



CITY OF DAHLONEGA

Board of Zoning Appeals Agenda

September 16, 2024, 4:00 PM

City Hall - Mayor McCullough Council Chamber

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 AND WELCOME

PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

APPROVAL OF MINUTES

OLD BUSINESS

NEW BUSINESS

1. BZA-24-4

William Egan has requested a variance from the requirements of Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 29 feet along a non-arterial street in the R-1: single-family residential district.

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!

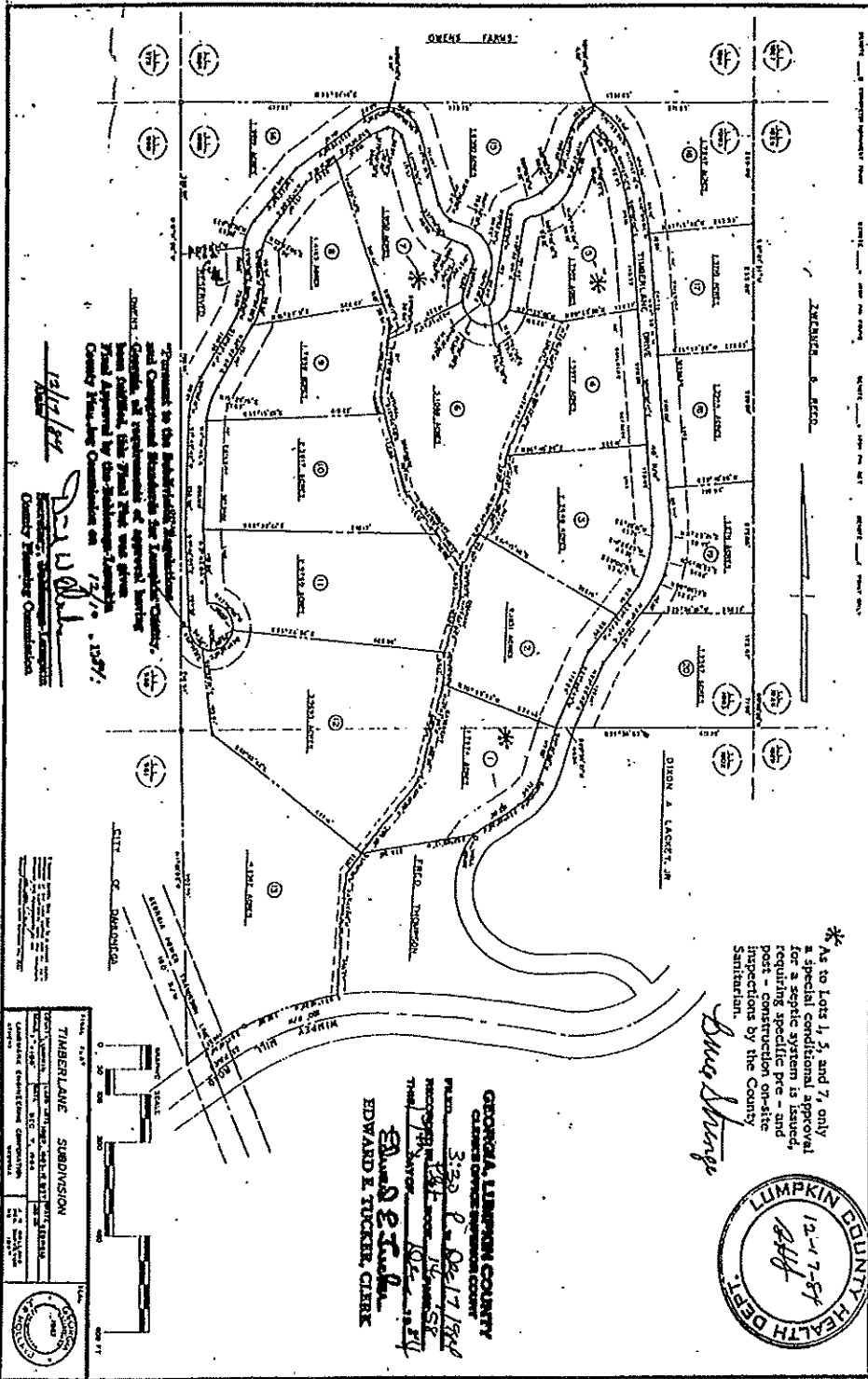
EXHIBIT 'A'

ALL THAT TRACT OR PARCEL OF LAND, LYING AND BEING IN LAND LOT 1003 OF THE 12TH DISTRICT, 1ST SECTION, OF LUMPKIN COUNTY, GEORGIA, CITY OF DAHLONEGA, CONTAINING 2.36 ACRES, MORE OR LESS, AND BEING DESCRIBED AND DELINEATED AS LOT 3 OF TIMBERLANE SUBDIVISION, ACCORDING TO A PLAT OF SURVEY, DATED DECEMBER 7, 1984, PREPARED BY J.R. HOLLAND, GEORGIA REGISTERED LAND SURVEYOR, RECORDED IN PLAT BOOK 14, PAGE 58, LUMPKIN COUNTY, GEORGIA RECORDS. THIS PLAT OF SURVEY IS INCORPORATED HEREIN BY REFERENCE FOR A FULL AND COMPLETE DESCRIPTION.

THIS PROPERTY WILL BE CONVEYED SUBJECT TO THOSE RESTRICTIVE COVENANTS FOR TIMBERLANE SUBDIVISION, RECORDED IN DEED BOOK Y-4, PAGES 147-152, LUMPKIN COUNTY, GEORGIA RECORDS, AND SUBJECT TO ALL EASEMENTS FOR ROADS AND UTILITIES IN USE OR OF RECORD.

20re-525

J.S. / Mus



Approved by the Board of Health and Sanitation of Lumpkin County, Georgia, on this 12th day of December, 1957.
 J. W. [Signature]
 County Health Commissioner

*As to Lots 1, 5, and 7, only a special conditional approval for a septic system is issued, requiring specific pre- and post-construction on-site inspections by the County Sanitarian.

J. W. [Signature]



GEORGIA, LUMPKIN COUNTY
 CLERK OF SUPERIOR COURT
 3-29 P. O. BOX 1134
 MARIETTA, GA. 30057
 EDWARD E. TUCKER, CLERK

TIMBERLANE SUBDIVISION	
OWNER	THOMAS W. WILSON
DESIGNER	EDWARD E. TUCKER
DATE	12-17-57
SCALE	1" = 40'
PROJECT NO.	12-17-57





CITY OF DAHLONEGA
465 Riley Road
Dahlonega, Georgia 30533
Phone: 706-864-6133

VARIANCE REQUEST

Case	BZA-24-4
Parcel I.D.	060C-007
Address	301 Timberlane Drive
Petitioner	William Egan
Planning Commission Meeting Date	September 4, 2024, 6:00 PM
Board of Zoning Appeals Meeting Date	September 16, 2024, 4:00 PM
Zoning District	R-1: Single-Family Residential District
Request	Vary from the requirements of Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 29 feet along a non-arterial street in a R-1: single-family residential district.

Summary

The applicant is requesting a variance from Sec. 2001, minimum setback requirements by zoning district, to reduce the minimum front yard setback. The minimum front yard in a R-1: single-family residential district is 35 feet along a non-arterial road. Specifically, the applicant is requesting to vary the minimum front yard setback to 29 feet to continue constructing a single-family residence.

The applicant recently began construction of a single-family residence on the site. Prior to this, the site was undeveloped and is Lot 3 of the Timberland Subdivision, recorded with the Lumpkin County Clerk of Court on December 17, 1984, in Plat Book 14, Page 58.

During construction, the house foundation was constructed 29 feet from the front property line, deficient of the 35-foot minimum front yard setback requirement, resulting this variance request. If this request is approved, the applicant proposes to finish construction of the residence on the existing foundation.

In their submittal, the applicant has indicated that topography of the land restricts where a residence can be constructed on the site. Furthermore, they state that constructing a residence

to meet the minimum front yard would place them at a financial hardship. The submittal does not include a site plan for the proposed residence, but a survey of the recently installed foundation, house elevation plans, and porch/deck placement plans were provided.

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.”

2022 Comprehensive Plan

The site is located within the Residential Character Area pursuant to the Comprehensive Plan. This character area is intended primarily for single-family residential development, consisting of 1-2 story houses oriented close to the street and sensitive infill development.

- The proposed use of the site as a single-family residence is congruent with the Residential Character Area intent.

Analysis – Sec. 2406, Variances

This section provides that 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.

The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance. A variance may be granted in an individual case of unnecessary hardship, after appropriate application in accordance with Article XXVI, upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.

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 applicant indicates that significant topography at the lot prevents the reasonable construction of a residence at least 35 feet from the front property line.
 - Topographical variation on the site is similar to nearby lots developed or zoned for single-family residential development.
- 1. 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

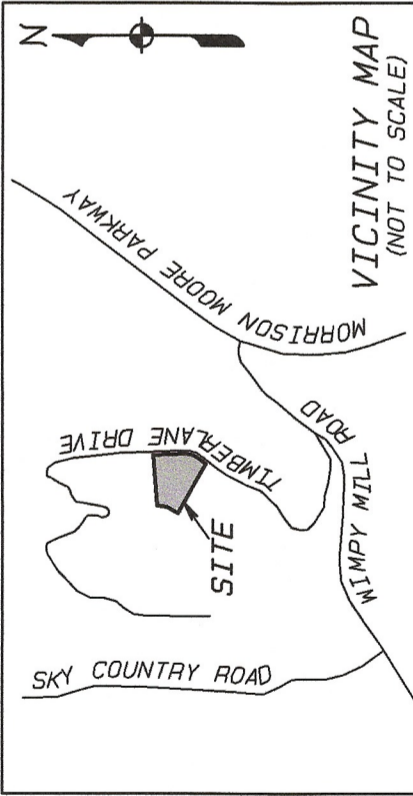
- The applicant has requested to vary the front yard setback by 6 feet, a reduction from 35 feet to 29 feet.
 - The submittal shows the house foundation extending 50.7 feet from the front yard towards the rear of the site.
 - By removing portions of the existing house foundation within the minimum front yard, the applicant could construct a house with a depth of 44.7 feet.
 - Staff do not anticipate that the 35-foot front yard setback requirements will create an unnecessary hardship.
- 2. 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**
- Yes, granting the requested variance would confer any special privilege upon the applicant, as other properties are held to the 35-foot front setback requirement, unless they are also granted a variance.
- 3. 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**
- The granting of the variance is unlikely to cause substantial detriment to the public good.
- 4. The special circumstances are not the result of the actions of the applicant; and**
- No; the circumstances of this variance request are a direct result of the applicant.
 - The applicant installed a foundation for a single-family residence 29 feet from the front property line, encroaching upon the minimum front yard by 6 feet.
 - This front yard encroachment has directly necessitated this request.
- 5. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and**
- Based on the information available to staff, the variance requested is the minimum variance that will make possible the legal use of the land.
- 6. 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 applicant has requested this variance to construct a single-family residence, which is permitted by right in the R-1: Single-Family Residential District.
- 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.**
- The applicant has requested this variance to construct a single-family residence, which is permitted by right in the R-1: Single-Family Residential District.

Recommendations

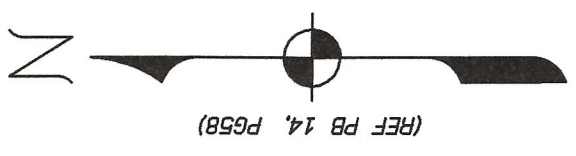
At their public meeting on September 4, 2024, the Planning Commission recommended **approval** of variance request BZA-24-4, to reduce the minimum front yard setback from 35 feet to 29 feet along a non-arterial street in a R-1: single-family residential district, at 301 Timberlane Drive.

Staff recommend **denial** of variance request BZA-24-4, as the applicant has not demonstrated a substantial hardship pursuant to all criterion of Sec. 2406. Specifically, criteria (1), (2), and (5) have not been met, as indicated below.

- 1) There are no extraordinary and exceptional conditions pertaining to the piece of property. The site topography is similar to that of nearby properties and typical of most properties located within the city limits.
- 2) A literal interpretation of the provisions of these zoning regulations would not create an unnecessary hardship and would not deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located.
- 5) The special circumstances are the direct result of the actions of the applicant.



IN MY OPINION, NO PORTION OF THIS PROPERTY LIES WITHIN A FEMA DESIGNATED SPECIAL FLOOD HAZARD AREA.
REFERENCE FEMA FLOOD MAP: 13187C0161D DATED 4-4-2018.



RESERVED FOR CLERK'S FILING INFORMATION

THIS SURVEYOR DOES NOT GUARANTEE THAT ALL EASEMENTS AFFECTING THIS PROPERTY ARE SHOWN.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A POSITIONAL TOLERANCE NOT EXCEEDING 0.10 FOOT PER MONUMENTED LINE AND WAS NOT ADJUSTED. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 105122 FEET.

EQUIPMENT USED: TRIMBLE VX ROBOTIC.
THIS SURVEY WAS PREPARED WITHOUT THE AID OF A TITLE SEARCH AND IS SUBJECT TO ANY AND ALL DISCLOSURES THAT A TITLE SEARCH MAY YIELD.

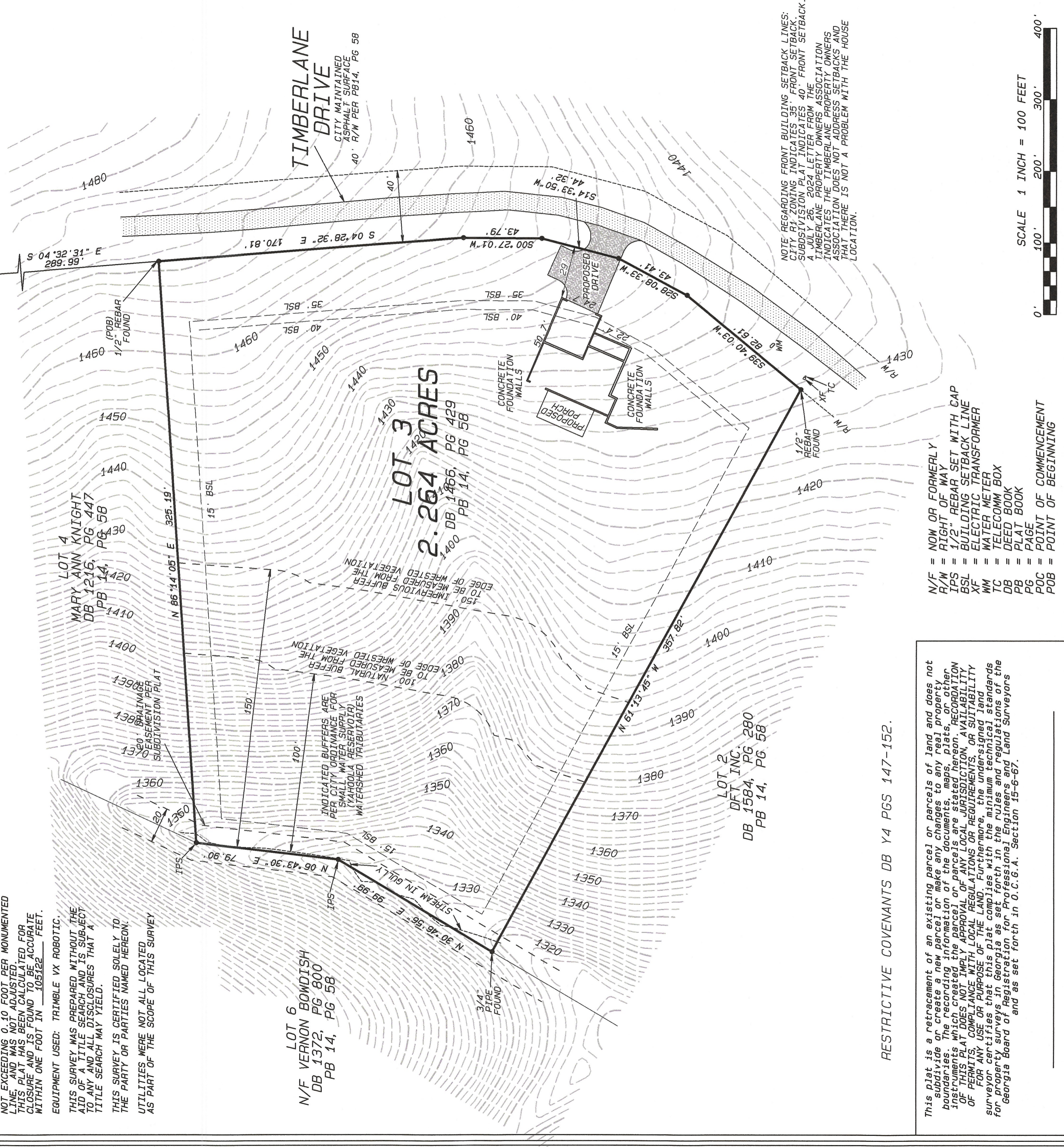
THIS SURVEY IS CERTIFIED SOLELY TO THE PARTY OR PARTIES NAMED HEREON. UTILITIES WERE NOT ALL LOCATED AS PART OF THE SCOPE OF THIS SURVEY

LOT 6
N/F VERNON BOWDISH
DB 1372, PG 800
PB 14, PG 58

LOT 4
MARY ANN KNIGHT
DB 1216, PG 447
PB 14, PG 58

LOT 3
2.264 ACRES
DB 1466, PG 429
PB 14, PG 58

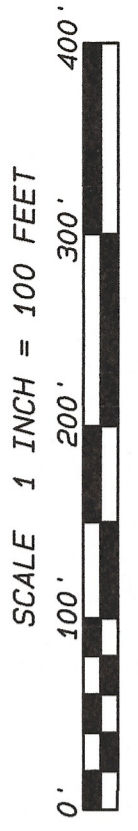
LOT 2
DFT INC.
DB 1584, PG 280
PB 14, PG 58



RESTRICTIVE COVENANTS DB Y4 PGS 147-152.

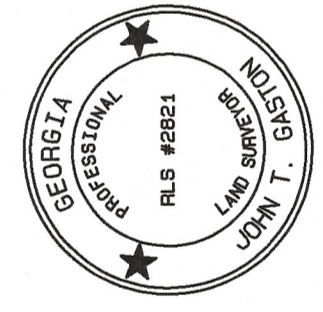
This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY 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 rules and technical standards for property surveys in Georgia 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.

- N/F = NOW OR FORMERLY
- R/W = RIGHT OF WAY
- IPS = 1/2" REBAR SET WITH CAP
- BSL = BUILDING SETBACK LINE
- XF = ELECTRIC TRANSFORMER
- WM = WATER METER
- TC = TELECOM BOX
- DB = DEED BOOK
- PB = PLAT BOOK
- PG = PAGE
- POC = POINT OF COMMENCEMENT
- POB = POINT OF BEGINNING



LSF # 1074; ALTASURY LLC dba

GEOIMAGE
LAND SURVEYING, LAND PLANNING & DESIGN
21 ENOTA STREET, DAHLONEGA, GA 30533, (706) 864-7298



PLAT DATE: 2024
JULY 29, 2024
FIELD DATES: 2020 &
DECEMBER 28, 2024
JULY 19, 2024
FIELD CREW: MT/LF/JH
DRAWN BY: JGH
DWG FILE: EGAN
JOB # 4474

PLAT OF BOUNDARY RETRACEMENT AND FOUNDATION LOCATION SURVEY FOR

WILLIAM J. EGAN

LOT 3, TIMBERLANE SUBDIVISION
LAND LOT 1003, 12TH DISTRICT, 1ST SECTION
CITY OF DAHLONEGA, LUMPKIN COUNTY, GEORGIA

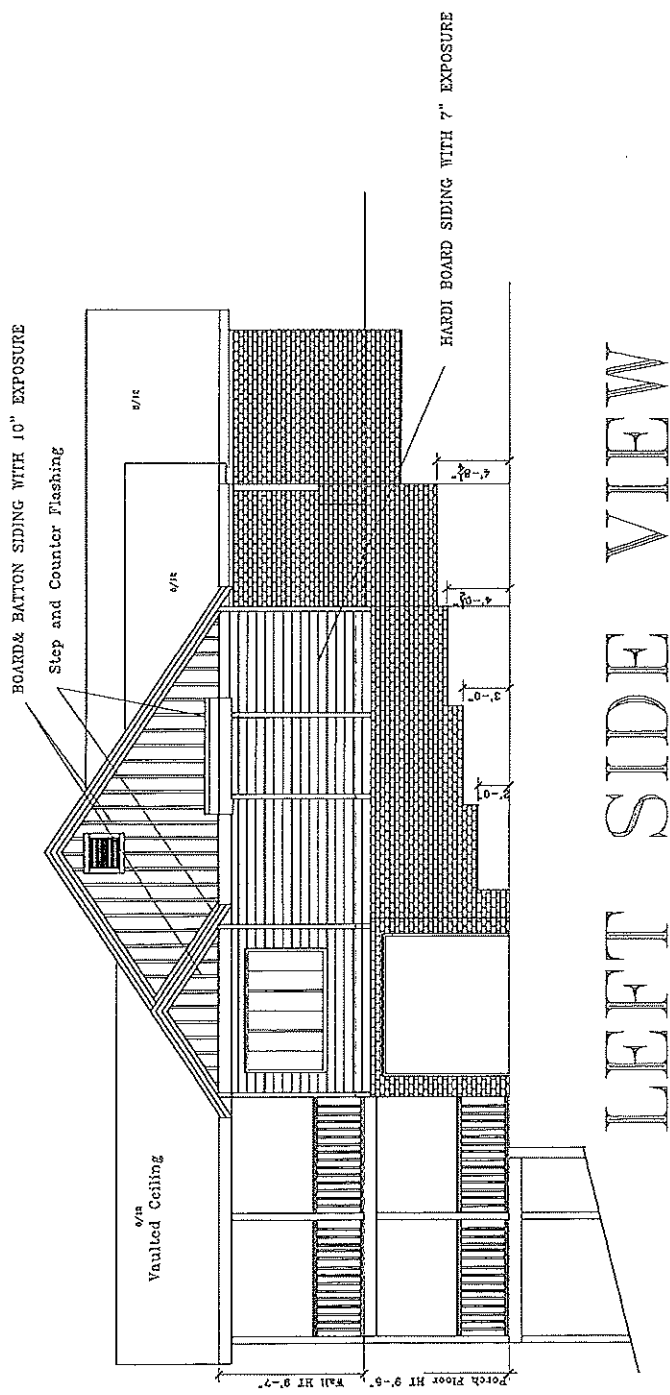
2072 Post White Rd
 14113 Mills, St. Joseph, MO
 706-827-1307
 Mike Johnson, Inc.
 770-366-1038

The Egan Residence
 Elevation's A

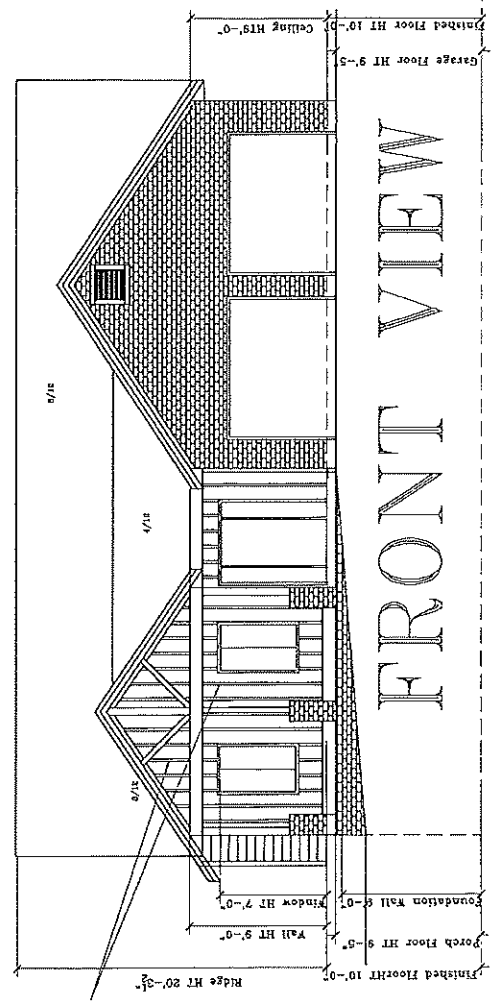
NO.	DATE	BY	APP.

Sheet 1 of 6

Note:
 Builder to Verify
 all dimensions



LEFT SIDE VIEW



BOARD & BATTON SIDING WITH 10" EXPOSURE

FRONT VIEW

Elevation's
 1/4" = 1'

NOT A CONTRACT OR REPRESENTATION
 BY THESE PLANS OR PICTURES.

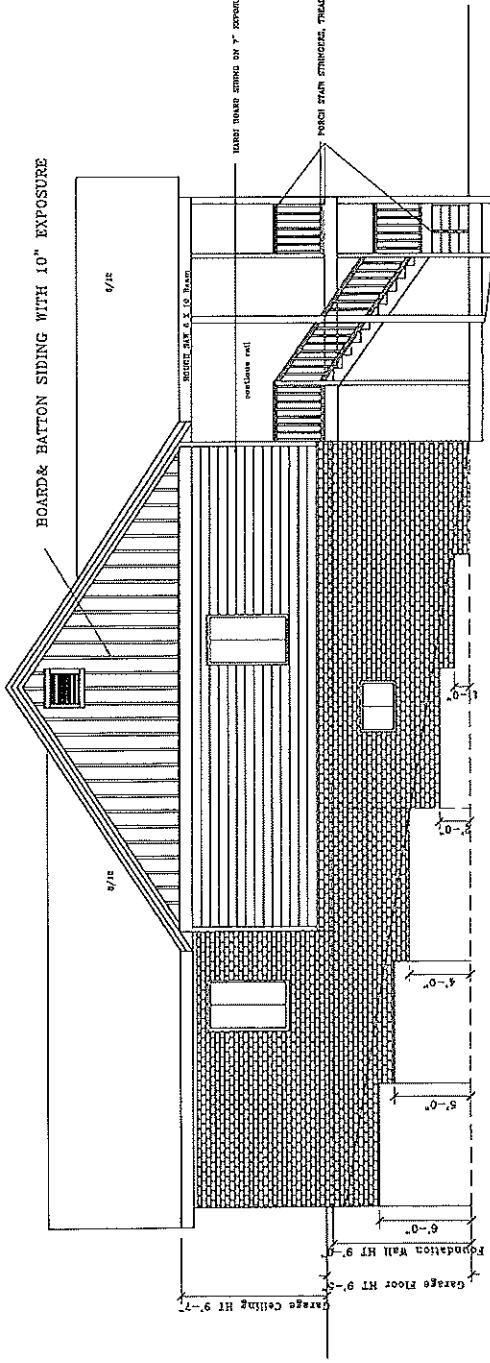
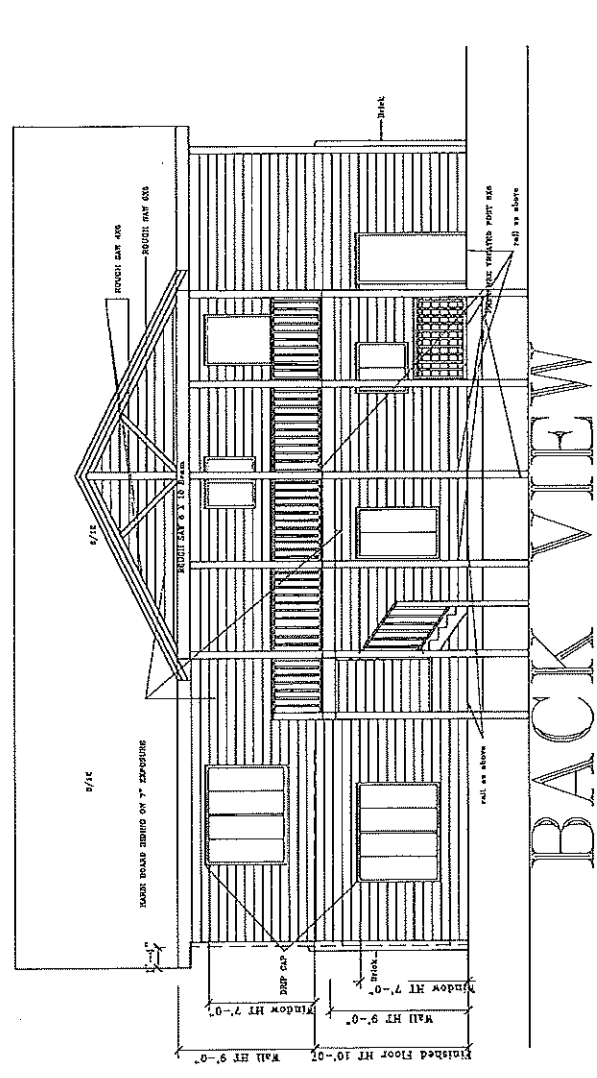
2322 Post White Rd.
 Korryville, Ga 30564
 706-867-1307
 770-366-1036

The Egan Residence
 Elevation's B

DATE	BY	NO.

Sheet 2 OF 6

Note:
 Builder to Verify
 all dimensions



RIGHT SIDE VIEW

Elevation's
 1/4"=1'

NOTE:
 ANY CHANGES OR MODIFICATIONS
 TO THESE PLANS IS ILLEGAL.

2322 Post White Rd.
 Murrayville, Ga 30564
 708-867-1307
 770-366-1036

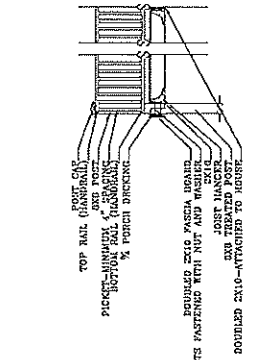


Note:
 Builder to Verify
 all dimensions

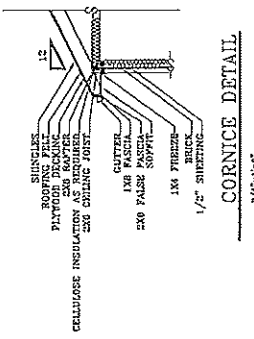
GENERAL NOTES

1. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK, UNLESS OTHERWISE NOTED.
2. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK, UNLESS OTHERWISE NOTED.
3. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK, UNLESS OTHERWISE NOTED.
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10. ALL WORK SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK, UNLESS OTHERWISE NOTED.

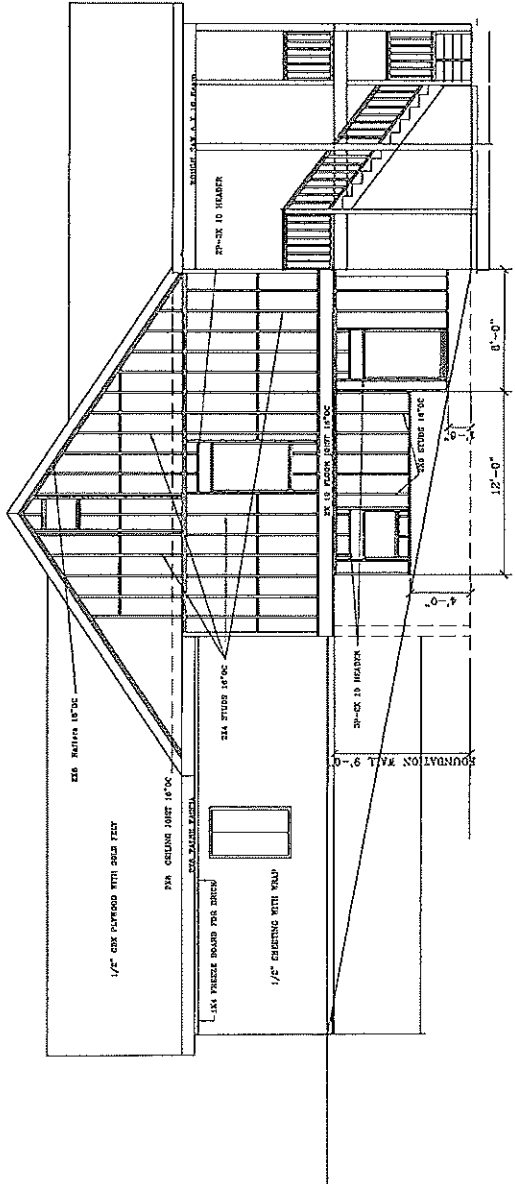
1 PORCH DETAIL
 3/4"=1'-0"



2 CORNICE DETAIL
 3/4"=1'-0"



- GENERAL FRAMING NOTES
1. ALL FRAMING SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK, UNLESS OTHERWISE NOTED.
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 10. ALL FRAMING SHALL BE ACCORDING TO THE 2018 INTERNATIONAL RESIDENTIAL CODE BOOK, UNLESS OTHERWISE NOTED.



1/4"=1'

July 26, 2024

selfnself@windstream.net

To whom it may concern:

It has been brought to my attention that a corner of the foundation of the house being built on lot 3 Timberlane Drive, Dahlonega extends 5.9 ft over the easement permitted by the City of Dahlonega.

The Restrictive Covenants of the Timberlane Property Owners Association does not address setback requirements. The approximate six foot extension does not present a problem for other property owners or the association at large.

Respectfully,

Julie Hogan, Secretary/Treasurer

Timberlane Property Owners Association

juliehogantpoa@gmail.com

706 202-6381

Julie Hogan,
Secretary Treasurer
Timberlane Property Owners Association
juliehogantpoa@gmail.com