



# 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: January 26, 2024  
Re: File # V24-07

**Summary: To allow a detached garage in the front yard of a multi-frontage lot, and to allow encroachment into the side yard setback.**

### **Section 1: Project Summary**

Variance application by applicant, Todd Adams, for property located at 216 W. Main St., zoned R-7 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.40 acres. The lot is a multi-frontage lot with frontages along Etowah Dr., Tabernacle St., and W. Main St.

The applicant proposes to construct a detached garage in the location of an existing carport to the south of the home. The new structure will be located in the front yard along Etowah Dr., and encroach 3ft into the side yard setback.

### **The variance request is for the following:**

1. To allow an accessory structure to be constructed in the front yard of a double frontage lot (Sec. 4.9).
2. To allow accessory structure to encroach 3ft into the side yard setback (Sec. 6.5.3).

### **Section 2. Department Comments**

**Electric Department:** Takes no exception.

**Fibercom:** No comments received.

**Fire Department:** V24-07- CFD has reviewed the variance application for the property located at 216 W. main St. to allow a garage to be located within the required setback by 3'. Though some risk to the public way exists, we feel the 3' setback reduction does not pose a significant risk and therefore, we take no exceptions to the request provided the structure is built as stated in the application.

**Gas Department:** Takes no exception.

**Public Works Department:** Takes no exception.

**Water Department:** Takes no exception.

### **Section 3. Public Comments Received by Staff**

None received as of 1/26/2024

### **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. 6.5. R-7 Single-family dwelling district.**

6.5.1. *R-7 district scope and intent.* Regulations set forth in this section are the R-7 district regulations. The R-7 district encompasses lands devoted to higher density residential areas downtown, cluster developments adjacent to downtown, and closely related uses as further described in section 3.1.6 of this chapter.

6.5.2. *Use regulations.* Within the R-7 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory apartments (SU).\*
- Accessory buildings or uses.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Nursing home facilities (SU).\*
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*

- Public utility facilities.
- Religious institutions (SU).\*
- Retirement centers (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

### 6.5.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Eight (8) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Seven thousand (7,000) square feet.
- F. *Minimum lot width at building line on noncul-de-sac lots:* Sixty (60) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* Nine hundred (900) square feet.
- I. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-7 district.
- J. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.
- K. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- L. *Minimum open space requirements.* Proposed developments consisting of more than five (5) acres shall reserve a minimum of twenty (20) percent of the gross acreage of the site as open space with common areas provided.
- M. *Accessory use, building, and structure requirements.* See section 4.9 of this chapter.
- N. *Optional density bonus.* Proposed developments may contain lots with minimum areas of five thousand (5,000) square feet if one (1) of the following items is met:
  1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.

3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- O. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
1. No more than one (1) guest house structure per lot.
  2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  5. A guest house structure shall comply with the principal setbacks of the district.
  6. A guest house shall not be allowed in the front yard.
  7. A guest house shall not exceed the height of the principal building on the lot.
  8. Requires owner-occupancy of the principal building on the lot.

6.5.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-7 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 3, 1-3-13)

### **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.

#### **STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The surrounding properties are zoned for residential and used for that purpose.**
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.**

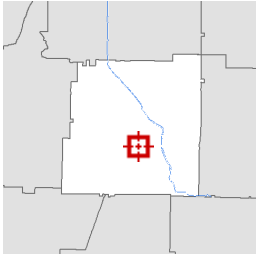
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

**There are no known conditions.**





**Overview**



**Legend**

- Parcels
- Roads

<b>Parcel ID</b>	C002-0004-003	<b>Alternate ID</b>	32114	<b>Owner Address</b>	ADAMS THORNTON TODD & BURNELL LYNN
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		216 W MAIN ST
<b>Property Address</b>	216 W MAIN ST	<b>Acreage</b>	0.4		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL483 LD4 216 W MAIN				
	(Note: Not to be used on legal documents)				

Date created: 12/18/2023  
 Last Data Uploaded: 12/15/2023 9:06:05 PM

**City of Cartersville**  
**Application for Variance**  
 Board of Zoning Appeals

Hearing Date: Feb 8, 2024 **5:30pm**

Application Number: V2407  
~~12/6/23~~

Date Received: 12/6/23

Applicant Thornton Todd Adams Office Phone \_\_\_\_\_  
(printed name)  
 Address 216 W Main St Mobile/ Other Phone 404.915.1156  
 City Cartersville State GA Zip 30120 Email ttoddadams@yahoo.com  
 Phone (Rep) \_\_\_\_\_  
 Representative's printed name (if other than applicant) \_\_\_\_\_  
 Email (Rep) \_\_\_\_\_  
 Representative Signature \_\_\_\_\_  
 Applicant Signature Thornton Todd Adams  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 04/28/2026  
 Notary Public Scarlett Goodner

\* Titleholder Thornton Todd and Burnell L Adams Phone 404.915.1156  
(titleholder's printed name)  
 Address 216 W Main St, C'ville 30120 Email ttoddadams@yahoo.com  
 Signature Thornton Todd Adams  
Burnell L Adams  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: 04/28/2026  
 Notary Public Scarlett Goodner

Present Zoning District R-7 Parcel ID No. C002-0004-003  
 Acreage .371 Land Lot(s) 483 District(s) 04 Section(s) 3  
 Location of Property: 216 W Main St, Cartersville, GA 30120  
(street address, nearest intersections, etc.) Zoning Section(s) for which a variance is being requested: Section 4.2, paragraph 1  
 Summary Description of Variance Request: To allow a detached garage in front yard of a multi-frontage lot. To reduce the setback distance to 5 ft.  
(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 <u>4</u>	Section <u>4.9</u>	Subsection <u>Parag 1</u>
Article <u>6</u>	Section <u>6.5</u>	Subsection <u>3C</u>
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 is a multi-frontage lot that includes 3 front yards (Main St, Tabernacle, and Etowah Drive). The requested variance would permit us to place a garage "behind" the existing residential home and 5 feet from adjacent property line.  
\_\_\_\_\_  
\_\_\_\_\_

T. Todd Adams  
Burnell L Adams  
216 West Main St  
Cartersville GA, 30120

December 4, 2023

City of Cartersville  
Planning Commission  
10 N. Public Square  
Cartersville, GA 30120

RE: Variance Letter

To Whom it May Concern,

We are the owners of the property at 216 West Main Street and wish to build a detached 2-car garage to house our vehicles and to provide additional general storage space.

We are seeking two variances as described below.

1. Variance to allow a detached garage in the front yard of a multi-frontage lot

Regulation: Section 4.9, paragraph 1:

*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.*

Requested variance: To construct the detached garage on the Etowah Drive side of the house using the existing driveway to Tabernacle Street.

Justification: The reasonable location for a garage is where the existing carport is located near the "back door" of the house. There is no room for a garage on the east or west sides of the house and the "architectural front" of the house faces West Main Street.

2. Variance to reduce the setback distance from 8ft to 5ft

Regulation: Section 4.9, paragraph 1.

Regulation: Section 6.5.3 Development Standards, Item C (R-7 Single-family dwelling district):

*Side yard setback: Eight (8) feet.*

**Requested variance: To reduce the new structure setback from the neighboring property from 8ft to 5ft.**

**Justification: We would like the garage to be located as far from Tabernacle Street as possible while also aligning well with the primary home and the home's back door. Note that a portion of the existing home is 3.5ft from the adjacent property line, but we feel that a 5ft setback should suffice for this project.**

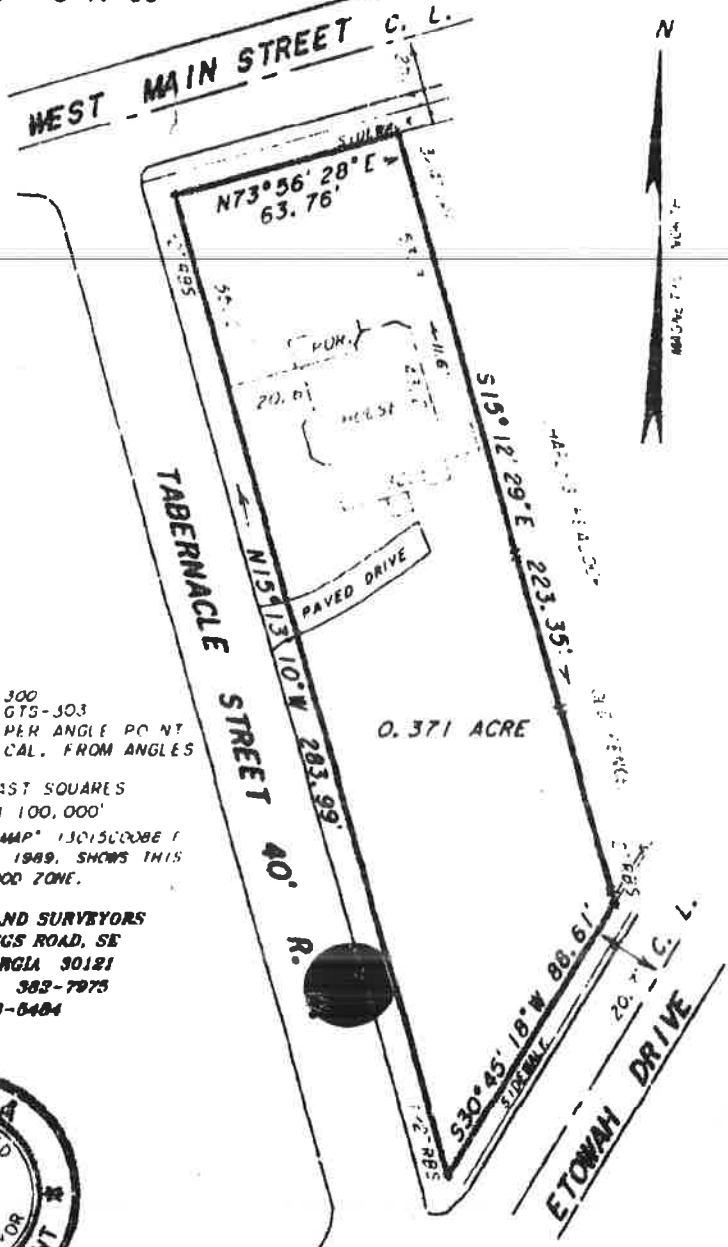
**Thank you for your consideration of our request,**

**T. Todd Adams  
Burnell L Adams**

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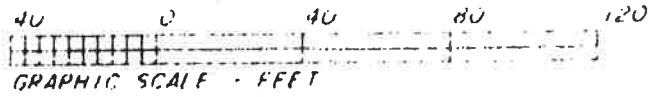
SURVEYED FOR  
**THE ADAMS FAMILY LIVING TRUST,**  
**DATED MAY 28, 1998**  
 IN LAND LOT 483, 4TH. DISTRICT, 3RD. SECTION,  
 CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA  
 DATE 5-06-92 SCALE 1" = 40'  
 REVISED 8-17-98

Book 92, 020353  
 GEORGIA, BARTOW COUNTY  
 CLERK'S OFFICE SUPERIOR COURT  
 Filed for records this 25th day of June 1998  
 by J. R. Knight  
 Surveyor  
 Page 1 of 1  
 JOHN R. KNIGHT  
 SURVEYOR



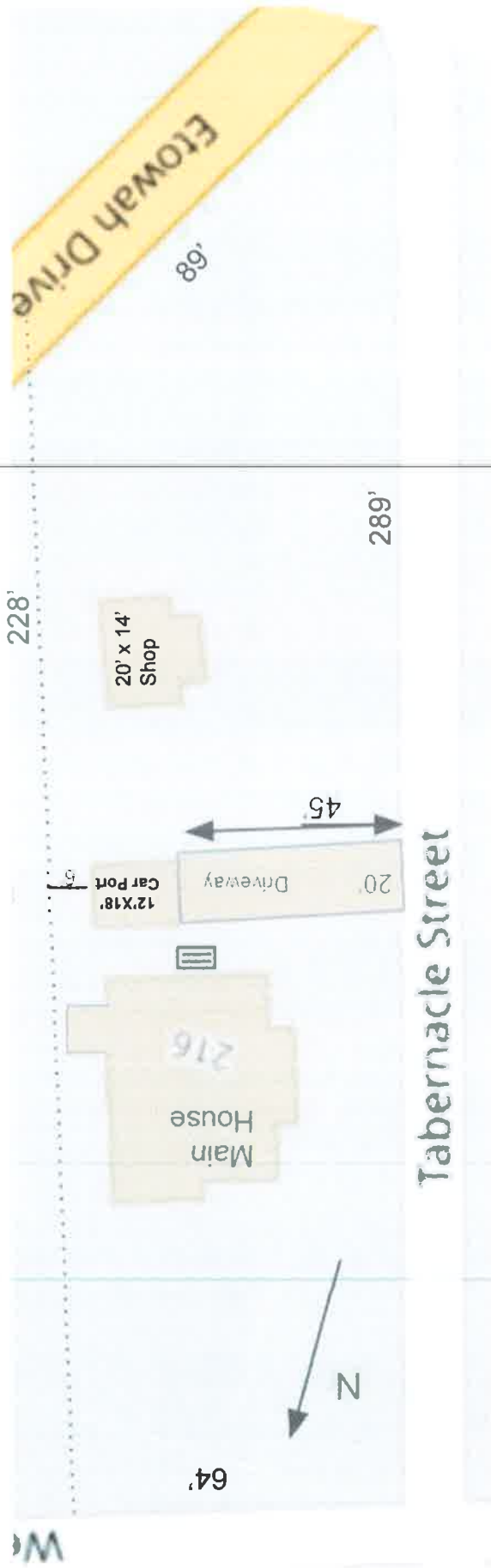
**FIELD DATA:**  
 CLOSURE: 1" IN 29,300  
 EQUIPMENT: TOPCON GTS-303  
 ANGULAR ERROR: 06" PER ANGLE POINT  
 BEARINGS ARE MAG. CAL. FROM ANGLES TURNED.  
 ADJUSTED USING LEAST SQUARES  
 PLAT CLOSURE 1" IN 100,000  
 \*FEMA FLOOD HAZARD MAP 130150008E1  
 DATED SEPTEMBER 29, 1989, SHOWS THIS  
 PROPERTY OUT OF FLOOD ZONE.

**KNIGHT & KNIGHT LAND SURVEYORS**  
 172 ROWLAND SPRINGS ROAD, SE  
 CARTERSVILLE, GEORGIA 30121  
 TELEPHONE (770) 383-7975  
 OR (770) 338-6404



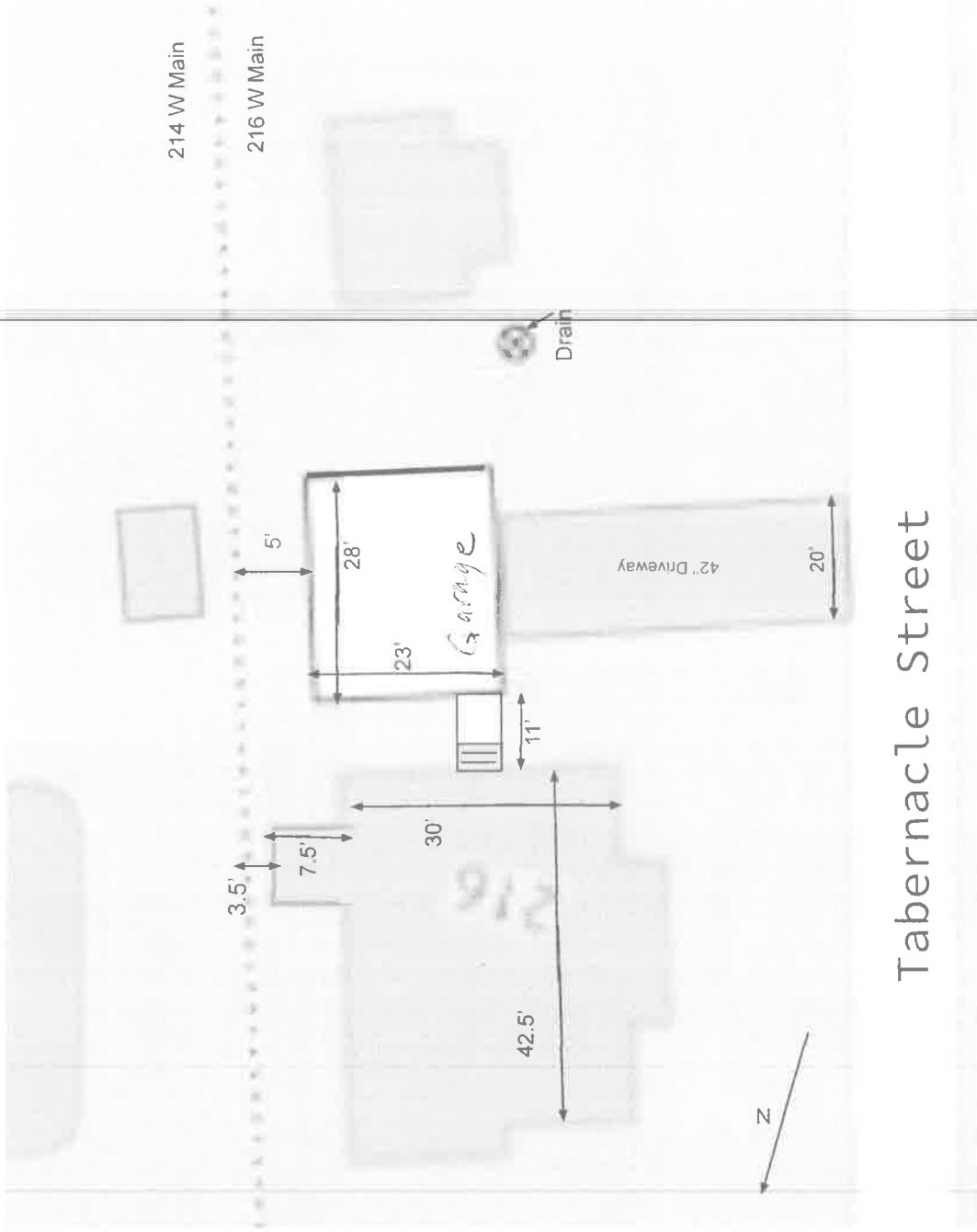
Lot: 483  
Parcel: C002-0004-003  
Acreage: .4

Existing Conditions - 216 W Main St



Proposed  
216 W Main St

Main  
Street  
Side

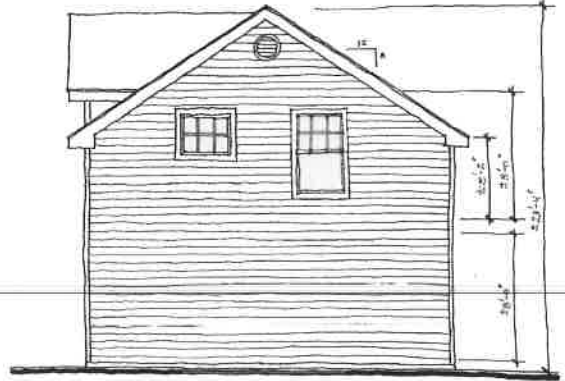


Etowah  
Drive  
Side

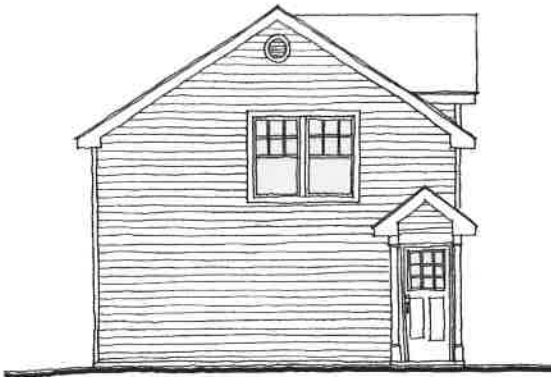




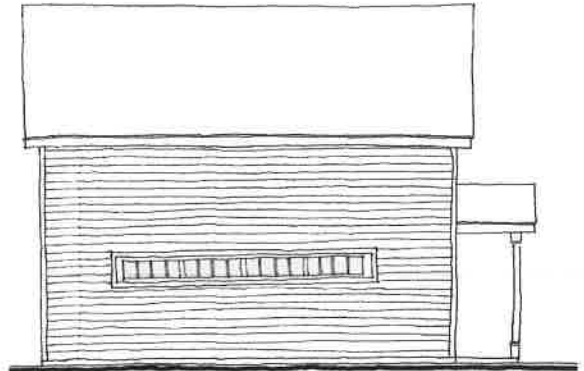
FRONT ELEVATION



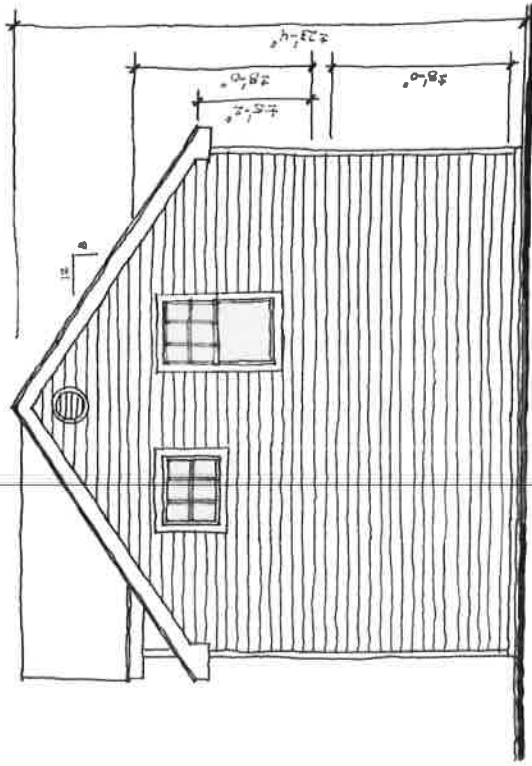
SIDE ELEVATION FACING COTTAGE



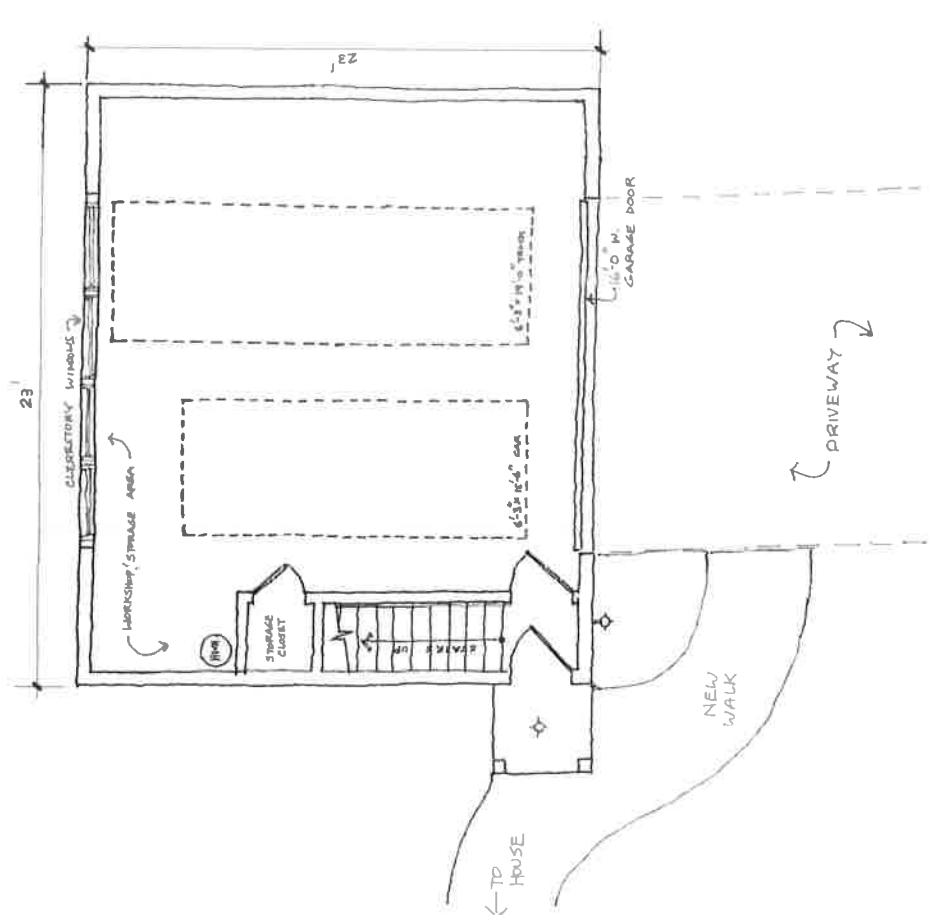
SIDE ELEVATION FACING HOUSE



REAR ELEVATION



SIDE ELEVATION FACING COTTAGE



FIRST FLOOR PLAN

