

**UNIFIED BOARD OF ZONING APPEALS**  
**Meeting Minutes**  
**February 9, 2022**

**I. Call to order**

2021 Chair Mike Brown called to order the meeting of the Unified Board of Zoning Appeals at 12:00 Noon on Wednesday, February 9, 2022 in the 5<sup>th</sup> 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, 2022 chair*

*Austin King, 2022 vice-chair*

*Debby Peppers*

*Tracy Ward*

Staff members:

*Jean Price-Garland, Dalton-Whitfield Zoning*

*Robert Smalley, County Attorney*

*Mike Fowler, Chief Building Official*

*Cathy Taylor, Code Enforcement Officer*

*Jake Bearden, County Engineering*

Others:

*Mika Caldwell*

*Christopher Caldwell*

*Robert Jenkins*

**III. Election of Officers for 2022**

Motion to nominate Kenneth Harless as chair made by Debby Peppers, seconded by Tracy Ward.

The motion passed 5-0. Motion to nominate Austin King as vice-chair made by Kenneth Harless, seconded by Debby Peppers. The motion passed 5-0. The new officers assumed their

positions as the meeting continued.

**IV. Approval of minutes from December 15, 2021 BZA meeting**

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for December 15, 2021 made by Debby Peppers and seconded by Austin King. The motion passed 5-0.

**V. Old Business**

**Appeal Hearing carried over from December 2021.**

**Applicant: Mika Caldwell**

**Property Owner: Christopher Caldwell**

**Property Address: 135 Lloyd Way (unincorporated county jurisdiction)**

The applicant and property owner were present at the resumed hearing. Staff reminded those present that at the December 2021 meeting, the Board asked the applicant to return on February 9 and provide documentation showing the efforts made toward replacing the living arrangement for the grandmother.

Mrs. Caldwell reported she had contracted with Wilkie Construction to add a 24x24 addition onto her manufactured home. The addition will consist of one bedroom, bath, and small kitchen for use by her grandmother. She explained she has applied for a \$45,000 construction loan from Family Savings Credit Union. Mrs. Caldwell was not able to provide a definite timeline as to when the loan would be approved or when the construction would be complete.

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

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to allow the camper to remain at the site as a temporary living arrangement for the grandmother until August 9, 2022. During that 6-month time period, the applicant will be expected to provide Chief Building Official Mike Fowler with regular progress reports regarding the construction loan approval, and the anticipated construction timeline with her building contractor.  
The motion passed 5-0.

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## **VI. New Business**

### **Appeal Hearing**

**Applicant/Owner: McNeese Properties**

**Property Address: 149 Adair Way (unincorporated county jurisdiction)**

The applicant was represented at the hearing by his attorney, Robert Jenkins. Staff presented a GIS layout of the property, and explained the circumstances surrounding the case. The subject property consists of 0.69 acres located at the northeast intersection of Waring Road and the private drive Adair Way. There is currently one manufactured home located on the parcel. A second manufactured home was moved off the property more than 12 months ago. The property is currently zoned R-5, Rural Residential and is located in the unincorporated area of Whitfield County. The R-5 zoning district only allows one dwelling per parcel.

Staff explained the applicant/owner purchased this parcel and most of the surrounding property in 1995. At that time, the applicant legally installed two manufactured homes on the parcel. The 2<sup>nd</sup> manufactured home space has now been vacant for more than one year so the 2<sup>nd</sup> space is no longer considered a conforming permitted site.

Mr. Jenkins explained he is representing his client who now lives in Montana. Mr. Jenkins noted the manufactured home sites are merely rental spaces with the manufactured home owned by the tenant of the space. He explained the last tenant had moved out prior to COVID, and Mr. McNeese had experienced timeline problems with obtaining a manufactured home mover for his newest tenant.

The applicant is requesting a **variance from Section 9-1-2 of the Unified Zoning Ordinance to allow the re-establishment of a non-conforming second rental manufactured home space on a parcel in the R-5, Rural Residential zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Tracy Ward, to approve the variance and allow the 2<sup>nd</sup> manufactured home space as a rental lot. The motion passed 5-0.

**VII. Other business**

Staff reported there were at least two applications scheduled to be filed for an upcoming BZA meeting.

**VIII. Adjournment**

Chair Kenneth Harless adjourned the meeting at 12:20 PM.

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