

UNIFIED BOARD OF ZONING APPEALS
Meeting Minutes
September 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, September 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:

Mike Brown

Kenneth Harless, chair

Austin King, vice-chair

Debby Peppers

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

Jake Hollis, Dalton City Code Enforcement

Others:

Chris Barrett

Alan Wells

Jordan Wells

Charles Lee

III. Approval of minutes from August 10, 2022 BZA meeting

Motion to approve the minutes of the Unified Board of Zoning Appeals meeting for April 13, 2022 made by Debby Peppers and seconded by Austin King. The motion passed 4-0.

IV. New Business

Appeal Hearing #1

Applicant/Owner: Ralph Alan Wells

Property Address: 214 South Drive (city of Dalton jurisdiction)

Mr. Wells 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 on the west side of South Drive and north of East Morris Street. The 0.53-acre lot is zoned R-3, Medium Density Residential, and is located within the incorporated area of the City of Dalton. The owner's home and two outbuildings are located on the property which is served by public water and public sewer.

Staff noted residential zoning lots less than 3 acres in size are allowed to have accessory structures up to 1500 square feet in size. Staff explained the applicant had obtained a permit for the a garage at the maximum size allowed, and would be able to meet the required building setbacks.

Mr. Wells and his son explained their plan to install a 40'x40' outbuilding on the property to store their six personal automobiles and other equipment. Jordan Wells stated there is a negligible cost difference between a 1500 and 1600 square foot garage. He explained the additional square feet is desired in order to have as much storage space as possible for the same cost. Alan Wells claimed he had several cars suffer damage when he parked them on the street. He stated there will be a paved driveway leading from the street to the garage.

The applicant is requesting a **variance from Section 4-6-10(a) of the Unified Zoning Ordinance to allow construction of a proposed accessory structure which will exceed the maximum square footage allowed in a residential zoning district.**

After some discussion, Debby Peppers made a motion, seconded by Mike Brown, to approve the variance as requested to allow the construction of a 1600 square foot garage.

The motion passed 4-0.

Appeal Hearing #2

Applicant: Chris Barrett

Property Owner: Tina Barrett

Property Address: 204 Edgewood Avenue (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 on the south side of Edgewood Drive and west of North Selvidge Street. The 0.19-acre lot is zoned R-3, Medium Density Residential, and is located within the incorporated area of the City of Dalton. The applicant's home and two outbuildings are located on the property which is served by public water and public sewer.

The city of Dalton recently hired two code enforcement officers and mandated they search for any out-of-compliance building activity in the city. This variance request is the result of a code enforcement issue.

Two years ago, the applicant installed a roof over his concrete patio without obtaining the necessary building permit. The roof encroaches into the required building setback area. The roof is directly adjacent to a side property line.

City Code enforcement office Jake Hollis explained he had issued a citation to Mr. Barrett's neighbor for failing to timely remove a tree which had fallen onto Mr. Barrett's house. Mr. Barrett had already installed a fence between his property and the neighbors and had constructed the patio roof to protect his home for fear the neighbor's tree would fall on his house. Mr. Hollis explained the neighbor complained the roof was in violation of the setback ordinance, so Mr. Hollis advised the applicant to obtain a variance so the roof could remain in place.

Mr. Barrett explained the concrete pad under the roof had been in place for more than 9 years. He stated he did not know he needed a permit or permission to construct the patio roof over the pad. He explained it was his intention only to protect his property from the neighbor's intrusion.

The applicant is requesting a **variance from Chart 3.7 of the Unified Zoning Ordinance to allow a residential roof structure to remain in place within the side building setback area for a parcel in the R-3 residential zoning district.**

After some discussion, Austin King made a motion, seconded by Debby Peppers, to allow the roof structure over the patio to remain in place within the setback area. The motion passed 4-0.

V. Old Business

Cathy Taylor reported a satisfactory conclusion to the September magistrate court appearance for Mika Caldwell. Ms. Taylor explained the county supported the decision to waive any fines or court costs in exchange for a guilty plea and signed agreement by Mrs. Caldwell to either remove the camper or keep it in a collapsible condition and unoccupied while on the property.

VI. Other business

Staff stated there was no other business to report.

VII. Adjournment

Chair Kenneth Harless adjourned the meeting at 12:23 PM.

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