

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
March 13, 2019

I. Call to order

Chairman Tracy Ward called to order the meeting of the Unified Board of Zoning Appeals at 12:00 PM on Wednesday, March 13, 2019 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Tracy Ward, Chairman

Mike Brown, Vice-Chairman

Austin King

Debby Peppers

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Tracey Crawley, Engineering

Others:

Cary Coker

Fort Felker

Michelle Jones

Greg Kinnamon

III. Approval of minutes from last BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for February 13, 2019 was made by Mike Brown and seconded by Debby Peppers. The motion was approved 4-0.

IV. New Business

Appeal Hearing #1

Applicant: Cary Coker

Property Owner: Frances Saldana Lopez

Property Address: 1203 Covie Drive (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 along the west side of Covie Drive, which is off Walston Avenue. The 1.93-acre lot is currently zoned R-2, Low Density Single Family Residential and is located within the city limits of Dalton. There is a single-family dwelling under construction on the site.

The foundation survey showed a small encroachment into the front building setback area. The zoning ordinance requires a 25-foot building setback from a local street for a property in a residential zoning district.

Staff explained the lot in question is almost two acres in size but the rear of the property is considerably lower than the front of the lot adjacent to the road. It was noted the rear of the lot was once used as a dumping ground, which, in addition to the topography limitations, also reduces the amount of compacted area stable enough for the foundation of the structure under construction. As a result, the builder was attempting to move the house as far forward on the lot as possible. Additionally, because of the unusable area in the rear, the owner had to extend sewer to the lot because it was not possible to utilize a septic system.

The builder stated he measured back from the right of way and assumed the curvature of Covie Drive defined the curvature of the right of way. After the foundation survey was complete, the builder realized the right of way does not follow the curvature of the road and one corner of the foundation is encroaching less than two feet into the building setback area.

Board members were provided a written statement from the Dalton Public Works department stating they have no objection to the variance request due to the odd nature of the right of way not following the curvature of the road.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow a building setback of 23 feet instead of the required twenty-five-foot minimum building setback from a local street for a structure in a residential zoning district.**

Austin King made a motion, seconded by Debby Peppers, to grant the variance as requested. The motion passed 4-0.

Appeal Hearing #2

Applicant: Greg Kinnamon

Property Owner: Fort Fraser Felker, Jr. Trust

Property Address: South Thornton Avenue (City of Dalton jurisdiction)

The applicant and property owner 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 along the west side of South Thornton Avenue south of Walnut Avenue. The mostly vacant 0.34-acre lot is currently zoned C-2, General Commercial and is located within the city limits of Dalton.

A strip mall is located on the property directly adjacent to the north. A small portion of the Subway restaurant at the south end of the strip mall encroaches onto the property under consideration. The property owner wishes continue with the strip mall and tie onto the end of the Subway restaurant via a firewall. If allowed to do so, he will need a variance to allow a zero-foot side building setback on the north side of his property.

Greg Kinnamon stated if the owner had proposed the commercial addition when he owned the strip mall, the required building setbacks would not be an issue. Mr. Kinnamon asked the Board to consider the strip mall with the proposed extension like any other contiguous building under different ownerships. Mr. Kinnamon stated the owner would comply with the building code and install a firewall between the new extension and Subway restaurant.

The applicant requested a **variance from Chart 3.7 of the Unified Zoning Ordinance to eliminate the required fifteen-foot building setback for a proposed commercial building extension in the C-2 zoning district.**

Noting the conditions for granting a variance had been met, Debby Peppers made a motion, seconded by Austin King, to grant the variance as requested.
The motion passed 4-0.

V. Other business

Staff had no other business to report.

VI. Adjournment

Chairman Tracy Ward adjourned the meeting at 12:11 PM.

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