



# City of Cartersville

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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](http://www.cityofcartersville.org)

## MEMO

To: BZA  
From: Randy Mannino/David Hardegree/Zack Arnold  
CC: Keith Lovell  
Date: December 1, 2022  
Re: File # V22-23

**Summary: To allow encroachment into the City's impervious and undisturbed stream bank buffer**

### Section 1: Project Summary

Variance application by Kerley Family Homes, for two properties located at 21 & 23 Ashwood Drive and zoned R-20 (Single Family Residential) and P-D (Planned Development). Both properties contain approximately 0.2 acres. These lots are currently undeveloped.

The applicant wishes to construct homes on these lots that will encroach into the City's 25ft. impervious streambank buffer and the 25ft. undisturbed vegetative streambank buffer. No encroachment is proposed in the twenty-five foot (25ft) State streambank buffer.

The proposed encroachment at 21 Ashwood Drive includes 422 square feet of the home constructed in the impervious streambank buffer, and 297 square feet of disturbance in the undisturbed streambank buffer.

The proposed encroachment at 23 Ashwood Drive includes 178 square feet of the home constructed in the impervious streambank buffer, and 182 square feet of disturbance in the undisturbed streambank buffer. The applicant proposes to construct a rain garden as the mitigation solution for each property. This approach has never been presented as a mitigation solution to an encroachment.

All downspouts are proposed to be piped to the rain garden.

## **Property Summary:**

### **21 Ashwood Drive`**

Total buffer encroachment: 719sf.

Total proposed rain garden area: 118sf

Total Area draining to rain garden: 2800sf approx. measured per submitted plans.

*\*Applicant measured area per plans: 1995sf*

Rain Garden area requirement based on drainage area: 130-186sf (per sizing table on mitigation plan)

### **23 Ashwood Drive**

Total buffer encroachment: 360sf.

Total proposed rain garden area: 187sf

Total Area draining to rain garden: 4600sf approx. measured per submitted plans.

*\*Applicant measured area per plans: 2084sf*

Rain Garden area based on drainage area: 208-290 sf (per sizing table on mitigation plan)

The mitigation plan required by City ordinance may be satisfied by the rain garden plans; however, the proposed rain gardens are smaller in area than the minimum provided in the sizing table.

The development regulations for which relief is sought is 7.5-205 (a)(1) and 7.5-205 (a)(2).

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

1. For 21 Ashwood Drive, allow the home to encroach into the impervious and vegetative streambank buffers for approx. 719sf; and
2. For 23 Ashwood Drive, allow the home to encroach into the impervious and vegetative streambank buffers for approx. 360sf.

### **Proposed Conditions:**

If the BZA supports the rain garden mitigation plans as provided, Planning and Development staff recommend the following conditions for each site. The conditions allow additional time to address engineering concerns:

- 1) *The rain garden mitigation plans are to be approved by the city engineer and in conjunction with the review of the Tertiary Plans;*
- 2) *The approved rain garden mitigation plans are to be recorded for each parcel;*
- 3) *The approved rain garden mitigation plans are to be included with a Stormwater Maintenance Agreement to be approved by the City; and*
- 4) *Items 1-3 are to be completed prior to issuance of a Certificate of Occupancy.*

## **Section 2. Department Comments**

**Electric Department:** Not in Service Area

**Fibercom:** Not in Service Area

**Fire Department:** No comments received

**Gas Department:** The Gas System takes no exception to the following as shown in the attachments provided the locations of the natural gas meters are proposed outside of any of the required buffers.

**Water Department:** No comments received

**Public Works Department:** See attached comments below.

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

11/21: General Inquiry. Adjacent neighbor.

## **Section 4. Variance Justification**

*Please review the following findings, as stated in the Development Regulations, that are to be utilized in determining justification for approval or denial of variance request(s).*

### **A. Sec. 7.5-205. - Land development requirements.**

(a) *Buffer and setback requirements.* All land development activity subject to this article shall meet the following requirements:

- (1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

(b) *Variance procedures.* Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this article, and its shape, topography or other existing physical condition prevents land development consistent

with this article, and the City of Cartersville finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the board of appeals (BA) of the City of Cartersville may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

(2) Except as provided above, the BA of the City of Cartersville shall grant no variance from any provision of this article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the BA. The City of Cartersville shall give public notice of each such public hearing in a newspaper of general circulation within the city. The City of Cartersville shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variations will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

Variations will not be considered when, following adoption of this article, actions of any property owner of a given property have created conditions of a hardship on that property.

(3) At a minimum, a variance request shall include the following information:

- a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
- b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
- d. Documentation of unusual hardship should the buffer be maintained;
- e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and

h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(4) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

(Ord. No. 52-06, 8-3-06)

## David Hardegree

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**From:** Wade Wilson  
**Sent:** Wednesday, November 23, 2022 9:59 AM  
**To:** Zack Arnold  
**Cc:** David Hardegree; Tommy Rozier; Lynn Gayton  
**Subject:** RE: V22-23 Application

Zack,

In response to the buffer variance requests for 21 and 23 Ashwood Drive:

We understand the need for a variance, as this property was platted prior to the adoption of our stream buffer ordinance in August of 2006. We do not disagree on the fact that the buffer requirements, along with the topography, make these lots more difficult to develop. It appears that the options for house development would be as follows:

1. Reduce the house size and limit the rear yard.
2. Apply for a front setback variance, which would present potential parking issues.
3. Apply for the stream buffer variance that has been applied for.

Option #3 is the approach the builder is taking. This variance would allow for some disturbance in a very steep and delicate buffer area, which is typically not suggested. Extreme protection and stabilization would need to occur if this variance is granted. The mitigation that is suggested is a rain garden. These stormwater BMP's (Best Management Practice) need extensive design before installation.

Below you will see a guidance document for rain garden designs:

### CONSTRUCTION STEPS:

1. Locate rain garden(s) where downspouts or driveway runoff can enter garden flowing away from the home. Locate at least 10 feet from foundations, not within the public right of way, away from utility lines, not over septic fields, and not near a steep bluff edge.
2. Measure the area draining to the planned garden and determine required rain garden surface area from the table on the next page and your planned excavation depth.
3. Optionally, perform infiltration test. If the rate is less than 0.25 in/hr an underdrain will be necessary. If the rate is more than 0.50 in/hr the size of the garden may be decreased 10% for every 0.50 in/hr infiltration rate increase above 0.50 in/hr.
4. Measure elevations and stake out the garden to the required dimensions insuring positive flow into garden, the overflow elevation allows for six inches of ponding, and the perimeter of the garden is higher than the overflow point. If the garden is on a gentle slope a berm at least two feet wide can be constructed on the downhill side and/or the garden can be dug into the hillside taking greater care for erosion control at the garden inlet(s).
5. Remove turf or other vegetation in the area of the rain garden. Excavate garden being careful not to compact soils in the bottom of the garden. Level bottom of garden as much as possible to maximize infiltration area.
6. Mix compost, topsoil, and some of the excavated subsoil together to make the 'amended soil'. The soil mix should be 1/3 compost, 2/3 native soil (topsoil and subsoil combined).
7. Fill rain garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2" of mulch. The surface of the rain garden should be as close to level as possible.
8. Build a berm at the downhill edge and sides of the rain garden with the remaining subsoil. The top of the berm needs to be level, and set at the maximum ponding elevation.
9. Plant the rain garden using a selection of plants.
10. Mulch the surface of the rain garden with two to three inches of non-floating organic mulch. The best choice is finely shredded hardwood mulch. Pinestraw is also an option.

11. Water all plants thoroughly. As in any new garden or flower bed, regular watering will likely be needed to establish plants during the first growing season.
12. During construction build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. Use of an impermeable liner under the rocks at the end of the swale near the house is recommended to keep water from soaking in at that point. Test the drainage of water from the source to the garden prior to finishing.
13. Create an overflow at least 10 feet from your property edge and insure it is protected from erosion.

As shown in the guidance document, there is a lot of design standards to be considered. As submitted, it was noticed that very little detail or design has been provided for these rain gardens. At this time, these plans do not give our staff confidence that this BMP can be constructed as shown. We would prefer additional design and a maintenance plans and schedule submitted prior to approving the Tertiary Plans that have been submitted. This could lead to an alternative variance need. However, we cannot respond to this need until additional design is provided. Also, a stormwater maintenance agreement would be needed to be recorded prior to a certificate of occupancy (CO) on either house.

Thanks,

Thanks,

*Wade Wilson*

**Wade Wilson, PE, CFM**  
**City Engineer**

City of Cartersville Public Works  
PO Box 1390/330 S. Erwin Street  
Cartersville, GA 30120  
Tel (770) 383-7432  
Fax (770) 387-5697



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**From:** Zack Arnold <zarnold@cityofcartersville.org>  
**Sent:** Thursday, November 10, 2022 4:20 PM  
**To:** Wade Wilson <wwilson@cityofcartersville.org>  
**Subject:** V22-23 Application

I got your message. The application is attached. The link is reposed below. Let me know if that one doesn't work.

[Link](#)

V/R,  
Zack Arnold





**GENERAL NOTES**

- OWNER/BUILDER:  
KERLEY FAMILY HOMES  
3957 SOUTH MAIN STREET  
ACWORTH, GEORGIA 30101
- 24 HOUR EMERGENCY CONTACT:  
DAVE MERRILL  
770-367-0411
- ENGINEER/SURVEYOR:  
FALCON DESIGN CONSULTANTS, LLC  
235 CORPORATE CENTER DRIVE  
STOCKBRIDGE, GA 30281  
PH. 770-389-8666  
FAX 770-389-8656
- THE PURPOSE OF THIS PLAN IS TO SHOW THE MEASURES THAT NEED TO BE INSTALLED IN ORDER TO MITIGATE THE DISTURBANCE CAUSED BY HOME CONSTRUCTION. THE PROPOSED RAIN GARDEN SHOWN WILL ADD NEW VEGETATION IN THE DISTURBED AREA AS WELL ENHANCE THE WATER QUALITY OF STORMWATER RUNOFF BEFORE THE RUNOFF REACHES THE CREEK.

- CONTRACTOR SHALL VERIFY ALL CONDITIONS AND DIMENSIONS BEFORE BEGINNING CONSTRUCTION. ANY DISCREPANCIES SHALL BE REPORTED TO THE PROJECT ENGINEER FOR JUSTIFICATION AND/OR CORRECTION BEFORE PROCEEDING WITH THE WORK. CONTRACTOR TO ASSUME RESPONSIBILITY FOR DISCREPANCIES WHICH ARE NOT REPORTED. ALL DIMENSIONS SHOULD BE CALCULATED OR READ.
- THE CONTRACTOR SHALL COORDINATE ANY AND ALL UTILITY RELOCATION WITH THE APPROPRIATE UTILITY COMPANY PRIOR TO THE START OF ANY UTILITY WORK.
- BOUNDARY AND OTHER PERTINENT INFORMATION WAS TAKEN FROM: FINAL PLAT FOR CARTERS GROVE PLANTATION, RECORDED IN PLAT BOOK 63, PAGE 98 OF BARTOW COUNTY RECORDS.
- TOPOGRAPHIC INFORMATION SHOWN HEREON IS FIELD RAN TOPO RAN BY FALCON DESIGN CONSULTANTS.
- ACCORDING TO THE F.I.R.M. OF BARTOW COUNTY, PANEL NUMBER 13015C0355G, DATED 10/05/2018, THIS LOT IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
- A COPY OF THESE PLANS ARE TO BE KEPT ON SITE DURING THE DURATION OF THE PROJECT.

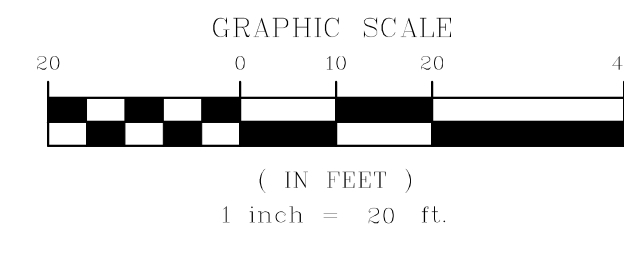
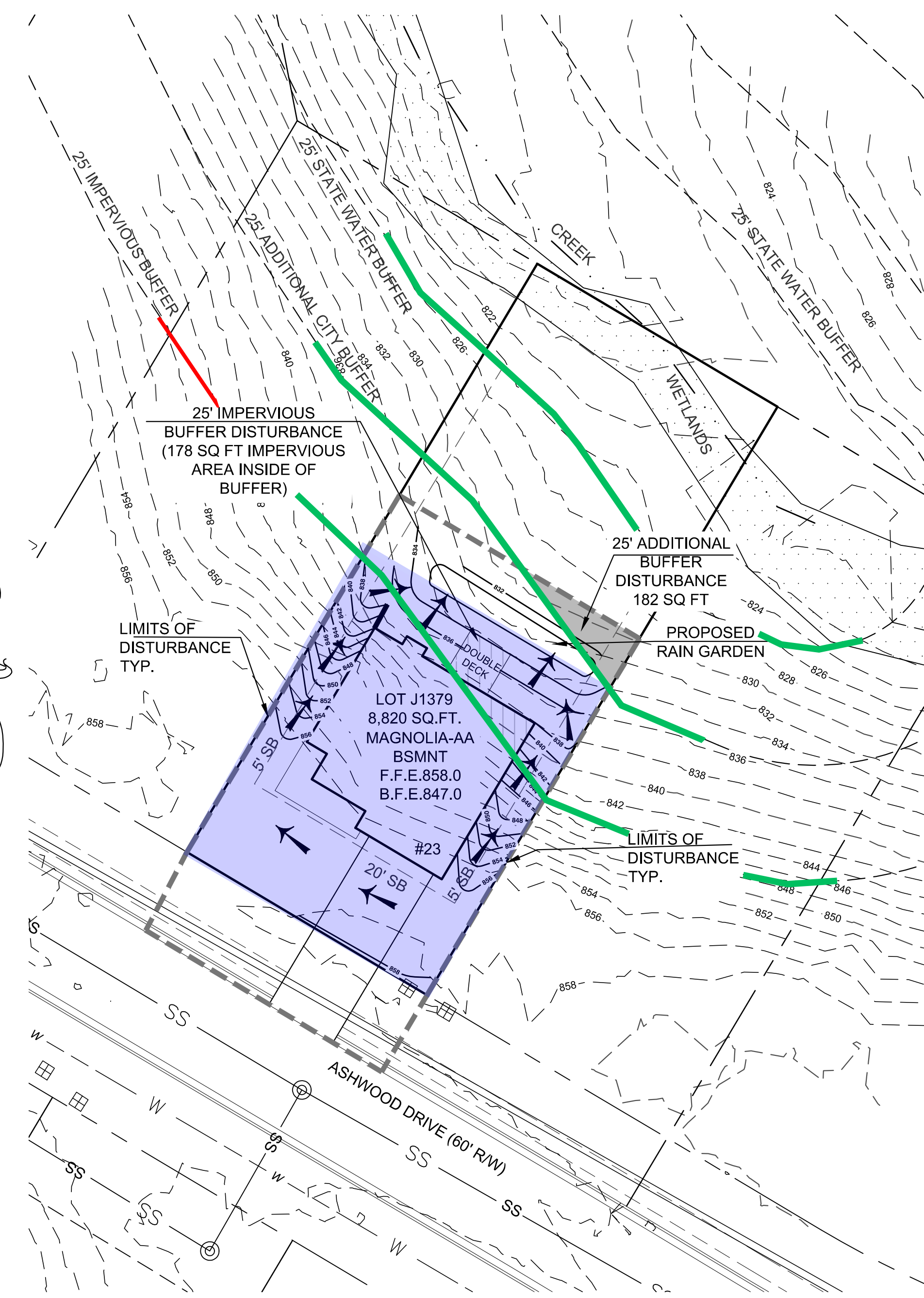
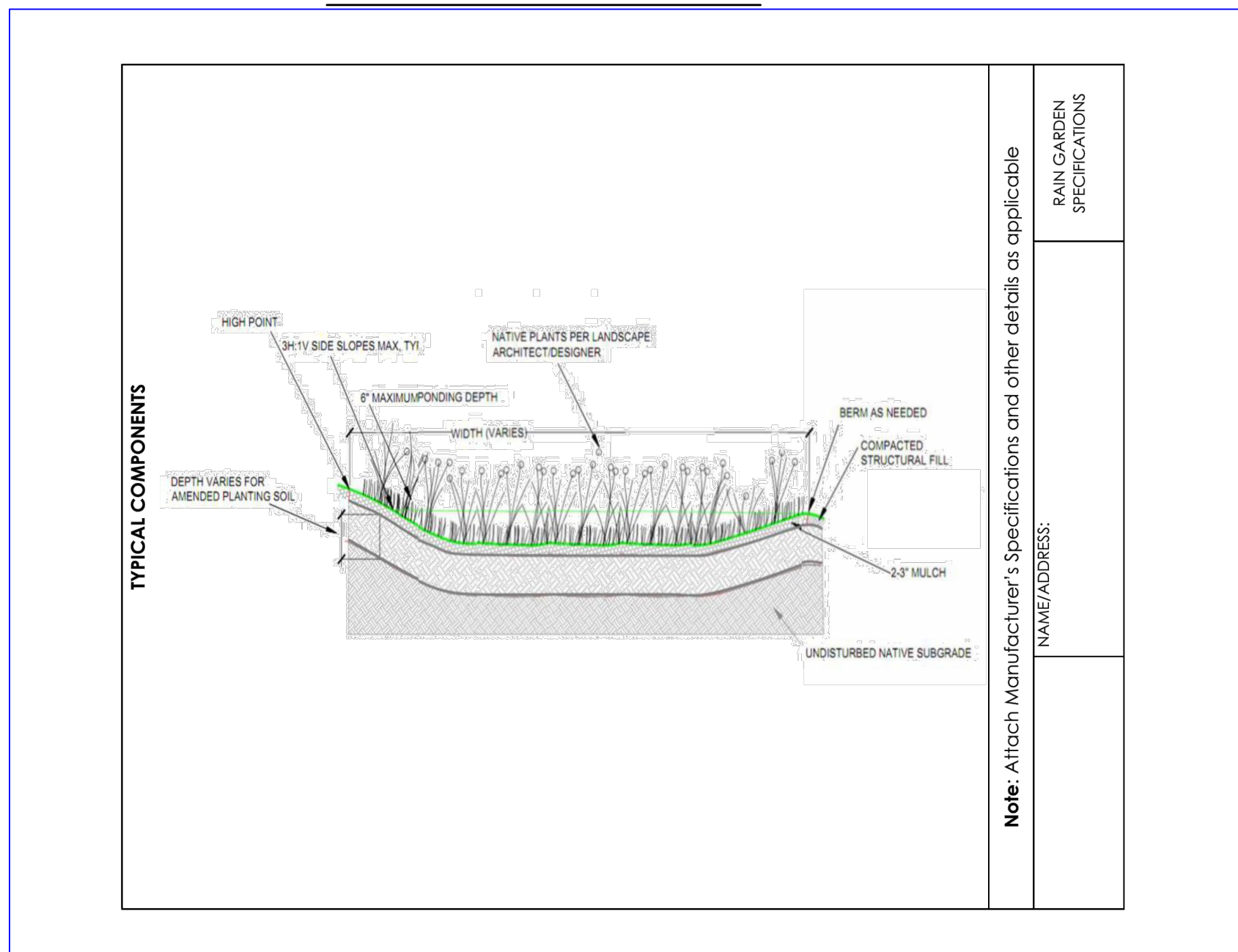
THE OWNERS CONTRACTOR WILL BE RESPONSIBLE FOR INVESTIGATION/INSPECTION/REHABILITATION AND LOCATION OF ALL WATER SERVICE(S) INCLUDING METER BOX(S) & SEWER STUB OUT PRIOR TO THE PREPARATION OF THIS LOT(S). OWNER WILL BE RESPONSIBLE FOR ANY DAMAGES TO ANY WATER SERVICE(S).BOX(S) OR SEWER STUB OUT AT ANY TIME.

"THE OPERATION AND MAINTENANCE OF THE STORM WATER MANAGEMENT FACILITIES AND ASSOCIATED CONVEYANCE STRUCTURES/PRACTICES(i.e.,detention ponds, pipes not within public right of way, inlets, outlets, riprap, ext) WILL BE SOLE RESPONSIBILITY OF THE PROPERTY OWNER. THESE FACILITIES AND STRUCTURES SHALL BE KEPT CLEAR OF TRASH, DEBRIS, OR ANY OBSTRUCTIONS THAT WOULD PREVENT PROPER FUNCTION OF THE DRAINAGE SYSTEM"..



**TAX ID:  
LOT J1379  
C125-0001-379  
#23 ASHWOOD DRIVE  
IMPERVIOUS AREA:  
LOT J1379: 2,084 SQ FT**

**RAIN GARDEN DETAILS**



**SIZING CALCULATION:**

Contributing Drainage Area (square feet)	Depth of Amended Soil (inches)			
	18	24	30	36
100	6.6	5.7	5.1	4.6
500	35	30	25	23
1000	65	60	50	45
2000	135	115	100	90
3000	200	170	150	140
4000	250	230	200	185
5000	330	290	255	230

Measure contributing drainage area and read area for given media depth.

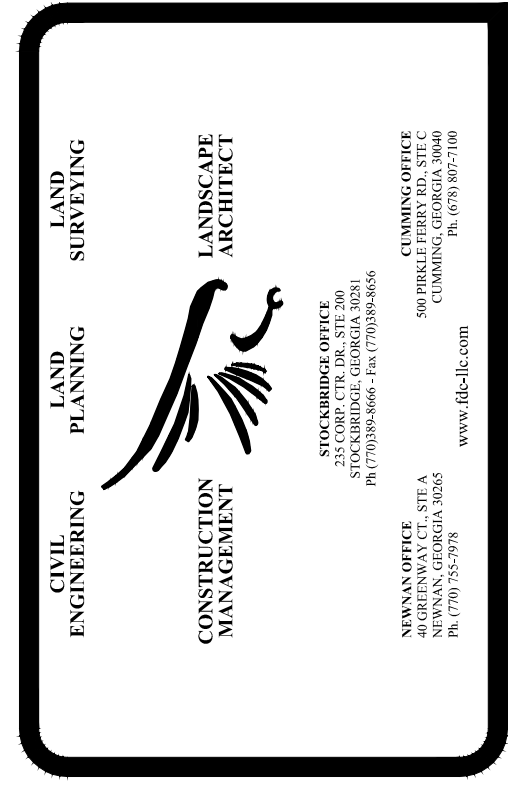
Contributing Drainage Area:	2,084	Sq Ft
Depth of Soil Media:	24	inches
Area of Rain Garden:	187	Sq Ft

**NOTE: ALL DOWNSPOUTS TO BE PIPED TO PROPOSED RAIN GARDEN.**

NAME/ADDRESS:

RAIN GARDEN SPECIFICATIONS

- CONSTRUCTION STEPS:**
- Locate Rain Garden(s) where downspouts or driveway runoff can enter garden flowing away from the home. Locate at least 10 feet from structures with basements, not within the public right-of-way, away from utility lines, not over septic fields, and not near a steep bluff edge.
  - Measure the contributing drainage area and determine required surface area and planned excavation depth from the table on the next page.
  - Perform infiltration test according to Appendix A. If the rate is less than 0.25 in/hr an underdrain is necessary. If the rate is more than 0.25 in/hr the size of the garden may be decreased 10% for every 0.50 in/hr infiltration rate increase above 0.50 in/hr.
  - Measure elevations and stake out the garden to the required dimensions. Ensure: (1) positive flow into garden, (2) the overflow elevation allows for six inches of ponding, and (3) the perimeter of the garden is higher than the overflow point.
  - If the garden is on a gentle slope, a berm of least two feet wide can be constructed on the downhill side, or the Rain Garden can be dug into the hillside and ensuring erosion control at the garden inlet(s).
  - Remove turf or other vegetation in the Rain Garden. Excavate garden without compacting the soils in the bottom of the garden. Level bottom of garden as much as possible to maximize infiltration area.
  - Mix compost, topsoil, and some of the excavated subsoil together to make the 'amended soil'. The soil mix should be 1/3 compost, 2/3 native soil (topsoil and subsoil combined).
  - Fill Rain Garden with the amended soil, leaving the surface eight inches below your highest surrounding surface. Eight inches allows for 6 inches ponding and 2" of mulch. The surface of the Rain Garden should be as close to level as possible.
  - Build a berm at the downhill edge and sides of the Rain Garden with the remaining subsoil. The top of the berm needs to be level and set at the maximum ponding elevation.
  - Plant the Rain Garden using a selection of plants chosen from those listed in Appendix B.
  - Add two to three inches of non-floating organic mulch to the surface of the Rain Garden with the best choice is finely shredded hardwood mulch. Fine straw is also an option.
  - Water all plants thoroughly. Regular watering is likely necessary to establish plants during the first growing season.
  - During Rain Garden construction, build the inlet feature as a pipe directly connected to a downspout or use a rock lined swale with a gentle slope. An impermeable liner under the rocks at the end of the swale near the house is recommended to keep water from infiltrating there. Test the drainage of water from the source to the garden prior to finishing.
  - Create an overflow at least 10 feet from property lines and ensure it is protected from erosion.
- MINIMUM MAINTENANCE REQUIREMENTS**
- Irrigate vegetation as needed in first two seasons.
  - Remove weeds.
  - Replace unsuccessful plantings.
  - Replenish mulch.
  - Repair eroded areas.
  - Rake clogged surface to restore infiltration.
  - Monitor Rain Garden for appropriate drainage times. If garden does not drain an underdrain may be necessary.
- NAME/ADDRESS:
- RAIN GARDEN SPECIFICATIONS



MITIGATION PLAN FOR  
**LOT J1379**  
CARTER GROVE PLANTATION  
PHASE I, SECTION J  
BARTOW COUNTY, GEORGIA  
LAND LOT 1025, SECTION 4

REVISIONS

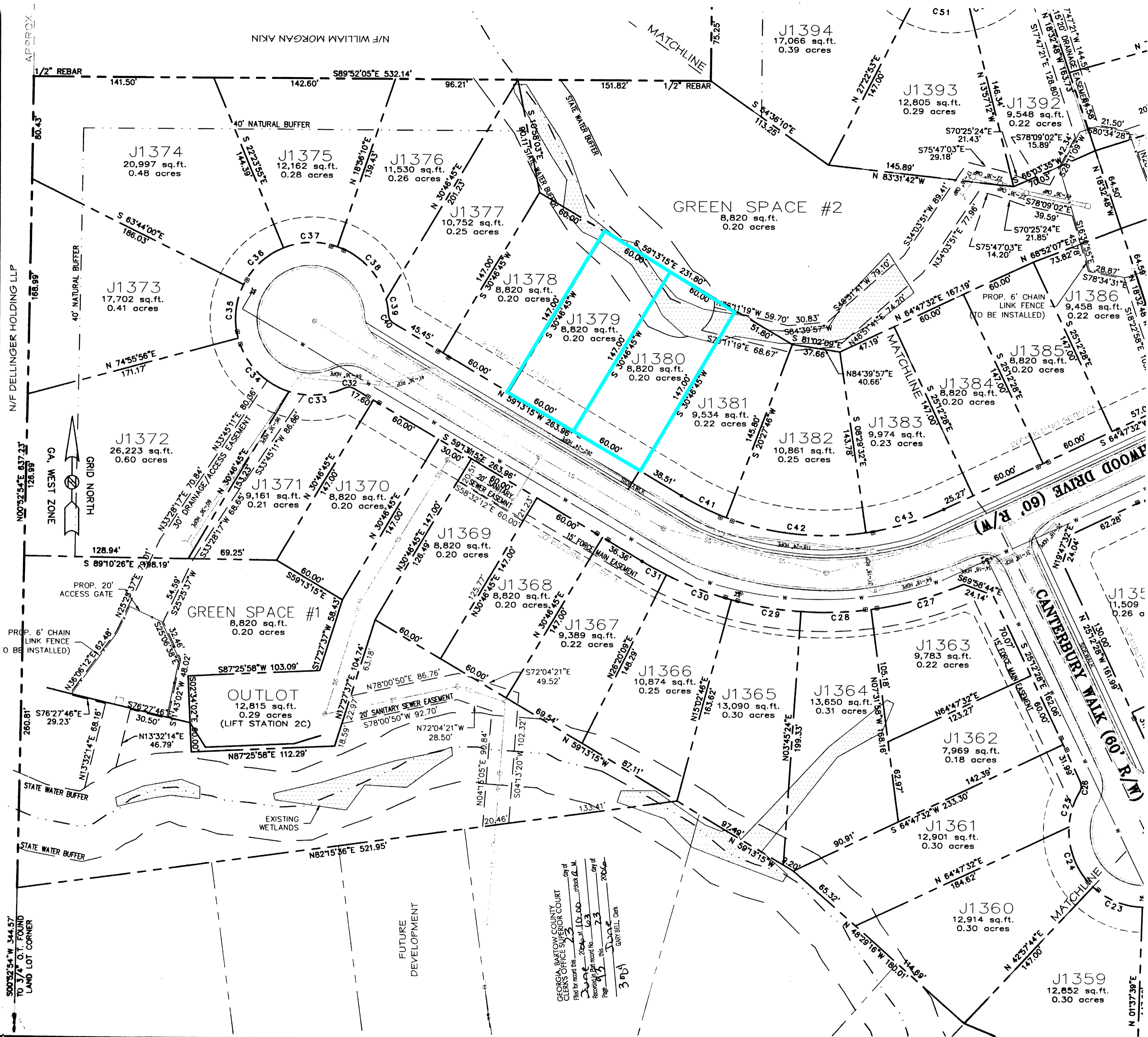
NO.	DATE	DESCRIPTION
1		
2		
3		
4		

Know what's below.  
Call before you dig.  
UTILITY LOCATIONS CENTER  
1-800-4-A-DAWG  
OR DIAL 811

DATE:	11-7-2022
SCALE:	1"=20'
FILE NUMBER:	
DRAWN BY:	WR



SHEET NUMBER  
**1 OF 1**



Curve	Radius	Length	Chord	Chord Bear.
C24	60.00'	52.42'	50.77'	N 22°00'29" W
C25	60.00'	29.11'	28.82'	N 16°55'11" E
C26	8.00'	7.82'	7.51'	N 02°48'18" E
C27	280.00'	75.47'	75.47'	S 74°43'20" W
C28	280.00'	55.17'	55.08'	S 88°06'43" W
C29	280.00'	55.17'	55.08'	N 80°35'55" W
C30	280.00'	55.17'	55.08'	N 69°18'33" W
C31	280.00'	21.71'	21.71'	N 61°26'33" W
C32	8.00'	7.82'	7.51'	N 87°14'01" W
C33	60.00'	44.55'	43.53'	S 86°01'28" W
C34	60.00'	60.36'	57.85'	N 22°00'29" W
C35	60.00'	43.29'	42.35'	N 16°55'11" E
C36	60.00'	43.29'	42.35'	N 02°48'18" E
C37	60.00'	43.29'	42.35'	S 74°43'20" W
C38	60.00'	56.40'	56.40'	S 88°06'43" W
C39	60.00'	12.34'	12.34'	N 80°35'55" W
C40	8.00'	7.82'	7.51'	N 69°18'33" W
C41	220.00'	39.61'	39.56'	N 61°26'33" W
C42	220.00'	111.18'	110.00'	N 87°14'01" W
C43	220.00'	64.18'	63.95'	S 86°01'28" W
C44	60.00'	60.36'	57.85'	N 22°00'29" W
C45	60.00'	43.29'	42.35'	N 16°55'11" E



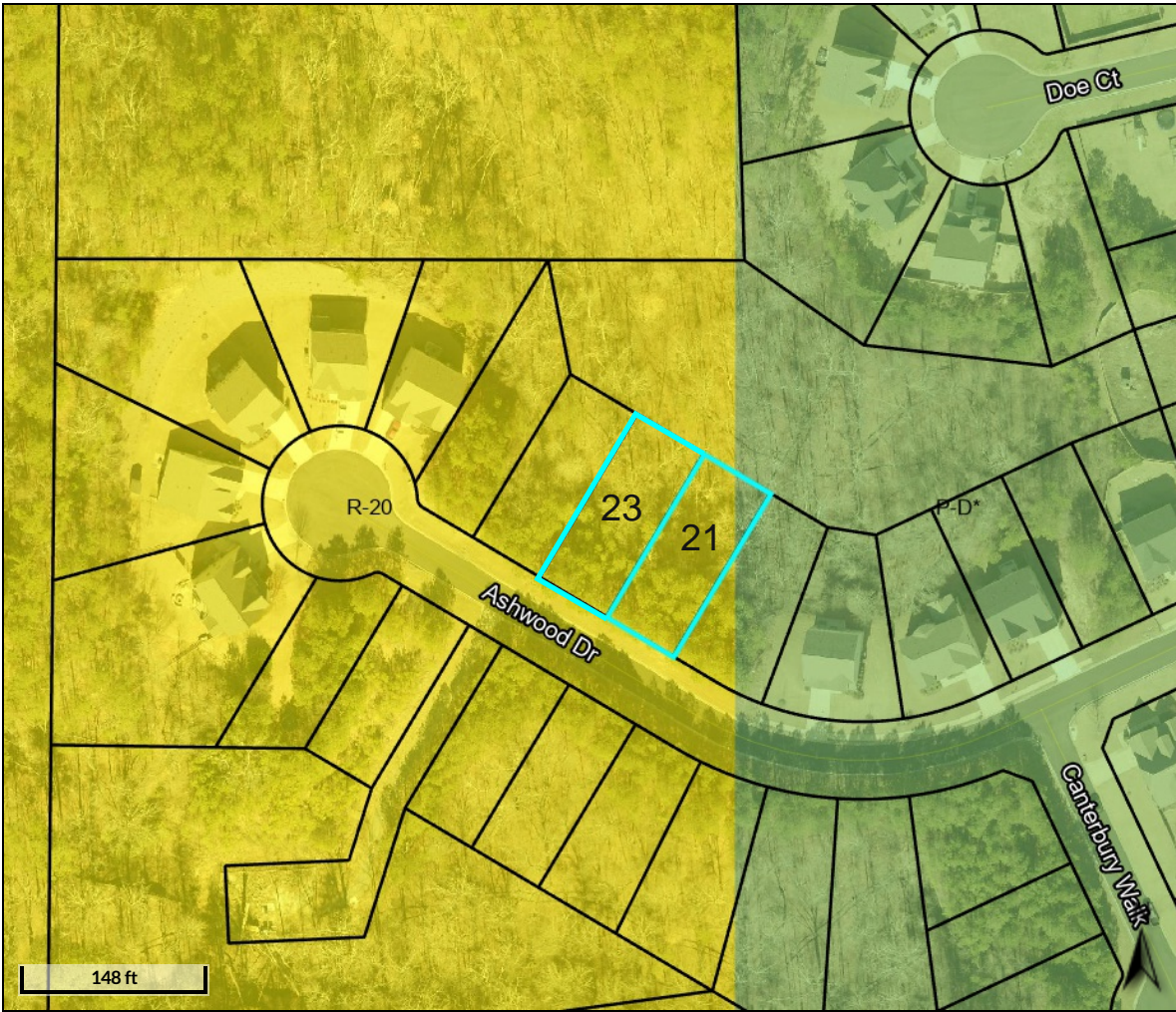
GEORGIA, BARTOW COUNTY  
 CLERKS OFFICE SUPERIOR COURT  
 Filed for record this 23 day of June, 2006, at DOUGLASVILLE, GA.  
 Recorded in Book No. 603 Page 23  
 Page 3061  
 GARY BELL, CLERK

**RHODES ENGINEERING SERVICES, INC.**  
 CIVIL ENGINEERS & LAND SURVEYORS  
 645 HENDERSON DRIVE, SUITE 2  
 CARTERSVILLE, GEORGIA 30120  
 PHONE: 770-386-7616 FAX: 770-386-7617

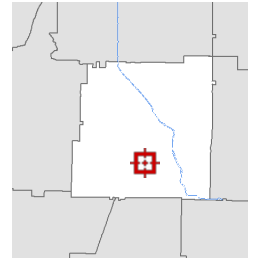
NO. DATE:	DESCRIPTION:
1	06/02/06 AS PER CITY OF CARTERSVILLE

**FINAL PLAT**  
**CARTER GROVE PLANTATION**  
**PHASE I, SECTION J**  
 LOCATED IN LAND LOTS 992, 1025 & 1026  
 4th DISTRICT, 3rd SECTION  
 CITY OF CARTERSVILLE  
 BARTOW COUNTY, GEORGIA

DESIGN:	EAGLE
CHECKED:	RHODES
JOB NO.	05154
DATE:	05/18/06



**Overview**



**Legend**

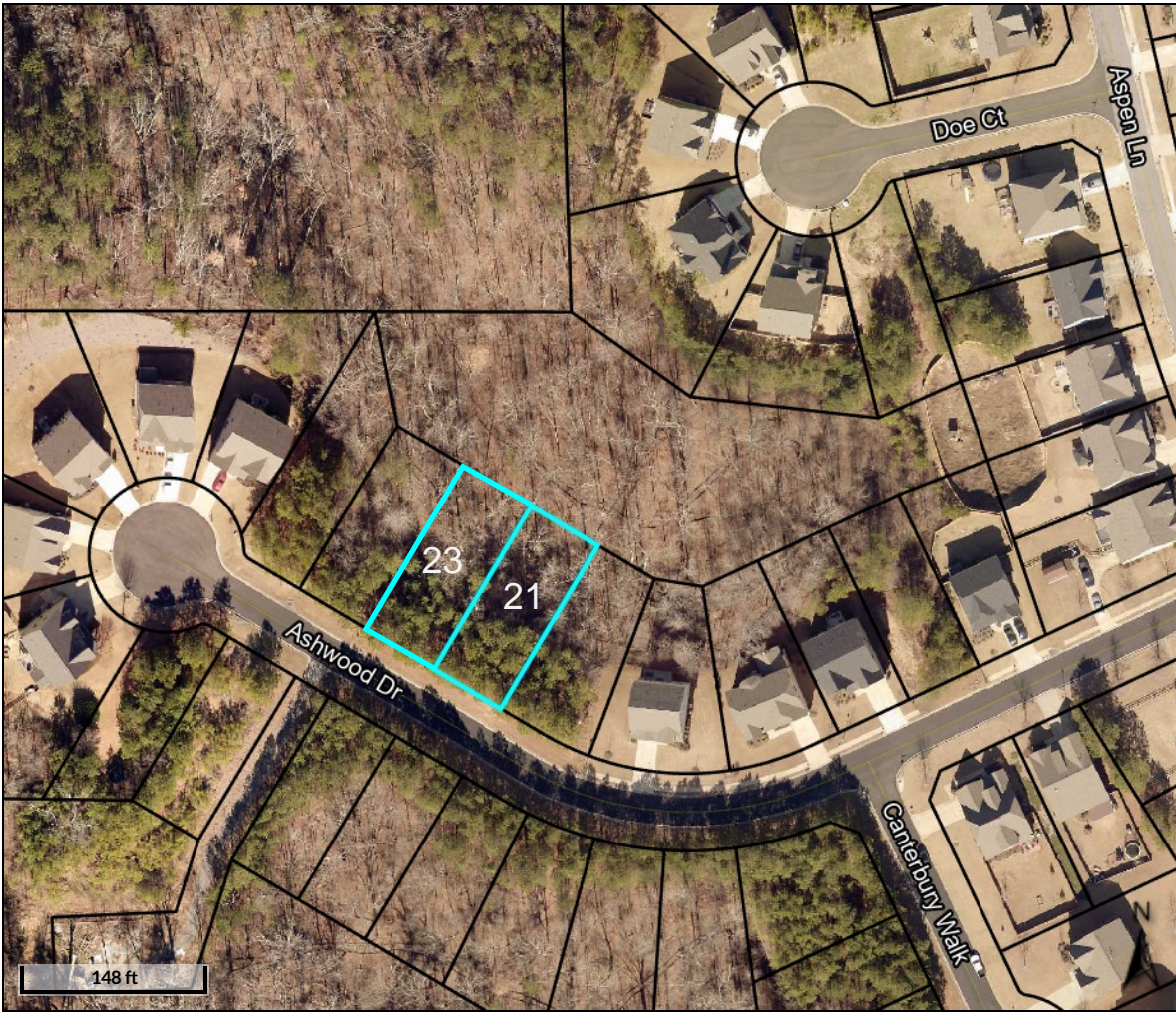
- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C\*
- H-I
- H-I\*
- L-I
- L-I\*
- M-U
- M-U\*
- MF-14
- MF-14\*
- MN
- O-C
- O-C\*
- P-D
- P-D\*
- P-I
- P-S
- P-S\*
- R-10
- R-10\*
- R-15
- R-15\*
- R-20
- R-20\*
- R-7
- R-7\*
- R-D
- RA-12
- RA-12\*
- RSL

Property Address 21 ASHWOOD DR      Acreage 0.2  
 District Cartersville  
 Brief Tax Description LT J1380 CARTER GROVE S/D PH I S J  
 (Note: Not to be used on legal documents)

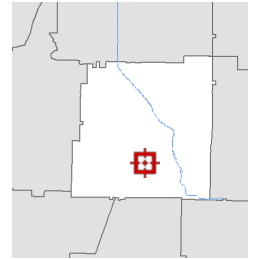
Parcel ID C125-0001-380  
 Sec/Twp/Rng n/a

Alternate ID 42300  
 Class Residential

Owner Address KERLEY FAMILY HOMES LLC  
 750 CHASTAIN CORNER  
 MARIETTA, GA 30066



**Overview**



**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	C 125-0001-380	<b>Alternate ID</b>	42300	<b>Owner Address</b>	KERLEY FAMILY HOMES LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		750 CHASTAIN CORNER
<b>Property Address</b>	21 ASHWOOD DR	<b>Acreage</b>	0.2		MARIETTA, GA 30066
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LT J1380 CARTER GROVE S/D PH I S J				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 12/2/2022  
 Last Data Uploaded: 12/1/2022 10:34:58 PM

Developed by  Schneider  
 GEOSPATIAL

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

Hearing Date: 12-8-2022 5:30pm

Application Number: V22-23

Date Received: 10-14-2022

Applicant <u>Shelby Thompson</u> <small>(printed name)</small>	Office Phone <u>770-792-5500 ext 117</u>
Address <u>3957 South Main St</u>	Mobile/ Other Phone <u>770-864-6600</u>
City <u>Acworth</u> State <u>GA</u> Zip <u>30101</u>	Email <u>sthompson@kerleyfamilyhomes.com</u>
Representative's printed name (if other than applicant) _____	Phone (Rep) _____
Representative Signature _____	Applicant Signature <u>Shelby Thompson</u>
Signed, sealed and delivered in presence of: _____	My commission expires: <u>6-2-2025</u>
<u>Lynn Bolin</u> Notary Public	

* Titleholder <u>Kerley Family Homes</u> <small>(titleholder's printed name)</small>	Phone <u>770-792-5500</u>
Address <u>3957 South Main St Acworth GA 30101</u>	Email <u>sthompson@kerleyfamilyhomes.com</u>
Signature <u>Maura E. Kerley</u>	
Signed, sealed, delivered in presence of: _____	My commission expires: <u>6-2-2025</u>
<u>Lynn Bolin</u> Notary Public	

Present Zoning District _____
Acreage <small>J1379 - 0.20 AC J1380 - 0.20 AC</small> Land Lot(s) <u>992, 1025 &amp; 1026</u> District(s) <u>4th</u> Section(s) <u>3rd</u>
Location of Property: <u>J1379 - 23 Ashwood Drive Cartersville GA 30120 and J1380 - 21 Ashwood Drive Cartersville GA 30120</u> <small>(street address, nearest intersections, etc.)</small>
Zoning Section(s) for which a variance is being requested: <u>7.5-205(a) 1 &amp; 2</u>
Summary Description of Variance Request: <u>Encroachment into city's undisturbed creek buffer as well as construction in the 25' impervious buffer</u> <u>J1379 - Right corner of the home is 8' over the buffer but with the addition of the covered deck it is a total of 13' over the buffer.</u> <u>J1380 - Left corner of the home is 9.5' over the buffer but with the addition of the covered deck it is a total of 20' over the buffer.</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 7.5-205 Section (a) Subsection (2)  
Article 7.5-205 Section (a) Subsection (1)  
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: There are convenience the neighborhood HOA requires the proposed homes meet.

Additionally with the combination of the buffers and the set back requirements it limits the location the proposed houses are able to sit on the lots; with the current setbacks/buffers the homes would need to be approximately 20' in depth.

For these reasons mitigation an/or alternative plans are not possible and a variance is being requested.

\*\* Storm water advised to wait to submit the ESPC plan until variance was approved.

**LIST OF ADJACENT PROPERTY OWNERS  
(Not required if City mails public notices)**

The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the subject property:

	<u>NAME</u>		<u>ADDRESS</u>
1.	Kerley Family Homes	J1378	25 Ashwood Drive
2.	Kerley Family Homes	J1369	22 Ashwood Drive
3.	Kerley Family Homes	J1368	20 Ashwood Drive
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Attach additional names if necessary.

(Indicate property owned by the above persons on plat accompanying this application.)



It's all about  
*value*

To Whom It May Concern,

Kerley Family Homes has purchased the below lots in the Carter Grove Plantation Subdivision.

J1379 – 23 Ashwood Drive Cartersville GA 30120 and J1380 – 21 Ashwood Drive Cartersville GA 30120

We are requesting a variance to build on these two lots as the proposed homes will encroach on the additional impervious buffer as well as the limits of disturbance that is in effect due to a state water running through these lots.

For lot J1379 – The back right corner of the proposed home and the deck encroach a total of 13.1' on the 25' impervious buffer. The limits of disturbance encroach on the 25' city buffer.

For lot J1380 – The back of the proposed home and the deck encroach a total of 18.2' on the 25' impervious buffer. The limits of disturbance encroach on the 25' city buffer.

Thank you in advance for your consideration.

Shelby Thompson  
Permitting Coordinator



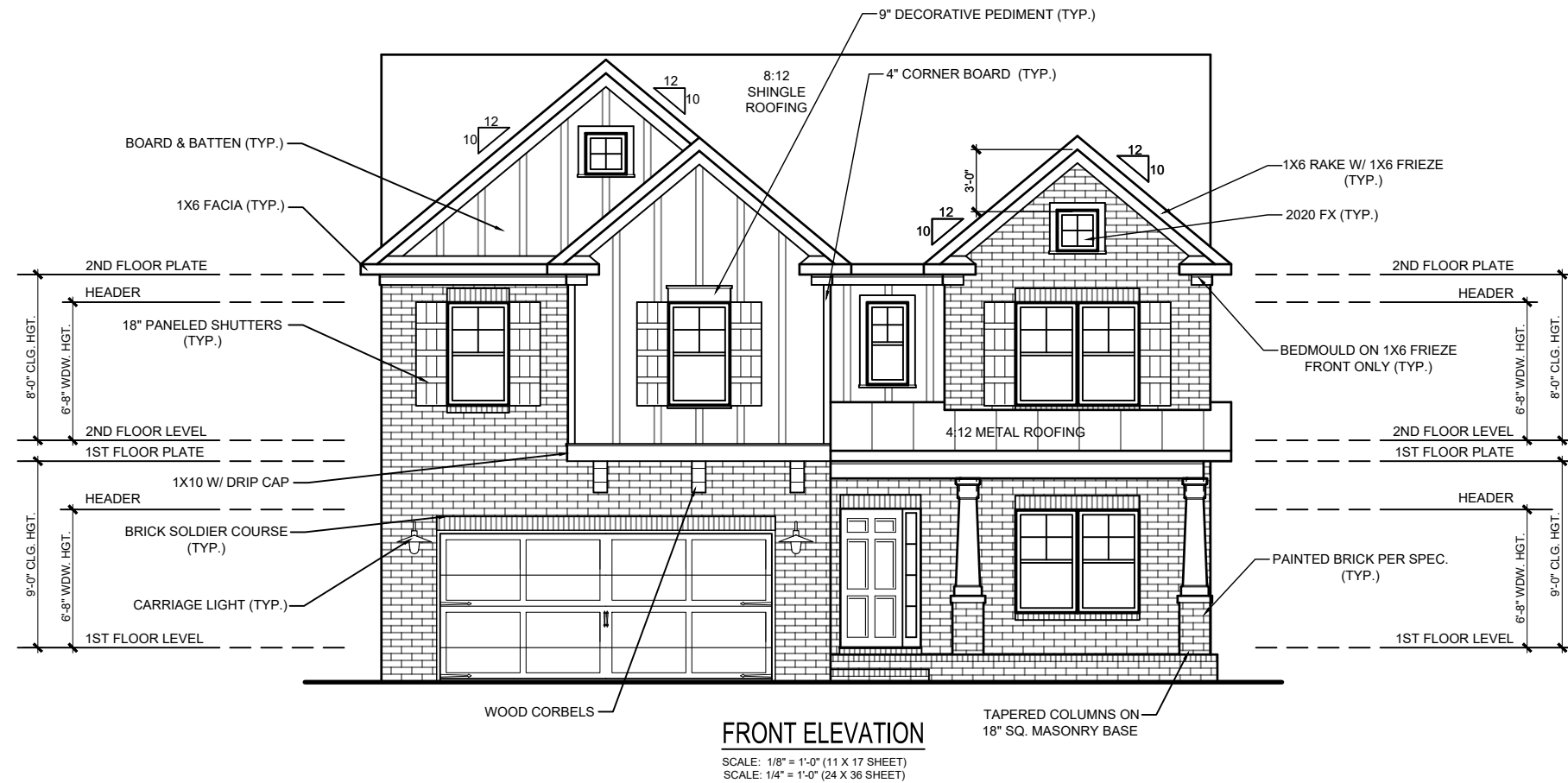
3957 South Main Street  
Acworth GA, 30101  
Office: 770-792-5500 Ext.117  
Fax: 770-792-5503  
[www.kerleyfamilyhomes.com](http://www.kerleyfamilyhomes.com)

[www.KerleyFamilyHomes.com](http://www.KerleyFamilyHomes.com)





21 Ashwood Dr



The Chatsworth CG Lot J-1380

FRONT ELEVATION



PLAN REVISIONS	
DATE	DESCRIPTION
03/16/2022	Site Specific
03/17/2022	Removed cof. clg.
03/29/2022	Added masonry
06/24/2022	Added subbasement
07/21/2022	Added brick
08/02/2022	Revised brick

sheet#  
**A-1**

NOTE: ALL IDEAS, ARRANGEMENTS AND PLANS INDICATED ARE OWNED BY, AND THE PROPERTY OF KERLEY FAMILY HOMES. THEY ARE PROTECTED BY THE CURRENT ARCHITECTURAL WORKS COPYRIGHT PROTECTION ACT, AND OTHER APPLICABLE LAWS. THESE DRAWINGS WERE CREATED AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, DESIGN ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM OR CORPORATION, FOR ANY PURPOSE WHATSOEVER, WITHOUT THE WRITTEN PERMISSION OF KERLEY FAMILY HOMES. THESE DRAWING ARE NOT VALID FOR CONSTRUCTION PURPOSES UNLESS EXPRESSLY CERTIFIED BY KERLEY FAMILY HOMES FOR CONSTRUCTION ONLY.

21 Ashwood Dr



REAR ELEVATION

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)  
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Chatsworth CG Lot J-1380

REAR ELEVATION

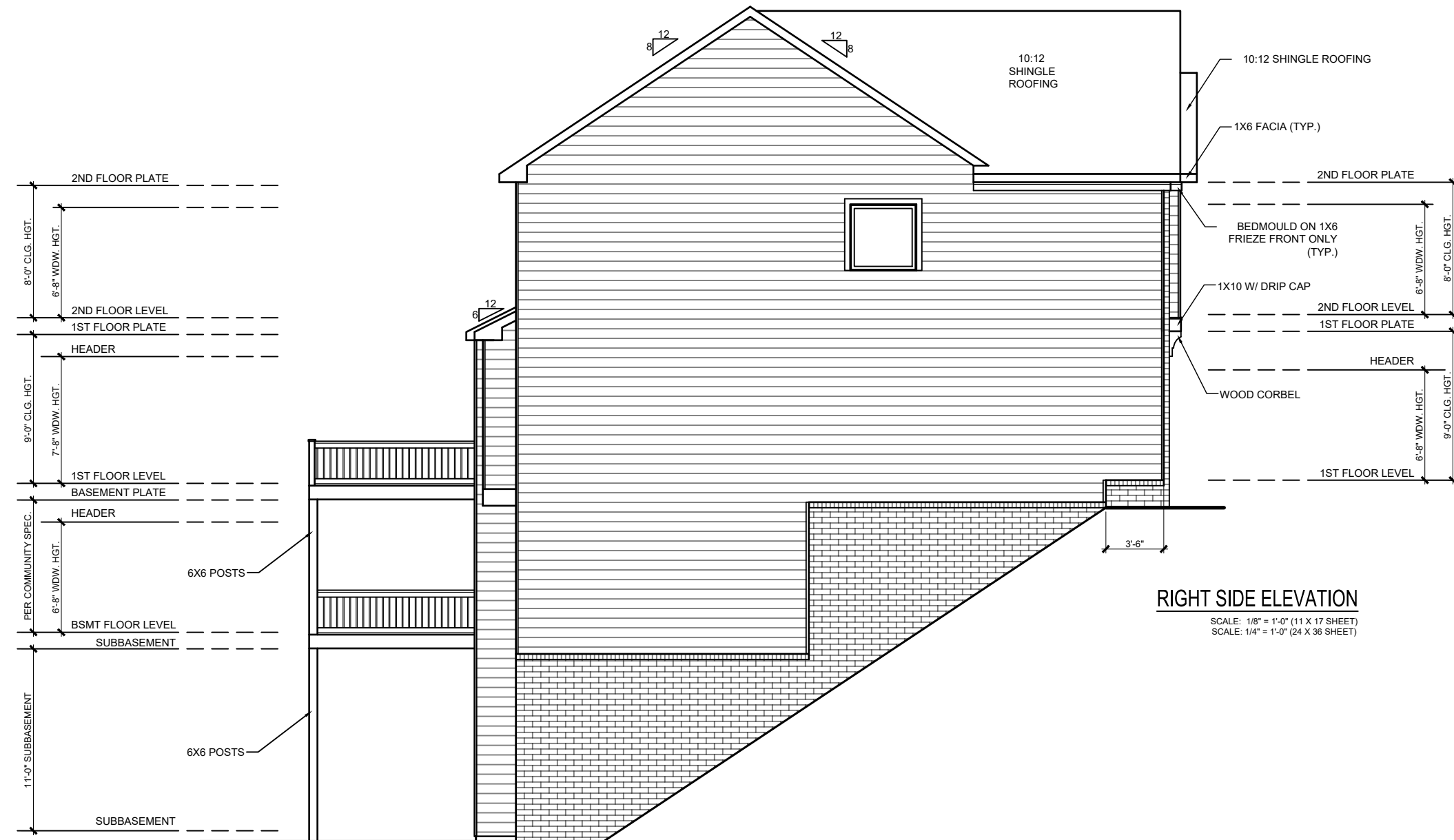


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# 21 Ashwood Dr



**RIGHT SIDE ELEVATION**

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)  
SCALE: 1/4" = 1'-0" (24 X 36 SHEET)

The Chatsworth CG Lot J-1380

LEFT SIDE ELEVATION

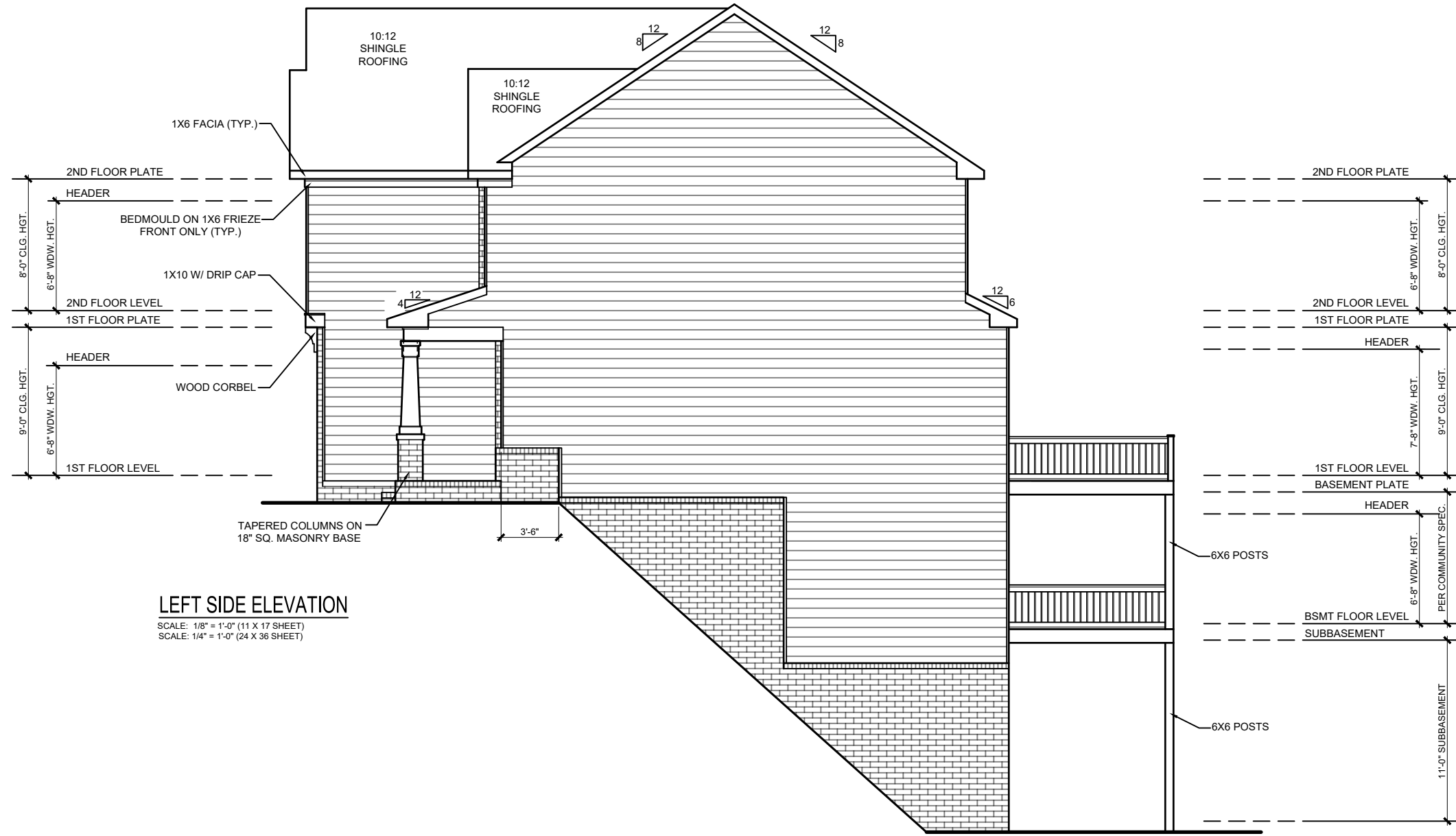


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21 Ashwood Dr



**LEFT SIDE ELEVATION**

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The Chatsworth CG Lot J-1380  
RIGHT SIDE ELEVATION

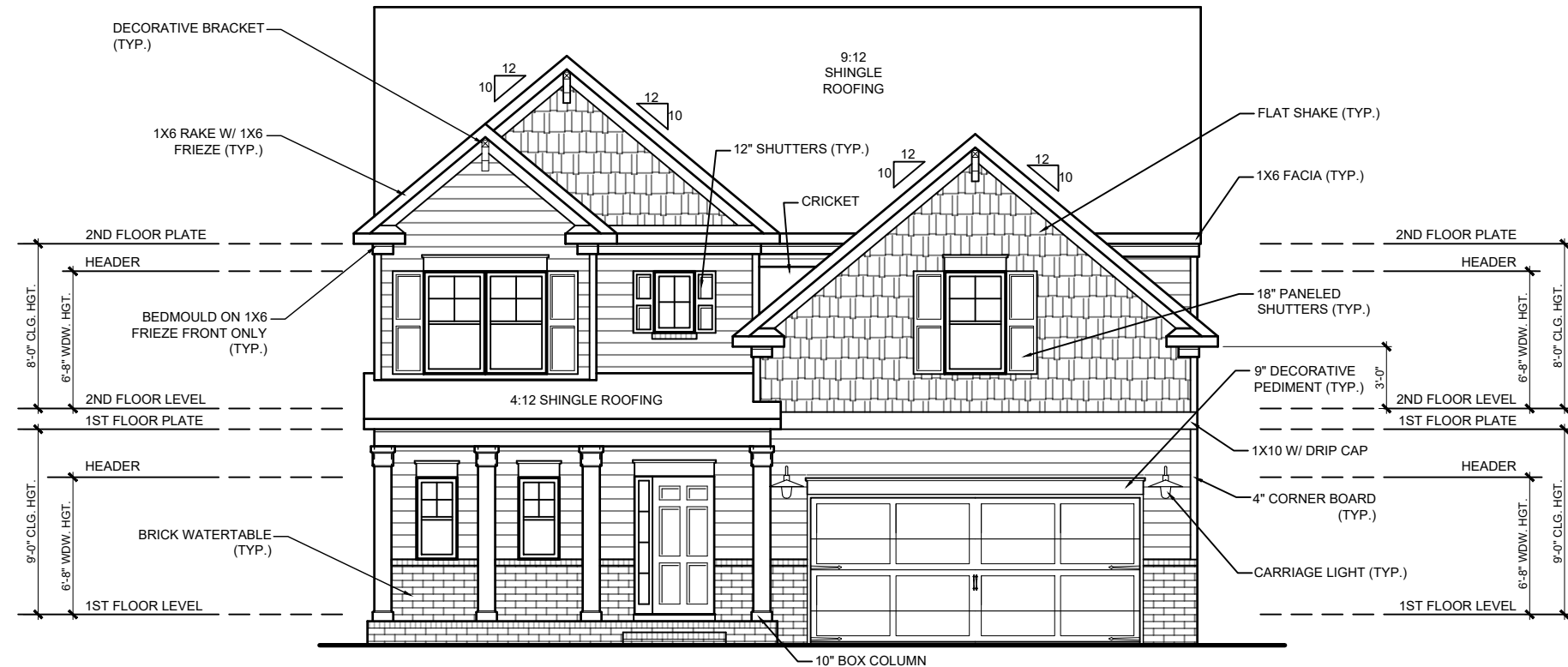


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23 Ashwood Dr



**FRONT ELEVATION**

SCALE: 1/8" = 1'-0" (11 X 17 SHEET)  
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CG Lot J-1379

The Magnolia

FRONT ELEVATION



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# 23 Ashwood Dr



## REAR ELEVATION

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CG Lot J-1379

The Magnolia

REAR ELEVATION



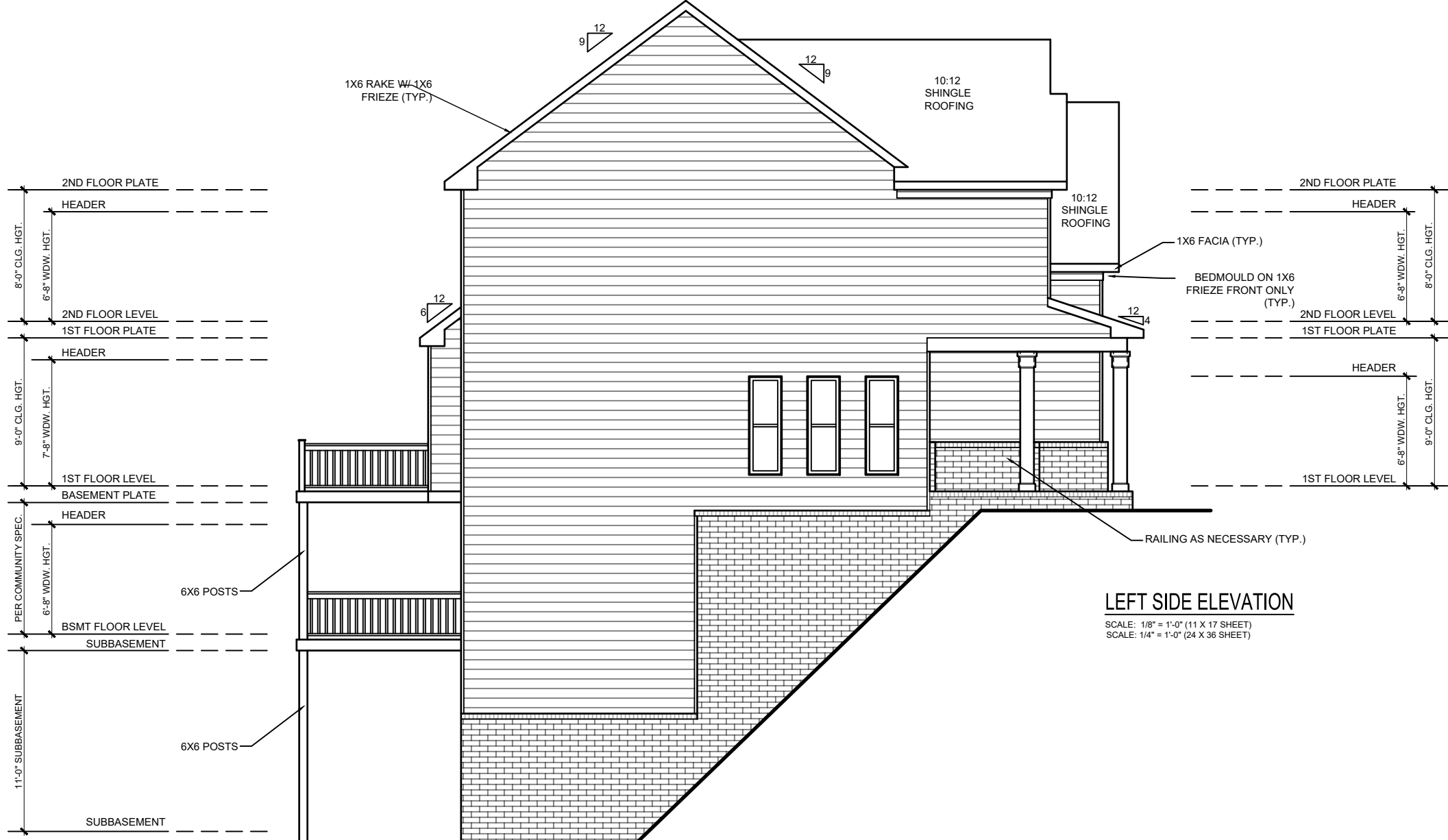
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LEFT SIDE ELEVATION

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CG Lot J-1379

The Magnolia

LEFT SIDE ELEVATION

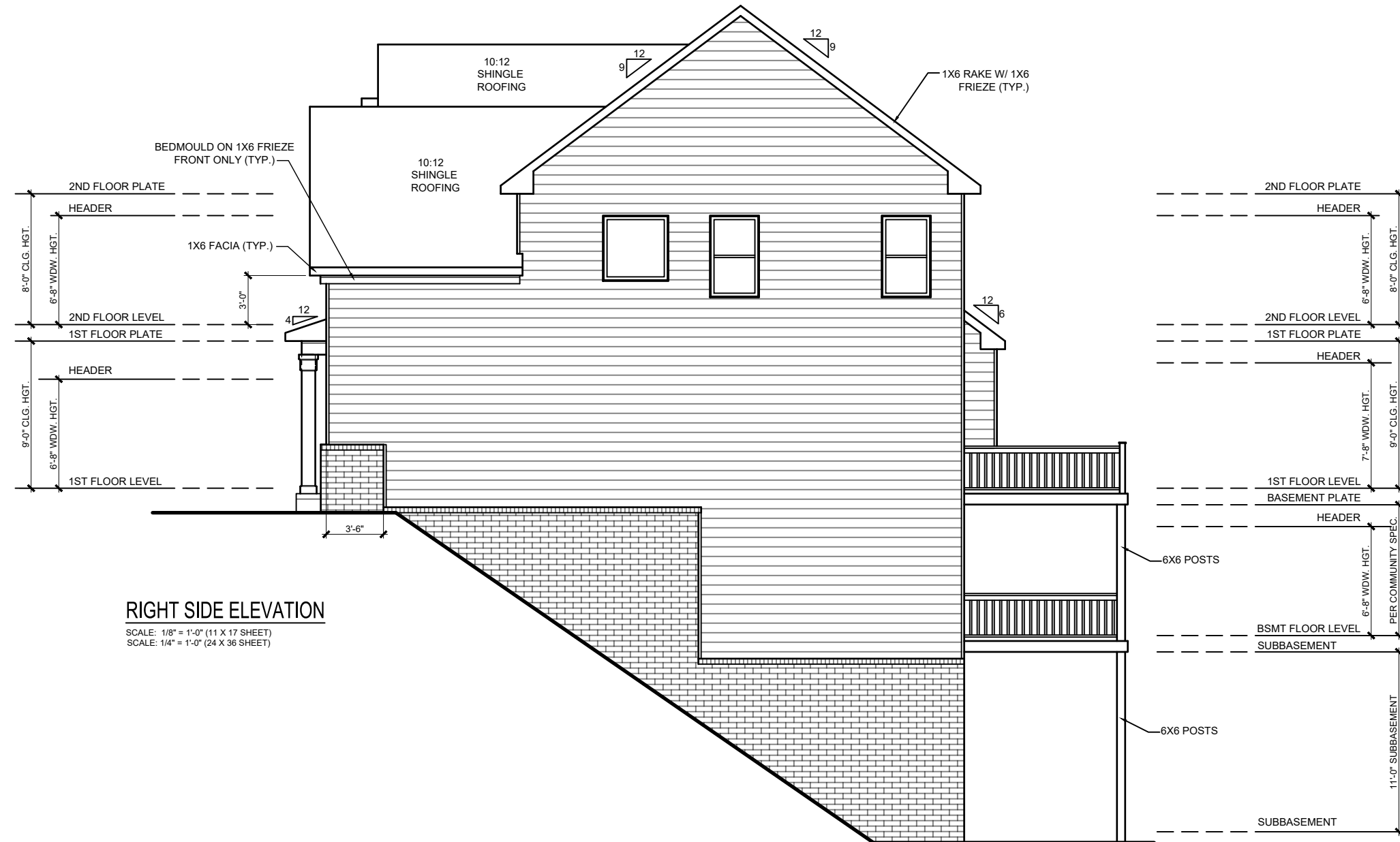


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# 23 Ashwood Dr



## RIGHT SIDE ELEVATION

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CG Lot J-1379

The Magnolia

RIGHT SIDE ELEVATION



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11-18-22



