

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
July 14, 2021

I. Call to order

Chairman Mike Brown called to order the meeting of the Unified Board of Zoning Appeals at 12:00 PM on Wednesday, July 14, 2021 in the 5th floor conference room of the Wells Fargo building located at 201 South Hamilton Street, Dalton, Georgia.

II. Roll call

The following persons were present at the meeting

Board members:

Mike Brown

Kenneth Harless

Debby Peppers

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Dan Strain, County Attorney

Cathy Taylor, Code Enforcement

Kent Benson, County Engineer

Others:

William Stanley

Christy Stanley

Melissa Shultz

Gildaro Joaquin

Brian Joaquin

Bob Caperton

Jimmy Parker

County Deputy

III. Approval of minutes from June 16, 2021 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for June 16, 2021 made by Kenneth Harless and seconded by Debby Peppers. The motion passed 4-0.

V. New Business

Appeal Hearing # 1

Applicant/Owner: Jimmy Parker

Property Address: 381 Ed Way (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 off the south side of Ed Way and west of South Dixie Highway at the rear of the Parker salvage yard. The 1.22-acre lot is zoned R-2, Low Density Single Family Residential and is located within the unincorporated area of Whitfield County. The owner's home and an occupied camper are located on the property.

The applicant has allowed a tenant to occupy the camper in his back yard for several years. The camper does not have running water or electricity or a functioning bathroom. The county code

does not allow a camper to be used as living quarters unless such is located inside an approved RV park or campground.

Mr. Parker explained the tenant has occupied the camper for at least 3 years. He claims the tenant is on-site only 2-3 nights per week. He stated the tenant is working with a social worker and probation officer, and trying to turn his life around. He confirmed there is no septic system or functioning bathroom in the camper. He said the refrigerator operates on butane gas.

Code Enforcement Officer Cathy Taylor reported she did not observe an electrical hookup for the camper.

The applicant requested **a variance from Section 5-122 of the Whitfield County Code of Ordinances to allow a camper at the site to be as living quarters.**

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to deny the variance request.

The motion passed 5-0.

Appeal Hearing # 2

Applicant/Property Owner: Guildardo Joaquin

Property Address: 1017 Foster Street (city of Dalton jurisdiction)

The applicant and his son 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 north side of Foster Street and east of Fields Avenue. The 8500 square foot lot is currently zoned R-3, Medium Density Residential and is located within the city limits of Dalton. Public water and public sewer are provided to the site.

The property owner's home is located on the property. The back yard is small and contains an above ground swimming pool with associated outdoor accessories. Without first obtaining a building permit, the owner constructed a 12x16 foot storage building in the back rear corner of his lot. The storage building is encroaching into the required rear and side building setback areas. Staff explained an adjoining property owner called in the complaint concerning encroachment.

Brian Joaquin explained the storage building was purposely installed at the end of a man-made dirt drive. He stated it would be a hardship if they had to move the building to another location.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow a residential outbuilding that encroaches fourteen (14) feet into the minimum required 15-foot rear building setback area and encroaches nine (9) feet into the minimum required 10-foot side building setback area.**

Kenneth Harless noted not all conditions for granting a variance had been met. After some discussion, Kenneth Harless made a motion, seconded by Debby Peppers, to deny the variance request.

The motion passed 4-0.

Appeal Hearing # 3

Applicant: Christi Stanley

Property Owner: Christi Stanley & Melissa Shultz

Property Address: 135 McGaughey Chapel Road (county jurisdiction)

The owners 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 north side of McGaughey Chapel Road and east of Cleveland Highway. The 1.25-acre lot is currently zoned R-2, Low Density Single Family Residential and is located within the unincorporated area of Whitfield County. Public water and individual septic systems are located on the property.

Until very recently, there were two dwellings on the property – one single family dwelling and one singlewide manufactured home. The singlewide two-bedroom home has been removed and is scheduled to be replaced with a doublewide 4-bedroom home. The R-2 zoning district only allows the replacement of a non-conforming manufactured home with another of the same or fewer number of bedrooms.

Mrs. Stanley explained the property has historically contained two dwellings. The two daughters of the recently deceased owner desire to live on the property in separate homes. Mrs. Shultz has already occupied the single family dwelling. Mrs. Stanley wishes to replace the singlewide manufactured home with a new doublewide manufactured home. She further explained she had received written confirmation from the Environmental Health Department for re-use of the existing septic system.

The applicant requested a variance from Section 9-1-3 of the Unified Zoning Ordinance to allow the replacement of a non-conforming manufactured home with an increase in the number of bedrooms.

After some discussion, Debby Peppers made a motion, seconded by Kenneth Harless, to grant the variance as requested.

The motion passed 4-0.

Appeal Hearing # 4

Applicant: Robert Caperton

Property Owner: Barrett Development Strategies

Property Address: 307 South Hamilton Street (city of Dalton 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 South Hamilton Street and Cuyler Street and FKA the Belk-Gallant building location. The 0.42-acre tract contains a commercial building which is undergoing conversion into a mixture of commercial storefront and loft dwellings. The property is zoned C-3, Central Business District and is located within the city of Dalton and within the Downtown Historic District.

The applicant is proposing to install a projecting sign that mimics the historical Belk-Gallant signage from the early 20th century. The building conversion is a historic preservation tax credit project and much effort has been made to restore the historic character of the building. The

proposed sign will be approximately 132 square feet in size. The Dalton Historic Preservation Committee has granted approval for the proposed signage.

The applicant stated his team had spent thousands of hours researching the historic character of the building including an attempt to replicate the signage of the 1940s. He explained his company had been through a complicated and lengthy review process in an effort to earn federal grant approval. He stated the sign variance allowing him to mimic the historic signage would be one more satisfactory step in the grant approval process.

The applicant requested **a variance from Section 4.2-5 of the Dalton Sign Ordinance to allow an increase in the six (6) foot maximum allowable size of a projecting sign in the C-3 zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to grant the variance as requested.

The motion passed 4-0.

VI. Other business

Board members agreed to move the next meeting date to August 4 to accommodate the zoning administrator's schedule availability.

VII. Adjournment

Chairman Mike Brown adjourned the meeting at 12:47 PM.

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