

**UNIFIED BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**May 13, 2020**

**I. Call to order**

Chairman Mike Brown called to order the meeting of the Unified Board of Zoning Appeals at 12:01 PM on Wednesday, May 13, 2020.

**II. Roll call**

The following persons were confirmed as present via the GoToMeeting video platform:

Board members:

*Mike Brown*  
*Kenneth Harless*  
*Austin King*  
*Debby Peppers*  
*Tracy Ward*

Staff members:

*Jean Price-Garland, Dalton-Whitfield Zoning*  
*Robert Smalley, County Attorney*  
*Jake Bearden, Engineering*

Others:

*Ignacios Maldonado*  
*Mitchell Sponberger*  
*Shane Tatum*

**III. Approval of minutes from March 11, 2020 BZA meeting**

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for March 11, 2020 made by Kenneth Harless and seconded by Tracy Ward. The motion was approved 5-0.

**IV. New Business**

**Applicant: Ignacios Maldonado**

**Property Owners: Ignacios Maldonado & Concepcion Macias**

**Property Address: 311 North Spencer Street (City of Dalton jurisdiction)**

The applicant was confirmed as present on the video call. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the west side of North Spencer Street and north of MLK Boulevard. The 0.16-acre lot is currently zoned R-5, Rural Residential and is located within the city limits of Dalton.

The owners' 2-bedroom, 1-bath home is located on the property. The applicant wishes to add a twelve (12) foot addition onto the front side of the home in order to add two additional bedrooms to the dwelling. The owner will need variance to allow an eight (8) foot building setback off the r/w of North Spencer Street and to allow a five (5) foot building setback off the northern side yard.

Board members were provided written statements from the Dalton Fire Department, Chief Building Official, and Dalton Public Works stating no objection to the granting of the variance as long as the setback encroachment was no greater than that of the applicant's adjoining neighbors.

Mr. Maldonado stated the front yard was the most practical and safest location for the addition as his back yard sloped steeply to the rear. The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required twenty five-foot local street building setback and the required ten-foot side building setback for a proposed residential addition in the R-5 zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to grant the variance to reduce the local street building setback from the r/w of South Spencer Street such that the proposed addition does not extend beyond that of the adjoining houses, and to reduce the side-yard building setback to five (5) feet from the north property line.

The motion passed 5-0.

**V. Applicant: Mitchell Sponberger**

**Property Owners: Mitchell & Donna Sponberger**

**Property Address: 810 Atkinson Drive (City of Dalton jurisdiction)**

The applicant was confirmed as present by phone. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the west side of Atkinson Drive in Judd Estates Subdivision. The 0.68-acre lot is currently zoned R-1, Estate Residential and is located within the city limits of Dalton.

The applicant's home is located on the property. The applicant wishes to attach a 22'x25' carport to the side of the home and across his existing driveway. The owner will need variance to allow a ten (10) foot building setback off his north property line. Staff explained the old Dalton Zoning Ordinance only required a 10-foot side building setback. With the adoption of the Unified Zoning Map and Ordinance in 2015, this parcel was rezoned to from R-1A to R-1 which increased the required side building setback to 25 feet.

It was noted the proposed addition would not be out character for the Judd Estate Subdivision area. Many other residential dwellings and accessory structures in the subdivision are now non-compliant with respect to today's building setback requirements in the R-1, Estate Residential zoning district. Board members were informed the chief building official does not have any objection to the variance request especially considering the addition would be no closer to the property line than the setback standard which was in place prior to the adoption of the UZO.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required twenty five-foot side yard building setback for a proposed residential structure in the R-1 zoning district.**

After some discussion, Austin King made a motion, seconded by Kenneth Harless, to grant the variance to reduce the side-yard building setback to ten (10) feet from the north property line.

The motion passed 5-0.

**VI. Applicant: Shane Tatum**

**Property Owners: Mitchell & Donna Sponberger**

**Property Address: 313 Nob North Drive (unincorporated Whitfield County jurisdiction)**

The applicant was confirmed as present on the video call. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the west side of Nob North Drive in Highland Forest Subdivision. The 0.67-acre lot is currently zoned R-1, Estate Residential and is located in the unincorporated area of Whitfield County.

The applicant's home is located on the property. The applicant wishes to install a 10'x20' carport at the end of his driveway. The owner will need variance to allow a ten (10) foot building setback off his south property line. It was noted the old Whitfield County Zoning Ordinance only required a 10-foot side building setback. With the adoption of the Unified Zoning Map and Ordinance in 2015, this parcel was rezoned to from R-2 to R-1, which increased the required side building setback to 25 feet.

Board members were informed by staff the Highland Forest Home Owners Association Board members did not object to the setback variance but had yet to approve the open carport design. Board members were also informed the chief building official did not have any objection to the variance request especially considering the addition would be no closer to the property line than the setback standard which was in place prior to the adoption of the UZO.

The applicant explained the property slopes from rear to front, and the blind spot in the curvature of the Nob North Drive makes it dangerous to back into the road. He noted guests and overnight family create parking and turn-around issues. He explained the addition of the carport off the end of the driveway will allow one vehicle to move out of the drive and increase the turn-around space so traffic can enter head-on into Nob North Drive.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required twenty five-foot side yard building setback for a proposed residential structure in the R-1 zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to grant the variance to reduce the side-yard building setback to ten (10) feet from the south property line. The motion passed 5-0.

**VI. Other business**

Staff reported one appeal application had been filed thus far and would be on the June BZA schedule.

**VII. Adjournment**

Chairman Mike Brown adjourned the meeting at 12:25 PM.

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