

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on June 14, 2021 in the Council Chambers.

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

CALL TO ORDER

Chairman Pendley called the meeting to order at 5:30 PM

ROLL CALL

COMMENTS

Keith Lovell, Assistant City Attorney, made a comment that it requires four (4) votes for a motion to be passed. Therefore, Chairman Pendley would be voting.

APPROVAL OF MINUTES

1. Approval of Minutes: May 17, 2021

Board Member Clayton called for a motion on the May 17, 2021 BZA meeting minutes. Board Member McElwee made a motion to approve the minutes. Motion was seconded by Board Member Clayton and carried unanimously. Vote: 4-0.

VARIANCES

2. V21-04: 2 Huntcliff Drive Applicant: Darla Montgomery
Variance request to allow privacy fence to encroach into the front yard setbacks of a corner lot.

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 applicant had installed a six-foot privacy fence, which encroaches into the 25' front yard setbacks. The applicant was present.

Public hearing opened.

Darla Montgomery, 2 Huntcliff Dr., came forward to represent V21-04. Ms. Montgomery stated that she was unaware of the right of way requirements and requested that the board allow her to keep the fence and utilize as much of her yard as possible as she has children and pets.

Board Member Clayton inquired who installed the fence to which the applicant, Ms. Montgomery stated a friend of a neighbor installed the fence. However, she did receive several quotes from other companies and no one informed her of the right of way requirements.

Chairman Pendley asked if the fence caused any sight obstruction. The applicant responded, stating in her opinion, no sight obstructions were caused by the current fencing.

With no one further to speak for or against the item, the public hearing was closed.

Board Member Cooley joins the meeting.

A motion was made to move the fence between the trees and house by Board Member Clayton and seconded by Board Member McElwee. Motion carried unanimously. Vote 5-0

**3. V21-07: 1136 N. Tennessee St Applicant: Colin Bennett, Smith Douglas Homes
Variance request to omit the townhouse requirement for rear access and rear parking**

Mr. Hardegree started by stating that Chairman Pendley, Randy Mannino, Planning and Development Director, and the applicant had met two times in the Planning and Development conference room to fully understand the application. These meetings did not constitute a quorum and was under no circumstance considered private meetings. Furthermore, Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised and gave an overview of the case. In closing, he discussed the department comments with no oppositions received. Applicant was present.

Public hearing was opened.

Danny Deems, 130 Old Rome Rd., Kingston, came forward and stated he was the legal counsel for the applicant. Mr. Deems stated that the existing road would remain per ordinance requirement.

Board Member McElwee inquired how this development was any different than other townhome developments that were required to keep the rear entry and rear parking. Mr. Deems responded that due to the existing road and the amount of traffic currently on the road, he would like to keep the children play areas in the rear of the property for safety precautions.

Martin Laurich, 65 West Felton Rd., came forward to speak against the application.

Dean Bagwell, 1043 Cass White Rd., came forward to speak against the application.

Sid Gowens, 1733 Morrison Campground Rd., Rome, Ga., came forward to speak against the application.

With no one else to come forward, the public hearing was closed.

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 the request was made in an attempt to lot split form the condominium complex. Public hearing was opened.

Karl Lutjens, 114 Old Mill Rd., came forward to represent the applicant and to answer any questions.

Tom Gurland, Smyrna, Ga., came forward to represent the bank that is coordinating the process and to answer any questions.

The public hearing was closed.

A motion was made to approve V21-13 was made by Board Member Hudson and seconded by Board Member Clayton. 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 7:21 P.M.

July 12, 2021
Date Approved

/s/ Lamar Pusley
Chair

