



# City of Cartersville

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## PLANNING AND DEVELOPMENT

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P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120  
Telephone: 770-387-5600 • Fax: 770-387-5605 • [www.cityofcartersville.org](http://www.cityofcartersville.org)

## MEMO

To: BZA  
From: Randy Mannino/David Hardegree/Zack Arnold  
CC: Keith Lovell  
Date: March 24, 2025  
Re: File # V25-15

**Summary: To allow a privacy fence to extend into the front yard, and allow a 6ft non-opaque fence in the front yard.**

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

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.

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

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

### **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:** No comment received.

**Water Department:** The water meter for this residence must be kept outside of the fence limits for accessibility.

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

None received as of 3/24/2025.

### **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: V25-15  
Date Received: 2-11-2025

Applicant <u>Liner Castillo</u> <small>(printed name)</small>		Office Phone _____	
Address <u>304 Douglas St</u>		Mobile/ Other Phone <u>770-773-0184</u>	
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>	Email <u>linercast@gmail.com</u>
Representative's printed name (if other than applicant) _____		Phone (Rep) _____	
Representative Signature _____		Email (Rep) _____	
Signed, sealed and delivered in presence of <u>[Signature]</u>		Applicant Signature * <u>[Signature]</u>	
Notary Public _____		My commission expires: <u>June 23, 2026</u>	



* Titleholder <u>Liner Castillo</u> <small>(titleholder's printed name)</small>		Phone <u>7707730184</u>	
Address <u>304 Douglas St</u>		Email <u>Linercast@gmail.com</u>	
Signature <u>[Signature]</u>			
Signed, sealed, delivered in presence of: <u>[Signature]</u>		My commission expires: _____	
Notary Public _____			



Present Zoning District <u>R-D</u>		Parcel ID No. <u>C010-0015-002</u>	
Acreage <u>.38</u>	Land Lot(s) <u>338</u>	District(s) <u>4</u>	Section(s) <u>3</u>
Location of Property: <u>304 Douglas St</u> <small>(street address, nearest intersections, etc.)</small>			
Zoning Section(s) for which a variance is being requested: _____			
Summary Description of Variance Request: <u>see attached paperwork</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(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. ☒ 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: NEXT PAGE

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Auctioneers.

ersville, Georgia.

192 LOTS

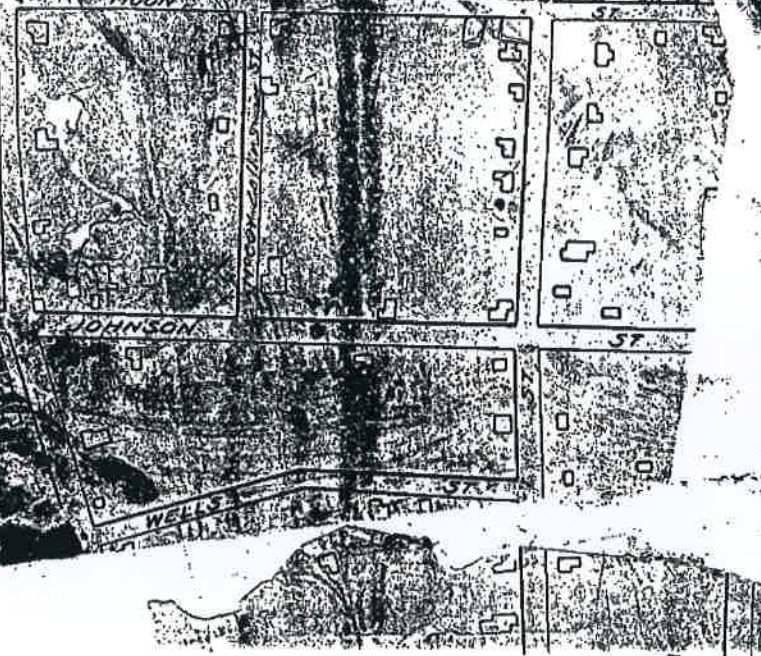
MAP of George S. Lowmyres. Sub-division.  
Auction Sale

For sale by George Adair  
Carbersville Land Co April 17<sup>th</sup> 1906

BUYER PURCHASE)  
N. R. R. Co.  
320 Acres

108	109	110	111	112	113	114	115
84	85	86	87	88	89	90	91
82	83	84	85	86	87	88	89
80	81	82	83	84	85	86	87
78	79	80	81	82	83	84	85
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MISSISSIPPI  
TENNESSEE (Old Morgan road)  
S  
W  
E  
N





LINER CASTILLO  
304 DOUGLAS ST.  
CARTERSVILLE, GA, 30120  
[Linercastillo@gmail.com](mailto:Linercastillo@gmail.com)  
770-773-0184

CITY OF CARTERSVILLE  
10 N. PUBLIC SQUARE  
CARTERSVILLE, GA, 30120

SUBJECT: JUSTIFICATION FOR ACTIONS TAKEN BY (LINER CASTILLO)

I am writing to provide detailed justification regarding my actions, in relation to the installation of a fence on my property. I have endured a series of distressing events that have significantly affected my sense of safety, well-being, and mental health. I want to clarify the situation and provide context for my actions. I have been a victim of numerous unsettling incidents which are as follows:

1. My business was intentionally burned and damaged by fire, which left half of it destroyed.
2. Someone unlawfully broke into my home, further violating my personal space and security.
3. My car's windshield was intentionally broken, causing financial and emotional distress.

All these incidents were reported to the police officers and detectives, and I have provided the necessary evidence to support these claims, including complaints filed and proof of communication with law enforcement. Despite this, the responsible parties have not been apprehended, and I remain in fear that further harm could come to my home or me.

Out of genuine concern for my safety, I took steps to improve the security of my property. Unaware of any legal restrictions, I installed a six-foot fence to create a barrier that would help protect my home and myself from any other attacks. The construction of the fence was a financial and physical investment, as it required considerable effort, resources, and money.

I deeply regret any potential misunderstanding regarding the installation of the fence. My only intention was to secure my property and ensure my family's safety after experiencing a series of traumatic events. At no point did I intend to disregard legal protocols or create any

disturbance. Given my concern for my safety and the difficult circumstances I've faced, I kindly ask that the court take these facts into consideration when assessing the situation.

Thank you for the attention to this matter. Should you require any further information, I have proof and documentation and I'm more than willing to cooperate fully.

Sincerely,

Liner Castillo

A handwritten signature in blue ink, appearing to read "Liner Castillo", with a large, stylized loop at the end.



Jan 31, 2025 at 12:39:24 PM  
301-399 Douglas St  
Cartersville GA 30120





Jan 31, 2025 at 12:39:34 PM  
301-399 Douglas St  
Cartersville GA 30120





Jan 31, 2025 at 12:39:12 PM  
301-399 Douglas St  
Cartersville GA 30120





Feb 27, 2025 at 13:39:33  
301-399 Douglas St  
Cartersville GA 30120  
United States

