



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: May 3, 2023
Re: File # V23-09

Summary: To allow an Accessory Structure (detached garage) in the front yard of a corner lot.

Section 1: Project Summary

Variance application by owner/applicant Calvin Evans for property located at 32 Cassville Road, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 4.25 acres. The lot is a corner lot with road frontages and front yards along Cassville Rd. and Charles St.

The location of the detached garage was previously home to a carriage house original to the historic home from the early 1900's. Upon inspection it was decided that the carriage house could not be salvaged due to structural issues, and demolition occurred. The applicant is constructing the new garage in the same location as the old carriage house. The zoning ordinance for corner lot accessory structures, Sec. 4.9, requires accessory structures to be installed within a side yard while complying with the side yard setback for the district.

The current location of the detached garage is in the front yard along Charles Street, but does not encroach into the Charles St. right-of-way, is behind the 20ft front yard setback, and is located behind the 10ft side yard setback.

The City Historic Preservation Commission approved the construction of the new detached garage on April 18, 2023 (COP23-13). A copy of the approval letter is included.

The variance request is for the following and per the submitted site plan sketch:

1. To allow a detached garage to be placed in the front yard of a corner lot.

Section 2. Department Comments

Electric Department: The Electric System takes no exception.

Fibercom: No comments received.

Fire Department: CFD takes no exceptions to the variance request for the property located at 32 Cassville Rd. to allow a detached garage in the front yard of a corner lot provided all city adopted codes and ordinances are followed.

Gas Department: 4/20/23: In response to your following email and attachment, the Gas System takes no exception provided the new structure is preferably 10' from the existing natural gas service line, but a minimum of 5'.

From JB Hudson email dtd 5-4-23: The gas dept. Came by 32 Cassville and confirmed that the gas line was greater than 20' away from foundation

Public Works Department: Takes no Exception

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

No comments received as of 5/3/2023.

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. 4.16. - Accessory uses, buildings or structures.

- A. 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.
- B. 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.

- C. 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.
- D. 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.
- E. 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.
- F. 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. *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.*



Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120

April 20, 2023

Calvin Evans
32 Cassville Rd
Cartersville, GA 30120

RE: COP23-13 – Accessory structure demolition and reconstruction

Mr. Evans,

This letter confirms the outcome of the Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 32 Cassville Rd. On April 18, 2023, the HPC **approved** the following items listed in the HPC Application and/or requested at the meeting:

Project Description:

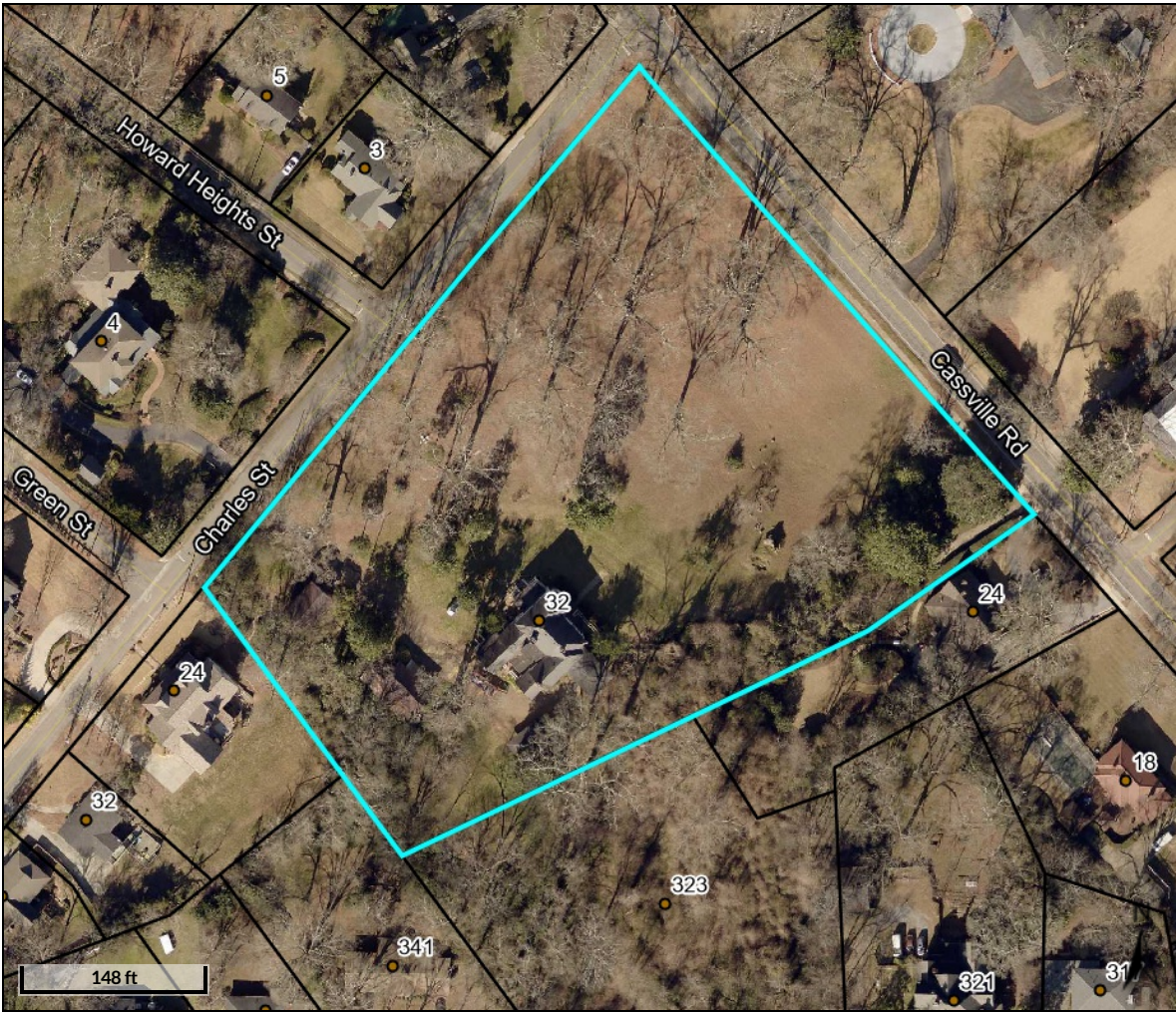
1. Demolish approx. 20ft x 30ft. historic carriage house.
2. Construct a new detached garage in place of the carriage house, approx. 20ft. x 30ft.
3. Add concrete slab on grade.
4. Walls to be brick, painted.
5. Roof to be slate to match house. Roof pitch: 14/12.
6. Add cast stone corbels to corners.
7. Add (2) 9ft. x 7ft. wood, carriage style doors on south side.
8. Add (1) ¾ light, wood standard door on east side.
9. Add metal awning over door on east side.
10. Add (2) simulated divided light, wood windows 26" x 50", to north side. Pain config. 2x3.
11. Add (1) simulated divided light, wood windows window, 26" x 50", to west side. Pain config. 2x3.

If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

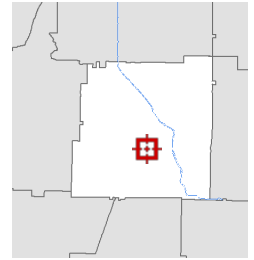
If you have any questions please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

David Hardegree, AICP
City Planner
770-387-5614
dhardegree@cityofcartersville.org



Overview



Legend

- Parcels
- Structural Numbers**
- Abandoned or Inactive
- Active
- Proposed
- <all other values>
- Roads

| | | | |
|------------------------------|-----------------|----------------------|------------------------|
| Parcel ID | C002-0016-007 | Alternate ID | 32251 |
| Sec/Twp/Rng | n/a | Class | Residential |
| Property Address | 32 CASSVILLE RD | Acreeage | 4.25 |
| District | Cartersville | Owner Address | EVANS CALVIN H & TAMMY |
| Brief Tax Description | LL452-3 LD4 | | PO BOX 1505 |
| | | | CARTERSVILLE, GA 30120 |

(Note: Not to be used on legal documents)

Date created: 4/12/2023
 Last Data Uploaded: 4/11/2023 8:50:33 PM


Developed by **Schneider**
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 5/11/23 5:30pm

Application Number: V23-09

Date Received: 3-30-23

| | |
|---|---|
| Applicant <u>Calvin Evans / c/o Brandon Bowen</u> Office Phone <u>770/387-1373</u> | |
| (printed name) | |
| Address <u>15 S. Public Sq.</u> | Mobile/ Other Phone <u>404/680.5087</u> |
| City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u> Email <u>bbowen@jswpp.com</u> | |
| <u>Brandon Bowen</u> | Phone (Rep) _____ |
| Representative's printed name (if other than applicant) | Email (Rep) _____ |
|  | _____ |
| Representative Signature | Applicant Signature |
| Signed, sealed and delivered in presence of: | My commission expires: |
| _____ | _____ |
| Notary Public | |

| | |
|---|------------------------|
| * Titleholder <u>Calvin Evans</u> Phone _____ | |
| (titleholder's printed name) | |
| Address <u>32 Cassville Rd.</u> Email _____ | |
| Signature _____ | |
| Signed, sealed, delivered in presence of: | My commission expires: |
| _____ | _____ |
| Notary Public | |

| |
|--|
| Present Zoning District <u>Chevoke-Cassville HD. / R.20</u> Parcel ID No. <u>C002-0016-007</u> |
| Acreage <u>4.25</u> Land Lot(s) <u>453</u> District(s) <u>4</u> Section(s) _____ |
| Location of Property: <u>32 Cassville Rd.</u> |
| (street address, nearest intersections, etc.) |
| Zoning Section(s) for which a variance is being requested: <u>4.9.</u> |
| Summary Description of Variance Request: <u>Front setback ^{variance} requested to rebuild</u> |
| <u>accessory structure</u> |
| (Additional detail can be provided on Justification Letter) |

*** Attach additional notarized signatures as needed on separate application pages.**

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article 14 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: This variance is to allow applicant to rebuild detached garage / carriage house that was not structurally sound.

JENKINS, BOWEN & WALKER, P.C.

ATTORNEYS AT LAW

FRANK E. JENKINS, III
BRANDON L. BOWEN
ROBERT L. WALKER
ERIK J. PIROZZI
ELLIOT T. NOLL
C. KIMBERLY PRINE
MARK J. BLOUNT

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www.jbwpc.com

March 30, 2023

VIA HAND DELIVERY

Mr. David Hardegree
City Planner
City of Cartersville

RE: 32 Cassville Road

Dear David,

As you know, the existing carriage house at 32 Cassville failed during the construction work on the property. Mr. Evans wishes to rebuild the structure in the manner shown on the attached drawings. I understand from you that both a certificate of appropriateness and variance is required for that work to be completed. As the plans show, Mr. Evans desires to rebuild the structure in a manner that is both consistent with the traditional use of the property and the historic design elements of the historic district, and we believe it would be both unreasonable and unconstitutional to deny these applications. I am enclosing both an application for HPC certificate of appropriateness and BZA variance application, along with the required fees for application and notice.

Thank you for your assistance.

Very truly yours,

JENKINS, BOWEN & WALKER, P.C.

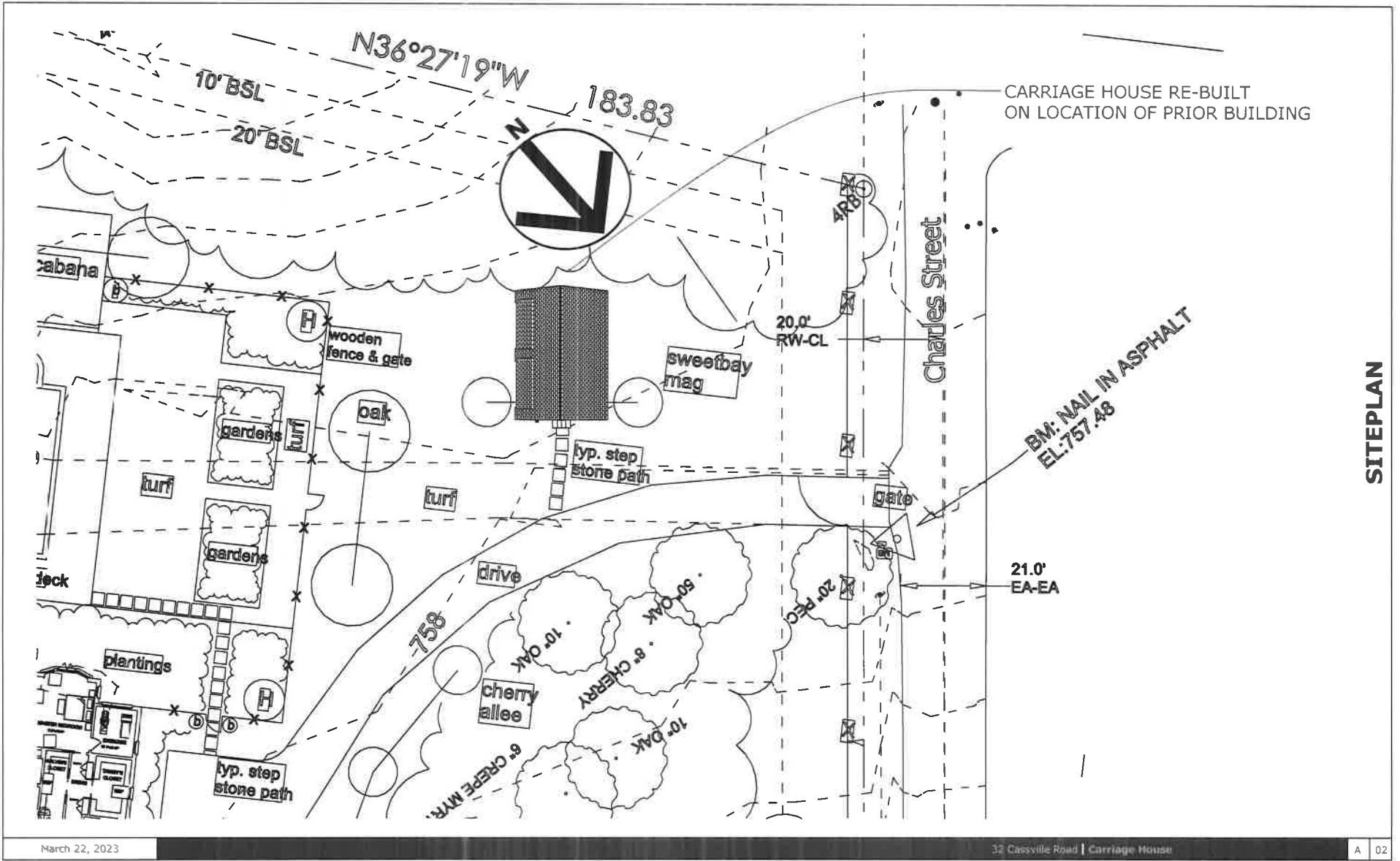


Brandon L. Bowen

Enclosures

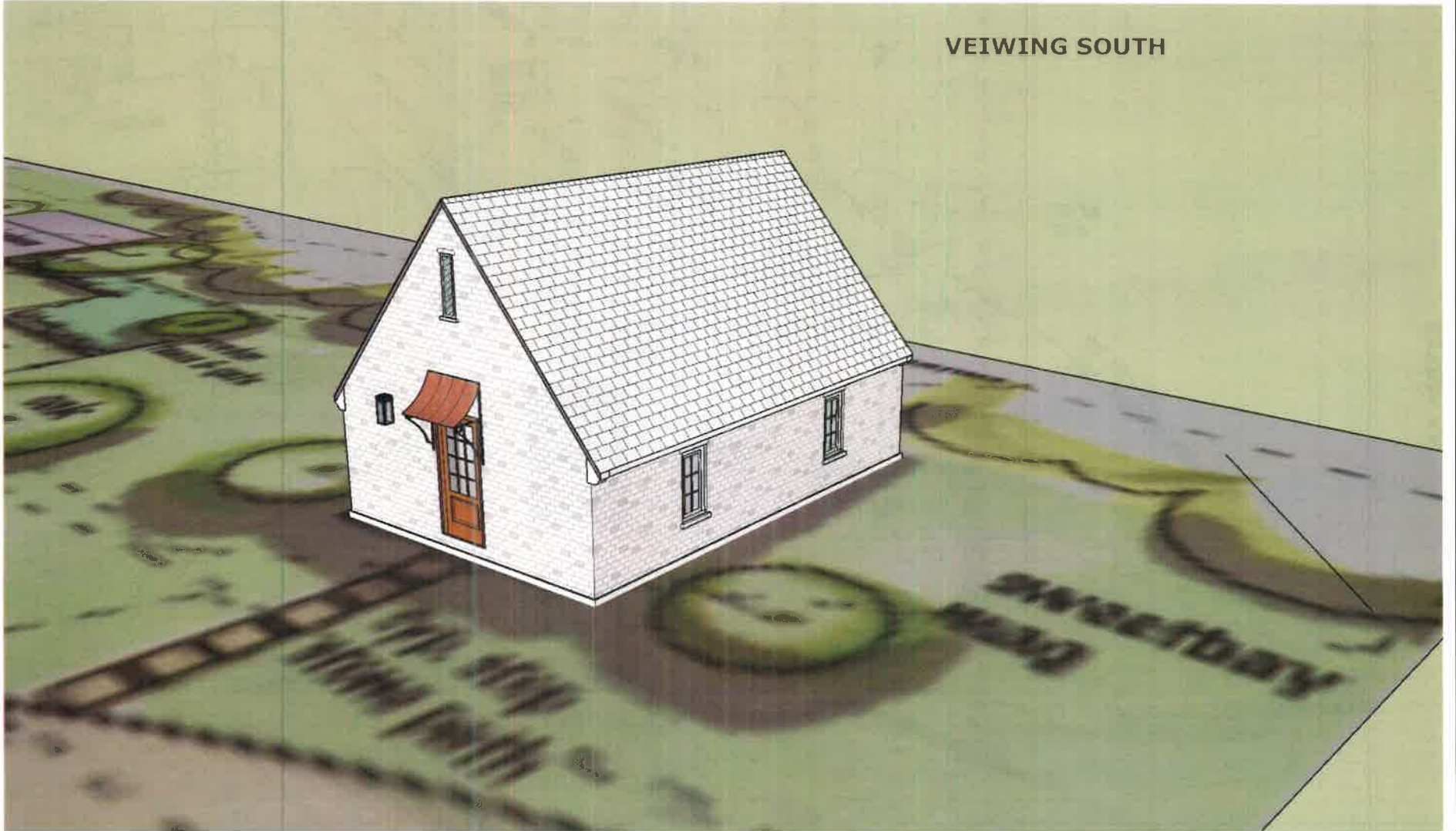




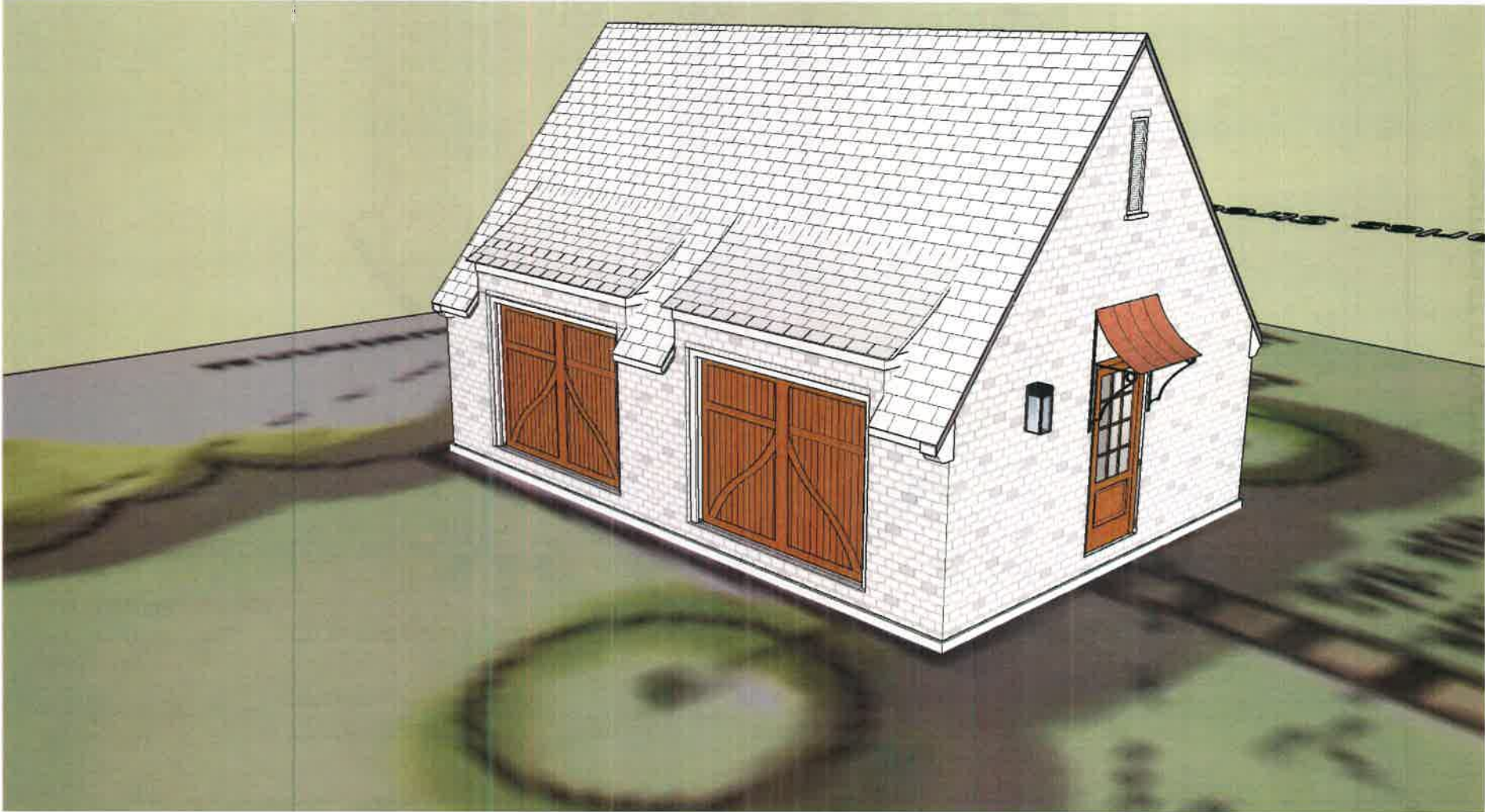


SITEPLAN

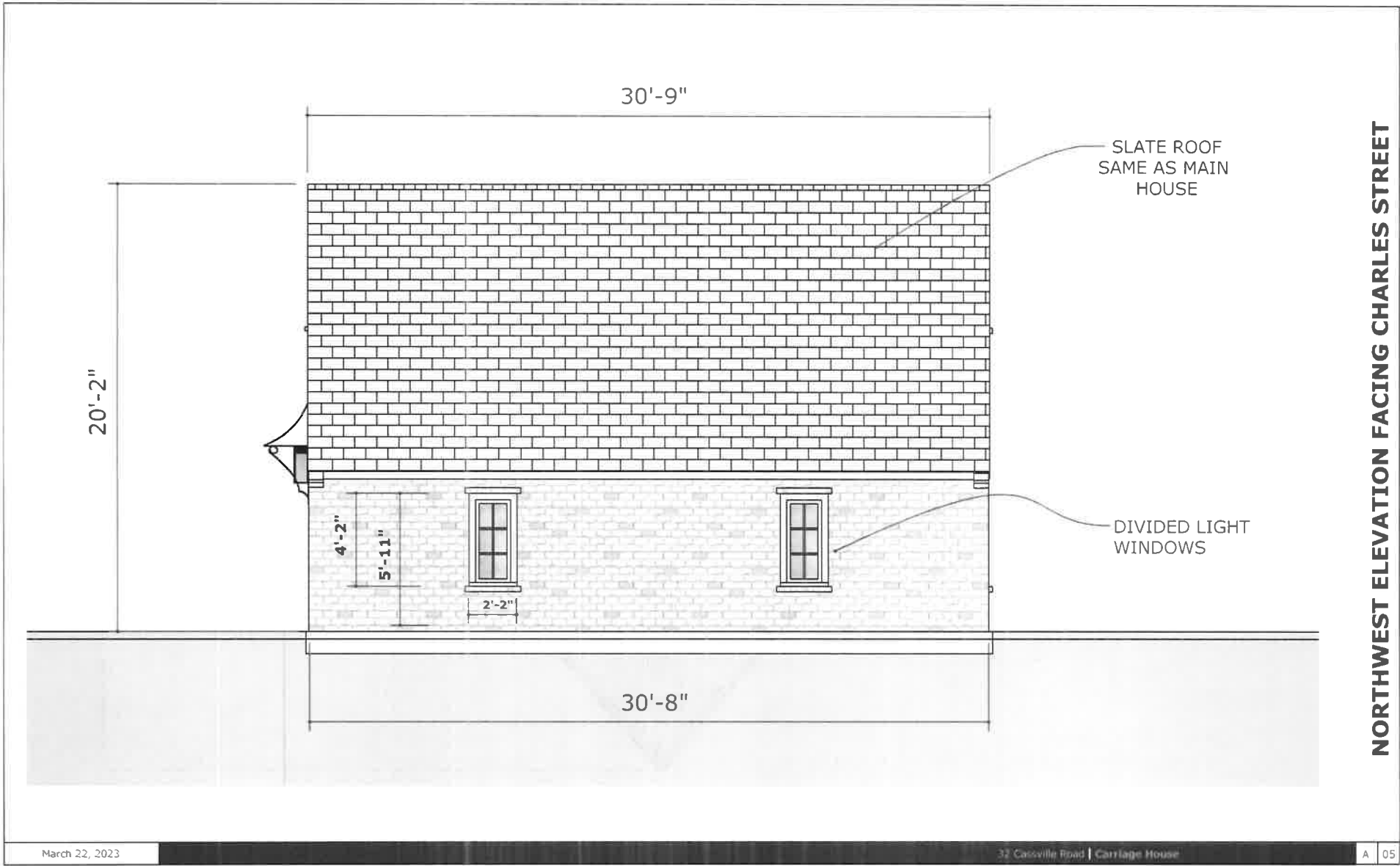
VEIWING SOUTH



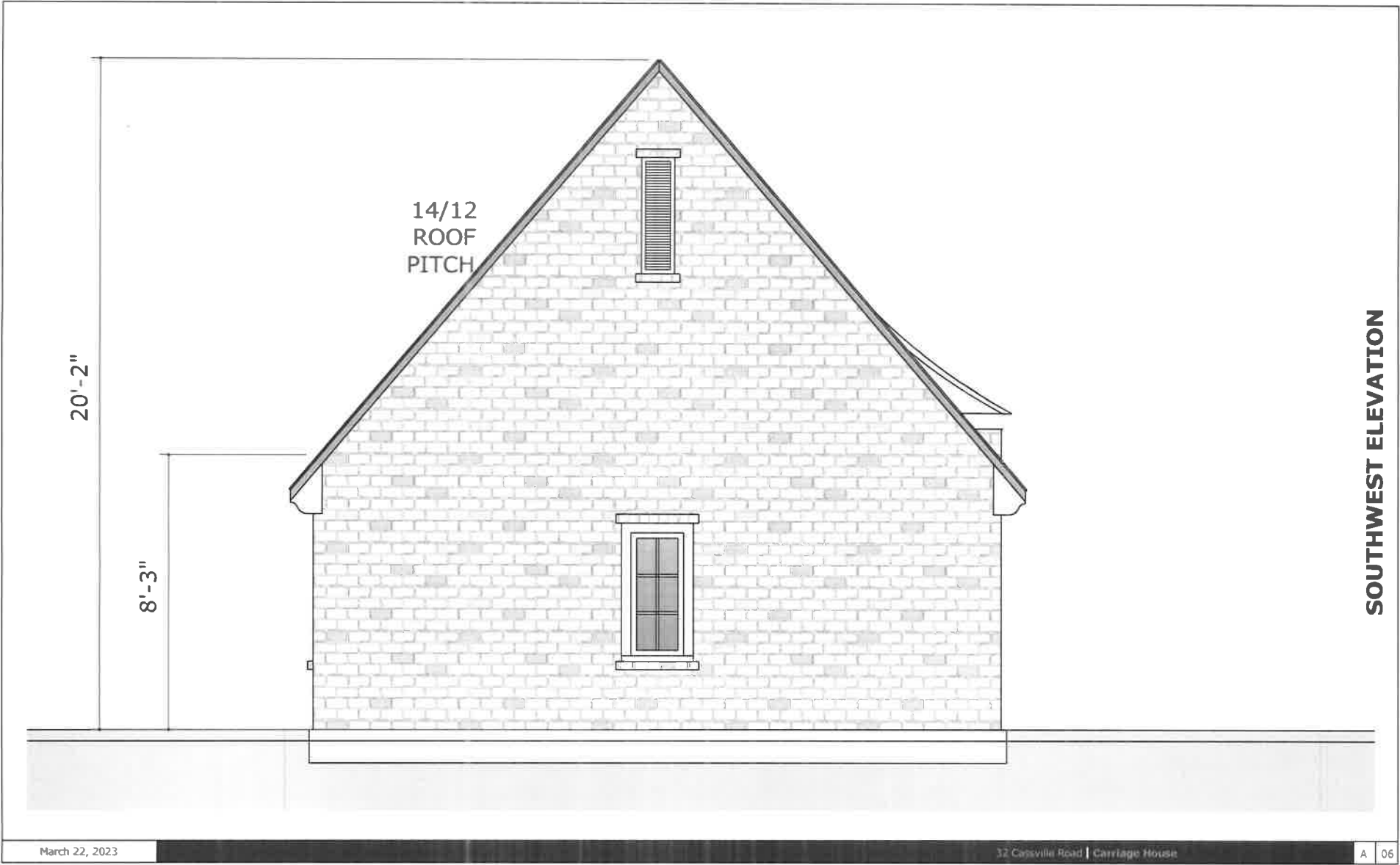
VEIWING WEST







NORTHWEST ELEVATION FACING CHARLES STREET



20'-2"



WOOD DOORS
9'X7'

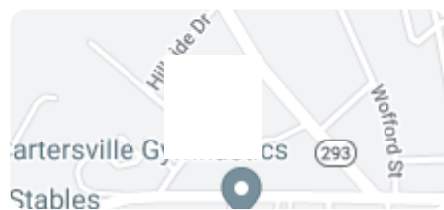
SOUTHEAST ELEVATION



Cartersville, Georgia
Google Street View
Jun 2022 See more dates



Image capture: Jun 2022 © 2023 Google

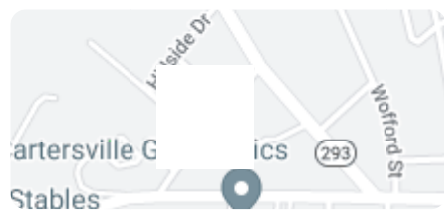




Cartersville, Georgia
Google Street View
Jun 2022 See more dates



Image capture: Jun 2022 © 2023 Google

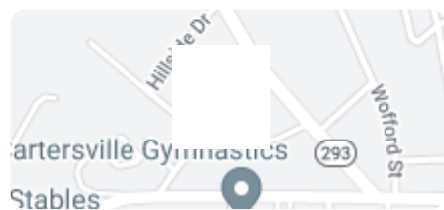


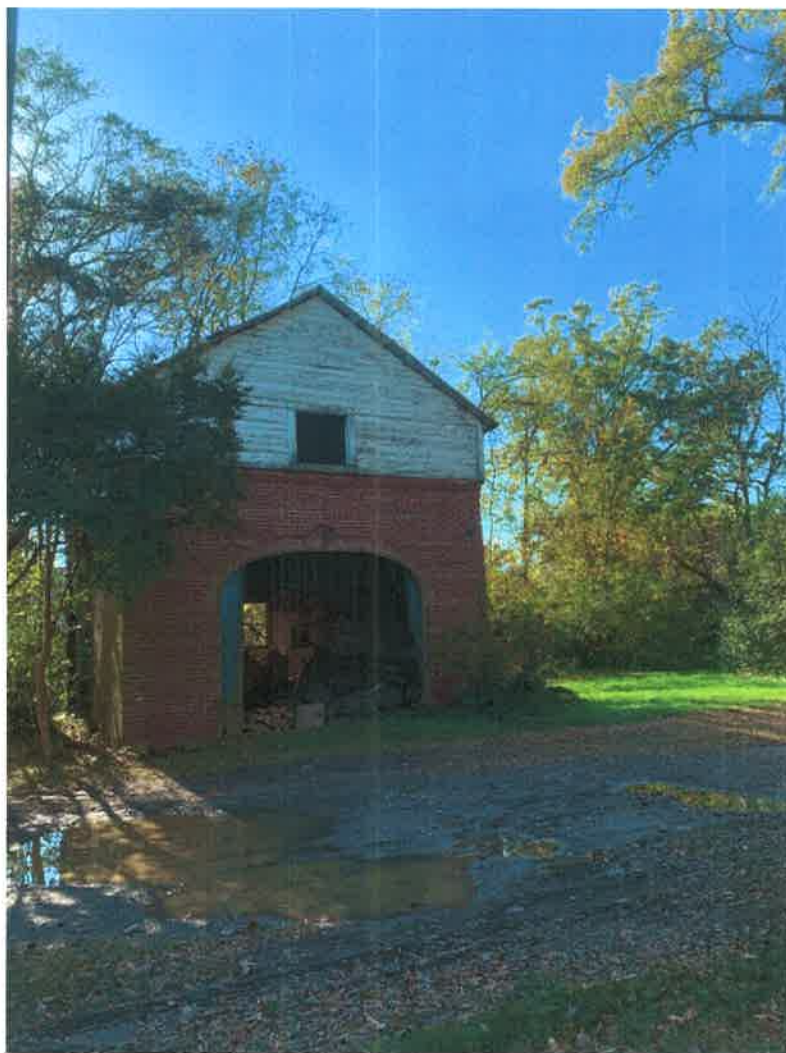


Cartersville, Georgia
Google Street View
Sep 2012 See latest date



Image capture: Sep 2012 © 2023 Google





Brick Carriage House



View towards South

IMAGES TAKEN 4-13-23

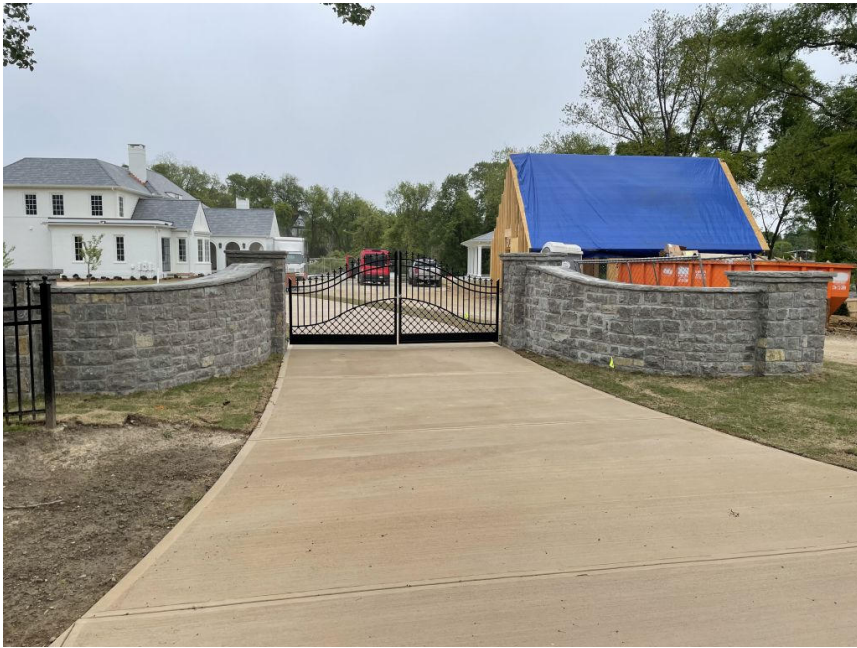






Image taken 4-20-23

