

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
April 14, 2021

I. Call to order

Chairman Mike Brown called to order the meeting of the Unified Board of Zoning Appeals at 12:01 PM on Wednesday, April 14, 2021 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)

Debby Peppers (via GoToMeeting)

Tracy Ward (via GoToMeeting)

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Jake Bearden, Whitfield County Engineering

Robert Smalley, County Attorney (via GoToMeeting)

Others:

Carl Campbell

Jamie Taylor

Maria Medrano

Natalie & David Sharp

Tyler Hurd (via GoToMeeting)

Marty Orr (via GoToMeeting)

Bennett Sands (via GoToMeeting)

Jeffrey Granillo (via GoToMeeting)

Sara Ellen Minor (via GoToMeeting)

Blake Brady (via GoToMeeting)

III. Approval of minutes from March 10, 2021 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for March 10, 2021 made by Austin King and seconded by Tracy Ward. The motion passed 5-0.

V. New Business

Appeal Hearing #1

Applicant/Property Owner: James V Taylor II

Property Address: 407 Southland Drive (city of Dalton jurisdiction)

The applicant was present in person at the hearing. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the

south side of Southland Drive, west of South Thornton Avenue. The 0.34-acre lot is currently zoned C-4, Transitional Commercial and is located within the city limits of Dalton.

Several block structures are located on the property. The owner is currently under a stop work order for building without first obtaining a permit. The owner has installed a 12'x20' roofed patio on the east side of his building within one foot of his east property line. The owner will need a variance to allow the encroachment into the required building setback area off the east property line. Staff noted the applicant owns businesses and property to the north across Southland Drive and to the west across Learning Way.

Mr. Taylor explained the recently remodeled A-framed building was first constructed in 1963, and will be occupied by a coffee shop tenant. As is typical in today's society, the tenant has requested outdoor seating. The only available and logical space for outdoor seating is the area where Mr. Taylor has partially constructed the roofed seating space. He stated he had an agreement with the southern neighbor to allow the coffee shop customers use of several parking spaces owned by the neighbor. In that way, entry to the outdoor seating area can be either from the front or the rear. He noted the patio seating area faces the backside of another commercial building and should not interfere with any neighboring property.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required the required ten-foot side building setback for a proposed commercial building addition in the C-4 zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Austin King, to grant the variance with the condition the covered area remain open-aired and used for outdoor seating only. The motion passed 5-0.

Appeal Hearing #2

Applicant/Property Owner: Maria Medrano

Property Address: Old Rome Road (unincorporated county jurisdiction)

The applicant was present in person 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 Fannie Street and Old Rome Road, east of South Dixie Highway. The 0.29-acre lot is currently zoned R-5, Rural Residential and is located within the unincorporated area of the county.

Staff explained the applicant recently moved a new 13' x 69' single wide manufactured home onto the property. A significant amount of fill was brought in to build up the lot in order to place the home out of the storm water flow and away from the existing septic system. In order to fit the home on the lot, the owner will need a variance to allow a front building setback off both streets, specifically up to a 16-foot encroachment into front setback area for Fannie Street, and up to a 5-foot encroachment into the front setback area for Old Rome Road. Staff explained the MH currently meets the Old Rome Road setback requirement but staff assumes the to-be-installed front steps will inherently encroach into the setback area.

The applicant requested a **variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required the required 25-foot front building setback for a residential structure in the R-5 zoning district.**

After some discussion, Austin King made a motion, seconded by Debby Peppers, to grant the variance to allow the placement of a manufactured home that encroaches up to sixteen (16) foot into the front building setback area for Fannie Street, and encroaches up to five (5) feet into the front building setback area for Old Rome Road.

The motion passed 5-0.

Appeal Hearing #3

Applicant: Natalie Sharp

Property Owners: Natalie & David Sharp

Property Address: 806 West Willow Drive (City of Dalton jurisdiction)

The applicant was present in person at the hearing. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the west side of West Willow Park Drive, south of Walnut Avenue. The 0.40-acre lot is currently zoned R-2, Low Density Single Family Residential and is located within the city limits of Dalton.

The applicant's home and detached garage are located on the property. The owner is currently under a stop work order for building without first obtaining a permit. The applicant hired a builder to install a 6.5-foot roofed lean-to along the back west side of her existing garage. The lean-to appears to encroach approximately thirteen (13) feet into the required fifteen (15) foot side building setback area. The lean-to is fairly small in size at less than 100 square feet. There is a wooden fence separating the back yard of the property from the adjacent neighbors on all sides. Staff noted the property is within the McCarty Subdivision historical district, and the lean-to will also be subject to review/approval by the Historic Preservation Committee.

Mrs. Sharp explained she purchased the property in 2020. It is her intention to create a small out-of-site covered area to store personal items and protect them from the weather. She explained the lean-to would match the appearance of the existing awning area on the south side of the garage.

Sara Ellen Minor, a next-door neighbor, spoke in opposition to the variance approval. Mrs. Minor noted several objections: (1) the lean-to is visible from her property, (2) the lean-to will interfere with Dalton Utilities' access to a utility pole in the corner of the Sharp property, and (3) the additional storm water runoff from the lean-to roof will exacerbate the flooding of the Minor's basement.

In rebuttal, Mrs. Sharp said the lean-to would not obstruct access to the utility pole in any way.

The applicant requested a **variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required the required fifteen-foot side building setback for a residential addition in the R-2 zoning district.**

After some discussion, Tracy Ward made a motion, seconded by Austin King, to grant the variance to allow up to a 12 ½ foot encroachment into the side building setback area for the purpose of constructing an open sided lean-to onto the rear of the existing garage.
The motion passed 4-1, with Debby Peppers opposing.

Appeal Hearing #4

Applicant: W P Acquisitions LLC

Property Owners: Dalton Board of Education, Whitfield County

Property Address: West Waugh Street (City of Dalton jurisdiction)

The applicant was represented at the hearing by Tyler Hurd, Bennett Sands, and Marty Orr via the GoToMeeting platform. Carl Campbell was present in person at the hearing representing the JDA. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case.

The subject property consists of two adjacent parcels in two separate ownerships by the Dalton Board of Education and Whitfield County. The property fronts along the south side of West Waugh Street, the west side of Jones Street, and the north side of School Street. The buildings on the site are FKA the old city jail and the current county public works office building. The total acreage is approximately 5 acres, currently zoned C-1A, Limited Commercial, and located within the city limits of Dalton.

Mr. Hurd explained the variance requests are generated by a desire of the developer to create a Class A apartment community with a full package of amenities and full-time professional management. The size, cost, location, and topography of the site all lend toward finding a balance between unit numbers, parking spaces, and operational efficiency.

Mr. Hurd explained

The applicant requested two separate variances:

- (1) **a variance from Chart 3.7 of the Unified Zoning Ordinance to increase the allowable minimum height from 40 feet to 70 feet for a proposed multi-family structure;**
- (2) **a variance from Chart 5.4 of the Unified Zoning Ordinance to reduce the minimum required parking spaces from 1.5 spaces per unit to 1 space per bedroom for an average of 1.25 spaces per unit.**

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to grant the both variances as requested.

The motion passed 4-1, with Austin King opposing.

VI. Other business

Staff noted there have been applications already filed for the April 14 BZA meeting.

VII. Adjournment

Chairman Mike Brown adjourned the meeting at 1:00 PM.

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