

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
December 14, 2022

I. Call to order

Chair Kenneth Harless called to order the meeting of the Unified Board of Zoning Appeals at 12:00 Noon on Wednesday, November 14, 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:

Kenneth Harless, chair

Austin King, vice-chair

Debby Peppers

Staff members:

Jean Price-Garland, Dalton-Whitfield Zoning

Robert Smalley, County Attorney

Jake Bearden, Engineering

Others:

Mark Kirkland

III. Approval of minutes from October 12, 2022 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for October 12, 2022 made by Austin King and seconded by Debby Peppers. The motion passed 3-0.

IV. New Business

Appeal Hearing

Applicant/Owner: Mark Kirkland

Property Address: 4360 Bass McHan Drive (unincorporated county jurisdiction)

Mr. Kirkland 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 along the south side of Bass McHan Drive and east of Lower Dawnville Road. The 1.65-acre lot is currently zoned R-5, Rural Residential and is located within the unincorporated county. The parcel is served by public water and an on-site septic system.

The applicant's home and several outbuilding are located on the property. Recently, the applicant had a concrete pad poured along his west property line in anticipation for the installation of a new 24x30 outbuilding. The first time the applicant was aware he needed to comply with building setbacks was when he applied for a building permit for the accessory structure. The concrete pad on which the owner plans to erect the outbuilding is situated only 4 feet from the west side property line. The owner will need variance to allow a 6-foot building encroachment into the west side building setback area.

Staff explained the property has significant topography and very few flat areas for locating a pad for an outbuilding. The applicant's septic field lines are located behind his home and he has made an effort to fit the concrete pad away from his field lines. His field lines begin 30 feet from his west property line. The concrete pad ends 28 feet from the property line.

Mr. Kirkland explained he had ordered the building from a Tennessee company and poured the concrete pad before he was aware of the permitting requirement and setback limitations. He explained if the variance is not granted, he would have to relocate his field lines which he hoped the board would consider an unnecessary financial hardship for him. He explained his cousin owns the property directly adjacent to his west property line and has no problem with the variance request.

The applicant requested **a variance from Chart 3.7 of the Unified Zoning Ordinance to reduce the required ten-foot side yard building setback for a proposed residential accessory structure in the R-5 zoning district.**

After noting all conditions for the variance had been met, Debby Peppers made a motion, seconded by Austin King, to approve the variance as requested to allow a six (6) foot encroachment into the west property line building setback. The motion passed 3-0.

V. Other business

Staff stated there was no other business to report.

VI. Adjournment

Chair Kenneth Harless adjourned the meeting at 12:14 PM.

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