

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
June 16, 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, June 16, 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

Austin King

Debby Peppers

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Others:

Fernando Paniagua

Thomas Barrow

Edgar Hernandez

Stephanie Kiucs

III. Approval of minutes from May 12, 2021 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for May 12, 2021 made by Tracy Ward and seconded by Austin King. The motion passed 5-0.

V. New Business

Appeal Hearing # 1

Applicant: Fernando Paniagua

Property Owner: JFP Properties Group

Property Address: Bush Street (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 one of the unimproved lots in Coahulla Creek Villages Subdivision north of Chatsworth Highway. The applicant recently purchased all of the remaining 143 vacant lots in the subdivision and entered into an agreement with the county to restore the subdivision roads to county standards. The subdivision is zoned PUD, Planned Unit Development and is located within the unincorporated area of Whitfield County.

The applicant wishes to temporarily place a recreational vehicle on one of the vacant lots in the rear of the subdivision. Doing so would allow him to house one of his construction workers to serve as an overnight security guard. The purpose will be to guard the materials used in construction as well as deter any trespassers. The county code does not allow recreational vehicles as living quarters unless such is located inside an approved RV park or campground.

The applicant explained he believed theft, vandalism, and trespassing will continue as an ongoing problem at night if the variance is not granted. He stated an extra set of eyes would help deter intruders. He explained the single family construction project may take 3-4 years to complete.

The applicant requested **a variance from Section 5-122 of the Whitfield County Code of Ordinances to allow a recreational vehicle as temporary living quarters for security personnel during the housing construction project at Coahulla Creek Villages.**

After some discussion, Debby Peppers made a motion, seconded by Kenneth Harless, to grant the variance for a period of no more than four (4) years from the date of approval.

The motion passed 5-0.

Appeal Hearing # 2

Applicant/Property Owner: Edgar Hernandez

Property Address: 131 Loma Lane (city of Dalton jurisdiction)

The applicant and his daughter 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 south side of Loma Lane and designated as Lot 61 of Red Hill Subdivision PH 3. The 8700 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 mostly unusable due to a large drainage ditch running the entire width of the lot. In order to utilize his back yard, the owner began construction on a 14x24-foot free-standing deck across the drainage ditch. The deck is encroaching into the rear building setback area. It was noted county staff had confirmed the deck is constructed in a manner that will not impede storm water flow in the subdivision. The owner explained the deck will serve not only as a recreation site for his family and guests but also will provide a safety cover over the ditch.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to allow the continued construction of a freestanding deck which encroaches up to eleven feet into the minimum required 15-foot rear building setback area for a parcel in the R-3 zoning district.**

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

The motion passed 5-0.

Appeal Hearing # 3

Applicants: Jonathan & Thomas Barrow

Property Owner: Jonathan Barrow

Property Address: 3772 Chattanooga Road (county jurisdiction)

The owner was represented at the hearing by his father, Thomas Barrow. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property is located along the east side of Chattanooga Road, north of the Tunnel Hill downtown area. The 1.40-acre lot is currently zoned R-5, Rural Residential and is located within the unincorporated area of Whitfield County.

The property owner's home is the only building currently located on the property. In the front yard adjacent the existing driveway, the applicants wish to construct a 1200 square-foot 3-door garage with RV space. In any residential zoning district where the lot size is less than two acres, the zoning ordinance limits the size of an accessory structure to 1000 square feet.

Mr. Barrow explained his son wished to construct an outbuilding to house his two personal automobiles and RV. He said the minimum length for three garage doors is 40 feet and the minimum depth needed for the RV is 30 feet. He noted the freestanding building pad as proposed will meet the minimum building setback requirements. He explained the side building setbacks could not possibly be met if the garage were attached to either side of the house. Additionally, with the septic system located behind the house, and the steep rise in topography, the rear of the lot is not a viable location for an attached garage on the rear of the home.

Staff explained the Whitfield County Board of Commissioners have proposed increasing the single-family residential accessory structure size to 1500 square feet for parcels less than 3 acres in size. This revision will be considered at the June 28 Planning Commission meeting.

The applicant requested **a variance from Section 4-6-10 of the Unified Zoning Ordinance to allow the construction of a detached 1200 square foot accessory residential building on a parcel which is less than two acres in size.**

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

The motion passed 5-0.

VI. Other business

Staff noted applications have already been filed for the July BZA meeting.

VII. Adjournment

Chairman Mike Brown adjourned the meeting at 12:20 PM.

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