



**CITY OF DAHLONEGA**  
**PLANNING COMMISSION AGENDA**  
**MONDAY, MAY 10, 2021 AT 6:00 PM**  
**CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Planning Commission meetings please contact Kevin Herrit at the Community Development Department.

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**Call to Order**

**Pledge of Allegiance**

**Approval of Minutes:**

**OLD BUSINESS**

*Zoning Cases:*

1. REZN-21-2 - Map Amendment to the Official Zoning Map of the City of Dahlonega. Property owners are James Kinnard and Bobby Tritt. The property is located adjacent to Morrison Moore PKWY E. and is better known as parcel number D12 036; the parcel is +- 1.27 acres. The applicant is Peacock Partnership of Atlanta, Georgia. The request is to alter the conditions of the B2 zoning to allow for dental office use only and remove the conditions to only allow for the use of a bank.

*Conditional Uses:*

**NEW BUSINESS**

*Zoning Cases:*

*Conditional Uses:*

**INFORMATION & TRAINING**

**Adjournment**



## STAFF REPORT

REZN-21-02

<b>Applicant:</b>	Peacock Partnership
<b>Owner:</b>	James Leonard Kinnard & Bobby Tritt
<b>Location:</b>	Morrison Moore Pkwy (Parcel # D12 036)
<b>Acreage:</b>	+/- 1.27Acres
<b>Current Zoning Classification:</b>	B-2 (Highway Business District) with the condition for Banking Facility use only.
<b>Proposed Zoning Classification:</b>	B-2 (Highway Business District) with the condition for Dental Office use only.
<b>Current Use of Property:</b>	Undeveloped
<b>Proposed Use of Property:</b>	Dental Office
<b>DRI Recommendation:</b>	This development will not qualify as a DRI
<b>General Land Use:</b>	Business and/or Commercial
<b>Comprehensive Plan Character Area:</b>	The parcel is situated within the Gateway Corridor Character Area in the Comprehensive Plan. The Character Area promotes aesthetically similar exterior building materials as the historic central core of the city.
<b>Environmental Impacts:</b>	This project will have to conform to the Erosion and Sedimentation Control Ordinance and State Regulations for Environmental Impacts. The development will need to acquire a variance from the Director of EPD for the proposed stream channelization and culverting within the proposed parking area.
<b>City Services:</b>	All city services are available at this site.
<b>Traffic Impact:</b>	Traffic analysis prepared by the developers Engineer indicates that the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10 <sup>th</sup> Edition, will generate 28 daily vehicular trips for a 6,480 square foot building. However, the applicant has indicated that the dental office will have 14 rooms/chairs in the proposed building. Fourteen rooms/chairs, if

filled to capacity for 8 hours a day, will generate 112 clients and 224 trips to and from the dentist's office. If the rooms/chairs are filled for seven hours a day, this will generate 98 clients and 196 trips to and from the dentist's office.

Georgia Department of Transportation (GDOT) will evaluate the entrance request on to Morrison Moore PKWY E. and determine if deceleration or acceleration lanes will be required.

**Surrounding Zoning:**

North – R2 and B1

South – R3

East – B2

West – R2

**Reasonableness of Request:**

This request is reasonable within the confines of the parcel in which it is requested.

**Buffer Requirement:**

This parcel has a variance from the required buffers and setbacks stated in section 2102 (2) of the zoning code. The Board of Zoning Appeals granted the property a buffer reduction to 10ft and a reduction of all setbacks to 40ft.

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

The requested alteration to the condition of bank use only to dentist use only will not change the commercial use of the parcel. The adjacent and nearby properties' uses and development potential will not be affected by the change in condition for the dentist's use only.

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

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

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

Streets and Stormwater utilities will need to be upgraded to accommodate the proposed development. Development information by the applicant has indicated that the dental office will have 14 rooms/chairs in the proposed building. Fourteen rooms/chairs, if filled to capacity for 8 hours a day, will generate 112 clients and 224 trips to and from the dentist's office. If the rooms/chairs are filled for seven hours a day, this will generate 98 clients and 196 trips to and from the dentist's office. These trips would be for weekdays only. These calculations would trigger 7.6 c of the development regulation

(Acceleration/Deceleration lanes). The development is within one mile from a public park and will trip the requirement of Sidewalks. All sidewalks shall be provided along public streets.

**4. Whether the zoning proposal is consistent with the Comprehensive Plan, Transportation plans, or other plans adopted for guiding development within the City of Dahlonga:**

The Comprehensive Plan would support the change in zoning for this property to B2 with conditions that the use only is for a dentist's office.

**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:**

There are always existing and/or changing conditions that affect all uses of developable property. The addition of a new elementary school on Pinetree way will increase traffic for Morrison Moore PKWY E. and will affect the property and adjacent major arterial road of Morrison Moore PKWY E.

**Community Development  
Dept. Recommendation:**

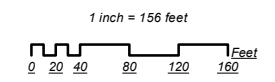
The department recommends approval of the requested change in conditions for the rezoning.





**Legend**

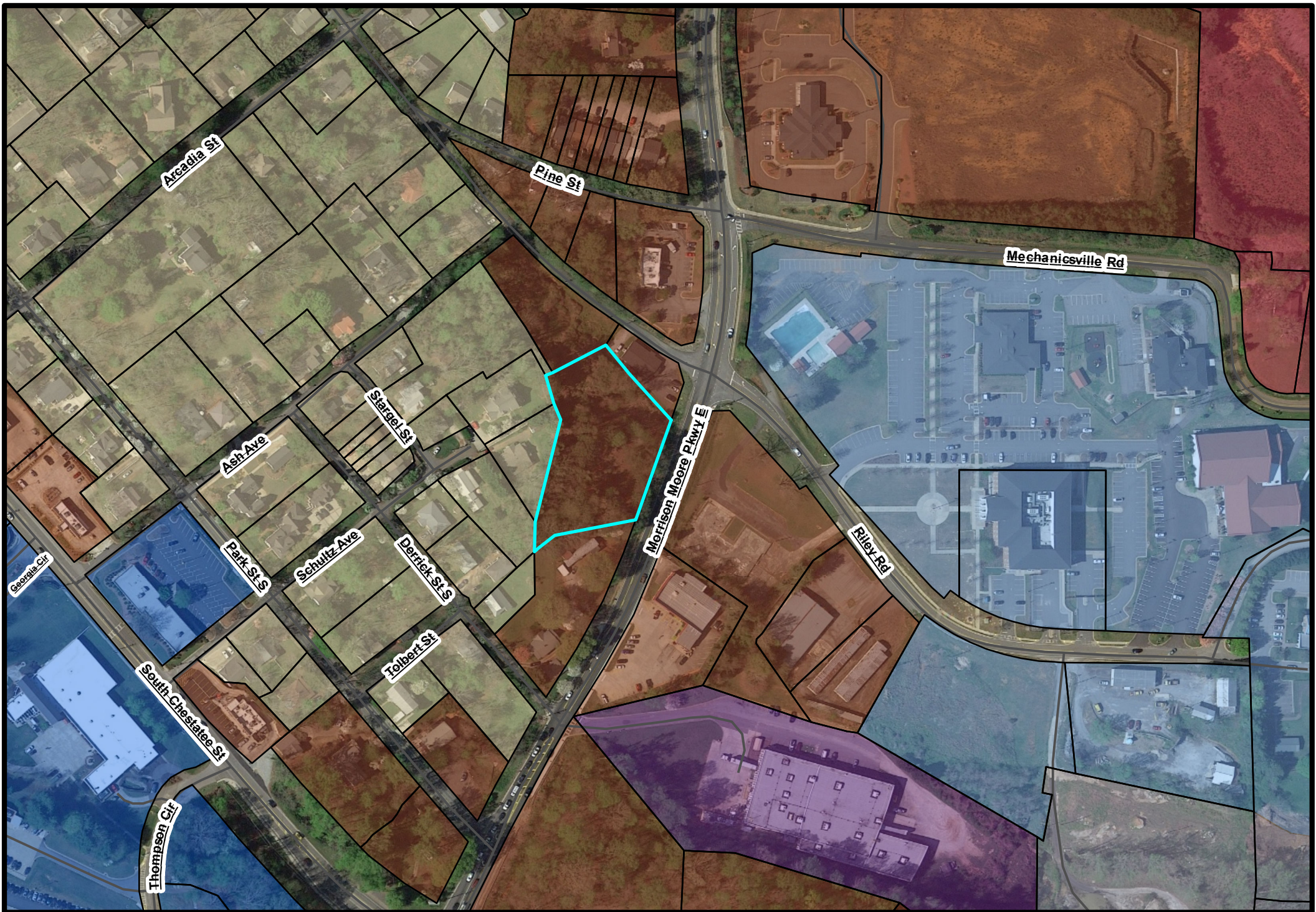
<span style="color: red;">■</span> B2	<span style="color: purple;">■</span> I	<span style="color: yellow;">■</span> R1
<span style="color: green;">■</span> B3	<span style="color: blue;">■</span> OI	<span style="color: orange;">■</span> R2
<span style="color: brown;">■</span> CBD	<span style="color: cyan;">■</span> PUD	<span style="color: lightgreen;">■</span> R3
<span style="color: pink;">■</span> B1	<span style="color: black;">■</span> 2018TP	<span style="color: black;">—</span> Roads



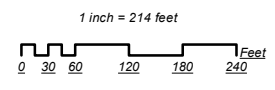
**Zoning Map for BZA-21-2**







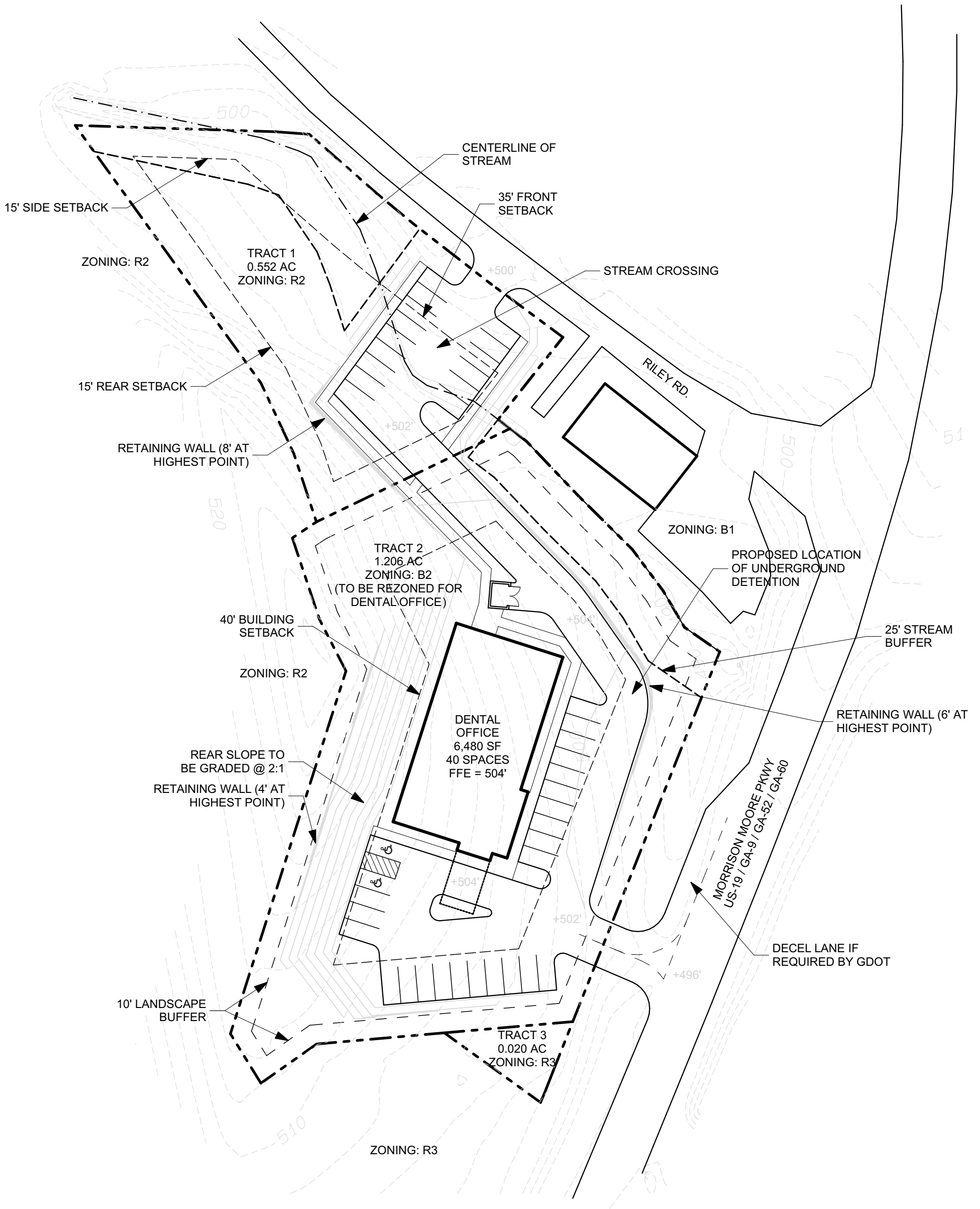
- Legend**
- 2018TP
  - Roads
  - <all other values>
  - CharArea
  - College
  - Gateway Corridors
  - Industrial
  - Park/Recreation/Conservation
  - Public Square
  - Mixed Use Residential
  - Residential
  - Office/Institutional
  - Village Commercial



### Character Area Map for BZA-21-2







**PROPOSED SITE PLAN**

CURRENT OWNER:  
 JAMES LEONARD KINNARD AND BOBBY TRITT  
 P.O. BOX 2012, DAHLONEGA, GA 30533

ARCHITECT:  
 PEACOCK PARTNERSHIP  
 5525 INTERSTATE NORTH PARKWAY, ATLANTA, GA 30328  
 404-214-5200

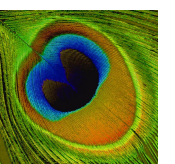
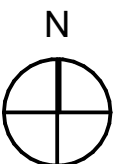
THIS DRAWING AND ANY REPRODUCTIONS  
 ARE THE PROPERTY AND COPYRIGHT OF  
 PEACOCK ARCHITECTS, INC. AND MAY  
 NOT BE USED IN ANY MANNER WITHOUT  
 THE EXPRESSED WRITTEN PERMISSION  
 OF PEACOCK ARCHITECTS, INC.

**BGW DENTAL GROUP - DAHLONEGA OFFICE  
 MORRISON MOORE SITE STUDY**

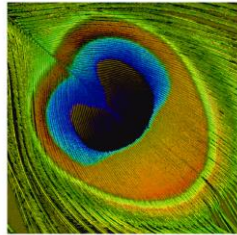
SCALE: 1" = 50'

4/8/2021

DAHLONEGA, GA



PEACOCK  
 PARTNERSHIP



**PEACOCK  
PARTNERSHIP**

April 8<sup>th</sup>, 2021

Mr. Kevin Herrit  
**City of Dahlonega – Community Development Department**  
465 Riley Road  
Dahlonega, GA 30533

RE: Rezoning Application for property along Morrison Moore Parkway (Parcel No. D 12 036)

Dear Mr. Herrit,

We are pleased to submit the attached rezoning application and supporting documentation on behalf of BGW Dental Group regarding the above-referenced property. As the Architect, we are working on behalf of BGW Dental Group to design a new dental office at this location, which is zoned B2. Per a recommendation approved during the Dahlonega City Council Meeting on May 1<sup>st</sup>, 2006, there exists a special condition that requires this property be used for a bank facility. We are requesting that this condition be removed and that this property be used for a dental office in lieu of a bank, as dental offices are permitted uses under the B2 zoning.

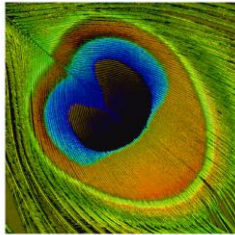
A variance granted on May 1<sup>st</sup>, 2006 has reduced all buffers to 10 ft. and all setbacks to 40 ft. It is our understanding that this variance will remain in effect when the property is rezoned.

The site plan in Exhibit C illustrates the proposed development. The new dental office will be one story and approximately 6,480 SF. Approximately 25 parking spaces and their associated drives will be located on this property with the remainder located on the tract along Riley Road (Parcel No. D12 010). All site improvements will be designed to meet state and local codes.

The architectural style of the building will be similar to BGW Dental Group's other office locations in Gainesville and Braselton. Pictures are included for reference below. We believe that this style will be in keeping with the character of the surrounding area and suitable for this prominent location along US-19. As such we propose the following design standards:

- Building is to be limited to one story in height.
- Façade materials will consist of the following:
  - Stone
  - Brick
  - Stucco
  - Wood or Fiber Cement Siding
  - Glass
  - Metal is to be limited to trim and window frames
- Colors will be limited to warm, neutral, and earth tones.
- Roof is to be pitched with a minimum slope of 3:12, with architectural shingles or standing seam metal panels.
- All exterior lighting fixtures will be shielded so as not to cast excessive light on neighboring properties.





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PARTNERSHIP**



*BGW Dental – Gainesville Office*



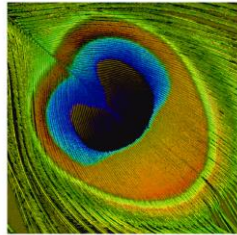
*BGW Dental – Braselton Office*



*Gainesville Office Lobby*



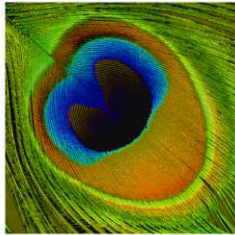
*Braselton Office Lobby*



**PEACOCK  
PARTNERSHIP**

Below are responses to the statements posed in the rezoning application:

- 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.*  
**The property in question is bounded by both residential and business zoning districts. None of the adjacent properties will be adversely affected by a dental office on this site.**
- 2.) *The extent to which property values are diminished by the particular zoning restrictions.*  
**Property values will not be negatively impacted.**
- 3.) *The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.*  
**Property values will not be negatively impacted. The proposed dental office will be in compliance with all local and state codes, and will transform a currently unused tract of land into a use that is beneficial to the entire community.**
- 4.) *The relative gain to the public as compared to the hardship imposed upon the individual property owner.*  
**Both the public and property owner will benefit from this site being used as a dental office.**
- 5.) *The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.*  
**As currently zoned, the subject property can only be developed into a bank. Since the previous developers who were granted the bank zoning are no longer involved, rezoning is required in order to develop this property.**
- 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.*  
**There is no evidence that the property has ever been previously developed.**
- 7.) *The zoning history of the subject property.*  
**The property was rezoned from R2 to B2 in 2006, conditional upon the property being used for a bank facility.**
- 8.) *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.*  
**In terms of traffic, a dental office will not generate nearly as many car trips as would a bank, per Exhibit D. Therefore this rezoning would ensure a lesser burden on the surrounding streets. The burden on public utilities will be minimal.**
- 9.) *Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan or other adopted plans.*  
**This proposal is in conformance with the City's 2017 Comprehensive Plan. The site is within a 'Gateway Corridor' district in which commercial and office development is encouraged. The design of the building will complement the character of the City.**



**PEACOCK  
PARTNERSHIP**

For the reasons listed above, we ask that this rezoning application be approved. This project will turn a currently unused site into a business that will benefit the local community. Please let us know if you need anything else to facilitate approval of this application.

Sincerely,

Kevin Franklin  
**Peacock Partnership**  
5525 Interstate North Parkway  
Atlanta, GA 30328  
kevin@peacockpartnership.com  
(404)214-5200

## MEMO

To: Bryan Day, Day Design Group  
From: Randall Parker PTP PTOE PE  
Date: March 31, 2021  
Re: Morrison Moore Site in Dahlonega, GA



NV5 Engineers and Consultants, has completed a comparative analysis for the Morrison Moore Site located in Dahlonega, Georgia.

The analysis performed compares the effects of the trip generation volumes expected by a 6,480 square foot building use as either a dental office or a bank.

The expected trip generation methodology and data provided by the Institute of Transportation Engineers (ITE) Trip Generation Manual, 10<sup>th</sup> Edition were used for the calculations.

The bank use will generate 366 daily vehicular trips, including 29 morning peak hour and 62 evening peak hour new trips based on a 6,480 square foot building.

The dental office use will generate 28 daily vehicular trips, including 10 morning peak hour and 12 evening peak hour new trips for a 6,480 square foot building.

The dental office would generate approximately 92% less daily trips and 74% less peak hours' trips than use as a bank.



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

**MEMORANDUM**

TO: Applicants for Rezoning

FROM: City of Dahlonega

RE: Rezoning procedure and application materials

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In order to assist you in preparing your variance application, and to enable a complete understanding of the variance application process, this package has been assembled. The following attachments are included:

1. Rezoning application form.
2. A flow chart of the application process.
3. Schedule of Zoning application hearings and the deadline dates for submittal.

\*A copy of Article XXVI of the zoning ordinance which describes in detail the required amendment application procedures is available upon request at the office.

The application fee of \$200 is due at the time of submittal.

In addition to the application and/or site plans you may want to include a brief narrative explaining what you are requesting and why.

**Please be advised that someone will need to be at the meetings to present the request or the item will be tabled and there will be another application fee due before rescheduling. Call if you need additional information.**



- 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 denial of the application.

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.

*See attached letter of intent.*

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

*See attached letter of intent.*

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

*See attached letter of intent.*

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

*See attached letter of intent.*

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

*See attached letter of intent.*

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.

*See attached letter of intent.*

7. The zoning history of the subject property.

*See attached letter of intent.*

8. 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.

*See attached letter of intent.*

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

*See attached letter of intent.*

\*\*\*\*\*

**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 Dahlongega.

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: Bobby Tritt by Peggy Liggett as Attorney-in-fact

Printed name of Property Owner : BOBBY TRITT by PEGGY LIGGETT as ATTORNEY IN FACT

Date of Signature: 3/31/2021

Signature of Witness: J L Kinnard

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:

\_\_\_\_\_.

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.

\*\*\*\*\*

**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 Dahlenega.

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: James L Kinward

Printed name of Property Owner : James L Kinward

Date of Signature: 3/3/2021

Signature of Witness: Peggy Liggett

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

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



## **Introduction**

The City of Dahlonge Planning Commission and City Council wish to inform you as to our Public Hearings for consideration of rezoning and variance applications. We appreciate your taking the time to attend these important proceedings.

The following information is provided to assist you in being fully informed as to the application process and procedure, and the issues involved in all zoning and variance hearings. Please read this information carefully. Hopefully, at the conclusion of the hearing you will have a better understanding of this governmental proceeding and will have fully participated in it as an interested citizen.

## **Application Process For Rezoning and Variances**

At a preliminary meeting with a planner, the application process is discussed to determine what items are to be provided by the applicant.

Requirements for the application include a plat or deed and tax maps as well as authorization from the property owner. An application fee, determined by the type of application, is required upon filing. Additional data which may be required include a site plan, written report, plan approval by the Health Department, Engineering Department, Water Department, and/or the Department of Transportation.

Rezoning and variances are heard initially before the Planning Commissions and then as to rezonings the final public hearing is before the City Council and as to variances the final public hearing is before the Board of Zoning Appeals.

The application is filed in the Planning Department and must be made at least 30 working days prior to the Planning Commission meeting, in order for the City to prepare and deliver for publication, a legal advertisement which will be published at least 15 days prior to both the Planning Commission and City Council/Board of Zoning Appeals public hearings. The City Council will also:

1. Place on the property a sign with the dates and times of the Planning Commission and City Council/Board of Zoning Appeals meetings is posted on the subject property by the applicant at least 15 days prior to the public hearing.
2. Notify property owners adjacent to the subject property by mail of the request and meeting date and time (must be postmarked no less than five days before the public hearing).

A location map and staff report are prepared and delivered to Planning Commission members along with any information submitted by the applicant by the Planning Commission and/or legal staff.

The Planning Commission holds a public hearing on the request. The meeting is held at times designated in the *Dahlonaga Nugget*. The applicant and any other citizens concerned with the request are given an opportunity to speak during the hearing. After all comments are heard, the Planning Commission makes its decision. They can approve, approve with conditions, table, deny a request or recommend a specific action to the City Council and/or the Board of Zoning Appeals, depending on the type of application.

The Planning Commission's recommendation, with all information received at the public hearing (staff reports, maps, etc.), are forwarded to the City Council as to rezoning and the Board of Zoning Appeals as to variances.

The City Council then holds a public hearing on the rezoning requests. The meeting times are set forth in the notices. All meetings are held at City Hall, 465 Riley Road.\* The hearing is conducted under the same format as the Planning Commission's public hearing. After all comments are heard, the City Council makes its decision. The Council can approve, approve with conditions, table, refer to the Planning Commission, or deny the request. Their decision is final unless appealed to the Superior Court of Lumpkin County within 30 days following Commission action. Variance hearings before the Board of Zoning Appeals are conducted in the same manner as the rezoning hearings before the City Council.

\*Unless public notice is given of some other time and/or location.

The City Clerk mails a final action letter to the applicant. Normally, the entire process, from the time the applicant submits the application until the final decision is made, takes six to eight weeks.

### **Criteria for Rezoning**

The Council studies the need and justification for a requested zoning change based on a determination of the facts applicable to the particular application. The following criteria are considered in making that determination as per our Zoning Ordinance:

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.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
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.
7. The zoning history of the subject property.
8. 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.
9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

The following related areas of inquiry may be reviewed as well:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.

5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Dahlonega.

Comments addressed to the Board of Zoning Appeals, Planning Commission and the City Council should address these criteria.

The types of questions precipitated by these criteria are as follows:

1. Will the zoning proposal permit a use that is suitable in view of the use, development, and zoning of adjacent and nearby property?
2. Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?
3. Does the subject property have a reasonable economic use as currently zoned?
4. Will the zoning proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection, public health facilities, or emergency medical service?

5. Is the zoning proposal in conformity with the policy and intent of the future land use plan for the physical development of the area?
6. What is the effect on the property value of the subject property should the existing zoning be retained?
7. If denied, will the effect on the subject property's value under the existing zoning be offset by the gain to the health, safety, morals, or general welfare of the public?
8. If denied, how does the relative gain to the public compare to the hardship imposed upon the individual property owner?
9. Has the property been undeveloped an unusual length of time as currently zoned considered in the context of land development in the area in the vicinity of the property?
10. Are there other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal?
11. Would the change create an isolated district unrelated to the surrounding districts, such as "spot zoning?"
12. Are the present zoning district boundaries illogically drawn in relation to existing conditions in the area?
13. Is the change requested out of scale with the needs of the city as a whole or the immediate neighborhood?
14. Is it impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned?
15. Could the need for rezoning be handled instead by a variance request to the zoning board of adjustment?
16. Would there be an impact on the ecology or would pollution result from major modifications to the land if the request is granted?
17. Is there reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property?

### Criteria for Variances

The Ordinance spells out certain outlines for a variance which is defined as:

A minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make profit.

The Board of Zoning Appeals is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance.

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
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
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
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

unreasonably affect their value; and

5. The special circumstances are not the result of the actions of the applicant; and
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and
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.

Applications for variances for properties within the B-3, Historical Business District and the CBD, Central Business District, shall require review and recommendation by the Historic Commission. Applications for variances in all other zoning districts shall require review and recommendation by the Planning Commission.

**Planning Commission, Board of Zoning Appeals and City Council Procedure for Hearing**

1. Public hearings shall be held at times and places provided in the published notices of the hearings.
2. The hearing shall be conducted by the City Attorney or other hearing officer.
3. Upon the convening of the hearing, the hearing officer will read the published notice of the matter to be considered. The matter shall be considered in the order indicated by the filing of the published notice.
4. The matter to be heard shall be stated by the hearing officer, who shall then call for a staff report on the proposed amendment.
5. A verbal staff report shall be made, stating the staff recommendation and summarizing the written report submitted for the hearing.
6. Both persons favoring and persons opposing a matter shall have an opportunity to speak. The party proposing the matter shall be invited to speak first, followed by persons favoring the proposed matter, then by persons opposed to the proposed matter. Each speaker will be asked to identify himself or herself and state his/her current address. When all opposing statements have

been heard, the party proposing the matter may be permitted to rebut those statements.

7. The hearing officer may place reasonable limits on the number of persons who may speak for or against the proposal, the time allowed for each speaker, and the total time allowed for presentation of the matter.

8. Each speaker shall speak only to the merits of the proposed matter and shall address remarks only to the public body hearing the request. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning amendment. The hearing officer may limit or refuse a speaker the right to continue if the speaker, after first being cautioned, continues to violate this requirement.

9. Because of time constraints in hearings, interested parties shall be encouraged to submit petitions, studies, letters, and other materials requiring prior study in time to have them included in the final agenda for the hearing. The City shall have discretion to accept such materials at the hearing if circumstances did not permit earlier submittal. Such materials, if presented orally at the hearing, shall be subject to the time limits provided herein. If materials are not presented in a timely manner, they may not be considered or may result in tabling of the matter.

10. Upon conclusion of public comments, as determined by the hearing officer, conduct of the meeting shall be returned to the presiding officers who shall have discretion to call on previous speakers as necessary for clarification of views expressed or the materials submitted.

Nothing in this section shall be construed to limit the ability of the hearing officer to maintain decorum in the conduct of a hearing to assure that the hearing is conducted in a fair and orderly manner.

The public bodies hearing the matter shall have discretion to continue a hearing to a later date if the materials submitted or views expressed require more time for study and consideration than may reasonably be allocated in one meeting, and may call for such additional views, studies, or other information from any source members consider necessary to making a sound decision.

### **City of Dahlonga Zoning Districts**

For the purpose of regulating development, The City of Dahlonga has divided its jurisdictional area into the following zoning districts:



- Single-Family Residential District (R-1)
- Multiple-Family Residential District (R-2)
- Multiple-Family Residential District (R-3)
- Mobile Home Park District (MHP)
- Planned Unit Development District (PUD)
- Neighborhood Business District (B-1)
- Central Business District (CBD)
- Office-Institutional District (O-I)
- Industrial District (I)
- Highway Business District (B-2)
- Historical Business District (B-3)

Each zoning district differs from all the other districts in which land uses are allowed, what standards and restrictions apply and what approvals are necessary. The City of Dahlonega Zoning Regulations provide a description of land uses permitted and other requirements (minimum lot size, setbacks, frontage, etc.) of each district. You can obtain a full description of the permitted land uses and requirements from the City of Dahlonega Planning Department (telephone: 706-864-6133) located at 465 Riley Road, Dahlonega, Georgia, 30533. The requirements and permitted uses are subject to change with new amendments to the regulations, so always make sure you have the latest version of the requirements and permitted land uses.

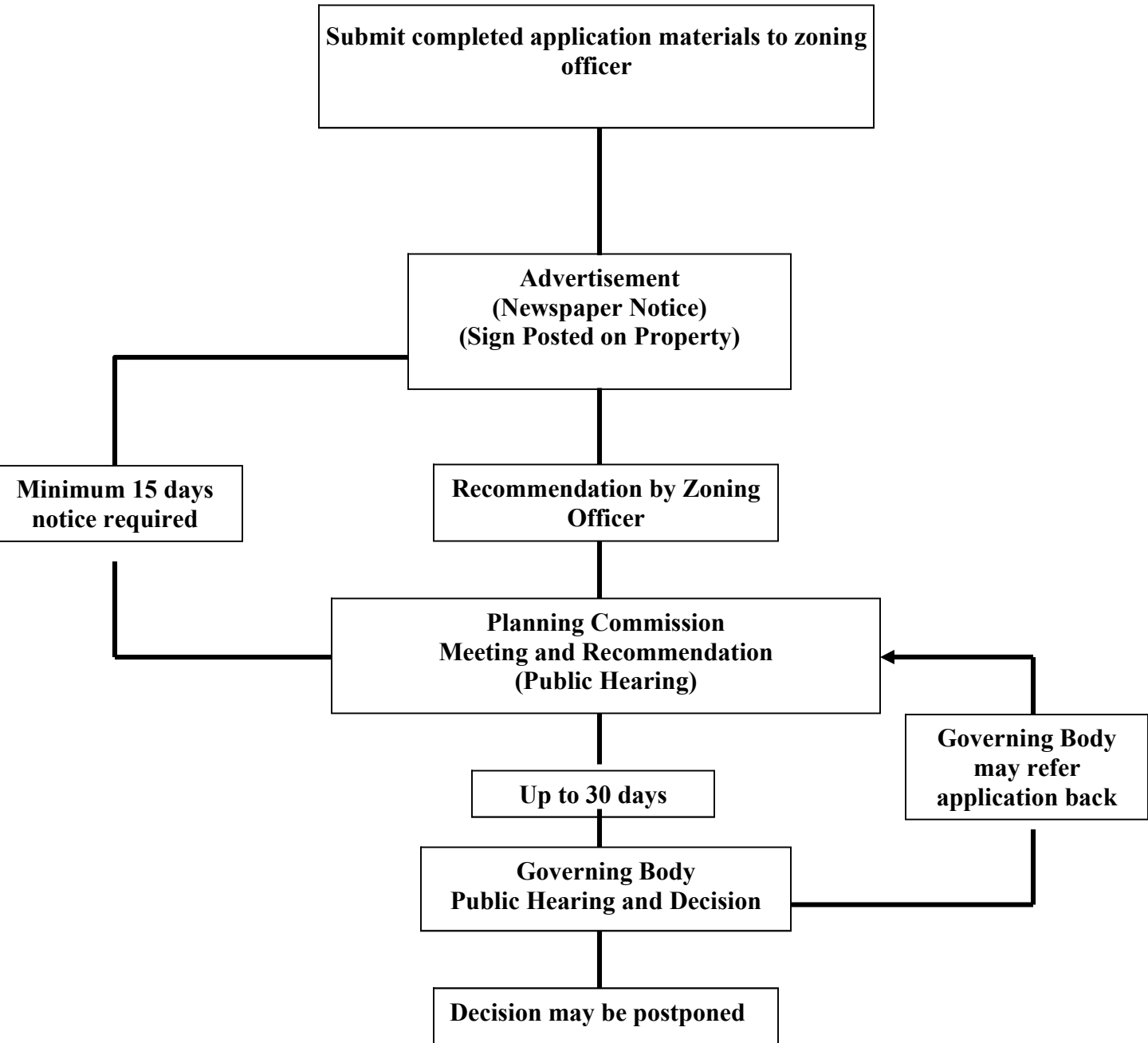
**Legal Representation**

This information sheet is not and should not be considered a substitute for good legal advice. Because of the importance of all zoning matters, the City Council encourages you to seek legal advice from an attorney of your choice.

## HEARING SCHEDULE

Deadline for application Submittal	Public Hearing Planning & Zoning Meeting	Public Hearing Mayor & City Council Meeting
<p><b>30 days prior to Meeting Date.</b>  <b>Meeting Date is the 2<sup>nd</sup> Monday of each month.</b>  <i>Please submit your request ASAP.</i></p>	<p><b>2<sup>nd</sup> Monday of each month</b></p>	<p><b>1<sup>st</sup> Monday of each month</b></p>

### REZONING, VARIANCE, SITE PLAN AND CONDITIONAL USE PROCESS



**Section 2605. Application Requirements.**

Application materials specified in this section shall be required for the following petitions: amendments to the official zoning map, alterations or extensions of conditional zoning, conditional use permits, development plan approvals within the Planned Unit Development (PUD) District, Mobile Home Park (MHP) District, applications for condominium site plan approval, variances or appeals to the Board of Zoning Appeals:

1. An application form furnished by the Zoning Administrative Officer; and
2. A legal description of the property to be considered in the application. The legal description shall be by metes and bounds unless an alternative legal description is accepted by the Zoning Administrative Officer. Boundary surveys of the property should be submitted with the application whenever available; and
3. A letter of intent which describes general characteristics of the proposed development such as type and time frame of development, background information in support of such application, and any other information deemed pertinent by the applicant. For variance applications, the letter of intent shall address the criteria specified in Section 2406. of these regulations. For zoning map amendment applications, the letter of intent shall address the standards specified in Section 2607. of these regulations. For conditional use permit applications, the letter of intent shall address the standards specified in Section 2608. of these regulations. For PUD applications the letter of intent shall take the form of a development plan summary report which shall also address the items enumerated in Section 1303.
4. A site plan with all information specified in Section 2606. except that zoning map amendment applications for R-1 zoning shall not require a site plan. Unless otherwise noted in the approval, the site plan submitted in support of an approved application shall be considered a part of the approval and must be followed.
5. A fee for said application as established by the Governing Body from time to time.
6. Applications for conditional use permits to exceed the height limitations, applications for conditional signs, and applications for Certificates of Appropriateness shall also require architectural elevations of all proposed structures and buildings requested for approval.
7. Applications which require action by the Governing Body shall also require disclosure of any conflicts of interest as specified in Chapter 67A of the Georgia Code, "Conflict of Interest in Zoning Actions."

Applicants shall ~~submit fifteen (15) copies~~ of any required site plans, development plans, elevation drawings and letters of intent to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer **may require more or less** copies depending on the nature and extent of required review.

**Section 2606. Site Plan Requirements.**

All site plans required by this Article shall, at a minimum, contain the following information:

1. Title of the proposed development and the name, address and telephone number of the property owner.
2. The name, address and telephone number of the architect, engineer or other designer of the proposed development.
3. Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks.
4. Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths; buildings; water courses; parking and loading areas; and other physical characteristics of the property and proposed development.
5. Building setbacks, buffers, landscape strips, and tree protection zone.

**Section 2607. Criteria To Consider For Map Amendments.**

The applicant, staff, Planning Commission and Governing Body should review an application for zoning map amendment with regard to the following criteria:

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.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.
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.

7. The zoning history of the subject property.
8. 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.
9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

The staff, Planning Commission and Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular request.

**Section 2608. Criteria To Consider For Conditional Uses.**

The applicant, staff, Planning Commission and Governing Body should review applications for conditional uses with regard to the following criteria:

1. Off-street parking and loading facilities are adequate in terms of location, amount and design to serve the use.
2. The number, size and type of signs proposed are compatible with the surrounding area.
3. The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved.
4. Ingress and egress to the property is suitable and safe, and the effect of the proposed activity on traffic flow along adjoining streets is not adverse.
5. The location and intensity of outdoor lighting is such that it does not cast light on adjacent, adjoining or neighboring properties.
6. Hours and manner of operation of the proposed use are not inconsistent with adjacent and nearby uses.
7. Public facilities and utilities are capable of adequately serving the proposed use.
8. The proposed use will not have a significant adverse effect on the level of property values or the general character of adjacent land uses or the general area.
9. The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development.
10. The proposed use is consistent with the goals and objectives of the Comprehensive Plan of the City of Dahlenega.

The staff, Planning Commission and Governing Body may consider other factors deemed relevant before formulating recommendations and taking action on a particular conditional use application.