

Canton, Georgia

*110 Academy Street
Canton, Georgia 30114*



Minutes Draft - Draft

Monday, January 12, 2026

6:00 PM

**City Hall
110 Academy Street**

Board of Appeals

1. Call to Order

*Board Members Present:
David Johnson, Chairman
Jim Ledford
Matthew Malhiot
Allison Christou
Dustin Davey*

*Staff Present:
Tyler Peoples, City Planner
Kevin Turner, Community Development Director
Jakob Allen, City Planner
Jeff Rusbridge, City Attorney*

*Other City Officials Present:
Darrell Rice, Councilmember*

*Absent:
Jeff Adams
Karen Randall*

Chairman Johnson opened the meeting at 6:00pm. He thanked everyone for their attendance and explained the procedure.

2. Consideration to Approve Agenda

Matthew Malhiot made a motion to approve the agenda as presented. Jim Ledford seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

3. Election of Officers

Matthew Malhiot made a motion to table until such time when all members are present. Allison Christou seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

4. Consideration to Approve Minutes

A. Board of Appeals Public Hearing Draft Minutes - October 13, 2025

Attachments: [Minutes - Board of Appeals - October 13, 2025](#)

No comments or concerns were made regarding the draft minutes.

Matthew Malhiot made a motion to approve the minutes as written. Allison Christou seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

5. Public Input

There was no one present to make public comment.

6. Consideration to Approve 2026 Board of Appeals Meeting Dates

A. 2026 Board of Appeals Meeting Dates

Attachments: [2026 Meeting Dates](#)

City Planner Tyler Peoples stated that the Board has been provided with a proposed 2026 meeting calendar. All proposed dates follow the typical schedule with the exception of the Tuesday, May 26, 2026 Work Session which is moved due to City Hall being closed for Memorial Day.

Dustin Davey made a motion to approve the 2026 Board of Appeals meeting dates. Allison Christou seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

7. VAR2511-003

A. 455 Longview Street - Josiah Battaglia

Attachments: [VAR2511-003 Documentation](#)

City Planner Tyler Peoples explained to the Board that the variance case is five requests:

- (1) Reduction of required landscape buffer where LI abuts R-40 from 100' to 40'*
- (2) Allow use of gravel in lieu of a paved outdoor storage area*
- (3) Eliminate opaque fencing requirement for outdoor storage area*
- (4) Allow use of gravel in lieu of pavement for driveway*
- (5) Allow outdoor storage area in front and/or side yard*

Mr. Peoples provided a response to several questions Board Members had for the Applicant and Staff. Mr. Peoples stated that the Applicant only was seeking a landscape buffer reduction in that part of the property which leads out to and is perpendicular to Longview Street. He further stated that the Applicant intended on constructing a 25' concrete apron extending from Longview Street. Mr. Peoples clarified the spirit and intent of the ordinance requiring paved surfaces in the City is to minimize the amount of gravel spillage from driveways onto paved public surfaces and streets. He added that the UDC requires aprons at a minimum of 25' from the roadway when gravel is approved.

Mr. Peoples stated that the City Engineer made comments recommending approval of gravel surfaces within the floodway and floodplain with a required apron.

Mr. Peoples provided two conditions for consideration should the Board approve the variance requests:

(1) The 100' landscape buffer between LI and R-40 shall be reduced to 40' only in the area delineated in the revised variance exhibit received on November 26, 2025. The 100' landscape buffer where LI abuts R-40 shall remain elsewhere along the property line.

(2) A concrete apron shall be constructed at a length of 25' from Longview Street.

Chairman Johnson asked about previous discussion regarding building location in relation to the storage yard. Mr. Peoples explained that there were two locations which could be considered the front of the building based on the unusual shape of the property.

Chairman Johnson recognized Mr. Josiah Battaglia to speak as the Applicant. Mr. Battaglia explained his letter of intent detailed the reasoning for the variances.

Chairman Johnson opened the public hearing.

Mr. Jerry Erbe of 699 Longview Street spoke in opposition. Mr. Erbe explained his concerns regarding the residential nature of Longview Street, potential mud on the roadway, large vehicles on Longview Street, and other industrial areas not asking for variances.

There were no members of the public to speak in favor of the variance request.

Josiah Battaglia explained that Longview Street services both residential and light industrial uses, and the variance requests do not impact the roadway. He further explained that, due to the topography and slope of the property, mud cannot physically drain towards Longview Street from rainwater. He explained that Isotec and Windstream does not currently comply with regulations regarding driveways and opaque fencing.

Dustin Davey asked if trees are still in place on the east of the entrance strip. Mr. Battaglia stated that some trees remain and more will be placed for landscape buffer plantings. Trees had to be removed to meet grade requirements. Mr. Davey asked how visible the building will be from Longview. Mr. Battaglia explained the nature of surrounding properties.

Matthew Malhiot asked about the reasoning for the placement of the building at the rear. Mr. Battaglia explained that the variance for placement was being sought due to the irregular shape of the property.

Chairman Johnson closed the public hearing.

Mr. Malhiot stated he believed that the Applicant is providing mitigation measures to reduce mud on the street. Chairman Johnson asked if there are ordinances that pertain to tracking mud on City streets. Community Development Director Kevin Turner stated yes and that he would ask the Engineering Department to check on the issue.

Allison Christou made a motion to approve the variance to reduce the required landscape buffer where LI abuts R-40 from 100' to 40' with the following conditions:

(1) The 100' landscape buffer between LI and R-40 shall be reduced to 40' only in the area delineated in the revised variance exhibit received on November 26, 2025. The 100' landscape buffer where LI abuts R-40 shall remain elsewhere along the property line.

(2) A concrete apron shall be constructed at a length of 25' from Longview Street.

Matthew Malhiot seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

Matthew Malhiot made a motion to approve the variance to allow use of gravel in lieu of a paved outdoor storage area. Allison Christou seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

Allison Christou made a motion to approve the variance to eliminate the opaque fencing requirement for an outdoor storage area. Matthew Malhiot seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

Allison Christou made a motion to approve the variance to allow gravel in lieu of pavement for a driveway with the condition that a concrete apron shall be constructed at a length of 25' from Longview Street. Jim Ledford seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

Allison Christou made a motion to approve the variance to allow an outdoor storage area in a front and/or side yard. Dustin Davey seconded the motion. The motion carried 4-1, with Matthew Malhiot dissenting.

Hand Vote: 4 Yeas 1 Nay Motion Approved

8. APP2512-001 (Appeal of Director's Decision)

A. 282 Inman Circle (Riverstone Retreat) - Quinn Residences

Attachments: [Notice of Appeal](#)

City Planner Tyler Peoples introduced the item. Chairman Johnson read the procedures for the appeal hearing. He explained that 10 minutes are allotted to the City representative and those speaking in favor of the director's decision, followed by 10 minutes allotted to the Appellant and those speaking against the director's decision. Once time has elapsed on both sides, the Board may ask questions of the Appellant and City representative as necessary.

Chairman Johnson recognized the City representative to speak. Community Development Director Kevin Turner explained that the Appellant disagreed with his determination that the proposed building at 282 Inman Circle met the definition of "multi-family." He explained that, even if the Board determined that he was correct in applying the UDC, the International Building Code would consider the proposal to be multi-family. He reiterated that the floorplans as

submitted were determined to be “multi-family” and required Conditional Use Permit, which the Appellant did not have. He stated that the Appellant did however have a Conditional Use Permit for townhomes.

Chairman Johnson called for any individuals that were to speak in favor of the director’s decision. There were no individuals present.

Chairman Johnson recognized the Appellant to speak. Fletcher Law of Flint, Connally, and Walker provided the Board with copies of hearing exhibits which were additionally uploaded into the City’s LAMA portal. Mr. Law additionally displayed a full certified copy of the City of Canton Code of Ordinances. Mr. Law stated that he represents Q. Wasi Holdings, otherwise known as “Quinn Residences” or “Quinn,” which is the owner of parcel 14-0205-0054 and houses the “Riverstone Retreat” development. Mr. Law explained that the Appeal was regarding whether or not the UDC prohibited stacked living units for a townhouse, and whether Mr. Kevin Turner erred in his application and interpretation of the definitions section of the UDC, by which interpretation prohibits “stacked townhomes” contrary to the UDC and Conditional Use Permit. Mr. Law provided a slideshow of as-built conditions of Riverstone Retreat as well as renderings of the final phase of the development at the subject of the appeal. Mr. Law displayed UDC Section 105.03.02 to the Board, explaining the Board’s purview in making their decision.

Mr. Law presented “Exhibit 3” to the Board which was the Conditional Use Permit. Mr. Law explained the CUP stated “Multi-family (townhomes) in combination with single-family detached homes, two-hundred seventy units” along with 10 conditions, none of which were reasons for refusing issuance of permits on the design. Mr. Law recited the definition of “townhouse” in the UDC. Mr. Law displayed the floor plans of the units. Mr. Law explained that the design of the units is within “stacks,” with two individual units being contained within one “vertical stack,” with separate entrances to the front and rear. Mr. Law referred to a graphic rendering of the design showing the vertical stacks.

Mr. Law provided the UDC definitions of “tri-plex” and “quad-plex,” explaining that these definitions expressly prohibit stacked units, while the definition of “townhome” does not. Mr. Law displayed the final plat, explaining it has been approved by the engineering and planning departments. He explained that the property has been developed according to the final plat, adding that separate utilities are currently in the ground with the intention of serving two separate units in a stacked unit. Mr. Law displayed a pavement delineation plan, explaining that the units are already addressed separately.

Mr. Law explained the judicial findings of Haralson County v. Taylor Junkyard of Bremen Inc. Mr. Law stated that the Conditional Use Permit allows “multi-family townhomes,” Quinn is seeking to develop what the Community Development Director considers a “multi-family townhome,” and that Quinn already retains the right to build the product.

Mr. Law recognized Mr. James Howley, the Chief Investment Officer of Quinn Residences, to speak. Mr. Howley provided details of his professional background. Mr. Howley explained the mission of Quinn Residences to alleviate housing pressures in the country. He explained that Quinn Residences invested in Canton due to the Conditional Use Permit approval and the ability to build the product, and without that approval they would not have invested in the City. Mr. Howley stated that Quinn Residences viewed this as a taking of property and valued that taking at sixteen million dollars based on

income the units would produce. Mr. Howley asked the Board to interpret the Code as written and take into account the housing shortage in the County and their ability to help alleviate it.

Chairman Johnson called for any individuals that were to speak against the director's decision. There were no individuals present.

Chairman Johnson closed the public portion of the appeal. Chairman Johnson asked for clarification that the Board may then ask questions of the City representative or the Appellant. Mr. Peoples stated yes.

Allison Christou asked the Appellant if they believe they have the right to build multi-family because the proposed use on the Conditional Use Permit states "multi-family." Mr. Law stated they contend that they have the right to build "multi-family townhomes," and the product as shown is a "multi-family townhome." Ms. Christou stated that she is in the multi-family development industry and explained that the term "multi-family" is utilized for both apartments and townhomes due to the units being "held together." She stated that the International Building Code requires a two-hour fire wall vertically from foundation to roof between each unit. She stated that it was impossible for this to be the case because of the garage underneath the stacked unit. She stated she did not believe this was multi-family, rather it was a townhome. She explained she believed the City utilized the term "multi-family" due to townhomes being multi-family rather than single-family residential. Chairman Johnson explained that in the real estate industry, this product would be classified as "multi-family" due to the units being attached rather than detached. Chairman Johnson reviewed the UDC definition of "townhouse" and stated that the units were not divided vertically if one unit was atop another unit's garage. Ms. Christou agreed. Ms. Christou stated that these units were divided both vertically as well as horizontally, to which Chairman Johnson agreed based on the floor plans provided.

Dustin Davey asked the Appellant if the units were protected by an automatic fire sprinkler system. Mr. Howley stated that his builder was not present, but he believed that the units were governed by the International Residential Code and not the International Building Code. Mr. Davey asked what the rate of separation in the floor assembly was. Mr. Howley stated he was unsure. Chairman Johnson stated that he did not believe this was in the Board's scope in making a decision. Mr. Davey stated that his questions would assist him in making a determination on the definition.

Mr. Malhiot asked the Appellant if, when the original Conditional Use Permit was applied for, the stacked home plan was plainly presented to the City prior to the issuance of the Conditional Use Permit. Mr. Law stated his understanding was that floor plans were not presented at the time of the Master Plan Amendment for townhome units but there was email correspondence between City Staff and the developer asking if they could do stacked units in order to save additional open space. Chairman Johnson asked if this email correspondence was included in the documentation provided to the Board. Mr. Law stated no.

Mr. Davey asked Mr. Turner under what code he made his decision under. Mr. Turner stated the UDC. Mr. Davey asked what out of the IBC supports these definitions. Mr. Turner stated they are two separate things. Mr. Turner explained that the UDC definitions were created in 2014 and were developed based on the IBC at the time. Mr. Turner explained that, based on building code

and according to the building department, units should be separated foundation to attic, and any horizontal separation would make this multi-family. Mr. Turner explained that he finds these units to be separated by floor and ceiling and divided vertically as well as horizontally. Mr. Davey asked if there was a rated fire wall separation. Mr. Turner stated that building plans have not been submitted, but he imagined they would have to have one. Ms. Christou stated that based on the drawings there couldn't possibly be a fire wall from foundation to roof, to which Mr. Davey replied they have not submitted building plans yet. Ms. Christou stated, based off a Google search, the IRC requires townhome firewalls to separate units with a continuous fire-rated assembly from the foundation to roof, typically requiring one-hour rating with sprinklers or two-hours without, often achieved with a double-wall system, mirroring the IBC code. Mr. Davey stated this is correct.

Chairman Johnson explained that he supported the Director's decision based on the strict interpretation of the UDC code. Mr. Davey stated he was not ready to make a decision but would participate in a vote. Mr. Malhiot stated his understanding was the function of the meeting was purely as an appellate to the city planning decision and was very comfortable with the Director making the decision he made.

Chairman Johnson asked if the Board is ready to make a motion. Matthew Malhiot made a motion that the Appellant's appeal be denied. Allison Christou seconded the motion. City Planner Tyler Peoples called the roll. In favor of the motion was Mr. Ledford, Mr. Malhiot, Chairman Johnson, and Ms. Christou. Mr. Davey abstained from the vote. The motion carried.

Roll Call Vote: 4 Yeas 0 Nays 1 Abstention Motion Approved

9. Board and Staff Introduced Topics

City Planner Tyler Peoples stated that the next two meetings would be a Work Session on January 26 and Public Hearing on February 9.

10. Adjourn

Allison Christou made a motion to adjourn. Matthew Malhiot seconded the motion, and it was approved unanimously.

Hand Vote: 5 Yeas 0 Nays Motion Approved

Meeting adjourned at 6:49 p.m.