



CITY OF DAHLONEGA

Planning Commission Public Hearing Agenda

March 04, 2025, 6:00 PM

Gary McCullough 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 AGENDA

PUBLIC HEARING

1. (BZA-24-8) Jim Gribben has requested to vary from the Zoning Ordinance as provided below for the property at 277 Hawkins Street (parcel D07 065):

Relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet and to reduce the minimum left-side yard setback from 15 feet to 12 feet along a non-arterial street in a R-1: single-family residential district. The applicant has requested this relief to construct a residential addition.

Zachary Lloyd, CPL

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!

November 15, 2024
(updated, 12/23/24)

Dahlongega Planning and Zoning Committee

Robert Conaway, Chairman
James Spivey
James Guy
Noah Steinberg
Michael Feagin
Jane O'Gorman

Thank you for considering our variance request.

My wife and I would like to add to our existing home @ 277 Hawkins Street and it is necessary to request a slight variance to the Front (35' to 15') and Side (15' to 12') set backs.

With small changes to the set backs it would allow us to correct flaws to the home, improve the front appearance and add needed living space. The current living area is 2 bedrooms and 1 bath, we plan to modify to a 3 bedroom and 2 bath area, plus adding much needed storage space that is lacking with many older homes. It would be much better for family living.

The home is located on the dead end portion (extension) of Hawkins Street and there is minimal to no traffic on this dead end section. The only other home (257 Hawkins) on this "extension" of the road is also owned by my wife and I, the 277 home is not visible from the street as it is behind 257 Hawkins Street. This change would not impose any hardship or impact to adjoining neighbors or to the community. There is plenty of parking with the 277 home and even with the change in front set back, there would still be parking for up to 4 cars.

Thank you for your consideration



Jim and JoAnn Gribben
257 Hawkins Street and 277 Hawkins Street
727 698-6900

VARIANCE APPLICATION FORM
CITY OF DAHLONEGA, GEORGIA

Item 1.

Property Owner: Name: JIM + JOANN GRIBBEN
Address: 277 HAWKINS STREET
DAHLONEGA, GA. 30533
Phone: 727 698-6900

Applicant: Name: (APPLEGATE COTTAGE)
(if different from Owner) Address: _____
Phone: _____

Agent: Name: _____
(if applicable) Address: _____
Phone: _____

Existing Zoning: RI Proposed Zoning: RI
Existing Use: RESIDENTIAL (NO CHANGE)
Proposed Use: RESIDENTIAL
Acreage of Site: .12 ACRE

Variance Request:
REQUEST FOR ADDITION TO HOME + CHANGE
OF FRONT SETBACK TO 15' + SIDE TO 12'

Location of Property: DEAD END PORTION OF HAWKINS ST.
(Street address) USED ONLY BY HOMEOWNER.

Tax Plat and parcel: ATTACHED

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.

TAKING AN OLDER HOME AND IMPROVING APPEARANCE + FUNCTIONALITY. VARIANCE WILL BE TO MAKE SYMMETRICAL WITH CURRENT SCREEN PORCH + FRONT OF HOUSE.

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.

CURRENT 2 BEDROOM, 1 BATH WILL BECOME 3 BEDROOM, 2 BATH AND IMPROVE AS A FAMILY HOME. REQUEST TO GO FROM 35' FRONT TO 15' SETBACK + TO 12' ON SIDE.

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.

YES, CORRECT.

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.

277 HAWKINS STREET IS HIDDEN BY HOME NEXT DOOR + LOCATED ON DEAD END STREET WITH MINIMAL TRAFFIC. NO NEGATIVE IMPACT TO ANY NEIGHBORING PROPERTY.

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

Item 1.

YES, CORRECT.

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

WE WILL STILL HAVE 12+' ON SIDE + BACK @ 15'
OF HOME, REQUEST FOR FRONT SETBACK ~~20' + 4'~~.
TO 15' + SIDE TO 12'.

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.

YES, CORRECT.

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 Dahlonega.

I hereby 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: Jim Gribben
JoAnn Gribben

Printed name of Property Owner: JAMES + JOANN GRIBBEN

Date of Signature: 11/15/24

Signature of Witness: [Signature]
11-15-24

APPEGATE COTTAGE
JIM + JOANN GRIBBEN

Sec. 2001. Minimum setback requirements by zoning district (in feet).

NOTE: Additional setbacks may be required for specific uses; for more information refer to section for each particular zoning district. Additional setback and buffer may also be required in accordance with Article XXI and with the City of Dahlonega's Soil Erosion, Sedimentation and Pollution Control Ordinance.*

Zoning District	Front Arterial Streets	Front Other Street	Rear	Side
R-1 see Article IX	60	35	15	15
R-2 see Article X	60	35	15**	15
R-3 see Article XI	60	35	10**	10
MHP	As specified in Sections 1203 and 1204			
PUD	As approved by City Council and indicated on site plan			
B-1 see Article XXI	60	35	15*	15*
B-2 see Article XXI	60	35	15*	15*
B-3 see Article XXI	0	0	5	0
CBD see Article XXI	15	15	5	0
O-I see Article XXI	60	35	30*	30*
I see Article XXI	60	35	15*	15*

NOTES:

* An additional setback and buffer may be required in accordance with Section 2102.

** For townhouses and condominiums, a rear setback of twenty-five (25) feet is required as provided in Section 1004 and Section 1005, respectively.

Additional setbacks may be required for specific uses as provided in permitted uses sections of particular zoning districts.

See Section 711 Accessory Buildings and Uses.

See Section 706 Separation Between Principal Buildings.

(Ord. No. 91-9(Amd. 21), 9-6-2016)





February 13, 2025

To Dahlonega Community Development

We've reviewed the City's January 23, 2025 letter regarding the upcoming Notice of Public Hearing and request to vary from Zoning Ordinance and setback requirements @ 277 Hawkins Street. We are the new owners of the adjacent property @ 258 Hawkins Street, having closed on the sale January 31, 2025.

We have no issue with the proposed change and look forward to seeing more positive growth throughout the downtown area.

Feel free to contact me with any questions or to discuss further.

Thank you,

Jeff Koon
Partner
Dahlonega Village, LLC



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

VARIANCE REQUEST

Case	BZA-24-8
Parcel I.D.	D07 065
Address	277 Hawkins Street
Petitioner	Jim Gribben
Planning Commission Meeting Date	March 4, 2025, 6:00 PM
Board of Zoning Appeals Meeting Date	March 17, 2025, 4:00 PM
Zoning Designation	R-1: Single-Family Residential District
Request	Relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet and to reduce the minimum left-side yard setback from 15 feet to 12 feet along a non-arterial street in a R-1: single-family residential district. The applicant has requested this relief to construct a residential addition.

Summary

The applicant is seeking relief from the City of Dahlonega Zoning Ordinance to construct a residential addition upon a 0.12 +/- acre (5,227 square foot) parcel located at the western terminus of Hawkins Street. Specifically, the applicant requests to vary from Sec. 2001, Minimum setback requirements by zoning district, to reduce building setbacks in a R-1: single-family residential district as provided below.

- Reduce the front yard building setback from 35 feet to 15 feet.
- Reduce the left-side yard building setback from 15 feet to 12 feet.

If this request is granted, the applicant plans to construct a 480 square foot residential addition on the northeastern side of the existing building. The submittal states that the addition would “allow [the applicant] to correct flaws to the home, improve the front appearance and add needed living space.” Property tax records indicate that the building was constructed in 1960 and measures 1,728 square feet in floor area. Further, records indicate the building has

functioned as a single-family house at some times, and as a duplex at others. The applicant states that the building currently functions as a single-family house, and it will continue to do so if the proposed addition is constructed.

Currently, the building encroaches on the 35-foot front yard setback; this is permissible as a legal nonconformity. The precise distance separating the existing building from the front property line is not provided, but staff estimates it to be about 15 feet. The proposed residential addition will measure 15 feet from the front property line, which represents a 20-foot encroachment. As the residential addition will not abide by the minimum front yard setback of 35 feet (Sec. 2001), this request is necessary.

The existing building is compliant with the minimum side yard building setback of 15 feet, pursuant to Sec. 2001. The proposed residential addition would come within 12 feet of the left-side yard property line, which abuts 257 Hawkins Street (tax map parcel D07 054). The proposed three (3) foot encroachment upon the left-side yard building setback has also necessitated this request.

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 Public Square Character Area pursuant to the Comprehensive Plan. This Area is intended for a variety of land uses at small scales that are sensitive to the area’s historic context and appearance. Development standards for this Area include preservation, limiting building height to three (3) stories, pedestrian accessibility, and locally mixed land uses.

- The continued use of the site as single-family residential is congruent with the Public Square Character Area intent.

Analysis – Sec. 2406, Variances

Pursuant to Sec. 2406, 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.

The applicant is requesting relief from Sec. 2001, Minimum setback requirements by zoning district, to reduce the minimum front yard setback from 35 feet to 15 feet and the minimum side yard setback from 15 feet to 12 feet along a non-arterial street in a R-1: single-family residential district.

(Language in bold is from the City of Dahlonga Zoning Ordinance. Bulleted information that is not bold is factors known to staff that may apply to the Ordinance criteria.)

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 size of the site is smaller than other nearby residential lots.
 - Due to current minimum lot size standards (Sec. 2002), the subject site would be too small to recreate in the R-1: single-family residential district (30,000 square foot lot size minimum).
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**
 - The strict interpretation of the minimum front and left-side yard setback requirements, pursuant to Sec. 2001, is not anticipated to create unnecessary hardship for the applicant.
 - The site is already more intensely developed than many nearby residential parcels.
 - The existing house already encroaches upon the front yard setback by nearly 20 feet, extending to around 15 feet from the front property 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; and**
 - Granting the requested variance to the applicant due to the low-visibility location of the site at the end of a street may confer special privileges upon them.
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**
 - The granting of the variance is unlikely to cause substantial detriment to the public good.
5. **The special circumstances are not the result of the actions of the applicant; and**
 - The circumstances of this variance request are partially a result of the applicant.
 - Property tax records indicate the applicant acquired the site at its current size in 2014.

- The applicant's proposal to build a residential addition necessitates this variance request.
- 6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and**
- The request to vary the front and left-side yard setback is the minimum variance that will make possible the legal use of the site.
- 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 the variance to expand a single-family residence, which is a permitted land use in the R-1: single-family residential district.

Staff Recommendation

Staff recommends **denial** of the requested relief from Sec. 2001, Minimum setback requirements by zoning district. Staff concludes that strictly applying the 35-foot front yard and 15-foot left-side yard building setback requirements will not cause an unnecessary hardship for the applicant.