



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: April 3, 2023
Re: File # V23-07

Summary: To omit the sidewalk requirement for site development

Section 1: Project Summary

Variance application by Southern Freight Lines for property located at 329 Brown Farm Road, zoned H-I, Heavy Industrial. Said property contains approximately 139.95 acres. The lot has approx. 1,950ft of frontage along Brown Farm Road.

The topography and utility conflicts along this section of Brown Farm Road make sidewalk installation challenging. Sidewalk requirements along the south side of Brown Farm Road have been omitted previously along the southern side of Brown Farm and along Friction Drive per V08-19.

The variance request is for the following:

1. Omit the sidewalk requirement along Brown Farm Road required per Development Regulation 7.5-65. Street Design Criteria, Item 10 (A) & (B).

Section 2. Department Comments

Electric Department: Takes No exception.

Fibercom: Takes No exception.

Fire Department: No comments received.

Gas Department: Takes No exception.

Public Works Department: Though we are in favor of installation of sidewalks for the public to utilize on public right of way, it appears that a precedence has been made by granting a variance to omit sidewalks on neighboring properties along Brown Farm Road and Fiber Drive.

Water Department:

WATER SERVICE COMMENTS:

This property is not located in the City of Cartersville Water Department’s water service area. Contact the Bartow County Water Department for comments regarding water service.

SEWER SERVICE COMMENTS:

This property is not located in the City of Cartersville Water Department’s water service area. Contact the Bartow County Water Department for comments regarding water service.

Section 3. Public Comments Received by Staff

3/30: Howard Smith. General Inquiry. Application and site plans sent upon request.

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).

7.5-65. Street Design Criteria

(10) Sidewalks:

- A. Sidewalks shall be required on at least one side of all new streets in residential developments and are required along property frontage of all new developments on existing streets.
- B. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed in accordance with Section 7.5-70, Standard Details, Detail 3.8.15 and located as shown in Detail 3.8.14.
- C. Sidewalks shall be backfilled and landscaped.
- D. Sidewalks shall include handicap ramps at all street intersections to meet the Americans with Disabilities Act (ADA) requirements. See Section 7.5-70, Standard Details, Detail 3.8.16a, 3.8.16b, 3.8.16c and 3.8.16d.

(Ord. No. 20-21, § 1, 4-1-2021)

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

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

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

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

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

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

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

- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

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

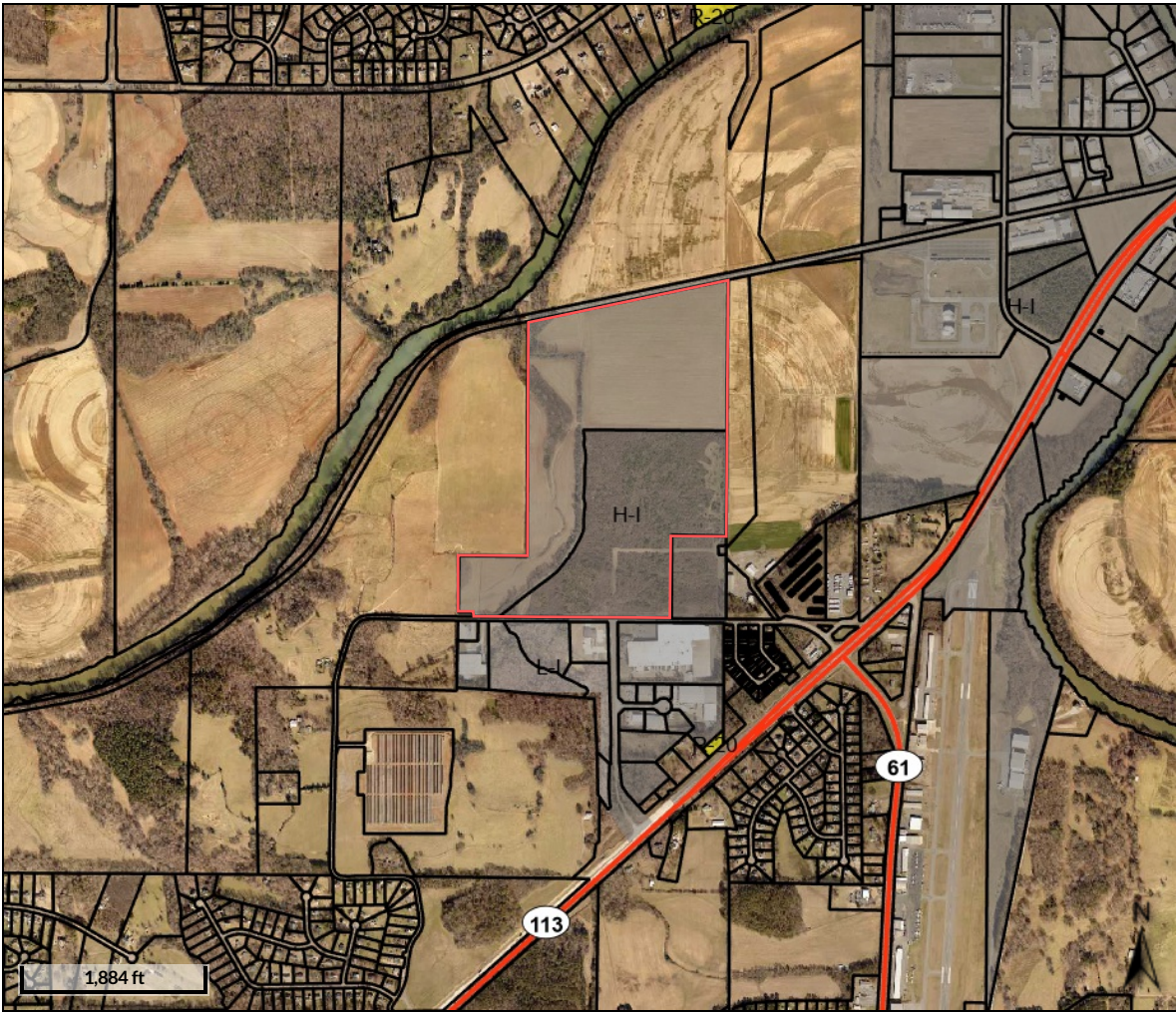
21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public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

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

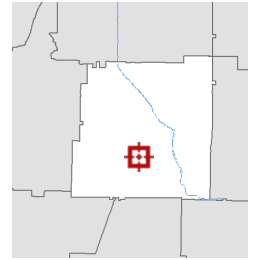
application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.

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

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



Overview



Legend

- Parcels
- Roads
- 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 C100-0001-011
 Sec/Twp/Rng n/a

Alternate ID 38024
 Class Residential

Owner Address TURNER JEFFREY
 TURNER DEANNA

Property Address 19 RIVERSIDE CT

Acreage 0.61

19 RIVERSIDE CT
CARTERSVILLE, GA 30120

District Cartersville

Brief Tax Description LT 23 RIVER CHASE II LL 920 LD4 S3 PLAT BK 31

(Note: Not to be used on legal documents)

Date created: 4/3/2023

Last Data Uploaded: 3/31/2023 10:25:55 PM

Developed by  Schneider
GEOSPATIAL


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-13-2023 5:30pm

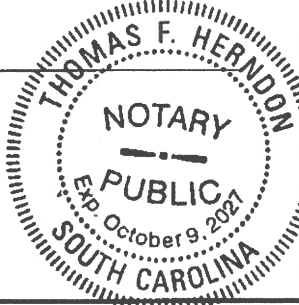
Application Number: V23-07

Date Received: 2-22-2023

Applicant <u>Kyle M. Hoyt, P.E.</u> (printed name)	Office Phone <u>843-408-3546</u>
Address <u>346 Seacoast Parkway</u>	Mobile/ Other Phone <u>843-408-3546</u>
City <u>Mt. Pleasant</u> State <u>SC</u> Zip <u>29464</u>	Email <u>khoyt@hoytberenyi.com</u>
Representative's printed name (if other than applicant)	Phone (Rep) _____
Representative Signature _____	Email (Rep) _____
Signed, sealed and delivered in presence of:	My commission expires:
<u>Jan G. My</u> <u>02/22/2023</u> Notary Public	<u>05/04/2028</u>



* Titleholder <u>Southeastern Freight Lines, Inc</u> (titleholder's printed name)	Phone <u>803-794-7300</u>
Address <u>PO Box 1691, Columbia, SC 29702</u>	Email <u>Ryan.Smigiel@sefl.com</u>
Signature <u>Ryan Smigiel</u>	
Signed, sealed, delivered in presence of:	My commission expires:
<u>Thomas F. Herndon</u> Notary Public	<u>10/09/2027</u>



Present Zoning District <u>H-1</u>	Parcel ID No. <u>C054-0801-001,</u> <u>C054-0785-001</u>
Acreage <u>139.95 AC</u> Land Lot(s) <u>728, 729, 784, 785, 800, and 801</u>	District(s) <u>4th</u> Section(s) <u>3rd</u>
Location of Property: <u>329 Brown Farm Rd</u> (street address, nearest intersections, etc.)	
Zoning Section(s) for which a variance is being requested: <u>Article III, Section 7.6, Subsection 65 (10) - Sidewalk Requirements</u>	
Summary Description of Variance Request: <u>Eliminate the required sidewalk. See attached justification letter for further detail.</u>	
(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 III Section 7.5 Subsection 65 (10)
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 Justification Letter.



February 22, 2023

Board of Zoning Appeals – Zoning Variance
City of Cartersville – Planning and Development Department
2nd Floor, City Hall
10 N. Public Square
Cartersville, GA 30120

RE: SEFL Cartersville – 329 Brown Farm Rd

To the BZA:

Please find this letter as justification for the zoning variance application submitted for the SEFL Cartersville project. We are applying for a variance of the sidewalk requirement, noted in Article III, Section 7.5-65(10) of the zoning ordinance titled “Sidewalks”.

The SEFL Cartersville project is situated on 139.95 acres split between two parcels of the same owner, Southeastern Freight Lines Inc, PID# C054-0801-001, C054-0785-001 in Cartersville, GA. The site is zoned H-I (Heavy Industrial) and the proposed improvements include clearing/grading the existing site, new road connection and utility relocation along Brown Farm Rd. and the construction of an approx. 65,000 SF freight terminal, attached warehouse, maintenance shop, employee parking, trailer yard, stormwater ponds, and other related infrastructure.

We are requesting a sidewalk variance due to the following items as noted on the variance application including: exceptional topographic conditions, extraordinary or exceptional conditions and circumstances, undue hardship upon the property owner, and that the requested variance relief may be granted without substantially impairing the intent and purpose of the ordinance.

Exceptional topographic conditions exist on the west frontage of the property where there is a significant stormwater crossing under Brown Farm Rd that runs through the property. There is not sufficient room to construct a sidewalk due to the steep grading beginning at the existing edge of pavement. Most likely wetland/stream impacts would be triggered from this requirement which would cause undue hardship on the property owner.

Exceptional conditions on the property include extensive existing above ground and underground utilities along the frontage of our development and would cause undue hardship on the property owner for further utility relocations due to the construction of a sidewalk over top of current underground utilities. The site is also located in an area designated as heavy industrial which is not conducive to pedestrian connectivity between and within neighboring properties.

There are currently no existing sidewalks along Brown Farm Rd (with the minor exception of the gas station at US-113), and an adjacent property received approval from the BZA for a sidewalk variance (221 Brown Farm Rd). Due to this we believe that the variance relief may be additionally granted to this property without substantially impairing the intent and purpose of the ordinance.

If you have any questions, or require any additional information, do not hesitate to contact me at (843) 532-6757, or via email at KHoyt@HoytBerenyi.com.

Sincerely,

A handwritten signature in blue ink, appearing to read 'KHoyt', with a stylized flourish extending to the right.

Kyle M. Hoyt, P.E.

Vice President

Hoyt + Berenyi

KHoyt@HoytBerenyi.com

SURVEYOR CERTIFICATION

TO: SOUTHEASTERN FREIGHT LINES, INC., A SOUTH CAROLINA CORPORATION & FIDELITY NATIONAL TITLE INSURANCE COMPANY.

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1, 2, 3, 4, 5, 8, 13, 16, 17 AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED DURING THE MONTH OF APRIL OF 2022.

MCB

Michael C. Bell, GA P.L.S. #3465

05/09/2022
Date

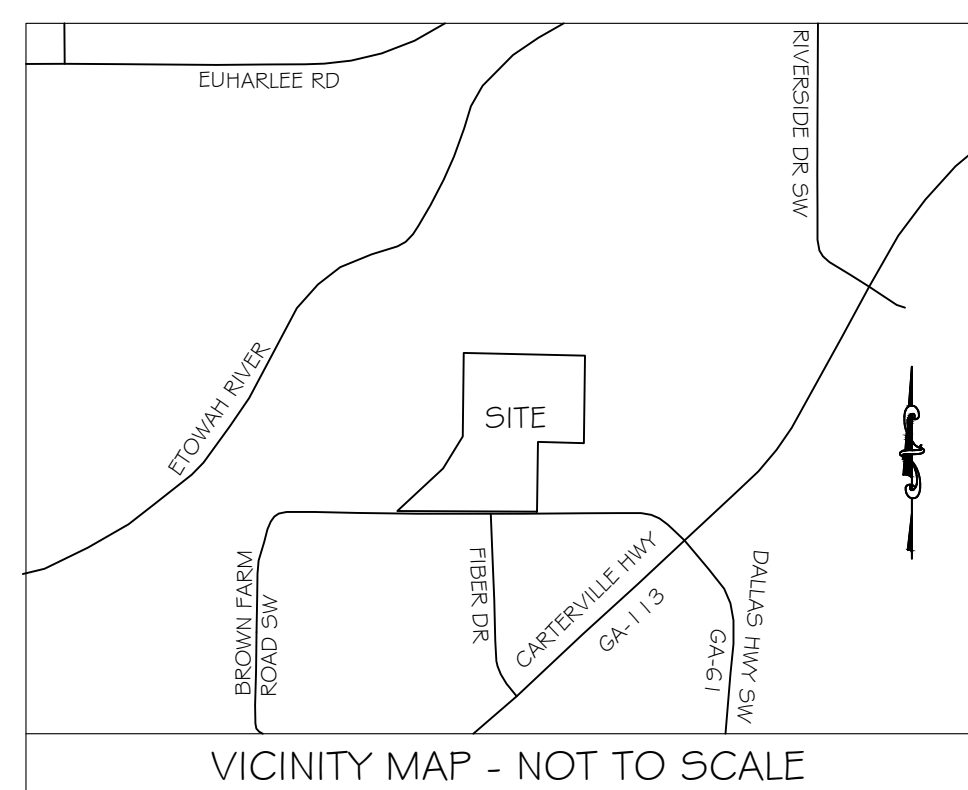
SURVEYOR CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY 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.

MCB

Michael C. Bell, GA P.L.S. #3465

05/09/2022
Date



**TRACT CONTAINS
3,612,186 Sq. Feet
82.924 Acres**

- SURVEY NOTES**
- All easements and rights of way of which the surveyor has knowledge are shown hereon; others may exist of which the surveyor has no knowledge and of which there is no observable evidence.
 - The property shown hereon is subject to all easements and restrictions of record both written and unwritten.
 - According to the Flood Insurance Rate Map (FIRM) for Bartow County, Georgia, (Community-panel number 130150-0263 H, dated October 05, 2018), a portion of the subject property lies in Zone X Shaded.
 - The locations of underground utilities shown hereon are based on visible structures and maps and/or field located markings provided by Ryken Utility Detection, LLC, and are approximate only. The property shown hereon may be served by underground utilities which are not shown hereon. Alliance makes no warranties or claims that all utilities are marked or accurate. All Utility Companies should be contacted before beginning any design or construction. Ryken's report can be provided upon request.
 - North arrow and bearings shown hereon are based on GA West Zone - NAD83 adjusted 2011. Using Global Positioning System (GPS) and obtained by RTK observations on 04-11-2022 using the Leica Smartnet System. All distances are horizontal ground measurements expressed in U.S. Survey Feet. The scale factor applied to adjust GPS gathered data to ground coordinates: 1.00007934700399
 - The field data upon which this plat is based was gathered using base and rover using multiple setups and duplicate observations on corners. The processed data has a horizontal position of less than 0.06 feet.
 - This plat has been calculated for closure and is found to be accurate within one foot in 501,846 feet.
 - Equipment used for measurement:
GPS: Leica G516 GPS Receiver (Base Station)
Leica G516 GPS Receiver (Rover)
LIDAR:
 - This plat was prepared for the exclusive use of the person, persons, or entity named hereon. This plat does not extend to any unnamed person, persons, or entity without express written certification by the surveyor naming said person, persons, or entity.
 - State, County, and Local buffers and setbacks might exist on the subject property that are not shown hereon.
 - This survey is not valid without the Original Signature and Seal of a Georgia Licensed Surveyor.
 - There was no observable evidence of Human Burials or Cemeteries on Subject Property at the time of the field survey.
 - Alliance Surveying does not warrant the existence or nonexistence of any wetlands or hazardous wastes located on the Subject Property.
 - At the time of the field survey there was no observable evidence of recent earth moving work, building construction, building additions, changes in right-of-way, or recent street and/or sidewalk repair.
 - Current property owner: CERCA5BEST NA
 - Current site address: PID# C054-0801-001 - 329 Brown Farm Rd., Cartersville, GA 30120
 - Topographic data shown hereon is based on LIDAR data gathered on 04/11/2022 with an RMS error of 0.14 feet.

LEGEND

- SIGN
- LIGHT POLE
- FIRE HYDRANT
- WATER VAULT
- SANITARY SEWER MANHOLE
- UTILITY POLE
- GUY WIRE
- GAS VALVE
- GAS METER
- TELEPHONE MANHOLE
- TELEPHONE PEDESTAL
- FIBER OPTIC MARKER
- FIBER OPTIC BOX
- BENCHMARK
- IRON PIN FOUND
- COMPUTED POINT
- IRON PIN SET
- MEASURED DISTANCE
- CALCULATED DISTANCE
- RECORD DISTANCE
- OTF
- CMP
- PVC
- DIP
- RCP
- POC
- POB
- STORM SEWER LINE
- SANITARY SEWER
- GAS LINE
- OVERHEAD ELECTRIC
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- FENCE
- LAND LOT

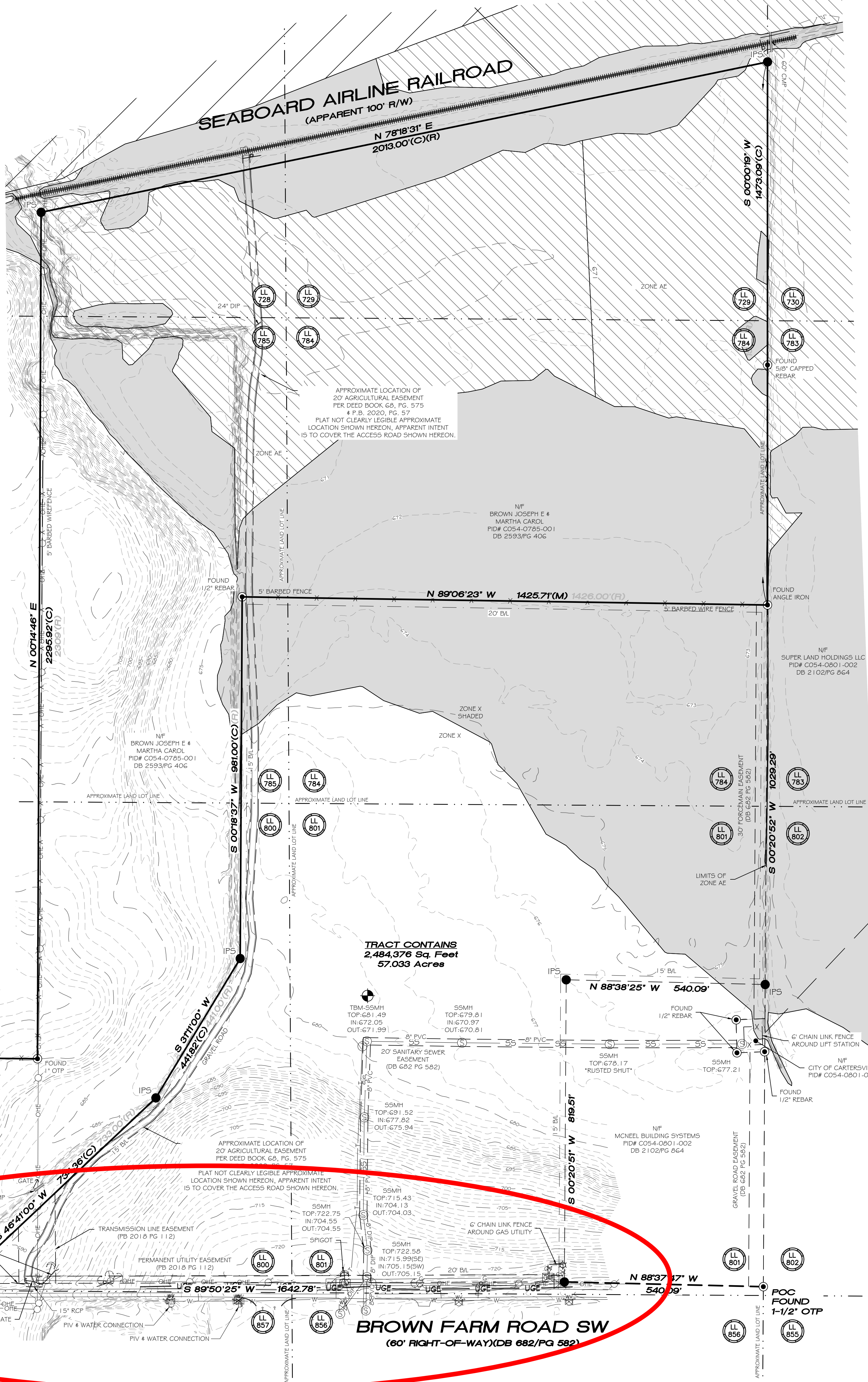
ZONING

THE SUBJECT PROPERTY IS ZONED H-1 PER CITY OF CARTERSVILLE ZONING MAP DATED JUNE 4, 2020.

THE SETBACKS FOR ZONE H-1 HEAVY INDUSTRIAL PER CITY OF CARTERSVILLE ZONING STANDARDS ACCESSED ON 05/03/2022 ARE AS FOLLOWS:

FRONT: 20 FEET
SIDE: 15 FEET
REAR: 20 FEET
MAXIMUM BUILDING HEIGHT: 50 FEET

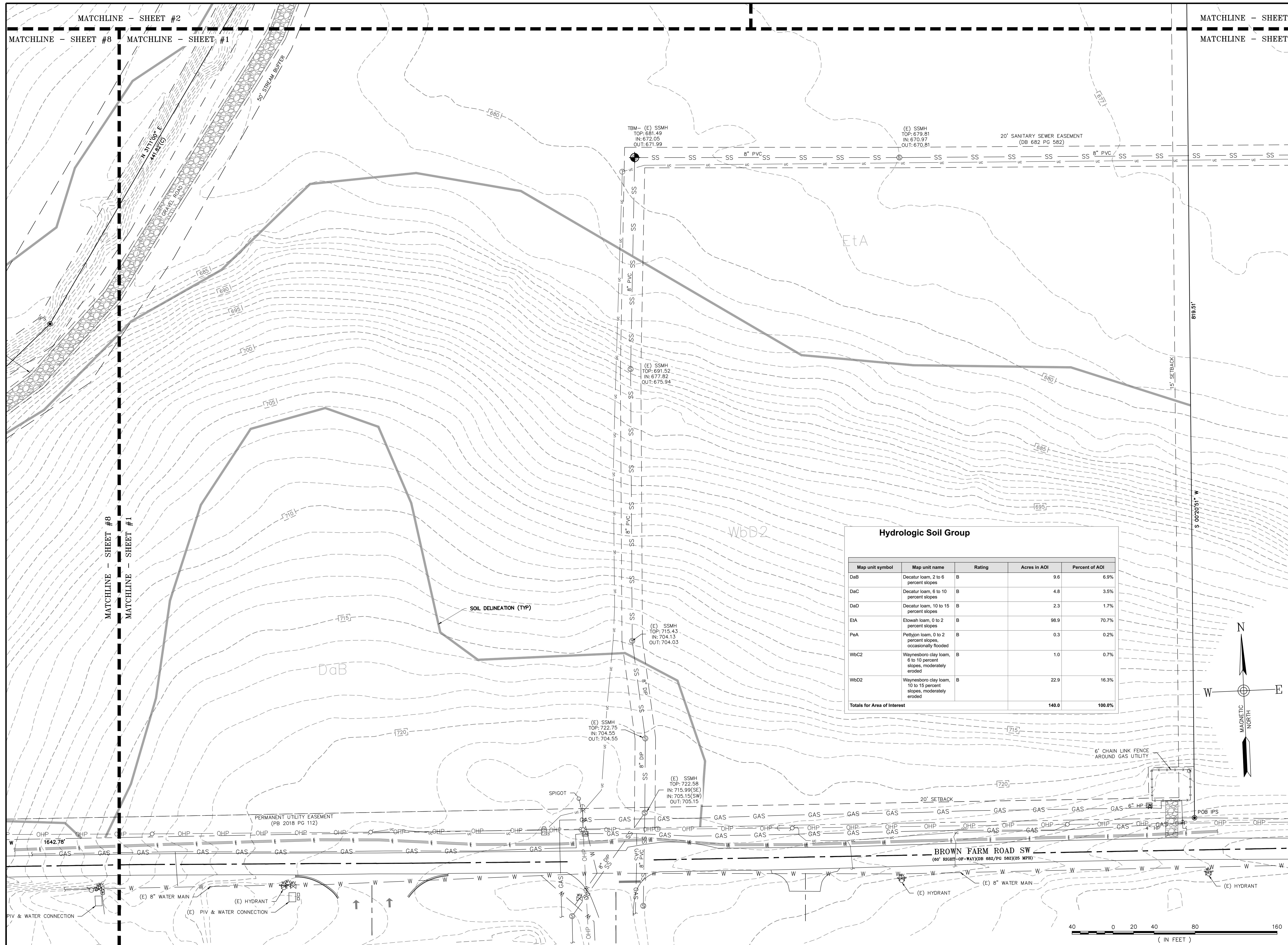
ANY SETBACKS AND BUFFERS SHOWN ARE COVERED BY THE LOCAL JURISDICTION AND SHOULD BE CONFIRMED IN WRITING PRIOR TO LAND PLANNING OR ANY CONSTRUCTION ACTIVITIES.



**TRACT CONTAINS
2,484,376 Sq. Feet
57.033 Acres**

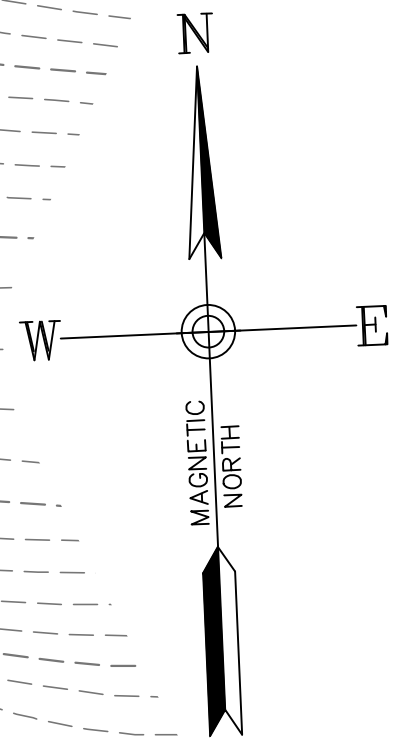
**BROWN FARM ROAD SW
(60' RIGHT-OF-WAY) (DB 682/PG 582)**

SHEET NO. 1 OF 1	ISSUE: DATE DESCRIPTION INITIAL: 05/09/2022 REV. 1: 02/17/2023 ADD ADDITIONAL BENCHMARK AND PRIVATE UTILITIES REV. 2: REV. 3: REV. 4: REV. 5: REV. 6: REV. 7:	DRAFTED BY: MCB CHECKED BY: MCB PROJECT #: 22095	ALTA & NSPS LAND TITLE SURVEY CARTERSVILLE TRACT FOR SOUTHEASTERN FREIGHT LINES, INC., A SOUTH CAROLINA CORPORATION & FIDELITY NATIONAL TITLE INSURANCE COMPANY	LOCATED IN: LAND LOTS 728, 729, 784, 785, 800 4TH DISTRICT 3RD SECTION BARTOW COUNTY, GEORGIA	L.S.F. 1322 4525 SOUTH LEE STREET BUFORD, GEORGIA 30518 678.828.9424 WWW.AEFPATL.COM
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Hydrologic Soil Group

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
DaB	Decatur loam, 2 to 6 percent slopes	B	9.6	6.9%
DaC	Decatur loam, 6 to 10 percent slopes	B	4.8	3.5%
DaD	Decatur loam, 10 to 15 percent slopes	B	2.3	1.7%
E1A	Etowah loam, 0 to 2 percent slopes	B	98.9	70.7%
PeA	Pettyjohn loam, 0 to 2 percent slopes, occasionally flooded	B	0.3	0.2%
WbC2	Waynesboro clay loam, 6 to 10 percent slopes, moderately eroded	B	1.0	0.7%
WbD2	Waynesboro clay loam, 10 to 15 percent slopes, moderately eroded	B	22.9	16.3%
Totals for Area of Interest			140.0	100.0%

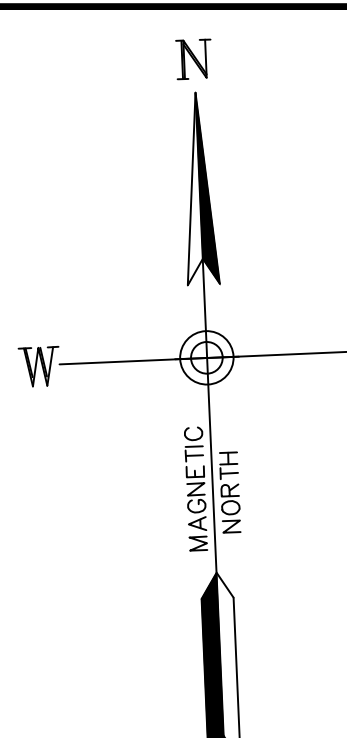
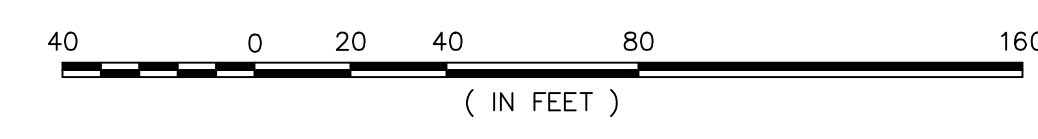
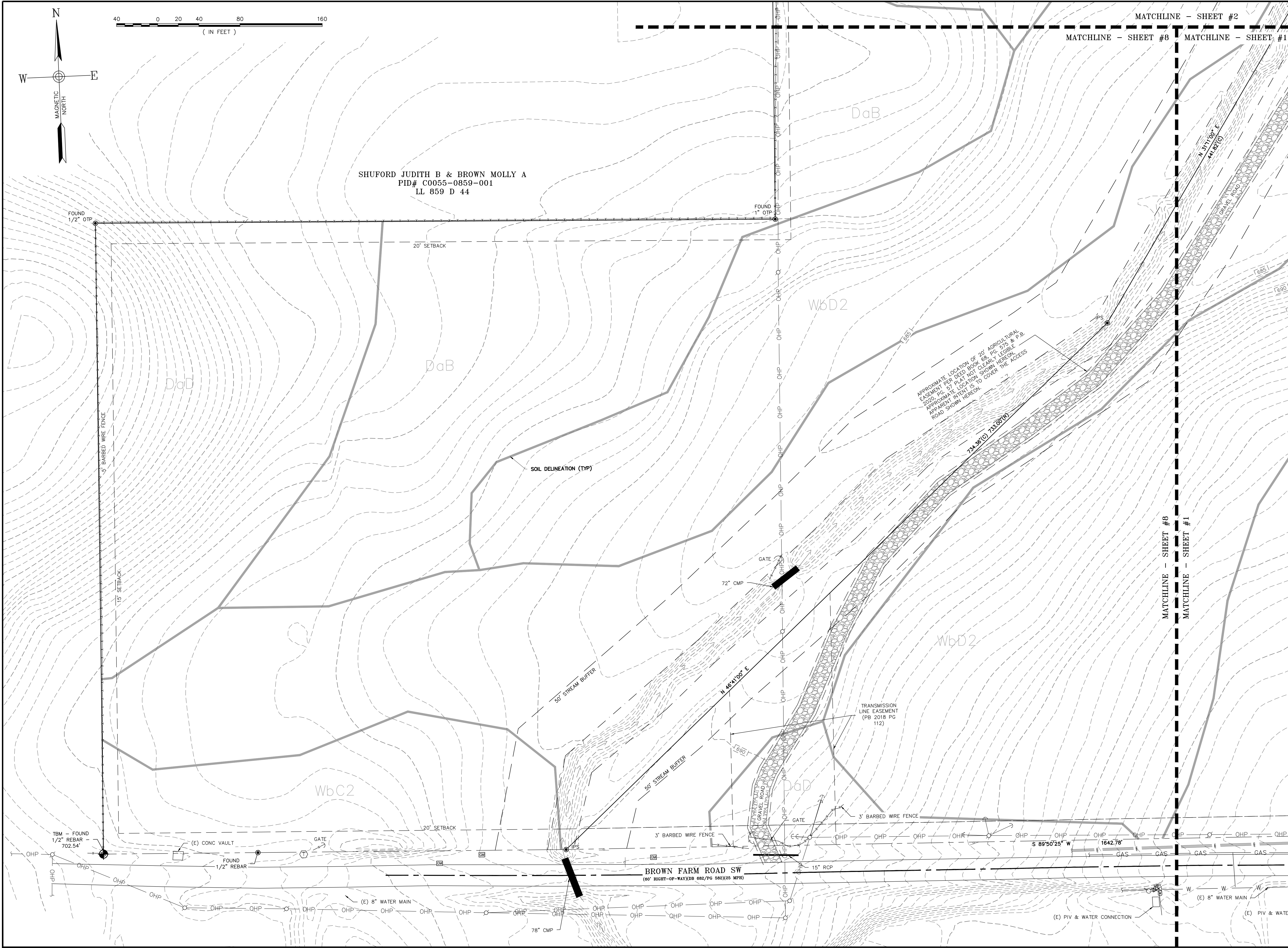


LEVEL II DESIGN PROFESSIONAL #0000098738



NO.	DATE	DESCRIPTION	BY

DRAWN BY: Mattson C. Wiksell, P.E.
 CHECKED BY: Kyle M. Hoyt, P.E.
 DATE: 1/18/2023
 PROJECT #: 22-014
 SCALE: 1"=40'
 SHEET TITLE: Existing Conditions
 SHEET NUMBER: C.1.1



SHUFORD JUDITH B & BROWN MOLLY A
 PID# C0055-0859-001
 LL 859 D 44

APPROXIMATE LOCATION OF 20' AGRICULTURAL EASEMENT FOR DECIDUOUS FOREST (EARL HERRON, 2020A, PG. 57. LOCATION NOT SHOWN HEREON. APPROXIMATE INTENT IS TO COVER THE ACCESS ROAD SHOWN HEREON.

TRANSMISSION LINE EASEMENT (PB 2018 PG 112)

BROWN FARM ROAD SW
 (60' RIGHT-OF-WAY)(DB 682/PG 582)(25 MPH)



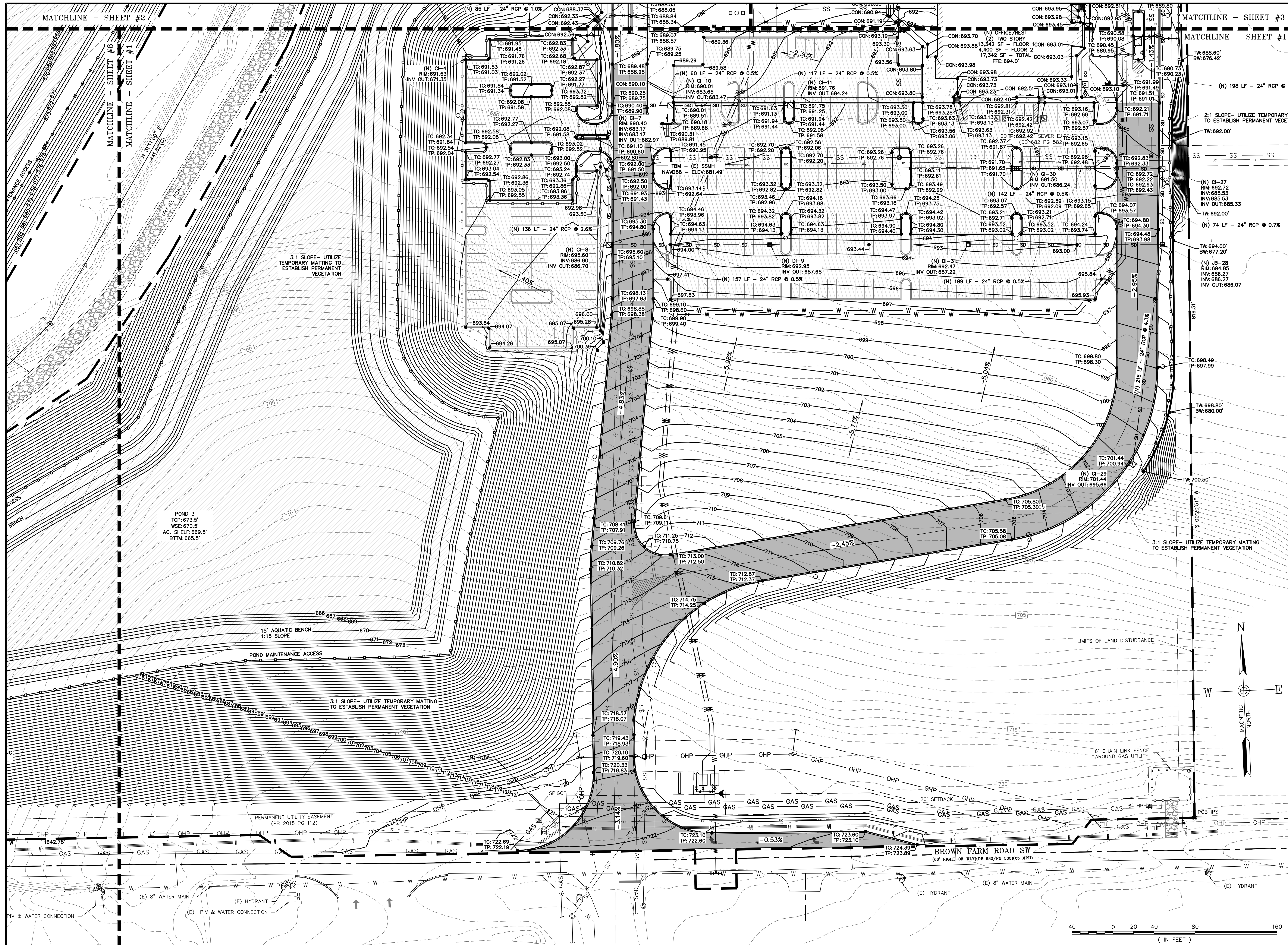
LEVEL II DESIGN PROFESSIONAL #0000098738



REV	DATE	DESCRIPTION	BY

DRAWN BY: Mattson C. Wiksell, P.E.
 CHECKED BY: Kyle M. Hoyt, P.E.
 DATE: 1/18/2023
 PROJECT #: 22-014
 SCALE: 1"=40'
 SHEET TITLE: Existing Conditions

SHEET NUMBER:
C.1.8



H3
HOYT + BERENYI
 P.O. Box 1470 Ladson, SC 29456
 843.408.3546 | www.HoytBerenyi.com

REGISTERED PROFESSIONAL ENGINEER
 KYLE M. HOYT
 LEVEL II DESIGN PROFESSIONAL #0000098738

SE
 SOUTHEASTERN FREIGHT LINES
 Carterville
 TMS #0054-0801-001
 329 Brown Farm Rd., Carterville, GA

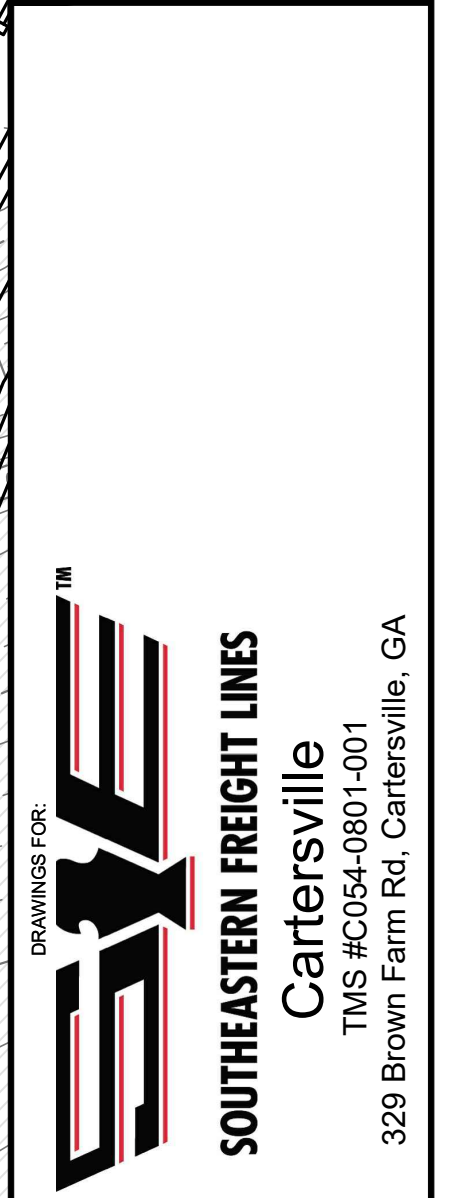
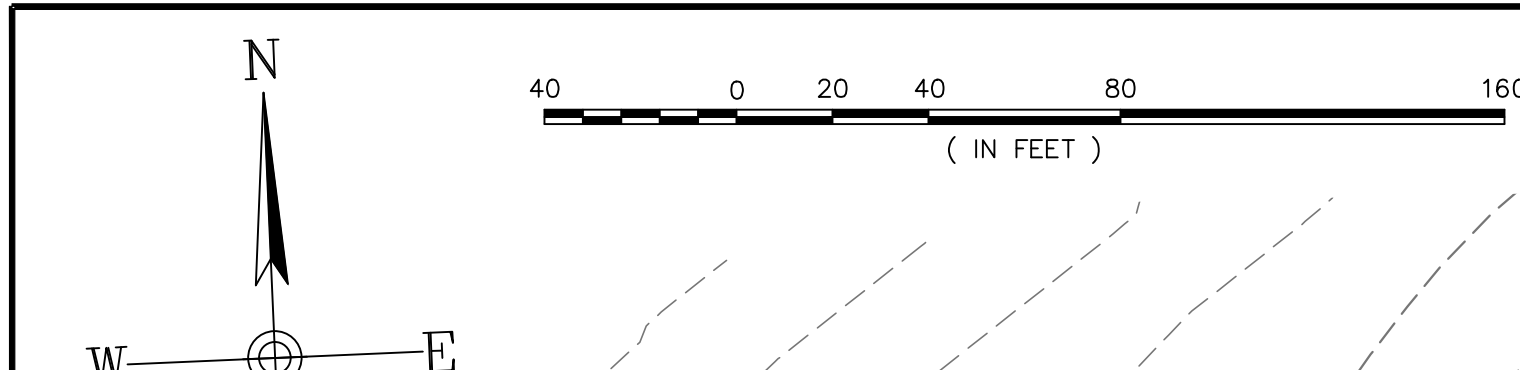
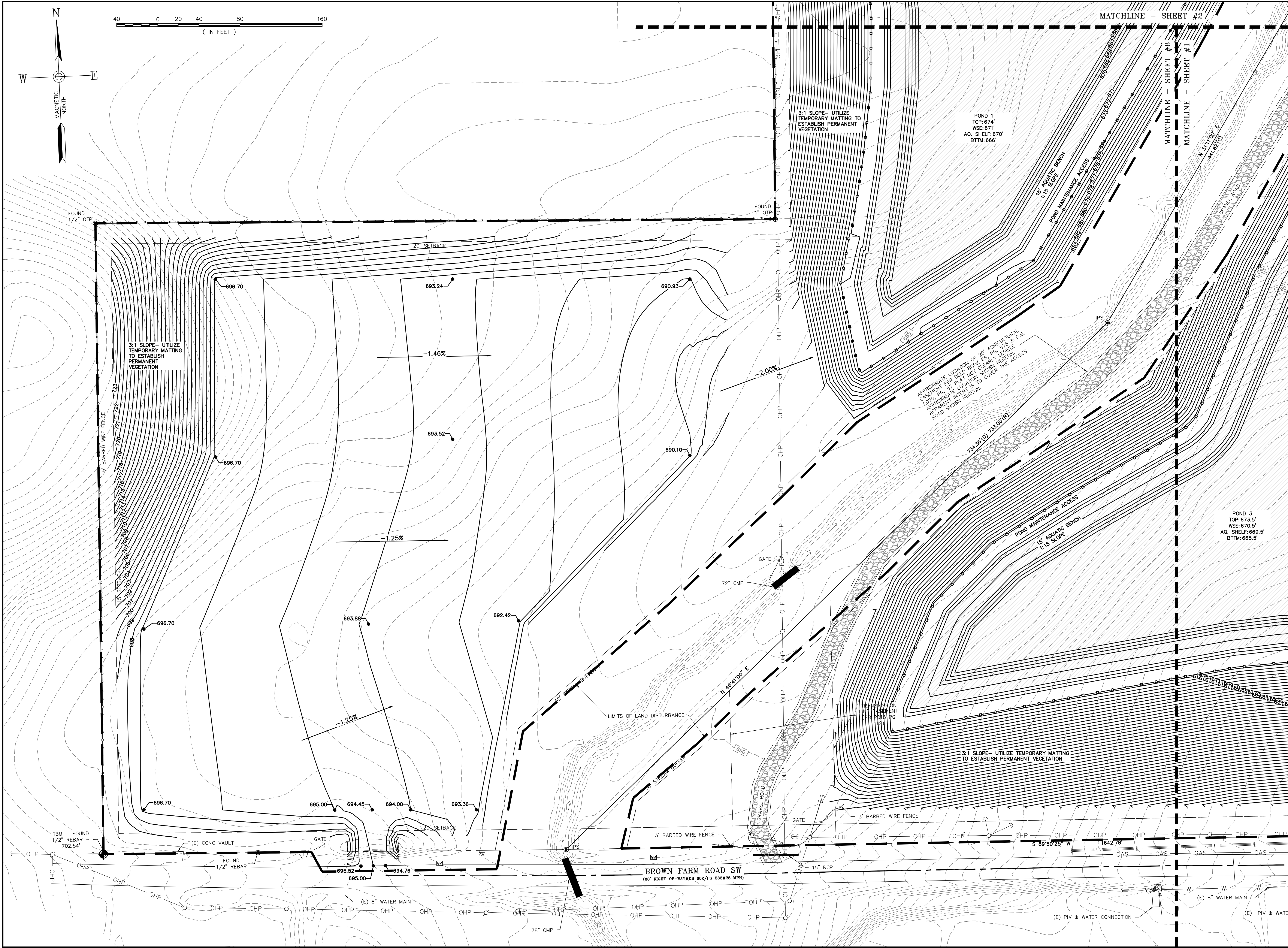
GEORGIA811
 www.Georgia811.com

REV	DATE	DESCRIPTION

DRAWN BY: Mattson C. Wiksell, P.E.
 CHECKED BY: Kyle M. Hoyt, P.E.
 DATE: 1/18/2023
 PROJECT #: 22-014
 SCALE: 1"=40'
 SHEET TITLE: Paving Grading Drainage

SHEET NUMBER:
C.4.1





REV	DATE	DESCRIPTION	BY

DRAWN BY: Mattson C. Wiksell, P.E.
 CHECKED BY: Kyle M. Hoyt, P.E.
 DATE: 1/18/2023
 PROJECT #: 22-014
 SCALE: 1"=40'
 SHEET TITLE: Paving Grading Drainage
 SHEET NUMBER: C.4.8

Image Taken 3/23/23

