

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on April 19, 2021 in the Council Chambers.

Board Members Present: Lamar Pendley, Malcolm Cooley, Patrick Murphy, Kevin McElwee,  
John Clayton, JB Hudson  
Absent: Linda Brunt  
Staff Present: Randy Mannino, David Hardegree, Meredith Ulmer, Julia Drake

**1. Call to Order**

Chairman Pendley called the meeting to order.

**2. Roll Call**

**3. Approval of Minutes: February 15, 2020**

Board Member Clayton called for a motion on the February 15, 2020 BZA meeting minutes. Board Member Cooley made a motion to approve the minutes. Motion was seconded by Board Member Murphy and carried unanimously. Vote: 5-0.

**4. Old Business: None**

**5. New Business:**

- A. V21-03: 2197 Hwy 411      Applicant: Cartersville Land Holdings, LLC**  
Variance to reduce the billboard setbacks.

David Hardegree, City Planner, stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case stating the request was to decrease the 50' setback requirement to 20' due to topographical issues that limits the visibility of the billboard. In addition to the reduction of the setback requirements, the applicant was requesting a reduction in the distance requirement for billboard signs to residential. Currently, the requirement is 500' from the residential district. The nearest residence is 470'. The request is to allow the reduction to 470'. The applicant was present.

Ron Goss, 120 W. Cherokee Ave. and applicant, came forward to represent V21-03.

Public hearing opened.

Board Member McElwee asked for sign measurement clarification. Mr. Goss explained that the billboard would be 20' off of the ground and 10' tall, reaching the max height allowed of 30'.

Board Member Murphy inquired about the structures located between the church (proposed sign location) and the tractor business. Mr. Goss explained that there is a house located between the two businesses, however, due to the house zoned industrial, it was not required to be considered residential and meet the residential distance requirements. In addition, Mr. Goss stated that there were some storage buildings located between the two properties as well.

Board Member Clayton and Chairman Pendley inquired about the churches ability to control the content on the sign to which Mr. Goss replied that statutes are in place to limit certain types of advertisements on the billboard.

With no one else to come forward to speak for or against V21-03, the public hearing was closed.

A motion was made to approve V21-03: 2197 Hwy 411 by Board Member McElwee and seconded by Board Member Hudson. Motion carried unanimously. Vote: 5-0

**B. V21-05: 746 West Ave. Applicant: Gary and Sharon Nichols**

Variance to allow an accessory structure (swimming pool)in the front yard of a corner lot.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case stating that the applicant resides on a corner lot and was wanting to place a pool on the Terrell Rd. side of the corner lot and a portion of the pool will encroach into the right of way. Furthermore, Mr. Hardegree stated that this case would also be heard in front of the Historic Preservation Commission on Tuesday, April 20, 2021. Applicant was present.

Public hearing was opened.

Trey Jordan, 1 W Church St. and representative of applicant, came forward to represent Mr. and Mrs. Nichols. He stated the intent of the variance was to allow the pool in the front yard and to reduce the front yard setbacks from 20' to 0'. The plan is to have the fencing around the pool on the property line.

Gary Nichols, applicant and homeowner, came forward to inquire why most property lines along West Ave. extend to the sidewalk, however, his lot has a 20' setback requirement.

Keith Lovell, Assistant City Attorney, explained setbacks were designed to allow for utilities to be installed. He welcomed Mr. Nichols to reach out to Public Works to see if that 20' setback is currently being used for utilities. If not, he can go through the proper channels to request to have his setbacks changed.

With no one else to come forward to speak for or against V21-05, the public hearing was closed.

A motion was made to approve V21-05 by Board Member Hudson and seconded by Board Member Cooley. Motion carried unanimously. Vote: 5-0

With no further business, a motion to adjourn the meeting was made by Board Member McElwee.

Meeting was adjourned at 6:13 P.M.

5-17-2021  
Date Approved

/s/

James R. Rudee  
Chair