



# CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall  
Thursday, October 12, 2023 at 5:30 PM

---

## AGENDA

---

### BOARD MEMBERS:

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

### CITY CLERK:

Julia Drake

### PLANNING DIRECTOR:

Randy Mannino

### CITY PLANNER:

David Hardegree

### CITY ATTORNEY:

Keith Lovell

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

1. September 14, 2023

### VARIANCE CASES

2. V23-22. 5 Riverside Dr. Applicant: Donald Long II
3. V23-24. 1396 Joe Frank Harris Blvd. Applicant: Reliance Investors, LLC

### STAFF OR COMMITTEE COMMENTS

### OTHER

The next meeting of the Board of Zoning Appeals will be November 9, 2023. 5:30pm.

### OTHER

*Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.*

**P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120**  
**Telephone: 770-387-5616 – Fax 770-386-5841 – [www.cityofcartersville.org](http://www.cityofcartersville.org)**



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	October 12, 2023
<b>SUBCATEGORY:</b>	Approval of Minutes
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	September 14, 2023
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
<b>LEGAL:</b>	N/A

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on September 14, 2023, in the Council Chambers.

**ROLL CALL**

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

Keith Lovell, City Attorney, stated that Item #6 on the agenda, V23-23: 429 W. Main St., would be removed from the agenda.

**APPROVAL OF MINUTES**

**1. August 10, 2023**

Board Member McElwee made a motion to approve the minutes from August 10, 2023. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 4-0

**VARIANCE CASES**

**2. V23-21: 124 Old Mill Rd. Applicant: Tilley Holdings LLC**  
*Variance: To increase the height of digital billboard from 30ft. to 35ft.*

Zack Arnold, Assistant City Planner, stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Arnold gave an overview of the case stating this variance application is by Tilley Holdings, LLC for property located at 124 Old Mill Rd in LL 626, 4th District, 3rd Section. Tax Parcel ID. C019-0005-001. The property containing the billboard is approx. 3.12 acres. The billboard is currently a double sided, static billboard located adjacent to and on the east side of an existing structure. The lower edge of the billboard is obscured by the structure's roof. The applicant intends to upgrade the billboard to digital on both sides and wants to raise the billboard to the minimum height required to not be obscured by the roof. A text amendment, T22-03, to the sign ordinance was approved on October 6, 2022, to allow digital billboards on Old Mill Rd. within 1,000ft. of the west side of the S. Erwin St. intersection.

The billboard is approx. 700ft. from the intersection of Old Mill Rd and S. Erwin St. The original billboard was erected prior to adoption of the sign ordinance (2012) and was considered legal, non-conforming. Variance, V06-22, approved 7/17/06, allowed the billboard to be installed with reduced setbacks.

There is also an existing two-sided, double stacked, static billboard on the Cody J's restaurant site located at 675 S. Erwin St. This billboard is approx. 300 ft. from the

intersection of Old Mill Rd and S. Erwin St. The separation distance between the Tilley Holdings, LLC billboard and the Cody J's billboards is approx. 500ft.

Item 1.

The Cody J's billboard was allowed to increase in height from 30ft. to 45ft. per Variance V17-22, approved 11-13-17, to accommodate the double stacking of billboard signs. The existing Tilley billboard is more than the required 500ft. separation distance from residential zoning districts. The billboard is generally surrounded by Industrial zoning and uses.

Chairman Pendley opened the public hearing.

Bobby Walker, 15 S. Public Sq., came forward to represent the application and to answer any questions from the Board Members.

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

Board Member McElwee made a motion to approve V23-21. Board Member Brunt seconded the motion clarifying that the max height is to be no more than 35ft. Motion carried unanimously. Vote: 4-0

**3. V23-18: 12 Aspen Ln.**

**Applicant: Edwin Bonayon**

***Variance: To allow a privacy fence in the front yard of a corner lot.***

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

Continuing, Mr. Arnold gave an overview of the case stating this was a variance application by Edwin Bonayon for property located at 12 Aspen Lane, zoned P-D Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 5ft. Said property contains approximately 0.25 acres. The lot is a corner lot with road frontages along Aspen Ln., and Ashwood Dr.

The applicant proposes to build a privacy fence to enclose the west and south sides of the property that include the front yard along Ashwood Dr. Right-of-Way. The fence ordinance for corner lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the rear of the house, but in the front yard along Ashwood Dr. This property does have a 20 ft. storm line easement on the eastern boundary. The Stormwater Department does support the fence installation location provided gates are installed and they retain 24/7 access to the underground storm pipe and associated detention pond to the north of the property.

Chairman Pendley opened the public hearing.

Ashley Bonayon, 12 Aspen Ln., came forward to represent the application and to answer any questions from the Board Members and to state that the existing fence is falling apart and is looking to improve the functionality and appearance of the fence.

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

Board Member Brunt made a motion to approve V23-18. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

Item 1.

**4. V23-19: 8 Sunset Cir.**

**Applicant: Carlos Stephenson**

***Variance: To allow a privacy fence in the front yard of a residential lot.***

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

Continuing, Mr. Arnold gave an overview of the case stating this is a variance application by applicant, Carlos Stephenson, for property located at 8 Sunset Circle, zoned R-15 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.78 acres.

The applicant proposes to build an 8ft tall privacy fence to enclose the north side of the property that includes the front yard along Sunset Circle Right-of-Way. This fence will replace a 4ft tall chain link fence that is currently installed. The fence ordinance for residential lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the front and side of the home. Construction of this fence began without prior approval in early July 2023. On July 7, 2023, Code Enforcement noticed the fence installation and notified the homeowner that a variance was required. Due to sight distance issues along the roadway the homeowner was required to remove a section of fence immediately. No further work on the fence has occurred.

Chairman Pendley opened the public hearing.

Carlos Stephenson, 8 Sunset Cir., came forward to represent the application and stated that Animal Control had been out several times regarding his dog jumping the existing 4ft. chain link fence. The reason for the request is to keep his dog inside the fence.

Discussion commenced among the Board Members regarding concerns with the sight distance.

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

Board Member McElwee made a motion to approve V23-19 subject to Public Works approving the fence location prior to construction to satisfy the street sight distance requirements. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

**5. V23-20: 26 Saddlebrook Dr.**

**Applicant: Lee Couch**

***Variance: To reduce the rear yard setbacks for construction of house addition from 20ft. to 4ft.***

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

Continuing, Mr. Arnold gave an overview of the case stating this is a variance application by owner/applicant Lee Couch for property located at 26 Saddlebrook Dr., zoned R-7

Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.17 acres.

Item 1.

The applicant proposes to build an addition to the home in the rear yard. The addition consists of an 18x17 finished closet area with bathroom, and an 18x36 covered porch. The zoning ordinance section, Sec. 6.5., for the R-7 zoning district requires a rear yard setback of 20ft. The proposed addition will encroach approximately 16ft into the required setback.

This property is in the local floodplain which will require the applicant to make the house addition compliant with the City’s floodplain ordinance, if approved. The Building Department and Public Works have met with the applicant to provide comments and guidance on how to satisfy the requirements.

Chairman Pendley opened the public hearing.

Lee Couch, 26 Saddlebrook Dr., came forward to represent the application and to answer any questions from the Board Members.

Discussion commenced with the applicant stating he was aware of the department comments and would adhere to their requirements.

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

Board Member Clayton made a motion to approve V23-20 and allow the reduction of the setback to 4ft. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:18 P.M.

October 12, 2023  
Date Approved

/s/ \_\_\_\_\_  
Chair



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	Oct. 12, 2023
<b>SUBCATEGORY:</b>	Variance
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	V23-22. 5 Riverside Dr Applicant: Donald Long II
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	Variance to increase the area of a wall sign.
<b>LEGAL:</b>	N/A



# City of Cartersville

---

## PLANNING AND DEVELOPMENT

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

## MEMO

To: BZA  
 From: Randy Mannino/David Hardegree/Zack Arnold  
 CC: David Archer/ Keith Lovell  
 Date: September 22, 2023  
 Re: File # V23-22

**Summary: To increase the area of a new wall sign.**

### **Section 1: Project Summary**

Variance application by applicant Donald Long on behalf of Sims Bark for property located at 5 Riverside Dr, zoned H-I (Heavy Industrial). Said property contains approximately 53.17 acres.

The applicant proposes to paint a new wall sign to promote the outside sales section of their landscape supplies business. The sign will be painted on a concrete wall adjacent to Highway 113. The wall is approximately 149ft long by 8ft tall, and approximately 285ft from Highway 113. The applicant's intent is for the sign to be legible from Highway 113.

The proposed wall sign will have 528 square feet of sign area. The City Ordinance for wall signs, Sec. 20-26., requires wall signs to not exceed 200 square feet in total area.

**The variance requests are for the following and per the submitted renderings:**

1. To increase the area of a new wall sign.

### **Section 2. Department Comments**

**Electric Department:** No comments received.

**Fibercom:** No comments received.

**Fire Department:** No comments received.



**Gas Department:** The Gas System takes no exception to the following as shown in the attachment.

**Public Works Department:** No comments received.

**Water Department:** No comments received.

### **Section 3. Public Comments Received by Staff**

None received by staff.

### **Section 4. Variance Justification:**

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

#### **Sec. 20-26. Wall signs; canopy signs; awning signs; projecting signs; and window signs.**

All signs under this section require a permit. Wall signs, canopy signs and awning signs for all nonresidential use properties except the DBD district shall comply with the following:

- (1) *Area.* Wall signs shall have an aggregate area not to exceed two (2) square feet for each linear foot of building face, not to exceed two hundred (200) square feet in area. Canopy and awning signage shall be deducted from allocated wall sign area.
- (2) *Changeable copy.* Wall, canopy or awning signs shall not have changeable copy unless approved as a marquee sign. Marquee wall signs may be substituted for wall signs for uses as approved such as theaters and hotels where their use is customary. Such signs shall not extend above the roofline of the building, nor extend more than two (2) feet from the face of the building upon which secured. Allowable sign dimensions shall be the same as for wall signs.
- (3) *Height.* No wall sign that projects more than four (4) inches from the building surface on which it is attached shall be less than eight (8) feet above the finished elevation at its lowest extremity. A wall sign shall not project above the vertical wall to which it is attached.
- (4) *Prohibited.* Animated illumination or effects, electronic, and/or flashing wall signs are prohibited.
- (5) *Projection.* No wall sign shall project more than twenty-four (24) inches from the building surface on which it is attached.
- (6) *Projecting signs.* A business shall be allowed to attach one (1) projecting sign to a building facade which fronts a public right-of-way with the following stipulations:
  - a. The sign shall not exceed an area of six (6) square feet.

- b. The horizontal dimension of the sign shall not exceed three (3) feet.
  - c. The sign shall be attached perpendicular to the building wall.
  - d. The distance from the ground to the lower edge of the sign shall be a minimum of seven (7) feet over a sidewalk and a minimum of thirteen (13) over a street or driveway.
  - e. The distance from the building wall to the sign shall not exceed six (6) inches.
  - f. The height of the top edge of the sign shall not exceed the height of the wall from which the sign projects, if attached to a single story building, or the height of the sill or bottom of any second story window, if attached to a multi-story building.
  - g. The sign may be directly or indirectly lighted, however, direct lighting shall be of the sign copy only. Animated illumination or effects, blinking, flashing, rotating, and/or scrolling projecting signs shall be prohibited.
- (7) *Window signs.* Each business having windows shall not cover more than fifty (50) percent of the glass area of each window with signage. Animated illumination or effects, electronic, blinking, flashing, and/or scrolling window signs shall be prohibited unless stationary as defined herein and no greater than four (4) square feet in sign area. Stationary electronic window signs do not require a permit.

(Ord. No. 26-12, 5-3-12; Ord. No. 01-15, § 7, 3-5-15)

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

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

- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.
- 21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.
- A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and

- B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
- C. Adjacent property would not be unduly damaged by such use of the building; and
- D. The use is to be identical or similar to the prior nonconforming use of the building.

21.3.3. *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.

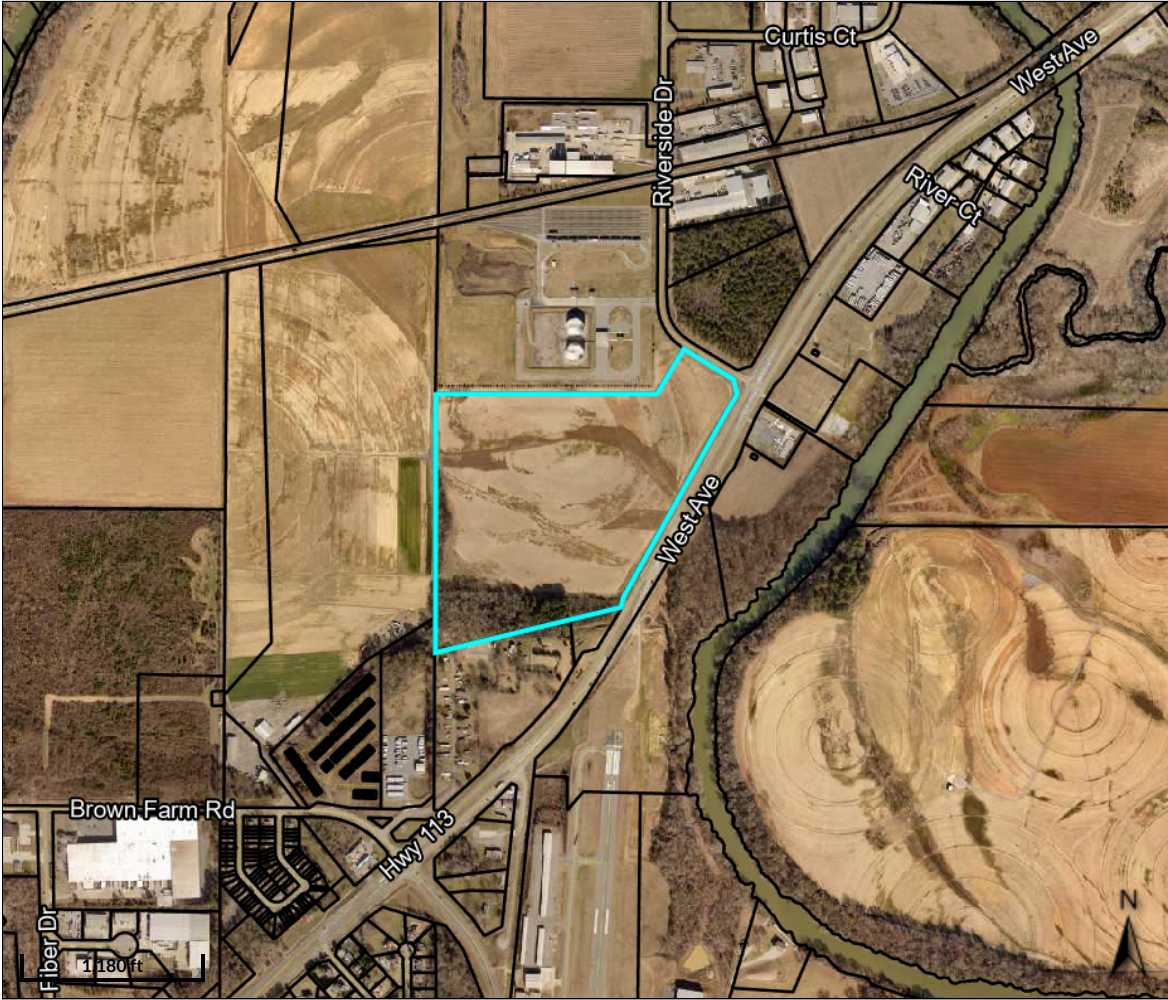
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

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.

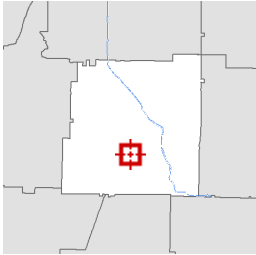
21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute 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.*



Overview



Legend

- Parcels
- Roads

<b>Parcel ID</b>	C046-0001-010	<b>Alternate ID</b>	36405	<b>Owner Address</b>	BARTOW COUNTY LAND CO LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Industrial		1765 SPRING VALLEY RD
<b>Property Address</b>	5 RIVERSIDE DR	<b>Acreage</b>	53.17		TUSCUMBIA, AL 35674
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 731 732 733 D 4 Sims Bark of GA				
	(Note: Not to be used on legal documents)				

Date created: 9/29/2023  
 Last Data Uploaded: 9/28/2023 9:05:26 PM

Developed by Schneider  
 GEOSPATIAL

City of Cartersville  
Application for Variance  
Board of Zoning Appeals

Hearing Date: 10-12-2023 5:30pm

Application Number: V23-22

Date Received: 8-4-2023

Applicant Donald Long II Office Phone 678-935-0443  
 (printed name)  
 Address 5 Riverside Dr SW Mobile/ Other Phone 678-849-1945  
 City Cartersville State GA Zip 30120 Email Donaldalng@SimsBark.com  
 Representative's printed name (if other than applicant) \_\_\_\_\_  
 Phone (Rep) \_\_\_\_\_  
 Email (Rep) \_\_\_\_\_  
 Representative Signature \_\_\_\_\_ Applicant Signature Donald Long II  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Julia Drake Notary Public 

\* Titleholder Donald Long II Phone 678-849-1945  
 (titleholder's printed name)  
 Address 5 Riverside Drive SW Email Donald.Long@Simsbark.com  
 Signature Donald Long II  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Julia Drake Notary Public 

Present Zoning District H-I Parcel ID No. C0460001-010  
 Acreage 53.17 Land Lot(s) 782 District(s) 4 Section(s) 3  
 Location of Property: 5 Riverside Dr. SW  
 (street address, nearest intersections, etc.)  
 Zoning Section(s) for which a variance is being requested: Sec. 20-26 (1)  
 Summary Description of Variance Request: Requesting a wall sign larger than  
200 sqft  
 (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.

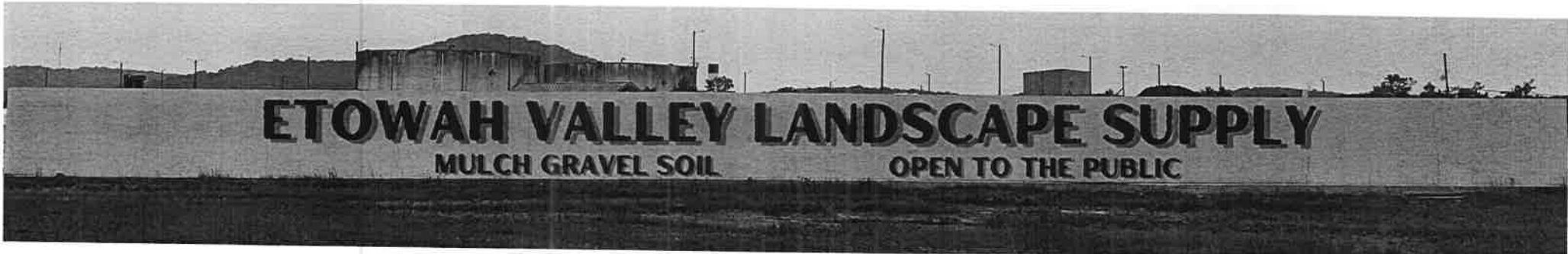
Article II Section 20-26 Subsection 1  
 Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_  
 Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

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

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

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

Additional Comments by Applicant: we are advertising the Retail lot we  
have to the public & 200 sqft for a sign was not  
Big enough to see from the road.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



Length of wall 149 Feet  
Height - 8 feet.  
Painting Sq Ft 528





Sep 8, 2023 at 15:39:41  
1-7 Riverside Dr SW  
Cartersville GA 30120  
United States





## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	Oct. 12, 2023
<b>SUBCATEGORY:</b>	Variance
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	V23-24. 1396 Joe Frank Harris Blvd Applicant: Reliance Investors, LLC
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	Variance to reduce landscape and parking requirements.
<b>LEGAL:</b>	N/A



# City of Cartersville

## PLANNING AND DEVELOPMENT

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

## MEMO

To: BZA  
 From: Randy Mannino/David Hardegree/ Zack Arnold  
 CC: Keith Lovell  
 Date: September 22, 2023  
 Re: File # V23-24

**Summary: To reduce the minimum parking space requirement, partially omit landscape requirements.**

### **Section 1: Project Summary**

Variance application by Reliance Investors, LLC, for property located at 1396 Joe Frank Harris Parkway, zoned G-C, General Commercial. Said property contains approximately 0.44 +/- acres. Tax ID C088-0001-002. The setbacks are 20ft front & rear, and 10ft sides.

This site is currently a non-functioning car wash. The owner is intending to build a Dunkin Donuts drive-thru restaurant on the property.

The applicant is requesting the following variances. See site plan and justification letter for details of these requests:

- 1) To reduce the required 10ft landscape strip along Joe Frank Harris Pkwy to 2ft.
- 2) To reduce the minimum required parking spaces from 10 spaces to 8 spaces.

### **The variance requests are for the following:**

1. To reduce landscape requirements for proposed redevelopment. (Sec. 17-66. *Border Landscaping*)
2. To reduce required parking for proposed redevelopment. (Sec. 17.6.24.)

## **Section 2. Department Comments**

**Electric Department:** No comments received.

**Fibercom:** No comments received.

**Fire Department:** No comments received.

**Gas Department:** No comments received.

**Public Works Department:** No comments received.

**Water Department:** Takes no exception.

## **Section 3. Public Comments Received by Staff**

None as of 9/26/23

## **Section 4. Variance Justification:**

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

### **Sec. 17.6. Number of parking spaces.**

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, to lessen the amount of impervious surface in the city, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following sections. For any use or class of use not mentioned in this section, the requirements shall be the same as similar use as mentioned herein.

Any decrease in the number of parking spaces required by this section must be approved by either the zoning administrator under the administrative variance procedures or by the board of zoning appeals under the variance procedures set forth by this chapter.

Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient. (These regulations shall apply to all districts except the DBD.)

- 17.6.24. *Restaurant, drive-thru, with no provision for seating indoors.* One (1) space per one hundred (100) square feet of gross floor area, but not less than ten (10) spaces.

All remaining parking guidelines in this section have been omitted.

**Sec. 17-66. Landscaping requirements for parking lots and vehicular use areas.**

*Border landscaping.* Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines, and planted borders not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

All remaining paragraphs in this section have been omitted.

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

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

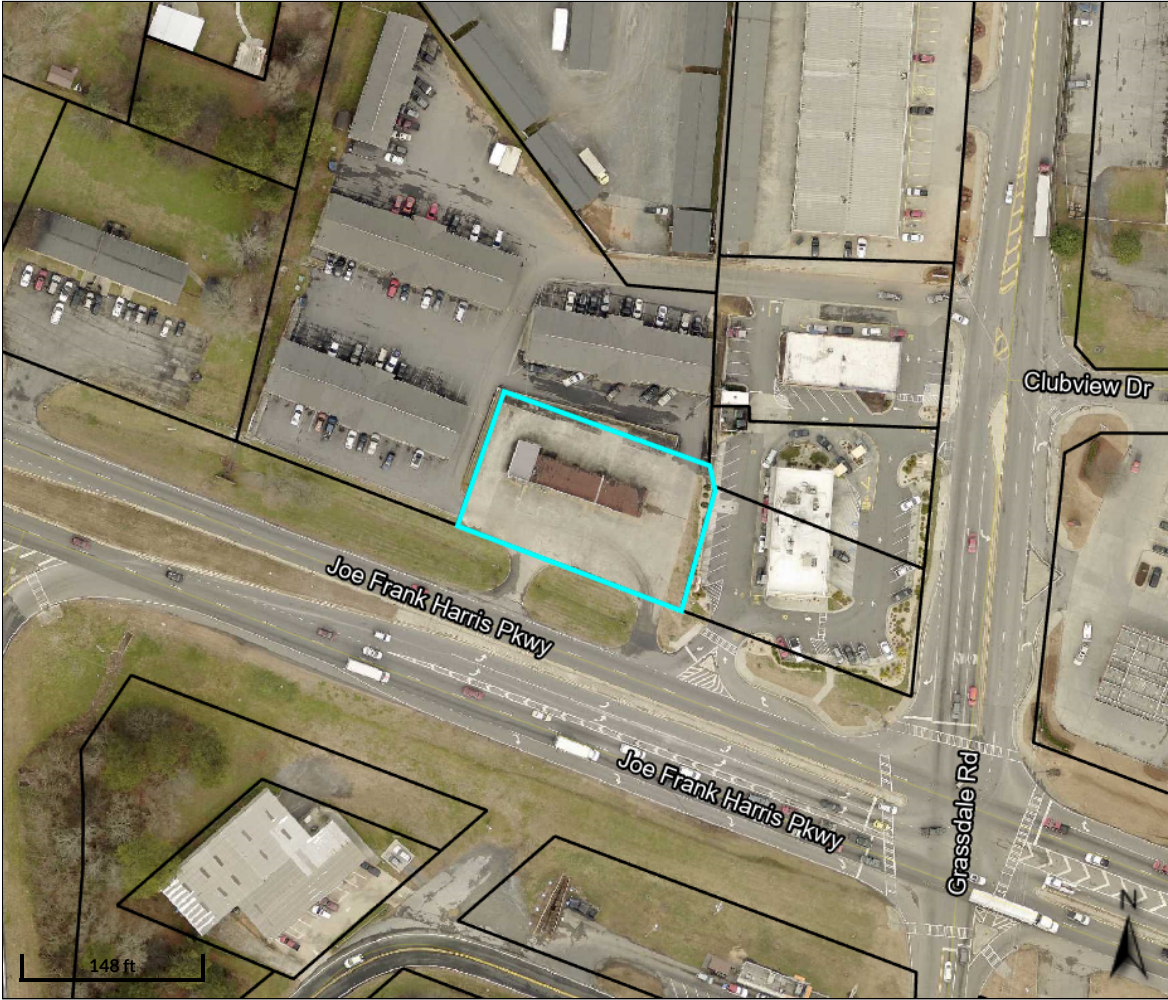
- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, 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.

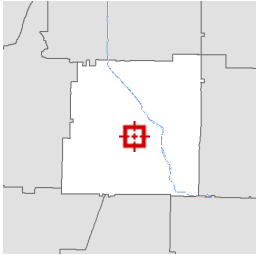
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

- 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.*



Overview



Legend

- Parcels
- Roads

<b>Parcel ID</b>	C088-0001-002	<b>Alternate ID</b>	37782	<b>Owner Address</b>	A1 GRASSDALE LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Commercial		PO BOX 1505
<b>Property Address</b>	1396 JOE FRANK HARRIS PKWY	<b>Acreage</b>	0.44		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL56 LD4 S3 CARWASH PARKWAY NORTH				
	(Note: Not to be used on legal documents)				

Date created: 9/29/2023  
 Last Data Uploaded: 9/28/2023 9:05:26 PM

Developed by Schneider  
 GEOSPATIAL


City of Cartersville  
Application for Variance  
Board of Zoning Appeals

Hearing Date: 10-17-2023 5:30pm

Application Number: V23-24

Date Received: 8-17-2023

Applicant Reliance Investors, LLC ATTN: Tushar Patel Office Phone \_\_\_\_\_  
 (printed name)  
 Address 118 Nelson Blvd Mobile/ Other Phone 706 - 346 - 1310  
 City Rome State GA Zip 30165 Email tushar.p@comcast.net  
Southland Engineering Phone (Rep) 770-387-0440  
 Representative's printed name (if other than applicant) Email (Rep) karl@southlandengineers.com  
 Representative Signature \_\_\_\_\_  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 10/11/2025  
Miriam Stearns  
 Notary Public



\* Titleholder AI Grassdale, LLC ATTN: Calvin Evans Phone 770-606-7685  
 (titleholder's printed name)  
 Address P.O. Box 1505 Cartersville, GA 30120 Email calvin@augsburginvestments.com  
 Signature \_\_\_\_\_  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: June 14, 2024  
Jeanita Strain  
 Notary Public



Present Zoning District G-C Parcel ID No. C088-0001-002  
 Acreage 0.44 Land Lot(s) 56 District(s) 4 Section(s) 3  
 Location of Property: 1396 Joe Frank Harris Parkway Cartersville, Georgia  
 (street address, nearest intersections, etc.)  
 Zoning Section(s) for which a variance is being requested: Section 9.6 Article XVII Section 17.6.24  
 Summary Description of Variance Request: We are requesting an 8ft reduction of the landscaping strip fronting Joe Frank Harris. Redevelopment of infield project is constrained by existing infra. surrounding the lot. We are also requesting a reduction of two parking spaces also due to the constraint of the lot.  
 (Additional detail can be provided on Justifation 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.

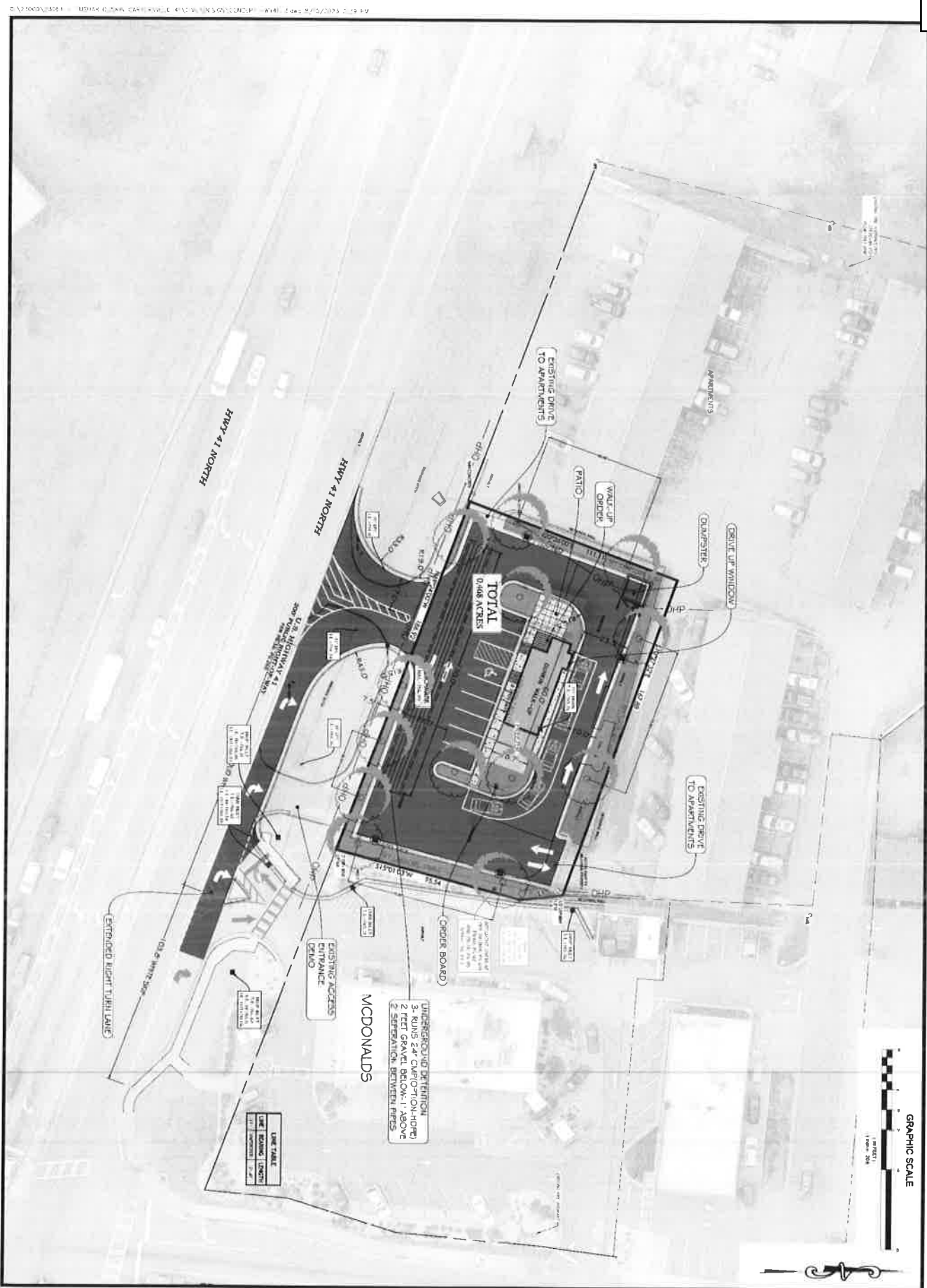
Article IX Section 9.6 Subsection 9.6.3  
 Article XVII Section 17.6 Subsection 17.6.24  
 Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

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

Additional Comments by Applicant: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_



**DUNKIN DONUT EXPRESS**  
**McDONALDS**

BARTOW COUNTY, GEORGIA

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

PROJECT NO.: 23084  
 DATE: 02/14/23

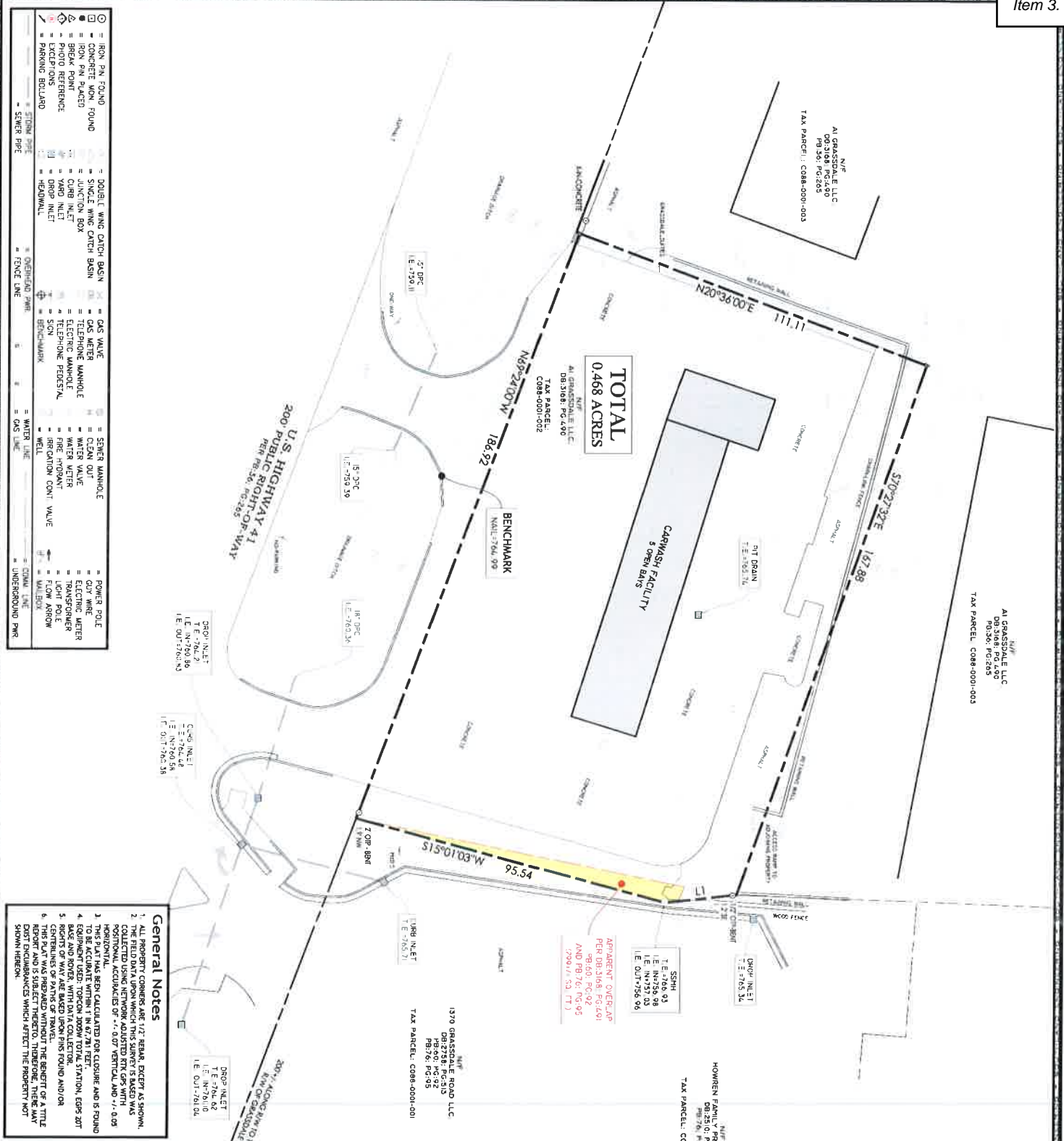
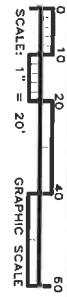
NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		

GRAPHIC SCALE  
 1" = 20'  
 1/8" = 2'

TOPOGRAPHIC SURVEY FOR:  
**A1 GRASSDALE LLC.**  
 LOCATED IN LAND LOTS 17 & 56  
 4TH DISTRICT, 31st SECTION  
 CITY OF CARTERSVILLE, BARLOW COUNTY, GEORGIA

DATE: JULY 17, 2023 | REV: | JOB NO: 23064-2  
 DATE OF FIELDWORK: JULY 14, 2023

DRAWN BY: JPC | CHECKED BY: KNC | APPROVED BY: KNC



- = IRON PIN FOUND
- = IRON SPIKE FOUND
- △ = BREAK POINT
- ◇ = PHOTO REFERENCE
- ⊠ = EXCEPTIONS
- ⊞ = PARKING BOLLARD
- = STORM PIPE
- = SEWER PIPE
- = OVERHEAD FENCE
- = FENCE LINE
- = WATER LINE
- = GAS LINE
- = UNDERGROUND PARK
- = DOUBLE WING CATCH BASIN
- = SINGLE WING CATCH BASIN
- = CURB INLET
- = DROP INLET
- = HEADWALL
- = GAS VALVE
- = GAS METER
- = CLEAN OUT
- = WATER METER
- = FIRE HYDRANT
- = IRRIGATION CONT. VALVE
- = BENCH-MARK
- = POWER POLE
- = DUV WIRE
- = ELECTRIC METER
- = WATER METER
- = ICHD POLE
- = FLOW ARROW
- = W/UBOX
- = W/UBOX

**General Notes**

1. ALL PROPERTY CORNERS ARE 1/2 REBAR, EXCEPT AS SHOWN.
2. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS COLLECTED USING NETWORK ADJUSTED RTK GPS WITH HORIZONTAL ACCURACIES OF ± 0.00' VERTICAL AND ± 0.03'.
3. THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ± 1 IN 67.78 FEET.
4. BASE AND ROBE WITHIN 100 FEET OF STATION EDGES 2017.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CONTRIBUTIONS OF PARTIES TO THE SURVEY.
6. PROPERTY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE CURATIVE SURVEY. THE SURVEYOR HAS NOT CONDUCTED A TITLE CURATIVE SURVEY WHICH AFFECTS THE PROPERTY NOT SHOWN HEREON.

**Conformity Statement**

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS SURVEY HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED AS EVIDENCED BY APPROVAL CERTIFICATE, SIGNATURE, STAMP, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFORMED WITH THE USER OF THIS PLAN AS TO INTENDED USE OF THE SURVEY OR FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAN COMPLIES WITH THE MINIMUM TECHNICAL IN THE RULES AND REGULATIONS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S04°28'20"E	21.47

1370 GRASSDALE LANE  
 HOWREN FAMILY PROPERTIES LLP  
 DB:2738; PG:512  
 PB:76; PG:150  
 TAX PARCEL: C088-000-001

SSRH  
 T E: 706.93  
 E: N4750.98  
 E: N4757.03  
 E: 001750.50

APPARENT OVERLAP  
 PER DB:3168; PG:401  
 AN:70; PG:55  
 (299.11, 52.17)

1370 GRASSDALE LANE  
 A1 GRASSDALE LLC  
 DB:3168; PG:490  
 C088-000-002

1370 GRASSDALE LANE  
 A1 GRASSDALE LLC  
 DB:3168; PG:490  
 C088-000-003

1370 GRASSDALE LANE  
 A1 GRASSDALE LLC  
 DB:3168; PG:490  
 C088-000-003

1370 GRASSDALE LANE  
 A1 GRASSDALE LLC  
 DB:3168; PG:490  
 C088-000-003

1370 GRASSDALE LANE  
 A1 GRASSDALE LLC  
 DB:3168; PG:490  
 C088-000-003

1370 GRASSDALE LANE  
 A1 GRASSDALE LLC  
 DB:3168; PG:490  
 C088-000-003

**City of Cartersville**  
**10 N. Public Square**  
**Cartersville, GA 30120**

**RE: Justification Statement - Dunkin Hwy 41 SLE #23064**

To whom it may concern:

Southland Engineering, on behalf of Reliance Investors, LLC, is requesting a reduction of the 10 ft landscaping strip along Joe Frank Harris Parkway be reduced by 8 ft.

The property is an old carwash and is being redeveloped into a Dunkin Donuts. This particular parcel of land is only 0.44 acres and is constrained by the existing infrastructure surrounding the lot.

Thank you,

Southland Engineering, INC.





