

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on September 8, 2022, in the Council Chambers.

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

CALL TO ORDER

Chairman Pendley called the meeting to order at 5:52 PM

ROLL CALL

APPROVAL OF MINUTES

1. Approval of Minutes: August 11, 2022

Chairman Lamar Pendley called for a motion on the August 11, 2022 BZA meeting minutes. Board Member Murphy made a motion to approve the minutes. Motion was seconded by Board Member Cooley and carried unanimously. Vote: 4-0

VARIANCE CASES

2. V22-16. 30 Johnson St.

Applicant: Oscar Arreaza

Variance: To reduce the minimum lot size per dwelling unit from 7,000 square feet to 4,356 square feet.

David Hardegree, Planning and Development Assistant Director, 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 explaining the variance application by owner/applicant, Oscar Arreaza, for property located at 30 Johnson St, zoned R-D, Single Family Duplex Dwelling. The lot is a corner lot with road frontages along Johnson Street and Gilmer Street. Setbacks are Front- 20ft. and Side- 8ft. Said property contains approximately 0.20 acres.

The applicant proposes to build a duplex on the vacant lot. The zoning ordinance for R-D (Single Family Duplex Dwelling District), Sec. 6.6, requires a minimum of 7,000 square feet per dwelling unit. 14,000 square feet is needed. The lot is 8,712sf.

The applicant is requesting to reduce the minimum required lot size to 4,356 square feet per dwelling unit. This is a 38% reduction in the lot size requirement.

Also noteworthy in the site plan provided, the proposed decks encroach into the side yard setback. The decks will have to be reduced in size, removed, replaced with a patio or receive a variance for the encroachment. A second variance is required for this process.

Chairman Pendley opened the public hearing.

Oscar Arreaza, 1044 Legacy Walk Dr., Woodstock, came forward to represent the application and answer any questions from the board.

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

Board Member Clayton made a motion to deny V22-16. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 4-0

3. V22-17. 2 Bob White Trl

Applicant: Noral Hadbawi

Variance: To allow an 8ft. privacy fence to be installed in the front yard of a corner 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 of the case explaining the setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 1.07 acres. The lot is a corner lot with road frontages along Old Mill Road and Bob White Trail.

The applicant proposes to build a privacy fence to enclose the side of the property that will include the front yard along the Bobwhite Trail 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 Bobwhite Trail.

This property has (1) open code enforcement case, as well as (4) prior cases for property maintenance issues.

In closing, Mr. Hardegree reviewed the department comments and stated that several public comments had also been made with several of those neighbors being in attendance.

Chairman Pendley opened the public hearing.

Husein Hadbawi, applicant, came forward and stated that this request was simply to provide privacy and to block what neighbors are calling Code Enforcement about.

Board Member Murphy inquired about the open code enforcement violations to which Mr. Hadbawi replied that there are still two (2) vehicles in which he still needed to get tagged and insured.

Chairman Pendley inquired as to the type of fence the applicant was looking to install and stated he would like to see a rendering or proposal of a specific type of fence.

James Shoemaker, 4 Bob White Trl., came forward to speak against the application. Greg Culverhouse, 3 Bob White Trl., came forward to speak against the application.

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

Board Member Clayton made a motion to deny V22-17. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 4-0

4. V22-18. 15 Galway Dr.

Applicant: Ladd Floyd

Variance: To allow a streambank stabilization project to include constructing a viewing platform within the 50ft undisturbed stream bank buffer.

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 explaining the applicant wishes to conduct a streambank stabilization project in conjunction with construction of a viewing platform along the river bank. The proposed viewing platform is approximately 256 square feet, with the entirety of the structure encroaching into the 50ft undisturbed buffer. Twenty-five feet of the fifty-foot stream buffer closest to the river is the State buffer. There is also a proposed 5ft concrete walkway that is to be constructed within the 25ft State undisturbed buffer. The total area of disturbance within the State buffer is .05 acres. This project has already been approved by the Army Corps of Engineers as well the Georgia Environmental Protection Agency.

The mitigation plan required by the City ordinance is satisfied by the plans for bank stabilization.

The development regulation for which relief is sought is 7.5-205 (a)(2).

Chairman Pendley opened the public hearing.

Lauren Noll, 114 Old Mill Rd., came forward as a representative of Southland Engineering to represent the applicant.

Board Member Clayton inquired if this platform would be for public use.

Ladd Floyd, 148 W. Main St., came forward to address Board Member Clayton's inquiry to which he replied that the platform would only be used for personal access and no public access would be allowed.

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

Board Member Murphy made a motion to approve V22-18. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member Clayton made a motion to adjourn at 6:36 P.M.

September 8, 2022
Date Approved

/s/ _____
Chair