



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: April 28, 2025
Re: File # V25-12

Summary: To allow a 10' privacy fence in a residential front yard.

Section 1: Project Summary

Variance application by applicant, Patricia Craft, for property located at 528 Old Alabama Road, zoned R-20, Single family residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 9.38 acres. This case is after the fact and the result of a Code Enforcement case.

Mrs. Craft has constructed a 10ft tall metal privacy fence that extends past the front corner of the house and runs along the property line towards Old Alabama Road. The purpose of the fence is to provide visual screening between the neighbor's house and the applicant's swimming pool. The fence ends approximately 1200 feet from Old Alabama Road and is not seen while traveling on the roadway. The fence is constructed of tin roofing panels. The fence ordinance, Sec. 4.16, requires privacy fences to be installed in the rear yard, and all front yard fences must be less than 4ft tall, and non-opaque. Additionally, the City Ordinance requires fences to be constructed of ornamental or decorative material in a front yard, such as brick, stone, wood, or wrought iron.

Since this case originated due to a complaint from an adjacent property owner, the applicant has agreed to paint the side of the fence that faces the neighbor's property, if needed, to make the fence more aesthetically pleasing to the neighbors. The color choice would be that of the neighbors' choice.

In the event the Board of Zoning Appeals deems the 10' metal fence to be inappropriate, the applicant would like to request permission to replace the 10' metal fence with an 8ft wood privacy fence. Due to the cost of the metal fence, and the cost to remove and replace it with a wood fence, this would be the last resort for the applicant.

The variance request is for the following:

1. To allow a 10ft. privacy fence to remain in the front yard of a residential lot (Sec. 4.16).
2. To allow privacy fence to be constructed of metal roofing panels (Sec. 4.16).

Section 2. Department Comments

Electric Department: No comments received.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: No comments received.

Water Department: Not in service area.

Section 3. Public Comments Received by Staff

None received as of 4/28/2025.

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.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned residential.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The public gain would be minimal.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned.
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The proposed variance would have no affect on the use of the subject or adjacent properties.
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*
The proposed variance will not have an adverse effect on the existing use or usability of adjacent or nearby property.
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*
The proposed variance has no impact on the Future Development Plan or Comprehensive Plan.
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*
No adverse environmental impact is anticipated.
9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*
The proposed variance will not increase the burden to streets, transportation, or utilities.

10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*


There are no known conditions.


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 4-10-2025 5:30pm

Application Number: V25-12

Date Received: 1-30-2025

Applicant <u>Patricia Craft</u> <small>(printed name)</small>	Office Phone _____
Address <u>528 Old Alabama Road</u>	Mobile/ Other Phone <u>404-797-1200</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>dcraft@medicraft.com</u>
Representative's printed name (if other than applicant) _____	
Phone (Rep) _____	
Email (Rep) _____	
Representative Signature _____	Applicant Signature <u>Patricia Craft</u>
Signed, sealed and delivered in presence of: <u>Kelley L Vancey</u> Notary Public	My commission expires: <u>January 10, 2028</u> 

* Titleholder <u>Patricia Craft</u> <small>(titleholder's printed name)</small>	Phone <u>404-797-1200</u>
Address <u>528 Old Alabama Road</u>	Email <u>dcraft@medicraft.com</u>
Signature <u>Patricia Craft</u>	
Signed, sealed, delivered in presence of: <u>Kelley L Vancey</u> Notary Public	My commission expires: <u>January 10, 2028</u> 

Present Zoning District <u>R-20</u>	Parcel ID No. <u>C103-0001-003</u>
Acreage <u>9.38</u> Land Lot(s) <u>917 & 956</u>	District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>528 Old Alabama Road</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: <u>SEC. 4.16.(B)</u>	
Summary Description of Variance Request: <u>10' privacy fence in front yard</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.

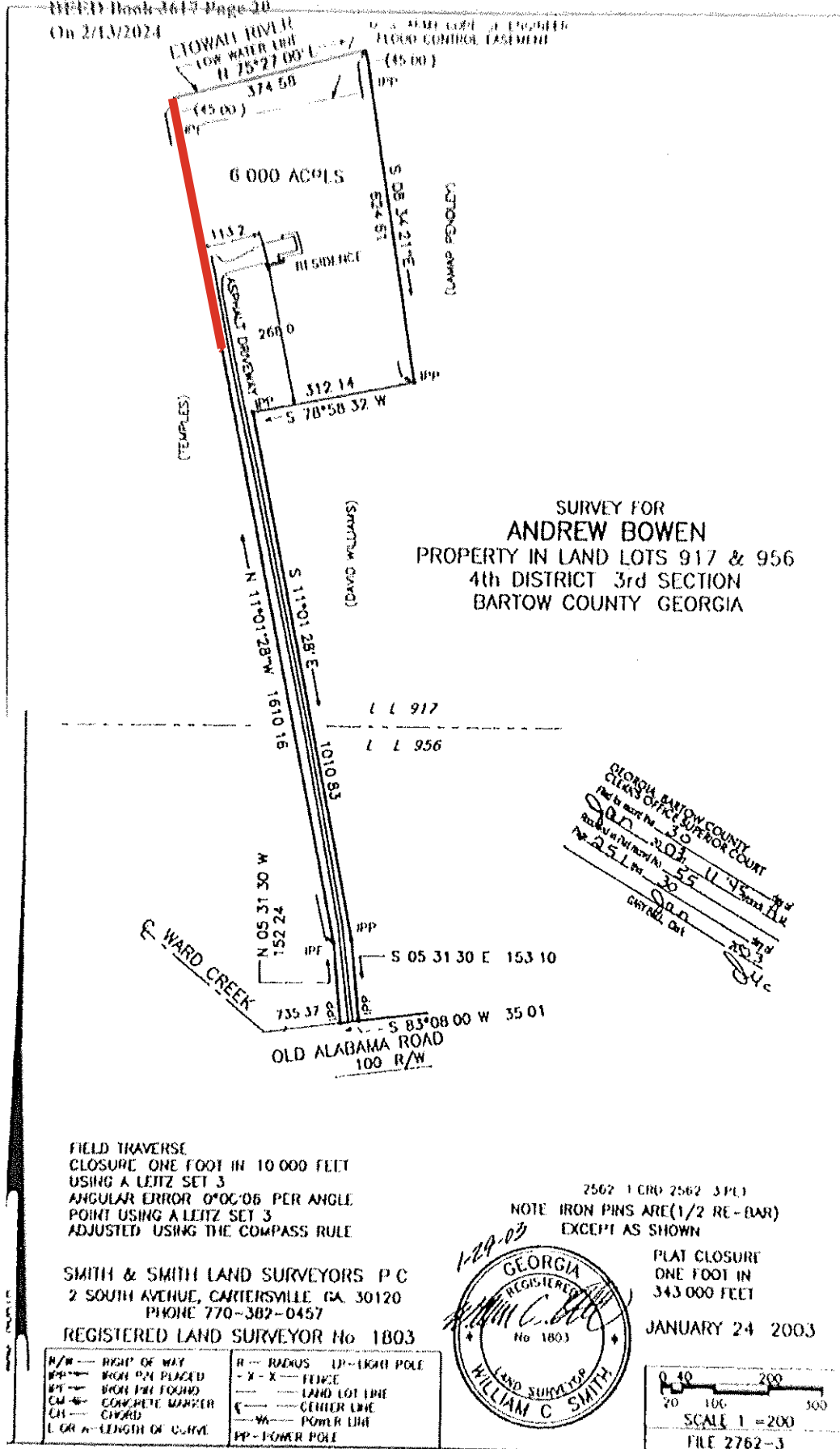
Article _____ Section 4.16 Subsection _____
Article _____ Section _____ Subsection _____
Article _____ Section _____ Subsection _____

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: Unfortunately, and without knowing code, we constructed a ten foot fence at big expense. We understand it is not up to code now and request a variance. We are willing to paint the opposite side of the fence in whatever color our neighbor may prefer. The reason for the fence is privacy for a minor child especially while swimming.

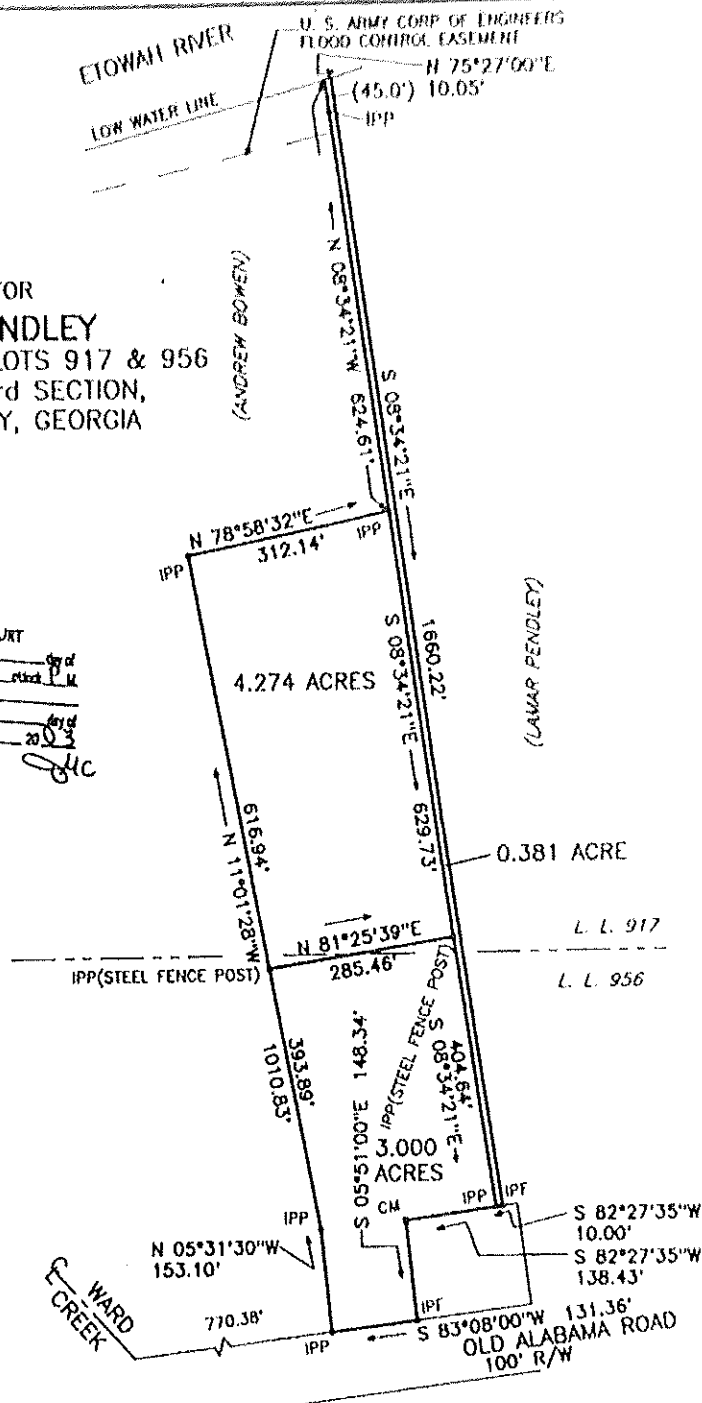


On

DEED BOOK 3617 Page 31
On 2/13/2024

SURVEY FOR
LAMAR PENDLEY
PROPERTY IN LAND LOTS 917 & 956
4th DISTRICT, 3rd SECTION,
BARTOW COUNTY, GEORGIA

GEORGIA, BARTOW COUNTY
CLERK'S OFFICE & SUPERIOR COURT
Filed for record this 28 day of
March 2003 at 3:49 PM
Recorded in Plat record No. 56
Page 76 of 28
MARC 2003
GARY BELL, Clerk



FIELD TRAVERSE:
CLOSURE; ONE FOOT IN 10,000 FEET
USING A LIETZ SET 3.
ANGULAR ERROR; 0°00'08" PER ANGLE
POINT USING A LIETZ SET 3.
ADJUSTED; USING THE COMPASS RULE.

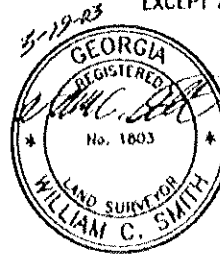
SMITH & SMITH LAND SURVEYORS, P.C.
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803

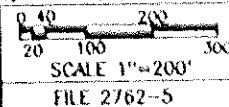
2762-1.CRD 2762-4.PL1
NOTE: IRON PINS ARE (1/2" RE-BAR)
EXCEPT AS SHOWN.

PLAT CLOSURE;
ONE FOOT IN
198,000 FEET.

JANUARY 24, 2003
REMOVED 3-19-03



R/W	RIGHT OF WAY	R	RADIUS	IP	IRON PIN
IPP	IRON PIN PLACED	X-X	FENCE	PP	POWER POLE
IPP	IRON PIN FOUND		LAND LOT LINE		
CM	CONCRETE MARKER		CENTER LINE		
CH	CHORD		POWER LINE		
L OR A	LENGTH OF CURVE				

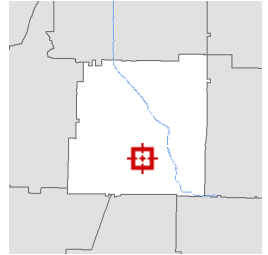


FILE 2762-5

Approximate Fence Location



Overview



Legend

- Parcels
- Roads

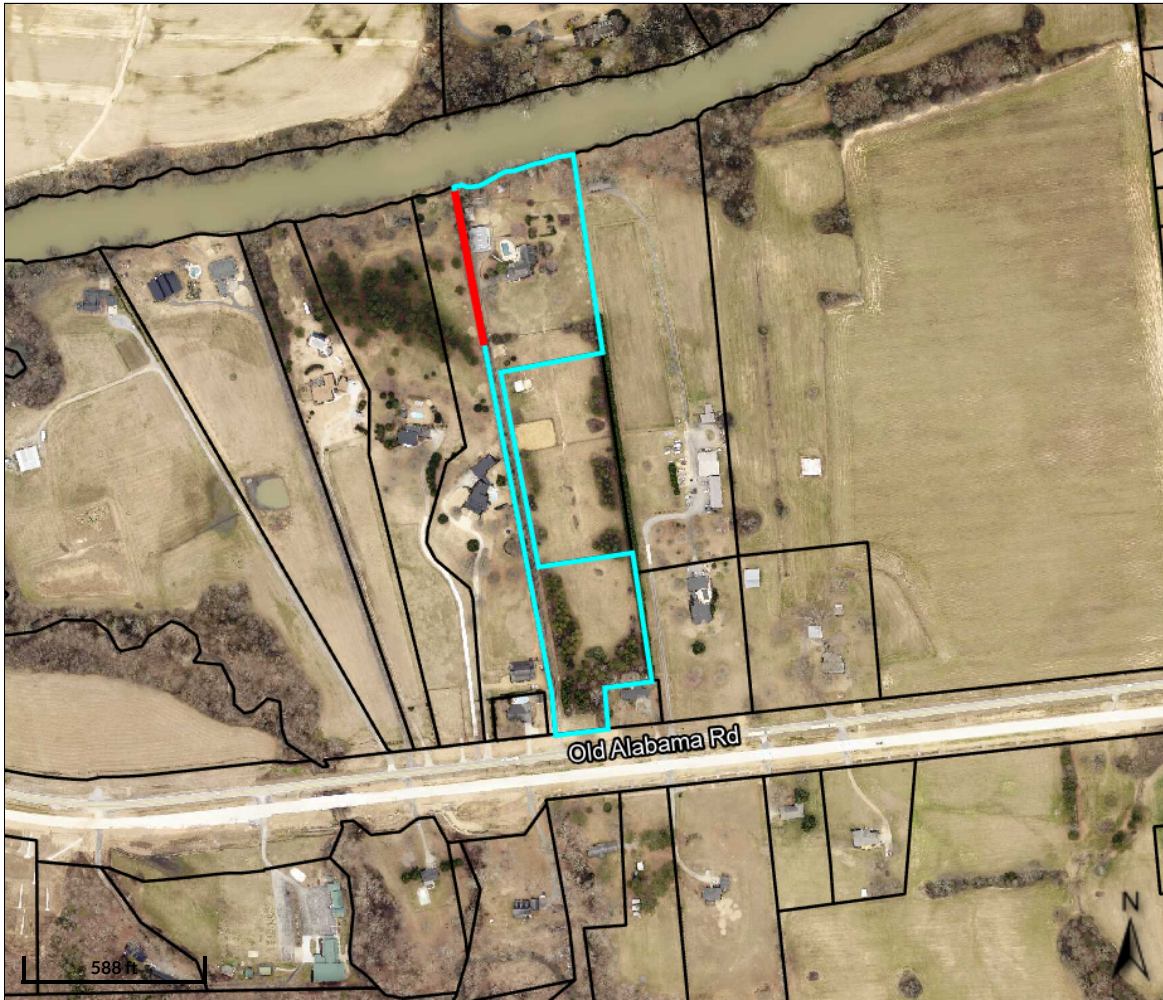
Parcel ID	C103-0001-003	Alternate ID	38097	Owner Address	2012 JDC FAMILY TRUST
Sec/Twp/Rng	n/a	Class	Agricultural		2281 AKERS MILL RD BLDG 4100
Property Address	528 OLD ALABAMA RD	Acreage	9.38		ATLANTA, GA 30339
District	Cartersville				
Brief Tax Description	LL 917 956 D 4				

(Note: Not to be used on legal documents)

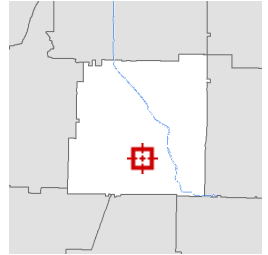
Date created: 4/28/2025
Last Data Uploaded: 4/28/2025 6:15:57 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Approximate Fence Location



Overview



Legend

- Parcels
- Roads

Parcel ID	C103-0001-003	Alternate ID	38097	Owner Address	2012 JDC FAMILY TRUST
Sec/Twp/Rng	n/a	Class	Agricultural		2281 AKERS MILL RD BLDG 4100
Property Address	528 OLD ALABAMA RD	Acreage	9.38		ATLANTA, GA 30339
District	Cartersville				
Brief Tax Description	LL 917 956 D 4				
	(Note: Not to be used on legal documents)				

Date created: 4/28/2025

Last Data Uploaded: 4/28/2025 6:15:57 AM

Developed by  **SCHNEIDER**
GEOSPATIAL

Oct 21, 2024 at 12:32:55 PM
560 Old Alabama Rd SE
Cartersville GA 30120



Oct 21, 2024 at 12:31:29 PM
560 Old Alabama Rd SE
Cartersville GA 30120



Oct 21, 2024 at 12:31:18 PM
560 Old Alabama Rd SE
Cartersville GA 30120



Oct 21, 2024 at 12:31:55 PM
560 Old Alabama Rd SE
Cartersville GA 30120



Apr 3, 2025 at 15:33:11
528 Old Alabama Rd SE
Cartersville GA 30120



VARIANCE NOTICE

CASE NO. **V25-12**

APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.

A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT 5:30PM ON **5-8-25**

FOR ADDITIONAL INFORMATION CONTACT THE
DEPARTMENT OF PLANNING & DEVELOPMENT
AT 770-381-9000