

CITY OF DAHLONEGA City Council Public Hearing Agenda April 17, 2023, 4:00 PM Gary McCullough Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision - To be an open, honest, and responsive city, balancing preservation, and growth, and delivering quality services fairly and equitably by being good stewards of Dahlonega's resources.

CALL TO ORDER

Public Hearing:

1. REZN-23-1 James and JoAnn Gribben Doug Parks, City Attorney

ADJOURNMENT



Planning Commission Meeting Summary:

The applicant had a medical emergency and could not attend. The applicant was represented by a neighbor in favor of the application.

After much discussion about college and short-term rentals, Commission Spivey made a motion to deny, seconded by Commissioner Carroll.

Votes for denial: Commissioner Spivey, Commissioner Carroll, Commissioner Westmoreland, Commissioner Feagin

Abstained: Commissioner Guy

No need for the Chairman to vote.

Planning Commission Decision: Recommended Denial.



STAFF REPORT REZN 23-1

Applicant:	Jim and JoAnn Gribben
Owner:	Applegate Cottages LLC (Jim and JoAnn Gribben)
Location:	277 Hawkins Street
Acreage:	+/12 Acres
Current Zoning Classification:	R-1
Requested Zoning Classification:	R-2
Current Use of Property:	Single Family
General Land Use:	Single Family
City Services:	City utilities are currently onsite and in use.

Applicant Proposal

The applicant is requesting to rezone the property at 277 Hawkins Street from R-1 Single Family Residential to R-2 Multiple-Family Residential. There is no intent to redevelop the property other than to use it to the potential of the R-2 zoning classification.

History and Surrounding Uses

This property has been owned and operated by the applicant for the past eight years. It has always been zoned R-1 and has never been a part of a rezoning request before to the best of the staff's knowledge.

North: Directly across Hawkins Street is a roughly 12-acre parcel zoned R-2 with conditions. It was rezoned in August 2021 after an application by Signet LLC.

South: The property directly south is a single-family home that fronts Warwick Street. It is zoned R-1 Single Family. This property has had no zoning or variance requests that the staff is aware of.

East: The property to the east is owned by the applicant. Mr. Gribben has recently been approved for a variance as of last year for a setback reduction to construct a garage.

West: The property to the west is a 1.48-acre lot with a single-family residential home. It fronts Warwick Street and is zoned R-1 Single Family Residential.

Other significant uses in the area include our Historic District the is a block to the south and the Vickery Apartment to the Southwest.



The Following are questions from Article XXVI Section 2607 of the Zoning Code

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.

There is no significant change to the use of the property as it is currently being used.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

If approved, there would be no adverse effect on any surrounding properties.

3. Whether the zoning proposal will result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

This request would not put a burden on existing utilities or infrastructure if approved.

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.

The character area of this parcel is referred to in our Comprehensive Plan as Public Square. The following are encouraged distinctions of this area.

- All development to be compatible with design guidelines
- Preservation of existing structures where possible, or contextsensitive infill development
- 1-3 story structures oriented on Public Square and approaching streets close to the street front, with minimal on-site parking and full pedestrian accessibility
- Careful evaluation of sites on the ridge north of Hawkins Street offering possible mountain views above tree line
- Landscaping and decorative elements encouraged
- Mixed-use structures or a variety of residential, commercial, and institutional uses
- No drive-through uses permitted

This area is specifically designed around the preservation of the Square and Historic District. The current proposal does not impede the distinctions and can be interpreted as in line with the goals of the character area.

3



5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

This property is limited by its size as to what use it could be used for. The biggest change is the ability for the property to be used as a Short-Term Rental.

Staff Analysis

Rezoning of this parcel from R-1 to R-2 is not a significant change from what is currently existing. The property will continue to be limited by the amount of acreage and density requirements. If approved, there is no change in setback requirements, but the minimum square footage could be decreased to 1,000 square feet. It can also be used as a short-term rental. Approval would not have a significant impact on surrounding properties.

Staff Recommended Motion:

Motion/Recommendation to approve REZN 31-1



Site Plan:





Aerial:









Current Zoning:





Comprehensive Plan:



REZONING APPLICATION FORM CITY OF DAHLONEGA, GEORGIA

******	********	*************************	*****
		****	"AFREGAL.
Property Owner:	Name:	JIM + JOANN GRIBE	For Compassinc
	Address:		
	Phone:		
Applicant:	Name:	- SAME -	
(if different from Owner)	Address:		
	Phone:		
Agent:	Name:	NA	
(if applicable)	Address:		127 (J 1
æ .	Phone:		
Existing Zoning:	RI	RESIDENTIAL	
Proposed Zoning:		MUCT-FAMILY R	
Existing Use:	OWNERSHIP - RENTAL		
Proposed Use:	SAI	UE - RENTAL	
Acreage of Site:			
Location of Property:	DEAD END HAWKINS ST.		
(Street address)	<u>277</u>	HAWKINS STREE	
Tax Plat and parcel:	Doy 0	165 .12 ARES	

A metes and bounds legal description is required. Also attach a boundary survey of the property if available.

1) The applicant is bound by the submitted site plan and letter of intent if this application is approved and development must be initiated within twenty-four months or the approved zoning is subject to reversion to its previous zoning by the Governing Body.

2) It is the policy (but not a legal requirement) that adjacent property owners and those owners within 150 feet of the subject property are notified by certified mail of the application.

3) The following nine questions can be answered within a letter of intent, but failure to answer any one can result in <u>denial of the application</u>.

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

WILL NOT ADVERSELY AFFECT NEARBY FROHERTIES, CURENTLY A RENTAL + WILL STAY SAME. We OWN ADJOINING PROPERTY + NEXT TO RETRACT.

2. The extent to which property values are diminished by the particular zoning restrictions.

NO CHANGE , THE ONLY PROPERTIES FOTENTIALLY INPACTED WOULD BE NEXT DOOR (257 HAWKINS ST.) WHICH WE OWN & SIGNET'S 10 ACRES ZONED R.Z.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

NA

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

SAME - CURRENTLY RENT TO BUSINESS OWNER + A UNG PROFESSOR. UPSTAIRS + DOWNSTAIRS RENTAL WITH SEPERATE ENTRANCES, NO CHANGE CURRENTLY USED AS MUCTI- FAMILIA. - Page 11 -

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

WILL NOT BE DEVELOPED, VERY SMALL LOT.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

HAS NOT BEEN VACANT PROPERTY N/A.

- 7. The zoning history of the subject property.
- RI CURRENTRY NOW TO RZ MULTI-FAMILY WHICH HAS BEEN USAGE THE LAST 15+ YEARS. PROPER ZONING FOR USAGE. 8. The extent to which the proposed zoning will result in a use which will or could
- The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

NO CHANGE, SAME CONTINUING USAGE. END OF EXISTING PARKING.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

125

THIS CHANCE IS IN LINE WITH DAHONDOAS LONG TORM HOUSING NEEDS + REQUIREMENTS

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Property Owner's Certification

I hereby request the action contained with this application relative to the property shown on the attached plats and site plan and further request that this item be placed on both the Planning Commission and City Council's agenda(s) for a public hearing.

I understand that the Planning and Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that I have the obligation to present all data necessary and required by statute to enable the Planning Commission and City council to make an informed determination on my request. I will seek the advice of an attorney if I am not familiar with the zoning and land use requirements.

I understand that my request will be acted upon at the Planning Commission and City Council hearings and that I am required to be present or to be represented by someone able to present all the facts. I understand that failure to appear at the public hearing may result in the postponement or denial of my application. I further understand that it is my responsibility to be aware of relevant public hearing dates and time regardless of notification from the City of Dahlonega.

I herby certify that I have read the above and that the above information as well as the attached information is true and accurate.

I certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of rezoning of this property.

(Signature of Property Owner: _	Daz	Son John Hiden
Printed name of Property Owner :	JAMES	EGRIBBAN JOANNG. GRIBBEN
Date of Signature:	1/28/23	01-22-23
Signature of Witness: <u>Allo</u>	1Stægg	Frank Stag

DISCLOSURE OF CAMPAIGN CONTRIBUTION (Applicant(s) and Representative(s) of rezoning)

Pursuant to OCGA Section 36-37 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for re-zoning & campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following information:

1. The name of the local official to whom the campaign contribution was made: 1×1

The dollar amount and/or description of each campaign contribution made by the applicant to the local government official during the two years immediately

2. The dollar amount and/or description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution:

Amount \$_	
Date:	
-	

Amount \$	
Date:	

3. Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning:

Signature of Applicant/ Representative of Applicant: Date:

By not completing this form you are making a statement that no disclosure is required because no contributions have been made.

This form may be copied and additional pages attached if necessary.

Mr. Jameson Kingsley and Dahlonega Planning Commission City of Dahlonega Planning and Zoning Administrator

Subject:

Request to Rezone from R-1 to R-2 277 Hawkins Street, Dahlonega

As discussed, my wife and I are proposing to Rezone 277 Hawkins Street from its current R-1 Residential, to R-2 Multiple Family Residential.

The attached package provides background, describing past and present usage for this property. We've owned for 8 years and during this time we've rented to separate upstairs and downstairs tenants. The home has a separate entrance and egress and was set up this way when we purchased in December 2014. We do not rent to students, our current tenants are a business owner and a UNG College Professor, this usage supports and is consistent with the needs stated in Dahlonega's Housing Studies.

This change would have no detrimental impact on neighboring properties and the only properties on this section of the dead end section of Hawkins Street would be our other home at 257 Hawkins Street and the property owned by Signet Corporation (10 acres). Two years ago the City approved Signet to re-zone their property from R-1 Residential to R-2 status.

We have no plans to develop this property as its only .12 acres, the purpose is to properly zone the house based on current and past usage, but also to be consistent with the R-2 Multi Family property located next door. There is plenty of parking available and would have no impact on City Services.

Thank you again for your assistance and let me know if you need further information.

Best Regards,

Jim and JoAnn Gribben

DOCH 005685 FILED IN OFFICE 11/25/2020 09:30 AM BK:1483 FG:653-654 RITA HARKINS CLERK OF COURTS LUMPKIN COUNTY

REAL ESTATE TRANSFER TAX PAID: \$0.00

PT-61 093-2020-001955

RETURN TO:

ANGELA GRANT CLARK P.O. BOX 611 DAHLONEGA, GA 30533

WARRANTY DEED

STATE OF GEORGIA COUNTY OF LUMPKIN

THIS INDENTURE, made this ________ day of October in the Year of Our Lord Two Thousand and Twenty, between James E. Gribben and JoAnn Gribben, as parties of the first part, and Applegate Cottages, LLC, as party of the second part,

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these present, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these present does grant, bargain, sell and convey unto said party of the second part, it's successors and assigns, the following described property:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of the said party of the second part, it's successors and assigns, forever, in fee simple.

And the said parties of the first part, for their heirs, executors and administrators, will warrant and forever defend the right and title of the above-described property unto the said party of the second part, it's successors and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set hand and affixed seal, the day and year first above written.

Signed, this 15^{m} day of October, 2020, in the presence of:

Unofficial Witness

Notary Public

(SEAL) Ann Gribben

(SEAL)

(oA1

State of Georgia

20re-671

avent was not requested or performed.

James E. Gribber

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EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 928 OF THE 12TH LAND DISTRICT, 1ST SECTION OF LUMPKIN COUNTY, GEORGIA, CITY OF DAHLONEGA, AND BEING 0.120 ACRES MORE OR LESS, ACCORDING TO THAT CERTAIN PLAT OF SURVEY DATED APRIL 1, 2015, PREPARED FOR JAMES AND JOANN GRIBBEN BY RICHARD WEBB AND ASSOCIATES, REGISTERED SURVEYOR, SAID PLAT BEING RECORDED IN PLAT BOOK 2020, PAGE 144, LUMPKIN COUNTY RECORDS. SAID PLAT IS HEREBY INCORPORATED HEREIN BY REFERENCE.

20RE-671

Help



1/1