

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on November 10, 2022, in the Council Chambers.

Prior to the meeting beginning, Board Member McElwee made a motion to appoint Board Member JB Hudson as the acting chair in the absence of Chairman Pendley and Vice-Chair Brunt. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 3-0

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

**ROLL CALL**

**APPROVAL OF MINUTES**

**1. Approval of Minutes: October 13, 2022**

Acting Chair Hudson called for a motion on the October 13, 2022 BZA meeting minutes. Board Member McElwee made a motion to approve the minutes. Motion was seconded by Board Member Murphy and carried unanimously. Vote: 3-0

**VARIANCE CASES**

**2. V22-21: 768 West Ave**

**Applicant: Dr. Justin Gusching**

***Variance: To decrease the required 20ft. buffer for a portion of the office-commercial property.***

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 applicant wishes to construct a new addition to the east side of the existing structure. The addition will be approx. 1350sf. The addition is approx. 33ft. in width at the front and can be constructed to or outside the 10ft side yard building setback. The eastern wall is approx. 48ft. in length and parallel to the eastern property line. The addition will encroach into the required landscape buffer along the eastern property line. The buffer is required because of the adjacent residential zoning and land use for 766 West Ave (766).

Currently, there is a drainage ditch, several Leyland Cypress' that form a screen and an 8ft privacy fence along the eastern property line. The fence is very near, if not installed, on the property line and owned by the adjacent (766) property owners. The ditch centerline seems skewed beginning on the applicants' property and ending on the (766) property. The drainage ditch appears to receive water from the onsite detention pond outflow pipe. The outflow pipe appears to be installed between the edge of the parking lot and property line. The L. Cypresses near West Ave. are on the applicants' property.

The buffer encroachment is only for 48ft of the 268ft. length of the eastern property line.

The zoning regulation for which relief is sought is Zoning Ord. Chapter 26, Sec. 9.5.3(H):

*H. Minimum buffer requirements. In addition to required setbacks, a minimum twenty-foot wide buffer, five (5) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with [section 4.17](#) of this chapter.*

Acting Chair Hudson opened the public hearing.

Justin Gusching, 768 West Ave., applicant, came forward to represent the application and answer any questions from the board.

Tammy Hoy, 766 West Avenue, came forward and stated she had no objections to the variance request but would like to see more of a buffer.

Derek Geldhauser, 762 West Ave., came forward and stated he had no objection to the addition but would like to see more of a buffer added to give more privacy for their pool.

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

Keith Lovell, Assistant City Attorney, asked the applicant if any additional lighting would be added to cause a nuisance for the neighbors to which Mr. Gusching stated that no additional lighting would be added.

Acting Chair Hudson reopened the public hearing for another comment from the audience.

Meredith Geldhauser, 762 West Ave., came forward and stated that her and her husband have a private pool and where the addition is being proposed, you can see straight into their yard and would like to see more of a buffer.

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

Board Member McElwee made a motion to approve V22-21 based on review by the City Engineer to ensure that the drainage issue is addressed. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 3-0

**3. V22-22: 100 Cherokee Ave.                      Applicant: White and Choate Attorneys**  
***Variance: To increase the height and area of a new freestanding sign.***

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 proposes to install a new freestanding sign in the same location as the previous freestanding sign for the business. The sign will be located in the parking lot and is not required to be at least 5ft from the property line per the DBD sign ordinance.

The proposed sign will be 7.4 feet in height including the base, and have 31 square feet of sign area. The DBD sign ordinance allows freestanding signs to be no taller than 6 feet and no larger than 24 square feet.

The HPC will review the same application on Tuesday, November 15, 2022.

Acting Chair Hudson opened the public hearing.

Tim Gilstrap, 5 Gilmer St, owner of New Beginning Signs came forward to state that his company had been contracted to install the sign. Furthermore, he is looking to add more positive signage to the downtown area.

Harry White, 100 W. Cherokee St., came forward to answer any questions from the Board Members.

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

Board Member Murphy made a motion to approve V22-22. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 3-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 5:58 P.M.

December 8, 2022  
Date Approved

/s/ \_\_\_\_\_  
Chair