

**MINUTES
OF
THE CARTERSVILLE BOARD OF ZONING APPEALS**

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on May 11, 2023, in the Council Chambers.

ROLL CALL

Board Members Present: Lamar Pendley, John Clayton, Malcolm Cooley, JB Hudson, and Patrick Murphy (via phone)
Absent: Kevin McElwee, Linda Brunt
Staff Present: Randy Mannino, David Hardegree, Zack Arnold, and Julia Drake

VARIANCE CASES

- 1. V23-09: 32 Cassville Rd. Applicant: Calvin Evans**
Variance: To allow a detached garage to be placed in the front yard setbacks of a corner lot.

Board Member Hudson recused himself from this case.

David Hardegree, Planning and Development Assistant Director stated all properties had been properly posted and advertised and all adjacent property owners had been notified. Continuing, he gave an overview of the case stating this was a variance application by owner/applicant Calvin Evans for property located at 32 Cassville Road, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 4.25 acres. The lot is a corner lot with road frontages and front yards along Cassville Rd. and Charles St.

The location of the detached garage was previously home to a carriage house original to the historic home from the early 1900's. Upon inspection it was decided that the carriage house could not be salvaged due to structural issues, and demolition occurred. The applicant is constructing the new garage in the same location as the old carriage house. The zoning ordinance for corner lot accessory structures, Sec. 4.9, requires accessory structures to be installed within a side yard while complying with the side yard setback for the district.

The current location of the detached garage is in the front yard along Charles Street, but does not encroach into the Charles St. right-of-way, is behind the 20ft front yard setback, and is located behind the 10ft side yard setback.

The City Historic Preservation Commission approved the construction of the new detached garage on April 18, 2023 (COP23-13).

Chairman Pendley opened the public hearing.

Brandon Bowen, 15 S Public Sq. came forward to represent the application and answer any questions from the Board Members.

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

Board Member Clayton made a motion to approve V23-09. Board Member Cooley seconded the motion. Motion carried unanimously with Chairman Pendley voting. Vote: 4-0

Board Member Murphy left the meeting.

Board Member Hudson rejoined the meeting.

APPROVAL OF MINUTES

2. April 13, 2023

Chairman Pendley made a comment that the minutes needed to be corrected under case V22-23. The minutes reflect that the house was proposed when in fact, the house had already been built.

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

Board Member Clayton made a motion to approve the amended minutes from April 13, 2023. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

VARIANCE CASES

3. V23-10: 115 Ford St.

Applicant: Donna N. Jones

Variance: To reduce minimum lot area and minimum lot frontage in M-U zoning district.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree gave an overview of the case stating this is a variance application by the owner/applicant, Donna Jones, for property located at 115 Ford St, zoned M-U, Multiple Use District. The lot is a double frontage lot with road frontages along Ford Street and Roosevelt Street. Setbacks are Front- 10ft. and Side- 10ft. Said property contains approximately 0.41 acres.

The applicant proposes to split the current lot into three separate lots. Currently, there are three houses on the property. The zoning ordinance for M-U (Multiple Use District), Sec. 9.2, requires a minimum of 7,000 square feet of lot area per lot and a minimum of 60 feet of road frontage per lot.

Tract 3 with a proposed 5,420sf shown on the attached survey cannot meet the 7,000 square foot minimum lot size, and therefore requires a variance to reduce the lot size.

The Water Department is requiring that a 5ft wide strip of land be platted for Tract 2 for a new sewer line installation adjacent to Tract 1. The current sewer line serving Tract 2 is buried under the house on Tract 1. The portion of the existing sewer line serving Tract 2 must be abandoned and the new sewer line installed within the new 5ft strip of land. Because this 5ft. strip of land is required, it causes Tract 2 to become

double frontage lot unable to meet the minimum 60ft. street frontage requirement along Ford St.

The variance request is for the following and per the submitted survey:

1. To reduce the minimum lot area on Tract 3 (Sec. 9.2.3(E)).
2. To reduce the minimum road frontage for Tract 2. (Sec. 9.2.3(H)).

Public hearing was opened.

Melissa Elejalde, 321 Lakebridge Crossing, Canton, GA., came forward to represent the case for the applicant.

Chairman Pendley inquired if the existing homes would remain on the lots to which Ms. Elejalde stated that yes, the homes would remain. Two of the homes are new and the other home is being remodeled.

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

Board Member Hudson made a motion to approve the variance to reduce lot area on Tract 3. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Clayton made a motion to approve the variance to reduce the minimum road frontage for Tract 2. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

4. V23-11: 407 Douglas St.

Applicant: Lifepoint Church

Variance: To allow an outdoor play structure in the front yard; and to allow a 6 foot tall decorative fence in the front yard of a double frontage lot.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree gave an overview stating Variance application by applicant Lifepoint Church for property located at 407 Douglas St, zoned M-U (Multiple-Use). Setbacks are Front- 10ft and Side- 10ft. Said property contains approximately 2.92 acres. This lot has road frontages and front yards along Tennessee St., Mary St., and Douglas St.

There are two variance requests:

The applicant wishes to construct an outdoor play structure, to the front of the church that will encroach into the front yard along Tennessee St. The proposed location of the accessory structure is behind the front yard setbacks for Tennessee St. and Mary St. Sec. 4.9. requires outdoor play structures to be placed in the side or rear yard and comply with the setbacks of the district.

The applicant would also like to install a 6ft decorative fence around the outdoor play structure. This fence will also be in the front yard along Tennessee St. and Mary St. The fence is not proposed to encroach on either front yard setback. The fence ordinance for a double frontage lot, Sec. 4.16, requires fences installed in a front yard to be decorative and no taller than 4ft.

Chairman Pendley opened the public hearing.

Eric Bruton, Rydal, GA., came forward to represent the application and to answer questions.

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

Board Member Clayton made a motion to approve both requests for this variance. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

5. V23-12: 251 (751) Great Valley Pkwy Applicant: Bohler Engineering GA., LLC
Variance: To reduce the minimum parking space requirement

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree stated this variance application is by Bohler Engineering GA, LLC for property located at 251 (751) Great Valley Pkwy, zoned H-I, Heavy Industrial. Said property contains approximately 59.01 acres. The lot is currently part of the larger 360 ac. tract, Tax ID C123-0001-002. The site is located in the Business Park Overlay District. There are no guidelines in the Overlay District that address parking requirements.

This project, now known as Hanwha EVA, is associated with the QCells project to be constructed on the parent tract to the north and northwest sections of this parcel. QCells will manufacture solar panels.

The applicant is requesting a variance to reduce the min. parking requirement from 614 to 300. The proposed warehouse facilities depend on automation for production, so there are proportionately fewer workers required for production than the requirements of the parking space formula. Fewer workers equate to fewer parking spaces needed.

Office space and warehouse space are factored into the parking request.

The site is large enough that should additional parking be needed in the future, then there is space available for parking expansion. The additional greenspace created by reducing the amount of impervious surface improves the drainage and stormwater management requirements for the site.

Chairman Pendley opened the public hearing.

Eric Labbe, 1963 Miller Academy Rd, Bremen, came forward to represent the application and answer any questions. With no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member Hudson made a motion to approve V23-12. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

6. V23-13: 751 Great Valley Pkwy. Applicant: Jack Williams, AIA., Stantec

Keith Lovell, Assistant City Attorney, made the comment for the record that Chairman Lamar Pendley serves on a board for this project but has no financial interest in this case and is allowed to vote on this variance application.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised.

Continuing, Mr. Hardegree stated this variance application is by Jack Williams, AIA, Stantec, for property located at 751 Great Valley Pkwy, zoned H-I, Heavy Industrial. Said property contains approximately 320 +/- acres. Tax ID C123-0001-002. This site is a corner lot with street frontages along Cass-Pine Log Rd and Great Valley Pkwy. The site is also located in the Business Park Overlay District. There are no guidelines in the Overlay District that address parking requirements or accessory structures. Some landscape requirements are addressed in the Overlay District guidelines.

This project, now known as QCells, is associated with the Hanwha EVA project to be constructed on the tract to the south and southeast sections of this parcel. QCells will manufacture solar panels.

The applicant is requesting the following variances. See site plan and justification letter for details of these requests:

- 1) Allow accessory structures including guard shacks, Solar Panel Canopies, and storage buildings in the front yard of a corner lot. All accessory structures meet the front yard setbacks.
 - a. Guard shacks are planned at all entrances off public roads.
 - b. A large storage/ maintenance building is planned between Great Valley Pkwy and the Facility; and
 - c. Solar Panel Parking Canopies are proposed in the parking lots. The canopies will provide shade and protection for select parking spaces while also using company solar panels to capture and produce solar energy.
- 2) Reduce the min. parking requirements for office and warehouse uses from approx. 2,500 spaces to approx. 1,000 spaces. The proposed warehouse facilities depend on automation for production, so there are proportionately fewer workers required for production than the requirements of the parking space formula. Fewer workers equate to fewer parking spaces needed.
- 3) Omit the parking lot island tree requirements for islands under or adjacent to the Solar Panel Canopies. Islands will still be required, but instead of trees, shrubs and groundcover will be planted.

The site landscape and grading plans will aid in disguising the accessory structures and offset the loss of parking lot trees by preserving natural buffers, incorporating berms with vegetative screens and by enhancing natural buffers with new vegetation. See grading and landscaping plans attached.

The variance requests are for the following:

1. Allow accessory structures, guard shacks, in the front yards along Cass-Pine Log Rd and

Great Valley Pkwy. (Ord. Sec. 4.9)

2. Allow an accessory structure, storage/ maintenance building, in the front yard along Great Valley Pkwy. (Ord. Sec. 4.9)
3. Allow accessory structures, Solar Panel Canopies, in the front yards along Cass-Pine Log Rd and Great Valley Pkwy. (Ord. Sec. 4.9)
4. Reduce the min. parking requirement for an industrial warehouse from approx. 2,500 to approx. 1,000 space. (Ord. Sec. 17.6.18 and 17.6.21).
5. Omit the parking lot island tree requirements for islands under or adjacent to the Solar Panel Canopies (Ord. Sec. 17-66).

Chairman Pendley opened the public hearing.

Jack Williams, applicant, came forward to represent the application. With no one else to come forward to speak for or against this application, the public hearing was closed.

Board Member Clayton made a motion to approve the reduce the parking spaces. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Clayton made a motion to approve the allowance of an accessory structure in the front yard. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Clayton made a motion to approve the reduce the parking spaces. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 4-0

Randy Mannino, Planning and Development Director stated that Mayor and Council approved the attendance ordinance and is effective immediately.

With no other business to discuss, Board Member Clayton made a motion to adjourn at 6:19 P.M.

June 8, 2023
Date Approved

/s/ _____
Chair