

# CITY OF DAHLONEGA BOARD OF ZONING APPEALS AGENDA MONDAY, FEBRUARY 15, 2021 AT 4:00 PM CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER

In compliance with the Americans with Disabilities Act, those requiring accommodation for Board of Zoning Appeals meetings please contact Kevin Herrit at the Community Development Department.

## **Call to Order**

Pledge of Allegiance

## **Approval of Minutes**

## **Old Business**

## **New Business**

- <u>1.</u> BZA-21-1\_Goldenrod LN Variance for front side setback of 25 feet along Wimpy Mill Road
- 2. BZA-21-3\_196 Park Street North Variance request to reduce front setback to 10 feet

# Adjournment



# STAFF REPORT BZA-20-1

Applicant:	William Shirley
Owner:	William Shirley
Location:	Vacant parcel on Goldenrod LN. (Parcels # D10- 086)
Acreage:	+/2997 Acres
Current Zoning Classification:	R-3
Current Use of Property:	Undeveloped
General Land Use:	Residential
City Services:	All city services are available at this site.
Traffic Impact:	Light residential traffic at +/- 16 average annual daily trips (AADT)
Reasonableness of Request:	The development of this parcel is an infill opportunity that should be beneficial for the neighborhood and community.

Conditions of Hardship:

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district.

**Answer** – There are no extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other land or structures in the same district.

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located.

**Answer** – The literal interpretation of the zoning regulations' provisions is creating an unnecessary hardship due to the double frontage on two roads. The lot of record was created before the adoption and change to the front setback of 35 feet. Other structures in the neighborhood have smaller front setbacks. The change in the proposed side front setback along Wimpy Mill Road will orient the new structure to the rear of the property as it fronts Goldenrod LN.



3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

**Answer** – Granting of the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located. The front setback and building frontage are in character with other structures located within the Goldenrod Lane and Wimpy Mill area.

4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value.

**Answer** – Granting relief will be in harmony with the purpose and intent of the zoning regulations. It will not be injurious to the neighborhood or the general welfare of the community.

5. The special circumstances are not the result of the actions of the applicant.

**Answer** – The special circumstances are a combination of the result of the actions of the applicant and the front setback regulations as designed for development after the 1940s.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

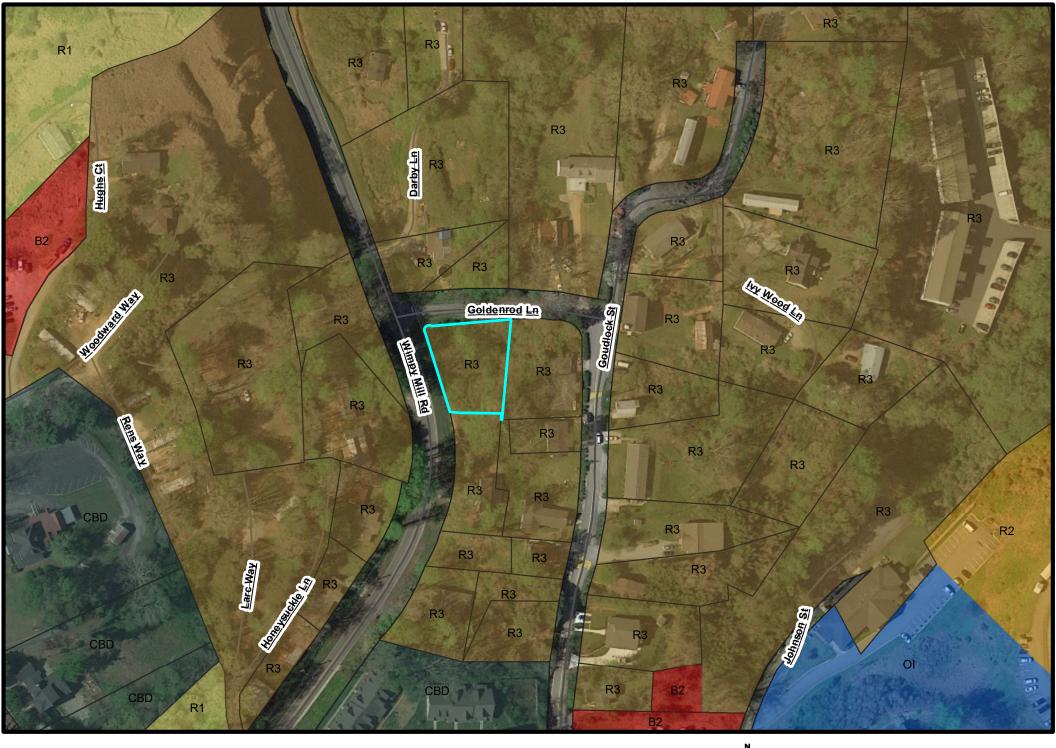
**Answer** – The requested variance of 25 feet is the minimum variance that will make possible the legal use of the land, building, and/or structures proposed.

7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved

**Answer** – The use of the land, building, or structures are permitted by right in the district.

### Community Development Dept. Recommendation:

The department recommends approval of the 25-foot variance on the front side setback for parcel # D10-086.



Legend Zoning B2 I R1 ZONINGCODE B3 01 R2 D01 R2 B1 CBD PUD R3 201877 R0005



Zoning Map for BZA-21-1



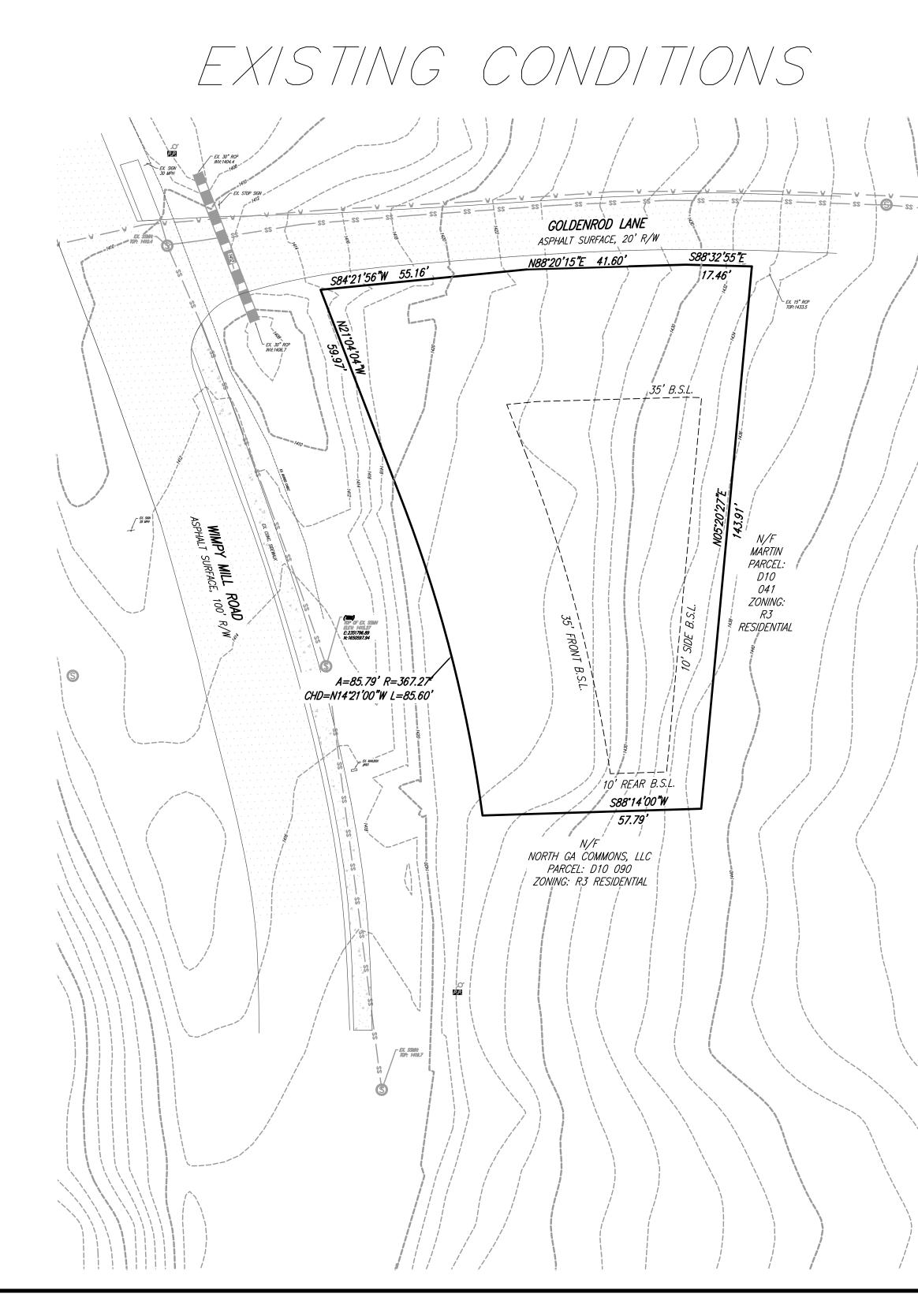
City of Dahlonega, GA

This map is for informational purposes only. Please use this as a planning document to help with Community Development.

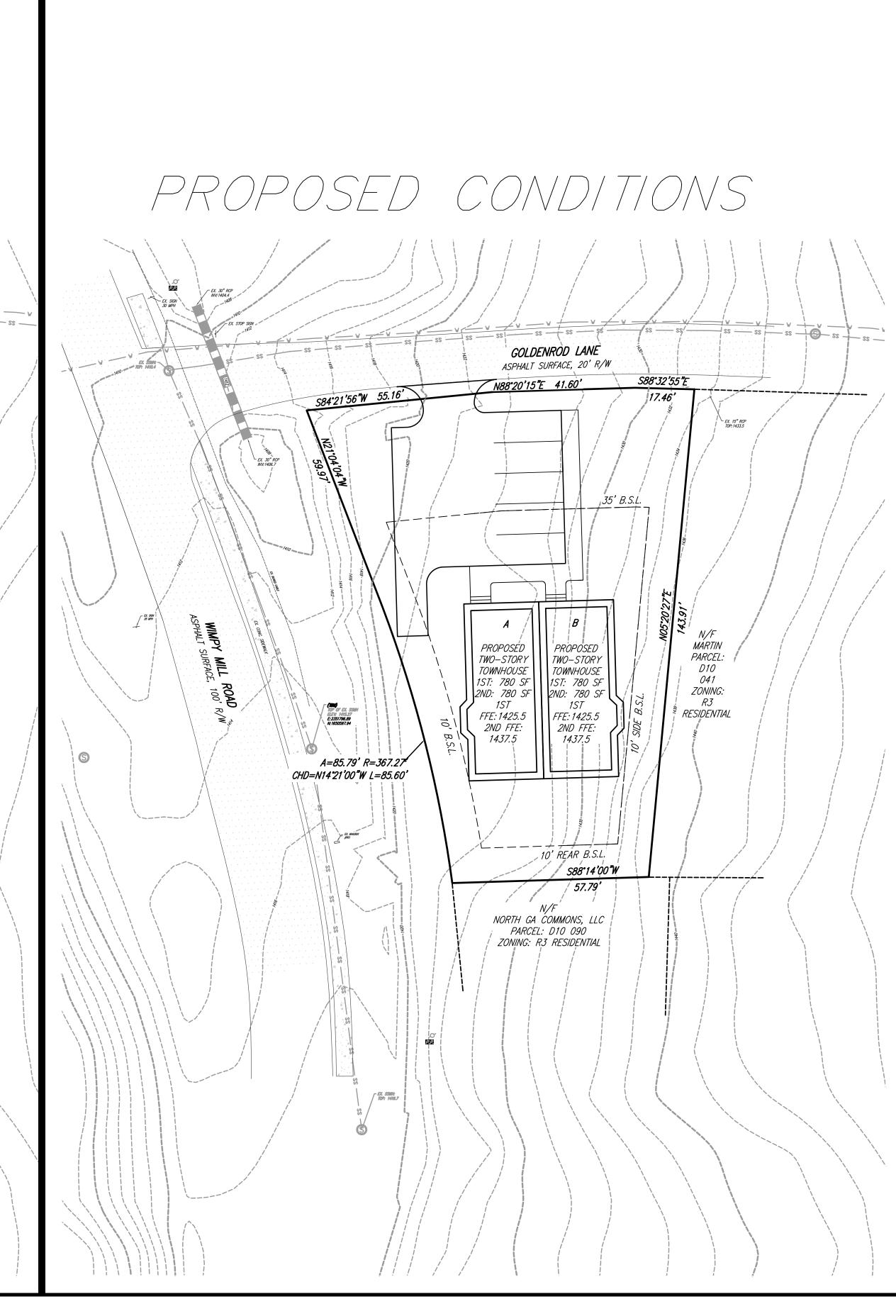
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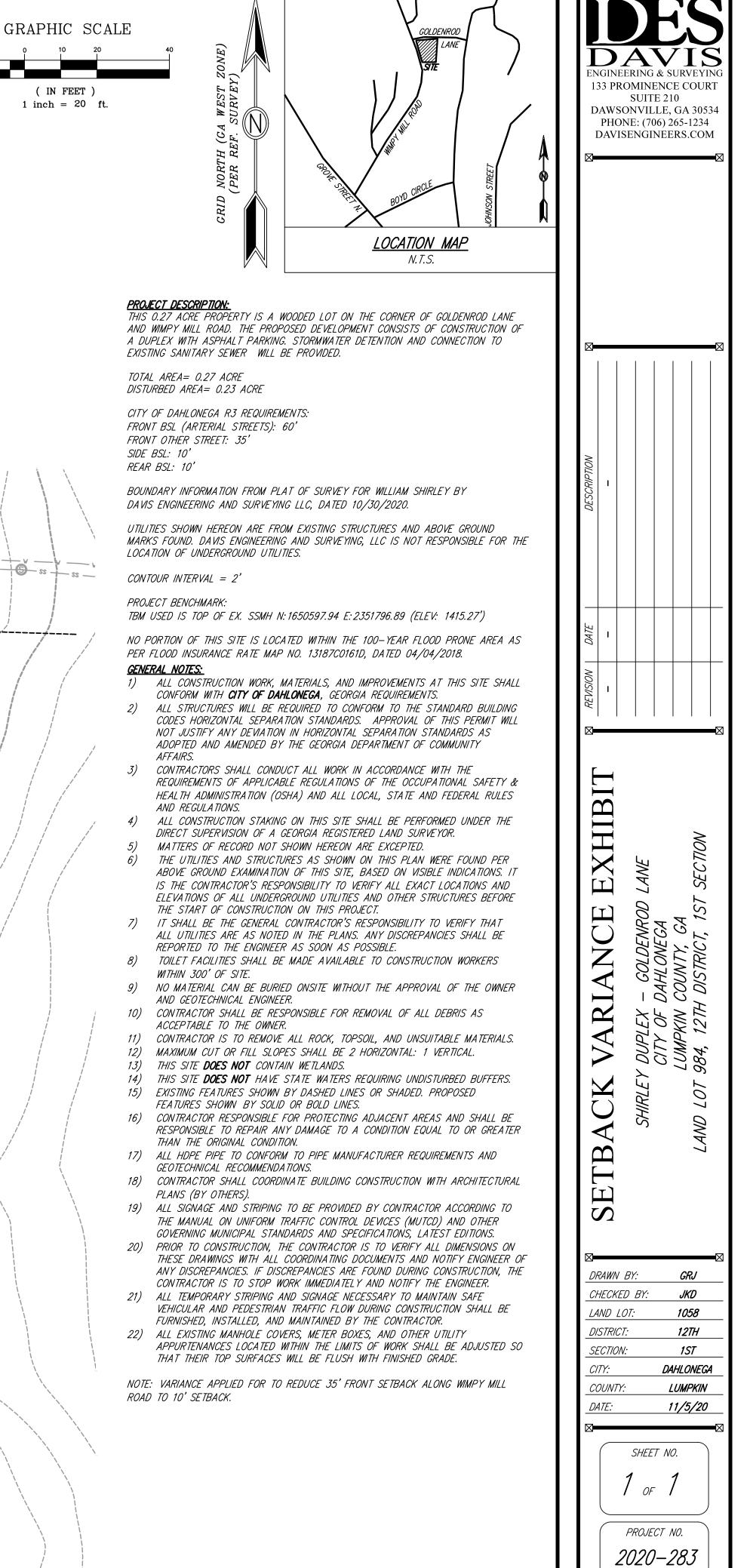


IF ANY CONFLICTS, DISCREPANCIES, OR ANY OTHER UNSATISFACTORY CONDITIONS ARE DISCOVERED, EITHER ON THE CONSTRUCTION DOCUMENTS OR FIELD CONDITIONS, THE CONTRACTOR MUST NOTIFY THE ENGINEER IMMEDIATELY AND SHALL NOT COMMENCE FURTHER OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.

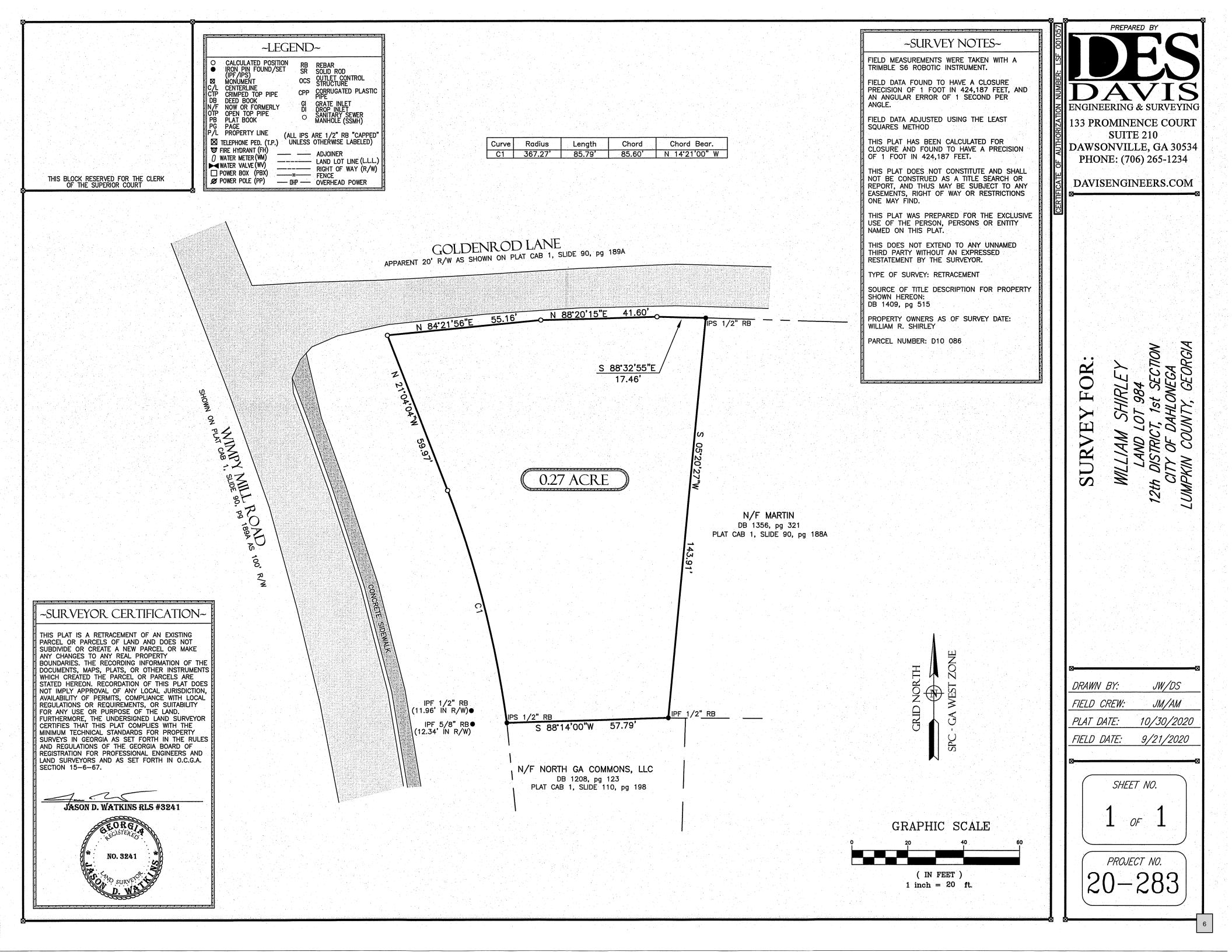


OWNER/DEVELOPER WILLIAM R. SHIRLEY P.O. BOX 426 DAHLONEGA, GA 30533 PHONE: (706) 864-3364 wrshirley@gmail.com 24-HOUR CONTACT WILLIAM R. SHIRLEY (404) 374-1716

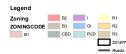


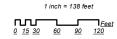


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Zoning Map for BZA-21-3



This map is for informational purposes only. Please use this as a planning document to help with Community Development.

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# STAFF REPORT BZA-20-3

Applicant:	Venture 21, Inc Jordan Moss
Owner:	Venture 21, Inc Jordan Moss
Location:	196 Park Street North (Parcel # D06-033)
Acreage:	+/- 0.3347 Acres
Current Zoning Classification:	R-1
Current Use of Property:	Vacant
General Land Use:	Residential
City Services:	All city services are available at this site except Sewer.
Traffic Impact:	Light residential traffic at +/- 8 average annual daily trips (AADT)
Reasonableness of Request:	The development of this parcel is an infill opportunity that should be beneficial for the neighborhood and community.

Conditions of Hardship:

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district.

**Answer** – There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other land or structures in the same district. The lot of record is smaller than most lots in the surrounding neighborhood, and they are not accessible to the city sewer.

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located.

**Answer** – The literal interpretation of the zoning regulations' provisions is creating an unnecessary hardship due to the double frontage on two roads. The lot of record was created before the adoption and change to the front setback of 35 feet. Other structures in the neighborhood are placed closer to the right-of-way and are in violation of the current front setback. The requested change in the front setback along Park Street North is to place a structure in the same location that the past



structure was in after it was damaged due to a tree falling on the old structure and causing it to be demolished.

3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

**Answer** – Granting of the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonable affect their value.

**Answer** – Granting relief will be in harmony with the purpose and intent of the zoning regulations. It will not be injurious to the neighborhood or the general welfare of the community.

5. The special circumstances are not the result of the actions of the applicant.

**Answer** – The special circumstances are not a result of the actions of the applicant.

6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

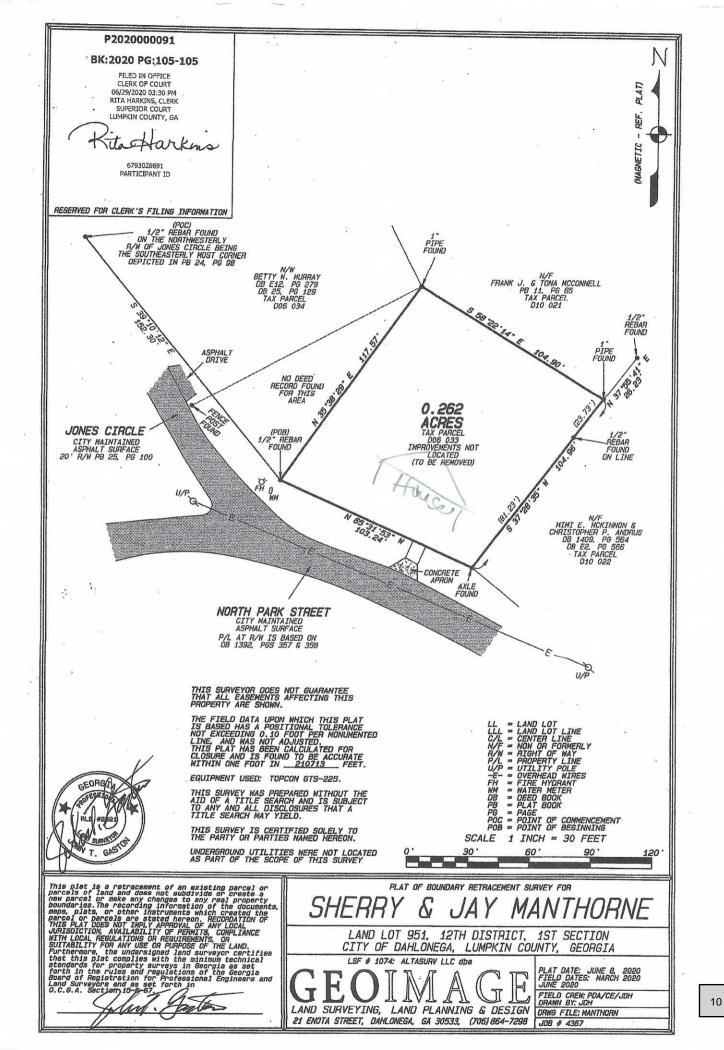
**Answer** – The requested variance of 25 feet is the minimum variance that will make possible the legal use of the land, building, and/or structures proposed.

7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved

**Answer** – The use of the land, building, or structures are permitted by right in the district.

Community Development Dept. Recommendation:

The department recommends approval of the 25-foot variance on the front side setback for196 North Park Street, also known as parcel # D06-033.



Proposed Variance

#### EXHIBIT A

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 951, 12<sup>TH</sup> DISTRICT, 1<sup>ST</sup> SECTION, LUMPKIN COUNTY, CITY OF DAHLONEGA, GEORGIA AND BEING A PORTION OF THE PROPERTY SHOWN ON A PLAT PREPARED BY JOHN T. GASTON, GEORGIA REGISTERED LAND SURVEYOR, DATED JUNE 8, 2020. SUBJECT PLAT BEING OF RECORD IN PLAT BOOK 2020, PAGE 105, LUMPKIN COUNTY RECORDS. SAID PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT A 1" PIPE FOUND AT THE NORTHEAST CORNER OF SUBJECT PROPERTY AS SHOWN ON THE ABOVE REFERENCED PLAT OF SURVEY; THENCE SOUTH 37 DEGREES 28 MINUTES 35 SECONDS WEST 94.96 FEET TO A POINT; THENCE NORTH 65 DEGREES 31 MINUTES 53 SECONDS WEST 103.24 FEET TO A POINT; THENCE NORTH 35 DEGREES 38 MINUTES 29 SECONDS EAST 107.57 FEET TO A 1" PIPE FOUND; THENCE SOUTH 58 DEGREES 22 MINUTES 14 SECONDS EAST 104.90 FEET TO A 1" PIPE FOUND, BEING THE POINT OF BEGINNING. SAID PLAT IS HEREBY INCORPORATED BY REFERENCE.

20RE-672