



# CITY OF DAHLONEGA

## City Council Public Hearing Agenda

October 16, 2023, 4:00 PM

Gary McCullough Chambers, Dahlonega City Hall

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In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

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### CALL TO ORDER

#### *Public Hearing:*

- [1.](#) Zoning Map Amendment - (Parcel No. D11-033)  
Doug Parks, City Attorney

### ADJOURNMENT



**DATE:** 10/16/2023  
**TITLE:** Zoning Map Amendment - (Parcel No. D11-033)  
**PRESENTED BY:** Doug Parks, City Attorney

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**AGENDA ITEM DESCRIPTION:**

This is a request to amend the zoning map of the City of Dahlonega, Georgia, by changing the zoning on a parcel of land owned by Chelsea Mikell and Scott L. Mikell (REZN-23-4) – the request is to change the proposed use of a +/- 0.261- acres property located at 115 N Meaders Street (D-11-033) from R-1 (Single Family Residential District) to R-3 (Multiple Family Residential District). The purpose of this request is to allow this property to function as a short term rental.

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**HISTORY/PAST ACTION:**

Planning Commission recommended denial.

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**FINANCIAL IMPACT:**

N/A

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**RECOMMENDATION:**

This is a public hearing only. No action is to be taken.

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**SUGGESTED MOTIONS:**

No motions are to be made at the public hearing.

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**ATTACHMENTS:**

Staff report is attached.

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## STAFF REPORT

### REZN 23-4

Applicant:	Scott Mikell
Owner:	Chelsea Mikell
Location:	115 N. Meaders Street (Tax Parcel D11 033)
Acreage:	+/- 0.261 Acres
Current Zoning Classification:	R-1 (V): Single-Family Residential District
Requested Zoning Classification:	R-3: Multiple-Family Residential District
Current Use of Property:	Developed / Single-family residence
Proposed Land Use:	Developed / Single-family residence & short-term rental
City Services:	The property is in the Dahlonega Water Service Area

### **Applicant Proposal**

The applicant is requesting to rezone a 0.261± acre (11,369 square feet) property on Meaders Street (Tax Parcel D11 033) from R-1: Single-Family Residential District, with conditions, to R-3: Multiple-Family Residential District for the purpose of utilizing the existing single-family residence as a personal vacation home and short-term rental property. Within the R-1 zoning district, short-term rentals, as defined in Article VIII (Short-Term Rentals) are not a permitted use, resulting in this rezoning request.

In Sec. 802 of Article VIII – Short-Term Rentals, the regulations applicable to short-term rentals outline the requirements to operate a short-term rental on a property. Those requirements include standards related to parking, trash, occupancy numbers, life safety standards, and property management.

### **History and Surrounding Uses**

The subject property is zoned R-1: Single-Family Residential District. The property tax records show that the property has been in the ownership of the current property owners since October 25, 2022. Previously, a request for a variance was heard by the Zoning Board of Appeals in 1987 to permit the construction of a second residence on the property. In 1991 the former property owner appeared before the City Council to determine if the



second residence could still be constructed. The minutes from the meeting indicate that it could be constructed if it met city regulations. It is unclear if a second residence was ever constructed. Currently, there is only a single residence on the property.

North: Directly north of the subject property are other R-1: Single-Family Residential District zoned parcels.

South: The property directly south across Hawkings Street is Hancock Park and is zoned CBD: Central Business District.

East: To the east of the subject parcel is a 1.12± acre parcel zoned R-2 (C): Multiple-Family Residential (Conditions) zoned parcel developed with a condominium rental development.

West: Adjacent to the west is a 0.51± acre parcel zoned R-1: Single-Family Residential District parcel developed with single-family residence.

**Staff Analysis**

The applicant is requesting to rezone the subject property from R-1: Single-Family Residential District to R-3: Multiple-Family Residential District for the purpose of using the existing single-family residence as both a personal vacation rental and a short-term rental.

The below table summarizes the zoning standards of the R-1: Single-Family Residential and R-3: Multiple-Family Residential Districts, and the proposed development:

Lot Dimensions	Current: R-1: Single-Family Residential	Proposed: R-3: Multiple-Family Residential	Subject Property
Minimum Lot Area	30,000 sq. ft.	10,000 sq. ft.*	11,369 sq. ft.
Minimum Lot Width	100 ft.	60 ft.	104.57 ft. (Meaders St.) 109.25 ft. (Hawkins St.)
Minimum Floor Area	1,200 sq. ft.	700 sq. ft.	1,184 sq. ft.
Maximum Density	1.5 du/a	8.0 du/a (multi-family)	NA
Front Setback (Arterial Streets)	60 ft.	60 ft.	NA
Front Setback (Other Streets)	35 ft.	35 ft.	34.1 ft. (Meaders St.) 43.0 ft. (Hawkins St.)
Side Setback	15 ft.	10 ft.	18.5 ft. (Residence)
Rear Setback	15 ft.	10 ft.	24.6 ft.
Accessory Structure Setback	5 ft.	5 ft.	13.5 ft. (Shed)
** 20,000 square feet is required for a two-family dwelling (duplex).			

The subject property is developed with a 1,184 square foot single-family residence, constructed in 1885 per the Lumpkin County Tax Assessors records. The property falls



below the minimum lot size requirement of the R-1 district and as a result is considered a non-conforming lot a record. Sec. 301 defines a lot of record as “a lot which is part of a subdivision, a plat of which has been recorded in the records of the County Superior Court Clerk; or a parcel of land, the deed of which has been recorded in the same office as of November 6, 1979.” A survey of the subject property was approved for recording as a lot of record by the City of Dahlonega and subsequently recorded with the Lumpkin County Clerk of Court on August 4, 2014.

Finally, Sec. 702. – Minimum requirements states “within each district, the regulations set forth shall be minimum requirements and shall apply uniformly to each class or kind of building, structure or land.”

The request to rezone the subject property (11,369 square feet) from R-1: Single-Family Residential District to R-3: Multiple-Family Residential District meets the minimum lot size requirement of the R-3 district (10,000 square feet) and is consistent with the requirements of Sec. 702.

**Sec. 802. - Regulations applicable to short-term rentals.**

- a. In addition to the licensing requirements and other requirements set forth herein, the following regulations apply to Short-Term Rentals:

<u>Standard</u>	<u>Compliance?</u>	<u>Notes</u>
Sec. 802(a)(I) - Inspection	At time of licensing	A code compliance verification form must be signed by the owner stating that the property complies with or exceeds current zoning, building, health and life safety code standards
Sec. 802(a)(II) - Parking (1 space per bedroom)	Unknown	The number of bedrooms within the residence is unknown and as a result compliance cannot be determined. It is likely that there is sufficient parking, as there is a paved driveway which appears to be able to accommodate at least 2 vehicles.
Sec. 802(a)(III) - Trash	Unknown	The submitted application does not discuss how trash will be managed.
Sec. 802(a)(IV) - Demarcation of Boundaries	Likely Deficient	The applicant will need to have the property boundaries marked per this code requirement prior to the issuance of any licenses related to the short-term rental license.
Sec. 802(a)(V) - Number of Occupants	Unknown	The number of occupants shall be limited to (four) 4 per bedroom. The maximum number of occupants cannot be determined without more information
Sec. 802(a)(VI) - Fire Extinguishers	Unknown	It is unknown if there are fire extinguishers located within the residence.



Sec. 802(a)(VII) - Smoke Detectors and Carbon Monoxide Detectors	Unknown	It is unknown if there are smoke detectors and carbon monoxide detectors located within the residence.
Sec. 802(a)(VIII)	Unknown	It is unknown who the local property manager will be.

**Article XXVI Section 2607 - Criteria to consider for map amendments (rezonings).**

In exercising the zoning powers granted to the Mayor and City Council by State Law, the City Council shall apply the following standards in making zoning decisions, weighing each standard to the extent appropriate or relevant to each zoning decision. The standards are analyzed below.

**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 subject property is a corner lot and across the right-of-way is bordered by a condominium development to the east and a city park to the south. Otherwise the subject property is in a single-family residential district. The Single-Family Residential District is intended to establish and preserve quiet, stable single-family residential neighborhoods at low densities (up to approximately one and one-half units per acre) free from other uses except those which are compatible with and convenient to the residents of such a district. Rezoning the property to permit a short-term rental could have an impact on the adjacent single-family residential uses. While like the residential occupancy of a single-family residence, the short-term nature of vacation rentals may have an impact on the adjacent single-family residential uses.

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

The R-3, Multiple-Family Residential District is intended to provide suitable land for a variety of dwelling types at medium to high densities (up to eight units per acre) in areas served by public water and sanitary sewer. Rezoning the property to R-3 for the purpose of permitting a short-term rental could have an impact on the adjacent R-1, single-family residential properties if the property were to be redeveloped in the future.

**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.**

The proposed development is unlikely to result in a use that will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools so long as it is rented in accordance with Sec. 802





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

The character area of this parcel is referred to in the Comprehensive Plan as Public Square. The land use and development strategy for the core area and South Chestatee corridor heavily focus on preservation of eligible properties with physical upgrades to market expectations; and small-scale (two- to three-story maximum above street grade) new infill construction on suitable sites with historically compatible designs. Primary focus for renovation and redevelopment should be on East and West Main, and South Chestatee near Arcadia Street, Ash Avenue, and Maple Street.

The following are encouraged development standards of this area:

- All development to be compatible with design guidelines
- Preservation of existing structures where possible, or context sensitive infill development
- 1-3 story structures oriented on Public Square and approaching streets close to the street front, with minimal on-site parking and full pedestrian accessibility
- Careful evaluation of sites on the ridge north of Hawkins Street offering possible mountain views above treeline
- Landscaping and decorative elements encouraged
- Mixed use structures or variety of residential, commercial and institutional uses
- No drive-through uses permitted

The current proposal can be interpreted as in-line with the goals of the character area though careful thought should be given to whether the introduction of short-term rental properties in the R-1 district could change the character of the neighborhood.

**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.**

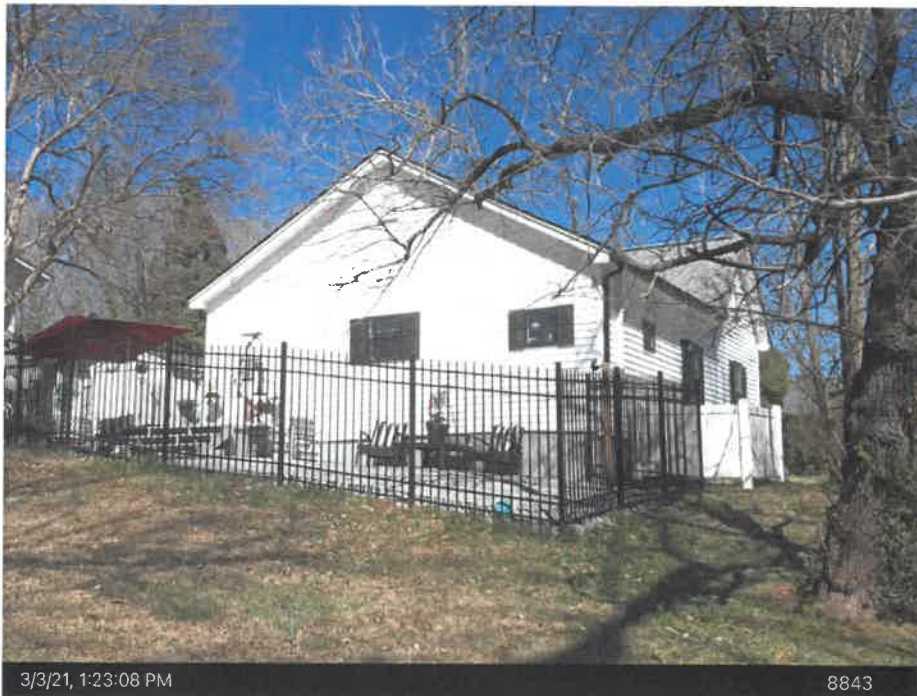
There are no known existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.







**Subject Property Images (Pictures from the Lumpkin County Tax Assessor):**





Aerial:

**Results:**

Parcel ID - D11033  
 Real Key / Acct - 8843  
 Address - 115 MEADERS STREET NORTH  
 Owner - MIKELL CHELSEA J & SCOTT L  
 Acres - 0.25

[View](#) [Search](#) [Pickometry](#)  
[Jurisprudence](#) [Map](#) [View](#) [Permits](#) [Compare](#)

Last 2 Sales	Price	Reason	Qual
Date	\$434000	FF	U
10/25/2022	\$150000	FM	Q
8/1/2014			

Owner	Physical Address	Assessed Value
MIKELL CHELSEA J & SCOTT L	115 MEADERS STREET NORTH DAHLONEGA, GA 30533	\$262341

Parcel ID	D11033
Real Key / Acct	8843
Class Code	Residential
Taxing District	Dahlonega
Acres	0.25

*(Note: Not to be used on legal documents)*



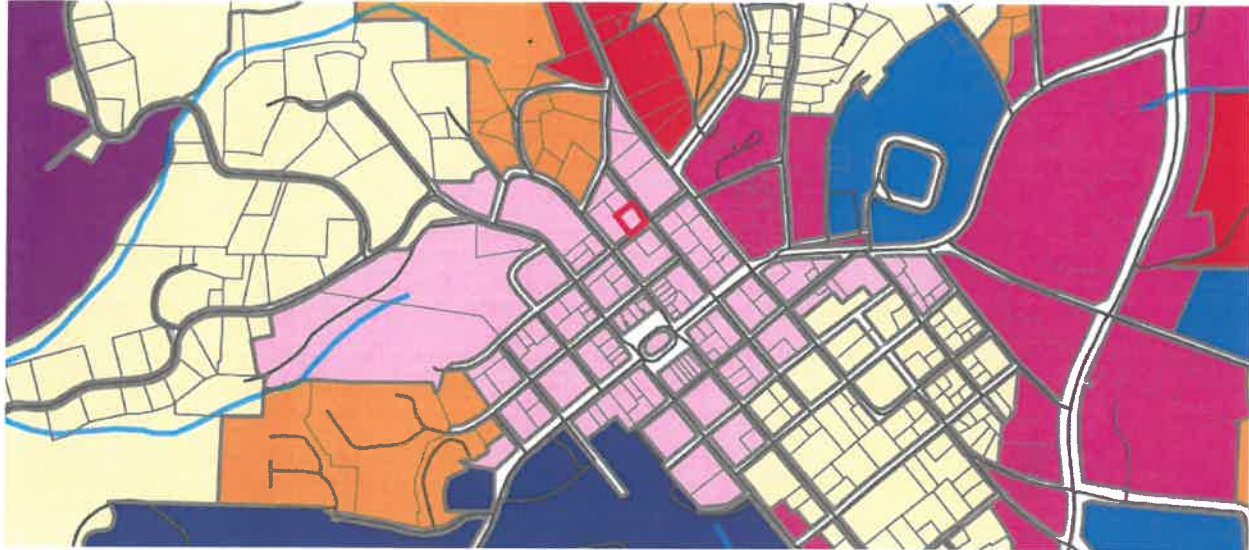
**Current Zoning:**







**Comprehensive Plan:**



**Legend**

<p>Dahlonega Character Areas</p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #000080; border: 1px solid black; margin-right: 5px;"></span> University Of North Georgia</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black; margin-right: 5px;"></span> Gateway Corridors</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #800080; border: 1px solid black; margin-right: 5px;"></span> Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFA500; border: 1px solid black; margin-right: 5px;"></span> Mixed Use Residential</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0000FF; border: 1px solid black; margin-right: 5px;"></span> Office/Institutional</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #008000; border: 1px solid black; margin-right: 5px;"></span> Park/Recreation/Conservation</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFC0CB; border: 1px solid black; margin-right: 5px;"></span> Public Square</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FFFF00; border: 1px solid black; margin-right: 5px;"></span> Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #FF0000; border: 1px solid black; margin-right: 5px;"></span> Village Commercial</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border: 1px solid black; width: 15px; height: 10px; margin-right: 5px;"></span> Parcels</li> <li><span style="display: inline-block; border: 1px solid black; width: 15px; height: 10px; margin-right: 5px;"></span> City of Dahlonega</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 15px; margin-right: 5px;"></span> Roads</li> <li><span style="display: inline-block; border-bottom: 1px solid black; width: 15px; margin-right: 5px;"></span> Railroads</li> </ul>	<ul style="list-style-type: none"> <li><span style="display: inline-block; border-bottom: 1px solid blue; width: 15px; margin-right: 5px;"></span> Rivers and Streams</li> <li><span style="display: inline-block; border-bottom: 1px solid lightblue; width: 15px; margin-right: 5px;"></span> Lakes and Ponds</li> </ul>	
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0      2,000      4,000      6,000      8,000  
 US Feet

Georgia Mountains Regional Commission



**Staff Comments:**

Staff finds application REZN 23-4 meets the minimal dimensional requirements of the R-3: Multiple-Family Residential District but feels that careful consideration should be given as to whether the introduction of an isolated R-3: Multiple-Family Residential District in an established R-1: Single-Family Residential District neighborhood is consistent with the existing development pattern and whether the short-term rental use is compatible with the adjacent neighborhood. Given that the City must address issues of consistency and compatibility as well as its public policy objectives for short-term rentals in order to review this application the staff does not offer a recommendation.

Should the City find that short-term rental uses are compatible with the neighborhood and consistent with existing development, we recommend that the following conditions based upon your existing regulatory policy be included in any adoption ordinance:

1. The property shall be compliant with the requirements of Article VIII – Short-Term Rentals prior to the issuance of a short-term rental license.
2. The approval of the property as a short-term rental shall be approved for the currently property owners only. At the time the applicants no longer are the property owners, the short-term rental of the property shall cease, and the new property owners shall be required to apply for continuation of the short-term rental use.
3. The use of the property as a short-term rental shall be revoked under the provisions found in Sec. 805 regulation and violation procedures until Article VIII.