

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
September 14, 2016

I. Call to order

Chairman Kenneth Harless called to order the meeting of the Unified Board of Zoning Appeals at 12:00 PM on Wednesday, September 14, 2016 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Kenneth Harless

Austin King

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Greg Williams, Chief Building Official

Others:

Kathy Storey

Miranda Storey

Terry Storey

Richard Stresing

Chester Clark

III. Approval of minutes from last BZA meeting

Motion to approve the minutes of the August 10, 2016 Unified Board of Zoning Appeals meeting was made by Austin King and seconded by Tracy Ward. The motion was approved 3-0.

IV. New Business

Appeal Hearing

Applicant/Owner: Troy Smith; 208 Auburn Drive (City of Dalton)

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 consists of approximately 0.67 acres located in the eastern curve of Auburn Drive and Peabody Drive in downtown Dalton. The vacant lot is zoned R-2, Low Density Single Family Residential, and is located adjacent to but outside Westerly Heights Subdivision.

The property owner received this parcel in a land swap with the City of Dalton. The owner has already sold the east 0.27 acres of the parcel to an adjacent property owner. The remaining property is considered a flag lot with only fifty (50) feet of access to Auburn Drive. The parcel opens into a larger rear area which contains a stream and which is also within the moderate flood hazard area with 0.2 percent annual chance for flooding. Mandatory flood insurance is not required for this flood hazard area. It is unlikely the owner would be able to build on this particular parcel without

crossing the stream with a driveway and without engineering a buildable site. It was noted the applicant owns adjacent vacant property which could possibly be combined with the parcel in question to make a buildable lot. The zoning ordinance requires an eighty-foot minimum lot width for any building in the R-2 zoning district.

It was noted the owner wishes to build a house within the 50-foot wide access area. Mr. Smith stated it was not economically feasible for him to cross the stream in order to access the rear of the property. He further stated if the variance were granted for the flag portion of the lot, he would be able to meet the required building setbacks with the house design style he was proposing to build.

Adjacent property owner Chester Clark spoke in opposition to the variance. Mr. Clark stated the proposal to build in the flag portion of the lot would be an aberration in the neighborhood. He also said he did not see any compelling reason for the Board to grant the variance.

Mr. Clark and Mr. Smith reported they had discussed a price for the sale of the property. Mr. Smith had offered to sell for \$10,000, received a counter offer from Mr. Clark for \$1,000, and re-counteracted with \$5,000. Mr. Smith stated he had paid more than \$1,000 in property taxes.

The applicant requested a variance from Chart 3.7 of the Unified Zoning Ordinance to allow construction of a single family dwelling on a parcel having less than the required minimum 80-foot lot width in the R-2, Low Density Single Family Residential zoning district.

Noting that all the conditions for granting a variance had not been met, Tracy Ward made a motion, seconded by Austin King, to deny the variance.

The motion passed 3-0.

V. Other business

Staff reported there was no other business to discuss.

VI. Adjournment

Chairman Kenneth Harless adjourned the meeting at 12:19 PM.

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