

**UNIFIED BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**August 4, 2021**

**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, August 4, 2021 in the 5<sup>th</sup> floor conference room of the Wells Fargo building located at 201 South Hamilton Street, Dalton, Georgia.

**II. Roll call**

The following persons were present at the meeting

Board members:

*Mike Brown*

*Kenneth Harless*

*Austin King*

Staff members:

*Jean Price-Garland, Dalton-Whitfield Zoning*

*Robert Smalley, County Attorney*

*Valerie Molina, County Human Resources*

Others:

*Southland Engineering – Blake Noll, Kenmal Dryden, Will Posey, Terry Tim*

*Tim Scalf*

*Colt Helton*

*Gabino Alcantara*

**III. Approval of minutes from July 14, 2021 BZA meeting**

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for July 14, 2021 made by and Austin King seconded by Kenneth Harless. The motion passed 3-0

**IV. New Business**

**Appeal Hearing # 1**

**Applicant/Owner: Floretta McDaniel**

**Property Address: 1745 Brighton Way (city of Dalton jurisdiction)**

The applicant was represented at the hearing by her husband, Tim Scalf. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is 4500 square feet in size and designated as Lot 42 of the North Oaks Crossing townhouse complex on the west side of Cleveland Highway approximately ½ mile north of the North Bypass. The applicant's townhome is located on the property and served by public water and public sewer. The property is zoned R-5, Rural Residential and is located within the city limits of Dalton.

Mr. Scalf explained he and his wife wish to add a 10'x15' main floor bedroom to their home. All existing bedrooms are located upstairs, and they are anticipating a future when at least one of them may require a main floor bedroom. The only location available for the addition is onto the rear of

their home. Because of the small lot size, the addition will naturally encroach into the rear building setback area.

Staff noted at least nine other residents on the same street in the complex have been granted a variance to construct an addition or outbuilding that encroaches into the rear setback area. Each townhome in the area is surrounded by an 8-foot high wooden fence providing privacy to the residents and their adjacent neighbors.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow construction of a residential building addition encroaching up to 10 feet into the 15-foot rear building setback area.**

After some discussion, Austin King made a motion, seconded by Kenneth Harless, to approve the variance as requested.

The motion passed 3-0.

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## **Appeal Hearing # 2**

**Applicant: Southland Engineering**

**Property Owner: Ronald D. Keys**

**Property Address: 214 North Glenwood Avenue (city of Dalton jurisdiction)**

The applicant was represented at the hearing by 5 Southland employees. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is 0.34 acres in size and is located along the east side of North Glenwood Avenue and south of the Waugh Street bridge intersection. A 12,500 square foot brick commercial building is located on the property and served by public water and public sewer. The property is zoned C-2, General Commercial and is located within the city limits of Dalton.

The potential purchaser Colt Helton explained his plan to demolish the existing building and replace it with a much smaller 2800-square foot customer service building to be located on a portion of the existing building footprint. The new customer service building will be attached to an existing building to the south that is planned for repurpose into a tire sales and service facility.

Southland representatives noted there is an existing retaining wall along the frontage of the site that places the property at least 3 feet above North Glenwood Avenue. As a result, the driveway will need to be relatively steep in the western portion of the site to reach the 3-foot grade above the road. The proposed building must be shifted as far as possible towards the eastern property line to allow for a flat area for the building pad. The requested variance will enable the engineering firm to utilize the remaining vacant area for parking and traffic flow designed for safety and access. The proposed development will create a more aesthetically appealing look by for the site as there will also be a grassed landscape strip and decorative trees along the west and north property lines.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow the construction of a new commercial building to encroach nineteen (19) feet into the required minimum 20-foot side building setback for a parcel in the C-2 zoning district.**

After some discussion, Kenneth Harless made a motion, seconded by Austin King, to approve the variance as requested.  
The motion passed 3-0.

### **Appeal Hearing # 3**

**Applicant/Property Owner: Gabino Alcantara**

**Property Address: 406 Fields Road (city of Dalton jurisdiction)**

The owner was present at the hearing along with county staff member Valerie Molina serving as interpreter. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the east side of Fields Avenue and south of Underwood Street. The 0.14-acre lot is currently zoned R-5, Rural Residential and is located within the city limits of Dalton. Public water and public sewer is provided to the property.

The applicant's home is located on the property. The applicant is under a stop work order for construction without first obtaining a building permit. The applicant recently began construction on a 12x50 carport attached to the side of his home and across his existing driveway. The carport encroaches 8 feet into the required 10-foot side building setback area. The adjacent neighbor filed the original complaint due to the concentrated storm water runoff resulting from the roof overhang directly adjacent to the neighbor's property line.

Mr. Alcantara stated he was not aware he needed a building permit to construct the carport. He explained he was simply attempting to provide a covered area for vehicle parking and storage as there is no carport or garage at the site. He explained the carport is over his driveway in the most logical place for parking. He stated he was planning to install a gutter system to divert the storm water runoff toward his own backyard.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow the continued construction of a carport that encroaches 8 feet into the minimum required 10-foot side building setback area.**

After some discussion, Kenneth made a motion, seconded by Austin King, to grant the variance as requested with the following condition:

The applicant will be required to divert any storm water runoff from the carport roof to another location on his own property so as not to cause water or erosion problems for any neighboring property.

The motion passed 3-0.

#### **V. Other business**

Staff reported there was no additional business to discuss.

#### **VI. Adjournment**

Chairman Mike Brown adjourned the meeting at 12:38 PM.

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