



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: September 1, 2023
Re: File # V23-23

Summary: To allow an accessory structure (performance patio) in the front yard of a corner lot.

Section 1: Project Summary

Variance application by applicant, Bartow County Library System, for property located at 429 W. Main St, zoned P-I (Public Institutional). Parcel ID No. C007-0002-003. Setbacks are Front- 20ft. and Side- 10ft. Said property contains approximately 5.05 acres.

The applicant proposes to construct a 34ft. x 46ft. accessory structure (i.e. performance patio/ patio) in the front yard near School Street. It will be sited just north of the grove of trees taking advantage of the large green space beside School Street. The patio will be a brick structure approximately 24in. in height at the corner closest to School St. and diminishing into grade closer to the library as determined by the sloping topography. Ramps will be provided on either side for access.

The patio will be located approx. 39ft from the back of the School St. sidewalk and aligned with a rear edge of the library building. The back of sidewalk is the approximate property line location. The patio is approx. 19ft. behind the 20ft. front yard setback.

A wooden arbor along the back side of the patio nearest the tree grove, approx. 8ft. in height, is shown on the elevation detail and plan for the patio, but this may be a design option. Clarification needed.

The zoning ordinance, Sec. 4.9, requires accessory structures to be in the side yard; however, parking lots for the library occupy the side yards.

The variance request is for the following:

1. To allow an accessory structure (performance patio) in the front yard of a corner lot.(Sec. 4.9, Accessory Structures)

Section 2. Department Comments

Electric Department: CES takes no exception to the variance case #V23-23.

Additionally, please note that any power needs that occur at the patio shall be supplied by the existing service to the library.

Fibercom: No comments received.

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 received as of 8/17/2023.

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. 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.

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.

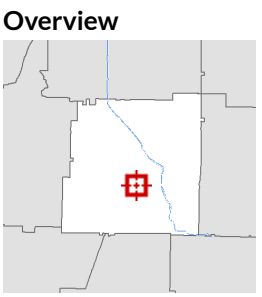
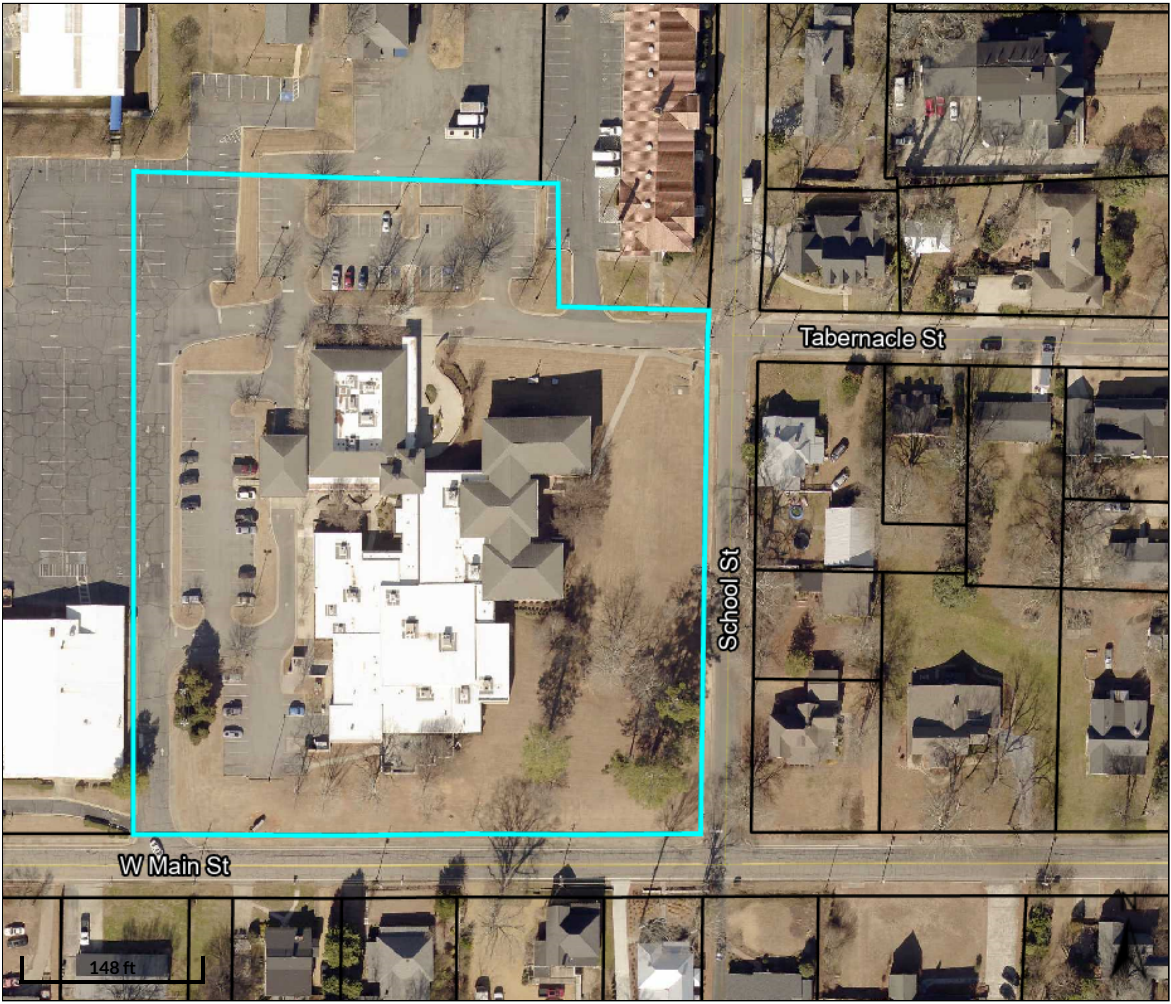
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create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

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 would gain an event and educational space for planned library functions.
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 should not have an adverse effect on the existing use or usability of adjacent or nearby property. As this project has evolved over the last 12 months, neighbors have expressed concerns over the hours of use and programming for the space. This is a different issue than the variance request.
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.



- Legend**
- Parcels
 - Roads
 - Flood Hazard Area**
 - Bartow Regulatory
 - FEMA

Parcel ID	C002-0007-003	Alternate ID	32155	Owner Address	CITY OF CARTERSVILLE
Sec/Twp/Rng	n/a	Class	Exempt		PO BOX 1390
Property Address	429 W MAIN ST	Acres	5.05		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 484 D 4 Bartow County Public Library				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 9/6/2023
 Last Data Uploaded: 9/5/2023 9:01:54 PM




City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 9-14-23
~~9/20/2022~~

5:30pm

Application Number: V23-23

Date Received: 9-20-22

Applicant <u>Bartow County Library System</u> <small>(printed name)</small>	Office Phone <u>770-382-5657</u>
Address <u>429 West Main St.</u>	Mobile/ Other Phone _____
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>carmen@bartowlibrary.org</u>
<u>Carmen Sims</u> Representative's printed name (if other than applicant)	Phone (Rep) <u>770-382-5657, ext. 123</u>
_____	Email (Rep) _____
<u>Carmen Sims</u> Representative Signature	_____
Signed, sealed and delivered in presence of: _____	My commission expires: <u>9-28-2024</u>
<u>Tiffany Dotson</u> Notary Public	

* Titleholder <u>City of Cartersville</u> <small>(titleholder's printed name)</small>	Phone <u>770-387-5607</u>
Address <u>10 N Public Square</u>	Email _____
Signature _____	
Signed, sealed, delivered in presence of: _____	My commission expires: _____

Notary Public	

Present Zoning District <u>P-I</u>	Parcel ID C002-0007-003
Acreage <u>5.05</u> Land Lot(s) <u>484</u>	District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>429 West Main St., Cartersville, GA 30120</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: _____	
Summary Description of Variance Request: <u>To allow an accessory structure in the front yard of a corner lot per Section 4.9 of the zoning ordinance.</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 IV 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. X 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. X The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: to allow an accessory structure in the front yard of a corner lot per Section 4.9 of the zoning ordinance.



W. Enoch St

W. Main St

Charlotte Dynamics

Tabernacle St

429 W Main St

Charlotte Public Library

School St

Fire Living Center

6th St

W Main St

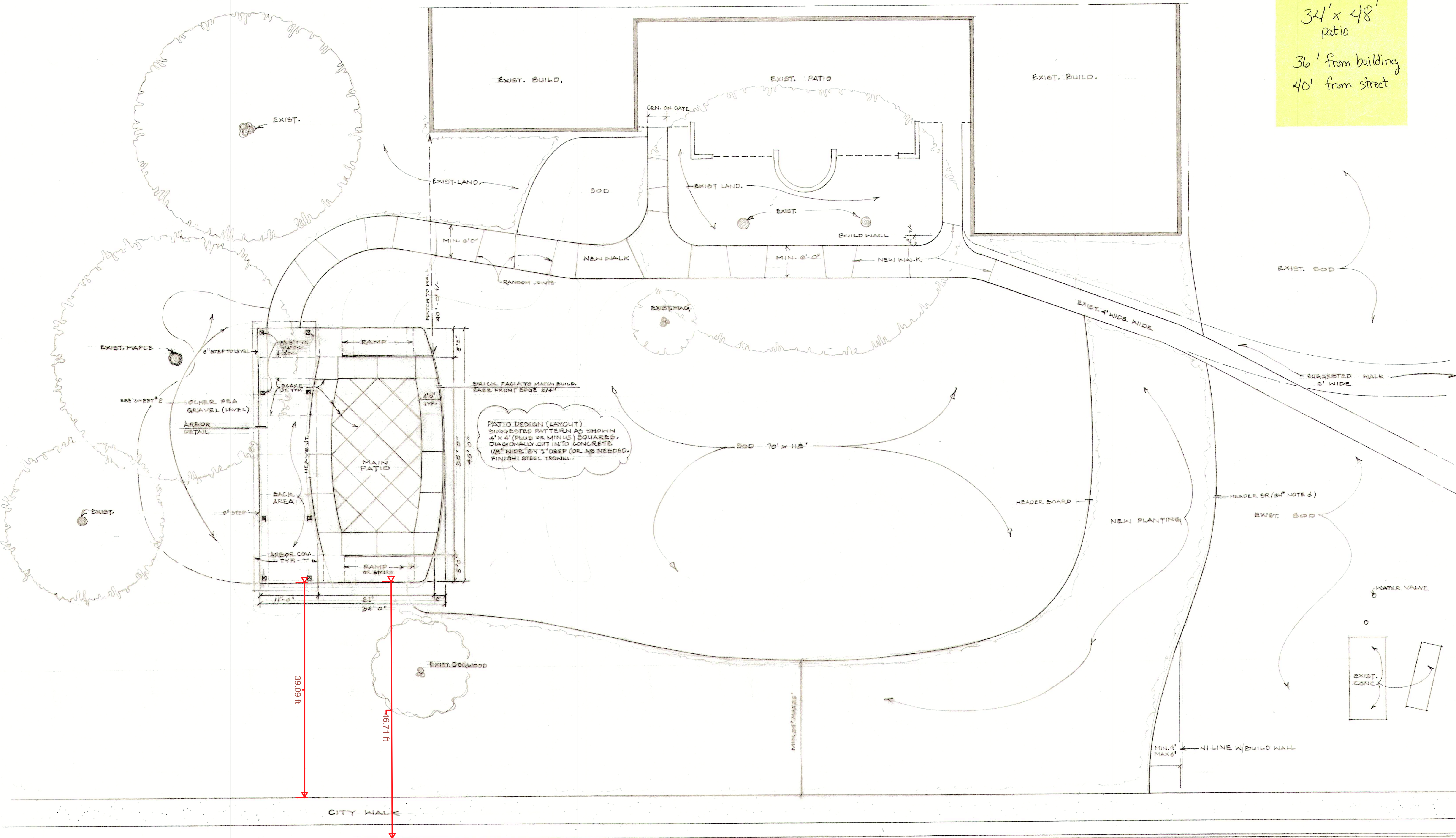
Patio

Google Earth

1985

34°09'48.23" N 84°48'18.07" W elev 773 ft eye alt 1712 ft

34' x 48' patio
 36' from building
 40' from street



PATIO DESIGN (LAYOUT)
 SUGGESTED PATTERN AS SHOWN
 4' X 4' (PLUS OR MINUS) SQUARES,
 DIAGONALLY CUT INTO CONCRETE,
 1/8" WIDE BY 1" DEEP (OR AS NEEDED),
 FINISH: STEEL TROWEL.

- GENERAL NOTES**
- 1. ARBOR: SEE ADDITIONAL SHEETS (C).
 - 2. CONCRETE: MIN. 3 1/2" DEEP, W/ 6x6 # WIRE & 2"x2" OC #4 BAR. (SEE SHEET C--)
 - 3. FOR FOOTING & CONCRETE BEAM DETAILS. NOTE, REAR AREA CONCRETE FINISH TO STEEL W/LIGHT BROOM. ALSO RAMPS BOTH ENDS. MAIN PATIO STEEL TROWEL FINISH.

NORTH (APP.)
 PLAN SCALE 1" = 8'-0"

PHILIP ADLIN / PLANNER
 CARTERSVILLE, GA.
 770-334-8375 / philadlin@comcast.net

PERFORMANCE PATIO ART IN BARTOW
 CARTERSVILLE PUBLIC LIBRARY

DATE
 FEB 1 2013

SCALE
 1" = 8'-0"

DR. BY
 PA [signature]

SHEET NO.
 1
 1 OF 2



PERFORMANCE PATIO AREA
SCALE 1" = 4'-0" DEC/22

DR & DESIGN PHILP ADLIN

Images Taken 8-18-23



View South to Performance Patio location on Library Property.





View West to Library from School St. sidewalk in front of Performance Patio location (left).



View north from Performance Patio location across greenspace



View West along W. Main St. at School St.



View West along W. Main St. at School St.

Image Taken 8-15-23

