



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/Zack Arnold
CC: Keith Lovell
Date: October 24, 2023
Re: File # V23-28

Summary: To allow a privacy fence and storage building in the front yard of a double frontage lot.

Section 1: Project Summary

Variance application by applicant, Justin Gordon, for property located at 26 Quail Run, zoned R-7 Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.21 acres. The lot is a double frontage lot with frontages along Guyton St., and Quail Run.

The applicant proposes to construct a privacy fence to enclose the property to the rear of the home along Quail Run. The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, less than 4ft tall, and non-opaque in a front yard.

The applicant also proposes to build a storage building to the rear of the home, in the front yard along Quail Run. Sec. 4.9, requires accessory structures on double frontage lots be constructed in the side or rear yard only, and comply with the side yard setbacks.

The variance request is for the following:

1. To allow an 6ft. privacy fence to be installed in the front yard of a double frontage lot (Sec. 4.16).
2. To allow an accessory structure to be constructed in the front yard of a double frontage lot (Sec. 4.9).

Section 2. Department Comments

Electric Department: Takes no exception.

Fibercom: Takes no exception.

Fire Department: Takes no exception.

Gas Department: the above referenced address is served natural gas from a natural gas meter and service line at the rear of the house within the limits of the proposed fencing. The Gas System takes no exception to the following if the proposed fence provides for a double swing gate in the fence to access the existing natural gas service line with mechanized equipment and access to the existing natural gas meter. If this double swing gate is to be locked, it must be interlocked by chain with a Gas System lock that will be provided by the Gas System. As an alternative, the property owner may request the existing natural gas meter and service line to be relocated outside of the limits of the fencing at the expense of the property owner. The property owner shall contact the Gas System at the telephone number in my signature below for an estimate of the costs associated with such a relocation.

Public Works Department: In reviewing the variance request Public Works has determined that the fence and shop should be a minimum of 10 feet from the edge of pavement for Guyton Street per AASHTO Roadside Design Guide and GDOT Regulations for Driveway and Encroachment Control Manual requirements as shown in the attachment.

Water Department: Takes no exception.

Section 3. Public Comments Received by Staff

None received as of 10/24/2023.

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. 4.9. Accessory uses, buildings or structures.

Accessory uses, buildings, or structures on residential lots shall be located within a rear yard only and be a minimum of five (5) feet from all property lines which do not abut a street right-of-way. A detached garage or carport may be allowed in a side yard of a residential lot and, if so placed, shall comply with the side yard setback requirements of the district. In the case of a residential corner lot, in which a lot abuts or adjoins the intersection of two (2) or more streets

other than an alley, an accessory structure may be allowed in a side yard and, if so placed, shall comply with the side yard setback requirements of the district.

Accessory uses, buildings, or structures on nonresidential lots shall not be allowed in the front yard and must comply with side and rear yard requirements established for the zoning district in which such accessory buildings or uses are located. The following accessory uses, buildings, or structures on nonresidential lots may be allowed in a front yard of a nonresidential lot and, if so placed, shall comply with the front yard setback requirements of the district: ATMs (automated teller machines) and service stations.

All accessory uses, buildings, or structures in all zoning districts shall be subordinate to the principal structure. An accessory building's floor area shall be no larger than fifty (50) percent of the principal structure floor area. Accessory structures shall not exceed the height of the most prevalent roof top of the principal building on the property.

Outdoor play structures or play sets in commercial districts, commonly associated with fast-food eating establishments, shall be located in a side or rear yard only and shall comply with the required yard setbacks of the district.

All site plans for multifamily, commercial, and industrial buildings shall include a solid waste container pad that has easy and safe access for a front-end loader. Solid waste containers shall be screened from all streets and adjoining properties with a solid, opaque fence or wall which shall be a minimum of six (6) inches taller than the container.

An amenity, as defined by this chapter, shall not be considered an accessory structure.

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.

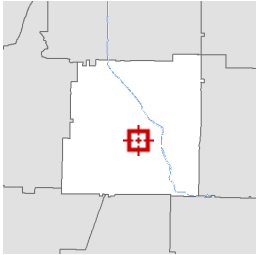
- 1. *The existing land uses and zoning of nearby property.*
The surrounding properties are zoned for residential and used for that purpose.
- 2. *The suitability of the subject property for the zoned purposes.*

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. A variance approval would allow the property owner to protect the property.
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. A double locked gate will be required for 24/7 access to the electric and gas meters and supply lines.
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.



Overview



Legend

- Parcels
- Roads

<p>Parcel ID C032-0008-004</p> <p>Sec/Twp/Rng n/a</p> <p>Property Address 26 QUAIL RUN</p>	<p>Alternate ID 35954</p> <p>Class Residential</p> <p>Acreage n/a</p>	<p>Owner Address GORDON JUSTIN & CHERETA 26 QUAIL RUN CARTERSVILLE, GA 30120</p>
<p>District Cartersville</p> <p>Brief Tax Description P/O LT 5 BLK A N MEADOWS LL195 D4 <i>(Note: Not to be used on legal documents)</i></p>		

Date created: 11/3/2023
 Last Data Uploaded: 11/2/2023 9:18:45 PM

City of Cartersville
Application for Variance
 Board of Zoning Appeals

Hearing Date: 11-9-2023 5:30pm

Application Number: V23-28

Date Received: 9-8-2023

Applicant Justin E. Gordon Office Phone _____
(printed name)

Address 26 Quail Run Mobile/ Other Phone 770-386-8860


City Cartersville State GA Zip 30120 Email cheretaj@icloud.com

Representative's printed name (if other than applicant) _____
 Phone (Rep) r
 Email (Rep) _____

Representative Signature _____ Applicant Signature Justin E. Gordon

Signed, sealed and delivered in presence of _____ My commission expires: 11/29/26

[Signature] Notary Public




* Titleholder Justin Gordon Phone 770 386 8860
(titleholder's printed name)

Address 26 Quail Run Email cheretaj@icloud.com

Signature Justin E. Gordon

Signed, sealed, delivered in presence of: _____ My commission expires: 11/29/26

[Signature] Notary Public



Present Zoning District R-7 Parcel ID No. C032-0008005

Acreage .21 Land Lot(s) 194-195 District(s) 4 Section(s) 3

Location of Property: 26 Quail Run and Gayton St.
(street address, nearest intersections, etc.)

Zoning Section(s) for which a variance is being requested: SEC. 4.16 (B) & SEC. 4.9

Summary Description of Variance Request: privacy fence and eventual storage building

(Additional detail can be provided on Justification Letter)


*** Attach additional notarized signatures as needed on separate application pages.**

City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: _____ 5:30pm

Application Number: V23-28

Date Received: _____

Applicant <u>Chereta Gordon</u> <small>(printed name)</small>		Office Phone _____	
Address <u>26 Quail Run</u>		Mobile/ Other Phone <u>770 851-3845</u>	
City <u>Cartersville</u>	State <u>GA</u>	Zip <u>30120</u>	Email <u>CheretaG@icloud.com</u>
Representative's printed name (if other than applicant) _____		Phone (Rep) _____	
Representative Signature _____		Email (Rep) _____	
Applicant Signature <u>Chereta Gordon</u>		My commission expires: _____	
Signed, sealed and delivered in presence of _____		My commission expires: <u>11/29/20</u>	
Notary Public <u>[Signature]</u>			

* Titleholder <u>Justin + Chereta Gordon</u> <small>(titleholder's printed name)</small>		Phone <u>770 851-3845</u>	
Address <u>26 Quail Run</u>		Email <u>CheretaG@icloud.com</u>	
Signature <u>Justin Gordon</u>		My commission expires: _____	
Signed, sealed, delivered in presence of _____		My commission expires: <u>11/29/20</u>	
Notary Public <u>[Signature]</u>			

Present Zoning District <u>R-17</u>	Parcel ID No <u>C032-0008004</u>		
Acreage <u>2.22</u>	Land Lot(s) <u>195</u>	District(s) <u>4</u>	Section(s) <u>3</u>
Location of Property: <u>26 Quail Run and Guyton St.</u> <small>(street address, nearest intersections, etc.)</small>			
Zoning Section(s) for which a variance is being requested: <u>SEC-4-16 (B) & SEC-4-9</u>			
Summary Description of Variance Request: <u>Requesting to install a privacy fence and storage building</u>			
<small>(Additional detail can be provided on Justification Letter)</small>			

* Attach additional notarized signatures as needed on separate application pages.

September 8 ,2023

Justin E. Gordon
Chereta C. Gordon
26 Quail Run
Cartersville, Georgia 30120

RE: Variance Letter

To Whom It May Concern,

We are the property owners of 26 Quail Run and we also own the property adjacent to the Quail Run Property, which is C032-0008-005, Guyton Street, P/O LT 4 BLK A N MEADOWSLL194,195D4. We are well aware that the Guyton Street property was originally intended for a residential structure and that it is considered as frontal property and that the Quail Run property is considered double frontal property. However, the Quail Run property has been our home for over thirty-one years and we consider the land in the back of our home as our "backyard." The Guyton Street property was purchased several years after we bought our home partially due to us being under the impression that the land was already our's. The other reason for the purchase of the lot was to provide our growing family with a large backyard. Hence, we consider the Guyton Street property as our backyard as well.

The reason for a variance request at this time is due to several developments that have recently occurred. First and foremost, we are requesting a privacy fence for the safety of our family. Due to the openness of the front yard to the back yard, perfect strangers continuously trespass across our property to either gain access to the Okinawa Restaurant which is located less than 10 feet from the edge of our Quail Run property or Los Arcos Restaurant. Both restaurants are situated within a shopping center that yields high volume traffic. Chereta Gordon was startled at 9:00 at night by a complete stranger (male) trespassing across the Quail Run Property, while taking out the trash. No one in the home knew that she was outside and the location where the trash bin is located, does not have windows. We are grateful that she was only startled, things could have gone differently had she encountered a violent individual. Safety should never be an issue in your own yard. For safety reasons and due to the openness of the back end of our property, we cannot permit our grandchildren to play in the backyard alone, not even for a quick moment, for fear of a stranger harming them or kidnapping them. Local law enforcement has also suggested the installation of a privacy fence to minimize the threat to our safety as well.

Secondly, a privacy fence would ensure our family's privacy as well as eliminate any anxiety a neighbor or passersby may experience anytime we utilize or access our property for our own comfort or entertainment. Also, this fence would prevent Okinawa's patrons from utilizing our property as access parking.

Finally, please take into consideration that the back yard view from our home on Quail Run is a filthy alleyway that is used for Okinawa's supply deliveries and the view from my Guyton Street property is a dumpster. A privacy fence would be a much better view for us and it would deter their delivery trucks from parking on our property as well.

Please be advised Guyton Street is a dead end street. The home which faces the back of the Quail Run property, sits on the deadend, its front yard view to my Quail Run backyard is obscured by foliage, a privacy would not obstruct its current view. My neighbors to the left and right of our property, 24 and 28 Quail Run, would greatly benefit from the installation of a privacy fence because it would minimize the threat to their safety as well. Strangers trespass across their property to access our property.

We have already secured a fencing company that understands our needs and our desire for safety. We humbly await your decision and thank you for your time and consideration regarding this issue.

Respectfully,

Justin E. Gordon
Chereta C, Gordon
Property Owners
770-386-8860 (Home)
770-851-3845 (Chereta Gordon Cell)

proposed
20 X 30

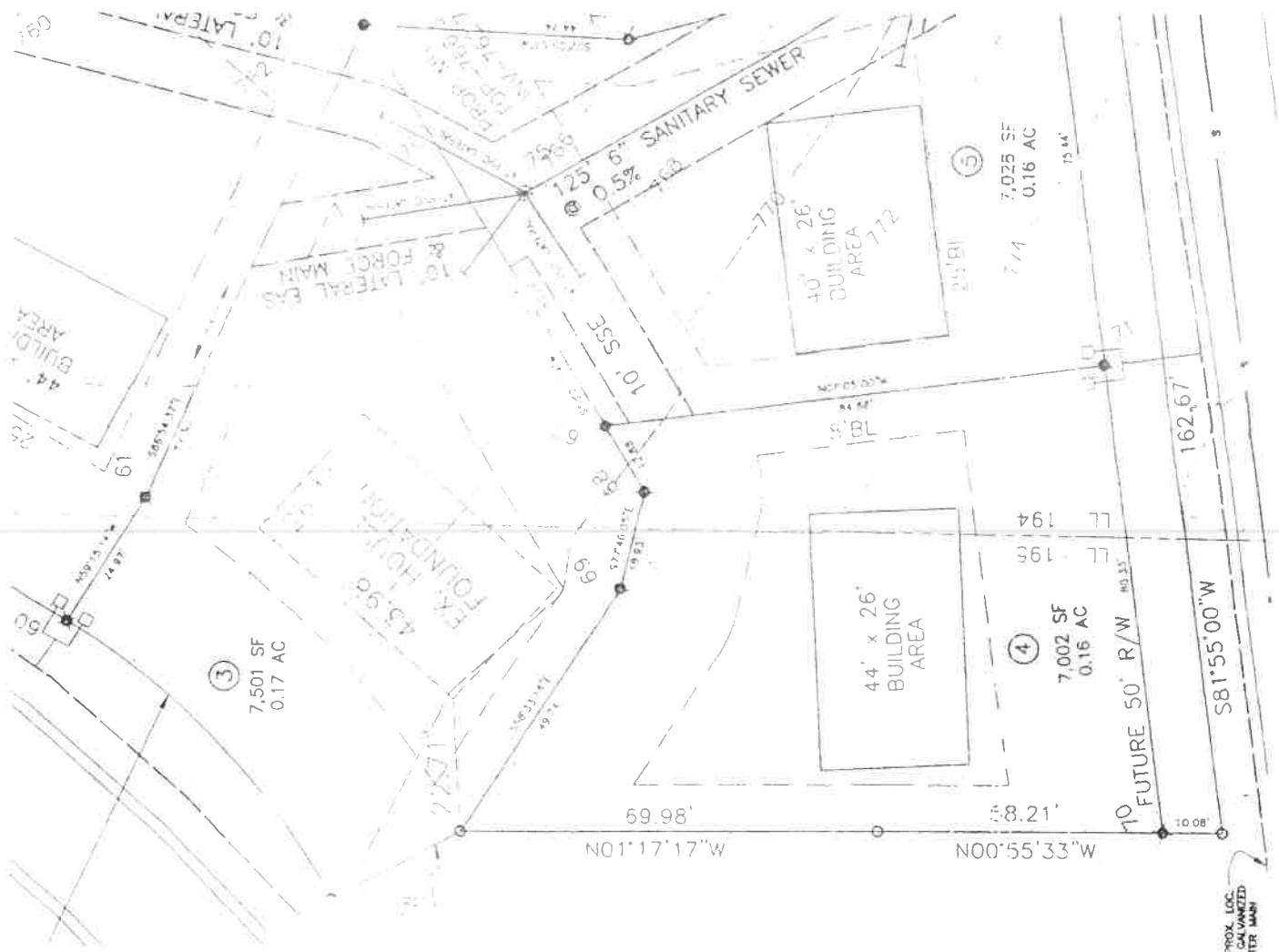
Mon, Oct 31 at 12:03 AM



com Wood Barns and stalls

ook.com

s what I was thinking about
age building



③
7,501 SF
0.17 AC

④
7,002 SF
0.16 AC

⑤
7,025 SF
0.16 AC

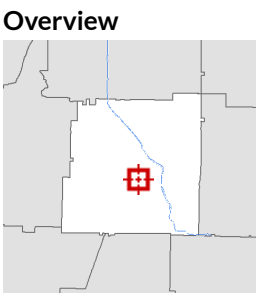
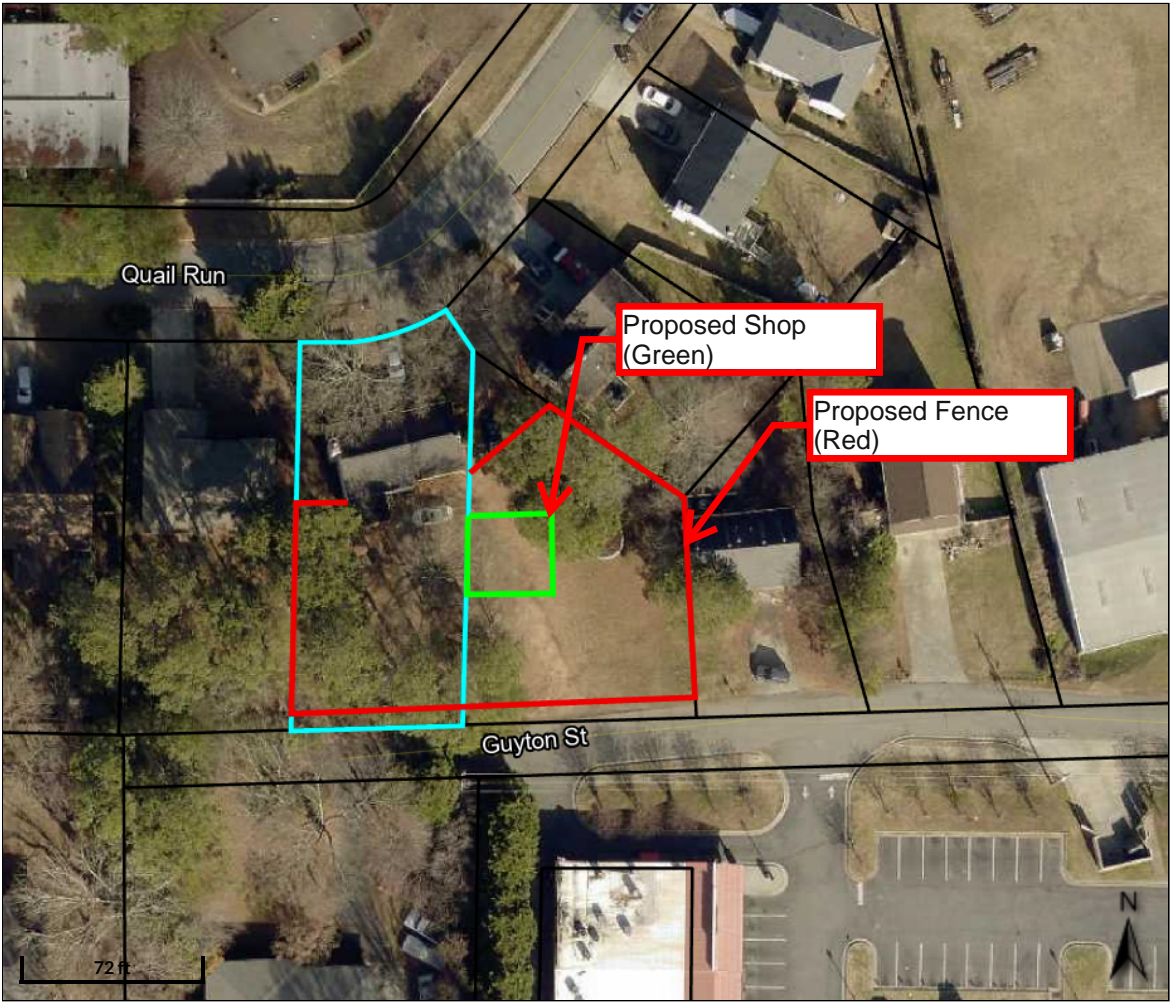
69.98'
N01°17'17"W

58.21'
N00°55'33"W

10' FUTURE 50' R/W

162.67'
S81°55'00"W

PROX. LOC.
CALCULATED
PER PLAN



Legend
 □ Parcels
 — Roads

Parcel ID	C032-0008-004	Alternate ID	35954	Owner Address	GORDON JUSTIN & CHERETA
Sec/Twp/Rng	n/a	Class	Residential		26 QUAIL RUN
Property Address	26 QUAIL RUN	Acreage	n/a		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	P/O LT 5 BLK A N MEADOWS LL195 D4 (Note: Not to be used on legal documents)				

Date created: 9/29/2023
 Last Data Uploaded: 9/28/2023 9:05:26 PM



4.13 Clear Zone Requirements

AASHTO publishes a Roadside Design Guide that should be used as a reference when designing driveways.

Table 4-10 provides the clear zone distances as contained in the Roadside Design Guide. Driveways must be designed so that all areas within the Highway Right of Way have clear zones as defined in Table 4-10.

(From AASHTO 2011 Roadside Design Guide)

DESIGN SPEED MPH	DESIGN ADT	FILL SLOPES			CUT SLOPES		
		6:1 or Flatter	5:1 to 4:1	3:1	3:1	5:1 to 4:1	6:1 or Flatter
40 OR LESS	< 1,500	10-12	12-14	**	12-14	12-14	12-14
	1,500 – 6,000	12-14	14-16	**	14-16	14-16	14-16
	> 6,000	14-16	16-18	**	16-18	16-18	16-18
45 – 50	< 1,500	14-16	16-20	**	10-12	12-14	14-16
	1,500 – 6,000	16-18	20-26	**	12-14	14-16	16-18
	> 6,000	20-22	24-28	**	14-16	18-20	20-22
55	< 1,500	16-18	20-24	**	10-12	14-16	16-18
	1,500 – 6,000	20-22	24-30	**	14-16	16-18	20-22
	> 6,000	22-24	26-32*	**	16-18	20-22	22-24
60	< 1,500	20-24	26-32*	**	12-14	16-18	20-22
	1,500 – 6,000	26-30	32-40*	**	14-18	18-22	24-26
	> 6,000	30-32*	36-44*	**	20-22	24-26	26-28
65 - 70	Under 1,500	24-26	28-36*	**	12-16	18-20	20-22
	1,500 – 6,000	28-32*	34-42*	**	16-20	22-24	26-28
	Over 6,000	30-34*	38-46*	**	22-24	26-30	28-30

Table 4-10 Clear Zone Distances (In Feet from Edge of Traveled Way)

- NOTES: *
- Clear zones may be limited to 30' for practicality and to provide a consistent roadway template if previous experience with similar designs indicates satisfactory performance. Greater clear zone distances may be provided where indicated by crash history.
 - ** Fixed objects should not be present in the vicinity of the toe of these slopes. The width of the recovery zones should consider a number of factors including right of way availability, environmental concerns, economic factors, safety needs, and accident history.

Feel free to contact me if there are any questions.

Thank you,

Steven Foy

Steven Foy, PE, PTOE

City of Cartersville
Public Works Engineer

Oct 18, 2023 at 13:16:26
26 Quail Run
Cartersville GA 30120
United States



Oct 18, 2023 at 13:20:18
5 Guyton Rd
Cartersville GA 30120
United States



Oct 6, 2023 at 11:57:29
81-99 Guyton Rd
Cartersville GA 30120
United States

CITY OF CARTERSVILLE
VARIANCE NOTICE
CASE NO. **V23-28**
APPLICATION HAS BEEN MADE
TO THE CITY OF CARTERSVILLE
BOARD OF ZONING APPEALS
FOR VARIANCE ON THIS
PROPERTY.
A PUBLIC HEARING WILL BE
HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
AT **5:30 P.M.** ON **11-9-2023**
FOR ADDITIONAL INFORMATION
CONTACT THE DEPARTMENT OF
PLANNING AND DEVELOPMENT AT **770-337-5600**