



Whitfield County Board of Commissioners Planning and Zoning Department

201 South Hamilton Street, Dalton, GA 30720
(706) 876-2592

Public Hearing: April 12, 2023 – Board of Zoning Appeals Meeting Minutes

Location: 201 South Hamilton Street, Dalton, Georgia – 5th Floor Conference Room

Call to Order: 12:00 P.M.

Adjournment: 1:02 P.M.

I. Roll Call

The following Board of Zoning Members were present:

Vice-Chair:	Austin King
Board Member:	Tracy Ward
Board Member:	Mike Brown
Board Member:	Debby Peppers

The following staff members were present:

Dalton-Whitfield Planning:	Jake Bearden
County Attorney:	Robert Smalley
Chief Building Official:	Michael Fowler

Others present:

Applicant/Owner:	Nazario & Rebeca Salazar
Applicant/Owner:	Victor & Mayra Hernandez
Applicant/Owner:	Kent & Rachel Harrison
Applicant/Owner:	Connor Thorpe (SDH)

II. Approval of Minutes from March 8, 2023 BZA Meeting

Motion to approve the minutes as presented was made by Debby Peppers and seconded by Tracy Ward. The motion passed 4-0.

III. Appeal Hearings

Applicant/Owner: Nazario & Rebeca Salazar

Property Address: 1395 Valley Way, Dalton, Georgia 30721

Discussion: Mr. and Mrs. Salazar were present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The subject property is located at 1395 Valley Way. The 5-acre lot is currently zoned R-5, Rural Residential and is located unincorporated Whitfield County. The parcel is served by public water and onsite septic.

The applicant is requesting a variance to allow a 2nd dwelling, defined under Section 9-1-2 of the Unified Zoning Ordinance, on the subject property. Only having 92 feet of road frontage, the property cannot be subdivided to create two legal parcels.

The requested variance is:

A variance to Section 9-1-2 to allow a 2nd dwelling in an R-5 Zoning District.

Staff Recommendation: Approve the variance as requested.

Conditions:

- 1) The variance is only for the referenced dwelling, and no other dwellings may be put on the property without prior approval from the Board of Zoning Appeals.

The applicant requested a variance from **Section 9-1-2 of the Dalton-Whitfield County Unified Zoning Ordinance** to allow a 2nd dwelling in an R-5 Zoning District.

Decision: After noting that conditions for the variance had been met, Tracy Ward made a motion, seconded by Debby Peppers, to approve the variance requested with conditions stated. The Motion passed 4-0.

Applicant/Owner: Victor Hernandez

Property Address: 603 Fleming Street, Dalton, Georgia 30720

Discussion: Mr. Hernandez was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located on the north side of the North Bypass, approximately 450 feet east of the intersection of Fleming Street and the North Bypass, in the city limits of Dalton. The 1.23-acre lot is currently zoned C-2, General Commercial. The parcel is served by public water and public sewer.

The applicant is requesting a variance to encroach the front setback, of the North Dalton Bypass, and the rear setback defined under Section 3-7 of the Unified Zoning Ordinance, to build additions to the restaurant on the subject property. The existing structure was developed within the building setbacks.

The requested variance is:

A variance to Section 9-1-2 to allow a 2nd dwelling in an R-5 Zoning District.

Staff Recommendation: Approve the variance as requested.

Conditions:

- 1) The variance is only for the proposed additions, and no other encroachments may occur without prior approval from the Board of Zoning Appeals.
- 2) Seating and dining must be arranged in a manner that allows for emergency access throughout the outdoor space.

The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to build additions to the restaurant on the subject property.**

Decision: After noting that conditions for the variance had been met, Debby Peppers made a motion, seconded by Tracy Ward, to approve the variance requested with conditions stated. The Motion passed 4-0.

Applicant/Owner: Kent & Rachel Harrison

Property Address: 700 Miller Street, Dalton, Georgia 30720

Discussion: Mr. and Mrs. Harrison were present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located on the west side of Miller Street, approximately 615 feet north of the intersection with West Walnut Avenue, in the city limits of Dalton. The 0.33-acre lot is currently zoned R-2, Low Density Single Family Residential. The parcel is served by public water and public sewer.

The applicant is requesting a variance to encroach the front setback of West Franklin Street, defined under Section 3-7 of the Unified Zoning Ordinance, to build a two-car garage on the subject property. Cornered by 2 publicly owned streets, the property is subject to 2 front yard setback requirements.

The requested variance is:

A variance to Section 3-7 to allow a front yard setback encroachment of 10 feet in an R-2 Zoning District.

Staff Recommendation: Approve the variance as requested.

Conditions:

- 1) The variance is only for the proposed addition, and no other encroachments may occur without prior approval from the Board of Zoning Appeals.
- 2) Gutters are installed and directed away from the adjacent home.

The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to build the two-car garage on the subject property.**

Decision: After noting that conditions for the variance had been met, Debby Peppers made a motion, seconded by Tracy Ward, to approve the variance requested with conditions stated. The Motion passed 4-0.

Applicant/Owner: SDH Atlanta LLC

Property Address: Hopewell Manor Subdivision, Varnell, Georgia

Discussion: Connor Thorpe, representing SDH Atlanta LLC, was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located in the City of Varnell, adjacent to New Hope Elementary and Middle School.

The applicant is requesting a variance to encroach the front setback of a new proposed street, defined under Section 3-7 of the Unified Zoning Ordinance, to allow for additional building layouts on 16 lots.

The requested variance is:

A variance to Section 3-7 to allow a front yard setback encroachment of 5 feet.

Staff Recommendation: Varnell City Council did not recommend the variance.

The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to reduce the front building setback.**

Decision: After noting that conditions for the variance had not been met, Tracy Ward made a motion, seconded by Debby Peppers, to deny the variance requested. The Motion passed 3-1. Mike Brown voted to approve the variance.

Applicant/Owner: SDH Atlanta LLC

Property Address: Varnell Preserve Subdivision, Varnell, Georgia

Discussion: Connor Thorpe, representing SDH Atlanta LLC, was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The property is located in unincorporated Whitfield County, adjacent to New Hope Elementary and Middle School.

The applicant is requesting a variance to encroach the front setback of a new proposed street, defined under Section 3-7 of the Unified Zoning Ordinance, to allow for additional building layouts on 59 lots.

The requested variance is:

A variance to Section 3-7 to allow a front yard setback encroachment of 5 feet.

Staff Recommendation: Whitfield County Board of Commissioners recommended the variance.

Decision: The applicant requested a variance from **Section 3-7 of the Unified Zoning Ordinance, to reduce the front building setback.** After noting that conditions for the variance had been met, Debby Peppers made a motion, seconded by Tracy Ward, to approve the variance requested. The Motion passed 4-0. Debby Peppers requested the minutes reflect that neither decision was in the best interest of the County, but the approval allowed for other building layouts to help the aesthetic of the development.

IV. Other Business

No other business was reported.

V. Adjournment

Vice-Chair Austin King adjourned the meeting at 1:02 PM.

Minutes submitted by: Jacob Bearden