



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

## MEMO

To: BZA  
From: Randy Mannino/ David Hardegee  
CC: Keith Lovell  
Date: February 28, 2024.  
Re: File # V24-08 Increase allowable height and area for an accessory structure.

Variance application by Emory Harris for property located at 105 Grassdale Rd. and zoned R-20 (Single Family Residential). Said properties contain approximately 0.46 acres.

Mr. Harris wishes to construct a two-story accessory structure in the rear yard that will serve as a personal hobby shop for wood and metal working. The structure is planned at 24ft x 50ft with a 12ft. wide wrap-around porch on the west and south sides. The total floor area of the two-story structure is 2,400sf. The total height above grade at the roof peak will be approximately 24ft.

The existing house contains a heated floor area of approximately 1,366sf. The floor area of the accessory structure will exceed the floor area of the house by 1,034sf. The allowed floor area is 50% of the house floor area or 683sf.

City GIS and available images place the height of the existing house at approximately 22ft. above the left side yard grade.

The rear yard slopes from right to left. The justification letter states the accessory structure will be raised approximately 2ft above the lowest point at the accessory structure for positive drainage. This will give the highest point of the accessory an elevation of approximately 773.2. The highest point of the house roof has an elevation of approximately 769.9. The accessory structure roof will be approximately 3.3 feet above the house.

Per the zoning ordinance for accessory structures, Sec. 4.9, an accessory structure shall be no larger than fifty (50) percent of the principal structure floor area and shall not exceed the height of the most prevalent roof top of the principal building on the property.

The variance request is for the following:

1. To increase the allowed area of an accessory structure from 683sf to 1,034sf. (Sec. 4.9); and
2. To increase the allowed height of an accessory structure roof above the existing house roof by approximately 3.3ft. (Sec. 4.9)

## **Department Comments Received**

**Electric Department:** Takes no exceptions.

**Fibercom:** Takes no exception

**Fire Department:** CFD takes no exceptions to the variance request for an accessory structure at 105 Grassdale Rd. provided all adopted codes and ordinances of the city of Cartersville are followed.

**Gas Department:** Takes no exception

**Public Works Department:** Takes no exception

**Water Department:** This property is not located in Cartersville's Water Department sewer service area. Please contact Bartow County for comments regarding sewer service.

This property is located in Cartersville's Water Department water service area. The requested variance will have no effect on water service to this site.

## **Public Comments Received by Staff**

None as of 2-28-24.

## **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).*

### **Chapter 26, Zoning.**

#### **Sec. 2.2 Definitions:**

Floor area, gross. The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls, excluding basement areas, porches, carports, and garages.

#### **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.**

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.

## **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.*  
**There is no public gain. A variance approval would allow the property owner to construct the accessory structure for his enjoyment.**
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 effect on the use of adjacent or nearby properties.**
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*  
**The proposed variance should not have an adverse effect on the existing use or usability of adjacent or nearby properties.**
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.**



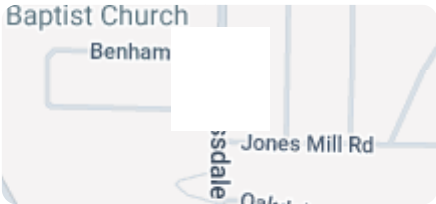
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*

**There are no known conditions.**

Cartersville, Georgia  
Google Street View  
Oct 2023 See more dates



Image capture: Oct 2023 © 2024 Google

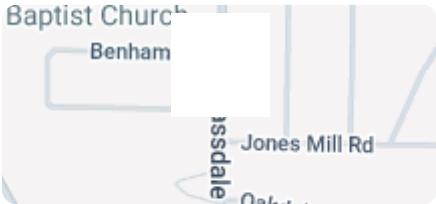




Cartersville, Georgia  
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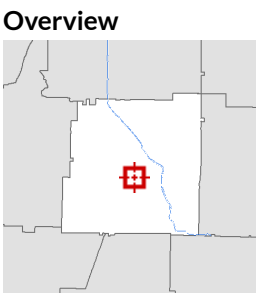




02/01/2024

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**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C086-0001-007	<b>Alternate ID</b>	37625	<b>Owner Address</b>	HARRIS EMORY
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		105 GRASSDALE ROAD
<b>Property Address</b>	105 GRASSDALE RD	<b>Acreage</b>	0.46		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 127 D 4 LOT 23 COUNTRY CLUB				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/25/2024  
 Last Data Uploaded: 1/24/2024 8:40:51 PM

Developed by Schneider  
 GEOSPATIAL


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

Hearing Date: 3/14/24 5:30pm

Application Number: V24-08

Date Received: 1/10/24

Applicant Emory Harris Office Phone \_\_\_\_\_  
(printed name)  
Address 105 Brassdale rd. Mobile/ Other Phone 770-316-3214  
City Cartersville State Ga Zip 30120 Email Nectolman@gmail.com  
Representative's printed name (if other than applicant) \_\_\_\_\_ Phone (Rep) \_\_\_\_\_  
Email (Rep) \_\_\_\_\_  
Representative Signature \_\_\_\_\_  
Signed, sealed and delivered in presence of: \_\_\_\_\_  
Notary Public \_\_\_\_\_ My commission expires: 11/29/26



\* Titleholder Emory Harris Phone 770-316-3214  
(titleholder's printed name)  
Address 105 Brassdale rd. Cartersville Email Nectolman@gmail.com  
Signature \_\_\_\_\_  
Signed, sealed, delivered in presence of: \_\_\_\_\_  
Notary Public \_\_\_\_\_ My commission expires: 11/29/26



Present Zoning District R-20 Parcel ID No. C096-0001-007  
Acreage 0.46 Land Lot(s) 127 District(s) 04 Section(s) 3  
Location of Property: 105 Brassdale rd.  
(street address, nearest intersections, etc.)  
Zoning Section(s) for which a variance is being requested: 4.9  
Summary Description of Variance Request: To allow building Height and Square Footage. Justification Letter Attached.  
(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 IV (4) Section 9 Subsection \_\_\_\_\_  
Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_  
Article \_\_\_\_\_ Section \_\_\_\_\_ Subsection \_\_\_\_\_

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

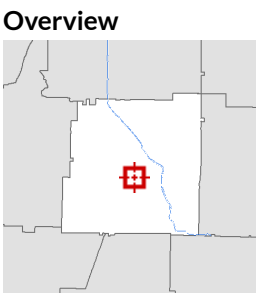
To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

1. \_\_\_\_\_ The property is exceptionally narrow, shallow or unusually shaped,
2.  The property contains exceptional topographic conditions,
3. \_\_\_\_\_ The property contains other extraordinary or exceptional conditions; and
4. \_\_\_\_\_ There are other existing extraordinary or exceptional circumstances; and
5.  The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6.  The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant:

*This building is strictly for  
Non Commercial Private use by Homeowner.  
Please see included justification letter for  
further information!*





**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C086-0001-007	<b>Alternate ID</b>	37625	<b>Owner Address</b>	HARRIS EMORY
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		105 GRASSDALE ROAD
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Developed by **Schneider**  
 GEOSPATIAL



**Emory Harris**

105 Grassdale Rd.  
Cartersville, Ga 30120  
(770) 316-3214  
Neetolman@gmail.com

10th January 2024

**City of Cartersville Board of Zoning Appeals**

City of Cartersville City Hall  
10 North Public Square  
Cartersville, Ga 30120

Dear Board Members,

I am writing to you to request a variance to Article 4 Section 9 of the zoning ordinances concerning an accessory building I would like to build on my property located at 105 Grassdale Rd. Cartersville Ga. 30120. The variances I am requesting concern those of building height and overall square footage of the planned structure.

This accessory building will be used for storage as well as a personal hobby shop for both wood and metal working in addition to my other personal activities. These include sewing, lapidary, cloisonne, reloading, the reproduction of various historical artifacts, and other endeavors. I am currently able to perform only a few of my hobbies inside the primary residence. For the majority of them I must travel to a friend's house several hours away from home to where I have materials and equipment stored. My duties and responsibilities as a Civil Engineer mean that the travel time and logistics of equipment and supplies stored at other locations takes up the majority of the limited time I have for creative expression and hobby enjoyment.

The requested variance to building height will allow me to have enough internal height to move and orient stored materials for use without damaging equipment or lighting. This variance will also allow me to elevate the building slab finished floor elevation two feet above the lowest grade to maintain drainage around the foundation and allow for a softer vertical curve for the driveway access into the structure due to the steep slope present in the yard. The square footage allowed by the ordinances is inadequate for my needs of housing woodworking equipment as well as a metal lathe and mill of respectable size in a usable manner. The requested variance to building square footage will allow me to house the equipment, materials, and support items of my hobbies while using and enjoying them in a safe and responsible manner in a space separate from my home.

As I drive through the area near my property I have noticed several structures that have previously received similar variances for height and size that do not impact the aesthetics of this neighborhood nor do they convey the feeling of being out of place or obtrusive. I have worked with a designer on the provided plans in an effort to achieve the same result in what I am requesting to be permitted. Due to the elevations involved, the surrounding trees, and the location chosen I do not believe that the building will be very visible to travelers on Grassdale Rd. The provided plans include an elevation photo with the proposed structure imposed behind the primary structure. The photo portrays the maximum amount of building I believe will be visible from Grassdale Rd.

If you have any questions or need any additional information please feel free to contact me and I thank you for your time and consideration of my request.

Sincerely,

Emory Harris





















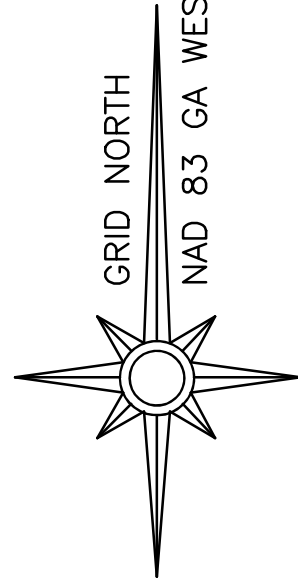






REFERENCE:  
P.B. 20 PG. 154

GRID NORTH  
NAD 83 GA WEST



This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Registered Georgia Land Surveyor No. 2996  
Address: 971 Center Point Rd, Carrollton, Ga 30117  
Telephone Number: 678-873-3119  
Date: MARCH 20, 2023

Field work performed: MARCH 11, 2023  
Equipment used to obtain linear and angular measurements used in the preparation of this plat: Spectra Precision Focus 35

This plat has been calculated for closure and is found to be accurate within one foot in 323,519 feet.  
By: William B. Sims



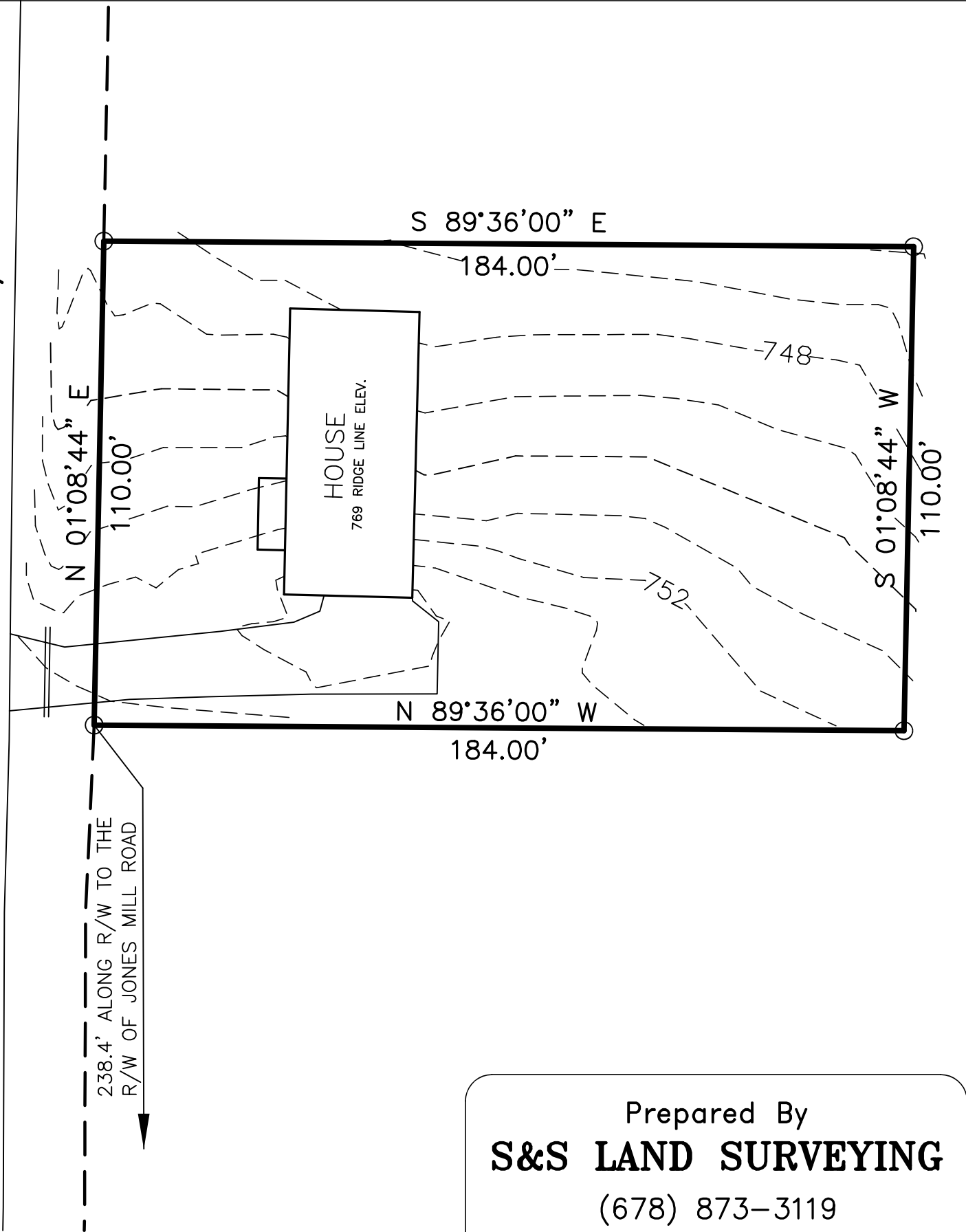
### SURVEY FOR EMORY HARRIS

LAND LOT 127, 4th DISTRICT, 3rd SECTION  
BARTOW COUNTY, GEORGIA  
DATE: 11 MARCH 2023 SCALE: 1"=30'

- LEGEND:**  
I.P.F. ---IRON PIN FOUND  
I.P.P. ---IRON PIN PLACED  
O.T. ----OPEN TOP PIPE  
C.T. ----CRIMPED TOP PIPE  
R.B. ----IRON RE-BAR  
ESM'T ---EASEMENT  
--X-- FENCE



GRASSDALE ROAD 50' R/W



Prepared By  
**S&S LAND SURVEYING**  
(678) 873-3119  
971 Center Point Road  
Carrollton, Georgia 30117











Feb 21, 2024 at 12:12:37  
105 Grassdale Rd  
Cartersville GA 30120  
United States



CITY OF CARTERSVILLE  
**VARIANCE NOTICE**  
CASE NO. V24-08  
APPLICATION HAS BEEN MADE  
TO THE CITY OF CARTERSVILLE  
BOARD OF ZONING APPEALS  
FOR VARIANCE ON THIS  
PROPERTY.  
A PUBLIC HEARING WILL BE  
HELD AT CITY HALL  
10 NORTH PUBLIC SQUARE  
AT 5:30 P.M. ON 3-14-2024  
FOR ADDITIONAL INFORMATION  
CONTACT THE DEPARTMENT OF  
DEVELOPMENT AT 770-387-5300