



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: November 27, 2024
Re: File # V24-28

Summary: To allow accessory structures in the front yard of a multi-frontage lot.

Section 1: Project Summary

Variance application by owner/applicant Joseph DiCara for property located at 18 Carrington Dr., zoned R-10, Residential. Setbacks are Front/Rear- 20ft and Side- 10ft. Said property contains approximately .36 acres. The lot is a multi-frontage lot with road frontages along Carrington Dr. and Walnut Grove Road.

The applicant proposes to build multiple racks of solar panels along the Walnut Grove Rd. right-of-way, which is considered a front yard by the zoning ordinance. The zoning ordinance requires accessory structures to be installed in the rear yard only. As the attached site plan shows, all the proposed structures are proposed in a front yard, requiring a variance for construction. These structures will be partially seen over the existing 6' privacy fence along Walnut Grove Road.

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

1. To allow multiple solar panel racks to be constructed in a front yard.

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes No exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department:

1. Electrical for solar panel system needs to be above the future floodplain level (688.5 feet above MSL)
 2. Engineer or architect needs to certify that anchoring system proposed can withstand a flooding scenario if any part of the solar panel structure is below future floodplain level (688.5 feet above MSL).
- These comments were satisfied via email solution on 11-13-2024.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None as of 11-27-2024

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.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned residential and Public/Institutional.
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.
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 affect 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.*
No adverse environmental impact is anticipated.
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.

Justification Letter for DiCara's variance hearing

Date: 10/11/24

18 Carrington Drive
Cartersville, GA 30120

To whom it may concern:

I would like to install at least thirty-two (32) 580w solar panels on my property at the above address. The panels will be located at the south end of the property adjacent to Walnut Grove Rd. Cartersville City ordinance regarding accessory uses, buildings and structures, states that this is not acceptable under normal circumstances. I would like to ask the board to kindly consider making an exception to this ordinance due to the fact that utility costs are high, and getting higher. My elderly parents, Joseph and Suzanne DiCara are living with us in my basement as well as my four children, who will be driving soon. My parents drive an electric vehicle and prefer a cooler climate, similar to that of NJ, where they are from. High utility bills due to air conditioning and EV charging are becoming excessive. Also, since I have the ability to install the Solar Electric System, it seems environmentally responsible to do so.

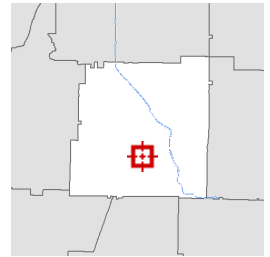
Sincerely,

Joseph A. DiCara



609.284.1396



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C065-0002-009	Alternate ID	36759	Owner Address	DICARA JILLIAN FAITH
Sec/Twp/Rng	n/a	Class	Residential		DICARA JOSEPH ANTHONY
Property Address	18 CARRINGTON DR	Acreage	0.36		18 CARRINGTON DR
					CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT 8 CARRINGTON				
	(Note: Not to be used on legal documents)				

Date created: 11/4/2024
Last Data Uploaded: 11/1/2024 10:34:05 PM

Developed by  **SCHNEIDER**
GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals


Hearing Date: 12/12/24

5:30pm


Application Number: V24-28

Date Received: 10/11/2024

Applicant <u>Joseph DiCara</u> (printed name)	Office Phone _____
Address <u>18 Carrington Dr.</u>	Mobile/ Other Phone <u>609.284.1396</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>tonyandjill@gmail.com</u>
Representative's printed name (if other than applicant) _____	Phone (Rep) _____
Representative Signature _____	Email (Rep) _____
Signed, sealed and delivered in presence of: _____	
Notary Public <u>[Signature]</u>	Applicant Signature <u>[Signature]</u> My commission expires _____



* Titleholder <u>Joseph DiCara</u> (titleholder's printed name)	Phone <u>609 284 1396</u>
Address <u>18 Carrington Dr.</u>	Email <u>tonyandjill@gmail.com</u>
Signature <u>[Signature]</u>	
Signed, sealed, delivered in presence of: _____	
Notary Public <u>[Signature]</u>	My commission expires _____



Present Zoning District <u>R-10</u>	Parcel ID No. <u>CD05-0002-00</u>
Acreage <u>0.36</u> Land Lot(s) <u>737</u> District(s) <u>4th</u> Section(s) <u>3rd</u>	
Location of Property: <u>18 Carrington Drive, Douthit Ferry Rd. and Walnut Grove Rd.</u> (street address, nearest intersections, etc.)	
Zoning Section(s) for which a variance is being requested: <u>Southern end of backyard</u>	
Summary Description of Variance Request: <u>Install of solar panels in backyard which is adjacent to Walnut Grove Rd.</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 V Section 4 Subsection 9

Article Section Subsection

Article Section Subsection

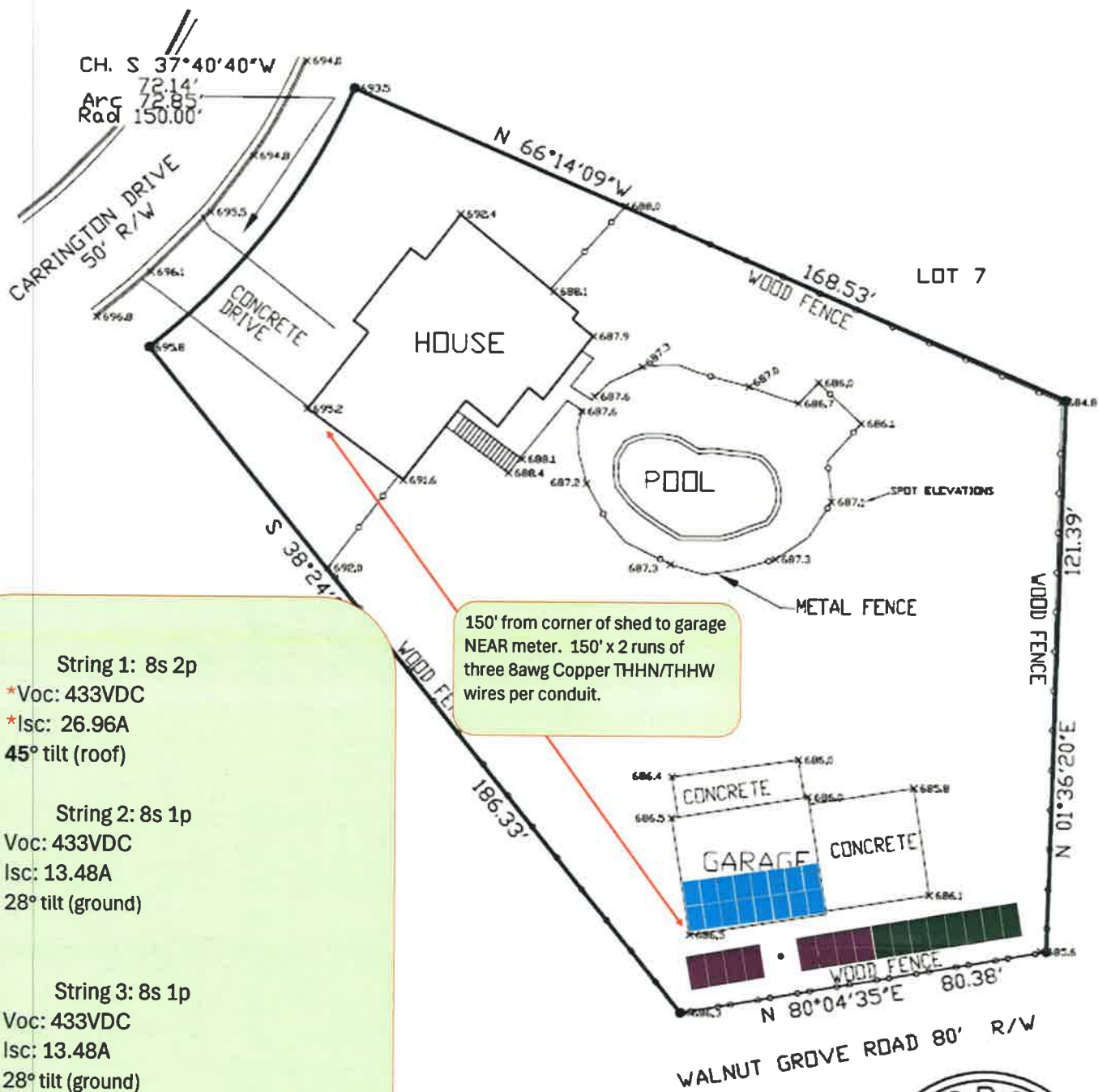
The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the 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. 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: Panels on the ground will be mostly obscured by the privacy fence. Panels on the roof of the outbuilding are same color as roofing material.

THIS IS NOT A BOUNDARY SURVEY
NOT TO BE RECORDED



String 1: 8s 2p
*Voc: 433VDC
*Isc: 26.96A
45° tilt (roof)

String 2: 8s 1p
Voc: 433VDC
Isc: 13.48A
28° tilt (ground)

String 3: 8s 1p
Voc: 433VDC
Isc: 13.48A
28° tilt (ground)

*Voc: Open circuit voltage of panel
Isc: Short circuit current of panel

****LEGEND****

IPS IRON PIN SET
IPF IRON PIN FOUND
IPF A 1/2" REBAR FOUND
FC FENCE CORNER
F FENCE
LL LAND LOT
CL CENTERLINE
R/W RIGHT-OF-WAY
N/F NOW OR FORMERLY
DB DEED BOOK
PB PLAT BOOK
POB POINT OF BEGINNING
Rad RADIUS
Ch CHORD
PP POWER POLE
SP SERVICE POLE
LP LAMP POLE
OHUL OVERHEAD UTILITY LINE
MH MAN HOLE
SS SANITARY SEWER
ST STORM SEWER
CMP CORRUGATED METAL PIPE
RCP REINFORCED CONCRETE PIPE
DE DRAINAGE EASEMENT
FH FIRE HYDRANT
WV WATER VALVE
WM WATER METER



Scale 1" = 30'



THIS IS NOT A BOUNDARY SURVEY
NOT TO BE RECORDED

Paul R. Rogers
PAUL R. ROGERS GA. R.L.S. 2303

DATE

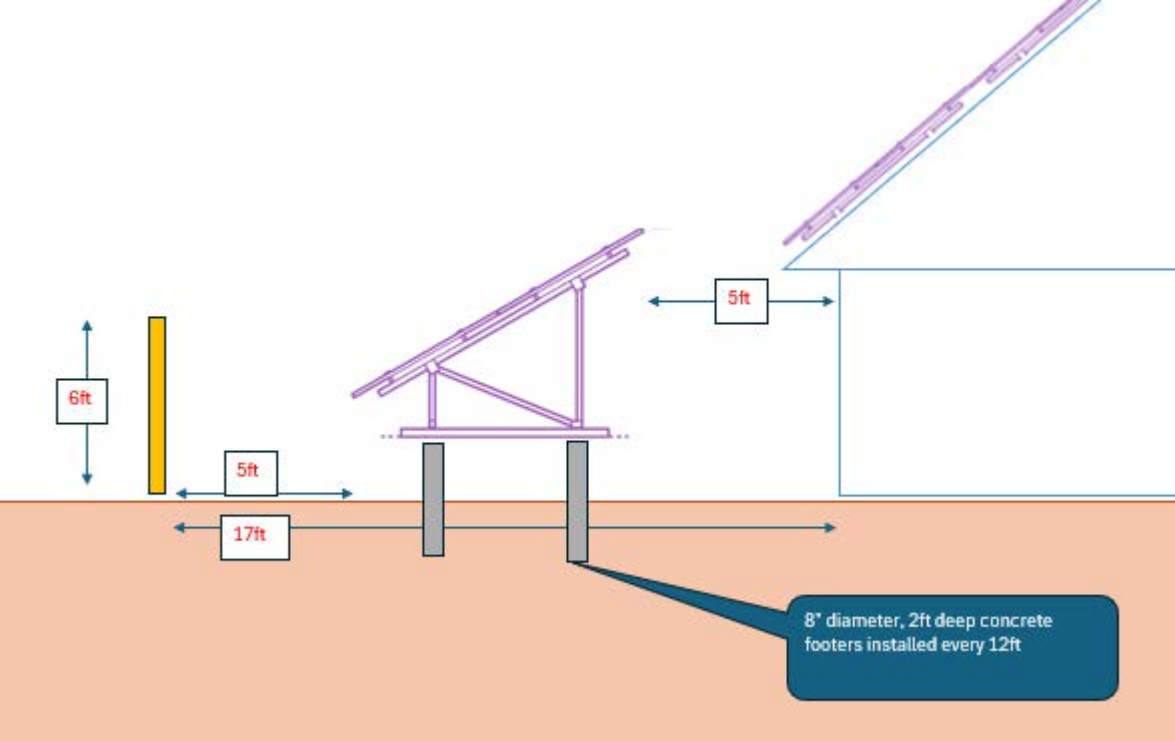
SITE PLAN FOR
TONY DICARA
IN THE CITY OF CARTERSVILLE
LOT 18 CARRINGTON SUBDIVISION
P.B. 7A, PG. 105
LOCATED IN LAND LOT 776
4th DISTRICT, 3rd SECTION
BARTOW COUNTY, GEORGIA
DATE : 6/23/2024

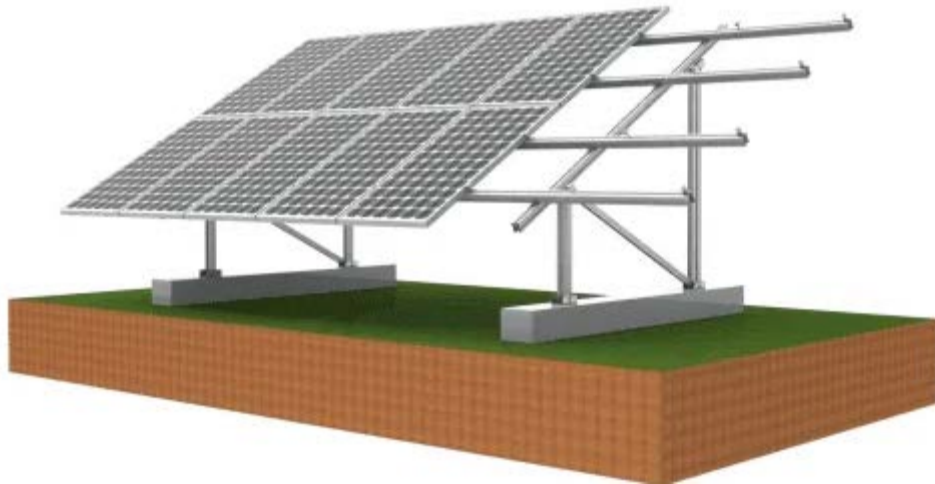
JOB NO. 24181

RHODES ENGINEERING SERVICES, INC
CIVIL ENGINEERS AND LAND SURVEYORS
645 HENDERSON DRIVE, SUITE 2
CARTERSVILLE, GA 30120
PHONE 770-386-7616 LSF- 000608

FIG
RE







Nov 6, 2024 at 11:59:08

19 Carrington Dr
Cartersville GA 30120
United States

