



# City of Cartersville

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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: August 29, 2023  
Re: File # V23-20

**Summary: To reduce the rear yard setback for construction of house addition.**

### **Section 1: Project Summary**

Variance application by owner/applicant Lee Couch for property located at 26 Saddlebrook Dr., zoned R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.17 acres.

The applicant proposes to build an addition to the home in the rear yard. The addition consists of an 18x16 finished closet area with bathroom, and a 18x36 covered porch. The zoning ordinance section, Sec. 6.5., for the R-7 zoning district requires a rear yard setback of 20ft. The proposed addition will encroach approximately 16ft into the required setback.

This property is in the local floodplain which will require the applicant to make the house addition compliant with the City's floodplain ordinance, if approved. The Building Department and Public Works have met with the applicant to provide comments and guidance on how to satisfy the requirements.

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

1. To reduce the rear yard setback from 20ft to 4ft for construction of house addition (Sec. 6.5.).

### **Section 2. Department Comments**

**Building Department:** The exterior wall will have to have a one-hour fire rating if it is closer than five feet from the property line.

**Electric Department:** Takes no exception.

**Fibercom:** Takes no exception.

**Fire Department:** CFD takes exception to the request for property located at 26 Saddlebrook Dr. to reduce the rear setback to 4'. The setbacks from each property line help to maintain a safe distance between structures on different properties.

**Gas Department:** Takes no exception.

**Public Works Department:** We met with the owner last week on Friday and we discussed that we would need the 18' x 16' closet addition proposed to have flood vents with more than 288 square inches of area. Also, after discussing it further internally, it was determined that we need the FEMA substantial improvement worksheet to be submitted to verify that the improvement does not exceed the 50% threshold.

**Water Department:** Takes no exception.

### **Section 3. Public Comments Received by Staff**

No public comments received as of 8-29-2023

### **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. 6.5. R-7 Single-family dwelling district.**

6.5.1. *R-7 district scope and intent.* Regulations set forth in this section are the R-7 district regulations. The R-7 district encompasses lands devoted to higher density residential areas downtown, cluster developments adjacent to downtown, and closely related uses as further described in section 3.1.6 of this chapter.

6.5.2. *Use regulations.* Within the R-7 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).\*

- Accessory buildings or uses.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Nursing home facilities (SU).\*
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Retirement centers (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

### 6.5.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Eight (8) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Seven thousand (7,000) square feet.
- F. *Minimum lot width at building line on noncul-de-sac lots:* Sixty (60) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* Nine hundred (900) square feet.

- I. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-7 district.
- J. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- K. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- L. *Minimum open space requirements.* Proposed developments consisting of more than five (5) acres shall reserve a minimum of twenty (20) percent of the gross acreage of the site as open space with common areas provided.
- M. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.
- N. *Optional density bonus.* Proposed developments may contain lots with minimum areas of five thousand (5,000) square feet if one (1) of the following items is met:
  - 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  - 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  - 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- O. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
  - 1. No more than one (1) guest house structure per lot.
  - 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  - 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  - 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  - 5. A guest house structure shall comply with the principal setbacks of the district.
  - 6. A guest house shall not be allowed in the front yard.
  - 7. A guest house shall not exceed the height of the principal building on the lot.
  - 8. Requires owner-occupancy of the principal building on the lot.

6.5.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-7 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 3, 1-3-13)

### **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 variations 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.

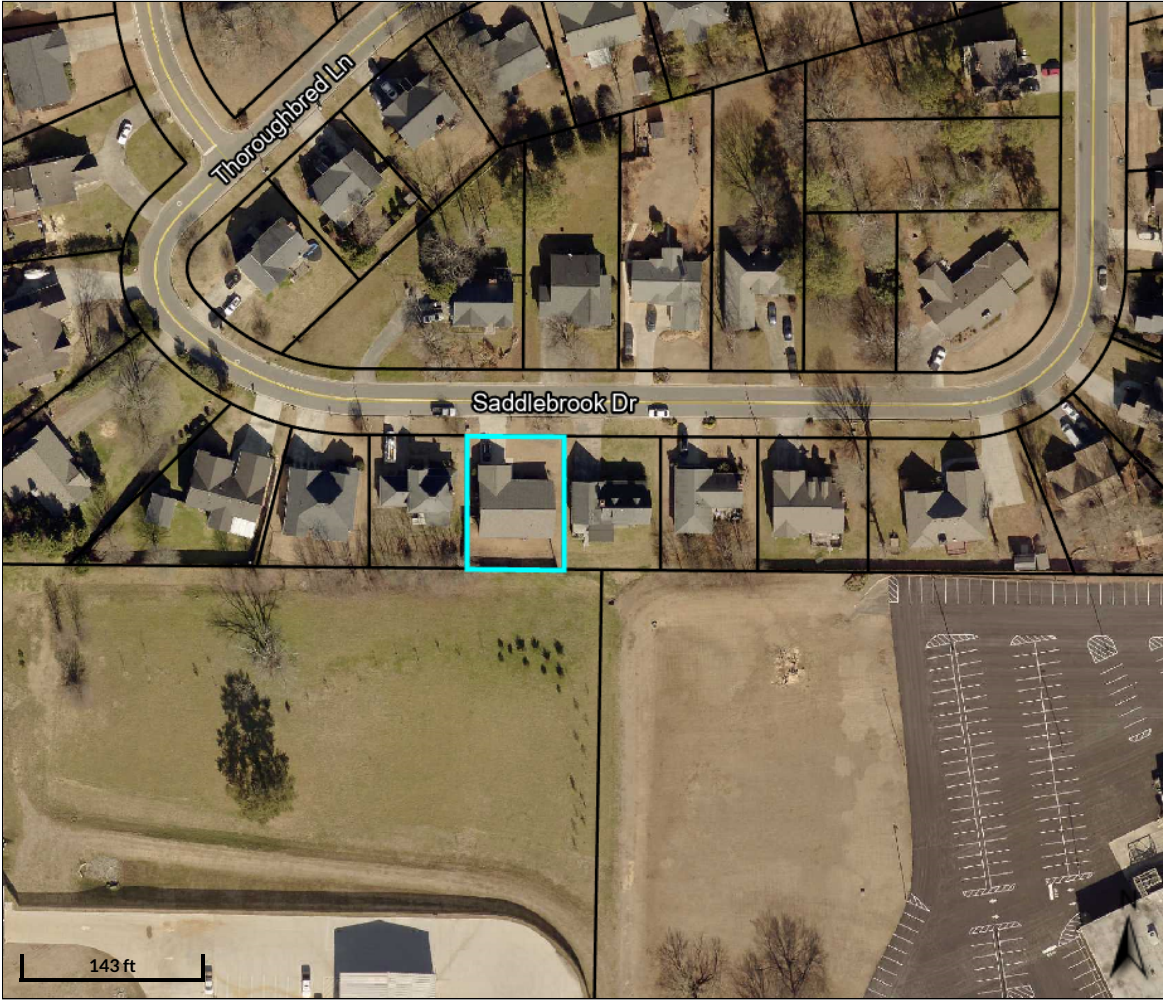
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create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

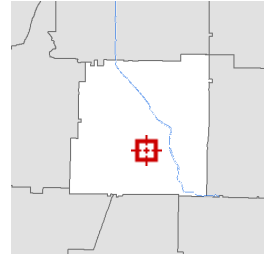
#### **STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The surrounding properties, except to the rear, are zoned for residential and used for that purpose. The property to the rear is zoned P-I and contains the City's Gas Department.**
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 extend living space in the existing home.**
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.**
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.*  
**It is possible that this project could adversely affect drainage to the rear of the lot.**
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.**



**Overview**



**Legend**

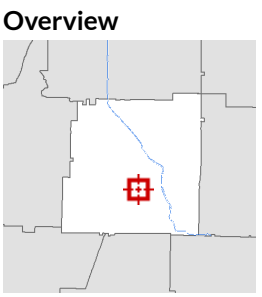
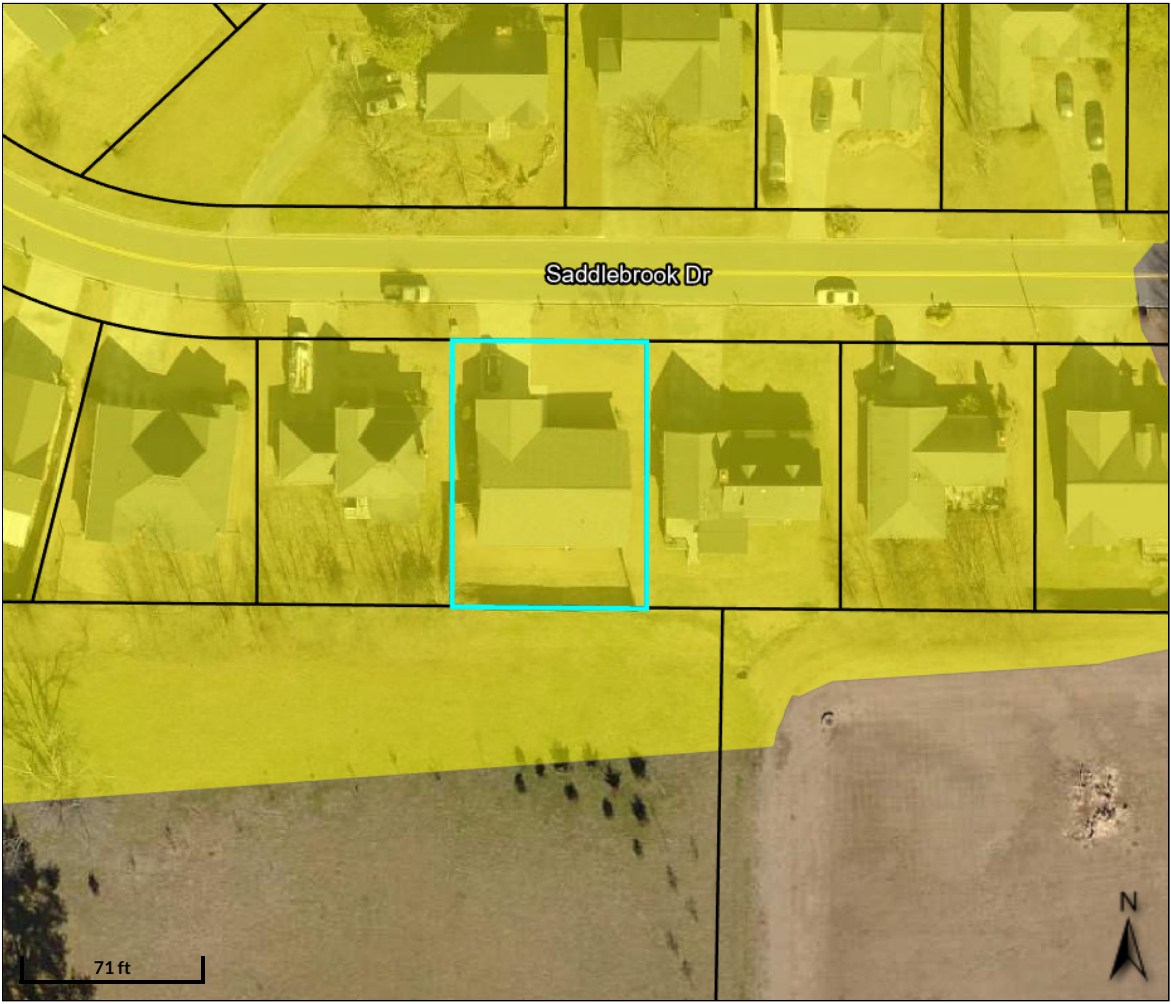
- Parcels
- Roads

<b>Parcel ID</b>	C020-0003-058	<b>Alternate ID</b>	34653	<b>Owner Address</b>	GAZAWAY SUSIE M
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		709 S BARTOW ST
<b>Property Address</b>	26 SADDLEBROOK DR	<b>Acres</b>	0.17		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LT 10 ERWIN DOWNS LL 598 LD 4				
	(Note: Not to be used on legal documents)				

Date created: 8/29/2023  
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Developed by **Schneider**  
 GEOSPATIAL





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

<b>Parcel ID</b>	C020-0003-058	<b>Alternate ID</b>	34653	<b>Owner Address</b>	GAZAWAY SUSIE M
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		709 S BARTOW ST
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<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LT 10 ERWIN DOWNS LL 598 LD 4				
	(Note: Not to be used on legal documents)				

Date created: 8/2/2023  
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**City of Cartersville**  
**Application for Variance**  
 Board of Zoning Appeals

Hearing Date: 9-14-2023 5:30pm

Application Number: V23-20

Date Received: 7-7-2023

Applicant <u>Lee Couch</u> <small>(printed name)</small>	Office Phone _____
Address <u>26 Saddlebrook Drive</u>	Mobile/ Other Phone <u>770-324-4542</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>lcouch92@gmail.com</u>
Representative's printed name (if other than applicant) _____	Phone (Rep) _____
_____	Email (Rep) _____
Representative Signature _____	Applicant Signature <u>Lee Couch</u>
Signed, sealed and delivered in presence of: <u>Danielle Graham</u> Notary Public	My commission expires: DANIELLE GRAHAM NOTARY PUBLIC Bartow County State of Georgia My Comm. Expires <u>3/25/2026</u>

* Titleholder <u>Brooke &amp; Lee Couch</u> <small>(titleholder's printed name)</small>	Phone <u>770-324-4542</u>
Address <u>26 Saddlebrook Dr. Cartersville, GA</u>	Email <u>lcouch92@gmail.com</u>
Signature <u>Brooke Couch Lee Couch</u>	
Signed, sealed, delivered in presence of: <u>Danielle Graham</u> Notary Public	My commission expires: DANIELLE GRAHAM NOTARY PUBLIC Bartow County State of Georgia My Comm. Expires <u>3/25/2026</u>

Present Zoning District <u>R-7</u>	Parcel ID No. <u>C020-0003-058</u>
Acreage <u>.17</u> Land Lot(s) <u>598</u> District(s) <u>4</u> Section(s) <u>3</u>	
Location of Property: <u>26 Saddlebrook Dr. 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 reduce the rear yard setback to 4' in order to construct a closet and patio addition to the current dwelling.</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 <u>6</u>	Section <u>6.5</u>	Subsection <u>6.5.3</u>
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: Lot is .17 acres. House current sits ~22' from the rear property line.  
We would like to construct an 18'x16' closet addition as well as an 18'x36' covered patio area.  
Based off the setbacks in the ordinance, the developable space is severely hindered.

# 81 SADDLEBROOK

S88°22'

102.12'	73.45'	73.45'	73.45'
9	25'	10	11
7,501	7,501	7,501	7,501
SQ. FT.	SQ. FT.	SQ. FT.	SQ. FT.
73.45'	73.45'	73.45'	73.45'
101°37'55"W	01°37'55"E	102.12'	102.12'
6			BUILDING
			101°37'55"W

N 88°22' 05" W 987.



*John R. Knight*

**ERWIN DOWNS  
PHASE II**

IN LAND LOTS 898 & 899, 4TH DISTRICT,  
3RD CITY OF CARTERSVILLE,  
BARTON COUNTY, GEORGIA.  
DATE 5-03-88 CORSCALE 1"=80'  
KNIGHT & KNIGHT LAND SURVEYORS.  
REVISED 6-03-88

ROBERT DABBS & KATHY M. STRICKLAND

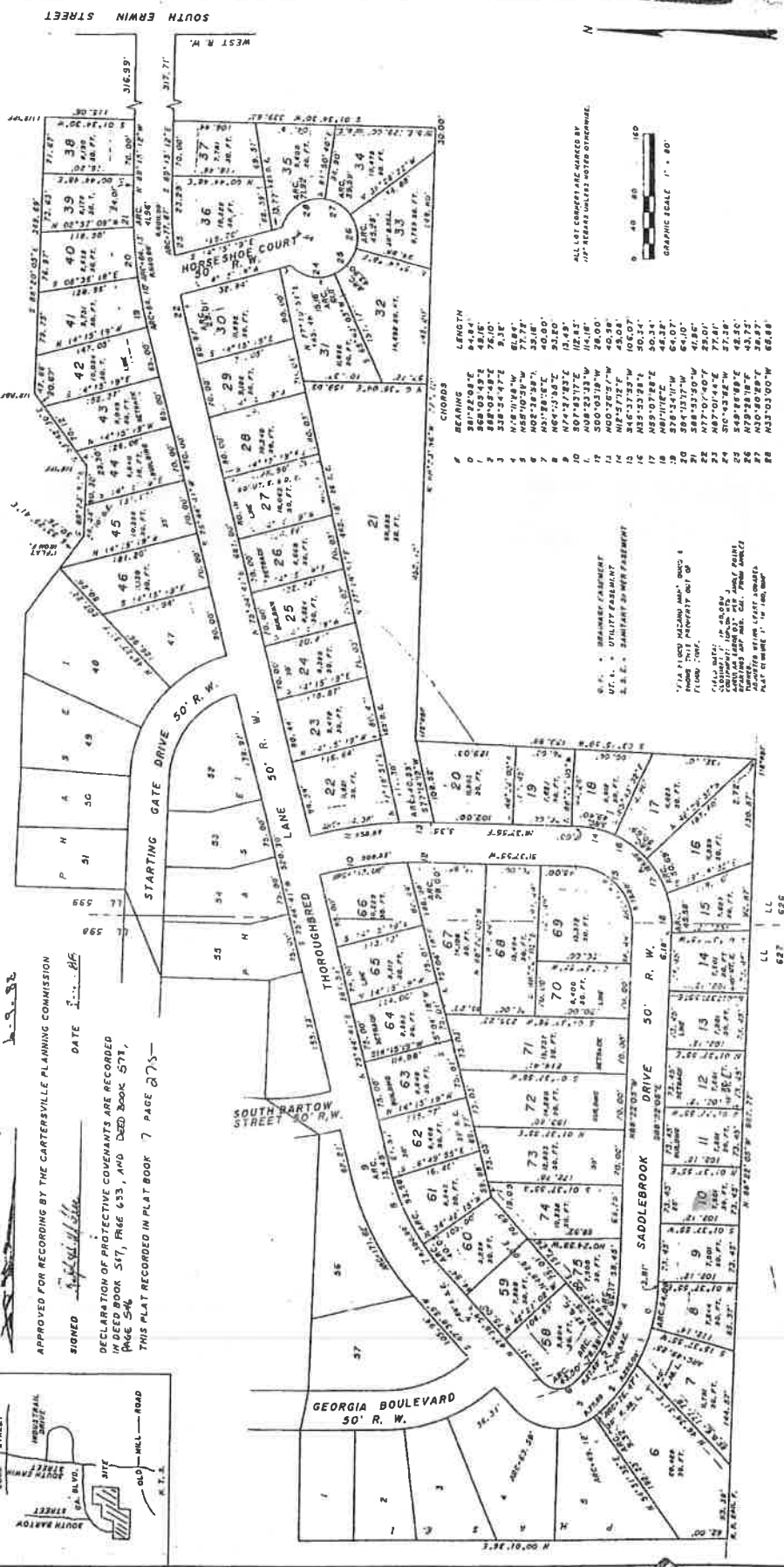
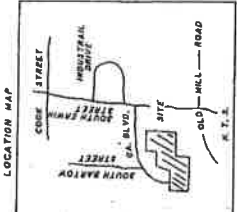
DEEDS, BARTON COUNTY  
CLERK OFFICE, BARTON COUNTY  
RECORDED IN PLAT BOOK 7, PAGE 273

WE, THE UNDERSIGNED OWNERS OF THE ERWIN DOWNS SUBDIVISION HEREBY  
DEDICATE AND / OR RESERVE FOR PUBLIC USE THE STREET RIGHT-OF-WAYS,  
EASEMENTS, AND OTHER GRADING SHOWN ON THIS PLAT.

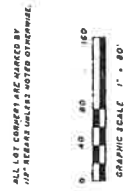
OWNERS  
*Robert Dabbs*  
DATE 6-9-88

APPROVED FOR RECORDING BY THE CARTERSVILLE PLANNING COMMISSION  
SIGNED *[Signature]* DATE 6-9-88

DECLARATION OF PROTECTIVE COMMENTS ARE RECORDED  
IN DEED BOOK 517, PAGE 633, AND DEED BOOK 571,  
PAGE 54.  
THIS PLAT RECORDED IN PLAT BOOK 7 PAGE 273-



CHORDS	BEARING	LENGTH
1	S 89° 03' 00" W	68.88'
2	S 83° 03' 00" W	68.88'
3	S 78° 03' 00" W	68.88'
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84	S 10° 03' 00" W	68.88'
85	S 5° 03' 00" W	68.88'
86	S 0° 03' 00" W	68.88'
87	S 330° 03' 00" W	68.88'
88	S 325° 03' 00" W	68.88'



ALL LOT CORNERS ARE MARKED BY  
"X" BEARS UNLESS NOTED OTHERWISE.

U. L. - UTILITY EASEMENT  
B. E. - BULKHEAD EASEMENT

1. ALL LOTS BEING SUBDIVIDED INTO 1  
FLOOR - 100%  
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FLOOR - 100%  
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## 26 Saddlebrook Dr. – Variance Justification Letter

Lee Couch  
26 Saddlebrook Dr.  
Cartersville, GA 30120  
June 30, 2023

**Zoning Appeals Board**  
City Hall  
10 N. Public Square  
Cartersville, GA 30120

**Subject: 26 Saddlebrook Dr. – Rear Setback Reduction Variance**

Dear Board,

My wife and I are looking to construct a closet and covered patio addition to our dwelling located on 26 Saddlebrook Dr. The present house structure is 1,800 sf of conditioned space and the closet addition will add roughly 288 sf of conditioned space. The house is roughly 22 ft. from the rear property line of the lot, which is adjoining the rear property line of the Cartersville Gas Department building, and the current setback is 20 ft. We are proposing to construct a 18' D x 16' W closet addition and a 18' D x 36' W covered patio addition, which will require the 20 ft. setback to be decreased to roughly 5 ft. The lot was platted in 1988 as .17 acres, so we have 2 ft. of usable area to make an addition, which is practically no space.

Our backyard is small, and we virtually have no use for the space as it sits now. We would like to construct these additions in order to gain an incremental increase in the conditioned area but also to be able to give our back yard some use to us, all while not impeding onto any of our neighbor's properties. We feel as if this variance request will not be detrimental to the zoning ordinance as the addition will match the current elevation of the house (masonry and fiber cement siding) and will not be visible from the street (Saddlebrook Dr.). Once the addition construction is complete, we will install a 6 ft. privacy fence around the back yard property lines to be a buffer to our adjoining neighbors.



Search

Hunt Map Layers

Tools



EMPIE, JESSICA A

BOLDUC, JOSEPH T

JOHNSON, DAVID

ANDERSON, CECIL

HURLEY, CHARLESTON BENSON

FRANKLIN, MARGARET

CIAVARRO, JAMES DOMENIC

STRICKLAND, ERIC

VALCO PROPERTIES LLC

HALL, MICHELE

JARRARD, DALE L

BELL, PATRICE

Saddle Brook Dr

CARTERSVILLE BUILDING AUTHORITY

(Private)

(Private)

(Private)

(Private)

(Private)

26 Saddlebrook Dr.

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C020-0013-010

C020-0013-012

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C020-0013-014

Saddlebrook Dr

C020-0003-056

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C020-0003-059

C020-0003-060

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Proposed 18'x36'  
covered patio area.

Proposed 18'x16'  
closet addition to  
current house.

C020-0003-042

C020-0003-040

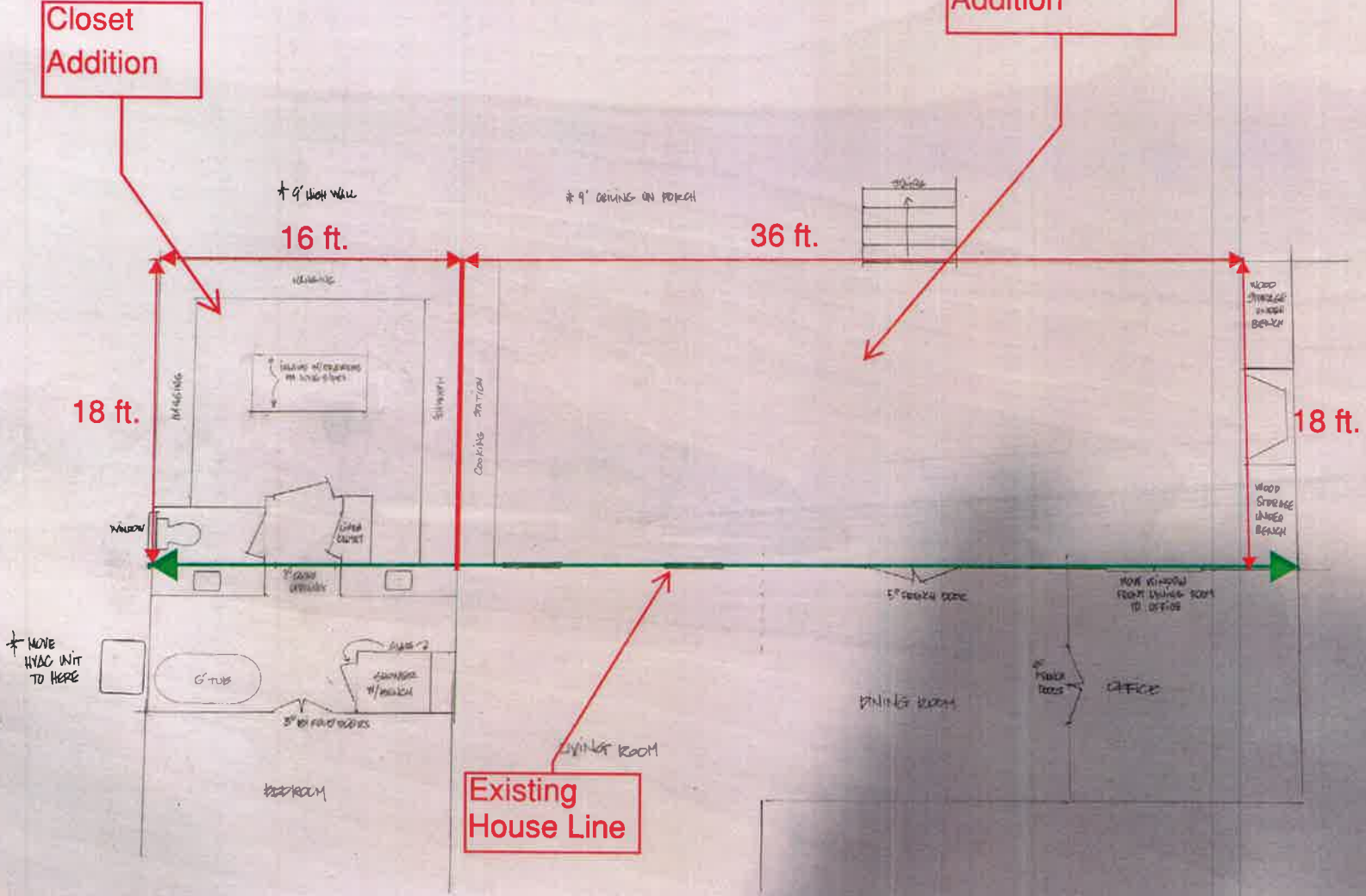


- (3) SHEETS 3/4 PLYWOOD ROOF
- (96) SHEETS OF ROOF DECKING
- (12) 2x8 x 26' ROOF RAFTERS
- (120) (60) 2x8 x 16' RAFTERS JOIST
- (60) 2x8 x 16' FLOOR JOIST
- (140) 2x4 x 8' STUDS
- (700) sq. ft. FLOOR FLOOR

**Closet Addition**

**Covered Patio Addition**

**Existing House Line**





C020-0013-010

C020-0013-012

C020-0013-013

C020-0013-014

Saddlebrook Dr

C020-0003-056

C020-0003-057

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C020-0003-060

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C020-0003-042

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D 04  
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C020-0003-040



- (8) 6000 sq. ft. 3/4" plywood floor
- (56) sheets of roof decking
- (60) 2x8 x 26' roof rafters
- (120) {
  - (60) 2x8 x 16' ceiling joist
  - (60) 2x8 x 16' floor joist
- (140) 2x4 x 8' studs
- (700) sq. ft. concrete floor





Images Taken 8-29-23





Image Taken 8-29-23



Image Taken 8-11-23

