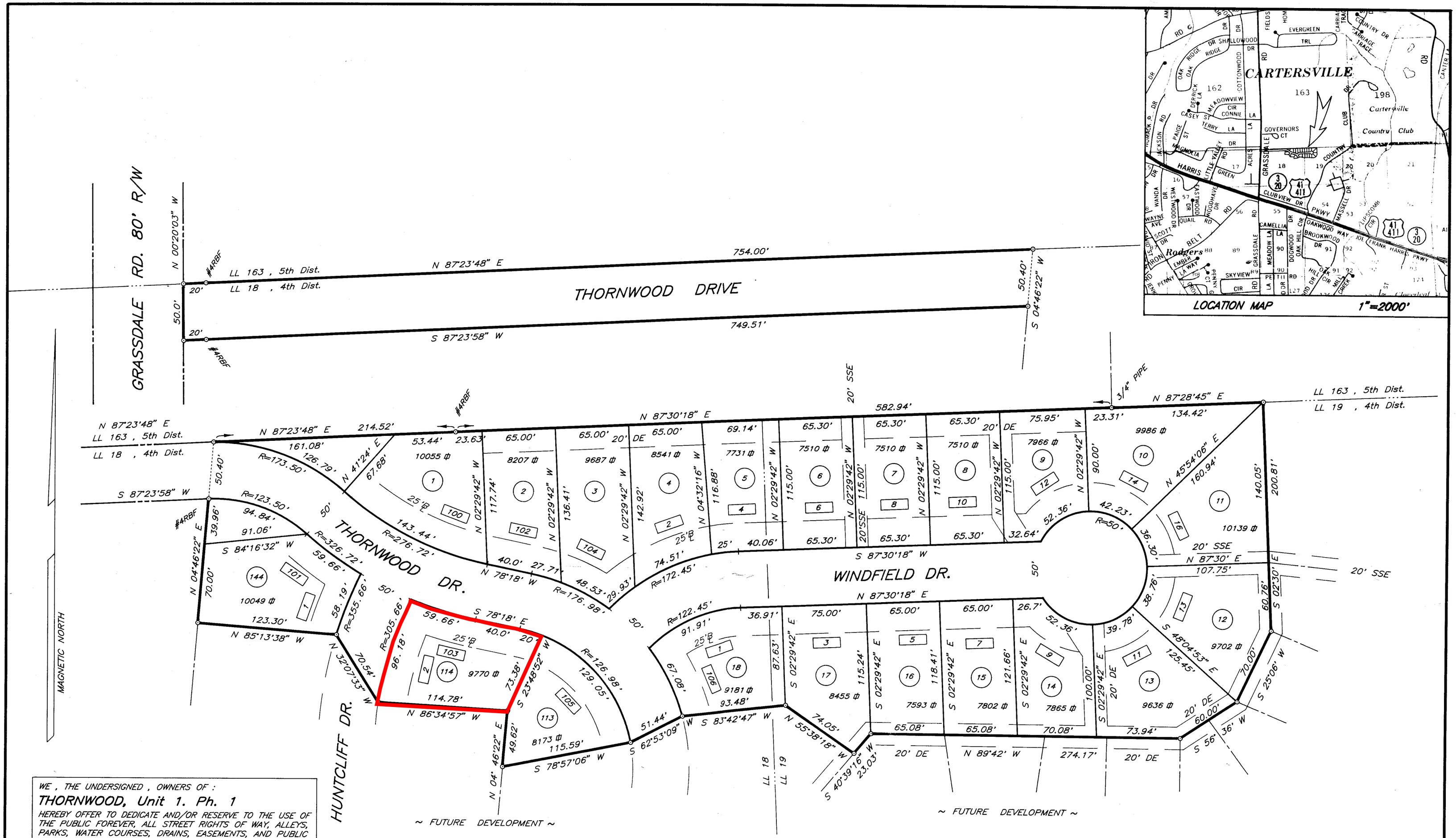
Legend

- Parcels
- Roads

Parcel ID	C082-0002-008	**Alternate ID**	37475	**Owner Address**	MONTGOMERY DARLA
Sec/Twp/Rng	n/a	**Class**	Residential		2 HUNTCLIFF DRIVE
Property Address	2 HUNTCLIFF DR	**Acreage**	n/a		CARTERSVILLE, GA 30121
District	Cartersville				
Brief Tax Description	LL18 LD4 S3 LT114 THORNWOOD I (Note: Not to be used on legal documents)				

Date created: 5/17/2021
Last Data Uploaded: 5/14/2021 10:12:28 PM

Developed by Schneider GEOSPATIAL



WE , THE UNDERSIGNED , OWNERS OF :

THORNWOOD, Unit 1. Ph. 1

HEREBY OFFER TO DEDICATE AND/OR RESERVE TO THE USE OF THE PUBLIC FOREVER, ALL STREET RIGHTS OF WAY, ALLEYS, PARKS, WATER COURSES, DRAINS, EASEMENTS, AND PUBLIC PLACES SHOWN HEREON, FOR THE PURPOSE AND CONSIDERATION HEREIN EXPRESSED.

OWNER :	DATE
Judith G. Harris	8/30/93
[illegible]	8/30/93
Stephen D. Harris	8/30/93
[illegible]	8/30/93
Daniel R. Baker	8/30/93

I HEREBY CERTIFY THAT THE PLAT SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION,AND THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON (#4 REINFORCING BAR AT EACH LOT CORNER).

Daniel T. Baker

GEORGIA REGISTERED LAND SURVEYOR # 2327

THIS PLAT IS APPROVED FOR RECORDING IN THE OFFICE OF THE CLERK OF SUPERIOR COURT.

Ralph H. Miller — 31 Aug 1993

PLANNING COMMISSION — DATE

GEORGIA REGISTERED 2327 LAND SURVEYOR DANIEL TRENHOLM BAKER

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/10,000+ ; ANGULAR PRECISION ; 23" √n . THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT : 1/134,071 . MATTERS OF TITLE ARE EXCEPTED.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY PANEL # 13015 C 0086 F DATED SEPTEMBER 29, 1989 .

60 0 60 120

SCALE IN FEET

DATE : 8-26-93	
SCALE : 1"=60'	
DRAWN BY : DTB	
CHECKED BY : DTB	
2509/500/GRAS1-1	

GASKINS & BAKER
LAND SURVEYORS
CARTERSVILLE , GEORGIA
(404) 382-5969

THORNWOOD
Unit 1, Ph. 1

LOCATED IN L.L. 18 & 19
4th DIST., 3rd SECT.,
BARTOW COUNTY, GA.
CITY OF CARTERSVILLE

89-560 C

Item 2.

Back of Curb
6'-4"
12ft +/-
Edge of ROW
25ft. BSL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4/19/21 **5:30pm** **Application Number:** V21-04

Date Received: 2/15/2021

Applicant DARLA Montgomery (printed name) Office Phone

Address 2 Huntcliff Drive Mobile/ Other Phone 470 430 8275

City Cartersville State GA Zip 30121 Email babygirl0432@gmail.com

Representative's printed name (if other than applicant) Phone (Rep)

Email (Rep)

Representative Signature Applicant Signature

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

1/23/23

Notary Public

SAMANTHA FINCHER NOTARY PUBLIC BARTOW COUNTY, GEORGIA EXPIRES 01/23/23

* Titleholder DARLA Montgomery (titleholder's printed name) Phone 470 430 8275

Address 2 Huntcliff Drive Email babygirl0432@gmail.com

Signature

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

1/23/23

Notary Public

SAMANTHA FINCHER NOTARY PUBLIC BARTOW COUNTY, GEORGIA EXPIRES 01/23/23

Present Zoning District R-7

Acreage Land Lot(s) 18 District(s) 4 Section(s) 3

Location of Property: 2 Huntcliff Drive Cartersville GA 30121
(street address, nearest intersections, etc.)

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

Summary Description of Variance Request: My fence is in place already. It does not hinder walking traffic or obstruct the view from oncoming traffic.
(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.

Chapter

~~Article~~ 26 Section 4 Subsection 16

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,

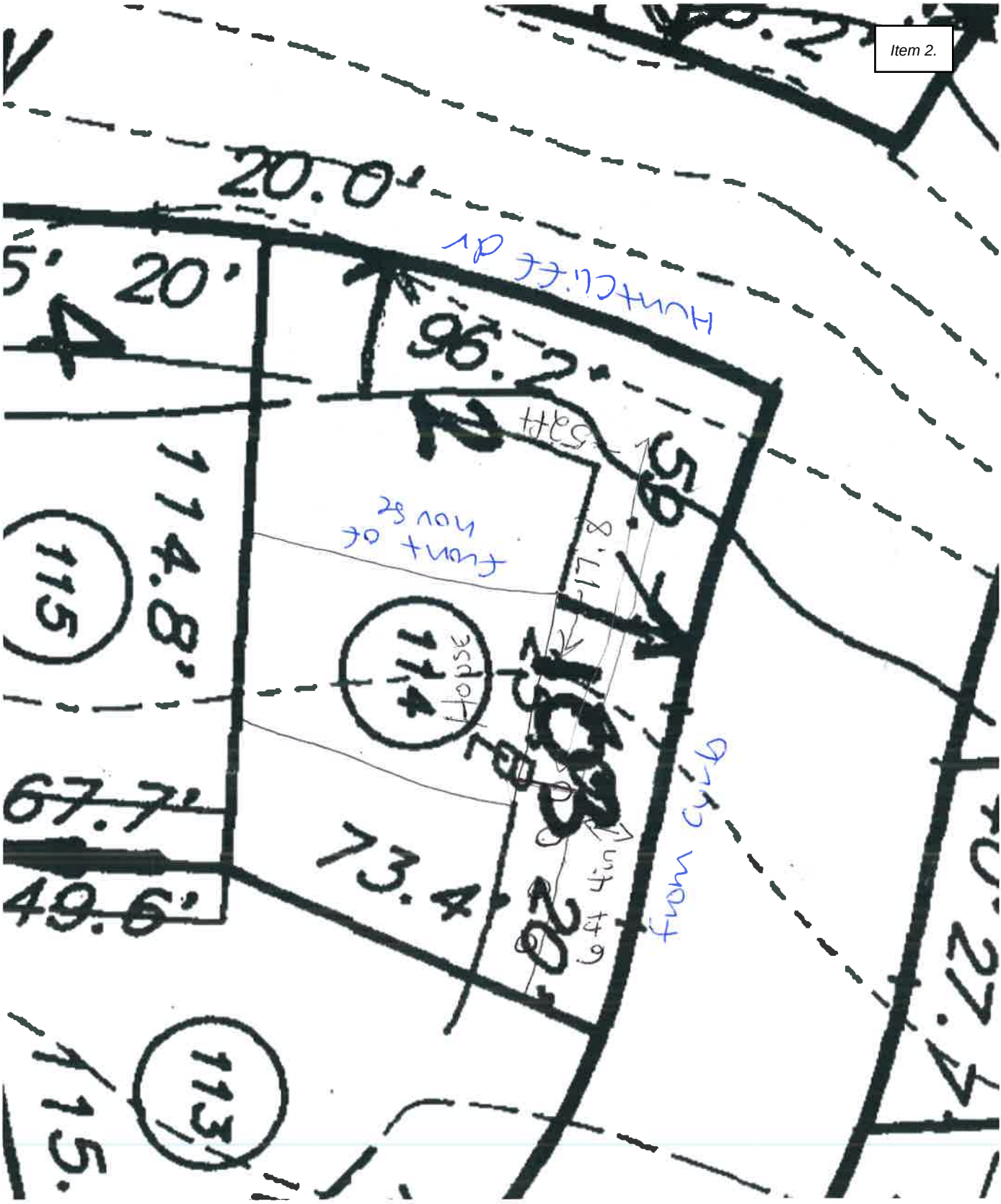
3. ✓ The property contains other extraordinary or exceptional conditions; and

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: I had the fence placed just outside of the border of trees that surround my property. I have six children and a dog, and I wanted a fence for their safety. The placement was also to benefit my family and pet with as much of the yard that the trees take up. At the stop sign, on my property, you are able to view incoming traffic with no obstruction from my fence. I also don't have the financial means of being able to relocate my fence.


20.0'
20'
96.2'
114.8'
115
114
Hopse
67.7'
49.6'
73.4'
113
115.
Huntcliff dr
front of house
from curb

CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. V21-04
APPLICATION HAS BEEN MADE TO THE CITY OF CARTERSVILLE BOARD OF ZONING APPEALS FOR VARIANCE ON THIS PROPERTY.
A PUBLIC HEARING WILL BE HELD AT CITY HALL 10 NORTH PUBLIC SQUARE
6/14/21
FOR ADDITIONAL INFORMATION CONTACT THE DEPARTMENT OF PLANNING & DEVELOPMENT AT 770.387.5600

BOARD OF ZONING APPEALS
ITEM SUMMARY

MEETING DATE:	June 14th, 2021
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V21-07. 1136 N Tennessee Street.
DEPARTMENT SUMMARY RECOMMENDATION:	Variance request to omit rear access and rear parking for townhomes
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/Meredith Ulmer
CC: Keith Lovell
Date: June 8, 2021
Re: File # V21-07 1136 N. Tennessee Street (Felton Walk)

#V21-07: To omit the townhouse requirement for rear access and rear parking.

Section 1: Project Summary

Variance application by Colin Bennett, Smith-Douglas Homes, for property located at 1136 N. Tennessee St, and zoned M-U, Multiple Use. Said property contains approximately 7.45 acres. The applicant proposes the construction of (45) townhomes within eight (8) townhouse blocks. The variance request is to omit the requirement for rear access to the townhomes and rear parking.

Recent Project History:
The property has been through two (2) zoning reviews with the planning commission and city council. The first review, SU18-05, requested a special use permit to allow residential units above, below and behind commercial space for a mixed-use development. The mixed-use concept would eliminate the car wash at 1138 N Tennessee St to create a 3-story residential development over retail. A combination of mixed-use, retail, office and parking was planned for 1136 N Tennessee St. The special use was approved with conditions. Approval letter attached.

The second zoning review, Z19-06, requested a change in zoning from O-C and G-C to M-U and G-C due to financing issues with the mixed-use concept. The change in zoning was to eliminate the mixed-use concept and provide a majority residential development. The car wash would remain in place. This zoning request was approved with conditions. Approval letter attached.

For Z19-06, the site plan concept presented (37) townhomes with rear access. A parking lot and office block were included. The concept plan presented in this variance application replaces the parking lot and office block with (2) additional townhouse blocks. The townhouse blocks are pushed closer to the street to eliminate the rear access requirement. This site does allow for additional driveway length and structure distance from the street than what has been reviewed on similar projects like Everton Estates (Etowah Preserve).

All other townhouse requirements in the M-U district can be met. See table provided below.

The variance requests are for the following:

1. To omit the rear access requirement for townhouses (Sec. 9.2.3 (R)(2)(c)); and
2. To omit the rear parking requirement (Sec. 9.2.3 (R)(2)(d)).

Section 2. Department Comments

Electric Department: No objection to the front access garages. They[developer] need to know that there may be fees associated with the relocation of existing light poles or other facilities due to this change.
.

Fibercom: Takes no exception.

Fire Department: Based on the concept drawing, Cartersville Fire Department does not deem the reduction to be a danger to the public or to the neighboring property. Therefore, CFD takes no exceptions to the request.

Gas Department: Takes No Exception. No trees may be planted in the private street/ utility access easement or in the natural gas easement.

Public Works Department: No comments received.

Water Department: We have met with a representative of Smith Douglas Homes and with the development site designer Kevin Stephenson. They are in agreement with modifying the water and sewer layout to eliminate any utility conflicts.

The Cartersville Water Department takes no exception to the variance provided the site utility layout design is structured to not be in conflict with structures, streets, etc.

Section 3. Public Comments Received by Staff

Prior to the May 17th meeting. General Inquiry from neighboring business across Felton St.

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).

Chapter 26, Zoning, Sec. 9.2.3. Development standards for the Multiple Use Zoning District.
See table.

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.*

9.2 M-U zoning district- Townhouse Requirements

Code Sec.	Description and/ or Requirements	Required	Proposed	Notes
9.2.1	District scope and intent: Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to:A.Encourage the development of tracts of land in the community;B.Encourage flexible, innovative, and creative concepts in site planning;C.Encourage efficient use of land;D.Provide a stable multiple use environment compatible with surrounding uses; andE.Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.			
9.2.2	Use Regulation	---	---	---
9.2.3	Development Standards	---	---	---
A	Single-family residential buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher; multifamily and nonresidential buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.	35ft/ 2.5 stories	35ft/ 2.5 stories	---
B	Front yard setback: Ten (10) feet	10ft.	10ft. Min.	---
C	Side yard setback: Ten (10) feet. If single-family attached, ten (10) feet end of each row.	10ft.	10ft. Min.	---
D	Rear yard setback: Twenty (20) feet.	20ft.	20ft. Min.	---
E	Minimum lot area: Townhouse/attached: Two thousand (2,000) square feet.	2000sf	2000sf Min.	---
F	Maximum Density: Townhouse/attached: Twelve (12) dwelling units per acre.	12 un/ac	6 un/ac	---
G	Minimum lot width at building line: Townhouse: Twenty (20) feet per lot.	20ft.	24ft.	---
H	Minimum lot frontage: Townhouse: Twenty (20) feet per lot.	20ft.	24ft.	---
I	Minimum heated floor area per unit: Townhouse/attached: One thousand (1,000) square feet.	1000sf	1700sf. Min. (1918sf max. on fl plns)	---
I	Accessory use, building and structure requirements. See section 4.9 of this chapter.	---	---	Addressed during plan review. No indication of non-compliance

Code Sec.	Description and/ or Requirements	Required	Proposed	Notes
J	[Metal panels, metal sheathing, standard gray concrete block.] The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.	---	---	Addressed during plan review. No indication of non-compliance
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.	---	---	Addressed during plan review. No indication of non-compliance
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.	---	---	Addressed during plan review. No indication of non-compliance.
M	[Front building facade.] The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.	Front Faces Street	Front Faces Street	---
N	Minimum buffer requirements. In addition to required setbacks, all nonresidential and/or multifamily property uses within the M-U district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with section 4.17 of this chapter.	Yes	Yes	Buffer required along Northpoint Subdiv. Buffer provided. No indication of non-compliance.
O	Minimum open space.	NA	---	---
P	Maximum commercial building floor area:	NA	---	---
Q	Accessory structure requirements. See section 4.9 of this chapter.	---	---	Addressed during plan review. No indication of non-compliance.
R	Other standards.	---	---	---
1	Townhouse developments shall have a minimum development area of one-half (½) acre.	0.5ac. Min.	7.45 +/- ac.	---
2	In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.	Yes	Yes	Buffer required along Northpoint Subdiv. Buffer provided. No indication of non-compliance.

Code Sec.	Description and/ or Requirements	Required	Proposed	Notes
(a)	Minimum lot depth: one hundred (100) feet.	100ft.	100ft. Min.	No indication of non-compliance.
(b)	No fewer than three (3) dwelling units in a row shall be allowed	Min. 3	Min. 4	---
(c)	Alley or private drive access required	Yes	No	Front Access to Townhomes using existing street
(d)	Required parking shall be allowed in the rear yard only.	Yes	No	Eliminate requirement with proposed Front Access Townhomes
(e)	Principal buildings shall front a private drive or public right-of-way.	Yes	Yes	---

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

October 16, 2018

Baha Kharazmi
c/o Tri Unity Holdings LLC
6524 Buford Hwy NE
Atlanta, GA 30340

RE: SU18-05: 1136/1138 N. Tennessee St. Special Use Permit results letter

Mr. Kharazmi,

This letter serves as verification of the outcome of your Special-Use Permit application, SU18-05, to the City Council for:

> *Allowing apartments and condominiums, above, below, or behind commercial and office uses in the same building*

The application was **APPROVED with the following condition** by City Council on October 4th, 2018:

> *Council Member Hodge made a motion to approve SU18-05 subject to the fence style and location as approved by the Planning and Development and Gas Departments. The motion was seconded by Council Member Wren. Motion carried unanimously. Vote: 6-0.*

No further action is required regarding this Special-Use application.

The next steps in the project approval process require building and site plans be reviewed and approved by the City of Cartersville. I will be the point of contact for the site plan approval process. David Dye, Building Official, will be the point of contact for the building plan review.

Please contact me with any questions.

Sincerely,

David Hardegree, AICP
City Planner
O. 770-387-5614
dhardegree@cityofcartersville.org

City of Cartersville
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December 20, 2019

Tri Unity Holdings, LLC
ATTN: Baha Kharazmi
1138 N. Tennessee St.
Cartersville, GA 30120

RE: Z19-06. Zoning Approval Letter for property located at 1136 N. Tennessee St.

Dear Mr. Kharazmi,

The zoning application, Z19-06, was **APPROVED with conditions** by City Council on December 5, 2019, for the following:

Change zoning from O-C (Office Commercial) and G-C (General -Commercial) to M-U (Multiple-Use) and G-C (General-Commercial) zoning. Said property contains approximately 7.42 acres.

The conditions are:

1. *Allow Bradshaw Loop to remain open for use by adjacent property owners;*
2. *…[install an 8ft. tall privacy fence along the Pointe North subdivision property line] subject to the fence style and location as approved by the Planning and Development and Gas Departments (per SU18-05).*

See attached Ordinance No.42-19 for language specific to the zoning case. No further action is required regarding this rezoning application.

Please contact me with any questions.

Sincerely,

David Hardegree, AICP
Planning and Development Department
770-387-5614
dhardegree@cityofcartersville.org

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 42-19

Petition No. Z19-06

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Tri Unity Holdings, LLC. Property is located 1136 N Tennessee Street. Said property contains 7.42 acres located in the 4th District, 3rd Section, Land Lot 530 as shown on the attached plat Exhibit "A". Property is hereby rezoned from O-C (Office Commercial) and G-C (General Commercial) to M-U (Multiple Use) and G-C (General Commercial) Proposed Use: Townhomes, Office Space and Parking Lot (M-U);Parking Lots (G-C) with the following conditions: allows access for adjacent property owners to use Bradshaw Loop and keep the condition of an eight-foot fence between Point North Subdivision and this property per the condition approved on SU18-05. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

BE IT AND IT IS HEREBY ORDAINED.

First Reading this 21st day of November 2019.
ADOPTED this 5th day of December. Second Reading.

CITY OF CARTERSVILLE CORPORATED SEAL 7850 GEORGIA

ATTEST:

/s/ Matthew J. Santini
Mayor

/s/ Meredith Ulmer
Meredith Ulmer
City Clerk

LOT 3
1.11 ACRES
CURRENT ZONING: G-C
NO CHANGE- SUP TO REMAIN

Building 1 (4 STORIES)
Retail Area = 20,000sf
Required Parking = 60spaces

45 Residential Condos
Required Parking = 90 Spaces

Bldg 1

REWORK EXISTING ROADWAY- OPTIONAL PARKING SPACES TO BE PROVIDED IF POSSIBLE-

LOT 1
6.80 ACRES
CURRENT ZONING: O-C
PROPOSED ZONING: M-U
TOWNHOMES, OFFICE CONDO AND PARKING

LOT 2
0.90 ACRES
CURRENT ZONING: O-C
ADD THIS PORTION TO THE G-C LOT

FELTON WALK TOWWNHOMES

01

The FELTON WALK- A MULTIPLE-USE DEVELOPMENT

NORTH TENNESSEE St, CARTERSVILLE, BARTOW COUNTY, GA

Architect
KSi design group
678-438-4759, KSidesign@outlook.com

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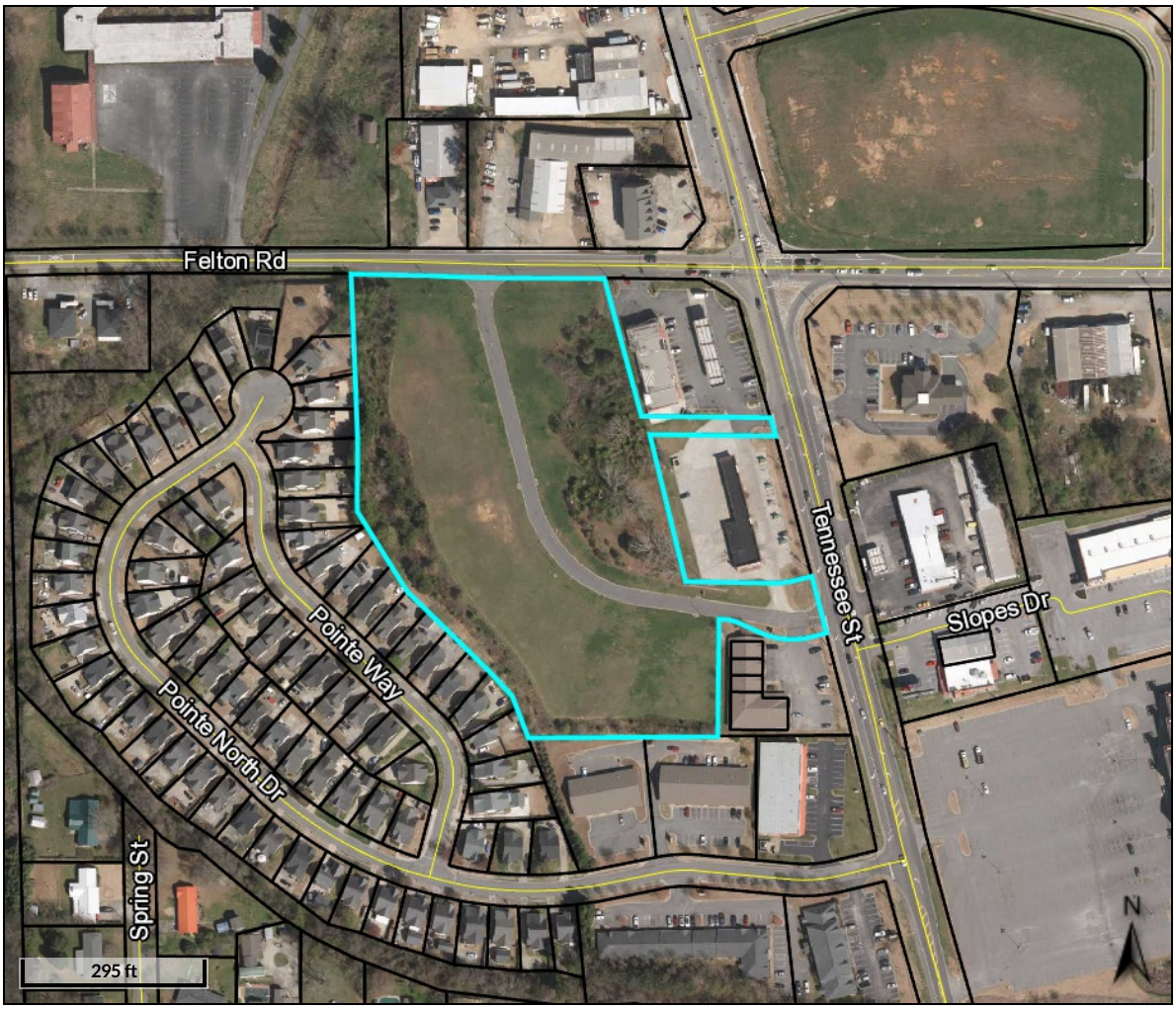
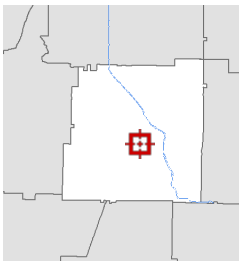
qPublic.net™ Bartow County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID	C032-0003-015	**Alternate ID**	35878	**Owner Address**	TRI UNITY HOLDINGS LLC
Sec/Twp/Rng	n/a	**Class**	Commercial		6524 BUFORD HWY NE
Property Address	1136 N TENNESSEE ST	**Acreage**	7.45		ATLANTA, GA 30340
District	Cartersville				
Brief Tax Description	LL 166 D 4				
	(Note: Not to be used on legal documents)				

Date created: 5/13/2021
Last Data Uploaded: 5/12/2021 10:16:53 PM

Developed by Schneider GEOSPATIAL

David Hardegree

From: Colin Bennett <cbennett@smithdouglas.com>
Sent: Monday, April 19, 2021 12:13 PM
To: David Hardegree
Subject: [External]Felton Walk - Updated Variance Application
Attachments: SMITH DOUGLAS CONCEPT-4-15-21.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION : This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

David,

I would like to revise my initial variance submitted to remove the rear access and allow front access townhomes.

Also, I would like to pose a 5’ setback reduction variance for unit one, from 20’ to 15’.

Variance not required. Setback is 10ft for west side of Unit 1.

Thanks,

Colin Bennett
Land Acquisition Manager
cbennett@smithdouglas.com
C: 770.608.4086
110 Village Trail, Suite 215 Woodstock, GA 30188

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 5/17 **5:30pm** **Application Number:** V21-07

Date Received: 3/24/21

Applicant COLIN BENNETT, SMITH DOUGLAS Homes (printed name) Office Phone 770 608 4086

Address 90 TOM JONES RD. Mobile/ Other Phone

City KINGSTON State GA Zip 30145 Email cbennett@smithdouglas.com

Representative's printed name (if other than applicant) Phone (Rep)

Email (Rep)

Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: My commission expires: 9.5.21

Notary Public

Jill F Witter
NOTARY PUBLIC
Cherokee County, GEORGIA
My Comm. Expires 09/05/2021

* Titleholder Baha Kharazmi Phone 404.510.2242
(titleholder's printed name)

Address 3531 Daventry LN Email baha2242@yahoo.com

Signature

Signed, sealed, delivered in presence of:

Notary Public
Suzette Green

My commission expires: AUG. 6 2024

SUZETTE GREEN
NOTARY PUBLIC
BARTOW CO., GEORGIA
MY COMMISSION EXPIRES

Present Zoning District M-U

Acreage 7.45 Land Lot(s) 530 District(s) 4th Section(s) 3rd

Location of Property: 1136 N. Tennessee Street, Felton Rd + Tennessee St.
(street address, nearest intersections, etc.)

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

Summary Description of Variance Request: Mixed Use (MU) to front entry townhomes

(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 IX Section 9.2.3 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: _____

SMITH DOUGLAS HOMES

QUALITY | INTEGRITY | VALUE

City of Cartersville Board of Zoning Appeals:

We are requesting that the Board of Zoning Appeals consider a variance from the rear entry requirement to allow front entry townhomes for our project located at 1136 N. Tennessee Street due to the following hardships:

- The existing utility infrastructure has been placed including the roadway which has established the overall grade for the site which does not provide an opportunity to mass grade the site to provide the ability to install rear entry access. The existing street grade would require extensive import fill material and potential walls to provide for the appropriate lot pad; select areas of the site would not provide adequate lot depth and would reduce the buildable site area.
- The overall impervious areas would increase due to the rear alleys potentially creating drainage concerns to adjacent property owners along Pointe Way.
- Due to the additional grading areas, additional property would need to be cleared reducing existing natural areas; this would affect the existing residents to the along Pointe Way and expose the unsightly commercial areas to the east.
- Limited serviceability of the rear alleys along with the maintenance cost burden for the Homeowners Association which could raise the HOA monthly dues.

The application of front entry townhomes will provide the following benefits:

- Front entry townhomes are generally more attractive to younger families because the homes have a private rear yard which provides a buffer from the existing road for families to enjoy and feel safe.
- Adjacent homeowners along Pointe Way would benefit from the passive use in the rear yard of the front entry townhomes and would continue to enjoy the existing natural buffer left in place.
- Front entry townhomes provide less site impact to rear entry townhomes by maintaining existing perimeter buffers.
- This site itself is on the northern boundary of the city limits, with the shape and topography of the property is better suited for front entry townhomes unlike a similar downtown street setting.
- No front-entry on Felton Road or Tennessee Street.
- Alluring, yet affordable town homes located in the historic City of Cartersville.

Thank you.

Utilities Protection Center, Inc.

IF YOU DIG GEORGIA
CALL US FIRST !
1-800-282-7411
It's The Law !

24 Hr Emergency Contact:
Colin Bennett
770-608-4086

***** ELEVATION NOTE *****

TOPOGRAPHIC INFORMATION PROVIDED BY STEPHENSON ENGINEERING, INC. IT IS THE CONTRACTORS RESPONSIBILITY TO FIELD VERIFY ALL EXISTING AND PROPOSED ELEVATIONS AND GRADES ON STREET, STORM DRAINS, AND UTILITIES PRIOR TO CONSTRUCTION. IF AN DISCREPANCY IS FOUND THEN IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO NOTIFY THE ENGINEER.

***** CAUTION *****

THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTORS CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. IF THERE ARE ANY DISCREPANCIES THE ENGINEER MUST BE NOTIFIED. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

STEPHENSON ENGINEERING, INC.
CIVIL ENGINEERING, LAND PLANNING & DEVELOPMENT CONSULTING
P.O. BOX 209088
1130 N. TENNESSEE ST., SUITE D
CARTERSVILLE, GEORGIA 30120
EMAIL: STEPHENSONENG@YAHOO.COM
PHONE: (770) 382-7977
FAX: (770) 382-3742

REVISION

DATE

GEORGIA REGISTERED No. 27629 PROFESSIONAL ENGINEER KEVIN T. STEPHENSON

THE HOLDER OF THIS DOCUMENT WAIVES ALL CLAIMS AGAINST STEPHENSON ENGINEERING INCORPORATED FOR ANY UNAUTHORIZED CHANGES OR REUSE OF THIS DOCUMENT. THIS DOCUMENT IS AN INSTRUMENT OF SERVICE OF STEPHENSON ENGINEERING INCORPORATED WHO RETAINS ALL RIGHTS OF COMMON LAW, STATUTE AND COPYRIGHT THEREIN.

OWNER/DEVELOPER:
Smith Douglas Homes
110 Village Trail, Suite 215
Woodstock, GA 30188
24 hr Contact: Colin Bennett
email: cbennett@smithdouglas.com
Phone: 770-608-4086

The Felton Walk - Phase 1

Located in Land Lot 266
4th District, 2nd Section
City of Cartersville, Georgia

PROJECT# 19-002

DATE 4-15-21

SHEET TITLE
Preliminary Plan

SHEET NO.
P1

Townhouse Examples

SMITH DOUGLAS HOMES

Atlanta Area
Ellison B Interior Unit
1933 SQ FT | 3 BR | 2.5 BA

SCHEME: AF-11B

BRICK	DOOR	GARAGE	GUTTERS	SHAKE
Harper Creek	Peppercorn	Snowbound	White	Cityscape

SHINGLES	SHUTTERS	SIDING	TRIM	WINDOW FRAME
Weathered	Tuxedo Grey	Argos	Pure White	White

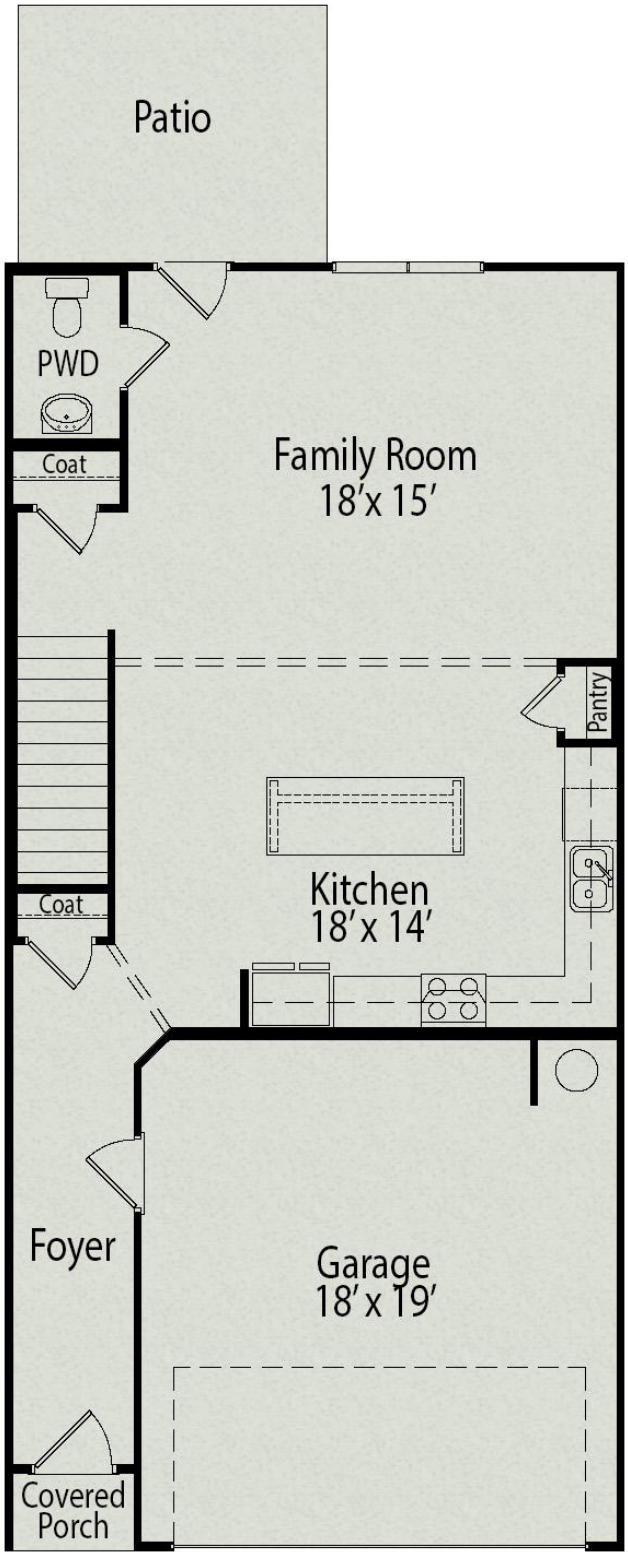
EQUAL HOUSING OPPORTUNITY

Please view disclaimer on Page 6

SMITH DOUGLAS HOMES

Atlanta Area
Ellison B Interior Unit
1933 SQ FT | 3 BR | 2.5 BA

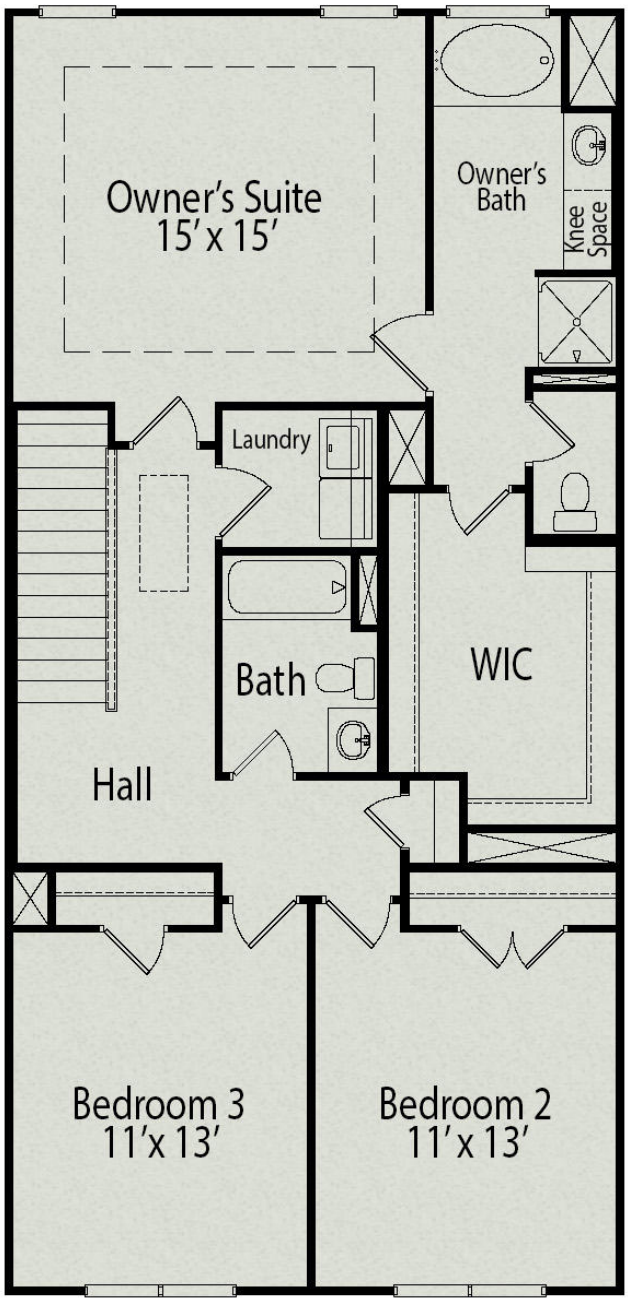
First Floor



SMITH DOUGLAS HOMES

Atlanta Area
Ellison B Interior Unit
1933 SQ FT | 3 BR | 2.5 BA

Second Floor



SMITH DOUGLAS HOMES

Atlanta Area
Maddux D Interior Unit
1719 SQ FT | 3 BR | 2.5 BA

SCHEME: AF-20A

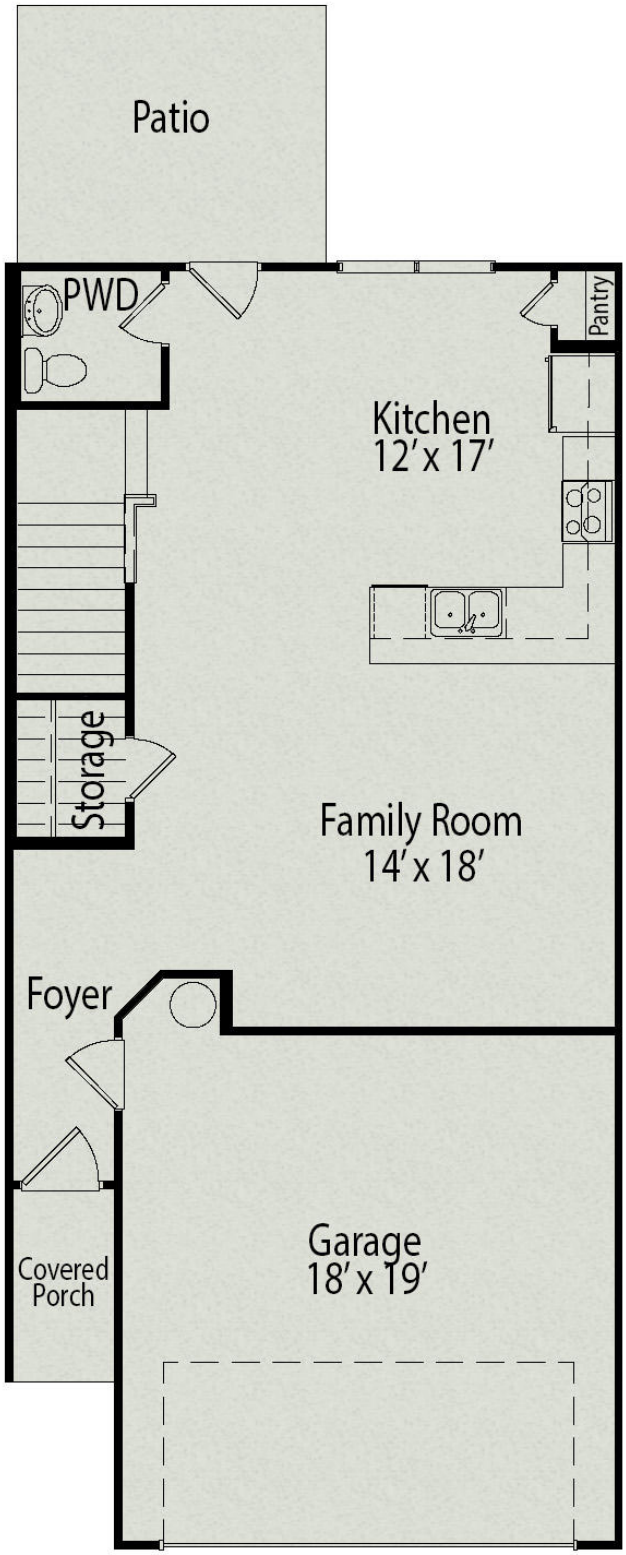
DOOR	GARAGE	GUTTERS	SHAKE	SHINGLES
Curio Gray	Pure White	White	Worldly Gray	Weathered

SHUTTERS	SIDING	STONE	TRIM	WINDOW FRAME
Clay	Waterloo	Oak Island Ledgestone	Pure White	White

SMITH DOUGLAS HOMES

Atlanta Area
Maddux D Interior Unit
1719 SQ FT | 3 BR | 2.5 BA

First Floor



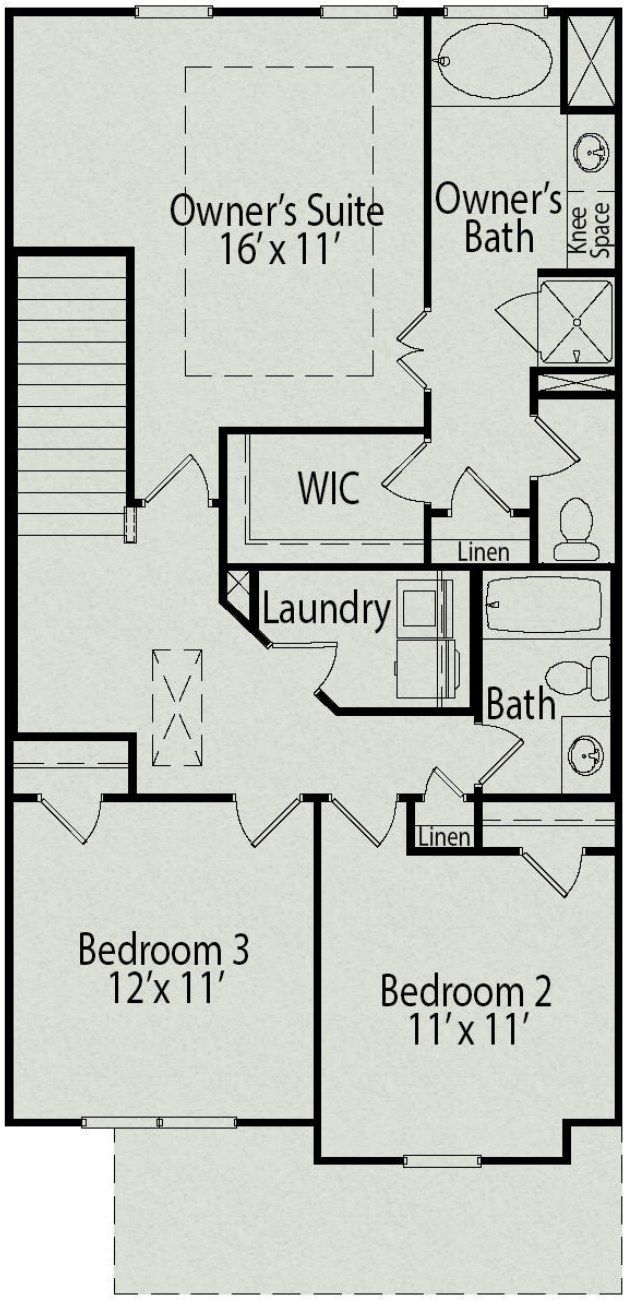
EQUAL HOUSING OPPORTUNITY

Please view disclaimer on Page 6

SMITH DOUGLAS HOMES

Atlanta Area
Maddux D Interior Unit
1719 SQ FT | 3 BR | 2.5 BA

Second Floor



SMITH DOUGLAS HOMES

Atlanta Area
Norwood C Interior Unit
1812 SQ FT | 3 BR | 2.5 BA

SCHEME: AF-15C

DOOR	GARAGE	GUTTERS	SHAKE	SHINGLES
Rainstorm	Eider White	White	Felted Wool	Weathered

SHUTTERS	SIDING	STONE	TRIM	WINDOW FRAME
Classic Blue	Mindful Gray	Columbia Ledgestone	Eider White	Almond

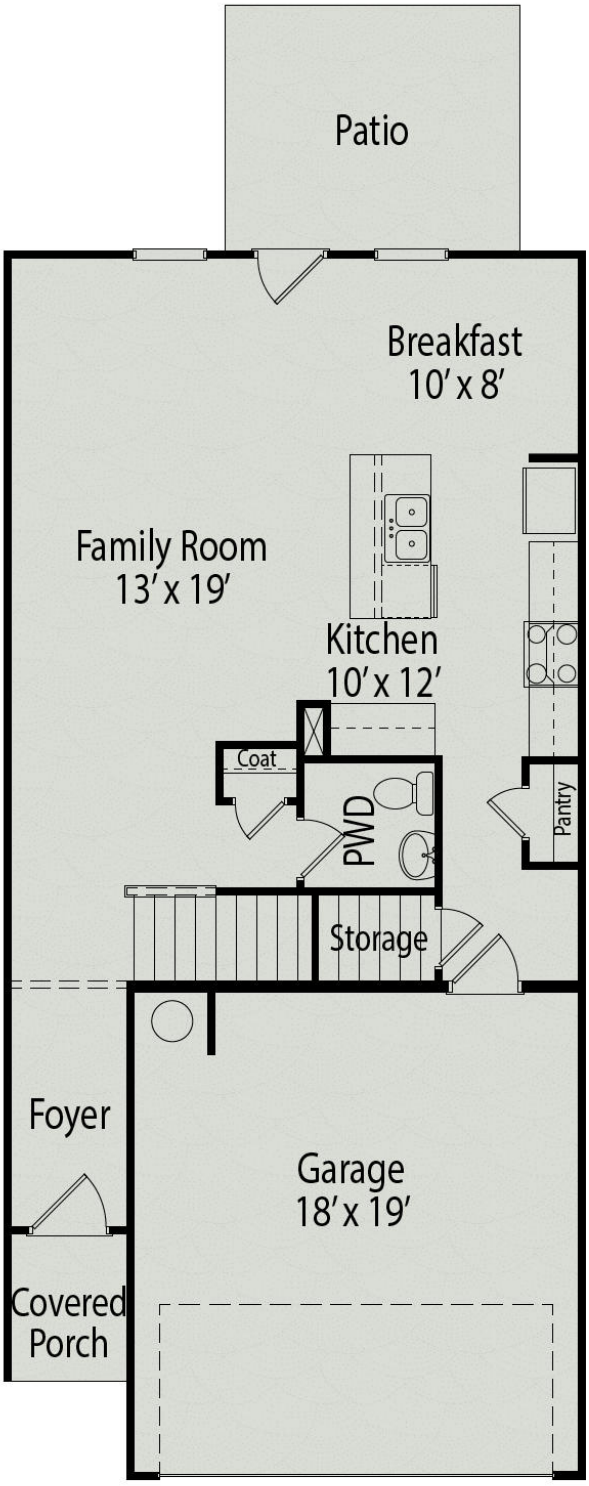
EQUAL HOUSING OPPORTUNITY

Please view disclaimer on Page 6

SMITH DOUGLAS HOMES

Atlanta Area
Norwood C Interior Unit
1812 SQ FT | 3 BR | 2.5 BA

First Floor

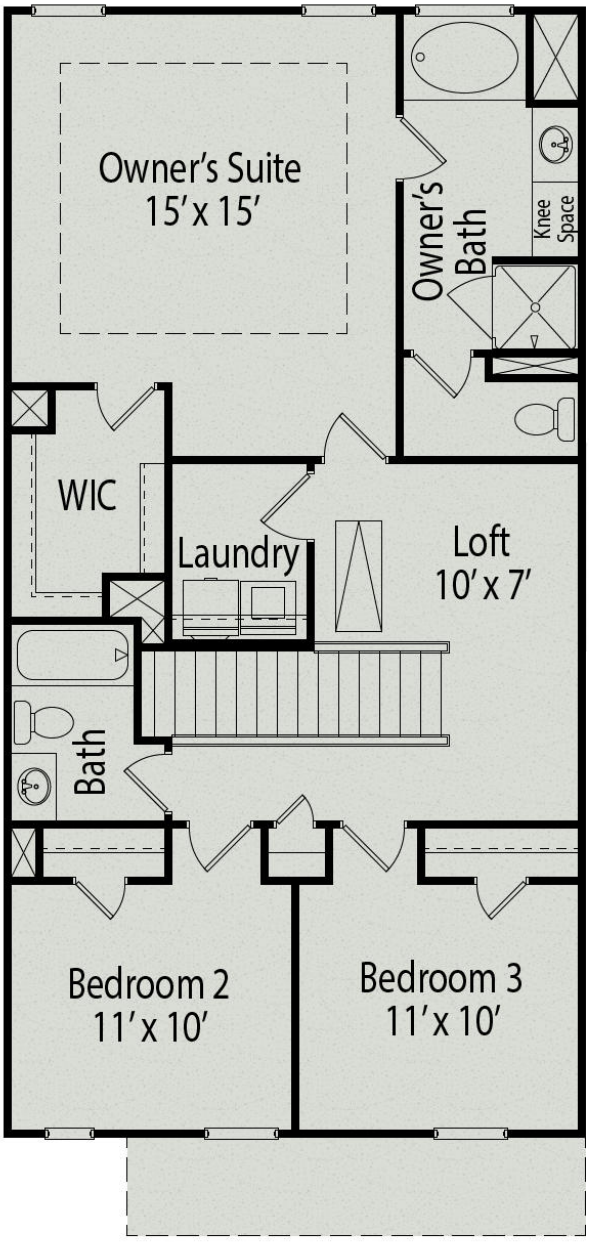


EQUAL HOUSING OPPORTUNITY

SMITH DOUGLAS HOMES

Atlanta Area
Norwood C Interior Unit
1812 SQ FT | 3 BR | 2.5 BA

Second Floor



Sign installed 4-21-21

Meeting date updated 5-25-21

BOARD OF ZONING APPEALS
ITEM SUMMARY

MEETING DATE:	June 14th, 2021
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V21-10. 196 McEver St.
DEPARTMENT SUMMARY RECOMMENDATION:	To reduce the front yard setback along McEver Street from 20ft. to 12ft. for the Townsend Park new building addition.
LEGAL:	N/A

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

MEMO

To: BZA
From: Randy Mannino/David Hardegree/Meredith Ulmer
CC: Keith Lovell
Date: Jun 8, 2021
Re: File # V21-10

#V21-10: Variance request to reduce the front yard setback from 20ft to 12ft. for the expansion of Townsend Park.

Section 1: Project Summary

Variance application by Bartow County Holdings, LLC for property located at 196 McEver St, zoned O-C (Office Commercial). Said property contains approximately 6.56 acres. Approximately, 26,000 square feet of renovations and a new addition are planned for patient rooms, kitchen, dining and living areas for Townsend Park Personal Care home. The new addition is planned along McEver Street to connect two of the existing patient wings to provide additional access and to meet State requirements.

A portion of the proposed addition encroaches into the 20' setback along McEver Street in two locations. Site plan attached. The applicant requests a variance to reduce the front yard setback from 20ft to 12ft to allow as much as a 6.45ft. encroachment of the new addition.

The variance request is for the following:

1. To reduce the front yard setback on McEver Street from 20ft to 12ft to allow as much as a 6.45ft. encroachment of the new addition per the proposed site plans.

Section 2. Department Comments

Electric Department: No comments received

Fibercom: Takes No Exception

Fire Department: No comments received

Gas Department: Takes No Exception

Public Works Department: Since McEver Street is a public street, a sidewalk will be required. This may result in improvements of the right of way that could result in right of way location changes. It is difficult to accurately comment on this variance until civil drawings have been reviewed and approved.

Per Don Carter, PE, project engineer. Email dtd 5-18-21:
Wade, I hope this finds you well. I have attached the Overall Site Plan for Townsend Park Expansion. I don't see any constructability issues with placing a sidewalk within the current R/W of McEver Street.
Please review and let me your thoughts.

Water Department: No comments received

Section 3. Public Comments Received by Staff

None.

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).

9.5.3. O-C Office Commercial. 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.

9.5.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the O-C district.

• City of Cartersville Landscaping Ordinance.

• City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 10, 1-3-13; Ord. No. 02-18, § 4, 1-18-18; Ord. No. 34A-18, § 4, 12-6-18)

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.*

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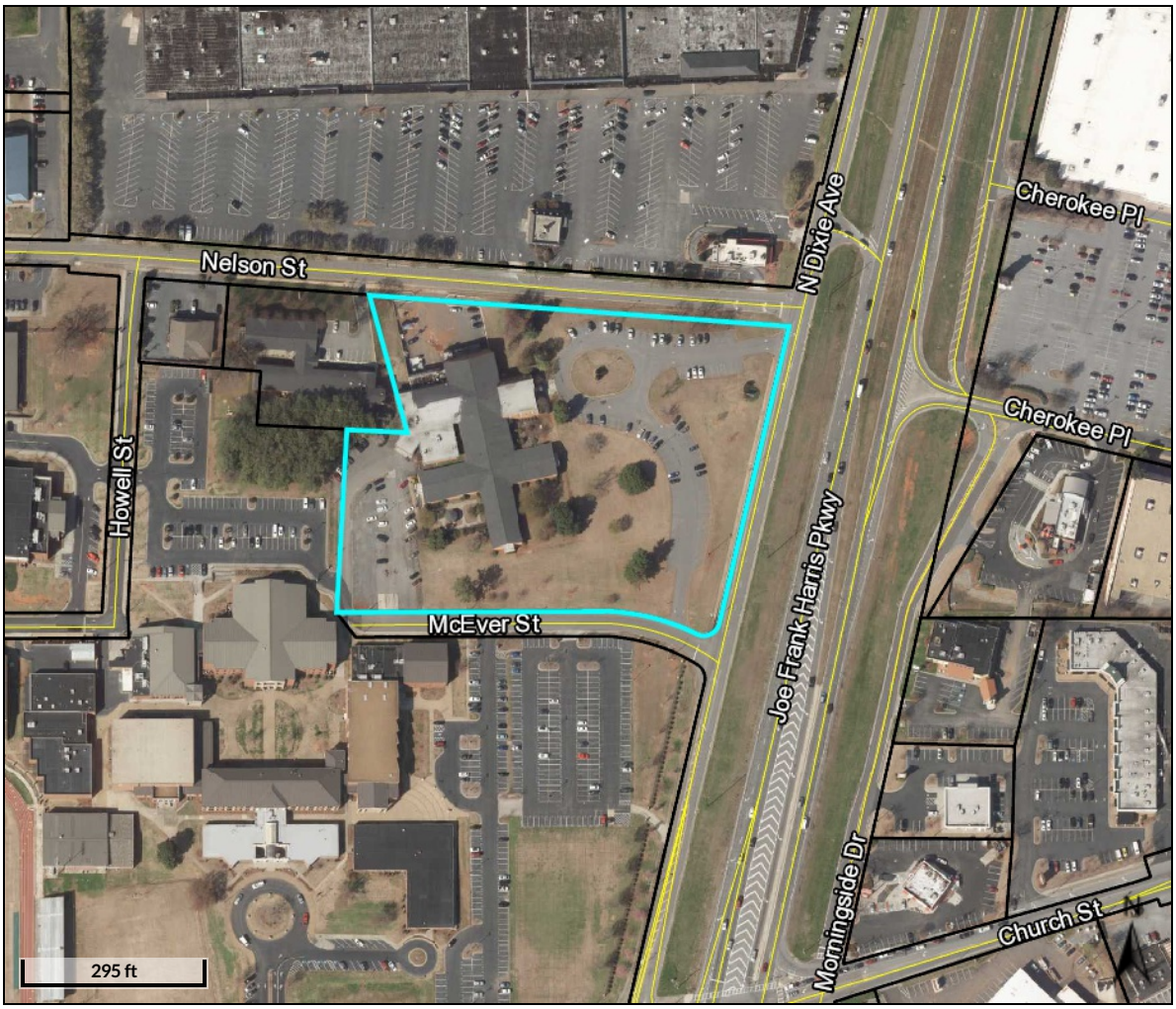
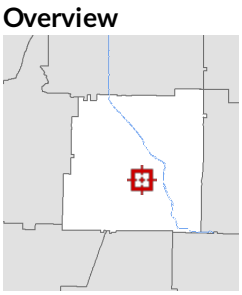




Legend

- Parcels
- Roads

Parcel ID	C004-0004-001	**Alternate ID**	32641	**Owner Address**	BARTOW COUNTY
Sec/Twp/Rng	n/a	**Class**	Exempt		135 W CHEROKEE AVE STE 126
Property Address	196 MCEVER ST	**Acreage**	6.74		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL408 409 LD4 Townsend Park health care (Note: Not to be used on legal documents)				

Date created: 5/17/2021
Last Data Uploaded: 5/14/2021 10:12:28 PM

Developed by Schneider GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 6/14/2021

Application Number: V21-10

Date Received: 4/5/2021

Applicant Bartow County Holdings, LLC. (printed name) Office Phone 478-986-7484

Address 110 Stone Brooke Dr. Mobile/ Other Phone

City Gray State GA Zip 31033 Email snelson@hsd-ga.org

Stelling Nelson
Representative's printed name (if other than applicant) Phone (Rep) 478-986-7484

Email (Rep)

Representative Signature

Applicant Signature

Signed, sealed and delivered in presence of:

My commission expires: 8-14-22

Notary Public

* Titleholder Bartow County Holdings, LLC. (titleholder's printed name) Phone 478-986-7484

Address 110 Stone Brooke Dr. Gray, GA. Email snelson@hsd-ga.org

Sighature

Signed, sealed, delivered in presence of:

My commission expires: 8-14-22

Notary Public

Present Zoning District O-C

Acreage 6.56 Land Lot(s) 408 & 409 District(s) 4TH Section(s) 3RD

Location of Property: 196 N. Dixie Avenue
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: Section 9.5.3.B

Summary Description of Variance Request: Request 12 foot min. setback in 3 locations along McEver Street where proposed building corner encroaches on 20' setback

* 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 IX Section 9.5 Subsection 9.5.3.B.

Article _____ Section _____ Subsection _____

Article _____ Section _____ Subsection _____

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

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

1. _____ The property is exceptionally narrow, shallow or unusually shaped,

2. _____ The property contains exceptional topographic conditions,

3. _____ The property contains other extraordinary or exceptional conditions; and

4. ✓ There are other existing extraordinary or exceptional circumstances; and

5. ✓ The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;

6. ✓ The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: _____

See attached Variance Justification.

Variance Justification/Project Background

Townsend Park Health & Rehabilitation

196 N. Dixie Avenue, Cartersville, GA 30120

The Townsend Park Health and Rehabilitation is a 124 bed skilled nursing facility that was originally constructed in 1958 as a County Hospital.

The proposed project includes approximately 26,000 square feet of construction consisting of patient rooms, kitchen, dining and living areas. A new therapy center is planned and a small addition will be added to the main front entry which will also include a porte-cochere and parking improvements.

The existing building will be renovated and will continue to be used for patient rooms, the administrative suite and other support services.

The new patient rooms and renovated rooms will allow for private and semi-private rooms. The bed count will remain at 124 beds.

The new addition is planned to connect to two of the existing patient wings to provide inter circulation and to meet State Regulations for distances between nurse stations and patient rooms. The floor plan is designed to meet these requirements and to also provide a new kitchen and service area on the main floor level.

To achieve these requirements, a portion of the building encroaches into the 20 foot building setback in three locations. The encroachment dimensions vary from 3.00' to 6.45' .

The encroachment areas are shown on the attached Site Plan.

We respectfully request your consideration in granting this variance request.

Don L. Carter
March 31, 2021

Dcarter@CarterEngGrp.com
478-219-2600
478-955-5050
6310 Peake Road, Suite 200
Macon, Ga 31210

LEGALS

SURVEY LEGAL DESCRIPTION

TAX PARCEL 004-00004-001 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOTS 408 AND 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T POST FOUND WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF MCEVER STREET, AND FROM SAID **POINT OF BEGINNING**; THENCE, S 89° 38' 34" W FOR A DISTANCE OF 477.05 FEET ALONG THE NORTH RIGHT OF WAY OF MCEVER STREET TO A POINT. THENCE, S 89° 38' 34" W FOR A DISTANCE OF 110.67 FEET TO A 1/2" REBAR SET. THENCE LEAVING SAID RIGHT OF WAY, N 00° 20' 53" W FOR A DISTANCE OF 283.80 FEET TO A 1/2" REBAR FOUND. THENCE, S 86° 59' 09" E FOR A DISTANCE OF 75.88 FEET TO A POINT. THENCE, S 86° 59' 09" E FOR A DISTANCE OF 19.84 FEET TO A 1" PIPE FOUND. THENCE, N 12° 43' 30" W FOR A DISTANCE OF 220.34 FEET TO A NAIL SET ON THE SOUTH RIGHT OF WAY OF NELSON STREET. THENCE ALONG THE SAID RIGHT OF WAY, S 85° 39' 51" E FOR A DISTANCE OF 643.02 FEET TO A T-POST FOUND AT THE INTERSECTION OF THE SOUTHERN RIGHT OF WAY OF NELSON STREET AND THE WESTERN RIGHT OF WAY OF DIXIE AVE. THENCE S 12° 37' 00" W A DISTANCE OF 452.34 FEET TO THE **POINT OF BEGINNING**

EXCEPTIONS

3. PROVISIONS OF LEASE AGREEMENT BETWEEN COUNTY OF BARTOW (LESSOR) AND TROY A. ATHON (LESSEE), FILED DECEMBER 19, 1988, AND RECORDED AT DEED BOOK 597, PAGE 509, BARTOW COUNTY, GEORGIA RECORDS, AS AMENDED BY AMENDMENT TO LEASE AGREEMENT, DATED DECEMBER 15, 1988, AND RECORDED AT DEED BOOK 597, PAGE 518, AFORESAID RECORDS, AS ASSIGNED BY ASSIGNMENT OF LEASEHOLD INTEREST FROM TROY A. ATHON TO STARCREST OF CARTERSVILLE, INC., DATED DECEMBER 8, 1995, AND RECORDED AT DEED BOOK 921, PAGE 365, AFORESAID RECORDS, AND AS AFFECTED BY CONSENT BY BARTOW COUNTY, GEORGIA, FILED DECEMBER 8, 1995, AND RECORDED AT DEED BOOK 921, PAGE 430, AFORESAID RECORDS.
4. WATERLINE EASEMENT FROM BARTOW COUNTY, GEORGIA AND STARCREST OF CARTERSVILLE, INC. TO THE CITY OF CARTERSVILLE, GEORGIA, DATED FEBRUARY 19, 2003, AND RECORDED AT DEED BOOK 1619, PAGE 152, BARTOW COUNTY, GEORGIA RECORDS. AS SHOWN ON SURVEY.
5. RIGHT-OF-WAY DEED FROM HOSPITAL AUTHORITY OF BARTOW COUNTY TO THE STATE HIGHWAY DEPARTMENT OF GEORGIA, SEPTEMBER 20, 1962, AND RECORDED AT DEED BOOK 135, PAGE 189, BARTOW COUNTY, GEORGIA RECORDS. RIGHT OF WAY IS AS SHOWN HEREON, CONDITIONS AND RESERVATIONS ALLOW FOR DRAINAGE MAINTENANCE AS STATED IN DEED AND ARE NOT GRAPHICALLY PLOTTABLE.
6. RIGHT-OF-WAY DEED FROM BARTOW COUNTY TO THE DEPARTMENT OF TRANSPORTATION, DATED FEBRUARY 12, 1979, AND RECORDED AT DEED BOOK 363, PAGE 298, BARTOW COUNTY, GEORGIA RECORDS. DOES NOT AFFECT SUBJECT PARCEL.
7. RIGHT-OF-WAY DEED FROM BARTOW COUNTY TO THE DEPARTMENT OF TRANSPORTATION, DATED SEPTEMBER 25, 1979, AND RECORDED AT DEED BOOK 364, PAGE 68, BARTOW COUNTY, GEORGIA RECORDS. DOES NOT AFFECT SUBJECT PARCEL.
8. CONVEYANCE OF ACCESS RIGHTS FROM GENERAL HOSPITALS OF HUMANA, INC. TO THE DEPARTMENT OF TRANSPORTATION, DATED NOVEMBER 30, 1984, AND RECORDED AT DEED BOOK 479, PAGE 410, BARTOW COUNTY, GEORGIA RECORDS. DOES NOT AFFECT SUBJECT PARCEL.
9. TRANSFER OF PROPERTY FROM BARTOW COUNTY, GEORGIA TO THE CITY OF CARTERSVILLE, GEORGIA, FILED DECEMBER 8, 1992, AND RECORDED AT DEED BOOK 750, PAGE 469, BARTOW COUNTY, GEORGIA RECORDS. DESCRIPTION IS TOO VAGUE TO DETERMINE LOCATION.
10. PROPERTY CONVEYED BY WARRANTY DEED FROM BARTOW COUNTY, GEORGIA, TO THE CITY OF CARTERSVILLE, GEORGIA, DATED APRIL 12, 2002, AND RECORDED AT DEED BOOK 1515, PG. 738, BARTOW COUNTY, GEORGIA RECORDS. AS SHOWN HEREON.

LEGALS

RECORD LEASE AREA LEGAL DESCRIPTION

TRACT ONE AS PER PLAT BOOK 32, PAGE 50

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOTS 408 AND 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF MCEVER STREET, AND FROM SAID POINT OF BEGINNING RUN S 88° 55' 00" W ALONG SAID MCEVER STREET RIGHT-OF-WAY LINE A DISTANCE OF 477.56 FEET TO A POINT; THENCE RUN N 08° 10' 16" W A DISTANCE OF 281.29 FEET TO A POINT; THENCE RUN S 87° 41' 00" E A DISTANCE OF 20.00 FEET TO AN IRON PIN; THENCE RUN N 13° 25' 00" W A DISTANCE OF 220.34 FEET TO AN IRON PIN AND THE SOUTHERN RIGHT-OF-WAY LINE OF NELSON STREET; THENCE RUN S 86° 25' 00" E ALONG SAID NELSON STREET RIGHT-OF-WAY LINE A DISTANCE OF 643.02 FEET TO AN IRON PIN AND WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE SOUTH RIGHT-OF-WAY OF NELSON STREET; THENCE RUN ALONG SAID RIGHT-OF-WAY LINE OF DIXIE AVENUE S 11° 53' 00" W A DISTANCE OF 452.43 FEET TO AN IRON PIN AND THE POINT OF BEGINNING. SAID TRACT CONTAINING 5.958 ACRES.

THE ABOVE DESCRIBED PROPERTY BEING DESIGNATED AS TRACT 1 OF THE PROPERTY SHOWN BY PLAT OF WILLIAM C. SMITH, REGISTERED LAND SURVEYOR NUMBER 1803, DATED NOVEMBER 14, 1988, AND RECORDED IN PLAT BOOK 32, PAGE 50, BARTOW COUNTY, GEORGIA RECORDS, AND REFERENCE IS HEREBY MADE TO SAID PLAT FOR A MORE PERFECT DESCRIPTION OF THE PROPERTY HEREIN DESCRIBED.

TRACT THREE AS PER PLAT BOOK 32, PAGE 50

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOTS 408 AND 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF MCEVER STREET, AND FROM SAID POINT RUN S 88° 55' 00" W ALONG SAID MCEVER STREET RIGHT-OF-WAY LINE A DISTANCE OF 477.56 FEET TO A POINT WHICH MARKS THE TRUE POINT OF BEGINNING; FROM SAID TRUE POINT OF BEGINNING, CONTINUE S 88° 55' 00" W ALONG SAID RIGHT-OF-WAY LINE OF MCEVER STREET A DISTANCE OF 198.57 FEET TO AN IRON PIN; THENCE RUN N 01° 42' 31" W A DISTANCE OF 213.92 FEET TO AN IRON PIN; THENCE RUN N 87° 41' 00" W A DISTANCE OF 55.34 FEET TO AN IRON PIN; THENCE RUN N 03° 46' 00" E A DISTANCE OF 75 FEET TO AN IRON PIN; THENCE RUN S 87° 41' 00" E A DISTANCE OF 215.48 FEET TO A POINT; THENCE RUN S 08° 10' 16" E A DISTANCE OF 281.29 FEET TO A POINT AND THE TRUE POINT OF BEGINNING. SAID TRACT CONTAINS 1.279 ACRES.

THE ABOVE DESCRIBED PROPERTY BEING DESIGNATED AS TRACT 3 OF THE PROPERTY SHOWN BY PLAT OF WILLIAM C. SMITH, REGISTERED LAND SURVEYOR NUMBER 1803, DATED NOVEMBER 14, 1988, AND RECORDED IN PLAT BOOK 32, PAGE 50, BARTOW COUNTY, GEORGIA RECORDS, AND REFERENCE IS HEREBY MADE TO SAID PLAT FOR A MORE PERFECT DESCRIPTION OF THE PROPERTY HEREIN DESCRIBED.

LEGALS

SURVEY LEGAL DESCRIPTION

TAX PARCEL C004-00005-001 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOT 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T POST FOUND WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF MCEVER STREET, THENCE, S 89° 38' 34" W FOR A DISTANCE OF 477.05 FEET ALONG THE NORTH RIGHT OF WAY OF MCEVER STREET TO A POINT. THENCE, S 89° 38' 34" W FOR A DISTANCE OF 110.67 FEET TO A 1/2" REBAR SET SAID 1/2" REBAR BEING THE **POINT OF BEGINNING** FROM THE SAID **POINT OF BEGINNING**; THENCE, S 89° 38' 34" W FOR A DISTANCE OF 87.93 FEET TO A POINT. THENCE, S 89° 38' 34" W FOR A DISTANCE OF 236.96 FEET TO A POINT. THENCE, N 02° 48' 17" E FOR A DISTANCE OF 389.49 FEET TO A POINT. THENCE, S 86° 01' 09" E FOR A DISTANCE OF 171.64 FEET TO A POINT. THENCE, S 04° 27' 51" W FOR A DISTANCE OF 84.20 FEET TO A 1/2" REBAR FOUND. THENCE, S 86° 59' 09" E FOR A DISTANCE OF 139.62 FEET TO A 1/2" REBAR FOUND. THENCE S 00° 20' 53" E A DISTANCE OF 283.80 FEET TO THE **POINT OF BEGINNING**.

SURVEY LEGAL DESCRIPTION

LEASE TRACT ONE ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOTS 408 AND 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T-POST FOUND WHERE THE WESTERLY RIGHT-OF-WAY LINE OF DIXIE AVENUE (RIGHT-OF-WAY VARIES) INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MCEVER STREET (RIGHT-OF-WAY VARIES), AND FROM SAID **POINT OF BEGINNING**, S 89° 38' 34" W FOR A DISTANCE OF 477.05 FEET ALONG THE NORTHERLY RIGHT OF WAY LINE OF MCEVER STREET (R/W VARIES) TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY, N 7° 28' 26" W FOR A DISTANCE OF 281.51 FEET TO A POINT; THENCE, S 86° 59' 09" E FOR A DISTANCE OF 19.84 FEET TO A 1" PIPE FOUND; THENCE, N 12° 43' 30" W FOR A DISTANCE OF 220.34 FEET TO A NAIL SET ON THE SOUTHERLY RIGHT-OF-WAY LINE OF NELSON STREET (R/W VARIES); THENCE ALONG SAID RIGHT-OF-WAY, S 85° 39' 51" E FOR A DISTANCE OF 643.02 FEET TO A T-POST FOUND AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF NELSON STREET (RIGHT-OF-WAY VARIES) AND THE WESTERLY RIGHT-OF-WAY OF DIXIE AVENUE (RIGHT-OF-WAY VARIES); THENCE S 12° 37' 00" W A DISTANCE OF 452.34 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT CONTAINING 259,406 SQUARE FEET OR 5.96 ACRES.

SURVEY LEGAL DESCRIPTION

LEASE TRACT THREE ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOT 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T-POST FOUND WHERE THE WESTERLY RIGHT-OF-WAY LINE OF DIXIE AVENUE (RIGHT-OF-WAY VARIES) INTERSECTS WITH THE NORTHERLY RIGHT-OF-WAY LINE OF MCEVER STREET (RIGHT-OF-WAY VARIES); THENCE, S 89° 38' 34" W FOR A DISTANCE OF 477.05 FEET ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MCEVER STREET (RIGHT-OF-WAY VARIES) TO THE **POINT OF BEGINNING**; THENCE, FROM SAID POINT OF BEGINNING AND ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF MCEVER STREET (RIGHT-OF-WAY VARIES), S 89° 38' 34" W FOR A DISTANCE OF 198.60 FEET TO A POINT; THENCE, LEAVING SAID RIGHT-OF-WAY, N 01° 00' 41" W FOR A DISTANCE OF 214.04 FEET TO A POINT; THENCE, N 86° 59' 10" W FOR A DISTANCE OF 55.34 FEET TO A POINT; THENCE, N 04° 26' 50" E FOR A DISTANCE OF 75.00 FEET TO A 1/2" REBAR FOUND; THENCE, S 86° 59' 09" E FOR A DISTANCE OF 215.50 FEET TO A POINT; THENCE S 07° 28' 26" E A DISTANCE OF 281.51 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT CONTAINING 55,752 SQUARE FEET OR 1.28 ACRES

SURVEY LEGAL DESCRIPTION

LEASE TRACT THREE-A ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOT 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T POST FOUND WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF MCEVER STREET, THENCE, S 89° 38' 34" W FOR A DISTANCE OF 477.05 FEET ALONG THE NORTH RIGHT OF WAY OF MCEVER STREET S 89° 38' 34" W FOR A DISTANCE OF 110.67 FEET TO THE POINT OF BEGINNING; FROM THE **POINT OF BEGINNING**; THENCE, N 00° 20' 53" W FOR A DISTANCE OF 283.80 FEET TO A 1/2" REBAR FOUND. THENCE, S 86° 59' 09" E FOR A DISTANCE OF 75.88 FEET TO A POINT. THENCE S 07° 28' 26" E A DISTANCE OF 281.51 FEET TO A POINT THENCE S 89° 38' 34" W FOR A DISTANCE OF 110.67 FEET TO THE **POINT OF BEGINNING**.

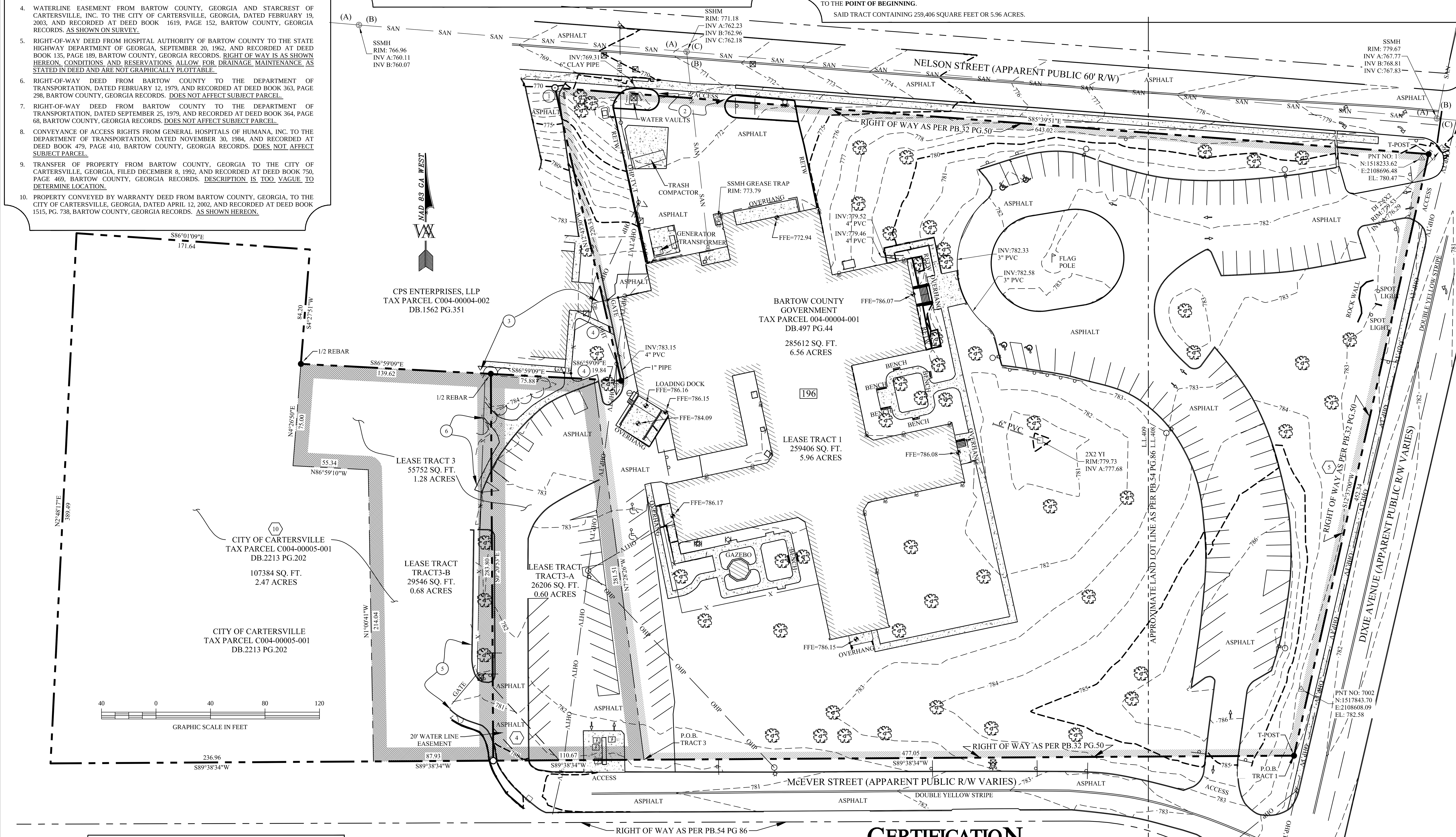
SURVEY LEGAL DESCRIPTION

LEASE TRACT THREE-B ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA, IN LAND LOTS 409 OF THE 4TH DISTRICT AND 3RD SECTION OF SAID COUNTY, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A T POST FOUND WHERE THE WEST RIGHT-OF-WAY LINE OF DIXIE AVENUE INTERSECTS WITH THE NORTH RIGHT-OF-WAY LINE OF MCEVER STREET, THENCE, S 89° 38' 34" W FOR A DISTANCE OF 477.05 FEET ALONG THE NORTH RIGHT OF WAY OF MCEVER STREET S 89° 38' 34" W FOR A DISTANCE OF 110.67 FEET TO THE POINT OF BEGINNING; FROM THE **POINT OF BEGINNING**; THENCE, S 89° 38' 34" W FOR A DISTANCE OF 87.93 FEET TO A POINT. THENCE, N 01° 00' 41" W FOR A DISTANCE OF 214.04 FEET TO A POINT. THENCE, N 86° 59' 10" W FOR A DISTANCE OF 55.34 FEET TO A POINT. THENCE, N 04° 26' 50" E FOR A DISTANCE OF 75.00 FEET TO A 1/2" REBAR FOUND. THENCE, S 86° 59' 09" E FOR A DISTANCE OF 139.62 FEET TO A 1/2" REBAR FOUND. THENCE S 00° 20' 53" E A DISTANCE OF 283.80 FEET TO THE **POINT OF BEGINNING**;

NOTES

1. THIS DOCUMENT WAS CREATED ELECTRONICALLY. THIS MEDIA SHOULD NOT BE CONSIDERED A CERTIFIED DOCUMENT UNLESS IT HAS BEEN PROPERLY SEALED AND ORIGINALLY SIGNED BY A REGISTERED LAND SURVEYOR AT THE OFFICE OF WELLSTON ASSOCIATES LAND SURVEYORS, LLC AUTHORITY O.C.G.A. 43-15-22.
2. THE UNDERGROUND UTILITIES SHOWN ON THIS DRAWING WERE COMPILED FROM FIELD OBSERVATIONS, WITHOUT BENEFIT OF EXCAVATION. WELLSTON ASSOCIATES LAND SURVEYORS, LLC DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN. VERIFICATION OF UTILITIES SHOULD BE MADE BY THE INDIVIDUAL UTILITY COMPANY PRIOR TO ANY CONSTRUCTION.
3. SUBJECT PROPERTY CURRENTLY ZONED O-C (OFFICE COMMERCIAL).
4. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 180,0118 FEET AND ANGULAR ERROR OF 03" PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES ADJUSTMENT. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 228,294 FEET. THE LINEAR AND ANGULAR MEASUREMENTS SHOWN ON THIS PLAT WERE OBTAINED BY USING TOPCON GPT3002. FIELD WORK WAS COMPLETED ON OCTOBER 19, 2011.
5. WELLSTON ASSOCIATES LAND SURVEYORS. LLC DOES NOT GUARANTEE THAT ALL EASEMENTS WHICH MAY AFFECT THE SUBJECT TRACT ARE SHOWN.
6. BY GRAPHICAL PLOTTING ONLY, THE SUBJECT AREA LIES WITHIN ZONE "X" OF THE NATIONAL FLOOD INSURANCE PROGRAM, FLOOD INSURANCE RATE MAP NO. 13015C0266G, DATED SEPTEMBER 28, 2007.
7. ONE FOOT CONTOUR INTERVAL SHOWN. ELEVATIONS SHOWN ARE REFERENCED TO NAVD 88 DATUM.
8. THE CURRENT ZONING RULES AND REGULATIONS APPLY:
   - 8.1. MAX BUILDING HEIGHT 45'
   - 8.2. MINIMUM REQUIRED YARD SETBACK-FRONT=20' - SIDE=10' - REAR=20'
9. TOTAL OF 120 PARKING SPACES LOCATED ON TAX PARCEL 004-00004-001. (6 HANDICAP AND 114 REGULAR SPACES)



LEGEND

- IRON PIN FOUND
- NAIL SET
- IRON PIN SET(1/2" REBAR W/CAP)
- CONCRETE MONUMENT FOUND
- BENCHMARK
- PROPERTY LINE
- BUILDING SETBACK LINE
- CONTOUR LINE
- SANITARY SEWER MANHOLE
- STORM DRAIN MANHOLE
- LIGHT POLE
- BOLLARD
- CLEAN OUT
- UTILITY POLE
- GUY POLE
- GUY WIRE
- WATER METER
- WATER VALVE
- MONITORING WELL
- FIRE HYDRANT
- IRRIGATION CONTROL VALVE
- GAS VALVE
- GAS METER
- ELECTRIC METER
- ELECTRIC CONTROL PANEL
- TELEPHONE PEDESTAL
- SIGN
- CHAIN LINK FENCE
- EASEMENT LINE
- STORM SEWER LINE
- SANITARY SEWER LINE
- GUARD RAIL
- OVERHEAD POWER, TELEPHONE AND CATV
- RETAINING WALL
- STREET ADDRESS
- ASPHALT
- CONCRETE
- DIRT ROAD
- TITLE EXCEPTION
- ENCROACHMENT
- TRACT 3 LEASE LINE
- TRACT 1 LEASE LINE

ENCROACHMENTS

1. ADJOINERS CURB AT THE NORTH WEST CORNER OF SUBJECT PARCEL
2. RETAINING WALL ENCROACHING INTO RIGHT-OF-WAY OF NELSON STREET
3. CHAIN LINK FENCE AT SOUTHEAST CORNER OF TAX PARCEL 0004-00004-002
4. SIDEWALK AT SOUTHEAST CORNER OF TAX PARCEL 0004-00004-002
5. CURB AT SOUTHEAST CORNER OF TAX PARCEL 0004-00005-001
6. SIDEWALK ALONG EASTERN PROPERTY LINE OF TAX PARCEL 0004-00005-001

REFERENCES

CHICAGO TITLE INSURANCE COMPANY COMMITMENT FOR TITLE INSURANCE (REVISED OCTOBER 26, 2011)

COMMITMENT NO. 11-62 EFFECTIVE DATE: OCTOBER 20, 2011 AT 5 P.M.

CERTIFICATION

TO BARTOW COUNTY HOLDINGS, LLC, A GEORGIA LIMITED LIABILITY COMPANY, CHICAGO TITLE INSURANCE COMPANY, (NAMES OF OTHERS AS NEGOTIATED WITH THE CLIENT):

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2011 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1,2,3,4,5,6A,8,9,11A,14 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON OCTOBER 19, 2011.

DATE OF PLAT OR MAP: OCTOBER 19, 2011.

SPENCER H. JOHNSON, RLS # 3171: ____________________

WELLSTON ASSOCIATES LAND SURVEYORS, LLC
506 OSIGIAN BOULEVARD, SUITE 2
WARNER ROBINS, GEORGIA 31088
OFFICE (478) 971-3382
FAX (478) 971-1400

ALTA/ACSM LAND TITLE SURVEY

BARTOW COUNTY HOLDINGS, LLC
CHICAGO TITLE INSURANCE COMPANY

LAND LOTS 408 & 409 | 4TH LAND DISTRICT | 3RD SECTION
BARTOW COUNTY | CARTERSVILLE | GEORGIA

Project No.:	1139-001
Drawing No.:	1139-001-D1
Drawn By:	S.H.J.
Checked By:	C.B.L.
R.L.S. No.:	3171
Date:	OCTOBER 28, 2011
Scale:	1"=40'
Sheet No.:	1 of 1

Revisions

No.	Date	Description

THESE DOCUMENTS, AS INSTRUMENTS OF SERVICE, REMAIN THE PROPERTY OF WELLSTON ASSOCIATES LAND SURVEYORS, INC. AND NO PART THEREOF MAY BE USED OR REPRODUCED IN ANY FORM WITHOUT WRITTEN PERMISSION.

NELSON STREET (APPARENT PUBLIC 60' R/W)

RIGHT OF WAY AS PER PB.32 PG.50

20' BUILDING SETBACK

PNT NO.1
N:1518333.92
E:2108696.48
LA: 780.47

BASEMENT LEVEL
F.F.E. 772.97

NEW BUILDING ENTRANCE
F.F.E. 786.01

NEW BUILDING ADDITION
F.F.E. 786.08

EXISTING BUILDING
F.F.E. VARIES

PORCH

3.00' BUILDING SETBACK ENCROACHMENT

6.45' TO 3.25' BUILDING SETBACK ENCROACHMENT

F.F.E. 786.15
SUBGRADE:+ 785.48

14' ALLOWABLE W/ ADMIN. VARIANCE

20' BUILDING SETBACK

McEVER STREET (APPARENT PUBLIC R/W VARIES)

DIXIE AVENUE (APPARENT PUBLIC R/W VARIES)

PNT NO.2
N:1517843.70
E:2109609.99
LA: 782.58

1/2 REBAR

LP
94-002

GRAPHIC SCALE IN FEET
20 0 20 40 60

CARTER Engineering Group
6310 Peake Road, Suite 200
Macon, GA 31210
(478) 219-2600

LEVEL II CERTIFIED
DESIGN PROFESSIONAL # 2061
ISSUED: 11/9/2017 # EXPIRES: 11/7/2022

GEORGIA811
Utilities Protection Center, Inc.
Know what's below.
Call before you dig.

HEALTH SYSTEMS DEVELOPMENT, LLC
4931 RIVERSIDE DRIVE
SUITE 100A
MACON, GEORGIA 31210
OFFICE: 478.314.1560
IN ASSOCIATION WITH
PIEPER O'BRIEN HERR ARCHITECTS

50% CONSTRUCTION DRAWINGS

NOT RELEASED FOR CONSTRUCTION

DRAWN BY:	CADD
CHECKED BY:	DLC

REVISIONS

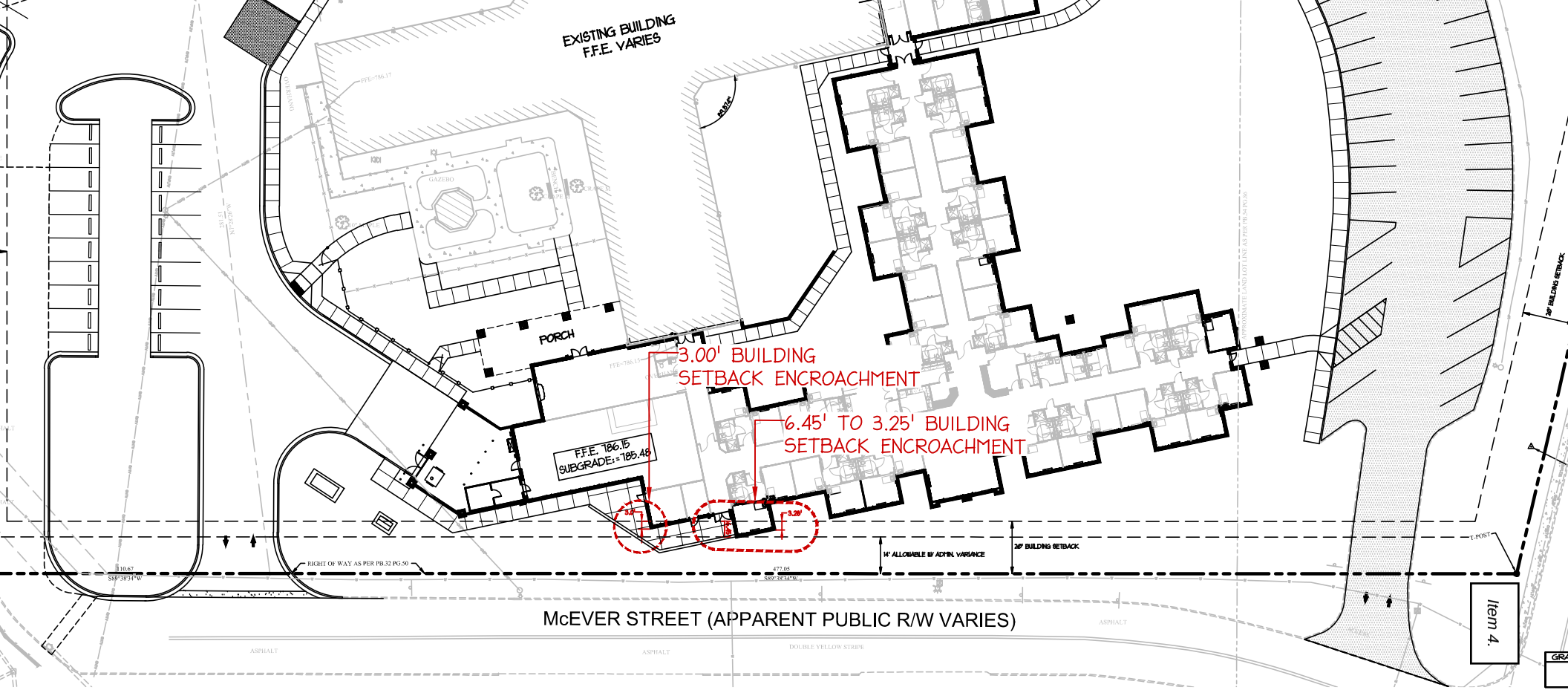
REV #	DATE	DESCRIPTION	BY

TOWNSEND PARK HEALTH & REHABILITATION ADDITION

196 N. DIXIE AVENUE
CARTERSVILLE, GEORGIA
30120

PROJECT NO.	20-20077.10
DATE	04/06/2021
SHEET TITLE	SITE PLAN
SHEET NO.	C3.2

H:\3400.009\MASTER.DWG


EXISTING BUILDING
F.F.E. VARIES
PORCH
3.00' BUILDING
SETBACK ENCROACHMENT
6.45' TO 3.25' BUILDING
SETBACK ENCROACHMENT
F.F.E. 186.15
SUBGRADE: = 185.48
14' ALLOWABLE W/ ADMIN. VARIANCE
20' BUILDING SETBACK
RIGHT OF WAY AS PER PB.32 PG.50
McEVER STREET (APPARENT PUBLIC R/W VARIES)
Item 4.

HEALTH SYSTEMS DEVELOPMENT, LLC

Townsend Park Health & Rehabilitation

PIEPER O'BRIEN HERR ARCHITECTS

HEALTH SYSTEMS DEVELOPMENT, LLC

Townsend Park Health & Rehabilitation

PIEPER O'BRIEN HERR ARCHITECTS

HEALTH SYSTEMS DEVELOPMENT, LLC

Townsend Park Health & Rehabilitation

PIEPER O'BRIEN HERR ARCHITECTS

Townsend Park Health & Rehabilitation

Health Systems Development, LLC

Pieper O'Brien Herr Architects

IMage taken 5-19-21

Google Maps 1173 McEver St

Image capture: Apr 2016 © 2021 Google

Cartersville, Georgia

Google

Street View

Google Maps 1009 McEver St

Image capture: Apr 2016 © 2021 Google

Cartersville, Georgia

Google

Street View

75

Google Maps 1009 McEver St

Image capture: Apr 2016 © 2021 Google

Cartersville, Georgia

Google

Street View

BOARD OF ZONING APPEALS
ITEM SUMMARY

MEETING DATE:	June 14th, 2021
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V21-11. 233 N Erwin Street
DEPARTMENT SUMMARY RECOMMENDATION:	Multiple variances to the Multiple Use Zoning District Development Standards, Sec. 9.2.3, for a multi-family development.
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/Meredith Ulmer
CC: Keith Lovell
Date: June 8, 2021
Re: File # V21-11 233 N. Erwin Street

#V21-11: Multiple variances to the Multiple Use Zoning District Development Standards, Sec. 9.2.3, multi-family development.

Section 1: Project Summary

Variance application by George Musau, property owner, for property located at 233 N. Erwin Street. and zoned M-U (Multiple Use). Said property contains approximately 0.49 acres. The applicant is proposing to redevelop the site and construct eight (8) apartment units in a 4-over-4 configuration with a parking lot, a dumpster and greenspace.

Multiple variances are required for this project. A table has been provided on the pages that follow. Many of the variances are needed due to the narrowness of the property as is the orientation of the building. Single family homes are adjacent to this property on the north, south and west sides. The railroad and light industrial warehouses are located to the east. Apartments, similar to what is being proposed, do exist along N. Erwin Street and as close as 222 N. Erwin St., North Erwin Township apartments.

Currently, there is an existing house on site, divided into a duplex, that was constructed c1940. A 15-inch sewer line is installed along the southern property line and runs between the sewer line on N. Erwin Street and Bruce/ Railroad Streets. No building construction can occur on the easement and no trees planted. The proposed buffer reduction along the southern property line and sewer easement may be addressed by allowing only one row of evergreen plantings in addition to a privacy fence. These items would be addressed during site plan review.

Bartow County Regulatory Floodplain does exist on the west end of the property and would be addressed during site plan review.

The variance requests are for the following:

1. To decrease the Minimum Lot Width at Building Line from 110ft to approx. 90ft. [Sec. 9.2.3(G)];
2. To decrease the Minimum Lot Frontage from 110ft to 82ft. [Sec. 9.2.3(H)];
3. To omit the requirement that The Front Building Facade Of All Principal Buildings Be Oriented Toward Street Fronts [Sec. 9.2.3(M)];
4. To decrease the buffer width along the southern property line from 15ft to less than 10ft [Sec. 9.2.3(N)]; and
5. To allow an accessory structure (dumpster) in the front yard [Sec. 9.2.3 (Q) and Sec. 4.9, Accessory uses, buildings or structures].

Section 2. Department Comments

Electric Department: The Electric System takes no exception to the requested Variance Case No.V21-11. However, please note that we would need a clear location for a pole so the power can be extended from the other side of Erwin Street. This may include down guys and anchors to stabilize the pole. This can be worked out during the plan review process.

Fibercom: Takes No Exception

Fire Department: The Cartersville Fire Department takes no exception to the frontage setbacks for the V21-11

Gas Department: Takes No Exception

Public Works Department: We have no comments regarding the variance. However, this site will require civil drawings and stormwater management that will require extensive design in regards to items such as site access, local floodplain and stormwater management.

Water Department: Cartersville Water Department takes no exception to this variance provided no portions of the building structures are located within 10 feet of the centerline of the sewer crossing this property.

Section 3. Public Comments Received by Staff

None as of 6/8/21.

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).

See Table for MF-14 requirements in the M-U (Multiple Use) zoning district, Sec. 9.2.3:

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.*

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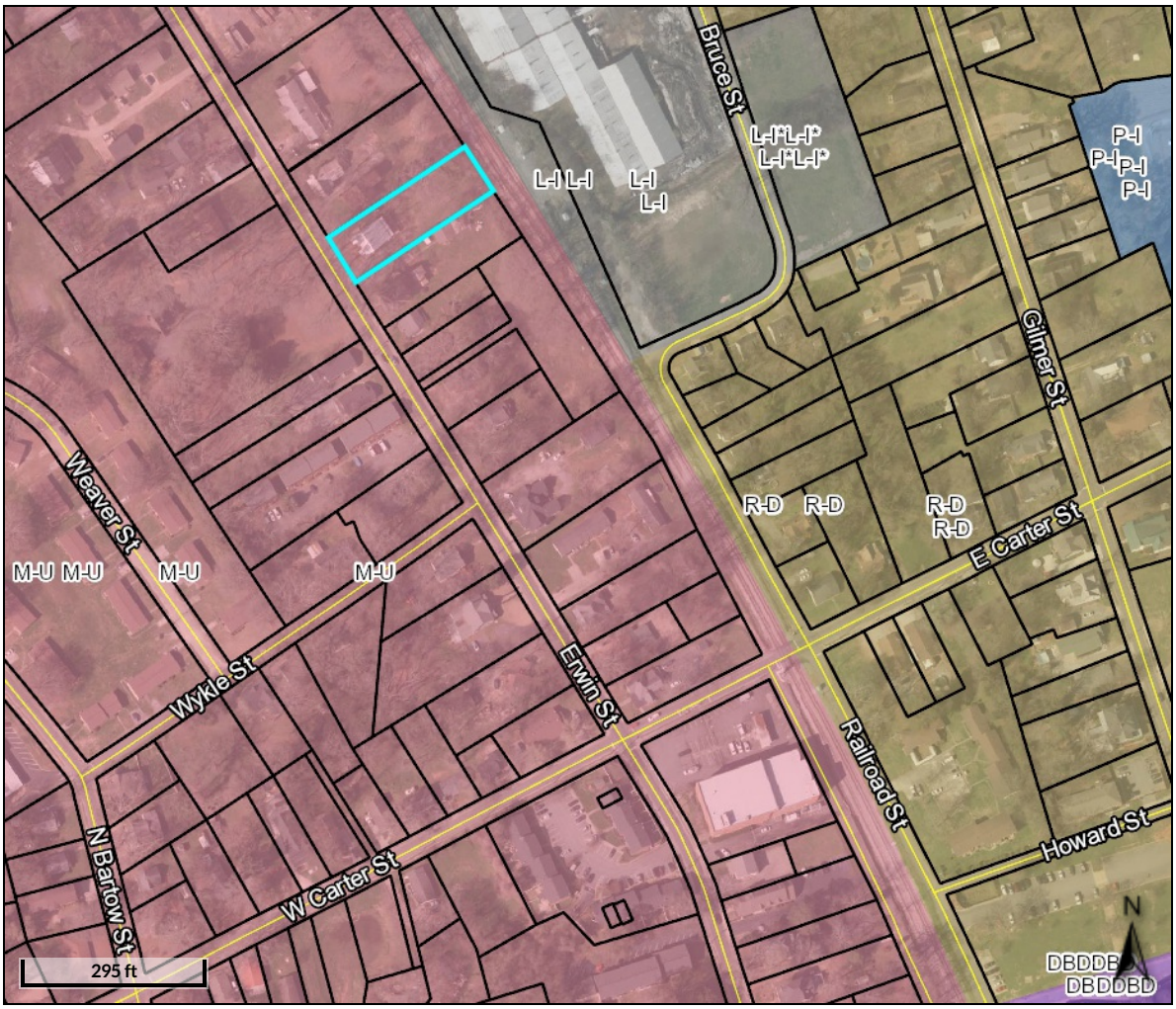
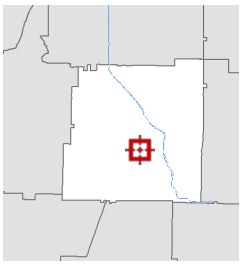


Brief Tax Description LL 411 D 4
(Note: Not to be used on legal documents)

Date created: 5/17/2021
Last Data Uploaded: 5/14/2021 10:12:28 PM

Developed by Schneider GEOSPATIAL

Overview



Legend

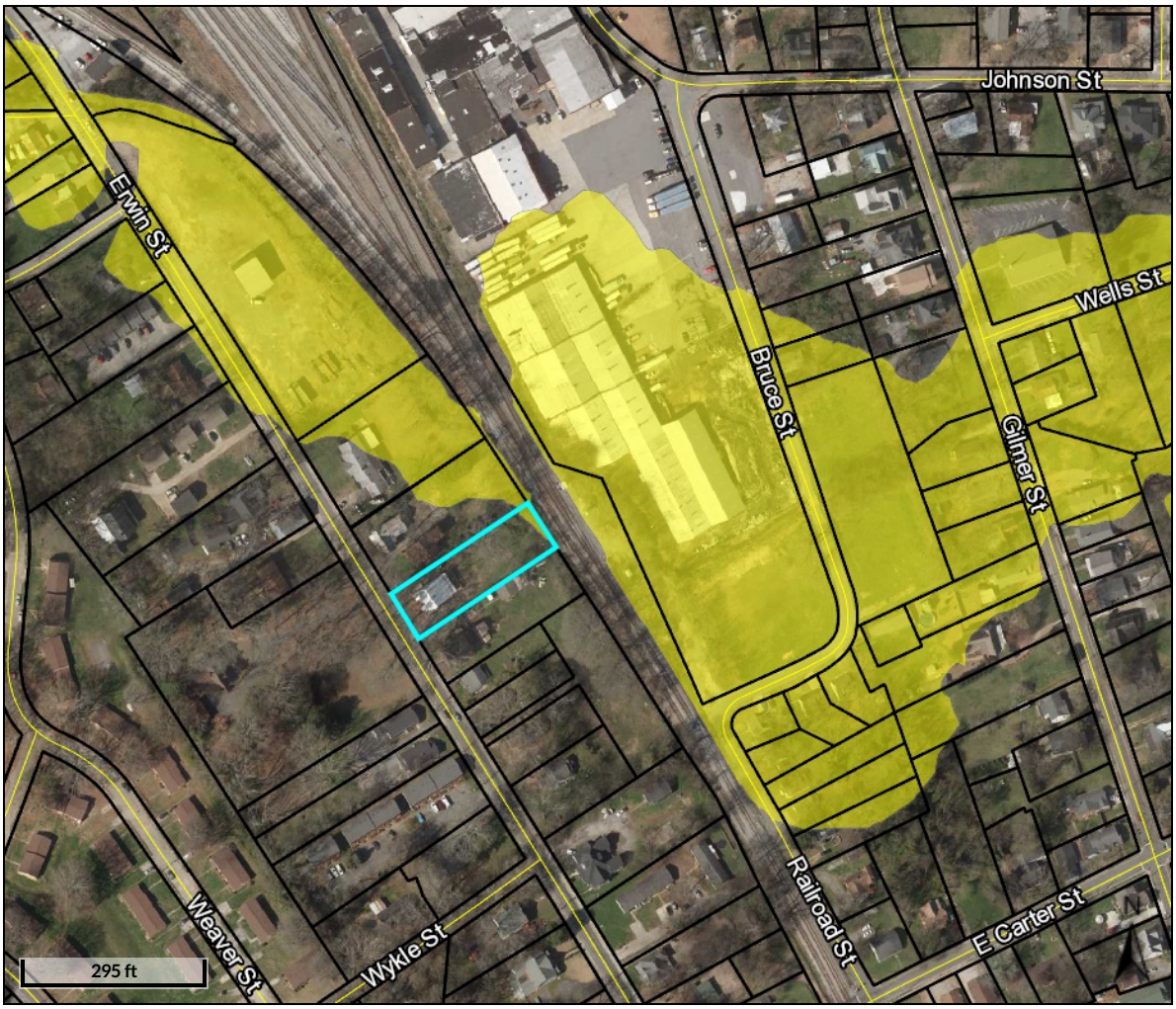
- Parcels
- Roads

Cartersville Zoning

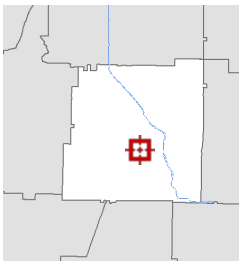
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
- L-I*
- M-U
- M-U*
- MF-14
- MF-14*
- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
- R-15*
- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*

Parcel ID	C003-0006-005	**Alternate ID**	32448	**Owner Address**	R G HARBOR PROPERTY MANAGEMENT LLC
Sec/Twp/Rng	n/a	**Class**	Residential		935 BREAM COURT NE
Property Address	233 N ERWIN ST 2	**Acreage**	0.49		MARIETTA, GA 30068
District	Cartersville				

qPublic.net™ Bartow County, GA



Overview



Legend

- Parcels
- Roads

Flood Hazard Area

- Bartow Regulatory
- FEMA

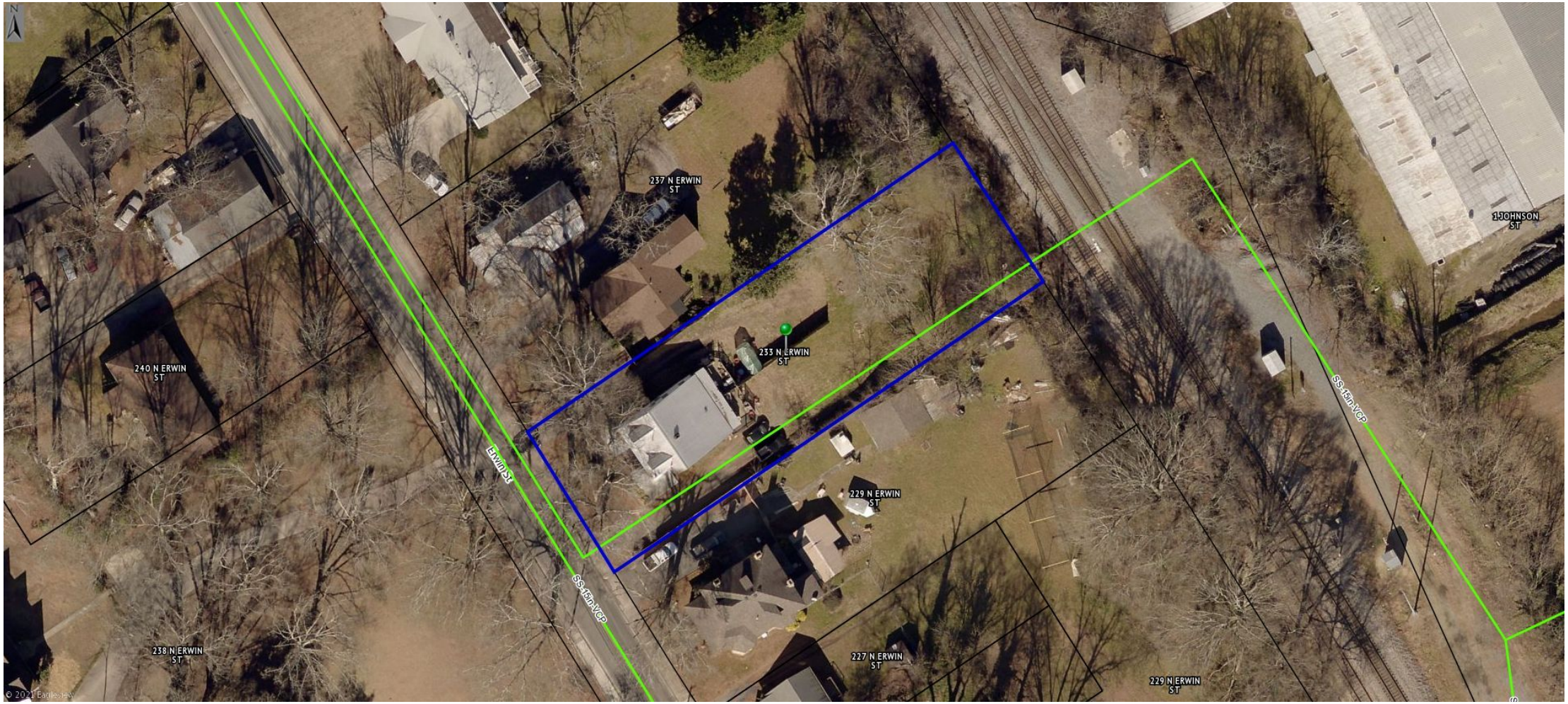
Parcel ID	C003-0006-005	**Alternate ID**	32448	**Owner Address**	R G HARBOR PROPERTY MANAGEMENT LLC
Sec/Twp/Rng	n/a	**Class**	Residential		935 BREAM COURT NE
Property Address	233 N ERWIN ST 2	**Acreage**	0.49		MARIETTA, GA 30068
District	Cartersville				
Brief Tax Description	LL 411 D 4				
	(Note: Not to be used on legal documents)				

Date created: 6/11/2021
Last Data Uploaded: 6/10/2021 9:39:27 PM

Developed by Schneider GEOSPATIAL

233 N Erwin St.

Green line= sewer line. 20ft easement in place.



9.2 M-U District/ MF-14 Multifamily dwellings

Code Section	Description and/ or Requirements	Required	Proposed	Notes
9.2.1	M-U district scope and intent. Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to:A.Encourage the development of tracts of land in the community;B.Encourage flexible, innovative, and creative concepts in site planning;C.Encourage efficient use of land;D.Provide a stable multiple use environment compatible with surrounding uses; andE.Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.			
9.2.2	Use Regulations	---	---	Allowed by right
9.2.3	Development Standards	---	---	---
A	Height regulations. […]multifamily and nonresidential buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.		2 stories	Addressed during plan review. No indication of non-compliance. No variance needed.
B	Front yard setback: Ten (10) feet	10ft.	More than 10ft.	No variance needed.
C	Side yard setback: Ten (10) feet	10ft.	10ft.	No variance needed.
D	Rear yard setback: Twenty-five (25) feet.	25ft.	More than 25ft.	No variance needed.
E	Minimum Lot Area	NA	---	---
F	Maximum density: Fourteen (14) units per gross acre.	7 or less	8	Acreage is 0.52. 0.52*14= 7.28. Requests is for 8 units. Qty must be reduced to be compliant. Density increase is not variance eligible.
G	Minimum lot width at building line. *Multifamily: One hundred ten (110) feet.	110	Approx. width at BL is 90ft.	Difference is approx. 20ft. Variance needed. Specific dimensions needed.

Code Section	Description and/ or Requirements	Required	Proposed	Notes
H	Minimum lot frontage: Multifamily: One hundred ten (110) feet per lot.	110	82ft. On Lot of Record	28ft. Difference. Variance needed. Specific dimensions needed.
I	Minimum heated floor area per unit: 1) 3-bedroom - Nine hundred (900) sf. 2) 2-bedroom- Seven hundred fifty (750) sf. 3) 1-bedroom- Six hundred (600) sf. 4) Studio/loft (in existing buildings)- Four hundred fifty (450) sf.	1BR: 600sf; 2BR:750sf; 3BR: 900sf; studio: 450sf	2BR:1096sf (Per REV 6-11-21)	No variance needed.
J	[Metal panels, metal sheathing, standard gray concrete block.] The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.	---	---	Addressed during plan review. No indication of non-compliance.
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.	---	---	Addressed during plan review. No indication of non-compliance.
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.			Addressed during plan review. No indication of non-compliance.
M	[Front building facade.] The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.	Orient front building toward street	Front oriented toward southern property line (non-street)	Variance needed.

Code Section	Description and/ or Requirements	Required	Proposed	Notes
N	Minimum buffer requirements.In addition to required setbacks, all nonresidential and/or multifamily property uses within the M-U district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with section 4.17 of this chapter.	15ft visual buffer required, north and south property line	North prop. Line buffer-OK. South prop. Line buffer includes easement	Southern property line requires reducing buffer to less than 15ft due to sewer easement. Variance needed. Specific dimensions needed.
O	Minimum open space requirements. Multifamily developments shall have a minimum twenty (20) percent of gross acreage set aside as open space and shall provide recreational areas within said open space.	Min. 20% open space= 0.52 * 20% = 0.10 acres or 4,356 sf.	10,058sf.	No variance needed.
P	*Maximum commercial building floor area:*	NA	---	---
Q	Accessory use, building and structure requirements. See section 4.9 of this chapter.	Side or rear yard.	Dumpster shown in front yard.	Variance needed.
R.(2)	Other standards: Multifamily developments shall comply with section 7.1.3.K. and N. of this chapter.	---	---	See below.
S	Guest House	NA	---	---

Code Section	Description and/ or Requirements	Required	Proposed	Notes
Sec. 7.1.3 (K)	Minimum buffer requirements. In addition to required setbacks, a twenty-five-foot wide buffer shall be required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter and a ten-foot buffer adjacent to all other districts other than MF-14.	25ft/10ft. Requires 25ft buffer along SF district/use. More strict than 9.2.3 (N) which requires a 15ft buffer	15ft. Per 9..2.3 (N).	This conflicts with Section 9.2.3(N) that requires a 15ft. Buffer. Sec. 7.1.3 (K) is disregarded.
Sec. 7.1.3 (N)	Other required standards.1.Principal structures within the MF-14 district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.2.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 MF-14 district.	---	---	Similar to Section (J) above. Addressed during plan review. No indication of non-compliance

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 6/14/21 **5:30pm** **Application Number:** V21-11

Date Received: 4/27/2021

Applicant GEORGE MUSAU (printed name) Office Phone 678-670-2686

Address 935 BREAM CT NE Mobile/ Other Phone

City MARIETTA State GA Zip 30068 Email gmusau@gmail.com

X _____ Phone (Rep)
Representative's printed name (if other than applicant)

Email (Rep)

_____ _____
Representative Signature Applicant Signature

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

_____ 1/23/23
Notary Public

SAMANTHA FINCHER NOTARY PUBLIC BARTOW COUNTY, GEORGIA EXPIRES 01/23/23

* Titleholder GEORGE MUSAU Phone 678 670 2686
(titleholder's printed name)

Address Email

X Signature

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

_____ 1/23/23
Notary Public

SAMANTHA FINCHER NOTARY PUBLIC BARTOW COUNTY, GEORGIA EXPIRES 01/23/23

Present Zoning District M-4

Acreage 0.49 Land Lot(s) 411 District(s) 4 Section(s) 3

Location of Property: 233 n. Erwin St
(street address, nearest intersections, etc.)

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

Summary Description of Variance Request: Reduction in required frontage, increase in unit density and allow parking to encroach zoning 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 2 Subsection 3

Article _____ Section _____ Subsection _____

Article _____ Section _____ Subsection _____

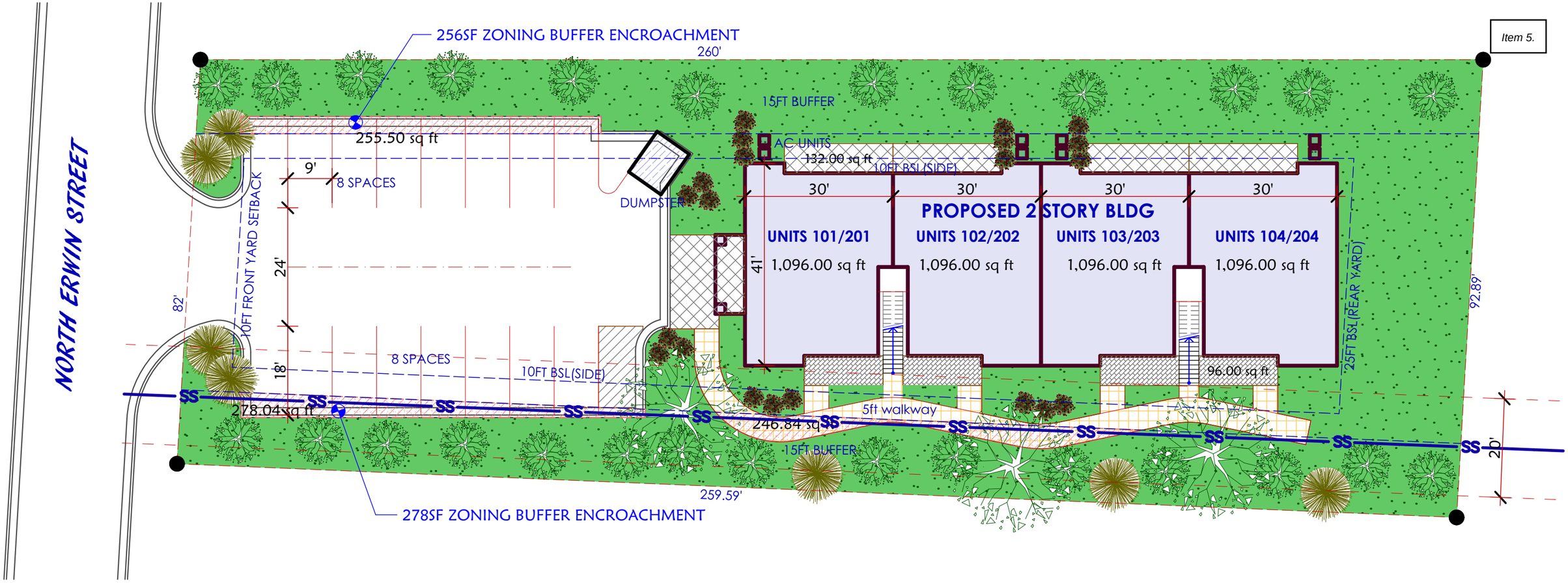
The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the 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:

1. Reduction in required frontage/width at building line
   - From 110 ft to 82 ft
2. Increase in unit density for 0.52 acres
   - From 7.28 (14 units/acre) to 8 units.
3. Allow parking and walkway to encroach into the zoning buffer.



PROPOSED 2 STORY APARTMENT BUILDING
8 UNITS (4 UNITS PER FLOOR)

TYPICAL UNIT DETAILS
UNIT AREA = ~~1,142sf~~ 1096 sf
2 BEDROOM/2 BATH
PARKING PROVIDED
2 PER UNIT, 16 TOTAL

LOT AREA = 0.52ACRES (22,650SF)
OPEN AREA = 10,058 (44%)

UNIT DENSITY

ALLOWED	14 UNITS PER ACRE
	14X0.52= 7.28
PROPOSED	8 UNITS

PROPOSED SITE PLAN

C1

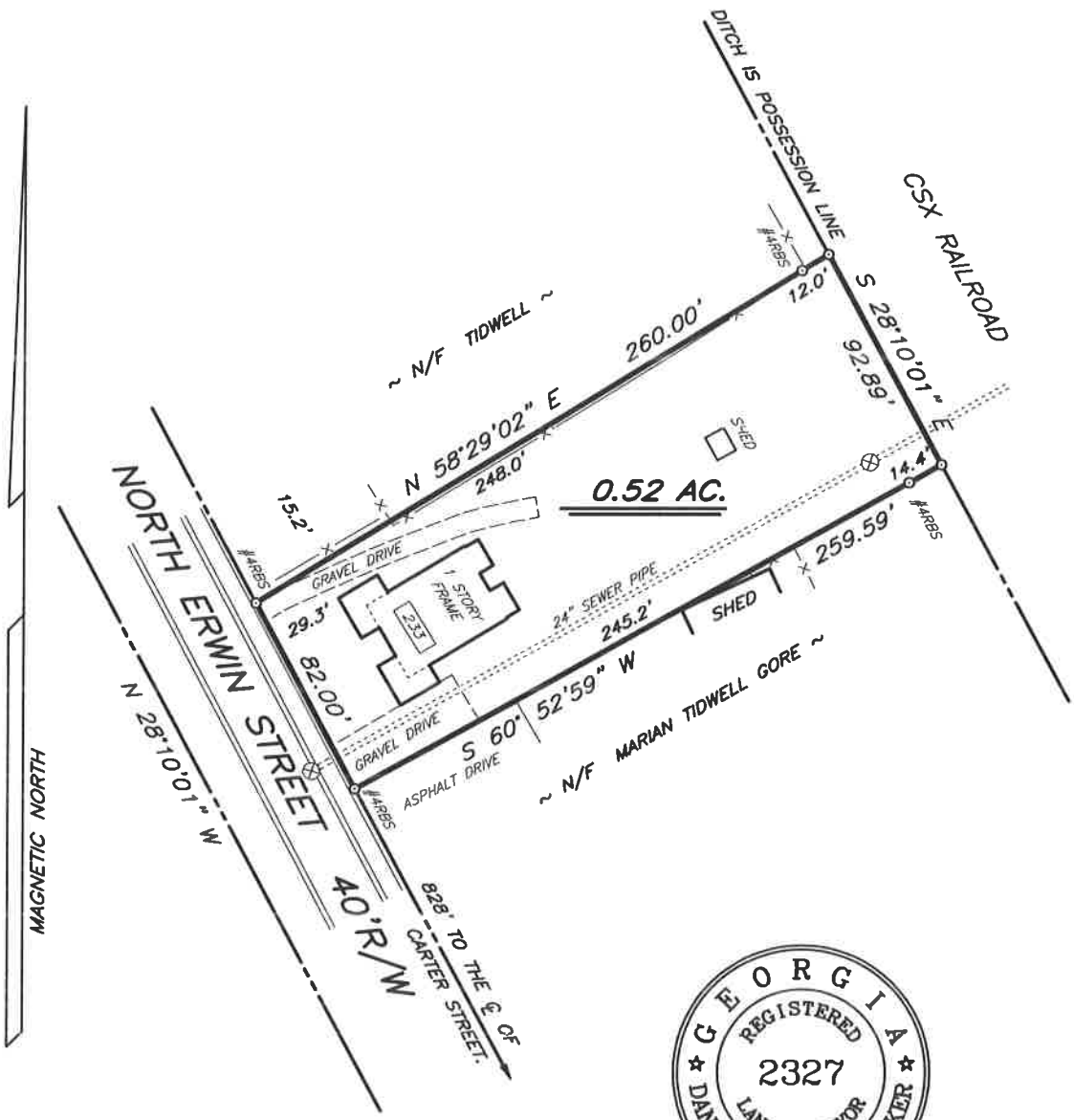
N Erwin Apartments-

233 North Erwin St., Cartersville, BARTOW COUNTY, GA

Architect
KSi design group
678-438-4759, KSidesign@outlook.com

©COPYRIGHT- 2021 - This drawing as an instrument of service shall remain the property of KSi design group and shall not be reproduced, published or copied in whole or in part or used in any way w written permission of KSi design

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/ 10,000+ ; ANGULAR PRECISION ; 10" √n . THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT : 1/ . MATTERS OF TITLE ARE EXCEPTED.



GEORGIA
REGISTERED
2327
LAND SURVEYOR
DANIEL TRENHOLM BAKER

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY PANEL # 13015 C 0088 F DATED SEPTEMBER 29, 1989 .

60 0 60 120
SCALE IN FEET

DATE : 5-13-96	
SCALE : 1" = 60'	
DRAWN BY : JMW	
CHECKED BY :	
2565/GNB23/BATY	

SURVEY FOR :

DENNY BATY

GASKINS & BAKER
LAND SURVEYORS

CARTERSVILLE , GEORGIA
(770) 382-5969

LOCATED IN L.L. 411
4th DIST., 3rd SECT.,
BARTOW COUNTY, GA.

V

Prepared by:

RECEIVED
Clerk of Superior Court - Bartow Co. Ga
01/25/2017 12:02 PM

DOC# 000938
FILED IN OFFICE
1/25/2017 12:04 PM
BK:2894 PG:194-195
MELBA SCOGGINS
CLERK OF SUPERIOR COURT
BARTOW COUNTY
Melba Scoggins
REAL ESTATE TRANSFER TA
PAID: $0.00

Item 5.

State of Georgia

County of Bartow

Quit Claim Deed

PT-61 008-2017-000265

This indenture is made this 25 day of January, 2017,

by and between Rediet Habtemarkos & George Musau (hereinafter "Grantor")

and R G Harbor Property Management, LLC (hereinafter "Grantee")

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of Ten Dollars ($10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, convey and quitclaim unto the said Grantee forever all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in Cobb County, Georgia, to-wit: IN WITNESS WHEREOF, Grantor has hereunto set a hand and seal the day and year first written above. (Property Description below or attached)

See Exhibit "A" for Land description

Rediet Habtemarkos
Grantor

REDIET HABTEMARKOS
Print Name

Signed, sealed and delivered in our presence:

Mary Powell
Witnesses:

Grantor

GEORGE MUSAU
Print Name

Notary Public

(SEAL)

MONICA P WHITFIELD
NOTARY PUBLIC
Bartow County
State of Georgia
My Comm. Expires August 10, 2019

CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. V21-11
APPLICATION HAS BEEN MADE TO THE CITY OF CARTERSVILLE BOARD OF ZONING APPEALS FOR VARIANCE ON THIS PROPERTY.
A PUBLIC HEARING WILL BE HELD AT CITY HALL 10 NORTH PUBLIC SQUARE AT 5:30 P.M. ON 6/14/21
FOR ADDITIONAL INFORMATION CONTACT THE DEPARTMENT OF PLANNING DEVELOPMENT AT 770-387-5600

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/Meredith Ulmer
CC: Keith Lovell
Date: June 8, 2021
Re: File # V21-12. 707 MLK Jr. Dr.

#V21-12: Applicant requests a variance to allow a privacy fence in the front yard.

Section 1: Project Summary

Variance application by Trent McMurtrey for property located at 707 Martin Luther King Drive Jr, zoned GC (General Commercial). Said property contains approximately 0.39 acres.

Code Enforcement Officer John Goworek noticed the fence encroachment and that it was part of extensive home renovations. Mr. Goworek informed the applicant of the violation and that a variance was needed. The applicant promptly submitted the application.

The privacy fence was only installed on the east side of the property and extends from the rear property line to approx. 10-12ft from the front property line, a distance of approx. 165ft. The house is sited about 90 feet from the front property line, so the front yard is much deeper than adjacent properties whose front yards range from 45-65ft deep, approximately.

Per ordinance Sec. 4.16 (B)(1), privacy fences are not allowed in front yards.

The variance request is for the following:

1. To allow a 6ft privacy to encroach into the front yard.

Section 2. Department Comments

Electric Department: No Comments Received.

Fibercom: No comments regarding this variance

Fire Department: Takes No Exception

Gas Department: Takes No Exception

Public Works Department: No comments regarding this variance

Water Department: Takes No Exception

Section 3. Public Comments Received by Staff

5/21: Sara Tiggs. Received notice. General Inquiry.

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).

Chapter 26. Section 4.16 Fences and Walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.

5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

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

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

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

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

A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and

B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and

C. Adjacent property would not be unduly damaged by such use of the building; and

D. The use is to be identical or similar to the prior nonconforming use of the building.

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

A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:

1. The property is exceptionally narrow, shallow or unusually shaped;

2. The property contains exceptional topographic conditions;

3. The property contains other extraordinary or exceptional conditions; or

4. There are existing other extraordinary or exceptional circumstances; and

B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and

C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

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

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

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

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

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

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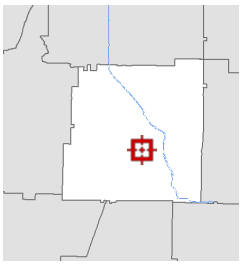
Overview



Legend

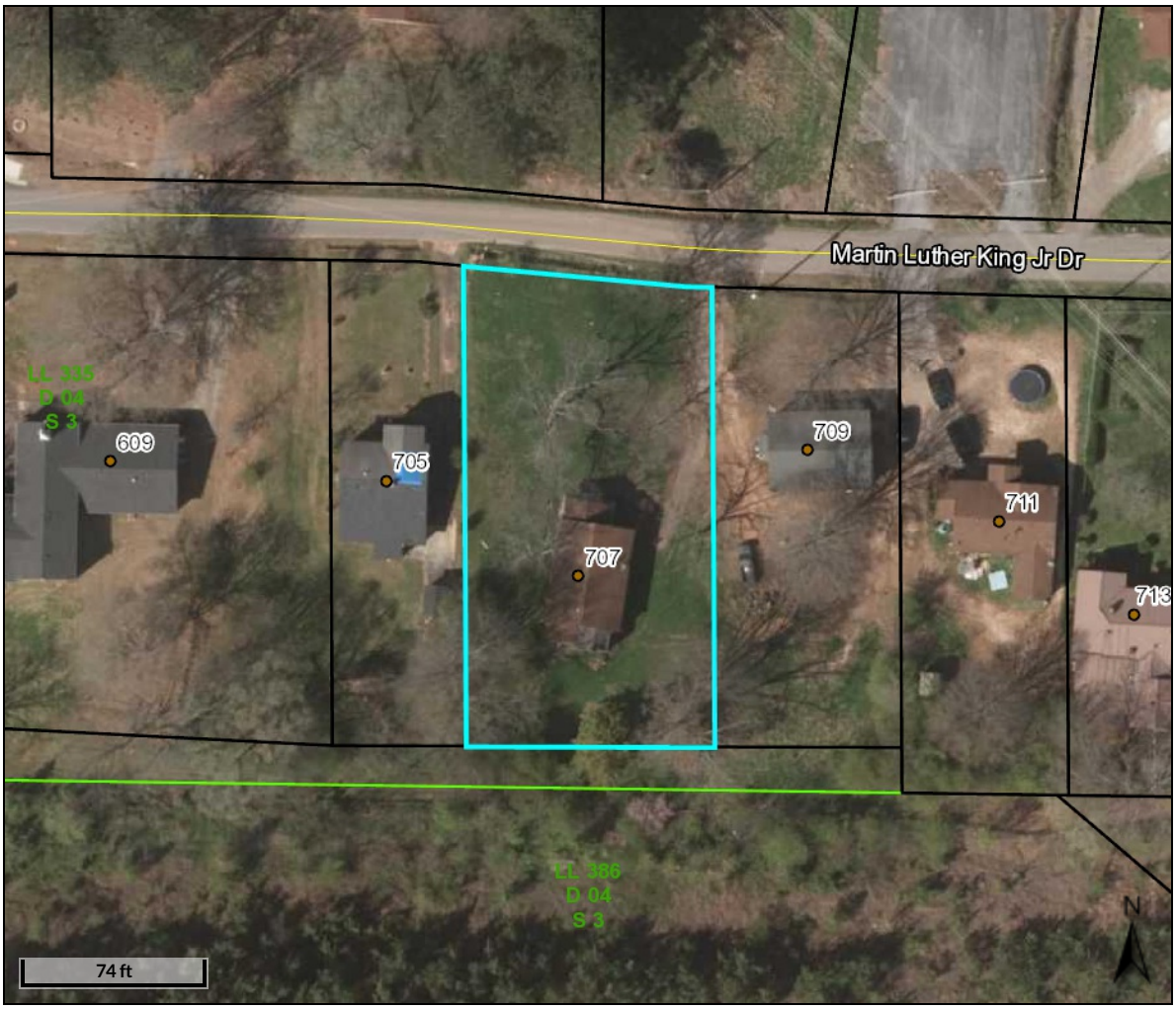
- Parcels
- Structural Numbers
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed
- Roads
- Land Lots

Parcel ID	C005-0002-001	**Alternate ID**	32824	**Owner Address**	MCMURTREY TRENT A
Sec/Twp/Rng	n/a	**Class**	Residential		24 GAINES RD NW
Property Address	707 MARTIN LUTHER KING DR	**Acreage**	0.4		CARTERSVILLE, GA 30121
District	Cartersville				
Brief Tax Description	LL335 LD4				
	(Note: Not to be used on legal documents)				

Date created: 4/30/2021
Last Data Uploaded: 4/29/2021 9:49:27 PM

Developed by Schneider GEOSPATIAL

qPublic.net™ Bartow County, GA



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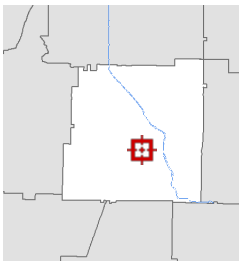

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District	Cartersville				
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Developed by Schneider GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: MON. 6/14/21 **5:30pm** **Application Number:** V21-12

Date Received: 4/30/21

Applicant Trent A. McMurtrey (printed name) Office Phone (678) 221-7070

Address 707 MLK JR DRIVE Mobile/ Other Phone (678) 221-7070

City CARTERSVILLE State GA Zip 30120 Email tmcguard28@gmail.com

Representative's printed name (if other than applicant) Phone (Rep)

Email (Rep)

Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: My commission expires: 03/18/2022

Notary Public

KYLIE POSTELL NOTARY PUBLIC BARTOW COUNTY GEORGIA EXPIRES Mar. 18, 2022

* Titleholder Trent A. McMurtrey (titleholder's printed name) Phone (678) 221-7070

Address 24 Gaines Rd Email tmcguard28@gmail.com

Signature

Signed, sealed, delivered in presence of: My commission expires: 03/18/2022

Notary Public

KYLIE POSTELL NOTARY PUBLIC BARTOW COUNTY GEORGIA EXPIRES Mar. 18, 2022

Present Zoning District G-C C 089-0003-012

Acreage 0.39 Land Lot(s) 335 District(s) 4th Section(s) 3rd

Location of Property: 707 MLK SR DR.
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: G-C (GENERAL COMMERCIAL)

Summary Description of Variance Request: 6' PRIVACY FENCE ENCROACHMENT INTO FRONT YARD.
(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 Chapter 26 IV Section 4.16 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.

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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

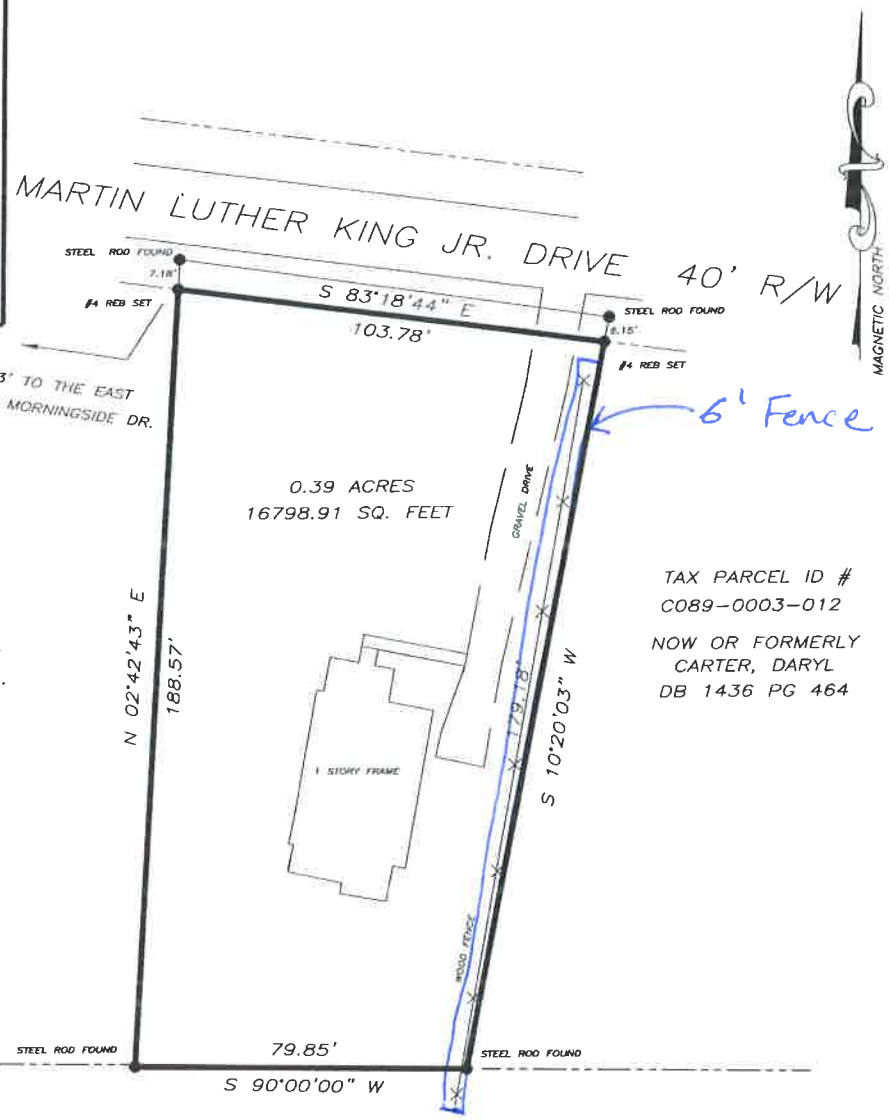
Additional Comments by Applicant: _____

Justification Letter

Per officer J. Goworek the fence must be 4' tall from the front corner of the house.

We installed a 6' privacy fence along the left side of the property to avoid looking over into the neighbor's yard/house. It also provides a sense of security and safety for the property located at 707 MLK Jr Drive Cartersville, Ga 30120.

THIS BOX RESERVED FOR THE CLERK OF SUPERIOR COURT



GEORGIA REGISTERED 2604 LAND SURVEYOR MICHAEL E. BARTENFELD

SUBJECT PROPERTY
TAX PARCEL ID # C005-0002-001
NOW OR FORMERLY
McMURTREY, TRENT A.
DB 3228 PG 387

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE CHANGES TO ANY REAL PROPERTY BOUNDARIES. 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, OR 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.

GEORGIA REGISTERED LAND SURVEYOR PLS # 2604 — 04/25/2021 DATE

GRAPHIC SCALE
30 0 15 30 60
1 inch = 30 ft

NOTES:
1) ANGLES AND DISTANCES MEASURED WITH A TOPCON ROBOTIC TOTAL STATION & iGAGE X90 DUAL FREQUENCY GPS RECEIVER.
2) THIS PLAT IS PREPARED BASED ON A FIELD SURVEY USING A 2 SECOND EDM MAKING REDUNDANT MEASUREMENTS TO ACHIEVE A RELATIVE POSITIONAL TOLERANCE OF 0.05' AND HAS A CLOSURE OF ONE FOOT IN 55,520 FEET. THE TRAVERSE NETWORK WAS ADJUSTED USING THE COMPASS RULE METHOD.
3) THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 142,000+ FEET.
4) THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF A TITLE REPORT, ALL MATTERS OF TITLE ARE EXCEPTED.

BOUNDARY SURVEY PREPARED FOR

TRENT A. McMURTREY

PROPERTY DESCRIPTION:

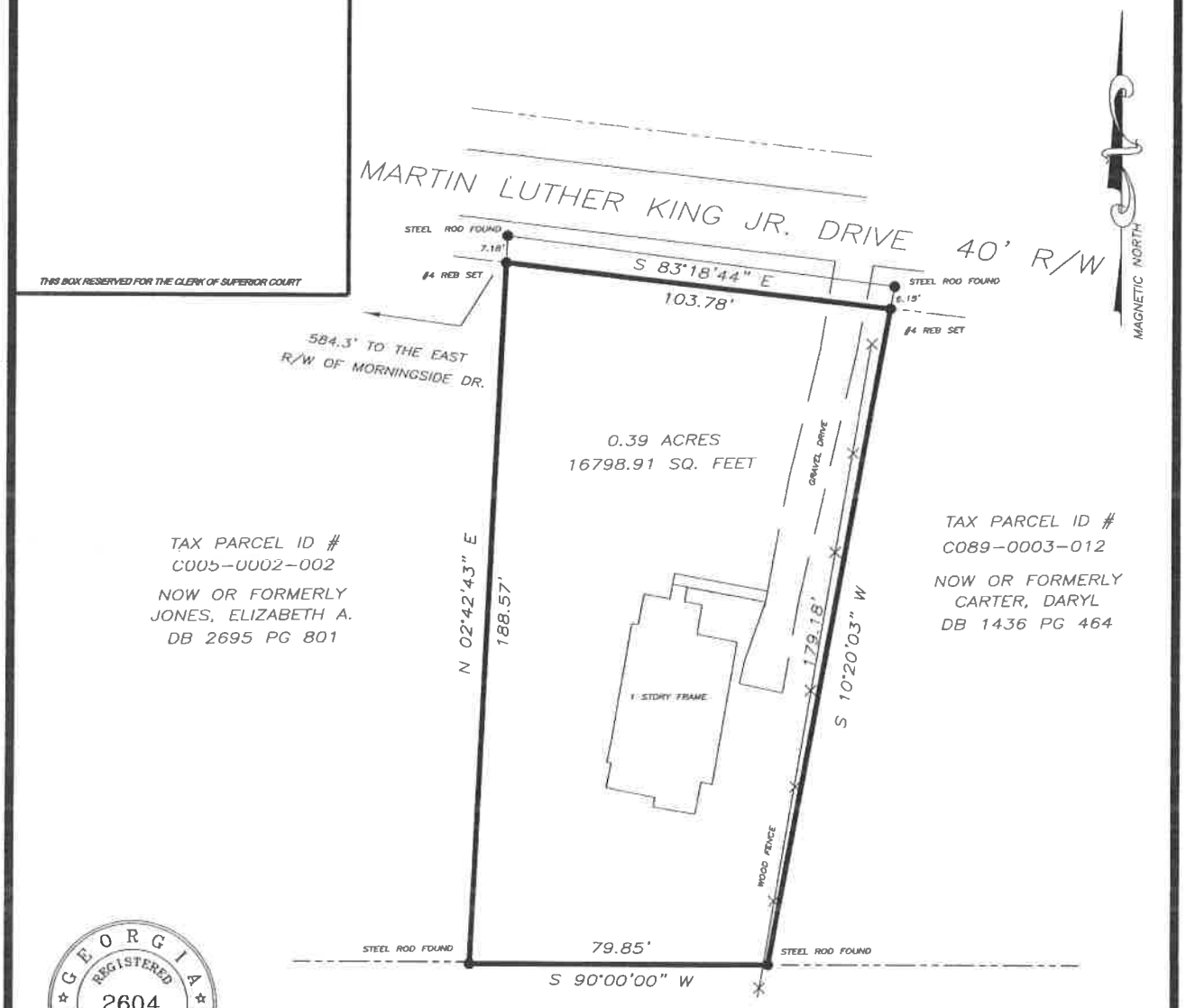
707 MARTIN LUTHER KING JR DRIVE
CARTERSVILLE, GEORGIA 30120
LAND LOT 335, 4th DISTRICT,
3rd SECTION, CITY OF CARTERSVILLE,
BARTOW COUNTY, GEORGIA

SURVEY TYPE: BOUNDARY
DATE OF FIELD SURVEY: 04/23/2021
MAP ISSUE DATE: 04/25/2021
PROJECT No.: 2021/McMURTREY

LAND SURVEYORS & CONSULTANTS, LLC.

Surveying • Elevation Certificates • Consulting
12 Centerport Drive
White, GA 30184
678-435-1998
Email: mebartenfeld@yahoo.com

THIS BOX RESERVED FOR THE CLERK OF SUPERIOR COURT



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SURVEY
PREPARED
FOR

TRENT A. McMURTREY

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707 MARTIN LUTHER KING JR DRIVE
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BARTOW COUNTY, GEORGIA

SURVEY TYPE: BOUNDARY
DATE OF FIELD SURVEY: 04/23/2021
MAP ISSUE DATE: 04/25/2021
PROJECT No.: 2021/McMURTREY

LAND SURVEYORS & CONSULTANTS, LLC.

Surveying • Elevation Certificates • Consulting
12 Centerport Drive
White, GA 30184
678-435-1998
Email: mebartenfeld@yahoo.com

Image taken 5-19-21

4/30/21 1:53 PM
707 Martin Luther King Jr Dr

4/30/21 1:53 PM
707 Martin Luther King Jr Dr

Property pin visible with pink flagging

BOARD OF ZONING APPEALS
ITEM SUMMARY

MEETING DATE:	June 14th, 2021
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V21-12. 707 MLK Jr Dr.
DEPARTMENT SUMMARY RECOMMENDATION:	To allow a privacy fence to encroach into the front yard.
LEGAL:	N/A

BOARD OF ZONING APPEALS
ITEM SUMMARY

MEETING DATE:	June 14th, 2021
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V21-13. 1010 N. Tennessee St. (Los Arcos Restaurant)
DEPARTMENT SUMMARY RECOMMENDATION:	To reduce the rear setback from 20ft to 5ft. for a lot split.
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/Meredith Ulmer
CC: Keith Lovell
Date: June 8, 2021
Re: File # V21-13 1010 N. Tennessee St. (Los Arcos Restaurant)

#V21-13: Variance request to reduce the rear yard setback from 20ft to 5ft. for Los Arcos Restaurant.

Section 1: Project Summary

Variance application by LA MARA, LLC for Los Arcos Restaurant located at 1010 N. Tennessee St, zoned O-C (Office Commercial). Said property contains approximately 0.336 acres.

Los Arcos Restaurant and the property owner of 1010 N. Tennessee St, CAT DADDY CORNER LLC, have a Settlement Agreement requiring the restaurant to split from the 1010 N. Tennessee Street property and separate from the Condominium Association, CAT DADDY CORNER CONDOMINIUM ASSOCIATION, INC. A survey showing how the restaurant will be split from the condominium property is attached. All zoning requirements can be met with the exception of the rear yard setback.

The retail buildings comprising the condominium, including the Los Arcos restaurant building, were constructed in 2005-6. All zoning requirements were met by the condominium site plans.

The lot split does require that the two properties to the south, 1006 and 1008 N. Tennessee Street be rezoned to allow the construction of a new parking lot for Los Arcos. The rezoning application was reviewed and recommended for approval by the planning commission on Tuesday, June 8th.

The existing parking lot shared between Los Arcos and the condominium will stay with the condominium after the restaurant subdivision occurs, but Los Arcos may use the parking lot until the new parking lot is constructed per the Settlement Agreement.

The variance request is for the following:

1. To reduce the rear yard setback from 20ft to 5ft. for the new lot.

Section 2. Department Comments

Electric Department: Takes No Exception. Possible utility easement needed.

Fibercom: Takes No Exception

Fire Department: No comments received

Gas Department: Takes No Exception. Utility easement needed.

Public Works Department: No comments received

Water Department: Takes No Exception.

Section 3. Public Comments Received by Staff

5/20: Anonymous call. General Inquiry.

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).

9.5.3. O-C Office Commercial. 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.

9.5.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the O-C district.

• City of Cartersville Landscaping Ordinance.

• City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 10, 1-3-13; Ord. No. 02-18, § 4, 1-18-18; Ord. No. 34A-18, § 4, 12-6-18)

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.*

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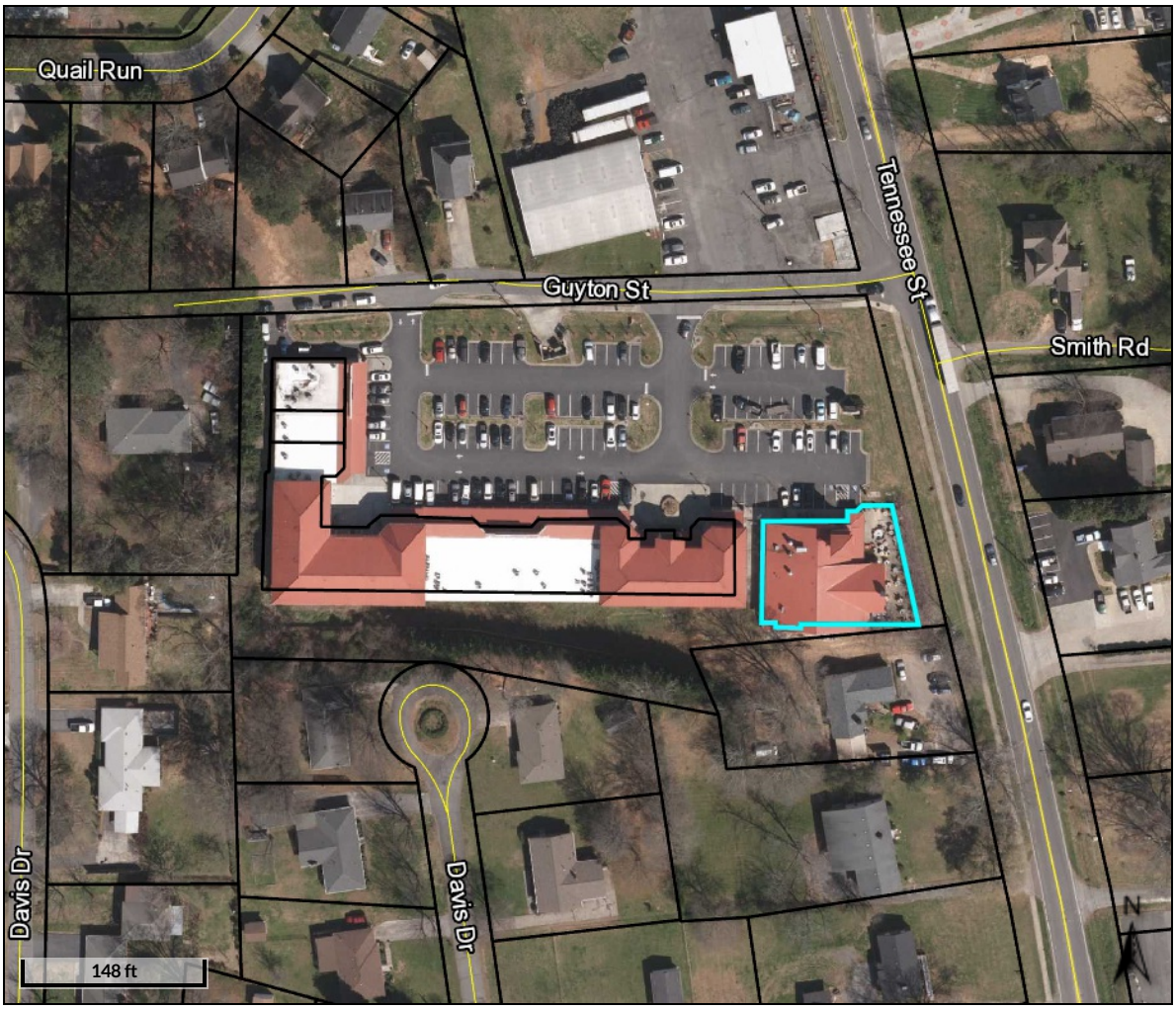
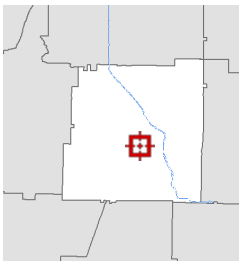


Overview



Legend

- Parcels
- Roads

Parcel ID	C029-0008-079-001	**Alternate ID**	45440	**Owner Address**	LA MARA II INC
Sec/Twp/Rng	n/a	**Class**	Commercial		1010 N TENNESSEE ST STE 100
Property Address	1010 N TENNESSEE ST	**Acreage**	n/a		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL238&239 D4 BLDG ONLY CONDO Los Arcos (Note: Not to be used on legal documents)				

Date created: 6/10/2021
Last Data Uploaded: 6/9/2021 9:47:18 PM

Developed by Schneider GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 6/14/21 **5:30pm** **Application Number:** V21-13

Date Received: 5/11/21

Applicant LA MARA, LLC. (printed name) Office Phone 770.547.3674

Address 1010 N. Tenn St. Suite 100 Mobile/ Other Phone 770.547.3674

City Cartersville State GA Zip 30120 Email losarcosmexicanr@bellsouth.net

Lauren Simonson Phone (Rep) 770.387.0440

Representative's printed name (if other than applicant) Email (Rep) lsimonson@southlondengineers.com

Representative Signature Applicant Signature

Signed, sealed and delivered in presence of: My commission expires: 01-23-2025

Notary Public

DANIELLE RAE MIDDLETON NOTARY PUBLIC BARTOW COUNTY, GEORGIA

* Titleholder LA MARA, LLC. Phone 770-547-3674

(titleholder's printed name)

Address 1010 N. Tenn St. Suite 100 Email losarcosmexicanr@bellsouth.net

x Signature

Signed, sealed, delivered in presence of: My commission expires: 01-23-2025

Notary Public

DANIELLE RAE MIDDLETON NOTARY PUBLIC BARTOW COUNTY, GEORGIA

Present Zoning District O-C

Common AREA: C029-0008-075
LA MARA: C029-0008-079-001

Acreage 0.336 Land Lot(s) 239 District(s) 4 Section(s) 3

Location of Property: 1010 N. Tenn St.

(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: Sec. 9.5 - O-C Office / Commercial District

Summary Description of Variance Request: Reducing the rear setback from 20ft to 5ft

(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 IX Section 9.5 Subsection 3 (D)

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: Los Arcos is completely removing from the Condominium. This means their property will now be considered stand-alone requiring them to abide by the O-C zoning ordinance. Since the building is existing, the current layout violates the required rear setback of 20 ft. The owner is requesting a variance to reduce the rear setback from 20 ft to 5 ft.

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS

May 11, 2021

City of Cartersville Planning & Zoning
10 N Public Square
Cartersville, GA 30120

RE: Zoning Variance for 1010 N. Tennessee Street

To Whom It May Concern,

This letter is to inform you that we are submitting a zoning variance on behalf of the owner, La Mara LLC, who is requesting to file a zoning variance for the development located at 1010 N. Tennessee Street in Cartersville, GA 30120. The existing property consists of a restaurant building, Los Arcos, with an attached patio. Los Arcos has decided to remove themselves from the condominium meaning their property will now be considered a stand-alone development. This will require the property to abide by the zoning ordinance for O-C (Office/Commercial District). Since the restaurant building is existing, the current layout violates the zoning O-C rear setback requirement of 20-ft. Therefore, the owner is requesting a zoning variance to reduce the rear setback from 20-ft to 5-ft. The boundary/survey plat can be found on the attached application.

Sincerely,

Karl Lutjens, P.E.
Southland Engineering, Inc.
email karl@southlandengineers.com
(770) 387-0440 Office
(770) 607-5151 Fax

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

PLAT REVISION FOR:

LA MARA II, INC.

LOCATED IN LAND LOT 239
4th DISTRICT, 3rd SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

DATE: MAY 5, 2021	REV:	JOB NO:21054-5
DATE OF FIELDWORK: APRIL 9, 2021		
DRAWN BY: KNC	CHECKED BY: KNC	APPROVED BY: KNC

General Notes

1. ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1' IN 24,500 FEET, AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1' IN 290,000 FEET.
4. EQUIPMENT USED: TOPCON 3005W, TOTAL STATION, WITH DATA COLLECTOR.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.

Conformity Statement

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. 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.

GEORGIA REGISTERED No. 2980 PROFESSIONAL LAND SURVEYOR KEVIN N. COONEY 5/4/21

KEVIN COONEY - GA PLS 2980

SCALE: 1" = 20' GRAPHIC SCALE (0 10 20 40 60)

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

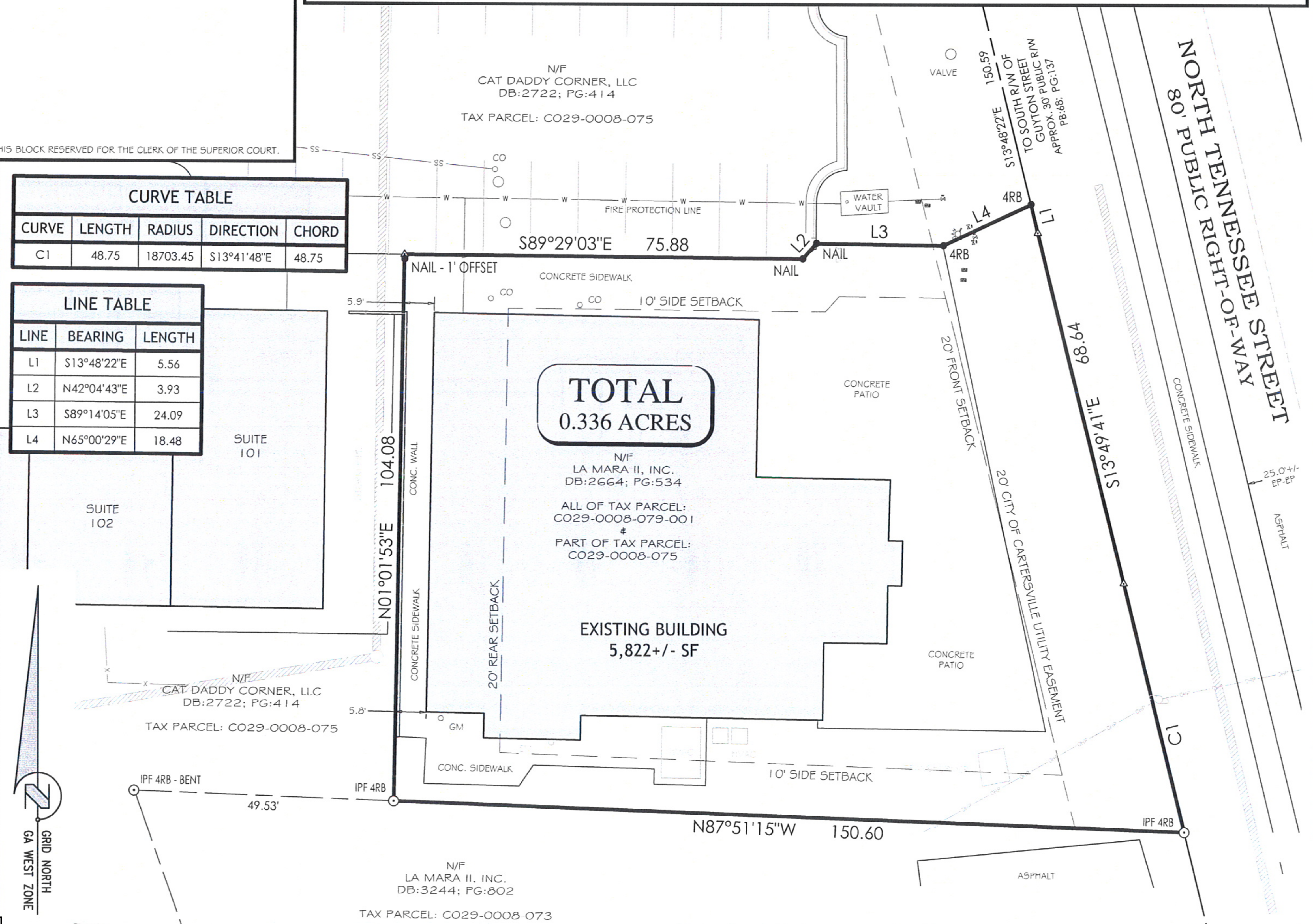
⊙ = IRON PIN FOUND	= DOUBLE WING CATCH BASIN	= GAS VALVE	= SEWER MANHOLE	= POWER POLE
= CONCRETE MON. FOUND	= SINGLE WING CATCH BASIN	= GAS METER	= CLEAN OUT	= GUY WIRE
● = IRON PIN PLACED	= JUNCTION BOX	= TELEPHONE MANHOLE	= WATER VALVE	= ELECTRIC METER
= BREAK POINT	= CURB INLET	= ELECTRIC MANHOLE	= WATER METER	= TRANSFORMER
= PHOTO REFERENCE	= YARD INLET	= TELEPHONE PEDESTAL	= FIRE HYDRANT	= LIGHT POLE
= EXCEPTIONS	= DROP INLET	= SIGN	= IRRIGATION CONT. VALVE	= FLOW ARROW
= PARKING BOLLARD	= HEADWALL	= BENCHMARK	= WELL	= MAILBOX
= STORM PIPE	= OVERHEAD PWR.	= WATER LINE	= COMM. LINE	
= SEWER PIPE	= FENCE LINE	= GAS LINE	= UNDERGROUND PWR.	

CURVE TABLE

CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	48.75	18703.45	S13°41'48"E	48.75

LINE TABLE

LINE	BEARING	LENGTH
L1	S13°48'22"E	5.56
L2	N42°04'43"E	3.93
L3	S89°14'05"E	24.09
L4	N65°00'29"E	18.48



CONCEPT 4: (DEMO BOTH HOMES & HANDICAP ACCESSIBLE)
TOTAL AMOUNT OF PARKING SPACES=93
VEHICLE PARKING SPACES=89
HANDICAP SPACES=4 (1 VAN ACCESSIBLE)

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

24 HOUR CONTACT
BARRETT
NUMBER

GEORGIA 811

PROJECT NO.:
19XXX

DATE:
XX/XX/19

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

LOS ARCOS PARKING
LOCATED IN LAND LOT 239
4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, GEORGIA

PRELIMINARY NOT FOR CONSTRUCTION

SHEET TITLE:
SITE PLAN

SHEET NO.:
CONCEPT 4

G:\19000\19109 - LOS ARCOS - PARKING -\CIVIL\DESIGN\19109_CONCEPT 4.dwg 2/6/2020 1:27 PM

Image Taken 5-19-21

Los Arcos Rest.

Condo Suite 101. Muscadines

View to the south between Los Arcos and Suite 101. The rear property line will follow the edge of the 5ft. walkway.

Los Arcos Rest.

Condo Suite 101. Muscadines

View to the south between Los Arcos and Suite 101. The rear property line will follow the edge of the 5ft. walkway.

Condo Suite 101. Muscadines

Los Arcos Rest.

View to the north between Los Arcos and Suite 101. The rear property line will follow the edge of the 5ft. walkway.