



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: March 2, 2023
Re: File # V23-03

Summary: To allow accessory structures in multiple front yards of a multi-frontage lot.

Section 1: Project Summary

Variance application by applicant Jonathan Pressley for property located at 6 Woodland Dr. Zoning is R-20, Single Family Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 3.98 acres. This is a corner lot with street frontages along Woodland Dr, Woodview Dr, and Pine St.

The applicant proposes to build a pool, approx. 20ft x 40ft, to the rear of the home which is in the front yard of Woodview Dr. The pool cabana, approx. 20ft. x 20ft, is proposed to the rear and side of the home, but in the front yards of Woodview Dr. and Pine St. The structures will meet all building setbacks for accessory structures. Despite having multiple stormwater pipes in this area. the pool can be located to avoid conflicts with the stormwater pipes.

A detached carport (covered parking) is proposed to the west side of the house and in the front yard of Woodland Dr. This encroachment is due primarily to the curvature of the driveway. The proposed location can meet the front and side yard setbacks for the zoning district. However, there is a conflict with the 24" storm pipe as shown on the site plan. The separation distance from the centerline of the stormwater pipe to the carport should be 5-10ft. This is to avoid damaging the carport structure or its support footing if heavy equipment is used for maintenance or replacement of the pipe. The city attorney is checking records for an existing utility or drainage easement.

The city zoning ordinance requires that all accessory structures be located in a side or rear yard and that certain building setbacks be met.

The variance request is for the following:

1. To allow a pool (accessory structure) in the Woodview Drive front yard (Sec. 4.9)
2. To allow a pool cabana (accessory structure) in the Woodview Drive and Pine Street front yards (Sec. 4.9)
3. To allow a detached carport (accessory structure) in the Woodland Drive front yard (Sec. 4.9)

Section 2. Department Comments

Electric Department: Takes no exceptions.

Fibercom: Takes no exceptions.

Fire Department: No comments received.

Gas Department: Takes no exceptions.

Public Works Department: Per phone call with Wade Wilson, city engineer, the detached carport should be offset from edge of 24" stormwater pipe at least 5ft. if no easement is recorded.

Water Department: Takes no exceptions.

Section 3. Public Comments Received by Staff

2/21: Adina Wood. 10 Woodview Dr. Received letter. General Inquiry.

* See (2) emails stating support for project from adjacent neighbors.

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. *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.

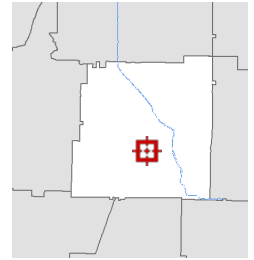
21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute 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.*



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C015-0001-031	Alternate ID	33760	Owner Address	PRESSLEY JONATHAN D & LAUREN M
Sec/Twp/Rng	n/a	Class	Residential		6 WOODLAND DRIVE
Property Address	6 WOODLAND DR	Acreage	3.98		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL556-557 D 4 LT 56-61& 106 TERRELL HEIGHTS				
	(Note: Not to be used on legal documents)				

Date created: 3/3/2023
 Last Data Uploaded: 3/2/2023 10:26:42 PM

Developed by  Schneider
 GEOSPATIAL

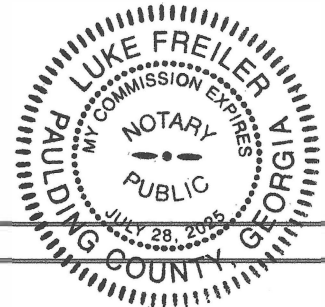
City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 3-9-23 5:30pm

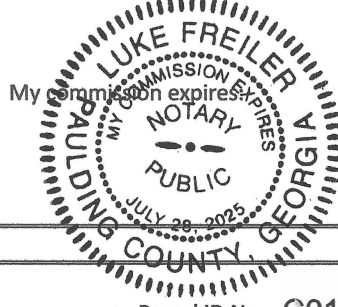
Application Number: V23-03

Date Received: 1-27-23

Applicant <u>Jonathan Pressley</u> <small>(printed name)</small>		Office Phone _____	
Address <u>6 Woodland Drive</u>		Mobile/ Other Phone <u>678-899-5430</u>	
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>	Email <u>jpressley@evergreendres.com</u>
Representative's printed name (if other than applicant) _____		Phone (Rep) _____	
_____		Email (Rep) _____	
Representative Signature _____		Applicant Signature <u>Jonathan Pressley</u>	
Signed, sealed and delivered in presence of:		My commission expires:	
<u>Luke Freiler</u> Notary Public			



* Titleholder <u>Jonathan Pressley</u> <small>(titleholder's printed name)</small>		Phone <u>678-899-5430</u>	
Address <u>6 Woodland Drive Cartersville</u> <u>GA 30120</u>		Email <u>jpressley@evergreendres.com</u>	
Signature <u>Jonathan Pressley</u>			
Signed, sealed, delivered in presence of:		My commission expires:	
<u>Luke Freiler</u> Notary Public			



Present Zoning District <u>R 20</u>	Parcel ID No. <u>C015-0001-031</u>		
Acreage <u>3.98</u>	Land Lot(s) <u>556-557</u>	District(s) <u>4</u>	Section(s) <u>3</u>
Location of Property: <u>6 Woodland Drive Cartersville, GA 30120</u> <small>(street address, nearest intersections, etc.)</small>			
Zoning Section(s) for which a variance is being requested: <u>Article IV Section 4.9</u>			
Summary Description of Variance Request: Our property is multi-frontage lot and I am requesting to build a pool and pool cabana in what I consider my back yard. I am also requesting approval to build a covered parking area adjacent to the driveway and slightly in front of the house due to the curvature of the driveway. <u>provided on Justifation Letter</u> (Additional detail can be _____)			

* 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 4.9 Subsection _____

Article _____ Subsection _____

Section _____ Article _____ Subsection _____

Section _____

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. X 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: My property is surrounded by three streets which means that I technically have three front yards and the ordinance states that auxiliary buildings can't be built in the front yard. We have submitted for a pool permit and we plan to build a small (roughly 24x24) covered pavilion near the pool in what I consider my back yard. This area is heavily wooded and though I understand and agree with the ordinance, I do believe this variance approval is appropriate in this case. I am also seeking approval to build a covered parking area next to my house that will be slightly in front of the corner of the house due to topo and the curvature of the driveway. I understand that in most cases covered parking would be in line with or recessed from the front of the house but in this case with the extreme topo and a circular driveway the covered parking area as designed makes sense.

Please see attachment for detailed information concerning the proposed pool location.

The proposed pool will be approximately 20'x40' with a 12' deck around the pool. Per the attached site plan I propose to install the pool deck 2' off of the edge of the storm easement which will allow room for the necessary fencing.

David Hardegree

From: Adele Wenzell <awzell@yahoo.com>
Sent: Monday, February 27, 2023 2:58 PM
To: jpressley@evergreendres.com
Subject: Re: 6 Woodland Drive Variance Pressley

To whom it may concern,

I have reviewed the development plans for 6 Woodland Dr., Cartersville, Georgia. I, Adele Wenzell, the homeowner of 5 Woodland Dr., Cartersville, Georgia, have no objections or concerns about the new construction planned for the address mentioned above.

Adele Wenzell
5 Woodland Dr
Cartersville, Georgia 30120
404-754-9877

[Sent from Yahoo Mail for iPhone](#)

On Wednesday, February 22, 2023, 4:33 PM, jpressley@evergreendres.com wrote:

Hey Adele,

Attached is the site plan showing where the front covered parking is planned as well as the pool and pool cabana located in the rear yard. I know we discussed in person but do you mind responding to this email that you are in favor of this variance approval.

Thank You

Jonathan Pressley

678-899-5430

David Hardegree

From: Scooter Dawkins <scooterdawkins@gmail.com>
Sent: Monday, February 27, 2023 10:30 PM
To: jpressley@evergreendres.com
Subject: Re: 6 Woodland Drive Variance Pressley

Yes, I am in favor of approving this variance.

Scooter Dawkins
12 Woodview Dr, Cartersville, GA 30120

On Mon, Feb 27, 2023 at 4:07 PM <jpressley@evergreendres.com> wrote:

Hey Scooter,

Attached is the site plan showing where the front covered parking is planned as well as the pool and pool cabana located in the rear yard. I know we discussed in person but do you mind responding to this email that you are in favor of this variance approval.

Thank You

Jonathan Pressley



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 147 REINHARDT COLLEGE PKWY
 SUITE 3
 CANTON, GA 30114
 PHONE - 770.479.9698
 FAX - 770.479.7943
 www.gaskinslecrew.com
 PEF008127

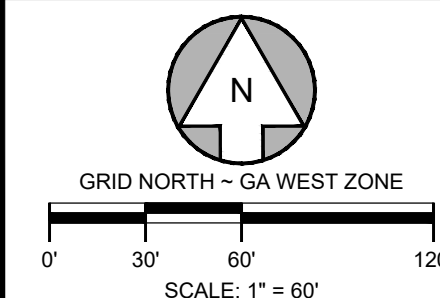
RETRACEMENT SURVEY FOR
**JONATHAN PRESSLEY
 & LAUREN PRESSLEY**
 6 WOODLAND DRIVE
 LOTS 56, 57, 58, 59, 60, 61 & 106, TERRELL HEIGHTS
 LAND LOTS 556 & 557, 4th DISTRICT, 2nd SECTION
 CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

CALL BEFORE YOU DIG



Know what's below.
 Call before you dig.

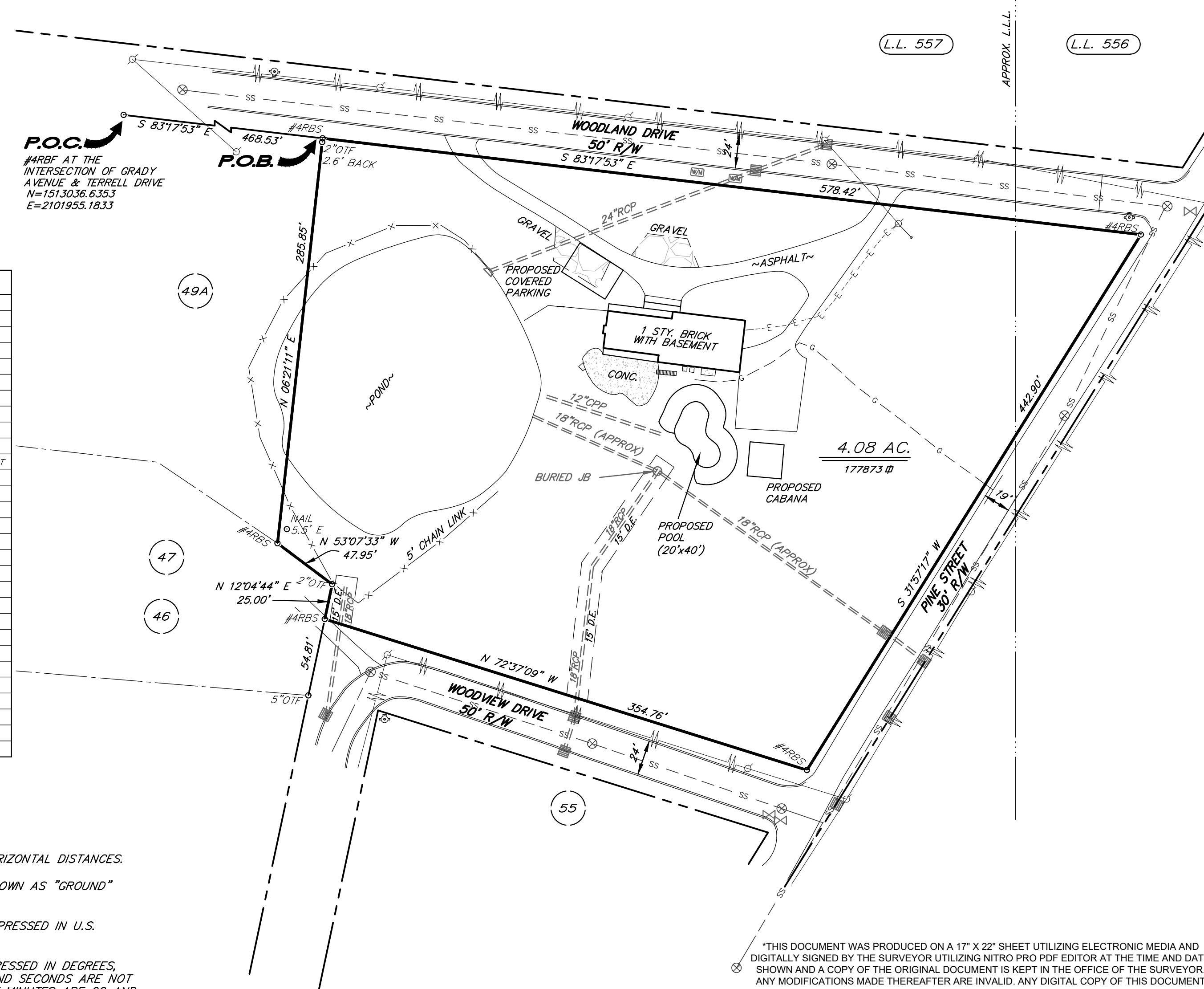
SCALE & NORTH ARROW:



SURVEY INFO:

DRAWN BY:	KRK
REVIEWED BY:	CRC
FIELD DATE:	01/19/2023
OFFICE DATE:	01/31/2023
JOB #:	2301027

1 OF 1



CLERK OF THE SUPERIOR COURT
 RECORDING INFORMATION

LEGEND

	P.P. - POWER POLE
	L.P. - LIGHT POLE
	F.H. - FIRE HYDRANT
	M.H. - SANITARY SEWER MANHOLE
	W.M. - WATER METER
	G.M. - GAS METER
	RBS - REINFORCING BAR SET
	RBF - REINFORCING BAR FOUND
	CTF - CRIMP TOP PIPE FOUND
	OTF - OPEN TOP PIPE FOUND
	R/W MON. - RIGHT-OF-WAY MONUMENT
	X - TYPE OF FENCE
	J.B. - JUNCTION BOX
	D.I. - DROP INLET / YARD INLET
	C.B. - CATCH BASIN
	R.C.P. - REINFORCED CONCRETE PIPE
	C.M.P. - CORRUGATED METAL PIPE
	F.F.E. - FINISHED FLOOR ELEVATION
	W.V. - WATER VALVE
	C.O. - SEWER CLEAN OUT
	T.M. - TELEPHONE MANHOLE
	O.P.L. - OVERHEAD POWER LINES
	H.W. - HEADWALL
	P.B.X. - POWERBOX
	1234 - STREET ADDRESS
	-W-W- WATER LINE
	-T-T- UNDERGROUND TELEPHONE LINE
	-G-G- GAS LINE
	-E-E- UNDERGROUND ELECTRICAL LINE

- SURVEY NOTES:**
- 1.) ALL DISTANCES ON SURVEY ARE HORIZONTAL DISTANCES.
 - 2.) ALL DISTANCES ON SURVEY ARE SHOWN AS "GROUND" DISTANCES.
 - 3.) ALL DISTANCES ON SURVEY ARE EXPRESSED IN U.S. SURVEY FEET.
 - 4.) ALL ANGULAR DIRECTIONS ARE EXPRESSED IN DEGREES, MINUTES AND SECONDS. IF MINUTES AND SECONDS ARE NOT SHOWN, IT IS TO BE UNDERSTOOD THAT MINUTES ARE 00 AND SECONDS ARE 00.
 - 5.) NO CEMETERIES OBSERVED WHILE SURVEYING PROPERTY.

GPS NOTES:

- 1.) HORIZONTAL DATUM IS NAD 83. VERTICAL DATUM IS NAVD 88.
- 2.) THE NORTHING, EASTING, AND ELEVATION OF THE STARTING POINTS FOR THIS SURVEY WERE OBTAINED UTILIZING A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECEIVING RTK CORRECTIONS VIA A CELL PHONE FROM THE EGPS SOLUTIONS REAL TIME NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE VRS REAL TIME NETWORK OPERATED BY EGPS SOLUTIONS, INC. THE RELATIVE POSITIONAL ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.04 FT. HORIZONTAL AND 0.07 FT. VERTICAL AT THE 95% CONFIDENCE LEVEL.

SURVEYOR REFERENCES:

CURRENT OWNER:
 JONATHAN & LAUREN PRESSLEY
 D.B. 3099, PG. 338
 P.B. 3, PG. 129

ZONED - R20

"THIS DOCUMENT WAS PRODUCED ON A 17" X 22" SHEET UTILIZING ELECTRONIC MEDIA AND DIGITALLY SIGNED BY THE SURVEYOR UTILIZING NITRO PRO PDF EDITOR AT THE TIME AND DATE SHOWN AND A COPY OF THE ORIGINAL DOCUMENT IS KEPT IN THE OFFICE OF THE SURVEYOR. ANY MODIFICATIONS MADE THEREAFTER ARE INVALID. ANY DIGITAL COPY OF THIS DOCUMENT THAT DOES NOT CONTAIN A SIGNATURE VALIDATION AT THE SAME TIME AND DATE OR CONTAINS PDF EDITS HAS BEEN MODIFIED. ANY DIGITAL OR PAPER COPIES CAN BE AUTHENTICATED USING THE ORIGINAL SURVEYOR'S DOCUMENT."

SURVEYOR'S CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

PRELIMINARY

CLINTON R. COULTER DATE: _____
 GEORGIA REGISTERED LAND SURVEYOR NO. 3471

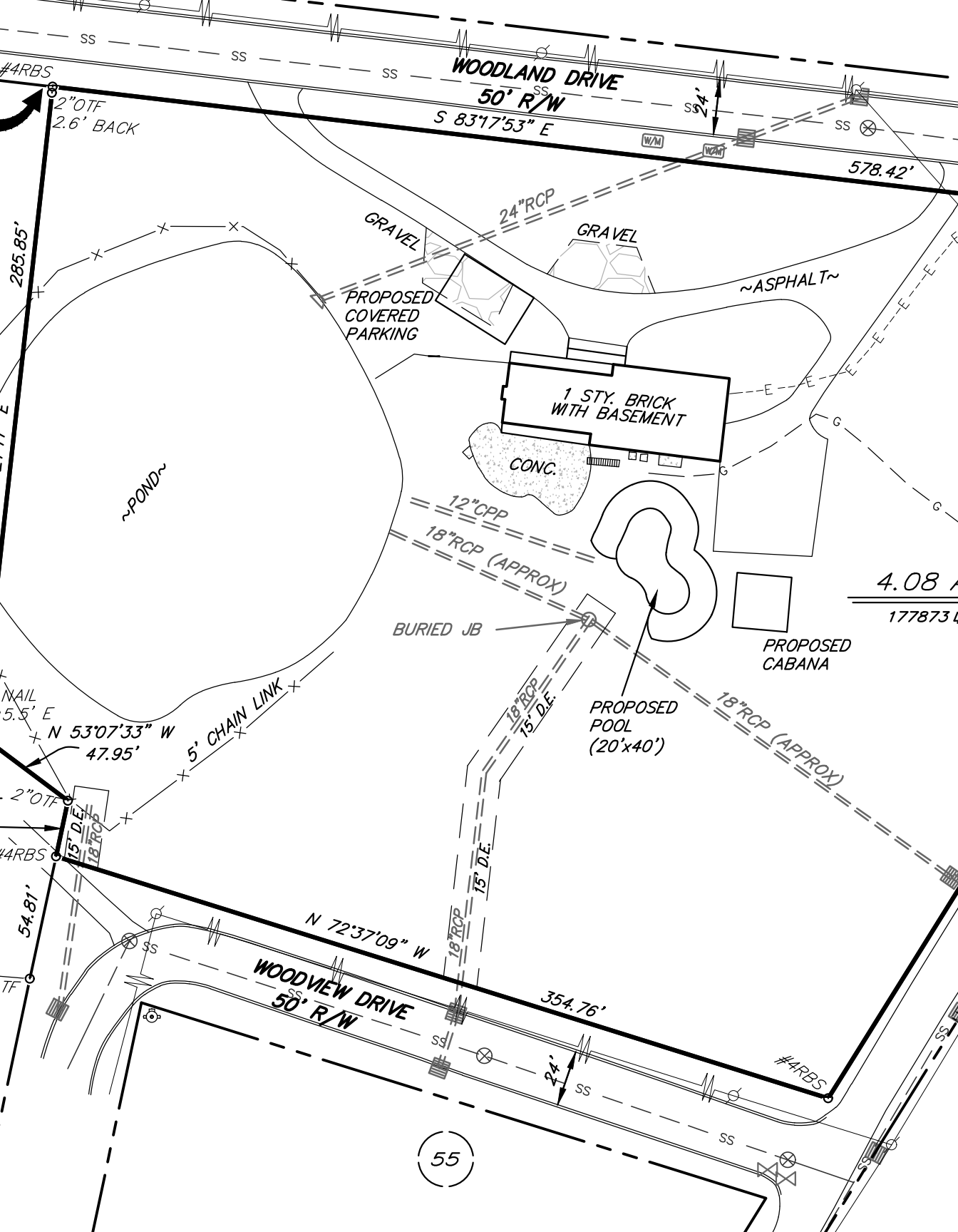
AS SURVEYOR FOR
 GASKINS + LECRAW, INC.

LOCATION OF UTILITIES EXISTING ON OR SERVING THE SUBJECT PROPERTY IS DETERMINED BY OBSERVABLE EVIDENCE ONLY. THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTION AND SUBSURFACE CONDITIONS THAT ARE NOT VISIBLE OR RECORDED, THUS DEEMING THEM UNDETERMINED AND NOT SHOWN. THIS PLAT IS INTENDED FOR THE PARTIES STATED ON THE FACE OF SURVEY. USE OF THE SURVEY BY THIRD PARTIES IS AT THEIR OWN RISK.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130209, MAP NUMBER # 13015C0266H DATED OCTOBER 5, 2018.

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER; LINEAR PRECISION OF TRAVERSE: 1/70,899; ANGULAR ERROR: 3" PER POINT. THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT: 1/301,189. MATTERS OF TITLE ARE EXCEPTED.

Drawing name: O:_BND\BARTOW\0404_055616 WOODLAND DRIVE - BND.dwg 17X22 (L) Feb 21, 2023 11:04am by: Jay Hopkins



WOODLAND DRIVE

50' R/W

S 83°17'53" E

578.42'

24" RCP

GRAVEL

GRAVEL

~ASPHALT~

PROPOSED COVERED PARKING

1 STY. BRICK WITH BASEMENT

CONC.

~POND~

12" CPP

18" RCP (APPROX)

4.08

1778734

BURIED JB

PROPOSED CABANA

PROPOSED POOL (20'x40')

18" RCP (APPROX)

5' CHAIN LINK

18" RCP 15' D.E.

NAIL 5.5' E

N 53°07'33" W 47.95'

2" OTF

15' D.E. 18" RCP

4RBS

54.81'

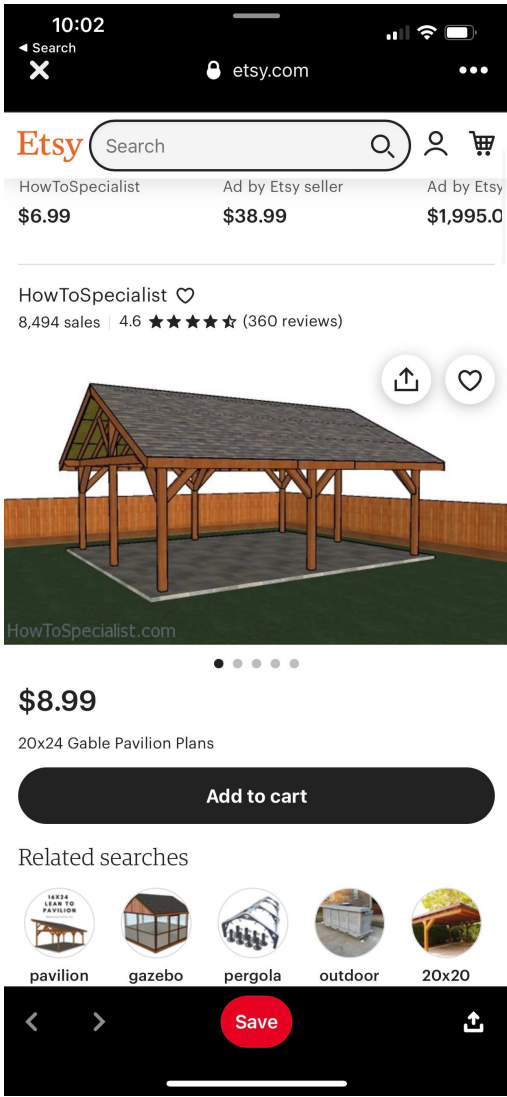
N 72°37'09" W

WOODVIEW DRIVE 50' R/W

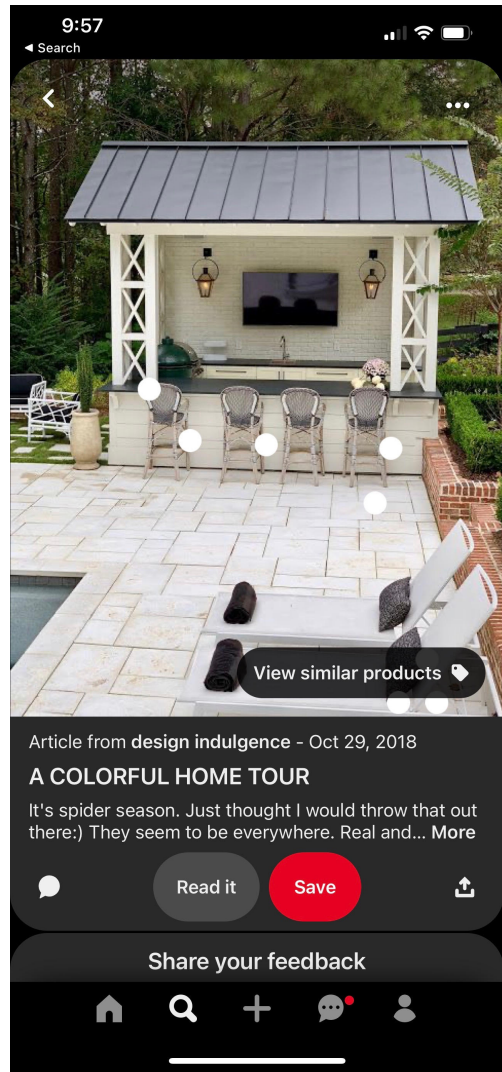
354.76'

#4RBS

55



Example of Carport



Example of Pool Cabana



View north from Pine St @ Woodview Dr Intersection



View north from 12 Woodview Dr

Site Visit 2/20/23



View south to Woodview Dr from area where pool is proposed



Views to proposed detached carport area



Image Taken 2/20/23

