

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
February 13, 2019

I. Call to order

Chairman Tracy Ward called to order the meeting of the Unified Board of Zoning Appeals at 12:00 PM on Wednesday, February 13, 2019 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Mike Brown

Austin King

Debby Peppers

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Tracey Crawley, Engineering

Others:

David Armstrong

III. Election of Officers for 2019

Austin King made a motion, seconded by Debby Peppers to nominate Tracy Ward as Chairman and Mike Brown as Vice-Chairman for 2019. The motion was approved 4-0.

IV. Approval of minutes from last BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for November 14, 2018 was made by Austin King and seconded by Mike Brown. The motion was approved 4-0.

V. New Business

Appeal Hearing:

Applicant/Property Owner: David Armstrong

Property Address: 1103 Walston Avenue (City of Dalton jurisdiction)

The applicant was present at the hearing. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located at the northwest intersection of Walston Avenue and W Waugh Street. The vacant 1.84-acre lot is currently zoned R-2, Low Density Single Family Residential and is located within the city limits of Dalton.

Staff explained the property owner is proposing to build a residential structure on the corner lot. The zoning ordinance requires a 40-foot building setback from a major/collector street and a 25-foot building setback from a local street. The corner lot is odd-shaped with a small eastern section opening up via a very narrow channel leading to a larger western section. The unique shape of the property and the fact the lot sits higher in elevation than Waugh Street creates a peculiar situation

in this instance. The required double building setbacks also limits the buildable area for the eastern section of the property. Reducing the Waugh Street setback from 40 feet to 25 feet would increase the buildable area for the eastern section of the property by approximately 1500 square feet.

It was noted the owner eventually may attempt to rezone the parcel in order to receive permission to build a duplex which will front Walston Avenue. Mr. Armstrong stated he would not remove any vegetation or make any grading improvements in the 25-foot setback area. Mr. Armstrong explained the variance would allow him to place the residential structure as far back as possible in order to provide enough room to maneuver for travel-way, parking, and on-site vehicle turnaround.

Board members were provided a written statement from the Dalton Public Works department stating they have no objection to the variance request but **only** for the eastern section of the property. They stated the 25-foot setback variance, if granted, will still protect the cut slope of Waugh Street and will also ensure there is no sight distance obstruction to the intersection with Walston Avenue. It was noted if the owner goes forward with a rezoning request in order to build a duplex at the site, the owner will be required to provide a detailed site plan showing the building location, parking area, drives and turnaround area.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow a building setback of 25 feet instead of the required forty-foot minimum building setback from a major/collector street for a structure in a residential zoning district.**

Noting the conditions for granting a variance had been met, Debby Peppers made a motion, seconded by Austin King, to grant the variance as requested with the following condition:

The setback reduction from 40 feet to 25 feet only applies to the eastern portion of the lot fronting both Walston Avenue and Waugh Street, and does not apply to the western portion of the lot which fronts solely along Waugh Street.

The motion passed 4-0.

VI. Other business

Staff had no other business to report.

VII. Adjournment

Chairman Tracy Ward adjourned the meeting at 12:27 PM.

Minutes respectfully submitted by: **Jean Price-Garland**