



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: November 1, 2023
Re: File # V23-25

Summary: To reduce the minimum landscape requirements on proposed restaurant site.

Section 1: Project Summary

Variance application by R.H. Ledbetter Properties, LLC, for property located on E. Main St. (Parcel ID: C005-0004-002), zoned G-C, General Commercial. Said property contains approximately 1.93 +/- acres. The setbacks are 20ft front & rear, and 10ft sides.

This site is currently undeveloped. The owner is intending to build a restaurant on the property.

The applicant is requesting the following variances. See site plan and justification letter for details of these requests:

1. To eliminate the 5' landscape strip between the proposed restaurants' vehicular use area and the adjacent Starbucks property. (Sec. 17-66)
2. To eliminate the tree planting requirement within 5' landscape boarder between the proposed restaurant and the Kia dealership property. (Sec. 17-66)
3. To eliminate the tree planting requirement within the 10' landscape boarder along the E. Main St. right-of-way. (Sec. 17-66)

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None as of 11/1/2023

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. 17-66. Landscaping requirements for parking lots and vehicular use areas.

Interior landscaping. Interior landscaping of parking lots shall contain planter islands located at both ends of each single and double parking row and one (1) planter island every twelve (12) parking spaces in a row. Planter islands shall be a minimum of one hundred sixty (160) square feet in area for single parking rows and three hundred twenty (320) square feet in area for double parking rows. Planter islands in single parking rows shall contain at least one (1) small tree from the list of trees found in section 17-71 of this ordinance. Planter islands in double parking rows shall contain at least two (2) small trees from the list of trees found in section 17-71 or one (1) large tree from the list of trees found in section 17-72 of this article.

Non-impervious landscaping strips, a minimum of three (3) feet in width, planted with shrubs, shall be provided for every third interior double parking row in parking lots having one hundred fifty (150) or more parking spaces. As an example, non-impervious landscaping strips would be provided for the first, fourth, and seventh double parking row in a parking lot having eight (8) double parking rows. In such cases, a layout of the parking lot, including the locations, species, and sizes of the shrubs, shall be submitted for approval to the director of planning and development. Shrubs shall be a minimum of one (1) foot in height at the time of planting.

All trees shall have a minimum height when planted of eight (8) feet. No more than thirty-five (35) percent of one (1) species of tree shall be used for a new development. The remaining area in the planter islands shall be landscaped with appropriate materials. Single parking rows abutting a building perimeter border are excluded from this section.

Building perimeter landscaping. The perimeter of each building on the site shall have a landscape area or sidewalk not less than five (5) feet in width. If the area is planted, it shall be landscaped with appropriate materials. In no case shall asphalt paving be contiguous to the base of a building.

Border landscaping. Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines, and planted borders not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

Large trees from the list of trees found in section 17-72 of this ordinance shall be planted in any ten (10) feet in width landscape strip parallel to right-of-way lines. No more than thirty-five (35) percent of one (1) species of tree shall be used for the overall site.

Small trees from the list of trees found in section 17-71 of this ordinance shall be planted in any five (5) feet in width landscape strip along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way. No more than thirty-five (35) percent of one (1) species of tree shall be used for the overall site.

Planted landscape strips parallel to right-of-ways shall have at least one (1) tree for each thirty (30) lineal feet of right-of-way frontage, with a minimum of two (2) trees required. All trees shall have a minimum height when planted of eight (8) feet. The remaining area of the landscape strip shall be planted with appropriate materials.

Planted borders along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way shall have at least one (1) tree having a minimum height when planted of eight (8) feet, for each seventy-five (75) lineal feet or fraction thereof of border area. The remaining area of the border shall be planted with appropriate materials.

Accessways. Landscape border areas and landscape strips may be interrupted to provide vehicular and/or pedestrian ingress and egress.

Encroachment. Landscaped areas shall require protection from vehicular encroachment. Wheel stops or curbing shall be located so as to prevent damage by automobiles to any trees, fences, shrubs or landscaping.

This section may be modified by the board of zoning appeals when strict application will seriously limit the function of an area.

(Ord. No. 43-09, § 1, 10-1-09)

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.*

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for commercial 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. A variance approval would allow the property owner to construct the restaurant without damaging the integrity of the retaining wall or extensively modifying the existing business traffic flow (Starbucks).
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 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. Enforcing the ordinance could have an adverse effect on the existing Starbucks.
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.*

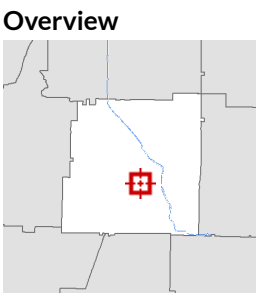
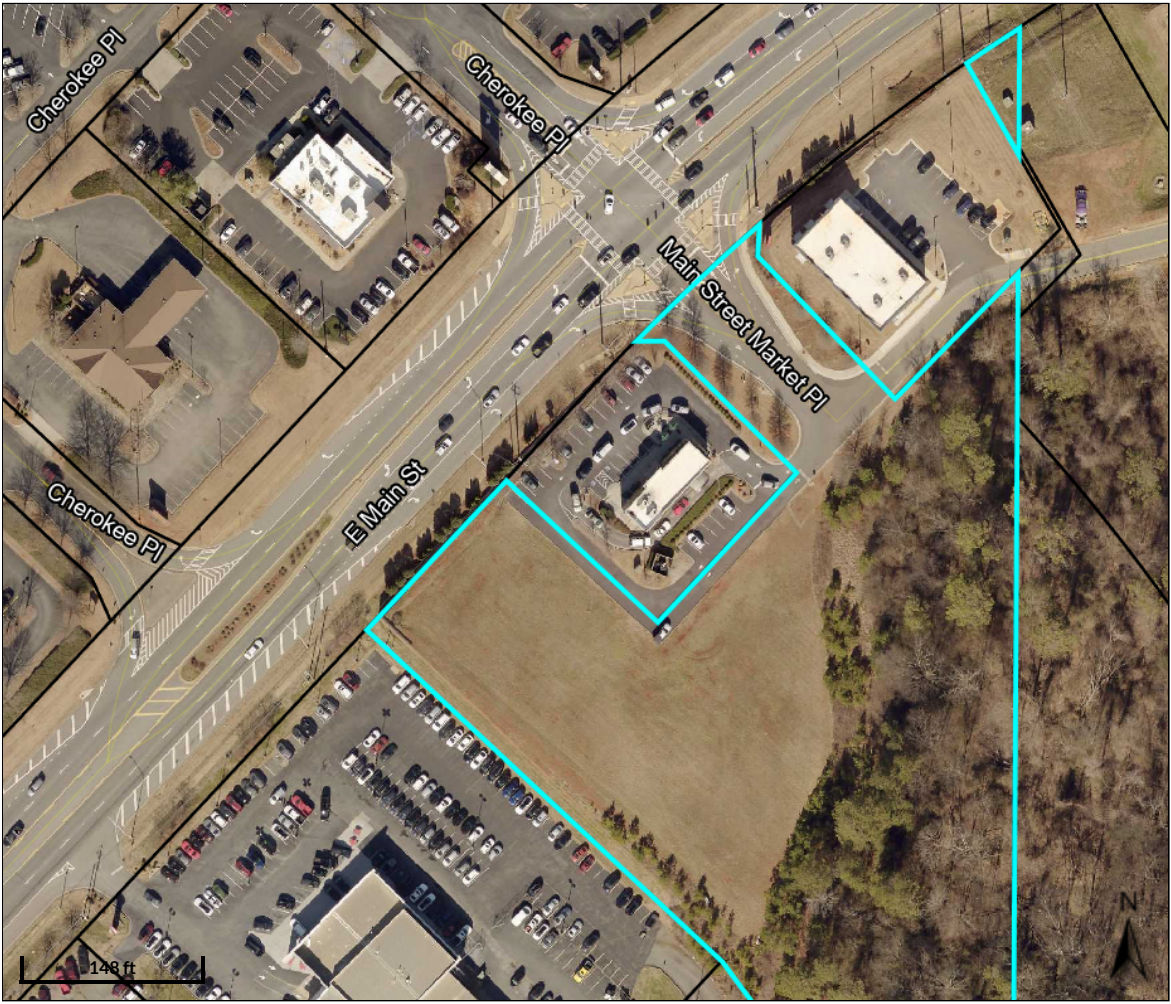
No adverse environmental impact is anticipated.

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.*

The existing Starbuck traffic flow and integrity of the retaining walls should be protected. Failure of the walls due to tree root growth would create a public safety issue.



Legend
 □ Parcels
 — Roads

Parcel ID	C005-0004-002	Alternate ID	32854	Owner Address	CONNECTOR TWO LTD
Sec/Twp/Rng	n/a	Class	Commercial		P O BOX 1708
Property Address	MAIN STREET MARKET PLACE	Acreage	16.01		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 407 LD 4 DRIVEWAY TO HONDA (Note: Not to be used on legal documents)				

Date created: 11/3/2023
 Last Data Uploaded: 11/2/2023 9:18:45 PM

Developed by  **Schneider**
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 11-9-23

5:30pm

Application Number: V23-25

Date Received: 9-7-23

Applicant Joshua Cox / Foresite Group LLC Office Phone 678-521-0257
(printed name)
Address 3740 Davinci Court, Suite 100 Mobile/ Other Phone _____
City Peachtree Corners State GA Zip 30092 Email jcox@fg-inc.net
Phone (Rep) _____
Representative's printed name (if other than applicant) _____
Representative Signature _____
Signed, sealed and delivered in presence of: _____

Notary Public

 My Commission Expires: 6-30-2027

* Titleholder Bardell Properties, INC Phone 770-386-3954
By: Kena R. Butler, its Manager
(titleholder's printed name)
Address P.O. Box 1708, Cartersville, GA, 30120 Email kenarbutler@gmail.com
Signature Kena R. Butler
Signed, sealed, delivered in presence of: _____

Notary Public



Present Zoning District G-C Parcel ID No. _____
Acreage 1.93 Land Lot(s) 407 District(s) 04 Section(s) 3
Location of Property: Undeveloped Parcel West of 605 E Main St, Cartersville, GA 30121
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: Sec. 17-66, Sec. 4-16.B. 2&3, & 20-25.3
Summary Description of Variance Request: Border Landscaping: seeking variances on landscaping strips between adjacent properties and adjacent to right-of-way

(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 <u>IV</u>	Section <u>17-66</u>	Subsection <u>border landscaping</u>
Article <u>IV</u>	Section <u>17-66</u>	Subsection <u>plantings in 5' landscape strip</u>
Article <u>IV</u>	Section <u>17-66</u>	Subsection <u>plantings in 10' landscape strip</u>

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 justification letter for detail.

09/06/2023

City of Cartersville
Planning Commission
10 N. Public Square
Cartersville, GA 30120

RE: Variance Justification Letter
Proposed Restaurant Located on Parcel # C005-0004-002

To Whom it May Concern,

On behalf of our client R.H. Ledbetter Properties, LLC, please accept this as the Justification Letter to compliment the Application for Variance. There are three (3) variances being sought, described below, and followed by the applicant's justifications.

1. Variance to Required 5' Landscaping Strips Between Properties

Regulation: Chapter 17 Article IV "Minimum Landscaping Requirements", Section 17-66 Landscaping Requirements for Parking Lots and Vehicular Use Areas: Border Landscaping: Each parking lot or vehicular use area must have planted border not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

Requested Variance: Applicant seeks variance to allow the absence of 5' wide border landscaping strips between the proposed restaurant's parking lot/vehicular use area and the adjoining Starbucks property.

Justification: The 1.93-acre subject tract shares two (2) common property lines with the adjacent 0.61-acre Starbucks parcel. One common property line runs along the centerline of the existing one-way driveway on the southwestern side of the Starbucks parcel, while the other common property line runs along the centerline of the existing two-way driveway on the southeastern side of the Starbucks parcel. It appears the Starbucks building was constructed in 2007, though we are not sure when the parcel was subdivided. It's possible that the landscape strip wasn't a requirement at the time of the permitting/platting, or perhaps it was waived. In any event, the new restaurant development does not propose to alter these existing paved drives, and as such we cannot provide a landscape strip along these property lines.

2. Variance to Planting Requirements Along 5' Landscaping Strip Between Properties

Regulation: Chapter 17 Article IV "Minimum Landscaping Requirements", Section 17-66 Landscaping Requirements for Parking Lots and Vehicular Use Areas: Border Landscaping: Each parking lot or vehicular use area must have planted border not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way. Regulation further requires "small trees from the list of trees found in section 17-71 of this ordinance shall be planted in any five (5) feet in width landscape strip along any site of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way."

Requested Variance: Applicant seeks variance to dismiss the planting requirement of small trees within the 5' wide border landscaping strip between the proposed restaurant and the adjoining Kia dealership property to the southwest.

Justification: There is an existing segmental block retaining wall that runs parallel to the common property line between the subject tract and the adjoining tract (Kia dealership) to the southwest of the property. The bottom of the wall is only a few feet off the existing property line, and as such there is no room for a 5' landscaped strip at the bottom of the wall. At the top of the wall, there is existing, compacted fill material on top of geotextile reinforcement, which provides structural stability to the wall. A planted buffer consisting of small trees could compromise the structural integrity of the compacted fill and geogrid, both during installation of the trees and through the eventual tree root penetration. It should be noted that the area behind the wall (well more than 5' in width) will be landscaped with grass and other small shrubbery or planting material as deemed appropriate by a professional landscape architect.

3. Variance to Planting Requirements along 10' Landscape Strip Along the Right-Of-Way Frontage

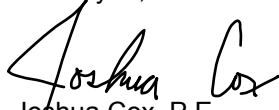
Regulation: Chapter 17 Article IV "Minimum Landscaping Requirements", Section 17-66 *Landscaping Requirements for Parking Lots and Vehicular Use Areas: Border Landscaping:* "Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines." Regulation further requires "Large trees from the list of trees found in section 17-72 of this ordinance shall be planted in any ten (10) feet in width landscape strip parallel to right-of-way lines".

Requested Variance: Applicant seeks variance to dismiss the planting requirement of large trees within the 10' wide landscaping strip along the right-of-way of East Main Street (SR 113).

Justification: There is an existing segmental block retaining wall that runs parallel to the the East Main Street right-of-way line. The bottom of the wall is only a few feet off the existing right-of-way line, and as such there is no room for a 10' landscaped strip at the bottom of the wall. At the top of the wall, there is existing, compacted fill material on top of geotextile reinforcement, which provides structural stability to the wall. A planted buffer consisting of large trees could compromise the structural integrity of the compacted fill and geogrid, both during installation of the trees and through the eventual tree root penetration. It should be noted that the area behind the wall (well more than 10' in width) will be landscaped with grass and other small shrubbery or planting material as deemed appropriate by a professional landscape architect. It should also be noted that there are existing, planted trees within the right-of-way along East Main Street (between the retaining wall and the existing sidewalk).

Please don't hesitate to contact us should any additional information be provided for these variance requests.

Thank you,



Joshua Cox, P.E.
Foresite Group, LLC

GENERAL NOTES:

- 1) ALL PROPOSED DIMENSIONS USED TO SHOW THE GEOMETRIC LAYOUT OF THE PROPOSED PARKING LOT ARE SHOWN AT THE FACE OF CURB...

SITE NOTES:

- 1) TRACT IS ZONED: <#> (INDUSTRIAL COMMERCIAL RESIDENTIAL), <#> (<OVERLAY DISTRICT>)

SITE LEGEND

- (A) 6" WIDE FIRE LANE STRIPING PAINTED TRAFFIC RED W/ "NO PARKING FIRE LANE" PAINTED WITH 4" WHITE LETTERING AT 25' O.C.

PAINTING STRIPING LEGEND

- SWSL4" - SINGLE WHITE SOLID LINE / 4" WIDE

VARIANCE #2: WAIVE SMALL TREE PLANTING REQUIREMENT WITHIN 5' LANDSCAPE STRIP.

VARIANCE #3: WAIVE LARGE TREE PLANTING REQUIREMENT WITHIN 10' LANDSCAPE STRIP

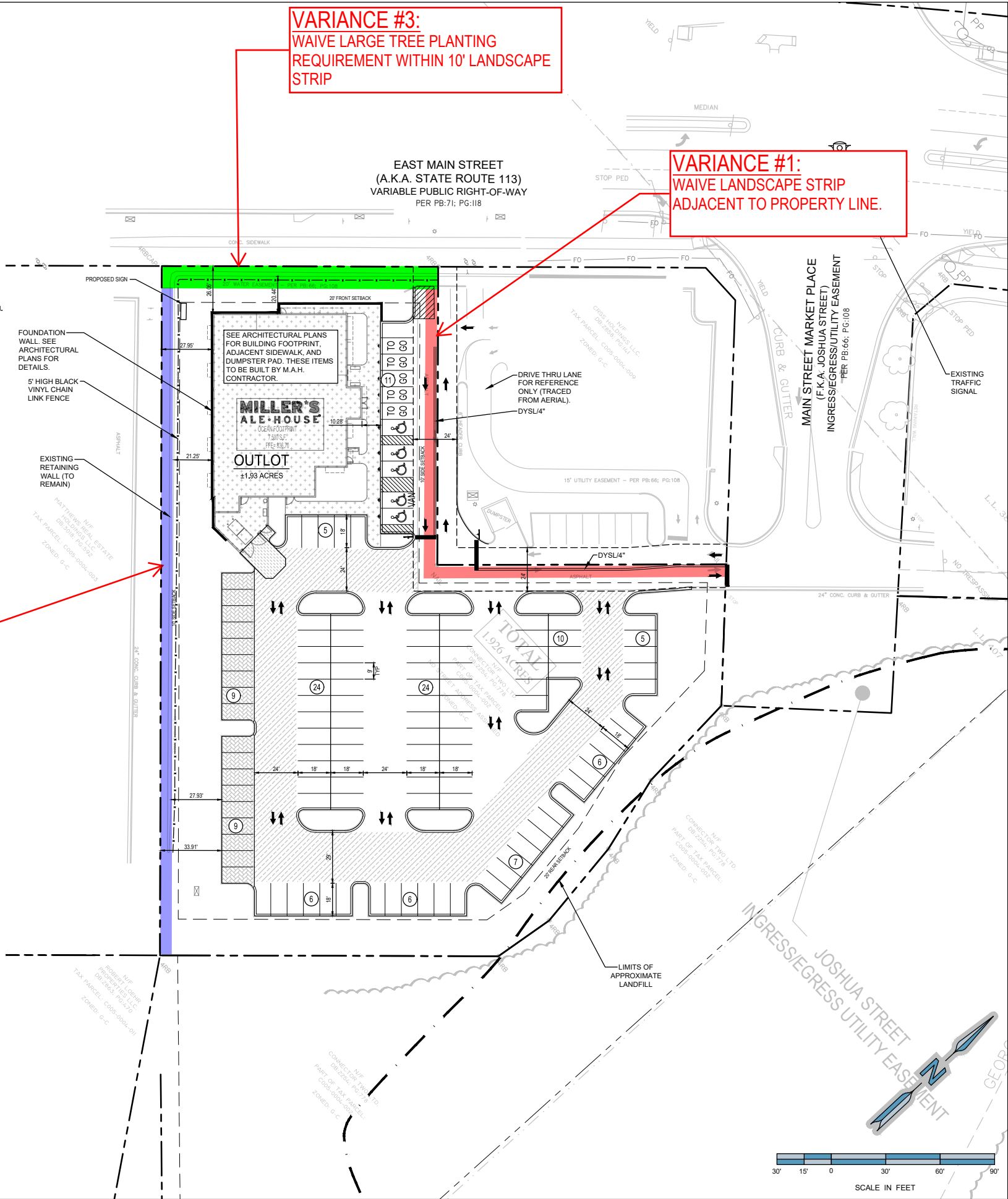
VARIANCE #1: WAIVE LANDSCAPE STRIP ADJACENT TO PROPERTY LINE.



Table with 2 columns: Item, Value. Includes SITE DATA, LEGEND FOR PROPOSED IMPROVEMENTS, and various site specifications.

LEGEND FOR PROPOSED IMPROVEMENTS

- PROPOSED BUILDING
PROPOSED CURB AND GUTTER
PROPOSED GUIDERAIL
PROPOSED CHAINLINK FENCE



ENGINEER: FORESITE group logo and contact information.

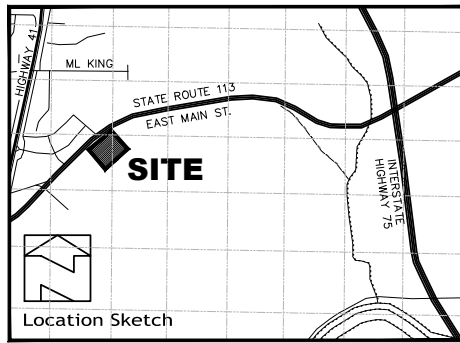
DEVELOPER: BARDELL PROPERTIES, INC. and DEVELOPMENT MANAGER: R.H. LEDBETTER PROPERTIES, LLC.

PROPOSED CURBED-IN PARKING LOT FOR MILLER'S ALE HOUSE. PROJECT: MAIN STREET MARKET PLACE CATERSVILLE, GA 30120. PARCEL # C005-0004-002.

SEAL: [Blank seal area]

Table with 2 columns: REVISIONS, DATE. Includes project manager (JWC), drawing by (SC), jurisdiction (CITY OF CARTERSVILLE, GA), date (5/12/2023), scale (1" = 30'), and title.

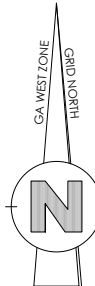
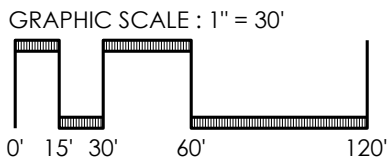
SITE PLAN C-1. SHEET NUMBER: C-1. COMMENTS: [Blank]. JOB/FILE NUMBER: 00.2045.001.



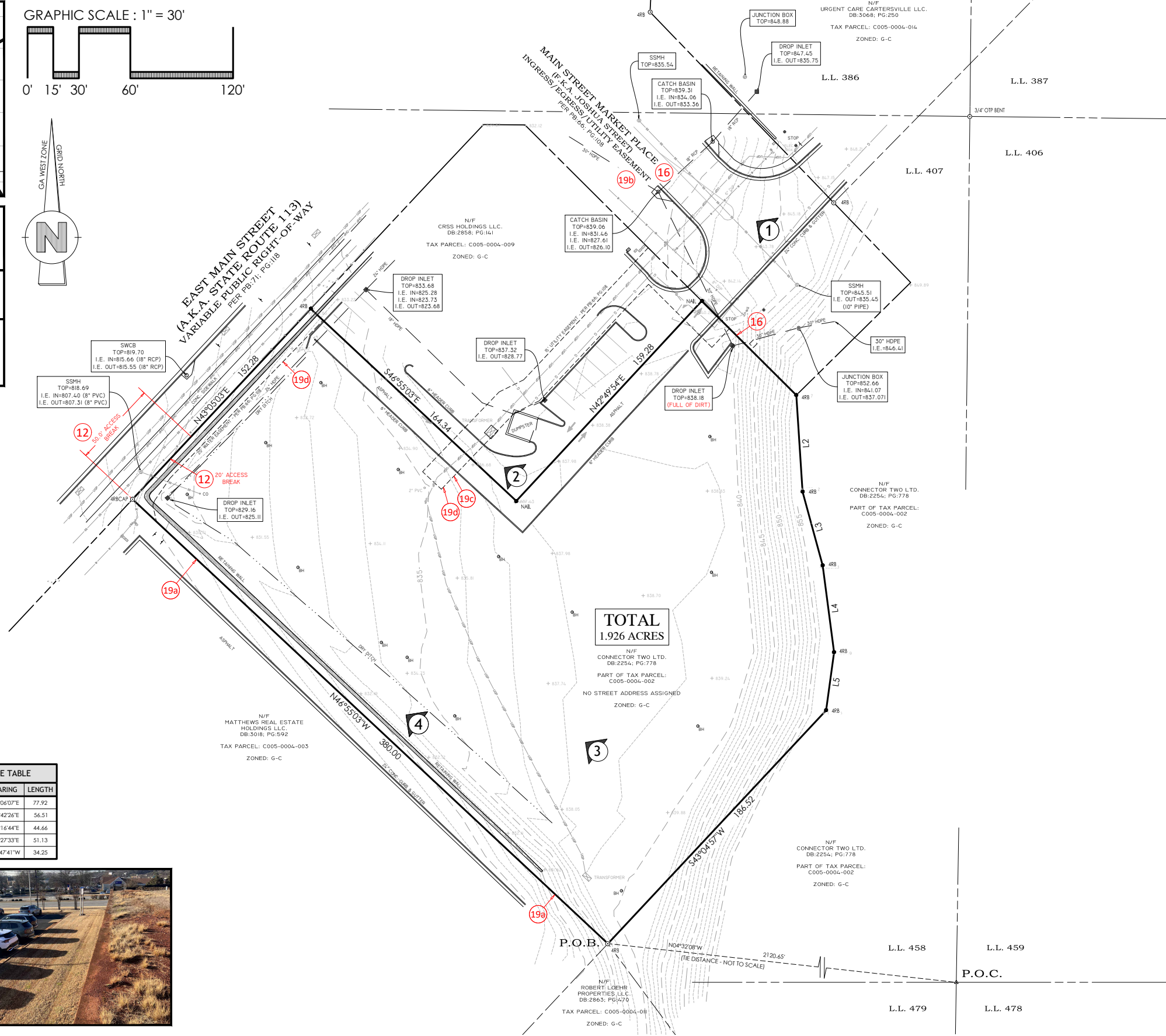
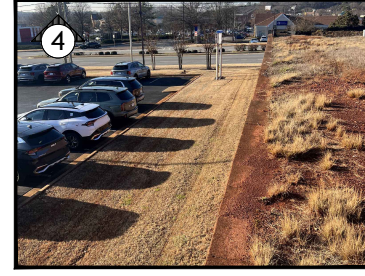
Flood Statement
 THE F.I.R.M. (FLOOD INSURANCE RATE MAP) SHOWS THE REFERENCED PARCEL TO BE IN ZONE X AND IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS. ACCORDING TO MAP NO. 13015C0266H & 13015C0267H, DATED: 10/05/2018.

Zoning Notes
 NO ZONING INFORMATION PROVIDED AS PART OF THIS TITLE COMMITMENT.

Utility Notes
 SOURCE INFORMATION FROM PLANS AND MARKINGS WERE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.



LINE	BEARING	LENGTH
L1	S45°06'07"E	77.92
L2	S03°42'26"E	56.51
L3	S15°16'44"E	44.66
L4	S07°27'33"E	51.13
L5	S07°47'41"W	34.25



SOUTHLAND ENGINEERING
 CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
 114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

DATE: JUNE 20, 2023 REV: JOB NO: 23006-7
 DATE OF FIELDWORK: JAN. 09, 2023 DR: JPC CH: KNC APP: KNC

ALTA/NSPS LAND TITLE SURVEY FOR:
CONNECTOR TWO, LTD, or its designee
LENDER - TBD
CHICAGO TITLE INSURANCE COMPANY

LOCATED in LAND LOT(S) 407, of the 4th DISTRICT, 3rd SECTION, CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

○ = IRON PIN FOUND	⊠ = DOUBLE WING CATCH BASIN	⊠ = GAS VALVE	⊠ = SEWER MANHOLE	⊠ = POWER POLE
⊠ = CONCRETE MON.FOUND	⊠ = SINGLE WING CATCH BASIN	⊠ = GAS METER	⊠ = CLEAN OUT	⊠ = GUY WIRE
⊠ = IRON PIN PLACED	⊠ = JUNCTION BOX	⊠ = TELEPHONE MANHOLE	⊠ = WATER VALVE	⊠ = ELECTRIC METER
⊠ = BENCHMARK	⊠ = CURB INLET	⊠ = ELECTRIC MANHOLE	⊠ = WATER METER	⊠ = TRANSFORMER
⊠ = PHOTO REFERENCE	⊠ = YARD INLET	⊠ = TELEPHONE PEDESTAL	⊠ = FIRE HYDRANT	⊠ = LIGHT POLE
⊠ = EXCEPTIONS	⊠ = DROP INLET	⊠ = SIGN	⊠ = IRRIGATION CONT. VALVE	⊠ = FLOW ARROW
⊠ = PARKING BOLLARD	⊠ = HEADWALL	⊠ = BENCHMARK	⊠ = WELL	⊠ = MAILBOX

— — — STORM PIPE — — — OVERHEAD PWR. — — — WATER LINE — — — COMM. LINE
 — — — SEWER PIPE — — — FENCE LINE — — — GAS LINE — — — UND. PWR.

Legal Description
 ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOT 407, OF THE 4TH DISTRICT, 3RD SECTION IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT A POINT AT THE COMMON LAND LOT CORNER OF LAND LOTS 458, 459, 478, & 479; THENCE WITH A BEARING OF N 04°32'08" W, A DISTANCE OF 210.65 FEET TO AN IRON PIN FOUND (#4 REBAR) AND THE TRUE POINT OF BEGINNING.
 FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, THENCE WITH A BEARING OF N 46°55'03" W, A DISTANCE OF 380.00 FEET TO AN IRON PIN FOUND (#4 REBAR - CAPPED) ALONG THE SOUTHEASTERN RIGHT-OF-WAY (R/W) OF EAST MAIN STREET (VARIABLE PUBLIC R/W); THENCE ALONG SAID R/W WITH A BEARING OF N 43°00'00" E, A DISTANCE OF 152.28 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE LEAVING SAID R/W WITH A BEARING OF S 46°55'03" E, A DISTANCE OF 164.34 FEET TO AN IRON PIN PLACED (NAIL); THENCE WITH A BEARING OF N 42°49'54" E, A DISTANCE OF 159.28 FEET TO AN IRON PIN PLACED (NAIL) ALONG THE SOUTHWESTERN R/W OF MAIN STREET MARKET PLACE; THENCE WITH A BEARING OF S 45°06'07" E, A DISTANCE OF 77.92 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 03°27'24" E, A DISTANCE OF 56.51 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 15°16'44" E, A DISTANCE OF 44.66 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 07°27'33" E, A DISTANCE OF 51.13 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 07°47'41" W, A DISTANCE OF 34.25 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 43°04'57" W, A DISTANCE OF 186.52 FEET TO AN IRON PIN FOUND (#4 REBAR) AND THE TRUE POINT OF BEGINNING.

Commitment no: 230788GA
Effective Date: March 21, 2023 at 12:00 AM

1. ANY DEFECT, LIEN, ENCUMBRANCE, ADVERSE CLAIM, OR OTHER MATTER THAT APPEARS FOR THE FIRST TIME IN THE PUBLIC RECORDS OR IS DISCLOSED BETWEEN THE COMMITMENT DATE AND THE DATE ON WHICH ALL OF THE SCHEDULE B, PART I—REQUIREMENTS ARE MET. - NOT A SURVEY MATTER.
 2. ANY RIGHTS OF THE PARTIES IN POSSESSION OF A PORTION OF, OR ALL OF, SAID LAND, WHICH RIGHTS ARE NOT DISCLOSED BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
 3. ANY LIEN OR RIGHT TO A LIEN FOR SERVICES, LABOR OR MATERIAL NOT SHOWN BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
 4. TAXES OR SPECIAL ASSESSMENTS WHICH ARE NOT SHOWN AS EXISTING LIENS BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
 5. ANY ENCROACHMENT, ENCUMBRANCE, VIOLATION, VARIATION OR ADVERSE CIRCUMSTANCE AFFECTING THE TITLE THAT WOULD BE DISCLOSED BY AN ACCURATE AND COMPLETE LAND SURVEY OF THE LAND AND NOT SHOWN BY THE PUBLIC RECORDS.
 6. EASEMENTS, OR CLAIMS OF EASEMENTS, NOT SHOWN BY THE PUBLIC RECORDS. - NOT A SURVEY MATTER.
 7. RIGHTS OF TENANTS, AS TENANTS ONLY IN POSSESSION OF SUBJECT PROPERTY. - NOT A SURVEY MATTER.
 8. PROPERTY TAXES, WHICH ARE A LIEN NOT YET DUE AND PAYABLE, INCLUDING ANY ASSESSMENTS COLLECTED WITH TAXES TO BE LEVIED FOR THE FISCAL YEAR 2023. - NOT A SURVEY MATTER.
 9. ANY ADDITIONAL TAXES, INTEREST AND/OR PENALTIES WHICH MAY BE ASSESSED FOR PRIOR TAX YEARS BY VIRTUE OF ADJUSTMENT, RE-APPRAISAL, RE-ASSESSMENT, APPEAL, OR OTHER AMENDMENT TO THE TAX RECORDS OF THE CITY OR COUNTY IN WHICH THE SUBJECT PROPERTY IS LOCATED. - NOT A SURVEY MATTER.
 10. ROADS, WAYS, STREAMS OR EASEMENTS, IF ANY, NOT SHOWN OF RECORD, RIPARIAN RIGHTS AND THE TITLE TO ANY FILLED-IN LANDS. - NOT A SURVEY MATTER.
 11. RIGHT OF WAY DEED FROM THE BARLAND COMPANY, A PARTNERSHIP COMPOSED OF JAMES R. DELLINGER, JR., TRUSTEE, FRED LESTER, CAROLINE L. TAYLOR AND AUBREY CORPORATION TO DEPARTMENT OF TRANSPORTATION, DATED APRIL 14, 1978, FILED JUNE 12, 1978 AND RECORDED IN DEED BOOK 328, PAGE 355, RECORDS OF THE SUPERIOR COURT OF BARTOW COUNTY, GEORGIA. - DOES NOT AFFECT.
 12. CONVEYANCE OF ACCESS RIGHTS FROM CONNECTOR TWO LTD. TO DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, DATED NOVEMBER 6, 1990, FILED NOVEMBER 9, 1990 AND RECORDED IN DEED BOOK 666, PAGE 615, AFORESAID RECORDS. - CONVEYANCE SHOWS 50' ACCESS BREAK ALONG EAST MAIN STREET. AFFECTS AS SHOWN.
 13. INDEMNITY AGREEMENT BY AND BETWEEN CONNECTOR TWO, LTD. AND THE GEORGIA DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF GEORGIA, DATED NOVEMBER 13, 1991, FILED DECEMBER 4, 1991 AND RECORDED IN DEED BOOK 704, PAGE 554, AFORESAID RECORDS. - AGREEMENT PROVIDES IRREVOCABLE EIGHTY-FIVE FOOT ENCROACHMENT ONTO RIGHT-OF-WAY OF STATE ROUTE 113. LOCATION OF SAID ENCROACHMENT NOT SHOWN. UNABLE TO DETERMINE IF OR HOW IT AFFECTS THE SUBJECT PROPERTY.
 14. DECLARATION OF EASEMENTS AND COVENANTS BY CONNECTOR TWO, LTD., A GEORGIA LIMITED PARTNERSHIP, DATED JANUARY 16, 2007, FILED JANUARY 24, 2007 AND RECORDED IN DEED BOOK 293, PAGE 304, AFORESAID RECORDS. AS MAY BE FURTHER AMENDED AND/OR SUPPLEMENTED. - VARIOUS EASEMENTS FOR UTILITIES, CROSS PARKING, ACCESS, ETC. AND PROHIBITED USE COVENANTS. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
 15. DECLARATION OF COVENANTS AND RESTRICTIONS BY CONNECTOR TWO, LTD., DATED APRIL 12, 2007, FILED APRIL 18, 2007 AND RECORDED IN DEED BOOK 281, PAGE 435, AFORESAID RECORDS. AS MAY BE FURTHER AMENDED AND/OR SUPPLEMENTED. - VARIOUS COVENANTS AND RESTRICTIONS. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
 16. DEED OF DEDICATION FOR EASEMENTS, BETWEEN CONNECTOR TWO LTD AND CITY OF CARTERSVILLE, A MUNICIPAL CORPORATION OF THE STATE OF GEORGIA, DATED APRIL 19, 2007, FILED APRIL 24, 2007 AND RECORDED IN DEED BOOK 284, PAGE 180, AFORESAID RECORDS. - DEDICATION OF JOSHUA STREET (CURRENTLY KNOWN AS MAIN STREET MARKET PLACE) FOR PERPETUAL EASEMENT. AFFECTS AS SHOWN.
 17. DECLARATION OF DRAINAGE EASEMENT BY FORTY-ONE CONNECTOR, LTD., A GEORGIA LIMITED PARTNERSHIP, DATED AUGUST 16, 2008, FILED AUGUST 17, 2008 AND RECORDED IN DEED BOOK 302, PAGE 584, AFORESAID RECORDS. AS MAY BE FURTHER AMENDED AND/OR SUPPLEMENTED. - DRAINAGE EASEMENT FOR REGIONAL STORM WATER DETENTION. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
 18. DECLARATION OF EASEMENTS AND COVENANTS BY CONNECTOR TWO, LTD., A GEORGIA LIMITED PARTNERSHIP AND 10 MAIN ST LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED AUGUST 20, 2018, FILED AUGUST 29, 2018 AND RECORDED IN DEED BOOK 3030, PAGE 429, AFORESAID RECORDS. - VARIOUS EASEMENTS FOR UTILITIES, CROSS PARKING, ACCESS, ETC. AND PROHIBITED USE COVENANTS. AFFECTS, BLANKET IN NATURE. NOT PLOTTABLE.
 19. ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON THE FOLLOWING PLATS, ALL AFORESAID RECORDS:
 A. PLAT BOOK 30, PAGE 296. - DEFINES SOUTHWEST LINE OF SUBJECT PROPERTY. AFFECTS AS SHOWN.
 B. PLAT BOOK 49, PAGE 95. - DEFINES UTILITY/INGRESS/EGRESS EASEMENT KNOWN AS JOSHUA STREET. AFFECTS AS SHOWN.
 C. PLAT BOOK 66, PAGE 77, AND - SHOWS 15' UTILITY EASEMENT EXTENDING ONTO SUBJECT PROPERTY. AFFECTS AS SHOWN.
 D. PLAT BOOK 66, PAGE 108 - SHOWS 10' UTILITY EASEMENT EXTENDING ONTO SUBJECT PROPERTY AND 20' WATER EASEMENT ALONG EAST MAIN STREET. AFFECTS AS SHOWN.

Surveyor's Certification
 I, KEVIN N. COONEY, A REGISTERED LAND SURVEYOR IN THE STATE OF GEORGIA OF THE FIRM OF SOUTH AND ENGINEERING, INC., CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA (PHONE - (770) 387-0440), HEREBY CERTIFY TO CONNECTOR TWO, LTD., OR ITS DESIGNEE, **LENDER, & CHICAGO TITLE INSURANCE COMPANY** THAT THE PREMISES SHOWN HEREON IS A TRUE AND CORRECT PLAT OF THE PROPERTY DESCRIBED HEREON, THAT THE BUILDINGS THEREON ARE LOCATED WITH RESPECT TO PROPERTY BOUNDARIES AS SHOWN. THE SURVEY WAS PREPARED TO INCLUDE 2021 ALTA TAXABLE ITEMS 1, 2, 3, 4, 6(A), 7(A), 7(B)(1), 7(C), 8, 9, 10, 11(A), 13, 16, 17, 18, AND 19. I FURTHER CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AS ARE CURRENTLY AVAILABLE AND HAVE FOUND THAT THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

WITNESS MY HAND THIS _____ DAY OF _____, 2022.

KEVIN N. COONEY, P.L.S. - GA REG. NO. 2980



General Notes

- THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS COLLECTED USING NETWORK ADJUSTED RTK GPS WITH POSITIONAL ACCURACIES OF +/- 0.07' VERTICAL AND +/- 0.05' HORIZONTAL.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 1452,100 FEET.
- EQUIPMENT USED: TOPCON 3005W TOTAL STATION, EGPS 20T BASE AND ROVER, WITH DATA COLLECTOR.
- RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.
- THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS.
- DISTANCES SHOWN ON THIS PLAT ARE GROUND DISTANCES.
- UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES MAY VARY AND UTILITIES NOT SHOWN ON THIS SHEET MAY EXIST ON THIS SITE.
- THE SURVEYED LAND IS A LAWFULLY CREATED PARCEL AND HAS BEEN SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE LAWS, STATUTES, ORDINANCES, AND REGULATIONS INCLUDING WITHOUT LIMITATION APPLICABLE SUBDIVISION ORDINANCES.
- THE SURVEYED PROPERTY IS THE SAME PROPERTY DESCRIBED IN TITLE COMMITMENT NO. 230788GA WITH A DATE OF MARCH 21, 2023 AT 12:00 AM.
- AT TIME OF SURVEY, NO BUILDINGS OR PARTY WALLS EXIST ON THE SUBJECT PROPERTY.
- AT TIME OF SURVEY, NO PARKING SPACES EXIST ON THE SUBJECT PROPERTY.
- AT TIME OF SURVEY, THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP, OR SANITARY LAND FILL.
- AT TIME OF SURVEY, THERE WAS NO RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.
- AT TIME OF SURVEY, THERE WERE NO KNOWN PROPOSED CHANGES IN STREET RIGHT-OF-WAY LINES OR EVIDENCE RECENT STREET OR SIDEWALK REPAIRS OBSERVED IN THE PROCESS OF CONDUCTING THE FIELDWORK.

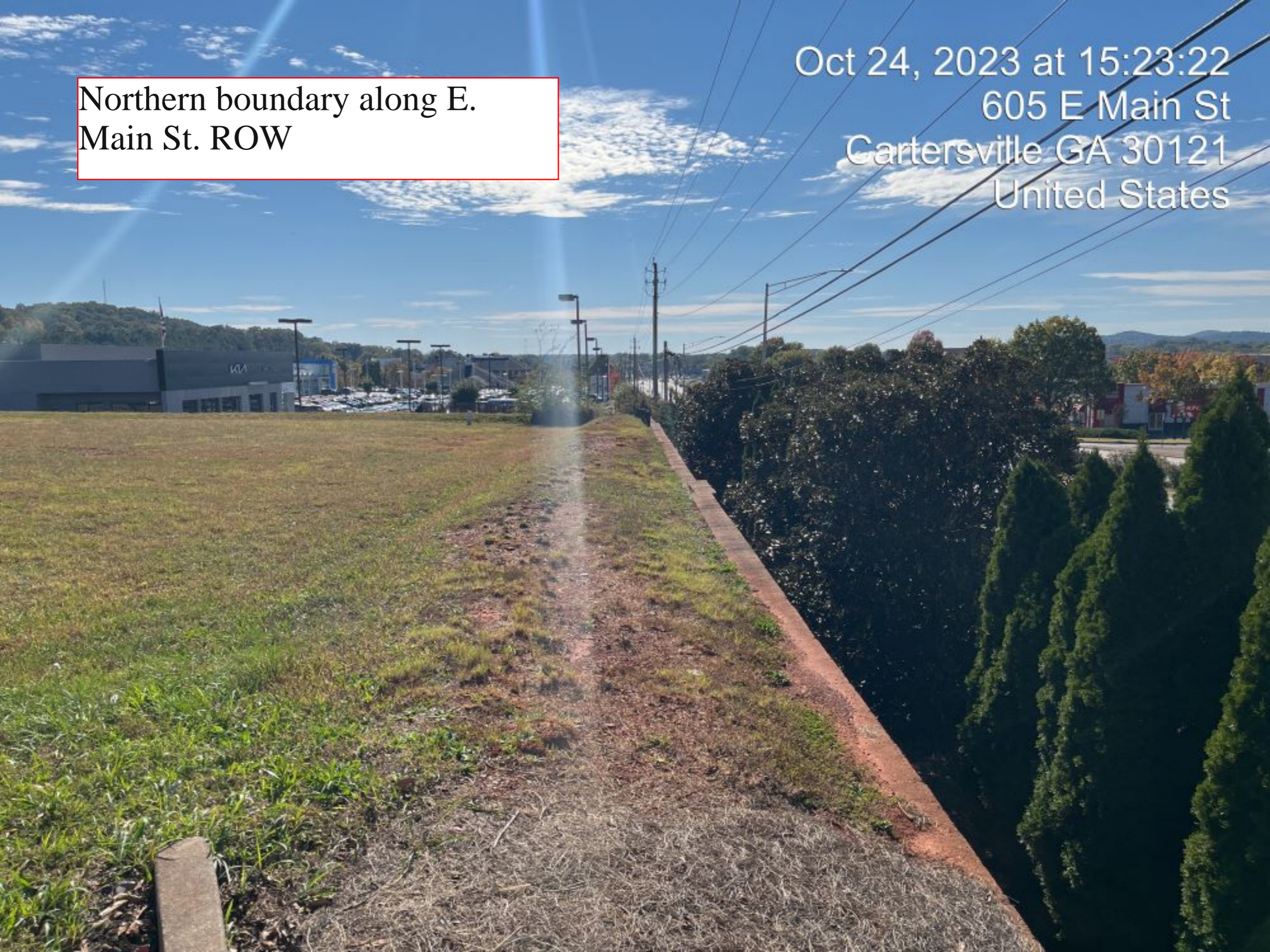
Eastern boundary along Starbucks
travel lane

Oct 24, 2023 at 15:22:41
605 E Main St
Cartersville GA 30121
United States



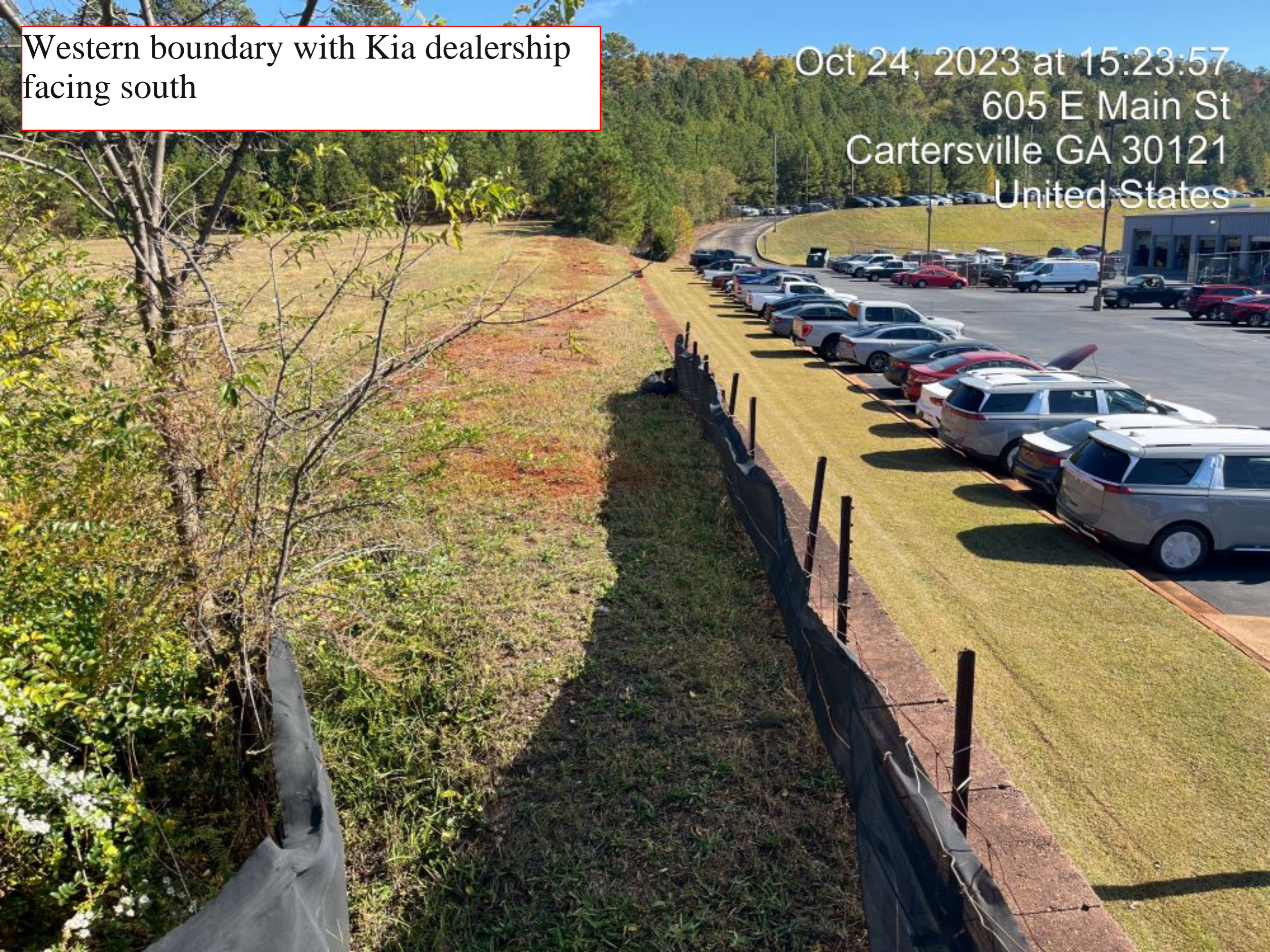
Northern boundary along E.
Main St. ROW

Oct 24, 2023 at 15:23:22
605 E Main St
Cartersville GA 30121
United States



Western boundary with Kia dealership
facing south

Oct 24, 2023 at 15:23:57
605 E Main St
Cartersville GA 30121
United States



Western boundary with Kia dealership
facing north

Oct 24, 2023 at 15:24:55
605 E Main St
Cartersville GA 30121
United States



Oct 6, 2023 at 12:45:00
605 E Main St
Cartersville GA 30121
United States


VARIANCE NOTICE
CASE NO. V23-25

APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.

A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30 PM. ON 11-9-2023

FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
DEVELOPMENT AT 770-387-5600