



PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	April 11th, 2023
SUBCATEGORY:	Annexation
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	AZ23-01. 226 E Felton Rd. Applicant: Christopher Huth
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant requests annexation into the city. Recommended zoning is R-20.
LEGAL:	N/A

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): AZ23-01

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Christopher Huth
Representative: Christopher Huth
Location: 226 E. Felton Road (Tax ID No. 0078B-0006-011)
Total Acreage: 0.46 +/- Acres

LAND USE INFORMATION

Current Zoning: County A-1 (Agriculture)
Proposed Zoning: R-20 (Residential)
Proposed Use: Single Family Residential

Current Zoning of Adjacent Property:

North: County A-1 Agriculture
South: County A-1 Agriculture
East: City R-20 Residential
West: County A-1 Agriculture

For All Tracts:

District: 4th **Section:** 3rd **LL(S):** 119
Ward: 6 **Council Member:** Taff Wren

The Future Development Map designates adjacent properties as: either Neighborhood Living or Suburban Living. Both are residential designations.

The Future Land Use Map designates adjacent or nearby city properties as: Low-Medium Density Residential

ANALYSIS

City Departments Reviews

Electric: The street is still county, and thus, the City does not provide street lighting in that area.

Fibercom: No Comments Received

Fire: Takes No Exception.

Gas: Takes No Exception.

Planning and Development: Takes No Exception.

Public Works: I do not oppose this request. However, it should be noted that the property owner will be required by ordinance to pay a stormwater utility fee for this location. It appears that this fee would be \$5.25/month.

Water and Sewer: Takes No Exception. Property is already serviced by City water ~~and~~
~~Sewer.~~

Cartersville School District: No comments received.

Bartow County: No objections. Please be advised that the adjacent address at 224 E Felton Road would not be eligible for future annexation as this would close off an unincorporated island.

Public comments: None documented as of 3-28-2023.

REQUEST SUMMARY:

Applicant requests to annex 0.46 acres (+/-) located at 226 E. Felton Road (Tax ID 0078B-0006-011). The property that is proposed to be annexed is bordered by a residential zoned property to the east (City R-20) and by County zoned A-1 (Agricultural) on all other sides.

R-20 Residential zoning is requested for the parcel. The existing zoning is County A-1 (Agriculture).

City gas, electric, water, sewer and stormwater utilities are available in the area.

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The zoning proposal will permit a use (residential) that is suitable in view of the use and development of adjacent and nearby property.
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*
The proposed application will not create an isolated district.
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed zoning should not adversely affect the existing use or usability of adjacent property.
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
The current A-1 zoning has a reasonable economic use as a residential use.
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The zoning proposal should not result in a use that will have an excessive or burdensome use of streets, transportation facilities, utilities or schools.
- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*
The proposed zoning would conform to the city's land use plan for the area. (Low/ Low-Medium Density Residential)
- G. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
The zoning proposal should not have an adverse environmental effect.
- H. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*
No additional conditions are known.

RECOMMENDATION: Staff does not oppose the annexation or R-20 zoning.



BARTOW COUNTY

Steve Taylor, Sole Commissioner

March 23, 2023

Mr. David Hardegree
City of Cartersville
Planning and Development Department
2nd Floor, City Hall
10 N. Public Square
Cartersville, GA 30120

RE: Request by Christopher Huth
to annex approximately a .46 acre lot
located at 226 E. Felton Road
Tax Parcel # 0078B-0006-011

David:

This office has reviewed the above referenced annexation request and finds no objection to the application. The property is currently zoned A-1 (Agriculture) and is identified on the County's Future Land Use Map as Rural Estate

Please be advised however that the adjacent address at 224 E. Felton Road would not be eligible for future annexation, as this would close off an unincorporated island. In addition, pursuant to O.C.G.A. §36-36-7, there may exist county water and/or sewer lines within the area proposed to be annexed.

Sincerely,

STEVE TAYLOR
Bartow County Commissioner

CB/kg

- c. Brandon Johnson, Community Development
- Richard Osborne, Zoning
- Joe Sutton, Bartow County Road Department
- Cheryl Billard, Voter Registration
- Jarrold Roberts, Tax Assessor
- Melissa Lasebikan, GIS Department

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

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

6.1.2. *Use regulations.* Within the R-20 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses.
- Accessory apartments (SU).*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).*
- Clubs or lodges (noncommercial) (SU).*
- College and universities.
- Day care facilities (SU).*
- Family day care.
- Golf courses.
- Group homes (SU).*
- Guest house.
- Home occupations.
- Parks, private.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Public utility facilities.
- Religious institutions (SU).*
- Schools, private (SU).*
- Single-family detached dwellings.

* Special use approval required.

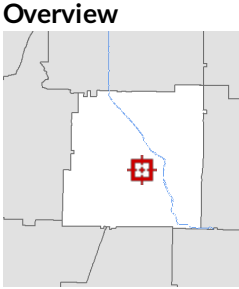
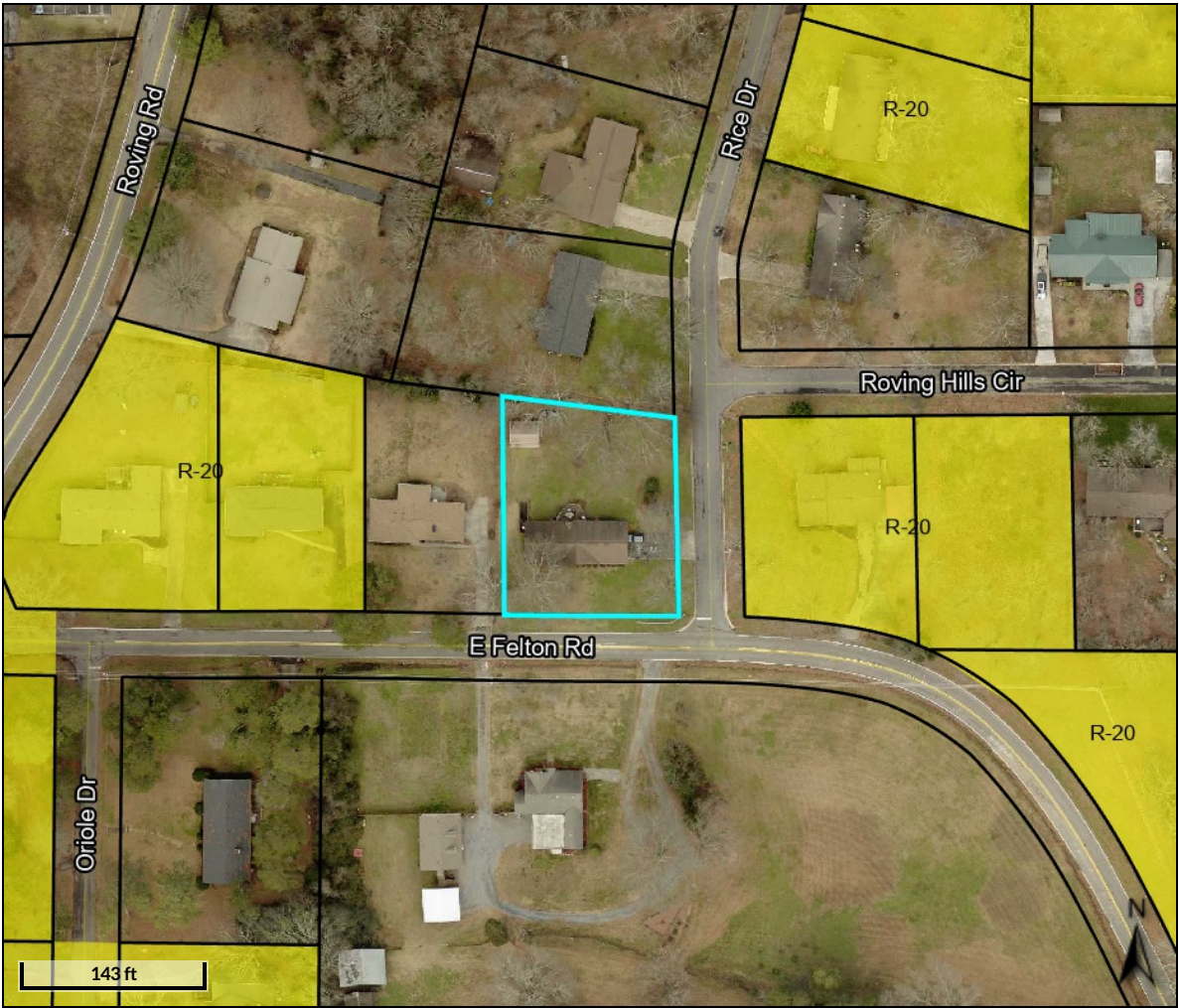
6.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Twenty thousand (20,000) square feet.

- F. *Minimum lot width at the building line on noncul-de-sac lots:* One hundred (100) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand three hundred (1,300) square feet.
- I. *Metal building exterior finish materials.* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-20 district.
- J. *Accessory use, building, and structure requirements.* [See section 4.9 of this chapter.]
- K. *Optional density bonus.* Proposed developments may contain lots with minimum areas of seventeen thousand (17,000) square feet if one (1) of the following items is met:
1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- [L. *Reserved.*]
- M. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
1. No more than one (1) guest house structure per lot.
 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
 5. A guest house structure shall comply with the principal setbacks of the district.
 6. A guest house shall not be allowed in the front yard.
 7. A guest house shall not exceed the height of the principal building on the lot.
 8. Requires owner-occupancy of the principal building on the lot.

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

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



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

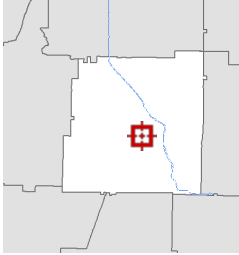
Parcel ID 0078B-0006-011
 Sec/Twp/Rng n/a

Alternate ID 19617
 Class Residential

Owner Address HUTH CHRISTOPHER ALLEN
 HUTH BRITTA LANE



Overview



Legend

- Parcels
- Roads
- Bartow County Zoning**
- A-1
- A1 (wC)
- A1CU
- BPD
- BPD (wC)
- C-1
- C1 (wC)
- C1CU
- CN
- CN (wC)
- CNCU
- I-1
- I1 (wC)
- I1CU
- I2 (wC)
- I2CU
- Incorporated
- M-1
- M1 (wC)
- M1CU
- O/I
- OI (wC)
- OICU
- PUD
- PUD (wC)
- PUDCU
- R-1
- R-2
- R-3
- R-4
- R-7
- R-8
- R-8 w/c
- R-1 (w/c)

Future Land Use Map

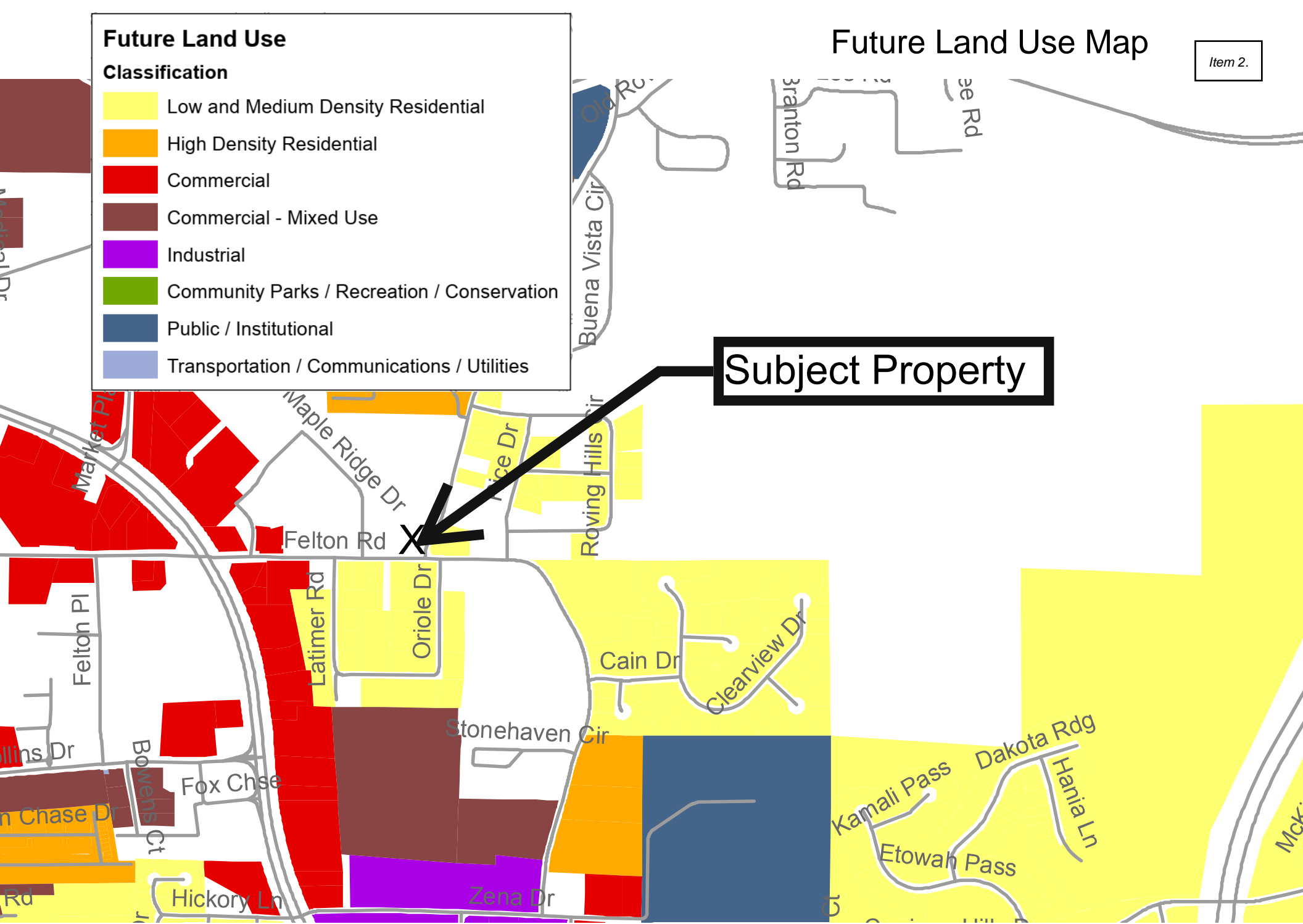
Item 2.

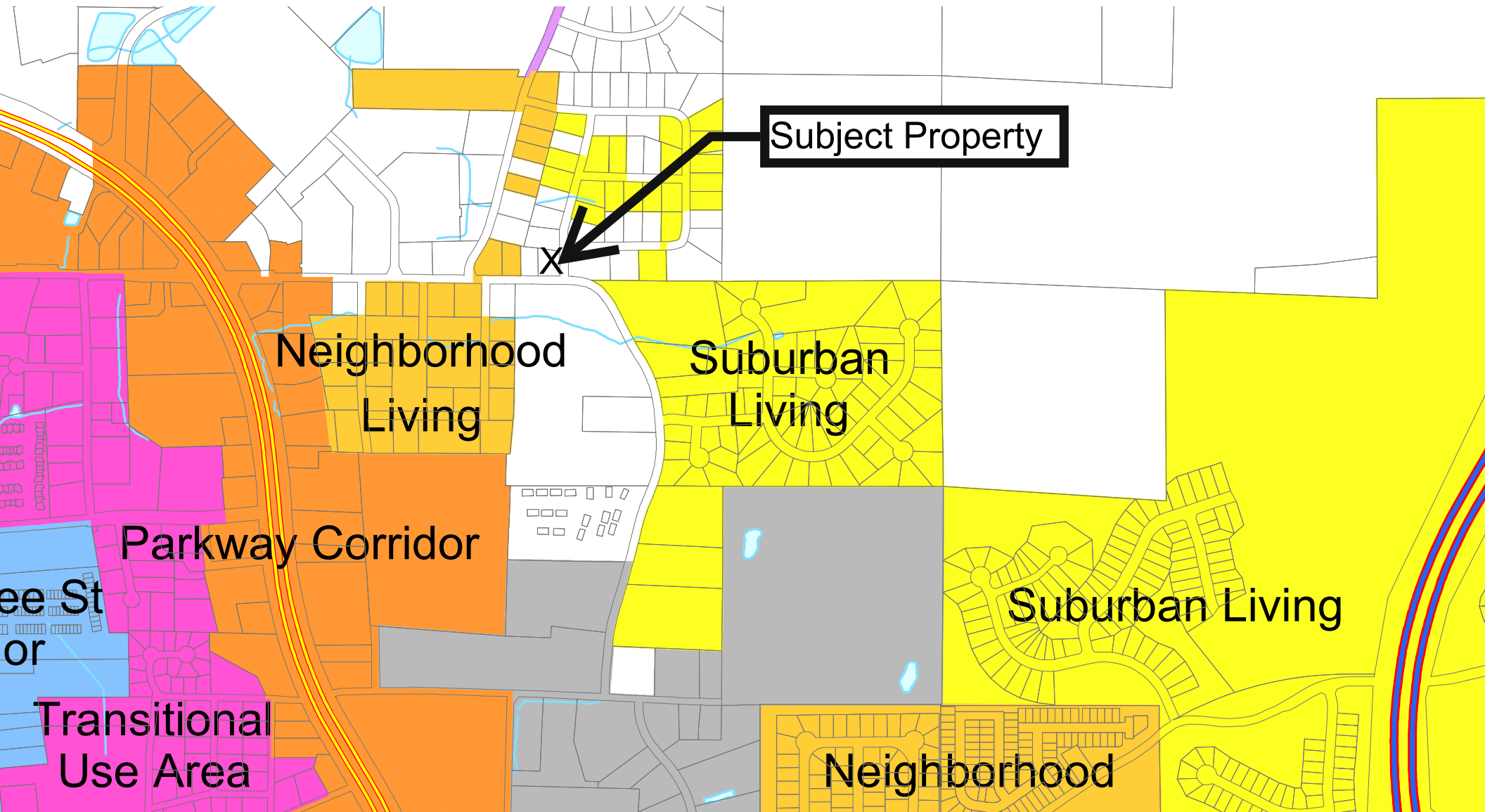
Future Land Use

Classification

- Low and Medium Density Residential
- High Density Residential
- Commercial
- Commercial - Mixed Use
- Industrial
- Community Parks / Recreation / Conservation
- Public / Institutional
- Transportation / Communications / Utilities

Subject Property





Application for Annexation/ Zoning
City of Cartersville

Case Number: A223-01
Date Received: 2-16-2023

Public Hearing Dates:

Planning Commission 4-11-2023 5:30pm 1st City Council 4-20-2023 7:00pm 2nd City Council 5-4-2023 7:00pm

Applicant Christopher Huth Office Phone _____
(printed name)
 Address 226 E. Felton Rd Mobile/ Other Phone 678-918-6119
 City Cartersville State GA Zip 30121 Email brittamae515@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: 1/23/27
S. Fincher Notary Public



* Titleholder Christopher Huth Phone 678-918-6119
(titleholder's printed name)
 Address 226 E. Felton Rd Email brittamae515@gmail.com
 Signature _____

Signed, sealed, delivered in presence of: _____ My commission expires: 1/23/27
S. Fincher Notary Public



Present Zoning District A1 Requested Zoning R-20
 Acreage 0.46 Land Lot(s) 1119 District(s) 4 Section(s) 3
 Location of Property: 226 E. Felton Rd Parcel ID No. _____
(street address, nearest intersections, etc.)
 Reason for Rezoning Request: Rezone for Cartersville City schools

(attach additional statement as necessary)

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

Zoning Analysis for Annexation/ Zoning

Specifics of Proposed Use

Case Number: _____

Tax Map Parcel(s) #	<u>0078B - 0006 - 01</u>	Voting Ward(s)	<u>6</u>
Current Land Use	_____	Current Zoning	<u>A-1</u>
Proposed Land Use	_____	Proposed Zoning	<u>R-20</u>
Number of Dwelling Units	<u>1</u>	Number of Occupants	<u>3</u>
Owner Occupied?	Yes <input checked="" type="checkbox"/> No _____		
Number of School-aged Children	<u>1</u>	Grade Level(s) of School-aged Children	<u>6th</u>
School(s) to be attended:	<u>Cartersville City Schools</u>		
Current Utility Service Providers (Check Service provider or list if Other)			
Water:	<input checked="" type="checkbox"/> City _____ County _____	<input type="checkbox"/> Well/ Other	
Sewer:	_____ City _____ County _____	<input checked="" type="checkbox"/> Septic/ Other	
Natural Gas:	<input checked="" type="checkbox"/> City _____	<input checked="" type="checkbox"/> Other (List) _____	
Electricity:	_____ City _____	<input checked="" type="checkbox"/> GA Power _____ Greystone _____	
	_____ Other (List) _____		

BK:3501 PG:632-633

D2022015526

FILED IN OFFICE
CLERK OF COURT
09/29/2022 11:54 AM
MELBA SCOGGINS, CLERK
SUPERIOR COURT
BARTOW COUNTY, GA

5145157442
7067927936
PARTICIPANT ID



Return Recorded Document to:
Christina R. Jenkins, LLC
10 South Erwin Street
Cartersville, GA 30120
File No: 22920crj

REAL ESTATE
TRANSFER TAX
PAID: \$192.00

PT-61 008-2022-005031

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

STATE OF GEORGIA,

COUNTY OF BARTOW

This Indenture made this 29th day of September, 2022, between Lisa M Strain, of the County of Bartow, State of Georgia, as party of the first part, hereinafter called Grantor, and Christopher Allen Huth and Britta Lane Huth, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 119 OF THE 4TH DISTRICT AND 3RD SECTION OF BARTOW COUNTY, GEORGIA, AND BEING LOT 13, SECTION C, OF THE WILLIAM H. FELTON SUBDIVISION, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN LOCATED AT THE INTERSECTION OF THE WESTERN RIGHT-OF-WAY OF RICE ROAD WITH THE NORTHERN RIGHT-OF-WAY OF FELTON ROAD; THENCE SOUTH 89 DEGREES 1 MINUTES WEST ALONG THE NORTHERN RIGHT-OF-WAY OF FELTON ROAD AND PARALLEL TO THE SOUTHERN LAND LOT LINE OF LAND LOT 119 A DISTANCE OF 130 FEET TO THE SOUTHEASTERN CORNER OF SUBDIVISION LOT 12; THENCE NORTH 0 DEGREES 59 MINUTES WEST ALONG SAID SUBDIVISION LOT 12 A DISTANCE OF 165.9 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 83 DEGREES 59 MINUTES EAST 130.98 FEET TO THE WESTERN RIGHT-OF-WAY OF SAID RICE ROAD; THENCE SOUTH 0 DEGREES 59 MINUTES EAST 150 FEET ALONG THE WESTERN RIGHT-OF-WAY OF RICE ROAD TO AN IRON PIN AND THE POINT OF BEGINNING.

A PLAT OF SAID SUBDIVISION BEING RECORDED IN PLAT BOOK 5, PAGE 53, OF THE BARTOW COUNTY, GEORGIA, RECORDS, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR A MORE DEFINITE AND COMPLETE DESCRIPTION OF THE HEREIN PROPERTY.

BK:3501 PG:633

***THE INTEREST OF Dean McMillan HAVING BEEN TRANSFERRED BY OPERATION OF LAW UPON THE PASSING OF Dean McMillan ON 9-29-22 DATE, AS EVIDENCED BY THE ATTACHED DEATH CERTIFICATE ATTACHED HERETO AS EXHIBIT "___".

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

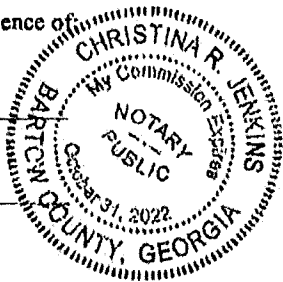
AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

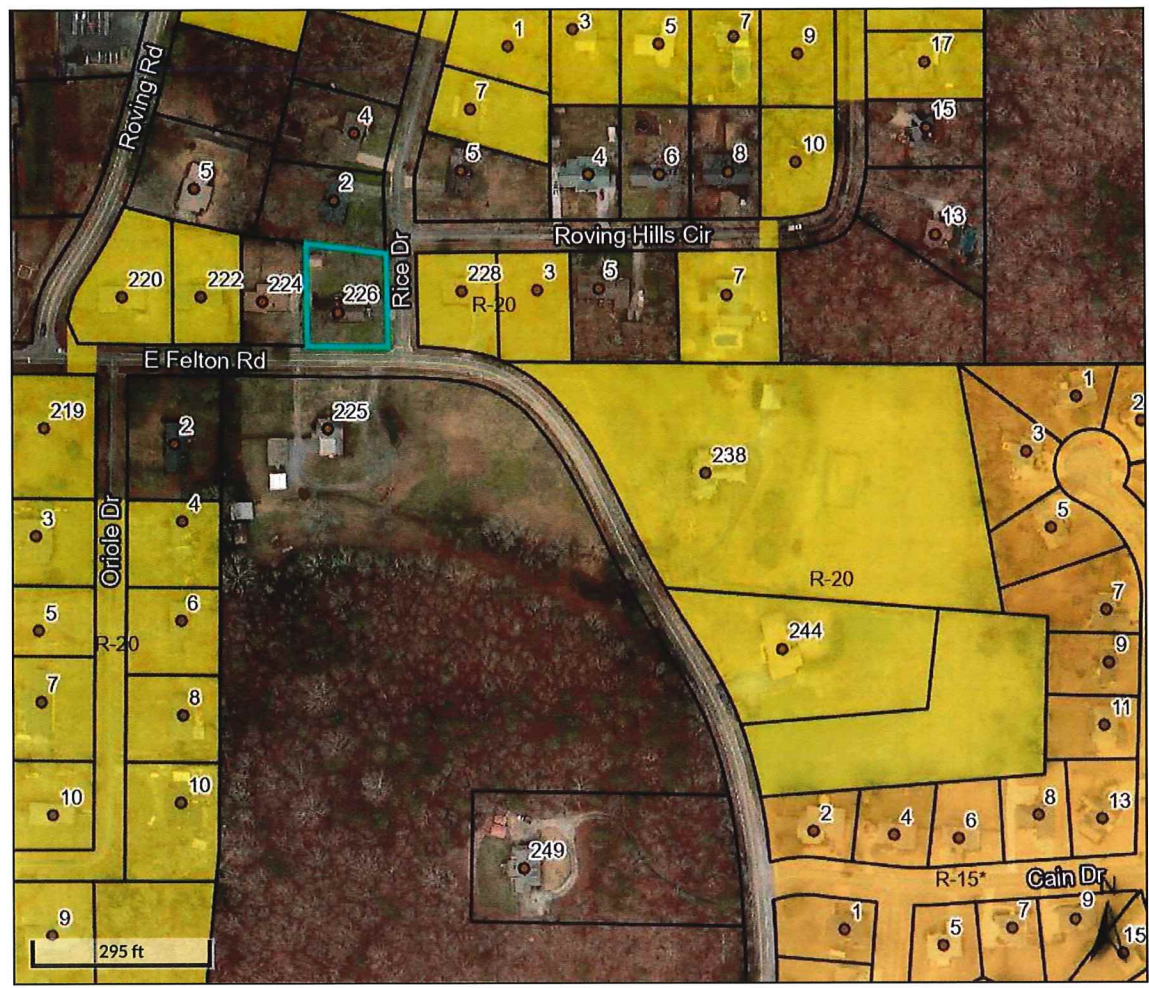
IN WITNESS WHEREOF, the Grantor has hereto set grantor's hand and seal this day and year first above written.

Lisa M. Strain (Seal)
Lisa M Strain

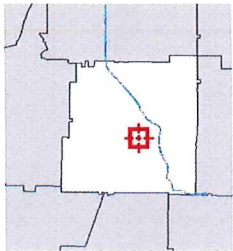
Signed, sealed and delivered in the presence of

Kept 10/2
Unofficial Witness
Deej
Notary Public





Overview



Legend

-  Parcels
- Structural Numbers**
 - Abandoned or Inactive
 - Active
 - Proposed
 - <all other values>
- Roads**
- Cartersville Zoning**
 -  AG
 -  DBD
 -  G-C
 -  G-C*
 -  H-I
 -  H-I*
 -  L-I
 -  L-I*
 -  M-U
 -  M-U*
 -  MF-14
 -  MF-14*
 -  MN
 -  O-C
 -  O-C*
 -  P-D
 -  P-D*
 -  P-I
 -  P-S
 -  P-S*
 -  R-10
 -  R-10*
 -  R-15
 -  R-15*
 -  R-20
 -  R-20*
 -  R-7
 -  R-7*
 -  R-D
 -  RA-12
 -  RA-12*
 -  RSL

Parcel ID 0078B-0006-011 Alternate ID 19617
 Sec/Twp/Rng n/a Class Residential
 Property Address 226 W FELTON RD Acreage 0.46

Owner Address HUTH CHRISTOPHER ALLEN
 HUTH BRITTA LANE
 226 W FELTON RD
 CARTERSVILLE, GA 30120

District Bartow County
 Brief Tax Description LL 119 D 4 LL 13 WILLIAM
 (Note: Not to be used on legal documents)

Date created: 3/17/2023

MR FOUR VEINER, FRAME U

9

136.44' S 83°-59' E
110.82'

110.82' S 83°-59' E

179.35' S 0°-59' E

11

40'

110'

L.L. 120

L.L. 169

110.82'

12

SET

110'

S 89°-01' W

130.98'

13

BACK

130'

150'

50' STREET

40'

153.83'

N 88°-57' E
129.83'

40'

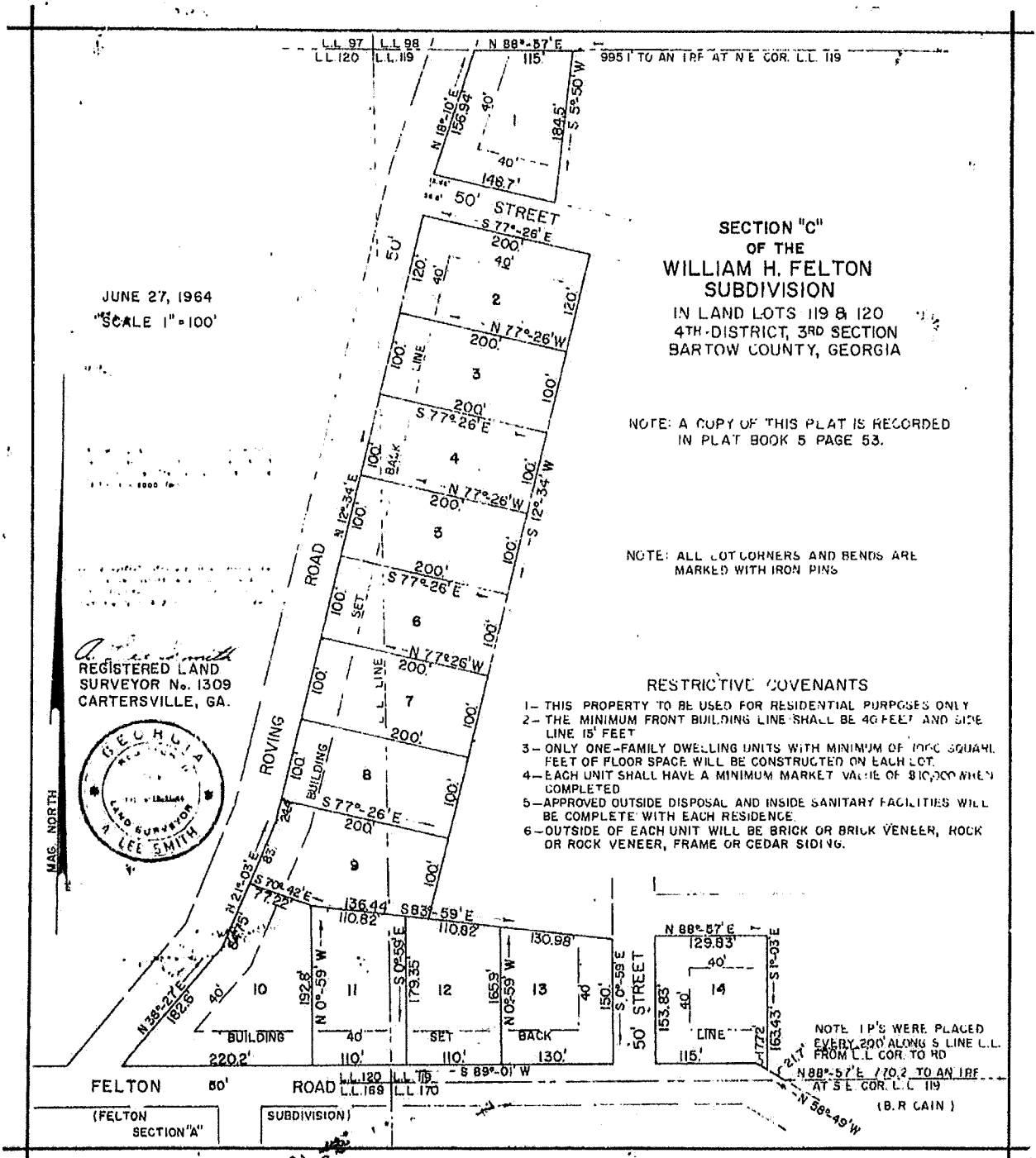
14

40'

LINE

115'

Item 2.



JUNE 27, 1964
SCALE 1" = 100'

SECTION "C"
OF THE
WILLIAM H. FELTON
SUBDIVISION
 IN LAND LOTS 119 & 120
 4TH DISTRICT, 3RD SECTION
 BARTOW COUNTY, GEORGIA

NOTE: A COPY OF THIS PLAT IS RECORDED
IN PLAT BOOK 5 PAGE 53.

NOTE: ALL LOT CORNERS AND BENDS ARE
MARKED WITH IRON PINS

Lee Smith
 REGISTERED LAND
 SURVEYOR No. 1309
 CARTERSVILLE, GA.



RESTRICTIVE COVENANTS

- 1- THIS PROPERTY TO BE USED FOR RESIDENTIAL PURPOSES ONLY
- 2- THE MINIMUM FRONT BUILDING LINE SHALL BE 40 FEET AND SIDE LINE 15 FEET
- 3- ONLY ONE-FAMILY DWELLING UNITS WITH MINIMUM OF 1000 SQUARE FEET OF FLOOR SPACE WILL BE CONSTRUCTED ON EACH LOT.
- 4- EACH UNIT SHALL HAVE A MINIMUM MARKET VALUE OF \$10,000 WHEN COMPLETED
- 5- APPROVED OUTSIDE DISPOSAL AND INSIDE SANITARY FACILITIES WILL BE COMPLETE WITH EACH RESIDENCE
- 6- OUTSIDE OF EACH UNIT WILL BE BRICK OR BRICK VENEER, ROCK OR ROCK VENEER, FRAME OR CEDAR SIDING.

NOTE: IRONS WERE PLACED
EVERY 200' ALONG S. LINE L.L.
FROM L.L. COR. TO RD

RECORDED July 5, 1964 - W. H. B. [Signature]

