

**UNIFIED BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**January 13, 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, January 13, 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 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:**

*Bucky Burgess (via GoToMeeting)*

**III. Election of Officers for 2021**

Motion to nominate Mike Brown as chairman made by Tracy Ward, seconded by Debby Peppers. The motion passed 5-0. Motion to nominate Austin King as vice-chairman made by Kenneth Harless, seconded by Tracy Ward. The motion passed 5-0.

**IV. Approval of minutes from December 16, 2020 BZA meeting**

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for December 16, 2020 made by Kenneth Harless and seconded by Austin King. The motion passed 5-0.

**V. New Business**

**Appeal Hearing**

**Applicant/Property Owner: Ronnie Burgess Jr.**

**Property Address: 115 East Hawthorne Street (City of Dalton jurisdiction)**

The applicant was present 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 0.73 acres and is located west of North Glenwood Avenue and at the northeast intersection of East Hawthorne Street and Maiden Lane. A 5700 square foot commercial auto repair facility 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 wishes to expand his business by adding a 5-bay facility on the north side of his property to accommodate larger vehicles and tools. His plan is to leave as much room as possible between the old and new building in order to have the space needed for tow truck maneuverability.

The applicant explained his business required a 50-foot flat stretch inside the building in order to calibrate current on-board cameras. With every foot of space needed for the proposed building and the tow truck turn-around, Mr. Burgess described the necessity to move the building back as far as the fence on his north property line.

Staff noted on the other side of the fence is the south portion of a circular drive around John's restaurant and an additional area approximately 30 feet wide that functions as a thru way connecting North Glenwood to Maiden Lane. The owner of John's leases the property but has no claim to the thru way and has no objection to the variance request. Tracy Ward stated the property owner of the John's site is a client of his, and also has no objection to the variance request.

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 fully into the required minimum 15-foot side building setback for a parcel in the C-2 zoning district.**

After some discussion, Austin King made a motion, seconded by Kenneth Harless, to grant the variance to allow a full encroachment into the side line building setback area along the north side of the parcel.

The motion passed 5-0.

**VI. Other business**

Staff had no additional business to report.

**VII. Adjournment**

Chairman Mike Brown adjourned the meeting at 12:14 PM.

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