



# **CITY OF DAHLONEGA**

## **Board of Zoning Appeals Public Hearing Agenda**

**August 18, 2025, 4:00 PM**

**Gary McCullough Council 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**

### **APPROVAL OF AGENDA**

### **PUBLIC HEARING**

1. [BZA](#) 25-3: Applicant and homeowners, Randy Hampton (Barbara E. and Clark Randall Hampton), are requesting a variance from the City's setback regulations for the R-1 District. The request is to reduce the side setback to ten feet from the required fifteen feet and the rear setback to zero feet for Tax Parcel D11 109.  
Allison Martin, City Manager / Prepared by Doug Parks, City Attorney

### **ADJOURNMENT**

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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!

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# Agenda Memo

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**DATE:** 8/18/2025  
**TITLE:** BZA 25-3  
**PRESENTED BY:** Doug Parks, City Attorney  
**PRIORITY:** Select a Priority

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## AGENDA ITEM DESCRIPTION

Applicant and homeowners, Randy Hampton (Barbara E. and Clark Randall Hampton), are requesting a variance from the City's setback regulations for the R-1 District. The request is to reduce the side setback to ten feet from the required fifteen feet and the rear setback to zero feet for Tax Parcel D11 109.

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## HISTORY/PAST ACTION

During its Regular Meeting held on August 5, 2025, the Planning Commission recommended partial approval of this application with a reduction of the side setback to ten feet from the required fifteen feet and a reduction of the rear setback to five feet from fifteen feet.

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## FINANCIAL IMPACT

None.

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## RECOMMENDATION

Approve.

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## SUGGESTED MOTIONS

Motion to be made in the discretion of the Council.

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## ATTACHMENTS

Application for variance and Consultant's Report

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## BZA-25-3

### Variance Application

Status: Active

Submitted On: 5/29/2025

### Primary Location

130 PARK ST S  
DAHLONEGA, GA 30533

### Owner

No owner information

### Applicant

 Randy Hampton

 770-862-7364

 randy.hampton61@gmail.com

 130 South Park Street  
Dahlonega, GA 30533

## Variance Information

### Describe Variance Request \*

Set back variance to add garage.

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.\*

House was built prior to existing zoning and setbacks.

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.\*

There are other properties nearby with garage with similar setbacks variance.

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.\*

None I'm aware of.

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.\*

Will increase value.

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

No.

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

Yes.

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.

A legal description of the property to be considered in the application. The legal description shall be by metes and bounds.\*



② Boundary Survey\* ②



Site Plan\* ②



Parcel Number or Numbers\*

D11 109 LL985 LD12-1

**Total Acreage of Site Requesting Variance\***

.26

**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 Community 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 must 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.

Property Owner Signature

 Randell Clark Hampton  
May 29, 2025

BZA Information

|                                                                                                          |                                                                                              |
|----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
|  BZA Case #             |  Status     |
|                                                                                                          | —                                                                                            |
|  BZA Determination Date |  Vote Tally |
| —                                                                                                        |                                                                                              |
|  Primary Variance       |                                                                                              |
|  Variance Request     |                                                                                              |
|  Variance Granted     |                                                                                              |
|  BZA Conditions       |                                                                                              |

Attachments

|                                                                                   |                                                                                                                                 |          |
|-----------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|----------|
|  | <b>Site Plan</b><br>20250529105246260.pdf<br>Uploaded by Timothy Martin on May 29, 2025 at 10:54 AM                             | REQUIRED |
|  | <b>Legal Description By Metes And Bounds</b><br>20250529105253514.pdf<br>Uploaded by Timothy Martin on May 29, 2025 at 10:51 AM | REQUIRED |
|  | <b>Boundary Survey</b><br>20250529105246260.pdf<br>Uploaded by Timothy Martin on May 29, 2025 at 10:54 AM                       | REQUIRED |
|  | <b>20250529105309294.pdf</b><br>20250529105309294.pdf<br>Uploaded by Timothy Martin on May 29, 2025 at 10:52 AM                 |          |

## Record Activity

|                                                                                                                    |                        |
|--------------------------------------------------------------------------------------------------------------------|------------------------|
| Timothy Martin started a draft Record                                                                              | 05/29/2025 at 10:19 am |
| Timothy Martin added file 20250529105253514.pdf                                                                    | 05/29/2025 at 10:51 am |
| Timothy Martin added file 20250529105309294.pdf                                                                    | 05/29/2025 at 10:52 am |
| Timothy Martin added file 20250529105246260.pdf                                                                    | 05/29/2025 at 10:54 am |
| Timothy Martin added file 20250529105246260.pdf                                                                    | 05/29/2025 at 10:54 am |
| Timothy Martin submitted Record BZA-25-3                                                                           | 05/29/2025 at 10:54 am |
| OpenGov system altered approval step Application Review, changed status from Inactive to Active on Record BZA-25-3 | 05/29/2025 at 10:54 am |

## Timeline

| Label                                                                                                     | Activated              | Completed | Assignee | Due Date | Status |
|-----------------------------------------------------------------------------------------------------------|------------------------|-----------|----------|----------|--------|
| <br>Application Review | 5/29/2025, 10:54:30 AM | -         | -        | -        | Active |

| Label                                                                                               | Activated | Completed | Assignee      | Due Date | Status   |
|-----------------------------------------------------------------------------------------------------|-----------|-----------|---------------|----------|----------|
|  Variance Fee      | -         | -         | Randy Hampton | -        | Inactive |
|  Variance Approval | -         | -         | -             | -        | Inactive |
|  Approval Notice   | -         | -         | -             | -        | Inactive |

**Variance Application****BZA-25-3**

Submitted On: May 29, 2025

**Applicant**

 Randy Hampton  
 770-862-7364  
@ randy.hampton61@gmail.com

**Primary Location**

130 PARK ST S  
DAHLONEGA, GA 30533

**Variance Information****Describe Variance Request**

Set back variance to add garage.

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.

House was built prior to existing zoning and setbacks.

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.

There are other properties nearby with garage with similar setbacks variance.

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.

None I'm aware of.

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.

Will increase value.

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

No.

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

Yes.

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.

A legal description of the property to be considered in the application. The legal description shall be by metes and bounds.

true

**Boundary Survey**

true

**Site Plan**

true

**Parcel Number or Numbers**

D11 109 LL985 LD12-1

**Total Acreage of Site Requesting Variance**

.26

**Property Owner's Certification****Property Owner Signature**

true

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I understand that I must 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.

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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.



CITY OF DAHLONEGA

# COMMUNITY DEVELOPMENT DEPARTMENT

Variance Application

Application Fee \$200.00

Property Owner:

Name: Randy Hampton randy.hampton61@gmail.com  
Address: 130 South Park St.  
Phone: 770-862-7364

Applicant:

Name: Same  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Agent:

Name: N/A  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_

Existing Zoning: R-1  
Existing Use: Residential  
Proposed Use: Residential (add garage)  
Acreage of Site: .25 acre

Variance Request: Set back variance to add garage

Location of Physical Property: 130 South Park St.  
Tax Plat and Parcel: D11-109

**The following questions are the variance criteria that will be looked at to determine whether or not it is approved or denied.**

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. *House was built prior to existing zoning and setbacks.*
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. *There are other properties nearby with garage with similar setback variance.*
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. *None I'm aware of.*
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. *Will increase value.*
5. The special circumstances are not the result of the actions of the applicant. *No*
6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. *Yes*
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*

## 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 Community Development staff may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

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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:



Printed name of Property Owner:

Randy Hampton

Date of Signature:

5-29-25

Signature of Witness:



DISCLOSURE OF CAMPAIGN CONTRIBUTION

Pursuant to OCGA Section 36-37 A-3.A, the following disclosure is mandatory when an applicant or any representation of application for rezoning has been made within two (2) years immediately preceding the filing of the applicant's request for re-zoning & campaign contributions aggregating \$250.00 or more to a local government official who will consider the application for rezoning.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government showing the following information:

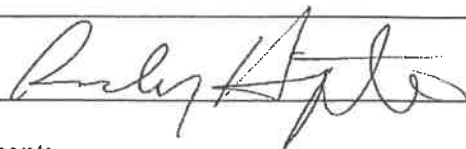
1. The name of the local official(s) to whom the campaign contribution was made: N/A
2. The dollar amount and/or description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution:

Amount \$ \_\_\_\_\_ Date: \_\_\_\_\_

Amount \$ \_\_\_\_\_ Date: \_\_\_\_\_

3. Enumeration and description of each gift when the total value of all gifts is \$250.00 or more made to the local government official during the 2 years immediately preceding the filing application for rezoning:

Amount and Description:

Signature of Applicant: 

Representative of Applicant: \_\_\_\_\_

Date: 5-29-25

# Lumpkin County, GA

## Summary

Parcel Number D11 109  
Location Address 130 PARK STREET SOUTH  
Legal Description LOT PARK ST LL 985 LD 12-1  
(Note: Not to be used on legal documents)  
Class R3-Residential  
(Note: This is for tax purposes only. Not to be used for zoning.)  
Character Area R1  
Tax District Dahlonga (District 02)  
Millage Rate 28.825  
Acres 0.26  
Neighborhood \*CITY@750/FF (00259)  
Homestead Exemption No (\$0)  
Landlot/District 985 / 12

[View Map](#)



## Map



## Owner

HAMPTON BARBARA E & CLARK RANDALL  
360 KENT ROAD  
ROSWELL, GA 30075

## Land

| Type        | Description  | Calculation Method | Square Footage | Frontage | Depth | Acres | Lots |
|-------------|--------------|--------------------|----------------|----------|-------|-------|------|
| Residential | *CITY@750/FF | Front Feet         | 11,449         | 107      | 107   | 0.26  | 0    |

## Residential Improvement Information

Style One Family  
Heated Square Feet 1832  
Interior Walls Pine  
Exterior Walls Hardle Plank  
Foundation Masonry  
Attic Square Feet 0  
Basement Square Feet 0  
Year Built 1934  
Roof Type Metal  
Flooring Type Hardwood/Tile  
Heating Type Central Heat/AC  
Number Of Rooms 0  
Number Of Bedrooms 0  
Number Of Full Bathrooms 4  
Number Of Half Bathrooms 1  
Number Of Plumbing Extras 12  
Value \$473,169  
Condition Average  
House Address 130 PARK STREET SOUTH

## Accessory Information

| Description            | Year Built | Dimensions/Units | Identical Units | Value   |
|------------------------|------------|------------------|-----------------|---------|
| Fireplace Brk or Stone | 2023       | 0x0 / 1          | 1               | \$4,850 |
| Gazebo                 | 2018       | 1x90 / 0         | 0               | \$1,638 |

## Permits

| Permit Date | Permit Number | Type         | Description               |
|-------------|---------------|--------------|---------------------------|
| 02/10/2023  | BRES 23-7     | RENOVATIONS  |                           |
| 12/18/2015  | 2845          | ELECTRIC     | NO VALUE GIVEN            |
| 09/30/2015  | 2823          | RENOVATIONS  | NO VALUE GIVEN            |
| 07/22/2009  | 1859          | STORAGE SHED | NO ESTIMATED VALUE GIVEN: |

## Sales

| Sale Date | Deed Book / Page | Plat Book / Page | Sale Price | Reason      | Grantor                     | Grantee                           |
|-----------|------------------|------------------|------------|-------------|-----------------------------|-----------------------------------|
| 1/18/2019 | 1413 133         | MB               | \$494,000  | Fair Market | POWELL FRED A JR & BRENDA C | HAMPTON BARBARA E & CLARK RANDALL |
| 9/28/2015 | 1309 489         |                  | \$110,000  | Fair Market | WIMPY KATHLEEN BILLIE       | POWELL, JR. FRED A & BRENDA C.    |

## Area Sales Report

Sale date range:

From:

05/29/21

To:

05/29/21



Distance:

1500

Units:

Feet




## Valuation

|                     | 2025      | 2024      | 2023      | 2022      | 2021      |
|---------------------|-----------|-----------|-----------|-----------|-----------|
| Previous Value      | \$517,606 | \$471,848 | \$415,510 | \$345,657 | \$337,948 |
| Land Value          | \$69,874  | \$69,874  | \$69,874  | \$69,874  | \$69,874  |
| + Improvement Value | \$473,169 | \$441,244 | \$400,336 | \$343,998 | \$274,037 |
| + Accessory Value   | \$6,488   | \$6,488   | \$1,638   | \$1,638   | \$1,746   |
| = Current Value     | \$549,531 | \$517,606 | \$471,848 | \$415,510 | \$345,657 |

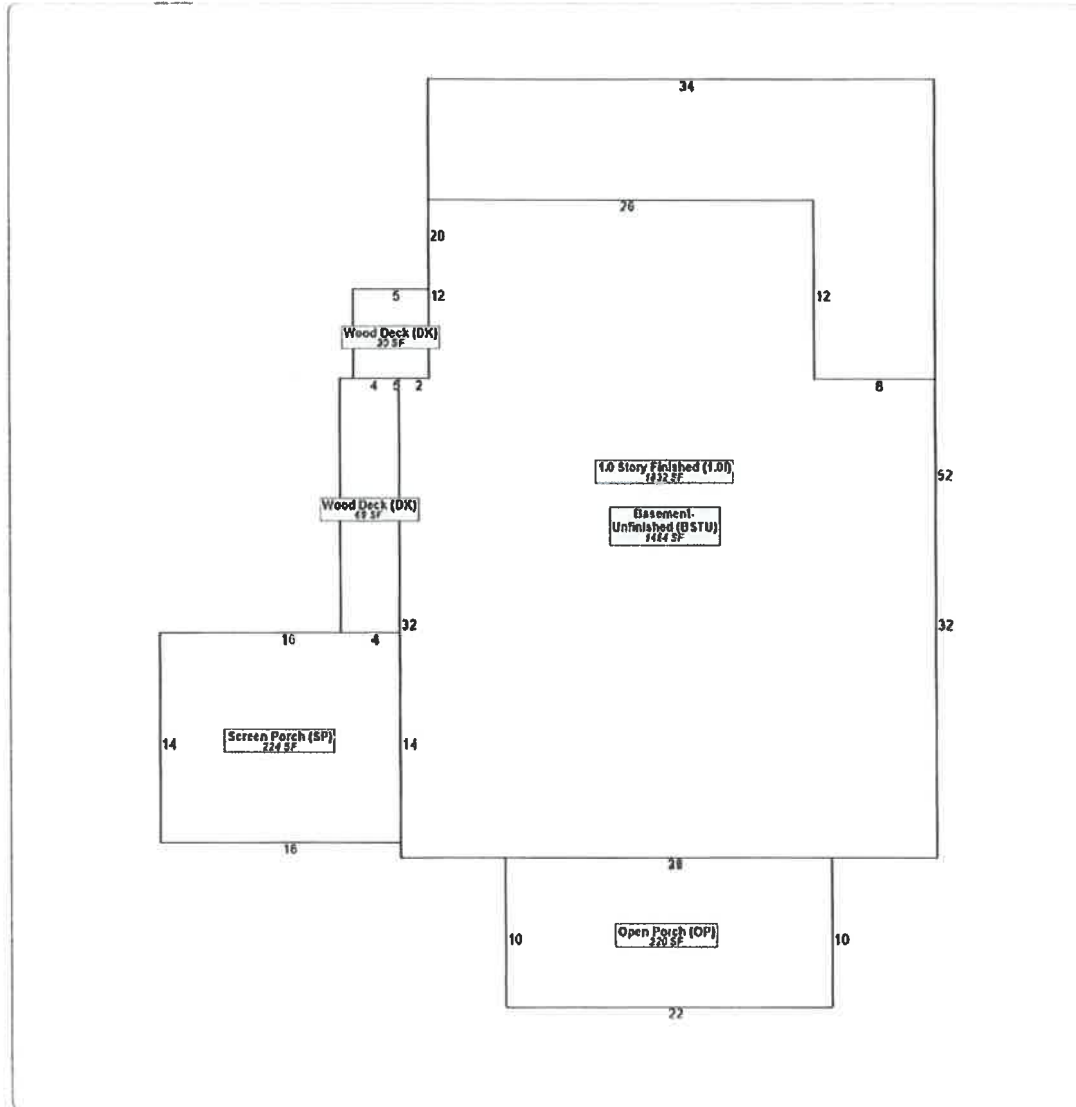
## Tax Collector

## Photos





Sketches



### Mailing Labels

Distance:

100

Feet

Use Address From:

☒ Owner ☐ Property

Select export file format:

Address labels (5160)

☒ Show All Owners

☐ Show Parcel ID on Label

Skip Labels

0

International mailing labels that exceed 5 lines are not supported on the Address labels (5160). For international addresses, please use the xls, csv or tab download formats.

No data available for the following modules: Rural Land, Conservation Use Rural Land, Commercial Improvement Information, Mobile Homes, Prebill Mobile Homes.



[User Privacy Policy](#) [GDPR Privacy Notice](#)  
Last Data Upload: 5/28/2025, 5:32:01 PM

# a REMODEL/ADDITION PROJECT for: **MR. & MRS. RANDY HAMPTON**

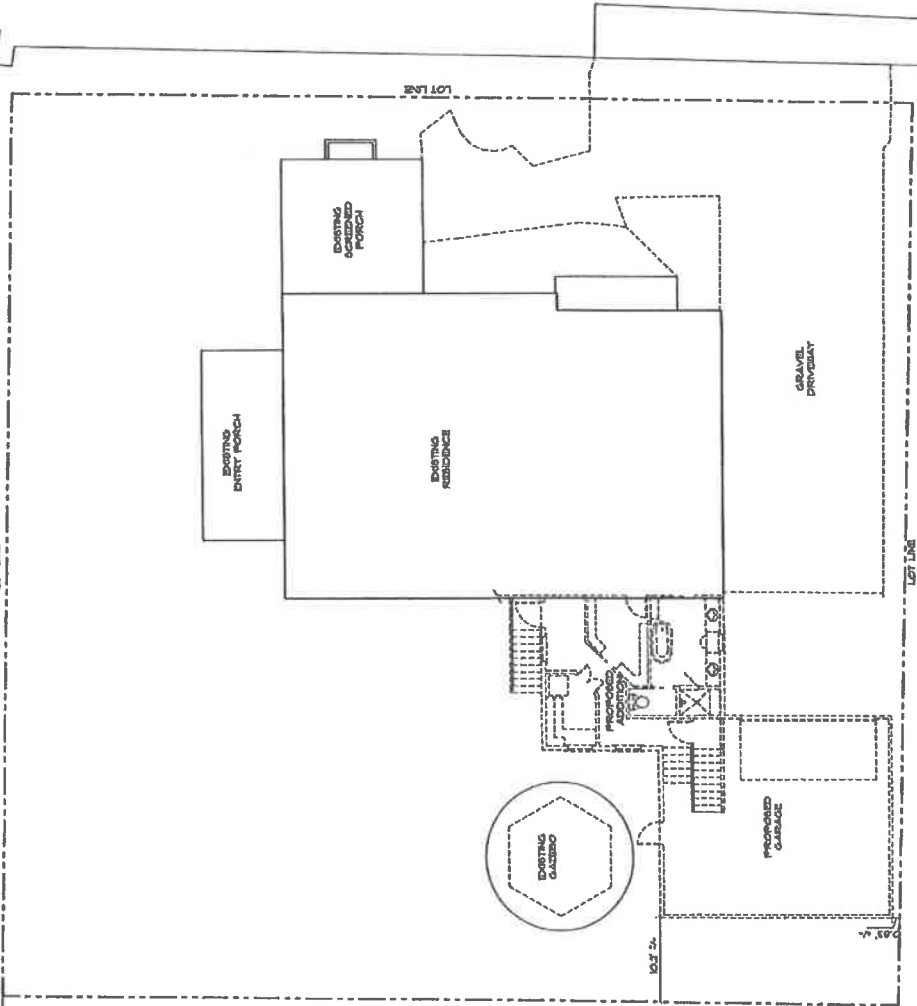
130 SOUTH PARK ST., DAHLONEGA, GA 30533

SITE SKETCH  
1-10-09

SOUTH PARK STREET

REDEVELOP

LOT LINE



## JOB INFORMATION

JOB ADDRESS:  
130 S. PARK ST.  
DAHLONEGA, GA 30533

PROPERTY INFO:  
PARCEL ID: D11 123  
ACREAGE: 0.26

BUILDING PERMIT: NOT YET APPLIED FOR

## DESIGNER:

PRO VISION DESIGN LLC  
1000 W. 10TH ST.  
DAHLONEGA, GA 30533  
FOURTHFLOOR.COM



## CONTRACTOR:

TO BE DETERMINED

## OWNER:

MR. & MRS. RANDY HAMPTON  
340 WEST ROAD  
DAHLONEGA, GA 30533  
RANDYHAMPTON@GMAIL.COM  
(770) 644-7864

## SHEET INDEX

- C - COVER SHEET / SITE PLAN
- 1 FLOOR PLAN (EXISTING MAIN)
  - 2 FLOOR PLAN (PROPOSED MAIN)
  - 3 FLOOR PLAN (PROPOSED UPPER)
  - 4A ELEVATIONS
  - 4B ELEVATIONS
  - 5 SECTION AT GARAGE

THESE PLANS ARE THE EXCLUSIVE PROPERTY OF PRO VISION DESIGN LLC. THESE PLANS ARE INTENDED FOR USE ONLY BY THE CLIENT AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PRO VISION DESIGN LLC.





**EXHIBIT "A"**

**File No.: GA105-18-0295**

All that tract or parcel of land lying and being in the County of Lumpkin, State of Georgia, in the City of Dalton, same being one-fourth of an acre, more or less, of original Land Lots 950 and 985, in the 12th district and first section, originally Cherokee now Lumpkin County, situate lying and being on the South side of Park Street described by metes and bounds as follows: BEGINNING on the North side of Martin Street at a point midway between Park Street and Chestnut Street; thence running a northwesterly direction a straight line midway between said Park and Chestnut Streets to the boundary of the lands of Miss Jennie Waters; thence a Northeasterly direction along the boundary line of the Lands of the said Miss Jennie Waters to Park Street; thence following along Park Street a southeasterly direction along Park Street to Martin Street; thence a south westerly direction along Martin Street to the point of beginning. Being the property conveyed from M. H. Garrett and H. F. Parks to A. G. Wimpy by deed dated February 4, 1938. Parcel ID Number: D11 109. Subject to any Easements or Restrictions of Record.

Deed (Limited Warranty)

GA105-18-0295

7 OF 7 SHEET

**EarthPro**  
AND VULCANIZING & SLIDING  
618-610-5500  
PO BOX 170  
COOK, IL 60009



RETRACEMENT BOUNDARY SURVEY FOR:  
BARBARA E. & CLARK RANDALL HAMPTON  
130 SOUTH PARK STREET  
LUMPKIN COUNTY, GA.  
TAX PARCELS B11 109

[illegible]

## NOTES

- [illegible]

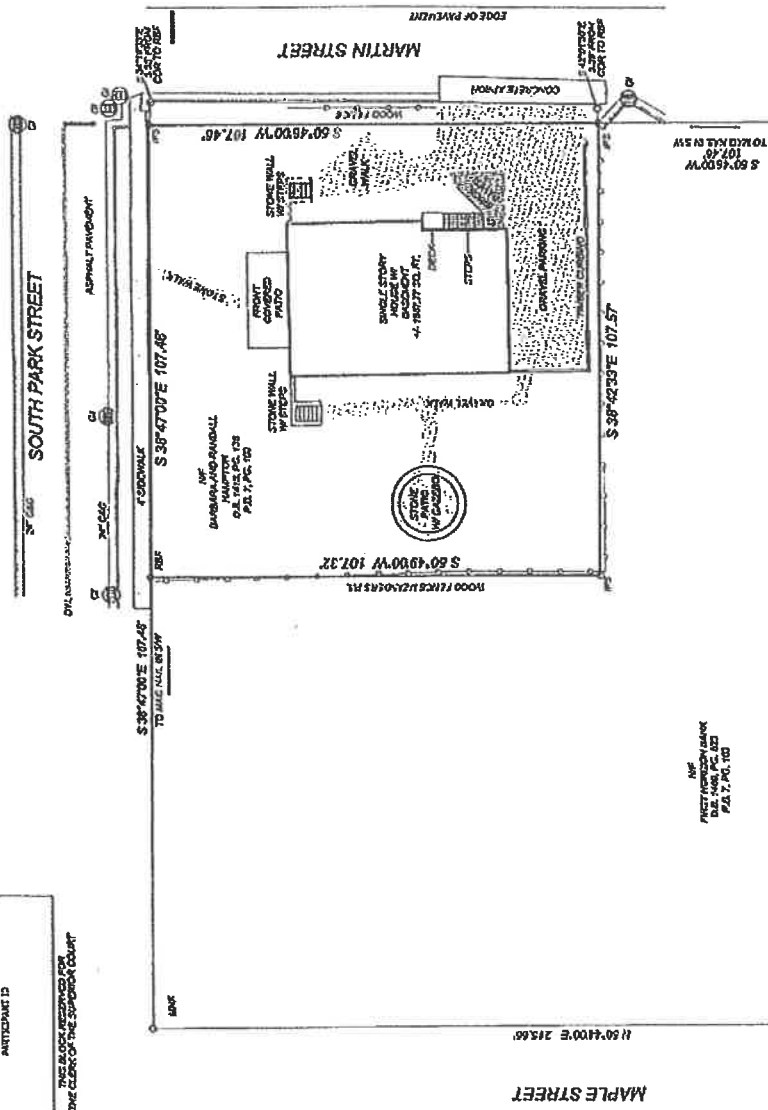
# CERTIFICATION

[illegible]

11/15/22

GARY S HARVIN, JR.  
GEORGIA REGISTERED LAND SURVEYOR NO. 3105

THIS SURVEY WAS CONDUCTED IN COOPERATION WITH THE TECHNICAL WORKGROUP FOR RESIDENT SURVEYS IN GEORGIA AND WITH FORMER CHAIRMAN RICHARD HAY OF THE HOUSE OF GEORGIA HOUSE OF REPRESENTATIVES AND ARCHITECTURAL, ENGINEERING AND LAND SURVEYING AND ASSET POSITION IN THE GEORGIA PLANT ACT (P.L. 104-47).



NOTE  
FBIHQ MEMPHIS 5/24/68  
D.E. 4408, P.C. 623  
P.D. 7, PG. 103

N 39° 01' 00" W 214.75'  
CHESTNUT STREET

GRAPHIC SCALE - FBST

9202300010

K:2023 PG:10-19  
CLERK OF COURT  
04/04/2023 10:08 AM  
RE: MARIANE BLANK  
SUPERIOR COURT  
LINCOLN COUNTY, OR

Rita Starkins  
020925232  
PARTICIPANT 12

THIS BLOCK RESERVED FOR  
THE CLERK OF THE SUPERIOR COURT

MAPLE STREET

CHARGE /

The image shows a page from a publication, possibly a newspaper or magazine, with multiple columns of text. The text is mostly illegible due to blurriness and low resolution. There are some large, bold headlines visible, but their content cannot be discerned. The layout includes several columns of text, some with sub-headings, and a few small images or graphics interspersed within the text blocks. The overall appearance is that of a scanned document with significant quality issues.



**EXHIBIT "A"**

**File No.: GA105-18-0295**

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# 2 REMODEL/ADDITION PROJECT FOR: MR. & MRS. RANDY HAMPTON

130 SOUTH PARK ST., DAHLONEGA, GA 30533

SITE SKETCH  
P. 9

SOUTH PARK STREET

ROADWAY

LOT LINE

EXIST LOT

EXISTING  
REAR PORCH

EXISTING  
FRONT PORCH

EXISTING  
SCREENED  
PORCH

ARGADIA STREET

Martin

PROPOSED  
GARAGE

GRANITE  
COUNTERTOP

LOT LINE

## JOB INFORMATION

JOB ADDRESS:  
DO A. PARK ST.  
DAHLONEGA, GA 30533  
PROPERTY MAP:  
PARCEL ID: 01 03  
ACRES: 0.3  
BUILDING PERMIT # NOT YET APPLIED FOR

## DESIGNER:

PRO VISION DESIGN, LLC  
PETER HARTPS  
600 THUNDER ROAD  
DAHLONEGA, GA 30533  
PETER@PROVISION.COM



## CONTRACTOR:

TO BE DETERMINED

## OWNER:

MR. & MRS. RANDY HAMPTON  
360 WEST ROAD  
ROXBELL, GA 30075  
RANDY.HAMPTON@GMAIL.COM  
(770) 685-064

## SHEET INDEX

1. COVER SHEET / SITE PLAN
2. FLOOR PLAN EXISTING MAIN
3. FLOOR PLAN PROPOSED MAIN
4. ELEVATIONS
5. SECTION AT GARAGE

THIS PLAN AND ALL EXISTING INFORMATION IS PROVIDED BY THE OWNER AND THE DESIGNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER. THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE OWNER.



## Variance Fee

Record No.BZA-25-3

Status Inactive

Became Active Unknown

Assignee Randy Hampton

Due Date None

Invoice ID 9458

### Primary Location

130 PARK ST S  
DAHLONEGA, GA 30533

### Owner

No owner information

### Applicant

 Randy Hampton  
 770-862-7364  
 randy.hampton61@gmail.com  
 130 South Park Street  
Dahlonega, GA 30533

### Fee Breakdown

| Fee Name                           | Total Fee | Paid   | Due      |
|------------------------------------|-----------|--------|----------|
| Variance Fee<br>(100.0000.32.2900) | \$200.00  | \$0.00 | \$200.00 |
| Signage (100.000.32.2900)          | \$50.00   | \$0.00 | \$50.00  |
| Total                              | \$250.00  | \$0.00 | \$250.00 |

### Payment History

No payments to show.

## Messages

No comments yet.

## Step Activity

Timothy Martin added fee Signage (100.000.32.2900)

05/29/2025 at 10:54 am

City of Dahlonaga

Variance Letter Request

June 5, 2025

To Whom It May Concern,

I am requesting a variance for property line setbacks at 130 South Park St. We would like to add a garage to the property. Our request is for a setback on the south property line of less than one foot, and on the west property line of 10'. This garage would be built along with a small addition that would join both structures. We are surrounded on two sides by First Horizon Bank, which are the sides affected by this request. We don't believe there would be any negative impact on residential properties nearby. Please let me know if there are any questions I can answer.

Thank you for your consideration.

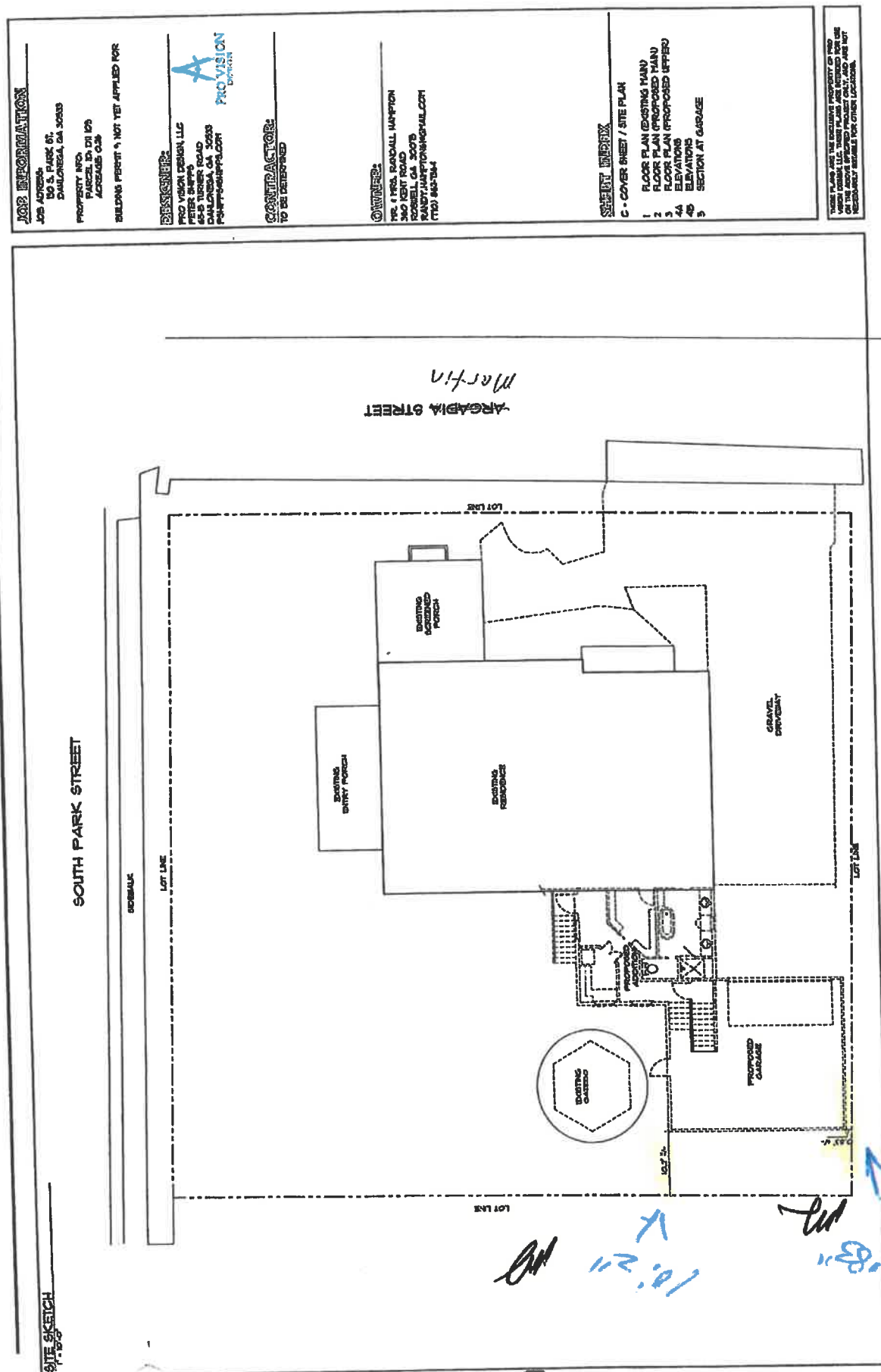
Randy & Barbara Hampton

770-862-7364 (Randy)

[randy.hampton61@gmail.com](mailto:randy.hampton61@gmail.com)

a REMODEL/ADDITION PROJECT for:

130 SOUTH PARK ST., DAHLONEGA, GA 30533



## CONSULTING PLANNER'S REPORT FOR BZA 25-03

**TO:** City of Dahlonaga, c/o Doug Parks, City Attorney

**BY:** Jerry Weitz, Consulting City Planner

**DATE OF REPORT:** July 7, 2025

**SUBJECT REQUEST:** **BZA 25-03 Variance** to the Dahlonaga zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the minimum required principal side/rear building setback of 15 feet to less than 1 foot along one property line and 10 feet on another property line (R-1 zoning district)

**EXISTING ZONING:** R-1, Single-Family Residential District (Article IX)

**EXISTING USE:** Detached single-family dwelling

**BZA HEARING:** Scheduled

**APPLICANT:** Randall Clark Hampton

**OWNER(S):** Randall Clark Hampton

**PROPOSED USE:** Building addition and new garage

**LOCATION:** Fronting on the west side of South Park Street and the north side of Martin Street (130 South Park Street) (Land Lot 985, District 12-1)

**PARCEL(S) #:** D11 109

**ACREAGE:** 0.26

**SURROUNDING LAND USE AND ZONING:**

**North:** Commercial (bank), B-1 (Neighborhood Business District) and R-1 (Single Family Residential District)

**East:** (across Park Street South): Single-family dwelling and day care center, R-1

**South:** (across Martin Street), office-institutional (exempt), R-1;

**West:** Commercial (bank), B-1

**RECOMMENDATION:** Approval

## 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 Dahlonge 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).



**Aerial Photograph/Tax Map**

## PROPERTY DESCRIPTION AND APPLICABLE REGULATIONS

The subject property is a corner lot with frontage on Park Street South and Martin Street. It is developed with a detached, single-family dwelling. The home has a driveway accessing Martin Street.

The applicant proposes to construct a garage and an addition to the rear of the home. Both will be attached to the principal dwelling. As noted in the letter of intent, the proposed garage will connect to an addition to the home, which will connect to the main part of the dwelling. In such cases, the zoning ordinance provides: "Where an accessory building or structure is structurally attached to a principal building, it shall be subject to and must conform to all regulations applicable to the principal building" (Sec. 711.4 zoning ordinance). Building setbacks for principal buildings in the R-1 zoning district are 35 feet front (other street) and 15 feet on the side and rear (Sec. 2001 zoning ordinance). The applicant seeks to reduce one of the principal building setbacks from 15 feet to less than one foot along one property line, and from 15 feet to approximately 10 feet along another property line.

The dwelling on the subject property has a setback from Martin Street of approximately 10 feet, but there is also a screened porch attached to the principal dwelling that is even closer to the right of way of Martin Street (according to the site plan excerpt). This means the home meets the definition of a nonconforming building. Dahlonaga's zoning ordinance provides that a nonconforming building "which contains a conforming use may be expanded, enlarged or extended, provided that any such additions meet the applicable yard and building setbacks, buffer and landscape strip requirements and all other regulations for the district in which it is located" (Sec. 504 zoning ordinance). Since the nonconforming building is proposed to be expanded in a way that does not meet Sec. 711, it is implied that the requested variance is also a request to provide relief to that section, in addition to Sec. 2001 regarding principal building setbacks.

## FINDINGS

Written findings below are those of the consulting planner; the applicant has addressed these criteria, and those answers are included as an attachment to this report.

- 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;***

Consulting planner's finding: The size of the lot is 0.26 acre, which on its own can be considered an extraordinary and exceptional condition that significantly limits the ability of the owner to utilize the property for its intended use. The subject property is a "corner" lot with frontages on two streets; this is also an exceptional and extraordinary condition because the zoning ordinance prohibits the location of accessory structures in front yards. A third factor that is considered an extraordinary condition is that, as noted by the applicant, the dwelling was constructed before the adoption and application of the current zoning ordinance of the city. A fourth factor is the location of the driveway; it is only a few feet from the property line in places and appears to run all the way to the property line in one or more places. The applicant intends to line up the garage with the existing driveway, which is reasonable and expected. Collectively, these conditions justify granting relief (***meets criterion/ supports request***).

- 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;**

Consulting planner's finding: It would be an unnecessary hardship to deny the requested variance, because the owner would not be able to construct the garage unless a variance is granted. There are few if any alternative locations to construct the improvements requested by the owner (**meets criterion/ supports request**).

- 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;**

Consulting planner's finding: As noted by the applicant, in the vicinity which includes commercial, institutional, and residential uses, there are multiple instances where other buildings fail to observe the building setbacks required by the zoning ordinance. Hence, granting the requested variance will not confer a special privilege that is denied to other properties in the R-1 zoning district and in other zoning districts in the vicinity (**meets criterion/ supports request**).

- 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;**

Consulting planner's finding: The zoning ordinance provides for granting relief in the form of one or more variances in cases of unnecessary hardship. Therefore, the grant of a building setback variance is considered in harmony with the purpose and intent of the zoning ordinance (**meets criterion/ supports request**). Also, the building/ garage addition will abut a commercial parking lot and therefore will not have any adverse impacts on the abutting use (**meets criterion/ supports request**).

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

Consulting planner's finding: The applicant purchased the property in 2019 and therefore was not responsible for platting the lot at its current size, nor did the current owner construct the dwelling. Therefore, the extraordinary conditions are not the result of actions of the applicant (**meets criterion/ supports request**).

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

Consulting planner's finding: The applicant has prepared and submitted a site plan showing the placement of the additions to the home. Due to the need to line up the garage with the existing driveway, the setback reduction to less than one foot along one of the property lines is considered the minimum necessary. Similarly, reduction of the other setback from 15 to 10 feet is also considered the minimum necessary (**meets criterion/ supports request**).

**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.***

Consulting planner's finding: Additions to dwellings in the R-1 zoning district are authorized by the zoning ordinance. The request is not for a use variance; hence the request meets this criterion (***meets criterion/ supports request***).

**CONCLUSIONS AND RECOMMENDATION**

For the BZA to grant a variance, the Dahlonaga 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. Based on the consulting planner's findings, the application meets all criteria and relief can be granted.

Accordingly, it is recommended that the Board of Zoning Appeals grant a variance to Section 2001 of the zoning ordinance to reduce principal building setbacks required for the side/ rear yards from 15 feet to less than one foot and to 10 feet, as requested by the applicant. Implied within the variance request is the grant of a variance to Sec. 711.4 relative to expansion of a nonconforming building.

City of Dahlonega

Variance Letter Request

June 5, 2025

To Whom It May Concern,

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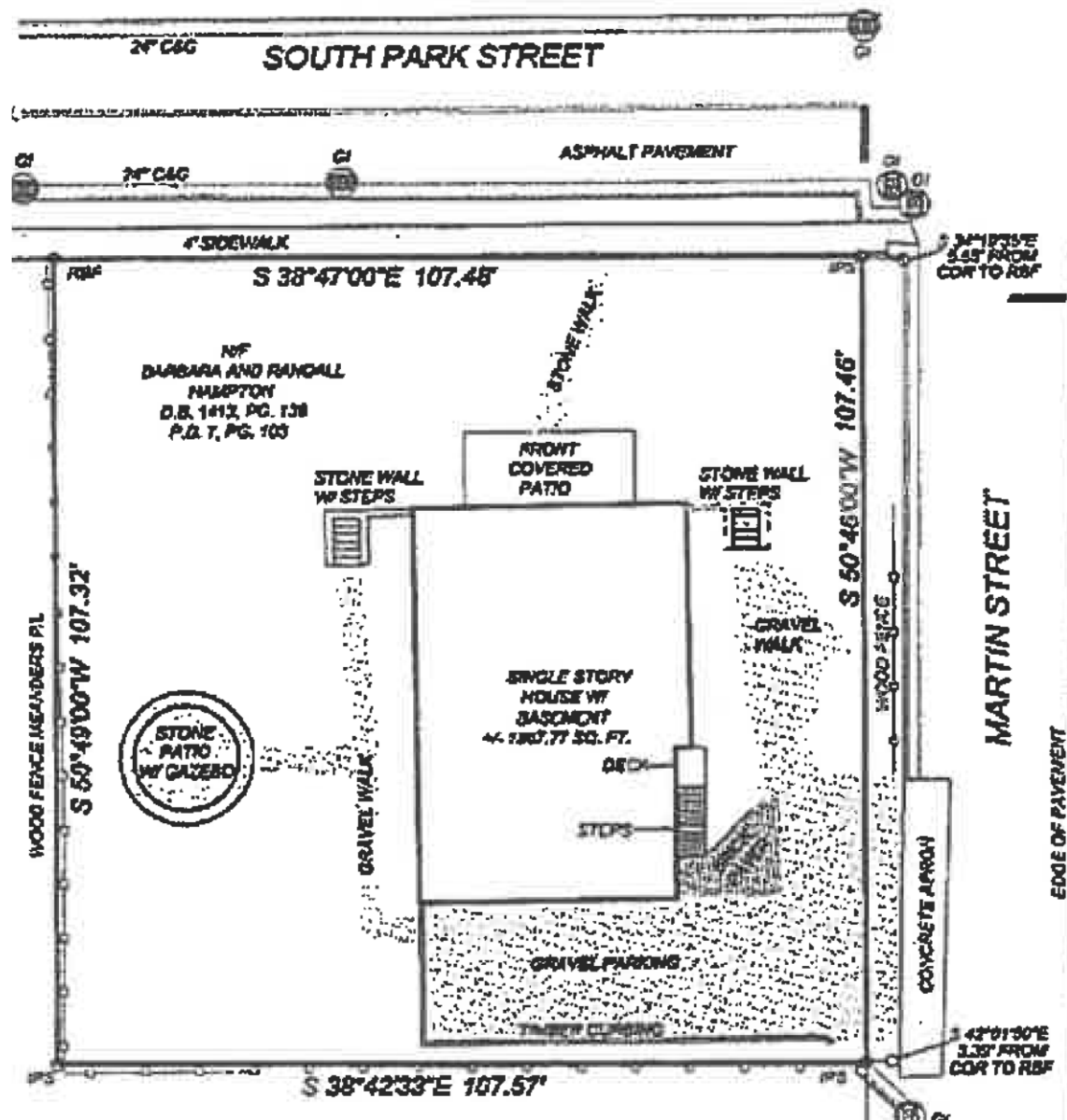
Thank you for your consideration.

Randy & Barbara Hampton

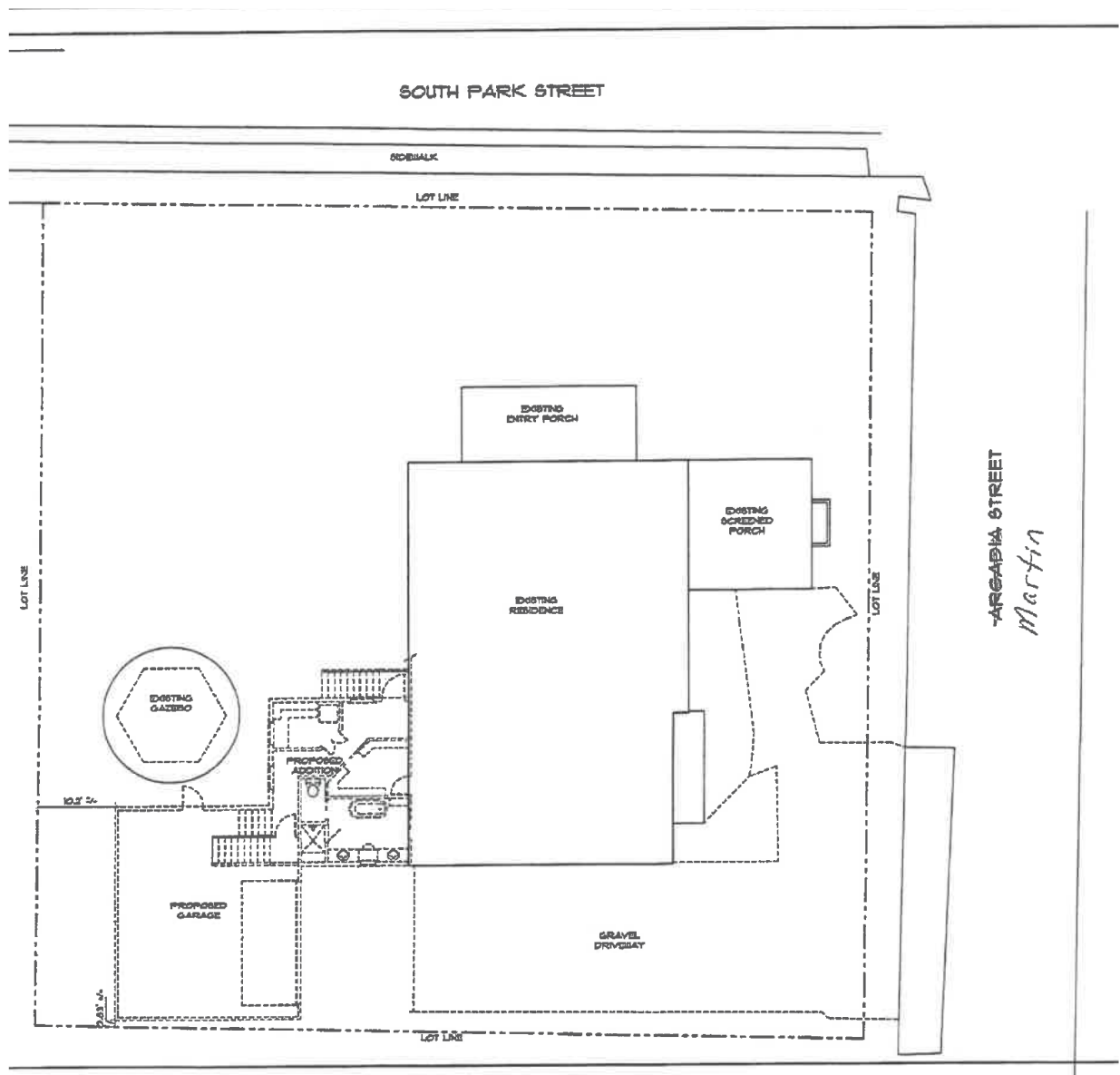
770-862-7364 (Randy)

[randy.hampton61@gmail.com](mailto:randy.hampton61@gmail.com)

**Letter of Intent**



Existing Conditions (from application)



Site Plan Excerpt

**The following questions are the variance criteria that will be looked at to determine whether or not it is approved or denied.**

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. *House was built prior to existing zoning and setbacks.*
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. *There are other properties nearby with garage with similar setback variance.*
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. *None I'm aware of.*
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. *Will increase value.*
5. The special circumstances are not the result of the actions of the applicant. *No*
6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure. *Yes*
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*

#### **Applicant's Response to Variance Criteria**