



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/ Zack Arnold
CC: Keith Lovell
Date: September 22, 2023
Re: File # V23-24

Summary: To reduce the minimum parking space requirement, partially omit landscape requirements.

Section 1: Project Summary

Variance application by Reliance Investors, LLC, for property located at 1396 Joe Frank Harris Parkway, zoned G-C, General Commercial. Said property contains approximately 0.44 +/- acres. Tax ID C088-0001-002. The setbacks are 20ft front & rear, and 10ft sides.

This site is currently a non-functioning car wash. The owner is intending to build a Dunkin Donuts drive-thru restaurant on the property.

The applicant is requesting the following variances. See site plan and justification letter for details of these requests:

- 1) To reduce the required 10ft landscape strip along Joe Frank Harris Pkwy to 2ft.
- 2) To reduce the minimum required parking spaces from 10 spaces to 8 spaces.

The variance requests are for the following:

1. To reduce landscape requirements for proposed redevelopment. (Sec. 17-66. *Border Landscaping*)
2. To reduce required parking for proposed redevelopment. (Sec. 17.6.24.)

Section 2. Department Comments

Electric Department: No comments received.

Fibercom: No comments received.

Fire Department: No comments received.

Gas Department: No comments received.

Public Works Department: No comments received.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None as of 9/26/23

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. 17.6. Number of parking spaces.

In order to ensure a proper and uniform development of public parking areas throughout the area of jurisdiction of this chapter, to relieve traffic congestion on the streets, to lessen the amount of impervious surface in the city, and to minimize any detrimental effects on adjacent properties, off-street parking space shall be provided and maintained as called for in the following sections. For any use or class of use not mentioned in this section, the requirements shall be the same as similar use as mentioned herein.

Any decrease in the number of parking spaces required by this section must be approved by either the zoning administrator under the administrative variance procedures or by the board of zoning appeals under the variance procedures set forth by this chapter.

Parking requirements for additions to existing uses shall be based upon the new addition even if the existing use is deficient. (These regulations shall apply to all districts except the DBD.)

- 17.6.24. *Restaurant, drive-thru, with no provision for seating indoors.* One (1) space per one hundred (100) square feet of gross floor area, but not less than ten (10) spaces.

All remaining parking guidelines in this section have been omitted.

Sec. 17-66. Landscaping requirements for parking lots and vehicular use areas.

Border landscaping. Each parking lot or vehicular use area must have a planted landscape strip not less than ten (10) feet in width parallel to right-of-way lines, and planted borders not less than five (5) feet in width along any side of a parking lot or vehicular use area that abuts adjoining property that is not a public right-of-way.

All remaining paragraphs in this section have been omitted.

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

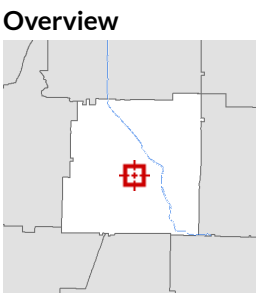
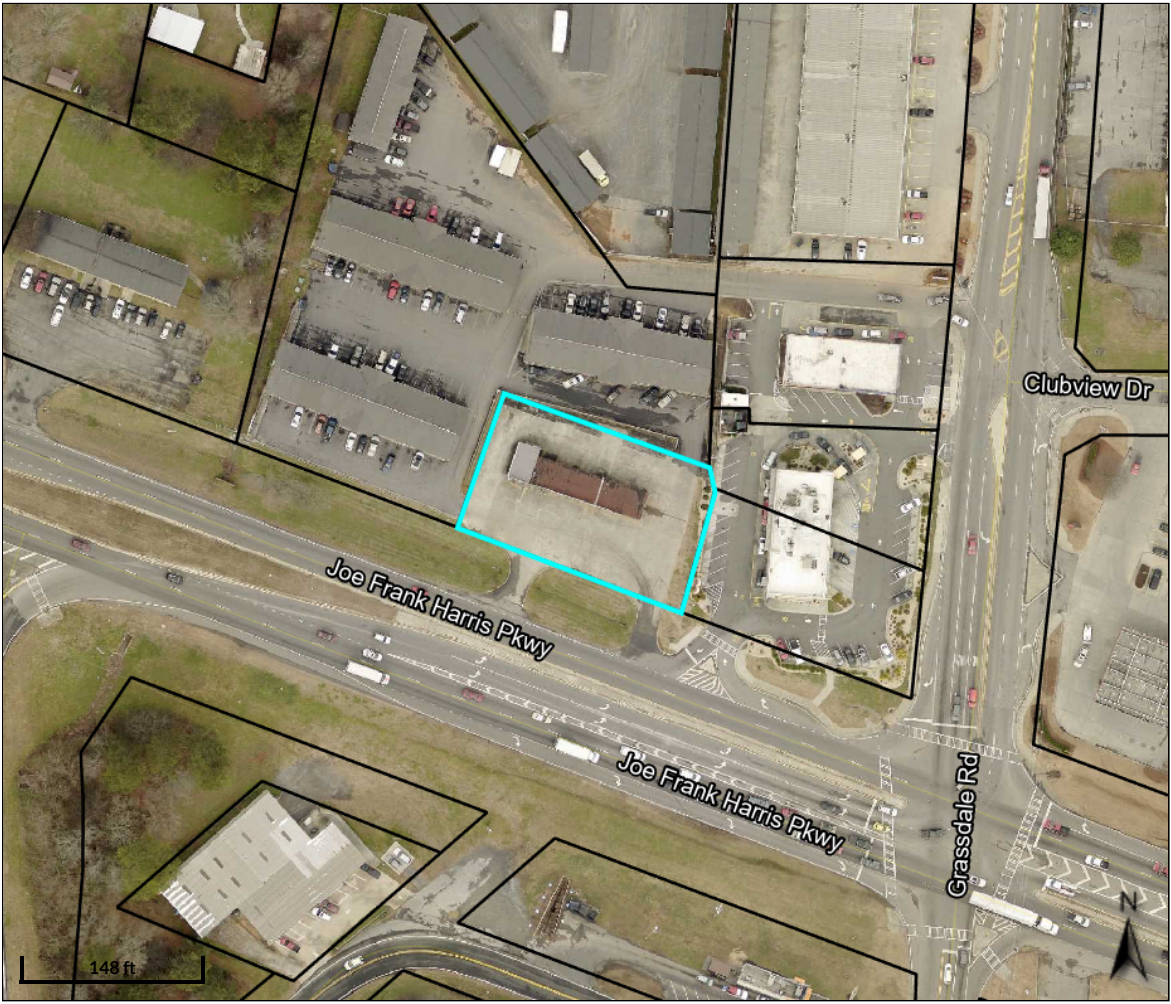
- 21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, 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.*



Legend
 □ Parcels
 — Roads

Parcel ID	C088-0001-002	Alternate ID	37782	Owner Address	A1 GRASSDALE LLC
Sec/Twp/Rng	n/a	Class	Commercial		PO BOX 1505
Property Address	1396 JOE FRANK HARRIS PKWY	Acreage	0.44		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL56 LD4 S3 CARWASH PARKWAY NORTH				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 9/29/2023
 Last Data Uploaded: 9/28/2023 9:05:26 PM


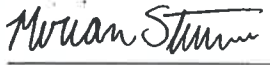
Developed by  **Schneider**
 GEOSPATIAL


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

Hearing Date: 10-17-2023 5:30pm

Application Number: V23-24

Date Received: 8-17-2023

Applicant Reliance Investors, LLC ATTN: Tushar Patel Office Phone _____
 (printed name)
 Address 118 Nelson Blvd Mobile/ Other Phone 706 - 346 - 1310
 City Rome State GA Zip 30165 Email tushar.p@comcast.net
Southland Engineering Phone (Rep) 770-387-0440
 Representative's printed name (if other than applicant) Email (Rep) karl@southlandengineers.com

 Representative Signature
 Signed, sealed and delivered in presence of: My commission expires: 10/11/2025

 Notary Public



* Titleholder AI Grassdale, LLC ATTN: Calvin Evans Phone 770-606-7685
 (titleholder's printed name)
 Address P.O. Box 1505 Cartersville, GA 30120 Email calvin@augsburginvestments.com
 Signature _____
 Signed, sealed, delivered in presence of: My commission expires: June 14, 2024

 Notary Public



Present Zoning District G-C Parcel ID No. C088-0001-002
 Acreage 0.44 Land Lot(s) 56 District(s) 4 Section(s) 3
 Location of Property: 1396 Joe Frank Harris Parkway Cartersville, Georgia
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Section 9.6 Article XVII Section 17.6.24
 Summary Description of Variance Request: We are requesting an 8ft reduction of the landscaping strip fronting Joe Frank Harris. Redevelopment of infield project is constrained by existing infra. surrounding the lot. We are also requesting a reduction of two parking spaces also due to the constraint of the lot.
 (Additional detail can be provided on Justifation Letter)

* 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.

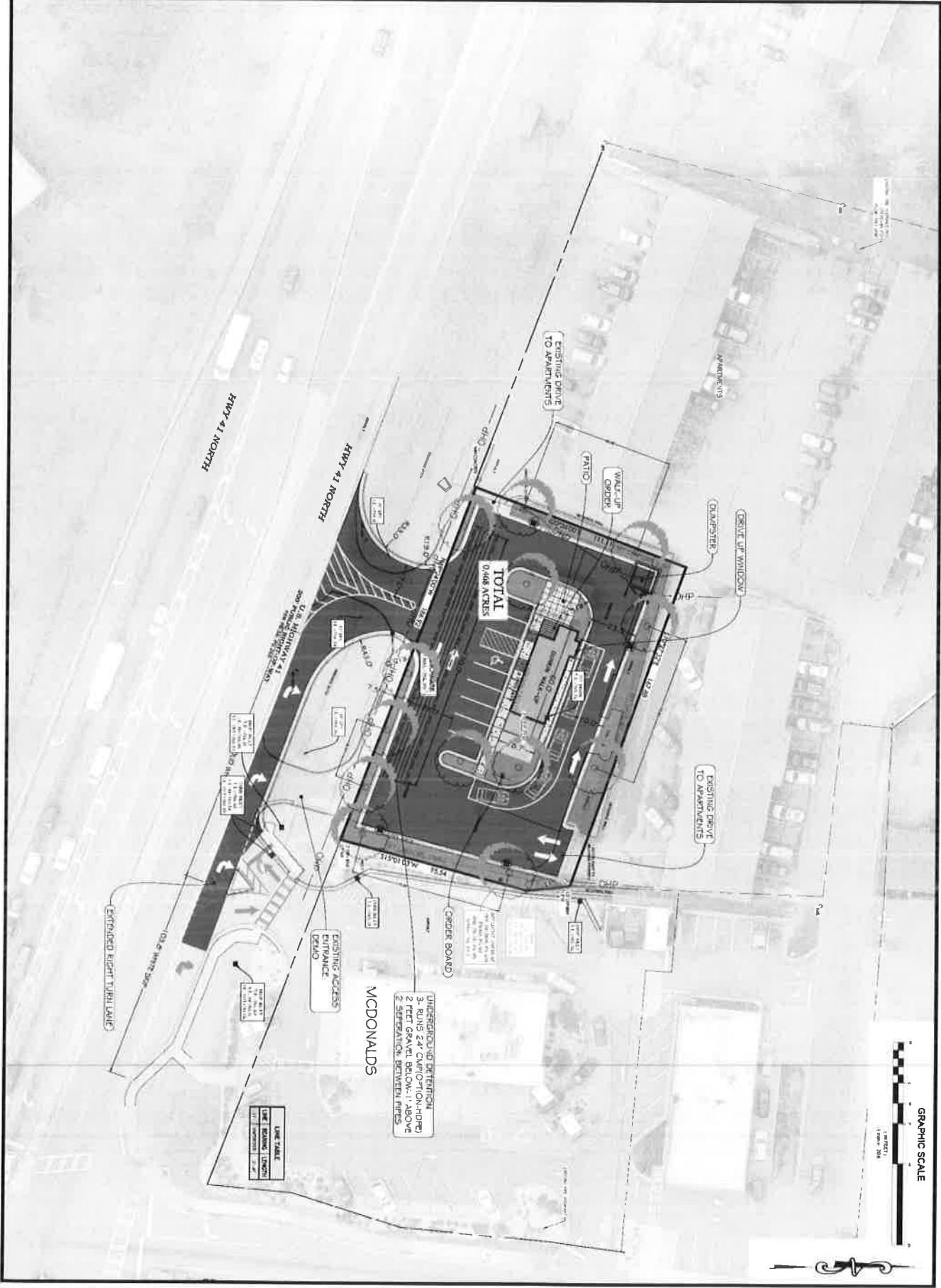
Article <u>IX</u>	Section <u>9.6</u>	Subsection <u>9.6.3</u>
Article <u>XVII</u>	Section <u>17.6</u>	Subsection <u>17.6.24</u>
Article _____	Section _____	Subsection _____

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: _____



SHEET TITLE:
SITE CONCEPT B

SHEET NO.:
C202

DUNKIN DONUT EXPRESS

BARTOW COUNTY, GEORGIA

SOUTHLAND ENGINEERING

CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS

114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

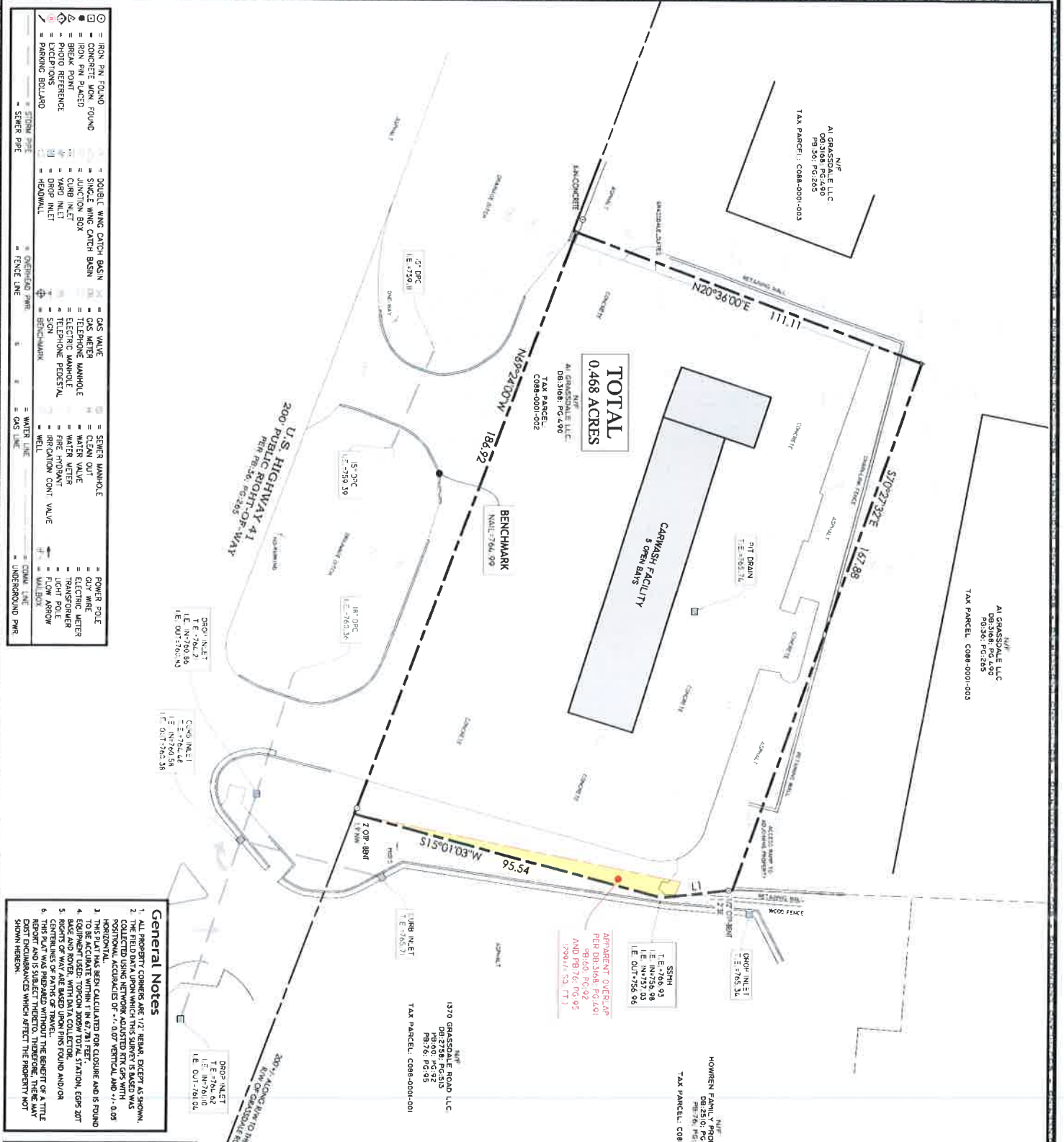
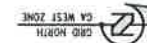
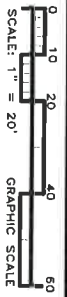
REVISIONS:	
NO.	DATE
1	02/14/23
2	
3	
4	
5	
6	
7	

PROJECT NO.: 23084
DATE: 02/14/23

TOPOGRAPHIC SURVEY FOR:
A1 GRASSDALE LLC.
 LOCATED IN LAND LOTS 17 & 56
 4TH DISTRICT, 31st SECTION
 CITY OF CARTERSVILLE, BARLOW COUNTY, GEORGIA

DATE: JULY 17, 2023 REV: JOB NO. 23064-2
 DATE OF FIELDWORK: JULY 14, 2023

DRAWN BY: JPC CHECKED BY: AWC APPROVED BY: AWC



- ### General Notes
1. ALL PROPERTY CORNERS ARE 1/2 REBAR, EXCEPT AS SHOWN, APPROVED BY THE SURVEYOR.
 2. THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS COLLECTED USING NETWORK ADJUSTED RTK GPS WITH HORIZONTAL ACCURACIES OF +/- 0.03 VERTICAL AND +/- 0.03
 3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1 IN 6778 FEET.
 4. BASE AND ROBE WITHIN 100 FT. FROM LOT LINES, EDGES 20 FT FROM THE PROPERTY LINE, AND 20 FT FROM THE PROPERTY LINE.
 5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CONTRIBUTIONS OF PARTS OF TRAVEL.
 6. PROPERTY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE CURATIVE SURVEY, AND THE SURVEYOR HAS BEEN ADVISED THAT THE EXISTING ENCUMBRANCES WHICH AFFECT THE PROPERTY NOT SHOWN HEREON.

Conformity Statement

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67, THIS SURVEY HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY EVIDENCE BY APPROVAL CERTIFICATE, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFORMED WITH THE USER OF THIS PLAT AS TO INTENDED USE OF THE SURVEYOR OR FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL IN THE RULES AND REGULATIONS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE BOARD OF LAND REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

LINE TABLE		
LINE	BEARING	LENGTH
L1	S04°28'20"E	21.27

- IRON PIN FOUND
- IRON BRACKET FOUND
- △ BREAK POINT
- ◇ PHOTO REFERENCE
- ⊠ EXCEPTIONS
- ⊠ PARKING BOLLARD
- ⊠ STORM PIPE
- ⊠ SEWER PIPE
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- MANHOLE
- CURB INLET
- DROP INLET
- HEADWALL
- GAS VALVE
- GAS METER MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE PEDestal
- BENCHMARK
- CLEAN OUT
- WATER METER
- WATER METER MANHOLE
- FIRE HYDRANT
- IRRIGATION CONT. VALVE
- WELL
- POWER POLE
- DUV WIRE
- ELECTRIC WATER METER
- ICEHOLE
- FLOW ARROW
- VALVE BOX
- FENCE LINE
- OVERHEAD FENCE
- GAS LINE
- UNDERGROUND PARK

City of Cartersville
10 N. Public Square
Cartersville, GA 30120

RE: Justification Statement - Dunkin Hwy 41 SLE #23064

To whom it may concern:

Southland Engineering, on behalf of Reliance Investors, LLC, is requesting a reduction of the 10 ft landscaping strip along Joe Frank Harris Parkway be reduced by 8 ft.

The property is an old carwash and is being redeveloped into a Dunkin Donuts. This particular parcel of land is only 0.44 acres and is constrained by the existing infrastructure surrounding the lot.

Thank you,

Southland Engineering, INC.





Sep 8, 2023 at 14:55:48
1400 Joe Frank Harris Pkwy SE
Cartersville GA 30121
United States



CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. **VL3-24**
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 5:30PM ON **10-12-2023**
FOR ADDITIONAL INFORMATION CONTACT THE
DEPARTMENT OF PLANNING & DEVELOPMENT
AT 770-887-5600