

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

The Cartersville Board of Zoning Appeals met in a regularly scheduled meeting on January 12, 2023, in the Council Chambers.

ROLL CALL

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

APPROVAL OF MINUTES

1. Approval of Minutes: December 8, 2022

Board Member Clayton made a motion to approve the December 8, 2022 Minutes. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 5-0

VARIANCE CASES

2. V22-23: 21 & 23 Ashwood Dr. Applicant: Kerley Family Homes
Variance: To allow encroachment into the City's impervious and undisturbed stream bank buffer

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 a detailed overview stating the variance application by Kerley Family Homes, for two properties located at 21 & 23 Ashwood Drive and zoned R-20 (Single Family Residential) and P-D (Planned Development). Both properties contain approximately 0.2 acres. These lots are currently undeveloped.

The applicant wishes to construct homes on these lots that will encroach into the City's 25ft. impervious streambank buffer and the 25ft. undisturbed vegetative streambank buffer. No encroachment is proposed in the twenty-five-foot (25ft) State streambank buffer.

The proposed encroachment at 21 Ashwood Drive includes 422 square feet of the home constructed in the impervious streambank buffer, and 297 square feet of disturbance in the undisturbed streambank buffer.

The proposed encroachment at 23 Ashwood Drive includes 178 square feet of the home constructed in the impervious streambank buffer, and 182 square feet of disturbance in the undisturbed streambank buffer. The applicant proposes to construct an infiltration trench (trench) as the mitigation solution for each property. This approach has never been presented as a mitigation solution to an encroachment.

All downspouts are proposed to be piped to the trench. Side slopes are proposed to be graded to drain into the trench.

The mitigation plan required by City ordinance may be satisfied by the trench plans; however, the proposed mitigation plan will likely be burdensome on all future property

owners and city staff. Maintenance schedule provided. Inspections will be required annually. The trench must remain in place in perpetuity.

At this time, all engineering issues have not been resolved, but the applicant's engineer has been in communication with the city engineer to reach a solution. Plans will be provided for 21 Ashwood Dr once an acceptable solution is in place for 23 Ashwood Dr. The solutions will be similar.

The development regulations for which relief is sought is 7.5-205 (a)(1) and 7.5-205 (a)(2).

Planning and Development staff recommended the following conditions for each site. The conditions also allow additional time to address engineering concerns:

1) The trench mitigation plans are to be approved by the city engineer and in conjunction with the review of the Tertiary Plans;

2) The approved trench mitigation plans, including all required easements, are to be recorded for each parcel;

3) The approved trench mitigation plans are to be included with a Stormwater Maintenance Agreement to be approved by the City and recorded;

4) Items 1-3 are to be completed prior to issuance of a Building Permit; and,

5) The City Engineer is to inspect and approve compliance of the trench prior to issuance of Certificate of Occupancy.

In closing, Mr. Hardegree did state that the applicant and Wade Wilson, City Engineer, were in attendance.

Shelby Thompson, Permit Coordinator, and Dave Merrill, Builder, for Kerley Family Homes came forward to represent the application. Ms. Thompson stated that Kerley Family Homes are looking for a resolution that will allow them to build on these difficult topographical lots including moving the house into the 20' front setback to decrease the encroachment to only the deck for lot 1379.

Board Member Clayton left the meeting.

Board Member Brunt expressed concerns that if the infiltration trench is installed and becomes the responsibility of the homeowner, what happens if the homeowner does not keep up the maintenance. Would this become the responsibility of the City during their required 5-year inspection in accordance with EPD requirements? Mr. Wilson stated that it could fall on the city to be responsible for the maintenance but does not foresee any maintenance issues forthcoming.

Applicant is willing to table this item to provide a design alternative for a future meeting.

Mr. Wilson stated the goal is to reduce impact.

Board Member Brunt made a motion to table V23-22 until a design alternative could be provided. Board Member McElwee seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member McElwee made a motion to adjourn at 6:15 P.M.

February 9, 2023
Date Approved

/s/ _____
Chair