



CARTERSVILLE BOARD OF ZONING APPEALS

Council Chambers, Third Floor of City Hall
Thursday, April 14, 2022 at 5:30 PM

AGENDA

BOARD MEMBERS:

Lamar Pendley – Chairman
Linda Brunt
John Clayton
J.B. Hudson
Kevin McElwee
Malcolm Cooley
Patrick Murphy

CITY CLERK:

Julia Drake

PLANNING DIRECTOR:

Randy Mannino

CITY PLANNER:

David Hardegree

ASSISTANT CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Minutes from 3.10.22

VARIANCE CASES

2. V22-08. 49 Cassville Rd. Applicant: Beth Tilley

STAFF OR COMMITTEE COMMENTS

OTHER

The next meeting of the Board of Zoning Appeals will be May 12th. 5:30pm.

OTHER

Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.

P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – www.cityofcartersville.org



BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 14, 2022
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Minutes from 3.10.22
DEPARTMENT SUMMARY RECOMMENDATION:	Meeting Minutes for review and approval.
LEGAL:	N/A

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on March 10, 2022 in the Council Chambers.

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

CALL TO ORDER

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

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Minutes: February 10, 2022

Chairman Lamar Pendley called for a motion on the February 10, 2022 BZA meeting minutes. Board Member McElwee made a motion to approve the minutes. Motion was seconded by Board Member Hudson and carried unanimously. Vote: 5-0.

VARIANCE CASES

**2. V22-05: 101 McCanless St. Applicant: Jennifer Hagaman & Stephanie Harbour
Variances for accessory structure to be used for a home based business, to increase
floor area of an accessory structure, and to allow fence in front yard of a corner lot.**

David Hardegree, Planning and Development Assistant Director, 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. In the overview, Mr. Hardegree stated that the applicants had three (3) parts to their variance.

1. To allow an accessory structure be used for a home-based business (Sec. 4.23 (8));
2. To increase the allowed floor area of an accessory structure from 50% to approx. 88% of the principal structures' floor area (Sec. 4.9, parag. 3);
3. To allow a portion of a 6ft. privacy fence be installed in the front yard of a corner lot (Sec. 4.16 (B) (1), (2) & (4)).

All City departments take no exception to the variance requests. One public comment was received from Pam McMicken, of which was a general inquiry.

Public hearing was opened.

Jennifer Hagaman, Clearmont, Florida, and Stephanie Harbour, 40 Galway Dr., came forward to represent the variance request and answer any questions from the board.

Ms. Hagaman and Ms. Harbour explained that the proposed accessory structure would be like a conservatory and provided pictures of what they had in mind to construct.

Examples of plant conservatory additions.



Furthermore, they explained that shipping would be provided for customers via UPS and USPS but no more than one (1) shipment daily. Their projected business hours would be early morning to 3pm and no excessive lighting would be used to disturb neighbors.

With no other comments from the board or public, the public hearing was closed.

Board Member McElwee made a motion to approve V22-05 – To allow an accessory structure be used for a home-based business with the condition that the space resembles the conservatory examples shared. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 5-0

Board Member Hudson made a motion to approve V22-05 – To increase the allowed floor area of an accessory structure from 50% to approx. 88% of the principal structures’

floor area. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

Board Member McElwee made a motion to approve V22-05 – To allow a portion of a 6ft. privacy fence be installed in the front yard of a corner lot. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 5-0

**3. V22-06: 950 West Ave. Applicant: Trailhead Media
Variance to reduce setbacks for a billboard relocation.**

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. In his overview he reviewed the department comments stating no departments take exception.

Public hearing was opened.

Mark Harris, applicant, Taylorsville, Ga., came forward to represent the application and answer any questions from the board. .

With no one to speak for or against the variance request, the public hearing was closed.

Board Member Clayton made a motion to approve V22-06. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0

**4. V22-07: 4 Grove Point Way Applicant: Chelsea Townsend
Variance to allow a 6ft. privacy fence be installed in the front yard of a corner lot.**

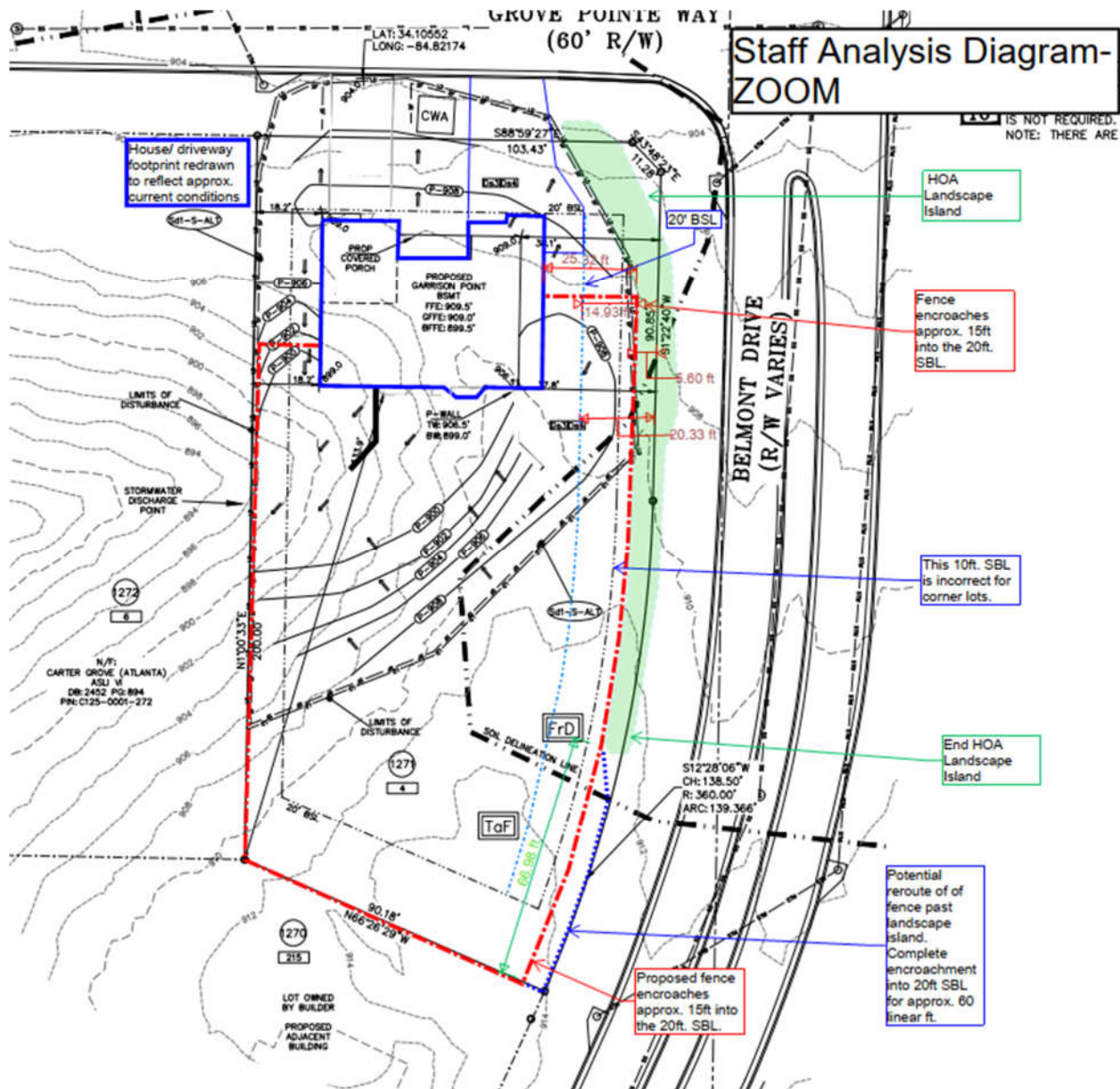
Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Continuing, Mr. Hardegree gave an overview of the request and stated that there were no exceptions from departments and one public comment was made. See Exhibit A – Email from Deanna Foster.

Public hearing was opened.

Chelsea and Shelby Townsend, applicants, 4 Grove Point Way, came forward to represent the application and answer questions from the board.

Public hearing was closed.

Board Member Clayton made a motion to approve V22-07 with the condition that the fence will follow the red line of document (see below). Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5 -0



With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:00 P.M.

April 14, 2022
Date Approved

/s/ _____
Chair

EXHIBIT A**David Hardegree**

From: Deanna Foster <dfoster0509@gmail.com>
Sent: Tuesday, March 8, 2022 10:50 AM
To: David Hardegree
Subject: Re: [EXTERNAL] Re: Variance- V22-07. 4 Grove Point Way privacy fence

CAUTION! : This email originated from outside the City of Cartersville network. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sender: dfoster0509@gmail.com

Hi David,

I'm writing to express my concerns regarding variance V22-07 to allow for a privacy fence at 4 Grove Point Way.

My husband (Kevin Foster) and I are the property owners at 215 Belmont Dr, Cartersville, GA which is adjacent to 4 Grove Point Way in which the rear of their property lines up to the side and front yard of our home. Currently, we have limited visibility in pulling out of our driveway to access Belmont Drive due to the curvature of Belmont Drive and the HOA landscape/shrubbery along Belmont Drive that is adjacent to 4 Grove Point Way. We are concerned the installation of a 6ft privacy fence at the back corner of 4 Grove Point Way (from the end of the HOA landscape to the property line) will further impede our visibility to oncoming traffic as well as oncoming traffic's visibility of our driveway. As parents of 3 children under the age of 6 years old living on a busy street within the neighborhood this is very important for the safety of our family.

We would like the property owners to consider adhering to the 20ft setback line at the end of the HOA landscape or installing a shorter fence that is not opaque in the back corner. We have no issues with their plans to fence the rear and right side of their property or the fence line on the left prior to the end of the HOA landscape. Please let us know if you have any further questions and thank you for your consideration.

Thanks,
 Deanna Foster

On Mon, Mar 7, 2022 at 11:16 AM David Hardegree <dhardegree@cityofcartersville.org> wrote:

Yes. You can send them to me and I'll print and distribute copies to the Board for the meeting. They can be incorporated into the meeting minutes.

From: Deanna Foster <dfoster0509@gmail.com>
Sent: Monday, March 7, 2022 11:05 AM
To: David Hardegree <dhardegree@cityofcartersville.org>
Subject: [EXTERNAL] Re: Variance- V22-07. 4 Grove Point Way privacy fence

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BOARD OF ZONING APPEALS ITEM SUMMARY

MEETING DATE:	April 14th, 2022
SUBCATEGORY:	Variance
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	V22-08. 49 Cassville Rd. Applicant: Beth Tilley
DEPARTMENT SUMMARY RECOMMENDATION:	To allow a privacy fence in the front yard of a double frontage lot.
LEGAL:	N/A



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
 From: Randy Mannino/David Hardegree/Caitly Chandler
 CC: Keith Lovell
 Date: April 4, 2022
 Re: File # V22-08

Summary: To allow a privacy fence in the front yard of a multi-frontage lot.

Section 1: Project Summary

Variance application by owner/applicant Beth Tilley for property located at 49 Cassville Rd, zoned R-20, Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 1.50 acres. The lot is a multi-frontage lot with road frontages along Cassville Rd and Wofford St.

The applicant proposes to build a privacy fence to the rear of the house along the Wofford St. right-of-way. The zoning ordinance requires privacy fences to be installed behind the front yard setback. The fence is planned to be installed 5 feet off the property line along Wofford St. The fence will align with the existing driveway gate which is approx. 3ft off the ROW. There is some discrepancy between these distances. The existing chain link fence will likely be removed.

Wofford St. is not a collector or arterial street per the city's road classification map.

The HPC approved the fence at the March 15th meeting as presented in the application, COP22-05.

The variance request is for the following and per the submitted site plan sketch:

1. To allow an 8ft. privacy fence to encroach into the front yard setback of a multi-frontage lot.

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes No exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None as of 4-4-22

Sec. 4.16. - Fences and walls.

A. In all zoning districts:

1. No fence or wall shall constitute an obstruction to the vision for or create a hazard to vehicular traffic.
2. No fence or wall, including retaining walls, shall be constructed of exposed concrete block, tires, junk or other discarded materials.
3. The fencing standards as stated in this section shall not apply to fencing for detention ponds.
4. The wall standards as stated in this section shall not apply to retaining walls approved by the plan review process for planned developments.

B. In all residential and commercial zoning districts:

1. Any fence or wall which extends into the front yard shall be ornamental or decorative, and shall not be opaque. Any such fence or wall may be constructed of brick, stone, wood, wrought iron, split rail, or other decorative material as approved by the zoning administrator.
2. Fences and walls shall not exceed four (4) feet in height in a front yard and shall not exceed eight (8) feet in height in a side or rear yard.
3. Chain-link fencing material may be used in the front yard with prior approval of a variance by the board of zoning appeals. No variance is required if chain link fencing material is used in a side or rear yard.
4. For a corner lot or double frontage lot, a screening or opaque fence may be installed to the rear of the principal structure at a maximum of eight (8) feet in height provided that the fence shall be located behind the required front yard setback and shall not be located adjacent to or abutting a collector or arterial street.
5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

Fences or walls shall not exceed (8) feet in height in front, side and rear yards

Sec. 21.3. - Powers and duties of the board of zoning appeals.

The board of zoning appeals shall have the following powers and duties:

21.3.1. *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of this chapter. Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board, or agency of the City of Cartersville affected by any decision of the zoning administrator. Such appeal shall be taken within thirty (30) days of said decision by filing with the zoning administrator a written notice of appeal specifying the grounds thereof. Decisions on appeals shall be issued in writing within ten (10) business days of the hearing on the appeal.

21.3.2. *Continuance of a nonconforming use.* The board of zoning appeals may allow a nonconforming use to be reestablished after discontinuance for twelve (12) consecutive months. The procedure for the request shall be the same as if it was a variance. If it is deemed by the board of zoning appeals that one (1) or more of the following apply, the board may grant said request.

- A. The design, construction, and character of the building is not suitable for uses permitted in the district in which the nonconforming use is situated; and
- B. Undue hardships to the property owner would result in not allowing the building to be reopened for a nonconforming use; and
- C. Adjacent property would not be unduly damaged by such use of the building; and
- D. The use is to be identical or similar to the prior nonconforming use of the building.

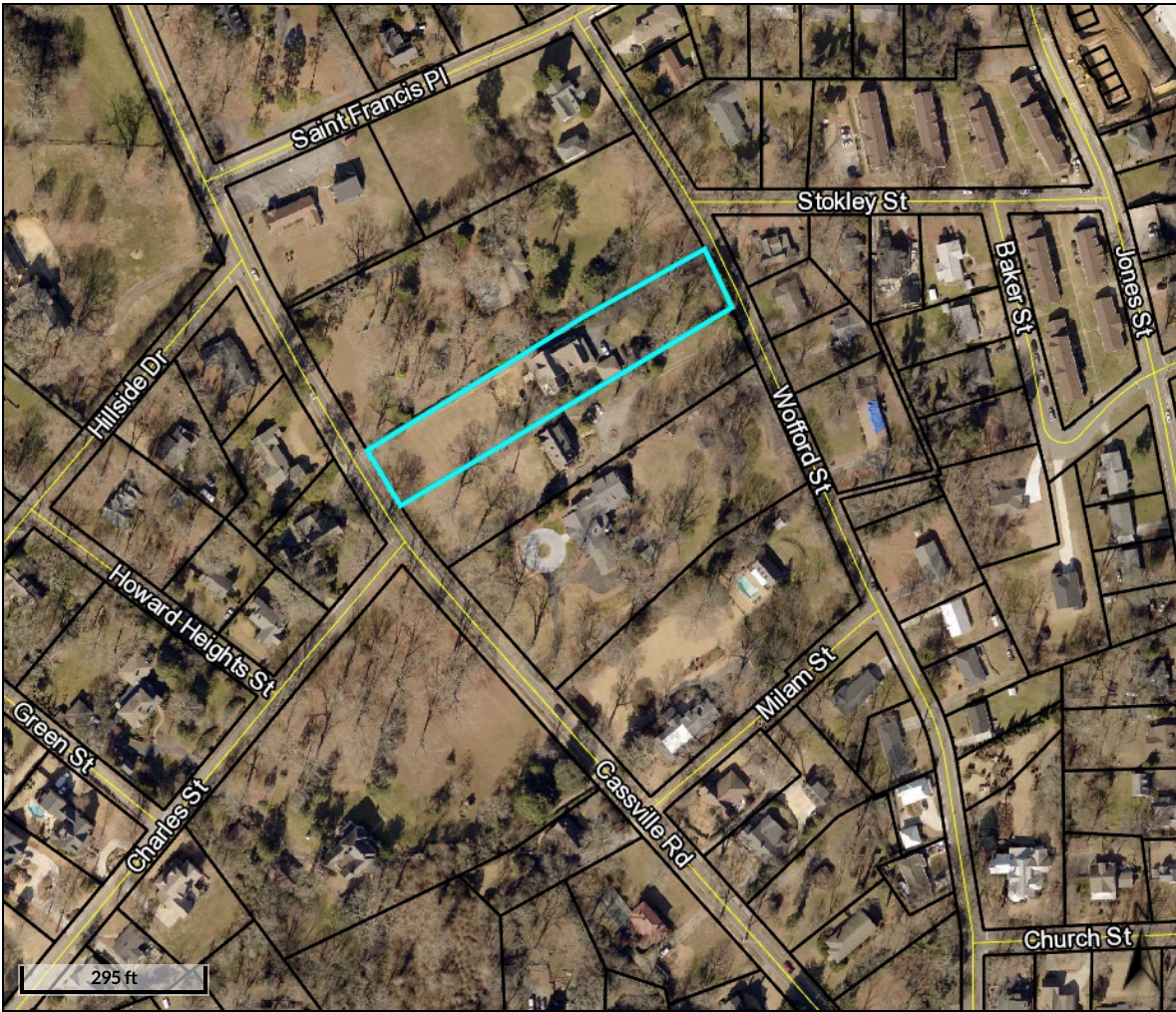
21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

- A. That one (1) of the following is true, through no action or fault of the property owner or predecessor:
 - 1. The property is exceptionally narrow, shallow or unusually shaped;
 - 2. The property contains exceptional topographic conditions;
 - 3. The property contains other extraordinary or exceptional conditions; or
 - 4. There are existing other extraordinary or exceptional circumstances; and
- B. That the strict application of the requirements of this chapter would result in practical difficulties to, or undue hardship upon, the owner of this property; and
- C. That the requested variance relief may be granted without substantially impairing the intent and purpose of this chapter.

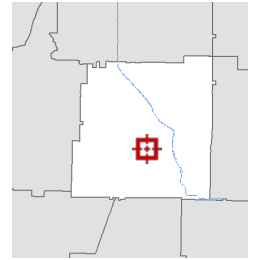
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

- 21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public safety and welfare secured and substantial justice done.
- 21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute a text amendment, then the application shall not be accepted. The applicant shall instead be directed to file for a text amendment. Furthermore, the board of appeals shall not be authorized to grant a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied. A variance application shall not be accepted if the variance is contradictory to the ordinance.
- 21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that does not justify a variance.




Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*



Overview



Legend

-  Parcels
-  Roads
- Flood Hazard Area**
 -  Bartow Regulatory
 -  FEMA

Parcel ID	C002-0017-004	Alternate ID	32256	Owner Address	TILLEY BETH L
Sec/Twp/Rng	n/a	Class	Residential		49 CASSVILLE RD
Property Address	49 CASSVILLE RD	Acres	1.39		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL453 LD4				

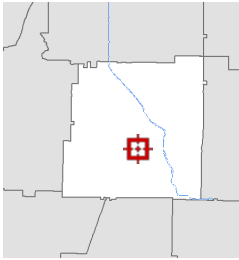
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Date created: 3/21/2022
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Developed by 



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C002-0017-004	Alternate ID	32256	Owner Address	TILLEY BETH L
Sec/Twp/Rng	n/a	Class	Residential		49 CASSVILLE RD
Property Address	49 CASSVILLE RD	Acreage	1.39		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL453 LD4				

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Developed by 



Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120

March 21, 2022

Beth Tilley
49 Cassville Road
Cartersville, GA 30120

RE: COP22-05. 49 Cassville Road. HPC Approval Letter.

Mr. Tilley,

This letter confirms the outcome of your Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 49 Cassville Rd. On March 15th, 2022 the HPC **approved** the following task items per the HPC Application:

1. Add fireplace to porch area, right rear wall of house.
2. Add privacy fence along Wofford St. (Pending Variance Approval)
3. Relocate accessory structure from near rear of house to near Wofford Street property line. (No closer than 20ft.)

If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

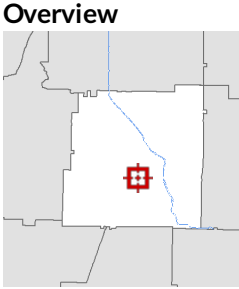
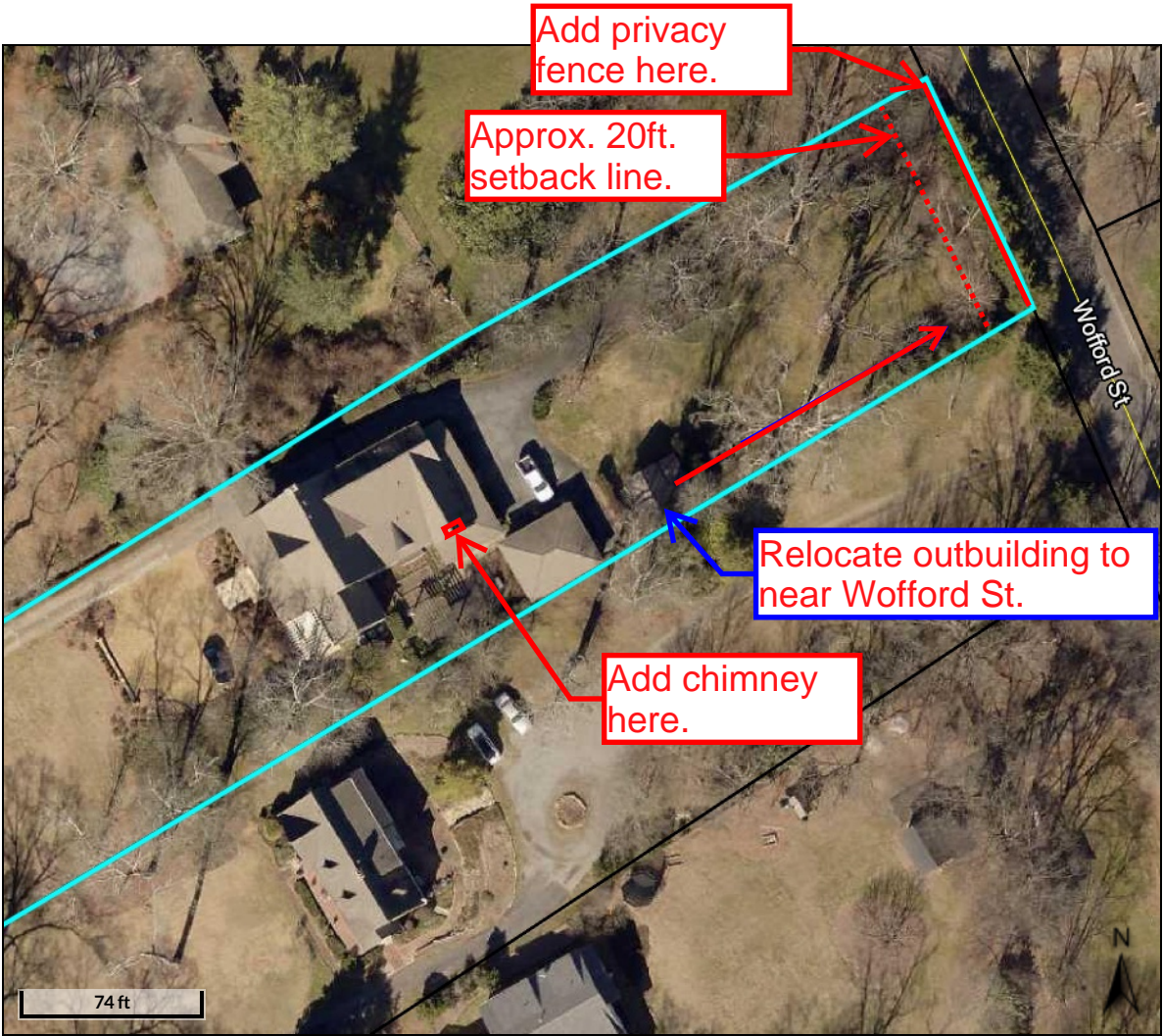
If you have any questions, please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

A handwritten signature in blue ink that reads "David Hardegree".

David Hardegree, AICP
City Planner
O: 770-387-5614

dhardegree@cityofcartersville.org



- Legend**
- Parcels
 - Roads
 - Flood Hazard Area**
 - Bartow Regulatory
 - FEMA

Parcel ID	C002-0017-004	Alternate ID	32256	Owner Address	TILLEY BETH L
Sec/Twp/Rng	n/a	Class	Residential		49 CASSVILLE RD
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District	Cartersville				
Brief Tax Description	LL453 LD4				

(Note: Not to be used on legal documents)

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Developed by Schneider
 GEOSPATIAL


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: April 14/22 5:30pm

Application Number: V22-08

Date Received: 3/10/22

Applicant Beth Tilley (printed name) Office Phone 404 427-5660
 Address 49 Cassville Rd Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email Beth-tilley@bellsouth.net
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 _____ Email (Rep) _____
 Representative Signature _____ Applicant Signature Beth Tilley
 Signed, sealed and delivered in presence of: _____ My commission expires: 1/22/26
Nancy B. Pollock Notary Public



* Titleholder Beth Tilley (titleholder's printed name) Phone _____
 Address _____ Email _____
 Signature Beth Tilley
 Signed, sealed, delivered in presence of: _____ My commission expires: 1/22/26
Nancy B. Pollock Notary Public



Present Zoning District R-20
 Acreage 1.5A Land Lot(s) 453 District(s) 4 Section(s) 3
 Location of Property: 49 Cassville Road 30120
 (street address, nearest intersections, etc.)
 Zoning Section(s) for which a variance is being requested: Article IV, Sect 4.16 B.(4)
 Summary Description of Variance Request: Solid wood privacy fence to be located five (5) feet from the right of way of Wolford Street.
 (Additional detail can be provided on Justification Letter)

* Attach additional notarized signatures as needed on separate application pages.

CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article IV Section 4.16 Subsection B(4.)
 Article _____ Section _____ Subsection _____
 Article _____ Section _____ Subsection _____

The Board of Zoning Appeals was established to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator in the enforcement of the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

1. The property is exceptionally narrow, shallow or unusually shaped,
2. The property contains exceptional topographic conditions,
3. The property contains other extraordinary or exceptional conditions; and
4. There are other existing extraordinary or exceptional circumstances; and
5. The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: Justification:

Our property is a double frontage lot. Wofford Street is the front that we consider our rear yard. We wish to construct an 8 foot high solid wood opaque privacy fence along the frontage of Wofford Street to connect to the existing rear driveway gate. We are asking to reduce the twenty (20) foot required setback to five (5) feet in order to connect said fence to the existing gate. Also there is an approximate 3 foot difference in topography from the road grade to the rear yard area.

SURVEYED FOR
BETH L. TILLEY

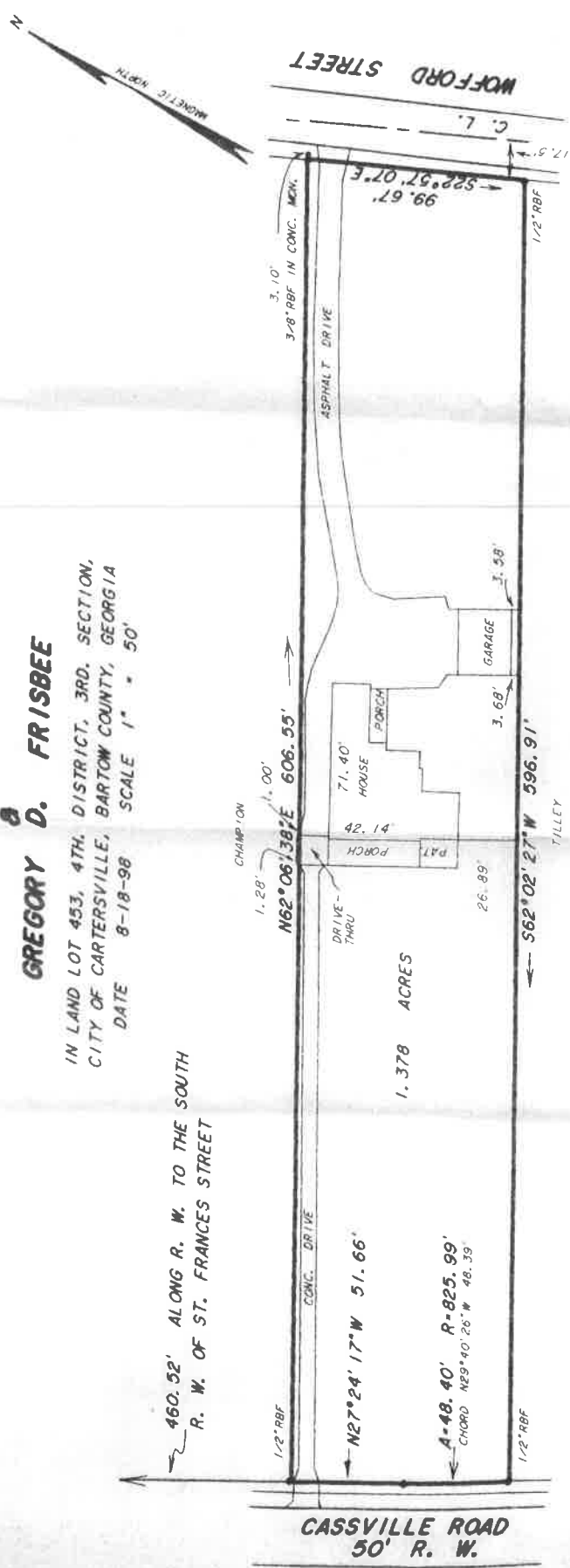
GREGORY D. FRISBEE

IN LAND LOT 453, 4TH. DISTRICT, 3RD. SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
DATE 8-18-98 SCALE 1" = 50'

460.52' ALONG R. W. TO THE SOUTH
R. W. OF ST. FRANCES STREET

CASSVILLE ROAD
50' R. W.

1.378 ACRES



Johnny R. Knight

FIELD DATA:
 CLOSURE 1' IN 27,600'
 EQUIPMENT: TOPCON GTS-393
 ANGULAR ERROR 0.1" PER ANGLE POINT
 BEARINGS ARE MAG. CAL. FROM ANGLES
 TURNED.
 ADJUSTED USING LEAST SQUARES
 PLAT CLOSURE 1' IN 100,000'

FEMA FLOOD HAZARD MAP 13015C0089 F
 DATED SEPTEMBER 29, 1989. SHOWS THIS
 PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS
 172 RAYLAND SPRINGS ROAD, SE
 CARTERSVILLE, GEORGIA 30121
 TELEPHONE (770) 382-7975
 OR (770) 336-5484





Images taken 3-8-22



