

**UNIFIED BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**April 13, 2022**

**I. Call to order**

Chair Kenneth Harless called to order the meeting of the Unified Board of Zoning Appeals at 12:00 Noon on Wednesday, April 13, 2022 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, chair*

*Austin King, vice-chair*

*Debby Peppers*

*Tracy Ward*

Staff members:

*Jean Price-Garland, Dalton-Whitfield Zoning*

*Robert Smalley, County Attorney*

*Mike Fowler, Chief Building Official*

*Kent Benson, County Engineering*

*Cathy Taylor, County Code Enforcement*

Others:

*Mika & Christopher Caldwell*

*Janet Eberhart, Betsy Powell, Brandy Wyatt – Dalton Regional Library*

*Shazman Ali*

**III. Approval of minutes from March 9, 2022 BZA meeting**

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for March 9, 2022 made by Austin King and seconded by Debby Peppers. The motion passed 5-0.

**IV. Old Business**

Mika Caldwell reported on the status of her appeal to allow her grandmother to remain living on her property and housed in a camper. Mrs. Caldwell stated her grandmother had terminal cancer and has been given a short amount of time to live. Mrs. Caldwell stated she herself is staying in the camper and providing full time care for the grandmother. She further stated the construction loan intended for making an addition onto her manufactured home had been denied by the bank. She asked if her grandmother could continue to remain housed in the camper until the original deadline of August 9, 2022.

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward to allow the request only if regular monthly status reports were provided to code enforcement officer Cathy Taylor.

Motion passed 5-0.

V. **New Business**

**Appeal Hearing #1**

**Applicant/Owner: Dalton Regional Library**

**Property Address: 310 Cappes Street (city of Dalton jurisdiction)**

Library representatives Janet Eberhart, Betsy Powell, and Brandy Wyatt were present 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 southeast intersection of West Waugh Street and Cappes Street. The 2.43-acre lot is zoned C-1A, Limited Commercial, and is located within the city limits of Dalton. The Dalton Regional Library has been located on the property since 1982. The site is served by public water and public sewer.

The property owner is proposing to remodel the library and expand the “Children’s Collection” by constructing an addition onto the West Waugh Street side of the building. This first-time addition to the library will encroach 9 feet 5 inches into the required 25-foot building setback area. The required parking area and existing building location greatly restrict the available space on the property for any expansion. The proposed addition has been designed to fit on the property in the only possible available space.

The governments of the City of Dalton and Whitfield County have expended considerable effort to assist with the design and remodel/expansion of the library and its services to the public. It was noted the city fire department and public works department do not have any objections to the variance request. Those departments state is unlikely a 9.5-foot encroachment into West Waugh Street building setback area would cause any harm to the traveling public or create any emergency response issues

The applicant is requesting a **variance from Chart 3.7 of the Unified Zoning Ordinance to allow the construction of a government building addition to encroach 9.5 feet into the twenty-five foot street side building setback area.**

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

The motion passed 5-0.

**Appeal Hearing #2**

**Applicant: Shazman Ali**

**Property Owner: Goldstar Investment Group**

**Property Address: May Street/Lafayette Street (city of Dalton jurisdiction)**

The applicant was present 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 Lafayette Street and May Street. The 0.39-acre lot is zoned R-7, High Density Residential, and is located within the city limits of Dalton. One duplex and three single family rental units are located on the property. The site is served by public water and public sewer.

The property owner is proposing to add one more single family rental dwelling to the parcel. His intent is to line up the new single family unit with other rental units owned by his family on Lafayette and May Streets. The existing rental units are set back 10 feet from the right of way

for May Street and 7 feet from the right of way for Lafayette Street. Staff noted the R-7 zoning density allows another structure to be placed at the site. The location of an existing public sewer easement prevents the ability of the owner to place the proposed structure within the required building setback area.

The city fire department, city public works, and chief building official do not have any objections to the variance request. Dalton Utilities stated the new construction could not be located any closer than 5 feet from the center of the sewer main which runs along the north side of the proposed construction area.

The applicant is requesting a **variance from Chart 3.7 of the Unified Zoning Ordinance to allow the construction of a new residential rental unit to encroach into the twenty-five foot street side building setback area of May Street and Lafayette Street by lining up with existing rental housing units along those streets.**

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

The motion passed 4-0, with Tracy Ward abstaining.

### **Appeal Hearing #3**

**Applicant: Bill Bramlett**

**Property Owner: Samrin Investments LLC**

**Property Address: Cleveland Highway/Beulah Drive (unincorporated county jurisdiction)**

The applicant did not attend the hearing. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located at the northeast intersection of Cleveland Highway and Beulah Drive. The 2.43-acre lot is zoned C-1, Neighborhood Commercial, and is located within the city limits of Dalton. Two unoccupied dwellings on the property are planned for demolition. The site is served by public water and public sewer.

The property owner is proposing to construct a 12,750 square foot retail center on the site. The zoning ordinance requires a new commercial use to buffer against residential zoning. In this instance, the owner would be required to install a 20-foot buffer along his north and east property lines. However, there is a commercial use on the property to the north which lays between the r/w of Cleveland Highway and running at least 70 feet back to the east.

According to GDOT, the commercial corner lot can be accessed only by Beulah Drive. A gas line easement and overhead electrical lines further impede the use of the property. The required parking area and existing building location greatly restrict the available space on the property for any expansion. The proposed addition has been designed to fit on the property in the only possible available space. The site plan shows a buffer along the north property line which is approximately 10 feet less in width than required. The buffer plan is further described as a 6-foot high privacy fence atop an earthen berm.

The applicant is requesting a **variance from Chart Section 8.1 of the Unified Zoning Ordinance to eliminate the required buffer along the north property line.**

After some discussion, Debby Peppers made a motion, seconded by Mike Brown, to approve a partial variance with the following conditions:

(1) Elimination of the buffer along the north property line for a distance of 70 feet east from the r/w of Cleveland Highway;

(2) A 10-foot reduction in the 20-foot buffer along the remainder of north property line and compliant with the minimum buffer standards of the Unified Zoning Ordinance.

The motion passed 3-1, with Austin King opposing and Tracy Ward abstaining.

**VI. Other business**

Staff stated there was no other business to report.

**VII. Adjournment**

Chair Kenneth Harless adjourned the meeting at 12:26 PM.

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