



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 # V24-27

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

Section 1: Project Summary

Variance application by owner/applicant George Shropshire III for property located at 39 Cassville Rd, zoned R-20, Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 2.87 acres. The lot is a multi-frontage lot with road frontages along Cassville Rd and Wofford St.

The applicant proposes to build a pool, pool house, and detached garage to the rear of the house along the Wofford St. right-of-way, which is considered a front yard by the zoning ordinance. The zoning ordinance requires accessory structures such as pools and pool houses to be installed in the rear yard only. The zoning ordinance allows for a detached garage to be placed in the side yard if the side yard setback of the district can be met. As the attached site plan shows, all the proposed structures are proposed in a front yard, requiring a variance for construction. These structures will take the place of two existing structures that are currently in the Wofford Street front yard.

The applicant received approval for this project via application COP24-29 from the City Historic Preservation Commission on 11/19/2024.

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

1. To allow a pool to be constructed in the front yard of a multi-frontage lot.
2. To allow a pool house to be constructed in the front yard of a multi-frontage lot.
3. To allow a detached garage to be constructed in the front yard of a multi-frontage lot.

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: Takes no exception.

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.
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.

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 12/12/24 5:30pm

Application Number: V24-27

Date Received: 10-10-24

Applicant <u>George Shropshire III</u> <small>(printed name)</small>	Office Phone <u>770-387-6749</u>
Address <u>39 Cassville Road</u>	Mobile/ Other Phone <u>770-387-6749</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>chip@bartowpaving.com</u>
Representative's printed name (if other than applicant) _____	
Phone (Rep) _____	
Email (Rep) _____	
Representative Signature _____	Applicant Signature _____
Signed, sealed and delivered in presence of: _____ My commission expires: _____	
 Notary Public <u>Landis S. Carnes</u>	<u>Landis S. Carnes</u> Notary Public, Bartow County, GA My Commission Expires November 5, 20 <u>24</u>

* Titleholder <u>George Shropshire III</u> <small>(titleholder's printed name)</small>	Phone <u>770-387-6749</u>
Address <u>39 Cassville Road</u>	Email <u>chip@bartowpaving.com</u>
Signature _____	
Signed, sealed, delivered in presence of: _____ My commission expires: _____	
 Notary Public <u>Landis S. Carnes</u>	<u>Landis S. Carnes</u> Notary Public, Bartow County, GA My Commission Expires November 5, 20 <u>24</u>

Present Zoning District <u>R-20</u>	Parcel ID No. <u>C002-0017-006</u>
Acreage <u>2.877</u> Land Lot(s) <u>453</u>	District(s) <u>4</u> Section(s) _____
Location of Property: <u>39 Cassville Road</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: _____	
Summary Description of Variance Request: <u>Addition of a separate pool, poolhouse and garage behind existing home.</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 IV 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. _____ 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 Lot has road frontage on the front & rear boundaries. The existing home faces Cassville Road. The rear of the lot faces Wofford Street. We are asking for a variance to place accessory building in the rear of the existing home.

October 9, 2024

City of Cartersville
Planning and Development Department
10 North Public Square
Cartersville, Georgia

Re: Application for Zoning Variance
39 Cassville Road

Gentlemen:

We are requesting a variance to construct a pool, pool house and garage behind our existing home that faces Cassville Road. The front of our property has a 269-foot frontage on Cassville Road. The rear of our property has a 220-foot frontage on Wofford Street. The property is 2.877 acres.

Out of the five homes in our block between Milam Street and Saint Frances Place that have both frontages, all face Cassville Road.

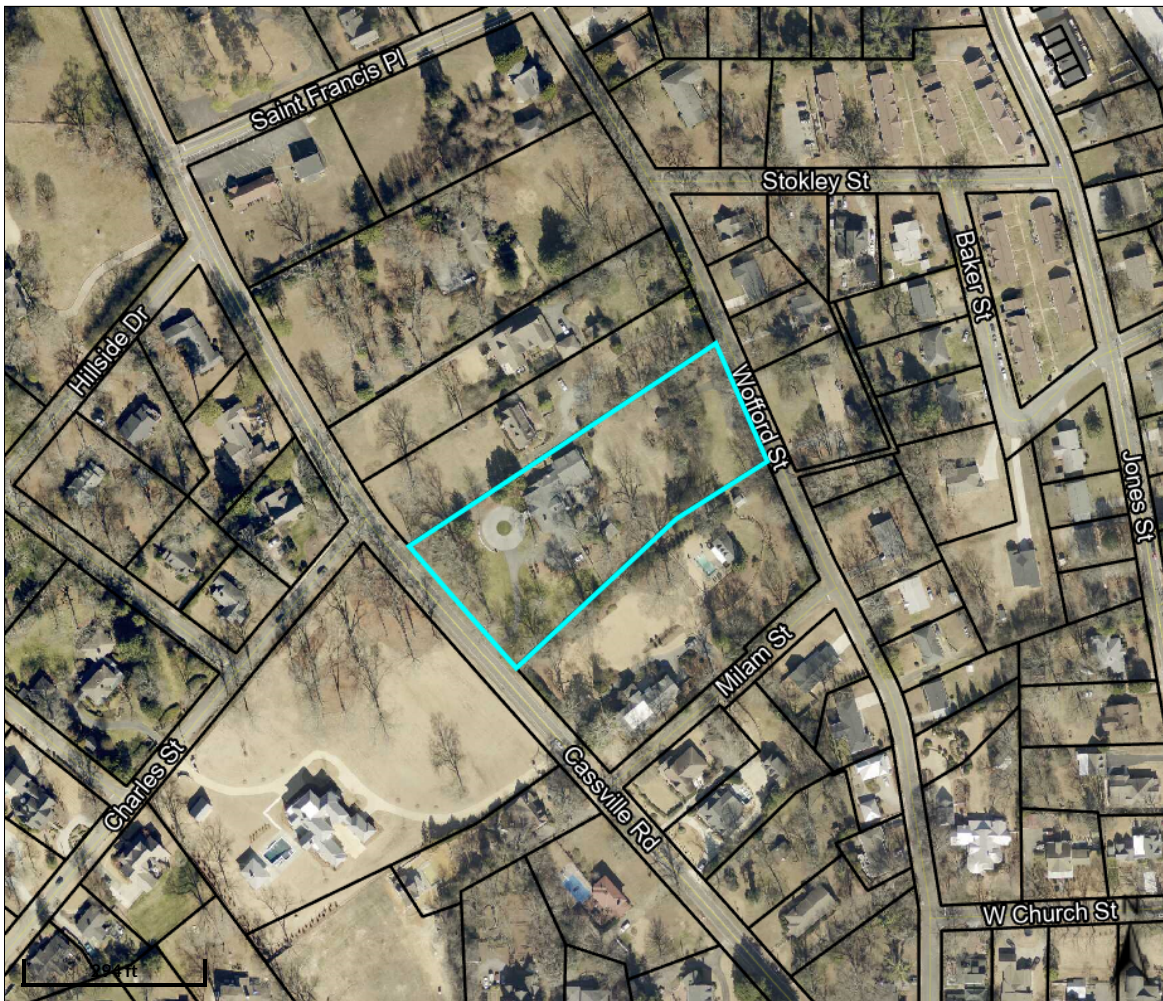
The minimum 20-foot setback to Wofford will be maintained, along with the minimum 10-foot side yard setback.

We appreciate your consideration.

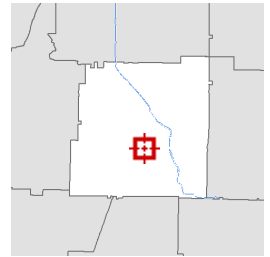
Sincerely,





Chip Shropshire



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C002-0017-006	Alternate ID	32258	Owner Address	SHROPSHIRE GEORGE EDWARD III
Sec/Twp/Rng	n/a	Class	Residential		SHROPSHIRE TRACI MOORE
Property Address	39 CASSVILLE RD	Acreage	2.6		39 CASSVILLE RD
					CARTERSVILLE, GA 30120

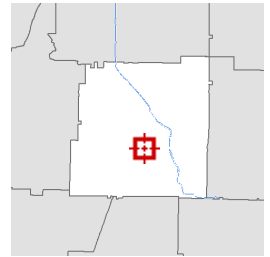
District Cartersville
Brief Tax Description LL453 LD4 39 CASSVILLE RD
(Note: Not to be used on legal documents)

Date created: 11/12/2024
Last Data Uploaded: 11/11/2024 10:29:23 PM



Developed by  **SCHNEIDER**
GEOSPATIAL



Overview



Legend

-  Parcels
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Parcel ID	C002-0017-006	Alternate ID	32258	Owner Address	SHROPSHIRE GEORGE EDWARD III
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Property Address	39 CASSVILLE RD	Acreage	2.6		39 CASSVILLE RD
					CARTERSVILLE, GA 30120

District Cartersville
Brief Tax Description LL453 LD4 39 CASSVILLE RD
(Note: Not to be used on legal documents)

Date created: 11/15/2024
Last Data Uploaded: 11/14/2024 10:45:21 PM

Developed by  **SCHNEIDER**
GEOSPATIAL



Structures for Potential Demolition

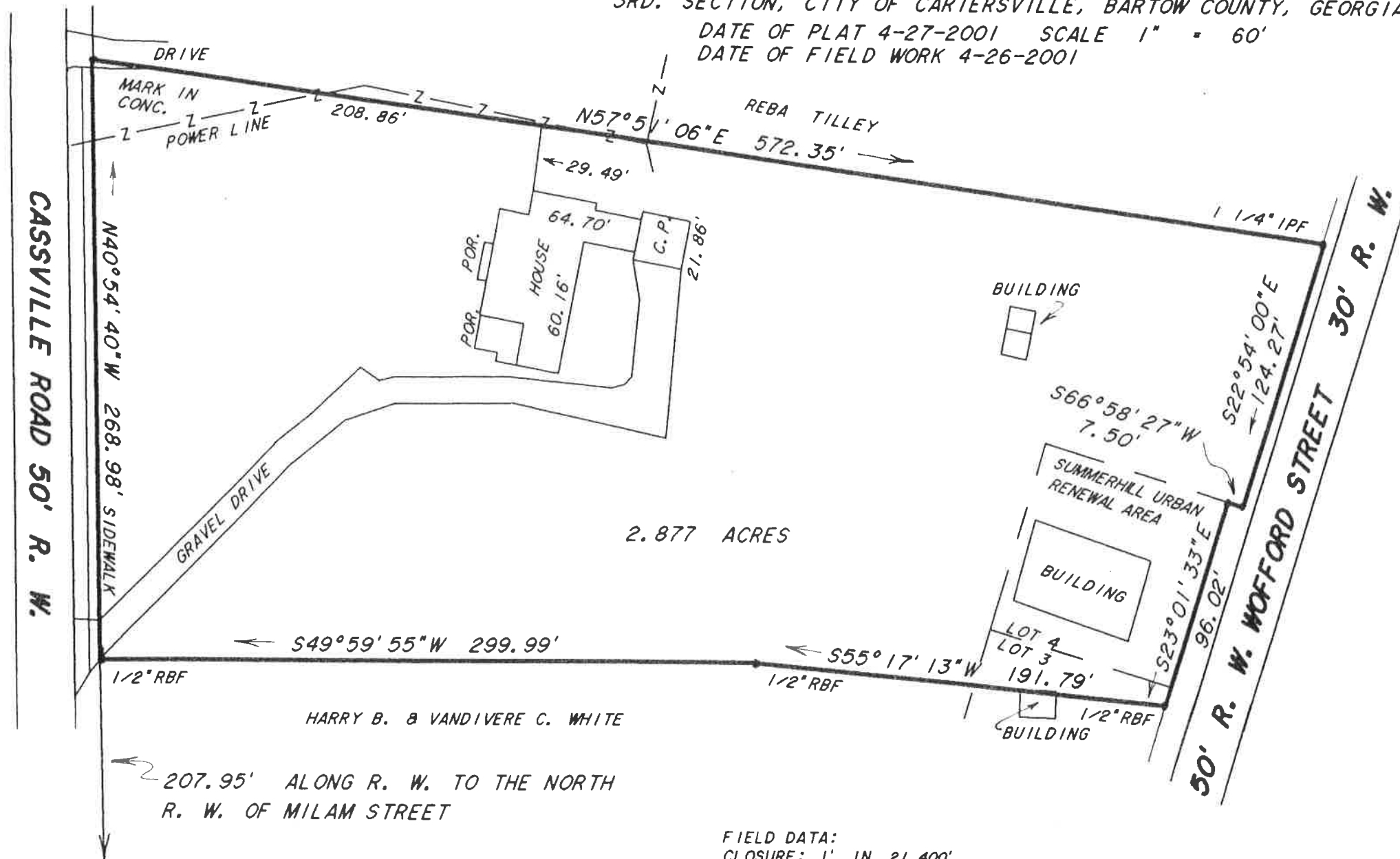
SURVEYED FOR

GEORGE E. SHROPSHIRE, III

LOT 4 & PART OF LOT 3, SUMMERHILL URBAN RENEWAL AREA,
BLOCK 1-1, & OTHER PROPERTY IN LAND LOT 453, 4TH. DISTRICT,
3RD. SECTION, CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

DATE OF PLAT 4-27-2001 SCALE 1" = 60'

DATE OF FIELD WORK 4-26-2001



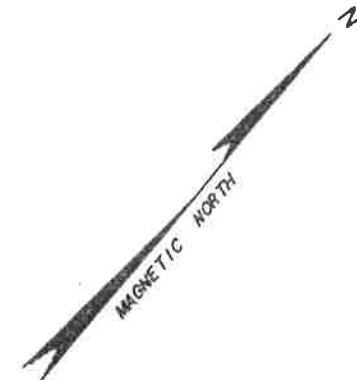
KNIGHT & KNIGHT LAND SURVEYORS
172 ROWLAND SPRINGS ROAD, SE
CARTERSVILLE, GEORGIA 30121
TELEPHONE (770) 382-7975
OR (770) 338-5484

FIELD DATA:
CLOSURE: 1' IN 21,400'
EQUIPMENT: TOPCON GTS-303
ANGULAR ERROR 02" PER ANGLE POINT
BEARINGS ARE MAG. CAL. FROM ANGLES
TURNED.
ADJUSTED USING LEAST SQUARES
PLAT CLOSURE 1' IN 100,000'

"FEMA FLOOD HAZARD MAP" 13015C0088 F
DATED SEPTEMBER 29, 1989, SHOWS THIS
PROPERTY OUT OF FLOOD ZONE.



Johnny R. Knight



Beth Tilley and Bert Tilley

572.35'

EXISTING HOME

Proposed Pool

Proposed Pool House
60' X 77'

Knee Wall
30"

Proposed Garage
41 X 29

35'

60'

18'

44'

96021

124.21'

WOLFORD STREET

191.79'

Michael & Justine Tidwell

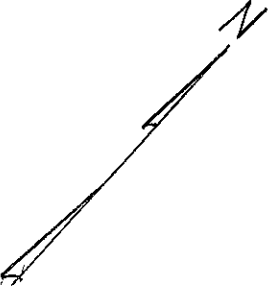
299.99'

268.78'

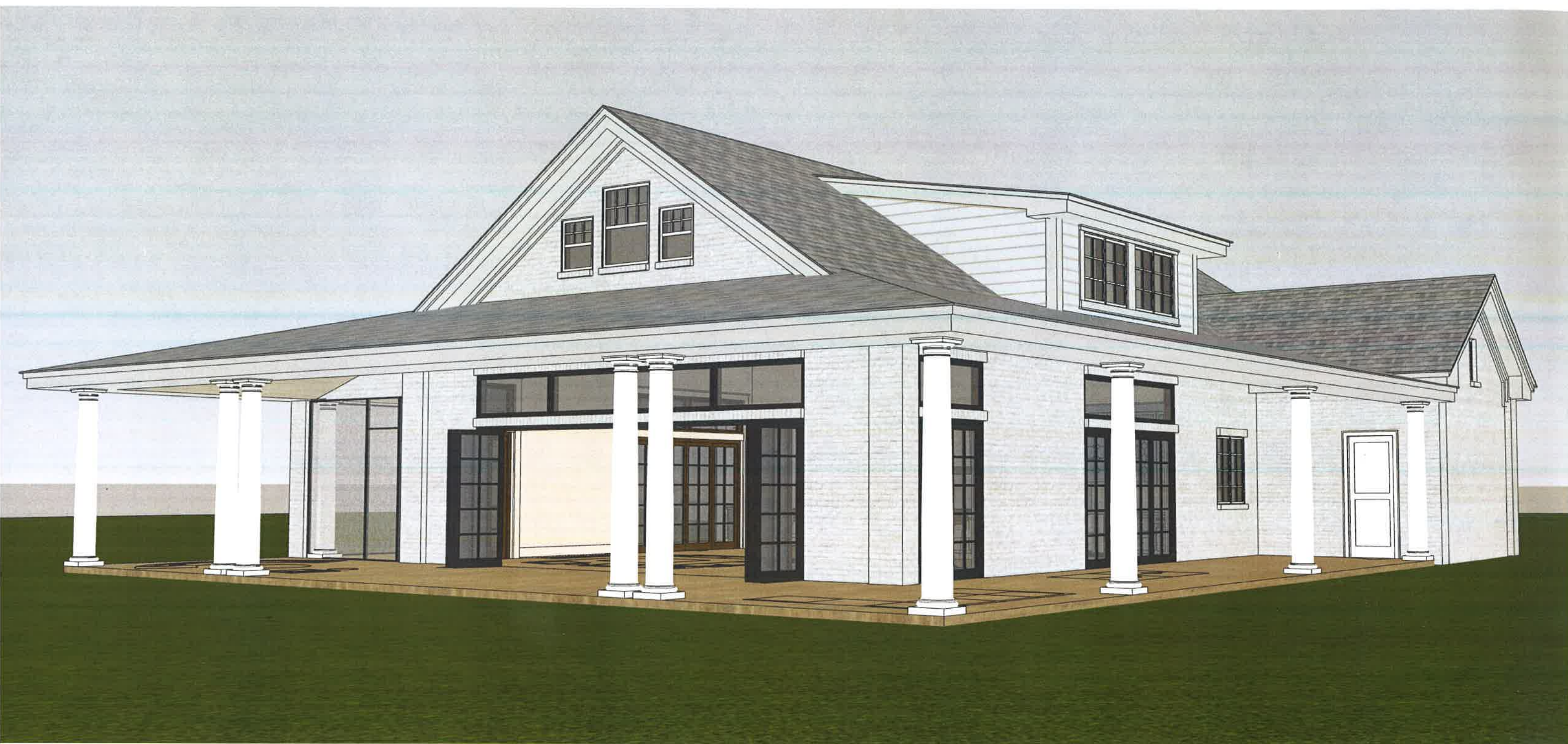
CASSVILLE ROAD 50' R.W.

George & Traci Shropshire
39 Cassville Road
Proposed Garage, Pool
and Poolhouse

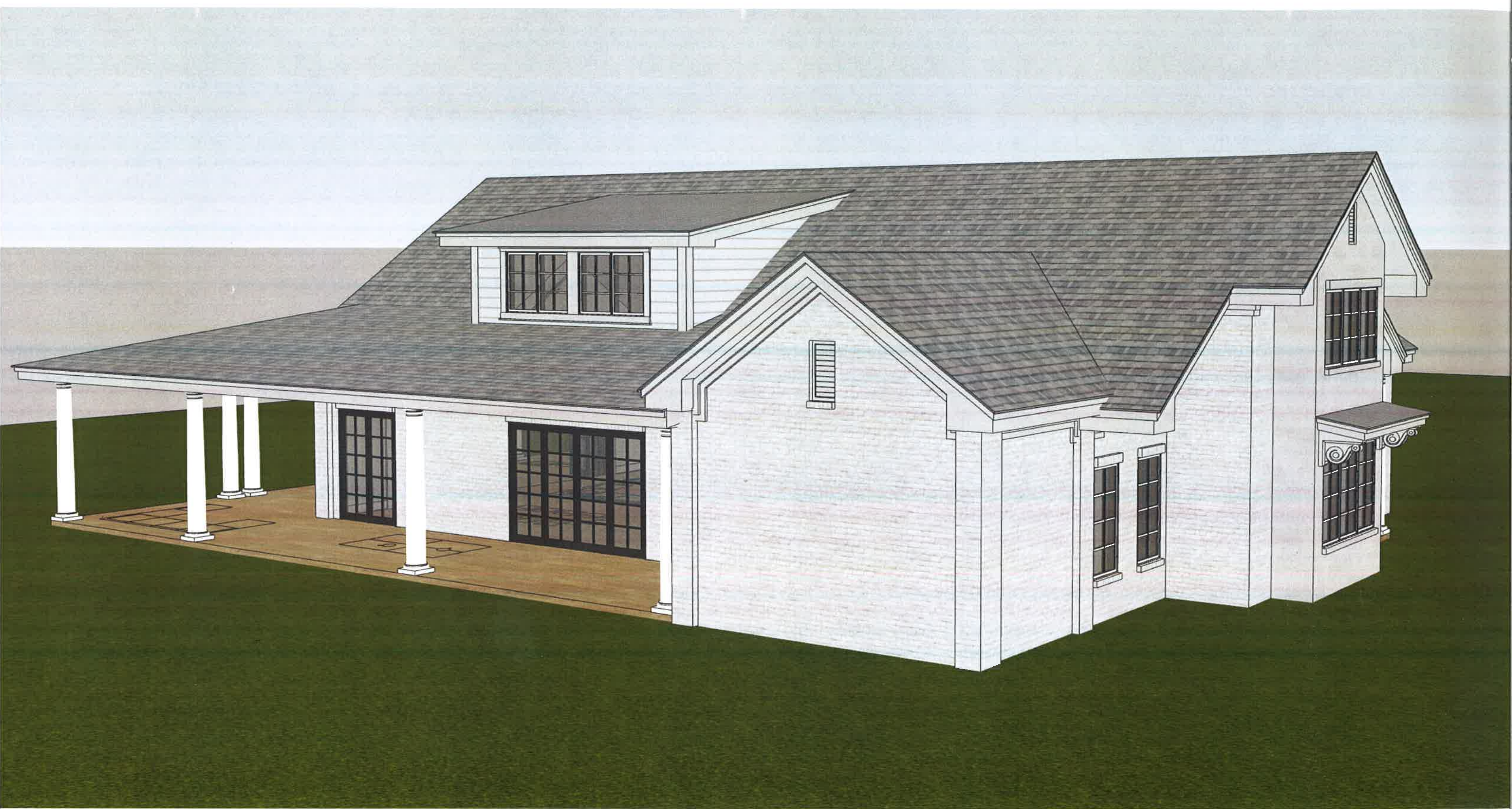
1" = 40'



Poolhouse



Pool House Facing Pool & Existing home



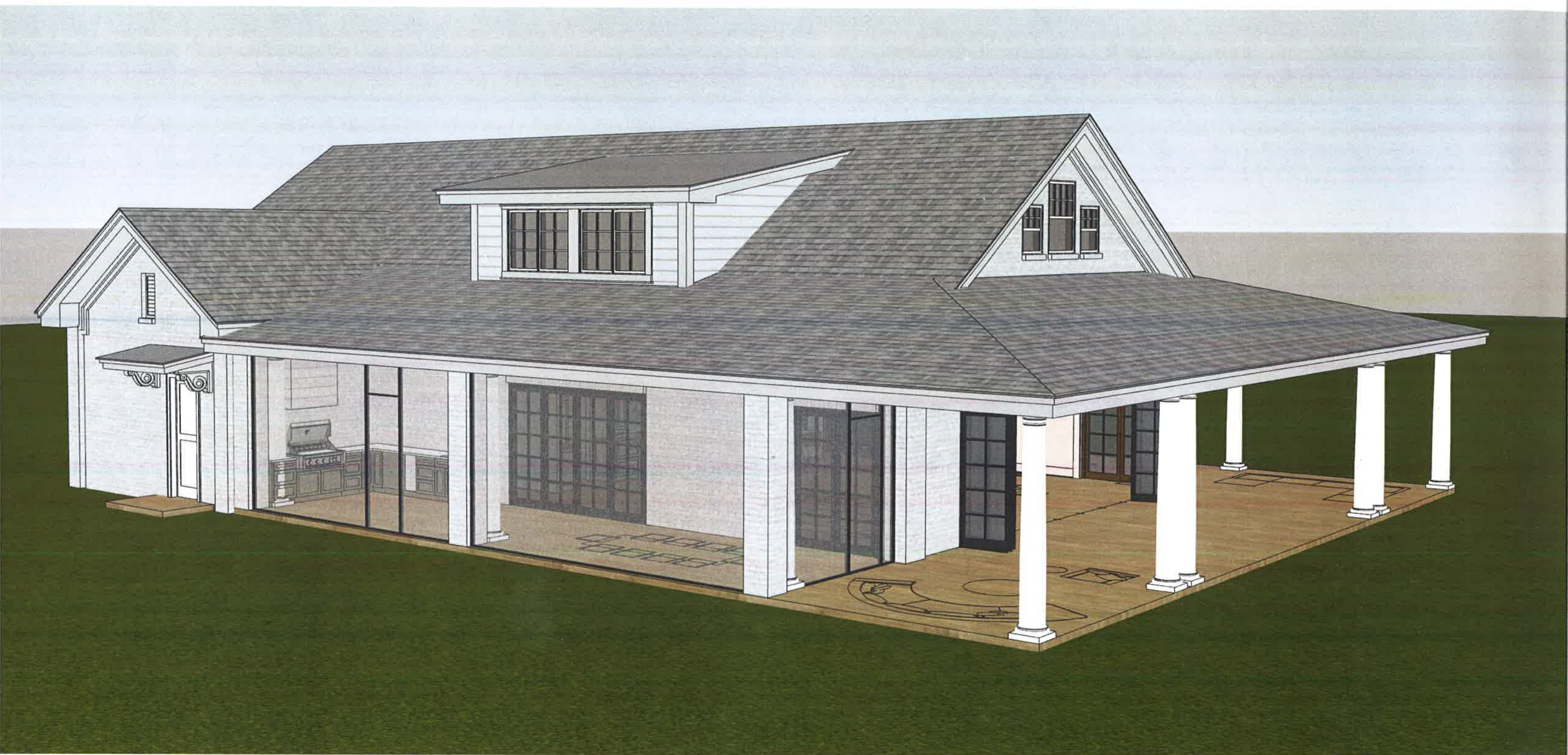
Pool House facing South



Pool House facing Wofford Street



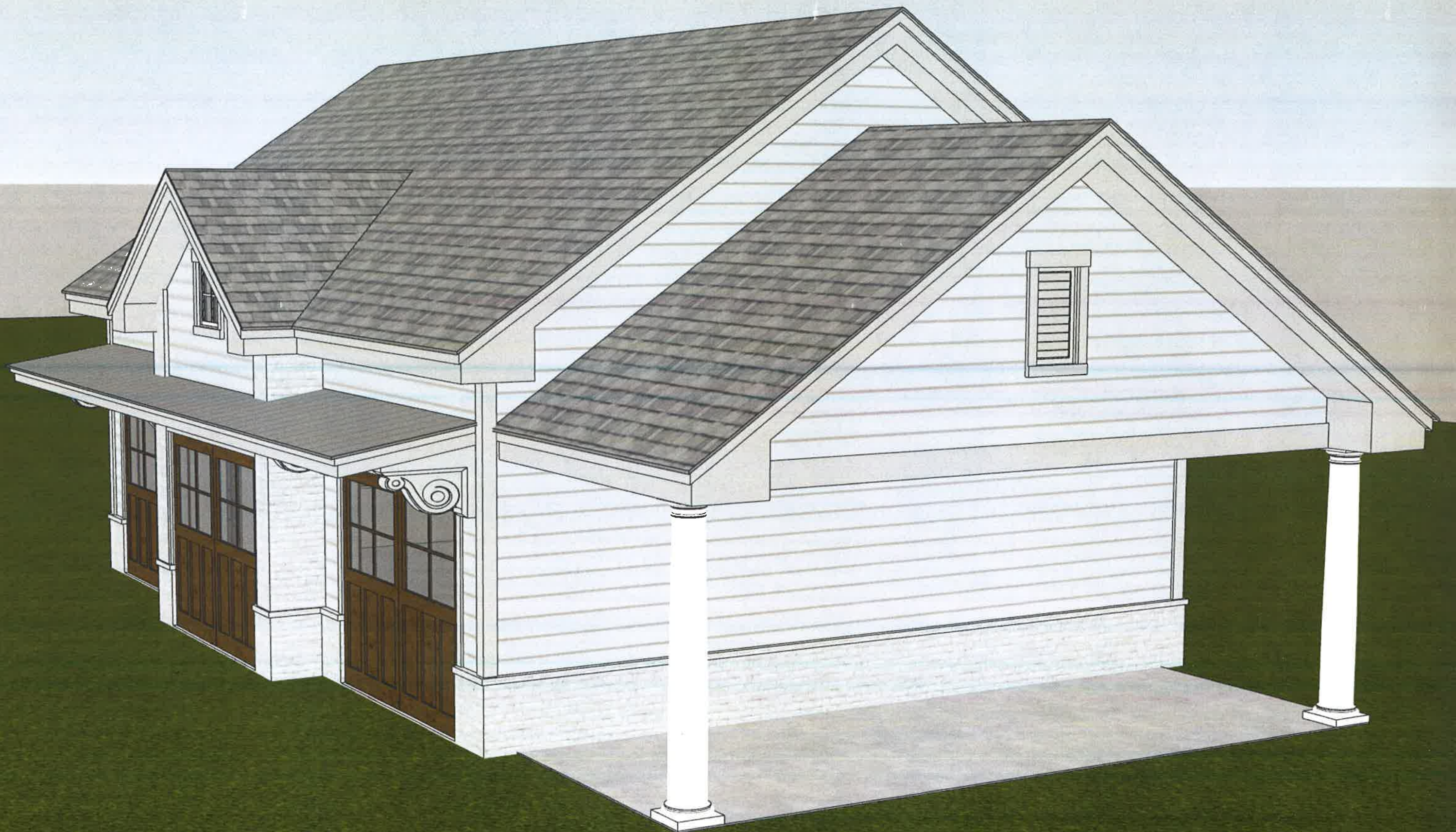
Pool House facing Wofford Street



Pool House facing North

Detached Garage

Detached Garage















Nov 6, 2024 at 11:46:34
23 Cassville Rd
Cartersville GA 30120
United States

