



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: June 8, 2021
Re: File # V21-11 233 N. Erwin Street

#V21-11: Multiple variances to the Multiple Use Zoning District Development Standards, Sec. 9.2.3, multi-family development.

Section 1: Project Summary

Variance application by George Musau, property owner, for property located at 233 N. Erwin Street. and zoned M-U (Multiple Use). Said property contains approximately 0.49 acres. The applicant is proposing to redevelop the site and construct eight (8) apartment units in a 4-over-4 configuration with a parking lot, a dumpster and greenspace.

Multiple variances are required for this project. A table has been provided on the pages that follow. Many of the variances are needed due to the narrowness of the property as is the orientation of the building. Single family homes are adjacent to this property on the north, south and west sides. The railroad and light industrial warehouses are located to the east. Apartments, similar to what is being proposed, do exist along N. Erwin Street and as close as 222 N. Erwin St., North Erwin Township apartments.

Currently, there is an existing house on site, divided into a duplex, that was constructed c1940. A 15-inch sewer line is installed along the southern property line and runs between the sewer line on N. Erwin Street and Bruce/ Railroad Streets. No building construction can occur on the easement and no trees planted. The proposed buffer reduction along the southern property line and sewer easement may be addressed by allowing only one row of evergreen plantings in addition to a privacy fence. These items would be addressed during site plan review.

Bartow County Regulatory Floodplain does exist on the west end of the property and would be addressed during site plan review.

The variance requests are for the following:

1. To decrease the Minimum Lot Width at Building Line from 110ft to approx. 90ft. [Sec. 9.2.3(G)];
2. To decrease the Minimum Lot Frontage from 110ft to 82ft. [Sec. 9.2.3(H)];
3. To omit the requirement that The Front Building Facade Of All Principal Buildings Be Oriented Toward Street Fronts [Sec. 9.2.3(M)];
4. To decrease the buffer width along the southern property line from 15ft to less than 10ft [Sec. 9.2.3(N)]; and
5. To allow an accessory structure (dumpster) in the front yard [Sec. 9.2.3 (Q) and Sec. 4.9, Accessory uses, buildings or structures].

Section 2. Department Comments

Electric Department: The Electric System takes no exception to the requested Variance Case No.V21-11. However, please note that we would need a clear location for a pole so the power can be extended from the other side of Erwin Street. This may include down guys and anchors to stabilize the pole. This can be worked out during the plan review process.

Fibercom: Takes No Exception

Fire Department: The Cartersville Fire Department takes no exception to the frontage setbacks for the V21-11

Gas Department: Takes No Exception

Public Works Department: We have no comments regarding the variance. However, this site will require civil drawings and stormwater management that will require extensive design in regards to items such as site access, local floodplain and stormwater management.

Water Department: Cartersville Water Department takes no exception to this variance provided no portions of the building structures are located within 10 feet of the centerline of the sewer crossing this property.

Section 3. Public Comments Received by Staff

None as of 6/8/21.

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).

See Table for MF-14 requirements in the M-U (Multiple Use) zoning district, Sec. 9.2.3:

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.

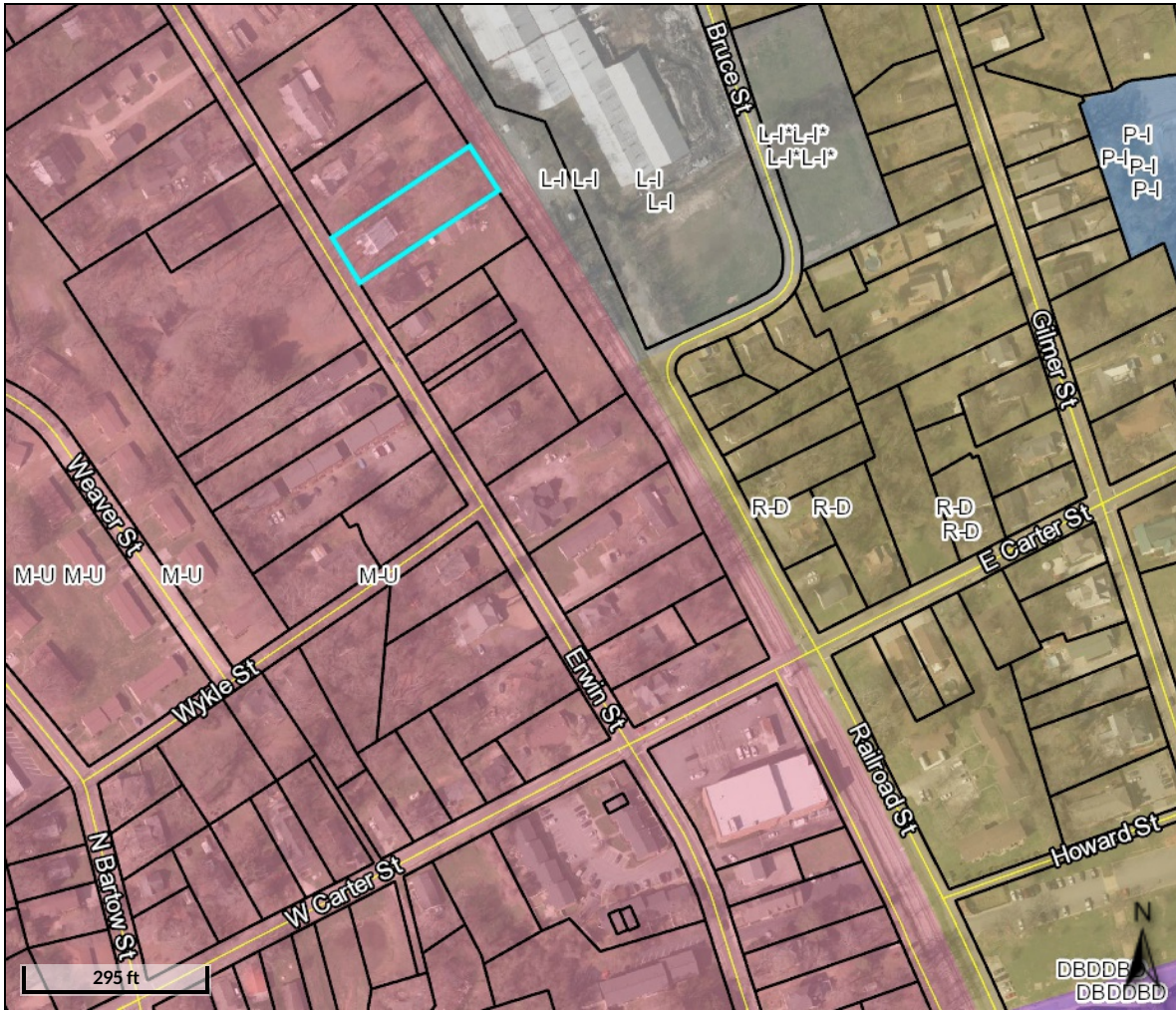
- 21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, 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.*

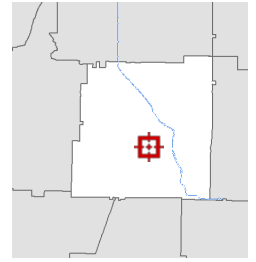


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Bartow County, GA



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*

Brief Tax Description LL 411 D 4
(Note: Not to be used on legal documents)

Date created: 5/17/2021
Last Data Uploaded: 5/14/2021 10:12:28 PM

Developed by Schneider
GEOSPATIAL

Parcel ID C003-0006-005
Sec/Twp/Rng n/a
Property Address 233 N ERWIN ST 2
District Cartersville

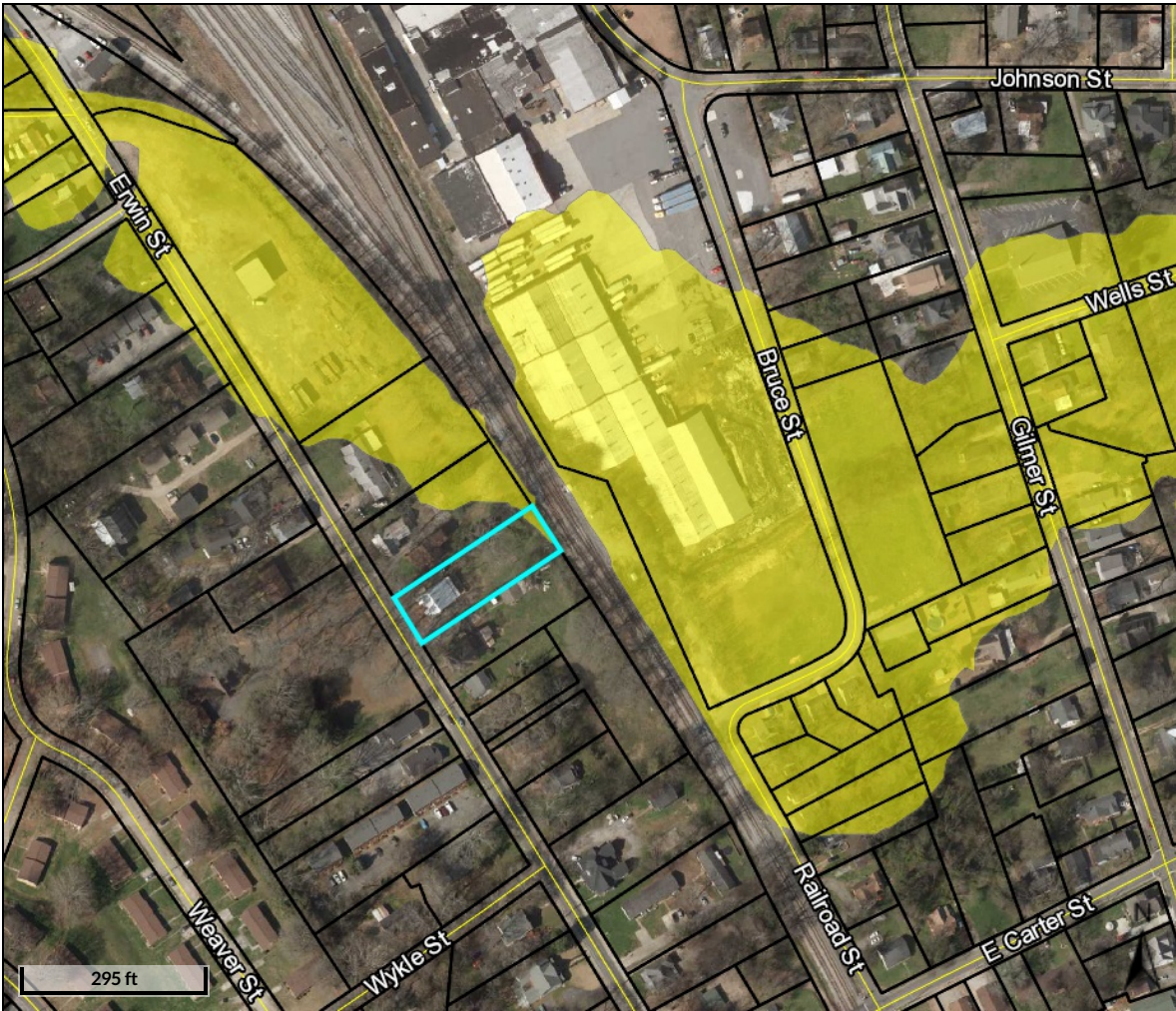
Alternate ID 32448
Class Residential
Acreage 0.49

Owner Address R G HARBOR PROPERTY MANAGEMENT LLC
935 BREAM COURT NE
MARIETTA, GA 30068

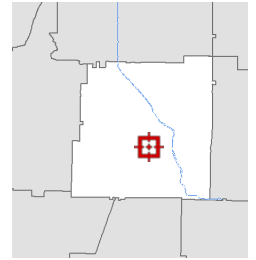


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Bartow County, GA



Overview



Legend

- Parcels
- Roads
- Flood Hazard Area
 - Bartow Regulatory
 - FEMA

Parcel ID	C003-0006-005	Alternate ID	32448	Owner Address	R G HARBOR PROPERTY MANAGEMENT LLC
Sec/Twp/Rng	n/a	Class	Residential		935 BREAM COURT NE
Property Address	233 N ERWIN ST 2	Acreage	0.49		MARIETTA, GA 30068
District	Cartersville				
Brief Tax Description	LL 411 D 4				

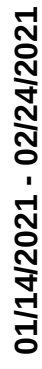
(Note: Not to be used on legal documents)

Date created: 6/11/2021

Last Data Uploaded: 6/10/2021 9:39:27 PM

Developed by  Schneider
GEOSPATIAL

Green line= sewer line. 20ft easement in place.



9.2 M-U District/ MF-14 Multifamily dwellings

Code Section	Description and/ or Requirements	Required	Proposed	Notes
9.2.1	M-U district scope and intent. Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to: A. Encourage the development of tracts of land in the community; B. Encourage flexible, innovative, and creative concepts in site planning; C. Encourage efficient use of land; D. Provide a stable multiple use environment compatible with surrounding uses; and E. Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.			
9.2.2	Use Regulations	---	---	Allowed by right
9.2.3	Development Standards	---	---	---
A	Height regulations. [...] multifamily and nonresidential buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.		2 stories	Addressed during plan review. No indication of non-compliance. No variance needed.
B	Front yard setback: Ten (10) feet	10ft.	More than 10ft.	No variance needed.
C	Side yard setback: Ten (10) feet	10ft.	10ft.	No variance needed.
D	Rear yard setback: Twenty-five (25) feet.	25ft.	More than 25ft.	No variance needed.
E	Minimum Lot Area	NA	---	---
F	Maximum density: Fourteen (14) units per gross acre.	7 or less	8	Acreage is 0.52. $0.52 \times 14 = 7.28$. Requests is for 8 units. Qty must be reduced to be compliant. Density increase is not variance eligible.
G	Minimum lot width at building line. *Multifamily: One hundred ten (110) feet.	110	Approx. width at BL is 90ft.	Difference is approx. 20ft. Variance needed. Specific dimensions needed.

Code Section	Description and/ or Requirements	Required	Proposed	Notes
H	Minimum lot frontage: Multifamily: One hundred ten (110) feet per lot.	110	82ft. On Lot of Record	28ft. Difference. Variance needed. Specific dimensions needed.
I	Minimum heated floor area per unit: 1) 3-bedroom - Nine hundred (900) sf. 2) 2-bedroom- Seven hundred fifty (750) sf. 3) 1-bedroom- Six hundred (600) sf. 4) Studio/loft (in existing buildings)- Four hundred fifty (450) sf.	1BR: 600sf; 2BR:750sf; 3BR: 900sf; studio: 450sf	2BR:1096sf (Per REV 6-11-21)	No variance needed.
J	[Metal panels, metal sheathing, standard gray concrete block.] The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.	---	---	Addressed during plan review. No indication of non-compliance.
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.	---	---	Addressed during plan review. No indication of non-compliance.
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.			Addressed during plan review. No indication of non-compliance.
M	[Front building facade.] The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.	Orient front building toward street	Front oriented toward southern property line (non-street)	Variance needed.

Code Section	Description and/ or Requirements	Required	Proposed	Notes
N	Minimum buffer requirements. In addition to required setbacks, all nonresidential and/or multifamily property uses within the M-U district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with section 4.17 of this chapter.	15ft visual buffer required, north and south property line	North prop. Line buffer-OK. South prop. Line buffer includes easement	Southern property line requires reducing buffer to less than 15ft due to sewer easement. Variance needed. Specific dimensions needed.
O	Minimum open space requirements. Multifamily developments shall have a minimum twenty (20) percent of gross acreage set aside as open space and shall provide recreational areas within said open space.	Min. 20% open space = $0.52 * 20\% = 0.10$ acres or 4,356 sf.	10,058sf.	No variance needed.
P	<i>Maximum commercial building floor area:</i>	NA	---	---
Q	Accessory use, building and structure requirements. See section 4.9 of this chapter.	Side or rear yard.	Dumpster shown in front yard.	Variance needed.
R.(2)	Other standards: Multifamily developments shall comply with section 7.1.3.K. and N. of this chapter.	---	---	See below.
S	Guest House	NA	---	---

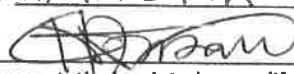

Code Section	Description and/ or Requirements	Required	Proposed	Notes
Sec. 7.1.3 (K)	Minimum buffer requirements. In addition to required setbacks, <u>a twenty-five-foot wide buffer shall be required along all property lines which abut a single-family district or use</u> to provide a visual screen in accordance with section 4.17 of this chapter and a ten-foot buffer adjacent to all other districts other than MF-14.	25ft/10ft. Requires 25ft buffer along SF district/use. More strict than 9.2.3 (N) which requires a 15ft buffer	15ft. Per 9.2.3 (N).	This conflicts with Section 9.2.3(N) that requires a 15ft. Buffer. Sec. 7.1.3 (K) is disregarded.
Sec. 7.1.3 (N)	Other required standards.1.Principal structures within the MF-14 district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.2.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 MF-14 district.	---	---	Similar to Section (J) above. Addressed during plan review. No indication of non-compliance

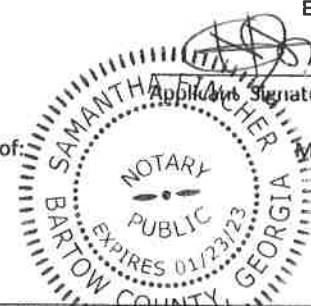
City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 6/14/21 5:30pm

Application Number: V21-11

Date Received: 4/27/2021

Applicant <u>GEORGE MUSAU</u> <small>(printed name)</small>		Office Phone <u>678-670-2686</u>	
Address <u>935 BREAM CT NE</u>		Mobile/ Other Phone _____	
City <u>MARIETTA</u>	State <u>GA</u>	Zip <u>30068</u>	Email <u>gmusan@gmail.com</u>
X <u></u>		Phone (Rep) _____	
Representative's printed name (if other than applicant)		Email (Rep) _____	
_____ Representative Signature		_____ Applicant Signature	
Signed, sealed and delivered in presence of: <u></u> Notary Public		My commission expires: <u>1/23/23</u>	



* Titleholder <u>GEORGE MUSAU</u> <small>(titleholder's printed name)</small>		Phone <u>678 670 2686</u>	
Address _____		Email _____	
X <u></u>		_____ Applicant Signature	
Signed, sealed, delivered in presence of: <u></u> Notary Public		My commission expires: <u>1/23/23</u>	



Present Zoning District <u>M-U</u>			
Acreage <u>0.49</u>	Land Lot(s) <u>411</u>	District(s) <u>4</u>	Section(s) <u>3</u>
Location of Property: <u>233 n. Erwin 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>Reduction in required frontage, Increase in unit density and allow parking to encroach zoning buffer</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 9 Section 2 Subsection 3
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.

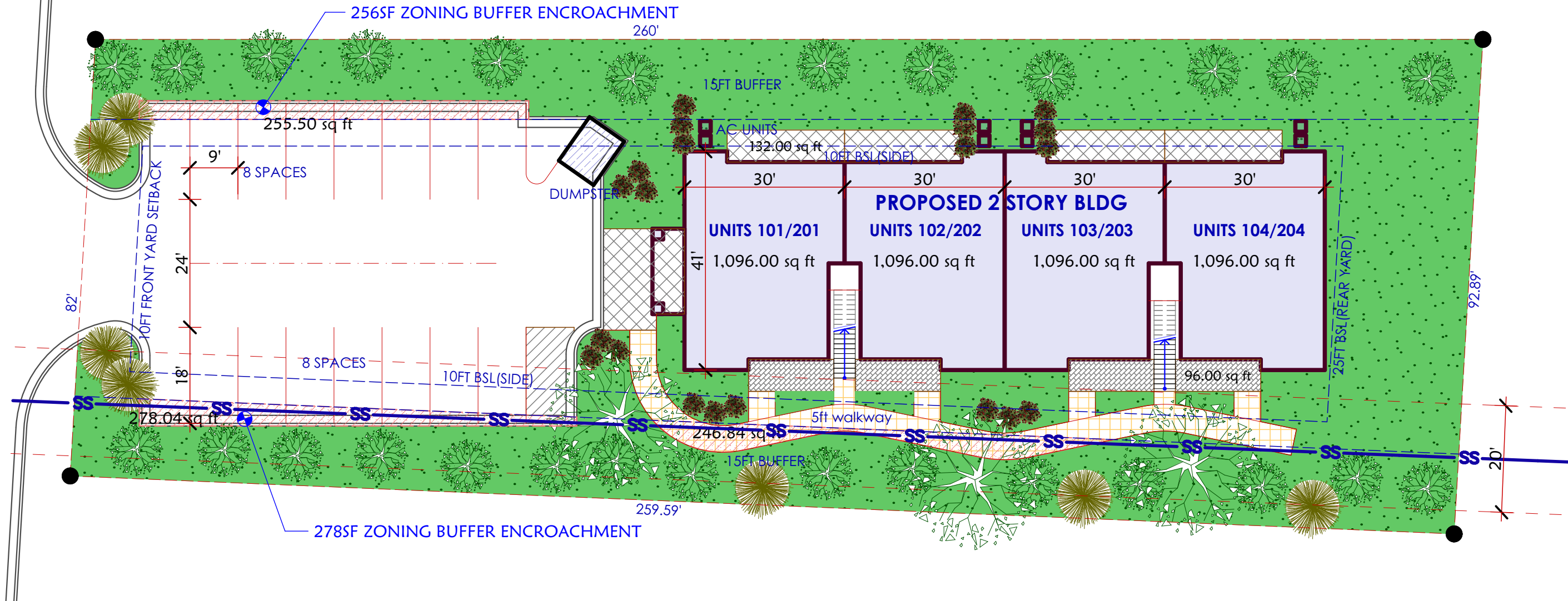
To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

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: _____

1. Reduction in required frontage/width at building line
- From 110 ft to 82 ft
2. Increase in unit density for 0.52 acres
- From 7.28 (14 units/acre) to 8 units.
3. Allow parking and walkway to encroach into the zoning buffer.

NORTH ERWIN STREET



PROPOSED 2 STORY APARTMENT BUILDING
8 UNITS (4 UNITS PER FLOOR)

TYPICAL UNIT DETAILS

UNIT AREA = ~~1,142 sf~~ 1096 sf

2 BEDROOM/2 BATH

PARKING PROVIDED

2 PER UNIT, 16 TOTAL

LOT AREA = 0.52ACRES (22,650SF)

OPEN AREA = 10,058 (44%)

UNIT DENSITY

ALLOWED 14 UNITS PER ACRE

14X0.52= 7.28

PROPOSED 8 UNITS

PROPOSED SITE PLAN

C1

N Erwin Apartments-

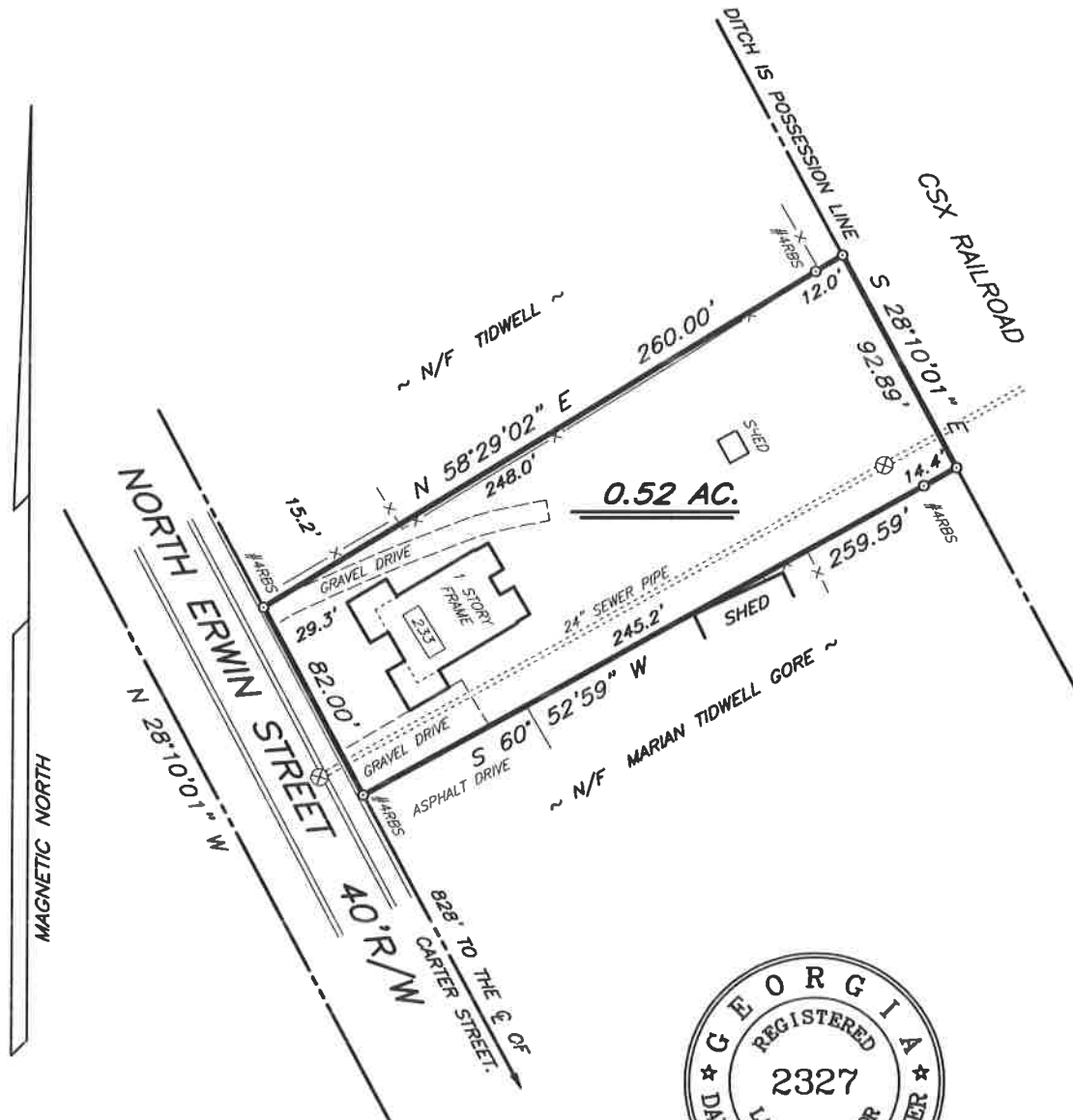
233 North Erwin St., Cartersville, BARTOW COUNTY, GA

Architect

KSi
design group
678-438-4759,
KSIdesign@outlook.com

©COPYRIGHT- 2021 - This drawing as an instrument of service shall remain the property of KSi design group and shall not be reproduced, published or copied in whole or in part or used in any way without written permission of KSi design group

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A FIVE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE : 1/ 10,000+ ; ANGULAR PRECISION ; 10" \sqrt{n} . THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT : 1/ . MATTERS OF TITLE ARE EXCEPTED.



THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN; ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY PANEL # 13015 C 0088 F DATED SEPTEMBER 29, 1989 .



DATE	: 5-13-96
SCALE	: 1" = 60'
DRAWN BY	: JMW
CHECKED BY :	
2565/GNB23/BATY	

SURVEY FOR :

DENNY BATY

GASKINS & BAKER
LAND SURVEYORS

CARTERSVILLE , GEORGIA
(770) 382-5969

LOCATED IN L.L. 411
4th DIST., 3rd SECT.,
BARTOW COUNTY, GA.

Prepared by:

RECEIVED

Clerk of Superior Court - Bartow Co. Ga
01/25/2017 12:02 PM

DOC# 000938
FILED IN OFFICE
1/25/2017 12:04 PM
BK:2894 PG:194-195
MELBA SCOGGINS
CLERK OF SUPERIOR COURT
BARTOW COUNTY

Melba Scoggins

REAL ESTATE TRANSFER TAX
PAID: \$0.00

State of Georgia

County of Bartow

Quit Claim Deed

This indenture is made this 25 day of January, 2017, PT-61 008-2017-000265
by and between Redit Habtemarkos & George Musau (hereinafter "Grantor")
and R G Harbor Property Management, LLC (hereinafter "Grantee")

KNOW ALL MEN BY THESE PRESENTS that for and in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby remise, convey and quitclaim unto the said Grantee forever all the right, title, interest, claim and demand which the said Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in Cobb County, Georgia, to-wit: IN WITNESS WHEREOF, Grantor has hereunto set a hand and seal the day and year first written above. (Property Description below or attached)

See Exhibit "A" for Land description.

Redit Habtemarkos

Grantor

REDIET HABTEMARKOS

Print Name

Signed, sealed and delivered in our presence:

Mary Powell
Witnesses:

Monica P. Whitfield

Notary Public

George Musau
Grantor

GEORGE MUSAU

Print Name

MONICA P WHITFIELD
NOTARY PUBLIC
Bartow County
State of Georgia
My Comm. Expires August 10, 2019



CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. **V21-11**
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 **6/14/21**
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
PLANNING DEVELOPMENT AT 770-387-5600