



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
CC: Keith Lovell
Date: May 12, 2022
Re: File # V22-11

Summary: To allow a privacy fence in the front yard of a corner lot.

Section 1: Project Summary

Variance application by owner/applicant Debra Dickey for property located at 301 Grassdale Road, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 0.44 acres. The lot is a corner lot with road frontages along Grassdale Road and Camellia Lane.

The applicant proposes to build a privacy fence to enclose the sides and rear of the property that will include the front yard along the Camellia Road right-of-way. The fence ordinance for corner lots, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. A fence segment is proposed to the side of the house, but in the front yard along Camellia Road.

The fence segment to the left side of the house complies with the fence ordinance. The proposed privacy fence will replace an existing chain-link fence.

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

1. To allow a 6ft. privacy fence to be installed in the front yard of a corner lot.

Section 2. Department Comments

Electric Department: Takes No exception.

Fibercom: Takes No exception.

Fire Department: CFD takes no exceptions to allow a 6 ft. privacy fence in place of the current 4 ft. fence at 301 Grassdale Rd.

Gas Department: The Gas System take no exception to the following as shown in the attachment as long as the existing natural gas meter remains on the outside of the proposed fence. (Meter on right front corner of house)

Public Works Department: Public Works does not object to this variance request.

Water Department: The Cartersville Water Department takes no exception to Variance Request V22-11 with regard to water service. Sewer service for the address is provided by the Bartow County Water Department.

Section 3. Public Comments Received by Staff

4/25 - Donald Johnson – General Inquiry

4/29 – Ken Fain – General Inquiry

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.

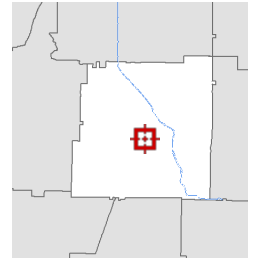
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

- 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	C082-0003-002	Alternate ID	37565	Owner Address	DICKEY DEBRAL
Sec/Twp/Rng	n/a	Class	Residential		301 GRASSDALE RD
Property Address	301 GRASSDALE RD	Acreage	n/a		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	L2 COUNTRY CLUB LL55 LD4 S3				
	(Note: Not to be used on legal documents)				

Date created: 4/14/2022
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Developed by **Schneider**
 GEOSPATIAL

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 5-12-22 5:30pm

Application Number: V22-11
Date Received: 4-14-2022

Applicant <u>Debra Dickey</u> <small>(printed name)</small>		Office Phone _____	
Address <u>301 Grassdale Road</u>		Mobile/ Other Phone <u>770-547-5471</u>	
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>	Email <u>dlsdickey@gmail.com</u>
Representative's printed name (if other than applicant) _____		Phone (Rep) _____	
_____		Email (Rep) _____	
Representative Signature _____		Applicant Signature <u>Debra Dickey</u>	
Signed, sealed and delivered in presence of: <u>Julia Drake</u> Notary Public		My commission expires: <u>10/6/2025</u>	

* Titleholder <u>Debra Dickey</u> <small>(titleholder's printed name)</small>	Phone <u>770-547-5471</u>
Address <u>301 Grassdale Road</u>	Email <u>dlsdickey@gmail.com</u>
Signature <u>Debra Dickey</u>	
Signed, sealed, delivered in presence of: <u>Julia Drake</u> Notary Public	My commission expires: <u>10/6/2025</u>

Present Zoning District <u>R-20</u>
Acreage <u>.44</u> Land Lot(s) <u>55</u> District(s) <u>4</u> Section(s) _____
Location of Property: <u>301 Grassdale Road; corner of Grassdale Road and Camellia Lane</u> <small>(street address, nearest intersections, etc.)</small>
Zoning Section(s) for which a variance is being requested: <u>4-16</u>
Summary Description of Variance Request: <u>Variance requested to install 6' tall wooden privacy fence in place of 4' chain link fence with slight change in placement of fence.</u>
<small>(Additional detail can be provided on Justification Letter)</small>

*** 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 4 Section 16 Subsection B (2)

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. X There are other existing extraordinary or exceptional circumstances; and
5. X 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. X The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: A wooden privacy fence would be installed similar to current chain link fence with a slight deviation by removing the jog in the fence adjacent to the property at 203 Camellia Lane. Pedestrian traffic on both Grassdale Road and Camellia Lane has increased over the years and a wooden privacy fence would give the desired privacy in the back yard.

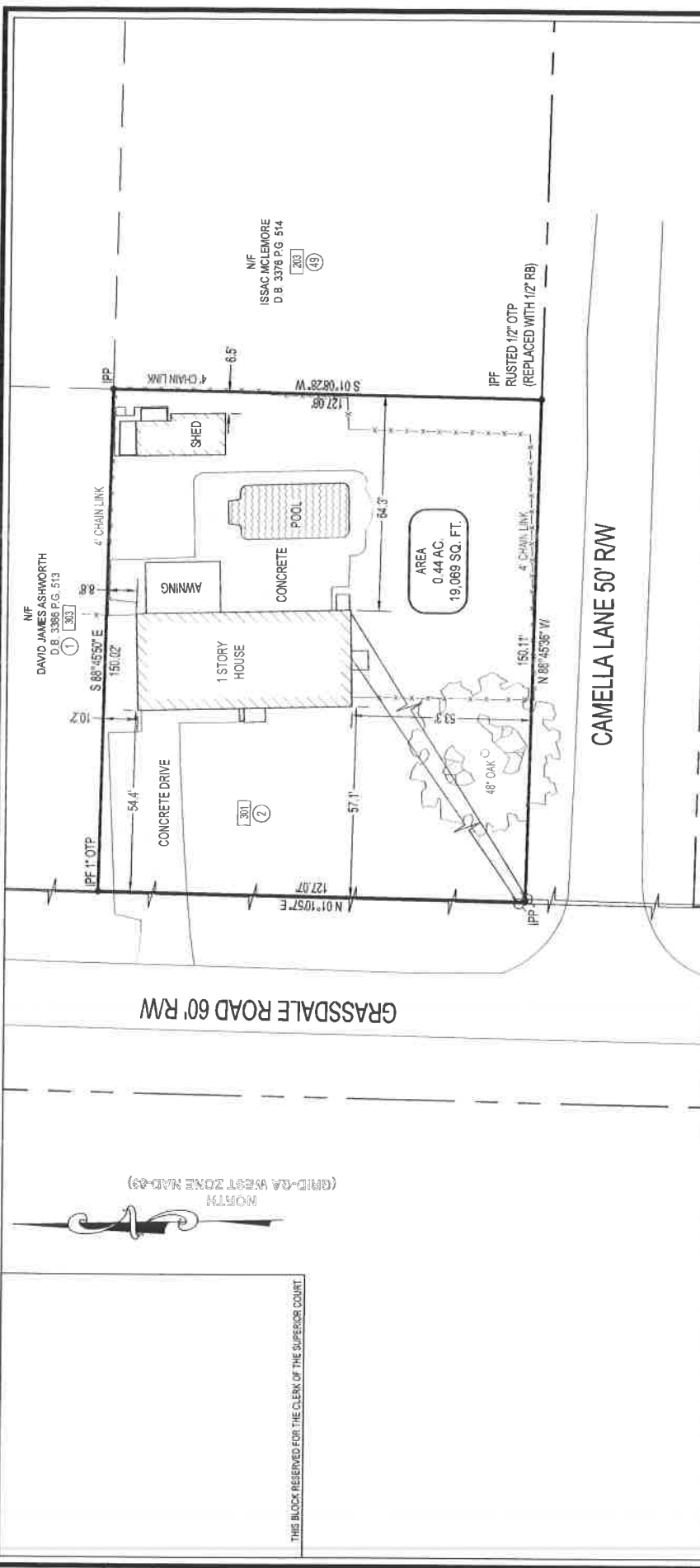
**LIST OF ADJACENT PROPERTY OWNERS
(Not required if City mails public notices)**

The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the subject property:

	<u>NAME</u>	<u>ADDRESS</u>
1.	David Ashworth	303 Grassdale Road, Cartersville, GA 30120
2.	Issac McLemore	203 Camellia Lane, Cartersville, GA 30120
3.	Catherine Teems	221 Grassdale Road, Cartersville, GA 30120
4.	Laurette Smith	222 Grassdale Road, Cartersville, GA 30120
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		

Attach additional names if necessary.

(Indicate property owned by the above persons on plat accompanying this application.)



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.

NORTH
(GRID-GA WEST ZONE NAD-83)

PROJECT INFORMATION
 FILE: 22-179
 DATE: 03/09/22
 SCALE: 1"=30'

LEGEND:
 IPP IRON PIN FOUND (1/2" REBAR UNLESS NOTED OTHERWISE)
 IPP IRON PIN PLACED (1/2" REBAR WITH PLASTIC CAP)
 RB REBAR
 O/P OPEN TOP PIPE
 P POWER POLE
 S STREET ADDRESS
 # LOT NUMBER

NOTES:
 1. ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS PREPARED WITHOUT A COMPLETE TITLE SEARCH.
 2. THIS SURVEY COMPLES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED TO C.G.A. 19-4-47, IN THAT WHERE A COMPLETE EXISTS BETWEEN THESE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.

REFERENCES:
 * FINAL PLAT FOR COUNTRY CLUB ESTATES BY WILLIAMS, SWITZLER AND BARNUM ENGINEERS, SURVEYORS DATED JUNE 11, 1927 RECORDED IN PLAT BOOK 4 PAGE 117 OF BARTOW COUNTY RECORDS
 * SURVEY FOR ROLLAND C. BENNETT & VERNA M. BENNETT BY KNIGHT & KNIGHT LAND SURVEYORS DATED 04-14-1988 RECORDED 08-25-1988 RECORDED IN PLAT BOOK 31 PAGE 303 OF BARTOW COUNTY RECORDS

ELEVATIONS
 DESIGN GROUP LLC
 SURVEYORS AND ENGINEERS
 110 HAVAN MILL DRIVE, SUITE 100
 DALTON, GA 30717
 770-865-0774
 LEVIA.GN@ELEVATIONS.COM

BOUNDARY RETRACEMENT SURVEY FOR:
DEBRA L. DICKEY
 LOT 2 OF COUNTRY CLUB ESTATES
 PROPERTY LOCATED IN:
 LAND LOT 85,
 4TH DISTRICT, 1ST DISTRICT,
 CITY OF CARTERSVILLE,
 BARTOW COUNTY, GEORGIA

NOTES:
 * FINAL PLAT FOR COUNTRY CLUB ESTATES BY WILLIAMS, SWITZLER AND BARNUM ENGINEERS, SURVEYORS DATED JUNE 11, 1927 RECORDED IN PLAT BOOK 4 PAGE 117 OF BARTOW COUNTY RECORDS
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THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN 1 FOOT IN 100,000

DATA COLLECTION WAS PERFORMED USING A GOMAX ZOOM 95 ROBOTIC TOTAL STATION ON A OPEN TRAVERSE WITH REQUIRMENT REPEATED MEASUREMENTS NOT EXCEEDING 0.01 FEET

GRAPHIC SCALE: 1"=30'
 0 30' 60'

SURVEYORS CERTIFICATION

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN C.G.A. SECTION 15-6-87.

REGISTERED
 No. 2884
 LAND SURVEYOR
 JOEL M. HART

Joel M. Hart
 03/09/22
 JOEL M. HART GA R.L.S. #2884



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

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JOEL M. HART, GA R.L.S. #2884

02/09/22

REGISTERED LAND SURVEYOR
No. 2884
JOEL M. HART

NOTES:

- ALL MATTERS OF TITLE ARE EXCEPTED. THIS SURVEY WAS PREPARED WITHOUT A COMPLETE TITLE SEARCH.
- THIS SURVEY COMPLES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) 15-6-67, IN THAT WHERE A CONFLICT EXISTS BETWEEN THESE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.

REFERENCES:

- FINAL PLAT FOR COUNTRY CLUB ESTATES BY WILLIAMS, SWITZER AND BARNUM ENGINEERS, SURVEYORS DATED JUNE 11, 1982 RECORDED IN PLAT BOOK 4 PAGE 117 OF BARTOW COUNTY RECORDS
- SURVEY FOR ROLLAND C. BENNETT & VERNA M. BENNETT BY KNIGHT & KNIGHT LAND SURVEYORS DATED 04-14-1988 RECORDED 88-35-13A, RECORDED IN PLAT BOOK 11 PAGE 307 OF BARTOW COUNTY RECORDS.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN 1 FOOT IN 100,000'

DATA COLLECTION WAS PERFORMED USING A GEMAX ZOOM 95 ROBOTIC TOTAL STATION ON AN OPEN TRIANGLE WITH REQUIRMENT REPORTED RESECTION POINTS BEING 67.02 FEET

LEGEND:

- IPP - IRON PIN FOUND (1/2" REBAR UNLESS NOTED OTHERWISE)
- RB - IRON PIN PLACED (1/2" REBAR WITH PLASTIC CAP)
- OTF - OPEN TOP PIPE
- SPP - POWER POLE
- NIP - STREET ADDRESS
- 4 - LOT NUMBER

FENCE LINE
POWER LINE

PROJECT INFORMATION

FILE: 22-179
DATE: 02/09/22
SCALE: 1"=30'

ELEVATIONS
DESIGN GROUP LLC
SURVEYORS AND ENGINEERS
110 IVANS MILL DRIVE SUITE 601
DALLAS, GA 30157
770-865-0774
ELEVATIONS@ELEVATIONS.COM

BOUNDARY RETRACEMENT SURVEY FOR:
DEBRA L. DICKEY
LOT 2 OF COUNTRY CLUB ESTATES
PROPERTY LOCATED IN:
LAND LOT 45,
4TH DISTRICT, 1ST DISTRICT,
CITY OF CARTERSVILLE,
BARTOW COUNTY, GEORGIA

Debra Dickey
 301 Grassdale Road



- Existing chain link fence to be removed and replaced with 6' privacy fence
- Existing chain link fence to be removed - removing the jog in the fence
- New 6' privacy fence
- Chain link fence to remain as it is located on the bordering property at 203 Camellia Lane

Parcel Number	C082-0003-002
Location Address	301 GRASSDALE RD
Legal Description	L2 COUNTRY CLUB LL55 LD4 53 <small>(Note: Not to be used on legal documents)</small>
Class	R3-Residential <small>(Note: This is for tax purposes only. Not to be used for zoning.)</small>
Tax District	Cartersville (District 01)
Millage Rate	29.65
Acres	0
Neighborhood	1041-COUNTRY CLUB EST. (001041)
Account Number	37565
Homestead Exemption	Yes (L1)
Landlot/District	55/04

This content is RESTRICTED.



Overview



Legend

- Parcels
- Roads

Parcel ID	C082-0003-002	Alternate ID	37565	Owner Address	DICKEY DEBRA L
Sec/Twp/Rng	n/a	Class	Residential		301 GRASSDALE RD
Property Address	301 GRASSDALE RD	Acreage	n/a		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	L2 COUNTRY CLUB LL55 LD4 S3				

(Note: Not to be used on legal documents)

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