



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

## MEMO

**To:** BZA  
**From:** Randy Mannino/ David Hardegree  
**CC:** Keith Lovell  
**Date:** March 27, 2025.  
**Re:** Application # V25-13. 7 Oakland St. Variance to allow (2) accessory structures in the front yard of a corner lot.

Variance application by Andrew Pettit for property located at 7 Oakland Street and zoned R-20 (Single Family Residential). Said properties contain approximately 0.71 acres.

The applicant is making extensive renovations to the house and property. An original task item was to construct a pavilion to the rear of the house. The contractor determined that the pavilion roof could not tie into house roof. The owner decided a better location for the pavilion may be the area along Poplar St in the curve of the retaining wall. This location is behind the 20ft front yard setback line.

The pavilion will be timber construction with a stone seating wall and stone floor to match the retaining wall. See picture provided of existing structure on a different property.

Also, a new greenhouse is proposed in the Oakland St front yard beside the house. It will be constructed with an aluminum framework with glass panels. The base will be gravel. This location is behind the 20ft front yard setback line.

By zoning ordinance Sec. 4.9 for Accessory Structures, accessory structures are only allowed in side yards on a corner lot which would be in the area directly behind the house. The other requirements for accessory structures to be 50% or less in area of the primary structure and not exceed the height of the primary structure can be met.

This project was reviewed and approved by the HPC on 3/18/25 per COP25-05.

### The variance request is for the following:

1. To allow an 18ft x 26ft x 14.5 ft pavilion structure in the front yard within the Poplar Street street frontage. (Sec. 4.9)
2. To allow an 10ft x 20ft x 9ft greenhouse structure in the front yard within the Poplar Street street frontage. (Sec. 4.9)

**Department Comments Received (Staff review requested late. No comments received at time of publishing)**

**Electric Department:**

**Fibercom:**

**Fire Department:**

**Gas Department:**

**Public Works Department:**

**Water Department:**

**Public Comments Received by Staff**

None as of 3-26-25

**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. 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.*  
**The public gain would be minimal. The HPC did express concerns about the accessory structures being visible from adjacent neighbors. The board asked that the structures be masked with landscaping and a decorative fence.**

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.**

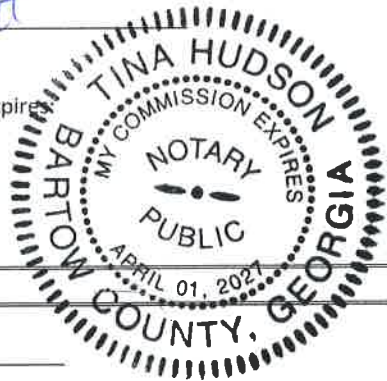
**City of Cartersville**  
**Application for Variance**  
**Board of Zoning Appeals**

Hearing Date: 4/10/25 5:30pm

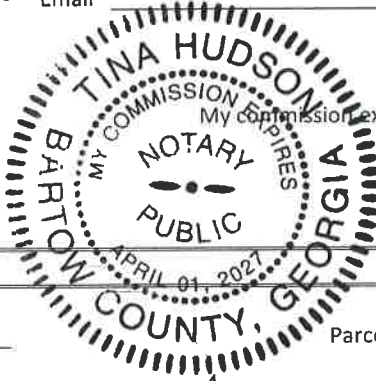
Application Number: V2513

Date Received: 2/3/25

Applicant <u>Andrew Pettit</u> <small>(printed name)</small>	Office Phone _____
Address <u>7 Oakland St.</u>	Mobile/ Other Phone <u>770-855-2246</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>andrewcpettit@gmail.com</u>
Representative's printed name (if other than applicant) _____	
Phone (Rep) _____	
Email (Rep) _____	
Representative Signature _____	Applicant Signature <u>Andrew C. Pettit</u>
Signed, sealed and delivered in presence of: _____	
My commission expires: _____	
Notary Public <u>Tina Hudson</u>	



* Titleholder <u>Andrew Coleman Pettit</u> <small>(titleholder's printed name)</small>	Phone <u>770-855-2246</u>
Address <u>7 Oakland St Cartersville, GA 30120</u>	Email <u>andrewcpettit@gmail.com</u>
Signature <u>Andrew C. Pettit</u>	
Signed, sealed, delivered in presence of: _____	
My commission expires: _____	
Notary Public <u>Tina Hudson</u>	



Present Zoning District <u>R-20</u>	Parcel ID No. <u>C015-0004-006</u>
Acreage <u>.71</u> Land Lot(s) <u>523</u>	District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>Corner of Oakland St &amp; Poplar St.</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: <u>4.9</u>	
Summary Description of Variance Request: <u>I would like to build open pavilion</u>	
<u>Acc. street. Encroachment</u> in the front yard of a multi frontage lot approximatley 21'x23'	
<u>See. 4.9. (Chap 26)</u> (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 IV Section 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: \_\_\_\_\_

---

---

---

---

---

## David Hardegree

---

**From:** Andrew Pettit <andrewcpettit@gmail.com>  
**Sent:** Friday, March 14, 2025 12:27 PM  
**To:** David Hardegree  
**Cc:** John B (JB) Hudson (john@hudsoncompanyga.com)  
**Subject:** [EXTERNAL] Re: COP25-05. 7 Oakland St. HPC meeting. Tues. 3/8. 5:30pm. 3rd fl City hall

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



David,

Not sure if JB responded ALL to this email or not. I do know the greenhouse will be aluminum frame with black powder coated finish and glass panels. The base will be pea gravel for impervious reasons.

The pavilion will have a stone seat wall to match retaining walls and blue stone floor same similar to patio stone finish.

Thanks,

AP

Andrew C. Pettit  
(770) 855-2246

On Wed, Mar 12, 2025 at 9:47 PM David Hardegree <[धारdegree@cityofcartersville.org](mailto:धारdegree@cityofcartersville.org)> wrote:

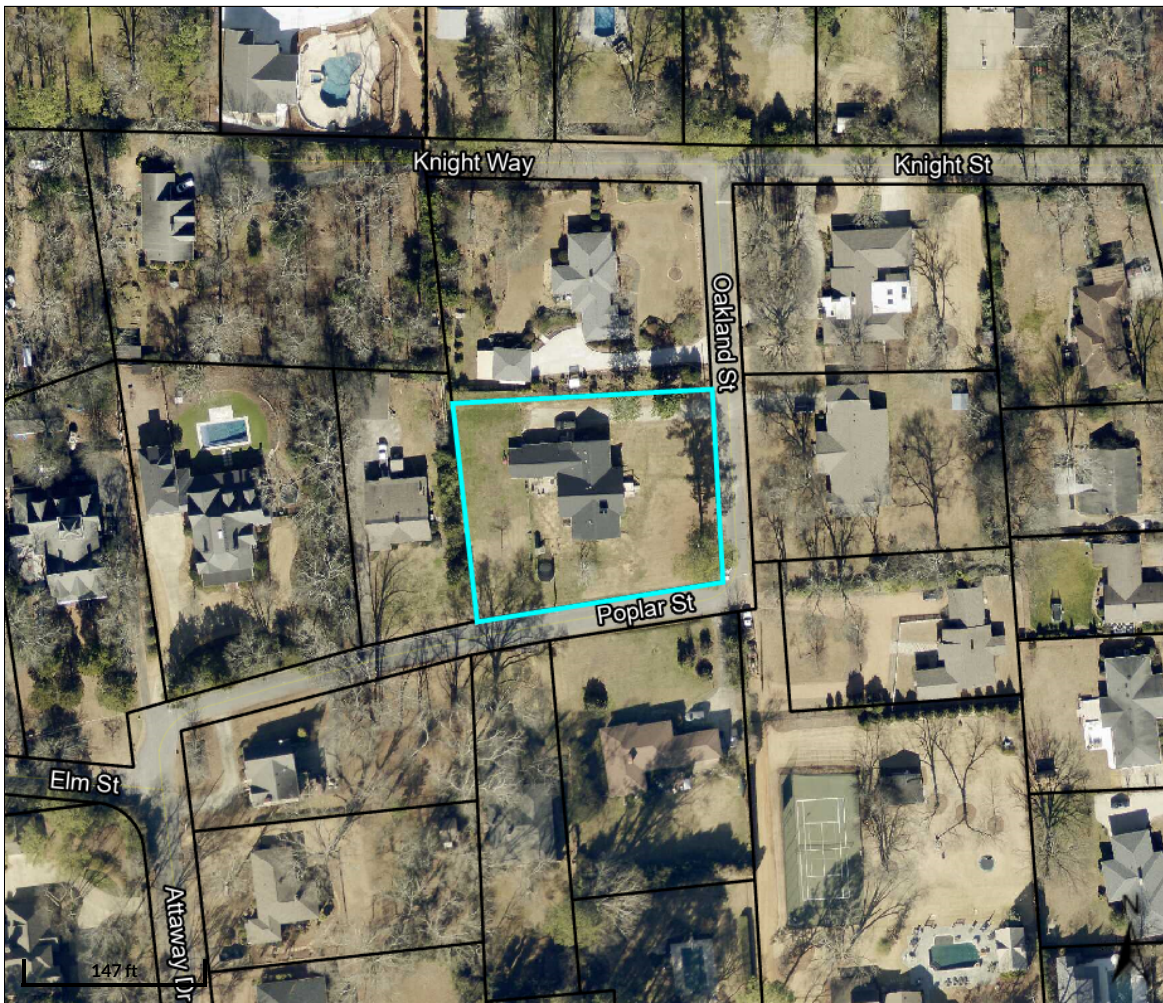
JB and Andrew,

Attached are the HPC meeting agenda and case file for the site plan changes to 7 Oakland St. Please plan to attend the HPC meeting on Tues. March 15<sup>th</sup> to represent the application. We will need to confirm the greenhouse material (metal supports/ acrylic panels?) and the base for both the greenhouse(gravel?) and pavilion (concrete?).

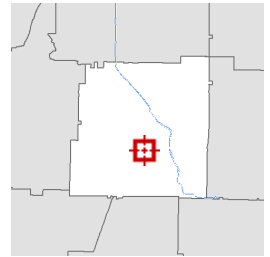
Contact me with any questions.

David.







#### Overview



#### Legend

-  Parcels
-  Roads

<b>Parcel ID</b>	C015-0004-006	<b>Alternate ID</b>	33802	<b>Owner Address</b>	PETTIT ANDREW COLEMAN
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		7 OAKLAND ST
<b>Property Address</b>	7 OAKLAND ST	<b>Acreage</b>	0.71		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LTS 5&6 HOYLE DEAN SUB LL523 LD4				
	(Note: Not to be used on legal documents)				

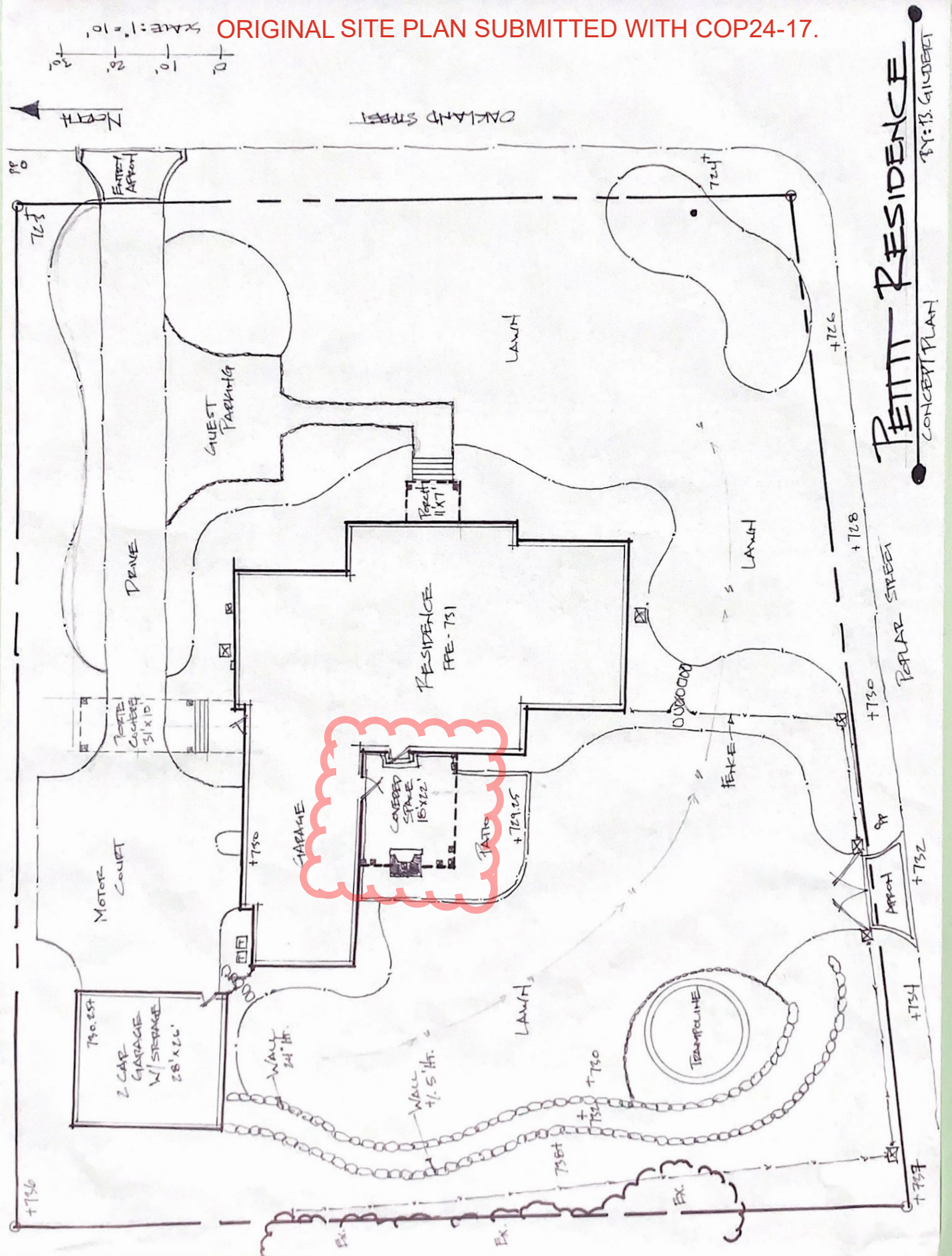
Date created: 2/10/2025

Last Data Uploaded: 2/7/2025 9:06:30 PM

Developed by  **SCHNEIDER**  
GEOSPATIAL

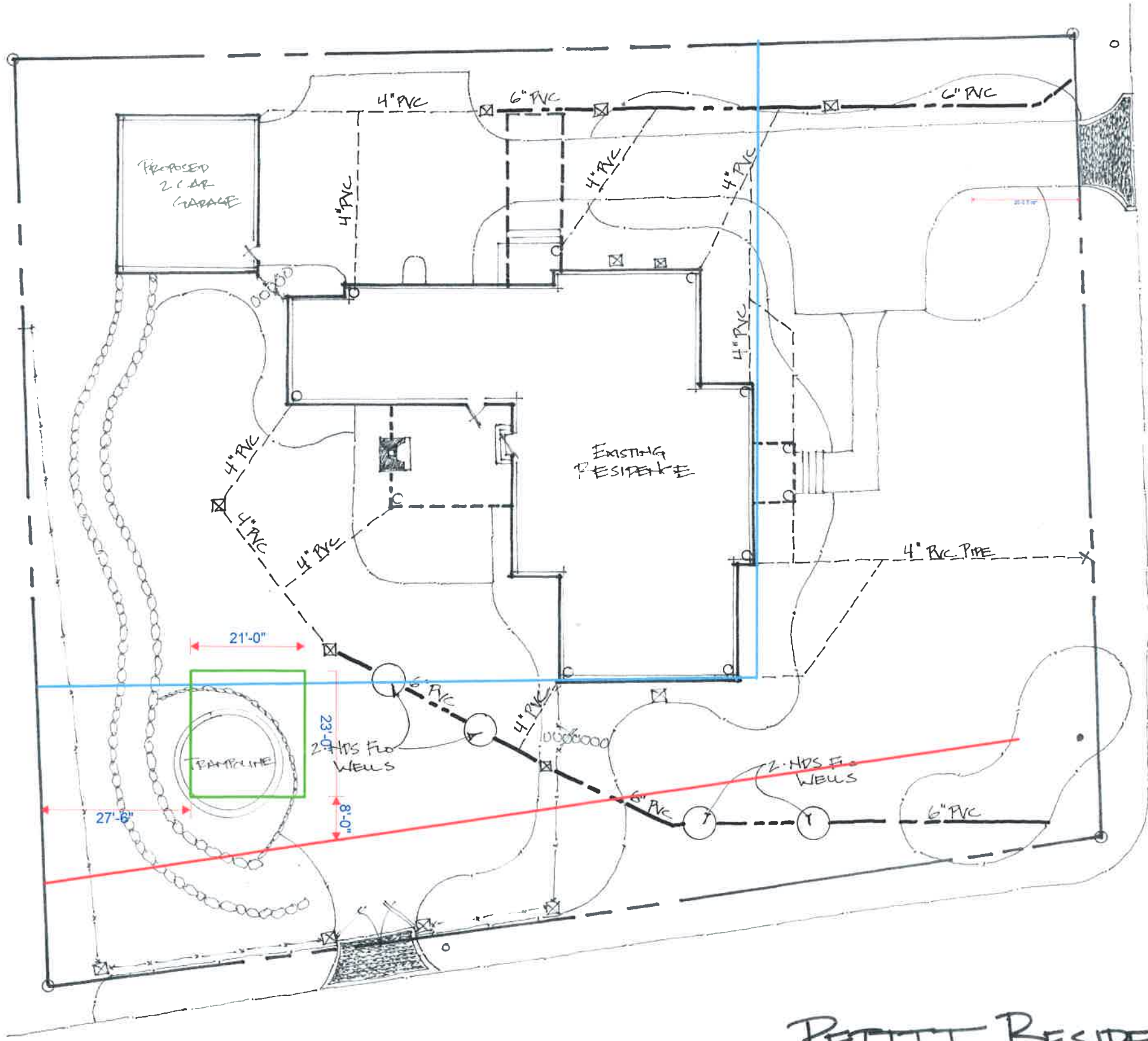


ORIGINAL SITE PLAN SUBMITTED WITH COP24-17.

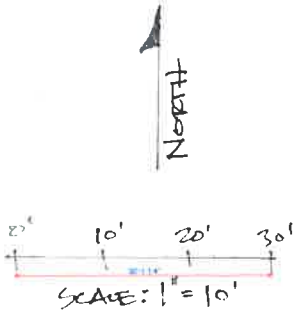


**PETTIT RESIDENCE**  
CONCEPT PLAN  
BY: B. GUNDER

REVISED SITE PLAN

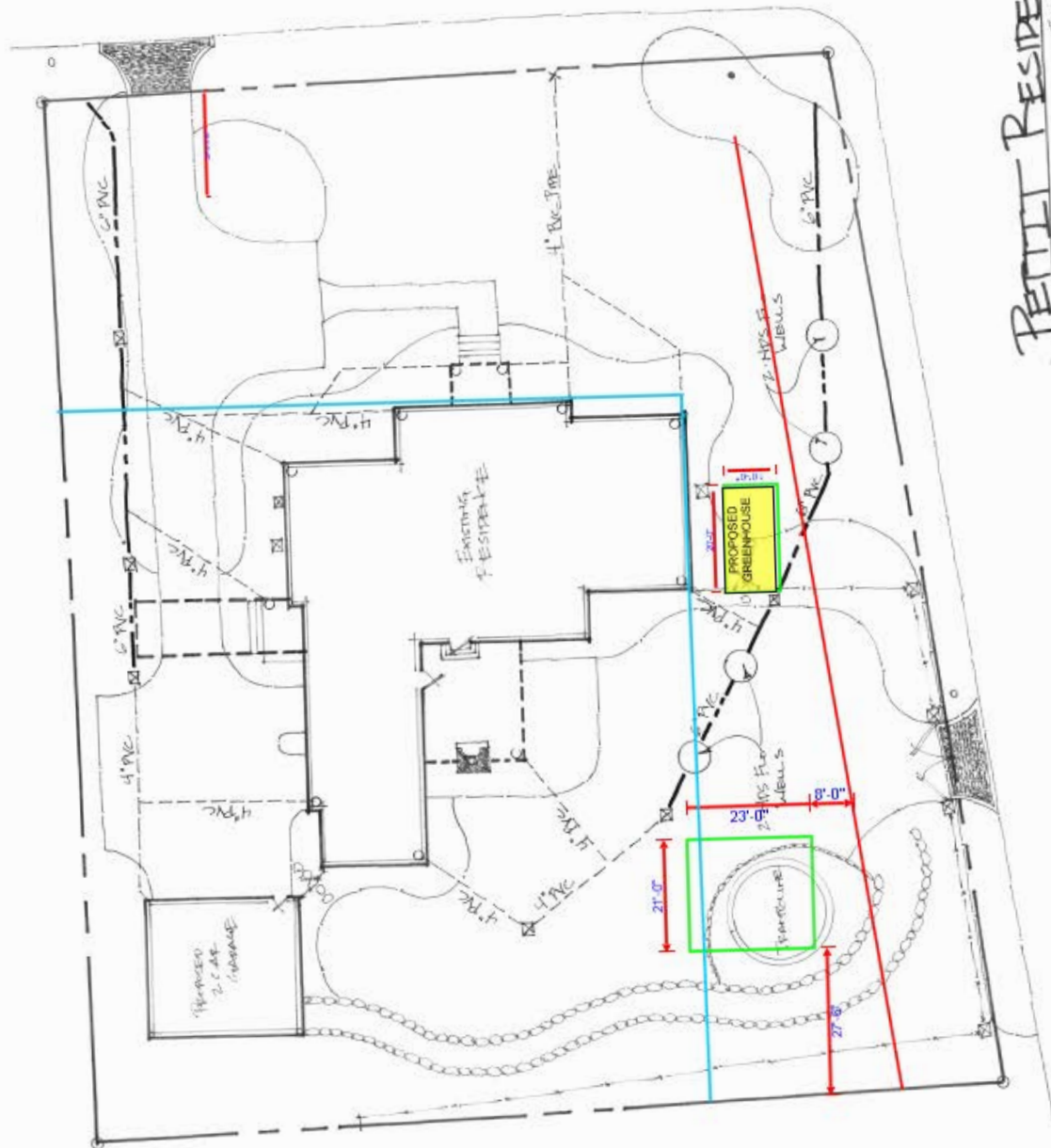


PETTIT RESIDENCE  
DRAINAGE PLAN  
BY: B. GILBERT



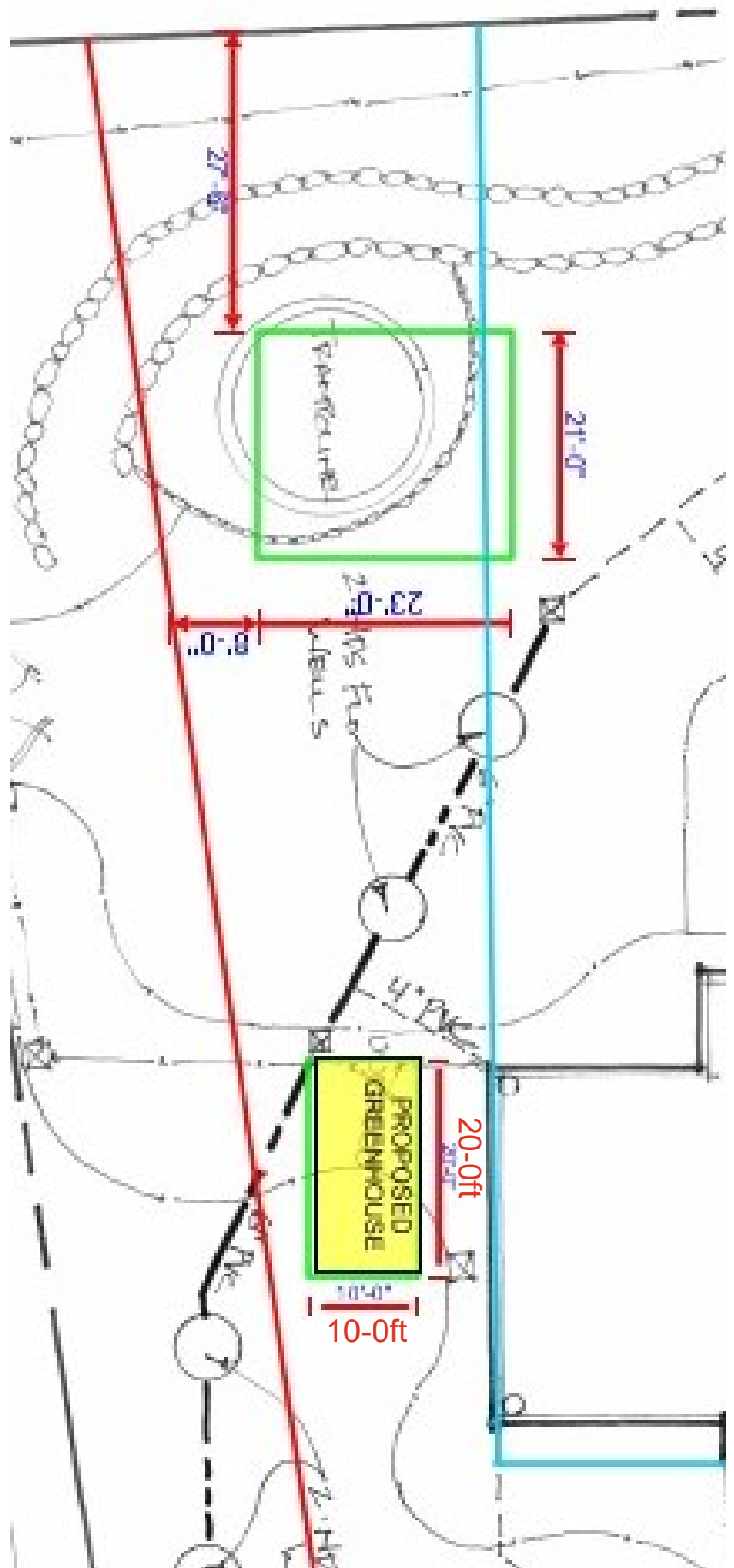


# REVISED SITE PLAN



North  
Scale: 1" = 10'

PETTIT RESIDENCE  
Dr: B. GIBSON  
DRAINAGE PLAN

















Mar 11, 2025 at 3:59:51 PM  
1-89 Poplar St  
Cartersville GA 30120  
United States



Mar 11, 2025 at 3:59:22 PM  
7 Oakland St  
Cartersville GA 30120  
United States





Mar 11, 2025 at 4:02:55 PM  
7 Oakland St  
Cartersville GA 30120  
United States



Mar 11, 2025 at 4:03:05 PM  
7 Oakland St  
Cartersville GA 30120  
United States





Mar 11, 2025 at 4:02:49 PM  
1-89 Poplar St  
Cartersville GA 30120  
United States

