

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on December 8, 2022, in the Council Chambers.

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

ROLL CALL

Chairman Pendley asked if anyone was in the audience that would like to voice a concern regarding the minutes from the last meeting.

Meredith Geldhauser, 762 West Ave., came forward and stated she felt there were several inconsistencies with the minutes that were drafted from the November 10, 2022, Board of Zoning Appeals meeting, and that the public was not accurately represented in those minutes and asked the Board to request the minutes be amended to reflect her requests.

APPROVAL OF MINUTES

1. Approval of Minutes: November 10, 2022

Board Member Murphy made a motion to amend the minutes to reflect that Acting chair Hudson did vote and that the final vote on all items were 4-0.

Discussion commenced among Board Member Clayton and Assistant City Attorney Keith Lovell regarding the availability of placing the meeting recordings on the City's website. Ultimately, Board Member Clayton stated he would like to discuss this further at another time.

Board Member Hudson made a motion to amend the original motion to include the change that Mr. Geldhauser asked to speak after the public hearing was closed and therefore, was not allowed to enter any further comments on the case. Board Member Cooley seconded the motion on the amendment. Vote: 4-0-1 with Board Member Clayton abstaining.

Board Member Cooley seconded the first motion. Motion carried. Vote: 4-0-1 with Board Member Clayton abstaining.

VARIANCE CASES

2. V22-23: 21 & 23 Ashwood Dr.

Applicant: Kerley Family Homes

Variance: To allow encroachment into the City's impervious and undisturbed stream bank buffer

Mr. Lovell stated that pursuant to Section 7.5(205)(b)(3) regarding variances, stated 'variances will not be considered by this board when following the adoption of this article, actions of any property owner of a given property have created conditions of a hardship on

that property.’ Furthermore, he reminded the board this article was adopted in August 2006. Based on the applicant’s submittal, the applicant states “There are covenants the neighborhood HOA requires the proposed homes meet.”

In closing, Mr. Lovell stated that pursuant to the article stated earlier, that the Board can not hear this case and requested the Board to rule this case out of order.

Dave Merrill, Kerley Family Homes representative, came forward and stated that these lots were purchased with the intention to build homes but that the decks encroach into the stream buffer.

Board Member Clayton made a motion to rule the request out of order. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0

OTHER

3. Attendance Policy Text Amendment

Randy Mannino, Planning and Development Director, stated that all boards and commissions were implementing an attendance policy provision and that this will also go before the Planning Commission on January 10, 2023, before going before the City Council for a first reading on January 15, 2023, and a second reading on February 2, 2023.

With no other business to discuss, Board Member Clayton made a motion to adjourn at 6:01P.M.

January 12, 2023
Date Approved

/s/ 
Chair