



# Whitfield County Board of Commissioners Planning and Zoning Department

201 South Hamilton Street, Dalton, GA 30720  
(706) 876-2533

**Public Hearing:** September 13, 2023 – Unified Board of Zoning Appeals Meeting Minutes

**Location:** 201 South Hamilton Street, Dalton, Georgia – 5<sup>th</sup> Floor Conference Room

**Call to Order:** 11:56 A.M.

**Adjournment:** 12:40 P.M.

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## I. Roll Call

The following Board Members were present:

Chair:	Kenneth Harless
Board Member:	Mickey Brock
Board Member:	Austin King
Board Member:	Talli Williams

The following staff members were present:

Dalton-Whitfield Planning:	Jean Garland
County Attorney:	Dan Strain
Building Official:	Mike Fowler
Community Development:	Jake Bearden

Others present:

Applicant:	Shazman Ali
Applicant:	Charles Acree
Others:	Tracy Acree
	Brent Acree
	Patricia Hall
	Tom Pinson
	Rodrigo Gavilanes

## II. Approval of Minutes from August 9, 2023 BZA Meeting

Motion to approve the August 9, 2023 minutes as presented was made by Talli Williams and seconded by Austin King. The motion passed 4-0.

### III. Appeal Hearings

#### Hearing # 1:

**Applicant:** Shazman Ali

**Property Owner:** S&Z International Inc.

**Property Address:** Lance Street, Dalton, Georgia 30720

**Discussion:** Mr. Ali 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 at the northwest intersection of West Tyler Street and Lance Street in the City of Dalton. The 0.28-acre lot is currently zoned R-7, High Density Residential.

The applicant is requesting a variance to encroach into the West Tyler Street building setback, defined under Section 3-7 of the Unified Zoning Ordinance, for the construction of a 4-unit multifamily structure on the subject property. The proposed structure will be 30 feet from the West Tyler Street r/w as opposed to the minimum required 40-foot setback for a collector street. It was noted the structure will meet the minimum required setbacks for the other three property lines. The applicant explained the variance will allow him to provide a rear balcony for each 2-level unit and also allow the option for constructing a master bedroom on the main level.

**Decision:** The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance** to allow a 10-foot encroachment into the front building setback for West Tyler Street. After noting that conditions for the variance had been met, Mickey Brock made a motion, seconded by Austin King, to approve the variance requested by Mr. Ali. The Motion passed 4-0.

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**Hearing # 2:**

**Applicant:** Shazman Ali

**Property Owner:** Goldstar Investment Group LLC

**Property Address:** 303 Hightower Drive, Dalton, Georgia 30720

**Discussion:** Mr. Ali 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 along the west r/w of Hightower Drive and north of MLK Boulevard in the City of Dalton. The 0.18-acre lot is currently zoned R-3, Medium Density Single Family Residential.

The applicant is requesting a variance to encroach into the Hightower Drive building setback, defined under Section 3-7 of the Unified Zoning Ordinance, for the construction of a single family dwelling on the subject property. The proposed structure will be 15 feet from the Hightower Drive r/w as opposed to the minimum required 25-foot setback for a local street. It was noted the structure will meet the minimum required setbacks for the other three property lines. The applicant explained the variance will allow him to construct the dwelling on existing solid ground as the middle to rear of the parcel is unusable due to stormwater flow from adjacent properties.

Two neighbors spoke in opposition to the variance request. Rodrigo Galvilanes and Patricia Hall were opposed because they felt their neighborhood would be impacted by additional stormwater problems and the construction and/or rezoning of the property for multifamily structures.

**Decision:** The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance** to allow a 10-foot encroachment into the front building setback for Hightower Drive.

After noting that conditions for the variance had not been met, Mickey Brock made a motion, seconded by Austin King, to deny the variance requested by Mr. Ali. The Motion passed 2-1 with Brock and King voting to deny and Williams opposing the denial.

**Hearing # 3:**

**Applicant:** Charles Acree

**Property Owner:** LOMA LLC

**Property Address:** Kammi Street & Needham Drive, Dalton, Georgia 30720

**Discussion:** Mr. Acree 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 in Westwood Subdivision at the intersection of Kammi Street and Needham Drive in the City of Dalton. The parcels are currently zoned R-3, Medium Density Single Family Residential.

The applicant is requesting a variance to encroach into the Kammi Street and Needham Drive front building setbacks for the 17 vacant subdivision lots for proposed single family dwelling construction on each vacant lot. Each proposed dwelling will be 20 feet from the Kammi Street r/w as opposed to the minimum required 25-foot setback for a minor street. The applicant explained the steep topography and flood hazard area on the rear of the property reduces the buildable lot area and will require engineered retaining walls. The variance will allow him to provide small rear yards for each home. Mr. Acree agreed a variance is not needed for Lot 1.

**Decision:** The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance** to allow a 5-foot encroachment into the front building setback for Lots 5-6, 13, 16-27, and 32 on Kammi Street with an additional 13-foot encroachment into the front building setback for Needham Drive for corner lot 32. After noting that conditions for the variance had been met, Talli Williams made a motion, seconded by Mickey Brock, to approve the variance requested by Mr. Acree. The Motion passed 4-0.

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**IV. Old Business**

Staff reported Raffie Luther Green has not reported any progress toward subdividing his property on Cronan Drive as requested by the Board. Talli Williams made a motion, seconded by Austin King to postpone a decision on the Green variance until the October meeting.

**V. Adjournment**

Chair Kenneth Harless adjourned the meeting at 12:40 PM.

Minutes submitted by: Jean Garland