



# City of Cartersville

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## PLANNING AND DEVELOPMENT

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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: October 30, 2024  
Re: File # V24-25 25 (29) Montgomery St.

**Summary: To reduce setbacks, lot width, and lot size for a lot split.**

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

Variance application by owner/applicant Deborah Gray for property located at 25 Montgomery St., zoned R-D Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.41 acres.

The property contains three (3) duplex dwellings currently. The owner proposes to split the lot to put one of the duplexes on its own parcel so that it can be listed for sale. Due to the overall size of the lot, it is not possible to meet all the development standards required for a new lot. Per the tax records the lot was developed c1940 prior to adoption of the 1996 zoning ordinance. The current configuration of the lot is considered legal, non-conforming.

The west side duplex unit situated on what will be the new lot has an existing front yard encroachment of approximately 15 feet, and a side yard encroachment of approximately 5 feet. The Residential Duplex section of the Zoning Ordinance (Sec. 6.6.3) requires a minimum of 50 feet per dwelling unit at the building line (100ft total). The proposed lot would only have 40 feet, requiring a decrease of 60 feet to be approved via variance. The Residential Duplex Ordinance section (Sec. 6.6.3) also requires a minimum lot size of 14,000 square feet (7,000sf per dwelling unit). The proposed lot will only have 4,672 square feet, requiring a decrease of 9,328 square feet to be approved via variance.

**The variance requests are for the following and per the submitted site survey:**

1. To reduce the front yard setback from 20ft to 5ft for the creation of a new lot (Sec. 6.6.3(B)).
2. To reduce the minimum side yard setback along the west property line from 8ft to 3ft for the creation of a new lot (Sec. 6.6.3(C)).
3. To reduce the minimum lot size from 14,000 square feet to 4,672 square feet for the creation of a new lot (Sec. 6.6.3(E)).

4. To reduce the minimum lot width at the building line on noncul-de-sac lot from 100ft to 40ft (Sec. 6.6.3(F)).

## **Section 2. Department Comments**

**Building Department:** No comments received.

**Electric Department:** No comments received.

**Fibercom:** Takes no exception.

**Fire Department:** No comments received.

**Gas Department:** (1) 9-26-2024. The Gas System takes no exceptions to the following email as shown in the attachments, however, the property owner must provide the Gas System easements associated with the existing natural gas facilities prior to approval and recording of the lot split. An easement plat showing the accurate location of the existing natural gas facilities must be prepared by the property owner and provided to the Gas System offices for review. Subsequently, a written easement document will be prepared by the City Attorney's office to be executed by the property owner.

(2) 10-3-2024. Pursuant to our following email, the Gas System has received an executed copy of the City of Cartersville utility easement required by our following email dated September 26, 2024. The easement requirement of the Gas System associated with the existing natural gas facilities has been satisfied.

**Public Works Department:** No comments received.

**Water Department:** Takes no exception.

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

No public comments received as of 10-30-2024

## **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. 6.6. R-D Single-family duplex dwelling district.**

6.6.1. *R-D district scope and intent.* Regulations set forth in this section are the R-D district regulations. The R-D district is intended to provide land areas devoted to higher density dwelling uses as further described in section 3.1.7 of this chapter. Land areas zoned R-D are also intended to provide a transition between medium and high density residential areas.

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

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

- Single-family detached dwellings.
- Accessory buildings or uses.
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Duplex dwellings.
- Family day care.
- Group homes (SU).\*
- 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).\*

\* Special use approval required.

6.6.3. *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 (each noncommon wall).

- Zero (0) feet (common wall).
- D. *Rear yard setback*: Twenty (20) feet.
- E. *Minimum lot area*: Seven thousand (7,000) square feet per dwelling unit.
- F. *Minimum lot width at the building line on noncul-de-sac lots*:
- Single-family detached shall be sixty (60) feet;
  - Single-family duplex (per dwelling unit) shall be fifty (50) feet.
- G. *Minimum lot frontage*: Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area, per unit*: Nine hundred (900) square feet.
- I. *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.
- J. *Accessory use, building and structure requirements*. See section 4.9 of this chapter.
- K. *Minimum buffer requirements*. In addition to required setbacks, a fifteen-foot wide buffer shall be required along all property lines which abut a single-family residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.
- L. *Optional redevelopment density bonus*. Proposed developments, applicable to single-family detached dwellings in the R-D district, may contain lots with minimum areas of four thousand (4,000) square feet, front yard setback of ten (10) feet, and lot width of fifty (50) feet at the building line 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, hard-coat stucco, or fiber cement siding 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.

6.6.4. *Other regulations*. The headings below contain additional, but not necessarily all, provisions applicable to the R-D district.

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

(Ord. No. 01-13, § 4, 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. *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.*

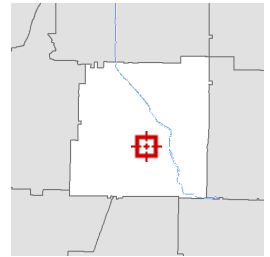
#### **STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The surrounding properties, except to the west, 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 effect 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 anticipated adverse effects.**
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

|                       |                    |              |             |               |                               |
|-----------------------|--------------------|--------------|-------------|---------------|-------------------------------|
| Parcel ID             | C003-0014-010      | Alternate ID | 32565       | Owner Address | MONTGOMERY STREET RENTALS LLC |
| Sec/Twp/Rng           | n/a                | Class        | Residential |               | 45 WOODHAVEN CT SW            |
| Property Address      | 29 MONTGOMERY ST 6 | Acreage      | 0.41        |               | CARTERSVILLE, GA 30120        |
| District              | Cartersville       |              |             |               |                               |
| Brief Tax Description | LL382 D 4          |              |             |               |                               |

(Note: Not to be used on legal documents)

Date created: 11/8/2024

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GEOSPATIAL



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

Hearing Date: Nov 14th 5:30pm

Application Number: V24-25

Date Received: 9/11/24

Applicant Deborah Lynn Gray Office Phone \_\_\_\_\_  
(printed name)  
Address 45 Woodhaven Ct. SW Mobile/ Other Phone (678) 986-3111  
City Cartersville State GA Zip 30120 Email msdebbogray@gmail.com

Representative's printed name (if other than applicant) \_\_\_\_\_  
Phone (Rep) \_\_\_\_\_  
Email (Rep) \_\_\_\_\_

Representative Signature \_\_\_\_\_

Deborah Lynn Gray  
Applicant Signature

Signed, sealed and delivered in presence of:

My commission expires \_\_\_\_\_  
**Caitlin R Lowery**  
**NOTARY PUBLIC**  
**Bartow County, GEORGIA**  
**My Commission Expires 10/31/2027**

Caitlin R. Lowery  
Notary Public

\* Titleholder Deborah Lynn Gray Phone (678) 986-3111  
(titleholder's printed name)  
Address 45 Woodhaven Ct. SW Email msdebbogray@gmail.com  
Signature Deborah Lynn Gray

Signed, sealed, delivered in presence of:

My commission expires \_\_\_\_\_  
**Caitlin R Lowery**  
**NOTARY PUBLIC**  
**Bartow County, GEORGIA**  
**My Commission Expires 10/31/2027**

Caitlin R. Lowery  
Notary Public

Present Zoning District R-D Parcel ID No. C003-004-010  
Acreage 0.107 Land Lot(s) 382 District(s) 1 Section(s) 3  
Location of Property: 25 Montgomery Street  
(street address, nearest intersections, etc.)  
Zoning Section(s) for which a variance is being requested: 6.6.3(B-G)  
Summary Description of Variance Request: FRONT & SIDE SETBACK, LOT WIDTH &  
SQUARE FOOTAGE

(Additional detail can be provided on Justification Letter)

\* Attach additional notarized signatures as needed on separate application pages.

Date of this notice: 11-24-2014

Employer Identification Number:  
47-2391640

Form: SS-4

Number of this notice: CP 575 G

MONTGOMERY STREET RENTALS LLC  
DEBORAH GRAY SOLE MBR  
PO BOX 633  
CARTERSVILLE, GA 30120

For assistance you may call us at:  
1-800-829-4933

IF YOU WRITE, ATTACH THE  
STUB AT THE END OF THIS NOTICE.

**WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER**

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 47-2391640. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

When filing tax documents, payments, and related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear off stub and return it to us.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

To obtain tax forms and publications, including those referenced in this notice, visit our Web site at [www.irs.gov](http://www.irs.gov). If you do not have access to the Internet, call 1-800-829-3676 (TTY/TDD 1-800-829-4059) or visit your local IRS office.

**IMPORTANT REMINDERS:**

- \* Keep a copy of this notice in your permanent records. **This notice is issued only one time and the IRS will not be able to generate a duplicate copy for you.** You may give a copy of this document to anyone asking for proof of your EIN.
- \* Use this EIN and your name exactly as they appear at the top of this notice on all your federal tax forms.
- \* Refer to this EIN on your tax-related correspondence and documents.

If you have questions about your EIN, you can call us at the phone number or write to us at the address shown at the top of this notice. If you write, please tear off the stub at the bottom of this notice and send it along with your letter. If you do not need to write us, do not complete and return the stub.

Your name control associated with this EIN is MONT. You will need to provide this information, along with your EIN, if you file your returns electronically.

Thank you for your cooperation.

## CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article 6 Section 6 Subsection 3B-G  
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. X \_\_\_\_\_ 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 PROPERTY WAS DEVELOPED PRIOR  
TO THE CREATION OF THE ZONING ORDINANCE.

September 09, 2024

City of Cartersville  
Planning & Development Department  
10 N. Public Square, 2<sup>nd</sup> Floor  
Cartersville, GA 30120

To Whom It May Concern:

I write to explain my application for variances for 25 Montgomery Street, Cartersville, GA. Twelve years ago I inherited 3 duplexes on a single lot from my father, Dr. Willard Gray. I have spent the past 12 years renovating and managing all 6 apartments. The properties are a bit more than I can manage at this stage of my life.

Upon meeting with my Estate Planner, we decided that selling one of the duplexes would be in my best interest. When a tenant of 18 years notified me that he would be purchasing a home in a nearby neighborhood, it seemed the time was right to sell that duplex. I hired a local surveyor to sub-divide the lot in preparation to sell.

I plan to manage and maintain the remaining 2 duplexes.

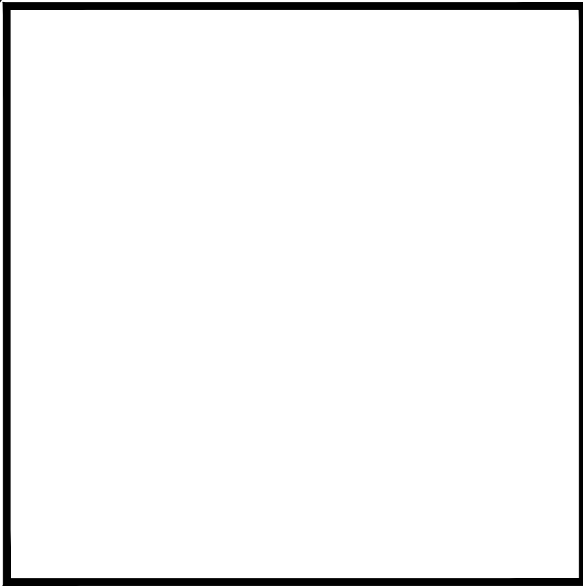
Please let me know if you need additional information.

Sincerely,

A handwritten signature in black ink that reads "Deborah L. Gray". The signature is fluid and cursive, with the first name "Deborah" and last name "Gray" clearly legible.

Deborah L. Gray  
Montgomery Street Rentals, LLC  
45 Woodhaven Ct., SW  
Cartersville, GA 30120  
678 986-3111





RESERVED FOR OFFICAL USE ONLY

SCOPE OF WORK

THE PURPOSE OF THIS PROJECT IS TO SUBDIVIDE THE SUBJECT PROPERTY, BEING TAX PARCEL NO. C003-0014-010, INTO TWO NEW TRACTS.

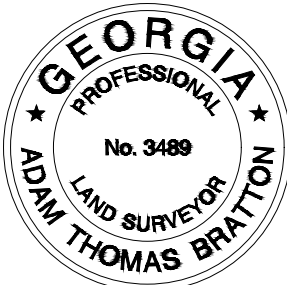
SURVEY NOTES

- 1) PROPERTY SHOWN HEREON WAS SURVEYED JUNE 20, 2024.
- 2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 58,305' WITH AN ANGULAR ERROR OF 3.5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- 3) A SOKKIA IX SERIES ROBOTIC TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- 4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 101,916'.
- 5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13015C0266H, WITH A DATE OF IDENTIFICATION OF OCTOBER 5, 2018 FOR COMMUNITY NUMBER 130209, IN THE CITY OF CARTERSVILLE, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A CARLSON BRX7 GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
- 7) NO EFFORT TO OBTAIN THE LOCATION OF UNDERGROUND UTILITIES WAS MADE DURING THE COURSE OF THIS SURVEY. PROFESSIONAL LAND SURVEYORS MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.
- 8) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN QUITCLAIM DEED RECORDED IN DEED BOOK 3492, PAGE 288, BARTOW COUNTY RECORDS.

SURVEYOR'S CERTIFICATION

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. 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.

ADAM T. BRATTON  
GEORGIA RLS# 3489



Plat Approval Certificate

All requirements of the City of Cartersville Zoning Regulations relative to the preparation and submission of this two lot subdivision plat have been fulfilled. Approval of this plat is hereby granted.

Planning and Development Representative Date

CITY OF CARTERSVILLE FINAL PLAT APPROVAL

IN ACCORDANCE WITH THE CITY OF CARTERSVILLE DEVELOPMENT REGULATIONS AND THE CITY'S ZONING ORDINANCE, THE REQUIREMENTS FOR THE REVISED FINAL PLAT APPROVAL HAVE BEEN FULFILLED.

ZONING ADMINISTRATOR DATE

OWNER CERTIFICATE

THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE, CITY, AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID, THAT ALL STREETS, WATER SYSTEMS, DRAINS AND DRAINAGE EASEMENTS, AND PUBLIC PLACES ARE DEDICATED TO THE USE OF THE PUBLIC FOREVER.

OWNER

DATE

ZONING

ZONING FOR THIS PROPERTY IS CURRENTLY CLASSIFIED AS "R-D" (SINGLE-FAMILY DUPLEX RESIDENTIAL). SETBACKS AND RESTRICTIONS ARE AS FOLLOWS:

FRONT YARD: 20 FEET  
SIDE YARD: 8 FEET  
REAR YARD: 20 FEET  
MAXIMUM HEIGHT: 75 FT  
MINIMUM LOT SIZE: 7,000 SQFT  
MINIMUM LOT FRONTAGE: 35 FEET

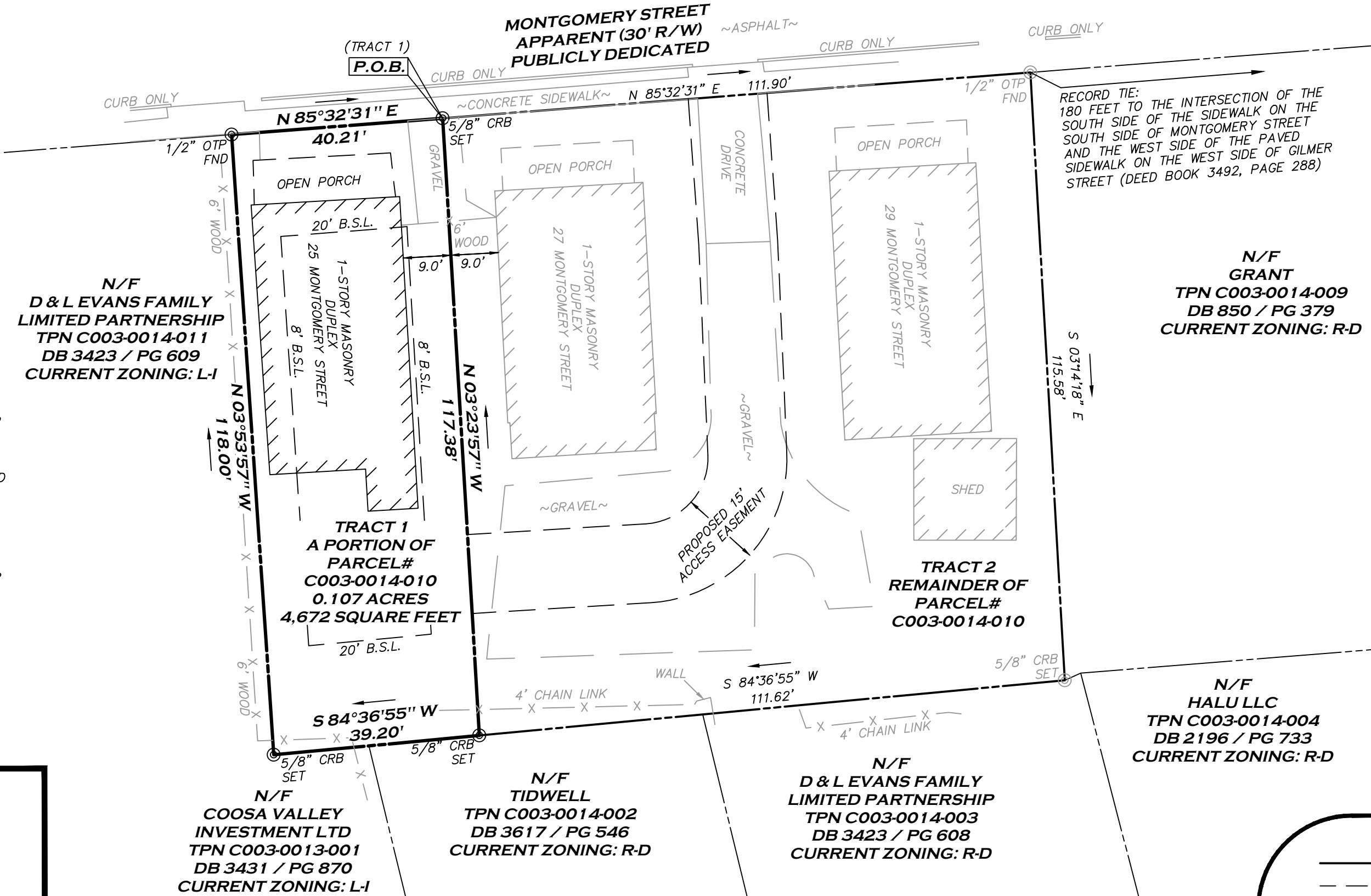
ZONING AND SETBACK INFORMATION PER CITY OF CARTERSVILLE PLANNING AND ZONING DEPARTMENT. ALL INFORMATION STATED SHOULD BE VERIFIED PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION.



VICINITY MAP

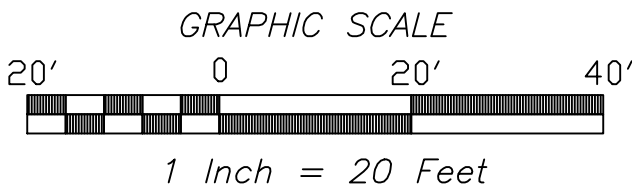
PROPERTY INFORMATION

CURRENTLY OWNED BY:  
MONTGOMERY STREET RENTALS LLC  
PER DEED BOOK 3492, PAGE 288,  
BARTOW COUNTY RECORDS



PLAT REFERENCES

- 1) SURVEY FOR MILLER EVANS & LINDA GALE EVANS PREPARED BY JOHNNY R. KNIGHT DATED SEPTEMBER 25, 1980 AND RECORDED IN PLAT BOOK 23, PAGE 365, BARTOW COUNTY RECORDS.
- 2) SURVEY FOR CARTERSVILLE-BARTOW COUNTY HABITAT FOR HUMANITY, INC. PREPARED BY JOHNNY R. KNIGHT DATED JUNE 16, 1994 AND RECORDED IN PLAT BOOK 37, PAGE 223, BARTOW COUNTY RECORDS.



LEGEND

|                    |                        |
|--------------------|------------------------|
| ---                | PROPERTY LINE          |
| ---                | OVERHANG/AWNING        |
| (BEARING/DISTANCE) | RECORD CALLS           |
| ---                | BUILDING SETBACK LINE  |
| B.S.L.             | BUILDING SETBACK LINE  |
| OHE                | OVERHEAD UTILITY LINE  |
| SS                 | SANITARY SEWER LINE    |
| ==                 | STORM DRAIN PIPE       |
| ⊙                  | SANITARY SEWER MANHOLE |
| DI                 | DROP INLET             |
| ⊕                  | JUNCTION BOX           |
| RB                 | REBAR                  |
| CRB                | CAPPED REBAR           |
| OTP                | OPEN TOP PIPE          |
| FND                | FOUND                  |
| ○                  | SIGN                   |

PREPARED FOR:  
DEBRA GRAY

LOT SPLIT PLAT OF:

25 MONTGOMERY STREET  
PARCEL# C003-0014-010  
CARTERSVILLE, GA 30120

STATE: GEORGIA

COUNTY: BARTOW

LAND LOT: 382

DISTRICT: 4

SECTION: 3

REVISIONS

DATE: DESCRIPTION

PROFESSIONAL  
LAND SURVEYORS



DATE: JULY 02, 2024

JOB #: 244888

SCALE: 1"=20'

DRAWN BY: J.P.B.



MELBA SCOGGINS

CLERK OF SUPERIOR COURT

BARTOW COUNTY

ARCHER &amp; LOVELL, PC

P. O. Box 1024

Cartersville, GA 30120

TITLE EXAM NOT PERFORMED

**UTILITY EASEMENT****GEORGIA, BARTOW COUNTY**

For and in consideration of the sum of TEN DOLLARS AND 00/100 (\$10.00), and other good and valuable consideration, the receipt and sufficiency whereof is hereby acknowledged, the undersigned **MONTGOMERY STREET RENTALS LLC**, (hereinafter "Grantor") does hereby grant and convey unto the **CITY OF CARTERSVILLE**, a municipal corporation of the State of Georgia, as Grantee, (hereinafter referred to as "City"), its successors and assigns, a permanent utility easement for the construction, and operation, maintenance and use of utilities on the following described property for use for utility infrastructure, related appurtenances and as a permanent utility easement to be constructed for, and installed over, above, across and upon the land owned by the undersigned which is described as follows:

All that tract or parcel of land lying and being in Land Lot 382, 4<sup>th</sup> District, 3<sup>rd</sup> Section, City of Cartersville, Bartow County, Georgia, being identified as a City of Cartersville Utility Easement containing 0.010 acres / 425 sq ft, per the plat entitled City of Cartersville Utility Easement Exhibit of: 25 & 27 Montgomery Street, prepared for Montgomery Street Rentals LLC and City of Cartersville Gas Department, by Mitchell Lowery, G.R.L.S. No. 3109, dated October 1, 2024, and recorded in Plat Book 2024, Page 306 in the Office of the Clerk of the Superior Court of Bartow County, Georgia.

This Easement shall include the right of ingress and egress, at all times, for the purpose of installation, inspection, operation, repairs, renewal, maintenance, alteration, extension, removal and replacement of said easements and infrastructure therefore, together with the right to use and operate the same continuously and in perpetuity.

Grantor reserves the right to use the easement for purposes that will not interfere with City's full enjoyment of the rights granted by this instrument. Grantor, however, must not erect or construct any building or other structure (other than as may be approved by the City in accord herewith), or drill or operate any well, locate any other utility infrastructure therein, construct any

reservoir or other obstruction of the easement or diminish or substantially add to the ground cover in the easement.

Grantor shall not construct a drive or road over the easement area except crossings approved by the City, which approval shall not be unreasonably conditioned, withheld and/or delayed. It is expressly understood by Grantor that crossings existing within the easement as of the date hereof will be replaced, repaved and/or restored, as applicable, by the City in a manner consistent with their current condition in the event such crossings are to be removed by the City to exercise the rights of this easement during construction.

The City shall pay all damages to fences, and crops which may be suffered by reason of installation, maintenance, or alteration of said public right of way and appurtenances thereto. If not mutually agreed upon, said damages are to be ascertained and determined by three disinterested persons, one thereof to be appointed by the owner of the premises, one by the City, and the third by the two so appointed as aforesaid, and the award of the two of such three persons shall be final and conclusive.

The granting of this easement shall not operate to vest in grantor(s) any title or interest in the equipment or installation made by the City and any property installed by the City shall remain the sole property of the City.

**SPECIAL STIPULATIONS:** None

**TO HAVE AND TO HOLD** all and singular the aforesaid rights, privileges, and easements hereinabove set out to the proper use and enjoyment by the City, its successors and assigns.


The said City shall not be liable for any statements, agreement, or understanding not herein expressed.

2 **IN WITNESS WHEREOF**, the said undersigned have hereunto set hands and seals this day of October, 2024.

Signed, sealed and delivered  
in the presence of:




Witness

  
Notary Public

My Commission Expires: 10/31/2027 Title: OWNER

**GRANTOR:**

**Montgomery Street Rentals LLC**

By:   
(Signature)

Print Name: Deborah L. Gray

IS Caitlin R Lowery

NOTARY PUBLIC

Bartow County, GEORGIA

My Commission Expires 10/31/2027

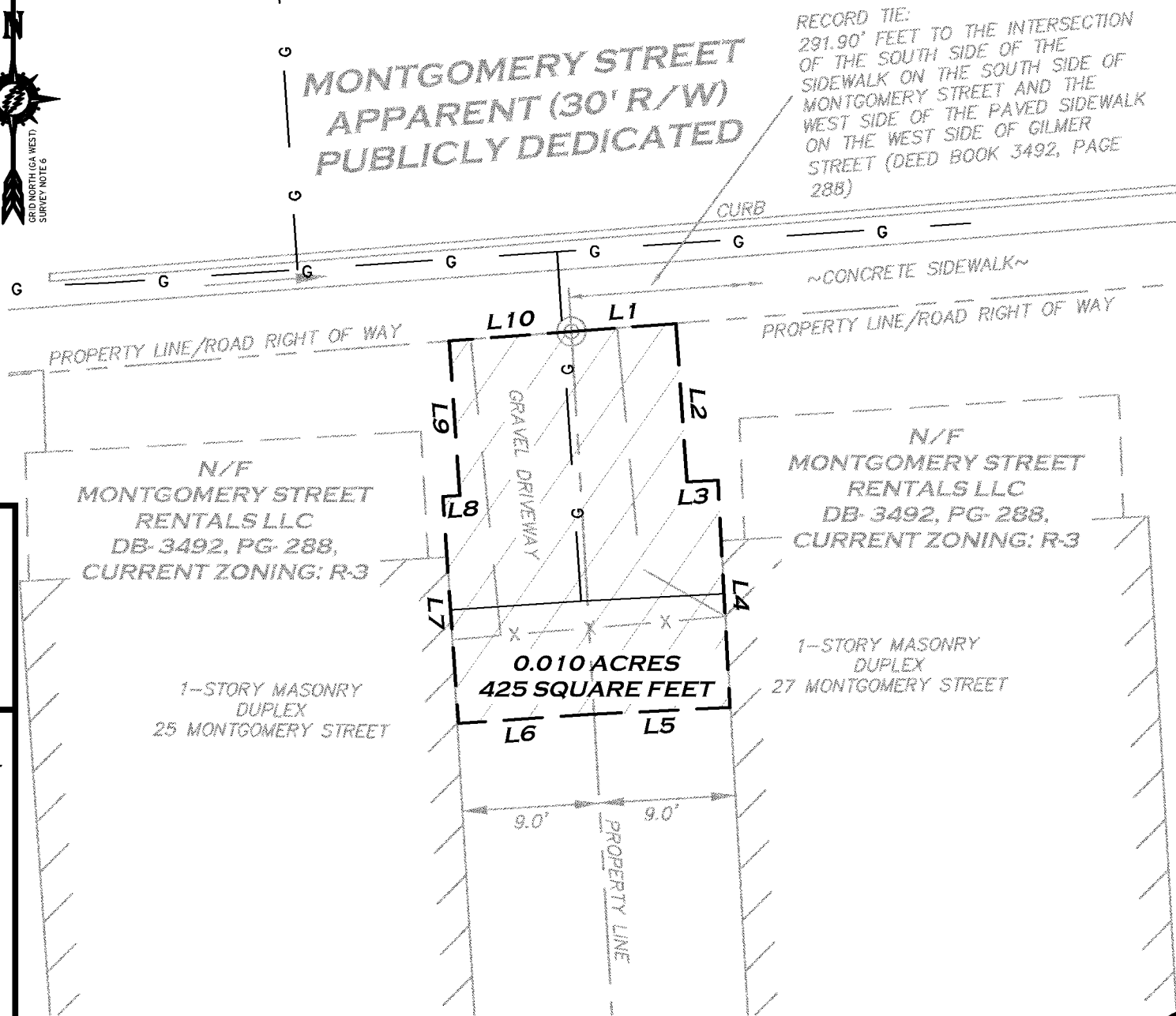


RESERVED FOR OFFICAL USE ONLY

BK: 2024 PG: 306-306  
Filed and Recorded  
10-02-2024 03:36 PM  
DOC# P2024-000244  
*Melba Scoggins*  
MELBA SCOGGINS  
CLERK OF SUPERIOR COURT  
BARTOW COUNTY  
Participant ID: 1392277288



CITY OF CARTERSVILLE UTILITY EASEMENT



SURVEY NOTES

- 1) PROPERTY SHOWN HEREON WAS SURVEYED JUNE 20, 2024.
- 2) THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1' IN 58,305' WITH AN ANGULAR ERROR OF 3.5 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- 3) A SOKKIA IX SERIES ROBOTIC TOTAL STATION, CARLSON BRX7 GPS RECEIVER, AND CARLSON SURVEYOR+ DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- 4) THIS PLAT HAS A MAP CLOSURE OF 1' IN 101,916'.
- 5) SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 13015C0266H, WITH A DATE OF IDENTIFICATION OF OCTOBER 5, 2018 FOR COMMUNITY NUMBER 130209, IN THE CITY OF CARTERSVILLE, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- 6) CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A CARLSON BRX7 GPS RECEIVER UTILIZING OPUS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS .03 FEET HORIZONTAL AND .06 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
- 7) UNDERGROUND UTILITIES LOCATED BY CITY OF CARTERSVILLE GAS DEPARTMENT. SURVEYOR ACCEPTS NO RESPONSIBILITY TO THE ACCURACY OF THE UNDERGROUND UTILITIES SHOWN HEREON.
- 8) PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS STATED IN QUITCLAIM DEED RECORDED IN DEED BOOK 3492, PAGE 288, BARTOW COUNTY RECORDS.

CALL TABLE

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | N 85°41'36" E | 6.91     |
| L2   | S 03°57'28" E | 10.46    |
| L3   | N 87°07'33" E | 2.05     |
| L4   | S 03°00'37" E | 15.00    |
| L5   | S 87°07'33" W | 9.37     |
| L6   | S 86°02'32" W | 8.56     |
| L7   | N 03°57'28" W | 15.00    |
| L8   | N 86°02'32" E | 1.13     |
| L9   | N 03°57'28" W | 10.21    |
| L10  | N 85°32'31" E | 8.09     |

SURVEYOR'S CERTIFICATION AS REQUIRED BY CITY OF CARTERSVILLE GAS SYSTEM

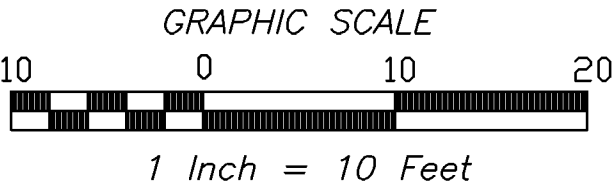
AS REQUIRED BY SUBSECTION (c) OF O.C.G.A. SECTION 15-6-67, THE REGISTERED LAND SURVEYOR HEREBY CERTIFIES THAT THIS MAP, PLAT, OR PLAN HAS BEEN APPROVED FOR FILING IN WRITING BY ANY AND ALL APPLICABLE MUNICIPAL COUNTY OR MUNICIPAL-COUNTY PLANNING COMMISSIONS OR MUNICIPAL OR COUNTY GOVERNING AUTHORITIES OR THAT SUCH GOVERNMENTAL BODIES HAVE AFFIRMED IN WRITING THAT APPROVAL IS NOT REQUIRED.

SPACE FOR GOVERNMENTAL BODY APPROVAL

NOTE: THIS PLAT DOES NOT REQUIRE APPROVAL OF THE MUNICIPAL OR COUNTY PLANNING COMMISSION OR GOVERNING AUTHORITY.



SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER AS TO INTENDED USE OF ANY PARCEL. THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERKS' COOPERATIVE SOCIETY. THE APPROVAL SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS ISSUED AND ARE TO BE PROPERLY OBTAINED PRIOR TO RECORDING.



PROFESSIONAL LAND SURVEYORS

317 GRASSDALE ROAD  
CARTERSVILLE, GA 30120  
770-334-8186  
GEORGIA C.O.A.: LSF001380

SHEET: 1 OF 1

CITY OF CARTERSVILLE UTILITY EASEMENT EXHIBIT OF:  
25 & 27 MONTGOMERY STREET  
PREPARED FOR:  
MONTGOMERY STREET RENTALS LLC &  
CITY OF CARTERSVILLE GAS DEPARTMENT

|                  |  |                      |            |
|------------------|--|----------------------|------------|
| DATE: 10/01/2024 |  | SCALE: 1"=10'        |            |
| STATE: GEORGIA   |  | COUNTY: BARTOW       |            |
| LAND LOT: 382    |  | DISTRICT: 4          | SECTION: 3 |
| JOB #: 244888    |  | DRAWN BY: J.BURNETTE |            |



Oct 4, 2024 at 12:38:51  
26 Montgomery St  
Cartersville GA 30120  
United States



**CITY OF CARTERSVILLE**  
**VARIANCE NOTICE**  
CASE NO. **V24-25**  
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 **11-14-2024**  
FOR ADDITIONAL INFORMATION  
CONTACT THE DEPARTMENT OF  
PLANNING & DEVELOPMENT AT **770-387-5600**