

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
February 14, 2018

I. Call to order

Vice-Chairman Austin King Ward called to order the meeting of the Unified Board of Zoning Appeals at 11:53 AM on Wednesday, February 14, 2018 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Mike Brown

Kenneth Harless

Austin King

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Tracey Crawley, Engineering

Others:

Suzanne Hale

III. Election of Officers for 2018

Kenneth Harless made a motion, seconded by Mike Brown to nominate Tracy Ward as Chairman and Austin King as Vice-Chairman for 2018. The motion was approved 3-0.

IV. Approval of minutes from last BZA meeting

Motion to approve the corrected minutes of the Unified Board of Zoning Appeals meeting for October 11, 2017 and the minutes of the December 13, 2017 meeting was made by Kenneth Harless and seconded by Mike Brown. The motion was approved 3-0.

V. New Business

Appeal Hearing

Applicant: Lookout Waffles, LLC

Property Owner: Collis Foods, Inc.; 1527 W Walnut Avenue (Dalton)

Suzanne Hale was present at the hearing as the representative for Lookout Waffles. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the south right-of-way of W Walnut Avenue just east of the Walnut Avenue/I-75 interchange. The 0.719-acre tract contains a Waffle House restaurant. The property is zoned C-2, General Commercial and is located within the city of Dalton.

The property owners plan to demolish the existing restaurant and replace it with a more modern version. The current building is sitting only 2.56 feet from the east property line, but current

zoning regulations require a fifteen-foot side building setback. The owners have designed a plan to replace the building with a 7.8-foot side building setback.

Staff noted the lot width for the site in question is 80.84 feet. The restaurant replacement is somewhat narrow at 24 feet with a 6-foot sidewalk between the structure and parking area. Code requirement for a parking space is 18 feet, and a two-way drive aisle is 24 feet. With an existing lot width of 80 feet, the remainder available for the side building setback will be approximately 8 feet.

Suzanne Hale explained the restaurant has been functioning in its current state for almost 40 years, and the replacement restaurant will be placed roughly on the same footprint. She noted the requirements for ADA parking and sidewalk access, and the elimination of parking along the west side of the property will make the design safer for pedestrians. She stated the owners have attempted to design the replacement structure in a manner that will meet as many code requirements as possible while providing a re-investment in the community with a more efficient and modern design for the restaurant.

The applicant requested a variance from Chart 3.7 of the Unified Zoning Ordinance to allow a seven-foot encroachment into the required minimum fifteen-foot side line building setback for a property in the C-2, General Commercial zoning district.

Mike Brown made a motion, seconded by Kenneth Harless, to grant the variance to allow construction of a building which will encroach approximately seven feet into the required fifteen foot minimum side line building setback. The motion passed 3-0.

VI. Other business

Staff reported there was no other business to discuss.

VII. Adjournment

Vice-Chairman Austin King adjourned the meeting at 12:01 PM.

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