



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/Meredith Ulmer
CC: Keith Lovell
Date: Jun 8, 2021
Re: File # V21-10

#V21-10: Variance request to reduce the front yard setback from 20ft to 12ft. for the expansion of Townsend Park.

Section 1: Project Summary

Variance application by Bartow County Holdings, LLC for property located at 196 McEver St, zoned O-C (Office Commercial). Said property contains approximately 6.56 acres. Approximately, 26,000 square feet of renovations and a new addition are planned for patient rooms, kitchen, dining and living areas for Townsend Park Personal Care home. The new addition is planned along McEver Street to connect two of the existing patient wings to provide additional access and to meet State requirements.

A portion of the proposed addition encroaches into the 20' setback along McEver Street in two locations. Site plan attached. The applicant requests a variance to reduce the front yard setback from 20ft to 12ft to allow as much as a 6.45ft. encroachment of the new addition.

The variance request is for the following:

1. To reduce the front yard setback on McEver Street from 20ft to 12ft to allow as much as a 6.45ft. encroachment of the new addition per the proposed site plans.

Section 2. Department Comments

Electric Department: No comments received

Fibercom: Takes No Exception

Fire Department: No comments received

Gas Department: Takes No Exception

Public Works Department: Since McEver Street is a public street, a sidewalk will be required. This may result in improvements of the right of way that could result in right of way location changes. It is difficult to accurately comment on this variance until civil drawings have been reviewed and approved.

Per Don Carter, PE, project engineer. Email dtd 5-18-21:

Wade, I hope this finds you well. I have attached the Overall Site Plan for Townsend Park Expansion. I don't see any constructability issues with placing a sidewalk within the current R/W of McEver Street.

Please review and let me your thoughts.

Water Department: No comments received

Section 3. Public Comments Received by Staff

None.

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).

9.5.3. O-C Office Commercial. Development standards.

A. Height regulations. Buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.

B. Front yard setback: Twenty (20) feet.

C. Side yard setback: Ten (10) feet.

D. Rear yard setback: Twenty (20) feet.

E. Minimum lot frontage: One hundred ten (110) feet adjoining a street.

F. Minimum lot width at the building line: One hundred ten (110) feet.

G. Minimum heated floor area per dwelling unit.

- *3-bedroom:* Nine hundred (900) square feet.

- *2-bedroom*: Seven hundred fifty (750) square feet.
- *1-bedroom*: Six hundred (600) square feet.
- *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.

H. *Minimum buffer requirements*. In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with [section 4.17](#) of this chapter.

I. *Accessory structure requirements*. See [section 4.9](#) of this chapter.

J. *[Metal panel exterior]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the O-C district with the exception that such materials may be used if finished with a product consisting of brick, stone, or hard-coat stucco.

K. *[Air conditioning units and HVAC systems]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.

L. *[Gable or hip roofs]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.

M. *[Front building facade]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.

9.5.4. *Other regulations*. The headings below contain additional, but not necessarily all, provisions applicable to the O-C district.

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

(Ord. No. 01-13, § 10, 1-3-13; Ord. No. 02-18, § 4, 1-18-18; Ord. No. 34A-18, § 4, 12-6-18)

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.*

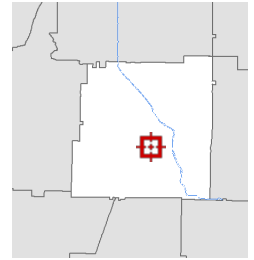


qPublic.net™

Bartow County, GA



Overview



Legend

- Parcels
- Roads

Parcel ID C004-0004-001

Sec/Twp/Rng n/a

Property Address 196 MCEVER ST

District Cartersville

Brief Tax Description LL408 409 LD4 Townsend Park health care

(Note: Not to be used on legal documents)

Alternate ID 32641

Class Exempt

Acreage 6.74

Owner Address BARTOW COUNTY

135 W CHEROKEE AVE STE 126

CARTERSVILLE, GA 30120

Date created: 5/17/2021

Last Data Uploaded: 5/14/2021 10:12:28 PM

Developed by



City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 6/14/2021

Application Number: V21-10

Date Received: 4/5/2021

Applicant Bartow County Holdings, LLC. Office Phone 478-986-7484
(printed name)

Address 110 Stone Brooke Dr. Mobile/ Other Phone _____

City Gray State GA Zip 31033 Email snelson@hdsd-ga.org

Stelling Nelson
Representative's printed name (if other than applicant) Phone (Rep) 478-986-7484


Representative Signature

Email (Rep) _____

Applicant Signature

Signed, sealed and delivered in presence of:

My commission expires: 8-14-22


Notary Public

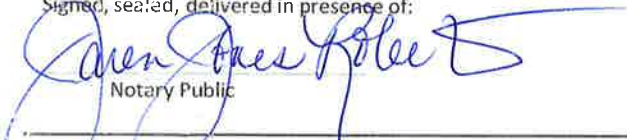
* Titleholder Bartow County Holdings, LLC. Phone 478-986-7484
(titleholder's printed name)

Address 110 Stone Brooke Dr. Gray, GA. Email snelson@hdsd-ga.org

Signature 

Signed, sealed, delivered in presence of:

My commission expires: 8-14-22


Notary Public

Present Zoning District O-C

Acreage 6.56 Land Lot(s) 408 & 409 District(s) 4TH Section(s) 3RD

Location of Property: 196 N. Dixie Avenue
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: Section 9.5.3.B

Summary Description of Variance Request: Request 12 foot min. setback in 3 locations along McEver Street where proposed building corner encroaches on 20' setback

* 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 IX Section 9.5 Subsection 9.5.3.B
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: _____

See Attached Variance Justification.



Variance Justification/Project Background

Townsend Park Health & Rehabilitation

196 N. Dixie Avenue, Cartersville, GA 30120

The Townsend Park Health and Rehabilitation is a 124 bed skilled nursing facility that was originally constructed in 1958 as a County Hospital.

The proposed project includes approximately 26,000 square feet of construction consisting of patient rooms, kitchen, dining and living areas. A new therapy center is planned and a small addition will be added to the main front entry which will also include a porte-cochere and parking improvements.

The existing building will be renovated and will continue to be used for patient rooms, the administrative suite and other support services.

The new patient rooms and renovated rooms will allow for private and semi-private rooms. The bed count will remain at 124 beds.

The new addition is planned to connect to two of the existing patient wings to provide inter circulation and to meet State Regulations for distances between nurse stations and patient rooms. The floor plan is designed to meet these requirements and to also provide a new kitchen and service area on the main floor level.

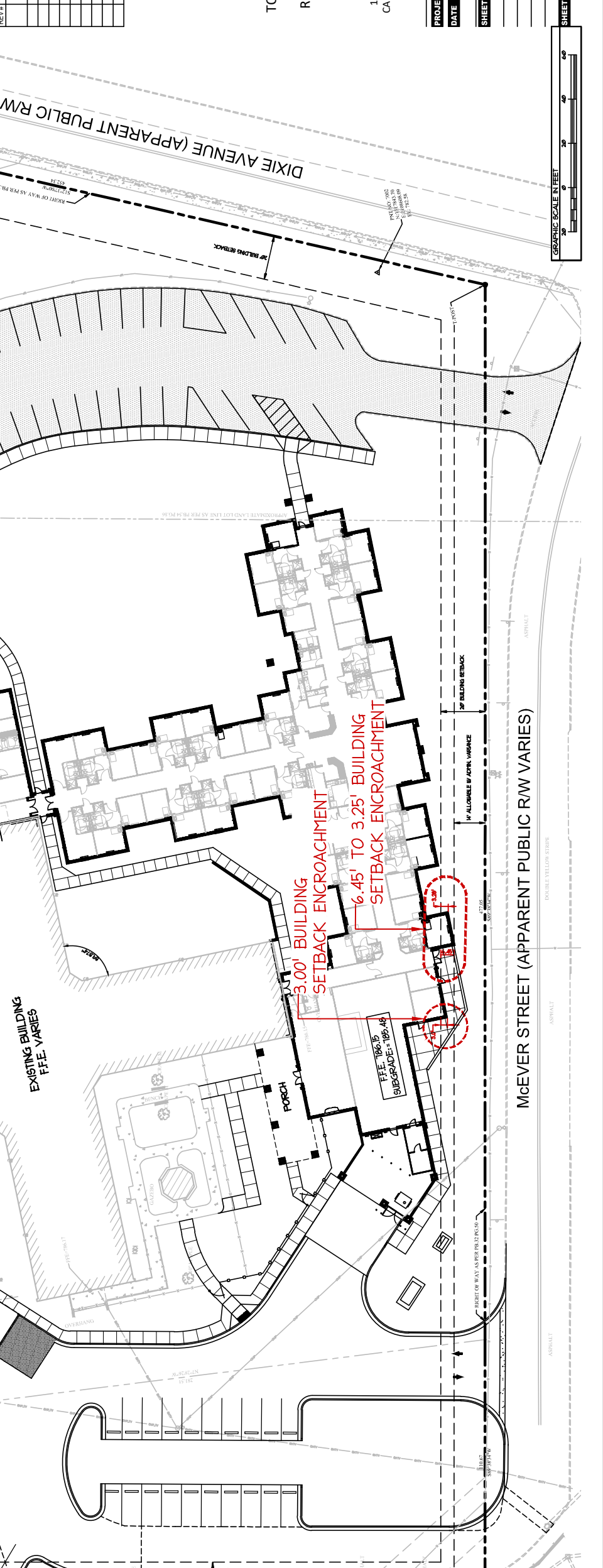
To achieve these requirements, a portion of the building encroaches into the 20 foot building setback in three locations. The encroachment dimensions vary from 3.00' to 6.45'.

The encroachment areas are shown on the attached Site Plan.

We respectfully request your consideration in granting this variance request.

A handwritten signature in black ink, appearing to read "Don L. Carter", is written over the text of the previous block.

Don L. Carter
March 31, 2021

SHEET



Townsend Park Health & Rehabilitation





Townsend Park Health & Rehabilitation



Image taken 5-19-21





Image capture: Apr 2016 © 2021 Google

Cartersville, Georgia



Street View

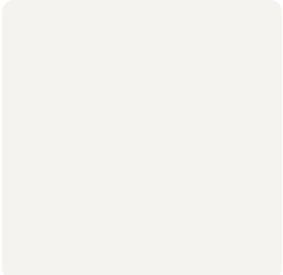




Image capture: Apr 2016 © 2021 Google

Cartersville, Georgia



Street View

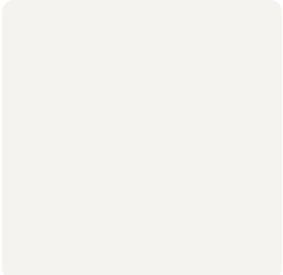




Image capture: Apr 2016 © 2021 Google

Cartersville, Georgia



Street View