



City of Cartersville

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: Keith Lovell
Date: January 25, 2023
Re: File # V23-02

Summary: To allow an 8ft privacy fence to encroach into the front yard setback.

Section 1: Project Summary

Variance application by applicant Amanda Rice for property located on Etowah Dr, Tax ID No. C016-0025-013. Zoning is R-7 Residential. Setbacks are Front and Rear- 20ft and Side- 8ft. Said property contains approximately 0.27 acres. This property adjoins 27 Arrowhead Dr.

The applicant proposes to build a privacy fence to enclose the property that will include the front yard along the Etowah Drive right-of-way. Though associated to 27 Arrowhead Dr, this property is a standalone property. The fence is partially installed, posts only, and replaces a chain link fence in the same, approximate location.

The fence ordinance, Sec. 4.16, requires privacy fences to be installed behind the front yard setback, and to the rear of the house. Since there is no structure on this lot, this fence should be installed at or behind the 20ft. front yard setback. Using aerial photography and property surveys submitted with the application, staff determined that the previous chain link fence and proposed privacy fence is approx. 10ft. from the property line. Therefore, the front yard setback encroachment is approx. 10ft.

The variance request is for the following:

1. To allow an 8ft. privacy fence to be installed in the front yard of a residential lot. (Sec. 4.16)

Section 2. Department Comments

Electric Department: CES takes no exceptions.

Fibercom: Cartersville FiberCom takes no exception to the variance request for 0 Etowah Drive.

Fire Department: V23-02- CFD takes no exceptions to the variance request to allow for a privacy fence in the front yard along Etowah Dr provided it does not block access to the property or fire hydrants.

Gas Department: The Gas System takes no exception to the following as shown in the attachments.

Public Works Department: We take no opposition to this variance.

Water Department: No comments received.

Section 3. Public Comments Received by Staff

None as of 1-31-23

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. *Variances.* The board of appeals has the power to hear requests for variances 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.

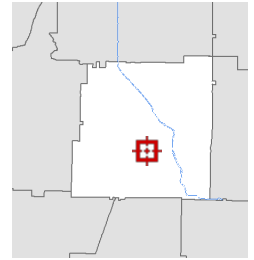
21.3.5. *Limitations on variances; improper variance requests.* Variances cannot be given to totally remove a requirement or to exempt a property or applicant entirely from a requirement. If a variance is being sought that is, in the judgment of the zoning administrator, a request that would constitute 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.*



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C016-0025-013	Alternate ID	34272	Owner Address	RICE JONATHON
Sec/Twp/Rng	n/a	Class	Residential		RICE AMANDA
Property Address	ETOWAH DR	Acreeage	0.27		222 POPHAM RD
					TAYLORSVILLE, GA 30178
District	Cartersville				
Brief Tax Description	LL555 LD4 LOT 5 SHAW ADDITION				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/30/2023
 Last Data Uploaded: 1/27/2023 10:10:57 PM

Developed by  Schneider
 GEOSPATIAL


City of Cartersville
Application for Variance
Board of Zoning Appeals

Hearing Date: 2/9/23 5:30pm

Application Number: V23-02

Date Received: 1/6/23

Applicant <u>Amanda Rice</u> <small>(printed name)</small>	Office Phone <u>678-721-2026</u>
Address <u>27 Arrowhead Dr.</u>	Mobile/ Other Phone <u>678-758-0733</u>
City <u>Cartersville</u> State <u>GA</u> Zip <u>30120</u>	Email <u>arice@centurybanknet.com</u>
Representative's printed name (if other than applicant)	Phone (Rep)
Representative Signature <u>Amanda Rice</u>	Email (Rep)
Signed, sealed and delivered in presence of: <u>Jenna Peeri</u> Notary Public	



* Titleholder <u>Jonathon Rice & Amanda Rice</u> <small>(titleholder's printed name)</small>	Phone <u>(678) 758-0733</u> <u>Amanda</u>
Address <u>27 Arrowhead Dr.</u>	Email <u>arice@centurybanknet.com</u>
Signature <u>Amanda Rice</u>	
Signed, sealed, delivered in presence of: <u>Jenna Peeri</u> Notary Public	



Present Zoning District <u>Cartersville R-7</u>	Parcel ID No. <u>C016-0025-013</u>
Acreage <u>.27</u> Land Lot(s) <u>555</u> District(s) <u>4</u> Section(s) <u>lot 5 3rd</u>	
Location of Property: <u>Etowah Dr. (Lot 5 Sitaw Another Subdiv.)</u> <small>(street address, nearest intersections, etc.)</small>	
Zoning Section(s) for which a variance is being requested: <u>District 1 SEC 4.16</u>	
Summary Description of Variance Request: <u>To replace chain link fence with privacy fence that will tie into existing privacy fence behind house on</u> <small>(Additional detail can be provided on Justification Letter)</small> <u>27 Arrowhead Dr.</u>	

* 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 _____ Section 4.16 Subsection B.1
Article _____ Section 4.16 Subsection B.2
Article _____ Section 4.16 Subsection B.4

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. 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. The requested variance relief may be granted without substantially impairing the intent and purpose of this ordinance

Additional Comments by Applicant: see attached

Additional Comments for Variance Request-Jonathon & Amanda Rice, Privacy Fence,
Parcel #C016-0025-013 (LL, 555, District 4, Lot 5, Etowah Dr.)

My husband, Jonathon Rice and I recently purchased 27 Arrowhead Dr. and the lot directly behind it that was previously owned by S. B. Moore. Both lots already have existing fences. There is a privacy fence on both sides of the house, that joined a chain link fence with a gate extending to the back of the lot on Etowah Dr. Instead of having the chain link fence, we would like to tie into the existing privacy fence and extend it to our property line on Etowah Dr. We will still have a gate entrance on the Etowah Dr. side. The privacy fence will be under 8 feet.

EXHIBIT "A"
LEGAL DESCRIPTION

TRACT ONE: All that tract or parcel of land lying and being in Land Lot No. 555 of the 4th District of the 3rd Section of Bartow County, Georgia, being in the City of Cartersville, more particularly described as follows:

BEING Town Lot No. 28 of the P. H. Shaw Subdivision, according to plat of same recorded in Plat Book 1, Page 43 in the Office of the Clerk of the Superior Court of Bartow County, Georgia, to which plat reference is hereby made and by reference said plat is made a part hereof for a more perfect description of the property herein conveyed.

TRACT TWO: All that tract or parcel of land lying and being in the 4th District of the 3rd Section of Bartow County, Georgia, being in the City of Cartersville, more particularly described as follows:

BEING Tract Number 5 of the P. H. Shaw Addition to Cartersville, as shown on plat recorded in Plat Book 1, Page 45 in the Office of the Clerk of the Superior Court of Bartow County, Georgia, to which plat reference is hereby made and by reference said plat is made a part hereof for a more perfect description of the property herein conveyed.

Tax Map #C016-0025-005 and #C016-0025-013

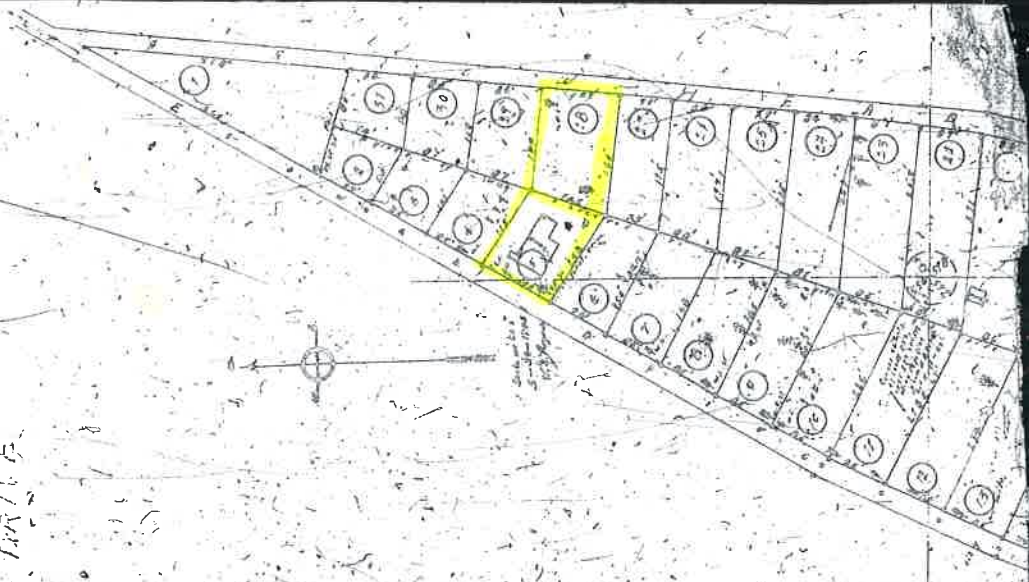




45

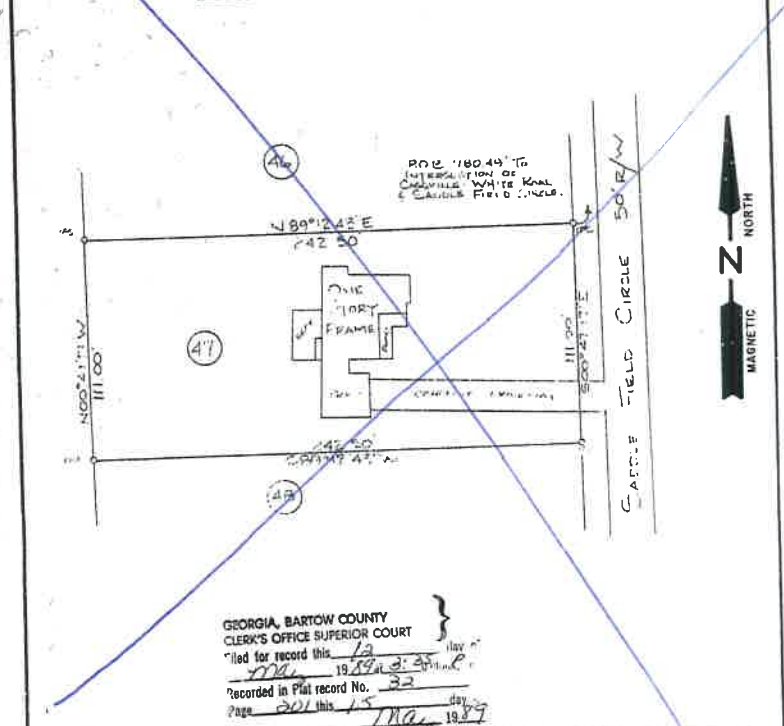
JAMES ADITION CARTERSVILLE GEORGIA ETOWAH

1/11/15



32 p 201

NOTE: THIS PROPERTY (IS NOT) IN A FLOOD HAZARD AREA AS DETERMINED BY F.I.R.M. COMMUNITY PANEL NUMBER 180429004 A. DATED: MAY 26, 1979.



GEORGIA, BARTOW COUNTY
CLERK'S OFFICE SUPERIOR COURT
Filed for record this 13 day of May 1989 at 3:30 PM
Recorded in Plat record No. 22 Page 301 this 15 day of May 1989

C. ROYE GLASC JR & KAREN L POWLER

LAND LOT(S) 181 DISTRICT 12 SECTION 12
BARTOW COUNTY, GEORGIA LOT 47 BLK. UNIT PHASE
SUBD. SADDLE FIELD ESTATES DATE APR 25, 1989 SCALE 1" = 50'

HAYES, JAMES & RHODES, INC.
P.O. Box 1081
645 Henderson Dr., Suite 2
CARTERSVILLE, GEORGIA 30120
(404) 385-7616

P.B. 7 P 209 D.B. P
THIS WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED HEREON. THIS DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT EXPRESSED RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.



DATE OF SURVEY: APR 25, 1989

CFC

JOB NO. 87 152

32 p 201

SURVEYED FOR

JEFFERY H. WOOD

0.236 ACRE IN LOT 4, FRANK H. SHAW SUBDIVISION, IN LAND LOT 555, 4TH DISTRICT, 3RD SECTION, CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA.

DATE 5-11-89 SCALE 1" = 30'
KNIGHT & KNIGHT LAND SURVEYORS

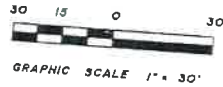
FIELD DATA:
CLOSURE: 1 IN 20,000
EQUIPMENT: TOPCON GTS-3
ANGULAR ERROR 08" PER ANGLE POINT
BEARINGS ARE MAG. CAL. FROM ANGLES TURNED
ADJUSTED, USING THE COMPASS RULE
PLAT CLOSURE, 1 IN 100,000.

GEORGIA, BARTOW COUNTY
CLERK'S OFFICE SUPERIOR COURT
Filed for record this 12 day of May 1989 at 3:30 PM
Recorded in Plat record No. 22 Page 301 this 15 day of May 1989

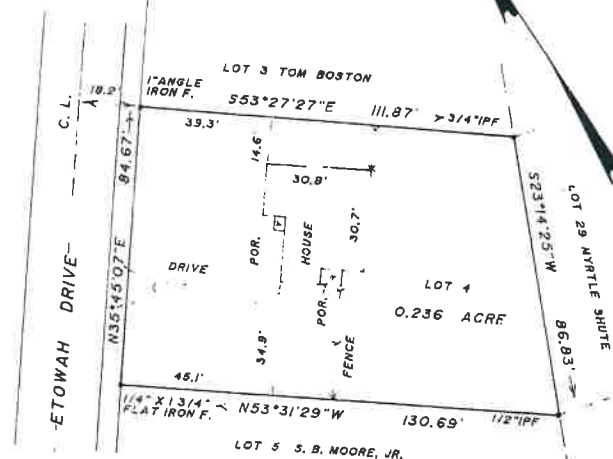


GRADY JEFFERSON, Clerk
Johnny R. Knight

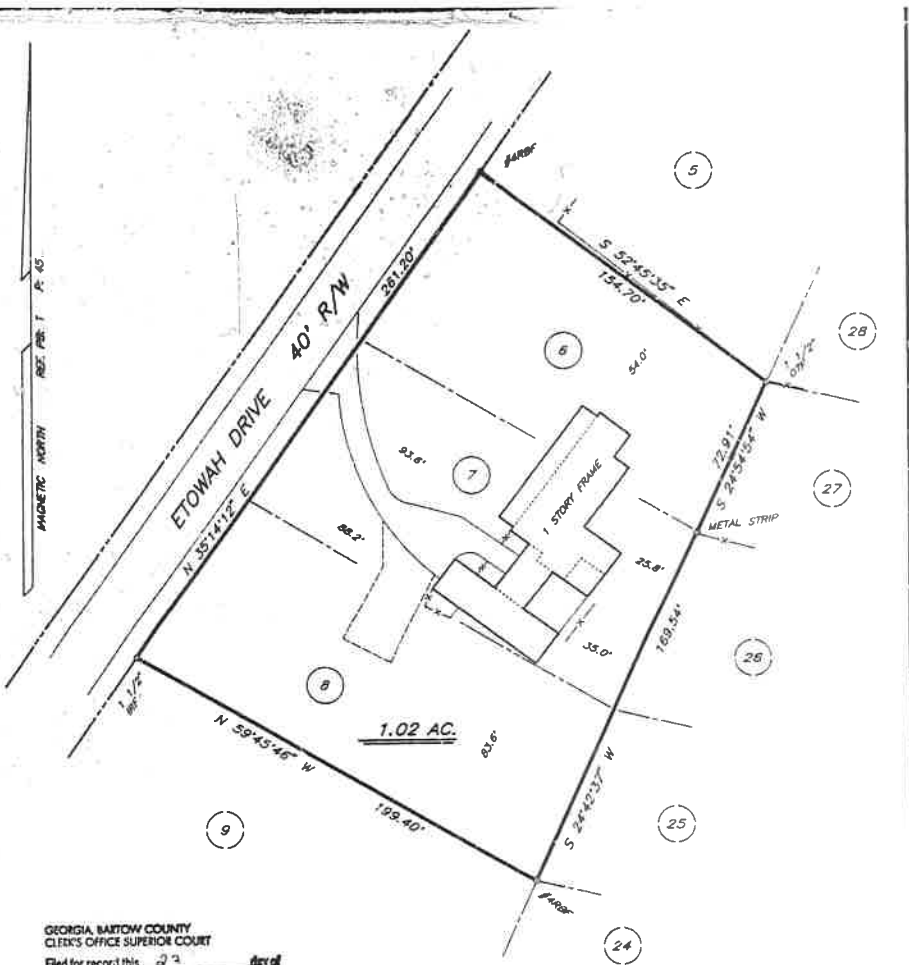
"FIA FLOOD HAZARD MAP" 0005 E SHOWS THIS PROPERTY IS OUT OF FLOOD ZONE.



559.2' ALONG R. W. TO THE C. L. OF ARROWHEAD DRIVE.



LOT 5 S. B. MOORE, JR.



GEORGIA, BARTOW COUNTY
 CLERK'S OFFICE SUPERIOR COURT
 Filed for record this 22 day of
 Sept 1993 at 11:42 o'clock A.M.
 Recorded in Plot record No. 34
 Page 24 this 23 day of
 Sept 1993
 TISH JOHNSON, Clerk

Martha P. WellSandt

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD
 PLAIN ACCORDING TO F.E.M.A. (F.L.A.) COMMUNITY PANEL
 # 13015 C 0088 F DATED SEPTEMBER 29, 1989



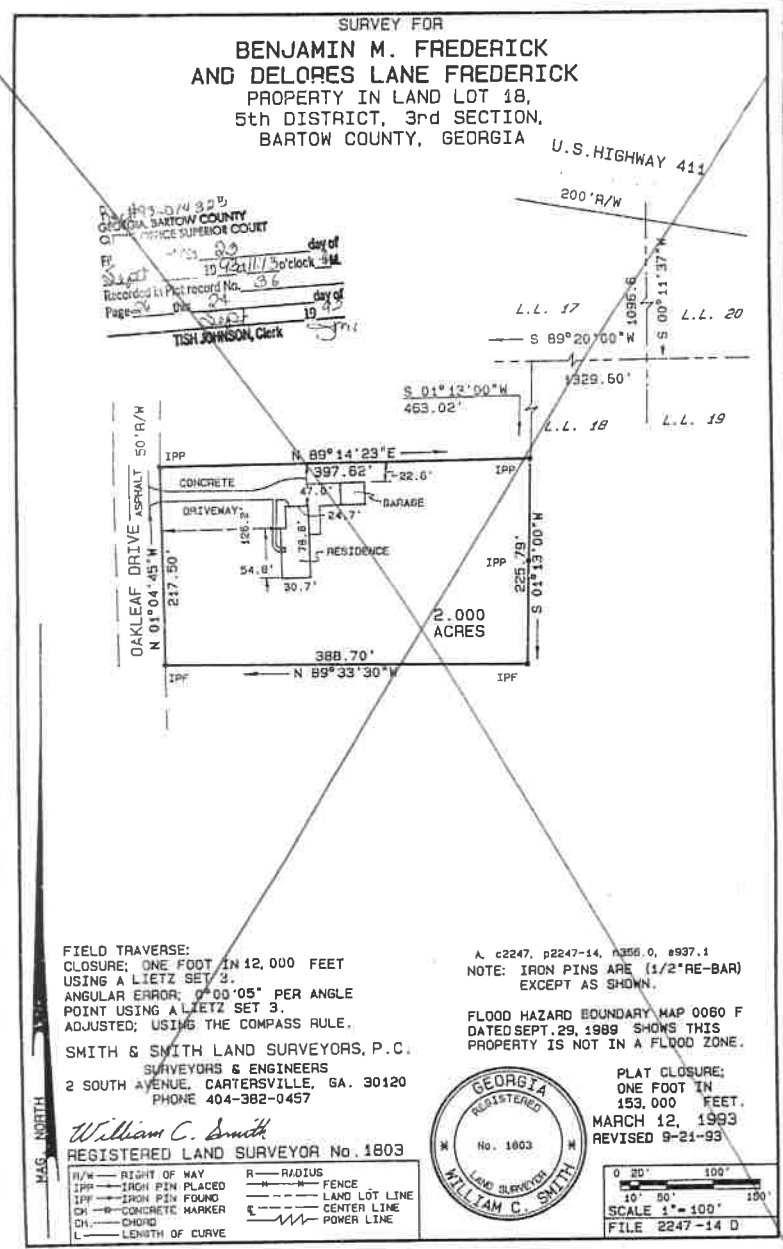
DATE	: 9-14-93
SCALE	: 1" = 40'
DRAWN BY	: RRG
CHECKED BY	: DTB
	: 2527 GNB10/ED180

**GASKINS & BAKER
 LAND SURVEYORS**

CARTERSVILLE, GEORGIA
 (404) 382-5888

SURVEY FOR :
MARTHA P. WELLSANDT

LOT # 6, 7, & 8
 SHAW'S ADDITION
 LOCATED IN L.L. 556
 4th DIST., 3rd SECT.,
 BARTOW COUNTY, GA.
 CITY OF CARTERSVILLE



SURVEY FOR
**BENJAMIN M. FREDERICK
 AND DELORES LANE FREDERICK**
 PROPERTY IN LAND LOT 18,
 5th DISTRICT, 3rd SECTION,
 BARTOW COUNTY, GEORGIA

FILED FOR RECORD
 GEORGIA, BARTOW COUNTY
 CLERK'S OFFICE SUPERIOR COURT
 Filed for record this 22 day of
 Sept 1993 at 11:42 o'clock A.M.
 Recorded in Plot record No. 36
 Page 24 this 23 day of
 Sept 1993
 TISH JOHNSON, Clerk

FIELD TRAVERSE:
 CLOSURE: ONE FOOT IN 12,000 FEET
 USING A LIETZ SET 3.
 ANGULAR ERROR: 0'00'05" PER ANGLE
 POINT USING A LIETZ SET 3.
 ADJUSTED: USING THE COMPASS RULE.
 SMITH & SMITH LAND SURVEYORS, P.C.
 SURVEYORS & ENGINEERS
 2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
 PHONE 404-382-0457

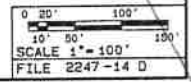
A c2247, p2247-14, n386.0, e937.1
 NOTE: IRON PINS ARE (1/2" RE-BAR)
 EXCEPT AS SHOWN.
 FLOOD HAZARD BOUNDARY MAP 0060 F
 DATED SEPT. 29, 1989 SHOWS THIS
 PROPERTY IS NOT IN A FLOOD ZONE.

William C. Smith
 REGISTERED LAND SURVEYOR No. 1803

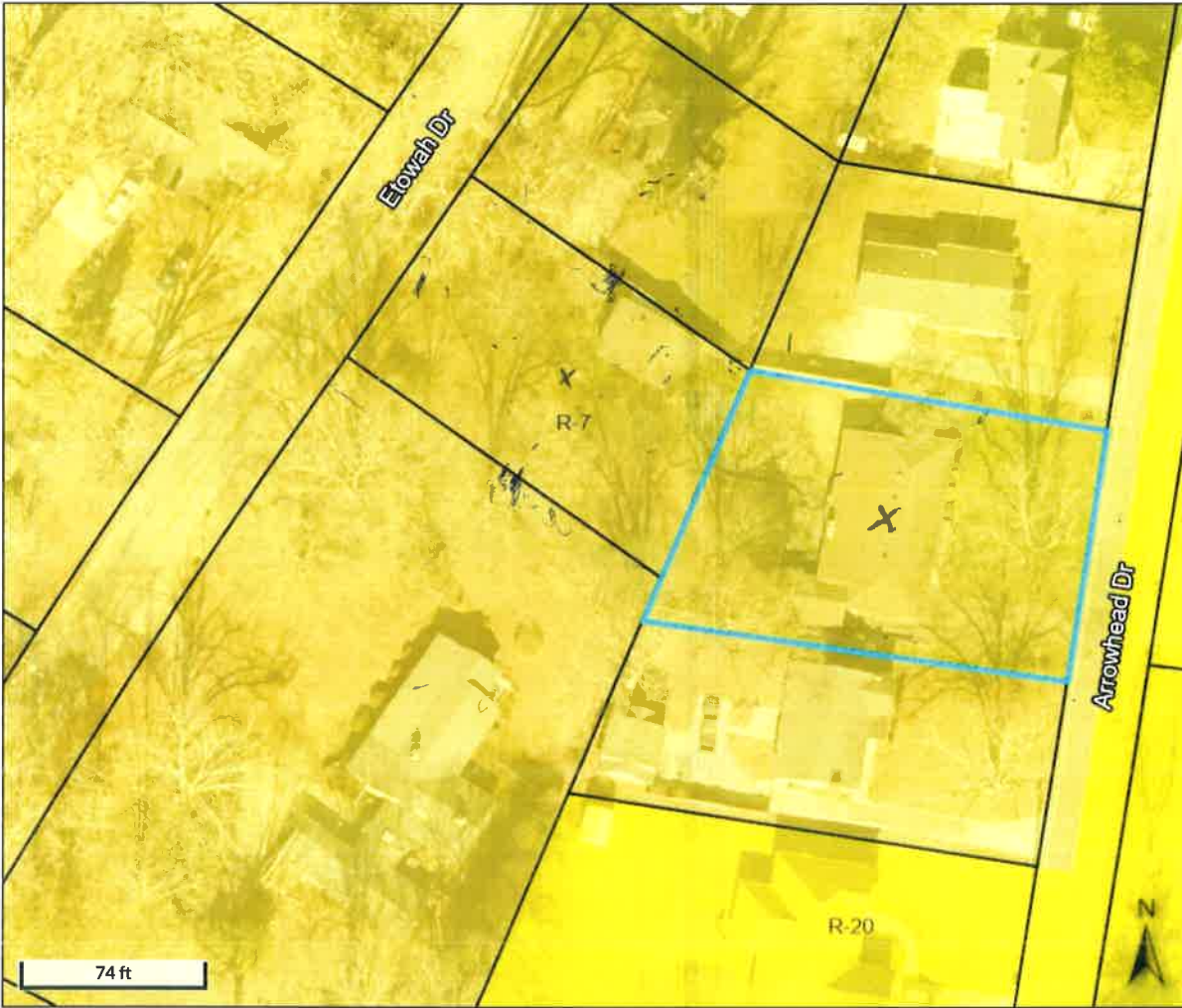


R/W	RIGHT OF WAY	R	RADIUS
IPP	IRON PIN PLACED	---	FENCE
IPF	IRON PIN FOUND	---	LAND LOT LINE
CM	CONCRETE MARKER	---	CENTER LINE
CH	CHORD	---	POWER LINE
L	LENGTH OF CURVE		

PLAT CLOSURE;
 ONE FOOT IN
 153,000 FEET.
 MARCH 12, 1993
 REVISED 9-21-93



SCALE 1" = 100'
 FILE 2247-14 D



Overview



Legend

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C*
- H-I
- H-I*
- L-I
- L-I*
- M-U
- M-U*
- MF-14
- MF-14*
- MN
- O-C
- O-C*
- P-D
- P-D*
- P-I
- P-S
- P-S*
- R-10
- R-10*
- R-15
- R-15*
- R-20
- R-20*
- R-7
- R-7*
- R-D
- RA-12
- RA-12*
- RSL

R-7: \$13-20-8-20

Parcel ID C016-0025-005
 Sec/Twp/Rng n/a

Alternate ID 34264
 Class Residential

Owner Address RICE JONATHON
 RICE AMANDA

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- 5. Razor wire (ribbon) shall be prohibited.

C. In all industrial zoning districts:

- 1. Fences or walls shall not exceed (8) feet in height in front, side and rear yards.

(Ord. No. 20-21, § 1, 4-1-2021)



Image capture: Jun 2022 © 2023 Google



180 Etowah Dr

All

Street View & 360°



Cartersville, Georgia
Google
Street View - Jun 2022



Images Taken 1-26-23



