



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/Caitly Chandler
CC: Keith Lovell
Date: April 4, 2022
Re: File # V22-08

Summary: To allow a privacy fence in the front yard of a multi-frontage lot.

Section 1: Project Summary

Variance application by owner/applicant Beth Tilley for property located at 49 Cassville Rd, zoned R-20, Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 1.50 acres. The lot is a multi-frontage lot with road frontages along Cassville Rd and Wofford St.

The applicant proposes to build a privacy fence to the rear of the house along the Wofford St. right-of-way. The zoning ordinance requires privacy fences to be installed behind the front yard setback. The fence is planned to be installed 5 feet off the property line along Wofford St. The fence will align with the existing driveway gate which is approx. 3ft off the ROW. There is some discrepancy between these distances. The existing chain link fence will likely be removed.

Wofford St. is not a collector or arterial street per the city's road classification map.

The HPC approved the fence at the March 15th meeting as presented in the application, COP22-05.

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

1. To allow an 8ft. privacy fence to encroach into the front yard setback of a multi-frontage lot.

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes No exception.

Fire Department: Takes no exception.

Gas Department: Takes no exception.

Public Works Department: Takes no exception.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None as of 4-4-22

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.

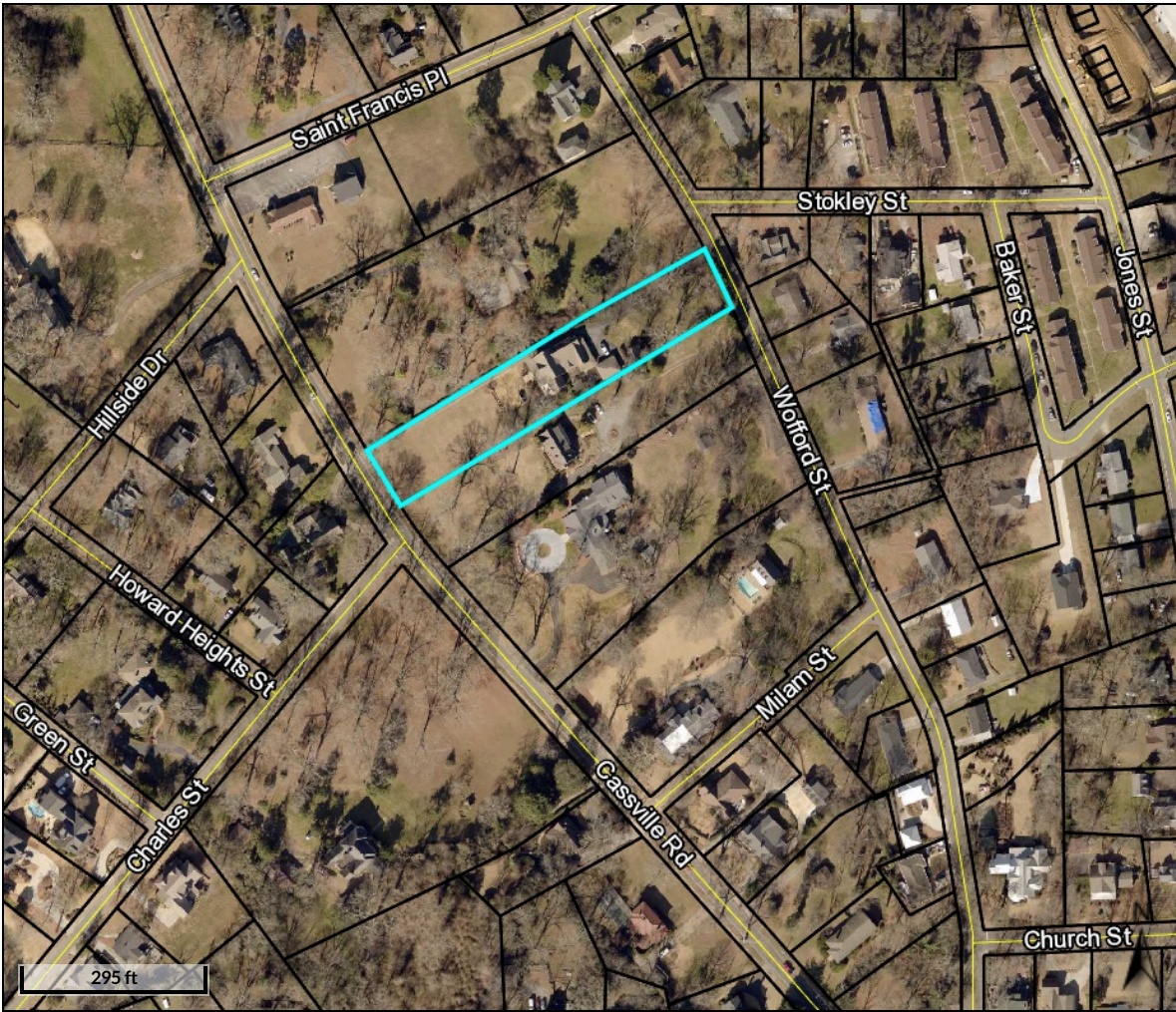
21.3.3. *Variances.* The board of appeals has the power to hear requests for variances from the provisions of this chapter. Variance may be granted only if the board finds all of the following to exist:

- 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.

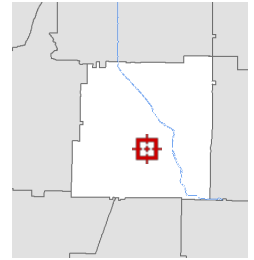
Variance decisions shall be issued in writing within ten (10) business days of the hearing.

- 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
- Flood Hazard Area**
 -  Bartow Regulatory
 -  FEMA

Parcel ID	C002-0017-004	Alternate ID	32256	Owner Address	TILLEY BETH L
Sec/Twp/Rng	n/a	Class	Residential		49 CASSVILLE RD
Property Address	49 CASSVILLE RD	Acreage	1.39		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL453 LD4				

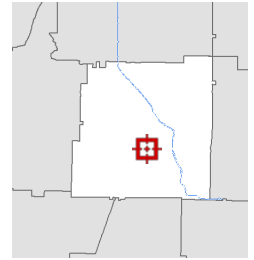
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Developed by  **Schneider**
 GEOSPATIAL



Overview



Legend

-  Parcels
-  Roads

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Brief Tax Description	LL453 LD4				

(Note: Not to be used on legal documents)

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GEOSPATIAL



Cartersville Historic Preservation Commission
10 N. Public Square
P.O. Box 1390
Cartersville, Georgia 30120

March 21, 2022

Beth Tilley
49 Cassville Road
Cartersville, GA 30120

RE: COP22-05. 49 Cassville Road. HPC Approval Letter.

Mr. Tilley,

This letter confirms the outcome of your Certificate of Preservation (COP) application to the Cartersville Historic Preservation Commission (HPC) for property located at 49 Cassville Rd. On March 15th, 2022 the HPC **approved** the following task items per the HPC Application:

1. Add fireplace to porch area, right rear wall of house.
2. Add privacy fence along Wofford St. (Pending Variance Approval)
3. Relocate accessory structure from near rear of house to near Wofford Street property line. (No closer than 20ft.)

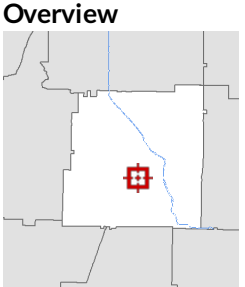
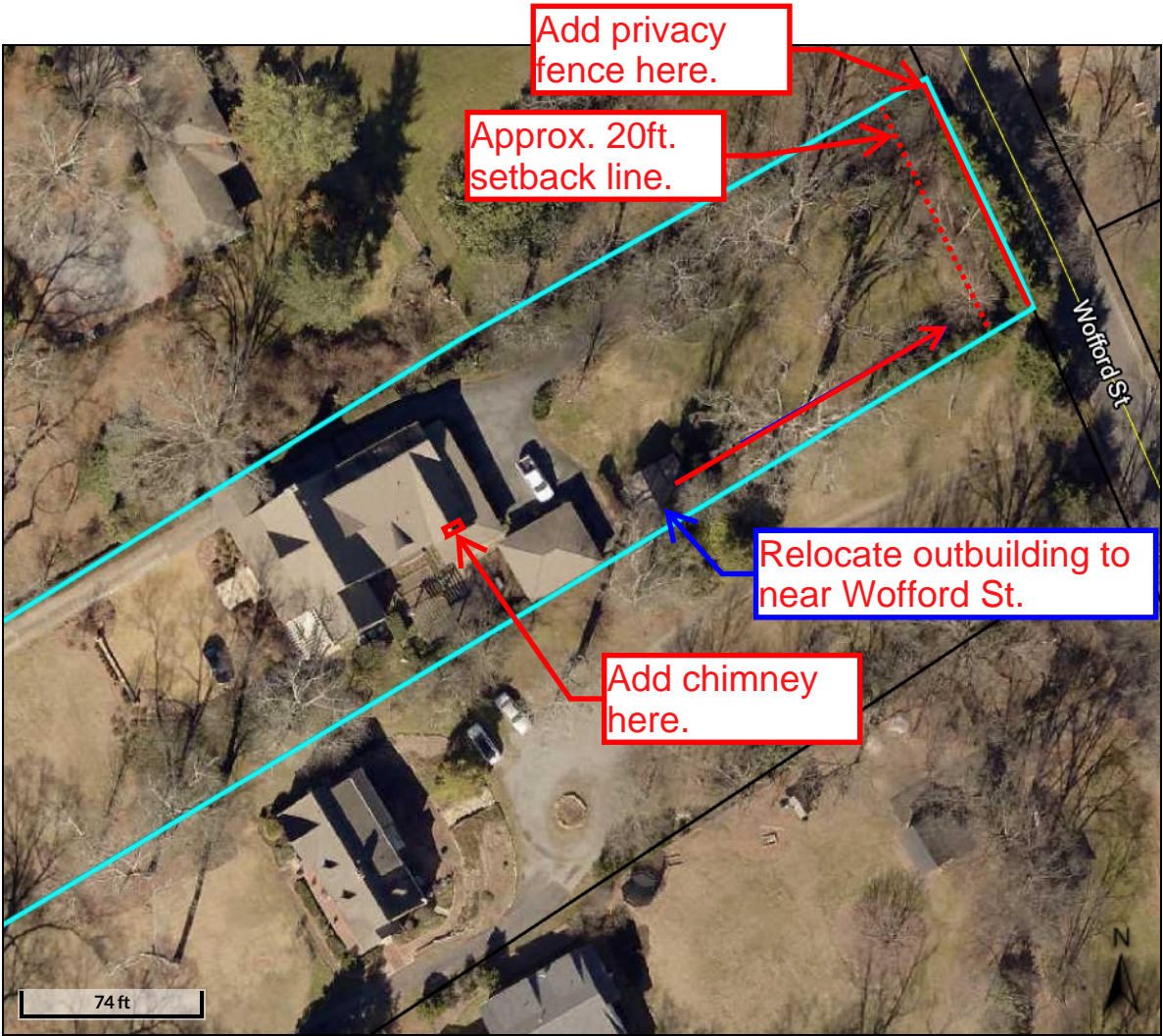
If you modify or make additions to the approved scope of work, you must reapply to the Historic Preservation Commission and receive approval before continuing the project.

If you have any questions, please contact me directly or by calling the City of Cartersville Planning Department at 770-387-5600.

Sincerely,

David Hardegree, AICP
City Planner
O: 770-387-5614

dhardegree@cityofcartersville.org



- Legend**
- Parcels
 - Roads
 - Flood Hazard Area**
 - Bartow Regulatory
 - FEMA

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City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: April 14/22 5:30pm

Application Number: V22-08
Date Received: 3/10/22

Applicant (printed name) <u>Beth Tilley</u>	Office Phone <u>404 427-5660</u>
Address <u>49 Cassville Rd</u>	Mobile/ Other Phone _____
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>Beth-tilley@bellsouth.net</u>
Representative's printed name (if other than applicant) _____	Phone (Rep) _____
Representative Signature _____	Applicant Signature <u>Beth Tilley</u>
Signed, sealed and delivered in presence of: <u>Nancy B. Pollock</u>	My commission expires: <u>1/22/26</u>
Notary Public	

* Titleholder (titleholder's printed name) <u>Beth Tilley</u>	Phone _____
Address _____	Email _____
Signature <u>Beth Tilley</u>	My commission expires: <u>1/22/26</u>
Signed, sealed, delivered in presence of: <u>Nancy B. Pollock</u>	Notary Public
	

Present Zoning District <u>R-20</u>
Acreage <u>1.5A</u> Land Lot(s) <u>453</u> District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>49 Cassville Road 30120</u> (street address, nearest intersections, etc.)
Zoning Section(s) for which a variance is being requested: <u>Article IV, Sect 4.16 B.(4)</u>
Summary Description of Variance Request: <u>Solid wood privacy fence to be located five (5) feet from the right of way of Wolford Street.</u> (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 B(4.)
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: Justification:

Our property is a double frontage lot. Wofford Street is the front that we consider our rear yard. We wish to construct an 8 foot high solid wood opaque privacy fence along the frontage of Wofford Street to connect to the existing rear driveway gate. We are asking to reduce the twenty (20) foot required setback to five (5) feet in order to connect said fence to the existing gate. Also there is an approximate 3 foot difference in topography from the road grade to the rear yard area.

SURVEYED FOR
BETH L. TILLEY

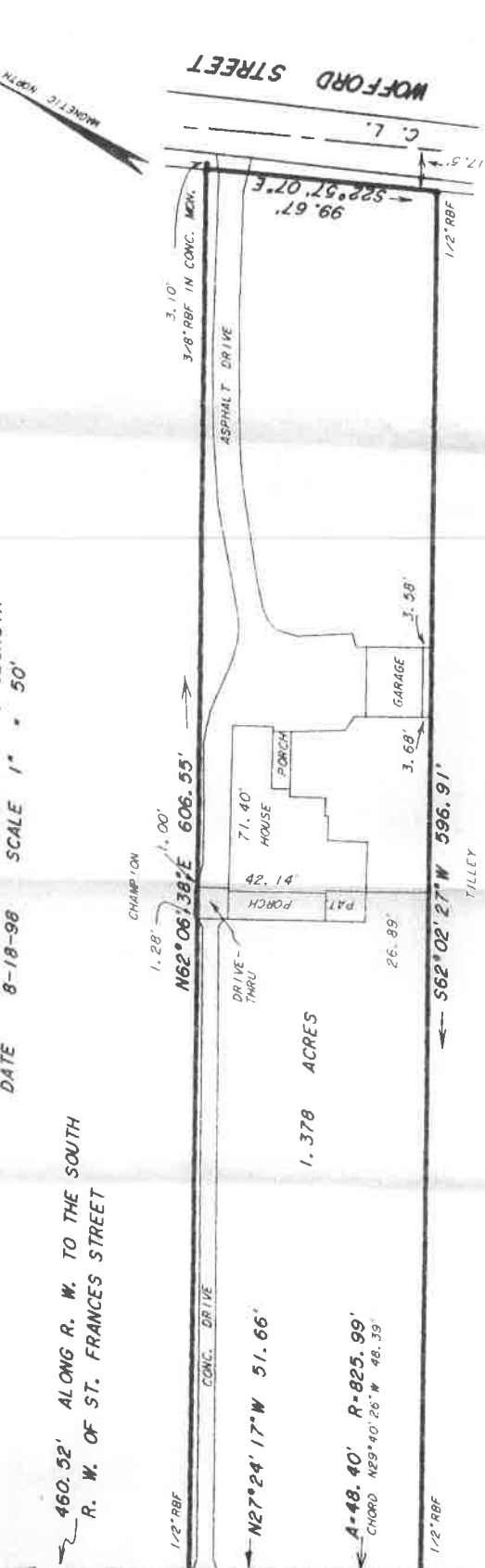
GREGORY D. FRISBEE

IN LAND LOT 453, 4TH. DISTRICT, 3RD. SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
DATE 8-18-98 SCALE 1" = 50'

460.52' ALONG R. W. TO THE SOUTH
R. W. OF ST. FRANCES STREET

CASSVILLE ROAD
50' R. W.

1.378 ACRES



FIELD DATA:
CLOSURE 1' IN 27,600'
EQUIPMENT: TOPCON GTS-393
ANGULAR ERROR 0.1" PER ANGLE POINT
BEARINGS ARE MAG. CAL. FROM ANGLES
TURNED.
ADJUSTED USING LEAST SQUARES
PLAT CLOSURE 1' IN 100,000'

FEMA FLOOD HAZARD MAP 13015C0089 F
DATED SEPTEMBER 29, 1989. SHOWS THIS
PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS
172 RYLAND SPRINGS ROAD, SE
CARTERSVILLE, GEORGIA 30121
TELEPHONE (770) 392-7975
OR (770) 336-5484



Johnny R. Knight

WOLFORD STREET



Images taken 3-24-22



Images taken 3-8-22



Images taken 3-8-22

