



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: March 25, 2025
Re: File # V25-14

Summary: Allow accessory structures in the front yard of a commercial property

Section 1: Project Summary

Variance application by Lee Asbridge for property located at 109 S. Dixie Ave, zoned G-C (General Commercial). Said property contains approximately 0.59 acres. Front & Rear yard setbacks: 20ft. Side yard setback: 10ft.

The applicant is requesting to install (2) pools in the front yard of his pool business for display purposes. One of the pools will be completely above ground and one pool will be partially installed into the ground. Neither of these pools will be functional for swimming. Per ordinance Sec. 4.9, accessory structures are not allowed in the front yard. Due to this a variance is necessary for construction of accessory structures in a front yard. These pools will be required to meet the current building code to include a fence around both pools. The applicant is planning to install a 4ft decorative fence around the pools which is allowed by right. A site plan is included for your reference.

The variance request is for the following:

1. To allow an accessory structure in the front yard. (Sec 4.9.)

Section 2. Department Comments –

Electric Department: No comments received.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: No comments received.

Water Department: Cartersville Water Department takes no exceptions to Variance Request V25-14 provided the fence around the pools does not enclose the water meter boxes.

Section 3. Public Comments Received by Staff

None as of 3/25/2025

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. 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. 9.6. G-C General commercial district.

9.6.1. *G-C district scope and intent.* Regulations set forth in this section are the G-C district regulations. The G-C district is intended to provide locations in which community and regionally-oriented retail and service activities can be established so as to best serve the community and traveling public as further described in section 3.1.19 of this chapter.

9.6.2. *Use regulations.* Within the G-C 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:

- Adolescent treatment facilities.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).*
- Art galleries.
- Assembly halls.
- Automotive garages.
- Automotive and truck sales or rental.
- Automotive specialty shops.
- Automotive storage yards and wrecker service.
- Barber shops and beauty salons.
- Boat sales and service.
- Bowling alleys.
- Brewpub.
- Building supply companies.
- Bus stations.
- Car washes.
- Catering, carry-out and delivery.
- Check cashing stores.
- Clinics (excludes veterinary clinic).
- Clinic or hospital, animal.

- Clubs or lodges (noncommercial) (SU).*
- Colleges and universities.
- Construction contractors:
 - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
 - ▲ Special trade contractors, including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Consumer fireworks retail sales facility.
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distillery (SU).*
- Distribution centers, (not including processing, fabrication or manufacturing).
- Drive-in theaters.
- Dry cleaners.
- Farm equipment and supplies stores.
- Financial establishments.
- Fortunetellers.
- Funeral homes (crematories may be allowed in conjunction with a funeral home).
- Gymnasiums/health clubs.
- Halfway houses.
- Homeless shelters (SU).*
- Hospices.
- Hospitals.
- Hotels.
- Indoor firing range.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Kennels.
- Laboratories.

- Landscaping businesses.
- Laundromats.
- Laundry/dry cleaning pick-up stations.
- Libraries.
- Medical offices.
- Manufactured home sales.
- Microbreweries (SU).*
- Motels.
- Museums.
- Nightclubs.
- Nursing home facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Other consumer goods and services.
- Parking garages.
- Parking lots.
- Pawn shops and/or title pawn.
- Pet grooming.
- Personal care homes (SU).*
- Places of assembly (SU).*
- Planned shopping developments.
- Plant nurseries.
- Plumbing shops (associated with retail sales).
- Printing establishments.
- Public utility facilities.
- Pubs or taverns.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).*
- Repair garages, automotive.
- Repair garages, heavy equipment.
- Repair services, heavy (large appliances and similar).

- Research laboratories.
- Restaurants.
- Retail, general.
- Retail package stores (liquor).
- Retirement centers (SU).*
- Reupholstery and furniture repair shops.
- Schools, private (SU).*
- Self service storage facilities (mini-warehouses).
- Service establishments.
- Service stations.
- Skating rinks.
- Stadiums.
- Storage, general.
- Taxi stands.
- Theaters.
- Truck stops.
- Wholesale sales office.
- Wholesale trade and distribution.
- Wildlife conservation park (SU).

* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

9.6.3. *Development standards.*

- A. *Height regulations.* Building shall not exceed a height of sixty (60) feet or four (4) 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:* None.
- F. *Minimum heated floor area per dwelling unit.*
 - *3-bedroom:* Nine hundred (900) square feet.
 - *2-bedroom:* Seven hundred fifty (750) square feet.
 - *1-bedroom:* Six hundred (600) square feet.

- *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.
 - G. *Minimum buffer requirements*. In addition to required setbacks, a minimum twenty-five-foot wide buffer, ten (10) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
 - H. *Minimum lot frontage*: One hundred ten (110) feet adjoining a street.
 - I. *Minimum lot width at the building line*: One hundred (100) feet.
 - J. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the G-C district, unless finished with a product consisting of brick, stone, or hard-coat stucco, with the following exception:
 1. The rear wall of a metal building may be allowed to be finished with a metal panel.
 - K. *Accessory structure requirements*. See section 4.9 of this chapter.
 - L. *Other required standards*.
 1. All structures associated with a kennel, or veterinary clinic shall be a minimum of one hundred (100) feet from all property lines which abut a residential district.
- 9.6.4. *Other regulations*. The headings below contain additional, but not necessarily all provisions applicable to the G-C district.
- City of Cartersville Landscaping Ordinance.
 - City of Cartersville Sign Ordinance.
- (Ord. No. 01-13, § 11, 1-3-13; Ord. No. 23-15, § 2, 7-2-15; Ord. No. 09-16(Corrected), § 1, 4-7-16; Ord. No. 02-18, § 5, 1-18-18; Ord. No. 34A-18, § 5, 12-6-18)

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

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

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

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

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

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

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

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

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

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

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

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

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned multiple use.
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.*
The public gain would be minimal.
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 affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
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.

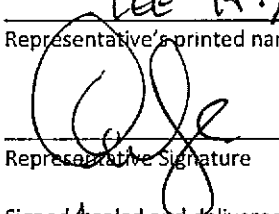
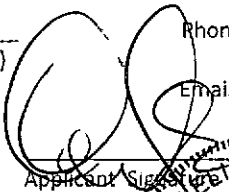
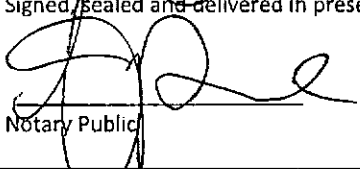
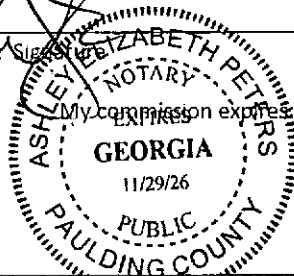
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.
10. *Whether there are other 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.

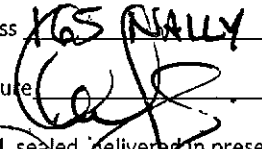
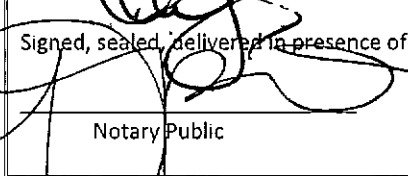
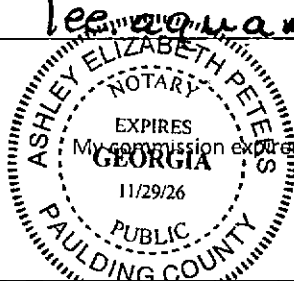
City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: APRIL 10, 2025 5:30pm

Application Number: _____

Date Received: 2/7/2025

Applicant <u>DWILSON INC dba WILSON POOLS</u> <small>(printed name)</small>	Office Phone <u>770 386 3324</u>
Address <u>109 S. DIXIE AVE</u>	Mobile/ Other Phone <u>678. 986. 9000</u>
City <u>CARTERSVILLE</u> State <u>GA</u> Zip <u>30171</u>	Email <u>lee.aquaman@gmail.com</u>
Representative's printed name (if other than applicant) <u>LEE H. ASBRIDGE</u>	Phone (Rep) <u>678 986 9000</u>
	Email (Rep) <u>SAME</u>
 Representative Signature	 Applicant Signature
Signed, sealed and delivered in presence of:	
 Notary Public	

* Titleholder <u>LEE H. ASBRIDGE</u> <small>(titleholder's printed name)</small>	Phone <u>678 986 9000</u>
Address <u>105 NALLY RD RYDAL</u>	Email <u>lee.aquaman@gmail</u>
Signature 	
Signed, sealed, delivered in presence of:	
 Notary Public	

Present Zoning District _____	Parcel ID No. <u>001-0029-004</u>
Acreage <u>.59</u> Land Lot(s) <u>481</u> District(s) <u>4</u> Section(s) _____	
Location of Property <u>109 S. DIXIE AVE CARTERSVILLE 30120</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: <u>IV 4.9</u>	
Summary Description of Variance Request <u>12x24 RECTANGULAR DISPLAY SWIMMING POOL &</u> <u>24' ABOVE GROUND DISPLAY POOL IN FRONT OF STORE</u> <small>(Additional detail can be provided on Justification Letter)</small>	

* 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 1V Section 4 Subsection 9
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: WILSON POOLS HAS 2 NEW PRODUCTS:
HYBRID OUTGROUNND / INGROUND SWIMMING POOLS AND
2 NEW ABOVE GROUNND SWIMMING POOLS. WE WANT TO
INSTALL 1 ABOVE GROUND AND 1 HYBRID POOL IN FRONT
OF OUR STORE FOR DISPLAY PURPOSES. WE WILL INSTALL
A FOUR FOOT ALUMINUM 'SEE THROUGH' FENCE AROUND
THE HYBRID POOL. THE ABOVE GROUND POOL HAS A 52"
WALL HEIGHT WITH NO LADDER,

SURVEYED FOR

RANDY WYNN

LOTS 1 & 2, OF THE EARL H. LEACH SURVEY, IN LAND LOT 481,
4TH. DISTRICT, 3RD. SECTION, CITY OF CARTERSVILLE,

BARTOW COUNTY, GEORGIA

DATE OF PLAT 5-23-2005 SCALE 1" = 40'

DATE OF FIELD WORK 5-18-2005

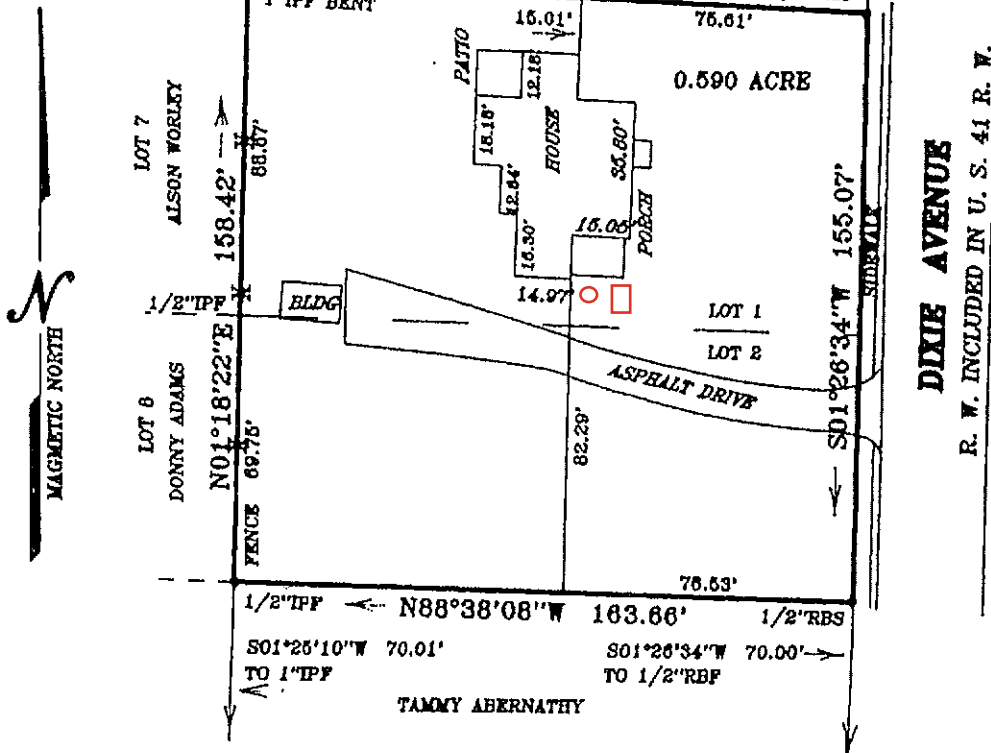
GEORGIA, BARTOW COUNTY
CLERK'S OFFICE SUPERIOR COURT
Filed for record this 18th day of August 2005 at 2:12 PM
Recorded in Plat Book No. 18 this August 2005
Page 104 GARY BELL, CLERK

230.00' ALONG R. W. TO A 1/2"RBF AT
THE SOUTH R. W. OF FORREST AVENUE

RICHARD TUMLIN

REGENCY OUTLET, INC.

S87°27'57"E 164.07' -- 1/2"RBF



FIELD DATA:

CLOSURE: 1' IN 23,200'

EQUIPMENT: TOPCON GTS-303

ANGULAR ERROR: 04" PER ANGLE POINT

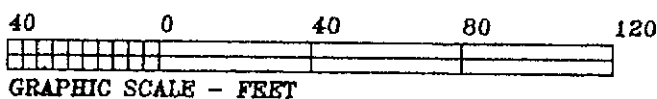
BEARINGS ARE MAG. CAL. FROM ANGLES
TURNED.

ADJUSTED USING LEAST SQUARES

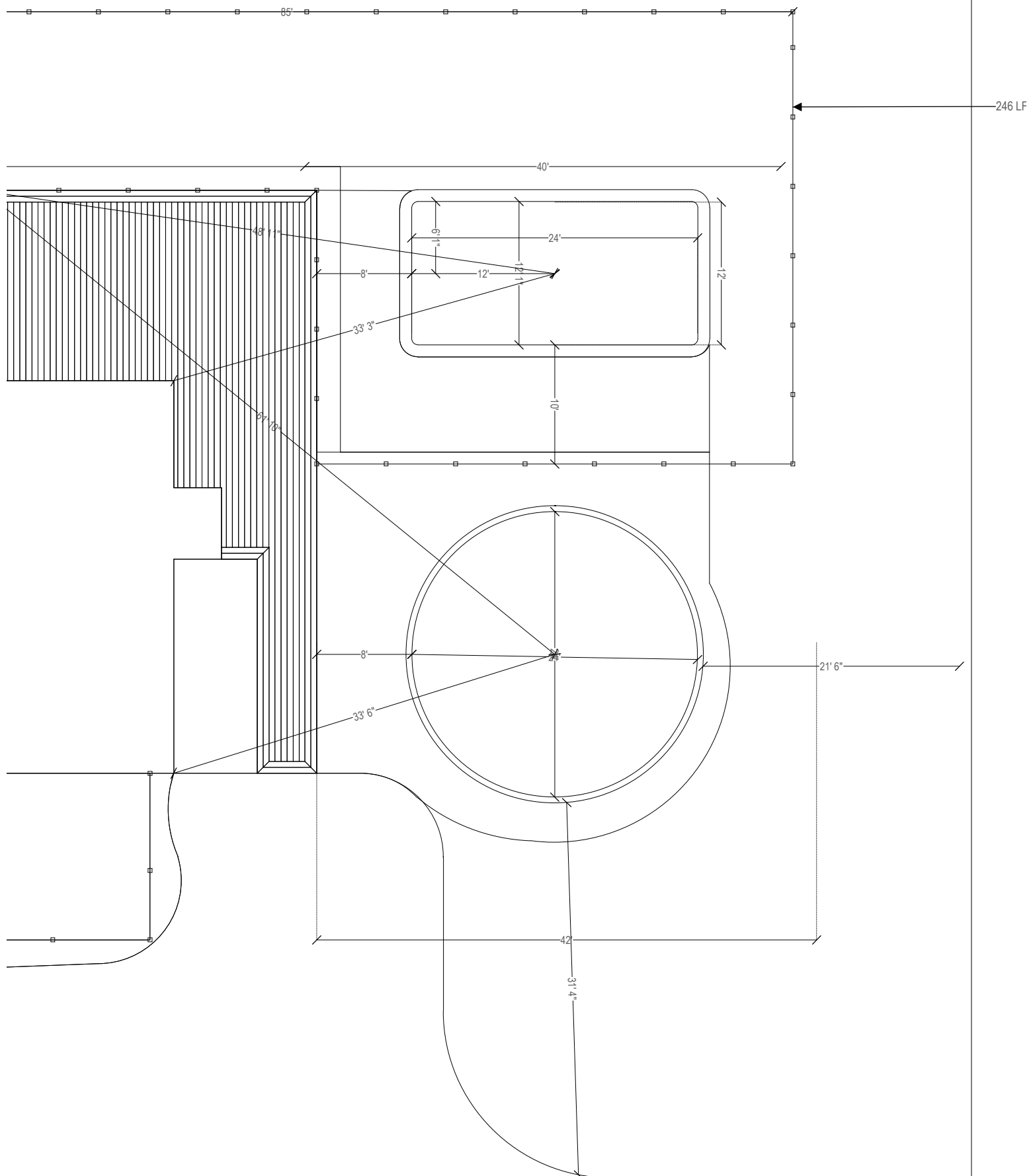
PLAT CLOSURE 1' IN 100,000'

"FEMA FLOOD HAZARD MAP" 13015C0089 F
DATED SEPTEMBER 29, 1989, SHOWS THIS
PROPERTY OUT OF FLOOD ZONE.

NOTE: THIS PLAT IS MADE FOR THE SOLE USE AND
BENEFIT OF THE PERSON OR PERSONS NAMED HEREON.
THIS FIRM ASSUMES NO LIABILITY TO PERSONS NOT
NAMED HEREON AND ANY USE BY UNNAMED PARTIES
WILL BE DONE AT THEIR OWN RISK.



KNIGHT & KNIGHT LAND SURVEYORS, LLC
116 CENTER ROAD
CARTERSVILLE, GEORGIA 30121
TELEPHONE (770) 382-7875
or (770) 382-5525



Feb 27, 2025 at 13:50:12
109 S Dixie Ave
Cartersville GA 30120
United States

