

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
July 11, 2018

I. Call to order

Chairman Tracy Ward called to order the meeting of the Unified Board of Zoning Appeals at 12:07 PM on Wednesday, July 11, 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

Debby Peppers

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Tracey Crawley, Engineering

Others:

Carl Campbell

Jaden Jones

Robin Cooper

Terri Cooper

III. Approval of minutes from last BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for June 13, 2018 was made by Austin King and seconded by Debby Peppers. The motion was approved 5-0.

IV. New Business

Appeal Hearing # 1: Dalton-Whitfield Joint Development Authority

Property Address: 300 Nexus Drive (Whitfield County jurisdiction)

The applicant was represented by at the hearing by Carl Campbell, JDA Executive Director. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located at the intersection of Nexus Drive and Megacorp Drive in the Carbondale Business Park off South Dixie Highway and Carbondale Road. The vacant 47.1-acre tract is zoned M-2, Heavy Manufacturing, and is located in the unincorporated area of Whitfield County.

The JDA has a 15-year contracted lease with the developer of the Hanwha solar cell manufacturing facility. The proposed 350,000 square foot manufacturing facility will include an additional two-story 20,000 square foot office area for business staff. The zoning ordinance requires a minimum number of parking spaces based on square footage of the building floor area.

Accordingly, for this proposed facility, 590 spaces would be required for the manufacturing area, 97 for the office area, and 202 for the warehousing area. The developer is proposing to only provide spaces needed to operate the facility at full capacity; i.e. 60 office staff spaces, 118 industrial/warehousing staff per shift or 236 spaces, plus an additional overflow of 38 spaces.

The Board was presented a site plan showing the proposed parking plan for the new manufacturing facility. Staff explained the existing pad created for Lot 6 in Carbondale Business Park is a suitable size for the Hanwha manufacturing facility. Design of the facility and parking area is constrained by state waters on both the east and west sides of the pad, storm water management and erosion control requirements, and fire safety access.

Carl Campbell explained the site plan shows more than the number of parking spaces needed to operate the facility at full capacity. He further noted that forcing the developer to provide parking which is not needed would be an unnecessary hardship and would result in additional impervious surface area which would cause unneeded additional storm water management and erosion control devices to be installed. Mr. Campbell stated he did not foresee any problems with a future tenant having difficulties with the reduction in parking spaces.

The applicant requested a variance from Chart 5-4 of the Unified Zoning Ordinance to allow a reduction in the required number of parking spaces for a manufacturing facility.

Kenneth Harless made a motion, seconded by Austin King, to grant the parking variance request as described on the submitted site plan. The motion passed 5-0.

Appeal Hearing # 2: Robin & Terri Cooper

Property Address: Lowe Road (Whitfield County jurisdiction)

Both applicants were 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 north side of Lowe Road at the border of Whitfield and Catoosa County. The vacant 1.52-acre tract is zoned R-5, Rural Residential, and is located in the unincorporated area of Whitfield County.

The owners wish to construct a 24'x24' cabin on the site. The property in question is bordered on the north by Tiger Creek and bordered on the south by Lowe Road (80-foot right of way). The narrow depth of the lot, the flood plain area, and the required 50-foot trout stream buffer further limit the usable space available for a structure and associated septic system.

Staff explained the parcel was platted in 1987 as Tract 1 of the W E Maples Estate Subdivision. At the time the lot was first created, the trout stream buffer, flood plain restrictions, and the required front building setback were not an issue. Regulations put in place since 1987 have placed severe limitations on the usable area available on the property. Staff further explained while the pavement width of Lowe Road is only twenty feet, the right of way is actually 80 feet. If the variance is granted, the proposed cabin site will be 45 feet from the pavement edge, but will only be 15 feet from the front property line. It was noted the owner could place the cabin 48 feet from the pavement edge but he is asking for an additional 3 feet of play so he can more easily install his footing without encroaching into the trout stream buffer.

The applicant requested a variance from Chart 3.7 of the Unified Zoning Ordinance to allow construction of a habitable building which will encroach ten feet into the required minimum twenty five-foot front line building setback for a property in the R-5, Rural Residential zoning district.

Kenneth Harless made a motion, seconded by Debby Peppers, to grant the variance as requested. The motion passed 5-0.

V. Other business

Staff reported there was no other business to discuss.

VI. Adjournment

Chairman Tracy Ward adjourned the meeting at 12:30 PM.

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