

MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting April 10, 2025, in the Council Chambers.

ROLL CALL

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

Chairman Lamar Pendley stated that item #2, V25-08: 40 Bates Rd., would be removed from the agenda.

APPROVAL OF MINUTES

1. March 13, 2025

Board Member McElwee stated a correction needed to be made on the minutes. Item #3 reflected that he made the motion and seconded the motion.

Julia Drake, City Clerk, stated she would make the correction.

Board Member McElwee made a motion to approve the amended minutes from March 13, 2025. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

VARIANCE CASES

Zack Arnold, City Planner, stated that all cases had been properly advertised, and all adjacent property owners had been notified.

2. V25-15: 304 Douglas St.

Applicant: Liner Castillo

Variance: 1. To allow a 6 ft. privacy fence to remain in the front yard. (Sec. 4.16)

2. To allow a 6 ft. non-opaque fence in the front yard. (Sec. 4.16)

Zack Arnold, Assistant City Planner, gave an overview of the application stating this was a variance application by applicant, Liner Castillo, for property located at 304 Douglas St, zoned R-D, Single Family Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.38 acres. This is an after the fact variance.

The applicant has constructed a privacy fence to enclose the sides and rear of the property. This fence extends past the front of the home and runs to the front property line. The fence ordinance, Sec. 4.16, requires privacy fences to be installed in the rear yard only.

Additionally, the applicant has constructed a 6ft non-opaque fence along the front of the property to enclose the lot. This fence does have a gate for access to the front of the home. The fence ordinance, Sec. 4.16, requires front yard fences to be non-opaque and no more than 4ft in height.

In closing, Mr. Arnold reviewed the department comments with the only comment being from the Water Department stating that the water meter for this residence must be kept outside of the fence limits for accessibility.

Chairman Pendley opened the public hearing.

Liner Castillo, 304 Douglas St., applicant, came forward to represent the application.

Cynthia Parker, 10 N. Public Sq., came forward to interpret for Mr. Castillo.

Board Member McElwee inquired about the location of the water meter to which Mr. Castillo, via Ms. Parker, stated that it was on the sidewalk.

Mr. Castillo, via Ms. Parker, explained that he owns a grocery store on Tennessee St. and has experienced threatening attacks at his home and wishes to have the taller fence for protection for himself and his family. Police reports have been filed pertaining to the attacks.

Board Member Brunt inquired if Mr. Castillo would be willing to change the privacy fence to an opaque fence back to the corner of the house to which Ms. Parker stated Mr. Castillo would agree to that.

With no one else to come forward to speak for or against V25-15, the public hearing was closed.

Board Member McElwee made a motion to approve V25-15 with the condition that the privacy fence on the sides would be changed to be opaque back to the corner of the house. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 4-0

3. V25-09: 512 W. Main St.

Applicant: Regina Tatum

Variance: 1. To allow an accessory structure in the front yard of a double frontage lot (sec. 4.9.).

2. To allow accessory structures to exceed 50% of the primary structure square footage (sec 4.9.).

3. To decrease the front yard building setback from 20 feet to 4 feet (sec. 6.5.3.(B)).

Mr. Arnold gave an overview of the application stating this is a variance application by owner/applicant Regina Tatum for property located at 512 West Main Street, zoned R-7, Residential. The setbacks are Front- 20ft and Side- 8ft. Said property contains approximately .33 acres. The lot is a multi-frontage lot with road frontages along W. Main St. and Moody St.

The applicant has constructed a 12x30 addition onto an existing 16x13 accessory structure behind the home. This accessory structure is one of three on the property, totaling 780 square feet of combined accessory space. The primary structure is approximately 1136 square feet. City Ordinance (sec. 4.9.) limits accessory structure size to a maximum of 50% of the primary structure. The newly constructed shed exceeds the maximum allowed square footage by approximately 356 square feet.

Additionally, the applicant is requesting a variance to allow accessory building in the front yard. Since the lot is a multi-frontage lot, all the sheds have been constructed in a front yard. City Ordinance (sec 4.9.) requires all accessory buildings to be constructed in the rear yard only.

Lastly, the newly constructed shed is encroaching into the building setback by approximately 16 feet. Since the lot is multi-frontage, the front yard setback of 20 feet applies to the yards in both the front and rear of the primary structure. The applicant is requesting to have the front yard setback reduced from 20 feet to 4 feet.

Chairman Pendley opened the public hearing.

Regina Tatum, 512 W. Main St., came forward to represent the application and stated that the accessory structure was needed for additional storage.

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 V25-09 with the condition that the accessory structure could not be used for residential living. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

4. V25-10: 4 Charlie Harper Dr.

Applicant: Erika Bodzy

Variance: To increase the height and area of a new freestanding sign.

Mr. Arnold gave an overview of the case stating this was a variance application by applicant Erika Bodzy for property located at 4 Charley Harper Dr, zoned GC (General Commercial). Said property contains approximately 1.2 acres.

The applicant proposes installing a new freestanding sign along Charley Harper Drive to advertise gas prices for the newly constructed service station. This will be the second sign on the property as the business already has an approved sign permit for the installation of a sign on West Avenue. Both signs will be in landscaped areas and are required to be at least 5ft off the property line.

The proposed sign will be 11.3 feet in height including the base and have 61.32 square feet of sign area. The sign ordinance allows freestanding signs on Charley Harper to be no taller than 10 feet and no larger than 32 square feet.

This sign is also going through the Text Amendment process to allow digital signs on Charley Harper Drive. The case will go before the Planning Commission on May 6th, and City Council on May 15th and June 5th.

Chairman Pendley opened the public hearing.

Erika Bodzy, 916 River Rock Dr., Woodstock, came forward to represent the application.

With no one else to come forward to speak for or against V25-10, the public hearing was closed.

Board Member Hudson made a motion to approve V25-10 with the condition of a maximum height of 10'. Board Member McElwee seconded the motion. Motion carried. Vote: 4-1 with Chairman Pendley in opposition.

5. V25-13: 7 Oakland Street

Applicant: Andrew Pettit

Variance: 1. To allow an 18ft x 26ft x 14.5 ft pavilion structure in the front yard within the Poplar Street street frontage. (Sec. 4.9)

2. To allow an 10ft x 20ft x 9ft greenhouse structure in the front yard within the Poplar Street street frontage. (Sec. 4.9)

Board Member Hudson recused himself from this case.

The applicant is making extensive renovations to the house and property. An original task item was to construct a pavilion to the rear of the house. The contractor determined that the pavilion roof could not tie into house roof. The owner decided a better location for the pavilion may be the area along Poplar St in the curve of the retaining wall. This location is behind the 20ft front yard setback line.

Also, a new greenhouse is proposed in the Oakland St front yard beside the house. It will be constructed with an aluminum framework with glass panels. The base will be gravel. This location is behind the 20ft front yard setback line.

This project was reviewed and approved by the HPC on 3/18/25 per COP25-05.

Andrew Pettit, 7 Oakland St. came forward to represent the application and stated he was willing to screen from Poplar St. per HPC request.

Board Member McElwee made a motion to approve V25-13. Board Member Brunt seconded the motion. Motion carried. Vote: 4-0 with Chairman Pendley voting.

6. V25-14: 109 S. Dixie Ave. Applicant: D.W. Wilson Inc. (Wilson Pools)
Variance: To allow an accessory structure in the front yard of a commercial Property (Sec. 4.9)

Mr. Arnold gave an overview of the case stating this was a variance application by Lee Asbridge for property located at 109 S. Dixie Ave, zoned G-C (General Commercial). Said property contains approximately 0.59 acres. Front & Rear yard setbacks: 20ft. Side yard setback: 10ft.

The applicant is requesting to install (2) pools in the front yard of his pool business for display purposes. One of the pools will be completely above ground and one pool will be partially installed into the ground. Neither of these pools will be functional for swimming. Per ordinance Sec. 4.9, accessory structures are not allowed in the front yard. Due to this a variance is necessary for construction of accessory structures in a front yard. These pools will be required to meet the current building code to include a fence around

both pools. The applicant is planning to install a 4ft decorative fence around the pools which is allowed by right. A site plan is included for your reference.

Chairman Pendley opened the public hearing.

Lee Asbridge, 109 S. Dixie Ave., came forward to represent the application.

With no one else to come forward to speak for or against V25-14, the public hearing was closed.

Board Member McElwee made a motion to approve V25-14. Board Member Hudson seconded the motion. Motion carried. Vote: 4-0 with Chairman Pendley voting.

Board Member Brunt returned to the meeting.

Keith Lovell, City Attorney, stated that each board member had received an iPad for the purposes of conducting City business and reminded the board members that anything added to the iPads would be subject to open record laws.

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:37 P.M.

April 10, 2025
Date Approved

/s/ _____
Chairman