



**CITY OF DAHLONEGA**  
**BOARD OF ZONING APPEALS AGENDA**  
**MONDAY, AUGUST 16, 2021 AT 4:00 PM**  
**CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Board of Zoning Appeals meetings please contact Bill Schmid, City Manager.

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**Call to Order**

**Pledge of Allegiance**

**New Business**

1. BZA-21-6 Staff Report  
Bill Schmid, City Manager
2. BZA-21-7 - Staff Report  
Bill Schmid, City Manager

**Adjournment**



## Community Development Department

### STAFF REPORT

BZA-21-6

Applicant:	Craig Gentry
Owner:	Gretchen Gentry
Location:	58 Alma Street (Parcel # D11-136)
Acreage:	0.53 Acres
Current Zoning Classification:	R-2 Multiple-Family Residential Misidentified in application as R-3 Correctly shown on plat and zoning map as R-2
Current Use of Property:	Former homesite from late 1800's
Proposed Use:	Residential single-family home as replacement for existing dilapidated structure
General Land Use:	Former homesite
City Services:	All city services are available in proximity to the site
Traffic Impact:	Nominal

Please see material provided by the applicant incorporated herein by reference.

#### Application, Minor Final Plat and Legal Description

The applicant's request is to "rebuild the home on the existing foundation". In subsequent conversation with Mr. Gentry he confirmed his desire to demolish the existing structure because it is beyond repair and rebuild virtually the same appearance two-story porched structure with the same footprint. The structure has not been occupied for at least the past six years and is not safe for human occupation in its current state. Staff recommends approval. Staff analysis and recommendations follow.

#### The Area

The area south of East Main, west of Mechanics Street, north of Morrison Moore Parkway and east of Park Street is known as the Mechanicsville neighborhood. The Digital Library of Georgia credits Colonel William P. Price with the creation of Mechanicsville. It says Price "lays out a

city subdivision in east Dahlonega and names it Mechanicsville in commemoration of the Civil War battle of Mechanicsville, Virginia in 1862.” This may be based on an earlier reference in Andrew Cain’s 1932 work “History of Lumpkin County for the First Hundred Years, 1832-1932.” Much of this area, including the subject parcel (bordered in blue below) is zoned R-2 Multiple Family Residential.



### The Fronting Street – Alma Street

For the roughly 400 feet section of Alma between East Main and Martin, it (Alma) is a non-centered one-way 10’ wide asphalt road within a right-of-way of 37 feet. In this section it serves as access to only one commercial structure (232 East Main) and one residential structure (51 Alma). Alma is narrow and steep on its approach to Martin. By virtue of its steep approach Alma has poor driver visibility at the Martin intersection. For these and other reasons this section functions as a low volume local street. There is limited land in this area for further development and the expense to widen the road to two-way status is likely not warranted from a public cost-benefit perspective in the near term.

232 Main Street – parking for commercial structure accesses from Alma Street and the building is approximately 10 feet from the edge of pavement of Alma Street.



51 Alma Street – residential structure across from Subject – approximately 15 feet from the edge of pavement



### Subject Parcel

The subject parcel is a recent minor subdivision lot split of 0.53 acres from a 1.07-acre parcel Gretchen Gentry acquired from Virstee Howell in 2018. Please see the Minor Final Plat by Davis Engineering of February 12, 2021, for further reference. The remaining 0.54-acre Tract 1 has been permitted for construction of a single-family residence.

The subject parcel is a dual frontage lot with 92 feet frontage along Alma and 132 feet along Martin Street. It adjoins and wraps around a 0.24-acre corner parcel at the intersection of Alma with Martin which is now or formerly owned by Pitts. The 0.54- and 0.53-acre parcels owned by the Gentrys share a common driveway from Martin Street.

The property sits at the low point of two converging hillsides and has a small branch/creek that originates behind the existing building. There is a city-owned sanitary sewer and easement that connects Alma with Martin along the southeastern side of the lot. Because of its shape, other setbacks and other constraints the existing building site is the only practical location for a dwelling on the parcel.

### Front Setback

The standard front building setback in the R-2 zoning district is 35 feet. In the case of new parcels with frontage on two streets front building setbacks typically apply from both streets. However, in this case the 1.07 original parcel and structure from the late 1800s predated the City's adoption of zoning ordinances. Upon zoning action to create the 35-foot setback the existing building (and others in this neighborhood) became an existing non-conforming grandfathered use along the Alma frontage.



## 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.

Staff – Yes – the topography and creek are challenging and limit feasible development options.

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.

Staff – Yes – Residential use property directly across the street and a commercial parcel on the same section of street are well within 35 feet setbacks from the right-of-way line.

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.

Staff - Approval of these recommendations will not confer special privileges denied to others. Instead, it perhaps suggests creation of a traditional neighborhood/historic residential zoning district. Such a district would be based on setbacks historically used for structures that predate zoning to encourage compatible in-fill development.

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.

Staff –Yes – Relief is appropriate and in harmony with the purpose and intent of the City's regulations without being injurious to the area or general welfare.

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

Staff – At 0.53-acres the parcel should be amply sized for a single-family home; however, the topography, stream and sewer line easement adversely impact the site. These are not the result of 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.

Staff – Yes - The variance recommended is the minimum that would make possible the legal use of the land, building, or structure.

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

Staff – Correct - This variance is not a request to permit a use of land, building or structure which is not permitted by right in the district involved. Single-family home and accessory uses are specifically listed as Permitted Uses in the R-2 Multiple-Family Residential zone.

Community Development Department Recommendation

Approval of a variance is recommended for reduction in the front lot setback along the frontage of Alma Street so as to coincide with and be no closer than the existing front setback of the dilapidated porched historic structure, provided the property is accessed by vehicle from Martin Street and does not have parking along Alma, and further provided the replacement structure shall materially conform with the size, proportions, form and architectural elements of the existing structure. For purposes of this approval size (heated square feet) may be larger, but no less than the existing structure. An attached or detached carriage house/garage may also be built in complementary style.

Possible Motions

I move to approve the variance sought by the Gentrys in the manner recommended by the Planning Commission as supported in the staff report.

I move to approve the variance sought by the Gentrys subject to the following conditions (list).

I move to deny the variance sought by the Gentrys for the following reasons (list).

Prepared by:

Bill Schmid, Acting Community Development Director and City Manager

Planning Commission Recommendations:

The Planning Commission met August 9, 2021. Five of the seven members were present. After conducting a public hearing on the matter the PC voted 3-1 with the Chair not voting to recommend approval to the City Council to approve the variance. The recommendation replaced the phrase "...does not have access from..." with "...does not have parking along..."

Board of Zoning Appeals Action:

TBD as of August 10, 2021

VARIANCE APPLICATION FORM  
CITY OF DAHLONEGA, GEORGIA

VARIANCE  
BZA-21-6

\*\*\*\*\*

Property Owner: Name: Gretchen Gentry  
Address: 61 Hubler Road  
Dahlonega, GA 30533  
Phone: 678-522-0913

Applicant: Name: Craig Gentry  
(if different from Owner) Address: 61 Hubler Road  
Dahlonega, GA 30533  
Phone: 678-523-8116

Agent: Name: \_\_\_\_\_  
(if applicable) Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Existing Zoning: R-3 Residential Proposed Zoning: R-3 Residential  
Existing Use: R-3 Residential  
Proposed Use: R-3 Residential  
Acreage of Site: 0.53

Variance Request: \_\_\_\_\_

request is to rebuild the home on the existing foundation

Location of Property: city of Dahlonega  
(Street address) 58 Alma Street  
Dahlonega, GA 30533  
Tax Plat and parcel: 2018 63 / D11 136



A metes and bounds legal description is required. Also attach a boundary survey of the property if available. Please be advised of the following:

- 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 seven 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.**

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.

Due to the setbacks from Alma Street and the city sewer, there is no other buildable location on this city lot. Rebuilding this exact same house on its current foundation requires a variance. Without the variance, this existing house would be impossible to rebuild.

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.

This variance is the only way for me to rebuild the house that already exists on the lot.

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.

This house has enjoyed living here on this location longer than any of us have been alive. It deserves to continue living here for future generations to enjoy.

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.

The intent of the regulations was never to take a homesite away from the community. My goal is simply to replace what has always been there.

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

This house has been here long before I was born.

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

That is correct. I am just trying to rebuild what is already there.

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.

That is correct. We are not requesting to change anything that doesn't already exist.

**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: Gretchen Gentry

Printed name of Property Owner : Gretchen Gentry

Date of Signature: 6-10-2021

Signature of Witness: [Signature]

**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.

**SURVEY FOR**  
**Craig Gentry**  
**LAND LOT 985**  
**12th DISTRICT, 1st SECTION**  
**IN THE CITY OF DAHLONEGA**  
**LUMPKIN COUNTY, GEORGIA**

DRAWN BY: JWW  
 FIELD CREW: CC, BM  
 PLAT DATE: 3/8/2018  
 FIELD DATE: 3/8/2018  
 REV. DATE: 2/12/2021

SHEET NO.  
**1 of 1**  
 PROJECT NO.  
**16-308**

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S6 ROBOTIC INSTRUMENT.  
 FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1/50,000 FEET, AND AN ANGULAR ERROR OF 5 SECONDS PER ANGLE.  
 FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD FOUND TO HAVE A PRECISION OF 1 FOOT IN 95,672 FEET.  
 THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSTRUED AS A TITLE SEARCH OR REPORT, AND ANY RESTRICTIONS ONE MAY FIND.

THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT. IT IS NOT TO BE REPRODUCED OR RESTATEMENT BY THE SURVEYOR WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.

TYPE OF SURVEY: DIVISION

SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON: DB 1386, PG 357

PROPERTY OWNERS AS OF SURVEY DATE: GRETCHEN GENTRY

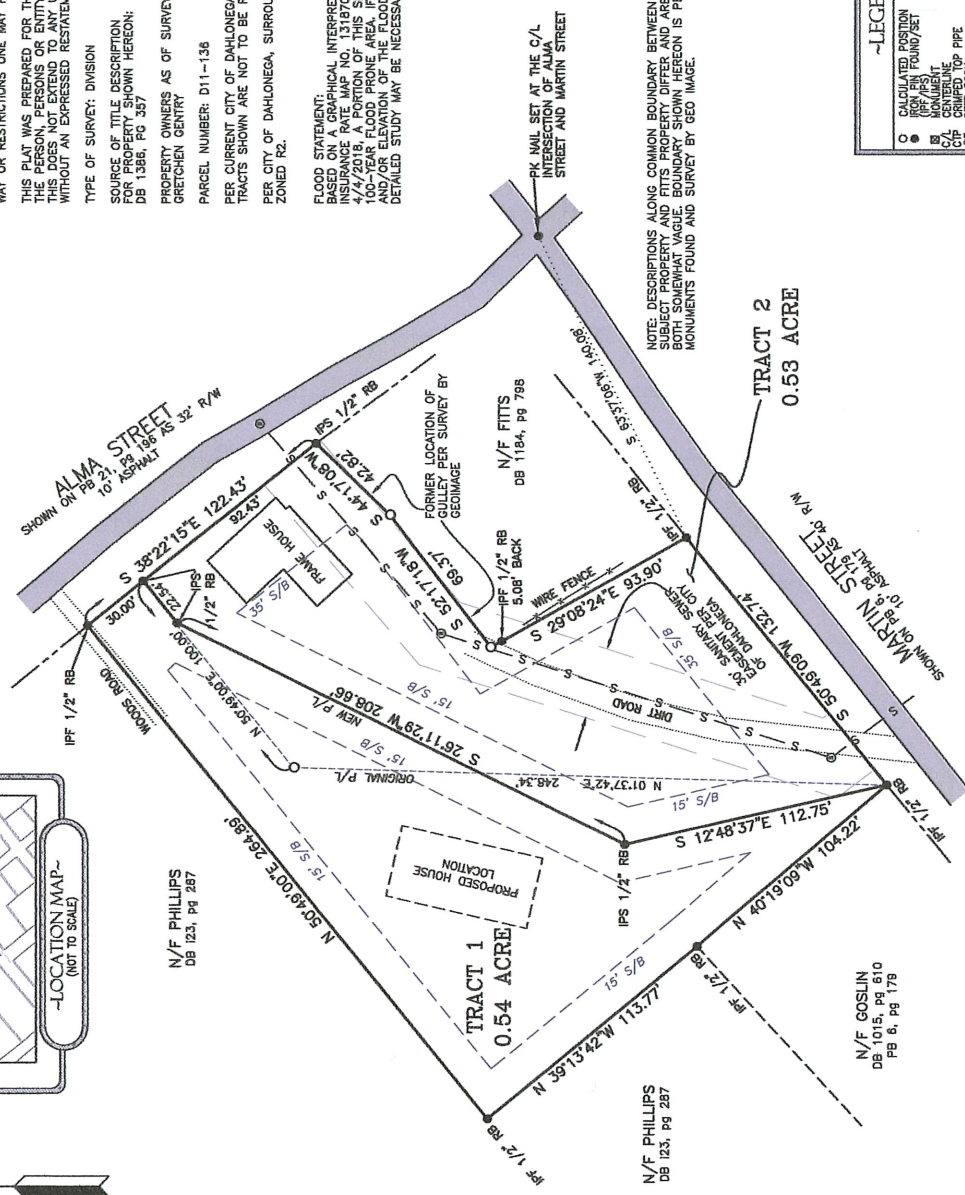
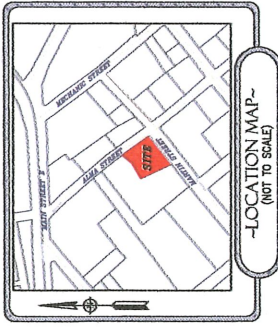
PARCEL NUMBER: D11-136

PER CURRENT CITY OF DAHLONEGA REGULATIONS, THE TRACTS SHOWN ARE NOT TO BE REDIVIDED.

PER CITY OF DAHLONEGA, SURROUNDING PARCELS ARE ZONED R2.

FLOOD STATEMENT:  
 BASED ON A GRAPHICAL INTERPRETATION OF FLOOD INSURANCE RATE MAP NO. 1318700161C, EFFECTIVE DATE 10/24/2018, FLOOD PRONE AREAS IN THE ACCURATE LOCATION AND/OR ELEVATION OF THE FLOOD HAZARD IS REQUIRED, A DETAILED STUDY MAY BE NECESSARY.

ZONING: R-2  
 SETBACKS  
 FRONT: 35 FEET  
 SIDE: 15 FEET  
 REAR: 15 FEET

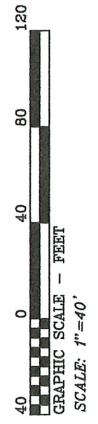


NOTE: DESCRIPTIONS ALONG COMMON BOUNDARY BETWEEN SUBJECT PROPERTY AND FITS PROPERTY DIFFER AND ARE PROVIDED FOR INFORMATION ONLY. FITS RECORD IS PER MONUMENTS FOUND AND SURVEY BY GED IMAGE.

~LEGEND~

○	CALCULATED POSITION	○	TELEPHONE POLE (TP)	(ALL IPS ARE 1/2" RB "CURBED" UNLESS OTHERWISE LABELED)
○	REBAR	○	FIRE HYDRANT (FH)	○
○	SR	○	WATER METER (WM)	○
○	(RT/PS)	○	WATER VALVE (WV)	○
○	CONCRETE	○	POWER BOX (PB)	○
○	CCS STRUCTURE	○	POWER POLE (PP)	○
○	CP	○	OVERHEAD POWER	○
○	CPF CORRUGATED PLASTIC	○	ADJUSTER	○
○	CRUMPLED TOP PIPE	○	LAND LOT LINE (LLL)	○
○	DEEP BOOK	○	RIGHT OF WAY (R/W)	○
○	OPEN TOP PIPE	○	FENCE	○
○	GRATE INLET	○	○	○
○	SMALL SEWER	○	○	○
○	PLAT BOOK	○	○	○
○	MANHOLE (SMH)	○	○	○
○	PROPERTY LINE	○	○	○

TOTAL  
**1.07 ACRE**



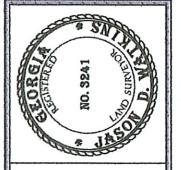
NOTE: CORNERS TO BE SET UPON APPROVAL

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

**Owner Acknowledgment and Declaration**  
 (STATE OF GEORGIA)  
 (CITY OF DAHLONEGA)  
 I, the undersigned, being the owner of the land shown on this plat and whose name is authorized thereto, and in person or through a duly authorized agent, acknowledge that this plat was made from an actual survey, one dedicated to the use of the land shown, and I hereby declare that the rights-of-way, sanitary sewers and appurtenances, sanitary sewer easements, potable water mains and appurtenances, potable water easements, stormdrains and appurtenances, within easements and appurtenances, within easements and appurtenances thereon shown for the purposes therein expressed.

Owner \_\_\_\_\_  
 Date \_\_\_\_\_  
 Minor Final Plat Approval  
 This subdivision has been reviewed by the Community Development Department and found to conform with the City of Dahlonega, Georgia, Development Regulations and Subdivision Regulations. The City of Dahlonega hereby approves this Minor Final Plat, subject to the provisions and requirements of the City's regulations.  
 Community Development Director \_\_\_\_\_  
 Date \_\_\_\_\_

~DEVELOPER~  
 CRAIG GENTRY  
 81 HUBER ROAD 333  
 DAHLONEGA, GA 30533  
 678-923-8116



AS REQUIRED BY SUBSECTION (g) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY THE STATE SURVEYOR. THE SURVEYOR'S SIGNATURE AND SEAL ARE REQUIRED FOR THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

**SURVEYOR CERTIFICATION**  
 MATTHEWS BLS #8241

EXHIBIT 'A'

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN LAND LOT 985, 12<sup>TH</sup> DISTRICT, 1<sup>ST</sup> SECTION, CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA, AND BEING FULLY DESCRIBED BY A PLAT PREPARED BY JASON D. WATKINS, GEORGIA REGISTERED LAND SURVEYOR, DATED MARCH 8, 2018; AS PER SAID PLAT, THE PROPERTY CONTAINS 0.54 ACRES, MORE OR LESS, BEING "TRACT 1 AND 0.52 ACRES, MORE OR LESS, BEING "TRACT 2". THE SUBJECT PLAT BEING RECORDED IN BOOK 2018, PAGE \_\_\_\_\_, LUMPKIN COUNTY RECORDS. SAID PLAT IS HEREBY INCORPORATED BY REFERENCE.

THIS CONVEYANCE IS MADE TOGETHER WITH AND SUBJECT TO EASEMENTS FOR PUBLIC ROADS AND UTILITIES NOW IN USE.

THIS CONVEYANCE IS MADE TOGETHER WITH AND SUBJECT TO ANY EASEMENTS OF RECORDS OR EASEMENTS LOCATED ON THE PROPERTY ABOVE DESCRIBED.

18RE-269

*JAW*

**MINOR FINAL PLAT FOR**  
**Craig Gentry**  
**LAND LOT 985**  
**12th DISTRICT, 1st SECTION**  
**IN THE CITY OF DAHLONEGA**  
**LUMPKIN COUNTY, GEORGIA**

**DRAWN BY:** JW  
**FIELD CREW:** CC, BM  
**PLAT DATE:** 3/8/2018  
**FIELD DATE:** 3/8/2018  
**REV. DATE:** 2/12/2021

**SHEET NO.**  
 1 of 1  
**PROJECT NO.**  
 16-308

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S6 ROBOTIC INSTRUMENT.  
 FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 30,303 FEET, AND AN ANGULAR ERROR OF 5 SECONDS PER ANGLE.  
 FIELD DATA ADJUSTED USING THE LEAST SQUARES METHOD  
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO HAVE A PRECISION OF 1 FOOT IN 96,572 FEET.  
 THIS PLAT DOES NOT CONSTITUTE AND SHALL NOT BE CONSTRUED AS A TITLE SEARCH OR REPORT, AND THIS MAY BE SUBJECT TO ANY EASEMENTS, RIGHT OF WAY OR RESTRICTIONS ONE MAY FIND.  
 THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED ON THIS PLAT. THIS DOES NOT EXTEND TO ANY UNNAMED THIRD PARTY WITHOUT AN EXPRESSED RESTATEMENT BY THE SURVEYOR.  
 TYPE OF SURVEY: DIVISION  
 SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON: DB 1386, PG 357  
 PROPERTY OWNERS AS OF SURVEY DATE: CRETCHEN GENTRY  
 PARCEL NUMBER: 011-136  
 PER CURRENT CITY OF DAHLONEGA REGULATIONS, THE TRACTS SHOWN ARE NOT TO BE REDIVIDED.  
 PER CITY OF DAHLONEGA, SURROUNDING PARCELS ARE ZONED R-2.

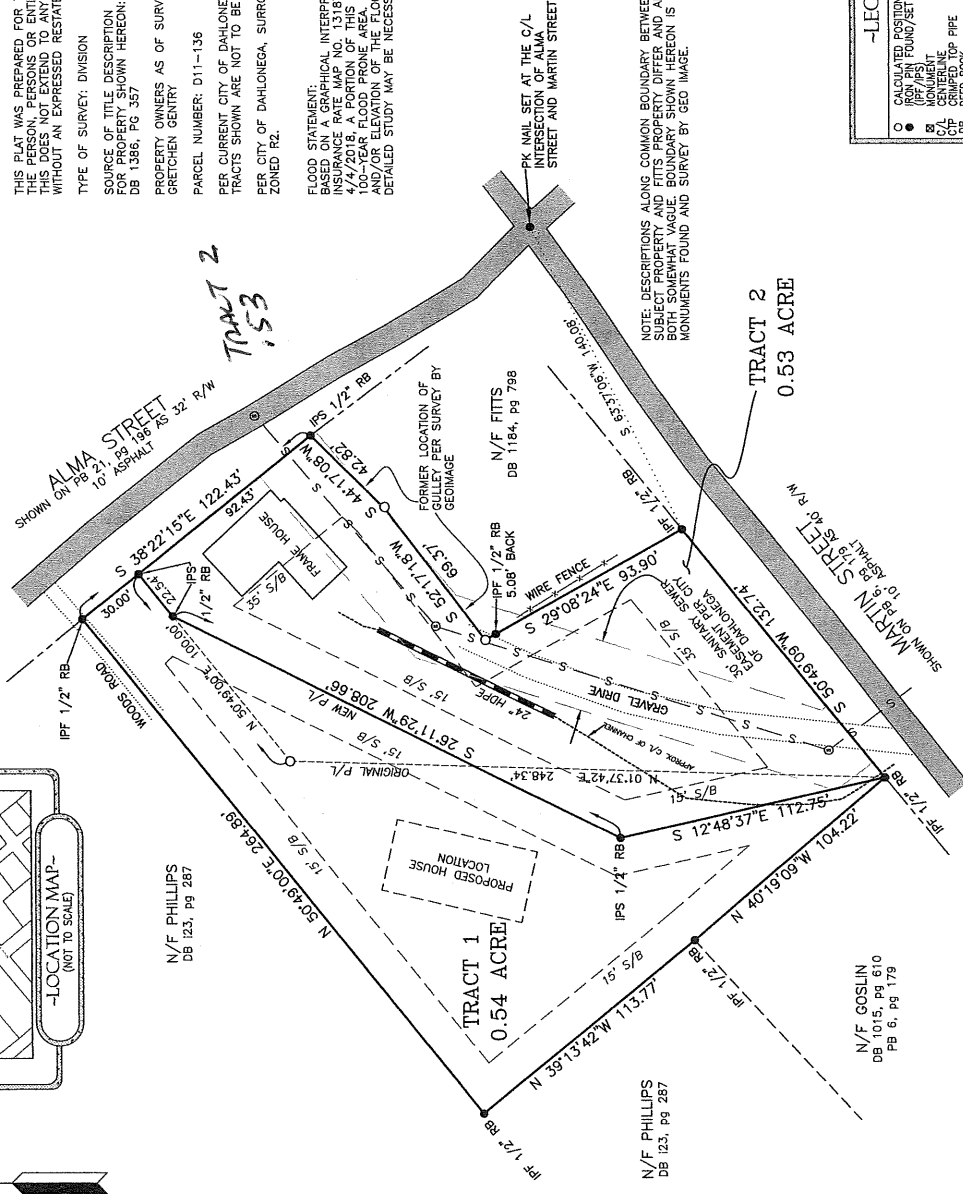
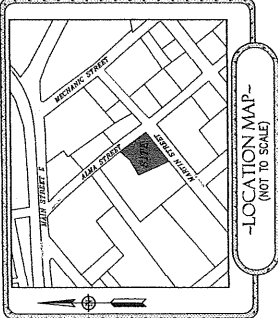
**FLOOD STATEMENT:**  
 PHYSICAL INTERPRETATION OF FLOOD INSURANCE RATE MAP NO. 13187C0161C, EFFECTIVE DATE 4/4/2018, A PORTION OF THIS SITE IS LOCATED WITHIN THE 100-YEAR FLOOD PRONE AREA. IF THE ACCURATE LOCATION AND/OR ELEVATION OF THE FLOOD HAZARD IS REQUIRED, A DETAILED STUDY MAY BE NECESSARY.

**NOTE:** DESCRIPTIONS ALONG COMMON BOUNDARY BETWEEN SUBJECT PROPERTY AND FITTS' PROPERTY DIFFER AND ARE BOTH SOMEWHAT VAGUE. BOUNDARY SHOWN HEREON IS PER MONUMENTS FOUND AND SURVEY BY GEO IMAGE.

**LEGEND-**  
 O CALCULATED POSITION  
 SR SOLID ROD  
 U/LA/US/UTS  
 C/S CENTERLINE  
 C/P CRUMPLED TOP PIPE  
 N/F NEW OR FORMERLY  
 O/F OPEN TOP PIPE  
 P/B PAGE BOOK  
 P/L PROPERTY LINE (ALL IPS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)  
 X TELEPHONE PED. (F/P)  
 W WATER METER (W)  
 P POWER BOX (PB)  
 P POWER POLE (PP)  
 ADJOINER  
 LAND LOT LINE (L.L.L.)  
 RIGHT OF WAY (R/W)  
 OVERHEAD POWER

NOTE: CORNERS TO BE SET UPON APPROVAL  
 GRAPHIC SCALE - FEET  
 SCALE: 1"=40'

**ZONING: R-2**  
**SETBACKS**  
 FRONT: 35 FEET  
 SIDE: 15 FEET  
 REAR: 15 FEET



**TOTAL**  
**1.07 ACRE**

**Owners Acknowledgment and Declaration**  
 (STATE OF GEORGIA)  
 (CITY OF DAHLONEGA)  
 I, the undersigned, shown on this plat and whose name is subscribed thereto, and in person or through a duly authorized agent, acknowledge that this plat was made from an actual survey, and is dedicated to the use of public utility easements, sanitary sewers and water mains and appurtenances, potable water, stormdrains and appurtenances, electric lines and appurtenances thereon shown for the purposes therein expressed.

Owner \_\_\_\_\_  
 Date \_\_\_\_\_

**Minor Final Plat Approval**  
 This subdivision has been reviewed by the community development director and found to conform with the City of Dahlonega Development Regulations and Subdivision Regulations. The City of Dahlonega hereby approves this Minor Final Plat, subject to the provisions and requirements of the City's regulations.

Community Development Director \_\_\_\_\_  
 Date \_\_\_\_\_

~DEVELOPER~  
 CRAIG GENTRY  
 61 HUBLER ROAD  
 DAHLONEGA, GA 30533  
 878-583-5818



**-SURVEYOR CERTIFICATION-**  
 AS REQUIRED BY SUBSECTION (G) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED FOR RECORDING AS EVIDENCED BY NOTATIONS APPROVAL CERTIFICATES, SIGNATURES, AND STAMPS OF THE SURVEYOR OR USER OF THIS PLAT HAS TO INTENDED USE OF ANY PARCEL IN FURTHERMORE, THE UNDERSIGNED, LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS AS SET FORTH IN O.C.G.A. SECTION 15-6-67.  
 I, THE SURVEYOR, HAVE REVIEWED THE RECORDS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.  
 MATTHEW R. ATKINS #3841



City of Dahlonega, Georgia

06/11/2021

## BZA-21-6

### Variance Application

**Status:** Active

**Date Created:** Jun 10, 2021

#### Applicant

Craig Gretchen  
 cddirector.dahlonega@gmail.com  
 61 Huber Road  
 Dahlonega, Ga 30328  
 404-214-5200

#### Location

58 ALMA ST  
 DAHLONEGA, GA 30533

#### Owner:

Grenty Cretchen  
 58 Alma Street Dahlonega, GA 30533

### Variance Information

#### Describe Variance Request

Request to rebuild the on on the existing foundation.

**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.**

Due to setbacks from Alma street and thew City sewer, there is no other buildable location on this lot. Rebuilding this exact same house on it's current foundation requiries a variance. Without the variance, this existing house would be impossible to rebuild.

**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.**

The variance is the only way for me to rebuild the house that already exists on the lot.

**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.**

The house has enjoyable living here on this location longer than any of us has been alive. It deserves to continue living here for future generations to enjoy.

**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.**

the intent of the regulations was never to take a homesite away from the community, my goal is simply to replace what has always been there.



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

The house has been here long before I was born.

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

That is correct. I am just trying to rebuild what is already there.

**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.?**

That is correct. We are not requesting to change anything that doesn't exist.

**A legal description of the property to be considered in the application. The legal description shall be by metes and bounds.**



**Boundary Survey**



**Site Plan**



**Parcel Number or Numbers**

D11 136

**Total Acreage of Site Requesting Variance**

1.06

**Property Owner Signature**

Gretchen Gentry

06/10/2021

**BZA Information**

**BZA Case #**

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**Status**

--

**BZA Determination Date**

--

**Vote Tally**

--

**Primary Variance**

--

**Variance Request**

--

**Variance Granted**

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**BZA Conditions**

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### Attachments

-  Gentry.pdf  
Uploaded by Craig Gretchen on Jun 10, 2021 6:15 PM
-  DOC.PDF  
Uploaded by Craig Gretchen on Jun 10, 2021 6:15 PM
-  Gentry.pdf  
Uploaded by Craig Gretchen on Jun 10, 2021 6:15 PM

### History

Date	Activity
Jun 10 2021 5:26 pm	Craig Gretchen started a draft of Record BZA-21-6
Jun 10 2021 6:15 pm	Craig Gretchen submitted Record BZA-21-6
Jun 10 2021 6:16 pm	approval step Application Review was assigned to Kevin Herrit on Record BZA-21-6
Jun 10 2021 6:18 pm	Tim Martin assigned approval step Application Review to Tim Martin on Record BZA-21-6

### Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Application Review	Active	6/10/2021 at 6:15 PM	-	Tim Martin	-
 Variance Fee	Pending	-	-	-	-
 Variance Approval	Pending	-	-	-	-
 Approval Notice	Pending	-	-	-	-



City of Dahlonega, Georgia

06/11/2021

BZA-21-6

### Variance Fee

Variance Application

**Status:** Pending

**Became Active:**

**Invoice:** 1789

**Completed:**

#### Applicant

Craig Gretchen  
cddirector.dahlonega@gmail.com  
61 Huber Road  
Dahlonega, Ga 30328  
404-214-5200

#### Location

58 ALMA ST  
DAHLONEGA, GA 30533

#### Owner:

Grenty Cretchen  
58 Alma Street Dahlonega, GA 30533

#### Fees

Variance Fee	\$200.00
<b>Total Fees</b>	<b>\$200.00</b>

#### Payments

Date	Method	Note	Amount
Jun. 11, 2021	Check #3002	Inhouse Payment	\$200.00



## Community Development Department

### STAFF REPORT

BZA-21-7

Applicant:	Neva Garrett
Owner:	Greenbriar of Dahlongega c/o Roberta Green Garrett
Location:	77 Memorial Drive (Parcel # D11-192)
Acreage:	7.36 Acres
Current Zoning Classification:	B-2 Highway Business
Current Use of Property:	Mixed Use Commercial Center (Furniture Store, Fitness Center, Retail, Offices, Restaurant, Hair Salon)
Proposed Use:	Setback variance from MM Parkway to allow the addition of a performance theatre with less than the otherwise required standard parking via a shared parking arrangement
General Land Use:	Commercial
City Services:	All city services are available at the site
Traffic Impact:	Limited by hours of operation

Please see material provided by the applicant incorporated herein by reference.

Application, Conceptual Site Plan, Legal Description

The applicant's request is for the addition of a 174-seat 5,000 square feet performance theater ("Menagerie") to the existing 63,000 square feet Greenbriar Shopping Center. This addition was identified in a 1996 site plan as "Future Build Area". A small portion of building associated with the theater's box office is proposed to be constructed within 35-feet of East Main Street right-of-way. Its area of encroachment will be for no more than 100 square feet, will be no closer than 25 feet from the right-of-way and will not limit driver sight distance. Also, because performance hours are planned to be after peak hours of operation of the existing mix of businesses, a shared use parking plan is proposed to increase commercial activity without adding impervious area for additional parking.

Staff recommends conditional approval. Staff analysis and recommendations follow.

## The Area

The area bounded by East Main Street, Morrison Moore Parkway and Memorial Drive is a well-established commercial retail area built between 1980 and 2005. East Main and MM are on the state highway system. The subject parcel (outlined below in blue) adjoins property on all sides zoned B-2 Highway Business. The parcel across East Main to the northwest of the site is zoned R-2 Multiple Family but is used for the Lumpkin County Sheriff's office and jail.



## Subject Parcel

The subject parcel has existed since 1980, if not earlier. The property was developed in 1980 as a shopping center. The property has an existing variance which was approved in 1994 to allow variance to the paving setback and curbcut requirements to allow construction of the building which Bratzeit restaurant now occupies.

The property has dual roadway frontage with approved commercial driveways providing ingress and egress from/to East Main Street and Memorial Drive. The parking lot and finished floor grades of the shopping center are below both driveway access points. City-owned utilities are within the site and the connection of the proposed building addition to utilities can be accommodated at developer expense.

The subject property adjoins and wraps around a 0.90-acre corner parcel at the intersection of Memorial with East Main, which is a Wells Fargo bank. The bank has an existing variance which was approved March 2, 1992, to reduce the setback to 23.22 feet to allow building expansion.

### Street Classification and Front Setback

The standard minimum front setback in the Highway Business (B-2) zoning district is either 60 or 35 feet, depending on street classification. This is because the B-2 district occurs either along major arterial roadways (ex. Morrison Moore Parkway) or along major collector roadway (ex. North Grove and East Main). Section 2001 of the Zoning Ordinance depicts a front setback of 60 feet from arterials and 35 feet from other streets.

Section 301 defines Arterial Streets and Collector Streets as follows:

*Street, Arterial:* Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, arterial streets are those streets and highway facilities, including full and partial access controlled highways and major urban area entrance highways, which are designed to carry the highest traffic volumes and the longest trips through and within an urban area.

*Street, Collector:* Unless otherwise specified by the Comprehensive Plan, Transportation element of the Comprehensive Plan or Major Thoroughfare Plan, collector streets are those streets that collect traffic from minor streets or other collector streets and channel it to the arterial system. Collector streets provide land access and traffic circulation within residential neighborhoods, commercial and industrial areas.

The City does not have a recent Major Thoroughfare Plan and the current Comprehensive Plan does not specify which streets are Arterials or Collectors. A new Comprehensive Plan is under development.

The section of East Main between Morrison Moore and Memorial is part of the federal highway and state highway systems (US Highway 19 Business and Georgia State Route 60 Business). It has a posted speed of 35 miles per hour has several connecting side streets and numerous curbcuts and driveways. It functions as a Collector.

As one travels west toward the site a large radius curve to the left on slight incline occurs. Maintenance of safe sight lines at the driveway intersection is critical to provide adequate safe stopping distances for turning.



The front of the lot is generally assumed to be along the road frontage and the front setback generally parallels the right-of-way. A reduction in front setback of 10 feet from 35 feet to 25 feet would allow construction of the proposed building. It should be noted the City’s actual definition for Setback is:

*Setback:* The minimum horizontal distance between a street, alley, or the property boundary lines of a lot and the front, rear, or side lines **of a building located on that lot.** (emphasis added)

The architectural floor plan and front elevation show the “front” of the building to be oriented not to East Main, but to the parking lot and ultimately Memorial Drive. Thus, the wall paralleling East Main can be argued to be a side of the building and by our ordinance could be suggested to instead be subject to a side setback. A side setback in the B-2 district is only 15 feet, which is likely not suited to a location between the East Main driveway entrance and the northeastern property line.

### Parking

The City’s off-street parking requirements are found in Article VI of the Zoning Ordinance. Despite common public perception, with respect to location of parking spaces Dahlonga has some of the most flexible regulations in the state if not the country. Most jurisdictions simply mandate required parking be within the same parcel as the building or use cross-access easement rights. Section 601 is copied for reference below:

## **Sec. 601. Off-street parking and loading spaces required.**

Off-street automobile parking and loading spaces shall be provided, as specified in this Article, for uses and structures hereafter established in all zoning districts at the time of initial construction of any principal building, unless otherwise exempted from this Article. For developments phased in timing, parking and loading requirements may also be phased in accordance with the requirements applying for each particular time phase of development.

Any building or use that is subsequently enlarged or converted to another use shall meet the off-street parking and loading space requirements of this Article, for the enlarged or new use.

Required parking and loading spaces shall be maintained and shall not be encroached upon by refuse containers, signs or other structures, unless an equal number of spaces are provided elsewhere in conformance with these regulations.

Required parking and loading spaces shall be provided with vehicular access to a public street or alley, unless such access is prohibited by these regulations.

In all zones except B-3 and CBD, off-street parking and loading facilities required shall be located on the same lot as the principal building or use. However, as much as fifty (50%) percent of the required number of parking spaces may be located within four hundred (400) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

In the B-3 and CBD zoning districts off-street parking and loading facilities up to one hundred (100%) percent of the required number of parking spaces may be located within one thousand (1,000) feet of the principal building or use, provided proof of ownership or a valid lease agreement for use of such premises is provided to the Community Development Director or their designee. Such distance shall be measured between the nearest point of the parking facility and the nearest point of the principal building or use.

In B-3 and CBD, applicants may seek administrative variance approval for reduced parking space number using applications provided by the City. The Community Development Director shall have authority to grant an administrative variance reducing otherwise required spaces by an amount not to exceed twenty-five percent (25%) provided good cause for variance is shown. The request shall be accompanied by a parking study conducted by a licensed Professional Engineer or a Certified Planner which demonstrates suitability of the site for single-use or shared multi-use parking at reduced amounts.

( Ord. No. 91-9(Amd. 21), 9-6-2016 ; Ord. No. 2019-12, 7-1-2019 )

A staff-level administrative variance process is approved for the downtown B-3 and CBD districts, but this process is not available to property zoned B-2. New lots and developments zoned B-2 can have up to 50% of the required parking provided up to 400 feet away.



In this case one of the largest private parking lots in the city is underutilized and is immediately adjacent to the proposed new use on property under common ownership. There are not practical other options as shown below (400-foot radius circle from location of the new theatre is shown).



In the current case the property is not being subdivided, so no new lot is being created. Instead, an existing use is being expanded. Notably, the expanded use is targeted to hours of activity that do not coincide with operations of the existing established businesses. However, the ordinance does not address this possibly beneficial consideration, so the variance process before the Planning Commission and Board of Zoning Appeals is warranted.

The applicant’s site plan shows the site has 63,000 square feet of retail area and 274 existing parking spaces (265 regular and 9 handicapped). It suggests a “Mixed Commercial Use” parking requirement of one space for each 250 square feet. This makes sense, as it is a standard found in

other jurisdictions and may even be desirable here, but the Dahlenega Code does not currently recognize such a use as a basis to determine the number of spaces required.

If the theater were to be built as a standalone offsite B-2 zoned facility with independent parking, it would require 32 spaces and a loading zone. If it were to be built offsite as B-2, but within 400 feet of the existing parking lot, up to 50% of the spaces (16) could be administratively approved without the variance process. In this instance being integrated with an existing parking lot is beneficial to the environment by not increasing the amount of stormwater runoff.

If a reservation of 111 spaces for the 22,200 square feet anchor retail space (currently empty) is included, the existing mix of businesses show a total need for 267 spaces based on the City's parking standards. The apparent surplus of only seven spaces would not make sense to support an additional 5,000 square feet of use, if that use were to occur during normal business hours. In her application and by phone conversation the applicant affirms this is not the case, because performances will be at night and weekend hours when many of the center's other businesses are closed. As part of a shared parking lot no additional loading zone spaces are required.

Parking standards and local retail shopping practices have changed dramatically over the past 10-15 years. As a recent local example, a national retailer with more than 1,900 sites across the country determined a proposed local store would only need/warrant/justify 63 spaces. The city's current standards would require 112 spaces.

More recent approaches to municipal parking standards for individual land uses set maximum parking ratios instead of or in conjunction with minimums, or they incorporate parking standards based on recommendations from specific land use studies and parking generation rates by the Institute for Traffic Engineers (now in its fifth edition).

Where shared parking is an option, a key resource is the joint recommendations of the Urban Land Institute (ULI), the National Parking Association (NPA) and International Council of Shopping Centers (ICSC) found in their publication "Shared Parking". Considered ground-breaking when published in 1983, it was updated in 2005 and most recently re-published in 2020 as the third edition.

### 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.

Staff – No, there are not extraordinary conditions of size, shape or topography, but the current standards overlook the 24-hour-a-day potential of private off-street parking for shared use strategies to encourage complementary uses. By virtue of its location the site does not have viable options for offsite parking within 400 feet that might otherwise be available elsewhere.

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.

Staff – No, no deprivation of commonly enjoyed rights for the B-2 district would be created or result, but literal interpretation of the current Code limits the consideration of a commonsense approach to improving the utilization of a large under-utilized existing parking lot.

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.

Staff - Approval of these recommendations will not confer special privileges denied to others. Administrative variance is allowed for B-3 and CBD properties for up to 25% of their parking need and properties in these districts can meet parking requirements for 100% of their need up to 1,000 feet away by way of parking agreements.

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.

Staff – Yes – Relief is appropriate and in harmony with the purpose and intent of the City's regulations without being injurious to the area or general welfare.

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

Staff – The special circumstances are the size of the existing parking lot, which is the result of land development actions by the owner. The applicant seeks a creative approach to facilitate better use of an existing expanse of parking lot.

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

Staff – Yes - The variance recommended is the minimum that would make possible the legal use of the land, building, or structure which was originally identified in 1996.

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

Staff – No - This variance is not a request to permit a use of land, building or structure which is not permitted by right in the district involved. The theatre and parking lot are specifically listed as Permitted Uses in the B-2 Highway Business district.

## Community Development Department Recommendations

Approval of a variance for building setback line from East Main is recommended to be no closer than 25 feet from the right-of-way for a horizontal distance of no more than 25 feet associated with the theatre box office, provided the applicant can demonstrate by further survey analysis that adequate sightlines will be maintained for approaching and exiting vehicles at the East Main driveway intersection.

Approval of a variance to allow shared use of an existing parking lot to meet the otherwise required parking standards for the proposed 174 seat 5,000 square feet performance theatre, provided the applicant provides documentation to show the shared use nature of parking is known to the tenants of Greenbriar and shows the 274 spaces are sufficient to meet parking demand during hours of peak combined operation.

### Possible Motions

I move to approve both variances sought by Ms Garrett in the manner recommended by the Planning Commission as supported in the staff report.

I move to approve the (setback and/or parking) variances sought by Ms Garrett subject to the following conditions (list).

I move to deny one or both of the variances sought by Ms Garrett for the following reasons (list).

Prepared by:

Bill Schmid, Acting Community Development Director and City Manager

Planning Commission Recommendations:

The Planning Commission met August 9, 2021. Five of the seven members were present. After conducting a public hearing on the matter the PC voted 4-0 with the Chair not voting to recommend approval to the the City Council to approve both variances as recommended in the staff report.

Board of Zoning Appeals Action:

TBD as of August 10, 2021



## BZA-21-7

### Variance Application

**Status:** Active

**Date Created:** Jul 9, 2021

#### Applicant

Neva Garrett  
mellodramaproductions@hotmail.com  
4881 Camp Wahsega Road  
Dahlonega, GA 30533  
7064828561

#### Location

406 MAIN ST E Unit S  
Unit S  
DAHLONEGA, GA 30533

#### Owner:

Roberta Green Garrett  
406 East Main Street Dahlonega, GA 30533

#### Variance Information

##### Describe Variance Request

- 1) Requesting a variance on the added parking.
- 2) Requesting a reduction from 35' feet setback to a 30' foot setback for the building.

**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.**

This is a very large parking lot servicing businesses that are not highly frequented.

**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.**

There is no physical way to add parking to this land lot. All land available already contains either marked parking or overflow parking in a gravel area behind the building.

**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.**

Indeed granting this variance would not confer any special privileges, as many local businesses have a smaller ratio of parking vs patronage.

**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.**

I am appealing on the basis of 2 facts. First, the parking lot in question is never, and has never been, more than 1/3 full of cars. I have photos, taken at different times, to attest to this fact. I even have a photo of the parking lot minutes before the July 4th parade that started just a couple blocks from the parking lot. Second, the hours of operation for the Menagerie will be after all of the other businesses (with the exception of the gym which is 24 hours) have closed their operations for the day and will require no parking. Also, additional parking is available, albeit gravel, and completely unused, behind the building.

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

The available land is already quite covered in parking spaces.

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

A variance requested would make the use possible.

**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.?**

The variance would permit a use that is permitted by right in the district involved.

**A legal description of the property to be considered in the application. The legal description shall be by metes and bounds.**

**Boundary Survey**

**Site Plan**

**Parcel Number or Numbers**

D11 064

**Total Acreage of Site Requesting Variance**

7.36

**Property Owner Signature**

Roberta Green Garrett

07/09/2021

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**BZA Information**

**BZA Case #**

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**Status**

--

**BZA Determination Date**

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**Vote Tally**




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**Primary Variance**

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**Variance Request**





**Variance Granted****BZA Conditions****Attachments**

-  Menagerie site plan 7-12.pdf  
 Uploaded by Neva Garrett on Jul 12, 2021 at 10:55 pm
-  Menagerie site plan 7-12.pdf  
 Uploaded by Neva Garrett on Jul 12, 2021 at 10:55 pm
-  Menagerie site plan 7-12.pdf  
 Uploaded by Neva Garrett on Jul 12, 2021 at 10:55 pm

**History**

Date	Activity
Jan 29, 2021 at 4:01 pm	Neva Garrett started a draft of Record BZA-21-7
Jul 9, 2021 at 10:02 pm	Neva Garrett submitted Record BZA-21-7
Jul 13, 2021 at 9:43 am	Tim Martin changed Describe Variance Request from "Requesting a variance on the added parking." to "1) Requesting a variance on the added parking. 2) Requesting a reduction from 35' feet set" on Record BZA-21-7

**Timeline**

Label	Status	Activated	Completed	Assignee	Due Date
 Application Review	Active	Jul 9, 2021 at 10:02 pm	-	-	-
 Variance Fee	Pending	-	-	-	-
 Variance Approval	Pending	-	-	-	-
 Approval Notice	Pending	-	-	-	-

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: Roberta Green Garrett

Printed name of Property Owner : Roberta Green Garrett

Date of Signature: 7/13/21

Signature of Witness: Mara G Garrett



**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: \_\_\_\_\_

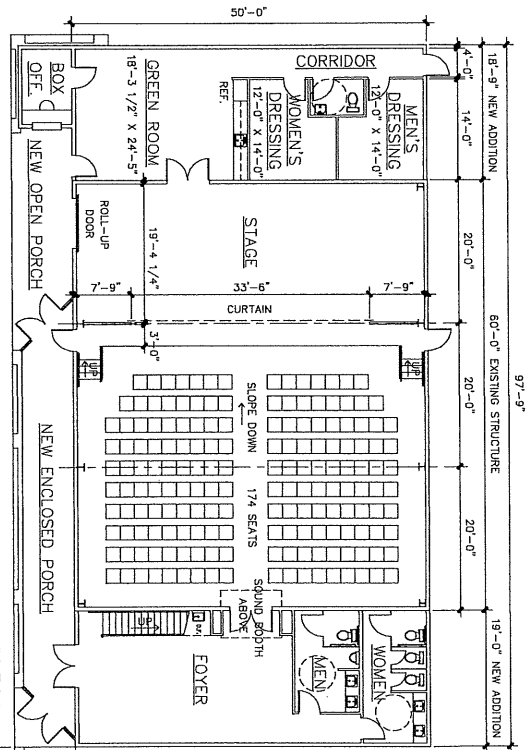
3. Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning:

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.

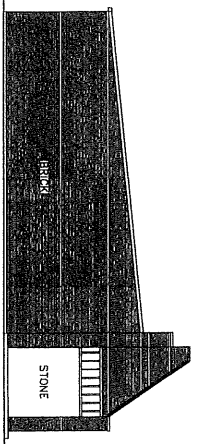
This form may be copied and additional pages attached if necessary.



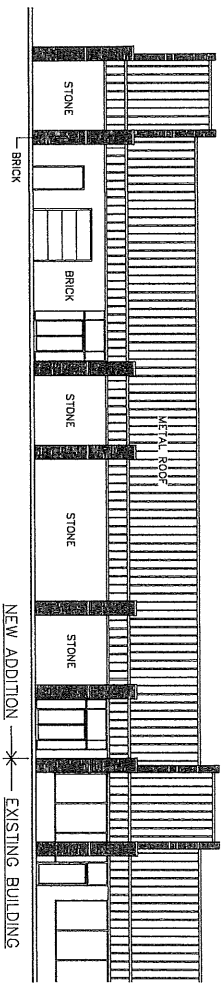


MAIN FLOOR PLAN  
1/8" = 1'-0"

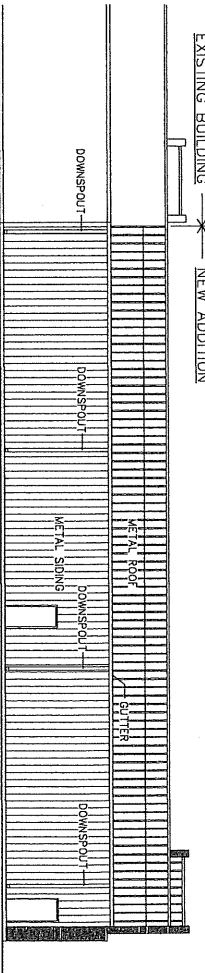
SOUND BOOTH  
PLAN  
1/8" = 1'-0"



STREET ELEVATION  
1/8" = 1'-0"  
NEW ADDITION



FRONT ELEVATION  
1/8" = 1'-0"  
NEW ADDITION — EXISTING BUILDING



REAR ELEVATION  
1/8" = 1'-0"



Architects  
Cohesville  
Georgia 30501  
770 534 0512

**MENAGERIE**  
DAHLONEGA, GEORGIA

Project No 21051  
Drawn By JKB  
Checked By  
Date Apr. 13, 2021  
Revisions

**A1**  
OF 1

STATE OF GEORGIA, County of LUMPKIN

This INDENTURE, Made this 17th day of December in the Year of Our Lord One Thousand Nine Hundred and Eighty between Roberta B. Green (Also Known as Roberta Green) of the State of Georgia and County of Lumpkin, party of the first part, and Greenbriar of Dahlonega Shopping Center, Inc. a Georgia corporation, of the State of Georgia and County of Lumpkin, party of the second part,

WITNESSETH: That the said party of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, its heirs and assigns, all that tract or parcel of land lying and being in Land Lots 984, 985, 998 and 997, 12th District, 1st Section of Lumpkin County, Georgia, and being more particularly described on Exhibit "A" attached hereto.

GEORGIA, LUMPKIN COUNTY CLERK'S OFFICE SUPERIOR COURT FILED FOR RECORD

AT 11:00 A.M. 12-17-80 RECORDED IN BOOK 84 PAGE 779-780 THIS 17th DAY OF Dec 1980 EDWARD E. TUCKER, CLERK

LUMPKIN COUNTY GEORGIA REAL ESTATE TRANSFER TAX PAID \$110.00 DATE 12-17-80 EDWARD E. TUCKER CLERK OF SUPERIOR COURT

TO HAVE AND TO HOLD the said tract or parcel of land, 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, its heirs and assigns, forever, in Fee Simple.

AND THE SAID party of the first part, for her heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, its heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and seal, the day and year above written.

Signed, sealed and delivered in presence of:

Handwritten signatures of Roberta B. Green and Edward E. Tucker with seals.

Notary Public, Georgia, State at Large My Commission Expires May 17, 1982

ALL THAT TRACT OR PARCEL of land lying and being in Land Lots 984, 985, 998 and 999, 12th District, 1st Section of Lumpkin County, Georgia and being more particularly described as follows:

BEGINNING, at an iron pin located on the northeasterly edge of the right-of-way of Memorial Drive, said pin being located South 61 degrees 51 minutes East, a distance of 200 feet along said right-of-way from a nail and cap which marks the intersection of the southeasterly edge of the right-of-way of State Route 52 and the northeasterly edge of the right-of-way of Memorial Drive; thence from said POINT OF BEGINNING the property is described by running North 37 degrees 34 minutes East a distance of 212 feet to an iron pin; thence North 61 degrees 51 minutes West a distance of 200 feet to an iron pin located on the southeasterly edge of the right-of-way of State Route 52; thence the following courses along the southeasterly edge of the right-of-way of State Route 52: North 19 degrees 22 minutes East a distance of 85.66 feet; North 17 degrees 45 minutes East a distance of 224.62 feet; North 22 degrees 23 minutes East a distance of 88.66 feet; North 25 degrees 32 minutes East a distance of 13.37 feet; North 31 degrees 22 minutes East a distance of 77.03 feet to an iron pin; thence leaving said right-of-way run South 54 degrees 20 minutes East a distance of 95.05 feet to an iron pin; thence South 47 degrees 05 minutes East a distance of 439.68 feet to an iron pin; thence South 48 degrees 48 minutes East a distance of 205.28 feet to an iron pin; thence South 54 degrees 43 minutes West a distance of 429.98 feet to an iron pin; thence North 43 degrees 57 minutes West a distance of 72.5 feet to an iron pin; thence South 44 degrees 20 minutes West a distance of 166.2 feet to an iron pin on the northeasterly edge of the right-of-way of Memorial Drive; thence North 61 degrees 51 minutes West a distance of 188.39 feet along the right-of-way of Memorial Drive to the POINT OF BEGINNING.

*P. G.*

**EXHIBIT A**