

MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on April 11, 2024, in the Council Chambers.

Chairman Lamar Pendley welcomed our new Board Member, Jacqueline Hendricks.

ROLL CALL

Board Members Present: Lamar Pendley, Kevin McElwee, Linda Brunt, John Clayton, JB Hudson, Patrick Murphy, and Jacqueline Hendricks

Absent:

Staff Present: Randy Mannino, David Hardegree, Zack Arnold and Julia Drake

APPROVAL OF MINUTES

1. February 8, 2024

Board Member McElwee made a motion to approve the minutes from February 8, 2024. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 6-0

VARIANCE CASES

2. V24-08: 105 Grassdale Rd.

Applicant: Emory Harris

Variance: *To increase the allowed area of an accessory structure from 764 sf to 1,280 sf. (Sec. 4.9); and To increase the allowed height of an accessory structure roof above the existing house roof. Height to be determined. (Sec. 4.9)*

David Hardegree, Assistant Planning and Development Director gave an overview of the case stating this was a variance application by applicant, Emory Harris for property located at 105 Grassdale Rd. and zoned R-20 (Single Family Residential). Said properties contain approximately 0.46 acres.

Mr. Harris wishes to construct a two-story accessory structure in the rear yard that will serve as a personal hobby shop for wood and metal working. The structure is planned at 24ft x 50ft with a 12ft. wide wrap-around porch on the west and south sides. The total floor area of the two-story structure is 2,400sf. The total height above grade at the roof peak will be approximately 24ft.

The existing house contains a heated floor area of approximately 1,366sf. The floor area of the accessory structure will exceed the floor area of the house by 1,034sf. The allowed floor area is 50% of the house floor area or 683sf.

City GIS and available images place the height of the existing house at approximately 22ft. above the left side yard grade.

The rear yard slopes from right to left. The justification letter states the accessory structure will be raised approximately 2ft above the lowest point at the accessory structure for positive drainage. This will give the highest point of the accessory an elevation of approximately 773.2. The highest

point of the house roof has an elevation of approximately 769.9. The accessory structure roof will be approximately 3.3 feet above the house.

Per the zoning ordinance for accessory structures, Sec. 4.9, an accessory structure shall be no larger than fifty (50) percent of the principal structure floor area and shall not exceed the height of the most prevalent roof top of the principal building on the property.

The variance request is for the following:

1. To increase the allowed area of an accessory structure from 683sf to 1,034sf. (Sec. 4.9); and
2. To increase the allowed height of an accessory structure roof above the existing house roof by approximately 3.3ft. (Sec. 4.9)

Continuing, Mr. Hardegree stated all departments take no exception to the application and there were no public comments.

Chairman Pendley opened the public hearing.

Emory Harris, 105 Grassdale Rd., came forward to represent the application and to answer questions from the Board Members. Continuing, he stated that the accessory structure would not be used for living space.

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

Board Member Brunt made a motion to approve V24-08 with the condition that no living space would be allowed in accessory structure. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 6-0

3. V24-09: 367 Etowah Dr. Applicant: Charles Douglas Cox
Variance: To increase the allowed area of an accessory structure from 683sf to 1,034sf. (Sec. 4.9); and To increase the allowed height of an accessory structure roof above the existing house roof by approximately 3.3ft. (Sec. 4.9)

Mr. Hardegree gave an overview of the case stating this was a variance application by applicant, Charles Douglas Cox, for property located at 367 Etowah Dr. and zoned R-20 (Single Family Residential). Said properties contain approximately 0.54 acres.

Mr. Cox wishes to construct an accessory structure in the rear yard that will serve as a detached garage with a bonus room over the garage and a porch on the east side. The garage will be approximately 30ft.x 32ft. with a floor area of approximately 1,280sf. The total height above grade at the roof peak will be approximately 24ft.

The existing house has a heated floor area of approximately 1,528sf. per the County tax records. City GIS measures the height of the existing house at approximately 22ft. above the side yard grade. The house is also approximately 7ft lower than Etowah Drive, so any newly constructed structures in the rear yard may appear taller than the house from the public right of way.

The grade of the lot slopes from the house to the rear property line and slightly right to left in the rear yard based on City GIS elevations. Depending how much grading is required for positive drainage away from the garage, the roof peak of the garage may be lower than the roof peak of the

house as measured from the grades around the structures; however, due to the unknown of the final grades, the garage roof height could be higher than the roof height of the house.

Per the zoning ordinance for accessory structures, Sec. 4.9, an accessory structure shall be no larger than fifty (50) percent of the principal structure floor area and shall not exceed the height of the most prevalent roof top of the principal building on the property.

The variance request is for the following:

1. To increase the allowed floor area of an accessory structure from 764sf to 1,280sf. (Sec. 4.9)
2. To increase the allowed height of an accessory structure roof above the existing house roof. Height to be determined. (Sec. 4.9)

Continuing, Mr. Hardegree stated all departments take no exception to the application and there were no public comments.

Chairman Pendley opened the public hearing.

Doug Cox, 367 Etowah Dr., came forward to represent the application and to answer questions from the Board Members. Continuing, he stated that the accessory structure would not be used for living space.

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

Board Member Clayton made a motion to approve V24-08 with the condition that no living space would be allowed in accessory structure. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 6-0

4. V24-10: 518 N. Gilmer St.

Applicant: Reymundo Salazar

Variance: To allow a 6 ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16)

Mr. Hardegree gave an overview of the case stating this was a variance application by applicant, Reymundo Salazar, for property located at 518 N. Gilmer St. and zoned R-7 Single Family Residential. Setbacks are Front- 20ft, Rear- 20ft and Side- 8ft. Said property contains approximately 0.18 acres. The lot is a double frontage lot with frontages along N. Gilmer St., and Aiken St.

The applicant has constructed a privacy fence to enclose the property to the rear of the home along a section of the Aiken St. right-of-way. 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 variance request is for the following:

1. To allow a 6ft. privacy fence to remain in the front yard of a double frontage lot (Sec. 4.16).

Continuing, Mr. Hardegree reviewed the department comments stating that the Electric Department would need 24/7/365 access to the meter location and required a 12-foot entrance gate/fence for truck access. Additionally, Public Works concern is that it appears that they have built that one fence line that is parallel to Aiken Street within the right-of-way which Public Works does not approve. According to the Bartow QPublic GIS, it appears that there is a 50-foot right of way. If that is correct, then they would need to move that fence line along Aiken Street back about 5 feet to get out to the right-of-way.

In closing, Mr. Hardegree stated that there was a slight language barrier between staff and the applicant. Therefore, Jackie Medina, Bi-Lingual Customer Service Team Lead, was in attendance to assist with communication.

Chairman Pendley opened the public hearing.

Reymundo Salazar, 518 N. Gilmer St., came forward to represent the application and to answer questions from the Board Members with the assistance of Ms. Medina. Continuing, he stated that he was not aware of the setback requirements and was willing to move the fence, if needed and fully understood the requirements for access for the Electric Department.

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

Board Member Brunt asked if the City would be willing to assist the applicant with locating the property line and where the fence would need to be moved to. Mr. Hardegree responded stating that ideally, a surveyor would need to be involved to locate the property lines.

Discussions commenced regarding whether Electric Department would need the access if the electric meters were not within the fenced in area. Zack Arnold, Assistant City Planner, showed a Google Map of the property and determined that the meters were not encompassed within the fenced area. Mr. Salazar agreed that the electric meters were not within the fenced area. Therefore, it was determined that the 12-foot gate for access would not be required.

Board Member Clayton made a motion to approve V24-10, stating that the fence would need to be moved at least one-foot off the right of way. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 6-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:10 P.M.

May 9, 2024
Date Approved

/s/ _____
Chairman