



# Whitfield County Board of Commissioners Planning and Zoning Department

201 South Hamilton Street, Dalton, GA 30720  
(706) 876-2592

**Public Hearing:** May 10, 2023 – Board of Zoning Appeals Meeting Minutes  
**Location:** 201 South Hamilton Street, Dalton, Georgia – 5<sup>th</sup> Floor Conference Room  
**Call to Order:** 12:00 P.M.  
**Adjournment:** 12:41 P.M.

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## I. Roll Call

The following Board of Zoning Members were present:

Chair:	Kenneth Harless
Vice-Chair:	Austin King
Board Member:	Mike Brown
Board Member:	Debby Peppers

The following staff members were present:

Dalton-Whitfield Planning:	Jake Bearden
County Attorney:	Robert Smalley
Chief Building Official:	Michael Fowler

Others present:

Applicant/Owner:	Rafael Arriola
Applicant/Owner:	Higinio Rojo & Jenny Mendez
Applicant/Owner:	Francisco Lopez
Applicant/Owner:	Bonnie Dennis
Citizen:	Anonymous

## II. Approval of Minutes from April 12, 2023 BZA Meeting

Motion to approve the minutes as presented was made by Austin King and seconded by Debby Peppers. The motion passed 4-0.

### III. Appeal Hearings

**Applicant/Owner:** Nazario & Rebeca Salazar

**Property Address:** 1395 Valley Way, Dalton, Georgia 30721

**Discussion:** Mr. and Mrs. Salazar were present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The subject property is located at 1395 Valley Way. The 5-acre lot is currently zoned R-5, Rural Residential and is located unincorporated Whitfield County. The parcel is served by public water and onsite septic.

The applicant is requesting a variance to allow a 2<sup>nd</sup> dwelling, defined under Section 9-1-2 of the Unified Zoning Ordinance, on the subject property. Only having 92 feet of road frontage, the property cannot be subdivided to create two legal parcels.

The requested variance is:

A variance to Section 9-1-2 to allow a 2<sup>nd</sup> dwelling in an R-5 Zoning District.

Staff Recommendation: Approve the variance as requested.

Conditions:

- 1) The variance is only for the referenced dwelling, and no other dwellings may be put on the property without prior approval from the Board of Zoning Appeals.

The applicant requested a variance from **Section 9-1-2 of the Dalton-Whitfield County Unified Zoning Ordinance** to allow a 2<sup>nd</sup> dwelling in an R-5 Zoning District.

**Decision:** After noting that conditions for the variance had been met, Tracy Ward made a motion, seconded by Debby Peppers, to approve the variance requested with conditions stated. The Motion passed 4-0.

**Applicant/Owner:** Rafael Arriola

**Property Address:** 0 Covie Ridge, Dalton, Georgia 30720

**Discussion:** Mr. Arriola was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located on the east side of Covie Ridge, approximately 0.75 miles north of the intersection with West Waugh Street, in the city limits of Dalton. The 0.23-acre lot is currently zoned R-2, Low Density Single-Family Residential. The parcel is served by public water and public sewer.

The applicant is requesting a variance to encroach the front setback defined under Section 3-7 of the Unified Zoning Ordinance for a front landing and walkway on the subject property.

The requested variance is:

A variance to Section 3-7 to allow a front yard setback encroachment of 25 feet in an R-2 Zoning District.

Staff Recommendation: Approve the variance with conditions.

Conditions:

- 1) The variance is only for up to 12 feet into the front setback

The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to build additions to the home on the subject property.**

**Decision:** After noting that conditions for the variance had been met, Debby Peppers made a motion, seconded by Austin King, to approve the variance requested with conditions stated. The Motion passed 4-0.

**Applicant/Owner:** Jenny Mendez & Higinio Rojo

**Property Address:** 121 Loma Lane, Dalton, Georgia 30720

**Discussion:** Jenny Mendez & Higinio Rojo were present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located on the south side of Loma Lane, approximately 0.25 miles west of the intersection with South Hamilton Street, in the city limits of Dalton. The parcel is served by public water and public sewer.

The applicant is requesting a variance to encroach the rear setback defined under Section 3-7 of the Unified Zoning Ordinance for a 12' X 40' gazebo on the subject property. The property is within a Medium Density Single Family Residential (R-3) zoning district.

The requested variance is:

A variance to Section 3-7 to allow a rear yard setback encroachment of 12 feet in an R-3 Zoning District.

Staff Recommendation: Approve the variance with conditions.

Conditions:

- 1) The variance is only for the proposed addition, and shall not be more than 10 feet into the rear setback.

The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to build the gazebo on the subject property.**

**Decision:** After noting that conditions for the variance had been met, Austin King made a motion, seconded by Mike Brown, to approve the variance requested with conditions stated. The Motion passed 4-0.

**Applicant/Owner:** Francisco Lopez

**Property Address:** 423 Bailey Avenue, Dalton, Georgia 30720

**Discussion:** Mr. Lopez was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located on the east side of Bailey Avenue, and is the corner lot of the intersection with Ludie Street, in the city limits of Dalton.

The applicant is requesting a variance to encroach the front setback of a new proposed street, defined under Section 3-7 of the Unified Zoning Ordinance, to allow for additional building layouts on 16 lots.

The requested variance is:

A variance to Section 3-7 to allow a side yard setback encroachment of 10 feet in an R-5 Zoning District.

Staff Recommendation: Deny

**Decision:** The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to reduce the side building setback.** After noting that conditions for the variance had been met, Debby Peppers made a motion, seconded by Austin King, to approve a variance of up to 8 feet to construct a structural addition to the house. The Motion passed 4-0.

**Applicant/Owner:** Bonnie Dennis

**Property Address:** 1033 Holly Grove Drive, Dalton, Georgia 30721

**Discussion:** Ms. Dennis was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located on the north side of Holly Grove Drive, approximately 650 feet south of the intersection with Beavertdale Road NE, in unincorporated Whitfield County.

The applicant is requesting a variance to encroach the side setback defined under Section 3-7 of the Unified Zoning Ordinance for an accessory building on the subject property. The property is within a Low-Density Single Family Residential (R-2) zoning district.

The requested variance is:

A variance to Section 3-7 to allow a side yard setback encroachment of 10 feet in an R-2 Zoning District.

Staff Recommendation: Approve with conditions.

Conditions:

- 1) The variance is only for the proposed addition, and no other encroachments may occur without prior approval from the Board of Zoning Appeals.
- 2) Approve the encroachment, so the existing pad may be utilized. The proposed accessory structure is 20' X 20'.
- 3) No business may utilize the structure.

The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to reduce the front building setback.**

**Decision:** After noting that conditions for the variance had been met, Debby Peppers made a motion, seconded by Mike Brown, to approve the variance requested. The Motion passed 3-1. Kenneth Harless voted to not allow the structure, citing other areas to place the structure and concerns raised by neighboring property owners.

#### **IV. Other Business**

No other business was reported.

#### **V. Adjournment**

Chair Kenneth Harless adjourned the meeting at 12:41 PM.

Minutes submitted by: Jacob Bearden