

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
June 13, 2018

I. Call to order

Acting Chairman Austin King called to order the meeting of the Unified Board of Zoning Appeals at 12:18 PM on Wednesday, June 13, 2018 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Mike Brown

Austin King

Debby Peppers

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Tracey Crawley, Engineering

Cathy Taylor, Inspections and Enforcement

Others:

Howard Harmon

Elisa Ranelli

Jill Kittell

III. Approval of minutes from last BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for April 11, 2018 was made by Debby Peppers and seconded by Mike Brown. The motion was approved 3-0.

IV. New Business

Appeal Hearing # 1: Jill Kittell

Property Owner: David Kittell; 310 Mercer Drive (Whitfield County jurisdiction)

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 at the northeast intersection of Rauschenberg Road and Mercer Drive and is designated as Lot 1 in Lexington Place Subdivision. The 0.75-acre lot is currently zoned R-2, Low Density Single Family Residential and is located within the unincorporated area of the county. The applicant's home is located on the property which is served by public water and an on-site septic system.

Staff explained the applicant received a notice to comply from the county code enforcement officer for raising and keeping a "livestock animal" on a lot smaller than two acres. The applicant has a 100-pound pot-bellied pig which she keeps in her backyard. The Unified Zoning Ordinance states "Raising and keeping livestock for personal pleasure shall be permitted outside the City of Dalton upon a lot or parcel in the GA, SA, R-1, R-2, and R-5 Residential zoning district, provided that there is a minimum of two (2) acres..." It was also noted the subdivision covenants prohibit swine

and other livestock. Staff reported to have received multiple messages and phone calls from residents in the neighborhood requesting the variance not be granted.

Mrs. Kittell explained she had two special needs adults living in her home who are upset at having to remove their pet pig from the property. Mrs. Kittell said she moved to the location 2 ½ years ago and was unaware of the county regulations regarding livestock in a residential area. She stated the counselors and doctors for the special needs adults would not acknowledge the pig is needed as a therapy animal. Mrs. Kittell's mother, Elisa Ranelli, explained the pig is not a farm animal but is considered a family pet.

The applicant requested a variance from Section 4-6-17 of the Unified Zoning Ordinance to allow a pot-bellied pig to remain on a lot less than two acres in size in the R-2 Residential zoning district.

Noting all conditions for granting a variance had not been met, Debby Peppers made a motion, seconded by Mike Brown, to deny the variance request. The motion passed 3-0.

Appeal Hearing # 2: TDG Facilities

Property Owner: Tire Discounters; 813 S Thornton Avenue (Dalton jurisdiction)

Howard Harmon was present at the hearing representing the applicant. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located at the northeast intersection of S Thornton Avenue and Nichols Street FKA the Johnson Tire location. The 0.72-acre tract contains a commercial building which is utilized as a tire store. The property is zoned C-2, General Commercial and is located within the city of Dalton.

The applicant is proposing to install new signage at the location, most of which is within the parameters set by the City of Dalton sign ordinance. However, the proposed front wall sign at 442 square feet in size is more than twice the size allowed by the ordinance. Staff noted Tire Discounters had also purchased another location in the city on South Hamilton Street, and the proposed front wall sign at that location will be in compliance with the city sign regulations. Staff noted it did not seem reasonable for the applicant to argue their business could not function adequately if they were not granted a variance for larger sign at the South Thornton location when the same type of business could function adequately and be in compliance at the South Hamilton Street location.

Mr. Harmon explained the company was new to the area, and had proposed wall signage based on the size of the wall fascia and length of the building. He said he would consult his design team to see if they could consider proposing a front wall sign which would be in compliance with the regulations.

The applicant requested a variance from Section 4.2-3(a) of the Dalton Sign Ordinance to allow a front exterior surface wall sign which exceeds the maximum 200 square foot allowable area by an additional 242 square feet.

Noting all conditions for granting a variance had not been met, Debby Peppers made a motion, seconded by Mike Brown, to deny the variance request. The motion passed 3-0.

V. **Other business**

Staff reported there would likely be an application filed for the July meeting for a parking variance for the Hanwha manufacturing facility in Carbondale Business Park.

VI. **Adjournment**

Acting Chairman Austin King adjourned the meeting at 12:40 PM.

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