

**UNIFIED BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**March 8, 2017**

**I. Call to order**

Chairman Kenneth Harless called to order the meeting of the Unified Board of Zoning Appeals at 12:05 PM on Wednesday, March 8, 2017 in the council chambers at Dalton City Hall.

**II. Roll call**

The following persons were present:

Board members:

*Kenneth Harless*

*Mike Brown*

*Austin King*

*Debby Peppers*

*Tracy Ward*

Staff members:

*Jean Price-Garland, Dalton-Whitfield Zoning*

*Dan Strain, County Attorney*

*Greg Williams, Chief Building Official*

*Tracey Crawley, Engineering*

Others:

*Alfredo Leon*

*Miguel Garcia*

**III. Approval of minutes from last BZA meeting**

Motion to approve the minutes of the November 9, 2016 Unified Board of Zoning Appeals meeting was made by Tracy Ward and seconded by Austin King. The motion was approved 5-0.

**IV. New Business**

**Appeal Hearing**

**Applicant/Owner: Alfredo Leon; 810 Morningside Drive (City of Dalton)**

The applicant was present at the hearing and accompanied by his interpreter Miguel Garcia. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. Staff noted that in September 2015, Mr. Leon was denied a variance for the very same issue before the Board today. Board members were provided with a copy of the minutes from the 2015 hearing. Staff explained the subject property is located along the north right-of-way of Morningside Drive off the west side of Veterans Drive. The 7500-square foot lot contains the owner's home, and is referenced as Lot 15 of Park Creek Subdivision. The property is zoned R-3, Medium Density Residential in the city of Dalton.

The lot in question along with most lots in Park Creek Sub are only 50 feet wide. The original house was constructed only eight (8) feet from the west property line. Staff explained eight (8)

feet was the minimum side setback at the time the subdivision was created. The Unified Zoning Ordinance which was adopted in August 2015 increased the side setback to ten (10) feet.

In 2015, the owner began construction on an addition to his home without benefit of a building permit. The building inspector placed a stop work order on the construction, and informed the owner he would first have to obtain a variance for encroachment into the side setback before he would be issued a building permit. At that time, the owner was denied his variance request. Staff noted the chief building official was present at the hearing today and would testify the addition could be located in the rear of the property without having to encroach into the side setback.

The owner stated through his interpreter he had a medical condition with his back which made it difficult to climb stairs to the second floor of the home. He planned to construct the addition as a ground floor bedroom for himself.

When asked by board members why the addition could not be located in the rear of the house where there was available space, the applicant stated through his interpreter that locating the addition on the rear of the house would make him feel cut off from the rest of the house, and also the addition would block the kitchen window. Tracy Ward noted the situation did not meet the conditions required granting a variance.

**The applicant requested a variance from Chart 3.7 of the Unified Zoning Ordinance to allow the construction of a residential addition which encroaches into the side building setback area in the R-3, Medium Density Residential zoning district.**

Noting that all the conditions for granting a variance had not been met, Debby Peppers made a motion, seconded by Austin King, to deny the variance request. The motion to deny passed 4-1 with Tracy Ward voting against the motion to deny.

**V. Election of Officers for 2017**

Kenneth Harless made a motion, seconded by Mike Brown, to elect Tracy Ward as chairman. The motion was approved 5-0. Debby Peppers made a motion, seconded by Kenneth Harless, to elect Austin King as vice-chairman. The motion was approved 5-0.

**VI. Other business**

Staff reported there was no other business to discuss.

**VII. Adjournment**

Chairman Kenneth Harless adjourned the meeting at 12:20 PM.

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