

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
October 17, 2018

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, October 17, 2018 in the council chambers at Dalton City Hall.

II. Roll call

The following persons were present:

Board members:

Tracy Ward

Mike Brown

Debby Peppers

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Greg Williams, Inspections & Enforcement

Matt Daniel, Dalton Fire Department

Others:

Dewana Clark

Paulett Davis

Jigar Patel

Manish Patel

Hepin Patel

Charlie Campbell

III. Approval of minutes from last BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for September 12, 2018 was made by Debby Peppers and seconded by Mike Brown. The motion was approved 3-0.

IV. New Business

Appeal Hearing # 1: Applicant/Property Owner: Paulett M. Davis

Property Address: 1306 Felice Street (City of Dalton jurisdiction)

The applicant and her daughter (Dewana Clark) 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 east right of way of Felice Street which is in an area south of the county jail and east of the hospital. The vacant 8,275-square foot lot is zoned R-6, Transitional Residential, and is located within the city limits of Dalton. The property owner's personal home is located on a separate parcel adjacent to the lot in question. The property is served by public water and public sewer.

The property owner is proposing to build a 20'x36' or 720-square foot single family dwelling on the vacant lot for use by her disabled son. The zoning ordinance requires a minimum floor area of 900 square feet for a single family dwelling in the R-6 zoning district within the city limits of Dalton. This requirement is unique only to properties within the city of Dalton.

The applicant explained the home previously located on the site had been demolished in a fire in December 2017. Her 54-year old wheelchair-bound son had occupied that home, and she now wished to construct a new home for him so he could be close by so the applicant and her daughter could care for him. She further explained she could only afford to build a one-bedroom home for her son. She stated she had already hired someone to clear the lot of vegetation and debris but had yet to hire a builder. She provided the Board with a hand-drawn layout of the house plan.

The applicant requested a variance Chart 3.7 of the Unified Zoning Ordinance to allow a construction of a new single family dwelling 180 square feet smaller than the 900-square foot minimum house size required in the R-6, Transitional Residential zoning district inside the city limits of Dalton.

Noting the conditions for granting a variance had been met Debby Peppers made a motion, seconded by Mike Brown, to grant the variance as requested. The motion passed 3-0.

**Appeal Hearing # 2: Applicant: 3 Thinkers, LLC; Property Owner: Heta Patel
Property Address: 1016 N Glenwood Avenue (City of Dalton jurisdiction)**

The applicants (Jigar, Manish, and Hepin Patel) were present at the hearing and accompanied by their builder, Charlie Campbell. 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 N Glenwood Avenue and Morningside Drive which is in an area south of the North Georgia fairground. The 0.41-acre lot is zoned C-2, General Commercial, and is located within the city limits of Dalton. A 40-foot by 80-foot block commercial building is located on the property. The site is served by public water and public sewer.

The property owner is proposing to build a three-pump fuel station in front of the store and parallel to N Glenwood Avenue. The proposed canopy for the pumping area has been designed in such a manner that it will encroach into the required canopy setback area along Morningside Drive.

Mr. Jigar Patel explained the commercial building on the property was slated for remodeling into an upscale convenience store. He stated three pumping stations were the minimum needed for the store to be profitable. He explained the required turning radii and parking area limited the space available for the pumping canopy.

It was noted the canopy height would be sixteen feet. Matt Daniel, Dalton City Fire Department, stated the minimum canopy height required for fire safety is 13 ½ feet. Mr. Daniel stated the fire department had no objection to the canopy encroachment. Mr. Greg Williams, Chief Building Official, also noted he had no objection to the variance request.

The applicant requested a variance from Section 4-6-8 of the Unified Zoning Ordinance to allow the installation of a fuel pump canopy which will encroach 6.5 feet into the minimum required fifteen-foot setback from the right of way of Morningside Drive.

Noting the conditions for granting a variance had been met, Debby Peppers made a motion, seconded by Mike Brown, to grant the variance request. The motion passed 3-0.

V. Other business

Staff reported there would be at least one appeal on the schedule for the November 14 meeting.

VI. Adjournment

Chairman Tracy Ward adjourned the meeting at 12:18 PM.

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