

**MINUTES
OF
THE CARTERSVILLE BOARD OF ZONING APPEALS**

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on September 14, 2023, in the Council Chambers.

ROLL CALL

Board Members Present: Lamar Pendley, JB Hudson, John Clayton, Kevin McElwee, Linda Brunt
Absent: Malcolm Cooley and Patrick Murphy
Staff Present: Randy Mannino, Zack Arnold, and Julia Drake

Keith Lovell, City Attorney, stated that Item #6 on the agenda, V23-23: 429 W. Main St., would be removed from the agenda.

APPROVAL OF MINUTES

1. August 10, 2023

Board Member McElwee made a motion to approve the minutes from August 10, 2023. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 4-0

VARIANCE CASES

2. V23-21: 124 Old Mill Rd. Applicant: Tilley Holdings LLC
Variance: To increase the height of digital billboard from 30ft. to 35ft.

Zack Arnold, Assistant City Planner, stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Arnold gave an overview of the case stating this variance application is by Tilley Holdings, LLC for property located at 124 Old Mill Rd in LL 626, 4th District, 3rd Section. Tax Parcel ID. C019-0005-001. The property containing the billboard is approx. 3.12 acres. The billboard is currently a double sided, static billboard located adjacent to and on the east side of an existing structure. The lower edge of the billboard is obscured by the structure's roof. The applicant intends to upgrade the billboard to digital on both sides and wants to raise the billboard to the minimum height required to not be obscured by the roof. A text amendment, T22-03, to the sign ordinance was approved on October 6, 2022, to allow digital billboards on Old Mill Rd. within 1,000ft. of the west side of the S. Erwin St. intersection.

The billboard is approx. 700ft. from the intersection of Old Mill Rd and S. Erwin St. The original billboard was erected prior to adoption of the sign ordinance (2012) and was considered legal, non-conforming. Variance, V06-22, approved 7/17/06, allowed the billboard to be installed with reduced setbacks.

There is also an existing two-sided, double stacked, static billboard on the Cody J's restaurant site located at 675 S. Erwin St. This billboard is approx. 300 ft. from the intersection of Old Mill Rd and S. Erwin St. The separation distance between the Tilley Holdings, LLC billboard and the Cody J's billboards is approx. 500ft.

The Cody J's billboard was allowed to increase in height from 30ft. to 45ft. per Variance V17-22, approved 11-13-17, to accommodate the double stacking of billboard signs. The existing Tilley billboard is more than the required 500ft. separation distance from residential zoning districts. The billboard is generally surrounded by Industrial zoning and uses.

Chairman Pendley opened the public hearing.

Bobby Walker, 15 S. Public Sq., came forward to represent the application and to answer any questions from the Board Members.

With no questions from the Board Members and no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member McElwee made a motion to approve V23-21. Board Member Brunt seconded the motion clarifying that the max height is to be no more than 35ft. Motion carried unanimously. Vote: 4-0

3. V23-18: 12 Aspen Ln.

Applicant: Edwin Bonayon

Variance: To allow a privacy fence in the front yard of a corner lot.

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Arnold gave an overview of the case stating this was a variance application by Edwin Bonayon for property located at 12 Aspen Lane, zoned P-D Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 5ft. Said property contains approximately 0.25 acres. The lot is a corner lot with road frontages along Aspen Ln., and Ashwood Dr.

The applicant proposes to build a privacy fence to enclose the west and south sides of the property that include the front yard along Ashwood Dr. Right-of-Way. The fence ordinance for corner lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the rear of the house, but in the front yard along Ashwood Dr. This property does have a 20 ft. storm line easement on the eastern boundary. The Stormwater Department does support the fence installation location provided gates are installed and they retain 24/7 access to the underground storm pipe and associated detention pond to the north of the property.

Chairman Pendley opened the public hearing.

Ashley Bonayon, 12 Aspen Ln., came forward to represent the application and to answer any questions from the Board Members and to state that the existing fence is falling apart and is looking to improve the functionality and appearance of the fence.

With no questions from the Board Members and no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member Brunt made a motion to approve V23-18. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

4. V23-19: 8 Sunset Cir.

Applicant: Carlos Stephenson

Variance: To allow a privacy fence in the front yard of a residential lot.

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Arnold gave an overview of the case stating this is a variance application by applicant, Carlos Stephenson, for property located at 8 Sunset Circle, zoned R-15 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.78 acres.

The applicant proposes to build an 8ft tall privacy fence to enclose the north side of the property that includes the front yard along Sunset Circle Right-of-Way. This fence will replace a 4ft tall chain link fence that is currently installed. The fence ordinance for residential lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the front and side of the home. Construction of this fence began without prior approval in early July 2023. On July 7, 2023, Code Enforcement noticed the fence installation and notified the homeowner that a variance was required. Due to sight distance issues along the roadway the homeowner was required to remove a section of fence immediately. No further work on the fence has occurred.

Chairman Pendley opened the public hearing.

Carlos Stephenson, 8 Sunset Cir., came forward to represent the application and stated that Animal Control had been out several times regarding his dog jumping the existing 4ft. chain link fence. The reason for the request is to keep his dog inside the fence.

Discussion commenced among the Board Members regarding concerns with the sight distance.

With no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member McElwee made a motion to approve V23-19 subject to Public Works approving the fence location prior to construction to satisfy the street sight distance requirements. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

5. V23-20: 26 Saddlebrook Dr.

Applicant: Lee Couch

Variance: To reduce the rear yard setbacks for construction of house addition from 20ft. to 4ft.

Mr. Arnold stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Arnold gave an overview of the case stating this is a variance application by owner/applicant Lee Couch for property located at 26 Saddlebrook Dr., zoned R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.17 acres.

The applicant proposes to build an addition to the home in the rear yard. The addition consists of an 18x17 finished closet area with bathroom, and an 18x36 covered porch. The zoning ordinance section, Sec. 6.5., for the R-7 zoning district requires a rear yard setback of 20ft. The proposed addition will encroach approximately 16ft into the required setback.

This property is in the local floodplain which will require the applicant to make the house addition compliant with the City's floodplain ordinance, if approved. The Building Department and Public Works have met with the applicant to provide comments and guidance on how to satisfy the requirements.

Chairman Pendley opened the public hearing.

Lee Couch, 26 Saddlebrook Dr., came forward to represent the application and to answer any questions from the Board Members.

Discussion commenced with the applicant stating he was aware of the department comments and would adhere to their requirements.

With no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member Clayton made a motion to approve V23-20 and allow the reduction of the setback to 4ft. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:18 P.M.

October 12, 2023

Date Approved

Tom W. Brunt
Vice Chair