

MINUTES OF THE CARTERSVILLE BOARD OF ZONING APPEALS

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on November 14, 2024, in the Council Chambers.

ROLL CALL

Board Members Present: JB Hudson, Kevin McElwee, Patrick Murphy, Linda Brunt, Hoyt Hatfield and Jacqueline Hendricks

Absent: Lamar Pendley

Staff Present: David Hardegree, Zack Arnold and Julia Drake

APPROVAL OF MINUTES

1. October 10, 2024

Board Member McElwee made a motion to approve the minutes from October 10, 2024. Board Member Hudson seconded the motion. Motion carried unanimously. Vote: 6-0

Vice Chairperson, Linda Brunt, stated that since V24-23 and V24-26 were similar cases, that those two (2) cases would be heard first.

VARIANCE CASES

2. V24-23: 17 Westover Rd

Applicant: Phillip D. Kimsey

Variance: To allow a privacy fence in the front yard of a double frontage lot.

Zack Arnold, Assistant City Planner, stated that all adjacent property owners had been properly notified and property had been posted and advertised. Continuing, Mr. Arnold gave an overview of the case stating this Variance application by applicant, Phillip Kimsey, for property located at 17 Westover Road, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.24 acres. The lot is a double frontage lot with frontages along Westover Road and Doubletree Path.

The applicant wishes to construct a privacy fence to enclose the property to the rear of the home along a section of the Doubletree Path right-of-way. The fence encroaches 10ft into the Double Tree Path front yard. See site plan. 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.

It should be noted that this property has (2) 20' easements partially located on it (one along the northern property line and one along the western line), as shown on the attached plat. Both easements extend 10' onto the property. The site plan shows the fence encroaching approx.. 6ft into the western drainage easement. No encroachment is indicated along the northern easement per the site plan. It is against City Ordinance for any permanent structure, including fences, to be constructed in utility or drainage easements. If approved, this variance does not allow for encroachment into the easements located on the property. The western fence segment must be

located out of the easement. In closing, Mr. Arnold reviewed the department comments and concerns.

Vice Chair Brunt opened the public hearing.

Phillip Kimsey, applicant, came forward to answer any questions from the Board Members and to state that he would meet the requirements from the department comments.

With no questions from the board and no one else to speak for or against the application, the public hearing was closed.

Board Member Hudson made a motion to approve V24-23. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 5-0

3. V24-26: 19 Westover Rd.

Applicant: Stephan Koterski

Variance: To allow a privacy fence in the front yard of a double frontage lot.

Mr. Arnold stated the property had been properly posted and advertised. Continuing, he gave an overview of the case stating this variance application was by applicant, Stephan Koterski, for the property located at 19 Westover Road, zoned P-D, Planned Development. Setbacks are Front- 20ft, Rear- 20ft and Side- 10ft. Said property contains approximately 0.24 acres. The lot is a double frontage lot with frontage along Westover Road and Doubletree Path.

The applicant wishes to construct a privacy fence to enclose the property to the rear of the home along a section of the Doubletree Path 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.

It should be noted that this property has a 20' easement partially located on it (along the western property line), as shown on the attached plat. The easement extends 10' onto the property. It is against City Ordinance for any permanent structure, including fences, to be constructed in an easement. If approved, this variance does not allow for encroachment into any easement located on the property. In closing, Mr. Arnold review the department comments and concerns.

Vice Chair Brunt opened the public hearing.

Stephan Koterski, applicant, came forward to answer questions from the board members and stated that he would meet the requirements set forth by the department comments.

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

Board Member Hatfield made a motion to approve V24-26. Board Member Murphy seconded the motion. Motion carried unanimously. Vote: 5-0

4. V24-24: 520 S. Tennessee St.

Applicant: Tilley Outdoor LLC

Variance: To reduce the required setback for a billboard

David Hardegree, Planning and Development Assistant Director, stated the property had been properly posted and advertised. Continuing, he gave an overview of the case stating this variance application was by owner/applicant Tilley Outdoor, LLC for property located at 520 S. Tennessee St., zoned H-I (Heavy Industrial). Setbacks are Front and Rear- 20ft and Side- 15ft. Said property contains approximately 6.52 acres.

The applicant proposes to install a billboard on the property along Tennessee Street right-of-way. Due to surrounding natural vegetation and man-made features, the applicant has proposed to erect the billboard approximately 10ft off the Tennessee St. right-of-way. The sign ordinance section pertaining to billboards (Sec. 20-29.) states that all billboards shall be set back at least 50ft from the public right-of-way. The proposed billboard will encroach approximately 40ft into the required setback.

The billboard has already been approved for erection by the City of Cartersville and Georgia Department of Transportation. This variance is only for the placement of the billboard in relation to the public right-of-way.

Vice Chair Brunt opened the public hearing.

Bobby Walker, 15 S. Public Square, came forward to represent the applicant and to answer questions from the board members. Additionally, Mr. Walker reviewed the requirements for approval of a variance and stated that their application met those requirements and recommended approval.

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

Board Member McElwee made a motion to approve V24-24. Board Member Hendricks seconded the motion. Motion carried unanimously. Vote: 5-0

5. V24-25: 25 Montgomery St.

Applicant: Deborah Lynn Gray

Variance: To reduce setbacks, lot width, and lot size for a lot split

Mr. Hardegree stated the property had been properly posted and advertised. Continuing, he gave an overview of the case stating this variance application by owner/applicant Deborah Gray for the property located at 25 Montgomery St., zoned R-D Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.41 acres.

The property contains three (3) duplex dwellings currently. The owner proposes splitting the lot to put one of the duplexes on its own parcel so that it can be listed for sale. Due to the overall size of the lot, it is not possible to meet all the development standards required for a new lot. Per the tax records the lot was developed c1940 prior to adoption of the 1996 zoning ordinance. The current configuration of the lot is considered legal, non-conforming.

The west side duplex unit situated on what will be the new lot has an existing front yard encroachment of approximately 15 feet, and a side yard encroachment of approximately 5 feet. The Residential Duplex section of the Zoning Ordinance (Sec. 6.6.3) requires a minimum of 50 feet per dwelling unit at the building line (100ft total). The proposed lot would only have 40 feet, requiring a decrease of 60 feet to be approved via variance. The Residential Duplex Ordinance section (Sec. 6.6.3) also requires a minimum lot size of 14,000 square feet (7,000sf per dwelling unit). The proposed lot will only have 4,672 square feet, requiring a decrease of 9,328 square feet to be approved via variance.

The variance requests are for the following and per the submitted site survey:

1. To reduce the front yard setback from 20ft to 5ft for the creation of a new lot (Sec. 6.6.3(B)).
2. To reduce the minimum side yard setback along the west property line from 8ft to 3ft for the creation of a new lot (Sec. 6.6.3(C)).
3. To reduce the minimum lot size from 14,000 square feet to 4,672 square feet for the creation of a new lot (Sec. 6.6.3(E)).
4. To reduce the minimum lot width at the building line on non-cul-de-sac lot from 100ft to 40ft (Sec. 6.6.3(F)).

Keith Lovell, City Attorney stated that the City would need a written driveway easement to be recorded with the city upon approval and suggested this be a condition upon approval.

Vice Chair Brunt opened the public hearing.

Deborah Gray, applicant, came forward to answer any questions from the Board Members and stated that she would have no issue with providing access to the easement.

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

Board Member McElwee made a motion to approve V24-25 with the condition that a written driveway easement approval was recorded with the city. Board Member Hendricks seconded the motion. Motion carried unanimously. Vote: 5-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:02 P.M.

December 12, 2024
Date Approved

/s/ _____
Chairman