

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on February 9, 2023, in the Council Chambers.

ROLL CALL

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

Chairman Lamar Pendley stated that tabled item V22-23 would not be heard tonight.

APPROVAL OF MINUTES

1. Approval of Minutes: January 12, 2022

Board Member McElwee made a motion to approve the January 12, 2023, Minutes. Board Member Brunt seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Malcolm Cooley joined the meeting at 5:32pm

VARIANCE CASES

2. V23-01: 108 Mitchell Ave.

Applicant: Charles Adams

*Variance: To increase maximum allowed building height.
To allow an accessory structure in the front yard; and,
To allow a privacy fence in the front yard of a double frontage lot.*

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 a detailed overview stating this variance application is by applicant Charles Adams for property located at 108 Mitchell Ave, zoned R-20 Residential. Setbacks are Front- 20ft and Side- 10ft. Said property contains approximately 1.46 acres. This lot has road frontages and front yards along Mitchell Ave. and Plymouth Dr. The applicant is in the process of constructing a new home on the property.

There are three variance requests:

The applicant is proposing to construct a new house and wishes to increase the maximum allowed building height from 35ft. to an average height of 36'-7" from grade. Sec 6.1.3 of the R-20 Development Standards, requires all primary structures to be less than 35ft or two and one-half stories in height.

Additionally, the applicant wishes to construct a detached garage, accessory structure, to the side and rear of the home that will encroach into the front yard along Plymouth Dr. The proposed location of the accessory structure is behind the front yard setback for Plymouth Dr and the 10ft. western side yard setback. Sec. 4.9. requires accessory structures to be placed in

the rear yard, at least 5ft off the property line. Accessory structures are allowed in the side yard of multi-frontage lots but must comply with the side yard setback.

Finally, the applicant proposes to build a privacy fence to enclose the property that will include the front yard along the Plymouth Drive right-of-way. The proposed fence is partially constructed and encroaches into the front yard setback along Plymouth Dr. The fence ordinance for a double frontage lot, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. The fence is proposed to the rear of the house as seen from Mitchell Ave, but in the front yard along Plymouth Dr.

In closing, Mr. Hardegree reviewed the department comments stating the only department with comments was Public Works with the comment that grading within the right of way is not allowed.

Chairman Pendley opened the public hearing.

Matt Womack, General Contractor, 716 West Ave., came forward to represent the application and to answer questions from the board.

Charles Adams, 15 Carrington Dr., applicant, came forward to state the previous fence that was on the property was also on the property line.

Andy Boez, 108 Plymouth Dr., came forward to speak against the application, and requested that the fence be moved back to the 20' setback to allow shrubs and foliage to be planted to camouflage the fence.

Donna Popham, 87 Bates Rd., came forward and stated that she, too, would like to see the fence moved back to the 20' setback to allow for foliage to be planted. Additionally, she stated she had started to see run off coming from the applicant's property onto her property.

Keith Lovell, Assistant City Attorney, stated that she could contact the City Engineer to have an assessment done to determine the cause of the run off onto her property or handle through private litigation.

With no one else to come forward, Chairman Pendley closed the public hearing.

Board Member McElwee asked that voting be separated for each item.

Board Member Brunt made motion to approve the increase of maximum allowed building height to 36' 7". Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

Board Member McElwee made a motion to allow the detached garage (accessory structure) in the front yard. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 5-0

Discussion commenced regarding the fencing and previous foliage that was in place.

Mr. Womack returned to the podium to reiterate the improvement of the corner lot since the old foliage had been removed and the improvement in sight distance.

Mr. Adams returned to the podium to address his neighbors concerns.

Darri Adams, wife of applicant, came forward to state that it was their intent to keep foliage on the outer fence.

Board Member Brunt made a motion to allow the applicant to encroach no more than ten feet (10') into the required 20' setback. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

3. V23-02: 27 Arrowhead Dr./Etowah Dr. Tax Parcel No C016-0025-013

Applicant: Amanda Rice

Variance: To allow an 8ft privacy fence to encroach into the front yard setback.

Mr. Hardegree gave an overview stating the variance application is by applicant Amanda Rice for property located on Etowah Dr, Tax ID No. C016-0025-013. Zoning is R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.27 acres. This property adjoins 27 Arrowhead Dr.

The applicant proposes to build a privacy fence to enclose the property that will include the front yard along the Etowah Drive right-of-way. Though associated to 27 Arrowhead Dr, this property is a standalone property. The fence is partially installed, posts only, and replaces a chain link fence in the same, approximate location.

The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. Since there is no structure on this lot, this fence should be installed at or behind the 20ft. front yard setback. Using aerial photography and property surveys submitted with the application, staff determined that the previous chain link fence and proposed privacy fence is approx. 10ft. from the property line. Therefore, the front yard setback encroachment is approx. 10ft.

Chairman Pendley opened the public hearing.

Amanda Rice, 27 Arrowhead Dr., came forward to represent the application and to answer questions from the board. Furthermore, she stated that the request is a for an 8' feet but some areas will only be 6' as the top of the fence will be straight.

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

Board Member McElwee made a motion to approve the fence under the understanding that the fence is exact as pictured. (See below). Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 5-0.



With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:15 P.M.

March 9, 2023 _____
Date Approved

/s/ _____
Chair