



# CARTERSVILLE BOARD OF ZONING APPEALS MEETING

Council Chambers, Third Floor of City Hall  
Thursday, February 09, 2023 at 5:30 PM

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## AGENDA

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### 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. January 12, 2023

### VARIANCE CASES

2. V23-01. 108 Mitchell Ave. Applicant: Charles Adams
3. V23-02. 27 Arrowhead Dr/ Etowah Dr. Tax Parcel No C016-0025-013. Applicant: Amanda Rice

### OLD BUSINESS

4. (Tentative) V22-23. 21 and 23 Ashwood Dr. Applicant: Kerley Family Homes (Tabled)

### STAFF OR COMMITTEE COMMENTS

### OTHER

The next meeting of the Board of Zoning Appeals will be March 9, 2023.

*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](http://www.cityofcartersville.org)**



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	February 9, 2023
<b>SUBCATEGORY:</b>	Approval of Minutes
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	January 12, 2023
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	The Board of Zoning Appeals Minutes have been uploaded for your review and approval
<b>LEGAL:</b>	N/A

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

Item 1.

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on January 12, 2023, in the Council Chambers.

**ROLL CALL**

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

**APPROVAL OF MINUTES**

**1. Approval of Minutes: December 8, 2022**

Board Member Clayton made a motion to approve the December 8, 2022 Minutes. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0

**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**

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 a detailed overview stating the variance application by Kerley Family Homes, for two properties located at 21 & 23 Ashwood Drive and zoned R-20 (Single Family Residential) and P-D (Planned Development). Both properties contain approximately 0.2 acres. These lots are currently undeveloped.

The applicant wishes to construct homes on these lots that will encroach into the City's 25ft. impervious streambank buffer and the 25ft. undisturbed vegetative streambank buffer. No encroachment is proposed in the twenty-five-foot (25ft) State streambank buffer.

The proposed encroachment at 21 Ashwood Drive includes 422 square feet of the home constructed in the impervious streambank buffer, and 297 square feet of disturbance in the undisturbed streambank buffer.

The proposed encroachment at 23 Ashwood Drive includes 178 square feet of the home constructed in the impervious streambank buffer, and 182 square feet of disturbance in the undisturbed streambank buffer. The applicant proposes to construct an infiltration trench (trench) as the mitigation solution for each property. This approach has never been presented as a mitigation solution to an encroachment.

All downspouts are proposed to be piped to the trench. Side slopes are proposed to be graded to drain into the trench.

The mitigation plan required by City ordinance may be satisfied by the trench plans; however, the proposed mitigation plan will likely be burdensome on all future property

owners and city staff. Maintenance schedule provided. Inspections will be required annually. The trench must remain in place in perpetuity.

Item 1.

At this time, all engineering issues have not been resolved, but the applicant's engineer has been in communication with the city engineer to reach a solution. Plans will be provided for 21 Ashwood Dr once an acceptable solution is in place for 23 Ashwood Dr. The solutions will be similar.

The development regulations for which relief is sought is 7.5-205 (a)(1) and 7.5-205 (a)(2).

Planning and Development staff recommended the following conditions for each site. The conditions also allow additional time to address engineering concerns:

- 1) The trench mitigation plans are to be approved by the city engineer and in conjunction with the review of the Tertiary Plans;*
- 2) The approved trench mitigation plans, including all required easements, are to be recorded for each parcel;*
- 3) The approved trench mitigation plans are to be included with a Stormwater Maintenance Agreement to be approved by the City and recorded;*
- 4) Items 1-3 are to be completed prior to issuance of a Building Permit; and,*
- 5) The City Engineer is to inspect and approve compliance of the trench prior to issuance of Certificate of Occupancy.*

In closing, Mr. Hardegree did state that the applicant and Wade Wilson, City Engineer, were in attendance.

Shelby Thompson, Permit Coordinator, and Dave Merrill, Builder, for Kerley Family Homes came forward to represent the application. Ms. Thompson stated that Kerley Family Homes are looking for a resolution that will allow them to build on these difficult topographical lots including moving the house into the 20' front setback to decrease the encroachment to only the deck for lot 1379.

Board Member Clayton left the meeting.

Board Member Brunt expressed concerns that if the infiltration trench is installed and becomes the responsibility of the homeowner, what happens if the homeowner does not keep up the maintenance. Would this become the responsibility of the City during their required 5-year inspection in accordance with EPD requirements? Mr. Wilson stated that it could fall on the city to be responsible for the maintenance but does not foresee any maintenance issues forthcoming.

Applicant is willing to table this item to provide a design alternative for a future meeting.

Mr. Wilson stated the goal is to reduce impact.

Board Member Brunt made a motion to table V23-22 until a design alternative could be provided. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:15 P.M.



February 9, 2023  
Date Approved

/s/ \_\_\_\_\_  
Chair



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	February 9th
<b>SUBCATEGORY:</b>	Variance
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	V23-01. 108 Mitchell Ave. Applicant: Charles Adams
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	This property is a double frontage lot bordered by Mitchell Ave and Plymouth Dr. The applicant requests a variance to increase the allowable height of a new house, to allow a detached garage to encroach into the front yard, and to allow a privacy fence to encroach into the front yard along Plymouth Dr.
<b>LEGAL:</b>	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/Zack Arnold  
 CC: Keith Lovell  
 Date: January 25, 2023  
 Re: File # V23-01

**Summary: To increase maximum allowed building height.  
 To allow an accessory structure in the front yard; and,  
 To allow a privacy fence in the front yard of a double frontage lot.**

### Section 1: Project Summary

Variance application by applicant Charles Adams for property located at 108 Mitchell Ave, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 1.46 acres. This lot has road frontages and front yards along Mitchell Ave. and Plymouth Dr. The applicant is in the process of constructing a new home on the property. The original house has been razed.

There are three variance requests:

The applicant is proposing to construct a new house and wishes to increase the maximum allowed building height from 35ft. to an average height of 36'-7" from grade. Sec 6.1.3 of the R-20 Development Standards, requires all primary structures to be less than 35ft or two and one-half stories in height.

Additionally, the applicant wishes to construct a detached garage, accessory structure, to the side and rear of the home that will encroach into the front yard along Plymouth Dr. The proposed location of the accessory structure is behind the front yard setback for Plymouth Dr and the 10ft. western side yard setback. Sec. 4.9. requires accessory structures to be placed in the rear yard, at least 5ft off the property line. Accessory structures are allowed in the side yard of multi-frontage lots but must comply with the side yard setback.

Finally, the applicant proposes to build a privacy fence to enclose the property that will include the front yard along the Plymouth Drive right-of-way. The proposed fence is partially constructed and encroaches into the front yard setback along Plymouth Dr. The fence ordinance for a double frontage lot, Sec. 4.16, requires privacy fences to be installed behind the front yard

setback, and to the rear of the house. The fence is proposed to the rear of the house as seen from Mitchell Ave, but in the front yard along Plymouth Dr.

**The variance request is for the following and per the submitted plans:**

1. To increase maximum allowed building height (Sec. 6.1.3 (A)).
2. To allow an accessory structure in the front yard (Sec. 4.9).
3. To allow an 8ft. privacy fence to be installed in the front yard of a residential lot.(Sec. 4.16)

**Section 2. Department Comments**

**Electric Department:** CES takes no exceptions.

**Fibercom:** Cartersville FiberCom takes no exception to the variance requests for 108 Mitchell Avenue.

**Fire Department:** V23-01- CFD takes no exceptions to the variance request for the property located at 108 Mitchell Ave. to allow for an increase in height of 1’7”, encroachment into the front yard along Plymouth, and the privacy fence on Plymouth Dr.

**Gas Department:** The Gas System takes no exception to the following as shown in the attachments.

**Public Works Department:** We do not oppose the variance. However, grading within the right of way is not allowed.

**Water Department:** No comments received.

**Section 3. Public Comments Received by Staff**

None received as of 1-31-23.

## **Section 4. Variance Justification:**

*Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).*

### **Sec. 6.1. R-20 Single-family dwelling district.**

6.1.1. *R-20 district scope and intent.* Regulations set forth in this section are the R-20 district regulations. The R-20 district encompasses lands devoted to low density residential areas and closely related uses as further described in section 3.1.2 of this chapter.

6.1.2. *Use regulations.* Within the R-20 district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Accessory buildings or uses.
- Accessory apartments (SU).\*
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Bed and breakfast inn (SU).\*
- Clubs or lodges (noncommercial) (SU).\*
- College and universities.
- Day care facilities (SU).\*
- Family day care.
- Golf courses.
- Group homes (SU).\*
- Guest house.
- Home occupations.
- Parks, private.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Public utility facilities.
- Religious institutions (SU).\*
- Schools, private (SU).\*
- Single-family detached dwellings.

\* Special use approval required.

6.1.3. *Development standards.*

- A. *Height regulations.* Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* Twenty thousand (20,000) square feet.
- F. *Minimum lot width at the building line on noncul-de-sac lots:* One hundred (100) feet.
- G. *Minimum lot frontage:* Thirty-five (35) feet adjoining a street.
- H. *Minimum heated floor area:* One thousand three hundred (1,300) square feet.
- I. *Metal building exterior finish materials.* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the R-20 district.
- J. *Accessory use, building, and structure requirements.* [See section 4.9 of this chapter.]
- K. *Optional density bonus.* Proposed developments may contain lots with minimum areas of seventeen thousand (17,000) square feet if one (1) of the following items is met:
  - 1. Submittal of an affidavit certifying that all units will meet certification standards of the EarthCraft House certification program or will be LEED certified homes.
  - 2. Submittal of an affidavit certifying that all units will be clad with exterior finishes of brick, stone, or hard-coat stucco on sixty-seven (67) percent or more of wall surfaces and one hundred (100) percent architectural roofing shingles.
  - 3. A donation of land to the City of Cartersville for one (1) of the following: community greenway facility including surface trails if directly accessible from the development, or a neighborhood park with public access. In either case, the minimum total area to be donated shall be ten (10) percent of the total acreage of the property. All legally necessary documents, including, but not limited to, a property deed to convey land to the City of Cartersville, shall be completed at time of approval of any final plats.
- [L. *Reserved.*]
- M. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
  - 1. No more than one (1) guest house structure per lot.
  - 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  - 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  - 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.

5. A guest house structure shall comply with the principal setbacks of the district.
6. A guest house shall not be allowed in the front yard.
7. A guest house shall not exceed the height of the principal building on the lot.
8. Requires owner-occupancy of the principal building on the lot.

6.1.4. *Other regulations.* The headings below contains additional, but not necessarily all, provisions applicable to uses allowed in the R-20 district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

#### **Sec. 4.9. Accessory uses, buildings or structures.**

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

**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. *Variations.* 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.*



# 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](http://www.cityofcartersville.org)

January 16, 2020

This letter associated to the applicants' presentation files showing privacy fence along Woodland Dr.

Don Jackson  
c/o Jackson Trust Properties  
1258 Burnt Hickory Rd.  
Cartersville, GA 30120

**RE: V20-04 Approval Letter for variances at 798 West Ave.**

Mr. Jackson,

This letter serves as verification for the outcome of your variance application to the Board of Zoning Appeals to:

1. To reduce the front yard setback for a building addition along Woodland Drive from 20ft to 3ft;
2. To reduce the landscape buffer for the building addition from 15ft to 3ft; and
- 3. To allow a privacy fence encroachment into the front yard setback along Woodland Drive.

The variance application was **APPROVED** by the Board of Zoning Appeals on January 13, 2020.

No further action is required for this variance application.

Sincerely,

David Hardegree, AICP  
City Planner  
770-387-5614  
[dhardegree@cityofcartersville.org](mailto:dhardegree@cityofcartersville.org)

Members of the Council,

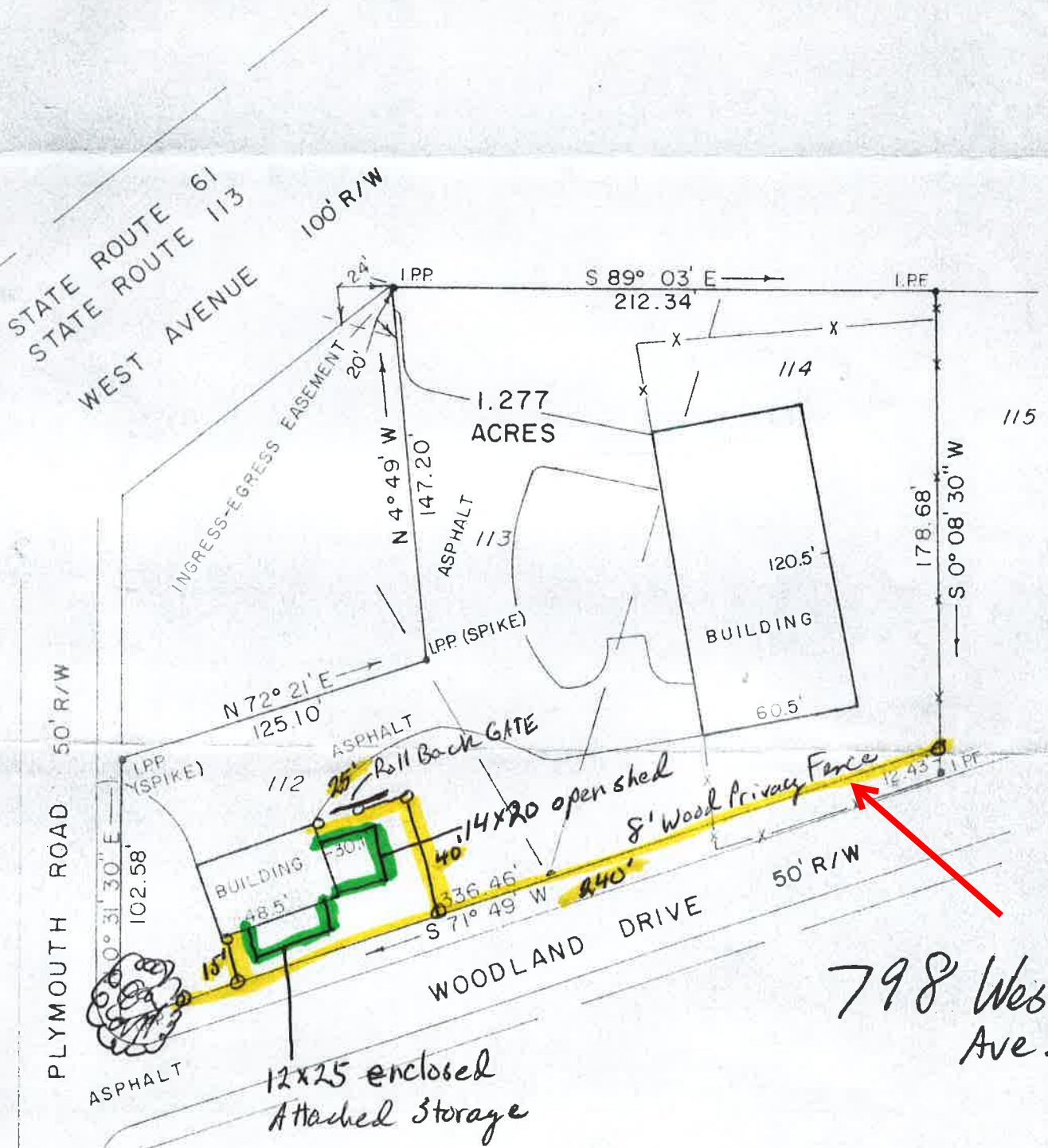
Jackson Trust Properties will be leasing the building located at 798 West Avenue to Cartersville Tires and Wheels starting January 2020. Building renovations such as new paint, roof, restrooms and office space will happen as soon as the current tenant vacates.

We would like to install an 8' tall wooden privacy fence along the entire property line parallel to Woodland Drive. This would replace the existing fence on the 790 and 798 property line. Additional 8' tall privacy would be installed to the left of the 798 building. A 12' x 25' enclosed storage shed will need to be attached to the back of the building, and a 14' x 20' open work shed is needed on the left side of the building to accommodate the business that will be moving in there. We plan to have the storage shed match the metal siding of the building. Both sheds will be enclosed within the 8' tall wooden privacy fence.

Thanks,

Don Jackson

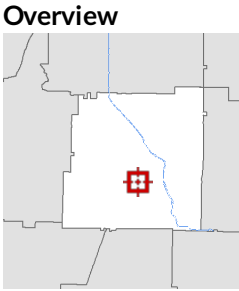
SURVEY FOR  
**CLYDE JACKSON**  
 LOT 114 & PART OF LOTS 112 & 113  
 TERRELL HEIGHTS SUBDIVISION  
 IN THE CITY OF CARTERSVILLE  
 IN LAND LOT 558  
 4TH DISTRICT, 3RD SECTION  
 BARTOW COUNTY, GEORGIA



798 West Ave.

NOTE: ALL IRON PINS ARE 1/2" RE-BAR EXCEPT AS SHOWN.





**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C015-0012-003	<b>Alternate ID</b>	33892	<b>Owner Address</b>	ADAMS CHARLES III
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		ADAMS DARRI ELIZABETH
<b>Property Address</b>	108 MITCHELL AV	<b>Acreage</b>	1.46		108 MITCHELL AVE
					CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LTS 67 84 85 P/O 66 TERRELL HEIGHTS				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/30/2023  
 Last Data Uploaded: 1/27/2023 10:10:57 PM

Developed by Schneider  
 GEOSPATIAL

City of Cartersville  
Application for Variance  
Board of Zoning Appeals

Hearing Date: 2/9/23 5:30pm

Application Number: V23-01

Date Received: 12/22/22

Applicant Charles Adams Office Phone 813 316 7637  
(printed name)  
 Address 108 Mitchell Ave Mobile/ Other Phone \_\_\_\_\_  
 City Cartersville State GA Zip 30120 Email charlesadams0830@gmail  
Matt Womack Phone (Rep) 678 776 6872  
 Representative's printed name (if other than applicant) Email (Rep) mattwomackcarton  
[Signature] [Signature] homes.com  
 Representative Signature Applicant Signature  
 Signed, sealed and delivered in presence of: My commission expires:  
[Signature] **Gewene Womack**  
 Notary Public **NOTARY PUBLIC**  
**Bartow County, GEORGIA**  
 My Commission Expires 03/29/2026

Signature [Signature] Phone 813 316 7637  
 Titleholder (titleholder's printed name)  
 Address see above Email see above  
 Titleholder Signature Charles Adams  
 Signed, sealed, delivered in presence of:  
[Signature] **Gewene Womack**  
 Notary Public **NOTARY PUBLIC**  
**Bartow County, GEORGIA**  
 My Commission Expires 03/29/2026

Present Zoning District R-20 Parcel ID No. C015-0012-003  
 Acreage 1.46 Land Lot(s) 558 District(s) 4 Section(s) 3  
 Location of Property: 108 Mitchell Ave  
(street address, nearest intersections, etc.)  
 Zoning Section(s) for which a variance is being requested: G.1.3(A), 4.9, 4.16  
 Summary Description of Variance Request: see attached  
 (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 \_\_\_\_\_  
 Article IV Section 4.9 Subsection \_\_\_\_\_  
 Article IV Section 6.13 Subsection A

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: see attached

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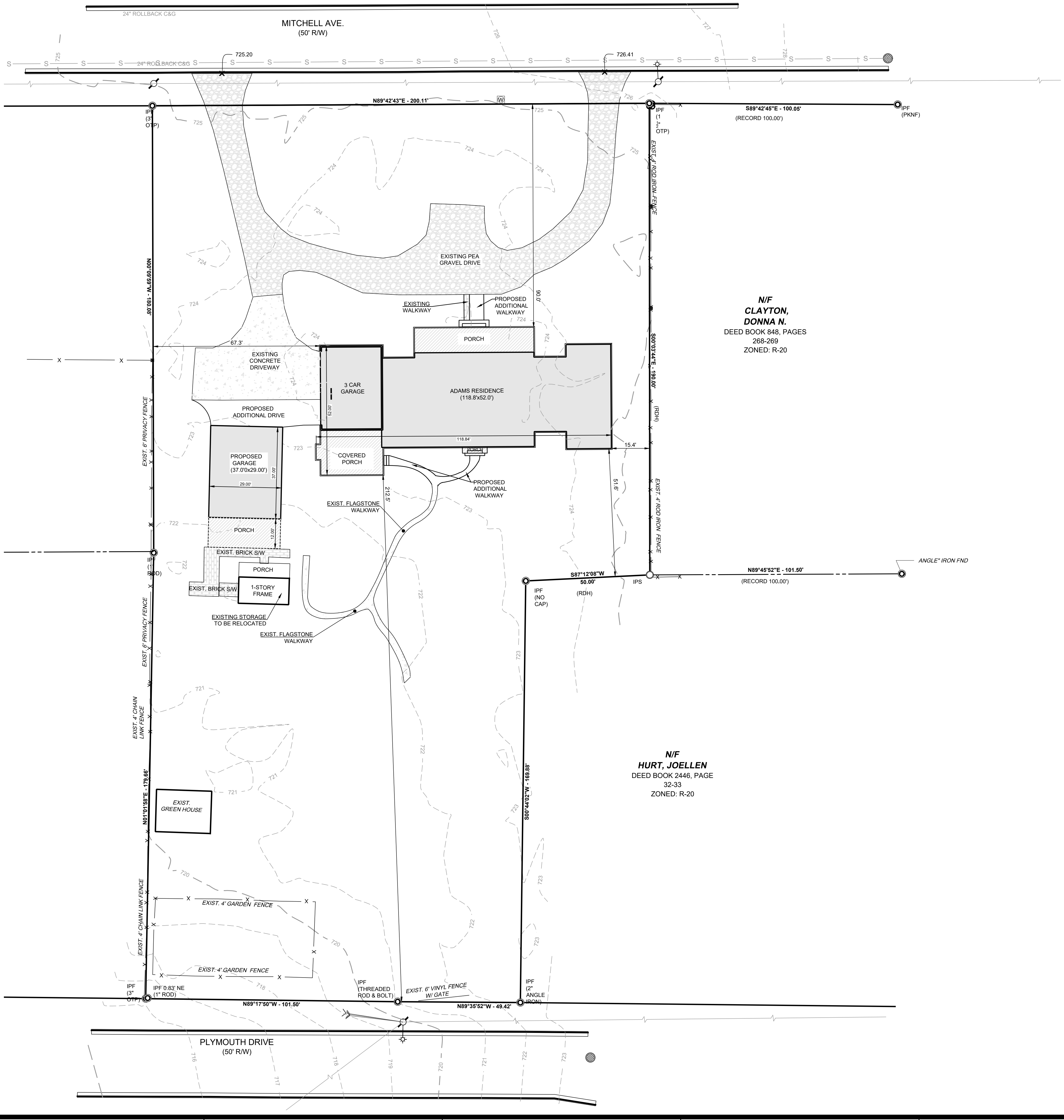
**108 Mitchell Ave variance justification letter****12/21/22**

**Article IV, Section 6.1.3 (A)**- the applicant requests a variance to allow the height of the structure to exceed 35'. Anticipated height will be roughly 37' depending on the average grade on the front of the house.

The house will be on an elevated slab. 1<sup>st</sup> and 2<sup>nd</sup> floor height to be 10' w/ 22" joists between the floors. Roof is on a 7:12 pitch to the ridge. So nothing too extreme on the house plans. The applicant and representative feel like the ordinance is a bit antiquated and needs to be updated to allow for modern building practices. Our request is very reasonable and necessary to keep the proper symmetry on the front elevation.

**Article IV, Section 4.9**- the applicant requests a variance to allow the location of our detached garage per the submitted site plan. The lot does have frontage on both Plymouth Dr and Mitchell Ave. The address and front yard has always been Mitchell Ave and will continue to be so. The Plymouth Dr section will continue to be the rear yard.

**Article IV, Section 4.16**- the applicant requests a variance to allow a privacy fence be built on the rear yard property line. A large 20' high completely opaque holly hedge has been in place along the rear property line for the last 47 years. Removal of this hedge and the installation of the new privacy fence actually allows for greater visibility for vehicular traffic. Applicant is not aware of any past visibility issues and does not foresee any in the future.



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 Travis Pruitt & Associates, Inc.  
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**Project Description:**  
 Single Family Detached Homes

**Subdivision Name:**  
 Verdel Heights

**Site Zoning:**  
 R-20

**Address:**  
 108 MITCHELL AVENUE

**Tax ID & Parcel #:**  
 C015-0012-003

**Site Area:**  
 63,773 square feet or 1.46 acres

**Minimum Finished Floor Elevation:**  
 None

**Building Setbacks:**  
 FRONT YARD: 20'  
 SIDE SETBACK: 10'  
 REAR SETBACK: 20'

**Tree Requirement:**  
 Each lot shall contain a minimum of 2 trees, at least 1 of which must be located in the front yard. Corner Lots shall contain a minimum of 3 trees with at least 1 tree located in each yard abutting the street. Required trees must be a minimum of 2" caliper in size and must be an overstory hardwood species.

**Flood Hazard Note:**  
 By graphic posting only, this property does not lie within a 100 year flood hazard zone as it is depicted as ZONE X as defined by the F.E.M.A. Flood Insurance Rate Map of BARTOW COUNTY, GEORGIA STATE and incorporated areas map number 13015C0266H & 13015C0266I, effective date 10/09/2016.

**References:**  
 The Boundary & Topographic Survey for 108 MITCHELL AVENUE by TRAVIS PRUITT & ASSOCIATES INC., Dated 06-27-2022

- Notes:**
1. Builder to have box checked prior to installing plumbing.
  2. This drawing does not constitute a Survey.
  3. This plan is for acquiring building permit only. Builder shall use architectural plans for house construction.
  4. Builder is responsible for any encroachments involving features not clearly and accurately specified on provided architectural plans. House dimensions are from outside edge of framing to outside edge of framing and does not include eaves/overhangs, footing/foundation and facade materials, which may cause encroachments on building setback lines. Builder will need to apply for a variance where encroachment occurs.
  5. The issuance of a building permit does not assure that the building setbacks have been met or that the structure does not encroach on an easement, or buffer. The owner and/or permit holder have the sole responsibility of determining compliance with setbacks and non-encroachment of easements and buffers.
  6. The buffer(s) and easement(s) shown hereon are a graphical representation of the buffer(s) and easement(s) as shown on the reference plat described to the right.
- This plan was prepared for permit approval only. Actual construction should be based on staking.

**HLP Legend**

○	Clean Out
○	Drop Inlet
○	Headwall
○	Junction Box
○	Sewer Manhole
○	Water Valve
○	Water Meter
○	Utility Easement
○	Sanitary Sewer Line
○	Storm Line
○	Water Line
○	Drainage Easement
○	Land Lot
○	Sidewalk
○	Right-of-Way
○	Point of Beginning
○	Point of Commencement
○	1/2" Iron Pin Set w/Cap
○	1/2" Iron Pin Found w/Cap
○	1/2" Iron Pin Set w/Cap (COA 613)
○	1/2" Iron Pin Found w/Cap
○	OH Building Roof Overhang
○	BSS Building Setback Line
○	AE Access Easement

**REVISIONS**

NO	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		

4317 Park Drive, Suite 400  
 Norcross, Georgia 30093  
 Phone: (770) 416-7611  
 Fax: (770) 416-6759  
 www.travispruitt.com  
 Contact Person:  
 JON LYONS

**PROPOSED HOUSE LOCATION PLAN (HLP)  
 FOR  
 108 MITCHELL AVENUE**

LAND LOT 688 - 4TH DISTRICT - 3RD SECTION  
 CITY OF GANTWORTH COUNTY - GEORGIA  
 GRAPHIC SCALE - 1" = 20' FEET

DATE: 06-31-2022  
 SCALE: 1" = 20' (24x36)  
 CN: 108 Mitchell Ave  
 JN: 1-22-0312  
 CLIENT: Charles Adams

Sheet No. 3 of 3

Contractors Please Note

- Persons using these documents for construction will familiarize themselves with the scope and intention of the design and verify dimensions and field conditions before beginning work.
- Any discrepancies of conditions or dimensions will be reported to the Architect for resolution or correction before proceeding.
- All dimensions should be read or calculated and never scaled. The documents are reproductions and relative scales may be corrupted in the printing process.
- The work will be performed in accordance with all applicable building codes having jurisdiction over the project.
- Any design or detail that is at variance with the building codes will be reported to the Architect for resolution prior to the commencement of work.
- These documents are the property of the Architect and may not be used for construction or reproduced without the informed consent of the Architect.

Norris Broyles Architects, Inc.  
404-257-1430



1 FRONT ELEVATION  
SCALE: 3/16" = 1'-0"



2 REAR ELEVATION  
SCALE: 3/16" = 1'-0"

Adams Residence  
108 Mitchell Avenue  
Catersville, GA. 30120

NOT FOR CONSTRUCTION

Revisions:

No.	Date	Description
01	08-04-2022	DD
02	08-10-2022	DD WITH AUX. BLDG.

FRONT & REAR ELEVATIONS

For Review

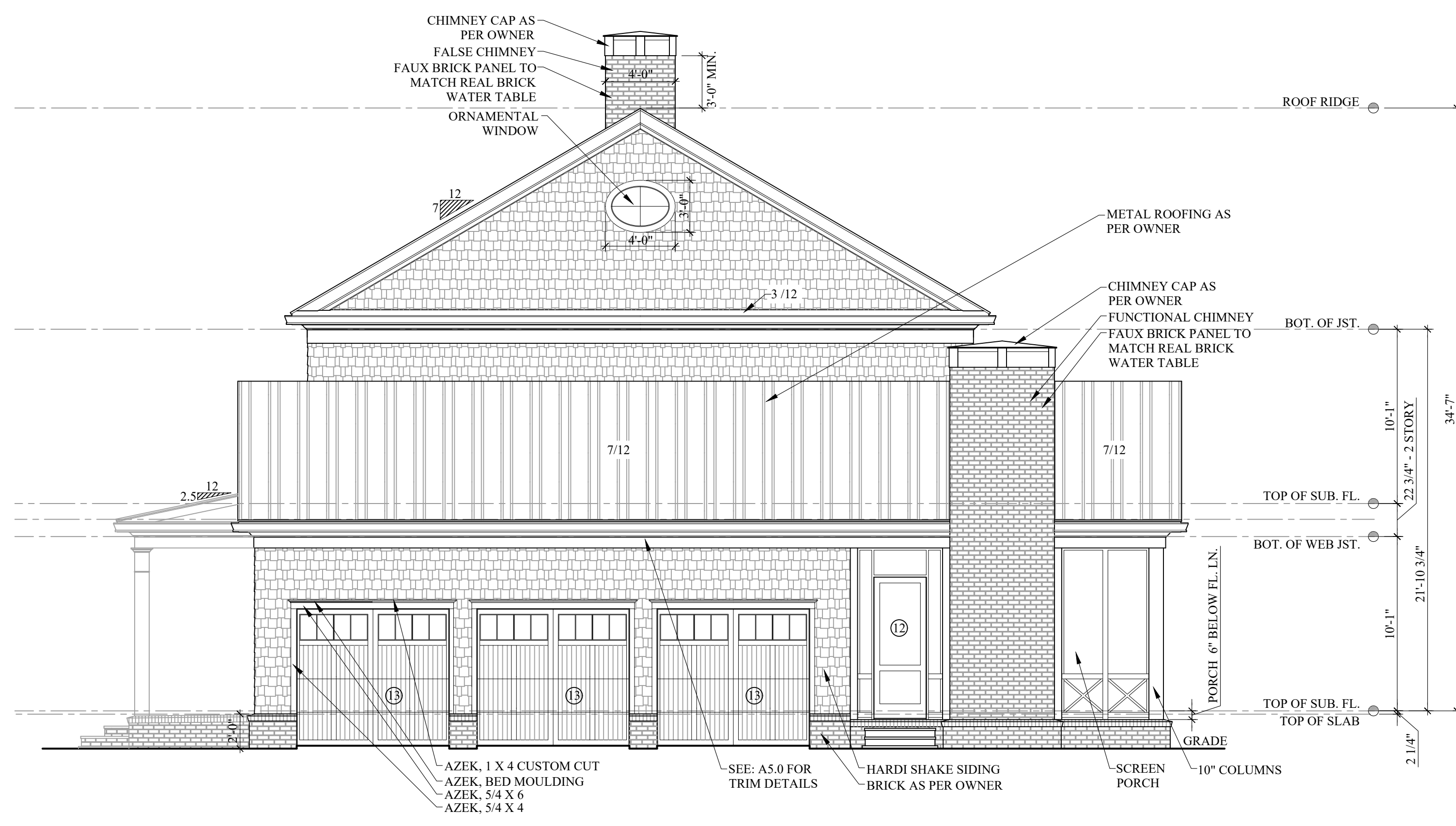
Drawn: W.F.  
Checked: N.B.  
Contract No.: AS NOTED  
Scale: AS NOTED  
Date: 08-10-2022  
Sheet No.: A-4.0  
7 of 16 sheets

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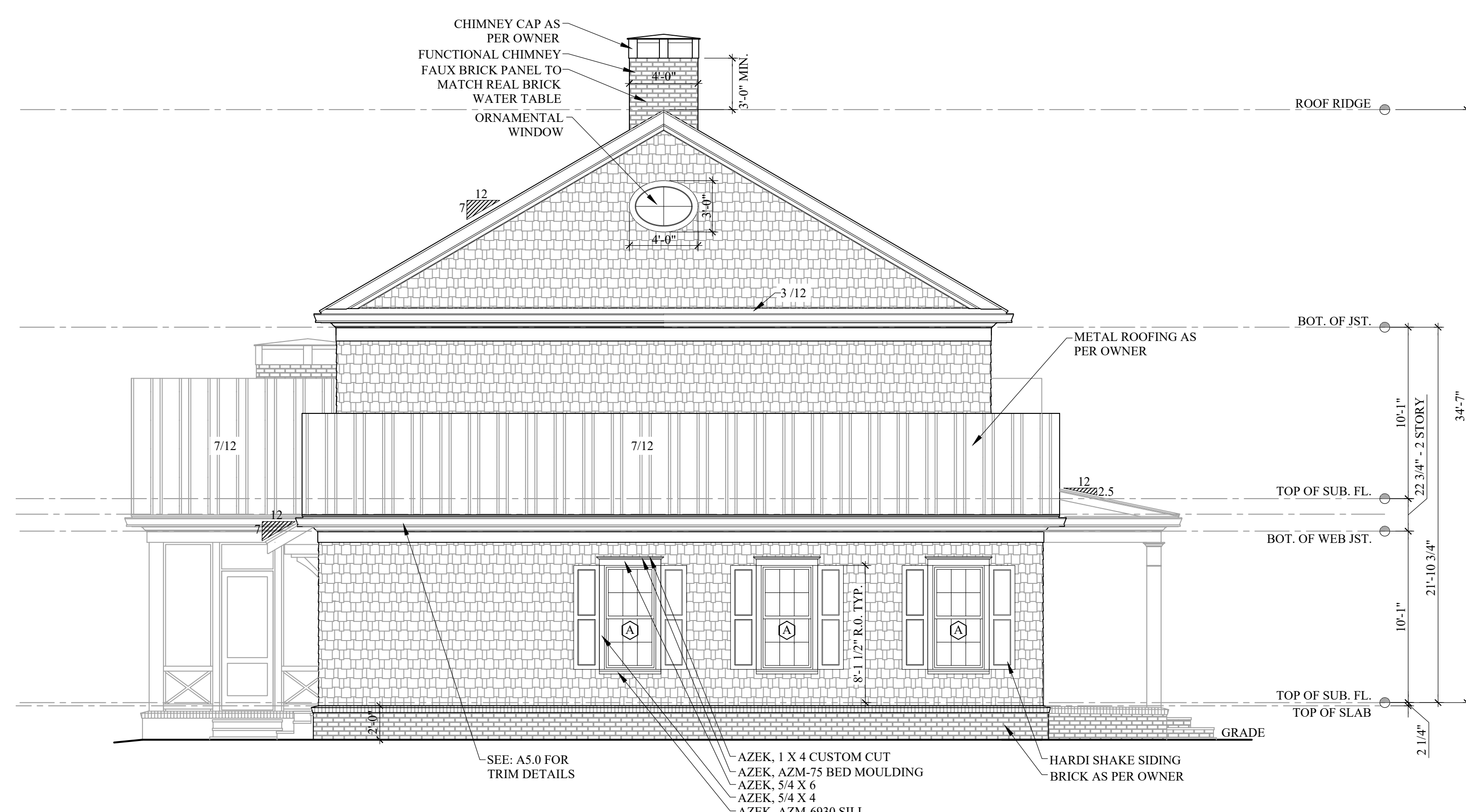
**Contractors Please Note**

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Norris Broyles Architects, Inc.  
404-257-1430



1 RIGHT SIDE ELEVATION  
SCALE: 3/16" = 1'-0"



2 LEFT SIDE ELEVATION  
SCALE: 3/16" = 1'-0"

Adams Residence  
108 Mitchell Avenue  
Catersville, GA. 30120

NOT FOR CONSTRUCTION

**Revisions:**

No.	Date	Description
01	08-04-2022	DD
02	08-10-2022	DD WITH AUX. BLDG.

**RIGHT & LEFT SIDE ELEVATIONS**

For Review

Drawn:	
CHECKED:	
N.B.	
Contract No.	
AS NOTED	
Scale	
AS NOTED	
Date:	08-10-2022
Sheet No.:	A-4.1
	8 of 16 sheets

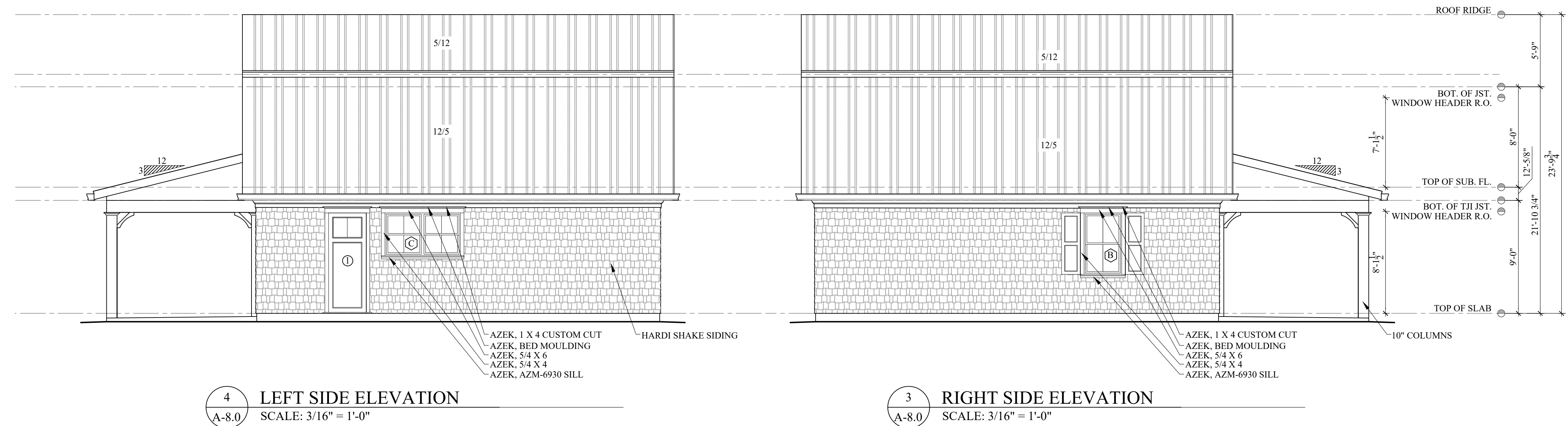
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**Contractors Please Note**

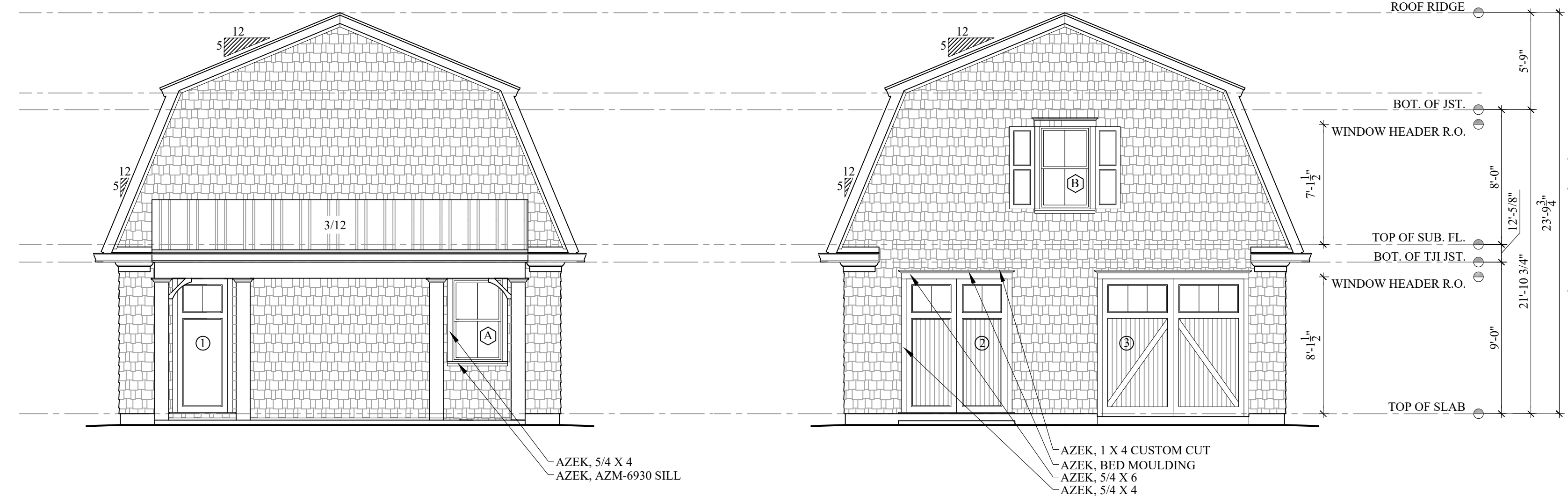
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Norris Broyles Architects, Inc.  
404-257-1430



**4 LEFT SIDE ELEVATION**  
A-8.0 SCALE: 3/16" = 1'-0"

**3 RIGHT SIDE ELEVATION**  
A-8.0 SCALE: 3/16" = 1'-0"



**2 REAR ELEVATION**  
A-8.0 SCALE: 3/16" = 1'-0"

**1 FRONT ELEVATION**  
A-8.0 SCALE: 3/16" = 1'-0"

(23'-9-3/4")

**OUT BUILDING**

**Adams Residence**  
108 Mitchell Avenue  
Catersville, GA. 30120

**NOT FOR CONSTRUCTION**

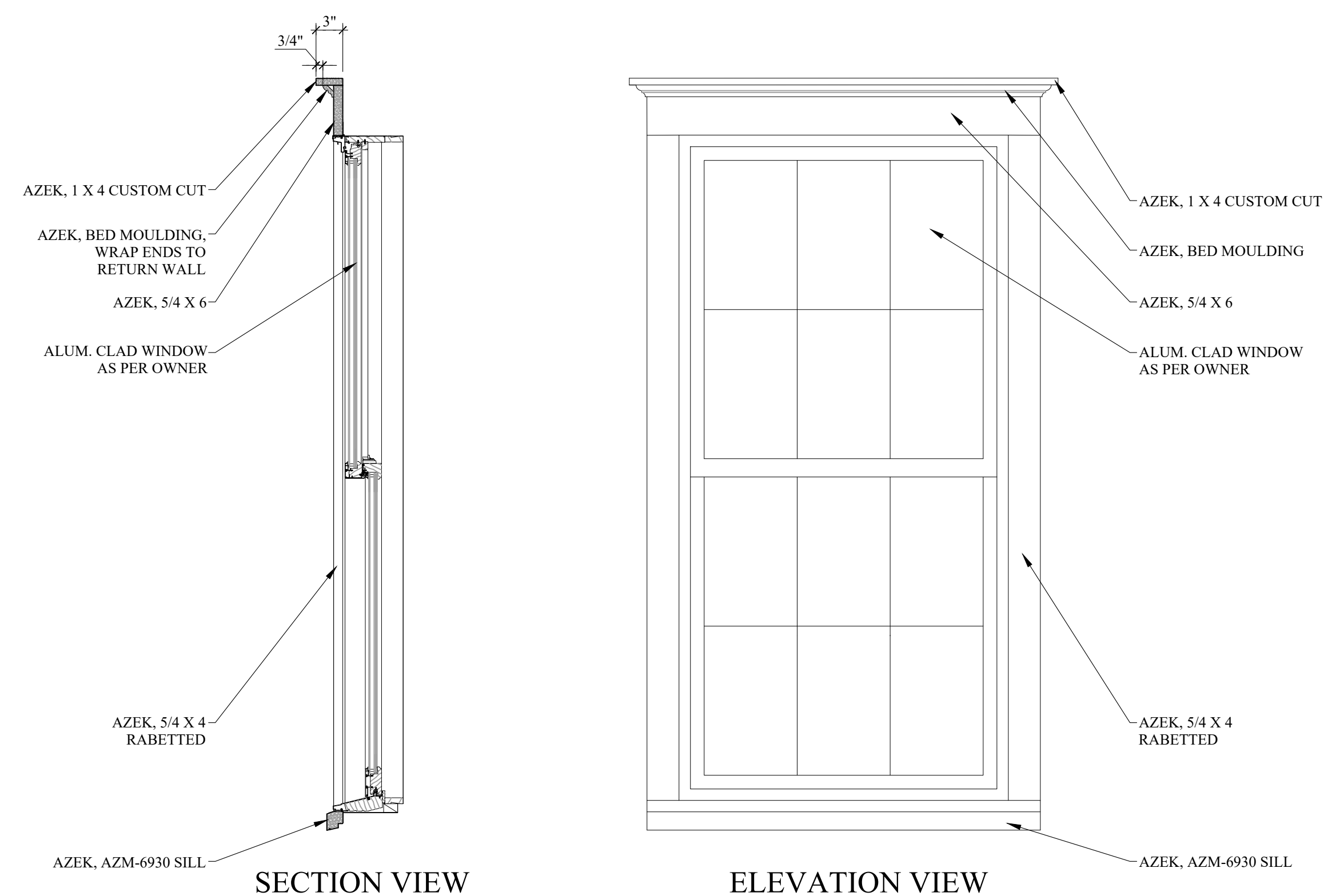
**Revisions:**

No.	Date	Description
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02	08-10-2022	DD WITH AUX. BLDG.

**ELEVATIONS & WINDOW/DOOR SCHEDULE**

Drawn: W.R. [Signature]  
Checked: N.B. [Signature]  
Contract No.: AS NOTED  
Scale: AS NOTED  
Date: 08-10-2022  
Sheet No.: A-8.0  
Total Sheets: 14 of 16 sheets

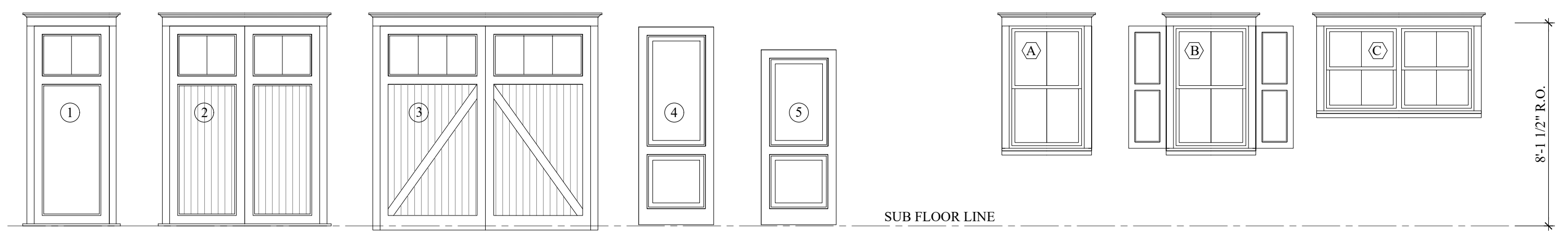
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**5 WINDOW TRIM DETAIL**  
A-8.0 SCALE: 1" = 1'-0"

DOOR NO.	SIZE	DOOR TYPE	THICKNESS	JAMB	EXTERIOR MOULDING SEE (A-5.0)	NOTES/COMMENTS:
1	3'-0" X 8'-0"	EXTERIOR	2 1/4"	BUILDER TO VERIFY	SEE: A-8.0	INTERIOR TRIM T.B.D.
2	(2) 3'-0" X 8'-0"	EXTERIOR	2 1/4"			INTERIOR TRIM T.B.D.
3	9'-0" X 8'-2"	EXTERIOR				GARAGE DOOR AS PER OWNER
4	3'-0" X 8'-0"	INTERIOR	1 3/4"			INTERIOR TRIM T.B.D.
5	3'-0" X 7'-0"	INTERIOR	1 3/4"			INTERIOR TRIM T.B.D.

WINDOW NO.	SIZE	WINDOW TYPE	JAMB	EXTERIOR MOULDING SEE (A-5.0)	NOTES/COMMENTS:
A	3'-0" X 5'-2"	DOUBLE HUNG	BUILDER TO VERIFY	SEE: A-8.0	ALUM. CLAD AS PER OWNER, INTERIOR TRIM T.B.D.
B	3'-0" X 5'-2"	DOUBLE HUNG			ALUM. CLAD AS PER OWNER W/SHUTTERS, INTERIOR TRIM T.B.D.
C	(2) 3'-0" X 3'-6"	DOUBLE HUNG			ALUM. CLAD AS PER OWNER, INTERIOR TRIM T.B.D.



**2 WINDOW SCHEDULE**  
A-6.0 SCALE: 1/4" = 1'-0"







Plymouth Dr Looking East/ Northeast





Images taken June'22

Plymouth Dr Looking West

Carleesville, Georgia  
Google  
Street View - Jun 2022

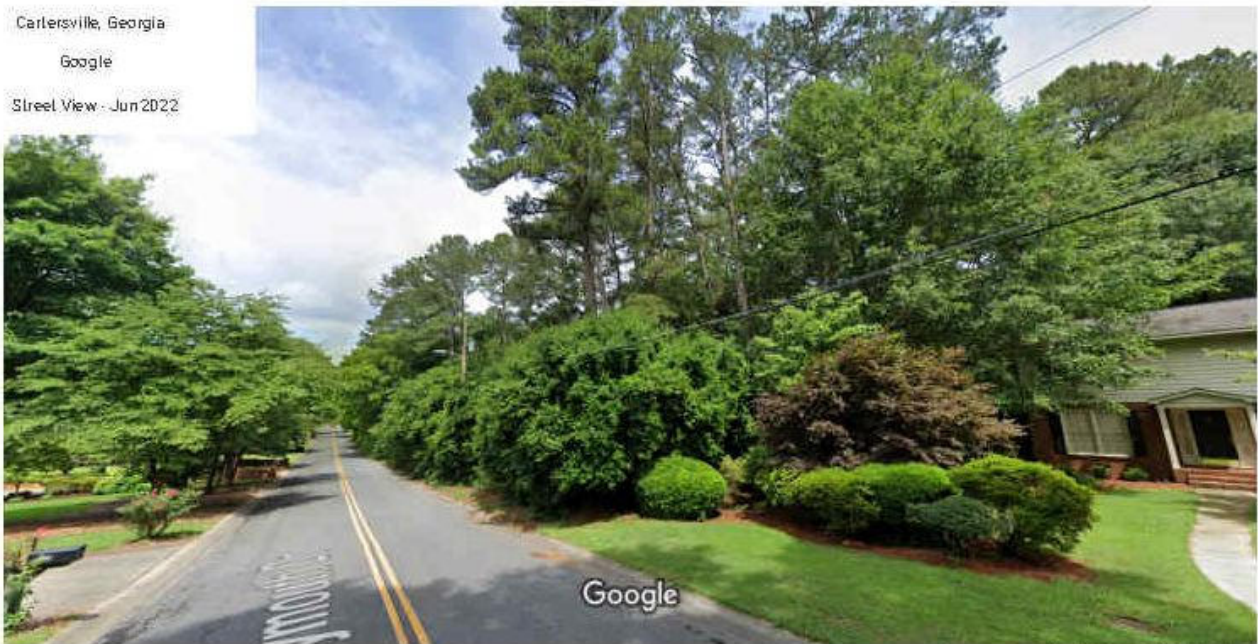


Image capture: Jun 2022 © 2023 Google

Plymouth Dr Looking East

Carleesville, Georgia  
Google  
Street View - Jun 2022

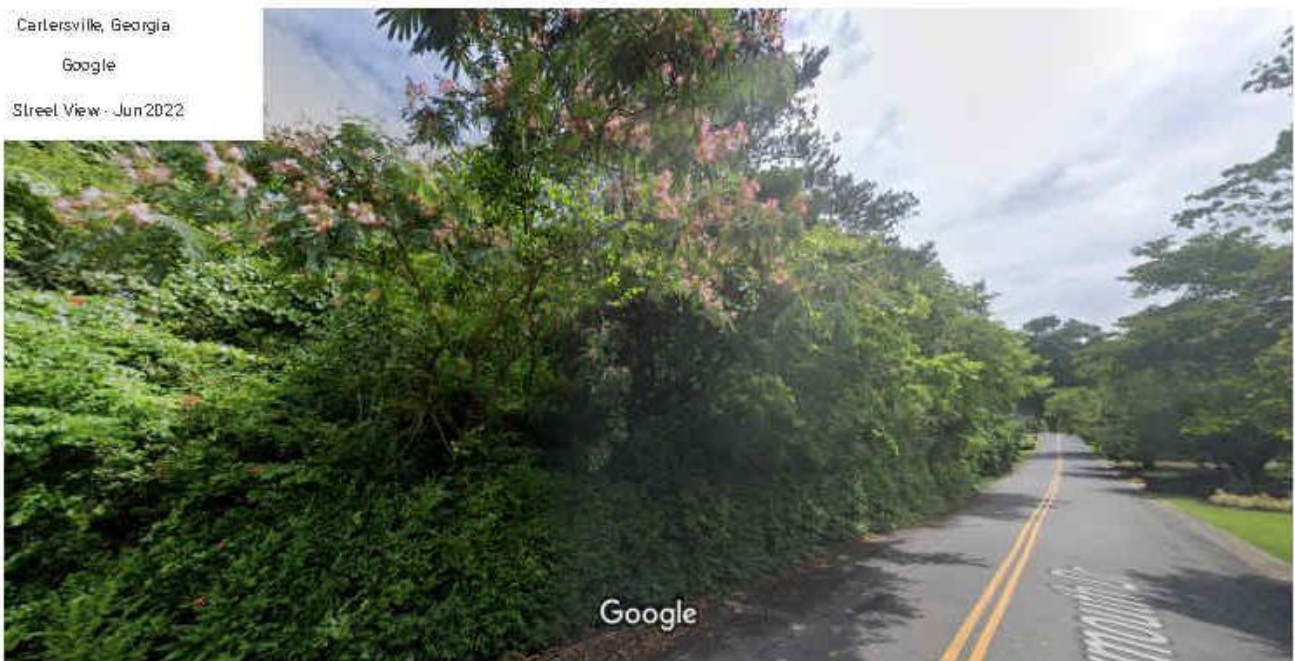


Image capture: Jun 2022 © 2023 Google



Image taken 1-26-23



Image taken June'22

Cartersville, Georgia  
Google  
Street View - Jun 2022



Image capture: Jun 2022 © 2023 Google





# 108 Mitchell Ave. Request for Privacy Fence Variance

Charles Adams (813) 316- 7637

Darri Adams (678) 467-2435





Front view of lot  
from 108 Mitchell  
Ave.



Existing circular driveway for property on 108 Mitchell Ave. It will be the only driveway on the property. There will be no driveway on Plymouth Drive.





View of back of 108 Mitchell Avenue from Plymouth Drive before construction began



Original view from 107 Plymouth Drive towards back of 108 Mitchell Ave.





Original driveway view from 107 Plymouth Dr. towards back of 108 Mitchell Ave.





Current view of back of 108 Mitchell Ave. with fence on Plymouth Dr.



Current driveway view from 107 Plymouth Dr. towards back of 108 Mitchell Ave.



Driveway sightline view  
from 107 Plymouth Dr.  
towards back of 108  
Mitchell Ave. with fence





Driveway view 25' from 107 Plymouth Dr. with previous existing hedge on back of 108 Mitchell Ave.- 203 feet unobstructed sightline





Driveway view 25' from 107 Plymouth Drive with fence- 310 feet of unobstructed sightline



Driveway view 20' from 107 Plymouth Drive with fence – 440 feet of unobstructed sightline





Eastern view on  
Plymouth Dr. towards  
107 Plymouth Drive  
with fence on back of  
108 Mitchell Ave.



Original Eastern view of back of 108 Mitchell Ave. on Plymouth Dr.



# Existing Privacy Fence with Similar Lot Lines in Neighborhood



Aerial view of 125 Mitchell Ave. Like 108 Mitchell Ave., this lot is a double lot that has property lines on two streets.



Driveway view of fence at back of 125 Mitchell Ave. from Woodland Drive facing east.





Drive way view of fence at back of 125 Mitchell Ave. from Woodland Drive facing west.



## BOARD OF ZONING APPEALS ITEM SUMMARY

<b>MEETING DATE:</b>	February 9th
<b>SUBCATEGORY:</b>	Variance
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	V23-02. 27 Arrowhead Dr/ Etowah Dr. Tax Parcel No C016-0025-013. Applicant: Amanda Rice
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	This property fronts Etowah Dr and is behind and adjacent to 27 Arrowhead Dr. The applicant requests a variance to allow a privacy fence in the front yard along Etowah Dr.
<b>LEGAL:</b>	N/A



# City of Cartersville

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## 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/Zack Arnold  
 CC: Keith Lovell  
 Date: January 25, 2023  
 Re: File # V23-02

**Summary: To allow an 8ft privacy fence to encroach into the front yard setback.**

### **Section 1: Project Summary**

Variance application by applicant Amanda Rice for property located on Etowah Dr, Tax ID No. C016-0025-013. Zoning is R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.27 acres. This property adjoins 27 Arrowhead Dr.

The applicant proposes to build a privacy fence to enclose the property that will include the front yard along the Etowah Drive right-of-way. Though associated to 27 Arrowhead Dr, this property is a standalone property. The fence is partially installed, posts only, and replaces a chain link fence in the same, approximate location.

The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. Since there is no structure on this lot, this fence should be installed at or behind the 20ft. front yard setback. Using aerial photography and property surveys submitted with the application, staff determined that the previous chain link fence and proposed privacy fence is approx. 10ft. from the property line. Therefore, the front yard setback encroachment is approx. 10ft.

### **The variance request is for the following:**

1. To allow an 8ft. privacy fence to be installed in the front yard of a residential lot. (Sec. 4.16)

## **Section 2. Department Comments**

**Electric Department:** CES takes no exceptions.

**Fibercom:** Cartersville FiberCom takes no exception to the variance request for 0 Etowah Drive.

**Fire Department:** V23-02- CFD takes no exceptions to the variance request to allow for a privacy fence in the front yard along Etowah Dr provided it does not block access to the property or fire hydrants.

**Gas Department:** The Gas System takes no exception to the following as shown in the attachments.

**Public Works Department:** We take no opposition to this variance.

**Water Department:** No comments received.

## **Section 3. Public Comments Received by Staff**

None as of 1-31-23

## **Section 4. Variance Justification:**


*Please review the following findings, as stated in the Zoning Ordinance, that are to be utilized in determining justification for approval or denial of variance request(s).*

### **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.

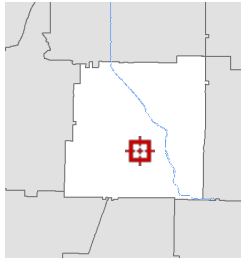
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances based on shape or topography for lots of record not existing prior to November 7, 1996. Configuring a subdivision to create 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

Parcel ID	C016-0025-013	Alternate ID	34272	Owner Address	RICE JONATHON
Sec/Twp/Rng	n/a	Class	Residential		RICE AMANDA
Property Address	ETOWAH DR	Acreeage	0.27		222 POPHAM RD
					TAYLORSVILLE, GA 30178
District	Cartersville				
Brief Tax Description	LL555 LD4 LOT 5 SHAW ADDITION				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/30/2023  
 Last Data Uploaded: 1/27/2023 10:10:57 PM

Developed by Schneider  
 GEOSPATIAL

City of Cartersville  
Application for Variance  
Board of Zoning Appeals

Hearing Date: 2/9/23 5:30pm

Application Number: V23-02

Date Received: 1/6/23

Applicant Amanda Rice Office Phone 678-721-2026  
(printed name)  
 Address 27 Arrowhead Dr. Mobile/ Other Phone 678-758-0733  
 City Cartersville State GA Zip 30120 Email arice@centurybanknet.com  
 Representative's printed name (if other than applicant) \_\_\_\_\_ Phone (Rep) \_\_\_\_\_  
 \_\_\_\_\_ Email (Rep) \_\_\_\_\_  
 Representative Signature Amanda Rice  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Jenna Peeri  
 Notary Public



\* Titleholder Jonathon Rice & Amanda Rice Phone (678) 758-0733 Amanda  
(titleholder's printed name)  
 Address 27 Arrowhead Dr. Email arice@centurybanknet.com  
 Signature Amanda Rice  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Jenna Peeri  
 Notary Public

Present Zoning District ~~Cartersville R-7~~ Parcel ID No. C016-0025-013  
 Acreage .27 Land Lot(s) 555 District(s) 4 Section(s) ~~lot 5~~ 3<sup>rd</sup>  
 Location of Property: Etowah Dr. (Lot 5 Sitaw Another Subdiv.)  
(street address, nearest intersections, etc.)  
 Zoning Section(s) for which a variance is being requested: ~~District 1~~ SEC 4.16  
 Summary Description of Variance Request: To replace chain link fence with privacy fence that will tie into existing privacy fence behind house on  
(Additional detail can be provided on Justification Letter) 27 Arrowhead Dr.

\* 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 \_\_\_\_\_ Section 4.16 Subsection B.1  
 Article \_\_\_\_\_ Section 4.16 Subsection B.2  
 Article \_\_\_\_\_ Section 4.16 Subsection B.4

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: see attached

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Additional Comments for Variance Request-Jonathon & Amanda Rice, Privacy Fence, Parcel #C016-0025-013 (LL, 555, District 4, Lot 5, Etowah Dr.)

My husband, Jonathon Rice and I recently purchased 27 Arrowhead Dr. and the lot directly behind it that was previously owned by S. B. Moore. Both lots already have existing fences. There is a privacy fence on both sides of the house, that joined a chain link fence with a gate extending to the back of the lot on Etowah Dr. Instead of having the chain link fence, we would like to tie into the existing privacy fence and extend it to our property line on Etowah Dr. We will still have a gate entrance on the Etowah Dr. side. The privacy fence will be under 8 feet.



EK=3491 PG=3

**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

**TRACT ONE:** All that tract or parcel of land lying and being in Land Lot No. 555 of the 4th District of the 3rd Section of Bartow County, Georgia, being in the City of Cartersville, more particularly described as follows:

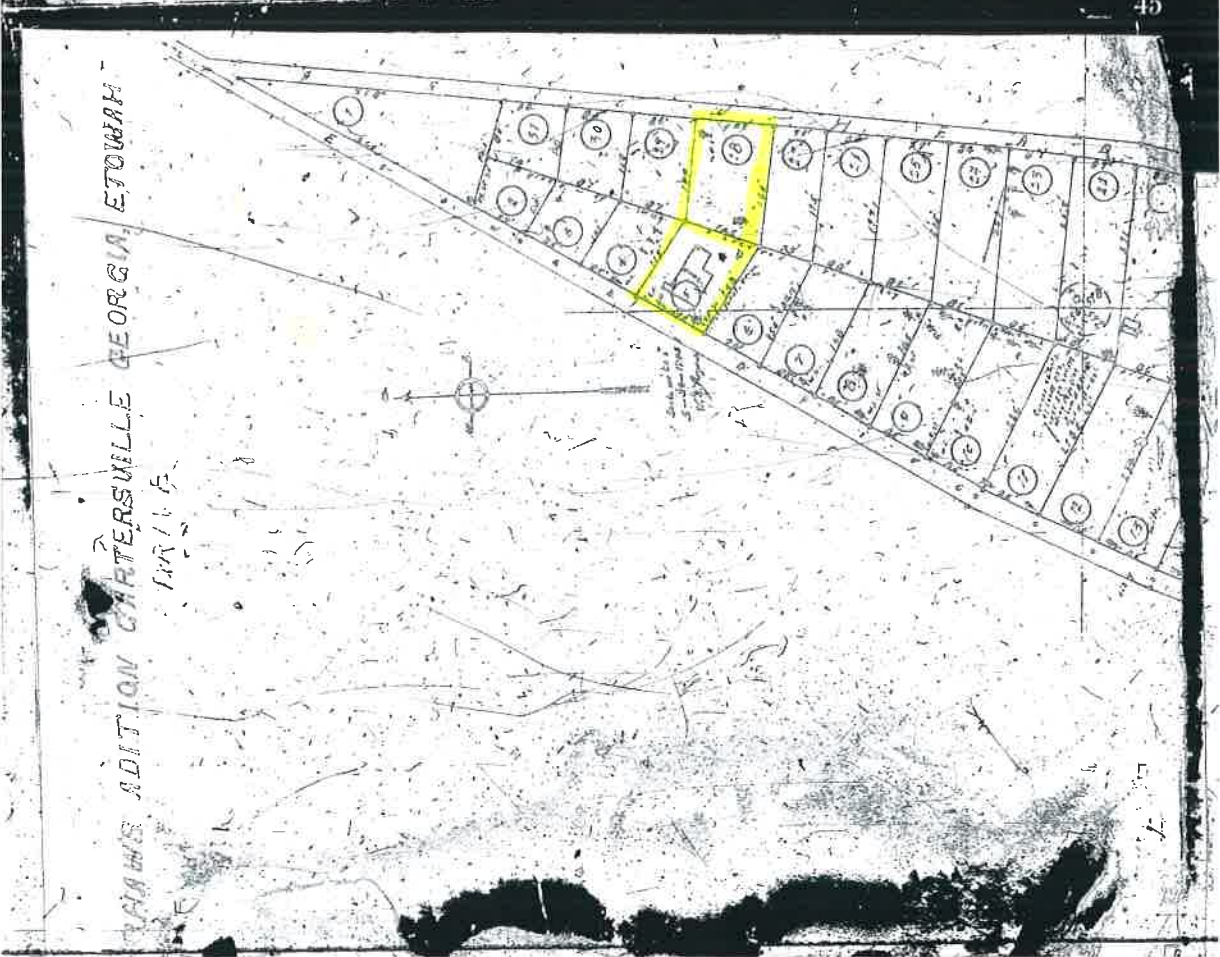
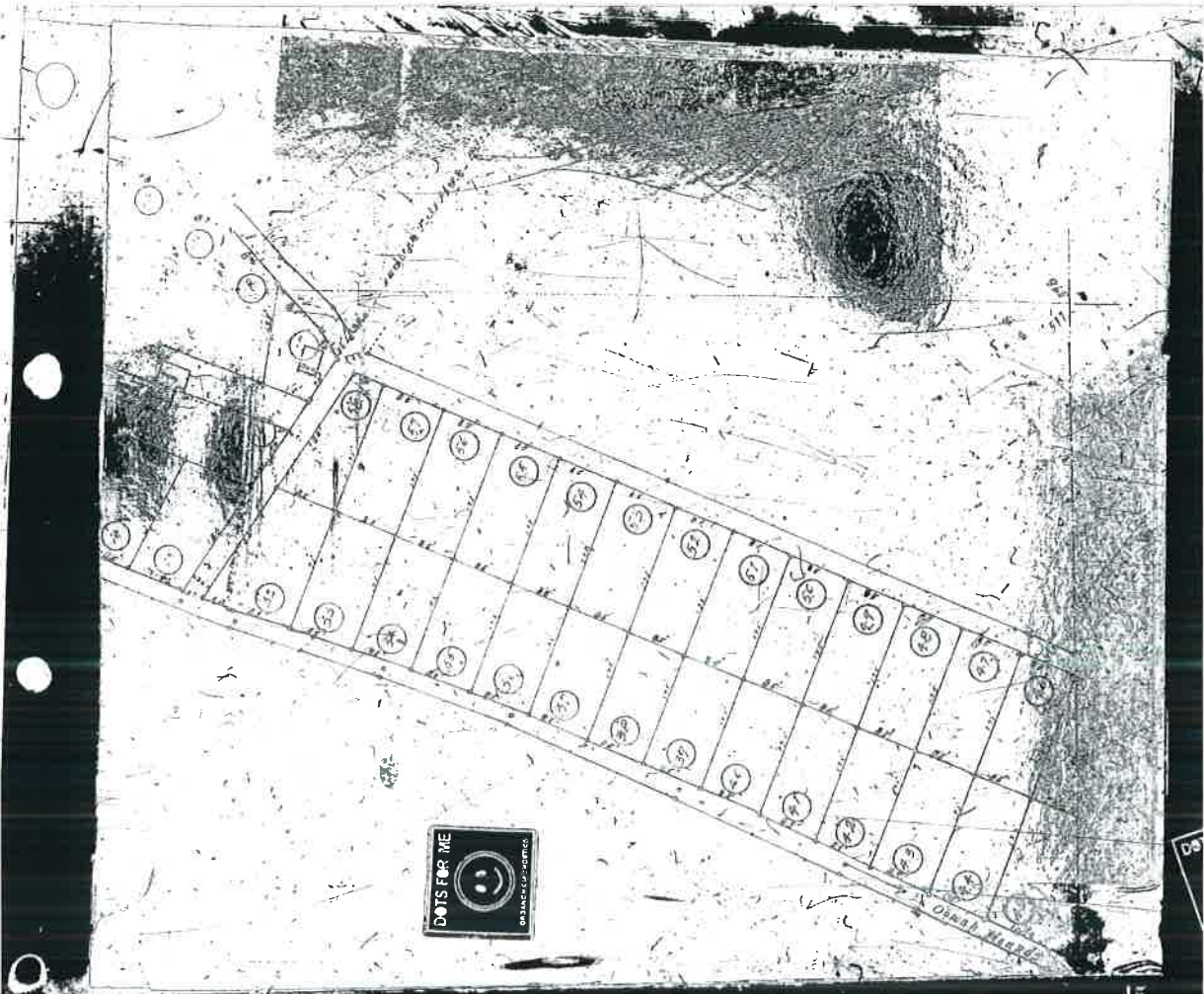
BEING Town Lot No. 28 of the P. H. Shaw Subdivision, according to plat of same recorded in Plat Book 1, Page 43 in the Office of the Clerk of the Superior Court of Bartow County, Georgia, to which plat reference is hereby made and by reference said plat is made a part hereof for a more perfect description of the property herein conveyed.

**TRACT TWO:** All that tract or parcel of land lying and being in the 4th District of the 3rd Section of Bartow County, Georgia, being in the City of Cartersville, more particularly described as follows:

BEING Tract Number 5 of the P. H. Shaw Addition to Cartersville, as shown on plat recorded in Plat Book 1, Page 45 in the Office of the Clerk of the Superior Court of Bartow County, Georgia, to which plat reference is hereby made and by reference said plat is made a part hereof for a more perfect description of the property herein conveyed.

Tax Map #C016-0025-005 and #C016-0025-013

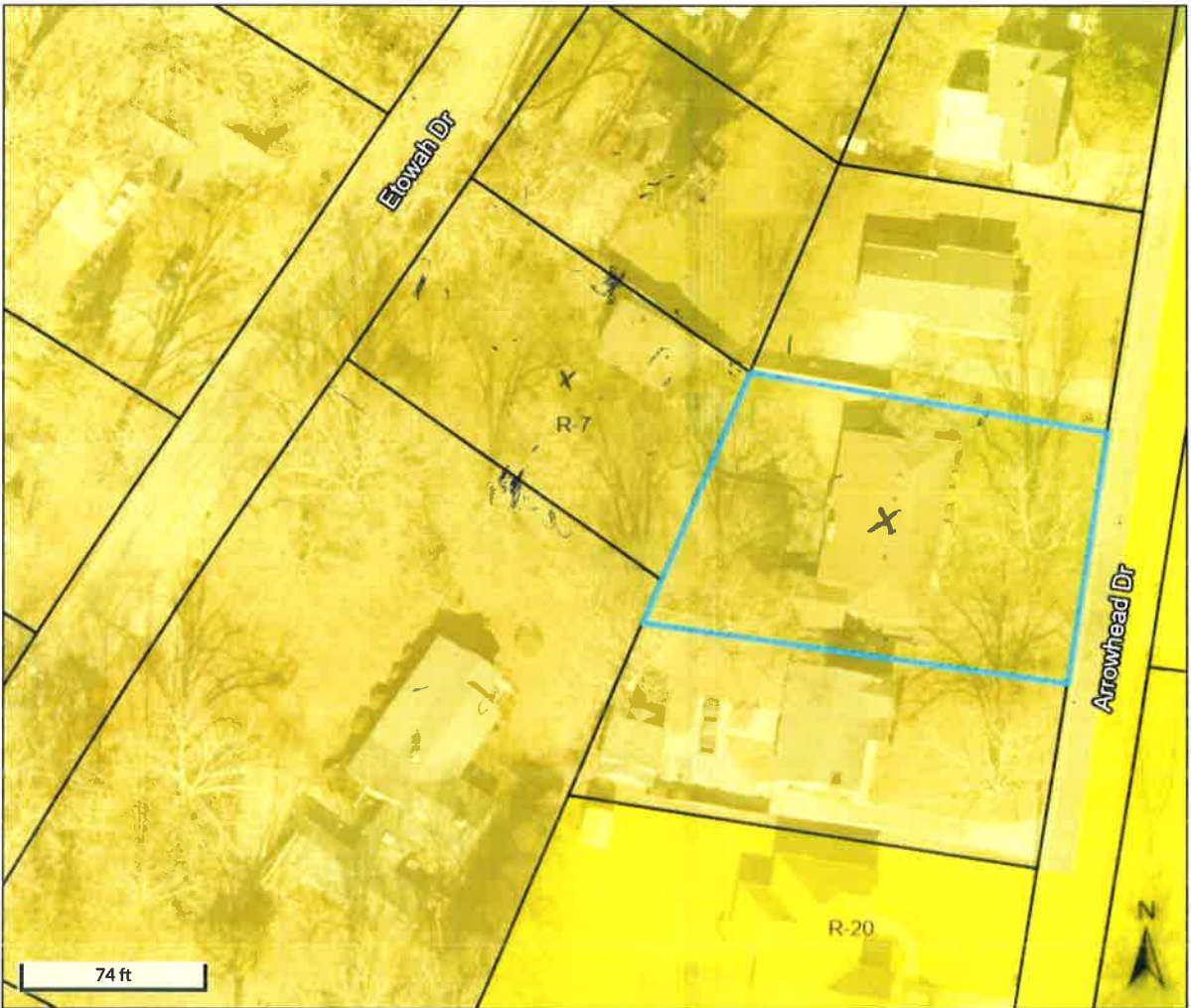












Overview



Legend

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C\*
- H-I
- H-I\*
- L-I
- L-I\*
- M-U
- M-U\*
- MF-14
- MF-14\*
- MN
- O-C
- O-C\*
- P-D
- P-D\*
- P-I
- P-S
- P-S\*
- R-10
- R-10\*
- R-15
- R-15\*
- R-20
- R-20\*
- R-7
- R-7\*
- R-D
- RA-12
- RA-12\*
- RSL

R-7: \$13-20-8-20

Parcel ID C016-0025-005  
Sec/Twp/Rng n/a

Alternate ID 34264  
Class Residential

Owner Address RICE JONATHON  
RICE AMANDA

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:

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

(Ord. No. 20-21, § 1, 4-1-2021)





Image capture: Jun 2022 © 2023 Google



180 Etowah Dr

All

Street View & 360°





Cartersville, Georgia  
Google  
Street View - Jun 2022

Image capture: Jun 2022 © 2023 Google



180 Etowah Dr

All

Street View & 360°



Images Taken 1-26-23





