

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
August 10, 2022

I. Call to order

Chair Kenneth Harless called to order the meeting of the Unified Board of Zoning Appeals at 11:54 AM on Wednesday, August 10, 2022 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, chair

Austin King, vice-chair

Debby Peppers

Tracy Ward

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Dan Strain, County Attorney

Mike Fowler, Chief Building Official

Jake Bearden, County Engineering

Cathy Taylor, County Code Enforcement

Others:

Peggy & Steve Cantrell

Martha & Kelley Chance

Cathy Snyder

Greg Sims

III. Approval of minutes from April 13, 2022 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for April 13, 2022 made by Austin King and seconded by Debby Peppers. The motion passed 5-0.

IV. Old Business

Staff reported Mika Caldwell's grandmother recently passed away so the variance request for the grandmother to live in the camper is no longer an issue for the BZA. It was noted Mrs. Caldwell still has a magistrate court appearance scheduled for September 2022.

V. New Business

Appeal Hearing #1

Applicant/Owner: Ronald & Margaret Cantrell

Property Address: 805 Lumpkin Street (city of Dalton jurisdiction)

The Cantrells 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 on the south side of Lumpkin Street, and is designated as Lot 14 of the Tony Subdivision. The 0.30-acre lot

is zoned R-2, Low Density Single Family Residential, and is located within the city limits of Dalton. The owners' home is located on the property which is served by public water and public sewer. The property owner is proposing to construct a 24'x24' covered parking structure on the site. The proposed 2-car structure will be setback only 17 feet from the front property line. The required minimum setback in the R-2 zoning district is 25 feet, so the owner will need an 8-foot setback variance from the front property line.

Staff explained the previous property owners remodeled the original carport into living space. In doing so, they left no auto access to the rear of the property so the only location for parking is in front of the home. The current owners are attempting to install an enclosed garage which will enable them to provide protection for their automobiles from the weather, and provide safety traveling to and from their cars. The covered parking structure cannot be attached to the home due to the home's roof structure, but instead will be a freestanding structure. The owners' architect Greg Sims explained he had designed the structure to fit on the property in the only possible available space. Mr. Sims noted he had also designed a canopy to allow cover from the front door of the home to the garage.

Staff noted the city fire department, city public works department, and chief building official had reviewed the site plan and have no objection to the variance request.

The applicant is requesting a **variance from Chart 3.7 of the Unified Zoning Ordinance to allow an 8-foot reduction in the minimum required twenty-five front building setback for a proposed accessory structure on a parcel in the R-2 zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Austin King, to approve the variance as requested.

The motion passed 5-0.

Appeal Hearing #2

Applicant/Property Owner: Martha Chance

Property Address: Woods Drive (unincorporated county jurisdiction)

The applicant and her 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 on the south side of Woods Drive, and designated as Lots 209-216 of the Rocky Face Subdivision. The 0.79-acre lot is zoned R-2, Low Density Single Family Residential, and is located within the unincorporated county. The owner's home is located on the property which is served by public water and an on-site septic system.

The property owner is proposing to construct a 10'x20' covered parking structure on the site. The proposed 1-car structure will be setback only 5 feet from the rear property line. The required minimum rear setback in the R-2 zoning district is 15 feet, so the owner will need a 10-foot setback variance from the rear property line.

The applicant is requesting a **variance from Chart 3.7 of the Unified Zoning Ordinance to allow the construction of a proposed accessory structure to encroach into the minimum required fifteen-foot rear building setback for a parcel in the R-2, Low Density Single Family Resident zoning district.**

Staff explained there is an existing 20'x21' concrete pad located within 5 feet of the rear property line. Three months ago, the owner demolished a garage which sat on the pad for the previous 30 years. The owner is proposing to place a one-car 10'x20' open shed back on the concrete pad in order to once again provide covered parking for the site.

Staff explained the owner's insurance company is requiring her to make safety updates to her home. She is working with a non-profit to perform all the labor for the updates. The non-profit has offered to install the carport at the same time if the carport can be placed on the existing concrete pad. The owner is not financially able to construct another concrete pad elsewhere on her property for the carport. Utilizing the existing pad would appear to be the most practical solution.

After some discussion, Tracy Ward made a motion, seconded by Debby Peppers, to allow construction of a carport on top of the existing concrete pad and encroach ten feet the rear building setback area.

The motion passed 5-0.

VI. Other business

Staff stated there was no other business to report.

VII. Adjournment

Chair Kenneth Harless adjourned the meeting at 12:06 PM.

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