



# City of Cartersville

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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 3, 2023  
Re: File # V23-06

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

### **Section 1: Project Summary**

Variance application by applicant, Melissa Stringer, for property located at 111 Remington Drive, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 0.65 acres. The lot is a corner lot with road frontages along Road No. 1 South and Remington Drive.

On 3/13/23, Donna Fritz, Senior Code Enforcement officer, observed the privacy fence post installation occurring on the Public ROW (Right-of-Way). After several conversations with Ms. Fritz and Zack Arnold, Asst. City Planner, the homeowner submitted a variance application to request that the privacy fence be permitted to encroach into the front yard of a corner lot. This is a common request for corner lots.

The applicant proposes to build a privacy fence to enclose the side of the property that will include the front yard along the Road No. 1 South 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 Road No. 1 South.

Regardless of the outcome of the variance hearing, the homeowner will have to remove the new fence posts from the Public ROW. The homeowner should also be aware that either the City of Cartersville or Bartow County may require that the existing retaining wall for the parking area be removed should utility or ROW projects require it. The retaining wall is not part of this variance request.

### **The variance request is for the following:**

1. To allow an 8ft. privacy fence to be installed in the front yard of a corner lot (Sec. 4.16)

**Section 2. Department Comments**

**Electric Department:** Takes no exception.

**Fibercom:** No Comments made

**Fire Department:** CFD takes no exceptions to the variance request for the property located at 111 Remington Drive to allow a privacy fence provided that all city adopted codes and ordinances are followed.

**Gas Department:** The Gas System takes no exception to the following as shown in the attachments as long the proposed fence does not encroach within the public right-of-way.

**Public Works Department:** We are not opposed to this variance, but the fence cannot be put in the right of way.

**Water Department:**

**WATER SERVICE COMMENTS:**

This property is not located in the City of Cartersville Water Department’s water service area. Contact the Bartow County Water Department for comments regarding water service.

**SEWER SERVICE COMMENTS:**

This property is not located in the City of Cartersville Water Department’s water service area. Contact the Bartow County Water Department for comments regarding water service.

**Bartow County Water:** No comments received.

**Section 3. Public Comments Received by Staff**

None received as of 4/3/2023.

**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.

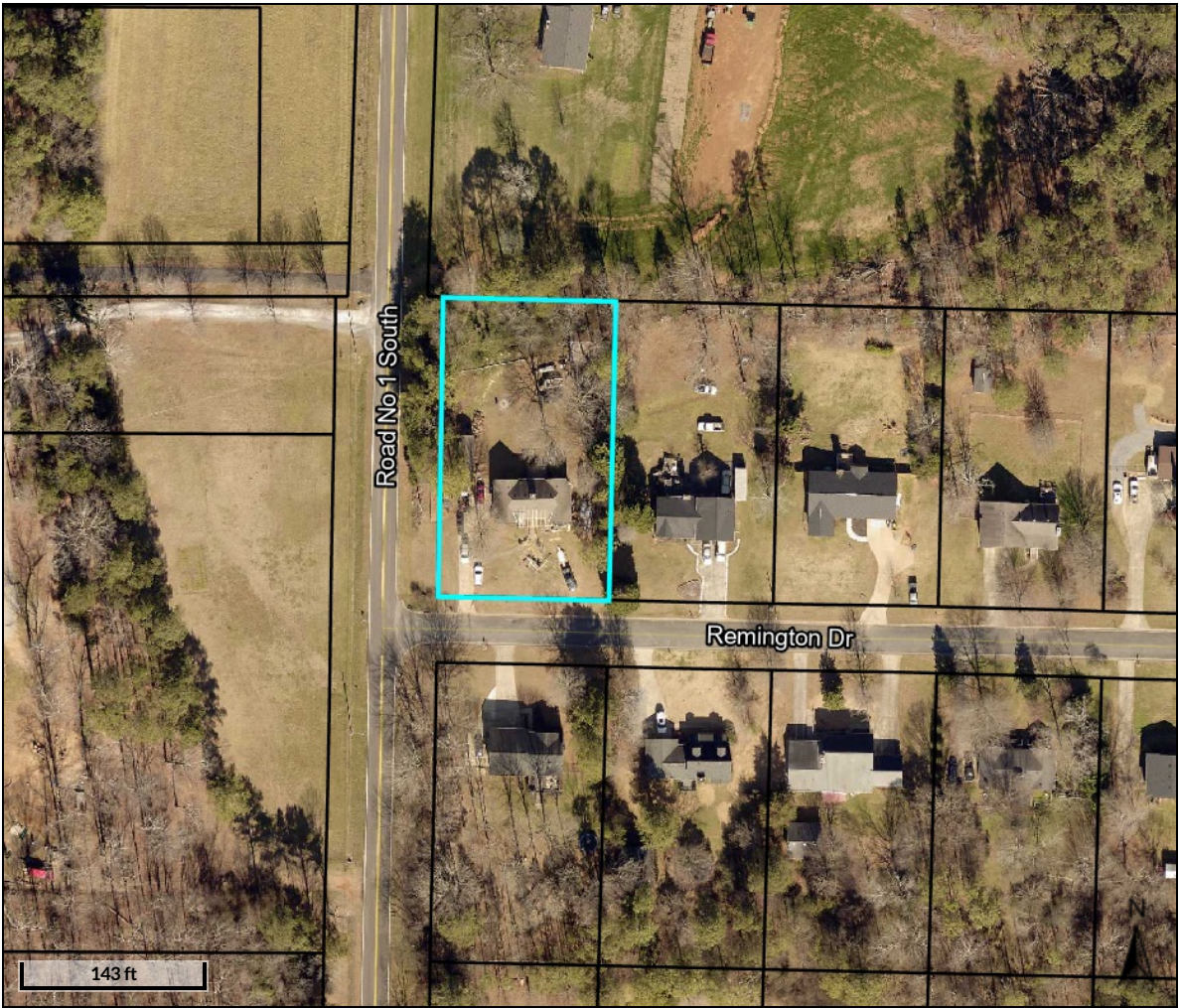
21.3.4. *Conditions.* In granting a variance, the board of appeals may attach such conditions regarding the location, character and other features of the proposed building, structure, property, development standards or use as it may deem advisable so that the purpose of this chapter will be served, public 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.

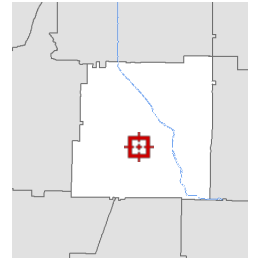
21.3.6. *Self-inflicted hardship.* The board shall not grant variances when the hardship was created by the property owner or his predecessor, and shall not grant hardship variances

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**



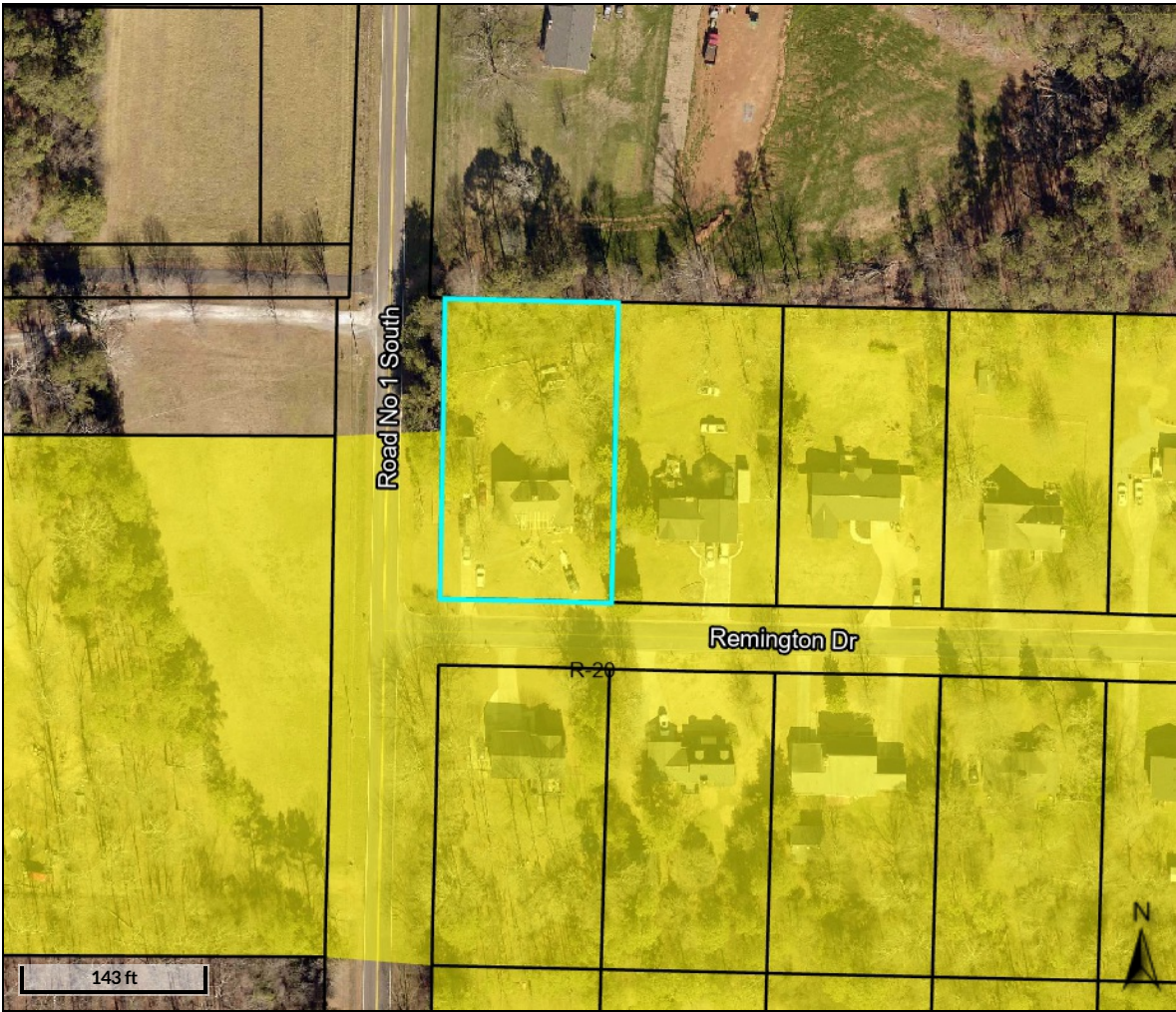
**Legend**

- Parcels
- Roads

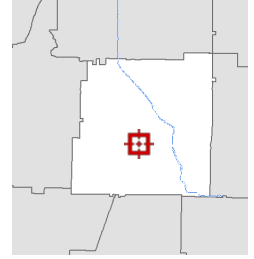
<b>Parcel ID</b>	C080-0003-001	<b>Alternate ID</b>	37390	<b>Owner Address</b>	STRINGER JASON & MELISSA ANN
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		111 REMINGTON DR SW
<b>Property Address</b>	111 REMINGTON DR	<b>Acreage</b>	0.65		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LT21 COPPERFIELD II LL 368 LD 4				
	(Note: Not to be used on legal documents)				

Date created: 4/3/2023  
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**Overview**



**Legend**

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C\*
- H-I
- H-I\*
- L-I
- L-I\*
- M-U
- M-U\*
- MF-14
- MF-14\*
- MN
- O-C
- O-C\*
- P-D
- P-D\*
- P-I
- P-S
- P-S\*
- R-10
- R-10\*
- R-15
- R-15\*
- R-20
- R-20\*
- R-7
- R-7\*
- R-D
- RA-12
- RA-12\*
- RSL

**Parcel ID** C080-0003-001  
**Sec/Twp/Rng** n/a

**Alternate ID** 37390  
**Class** Residential

**Owner Address** STRINGER JASON & MELISSA ANN  
 111 REMINGTON DR SW

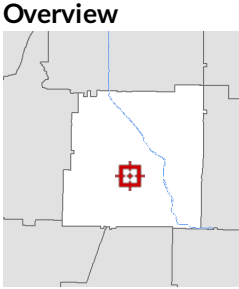
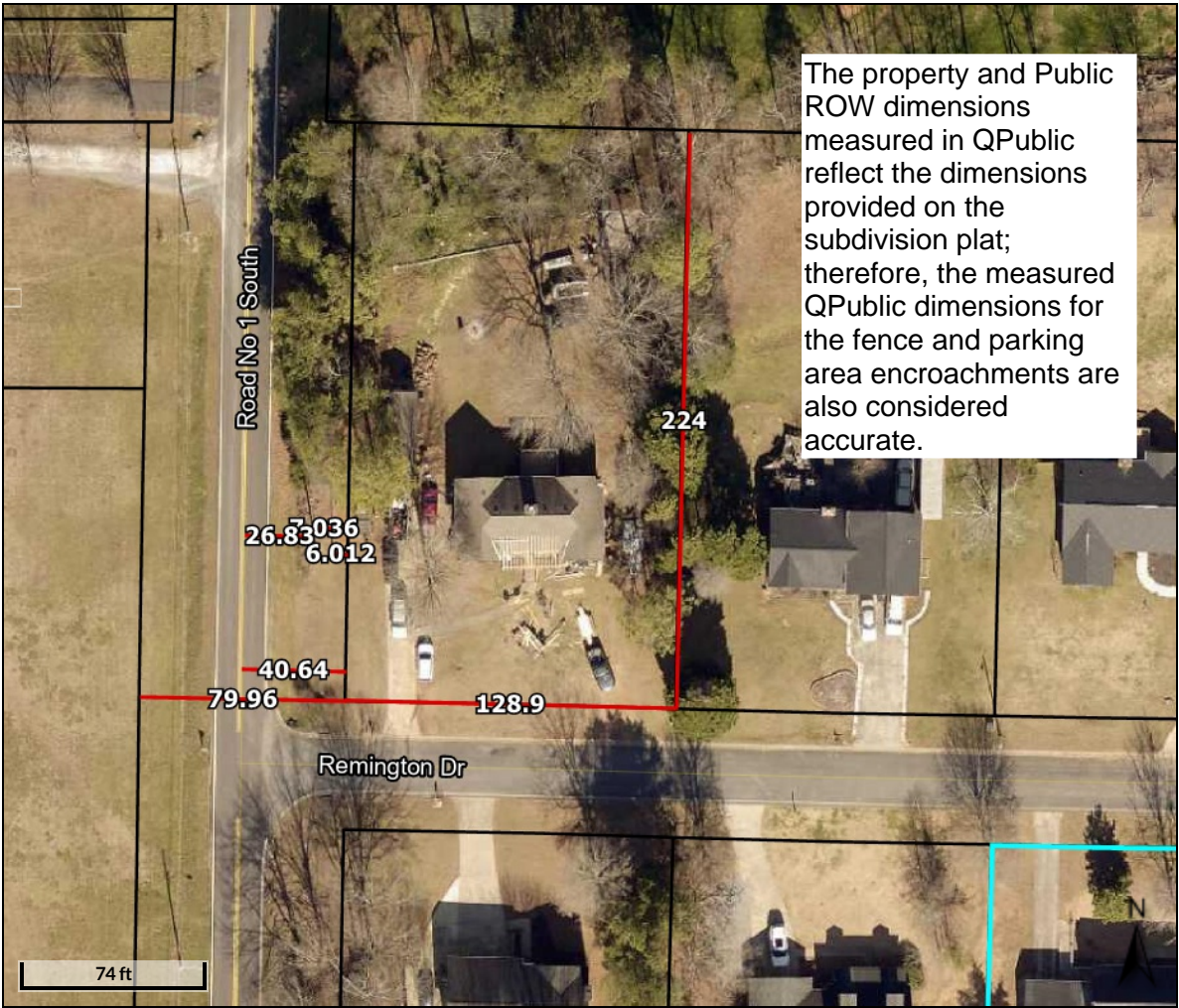
**Property Address** 111 REMINGTON DR      **Acreage** 0.65  
**District** Cartersville  
**Brief Tax Description** LT21 COPPERFIELD II LL 368 LD 4  
**(Note: Not to be used on legal documents)**

CARTERSVILLE, GA 30120

Date created: 4/3/2023  
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**Legend**  
 Parcels  
 Roads

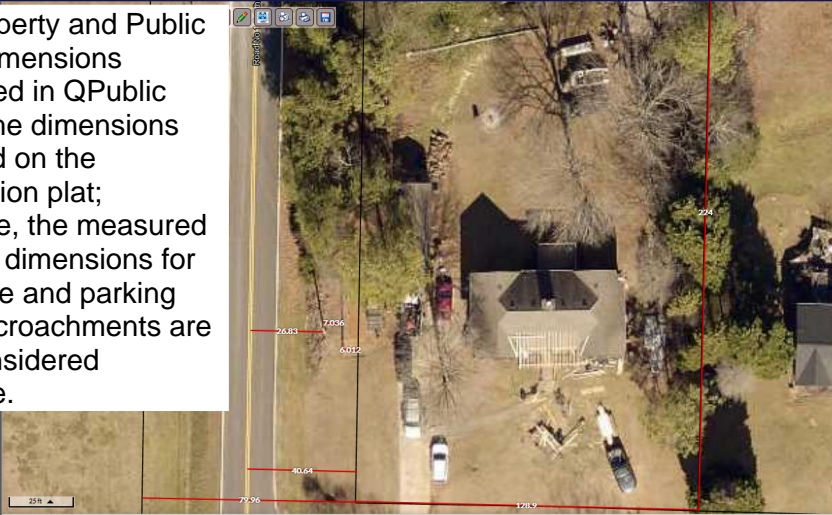
<b>Parcel ID</b>	C080-0003-019	<b>Alternate ID</b>	37408	<b>Owner Address</b>	HILL DENNIS L SR &
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		HILL PAMELA R
<b>Property Address</b>	114 REMINGTON DR	<b>Acres</b>	0.65		114 REMINGTON DRIVE
					CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LT39 COPPERFIELD II LL 368 LD 4				
	<i>(Note: Not to be used on legal documents)</i>				

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The property and Public ROW dimensions measured in QPublic reflect the dimensions provided on the subdivision plat; therefore, the measured QPublic dimensions for the fence and parking area encroachments are also considered accurate.

- Euharlee Historic District
  - Euharlee Road Corridor Design
  - Land Lots
  - Streams and Rivers
  - Lakes
  - Flood Hazard Area
  - County Outlines
  - Cass-White Corridor 2022
  - 2021 Aerial Photos
  - 2018 Aerial Photos
  - 2015 Aerial Photos
  - Contours
- [Restore Layer Defaults](#)

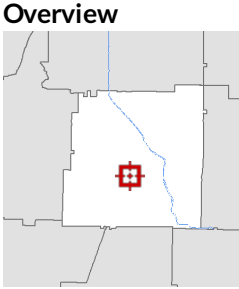


Parcel ID C080-0003-019  
Sec/Twp/Rng n/a  
Property Address 14 REMINGTON DR

Cartersville  
LT39 COPPERFIELD II LL 368 LD 4  
(Note: Not to be used on legal documents)

Alternate ID 37408  
Class Residential  
Acreage 0.65

Owner Address HILL DENNIS L SR &  
HILL PAMELA R  
114 REMINGTON DRIVE  
CARTERSVILLE, GA 30120



**Legend**  
 □ Parcels  
 — Roads

Proposed Privacy Fence location requiring a variance for front yard encroachment.

Proposed privacy fence location that does not require a variance.

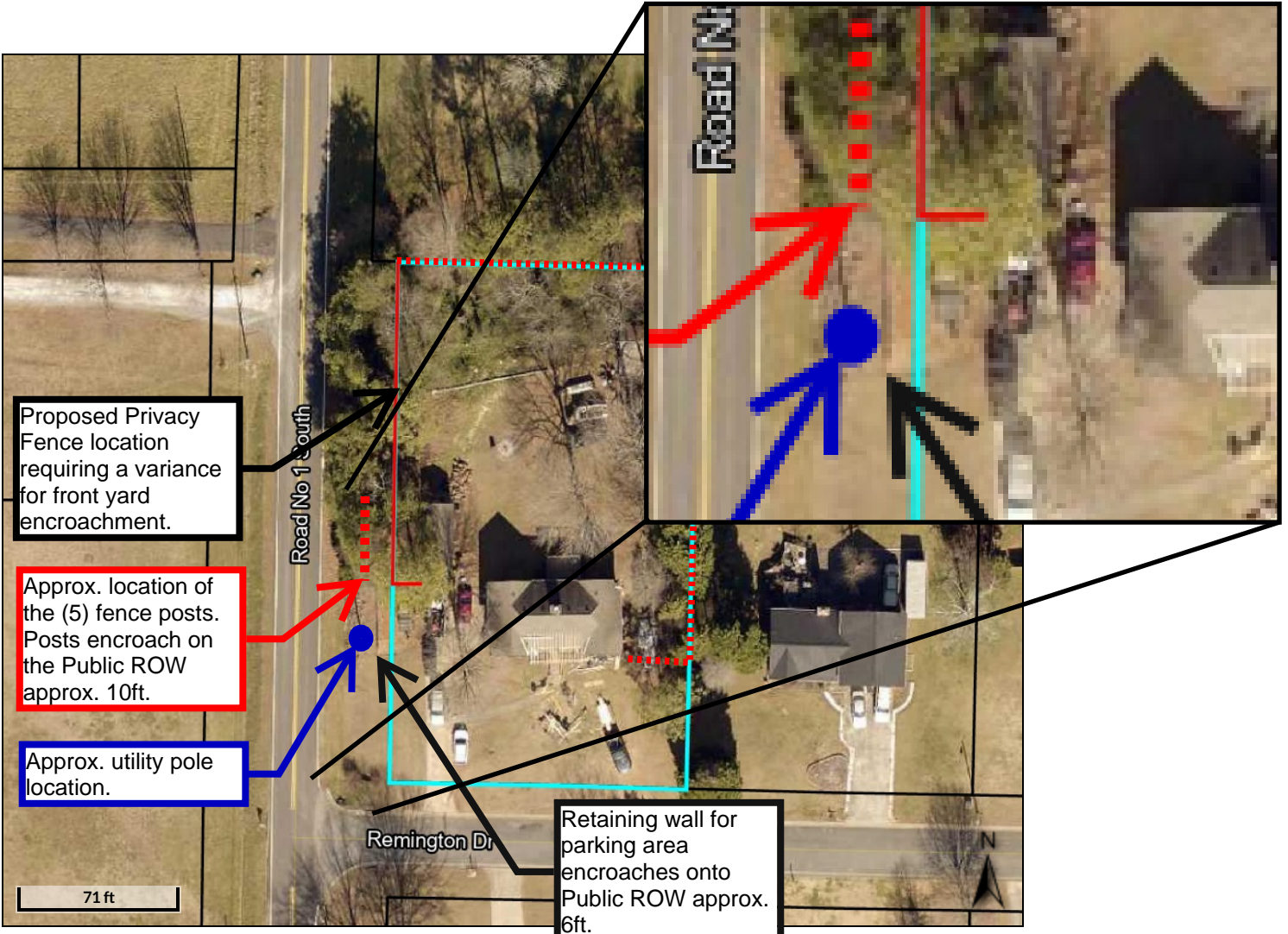
Fence connects to front corner of existing detached garage.

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<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		111 REMINGTON DR SW
<b>Property Address</b>	111 REMINGTON DR	<b>Acreage</b>	0.65		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LT21 COPPERFIELD II LL 368 LD 4				

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Proposed Privacy Fence location requiring a variance for front yard encroachment.

Approx. location of the (5) fence posts. Posts encroach on the Public ROW approx. 10ft.

Approx. utility pole location.

Retaining wall for parking area encroaches onto Public ROW approx. 6ft.

Parcel ID	C080-0003-001	Alternate ID	37390	Owner Address	STRINGER JASON & MELISSA ANN
Sec/Twp/Rng	n/a	Class	Residential		111 REMINGTON DR SW
Property Address	111 REMINGTON DR	Acreage	0.65		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LT21 COPPERFIELD II LL 368 LD 4				

(Note: Not to be used on legal documents)

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**City of Cartersville**  
**Application for Variance**  
**Board of Zoning Appeals**

Hearing Date: 4-13-2023 5:30pm

Application Number: V23-06

Date Received: 2-10-2023

Applicant <u>Melissa Stringer</u> <small>(printed name)</small>		Office Phone _____	
Address <u>111 Remington Drive</u>		Mobile/ Other Phone <u>678-371-1311</u>	
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>	Email <u>mstringer1973@gmail.com</u>
Representative's printed name (if other than applicant) _____		Phone (Rep) _____	
_____		Email (Rep) _____	
Representative Signature _____		Applicant Signature <u>Melissa Stringer</u>	
Signed, sealed and delivered in presence of: <u>Julia Drake</u> Notary Public		My commission expires: <u>10/6/2025</u>	



* Titleholder <u>Melissa Stringer</u> <small>(titleholder's printed name)</small>		Phone <u>678-371-1311</u>	
Address <u>111 Remington Drive</u>		Email <u>mstringer1973@gmail.com</u>	
Signature <u>Melissa Stringer</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>	Parcel ID No. <u>C080-0003-001</u>		
Acres <u>1.05</u>	Land Lot(s) <u>368</u>	District(s) <u>4</u>	Section(s) <u>3</u>
Location of Property: <u>111 Remington Drive Cartersville Ga. 30120</u> <small>(street address, nearest intersections, etc.)</small>			
Zoning Section(s) for which a variance is being requested: <u>Section 4.10 (B)</u>			
Summary Description of Variance Request: <u>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 IV Section 4.16 Subsection B  
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: I need to put a fence up for  
protection of a pool. we put up a pool and would  
like the fence for protection & privacy  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

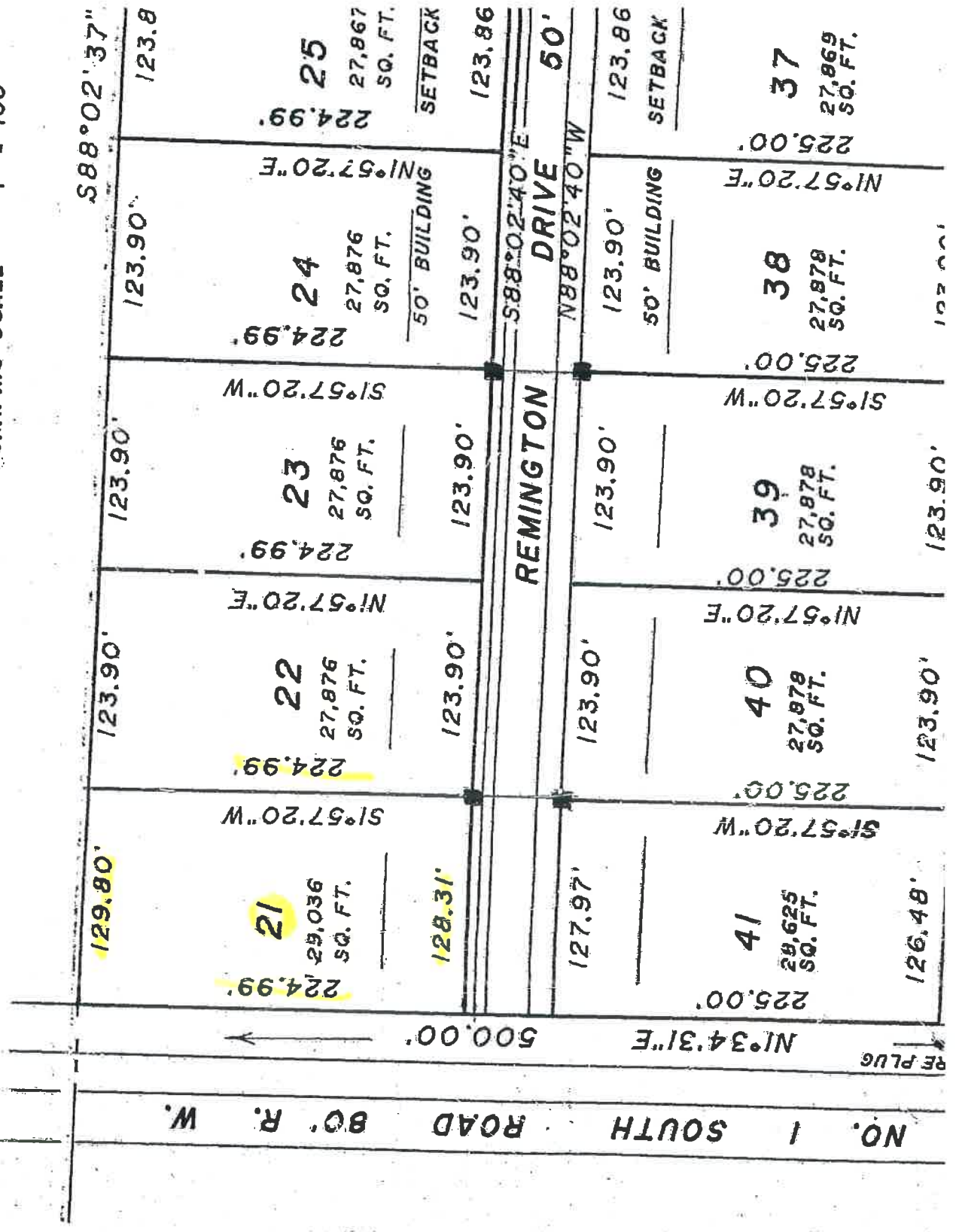
DEED BOOK 482, PAGE 277  
DEED BOOK 574, PAGE 507  
DEED BOOK 609, PAGE 379

NOTE: ALL CORNERS MARKED BY 1  
UNLESS OTHERWISE NOTED.

THIS PLAT RECORDED IN PLAT BOOK 7, PAGE 283.



GRAPHIC SCALE 1" = 100'







Images Taken 3-23-23



Images Taken 3-23-23

