



Whitfield County Board of Commissioners Planning and Zoning Department

201 South Hamilton Street, Dalton, GA 30720
(706) 876-2592

Public Hearing: January 11, 2023 – Board of Zoning Appeals Meeting Minutes

Location: 201 South Hamilton Street, Dalton, Georgia – 5th Floor Conference Room

Call to Order: 12:00 P.M.

Adjournment: 12:31 P.M.

I. Roll Call

The following Board of Zoning Members were present:

Chair:	Kenneth Harless
Vice-Chair:	Austin King
Board Member:	Tracy Ward
Board Member:	Mike Brown

The following staff members were present:

Dalton-Whitfield Planning:	Jake Bearden
County Attorney:	Robert Smalley
Chief Building Official:	Michael Fowler
Stormwater Coordinator:	Chris Hester

Others present:

Applicant/Owner:	Daryl Edwards
Applicant/Owner:	Ty Rutledge
Applicant/Owner:	Jake Hughes
Real Estate Broker:	Rudy Ownby

II. 2023 Election of Officers

Motion for current officers to remain in their respective positions was made by Austin King and seconded by Mike Brown. The motion passed 4-0.

III. Approval of Minutes from December 14, 2022 BZA Meeting

Motion to approve the minutes as presented was made by Austin King and seconded by Mike Brown. The motion passed 4-0.

IV. Appeal Hearings

Applicant/Owner: Jake Hughes

Property Address: 241 Boulder Way, Dalton, Georgia 30721

Discussion: Mr. Hughes was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The subject property is located along a private drive off the south side of Tibbs Bridge Road. The 6.65-acre lot is currently zoned R-5, Rural Residential and is located within the unincorporated county. The parcel is served by public water and on-site septic systems.

The applicant was seeking to receive subdivision approval to convey the occupied manufactured home spaces to his family members. Current subdivision regulations allow a subdivision of property for up to five (5) lots accessed by easement when conveying property to a qualified family member (parent, grandparent, child, grandchild, sibling) but only if that easement is 50 feet in width. Mr. Hughes is not able to increase the easement width, so he is seeking a variance to allow a subdivision of property with a 22-foot wide easement as the legal access.

Mr. Hughes added that he was attempting to deed the individual lots to his children, so that a homestead exemption application could be filed.

The applicant requested a variance from **Section 15-34(10)(c)(7) of the Whitfield County Subdivision Regulations** to allow a family easement width of 22 feet instead of the required minimum 50-foot width.

Decision: After noting that conditions for the variance had not been met, Tracy Ward made a motion, seconded by Austin King, to deny the variance requested by Mr. Hughes. The Motion passed 4-0.

Applicant/Owner: Daryl Edwards & Adam Rutledge

Property Address: 145 Patriot Way, Dalton, Georgia 30721

Discussion: Mr. Daryl Edwards and Mr. Ty Rutledge were present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The subject property is located along the west side of a private drive designated as Cudd Road which connects to the south side of the public road West Nance Springs Road. The 2.56-acre lot is currently zoned SA, Suburban Agriculture and is located within the unincorporated county. The parcel is served by public water and on-site septic systems.

There are 3 occupied manufactured homes on the property. The subject of this variance is a 4th manufactured home on the site which has been without electrical power since August 2020. The applicants state they purchased the property in August 2022 for rental income and wish to reconnect the 4th manufactured home. The property cannot be subdivided in order to create a legal stand-alone lot for the 4th home.

Mr. Edwards added the closing was delayed due to issues with another property closing his company was undergoing at the time. Furthermore, his property group had invested \$10-\$15,000 into repair of the 4th structure.

The applicant requested a variance from **Section 4-1-2 of the Unified Zoning Ordinance** to allow a fourth dwelling on a lot in the SA, Suburban Agriculture zoning district.

Decision: After noting that conditions for the variance had been met, Tracy Ward made a motion, seconded by Mike Brown, to approve the variance requested by Mr. Edwards. The Motion passed 3-1. Austin King voted to oppose the motion.

V. Other Business

No other business was reported.

VI. Adjournment

Chair Kenneth Harless adjourned the meeting at 12:31 PM.

Minutes submitted by: Jacob Bearden