

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on May 17, 2021 in the Council Chambers.

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

**1. Call to Order**

Chairman Pendley called the meeting to order.

**2. Roll Call**

**3. Removed Item from Agenda: V21-07 1136 N. Tennessee St.**

Keith Lovell, Assistant City Attorney, stated that the applicant for V21-07: 1136 N. Tennessee Street had withdrawn their application. He stated that if anyone in the audience was present for this variance case, they were free to leave or they were more than welcome to stay for the remainder of the meeting.

**4. Approval of Minutes: April 19, 2021**

Board Member Clayton called for a motion on the April 19, 2021 BZA meeting minutes. Board Member McElwee made a motion to approve the minutes. Motion was seconded by Board Member Clayton and carried unanimously. Vote: 4-0.

**5. Old Business: None**

**6. New Business:**

- A. V21-06: 226 Summit Street Applicant: Juana Leon**  
Variance request to allow privacy fence to encroach into the front yard setbacks of a corner lot.

David Hardegree, City Planner, stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case stating the request was to allow an 8' privacy fence to encroach into the front yard setbacks. Mr. Hardegree also discussed the comments from the Electric Department, Gas Department, and Public Works. Public Works opposed the request due to the sight obstruction of the cross street. The applicant was present.

Kristi Lee Duarte, 22 Stoneybrook Ct., and applicant, Juana Leon came forward to represent V21-06. Ms. Duarte stated that Ms. Leon spoke little to no English so she would be interpreting for the applicant.

Public hearing opened.

Board Member McElwee stated he visited the site and agrees that a solid privacy fence would create a major sight obstruction. He asked Ms. Duarte if the applicant would be willing to go with a chain link fence to eliminate the concern of visibility. Ms. Duarte stated that they currently have a chain link fence and the privacy fence would be for their children.

Yvonne Jenkins, daughter of neighboring residents, located at 224 Summit Street, came forward to speak against the variance request, as it would create an obstructed view for her elderly parents.

With no one further to speak for or against the item, the public hearing was closed.

Board Member Clayton asked Ms. Duarte and Ms. Leon if they would be willing to honor the 20' setbacks required by Zoning, as this would eliminate the concerns of sight obstructions and the further concerns from the other departments. They stated that they would be willing to adhere to the required setbacks.

With the applicant agreeing to the required setbacks, the variance application was withdrawn.

**B. V21-08:                      101 Savoy Lane                      Applicant: Forest McClain, Anverse, Inc.**  
Variance request to increase the allowable wall sign area from 200 sq. ft. to 244 sq. ft.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case. No department comments were received. Applicant was present.

Public hearing was opened.

John Rice, 25 Hilltop Dr., came forward to speak for the item and answer any questions the Board may have.

With no questions or comments from the Board and no one else to come forward to speak for or against the item, the public hearing was closed.

A motion was made to approve V21-08 by Board Member McElwee and seconded by Board Member Brunt. Motion carried unanimously. Vote: 4-0

**C. V21-09:                      15 Collins Street                      Applicant: Gerardo Lopez**  
Variance request to allow a new house addition to encroach into the side yard setbacks.

Mr. Hardegree stated that all adjacent property owners had been notified and the property had been properly posted and advertised. Mr. Hardegree gave an overview of the case. No department comments were received. Applicant was present.

Public hearing was opened.

Kesia Lopez, 18 Collins St., came forward to represent the applicant and speak for the item. She stated they are currently renting at 18 Collins Street but have purchased 15 Collins Street and are wanting to do the addition prior to moving in so there will be room for the children in the family.

James Neal, 68 Gilreath Rd., came forward and stated he owned an adjacent property and had no issue with the request.

Lois McAfee, 13 Collins Street, came forward and stated she owned and resided in an adjacent property and had no issue with the request.

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

A motion was made to approve V21-09 by Board Member Brunt and seconded by Board Member McElwee. Motion carried unanimously. Vote: 4-0

With no further business, a motion to adjourn the meeting was made by Board Member Brunt.

Meeting was adjourned at 6:21 P.M.

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Date Approved

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