

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
May 10, 2017

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, May 10, 2017 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Mike Brown

Kenneth Harless

Austin King

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Tracey Crawley, Engineering

Others:

Daniel Zontek

Marible Zontek

Veronica Bernabe

Hilliard Allen Jr.

III. Approval of minutes from last BZA meeting

Motion to approve the minutes of the April 12, 2017 Unified Board of Zoning Appeals meeting was made by Austin King and seconded by Kenneth Harless. The motion was approved 4-0.

IV. New Business

Appeal Hearing

Applicant: Daniel Zontek; 1872 Crow Valley Road (county)

Owner: Veronica Bernabe

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 east right of way of Crow Valley Road at its intersection with the private drive Monticello Way. The 0.86-acre lot is currently occupied by an uninhabited dwelling proposed for remodel. The property is zoned R-5, Rural Residential and is located in the unincorporated area of Whitfield County.

The applicant has PTSD resulting from his military service. As a result of his medical condition, the applicant and his caregiver wife do not work and are in need of a place to move their manufactured home. The property owner offered the applicant a place to move his manufactured home onto her property. The Board was provided with documentation from Mr. Zontek's medical

providers explaining his limitations. The Board was also provided documentation from the Environmental Health Department approving use of the second septic system on the property.

Staff explained there was a manufactured home as a second dwelling on the parcel in 1996, but the additional septic system has not been utilized since that time. The lot is too small to subdivide and create a stand-alone lot for a second dwelling. The Board was provided with a letter of objection from several neighbors in the area.

Mr. Hilliard Allen Jr. addressed the Board and stated his objections to the variance request. Mr. Allen stated he was concerned the manufactured home and additional cars would block the vision of other residents attempting to turn south onto Crow Valley Road.

Mr. Zontek provided the Board with a hand drawn site plan and explained he planned to situate the double wide 2-bedroom manufactured home at least 75-85 feet back from the pavement edge of Crow Valley Road. Board members noted the proposed location should not impact the site visibility for nearby residents of Monticello Way as they enter onto Crow Valley Road. Mr. Zontek said he also planned to park his vehicles as close to the manufactured home as possible.

The applicant requested a variance from Section 4-1-7 of the Unified Zoning Ordinance to allow a second dwelling on a lot in the R-5, Rural Residential zoning district.

Kenneth Harless made a motion, seconded by Mike Brown, to grant the variance request with the following conditions:

- (1) The manufactured home must be removed from the property when Daniel Zontek no longer lives in the manufactured home;
- (2) The manufactured home must be placed within the setback requirements but as far as possible from the right of way of Crow Valley Road.

The motion passed 4-0.

V. Other business

Staff reported there was no other business to discuss.

VI. Adjournment

Chairman Tracy Ward adjourned the meeting at 12:37 PM.

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