



# Whitfield County Board of Commissioners Planning and Zoning Department

201 South Hamilton Street, Dalton, GA 30720  
(706) 876-2533

**Public Hearing:** March 13, 2024 – Unified Board of Zoning Appeals Meeting Minutes

**Location:** 201 South Hamilton Street, Dalton, Georgia – 5<sup>th</sup> Floor Conference Room

**Call to Order:** 12:00 PM.

**Adjournment:** 12:38 PM

---

## I. Roll Call

The following Board Members were present:

Chair:	Kenneth Harless
Board Member:	Mickey Brock
Board Member:	Austin King
Board Member:	Tracy Ward
Board Member:	Talli Williams

The following staff members were present:

Dalton-Whitfield Planning:	Jean Garland
County Attorney:	Robert Smalley
County Code Enforcement:	Cathy Taylor

Others present:

Fernando Paniagua  
Rogelio Paniagua  
Ali Amin  
Rodrigo Gavilanes

## II. Approval of Minutes from February 14, 2024 BZA Meeting

Motion to approve the February 14, 2024 minutes as presented made by Mickey Brock and seconded by Austin King. The motion passed 5-0.

### III. Appeal Hearing #1

**Applicant/Owner:** Rogelio Paniagua

**Property Address:** W Tyler Street/N Selvidge Street, Dalton, GA 30720

**Discussion:** The applicant 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 at the northwest intersection of West Tyler Street and North Selvidge Street. As a corner lot, 25-foot front setbacks are required for each street. The 0.10 acre lot has existed in its present form since at least the 1950s. There was a 1500 square foot home on the lot at one time but was removed in the 1970s. In order for the applicant to install a 1200 square foot dwelling, he will need a variance to reduce the building setback from North Selvidge Street. The applicant presented the Board with a site layout showing a 10 foot reduction in the North Selvidge Street setback. Staff noted the site layout had received support from the city public works director, city fire, and the chief building official.

**Decision:** Tracy Ward made a motion, seconded by Austin King, to grant the requested variance for up to a ten (10) foot encroachment into the building setback for North Selvidge Street. Motion passed 5-0.

### Appeal Hearing #2

**Applicant:** Shazman Ali

**Property Owner:** Goldstar Investment Group

**Property Address:** 303 Hightower Drive, Dalton, GA 30721

**Discussion:** The property owner, represented by Amin Ali, was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. This is the 2<sup>nd</sup> time a request has been filed for a variance for the front setback reduction on this parcel. The applicant Shazman Ali was denied when he filed the same request in September 2023. He is allowed to refile after 6 months.

The property is located along the west right of way of Hightower Drive and north of MLK Boulevard in the City of Dalton. The 0.18-acre lot is currently zoned R-3, Medium Density Single Family Residential. The applicant is requesting a variance to encroach into the Hightower Drive building setback for the construction of a two-story single family dwelling on the subject property. The proposed structure will be 15 feet from the Hightower Drive r/w as opposed to the

minimum required 25-foot setback for a local street. It was noted the structure will meet the minimum required setbacks for the other three property lines. The owner explained the variance will allow him to construct the dwelling on existing solid ground as the middle to rear of the parcel is unusable due to stormwater flow from adjacent properties.

The adjacent neighbor Rodrigo Galvilanes spoke in opposition to the variance request. Mr. Galvilanes was opposed to a home sitting out of line with other homes on the street. He also stated he had to fill his property when he constructed his home, and it was only fair the applicant/owner should be required to do the same.

**Decision:** Tracy Ward made a motion, seconded by Talli Williams, to grant the requested variance to allow up to a 10 foot reduction in the front building setback for Hightower Drive. Motion passed 3-2 with Austin King and Mickey Brock voting in denial.

### **Appeal Hearing #3**

**Applicant:** Shazman Ali

**Property Owner:** Goldstar Investment Group

**Property Address:** 1104, 1106, 1108 May Street, Dalton, GA 30721

**Discussion:** The property owner, represented by Amin Ali, was present at the hearing. Staff presented the GIS layout of the property, and explained the circumstances of the variance request. The 0.441 acre parcel contains 3 single family dwellings, and is currently zoned R-7, High Density Residential. The owner presented the Board with a survey plat showing each dwelling on its own lot. He is requesting four (4) variances:

- (1) A reduction in the required 7500 square foot lot size;
- (2) A reduction in the required 50 feet of public road frontage;
- (3) A reduction in the required 100 foot lot width at the building line;
- (4) A reduction in the 10 foot side yard setback.

Staff noted the county attorney and other regulatory staff were opposed to the variance being granted as the survey design is far out of compliance with standard city subdivision requirements. Staff noted even if the variances are granted, the plat will still require Planning Commission review/approval.

The owner explained he currently rents the houses but wants to sell each home individually. He cannot do that without obtaining the aforementioned variances.

**Decision** Austin King made a motion, seconded by Talli Williams to table the request for at least two months until the owner can obtain additional

property from the adjacent neighbor and present a new survey plat showing the west lot meets the required minimum public road frontage and west side setback.  
Motion passed 5-0

#### **IV. Adjournment**

Chair Kenneth Harless adjourned the meeting at 12:38 PM.

Minutes submitted by: Jean Garland