

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): SU22-01

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Robert Berry
Representative: Robert Berry
Property Owner: Robert & Patricia Berry
Property Location: 464 Bates Road
Access to the Property: Bates Road

Site Characteristics:

Tract Size: Acres: 4.87 +/- acres District: 4th Section: 3rd LL: 1196

Ward: **3** Council Member: **Cary Roth**

1. LAND USE INFORMATION

Current Zoning: P-D (Planned Development)

Proposed Zoning: P-D (Planned Development)

Proposed Use: **Residential**

Current Zoning of Adjacent Property:

North: P-D (Planned Development)

South: P-D (Planned Development)

East: Bartow County A-1 (Agriculture)

West: P-D (Planned Development)

The Future Development Map designates the subject property as: Neotraditional Neighborhood

The Future Land Use Map designates the subject property as: Low and Medium Density Residential

2. City Department Comments:

Electric: Takes no exception.

Fibercom: Takes no exception.

Fire: CFD takes no exceptions to the special use request for an accessory apartment provided all city adopted codes and ordinances are followed.

Gas: Takes no exception.

Public Works: No comments received.

Water and Sewer: Takes no exception. Not in Service Area.

3. Public Comments:

No public comments received by Planning and Development as of 1-4-22.

4. Special Use Review

The property is located in the Carter Grove Planned Development, but the Carter Grove conditions do not apply to this or surrounding properties. The house and detached garage are currently under construction. The applicant is requesting a special use permit to add an apartment to the detached garage.

This location is in the P-D (Planned Development) zoning district. A garage apartment requires a special use permit in the P-D district.

5. Zoning Ordinance Findings

Please review the following findings, as stated in the Zoning Ordinance, which are to be utilized in determining justification for approval or denial of special use request(s).

Article XVI. Special Uses

Sec. 16.1. Scope and intent.

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

Uses allowable with a Special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by Special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by Special use shall be approved by the Mayor and Council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the Special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate City departments.
- C. A public hearing has been held in relation to the Special use before the Planning Commission in conformance with the advertising standards outlined in article XXIV of this chapter. The Planning Commission shall make recommendations to the Mayor and Council regarding the application for a Special use; and
- D. A public hearing has been held in relation to the Special use before the Mayor and Council in conformance with the advertising standards outlined in article XXIV of this chapter.

Sec. 16.3. Additional restrictions.

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:
 1. The effect of the proposed activity on traffic flow along adjoining streets;
 2. The availability, number and location of off-street parking;
 3. Protective screening;
 4. Hours and manner of operation of the proposed use;
 5. Outdoor lighting;
 6. Ingress and egress to the property; and
 7. Compatibility with surrounding land use.
- B. Any use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

6. How General Standards Are Met (Staff analysis)

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met: No change to traffic flow.

Standard #2: The availability, location, and number of off-street parking.

How Standard #2 has / will be met: Parking available on driveway/ parking area.

Standard #3: Protective screening.

How Standard #3 has / will be met: Not applicable

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: Not applicable.

Standard #5: Outdoor lighting

How Standard #5 has / will be met: Not applicable.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Bates Rd.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: The proposed use is expected to be compatible with adjacent land uses.

7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

16.4.3. Apartment, accessory.

A. *Allowable districts:* R-20, R-15, R-10, R-7, P-D, P-S, and M-U.

B. *Standards:*

1. No more than one (1) accessory apartment per lot shall be allowed.

Only one unit on the lot is proposed.

2. A minimum lot size of ten thousand (10,000) square feet shall be required.

Lot size exceeds 10,000sf.

3. An accessory apartment shall not exceed six hundred fifty (650) square feet in gross floor area.

Apartment is 870sf per floor plans and exceeds the 650sf. limit.

4. Kitchen facilities shall be allowed.

5.The detached garage structure accommodating such apartment shall not exceed the height of the principal building on the lot.

Structure does not exceed height of house.

6.The detached garage structure accommodating such apartment shall meet the principal setbacks of the district.

10ft. side yard and 20ft rear yard setbacks are met.

7.All parking areas shall be surfaced with an all-weather surface material..

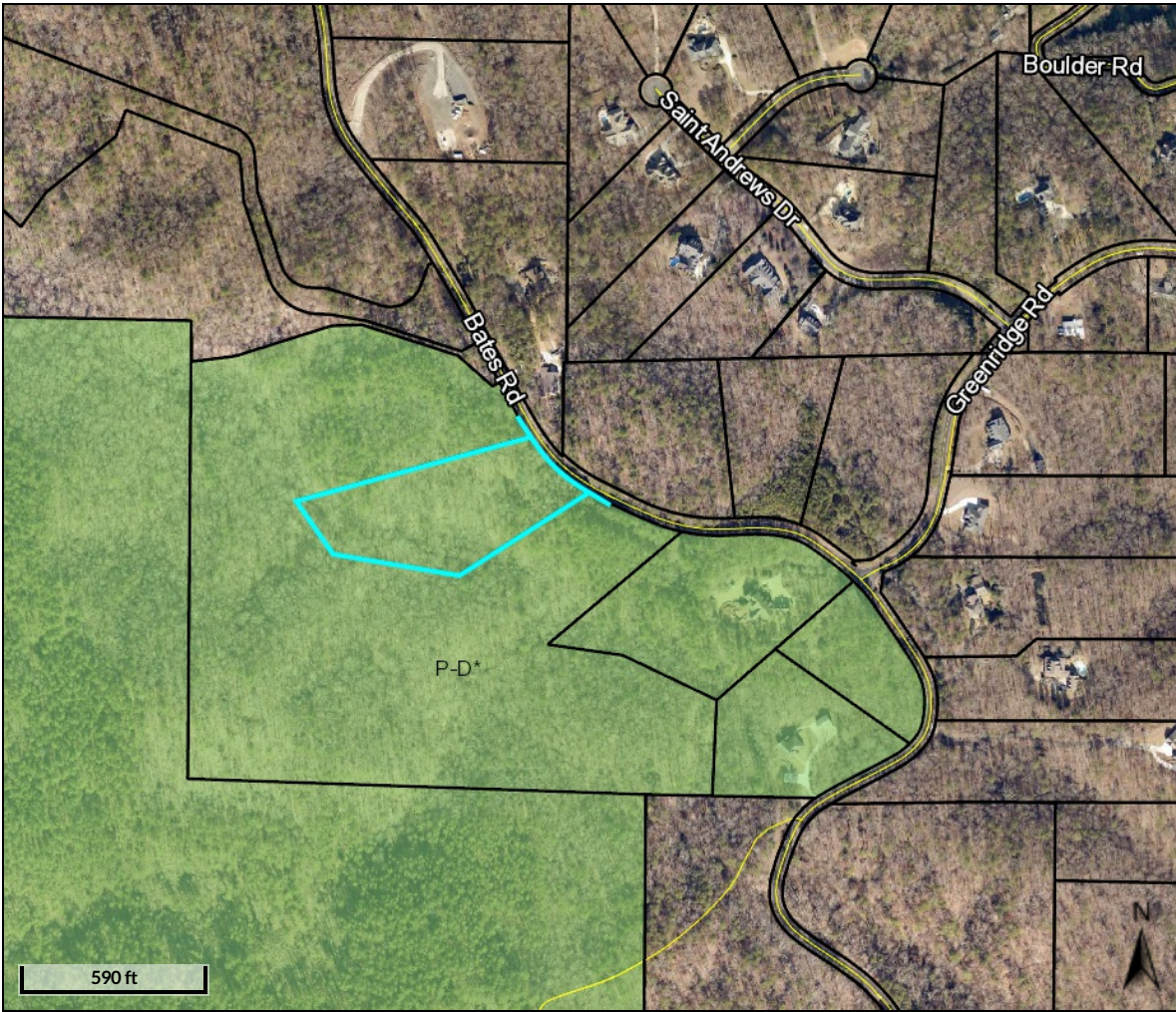
Material expected to be gravel or concrete.

7. Requires owner-occupancy of the principal building on the lot.

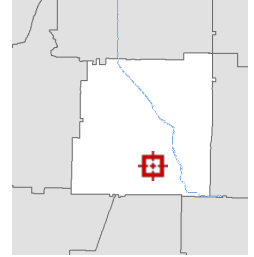
Owner will reside in house.

8. **Staff Recommendation:** Staff recommends approval. If approved, the applicant will require a variance to increase the allowed area from 650sf to 870sf.

9. **Planning Commission Recommendation:**



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

Parcel ID C120-0001-007
Sec/Twp/Rng n/a

Alternate ID 48457
Class Residential

Owner Address BERRY ROBERT L
 BERRY PATRICIA J

Property Address 464 BATES RD

Acreage 4.85

485 BATES RD SE
CARTERSVILLE, GA 30120

District Cartersville

Brief Tax Description LL 1196 LD 4 3RD SEC Tract 1 plat 2020-281

(Note: Not to be used on legal documents)

Date created: 1/5/2022

Last Data Uploaded: 1/4/2022 9:56:28 PM

Developed by  Schneider
GEOSPATIAL


Application for Special Use
City of Cartersville

Case Number: SU22-01
Date Received: 11-23-21

Public Hearing Dates:

Planning Commission 1/11/22 5:30pm 1st City Council 1/20/22 7:00pm 2nd City Council 2/3/22 7:00pm

Applicant ROBERT BERRY Office Phone _____
(printed name)
Address 464 BATES RD Mobile/ Other Phone 404-285-8809
City CARTERSVILLE State GA Zip 30120 Email RBERRY@TPIES.COM
Representative's printed name (if other than applicant) _____ Phone (Rep) _____
Email (Rep) _____
Representative Signature _____ Applicant Signature [Signature]
Signed, sealed and delivered in presence of _____ My commission expires
Julia Drake 10/6/2025
Notary Public



* Titleholder ROBERT L & PATRICIA T. BERRY Phone 404-285-8805
(titleholder's printed name)
Address 2985 VININGS FOREST WAY Email RBERRY@TPIES.COM
ATLANTA, GA 30335
Signature [Signature]
Signed, sealed, delivered in presence of _____ My commission expires:
Julia Drake 10/6/2025
Notary Public



Present Zoning District PD
Acreage 4.87 Land Lot(s) LL1196 District(s) 4 Section(s) 3100
Location of Property: 464 BATES RD
(street address, nearest intersections, etc.)
Reason for Special Use Request: GARAGE APARTMENT
(attach additional statement as necessary)

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

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 property sought to be rezoned:

	<u>NAME</u>	<u>ADDRESS</u>
1.	HIGHLANDS PARK OF GEORGIA	905 BLACKWELL RD MARIETTA, GA 30066
2.	TERRY & HEIDI EGSELT	459 BATES RD CARTERSVILLE, GA 30120
3.	TERRY & RHONDA MAJES	11 TOPRIQUE DR CARTERSVILLE, GA 30120
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.)

SPECIAL USE JUSTIFICATION

The Mayor and City Council, upon review, may authorize a Special Use which is not classified as a permitted use by right in a zoning district

Zoning Ordinance section 16.3.A

In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

1. *The effect of the proposed activity on traffic flow along adjoining streets;*
2. *The availability, number and location of off-street parking;*
3. *Protective screening;*
4. *Hours and manner of operation of the proposed use;*
5. *Outdoor lighting;*
6. *Ingress and egress to the property; and*
7. *Compatibility with surrounding land use.*

Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.

Use applied for:

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets

How Standard #1 has / will be met:

NO CHANGE TO TRAFFIC FLOW

Standard #2: The availability, number, and location of off-street parking

How Standard #2 has / will be met:

NO CHANGE

Standard #3: Protective screening

How Standard #3 has / will be met:

NOT NEEDED

Standard #4: Hours and manner of operation of the proposed use

How Standard #4 has / will be met:

N/A

Standard #5: Outdoor lighting

How Standard #5 has / will be met:

N/A

Standard #6: Ingress and egress to the property

How Standard #6 has / will be met:

N/A

Standard #7: Compatibility with surrounding land use

How Standard #7 has / will be met:

NO CHANGE

Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

Signed, [Signature]
Applicant or Representative

11/23/21
Date

16.4.3. Apartment, accessory.

A. Allowable districts: R-20, R-15, R-10, R-7, P-D, P-S, and M-U.

B. Standards:

1. No more than one (1) accessory apartment per lot shall be allowed.
2. A minimum lot size of ten thousand (10,000) square feet shall be required.
3. An accessory apartment shall not exceed six hundred fifty (650) square feet in gross floor area.
4. Kitchen facilities shall be allowed.
5. The detached garage structure accommodating such apartment shall not exceed the height of the principal building on the lot.
6. The detached garage structure accommodating such apartment shall meet the principal setbacks of the district.
7. All parking areas shall be surfaced with an all-weather surface material.
8. Requires owner-occupancy of the principal building on the lot.

City of Cartersville, GA

- *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.
 - 3. Minimum number of parking spaces: Two (2) spaces for each dwelling unit plus three (3) spaces for each one thousand (1,000) square feet of commercial use.
 - 4. Parking lot outdoor lighting shall be directed away and shielded from residential above or behind commercial use and from abutting residential districts or use. Freestanding street lighting fixtures shall have a maximum height of thirty-five (35) feet.
 - 5. Reserved.
 - 6. Sound-deadening construction materials and techniques should be used and bedrooms should be oriented away from noise sources.
- 16.4.3. *Apartment, accessory.*
- A. *Allowable districts*: R-20, R-15, R-10, R-7, P-D, P-S, and M-U.
 - B. *Standards*:
 - 1. No more than one (1) accessory apartment per lot shall be allowed.
 - 2. A minimum lot size of ten thousand (10,000) square feet shall be required.
 - 3. An accessory apartment shall not exceed six hundred fifty (650) square feet in gross floor area.
 - 4. Kitchen facilities shall be allowed.
 - 5. The detached garage structure accommodating such apartment shall not exceed the height of the principal building on the lot.
 - 6. The detached garage structure accommodating such apartment shall meet the principal setbacks of the district.
 - 7. All parking areas shall be surfaced with an all-weather surface material.
 - 8. Requires owner-occupancy of the principal building on the lot.
- 16.4.4. *Bed and breakfast inn.*
- A. *Allowable districts*: AG, R-20, R-15, R-10, R-7, R-D, and M-U.
 - B. *Standards*:
 - 1. Bed and breakfast inns shall be limited to existing structures built for single-family use and no exterior modifications to the existing structure to accommodate the bed and breakfast inn shall be allowed.
 - 2. A minimum of twenty five hundred (2,500) square feet of heated living area in the home to be used as the Inn shall be required.
 - 3. A minimum of two (2) guest rooms shall be permitted.
 - 4. The bed and breakfast inn shall be operator occupied.
 - 5. Parking requirements shall be one (1) space per guest room in addition to a required two (2) spaces for single-family residential use.
 - 6. Parking spaces shall be screened from all adjoining residential properties with a solid fence, of a minimum of five (5) feet in height, or evergreen trees and shrubs densely planted which will provide a visual screen height of five (5) feet within two (2) years of planting.
 - 7. Parking in the front yard shall be prohibited.
 - 8. One (1) Identification sign having a maximum size of six (6) square feet in area and a maximum height of five (5) feet shall be allowed on each street frontage.



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-287-2600 • Fax: 770-287-2605 • www.cityofcartersville.org

Residential Permit Application

NOTICE: THIS FORM MUST BE COMPLETED, SIGNED AND SUBMITTED BEFORE A PERMIT MAY BE ISSUED. NO WORK MAY COMMENCE BEFORE THE ISSUANCE OF THE PERMIT
ATTACH SITE PLAN THAT INDICATES LOCATION OF THE STRUCTURE AND SETBACKS
ORIGINAL SIGNATURE OF GC REQUIRED ON EACH APPLICATION

SUBDIVISION: N/A LOT # _____

PROJECT ADDRESS: 464 Bates Rd Cartersville 30120
CITY Atlanta 30339 ZIP 404

OWNERS NAME: Robert & Patty Berry ADDRESS: 2985 Vinings Forest Way PHONE#: 285-8809

CONSTRUCTION TYPE VB VALUATION/CONSTRUCTION COST 80,000 SQ. FT: 1740 BATHROOMS 1 BEDROOMS: 1

NEW HOME _____ ADDITION _____ REMODEL EXTERIOR _____ REMODEL INTERIOR _____ DETACHED ACCESSORY BUILDING

OF STORIES _____ SPLIT LEVEL: _____ GARAGE: BASEMENT: YES _____ or NO HISTORIC DISTRICT: YES _____ or NO FLOODPLAIN: YES _____ or NO

DESCRIBE WORK Construct 30' x ^{58'} 48' Garage (1740sf)

Contractors Name: Georgia South LLC - Tim Wilson

EMAIL: georgia.south.llc@outlook.com CELL # 770-616-9952

ADDRESS: 176 Tibbitts Rd Dallas 30132
CITY ZIP

STATE LICENSE #: RBQA005968 BUSINESS LICENSE #: 16242
(CONTRACTOR) EFFECTIVE 7/1/07

SIGNATURE: Tim Wilson NAME OF _____

THIS MUST BE SIGNED IN FRONT OF PERMIT CLERK

*****OFFICIAL USE ONLY*****

SETBACKS Zoning - P-D (Planned Development)

NOTES IF GARAGE 2nd FLOOR EVER USED FOR ACCESSORY APARTMENTS A SPECIAL-USE PERMIT WILL BE REQUIRED. TOTAL SF CANNOT EXCEED 50% TOTAL OF 254 SF.

APPROVAL: ZONING ADMINISTRATOR (DH) DATE 7-22-21.

APPROVAL: BUILDING INSPECTIONS CW DATE 7-22-21

**CAMPAIGN DISCLOSURE REPORT
FOR REZONING ACTIONS**

Pursuant to O.C.G.A. 36-67A-3 any and all applicants to a rezoning action must make the following disclosures:

Date of Application: 11/25/21

Date Two Years Prior to Application: 11/25/19

Date Five Years Prior to Application: 11/25/16

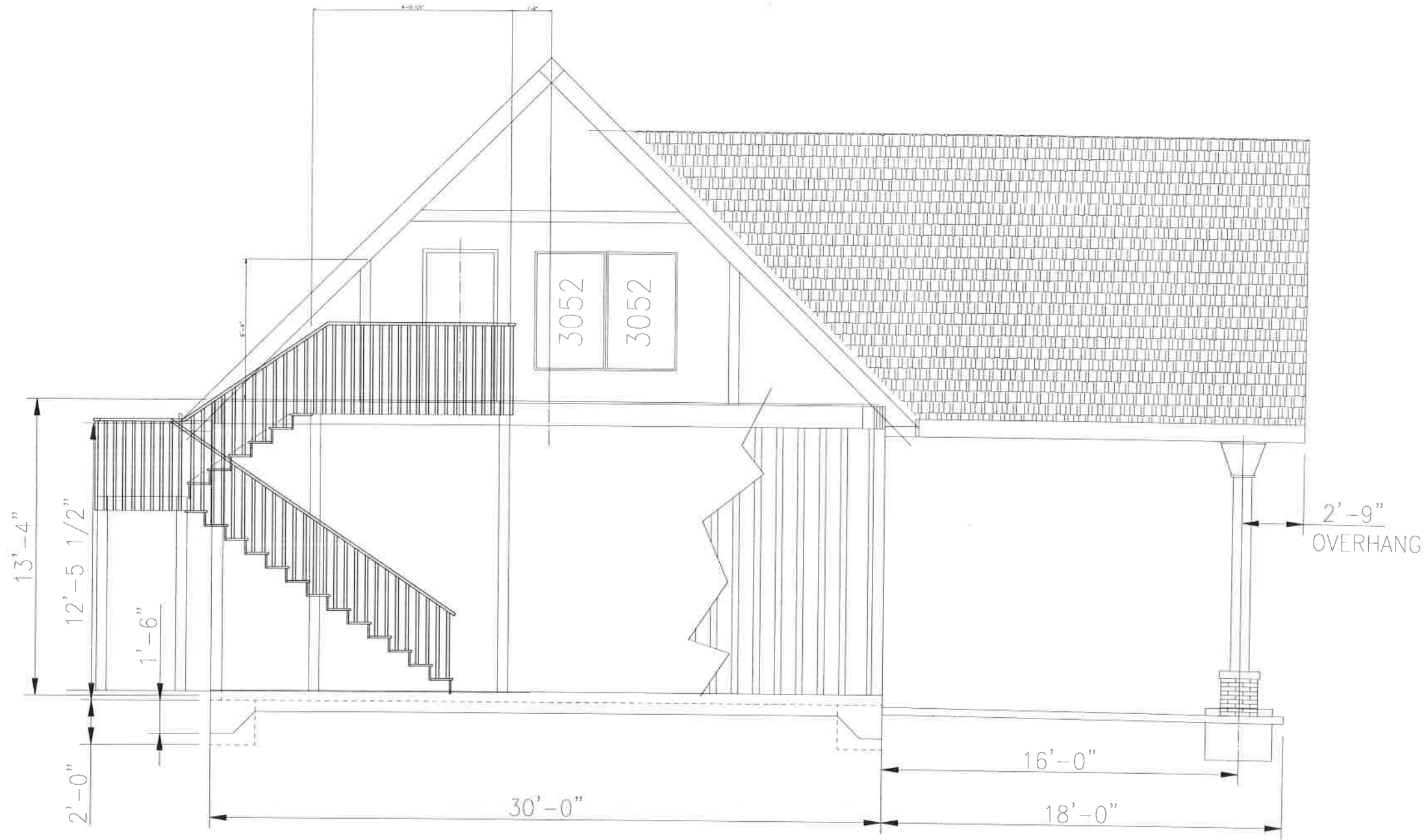
1. Has the applicant within the five (5) years preceding the filing of the rezoning action made campaign contributions aggregating \$250.00 or more to any of the following:

	YES	NO
Mayor: Matt Santini	_____	_____ ✓
Council Member:		
Ward 1- Kari Hodge	_____	_____ ✓
Ward 2- Jayce Stepp	_____	_____ ✓
Ward 3- Cary Roth	_____	_____ ✓
Ward 4- Calvin Cooley	_____	_____ ✓
Ward 5- Gary Fox	_____	_____ ✓
Ward 6- Talf Wren	_____	_____ ✓
Planning Commission		
Greg Culverhouse	_____	_____ ✓
Harrison Dean	_____	_____ ✓
Lamar Pendley	_____	_____ ✓
Lamar Pinson	_____	_____ ✓
Travis Popham	_____	_____ ✓
Jeffery Ross	_____	_____ ✓
Stephen Smith	_____	_____ ✓

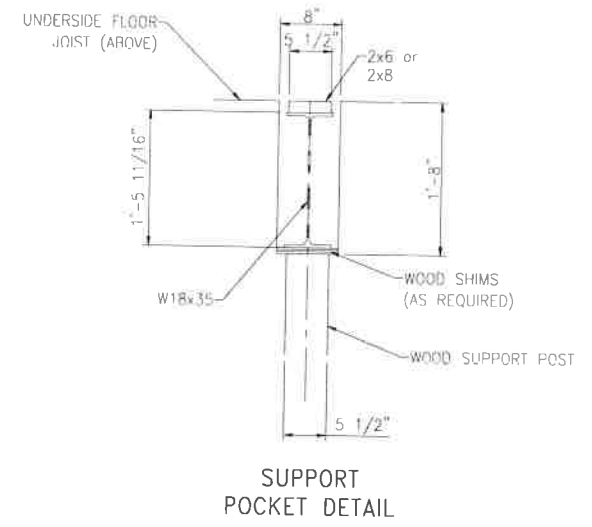
2. If the answer to any of the above is Yes, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

Robert Berry 11/15/21
Signature Date

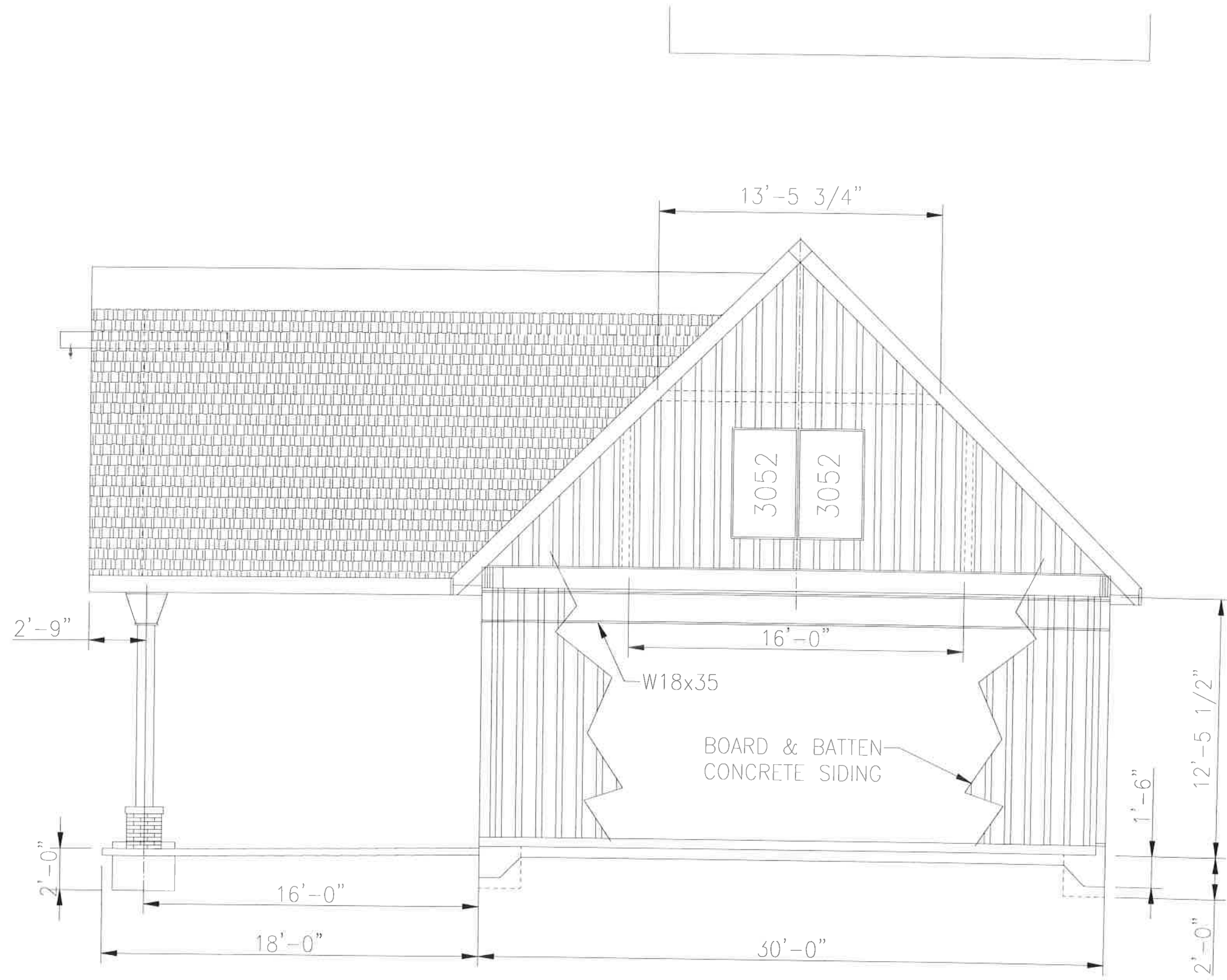
ROBERT BERRY
Print Name



LEFT SIDE ELEVATION

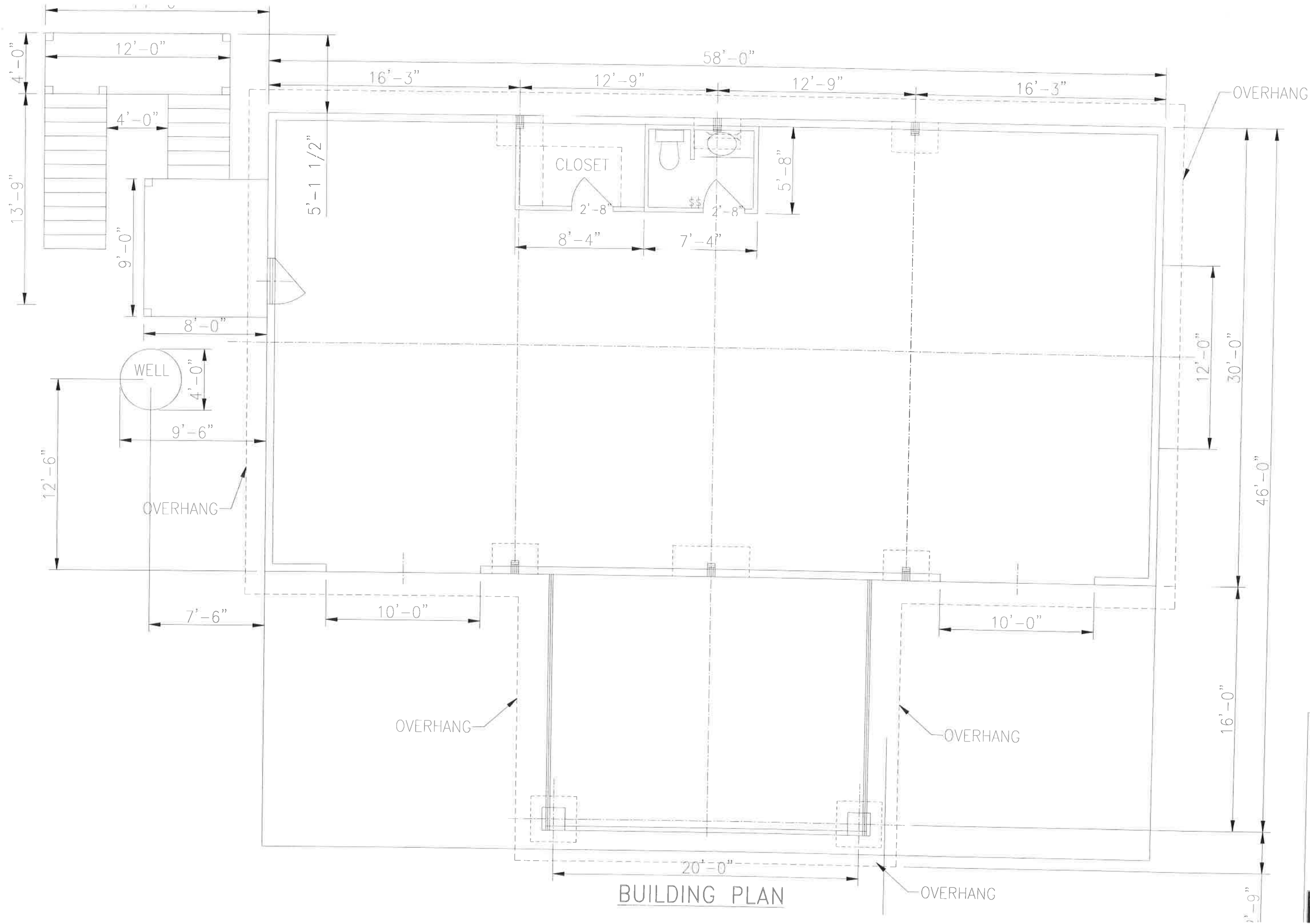


DWN BY	ALB	CHKD BY	DATE	TPI PROJECT NO.	COST CODE	REV.	NO.	DATE	DWN/CHKD
SCALE	NONE								
				TPI DRAWING NUMBER	464-G2				
				REVISION					



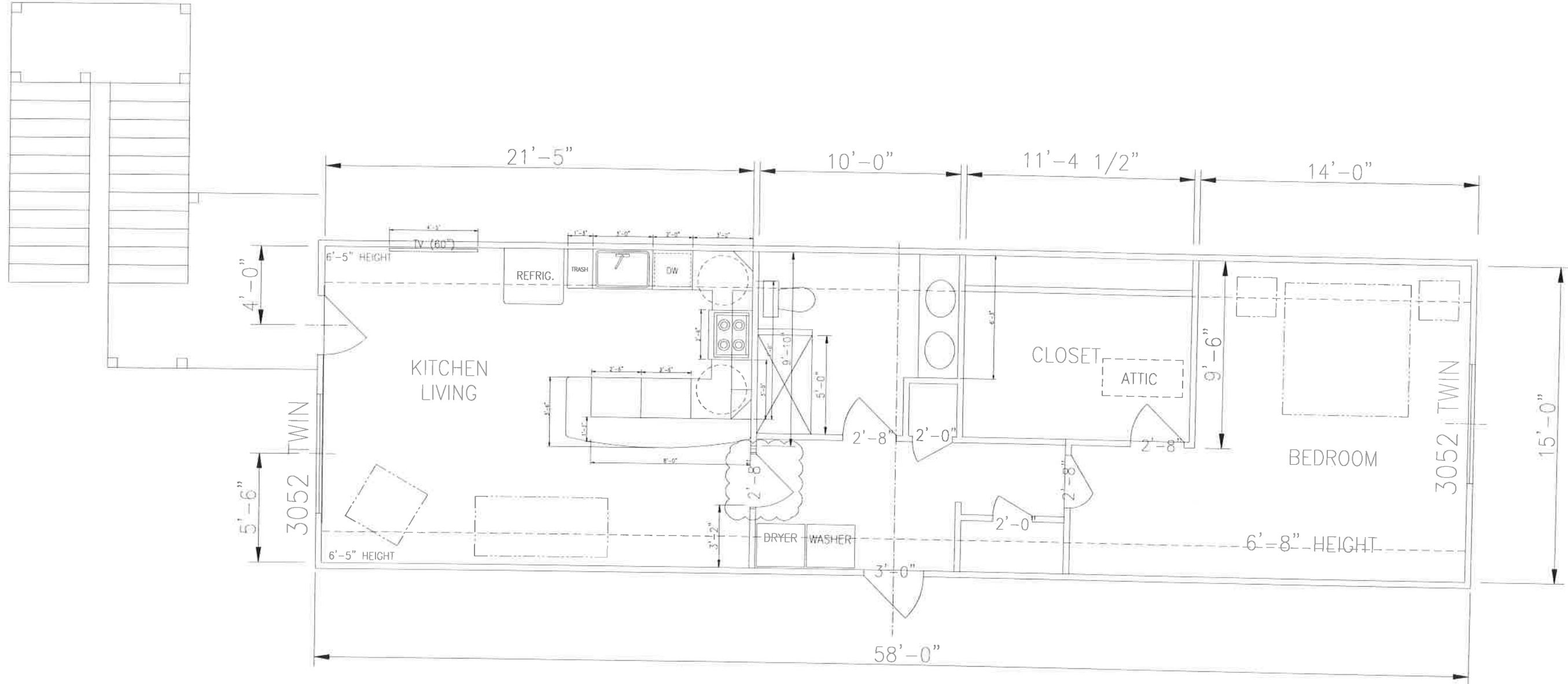
RIGHT SIDE ELEVATION

OWNER BY E.L.B.	CHKD BY	TPS PROJECT NO.	COST CODE	REV.	NO.	DATE	REVISION	DWN/CHKD
SCALE NONE	DATE	TPS DRAWING NUMBER	464-G3	▲				



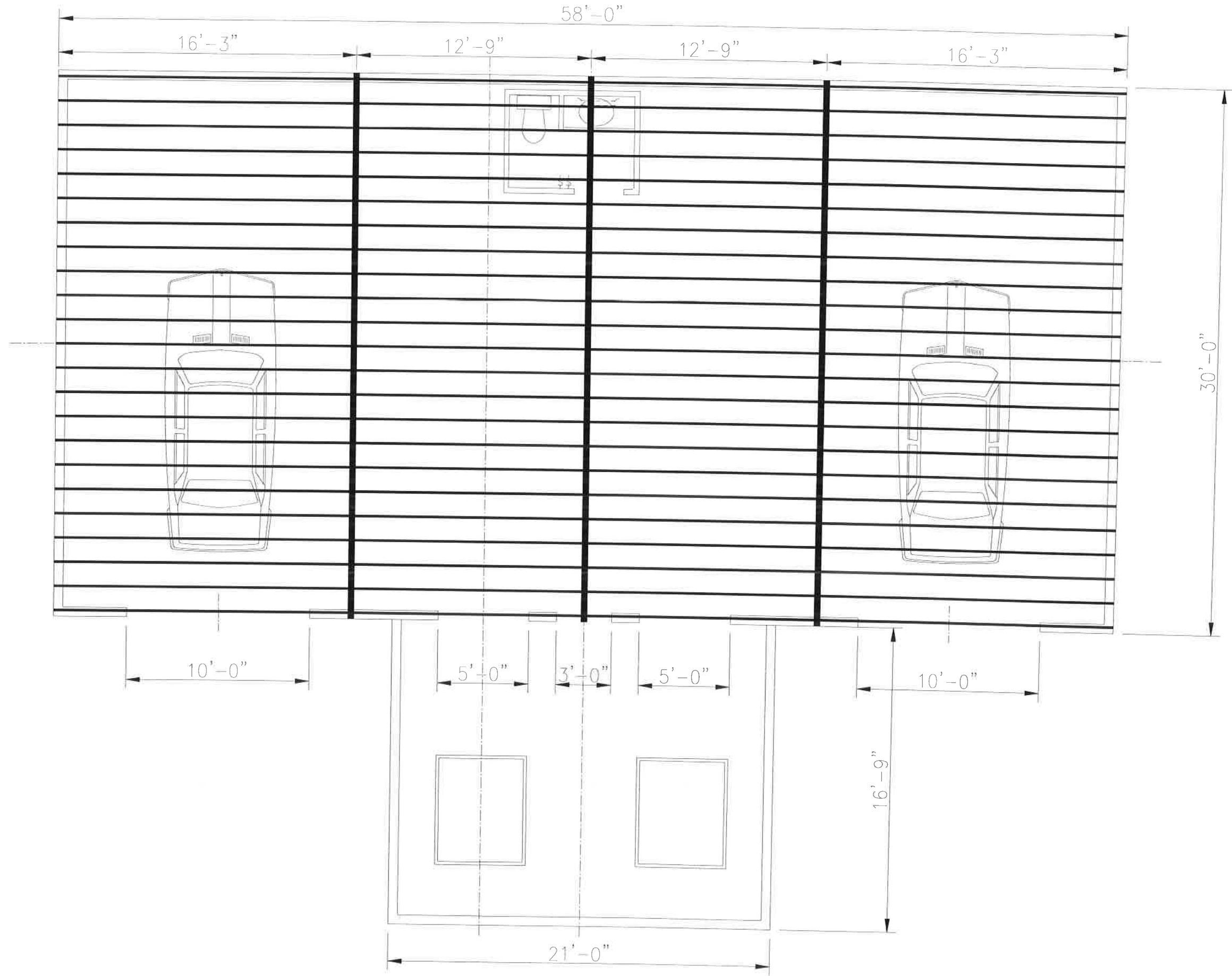
BUILDING PLAN

OWN BY	SCALE	ALB	NONE	CHD BY	DATE	TPI PROJECT NO.	COST CODE	TPI DRAWING NUMBER	REV	NO.	DATE	REVISION	DWY/CHKD
								454-G4					

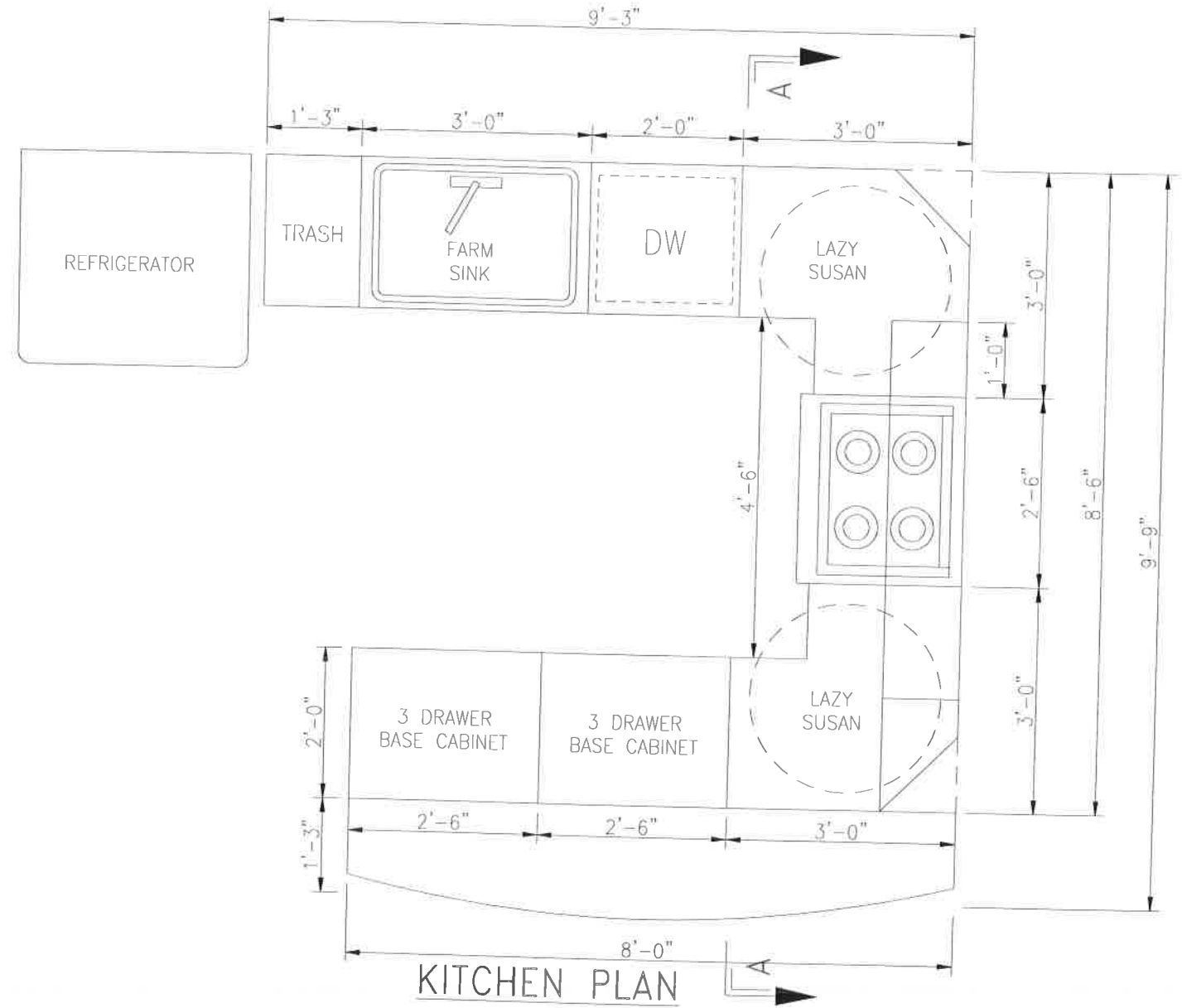
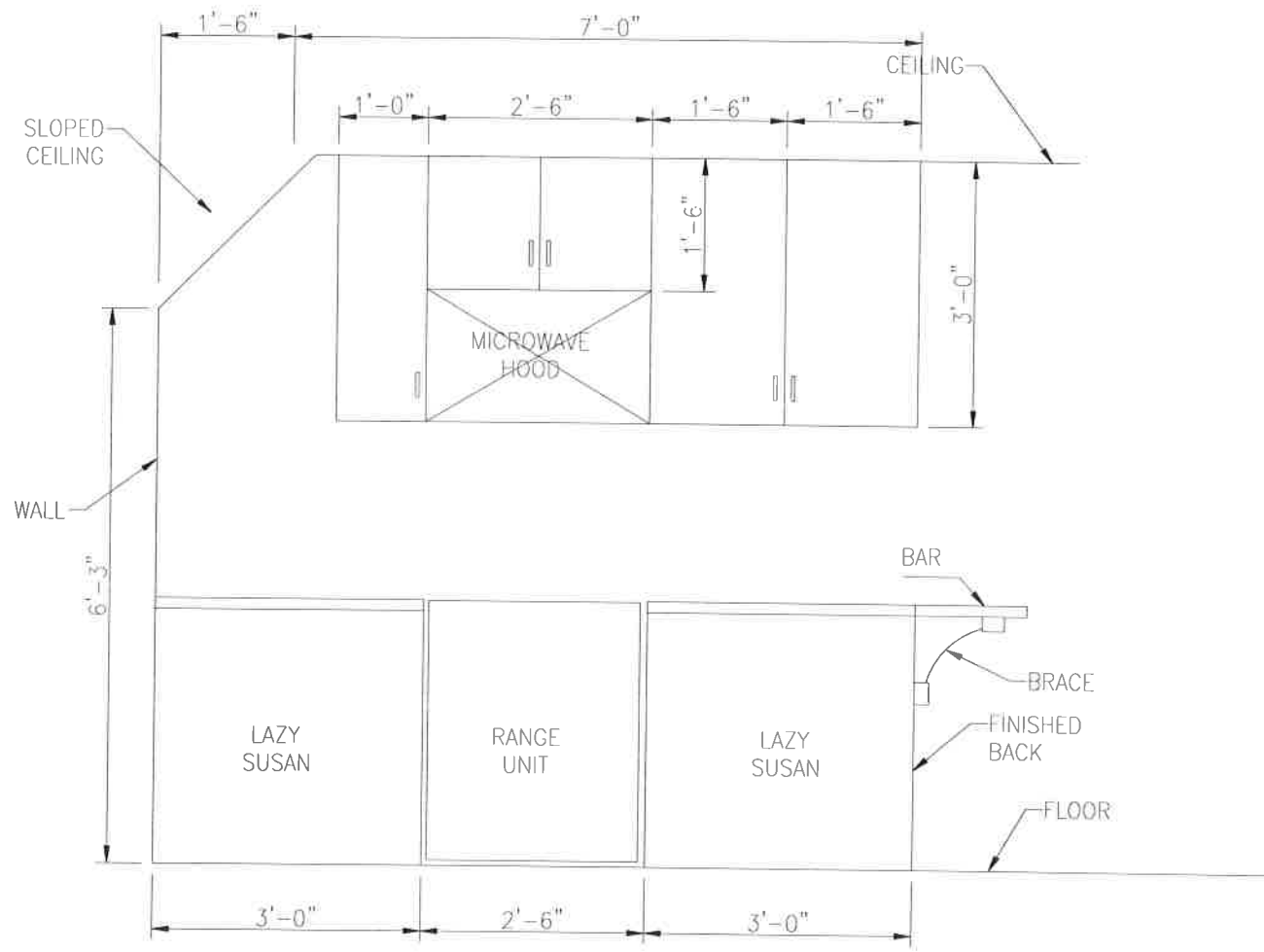


APARTMENT PLAN
LIVING AREA = 870 SF

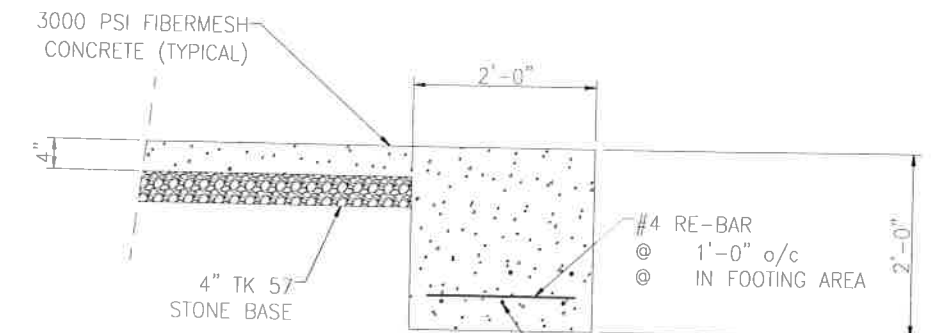
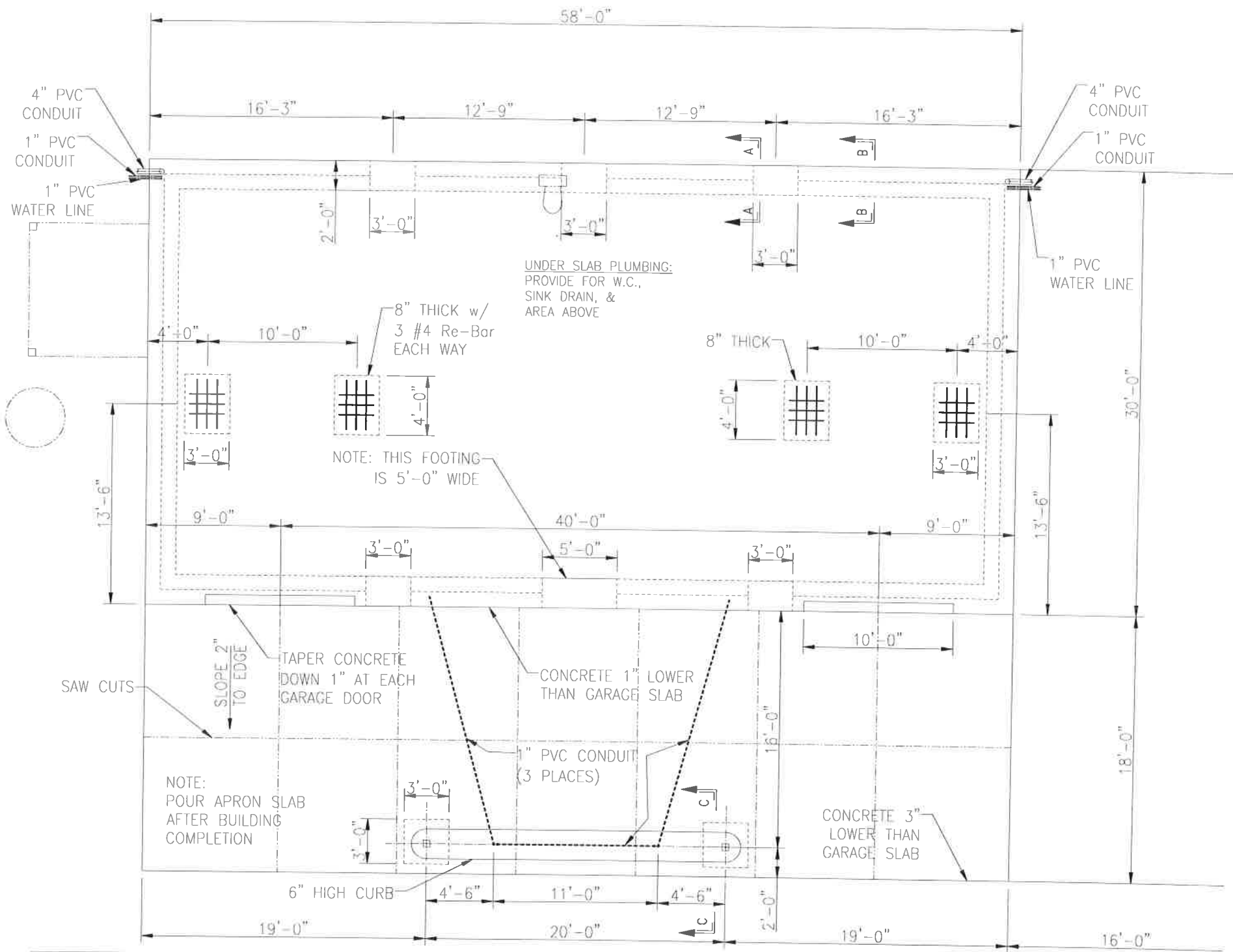
OWN. BY	CHD BY	TPI PROJECT NO.	COST CODE
SCALE	DATE	TPI DRAWING NUMBER	REV.
NONE		464-G5	NO. / DATE
			REVISION
			DWN. / CHRD.



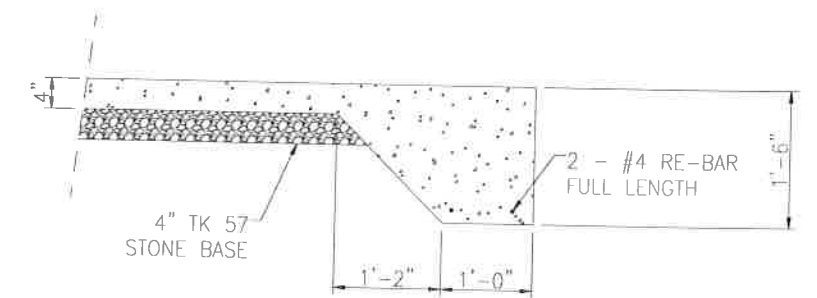
DWN BY	BLB	CHKD BY	DATE	TPI PROJECT NO.	COST CODE
SCALE	NONE			TPI DRAWING NUMBER	REV
				484-C6	NO
					DATE
					NO
					REVISION
					DWN/CHKD



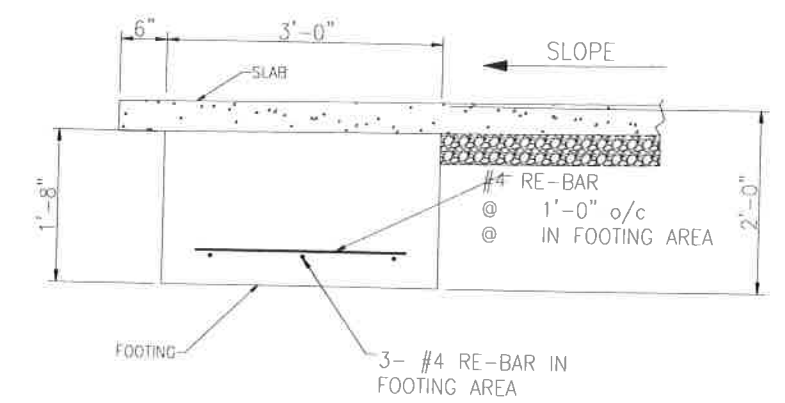
DWN BY: <u>RLB</u> SCALE: <u>NONE</u>	CHD BY: _____ DATE: _____	TPI PROJECT NO. _____ COST CODE _____	TPI DRAWING NUMBER 464-C7-KT	REV. <u>1</u> DATE _____	NO. _____ DATE _____	REVISION _____	DWN / CHD
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SECTION A-A
FOOTING DETAIL



SECTION B-B
TURN DOWN DETAIL

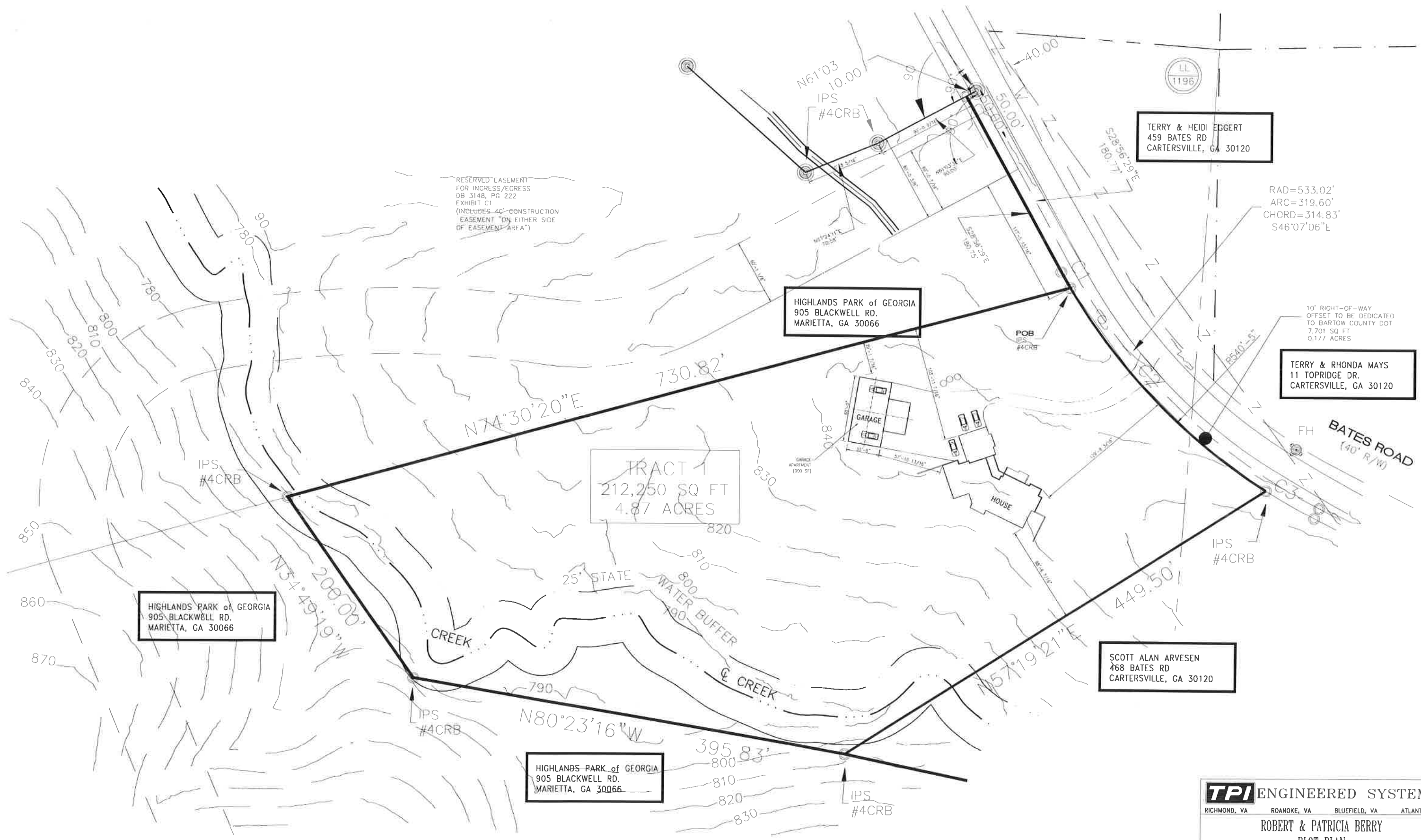


SECTION C-C
FOOTING DETAIL

CONCRETE SAWCUTS
8' x 8' UN

SLAB & FOUNDATION PLAN

PI ENGINEERED SYSTEMS	PROJECT NO.	COST CODE	REV.	NO.	DATE	REVISED
	TPI DRAWING NUMBER 464-F1					
30 FT. X 60 FT GARAGE FOUNDATION & FOOTING PLAN & DETAILS	OWN BY	SCALE	DATE	DATE	DATE	DWN/CHD



RESERVED EASEMENT FOR INGRESS/EGRESS DB 3148, PG 222 EXHIBIT C1 (INCLUDES 40' CONSTRUCTION EASEMENT "ON EITHER SIDE OF EASEMENT AREA")

HIGHLANDS PARK of GEORGIA
905 BLACKWELL RD.
MARIETTA, GA 30066

TERRY & HEIDI EGGERT
459 BATES RD
CARTERSVILLE, GA 30120

RAD=533.02'
ARC=319.60'
CHORD=314.83'
S46°07'06"E

10' RIGHT-OF-WAY OFFSET TO BE DEDICATED TO BARTOW COUNTY DOT
7,701 SQ FT
0.177 ACRES

TERRY & RHONDA MAYS
11 TOPRIDGE DR.
CARTERSVILLE, GA 30120

TRACT 1
212,250 SQ FT
4.87 ACRES

HIGHLANDS PARK of GEORGIA
905 BLACKWELL RD.
MARIETTA, GA 30066

SCOTT ALAN ARVESEN
468 BATES RD
CARTERSVILLE, GA 30120

HIGHLANDS PARK of GEORGIA
905 BLACKWELL RD.
MARIETTA, GA 30066

TPI ENGINEERED SYSTEMS
RICHMOND, VA ROANOKE, VA BLUEFIELD, VA ATLANTA, GA

ROBERT & PATRICIA BERRY
PLOT PLAN
464 BATES ROAD

CUSTOMER:	CUSTOMER NO.:
LOCATION:	TPI PROJECT NO. COST CODE
CUSTOMER P.O.:	TPI DRAWING NUMBER
DWN BY: RLB	CHKD BY:
SCALE: NONE	DATE:

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IMAGES TAKEN 12-22-21.











SPECIAL USE NOTICE

CASE NO. **SU22-01**

APPLICATION HAS BEEN MADE TO THE CITY OF CARTERSVILLE FOR A SPECIAL USE ON THIS PROPERTY

PLANNING COMMISSION MEETING AT 5:30 P.M. ON **1-11-22**

CITY COUNCIL FIRST READING AT **7:00 PM** ON **1-20-22**

CITY COUNCIL SECOND READING AT **7 PM** ON **2-3-22**

HEARINGS TO BE HELD AT CITY HALL 10 NORTH PUBLIC SQUARE.

FOR ADDITIONAL INFORMATION CONTACT THE PLANNING AND DEVELOPMENT DEPT. AT 770-387-5600