

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
December 16, 2020

I. Call to order

Chairman Mike Brown called to order the meeting of the Unified Board of Zoning Appeals at 12:00 PM on Wednesday, December 16, 2020 in the 5th floor conference room of the Wells Fargo building located at 201 South Hamilton Street, Dalton, Georgia.

II. Roll call

The following persons were confirmed as present at the meeting either in person or via the GoToMeeting video platform:

Board members:

Mike Brown

Kenneth Harless (via GoToMeeting)

Austin King (via GoToMeeting)

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Jake Bearden (Whitfield County Engineering)

Robert Smalley, County Attorney (via GoToMeeting)

Others:

Garret LeBlanc (via GoToMeeting)

Gary Crews (via GoToMeeting)

Melissa Williams (via GoToMeeting)

III. Approval of minutes from November 11, 2020 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for November 11, 2020 made by Kenneth Harless and seconded by Austin King. The motion was approved 3-0.

IV. New Business

Appeal Hearing

Applicant: Wilson Development Group

Property Owner: Hardwick Bank

Property Address: 2500 East Walnut Avenue (City of Dalton jurisdiction)

The applicant was represented by Garret LeBlanc at the hearing via the GoToMeeting platform. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property consists of 2.172 acres and is located at the southeast intersection of East Walnut Avenue and Airport Road. A BB&T Bank branch is located on the property which is served by public water and sewer. The property is zoned C-2, General Commercial and is located within the city limits of Dalton.

The applicant recently submitted a subdivision plat for review to the Dalton-Whitfield Planning Commission. The plat shows a separation of the property into two lots. The lot containing the bank branch does not comply with the side building setback requirements for the drive-thru

canopy. The Planning Commission will approve the subdivision plat only if the BZA grants a side setback variance for the drive-thru canopy.

Mr. LeBlanc explained existing parking spaces, greenspace, traffic drive aisles, sidewalks, and drainage and utility easements already restrict development for the 1.19-acre vacant lot created by the subdivision plat. He stated it would be impossible to develop the resultant tract if the variance is not granted. He further explained there would likely be one-way access along the south side of the bank but traffic flow will continue to be two-way along the north side of the bank and continue with two-way access from Del Ray Farms to Airport Road.

Melissa Williams, owner of Greenbriar Plaza Ice Castles, reported she was not against development in the area but was concerned about traffic and safety. Gary Crews with MedNow stated the bank traffic is tremendous and his fear was new development would just exacerbate that problem.

Mr. LeBlanc explained his firm had recently installed the T-Mobile on East Walnut Avenue and the Dunkin Donuts on North Glenwood Avenue. He said his firm delivered a high quality product and would work with the adjacent property owners to address their concerns with added traffic.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow an existing commercial structure to encroach ten (10) feet into the required minimum 15-foot side building setback for a parcel in the C-2, General Commercial zoning district.**

Staff noted the City of Dalton requested conditions be placed on the variance to satisfy fire department requirements.

After some discussion, Austin King made a motion, seconded by Kenneth Harless, to grant the variance to allow a ten (10) foot encroachment into the side line building setback area with the following condition:

With regard to Lot 2 of the Take 5 survey, the north wall of the proposed commercial structure must be built with solid masonry construction components in compliance with the requirements of the Dalton Fire Department.

The motion passed 2-1 with Kenneth Harless opposing..

V. Other business

Staff had no additional business to report.

VI. Adjournment

Chairman Mike Brown adjourned the meeting at 12:23 PM.

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