



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
CC: Keith Lovell
Date: August 4, 2022
Re: File # V22-14

Summary: To omit the sidewalk requirement from a development project

Section 1: Project Summary

Variance application by Dennis Graham for property located at 1790 West Ave. (Hwy 113), zoned H-I, Heavy Industrial. Said property contains approximately 16.80 acres. The lot has approx. 691ft of frontage along West Ave.

Highway 113 is a state highway. The most recent road widening project provided adequate shoulder width, curb and gutter and sidewalks at a stop/start point approx. 1300 feet to the northeast in front of property identified as 1 River Ct. The sidewalk and curb and gutter continue east from the 1300ft. mark.

The paved road shoulder width narrows from approx. 12ft. to 6ft at a point approx. 875ft. northeast of the applicant's property and continues at a narrow width southwest towards the airport.

There are no known plans for GDOT to add sidewalks along this section of West Ave.

The variance request is are for the following:

1. Omit the sidewalk requirement along West Ave required per Development Regulation 7.5-65. Street Design Criteria, Item 10 (A) & (B).

Section 2. Department Comments

Electric Department: Takes No exception.

Fibercom: No comment

Fire Department: No comments received.

Gas Department: Takes No exception.

Public Works Department: No comments received.

Water Department: No comments received.

Section 3. Public Comments Received by Staff

None as of 8/4/22.

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).

7.5-65. Street Design Criteria

(10) Sidewalks:

- A. Sidewalks shall be required on at least one side of all new streets in residential developments and are required along property frontage of all new developments on existing streets.
- B. Sidewalks shall be a minimum of five (5) feet in width and shall be constructed in accordance with Section 7.5-70, Standard Details, Detail 3.8.15 and located as shown in Detail 3.8.14.
- C. Sidewalks shall be backfilled and landscaped.
- D. Sidewalks shall include handicap ramps at all street intersections to meet the Americans with Disabilities Act (ADA) requirements. See Section 7.5-70, Standard Details, Detail 3.8.16a, 3.8.16b, 3.8.16c and 3.8.16d.

(Ord. No. 20-21, § 1, 4-1-2021)

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.

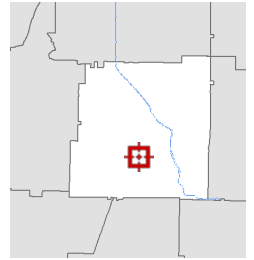
21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute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



Overview



Legend

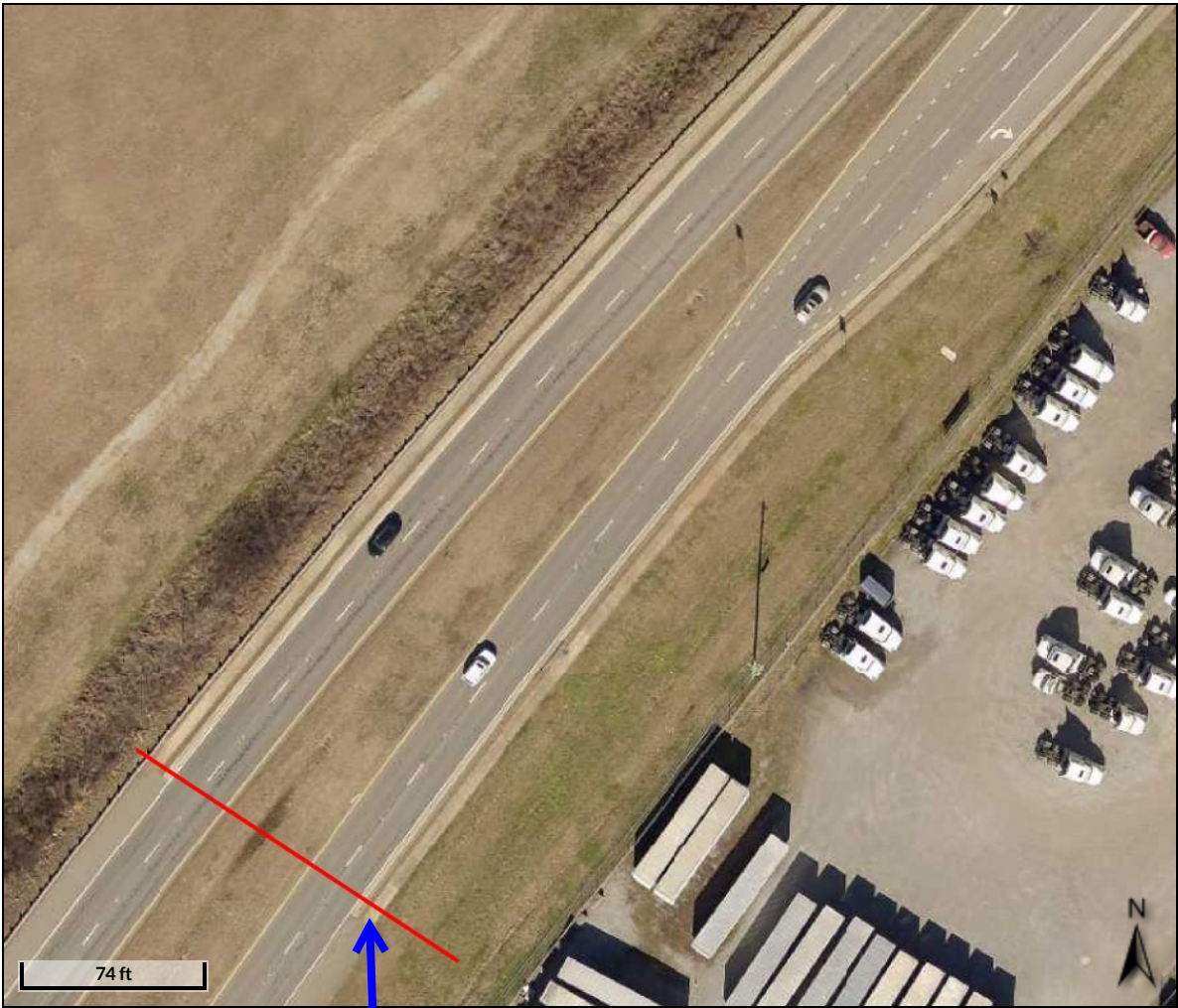
-  Parcels
-  Roads

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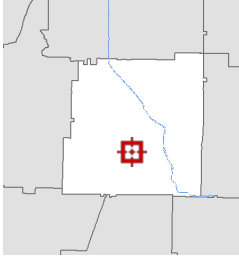
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Developed by  **Schneider**
GEOSPATIAL



Overview



Legend

- Parcels
- Roads

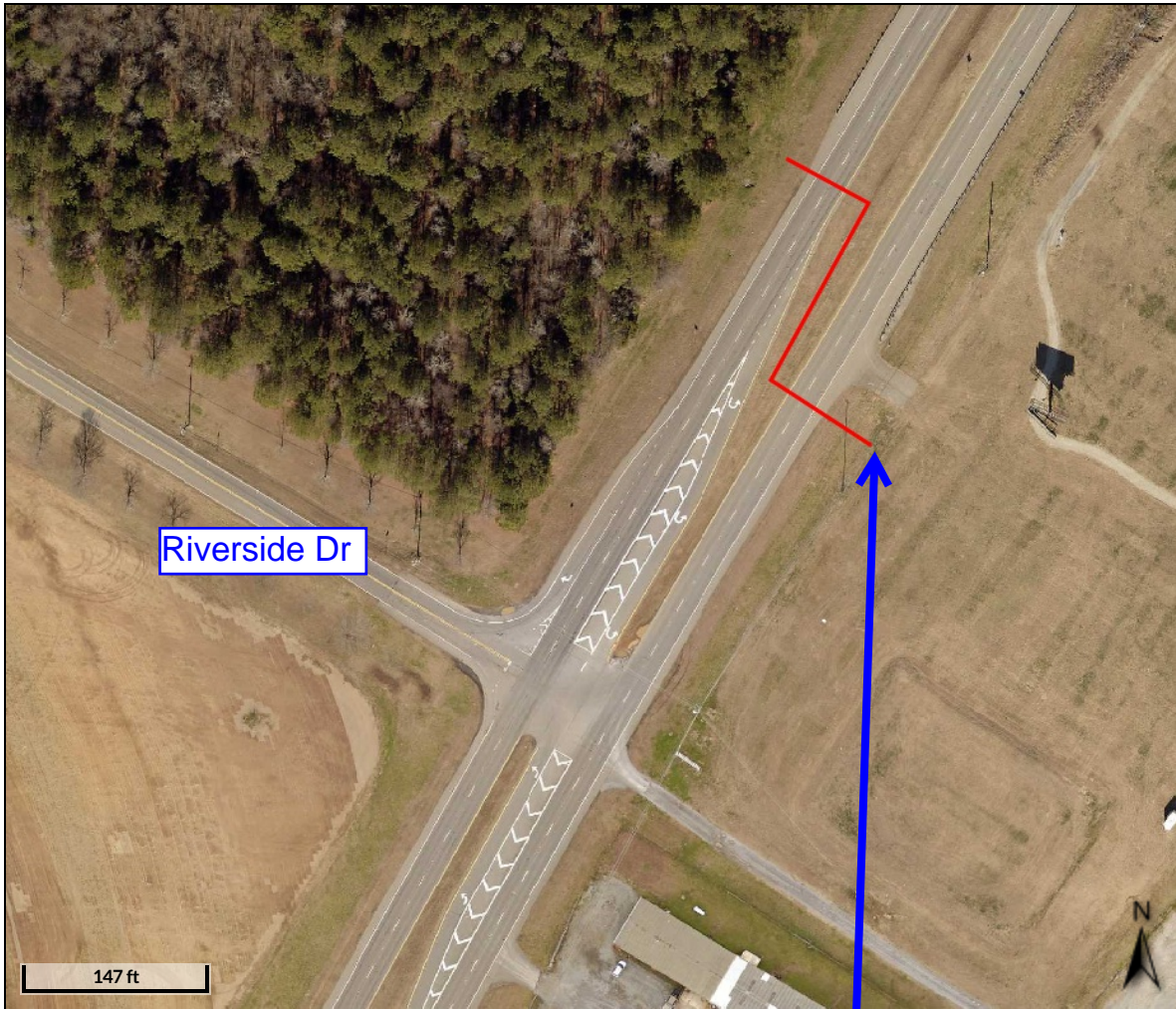
Parcel ID	C046-0002-004	Alternate ID	49502	Owner Address	DLD 113 LLC
Sec/Twp/Rng	n/a	Class	Industrial		218 E MAIN ST
Property Address	1790 WEST AVE	Acreage	12.08		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 781,804 D 4				

(Note: Not to be used on legal documents)

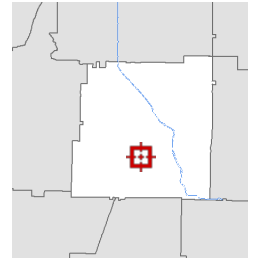
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Developed by **Schneider**
 GEOSPATIAL

Red line indicates stop/ start point of sidewalk constructed by GDOT. Location is 1 River Ct. Approx. 1300ft northeast of applicants' property.



Overview



Legend

-  Parcels
-  Roads

Server unavailable

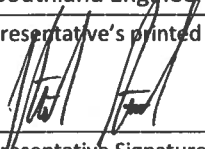
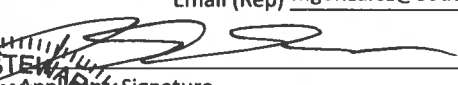

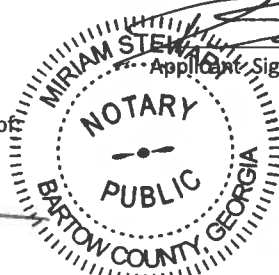
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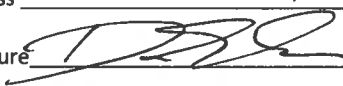

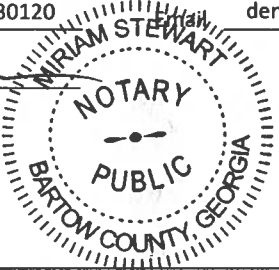
Developed by  Schneider
GEOSPATIAL

Red line indicates point that ROW shoulder narrows from approx. 12ft to 6ft. Location is approx. 675ft northeast of applicants' property.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 8/11/2022 5:30pm Application Number: V22-14
Date Received: 6/21/2022

Applicant Dennis Graham Office Phone _____
(printed name)
Address 218 E Main Street Mobile/ Other Phone 678-873-6873
City Cartersville State GA Zip 30120 Email dennis@grahamcommercial.org
Southland Engineering, Inc. Phone (Rep) 770-387-0440
Representative's printed name (if other than applicant) Email (Rep) mgonzalez@southladnengineers.com
 Representative Signature
 Applicant Signature
Signed, sealed and delivered in presence of _____ My commission expires: 10/11/2025
 Notary Public


* Titleholder DLD 113, LLC Phone 678-873-6873
(titleholder's printed name)
Address 218 E. Main St. Cartersville, Ga 30120 Email dennis@grahamcommercial.org
Signature 
Signed, sealed, delivered in presence of: _____ My commission expires: 10/11/2025
 Notary Public


Present Zoning District H-1
Acreage 16.802 Land Lot(s) 732, 781 & 804 District(s) 4th Section(s) 3rd
Location of Property: 1790 West Ave. Cartersville, Ga 30120 State Route 113
(street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: 7.5-65 (10) (A) & (B)
Summary Description of Variance Request: Requesting to allow the sidewalk extension be waved due to the shoulders along state route 113 not being adequate.
(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 Development Regulations Section 7.5-65 (10) (A) & (B) 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: The shoulders along state route 113 are not adequate for a sidewalk extension.



June 20, 2022

City of Cartersville Board of Zoning Appeals
City Hall
10 N. Public Square
Cartersville, Georgia 30120

RE : Graham Mini Storage Variance

To whom it may concern,

Please let this letter serve as a justification for the variance request referenced above. We are requesting a variance to Development Regulations 7.5-65 (10) (A) & (B). We ask that the sidewalk extension be waved due to the shoulders along State Route 113 not being adequate for said extension.

Thank you,
Southland Engineering, Inc.

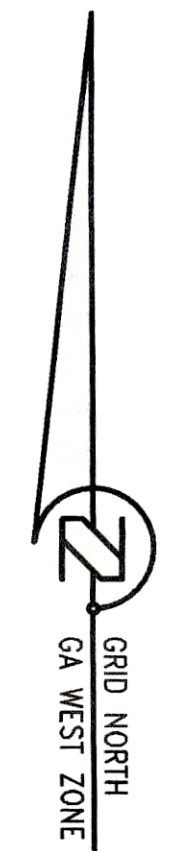
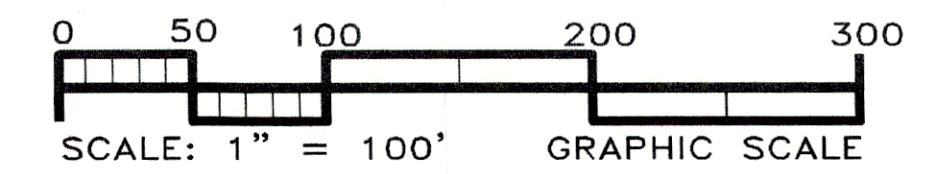
114 Old Mill Road
Cartersville, Georgia 30120
P: 770.387.0440
F: 770.607.5151

BOUNDARY RETRACEMENT/TOPOGRAPHIC SURVEY FOR:
DLD 113 LLC.
 LOCATED IN LAND LOTS 732, 781, & 804
 4th DISTRICT, 3rd SECTION
 CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

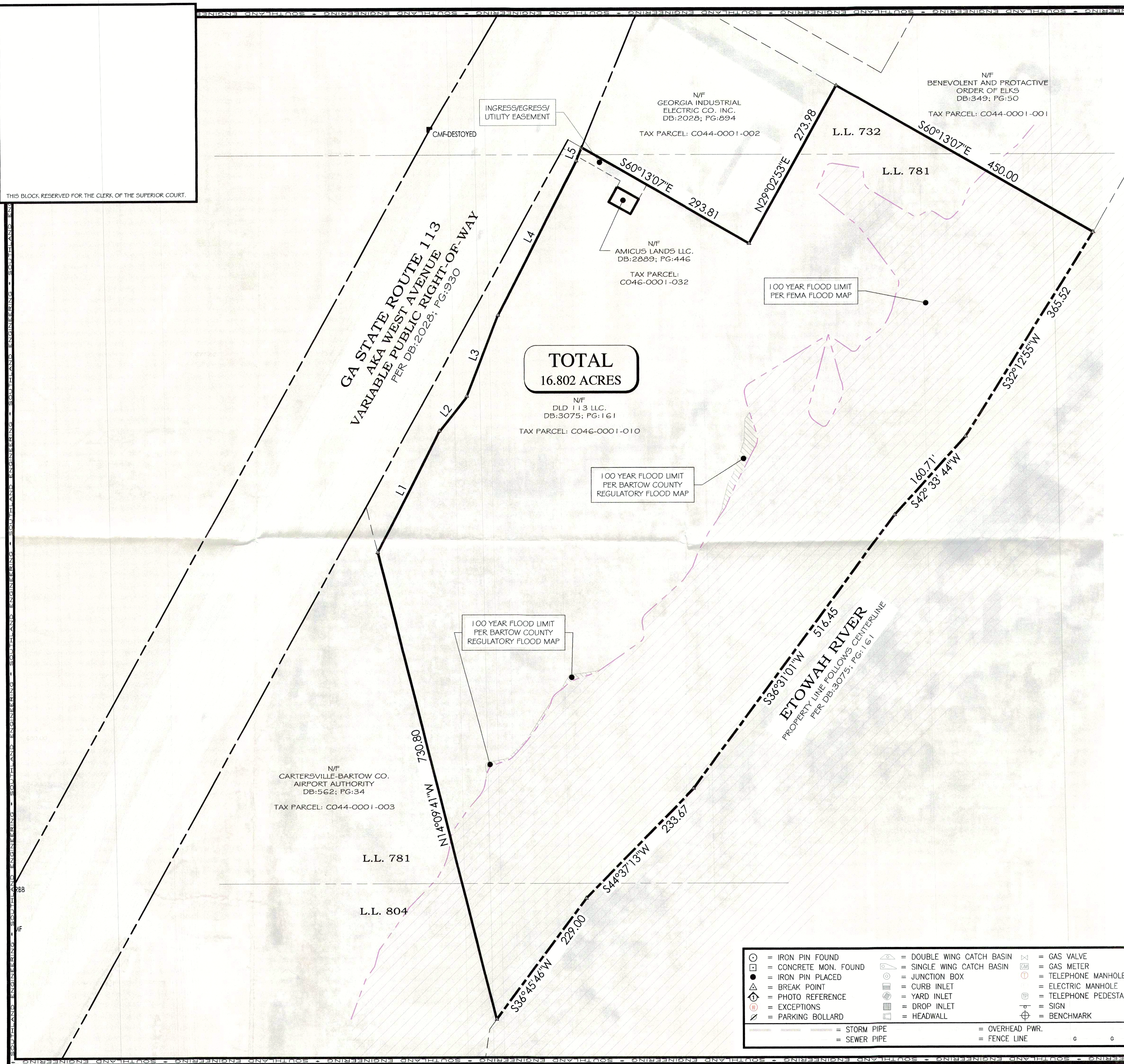
DATE: DECEMBER 29, 2021 REV: JOB NO: 21146

DATE OF FIELDWORK: N/A

DRAWN BY: JPC CHECKED BY: KNC APPROVED BY: KNC



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.



TOTAL
16.802 ACRES

N/F
DLD 113 LLC.
DB:3075; PG:161
TAX PARCEL: CO46-0001-010

GA STATE ROUTE 113
AKA WEST AVENUE
VARIABLE PUBLIC RIGHT-OF-WAY
PER DB:2028; PG:930

ETOWAH RIVER
PROPERTY LINE FOLLOWS CENTERLINE
PER DB:3075; PG:161

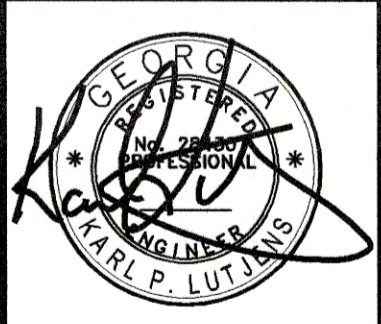
LINE TABLE		
LINE	BEARING	LENGTH
L1	N27°06'50"E	207.20
L2	N38°25'26"E	66.92
L3	N21°24'12"E	131.89
L4	N27°06'50"E	262.47
L5	N22°26'58"E	22.21

- = IRON PIN FOUND
- △ = BREAK POINT
- ⊕ = PHOTO REFERENCE
- ⊗ = EXCEPTIONS
- ⊙ = PARKING BOLLARD
- = STORM PIPE
- = SEWER PIPE
- = DOUBLE WING CATCH BASIN
- = SINGLE WING CATCH BASIN
- = JUNCTION BOX
- = CURB INLET
- = YARD INLET
- = DROP INLET
- = HEADWALL
- = GAS VALVE
- = GAS METER
- = TELEPHONE MANHOLE
- = ELECTRIC MANHOLE
- = TELEPHONE PEDESTAL
- = SIGN
- = BENCHMARK
- = SEWER MANHOLE
- = CLEAN OUT
- = WATER VALVE
- = WATER METER
- = FIRE HYDRANT
- = IRRIGATION CONT. VALVE
- = WELL
- = POWER POLE
- = GUY WIRE
- = ELECTRIC METER
- = TRANSFORMER
- = LIGHT POLE
- = FLOW ARROW
- = MAILBOX
- = WATER LINE
- = COMM. LINE
- = GAS LINE
- = OVERHEAD PWR.
- = FENCE LINE
- = UNDERGROUND PWR.

REVISIONS:	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
114 OLD MILL ROAD, CARTERSVILLE, GA 30120
PH: 770.387.0440 FAX: 770.807.5151

GRAHAM STORAGE HWY 113
LOCATED IN LAND LOTS 732, 781, & 804
4TH DISTRICT, 3RD SECTION
CITY OF CARTERSVILLE, GEORGIA

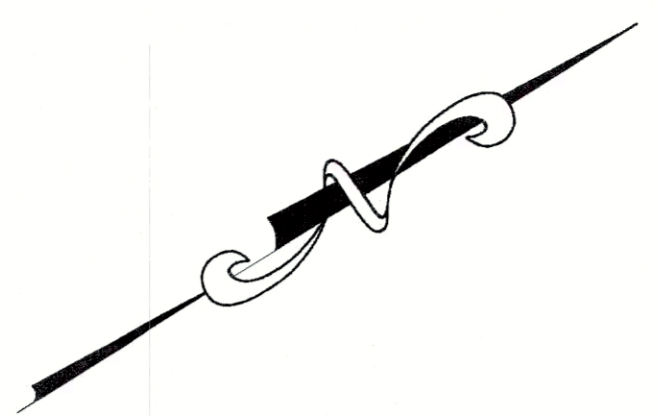
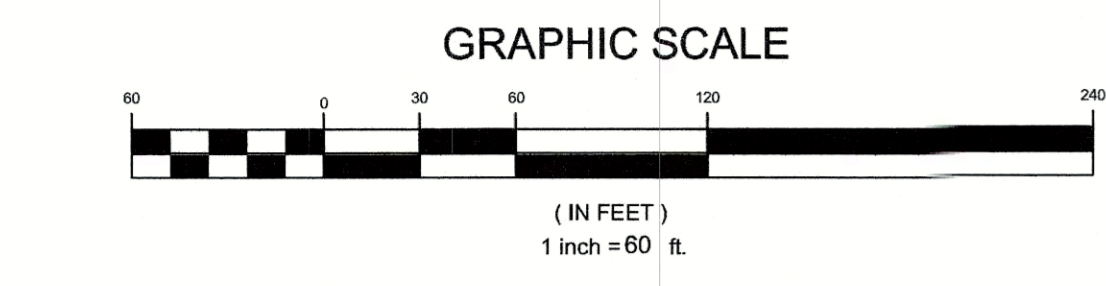


SHEET TITLE:
SITE & UTILITY PLAN

SHEET NO.:
C201

ZONE X

GA STATE ROUTE 113
AKA WEST AVENUE
VARIABLE PUBLIC RIGHT-OF-WAY
PER DB.2028; PG.930



UTILITY NOTES:

PARKING LOT OUTDOOR LIGHTING SHALL HAVE A MAXIMUM HEIGHT OF FORTY-FIVE (45) FEET. AND SHALL BE DIRECTED AWAY AND SHIELDED FROM ABUTTING RESIDENTIAL DISTRICTS.

**TOTAL
16.802 ACRES**

N/F
CARTERSVILLE-BARTOW CO.
AIRPORT AUTHORITY
DB:562; PG:34
TAX PARCEL: C044-0001-003
ZONING: H-1

N/F
DLD 113 LLC
DB:3075; PG:161
TAX PARCEL: C046-0002-004
ZONING: H-1

INGRESS/EGRESS/
UTILITY EASEMENT

N/F
AMICUS LANDS LLC
DB:2889; PG:446
TAX PARCEL: C046-0001-032
ZONING: H-1

N/F
GEORGIA INDUSTRIAL
ELECTRIC CO. INC.
DB:2028; PG:894
TAX PARCEL: C044-0001-002
ZONING: H-1

N/F
BENEVOLENT AND PROTECTIVE
ORDER OF ELKS
DB:349; PG:50
TAX PARCEL: C044-0001-001
ZONING: H-1

ETOWAH RIVER
PROPERTY LINE FOLLOWS CENTERLINE
PER DB:3075; PG:161

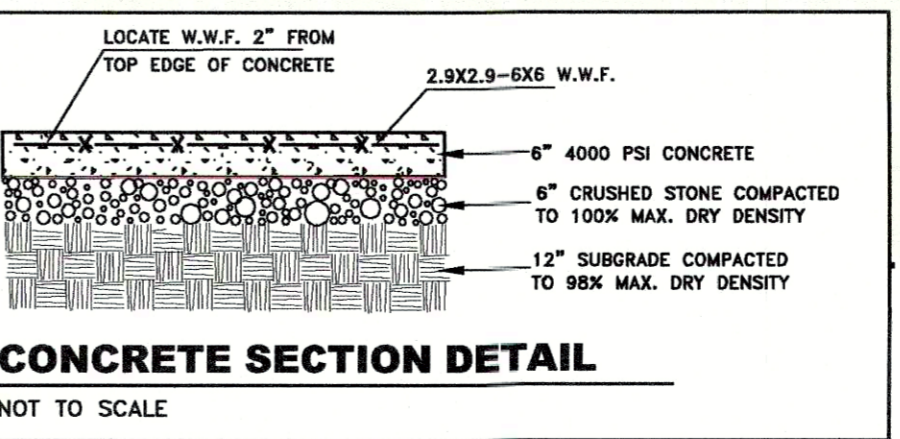
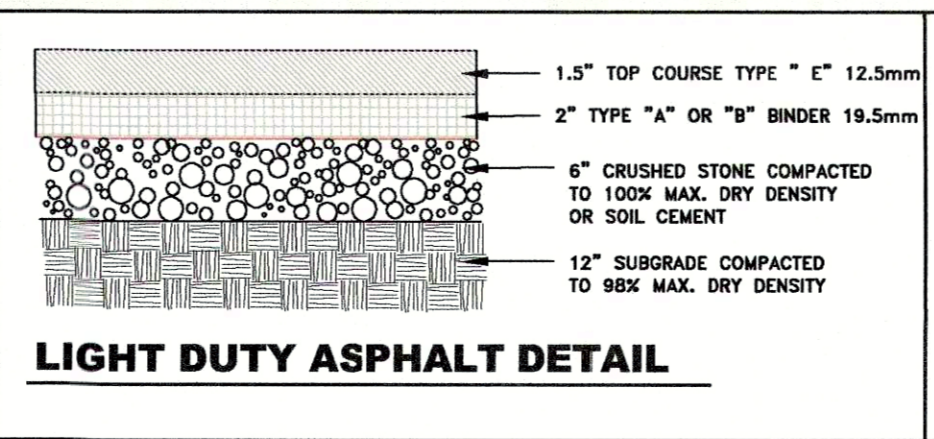
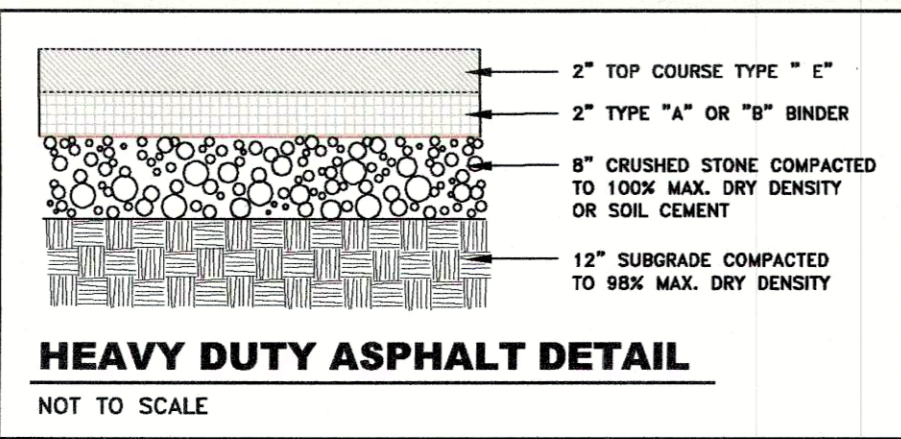
100 YR FEMA FLOOD HAZARD AREA
FLOODWAY
75' STREAM BUFFER
50' STREAM BUFFER
25' STREAM BUFFER

100 YR FEMA FLOOD HAZARD AREA

PAVING LEGEND

	GRAVEL
	CONCRETE PAVING
	LIGHT DUTY ASPHALT
	HEAVY DUTY PAVEMENT

**24 HOUR CONTACT
DENNIS GRAHAM
678-873-6873**



Images taken 7/20/22



Images taken 8/5/22



View NE in front of applicants' property. Narrower shoulder.



View NE in front of applicants' property- sloping shoulder



View SW in front of applicants' property



View NE near 1 River Ct.- wide shoulder. Sidewalk begins/ ends in distance



View NW in front of 1 River Ct where sidewalk/ begins/ end.





View SW from 1 River Ct. Sidewalk begins/ends. Wider shoulder.