CITY OF DAHLONEGA
Board of Zoning Appeals Meeting Agenda
July 07, 2025, 6:00 PM

Gary McCullough Council Chambers, Dahlonega City Hall

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.

CALL TO ORDER

APPROVAL OF MINUTES

1. Special Called Meeting of June 2, 2025
   Rhonda Hansard, City Clerk

2. Special Called Public Hearing of June 16, 2025
   Rhonda Hansard, City Clerk

OLD BUSINESS

NEW BUSINESS

3. BZA-24-7 Crowder variance request - Reduce on Calhoun Road front setback 35 feet to 15 feet; Parcel 062B 097
   Allison Martin, Prepared by Doug Parks

ADJOURNMENT

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare…for ALL!

CITY OF DAHLONEGA
Board of Zoning Appeals Meeting Minutes
June 02, 2025, 6:00 PM
Gary McCullough Chambers, Dahlonega City Hall

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CALL TO ORDER
Mayor Taylor called the Meeting to order at 6:00 p.m. with the following members present: Bagley, Brown, Gaddis, and Shirley; members Ariemma and Reagin were absent.

There was a motion by Councilman Gaddis and a second by Councilman Shirley to amend the Agenda by removing the Pledge of Allegiance to the American Flag.

Motion carried with four members in favor (Bagley, Brown, Gaddis, and Shirley) and two members absent (Ariemma and Reagin).

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG
[*Clerk's Note: removed during Approval of Agenda; see above.*]

APPROVAL OF MINUTES

1. Special Called Meeting of March 17, 2025
   Rhonda Hansard, City Clerk

   There was a motion by Councilman Shirley and a second by Councilman Bagley to approve the Minutes of the Special Called Meeting of March 17, 2025.

   Motion carried with four members in favor (Bagley, Brown, Gaddis, and Shirley) and two members absent (Ariemma and Reagin).

OLD BUSINESS

2. BZA-24-8
   Allison Martin, Prepared by Doug Parks
   Strategic Priority - Communication

   Allison Martin, City Manager, addressed the Board and confirmed that the applicant submitted revised plans that align with City Ordinances.

   There was a motion by Councilman Gaddis and a second by Councilman Shirley to approve the Planning Commission's recommendation from the Meeting of May 6, 2025 regarding BZA-24-8 with a reduction of the front setback from thirty-five feet to

twenty-one feet and a reduction of the side setback abutting Parcel 007-054 from fifteen feet to twelve feet.

Motion carried with four members in favor (Bagley, Brown, Gaddis, and Shirley) and two members absent (Ariemma and Reagin).

NEW BUSINESS

ADJOURNMENT

There was a motion by Councilman Bagley and a second by Councilman Brown to adjourn the Meeting.

Motion carried with four members in favor (Bagley, Brown, Gaddis, and Shirley) and two members absent (Ariemma and Reagin), and the Meeting was adjourned at 6:02 p.m.

Board of Zoning Appeals
Action Agenda

DATE: 7/7/2025
TITLE: BZA-24-7
PRESENTED BY: Allison Martin, Prepared by Doug Parks
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

(BZA-24-7) Joy Crowder, Doug Sherrill, and Glenda Caldwell, applicants, Joy Crowder, property owner seek a variance to reduce the minimum required 35-foot front principal building setback to 15-feet.

HISTORY/PAST ACTION

None. The Planning Commission recommended approval of the variance.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approve.

SUGGESTED MOTIONS

Motion to approve at the appropriate meeting.

ATTACHMENTS

Consulting Planner's Report BZA 24-7.

CONSULTING PLANNER'S REPORT FOR BZA 24-7

TO:	City of Dahlonega, c/o Doug Parks, City Attorney
BY:	Jerry Weitz, Consulting City Planner
DATE OF REPORT:	April 8, 2025
SUBJECT REQUEST:	**BZA 24-7 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the minimum required 35-foot front principal building setback (for an "other" street) to 15 feet (R-1 zoning district)
EXISTING ZONING:	R-1, Single-Family Residential District (Article IX)
EXISTING USE:	Vacant
BZA HEARING:	To be scheduled
APPLICANT:	Joy Crowder, Doug Sherrill, and Glenda Caldwell
OWNER(S):	Joy Crowder
PROPOSED USE:	Single-family detached dwelling (50' x 70' footprint)
LOCATION:	Fronting on the east side of Calhoun Road (no address assigned) south of Woodsong Way
PARCEL(S) #:	062B/ 097
ACREAGE:	0.69 (application); 0.83 (revised survey)

SURROUNDING LAND USE AND ZONING:

North:	Vacant, R-1
East:	Vacant, R-1
South:	Single-family dwelling (unincorporated Lumpkin County)
West:	(across Calhoun Road): Single-family dwelling, R-1

RECOMMENDATION:	Gain additional information from applicant to support certain criteria

LEGAL FRAMEWORK AND REQUIREMENTS FOR VARIANCES

The Board of Zoning Appeals shall exercise its powers in such a way that the purpose and intent of the zoning regulations shall be accomplished, public health, safety and welfare secured, and substantial justice done (Sec. 2401 zoning ordinance).

The Board of Zoning Appeals is a body of limited powers, and its actions are taken in a quasi-judicial capacity rather than a legislative capacity. Failure to adopt written findings justifying all decisions shall render such decision null and void (Sec. 2403 zoning ordinance).

A variance is defined in Sec. 301 of the zoning ordinance as "a minimal relaxation or modification of the strict terms of the height, area, placement, setback, yard, buffer, landscape strip, parking and loading regulations as applied to specific property when, because of particular physical surroundings, shape, or topographical condition of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to make a profit."

The Board of Zoning Appeals is empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one (1) of the conditions shall be grounds for denial of the application for variance (Sec. 2406 zoning ordinance).

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and

2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and

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

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

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

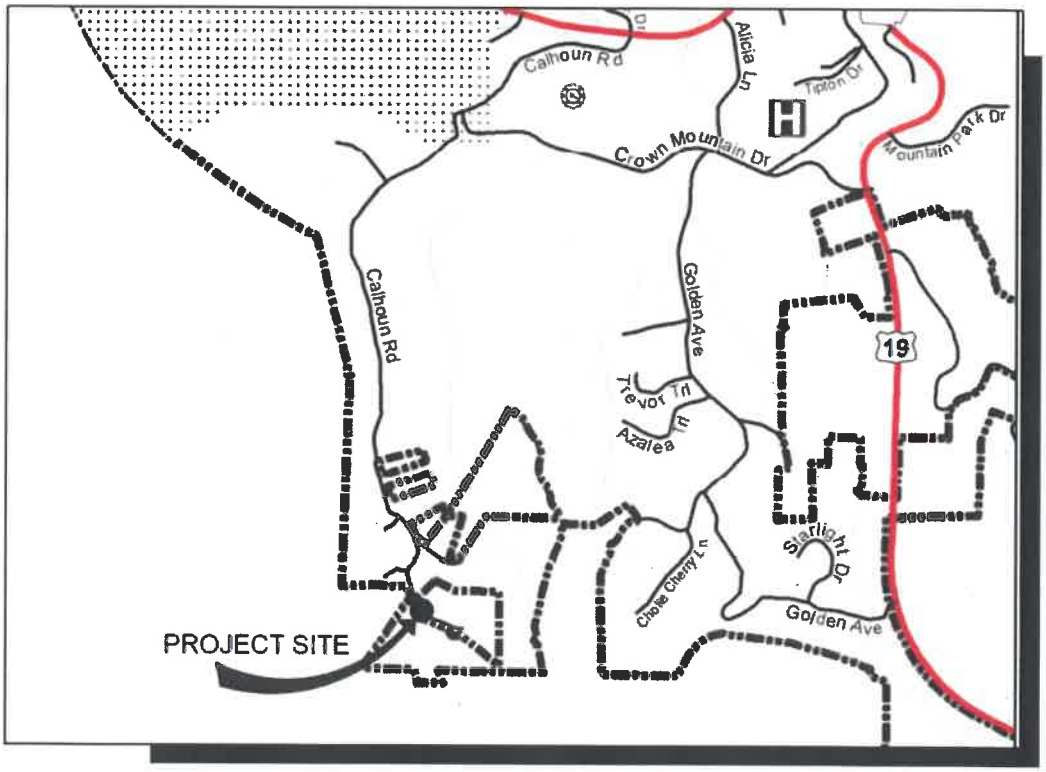
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and

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

Note: The Board of Zoning Appeals may adopt the findings and determinations provided in this report in whole or in part as written, if appropriate, or it may modify them. The Board of Zoning Appeals may cite one or more of these findings in its own determinations, if appropriate. The Board may modify the language provided here, as necessary, in articulating its own findings. Or, the Board of Zoning Appeals can reject these findings and make its own determinations and findings for one or more of the criteria for granting variances as specified in Section 2405 of the Dahlonega zoning ordinance.

In exercising the powers to grant appeals and approve variances, the Board may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these [zoning] regulations (Sec. 2407 zoning ordinance).

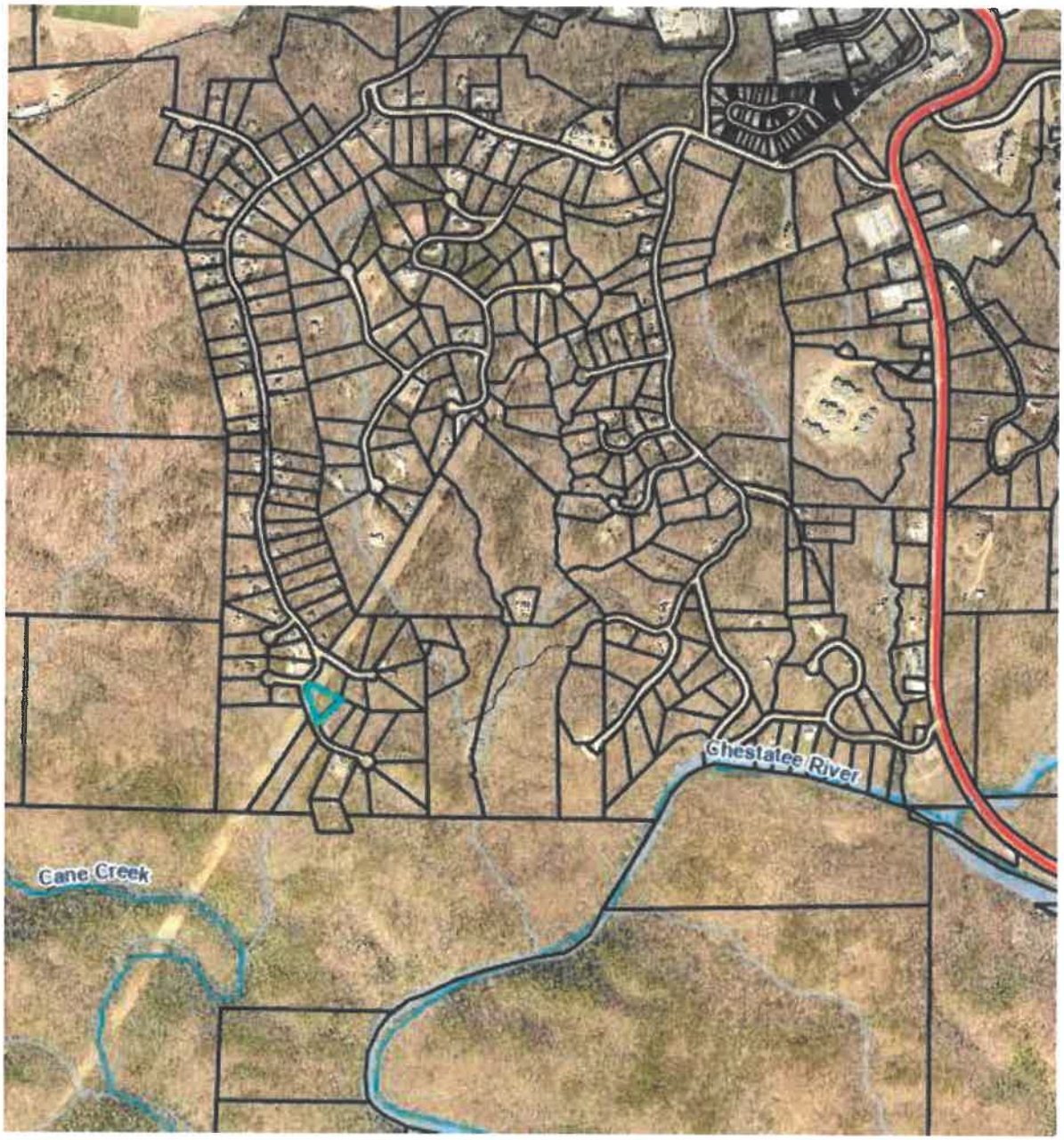
PROPERTY LOCATION AND DESCRIPTION



Vicinity Map

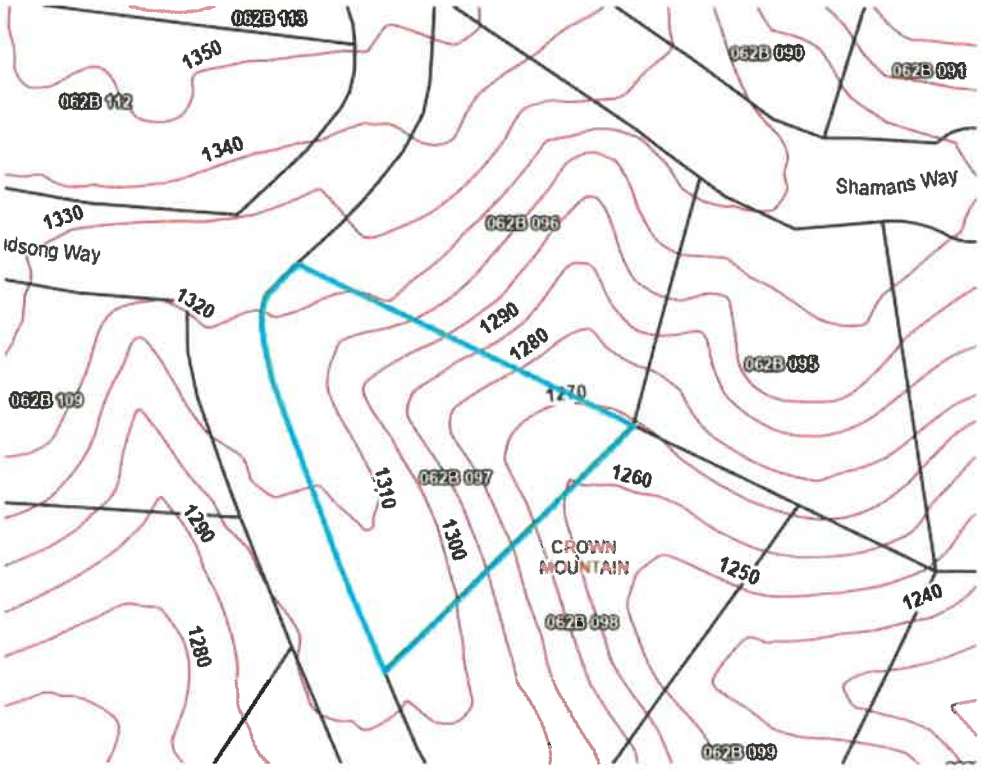
NTS

Vicinity Map from Boundary Survey

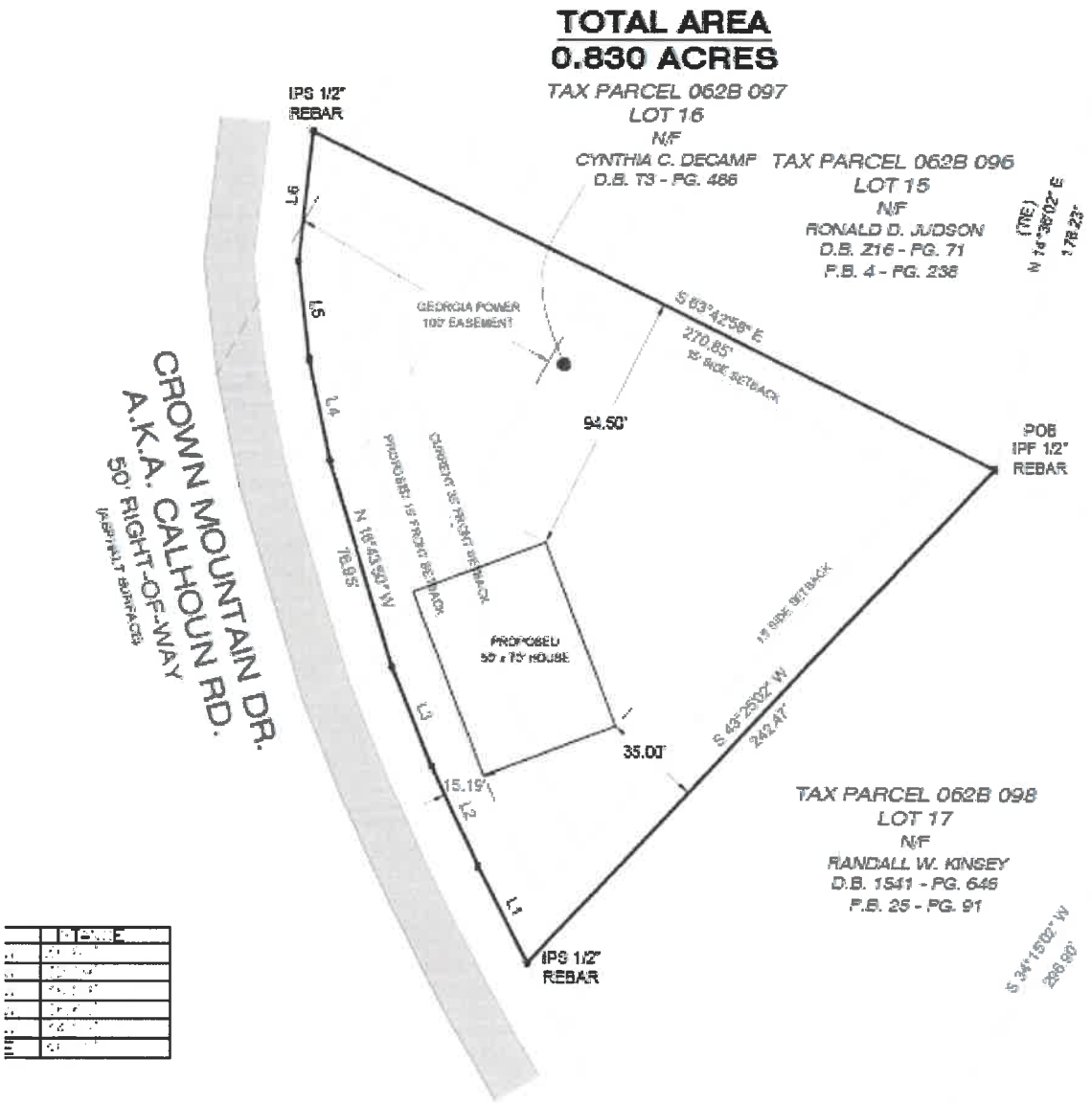


Vicinity Map with Parcels (property outlined in blue)

Aerial Photograph/Tax Map



Topography of Subject Property and Vicinity



Variance Exhibit Excerpt
(Boundary Survey and Proposed House Location)

FINDINGS

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;***

Applicant's finding: Due to the topography of the lot and the power easement location, the front setback will need to be adjusted to maximize the buildable area of the lot ***(supports request/ meets criterion)***.

Consulting planner's finding 1 (topography): The subject property has significant topographic relief, sloping some 60 feet or more from northwest to southeast. The highest elevation is approximately 1,320 feet m.s.l. at the north end of the property near the intersection of Calhoun Road and Woodsong Way. The lowest part of the site is the eastern part of the site, so there is a significant slope down from the road. It is desirable to site the principal dwelling on a higher point on the property ***(supports request/ meets criterion)***.

Consulting planner's finding 2: (overhead power easement): There is a 100-foot-wide power line easement that traverses and consumes the northern portion of the property. This places substantial limitations on the subject lot in terms of buildable area, since the proposed house cannot be constructed within a power line easement. In addition to that constraint, a small part of the lot north of the power line easement is not usable, since it is too small to build a principal dwelling on, and it therefore takes away even more land area for building than just the easement itself ***(supports request/ meets criterion)***.

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;***

Applicant's finding: Due to the topography limitations and the power easement location, this lot has a limited buildable area ***(supports request/ meets criterion)***.

Consulting planner's finding 3: The lot owner's preferences in terms of house location are constrained by the existing physical conditions, including topography and the power line easement. These existing conditions may cause unnecessary hardship and reduce the lot owner's flexibility with regard to house location on the tract of land ***(may support request/ may meet criterion)***.

Consulting planner's finding 4: Other properties in the vicinity appear to share similar constraints with regard to topography but have been able to establish homesites that have been developed to meet the 35-foot front building setback ***(does not support request/ does not meet criterion).***

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;***

Applicant's finding: No special privileges will be granted with this variance ***(supports request/ meets criterion)***.

Consulting planner's finding 5: Since other property owners may file an application for one or more variances, the grant of the requested variance is not necessarily a special privilege ***(meets criterion/ supports request)***. If prior homeowners or homebuilders in the area needed relief due to physical characteristics of their lots, they were able to proceed with similar requests.

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;***

Applicant's finding: This variance will not negatively affect the surrounding community or adjacent land. This variance will help maximize the value of this lot ***(supports request/ meets criterion).***

Consulting planner's finding 6: Granting the requested relief, i.e., to reduce the front building setback from 35 feet to 15 feet, will not negatively impact the owners of vacant lots in the subdivision, nor will it negatively impact existing homeowners in the neighborhood. Approval of the variance would not negatively impact the general welfare. Value of other properties are highly unlikely to be affected if this variance is granted and the home is constructed in the location proposed. The relief if granted will not interfere with or discourage the appropriate development and use of adjacent land and buildings ***(supports request/ meets criterion)***.

Consulting planner's finding 7: In terms of the neighborhood, there are four homes on lots to the south of the subject property. It is instructive to consider the front building setbacks of these existing structures from Calhoun Road. Using a measuring tool on Lumpkin County Q Public, all five homes in the subdivision/ immediate neighborhood meets or exceed a 35-foot front principal building setback, except for one, which appears to come within approximately 10 feet of the right of way line of the cul-de-sac at the end of Calhoun Road. The cul-de-sac lot at the end of Calhoun Road has different constraints and does not necessarily provide support for the requested variance ***(does not support request/ does not meet criterion)***.

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

Applicant's finding: Power easement location and topography is the cause of this hardship ***(supports request/ meets criterion).***

Consulting planner's finding 8: The applicant has some discretion with regard to the size (area) of the proposed dwelling and the amount of building footprint provided. While some of the request may be justified on the basis of the topography of the site and because of the power line easement reducing buildable area, the applicant's choice of building footprint (3,500 square feet

for the first story) (almost three times the minimum floor area required for the R-1 zoning district) may be considered excessive and may be cited as a self-imposed cause for some of the need for the requested variance (***does not support request/ does not necessarily meet this criterion)***.

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

Applicant's finding: A 15' front setback for this lot is the minimum variance to allow adequate building area ***(supports request/ meets criterion).***

Consulting planner's finding 9: The applicant has some discretion with regard to the size (area) of the proposed dwelling and the amount of building footprint provided. As proposed, the applicant's variance exhibit shows a 50 foot by 70 foot building footprint (3,500 square feet). Note the building footprint is only the first floor, and the applicant may elect to construct the dwelling with more than one floor. As such, the building footprint is quite large and might be reduced, and the need for the variance would be reduced accordingly, if the applicant were to consider designing and constructing a two-story or three-story home with a smaller building footprint than the 3,500 square feet proposed. As a result, this criterion might not be met without additional information and findings relative to possible alternative layouts and designs of the dwelling. Consideration should be given to reducing the building footprint in a way that will reduce the amount of variance to the front building setback proposed ***(does not support request/ does not meet criterion without additional information)***.

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.***

Applicant's finding: The variance request will allow the lot to be used as intended and in accordance with the zoning of this parcel ***(supports request/ meets criterion).***

Consulting planner's finding 10: The applicant proposes to construct a detached, single-family dwelling, which is a permitted use in the R-1 zoning district (Article X zoning ordinance) ***(meets criterion/ supports request)***.

CONCLUSIONS

For the BZA to grant a variance, the Dahlonega zoning ordinance requires that affirmative findings be made that the variance application meets ***all seven*** of the criteria specified in Sec. 2406 of the zoning ordinance. This report provides affirmative findings from the applicant, in support of the grant of variance as requested. This report provides affirmative findings for some, but not all of the criteria from the consulting planner. The consulting planner's findings, on their own, support the granting of the variance on the basis of four of the seven criteria, but others are not necessarily met if only the consulting planner's findings are adopted. This prevents the consulting planner from recommending approval on the basis of currently available information.

In consulting planner's view, the Board of Zoning Appeals should require the applicant to further defend the proposed location and the size of the building footprint (50' x 70' or 3,500 square feet), which may be excessive even considering space needed for a two car garage. The

applicant should be encouraged to modify the proposed dwelling footprint (first story coverage) in a way that reduces the amount of front setback variance required.

In the absence of any such additional information, the Board of Zoning Appeals could consider authorizing something less than the requested 20 foot reduction (from 35 to 15 feet) and also could consider conditioning the variance approval (if granted) to specify a reduced building footprint (e.g., from 3,500 to 2,400 maximum) with the intended outcome of reducing the requested variance.

In addition, although the applicant proposes the dwelling will abut the boundary of the power line easement, there should be some consideration given to locating the dwelling as far as practicable away from an overhead power line, due to possible adverse health effects of electromagnetic radiation from the overhead power lines.[1]

[1] From a guidebook titled *Guidebook on local planning for healthy communities* (North Carolina Department of Commerce (September 2013): Overhead high voltage power lines radiate electromagnetic fields and expose people to electromagnetic radiation. Such power lines have raised some public health concerns. There are conflicting opinions about the relative health risks; studies seem to produce widely divergent and contradictory results. There is research which suggests that electromagnetic fields from power transmission lines may pose a public health hazard (Slesin, Connelly and Bergman 1991). Leukemia and cancer are the most widely cited potential health risks of living near power lines. Some scholarly research indicates an increased risk of both, especially for children. There are also studies that show connections with breast cancer, decreased libido, fatigue, depression, birth defects, reproductive problems, heart disease, stress headaches, trouble sleeping, and many other symptoms (Earthcalm 2010). Yet other researchers have concluded that power lines do not represent any significant health issue. The US EPA sums it up this way: "Much of the research about power lines and potential health effects is inconclusive. Despite more than two decades of research to determine whether elevated EMF exposure, principally to magnetic fields, is related to an increased risk of childhood leukemia, there is still no definitive answer. The general scientific consensus is that, thus far, the evidence available is weak and is not sufficient to establish a *definitive* cause-effect relationship" (U.S. EPA). Although one cannot definitively conclude that power lines are dangerous to public health, the US EPA suggests that people concerned about possible health risks from power lines can reduce their exposure by increasing the distance between themselves and the source.