

MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on June 13, 2024, in the Council Chambers.

ROLL CALL

Board Members Present: Lamar Pendley, Linda Brunt, Hoyt Hatfield, JB Hudson, Kevin McElwee and Jacqueline Hendricks
Absent: Patrick Murphy
Staff Present: Randy Mannino, David Hardegree, Zack Arnold and Julia Drake

Chairman Pendley began the meeting with welcoming the newest member of the Board of Zoning Appeals, Mr. Hoyt Hatfield.

APPROVAL OF MINUTES

1. May 9, 2024

Board Member Hudson made a motion to approve the minutes from May 9, 2024. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 5-0

VARIANCE CASES

2. **V24-14: Center Road Townhomes** **Applicant: WHM Chattahoochee Hills** **Variance: To allow front access parking for a 199-unit townhome development.**

David Hardegree, Assistant Planning and Development Director stated that all adjacent property owners had been properly notified and property had been advertised. Continuing, he gave an overview of the case stating this was a variance application by WHM Chattahoochee Hills for property located along Center Road adjacent to and west of I-75 in Land Lots 115, 173, 174, 187, and 188 of the 4th District, 3rd Section, and zoned RA-12 (Single-Family Attached & Detached Residential). Said property contains approximately 103.85 acres.

In 2024, said property was rezoned from R-20 (single family residential) to RA-12 (Residential Attached, townhomes) with conditions per Z23-06. Per the RA-12 zoning, parking for townhome units must be limited to the rear yard with an alley or private drive constructed for rear yard access (Ordinance Sec. 6.7.3(M)(3)).

Per the concept site plan submitted with the 2023 zoning application, all the 199 town home units would require front access parking due to site topography. Front access parking requires parking in the front yard which is not an allowed location.

Per City Public Works comments, the developer will be required to maintain the streets as private streets with a 60ft wide utility and access easement instead of a 60ft Right-of-way. This is allowed per ordinance *Sec. 7.5-71. - Private streets*. A private street provides the developer flexibility with on-street parking requirements.

Traffic on Center Rd. will not be affected by front access or front yard parking for the townhome development.

Chairman Pendley opened the public hearing.

Karl Lutjens, 114 Old Mill Rd., came forward to represent the application. Continuing, he gave an overview of the project and explained the need for front parking.

Board Members questioned the difference in private streets and public streets and what that meant for the City of Cartersville as far as maintenance, access for Public Safety, etc.

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

Board Member Brunt made a motion to approve V24-14 with the following conditions:

- a. Covenants must state that no on-street parking will be allowed other than where designated.
- b. Each unit shall have 2 car garage with 2 car wide driveway.
- c. Covenants must state that the streets are private.
- d. An account must be created by the Homeowners Association to provide funds for the maintenance and upkeep of private streets.

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

3. V24-15: 123 N. Tennessee St.

Applicant: 123 Tennessee LLC

Variance: To allow a 6-foot-tall fence in the front yard of a double frontage lot and to allow chain link fence to be installed in a front yard.

Zack Arnold, Assistant City Planner, gave an overview of the case stating this was a variance application by applicant, 123 Tennessee, LLC, for property located at 123 N. Tennessee St, zoned M-U, Multiple-Use. Setbacks are Front- 10ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.78 acres. The lot is a double frontage lot with frontages along N. Tennessee St., and Howard St.

The applicant requests to construct a 6ft. tall chain link fence to enclose the property to the north and east of the business along a section of the Howard St. right-of-way. The fence ordinance, Sec. 4.16, requires fences installed in the front yard to be less than 4ft tall. Sec. 4.16. also requires all request for chain link installation in a front yard go before the Board of Zoning Appeals.

Continuing, Mr. Arnold reviewed the department comments which included the following:

Fibercom: Cartersville FiberCom takes no exception to a fence being installed at 123 N Tennessee Street, but we will need it set back at least 4 feet from the existing utility poles along the North property line for us to safely access the utility poles or we will need gated access for a bucket truck to access the utility poles.

Fire Department: CFD takes no exceptions to the request provided that no fire hydrants are obstructed by the fencing. A minimum of 36" of clearance is required around all fire hydrants to allow for full operation. All other adopted city ordinances and codes should be followed.

Gas Department:

1. A natural gas main exists along the southern right-of-way of Howard Street serving 123 North Tennessee Street. The Gas System takes no exception provided the proposed fence presuming to be shown in the color “blue” in the attachment is to be constructed a minimum of 5’ from the existing natural gas main.

2. A natural gas service line and natural gas meter serving 123 North Tennessee Street will be within the limits of the proposed fence presuming to be shown in the color “blue” in the attachment. The Gas System takes no exception provided a proposed double 6’ swing gate is to be provided for equipment and personnel access to the existing natural gas facilities and the proposed swing gate is to be interlocked with a chain and a Gas System provided lock. The property owner shall contact the Gas System at 770.387.5642 to request interlocking of the proposed swing gate. The Gas System takes no further exception provided the proposed fence is in no way to be constructed over the existing natural gas service line serving 123 North Tennessee Street and a minimum of 5’ of separation is maintained from the existing natural gas service line. At the request of the property owner, the existing natural gas service line and/or meter can be relocated outside of the limits of the proposed fence at the property owner’s expense.

Water Department: CWD takes the following exception:

The fence on Howard Street side will need to be 10 feet from the property line to remain outside of the sewer easement.

Chairman Pendley opened the public hearing.

Guy Taff, 56 Cassville Rd., came forward to represent the application. Continuing, he stated he would be willing to adhere to all department comments.

Discussion commenced among the Board Members regarding the department comments.

Mr. Taff reiterated that he could meet all department requirements.

With no one else to come forward to speak for or against the application, Chairman Pendley closed the public hearing.

Board Member Hudson made a motion to approve V24-15 if all department requirements are met. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:31 P.M.

July 11, 2024
Date Approved

/s/ _____
Chairman