



**CITY OF DAHLONEGA
BOARD OF ZONING APPEALS PUBLIC
HEARING AGENDA
MONDAY, NOVEMBER 15, 2021 AT 4:00 PM
CITY HALL - MAYOR MCCULLOUGH COUNCIL CHAMBER**

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

Call to Order

Pledge of Allegiance

Approval of Minutes

Old Business

New Business

1. BZA 21-13 Marty and Roger Palmour

Marty and Roger Palmour are request a reduction of building setbacks at 271 South Grove Street (D11-140)

Jameson Kinley - Planning and Zoning Administrator

Information & Training

Adjournment

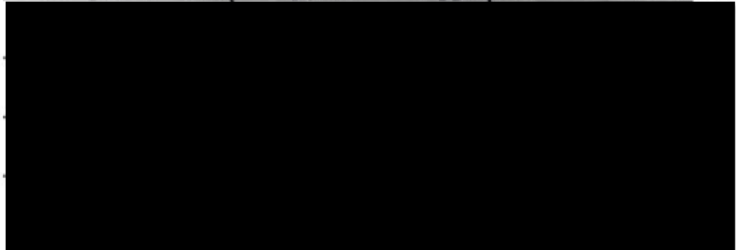
VARIANCE APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA

Property Owner:

Name:

Marty and Roger Palmour

Address:



Phone:

Applicant:
(if different from
Owner)

Name:

Address:

Phone:

Agent:
(if applicable)

Name:

Address:

Phone:

Existing Zoning:

R

Proposed Zoning:

—

Existing Use:

No change in zoning type

Proposed Use:

r " " use

Acreage of Site:

.18 acre

Variance Request:

We plan to build a single family home and are requesting a variance in ~~front~~ setbacks ~~out~~ front, rear, and side (Alma. St) S. Grove St as explained in attached letter.

Location of Property:
(Street address)

271 S. Grove St

*Tax Plat and parcel:

D11 140

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.

We are building a new house to replace the previous, demolished, house. There would be ^{little or} no space to build a house within current setback standards.

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.

A literal interpretation of regulations would not allow space to build a liveable size home.

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.

Most houses ^{adjacent + nearby} do not meet current setback standards, so we will not be receiving any special setback privilege. The adjacent house at 255 S. Grove was granted similar setbacks in 2017.

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 proposed home will be of "cottage" style, approximately 1200 sq ft and will be constructed by the same builder as the home at 255 S. Grove. The quality and style will be an asset to the neighborhood.

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

The special circumstances are due to the small size, 0.18^{acre}, of the lot, which previously had a small house on it. Not the old house was not set-back as required currently.

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

Yes, it is the minimum variance that makes it possible to build a liveable size home. The requested set back is about the same set back as the former home.

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.

No, it is not a permit to allow use for prohibited uses. It is a request simply to build a ^{private} residence essentially along the same setbacks of the previous structure, a home.

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 Dahlonga.

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: Mary H. Palmeyer "Marty"

Printed name of Property Owner : John G. Palmer

Date of Signature: 9/23/2001

Signature of Witness: Dee L. Adams

ROGER and MARTY PALMOUR

Mail to:

Phone:
FAX:

September 23, 2021

TO: All Employees, Officials,
Members of the Planning Commission
and Members of the City Council
City of Dahlenega

Application for Setback Variances for Proposed New Home 271 Grove Street South

We would like to submit and explain the attached items in support of our request for front, side and rear variances for the small new two bedroom house that we would like to build at the above address. In 2014 we purchased the adjacent lot at 255 Grove Street South (the "Mattie Stone Lot"), and in 2018 we went through the process of obtaining setback variances and a building permit for that lot. In 2019, we had the opportunity to buy the house and lot at 271 Grove Street South from the sons of Sue Stone.

Earlier this year we sold the house at 251 Grove Street South, and are working with the architectural firm of Reynaud & Associates to design a somewhat smaller house to build on the much smaller lot at 271 Grove Street South. As you can see, this lot is only 75 feet deep. The lot that we recently sold was 100 feet by 100 feet, as are most other lots in the neighborhood. However, it appears that, at some point in the distant past, the owners of our present lot sold a 25 foot strip along the northern side to the owners of the adjacent lot to the north.

This has presented a unique challenge to us and our architects, but we believe that we have come up with a solution that makes sense. Working with the 75 foot depth of the lot, we have designed a simple 32 by 44 foot single story house with two bedrooms, two baths, a small living room and a kitchen/dining area. The walls of the house itself would be set back at least 23 feet from Grove Street South and at least 15 feet from the side street, Alma Street, but an 8 foot wide covered porch along most of the south and west sides of the house would bring the complete structure close to 15 feet from Grove Street South. There would also be a 12 foot wide single vehicle covered carport on the north side. The house itself would be 17 feet from the north boundary, with edge of the carport 5 feet from the north line. All parts of the structure would be at least 32 feet from the western boundary of the lot, but we would like to build a small, detached garden shed no larger than 8 by 14 feet somewhere in the northeastern portion of the property.

Page Two – Setback
Variance Request

There are three attachments to this letter. The first is a copy of the 2019 survey of the lot as done by John Davis. The second is an enlarged portion of that survey on which we have sketched the approximate locations of the proposed house and the small garden shed. The carport and side porches are shaded in pink cross-hatching. The third attachment was prepared by the architects. They have shown the location of the proposed new house, and also have superimposed the footprint of the Sue Stone house, which we have shaded in yellow because the dotted lines did not copy. This sketch shows that our new house will be no closer to Grove Street South, Alma Street, or the lot to the north than was the existing house that we are replacing.

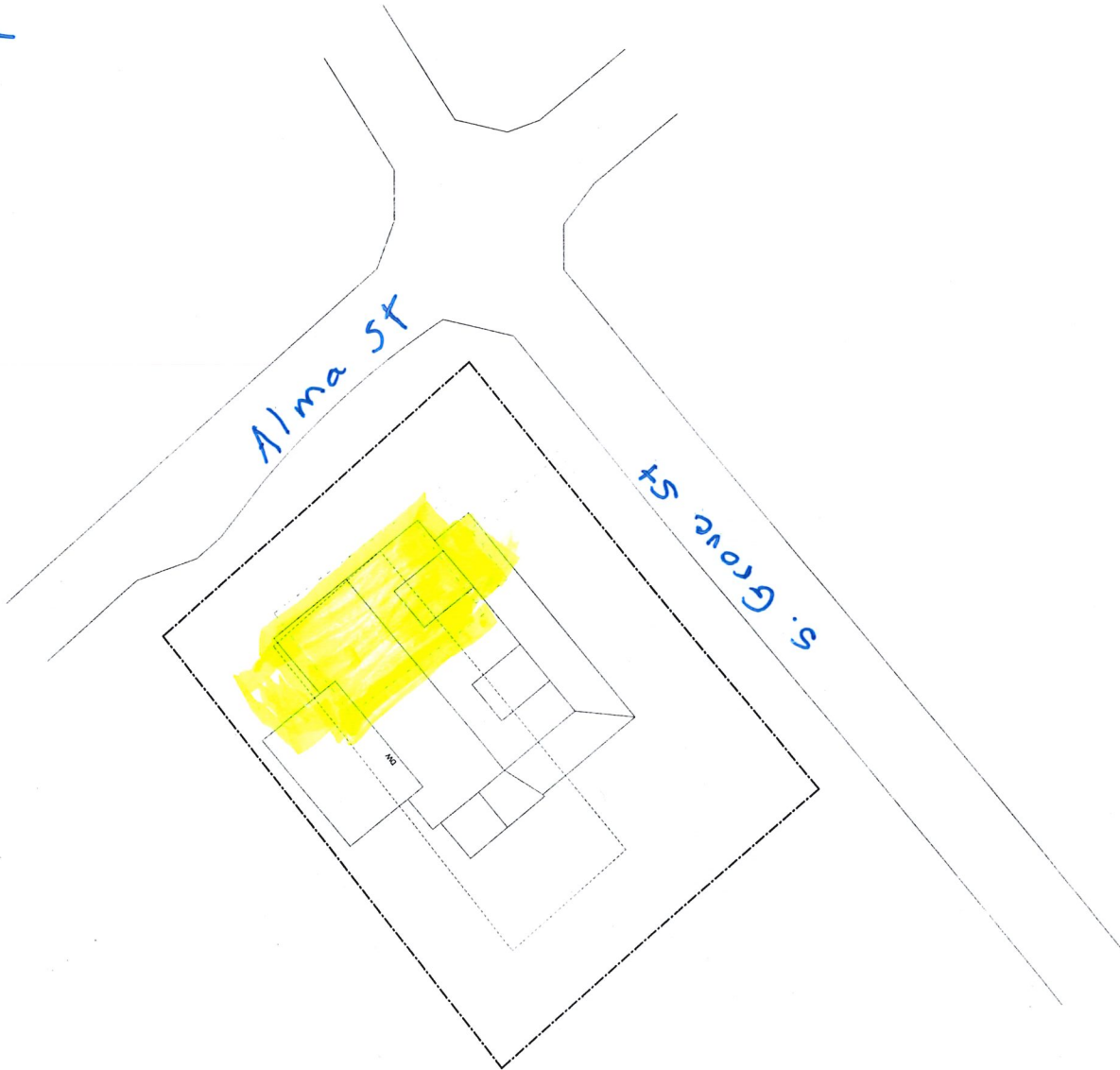
Sincerely,

John Roger Palmour
Mary Henley Palmour



LEGEND
 --- FINISH GRADE
 --- EXISTING CONCRETE COLUMN
 --- EXISTING CONCRETE FOUNDATION
 --- EXISTING CONCRETE FOOTING
 --- EXISTING CONCRETE WALL
 --- EXISTING CONCRETE SLAB
 --- EXISTING CONCRETE CURB
 --- EXISTING CONCRETE DRIVE
 --- EXISTING CONCRETE SIDEWALK
 --- EXISTING CONCRETE DRIVE CURB
 --- EXISTING CONCRETE SIDEWALK CURB
 --- EXISTING CONCRETE DRIVE CURB
 --- EXISTING CONCRETE SIDEWALK CURB

Attachment 3
 271 S. Grove
 Palmdoor



PHASE 2 - DESIGN

MARTY PALMOUR
 PROJECT
 DAHLONEGA
 RESIDENCE
 271 S GROVE ST DAHLONEGA, GA
 30533

DATE: 11-10-2020
 DRAWN BY: J. HARRIS
 CHECKED BY: P. HARRIS
 PROJECT NO: 211008
 DRAWING NO: 211008-01
 SHEET NUMBER OF SHEETS: 02
 DATE PLOTTED: 11/10/20

SCALE: 1" = 10'-0"
 NORTH ARROW
 DRAWN BY: J. HARRIS
 CHECKED BY: P. HARRIS
 PROJECT NO: 211008
 DRAWING NO: 211008-01
 SHEET NUMBER OF SHEETS: 02
 DATE PLOTTED: 11/10/20

SITE PLAN
 210727 A050 B

1 SITE PLAN
 11/10/20

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

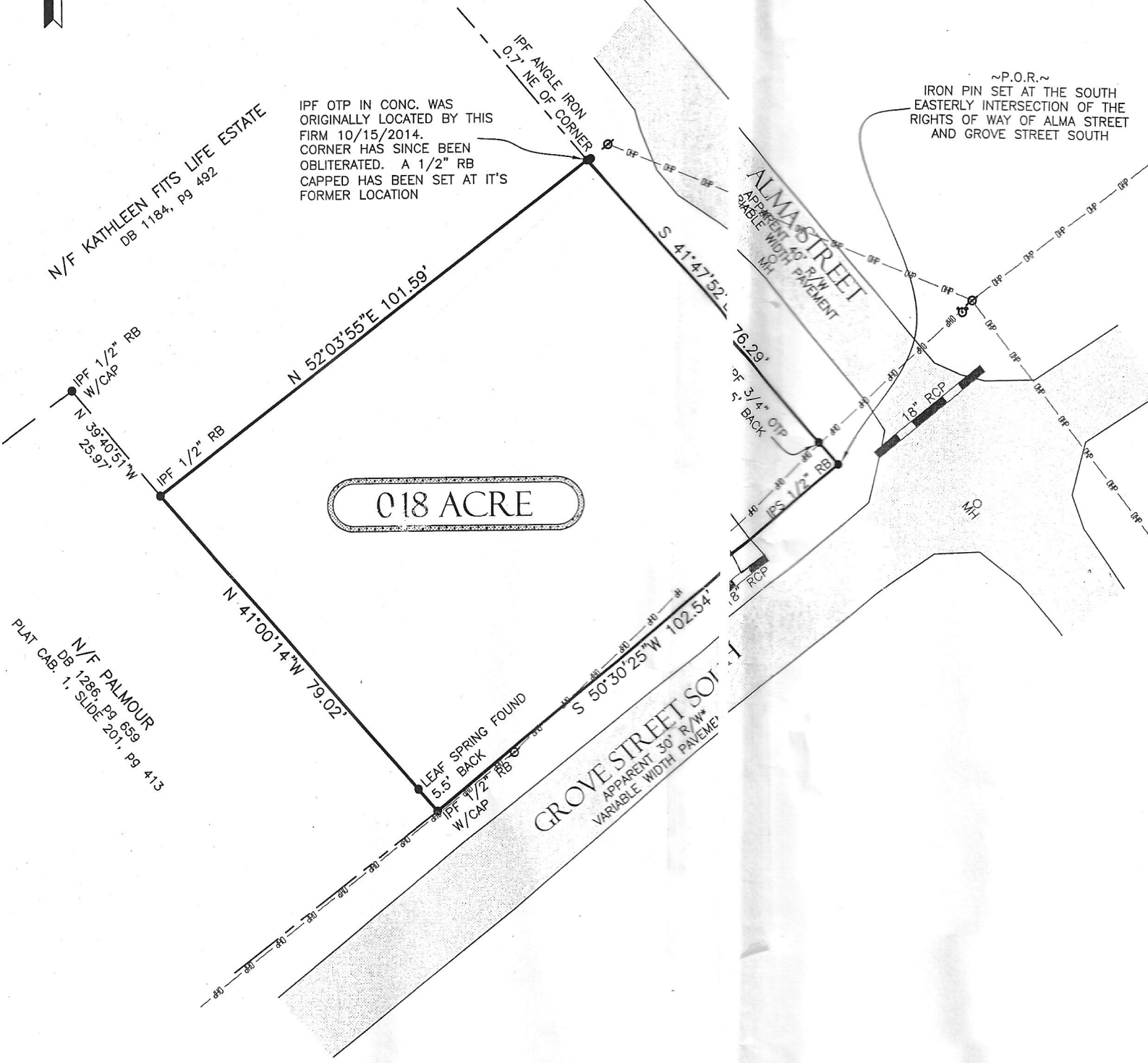


Attach #1

~LEGEND~

○	CALCULATED POSITION	RB	REBAR
●	IRON PIN FOUND/SET (IPF/IPS)	SR	SOLID ROD
⊠	MONUMENT	OCS	OUTLET CONTROL STRUCTURE
C/L	CENTERLINE	CPP	CORRUGATED PLASTIC PIPE
CTP	CRIMPED TOP PIPE	GI	GRATE INLET
DB	DEED BOOK	DI	DROP INLET
N/F	NOW OR FORMERLY	○	SANITARY SEWER MANHOLE (SSMH)
OTP	OPEN TOP PIPE		
PB	PLAT BOOK		
PG	PAGE		
P/L	PROPERTY LINE		
⊠	TELEPHONE PED. (T.P.)	(ALL IPS ARE 1/2" RB "CAPPED" UNLESS OTHERWISE LABELED)	
⊠	FIRE HYDRANT (FH)	---	ADJOINER
⊠	WATER METER (WM)	---	LAND LOT LINE (L.L.L.)
⊠	WATER VALVE (WV)	---	RIGHT OF WAY (R/W)
⊠	POWER BOX (PBX)	---	FENCE
⊠	POWER POLE (PP)	---OP---	OVERHEAD POWER

*APPARENT 30' R/W AS SHOWN ON PLAT CABINATE 1, SLIDE 201, PG 413. THE RIGHT OF WAY SHOWN IS SUBJECT TO THE DISCOVERY OF ADDITIONAL DOCUMENTATION.



0.18 ACRE

~SURVEY NOTES~

FIELD MEASUREMENTS WERE TAKEN WITH A TRIMBLE S3 ROBOTIC INSTRUMENT.

FIELD DATA FOUND TO HAVE A CLOSURE PRECISION OF 1 FOOT IN 27,535 FEET, AND AN ANGULAR ERROR OF 1 SECOND 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 104,657 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.

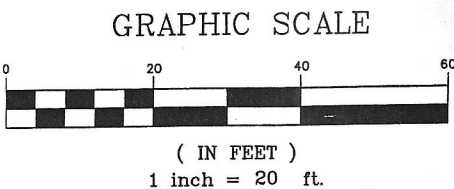
TYPE OF SURVEY: RETRACEMENT

SOURCE OF TITLE DESCRIPTION FOR PROPERTY SHOWN HEREON:
DB 1427, PG 189

PROPERTY OWNERS AS OF SURVEY DATE:
MARY AND JOHN PALMOUR

PARCEL NUMBER: D11 140

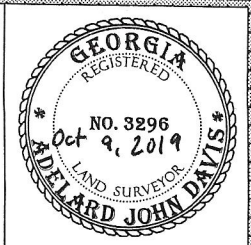
SITE ADDRESS:
271 GROVE STREET SOUTH
DAHLONEGA, GA 30533



THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT REQUIRE APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

Adelard J. Davis
ADELARD JOHN DAVIS; RLS #3296

~SURVEYOR CERTIFICATION~



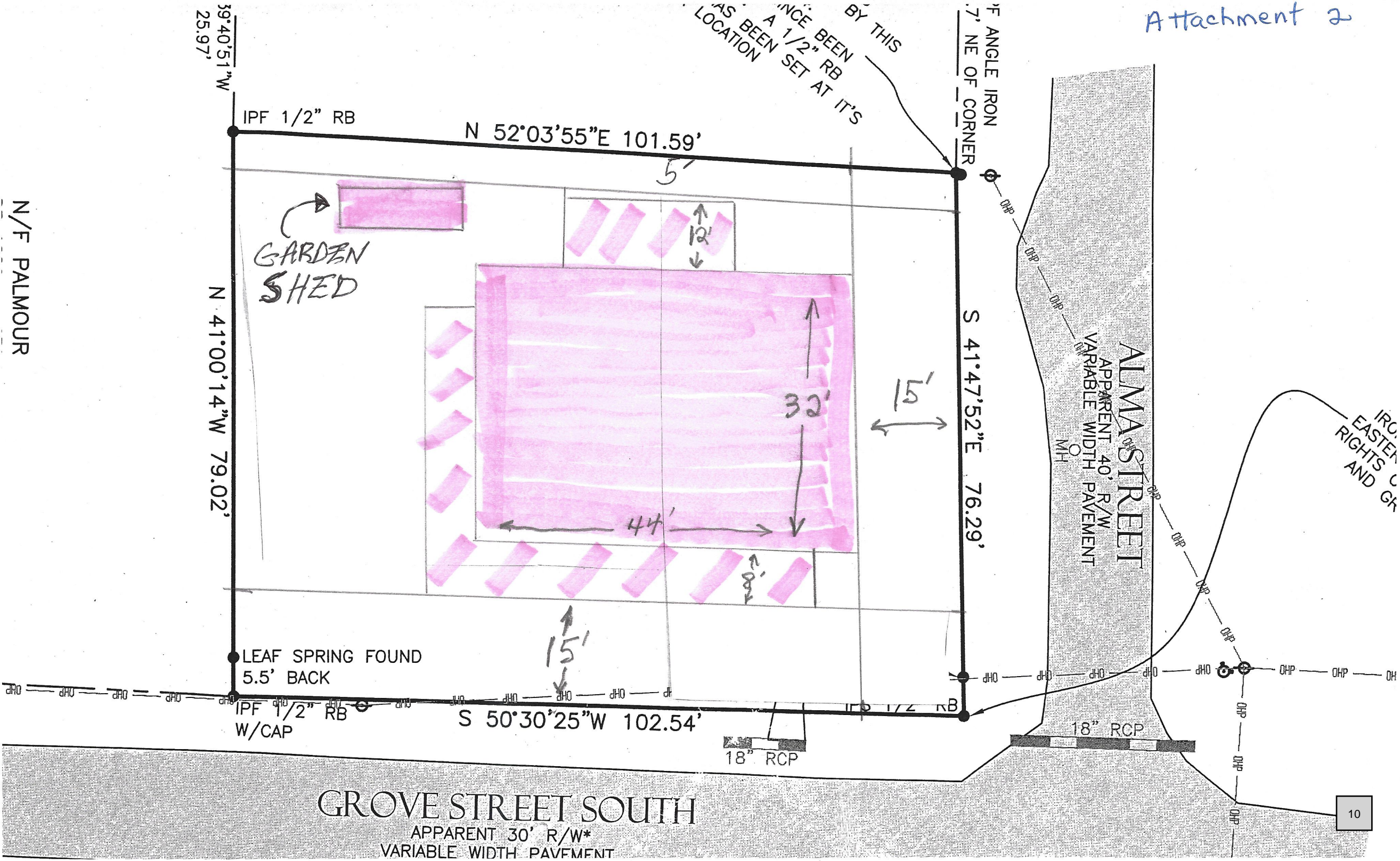
PREPARED BY
DES DAVIS
ENGINEERING & SURVEYING
133 PROMINENCE COURT SUITE 210
DAWSONVILLE, GA 30534
PHONE: (706) 265-1234
DAVISENGINEERS.COM

SURVEY FOR:
JOHN RODGER PALMOUR &
MARY HENSLEY PALMOUR
LAND LOT 985
12TH DISTRICT, 1st SECTION
CITY OF DAHLONEGA
LUMPKIN COUNTY, GEORGIA

DRAWN BY: DL
FIELD CREW: AJD, TE
PLAT DATE: 10/2/2019
FIELD DATE: 9/9/2019

SHEET NO.
1 OF 1
PROJECT NO.
19-282

CERTIFICATE OF AUTHORIZATION NUMBER: LSF 001057



N/F PALMOUR

GROVE STREET SOUTH
 APPARENT 30' R/W*
 VARIABLE WIDTH PAVEMENT



STAFF REPORT

BZA 21-13

Applicant: Marty and Roger Palmour
Owner: Marty and Roger Palmour
Location: 271 South Grove Street (D11-140)
Acreage: +/- .18 Acres
Current Zoning Classification: R-2
Reason: Reduction of the front and side building setback to build a residential structure closer than allowed by zoning
City Services: All city services close to the site

Applicant Proposal

The applicant requests a variance from the required 35' front setback and 15' side setback to build a structure closer to the right of way and side property line. The shape and size of the lot is very restrictive. The applicant is looking to build and expand on the previously demolished home that was there.

History and Surrounding Uses

The previous home was built in the 1940s. It was demolished earlier this year when it was considered derelict. The original home was built inside the setbacks. Similar variances have been granted in this area include:

2019	Corner of Grove Street South and Riley Road
2018	255 Grove Street South
2004	Coner of Mechanic Street and Grove Road

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

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



The exceptional condition would be the previous home being built in the setbacks. This lot was developed pre-zoning regulations with no setback requirements.

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**

A 35 foot front setback on both Alma and Grove Street would significantly decrease the amount of buildable space.

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

Granting this variance would have brought the previous structure into compliance.

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

If granted, this variance would allow for this area to continue to be developed in a way that would benefit the neighborhood and general welfare consistent with the purpose of our regulations.

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

Correct.

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

The applicant's request seeks approval for more setbacks than is required to accommodate the building. Staff recommends only to grant what is requested on the site plan.

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

Correct

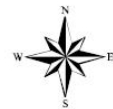
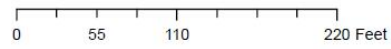
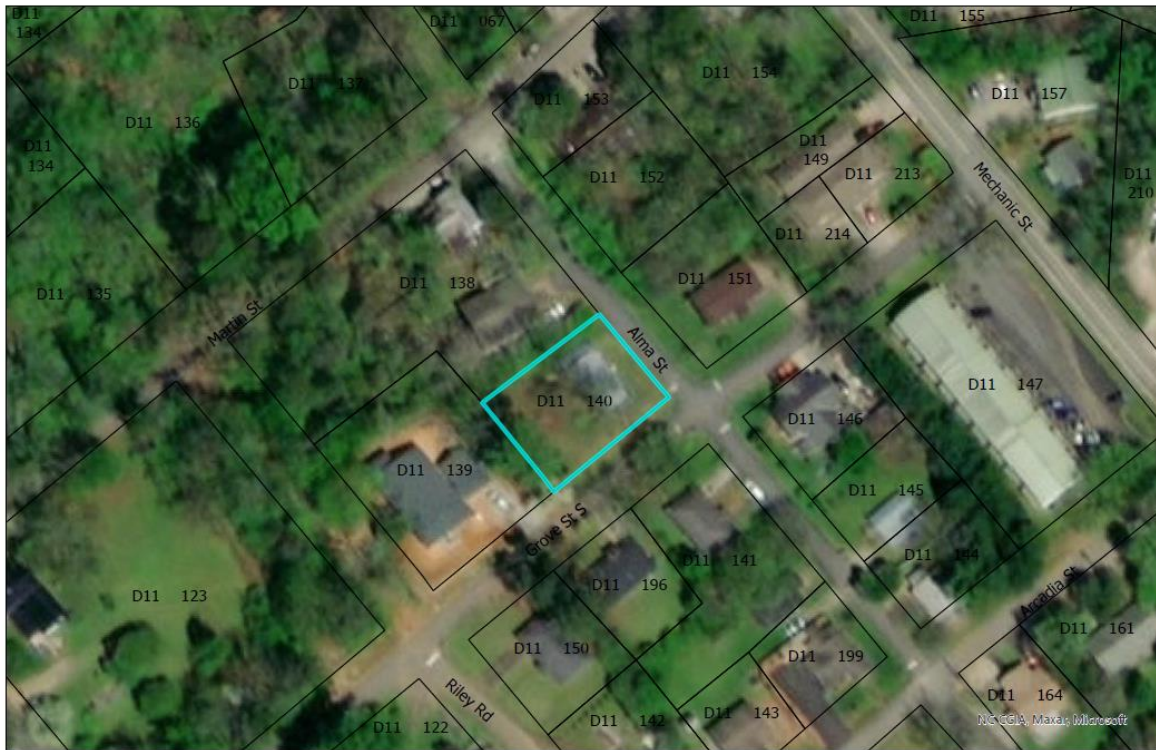
Staff Analysis



The previous structure predated the zoning ordinance. Alma Street has similar setbacks ranging from 15 to 30 feet. Grove Street South has setbacks ranging from approximately 10 feet to 20 feet. Given the circumstances, the staff sees no objections to granting this variance request and recommends approval.



Aerial view of the Parcel:





Current Zoning:



0 55 110 220 Feet

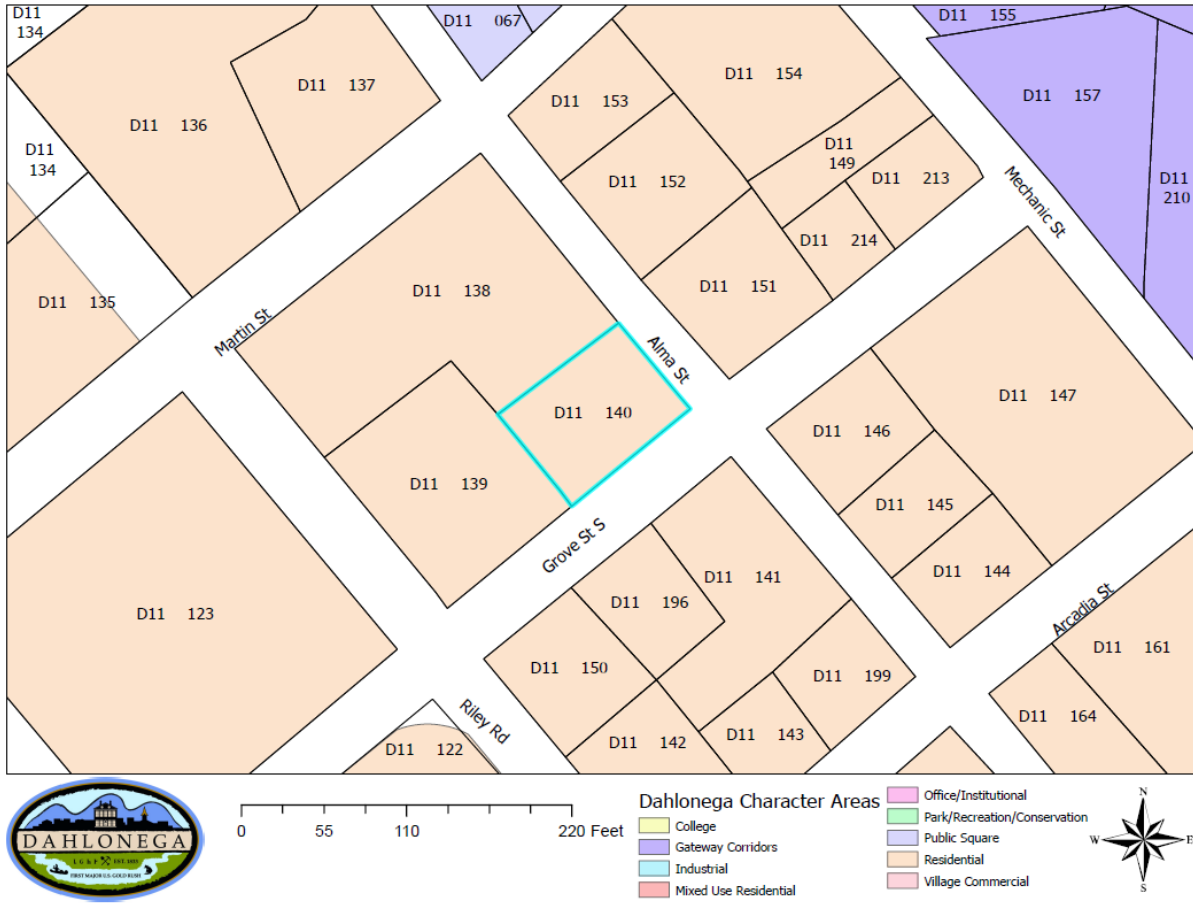
Zoning

B2	I	R1	
B1	B3	OI	R2
CBD	PUD	R3	





Comprehensive Plan:



Staff Recommended Motion:

Motion to recommend approval/approve Variance Application BZA-21-13 to reduce both front building setbacks from 35' to 15' and the side setback on the northeast side from 15' to 5'.

Planning Commission

Motion to recommend approval/approve Variance Application BZA-21-13 to reduce both front building setbacks from 35' to 15' and the side setback on the northeast side from 15' to 5'.

