



CITY OF DAHLONEGA
BOARD OF ZONING APPEALS AGENDA
MONDAY, APRIL 17, 2023 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 the City Manager.

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 AND WELCOME

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

APPROVAL OF MINUTES

1. Board of Zoning Appeals Minutes - February 20, 2023
Mary Csukas, City Clerk

NEW BUSINESS

2. BZA-23-1 Rhett Stringer - Public Hearing for Rhett Stringer on behalf of the estate of Paul Stringer (BZA23-1) – A request to vary from Section 605.1a and 605.1d to allow for a previous parking lot that extends past the property line at 2718 South Chestatee Street (081-037). This parcel is zoned B-2 (Highway Business District).

ADJOURNMENT



CITY OF DAHLONEGA
BOARD OF ZONING APPEALS MINUTES
MONDAY, FEBRUARY 20, 2023, AT 4:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL
CHAMBER

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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

Mayor Taylor called the Board of Zoning Appeals to order at 4:00 PM

PRESENT

Mayor JoAnne Taylor
Councilmember Roman Gaddis
Councilmember Ron Larson
Councilmember Johnny Ariemma
Councilmember Ryan Reagin
Councilmember Ross Shirley
Councilmember Lance Bagley

Pledge of Allegiance

Mayor Taylor led the Pledge of Allegiance.

Approval of Minutes

1. Board of Zoning Appeals Meeting Minutes - December 19, 2022
Mayor Taylor called for a motion to approve the December 19, 2022, minutes.
Motion made by Councilmember Bagley, Seconded by Councilmember Larson.
Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Bagley

Old Business

No old businesses were discussed.

New Business

2. Summit 2 Waiver of Minimum Vertical Curvature (Section 4.2)
City Engineer Mark Buchanan and Larry Lackey, PE
City Engineer Buchanan informed the council that the applicant had submitted plans for a single community of 24 homes on Summit Drive. They request a waiver from Section 4.2 of the Development Regulations because of site

constraints. He discusses the difference between K values of 20 for crest curves and 30 for sag curves for vertical curvature. The minimum values specified in the City's development laws are more conservative than those found in the policy of the American Association of State Highway and Transportation Authorities. City Engineer Buchanan recommends Minimum K values because 3 for vertical curves and 10 for sag curves, given a 15mph speed. The most recent set of design drawings provided by the applicant contains both sag and crest curves with K values as low as 5.

City Attorney Parks asked Director Buchanan if anyone in the audience could support his application. A contractor for Phase I of The Summit Development questioned if this project would impact Phase I. Director Buchanan stated that this appeal would only affect Phase II of The Summit.

Councilmember Gaddis and Councilmember Larson requested a review of the Development Regulations.

Councilmember Ariemma and Director Buchanan discussed the speed limit and the road length.

Motion made by Councilmember Larson, Seconded by Councilmember Shirley, to approve the Summit 2 Waiver of Minimum Vertical Curvature (Section 4.2)

Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Bagley

Information & Training

No new information and training.

Adjournment

Mayor Taylor called for a motion to adjourn the Board of Zoning Appeals Meeting.

Motion made by Councilmember Gaddis, Seconded by Councilmember Ariemma.

Voting Yea: Councilmember Gaddis, Councilmember Larson, Councilmember Ariemma, Councilmember Reagin, Councilmember Shirley, Councilmember Bagley

The meeting was adjourned at 4:11 P.M.

City of Dahlonega Planning & Zoning
465 Riley Road
Dahlonega, GA 30533
Phone: 706/864-6133 . Fax: 706/864-4837

VARIANCE CHECKLIST

1. Completed Application
2. Copy of a recorded plat
3. Letter of Intent
4. Site Plan (Requirements in Section 2606)
5. Fee is Paid
6. Disclosure of Campaign Contributions (included in application)

All City codes and regulation can be found online at the following link.
https://library.municode.com/ga/dahlonega/codes/code_of_ordinances

Process and Timeline:

- Application must be completed and submitted 45 days prior to Planning Commission
- Planning and Development will create a staff report and advertise the Public Hearings 30 days prior to the meetings.
 - Planning Commission meets first (1st) Tuesday of every month
 - Board of Zoning Appeals schedule for (3rd) Monday of every month
 - After the decision, there is a 30 day appeals period
(Days subject to change based on holidays)

Please contact Jameson Kinley with Community Development with any questions.

Jameson Kinley
Planning and Zoning Administrator
jkinley@dahlonega.gov
(cell) 706-701-0736

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:

N/A

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: Robert Star

Date: 2-17-2023

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.

We believe the intent of this requirement will not be met if it is enforced in this particular situation and location. This requirement will do more harm than good at this location.

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

The existing use will continue just out of a new building.

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

The requirement of the handicapped parking and access to the building will still be paved as required.

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.

This request is to allow the existing use to continue as it has for the last 13+ years under our management.

1. 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; and

Although the property is over 16 acres, it is only 125' wide between the road right of way and the stream buffer. Due to this shape, there is a very limited distance that runoff from the parking lot will be able to flow through vegetation. The flow of runoff through vegetation provided for the removal of pollutants such as hydrocarbons that will not settle out in the storm system. With a gravel parking area, the majority of these pollutants will be absorbed into the ground and not be washed into the river. This is the same reason that the city drinking water reservoir had an impervious buffer requirement of 100' around and upstream of it.

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; and

The parking area has been used for parking for over 25 years. Since this use will be ongoing, the requirement to pave the parking area would be an environmental hardship that could adversely affect the river.

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; and

Granting this variance will allow the property to continue being used as it has for the last 25+ years as an access to the Chestatee River and also as an outfitting business for the last 13 years without negatively impacting the river.

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; and

VARIANCE REQUESTED TO:

1. CODE SECTION: 605.1 a.

REQUIREMENT:

All parking areas containing more than five spaces shall be surfaced with concrete or asphalt

REQUESTED VARIANCE:

Allow the parking to have a compacted gravel surface instead of a concrete or asphalt surface.

JUSTIFICATION:

The current use as an outdoor outfitters has been ongoing since 2010 utilizing a gravel parking lot. The proposed new building will continue this use along with the addition of sandwich shop type dining and souvenir sales in the building. Additional pavement will result in an increase in the velocity of storm water runoff increasing the potential for erosion of the landscaped areas of the site. Also, the increased runoff volume may require the construction of larger detention facilities resulting in additional disturbance to the established vegetation. The primary use of river trips is required to be in close proximity to the river. This requested variance, if granted, will reduce the adverse effects on the river environment.

2. CODE SECTION: 605.1 d.

REQUIREMENT:

A parking lot pavement setback of ten (10) feet from any public street right-of-way

REQUESTED VARIANCE:

Allow a portion of the parking lot to be located on the right of way of SR 60, South Chestatee St.

JUSTIFICATION:

It is the interpretation that is requirement would still be in effect if the variance is granted to allow gravel parking. The setback requirement would then be to the gravel parking area. Due to the shape of the property, the area available for parking is limited by slopes, setbacks and buffers. The Georgia Department of Transportation has leased a portion of the right of way to improve the parking area. This lease agreement cannot override the City ordinances, therefore to utilize the leased property for parking, a variance is required.

LEGEND

- PROPERTY CORNER
- IRON PIN FOUND/SET (IPF/IPS)
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- R/W RIGHT OF WAY
- P/L PROPERTY LINE
- N/F NOW OR FORMERLY
- IPS 1/2" ROD/CAP
- CTP CRIMPED TOP PIPE
- OTP OPEN TOP PIPE
- RCP REINFORCED CONCRETE PIPE
- U/P UTILITY POLE
- CMP CORROGATED METAL PIPE

REFERENCES:

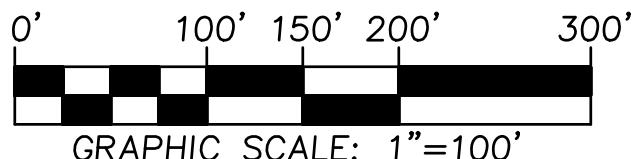
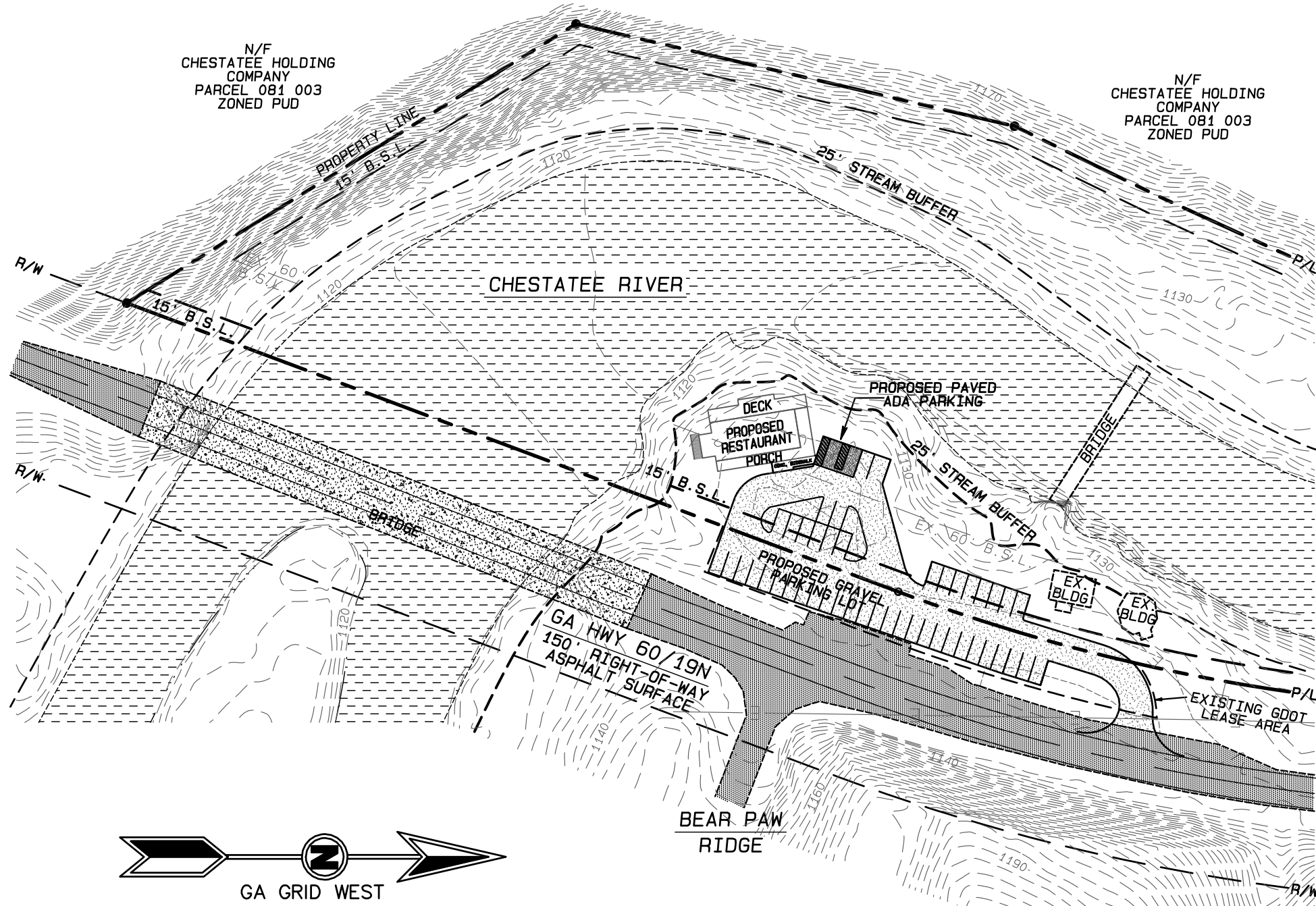
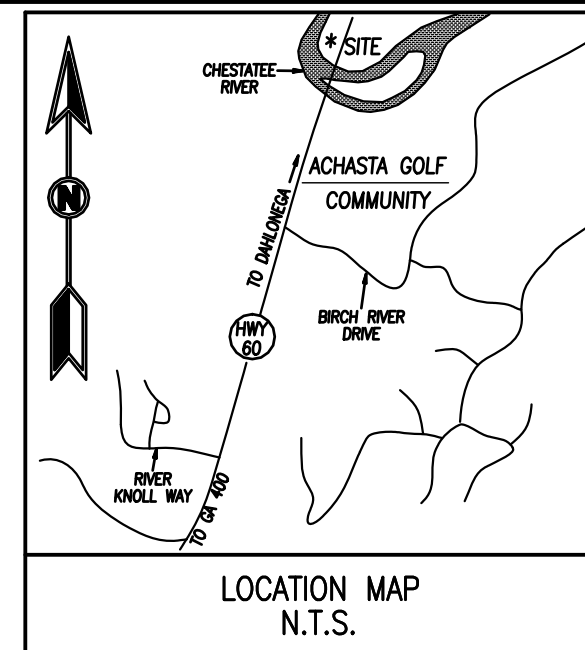
BOUNDARY INFORMATION FROM PLAT OF SURVEY FOR PAUL STRINGER BY LAND PLAN GROUP DATED 3/29/15, RECORDED IN PB 1-204, PG 80.

TOPOGRAPHIC INFORMATION FROM LUMPKIN COUNTY TOPOGRAPHIC DATA.

CONTOUR INTERVAL = 2'

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD PRONE AREA PER FEMA MAP 13187C0164D.

24 HOUR CONTACT:
RHETT STRINGER



GENERAL NOTES:

1. PARCEL ID#: 081 037
2. CURRENT ZONING: B2
3. TOTAL ACREAGE: 16.73 AC.
4. TOTAL BUILDING AREA: 1,980 SF
PORCHES/DECKS: 1,940 SF
5. TOTAL PARKING PROVIDED: 47 SPACES
6. WATER/SEWER SOURCE: CITY OF DAHLONEGA PUBLIC UTILITIES
7. BUILDING SETBACKS:
FRONT = 60'
FRONT: 15' (APPROVED 11/01/21)
REAR = 20'
SIDE = 20'

DES DAVIS
ENGINEERING & SURVEYING
133 PROMINENCE COURT
SUITE 210
DAWSONVILLE, GA 30534
PH: (706) 265-1234
DAVISENGINEERS.COM

VARIANCE EXHIBIT FOR:
RHETT STRINGER
LAND LOT 145
11TH DISTRICT, 1ST DISTRICT
CITY OF DAHLONEGA
LUMPKIN COUNTY, GEORGIA

DRAWN BY: PSA/LR
FIELD CREW: N/A
DWG DATE: 2-10-23



CALL BEFORE YOU DIG!
1-800-282-7411

SHEET NO.
1 OF 1

PROJECT NO.
20-273

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 FUTHER OPERATION UNTIL THE CONFLICTS, DISCREPANCIES, OR OTHER UNSATISFACTORY CONDITIONS ARE RESOLVED.



STAFF REPORT

BZA 23-1

Applicant: Rhett Stringer
Owner: Estate of Paul Stringer
Location: 2718 South Chestatee Street
Acreage: +/- 16.736 Acres
Current Zoning Classification: B-2
Reason: Variance from Section 605.1a and 605.1d to allow for a pervious parking lot that extends past the property line
City Services: City to provide services

Applicant Proposal

The applicant wishes to build a riverside restaurant on the property. Given the unique shape of the lot and the proximity to the river, the applicant is requesting to have a gravel parking lot that extends into the GDOT right-of-way. Having already received permission from GDOT, the applicant now requests variances from the city's parking and loading area design requirements that specify the parking lot be surfaced with concrete or asphalt and setback 10 feet from the right-of-way.

History and Surrounding Uses

This property has been operating as a business for the last seven plus years. Most of the surrounding area is vacant land or river.

This property was granted a variance in November 2021 to reduce the setback from 60' to 15' for the same purpose of developing a restaurant.



The Following are questions from Article XXVI Section 2607 of Zoning Code with staff opinions:

1. **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; and**

Due to the restraints of the right of way and river buffer, there is minimal area to develop.

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; and**

The applicant desires to expand an already existing business by adding a restaurant and related parking. A strict enforcement of the general standard would create an unnecessary hardship.

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; and**

Given the unusual circumstances of this property, this is somewhat a unique scenario and should be taken case-by-case. Proximity to the river and the fact that this has been a gravel parking lot for a number of years give reason to believe that no special privileges are given to this site.

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; and**

While the intent of the ordinance is not to have unpaved surfaces in parking lots and a setback to the parking lot, it does not take into consideration every scenario.

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

Correct.



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

This variance is minimum because of the location and consideration of the environmental impact of the stream.

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.**

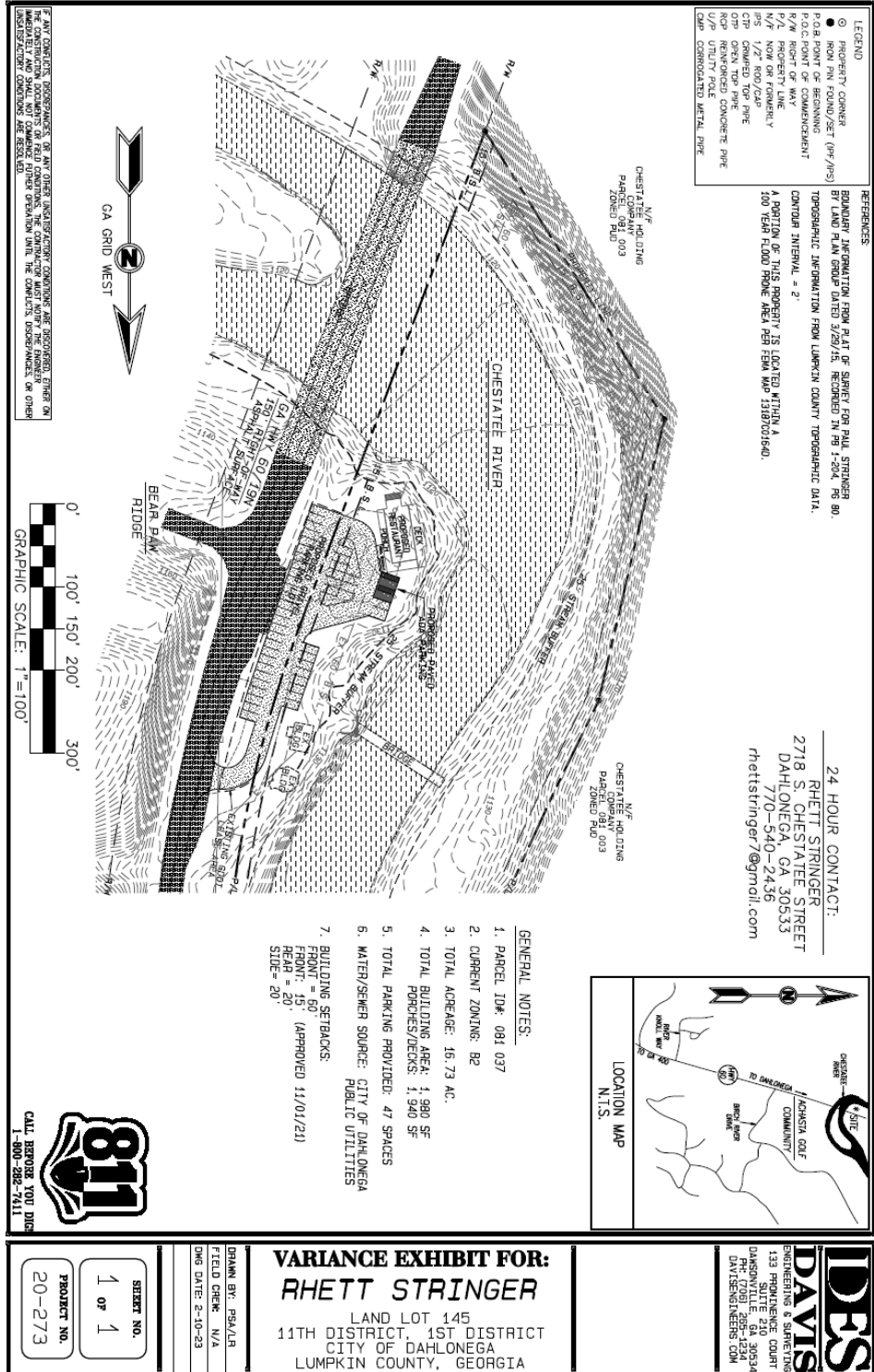
Correct

Staff Analysis

Given the circumstances between EPD buffers, right of way, flood plains, and overall proximity to the river, staff recommends approval of this variance. This is more of an environmentally friendly solution as opposed to pavement or concrete. The addition of a significant amount impervious surface close to the river could cause unintended runoff that allows additional pollutants directly into the river. Water that is allowed to soak into the ground slowly provides a filter and is proven to improve water quality coming from the site.

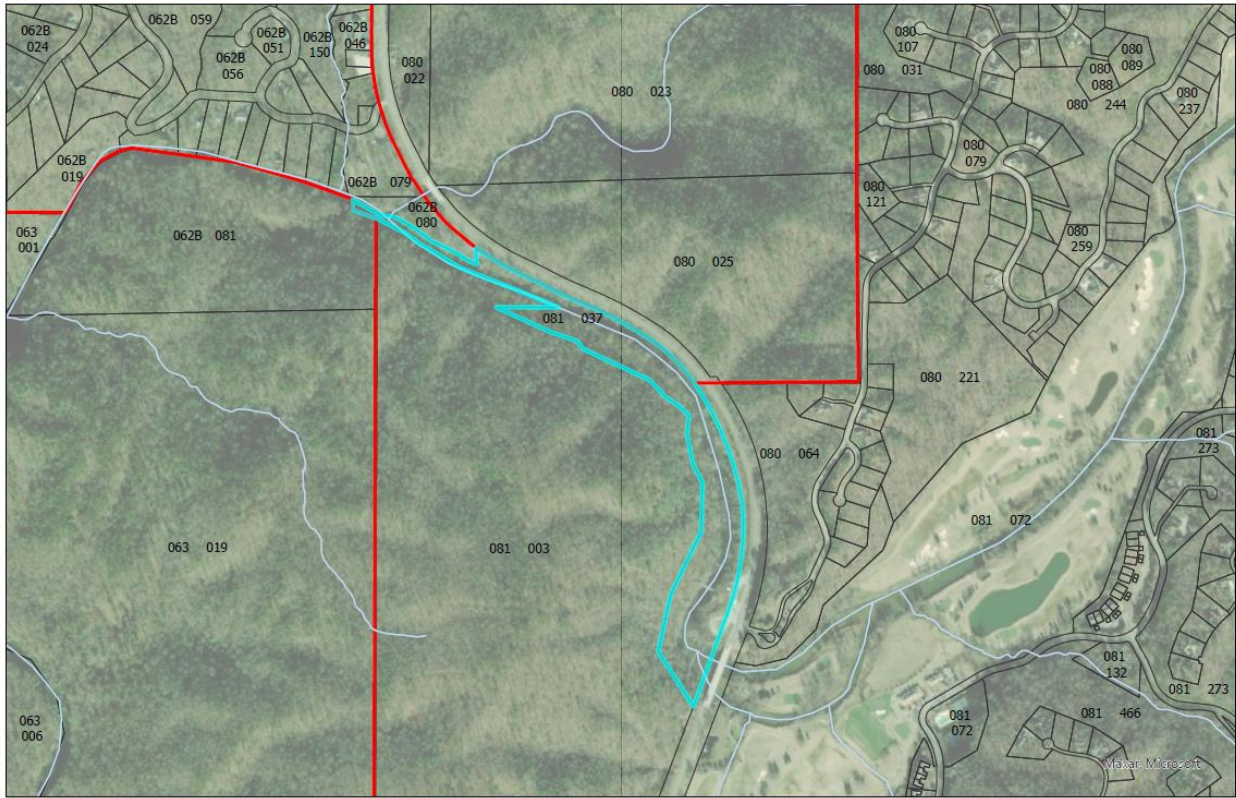


Site Plan:





Aerial view of the Parcel:

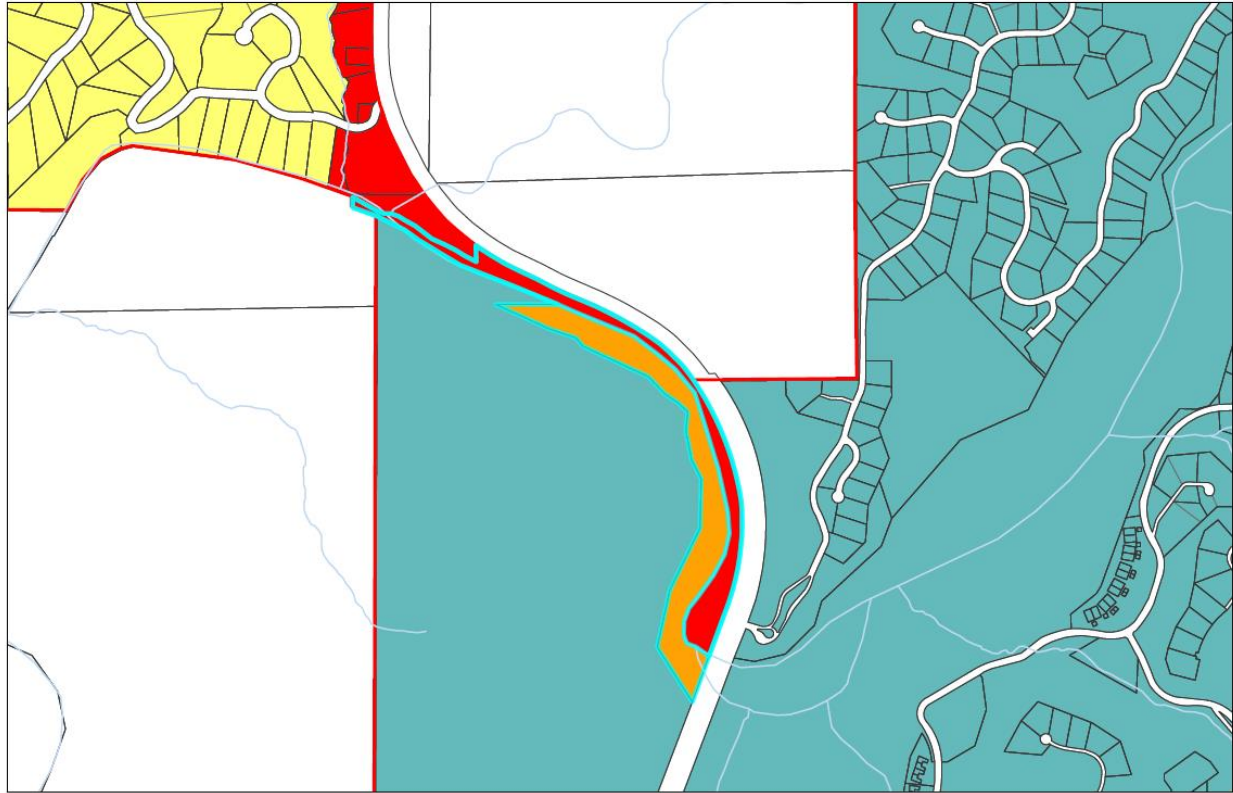


0 500 1,000 2,000 Feet





Current Zoning:



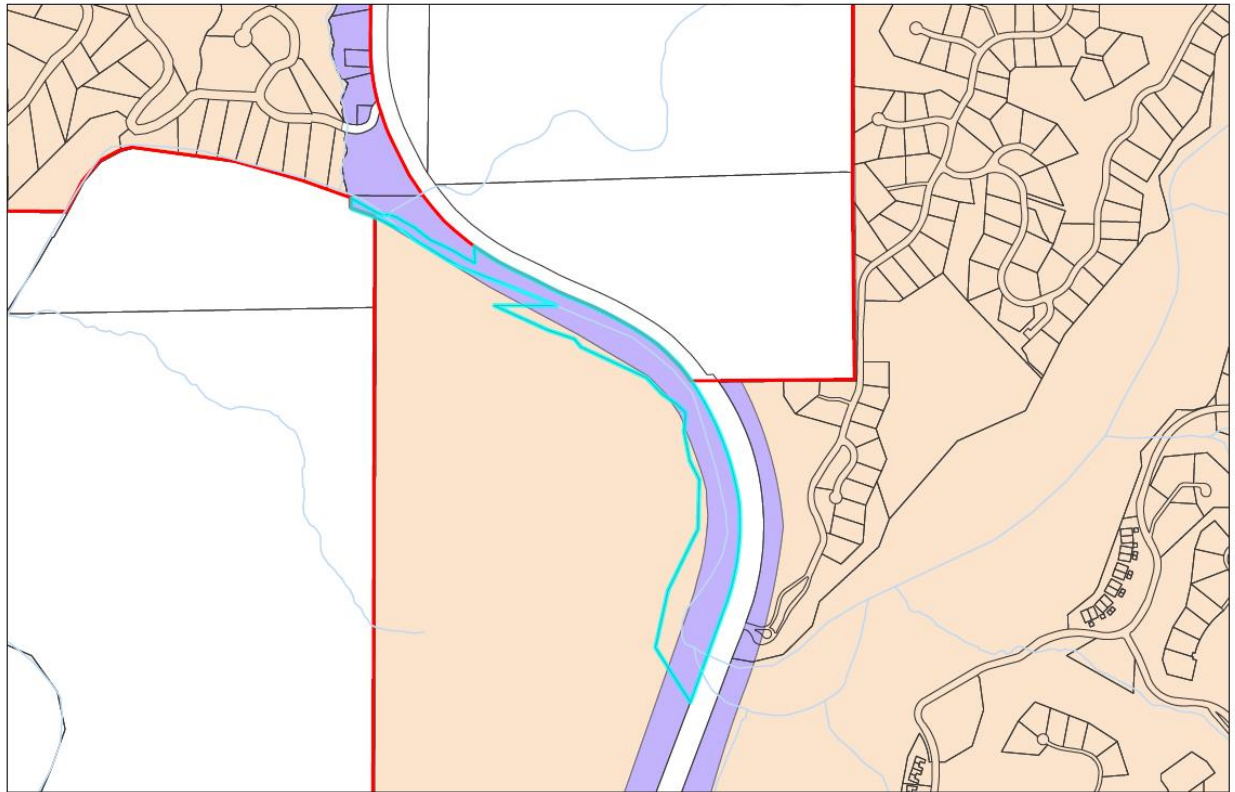
0 500 1,000 2,000 Feet



Zoning		
B2	I	R1
B1	B3	OI
CBD	PUD	R2
		R3



Comprehensive Plan:



0 500 1,000 2,000 Feet



Dahlonega Character Areas

- | | |
|-----------------------|------------------------------|
| College | Office/Institutional |
| Gateway Corridors | Park/Recreation/Conservation |
| Industrial | Public Square |
| Mixed Use Residential | Residential |
| | Village Commercial |

Staff Recommended Motion:

Motion to recommend approval/approve Variance Application BZA-23-1.

Planning Commission Recommendation:

Unanimous Recommendation of Approval