



# City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120

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## MEMO

To: BZA  
From: Randy Mannino/David Hardegree  
CC: Keith Lovell  
Date: August 3, 2022  
Re: File # V22-13

**Summary: To allow a privacy fence in the front yard of a corner lot.**

### **Section 1: Project Summary**

Variance application by Anita Barnett for property located at 34 Jackson Farm Rd, zoned P-D, Planned Development with conditions. Said property contains approximately 0.26 acres. The lot is a corner lot with road frontages and front yards along Jackson Farm Rd. and Belfast Ave. Setbacks are Front- 20ft and Side- 10ft.

Ms. Barnett would like to enclose the backyard for privacy. The fence will encroach 9ft into the front yard along Belfast Ave. The length of the encroachment is approximately 45 ft. as shown on the applicant's sketch. The fence will be installed approximately 2ft offset from the edge of a drainage easement and parallel to Lot 111.

Belfast Ave. is classified as a "local street" on the street classification map.

The zoning conditions do not affect the variance.

### **The variance request is are for the following:**

1. To allow a portion of a 6ft. privacy fence be installed in the front yard of a corner lot (Sec. 4.16 (B) (1), (2) & (4)).

### **Section 2. Department Comments**

**Electric Department:** Takes No exception.

**Fibercom:** No comment

**Fire Department:** Takes No exception.

**Gas Department:** Takes No exception.

**Public Works Department:** No exception [from my standpoint] as long as drainage easement remains in perpetuity and is not encroached upon.

**Water Department:** The requested variance will not affect water service to this site. The requested variance will not affect sewer service to this site.

### **Section 3. Public Comments Received by Staff**

None as of 8/3/22.

### **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. 4.16. 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:

1. 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.**

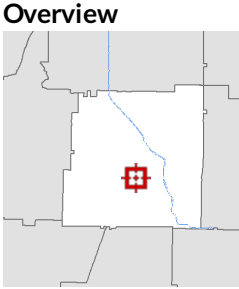
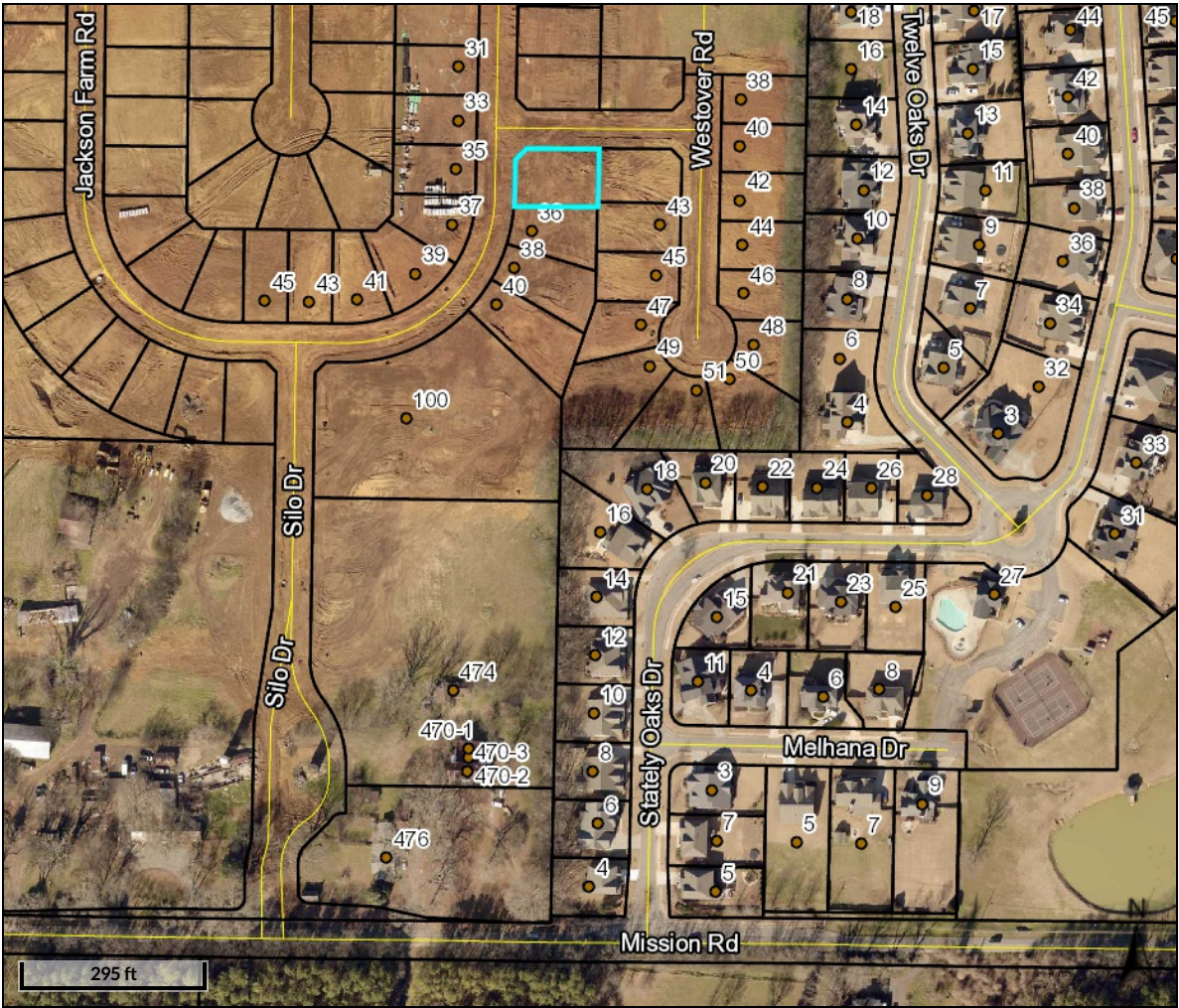
The board of zoning appeals shall have the following powers and duties:

- 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.

Sections 21.3.7, *Place of worship*, and 21.3.8, *Group homes*, omitted. *Not applicable.*



- Legend**
- Parcels
  - Structural Numbers**
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed
  - Roads

<b>Parcel ID</b>	C025-0011-112	<b>Alternate ID</b>	49353	<b>Owner Address</b>	SDH ATLANTA LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		110 VILLAGE TRAIL STE 215
<b>Property Address</b>	34 JACKSON FARM ROAD	<b>Acres</b>	0.26		WOODSTOCK, GA 30188
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 416, 449 D4 3rd SEC Jackson Farm Lot 112				
	(Note: Not to be used on legal documents)				

Date created: 8/4/2022  
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Developed by **Schneider**  
 GEOSPATIAL


**City of Cartersville**  
**Application for Variance**  
Board of Zoning Appeals

Hearing Date: 8-11-2022 5:30pm


Application Number: V22-13

Date Received: 6-23-2022

Applicant Anita Barnett Office Phone 678-899-9507  
(printed name)  
Address 34 Jackson Farm Rd Mobile/ Other Phone \_\_\_\_\_  
City Cartersville State GA Zip 30120 Email Anita.Barnett930@gmail.com  
Phone (Rep) \_\_\_\_\_  
Representative's printed name (if other than applicant) \_\_\_\_\_  
Email (Rep) \_\_\_\_\_  
Representative Signature \_\_\_\_\_  
Signed, sealed and delivered in presence of: \_\_\_\_\_  
Stinner My commission expires: 1/23/23  
Notary Public



\* Titleholder Smith Douglas Phone 770-334-3744  
(titleholder's printed name)  
Address 110 Village trail Suite 215 Woodstock GA 30188  
Signature Sharon Burchfield Email sburchfield@smithdajaw.com  
Signed, sealed, delivered in presence of: \_\_\_\_\_  
Stinner My commission expires: 1/23/23  
Notary Public

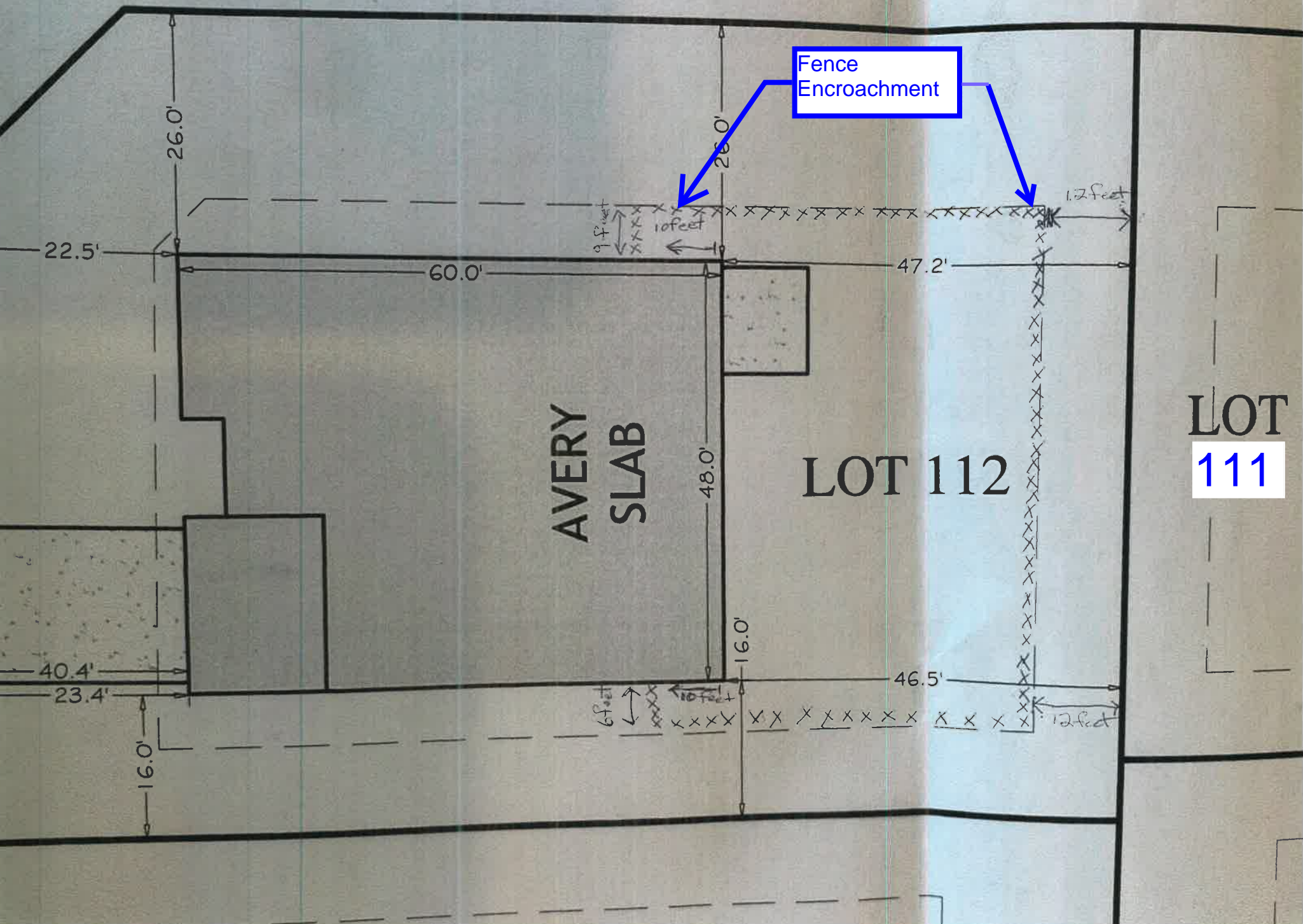


Present Zoning District P-D  
Acreage .26 Land Lot(s) 416 District(s) 4 Section(s) 3  
Location of Property: 34 Jackson Farm Road  
(street address, nearest intersections, etc.)  
Zoning Section(s) for which a variance is being requested: Article 4, Section 4.16, Subsection B  
Summary Description of Variance Request: Request to build fence in front yard of corner lot.  
(Additional detail can be provided on Justification Letter)

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

Belfast Ave.

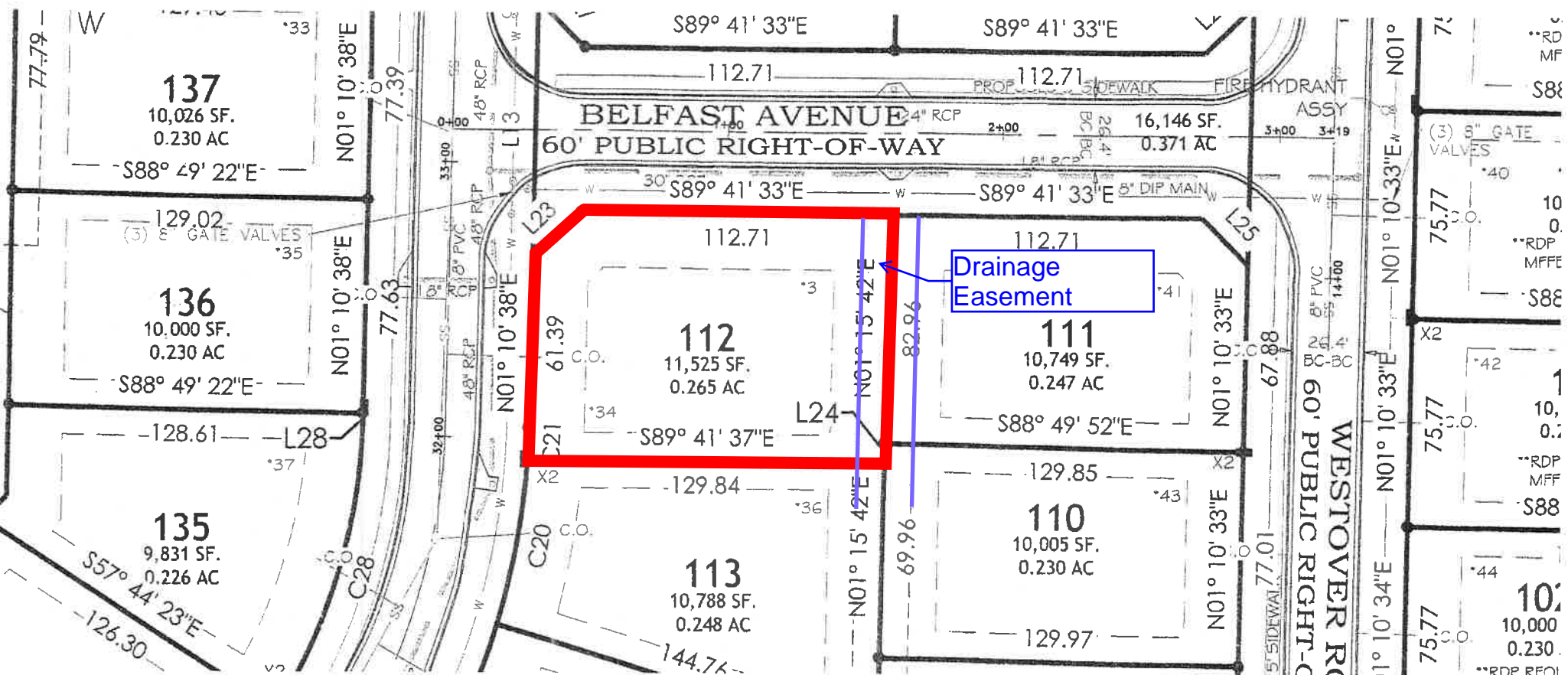
Fence Encroachment



AVERY  
SLAB

LOT 112

LOT  
111





Images taken 7-20-22.



Images taken 8-5-22

