



# City of Cartersville

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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](http://www.cityofcartersville.org)

## MEMO

To: BZA  
From: Randy Mannino/ David Hardegee  
CC: Keith Lovell  
Date: March 14, 2024.  
Re: File # V24-09 Increase allowable height and area for an accessory structure.

Variance application by Charles Douglas Cox for property located at 367 Etowah Drive and zoned R-20 (Single Family Residential). Said properties contain approximately 0.54 acres each.

Mr. Cox wishes to construct an accessory structure in the rear yard that will serve as a detached garage with a bonus room over the garage and a porch on the east side. The garage will be approximately 30ft.x 32ft. with a floor area of approximately 1,280sf. The total height above grade at the roof peak will be approximately 24ft.

The existing house has a heated floor area of approximately 1,528sf. per the County tax records. City GIS measures the height of the existing house at approximately 22ft. above the side yard grade. The house is also approximately 7ft lower than Etowah Drive, so any newly constructed structures in the rear yard may appear taller than the house from the public right of way.

The grade of the lot slopes from the house to the rear property line and slightly right to left in the rear yard based on City GIS elevations. Depending how much grading is required for positive drainage away from the garage, the roof peak of the garage may be lower than the roof peak of the house as measured from the grades around the structures; however, due to the unknown of the final grades, the garage roof height could be higher than the roof height of the house.

Per the zoning ordinance for accessory structures, Sec. 4.9, an accessory structure shall be no larger than fifty (50) percent of the principal structure floor area and shall not exceed the height of the most prevalent roof top of the principal building on the property.

The variance request is for the following:

1. To increase the allowed floor area of an accessory structure from 764sf to 1,280sf. (Sec. 4.9)
2. To increase the allowed height of an accessory structure roof above the existing house roof. Height to be determined. (Sec. 4.9)

## **Department Comments Received**

Electric Department: CES takes no exceptions. However, the homeowner will have to serve the garage from the existing house.

Fibercom: Takes no exception

Fire Department: Takes no exception

Gas Department: Takes no exception

Public Works Department: No comments received

Water Department: Takes no exception

## **Public Comments Received by Staff**

None as of 2-27-24.

## **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. 2.2 Definitions:**

Floor area, gross. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

#### **Sec. 4.9. Accessory uses, buildings or structures.**

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential

lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

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

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.

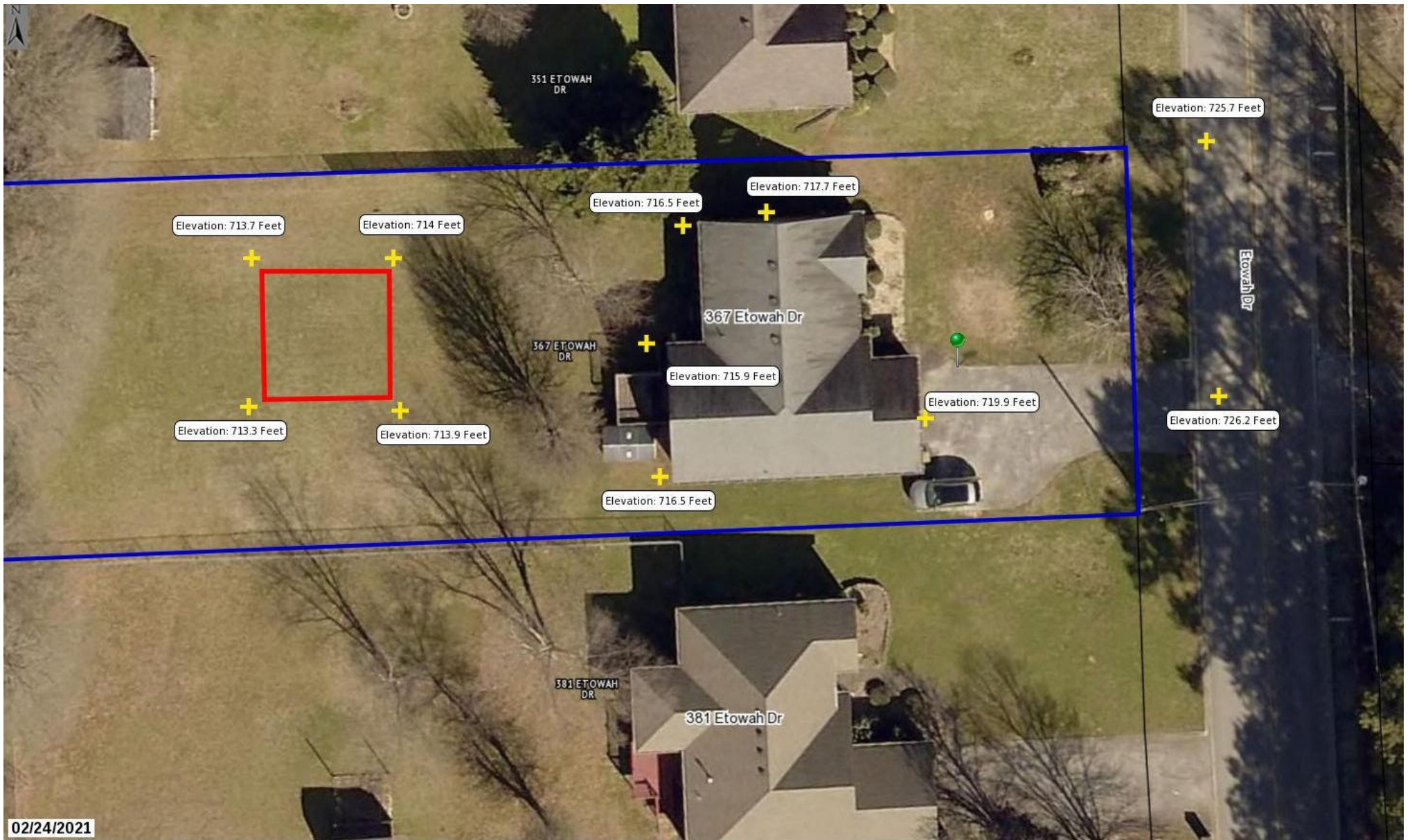
*Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety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

## **STANDARDS FOR EXERCISE OF ZONING POWERS.**

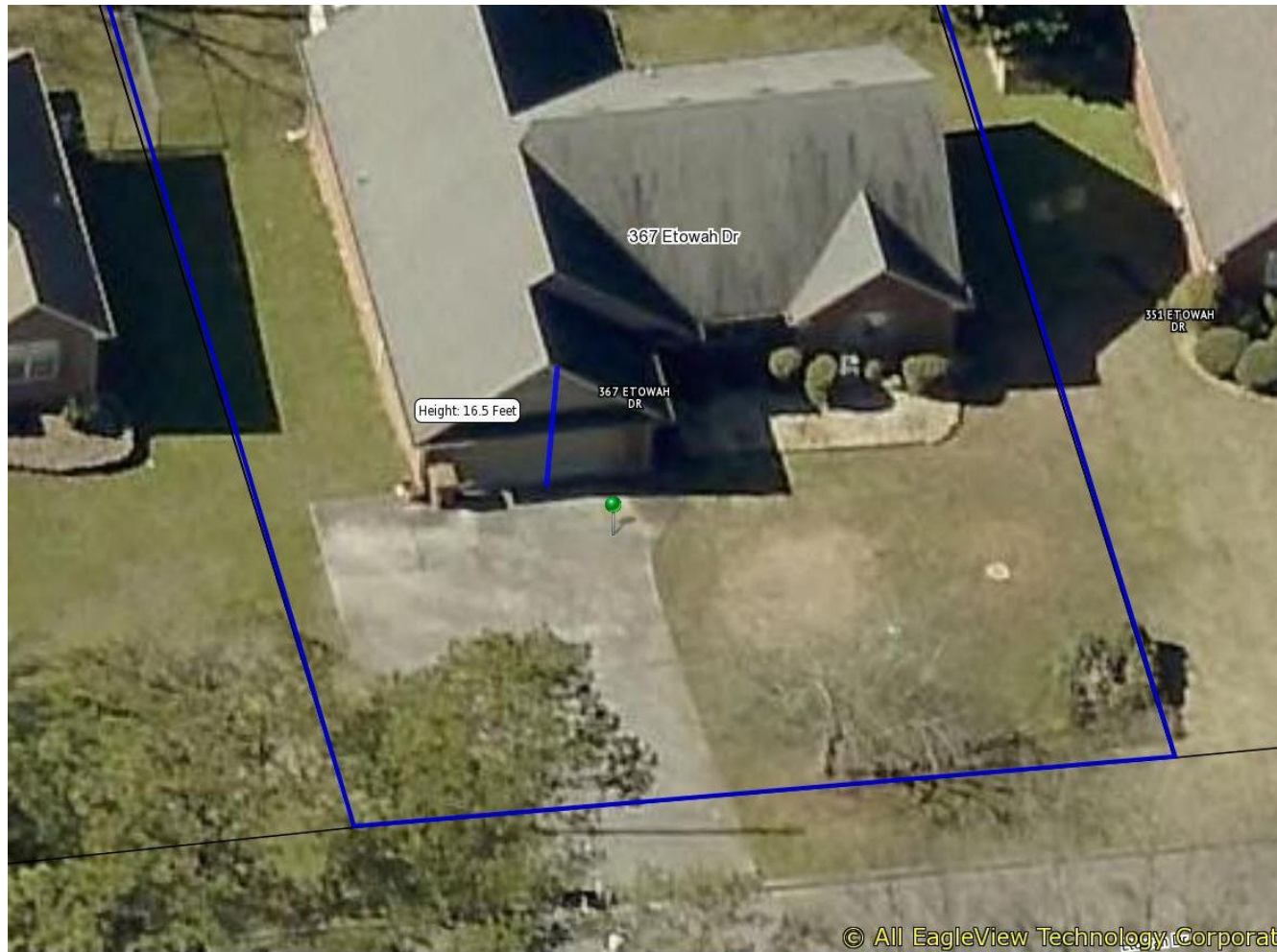
1. *The existing land uses and zoning of nearby property.*  
**The surrounding properties are zoned for residential and used for that purpose.**
2. *The suitability of the subject property for the zoned purposes.*  
**The property is suitable for the zoned purposes.**
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*  
**There is no public gain. A variance approval would allow the property owner to construct the garage for his enjoyment.**
4. *Whether the subject property has a reasonable economic use as currently zoned.*  
**The property has a reasonable economic use as currently zoned.**
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*  
**The proposed variance would have no effect on the use of the adjacent and nearby properties.**
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*  
**The proposed variance should not have an adverse effect on the existing use or usability of adjacent or nearby properties.**
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*  
**The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.**
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*  
**No adverse environmental impact is anticipated.**
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*  
**The proposed variance will not increase the burden to streets, transportation, or utilities.**

10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

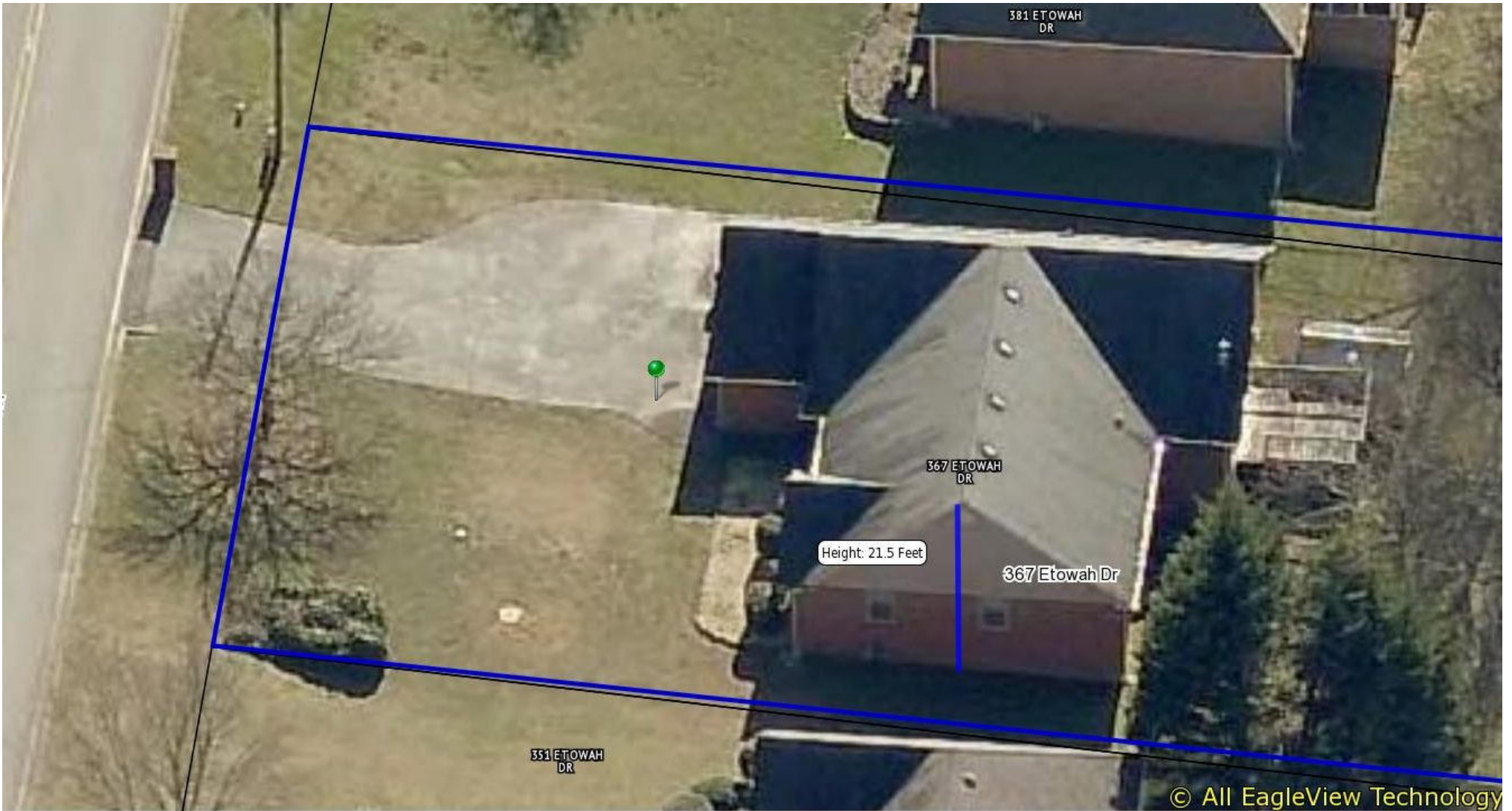
**There are no known conditions.**



Spot elevations by City Pictometry system.

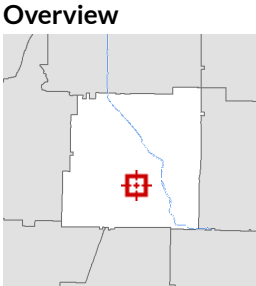
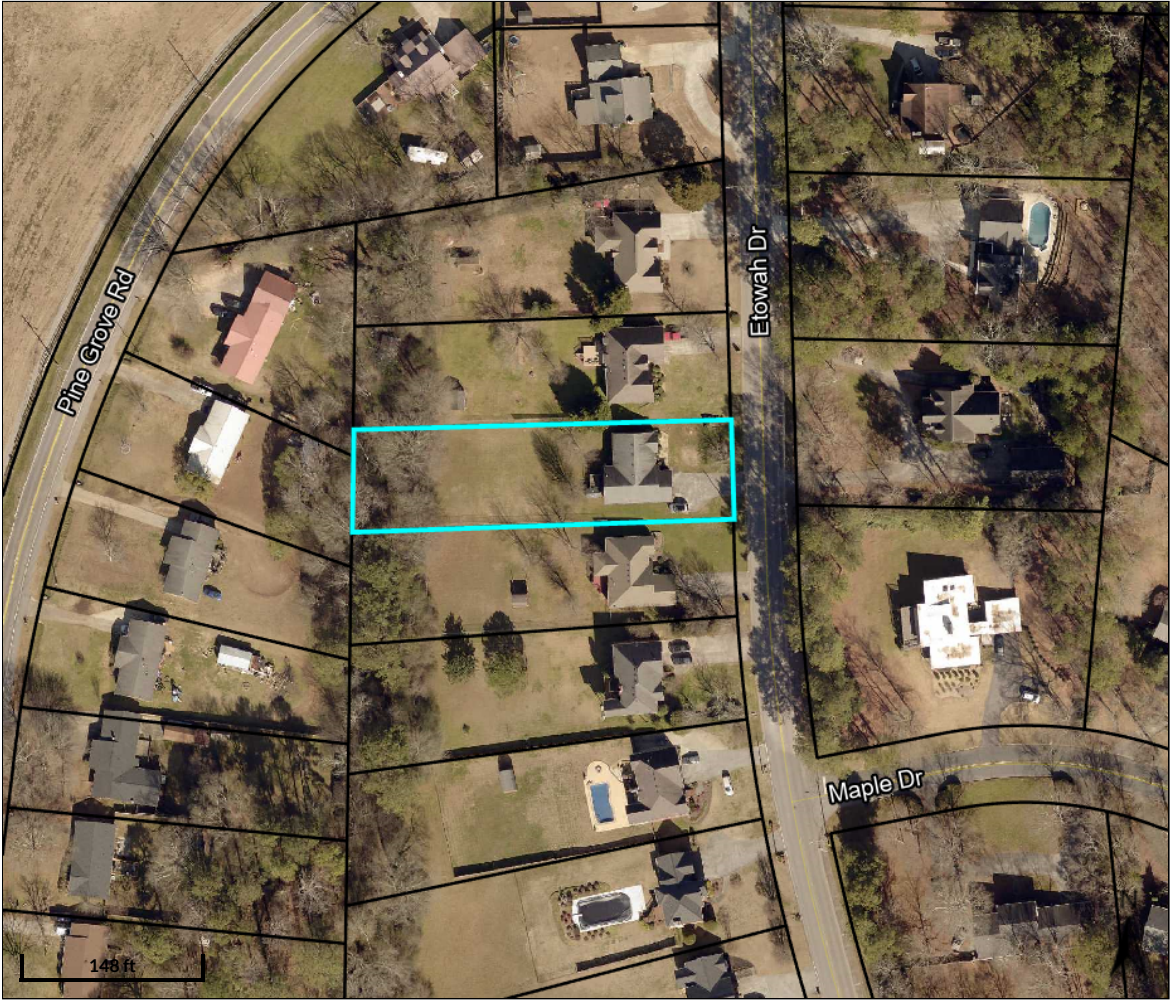


Height calculated by City Pictometry system.





Height calculated by City Pictometry system.





**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	C037-0001-023	<b>Alternate ID</b>	36092	<b>Owner Address</b>	COX CHARLES DOUGLAS & COX PATSY GAIL 367 ETOWAH DRIVE CARTERSVILLE, GA 30120
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		
<b>Property Address</b>	367 ETOWAH DR	<b>Acreage</b>	0.54		
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 668 LD4 LT3 POPHAM <i>(Note: Not to be used on legal documents)</i>				

Date created: 1/25/2024  
Last Data Uploaded: 1/24/2024 8:40:51 PM

Developed by  **Schneider**  
GEOSPATIAL

**City of Cartersville**  
**Application for Variance**  
**Board of Zoning Appeals**

Hearing Date: 3/14/24 5:30pm

Application Number: V24-09

Date Received: 1-18-24

Applicant Charles Douglas Cox Office Phone \_\_\_\_\_  
(printed name)  
Address 367 Etowah Drive Mobile/ Other Phone 678 222-8876  
City Cartersville State GA Zip 30120 Email rapom426@bellsouth.net  
Representative's printed name (if other than applicant) \_\_\_\_\_ Phone (Rep) \_\_\_\_\_  
Email (Rep) \_\_\_\_\_  
Representative Signature \_\_\_\_\_ Applicant Signature Charles Douglas Cox  
Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 11/29/26  
  
Notary Public 

\* Titleholder Charles Douglas Cox Phone 678-222-8876  
(titleholder's printed name)  
Address 367 Etowah Drive Email rapom426@bellsouth.net  
Signature Charles Douglas Cox  
Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: 11/29/26  
  
Notary Public 

Present Zoning District R-20 Parcel ID No. C037-0001-023  
Acreage 0.540 Land Lot(s) 668LD4 LT3 District(s) 04 Section(s) 3  
Location of Property: 367 Etowah Drive, Cartersville, GA /  
(street address, nearest intersections, etc.)  
Zoning Section(s) for which a variance is being requested: \_\_\_\_\_  
Summary Description of Variance Request: Increase square footage up to ~~30~~ 30%  
Roof height??  
(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 IV Section 4.9 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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 □ Parcels  
 — Roads

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<b>Brief Tax Description</b>	LL 668 LD4 LT3 POPHAM <i>(Note: Not to be used on legal documents)</i>				

Date created: 1/11,  
Last Data Upload

Developed by

**Garage Layout.txt**

**Garage Layout**

48ft From end of back deck to start of covered porch.  
 The garage would start at 58ft from end of back deck.  
 Garage is 30ft wide x 32ft long.  
 I would like to be 10ft off of right side fence.  
 That would give me 35 to 38ft off the left fence  
 to allow for entering the garage.

**RE: garage**

rapom426@bellsouth.net/Inbox



**Dale Falkowski** <dale@ngtruss.com>  
To: rapom426 <rapom426@bellsouth.net>

Oct 23, 2023 at 9:51 AM

Yes, that is correct.

**From:** rapom426 <rapom426@bellsouth.net>  
**Sent:** Friday, October 20, 2023 8:44 PM  
**To:** Dale Falkowski <Dale@ngtruss.com>  
**Subject:** Re: garage

Dale,

I think I saw where 24 ft is the height. Is this the total with a 12 ft high first floor?

Thanks,  
Doug Cox

On Friday, October 20, 2023 at 05:02:11 PM EDT, Dale Falkowski <dale@ngtruss.com> wrote:

Tammy can talk to the boss Monday and get you a discount.

**From:** rapom426 <rapom426@bellsouth.net>  
**Sent:** Friday, October 20, 2023 4:36 PM  
**To:** Dale Falkowski <Dale@ngtruss.com>  
**Subject:** Re: garage

Dale,

You should have two picture that I got off the internet.

If you go to America's best house plan

I actually bought a set of plan under number 5032-00058

It is similar to the picture I am sending you.

I decide we didn't need a garage with a big dormer window.

I like it for the size of the space upstairs, but the roof will have

to be to high to make the 25' foot mark. I feel like our house

could be 23 feet high and I have been told my 2 people they think

there is a least a 2 foot drop to were I would start the garage.

On Friday, October 20, 2023 at 04:21:06 PM EDT, Dale Falkowski <dale@ngtruss.com> wrote:

Thank You,

**Dale Falkowski / Truss Specialist / Field Representative**

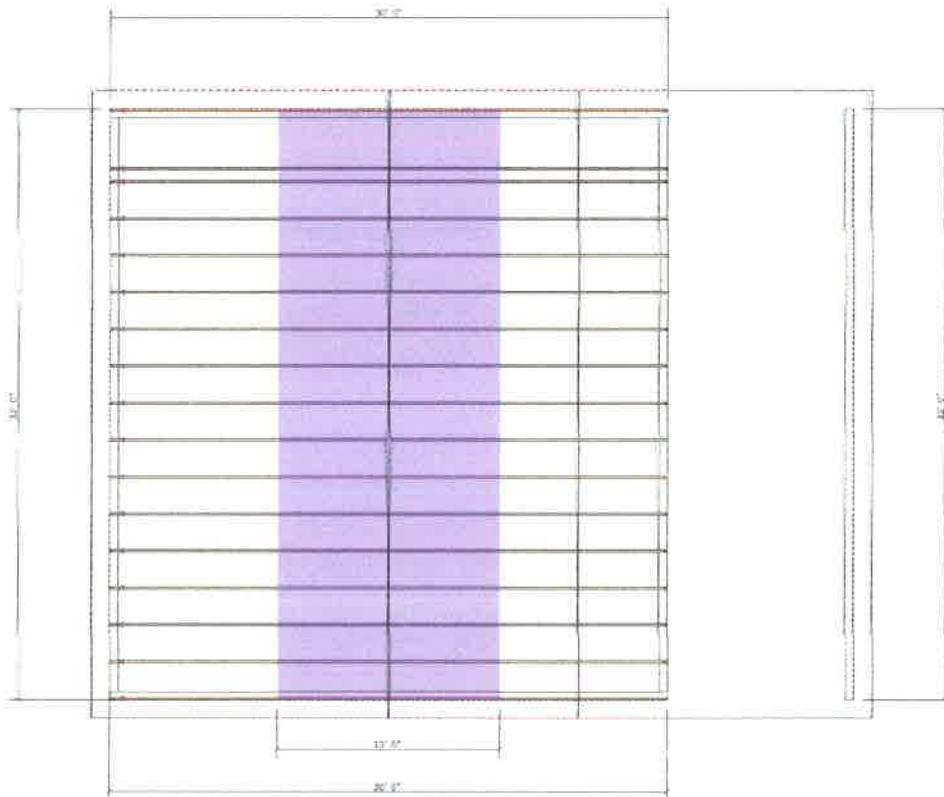
dale@ngtruss.com



Office: 770-387-4227 x3213

Fax: 770-606-0364

Neither North Georgia Truss Systems, LLC nor any of its employees are licensed engineers.



Add Overhang in field.  
Call off for shipping.  
Truss #R 204 R.

Truss List		
Truss	Qty	Span
R1002	15	30' 0"
R1017	2	30' 0"



Job #234141 367 Etowah Dr Charles Cox 678-222-8876 30x32

SCALE : NTS

Garage  
10/20/2023

**THIS IS A TRUSS PLACEMENT DIAGRAM ONLY.**

The trusses shown on this sheet are designed as individual building components to be incorporated into the building design of the Building Designer. See individual design sheets for each truss design identified on the placement drawing. The Building Designer is responsible for temporary and permanent bracing of the roof truss systems and for the overall structure and should review items contained herein for conformance with the contract documents. The design of the truss support structure and load paths including (but not limited to) headers, beams, walls, and columns is the responsibility of the Building Designer. Items shown herein are not engineered unless accompanied by sealed design drawings. Neither North Georgia Truss Systems, LLC nor any of its employees are licensed engineers. In no case shall North Georgia Truss Systems, LLC assume the Project design responsibilities of the Building Designer, Engineer, or Architect. Vertical obstruction locations are the responsibility of the Building Designer, Engineer, or Architect and must be dimensioned in the contract documents. North Georgia Truss Systems, LLC does not accept any liability for undimensioned obstructions. Truss connections not shown are intended to be nailed connections. The manufacturer's scope of work shall be limited to the responsibilities of the Truss Manufacturer under Chapter 2 of the National Design Standard for Metal Plate Connected Wood Construction (ANSI/TPI-1).



Approved: \_\_\_\_\_

Date: \_\_\_\_\_

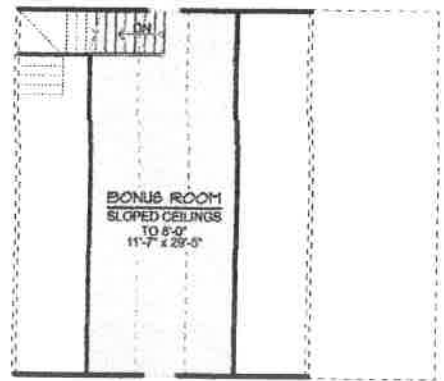
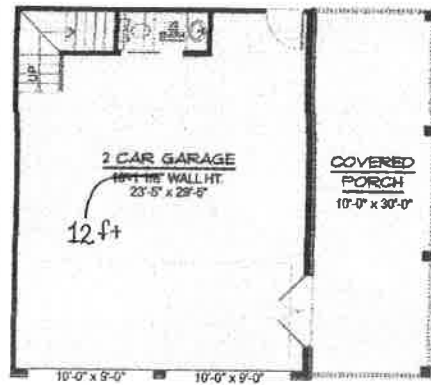
# NEW LOOK





Craftsman Garage 5032-00202

- Favorite
- Rule Out
- Share
- Note



SALE

FLOOR PLANS

EXTERIOR

Images copyrighted by the designer. Photographs may reflect a homeowner modification.

UNFIN SQ FT  
1,363

BEDS  
0

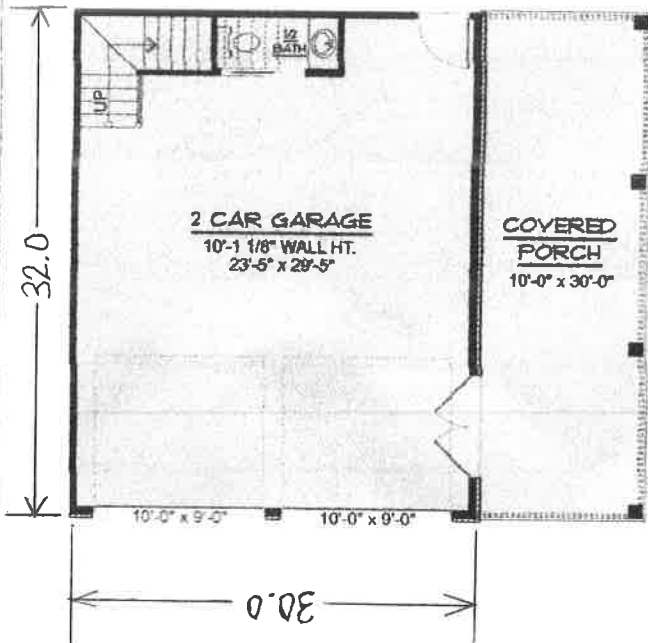
CAR  
2

FIN SQ FT  
0

WIDTH  
34'

DEPTH  
30'

GARAGE FLOOR



CUSTOMIZE THIS PLAN

Our designers can customize this plan to your exact specifications. Requesting a quote is easy and fast!

MODIFY THIS PLAN

FEATURES



Front Entry Garage



Storage

Home

Shop

Sign In

Favorites

Feb 26, 2024 at 12:51:51  
324 Etowah Dr  
Cartersville GA 30120  
United States



Feb 26, 2024 at 12:52:13  
367 Etowah Dr  
Cartersville GA 30120  
United States



Feb 26, 2024 at 12:52:35  
367 Etowah Dr  
Cartersville GA 30120  
United States



Mar 21, 2024 at 12:22:03  
367 Etowah Dr  
Cartersville GA 30120  
United States

