



# City of Cartersville

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PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120  
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

## MEMO

To: BZA  
From: Randy Mannino/David Hardegree/Zack Arnold  
CC: David Archer  
Date: August 31, 2022  
Re: File # V22-17

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

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

Variance application by applicant Noral Hadbawi for property located at 2 Bobwhite Trail, zoned R-20 Residential. 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.

**The variance request is for the following and per the submitted site plan sketch:**

1. To allow an 8ft. privacy fence to be installed in the front yard of a corner lot.

## **Section 2. Department Comments**

**Electric Department:** This proposed fencing results in our electric meter falling into what would effectively be the backyard, which we do not allow. The Electric System approves the fence with the following provisions followed:

- 1) A minimum 10' gate accessible from the Old Mill Rd side or from Bob White Trail side.
- 2) Gate(s) must provide 24/7/365 access to the meter and electric service. Any type of locking is not allowed.
- 3) No shed, deck, concrete pad or other structure shall be installed in front of the electric meter, nor on top of the underground electric service.
- 4) In order to circumvent the aforementioned provisions, the homeowner may relocate the electric meter as his/her expense.

**Fibercom:** Cartersville FiberCom takes no exception to the fence variance request for 2 Bobwhite Trail.

**Fire Department:** The Cartersville Fire Department approves the fence with the following provisions

- 1) The Fence is 36 inches away from the fire hydrant
- 2) Install a 3 ft gate near the fire hydrant for access for fire fighting

**Gas Department:** The existing natural gas meter and service line is located on the west side of the home at this address within the proposed fencing. The installation of a proposed fence cannot prevent the Gas System's access to the existing natural gas facilities. The Gas System takes no exception to the proposed fence installation as shown in the attachments provided the proposed fence is constructed with two (2) 5' swing gates for a total of a 10' opening for excavation equipment to access the existing natural gas facilities. The proposed gate must be unlocked and remain accessible 24 hours a day, 365 days a year.

**Public Works Department:** We do not oppose this variance.

**Water Department:** WATER SERVICE COMMENTS:

This property is located in the City of Cartersville Water Department's water service area. The requested variance will have no affect on water service to this site.

SEWER SERVICE COMMENTS:

This property is located in the City of Cartersville Water Department's sewer service area. The requested variance will have no affect on sewer service to this site.

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

8/17 – Julie Schoomaker. 4 Bobwhite Trail. General inquiry and concern over property maintenance issues past and present. Met at City Hall to view application.

8/18 – Cathy Fornon. 32 Bobwhite Trail. General Inquiry

8/18 – John Norris. 2 Alpine Drive. General Inquiry

8/24 – Greg Culverhouse. 3 Bob White Trail. General Inquiry. Application provided.

### **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:

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. *Variations.* The board of appeals has the power to hear requests for variations 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.*



Citation Number: CEPNU202200579

Citation Date: Inspector: Donna Fritz

Cited By: Donna Fritz Status: Open

Citation Date: Inspector: Donna Fritz

Cited By: Donna Fritz Status: Open

**Violator:**

2 BOB WHITE TRL  
CARTERSVILLE GA 30120  
USA

**Phone:**

**Fax:**

**Cellular:**

**Email:**

**Filer:**

**Phone:**

**Cell:**

**Fax:**

**Email:**

**Fee Amount:**

Receipts: \$ 0.00

**Violations:** You are in violation of Cartersville City codes that outline the Care and Maintenance of Premises and Inoperable Vehicles. Please clean up all trash bags, empty containers, AC Unit, white columns, sofa, etc. from your yard. Additionally, the Jeep and Altima are inoperable in that they both do not have current tags/registration. The Altima also has a low front tire. Please bring all violations into compliance by 09/05/22, as these violations should be in compliance prior to your Variance Hearing.

**Descriptor:** Care And Maintenance Of Premises

**Comments:** Sec. 11-2. - Care and maintenance of premises.  
(a) Care of premises. (1) It shall be unlawful for the owner or occupant of a building, structure or property to utilize the premises of such property for the open storage of any icebox, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such property clean and to remove from the premises all such abandoned items as listed above, including but not limited to, weeds, hedges, dead trees, trash, garbage, etc., upon notice from the planning and development department.

**Descriptor:** Inoperative Motor Vehicle

**Comments:** Sec. 14-24. - Wrecked, etc., vehicles on property. (a) No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than seven (7) days.

**Inspections:**



**Inspection Type:** Initial Inspection/Record Violations

**Inspector:** Donna Fritz **Inspection Date:** 25-Aug-22

**Outcome:** Send Notice of Violation

**Comments:** Homeowner's are applying for a variance to install an 8' fence along Bob White Trail. Planning Department advised me they noted possible violations. I noted a sofa in the yard with a cover over it and columns in the yard, possibly from a party. I also noted bags of garbage, a portable AC unit and other debris in the yard. There is a silver Nissan Altima and a Jeep with expired tags; the Altima has a low front, left tire. I also received complaints today from neighbors. I left a door hanger, but will also send a NOV since I am on vacation next week. Violations need to be brought into compliance prior to variance hearing on 09/08/22.

**Inspection Type:** Reinspection

**Inspector:** Donna Fritz **Inspection Date:** 05-Sep-22

**Outcome:** Pending

**Comments:**

**Activities:**

**Activity Type:** Attach Pictures

**Inspector:** Donna Fritz **Date Completed:** 25-Aug-22

**Outcome:** Complete

**Comments:**

**Activity Type:** Generate NOV/Record Delivery

**Inspector:** Donna Fritz **Date Completed:** 25-Aug-22

**Outcome:** Complete

**Comments:**

**Conditions:**

**Date:** **Source:** **Status:**

**Code:** **Description:**

**Condition:**

**Conditions:**

**Date:** **Source:** **Status:**

**Code:** **Description:**

**Condition:**

**Graphics:**

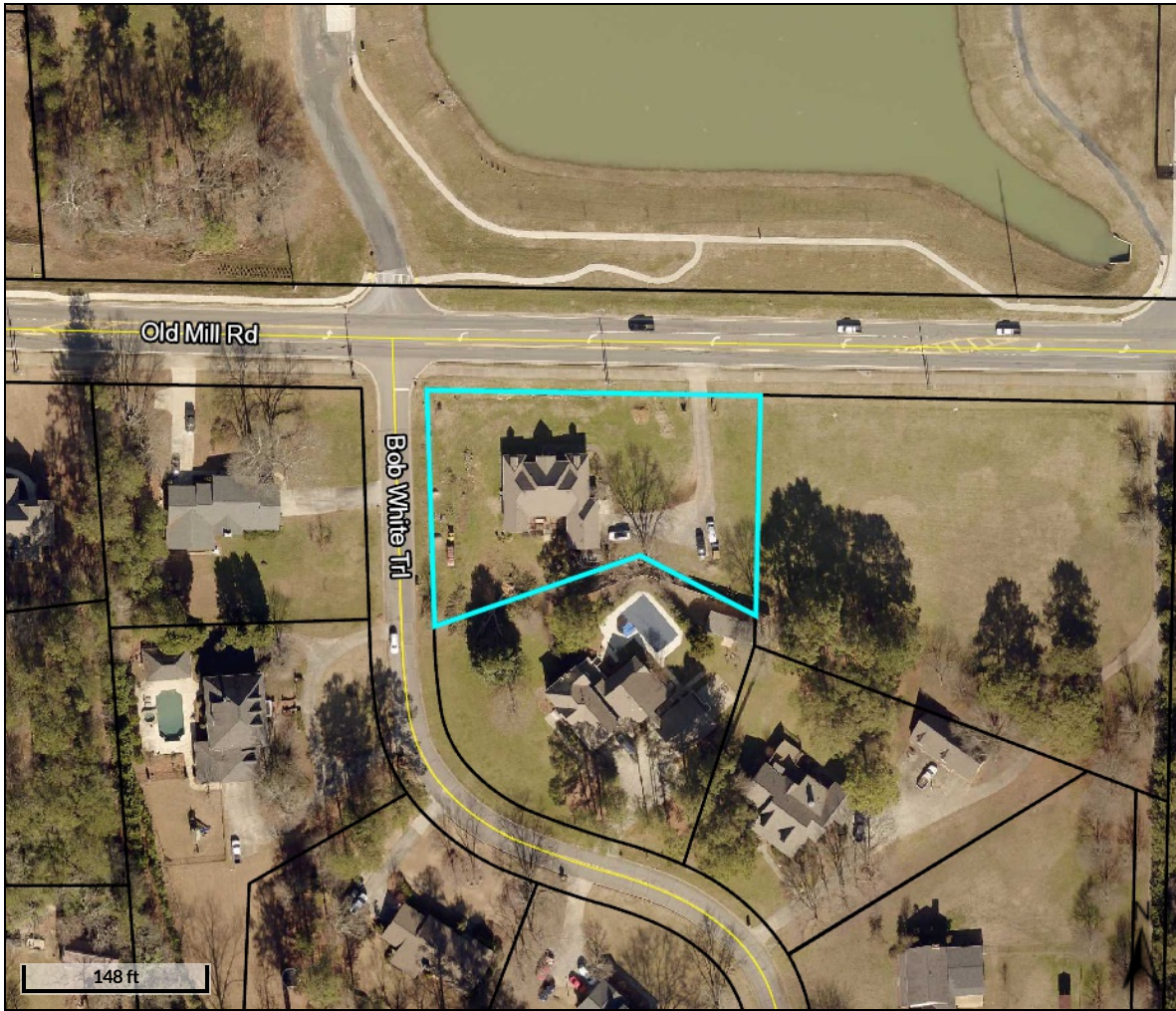
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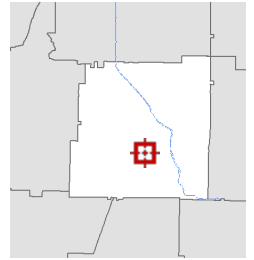
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Other Fields:





**Overview**



**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	C020-0005-002	<b>Alternate ID</b>	34677	<b>Owner Address</b>	HADBAWI HUSEIN M
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		2 BOB WHITE TRIAL
<b>Property Address</b>	2 BOB WHITE TR	<b>Acreage</b>	1.07		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 627-628 D 4 P/OL62 CONYERS EST SEC 2				
	(Note: Not to be used on legal documents)				

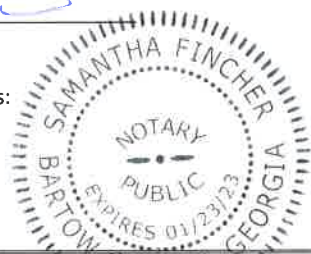
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Developed by  **Schneider**  
 GEOSPATIAL

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

Hearing Date: 9/8/2022 5:30pm

Application Number: V22-17  
Date Received: 7-28-2022

Applicant <u>Noral Hadbawi</u> <small>(printed name)</small>	Office Phone _____
Address <u>2 Bobwhite Trl</u>	Mobile/ Other Phone <u>615-828-9869</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>Norahh75@yahoo.com</u>
Representative's printed name (if other than applicant) _____	Phone (Rep) _____
_____	Email (Rep) _____
Representative Signature <u>[Signature]</u>	Applicant Signature <u>Noral Hadbawi</u>
Signed, sealed and delivered in presence of: _____	My commission expires: <u>1/23/23</u>
Notary Public <u>[Signature]</u>	

* Titleholder <u>Husein Hadbawi</u> <small>(titleholder's printed name)</small>	Phone <u>615 513 7674</u>
Address <u>2 Bobwhite Trl</u>	Email <u>HMH8653@yahoo.com</u>
Signature <u>[Signature]</u>	
Signed, sealed, delivered in presence of: _____	My commission expires: <u>10/6/2025</u>
Notary Public <u>[Signature]</u>	

Present Zoning District <u>R-20</u>
Acreage <u>1.07</u> Land Lot(s) <u>627-628</u> District(s) <u>4</u> Section(s) <u>3</u>
Location of Property: <u>2 Bob white Trail</u> <small>(street address, nearest intersections, etc.)</small>
Zoning Section(s) for which a variance is being requested: <u>Article IV Section 4.16 (B)4</u>
Summary Description of Variance Request: <u>Allow 8 ft privacy fence in front yard of corner lot.</u>
<small>(Additional detail can be provided on Justification Letter)</small>

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

## CONDITIONS VERIFICATION

List the Article(s), Section(s) and Subsection(s) of the Zoning Ordinance for which a variance is requested.

Article IV                      Section 4.16                      Subsection (B)4  
Article \_\_\_\_\_                      Section \_\_\_\_\_                      Subsection \_\_\_\_\_  
Article \_\_\_\_\_                      Section \_\_\_\_\_                      Subsection \_\_\_\_\_

The Board of Zoning Appeals was established 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 the zoning ordinance. The Board has the power to hear requests for variances from the provisions of the zoning ordinance, Article XXI APPEALS. See Section 21.3 for additional information pertaining to conditions.

To assist staff and the Board of Zoning Appeals in the analysis of the variance application, please check all of the following conditions that apply to your variance request:

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; and
4. \_\_\_\_\_      There are other existing extraordinary or exceptional circumstances; and
5. X              The strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property;
6. X              The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: please allow 8ft privacy fence in front yard of a corner lot at 2 Bobwhite Trl. Cartersville GA 30120

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# RECEIPT OF PAYMENT

**Receipt Number:** 2022002360  
**Receipt Date:** 07/28/2022  
**Date Paid:** 07/28/2022  
**Full Amount:** \$125.00

<b>Payment Details:</b>	<b>Payment Method</b>	<b>Amount Tendered</b>	<b>Check Number</b>
	Check	\$125.00	1437

**Amount Tendered:** \$125.00  
**Change / Overage:** \$0.00  
**Contact:** HADBAWI HUSEIN M, Address:2 BOB WHITE TRIAL, Phone:(615) 513-7674

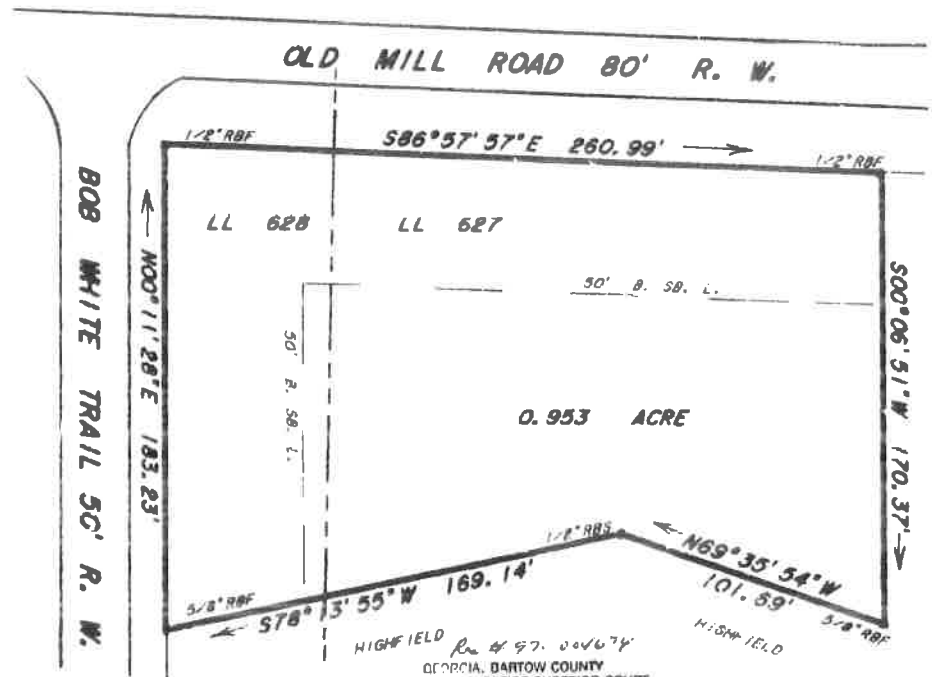
## FEE DETAILS:

<b>Fee Description</b>	<b>Reference Number</b>	<b>Amount Owing</b>	<b>Amount Paid</b>
BZA Variance Fee (Home Owner)	MS202200532	\$75.00	\$75.00
CD-Advertising	MS202200532	\$50.00	\$50.00

SURVEYED FOR

**HERBERT A. TOMNSEND**  
**DOROTHY T. TOMNSEND**

PART OF LOT 62, CONYERS ESTATES, SECTION TWO, IN LAND  
 LOTS 627 & 628, 4TH. DISTRICT, 3RD. SECTION, CITY OF  
 CARTERSVILLE, BARTOW COUNTY, GEORGIA  
 DATE 2-12-97 SCALE 1" = 50'



Rec # 97-004674  
 GEORGIA, BARTOW COUNTY  
 OFFICE SUPERIOR COURT  
 Filed for record this 17 day of  
 Feb, 10, 97 at 10:00 A.M.  
 Official Dead Record No. 43  
 Filed this 17 day of  
 Feb, 10, 97

FIELD DATA:  
 CLOSURE: 1' IN 28,600'  
 EQUIPMENT: TOPCON GT5-303  
 ANGULAR ERROR 04" PER ANGLE POINT  
 BEARINGS ARE MAG. CAL. FROM ANGLES  
 TURNED.  
 ADJUSTED USING LEAST SQUARES  
 PLAT CLOSURE 1' IN 100,000'

"FEMA FLOOD HAZARD MAP" 13013C0088 F  
 DATED SEPTEMBER 29, 1989, SHOWS THIS  
 PROPERTY OUT OF FLOOD ZONE.

KNIGHT & KNIGHT LAND SURVEYORS  
 172 ROWLAND SPRINGS ROAD, SE  
 CARTERSVILLE, GEORGIA 30181  
 TELEPHONE (770) 388-7978  
 OR (770) 338-6484

*Johnny R. Knight*  
  
*Johnny R. Knight*



FEARNLEY & PRICE, LLC- NORTHLAKE LOCATION  
2295 PARKLAKE DRIVE, SUITE 500  
ATLANTA, GEORGIA 30345  
FILE NO. 105-314976-NW  
To M&M 5/21/2012  
From M&M

DOC# 006031  
FILED IN OFFICE  
05/29/2012 08:34 AM  
BK:2537 PG:312-313  
GARY BELL  
CLERK OF SUPERIOR  
COURT  
BARTOW COUNTY  
*Gary Bell*

REAL ESTATE TRANSFER T  
AX  
PAID: \$0.00

STATE OF GEORGIA  
COUNTY OF FULTON

PT-61-008-2012-001929

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 23rd day of May, 2012 between SHAUN DONOVAN, the SECRETARY OF HOUSING and URBAN DEVELOPMENT of Washington, D.C., party of the first part and

HUSEIN M. HADBAWI

of Bartow County, Georgia, party(ies) of the second part.

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars (\$10.00), and other valuable consideration in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm, unto the said party(ies) of the second part, and the heirs and assigns of the said party(ies) of the second part, the following described real property situated and being in the County of Bartow, State of Georgia, to wit:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF CARTERSVILLE, IN LAND LOTS 627 AND 628 OF THE 4TH DISTRICT, 3RD SECTION OF BARTOW COUNTY, GEORGIA; AND BEING PART OF LOT 62 OF CONYERS ESTATES, SECTION TWO, AS PER PLAT RECORDED IN PLAT BOOK 43, PAGE 184, BARTOW COUNTY, GEORGIA RECORDS, WHICH PLAT BY REFERENCE IS INCORPORATED HEREIN AND MADE A PART HEREOF.

Parcel I. D. #: C020-0005-002  
Property Address: 2 Bobwhite Trail, Cartersville, GA 30120

BEING the same property acquired by the party of the first part pursuant to the provisions of the National Housing Act, as amended (12 USC 1701 et seq) and the Department of Housing and Urban Development Act (42 USC 3531 et seq).

TO HAVE AND TO HOLD the said property hereinbefore described, with all and singular the rights, members and appurtenances thereunto appertaining, to the only proper use, benefit and behoof of the said party(ies) of the second part, forever, in fee simple, and the said party of the first part specially warrants the title to the said above-described bargained property against the lawful claims of all persons claiming by through or under the party of the first part.

SUBJECT TO ALL covenants, restrictions, reservations, easements, conditions and rights appearing of record and subject to any state of facts an accurate survey would show.

THIS DEED NOT TO BE IN EFFECT UNTIL: May 23, 2012

IN WITNESS WHEREOF, the undersigned has set his/her hand and seal as a principal and/or officer of PEMCO, LTD., the Asset Manager for the United States Department of Housing and Urban Development for and on behalf of the Secretary of Housing and Urban Development, under the re-delegation of authority published at 70 F.R. 43171 (07/26/05), as amended.

Signed, sealed and delivered in the presence of:

Gayce King  
WITNESS

Secretary of Housing and Urban Development of Washington, D.C., its successors and/or assigns

By: [Signature]  
AUTHORIZED SIGNATORY

[Signature]  
NOTARY PUBLIC



NICHOLAUS A. RICE  
FULTON COUNTY, GEORGIA  
NOTARY PUBLIC  
MY COMMISSION EXPIRES  
FEBRUARY 7th, 2015















**Overview**



**Legend**

-  Parcels
-  Roads

<b>Parcel ID</b>	C020-0005-002	<b>Alternate ID</b>	34677	<b>Owner Address</b>	HADBAWI HUSEIN M
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		2 BOB WHITE TRIAL
<b>Property Address</b>	2 BOB WHITE TR	<b>Acreage</b>	1.07		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 627-628 D 4 P/OL62 CONYERS EST SEC 2				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 7/28/2022  
Last Data Uploaded: 7/27/2022 10:09:56 PM

Developed by 

# Images Taken 8-18-22

