

# MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

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

## ROLL CALL

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

## APPROVAL OF MINUTES

### 1. November 9, 2023

Board Member McElwee made a motion to approve the minutes from November 9, 2023. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

David Hardegree, Planning and Development Assistant Director stated that there are only 4 members needed for the quorum. It takes all of them to vote and all votes to pass or be denied take all four votes.

## VARIANCE CASES

### 2. V23-30: 3 Carrington Drive

**Applicant: Curtis Stiles**

***Variance: To reduce the side yard setback for construction of house/addition/greenhouse***

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

Continuing, Mr. Hardegree gave an overview of the case stating this was a variance application by owner/applicant Curtis Stiles for property located at 3 Carrington Dr. zoned R-10 Residential. Setbacks are Front and Rear- 20ft and Side 10ft. Said property contains approximately 0.37 acres. Applicant has partially constructed a greenhouse as an addition to the home in the side yard. The addition is 12x31. Currently, it encroaches approximately 10ft into the side yard setback. The zoning ordinance section, Sec 6.3., for the R-10 zoning district requires a side yard setback of 10ft.

There were two concerns from the other City Departments. Electric voiced their concerns regarding it blocking the access to their meter as well as the meter panel cannot be opened to access the internals of the meter base in case of emergency. The Fire Department had concerns due to the greenhouse intrudes into the side yard setback which are set to establish a minimum safe distance between houses in case of fire or collapse. Would like to see it set within the setbacks or a sprinkler system installed that needs to be to code for fire and building.

City Code Enforcement noticed the addition and the owner was asked not to continue work. The existing construction was not permitted, nor did it have city utility approval. To finish construction

the applicant must receive a variance for setback encroachment as well as obtain all building permits and satisfy City utility requirements.

The applicant is requesting the following variances.

1. To reduce the side yard setback from 10ft to 0ft for construction of greenhouse (Sec 6.3)

Chairman Pendley opened the public hearing.

Curtis Stiles, 3 Carrington Drive, provided an overview of the greenhouse. Stated he personally wrote to his neighbors regarding the greenhouse and received the okay from the neighbor next door.

Chairman Pendley asked if construction was stopped when code enforcement stopped work on the property. Mr. Stiles stated that construction was 99% complete when it was stopped and that it was stopped as soon as they received the violation.

Board Member Hudson asked Mr. Stiles if they are willing to add the sprinkler system that is up to code as well as modify the greenhouse for the electrical department. Mr. Stiles answered yes.

Board Member Murphy asked if it can be relocated to another area on the property. Mr. Stiles stated that he investigated it, but it wouldn't get the amount of sun as it would on the side where it is located.

Chairmen Pendley stated that the way it is laid out now limits the neighbor to be able to do whatever they would want to do with their property, and it would have to be modified for the electrical department. He then asked if there was, anyway, he could move it somewhere else on the property.

Clifton Blalock, Electric System, came forward stating that the electric department needs to have 24-hour access to the facilities and the structure will need to be modified to give access.

Paige Stiles, 3 Carrington, came forward stating that they are willing to move the wall for the electric system and that the neighbors are okay with the greenhouse.

Board Member McElwee wanted clarification on if the applicant needed to modify the 3ft but more than 5ft off the property line. Mr. Hardegree stated that if they add the sprinkler suppression system and move the 3ft for the electrical department it would be acceptable for all departments. Everything will have to be permitted and signed off by Building and Fire.

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

No motion was made on case V23-30. Motion was denied.

**3. V23-31: 709 S. Bartow St.**

**Applicant: Susie Gazaway**

*Variance: To reduce the side yard setback for construction of house addition/outdoor patio.*

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

Continuing, Mr. Hardegree gave an overview of the case stating this was a variance application by owner/applicant Susie Gazaway for property located at 709 S. Bartow St., zoned R-20 Residential. Setbacks are Front and Rear- 20ft and Side- 10ft. Said property contains approximately 0.37 acres.

The applicant has constructed an outdoor patio with roof as an addition to the home in the side yard. The addition is approximately 16x16. This addition encroaches approximately 8.5ft into the side yard setback. The zoning ordinance section, Sec. 6.1., for the R-20 zoning district requires a side yard setback of 10ft.

Code Enforcement noticed the addition and contacted the homeowner and asked them to discontinue work at this time. The existing construction was completed without applicable building permits. To finish construction in the current location the homeowner must receive a variance for setback encroachment as well as obtain all required building permits.

Continuing, Mr. Hardegree reviewed the department comments.

The applicant is requesting the following variances.

1. To reduce the side yard setback for construction of house addition/outdoor patio.

Chairman Pendley opened the public hearing.

Suzie Gazaway, 709 S Bartow St, gave an overview of the project and wanted to make sure that the board knew that the addition was not attached to the house. Received a variance for a garage in 2019 but did not build the garage so believed that since they received that variance it would be fine to build the addition. The wooden fence is off the property line but 1 to 2 feet.

Mr. Hardegree stated that it would consider more of an accessory building 5ft off the property line.

Board Member Murphy asked where the end of the structure would be. The applicant stated that it would be up against the fireplace that is present.

Board Member Hudson asked Mr. Hardegree if even if variance is given it would need to be approved by the fire and building departments. Would need to have fire treated materials and beams to fire rate the property.

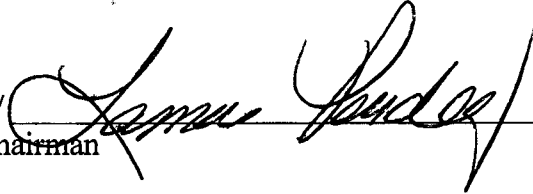
Mr. Hardegree stated that there are solutions available and really believes that the applicant needs to get with the building director and possibly fire to see if they can make a solution to have this built.

Chairman Pendley asked if it would be better for the board to table the discussion to be able to discuss with a contractor or building official to figure out a solution. The Applicant agreed to table and come back later.

Board Member McElwee made a motion to table the discussion on V23-31 and move to January 11, 2023, meeting. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 4-0.

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:28 P.M.

January 11, 2023  
Date Approved

/s/   
Chairman