

**DAWSON COUNTY PLANNING COMMISSION
MEETING HELD JULY 21, 2020
DAWSON COUNTY GOVERNMENT CENTER – ASSEMBLY ROOM 2303
25 JUSTICE WAY, DAWSONVILLE, GEORGIA 30534**

The Dawson County Planning Commission meeting was called to order at 6:00 p.m. by Vice Chairman Emory Dooley.

Tim Bennett gave the invocation.

The Pledge of Allegiance was led by Vice Chairman Dooley.

Members present: John Maloney, District 2; Tim Bennett, District 3; Neil Hornsey, District 4; Vice Chairman Emory Dooley, Chairman Appointee.

Staff present: Harmony Gee, Zoning Administrator and Jameson Kinley, Planning Director

There will be a Planning Commission meeting will be held on August 18th, 2020.

Vice Chairman Dooley asked for a motion to approve the minutes from the June 16th, 2020 minutes as prepared. Motion passed by a vote of 4-0. Maloney/Hornsey

Vice Chairman Dooley asked for a motion to approve the agenda as prepared by staff. Motion passed by a vote of 4-0. Maloney/Hornsey

Vice Chairman Dooley made an announcement of the required statement of disclosure of campaign contributions of \$250 or more in order to speak in favor or opposition to any application.

New Business:

Application for Variance:

VR 20-10 Kevin Castleberry requested a side setback reduction from the required 20' to 13' for the construction of his primary residence located at Tax Map Parcel 119-040-004 Nix Bridge Road.

Vice Chairman Dooley asked if the applicant was present to speak to the application. Mr. Kevin Castleberry of Dawsonville, GA, presented his request. He stated that he requested a variance in December for the right side of his property and when he presented the approval letter to his builder he twisted the house slightly causing the home to encroach on the opposite side of the property line (left side).

Vice Chairman Dooley asked if there was anyone present to speak in favor of the application. There were none.

He then asked if there was anyone to speak in opposition of the application.

Tommy Bruce of Dawsonville, GA stated that his property, which he has for sale, adjoins that of Mr. Castleberry and that he was concerned as to how that would affect the sale of his property and wanted to know why the encroachment was not discovered at the time of inspection.

Vice Chairman Dooley closed the board and asked for discussion by the Planning Commission.

Neil Hornsey asked why it was not caught prior to this point. Planning Director Jameson Kinley explained that the inspection for site staking was not called in. Neil Hornsey asked if that was a mandatory inspection which Planning Director answered it was. After further discussion with the applicant regarding his previous variance, the board was closed to discussion.

Motion passed by a 4-0 to approve the request. Hornsey/Maloney

VR 20-11 James Callas obo Keith Hopkins requested a front, side and rear setback reductions of 40', 10', 20' for the construction of a primary residence located at Tax Map Parcel L17-056 33 Sunset Trail in Athens Boat Club.

Vice Chairman Dooley asked if the applicant was present to speak to the application. James Callas, of Dawsonville, GA presented the application. He stated that the property is located in Athens Boat Club and the property is leased and homes were built in the neighborhood before zoning was ever created in Dawson County. He states that the existing home will be demolished and a new home will be constructed.

Vice Chairman Dooley asked if there was anyone to speak in favor of the application. There was no one.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the application. There were none.

Vice Chairman Dooley then closed the board for discussion.

Vice Chairman Dooley then asked for a motion.

Motion passed by a 4-0 to approve the request. Maloney/Bennett

VR 20-12 James Callas obo Robert Sedacca requested a front, side and rear setback reductions from the required 40', 10', 20', for the construction of a primary residence.

Vice Chairman Dooley asked if the applicant was present to speak to the application. James Callas of Dawsonville, GA presented the application. He stated that this property is also located inside of Athens Boat Club and in an attempt to get the existing structure in compliance with zoning and to build a carport onto the residence, a variance is needed to do so.

Vice Chairman Dooley asked if there was anyone to speak in favor of the application. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the application. There were none.

Vice Chairman Dooley asked for a motion.

Motion passed by a 4-0 vote to approve the request. Hornsey/Maloney

VR 20-13 Russ Chambers requested a front setback reduction from the required 40' to 13' for the construction of a primary residence. Tax Map Parcel 095-030-001 Irwin Drive.

Vice Chairman Dooley asked if the applicant was present to speak to the application. Russ Chambers of Dawsonville, GA spoke on his own behalf. He stated the property was purchased with utilities already in place. He would like to place a home on the lot in which he already has financing in place for.

Vice Chairman Dooley asked if there was once a mobile home on the property. The applicant replied that when was younger a mobile home was on the parcel but burned. Which is why he is choosing the location with not having to grade the parcel and the existing utilities.

Vice Chairman Dooley ask if there was anyone to speak in favor of the application. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the application. There were none.

Vice Chairman Dooley then closed the board for discussion.

Vice Chairman Dooley asked for a motion.

Motion passed by a 4-0 vote to approve the request. Maloney/Hornsey

ZA 20-02 Paul Behrmann requested to rezone his parcel located at Tax Map Parcel 094-136 from C-CB to RSR.

Vice Chairman Dooley asked if the applicant was present to speak on behalf of the application. Paul Behrmann of Dawsonville, GA spoke on his own behalf. In 1991 he and 2 associated purchased the parcel to build a medical/dental facility and the deal fell apart. Dr. Behrmann purchased his two associates portions of the parcel and for the past 6 years, Dr. Behrmann has had property for sale and has no interest. A new realtor suggested that the parcel be rezoned to residential for more marketability.

Vice Chairman Dooley asked if there was anyone to speak in favor of the application. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the application. There were none.

Vice Chairman Dooley then closed the board for discussion.

Vice Chairman Dooley asked for a motion.

Motion passed by a 4-0 vote to recommend approval. Hornsey/Maloney

ZA 20-03 Derek Perry requested to rezone his parcel located at Tax Map Parcel 111-105 from RSR to R-A.

Vice Chairman Dooley asked if the applicant was present to speak on behalf of the application. Derek Perry of Dawsonville, GA spoke on his own behalf. He owns the property located at Big Savannah Road and has for the past 30 years. He said that he would like to build a caretaker's cottage for the purpose of moving his daughter and granddaughter into the cottage. He stated that he and his wife are getting older and would like to have his daughter close by to help take care of them.

Vice Chairman Dooley asked if there was anyone to speak in favor of the application. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the application. There were none.

Vice Chairman Dooley closed the board for discussion.

Vice Chairman Dooley asked for a motion.

Motion passed 4-0 to recommend approval. Maloney/Hornsey

ZA 20-04 Ronald Jones requested to rezone his parcel located at Tax Map Parcel 082-030-001 from R-A to RSR.

Vice Chairman Dooley asked if the applicant was present to speak on behalf of the application. Marcus Stowers of Dawsonville, GA spoke on behalf of his Father in Law Ronald Jones, the applicant. He stated that he gifted his Father in Law 11 acres for him to build his home on. He paid cash for the construction of the residence and would now like to take a mortgage out of the property but does not want tie up more acreage than necessary.

Vice Chairman Dooley asked if there was anyone to speak in favor of the application. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the application. There were none.

Vice Chairman Dooley closed the board for discussion.

Vice Chairman asked for a motion.

Motion passed 4-0 to recommend approval. Maloney/Hornsey

Public Hearing:

Jameson Kinley presented Updated Planning Commission Terms. He stated the terms of the commission members needed to be updated so that they would coincide with their respected Board of Commissioner's terms. As of right now, Director Kinley stated, all of the terms would expire of December 31st of 2020.

Vice Chairman Dooley asked if there was anyone to speak in favor of the update. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the update. There were none.

Vice Chairman Dooley then closed the board for discussion.

Motion to recommend approval of the updated terms passed 4-0 Maloney/Bennett

Planning Director Jameson Kinley then presented the Land Use Resolution Update. He stated this was the second of two updates that the Planning Department was requested to do. The first being in December with the residential portion. Due to COVID -19 the commercial portion was postponed and during that time additional items were added to the update.

The first item that was addressed was Section 312 7.a with language being added to include 'wedding venues and similar special event facilities may be allowed to sell and serve alcohol provided by an appropriate alcohol license is held by the property owner or the alcohol is served in accordance of the catering requirements and a valid catering license.'

The second residential update was the addition of Residential Agriculture Corrective. This zoning class was created for parcels that were deeded but not platted that would prohibit them from obtaining an approved plat for the purpose of obtaining a building permit.

Neil Hornsey asked if there would be a fee for those seeking to rezone to this classification. Director Kinley explained that when zoning was put into place in 1986 the language was included that stated within R-A the minimum would be 5 acres for parcels. In all there are approximately 55 parcels that would be effected by this zoning classification.

The new commercial portion of the Land Use Resolution now includes a chart that would explain would be permissible in each zoning classification with NAICS codes listed for each zoning classification. Director Kinley also stated that a new zoning classification had been added between Commercial Highway Business and Commercial Industrial Restricted. He explained that the new class would include more intensive uses that are currently in Commercial Highway Business and would allow feathering out of those businesses.

Vice Chairman Dooley asked if there was anyone to speak in favor of the Land Use Resolution Update. There were none.

Vice Chairman Dooley asked if there was anyone to speak in opposition of the Land Use Resolution. Maria Wilson, Laland Anderson, Shirley Chiarelli, Cathie Waddell, Beth Martin, Amber Anderson and Joe Anderson all of Dawsonville, GA spoke in opposition stating concerns that ranged from property owner's rights, over stepping of the local government, rise in taxes, the right's of farmers, local small businesses and being able to compete with outside businesses, concerns regarding the raising of livestock and farm animals within the new zoning classification.

Zoning Specialist Harmony Gee then read the comments that were submitted electronically. Lisa Glover, Keith Glover, Thomas Guerra, Joel Crotzer, Joe Anderson, Laland Anderson, Maria Wilson, Connie Crotzer all of Dawsonville, GA and Stephanie Coates, unknown, spoke to local government overreaching, tax concerns, private property owner rights, agriculture regulation concerns, and CUVA restriction concerns.

The board was then closed for discussion. Neil Hornsey then spoke to the fact that he was excited to see all of the public discussion and involvement and encouraged everyone to reach out to their commissioners and voice their concerns.

Jameson Kinley pointed out that March of 2019 the Planning Commission recommended 1.5 acre lots would be permissible within in R-A and that was denied by the Board of Commissioners.

Tim Bennett stated that he too was excited to see the number of people that voiced their opinion and he encourages people to look into what things can and cannot be done with a piece of property. He did feel like the Board of Commissioners should revisit the minimum acreage in R-A as well.

Vice Chairman Dooley asked for a motion. Neil Hornsey suggested that the motion be tabled so that more time could be spent reviewing the document. Vice Chairman Dooley stated that the Board needs a recommendation of either approval or denial. Zoning Specialist Harmony Gee told the Commission that a second public hearing was scheduled for August 6th at the voting session of the Board of Commissioners that would also allow for additional public comment. Jameson Kinley explained to the Commission that they could recommend portions of the updates or strike sections that there would be options.

A motion was made that the RAC zoning classification be deleted and that the minimum lot size in R-A zoning district be a minimum of 1.5 acres.

Motion passed 4-0 Bennett/Maloney

Further questions by the Planning Commission resulted in the motion to be recanted.

John Maloney made a motion to recant the vote of the previous motion and was seconded by Neil Hornsey.

Motion passed 4-0.

Neil Hornsey made a motion to deny to update to the Land Use Resolution. The motion died for lack of a second.

Tim Bennett made a motion to leave the verbiage in R-A as presented and make the minimum lot size within R-A to be 1.5 acres, remove the Residential Agriculture Corrective District and the Commercial District as presented.

Motion passed 4-0. Bennett/Maloney

Vice Chairman Dooley then asked for an update from Planning and Development Director Jameson Kinley. Jameson stated that the Planning Department has been very busy with trying to update several ordinances, that the development formerly known as Etowah Village will be heard by the Planning Commission at their next meeting, updating the procedures of case law that will need to be updated in the Land Use Resolution.

There being no further business to discuss, the meeting was adjourned at 8:20 p.m.

Emory Dooley, Vice Chairman

Date

Attest: Harmony Gee

Date