



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 # V23-04

Summary: To allow an accessory structure (Ice machine) in the front yard of a commercial corner lot.

Section 1: Project Summary

Variance application by applicant 12 Euharlee Rd, LLC, for property located on 12 Euharlee Rd. It is a corner lot at the intersection of Euharlee Rd and the old Euharlee Rd. Zoning is O-C, Office- Commercial. Setbacks are Front - 20ft and Side- 10ft. Said property contains approximately 1.08 acres.

The applicant proposes to install an ice machine (accessory structure) along the outer drive-thru lane on the western edge of the property. Due to the unusual shape of the property located at the split of the old Euharlee Rd and Euharlee Rd intersection, the accessory structure is proposed in a front yard. The property has three (3) front yards. Accessory structures are to be located in the side and rear yards per Zoning Ordinance Sec. 4.9, *Accessory uses, buildings or structures*.

The variance request is for the following:

To allow an accessory structure (Ice machine) in the front yard of a commercial corner lot. (Sec. 4.9)

Section 2. Department Comments

Building Department: Machine will have to be permanently anchored to have power connection.

Electric Department: CES takes no exceptions.

Fibercom: No comments received.

Fire Department: No comments received.

Gas Department: Project Not In Service Area

Public Works Department: No comment.

Water Department: No comments received.

Section 3. Public Comments Received by Staff

2/28: General Inquiry from neighbor. 38 Euharlee Rd.

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.

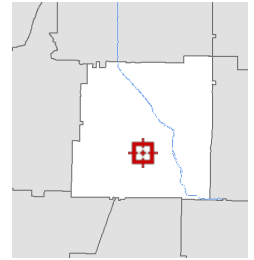
21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute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

Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*



Overview



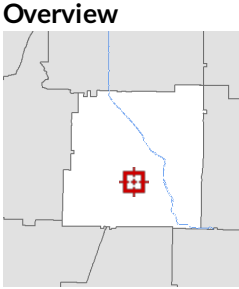
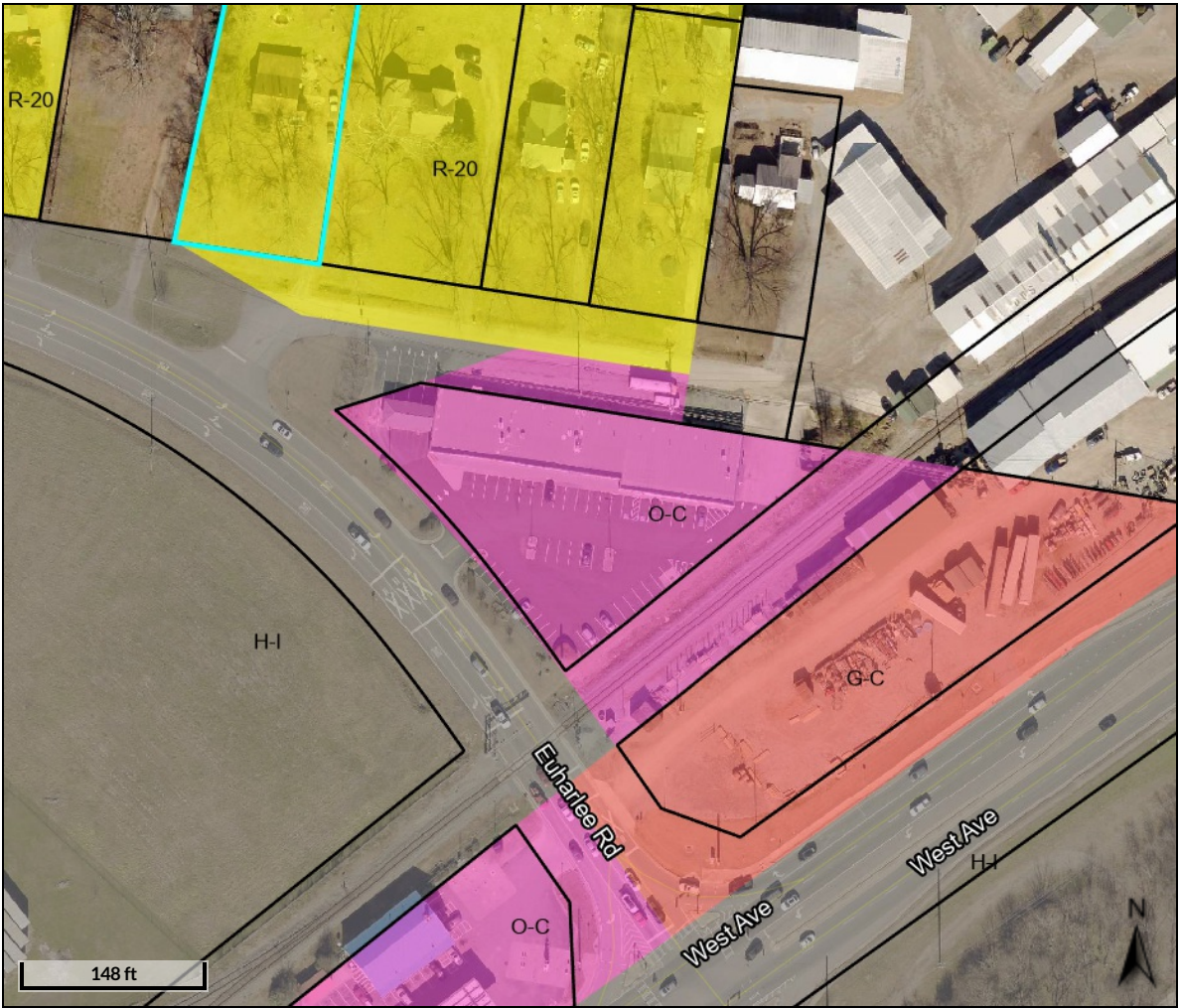
Legend

- Parcels
- Roads

Parcel ID	C054-0663-001	Alternate ID	36492	Owner Address	12 EUHARLEE RD LLC
Sec/Twp/Rng	n/a	Class	Commercial		162 W MAIN ST STE 101
Property Address	12 EUHARLEE RD	Acres	1.08		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 634 635 663 D 4				
	(Note: Not to be used on legal documents)				

Date created: 3/2/2023
 Last Data Uploaded: 3/1/2023 10:30:30 PM

Developed by **Schneider**
 GEOSPATIAL



- Legend**
- Parcels
 - Roads
- Cartersville Zoning**
- AG
 - DBD
 - G-C
 - G-C*
 - H-I
 - H-I*
 - L-I
 - L-I*
 - M-U
 - M-U*
 - MF-14
 - MF-14*
 - MN
 - O-C
 - O-C*
 - P-D
 - P-D*
 - P-I
 - P-S
 - P-S*
 - R-10
 - R-10*
 - R-15
 - R-15*
 - R-20
 - R-20*
 - R-7
 - R-7*
 - R-D
 - RA-12
 - RA-12*
 - RSL

Property Address 38 EUHARLEE RD Acreage 1.11 38 EUHARLEE RD
 District Cartersville LL 635 4D 4 SHAW S/D P/T CARTERSVILLE, GA 30120
 Brief Tax Description (Note: Not to be used on legal documents)

Date created: 3/2/2023
 Last Data Uploaded: 3/1/2023 10:30:30 PM



Parcel ID C070-0001-004 Alternate ID 36829 Owner Address POPHAM VIRGINIA J &
 Sec/Twp/Rng n/a Class Residential DUPREE ANGELA ELIZABETH

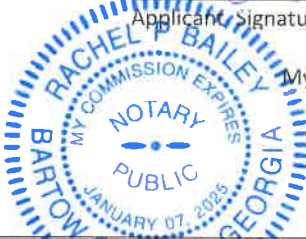
City of Cartersville
Application for Variance
Board of Zoning Appeals

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

Application Number: V23-04

Date Received: 1/30/23

Applicant 12 Eucharlee Road, LLC Office Phone 770-547-4535
(printed name)
Address 162 W. main St Suite 101 Mobile/ Other Phone _____
City Cartersville State GA Zip 30120 Email chase@riersoncpa.com
Chase Rierson Phone (Rep) 770-547-4535
Representative's printed name (if other than applicant) Email (Rep) chase@riersoncpa.com
[Signature] Representative Signature [Signature] Applicant Signature
Signed, sealed and delivered in presence of: My commission expires: 01/07/2025
Rachel P. Bailey Notary Public



* Titleholder 12 Eucharlee Road, LLC Phone 770-547-4535
(titleholder's printed name)
Address 12 Eucharlee Rd Cartersville Email chase@riersoncpa.com
Signature [Signature]
Signed, sealed, delivered in presence of: My commission expires: 01/07/2025
Rachel P. Bailey Notary Public



Present Zoning District O-C Parcel ID No. C054-0663-001
Acreage 1.08 Land Lot(s) 634 District(s) 04 Section(s) _____
Location of Property: 12 Eucharlee Rd, Cartersville, GA 30120
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: Article 5 Sect. 3
Summary Description of Variance Request: installing an ice machine on
commercial property
(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 _____ 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: Please review attached proposed
drawing of machine placement, as well as machine
specs and example

12 Euharlee Road, LLC

162 W Main St, Suite 101
Cartersville, GA 30120

1/17/2023

Dear City of Cartersville Zoning Department:

We are seeking a variance on the property located at 12 Euharlee Rd, Cartersville, GA 30120. We are wanting to install an ice vending machine, similar to the picture provided in the application, to the left of the building, adjacent to the drive through lanes. The variance is needed due to the odd shape of the lot.

Sincerely,



Chase Rierson
12 Euharlee Road, LLC





QUICK SPECS

Everest VX Series Ice And Water Vending Machines

WIDTH	45 in.
DEPTH	55 in.
HEIGHT	96.5 in.
WEIGHT	1600 lbs.
ELECTRICAL REQUIREMENTS	208-230 volt / 30 amp
STORAGE CAPACITY	550 lbs. of ice
WATER VOLUME PER VEND	0.025 gal. – 5 gal. (Adjustable)
REQUIRED HOOKUP	½ in. Water Line, ¾ in. Drainage

Site Visit 3-3-23



Sign Posted 2/17

