



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
From: Randy Mannino/David Hardegree
CC: David Archer
Date: August 29, 2022
Re: File # V22-16

Summary: To reduce minimum lot area of 7,000 square feet in R-D zoning district

Section 1: Project Summary

Variance application by owner/applicant, Oscar Arreaza, for property located at 30 Johnson St, zoned R-D, Single Family Duplex Dwelling. The lot is a corner lot with road frontages along Johnson Street and Gilmer Street. Setbacks are Front- 20ft. and Side- 8ft. Said property contains approximately 0.20 acres.

The applicant proposes to build a duplex on the vacant lot. The zoning ordinance for R-D (Single Family Duplex Dwelling District), Sec. 6.6, requires a minimum of 7,000 square feet per dwelling unit. 14,000 square feet is needed. The lot is 8,712sf.

The applicant is requesting to reduce the minimum required lot size to 4,356 square feet per dwelling unit. This is a 38% reduction in the lot size requirement.

Also noteworthy in the site plan provided, the proposed decks encroach into the side yard setback. The decks will have to be reduced in size, removed, replaced with a patio or receive a variance for the encroachment. A second variance is required for this process.

The variance request is for the following and per the submitted site plan sketch:

1. To reduce the minimum lot size per dwelling unit from 7,000 square feet to 4,356 square feet.

Section 2. Department Comments

Electric Department: The Electric System takes no exception to the requested variance #V22-16. We **may** need a 5' easement along the property line to cross one lot and bring service to the 2nd lot.

Fibercom: Cartersville FiberCom takes no exception to the V22-16 variance request for N Gilmer Street and Johnson Street.

Fire Department: CFD takes no exceptions to this V22-16 request.

Gas Department: The Gas System takes no exceptions to the following as shown in the attachments.

Public Works Department: Public Works is not opposed to the variance for lot size, but would not grant permission to access the city street as drawn. Though it is preferred to have the driveways on Johnson Street, the location of the westernmost drive is too close to the existing intersection.

Water Department: WATER SERVICE COMMENTS:

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

SEWER SERVICE COMMENTS:

This property is located in the City of Cartersville Water Department's sewer service area. The requested variance will have no affect on sewer service to this site.

Section 3. Public Comments Received by Staff

No public comments received as of 8-29-22.

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 onehalf (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.*

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.

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- College and universities.
- Day care facilities (SU).*
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- Family day care.
- Group homes (SU).*
- Home occupations.
- Nursing home facilities (SU).*
- Parks, private.
- Personal care homes (SU).*
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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.

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- 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
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 - 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.

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Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 9/28/2022 5:30pm

Application Number: V22-16

Date Received: 7-28-2022

Applicant <u>Oscar I. Arreaza</u> <small>(printed name)</small>	Office Phone <u>786 973 6384</u>
Address <u>1044 Legacy Walk DR</u>	Mobile/ Other Phone <u>786 973 6384</u>
City <u>Woodstock</u> State <u>GA</u> Zip <u>30189</u>	Email <u>oskararreaza@gmail.com</u>
Representative's printed name (if other than applicant) <u></u>	Phone (Rep) _____ Email (Rep) _____
Representative Signature	Applicant Signature <u></u>
Signed, sealed and delivered in presence of: _____	My commission expires: _____
Notary Public	

* Titleholder <u>T21 LLC</u> <small>(titleholder's printed name)</small>	Phone <u>786 973 6384</u>
Address <u>1044 Legacy Walk Dr</u>	Email <u>oscararreaza@gmail.com</u>
Signature <u></u>	
Signed, sealed, delivered in presence of: _____	My commission expires: _____
Notary Public	

Present Zoning District _____
Acreage <u>0.2</u> Land Lot(s) <u>382 & 383</u> District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>Corner of North Gilmer St and Johnson St</u> <small>(street address, nearest intersections, etc.)</small>
Zoning Section(s) for which a variance is being requested: _____
Summary Description of Variance Request: <u>Request to reduce minimum lot area per duplex duelling</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 VI Section 6.6.3 Subsection E
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. X 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. X The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: Dear Members of the Zoning Board,

I'm writing to seek a reduction of the minimum lot area per dwelling unit. Current zoning rules say that the minimum area per dwelling unit is 0.16 ac or 7000 sqf; I respectfully request to reduce it to 0.1 ac or 4356 sqf. The variance, if authorized, will not alter the essential character of the neighborhood in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare. The proposed style and structure of the building is in step with the existing neighborhood, the proposed project would be an improvement to the neighborhood.

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

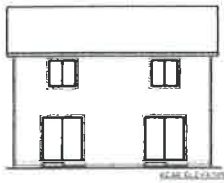
The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the subject property:

	<u>NAME</u>	<u>ADDRESS</u>
1.	James Musial	110 Johnson St Cartersville GA 30120
2.	T21 LLC	403 N Gilmer St Cartersville GA 30120
3.	T21 LLC	405 N Gilmer St Cartersville GA 30120
4.	James	409 N. Gilmer St Cartersville GA 30120
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.)

Duplex for Your Narrow Lot



1,838
 Heated S.F.



2
 Units



30' 0"
 Width



32' 0"
 Depth

Buy This Plan

PDF - Single-Build
\$925

CAD - Single-Build
\$1,750

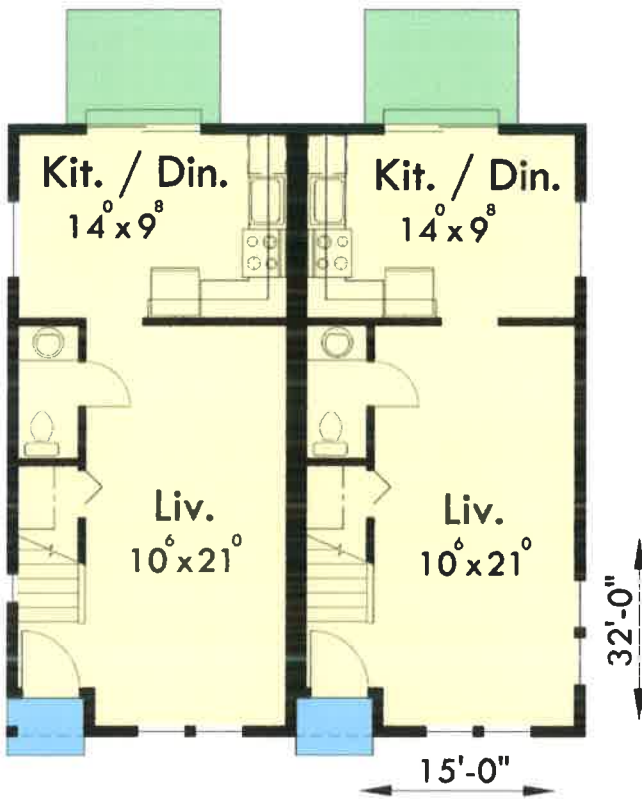
View all purchase option online

About This Plan

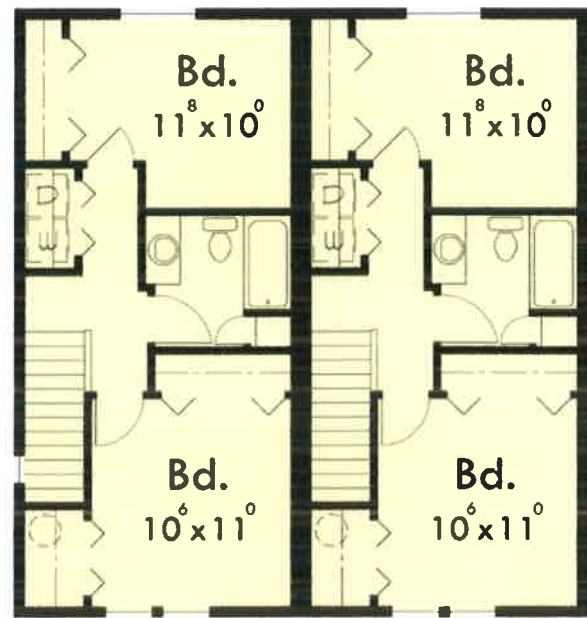
- This duplex house plan is perfect for those narrow or in-fill lots with each unit coming in at 15' wide.
- Both units are identical and give you two beds on the upper floor with a bath and convenient laundry. The main floor has a large living room in front and a kitchen and dining area with access to the patio in back. A powder room completes the home.
- Each unit has 919 square feet of living space with 472 square feet on the main floor and 447 square feet on the upper floor.

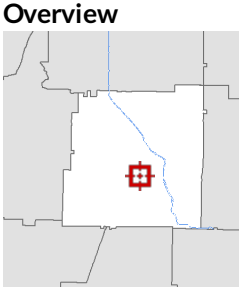
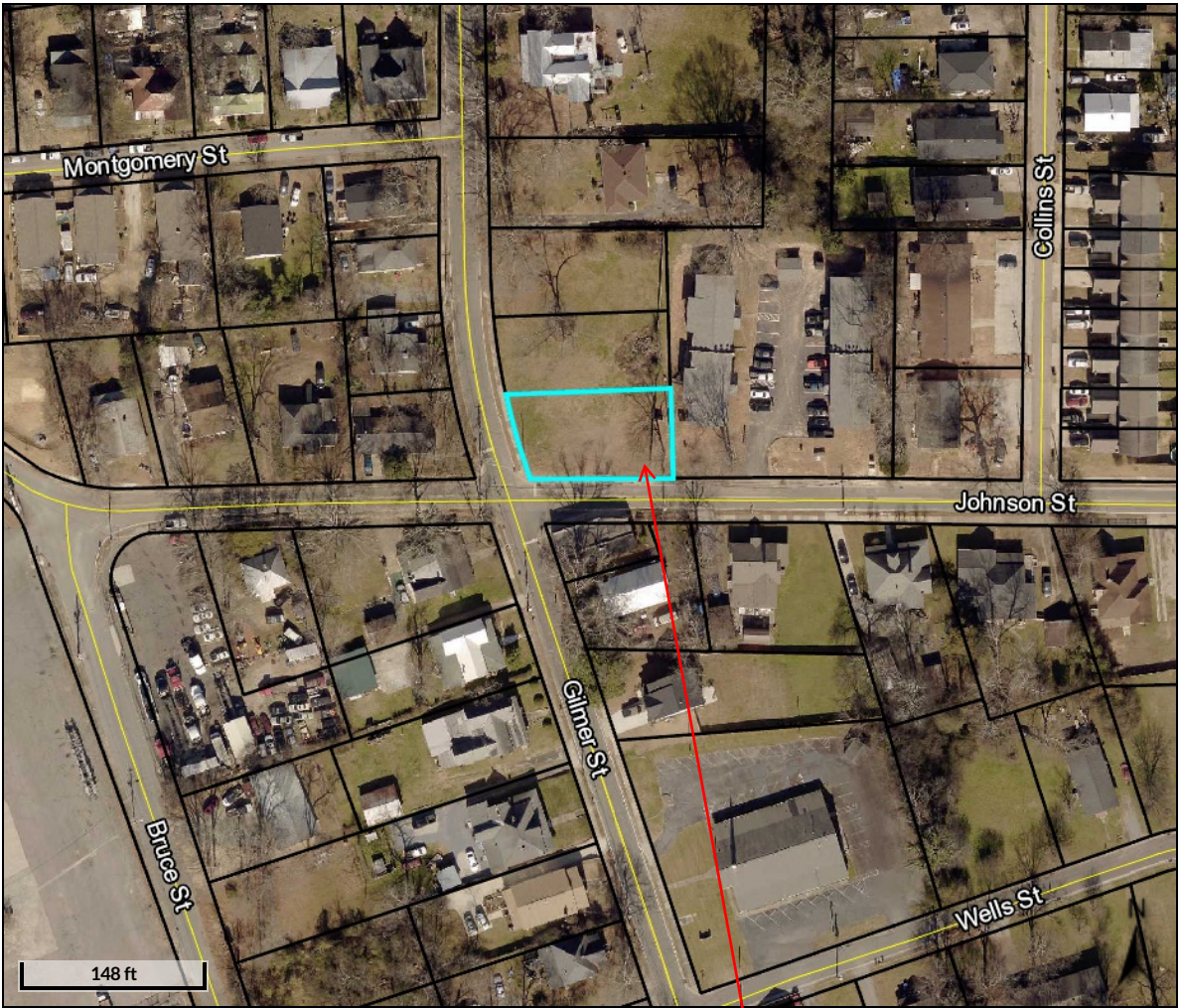
Floor Plans

Main Level



2nd Floor





Legend
 □ Parcels
 — Roads

Parcel ID	C004-0016-014	Alternate ID	32790	Owner Address	T21 LLC
Sec/Twp/Rng	n/a	Class	Residential		1044 LEGACY WALK DR
Property Address	30 JOHNSON ST	Acreeage	0.2		WOODSTOCK, GA 30189
District	Cartersville				
Brief Tax Description	LL 382 383 D 4				
	(Note: Not to be used on legal documents)				

Date created: 8/31/2022
 Last Data Uploaded: 8/30/2022 10:43:20 PM

Developed by Schneider
 GEOSPATIAL

Parcel requesting variance.
 Total Area: approx. 8,150 sq ft



Intersection of Johnson St and Gilmer St



Intersection of Johnson St and Gilmer St



Johnson St facing west



Home built by T21 LLC on adjacent lot. Completed in 2022.

Images Taken 8-18-22

