



CITY OF DAHLONEGA

Board of Zoning Appeals Special Called Meeting Agenda

December 15, 2025, 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

APPROVAL OF AGENDA

APPROVAL OF MINUTES

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

OLD BUSINESS

NEW BUSINESS

2. BZA 25-05 Variance: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent, Sandra Moore and Barbara Armstrong, property owners, seeks a variance to the Dahlonega Zoning Ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage for property (0.39 acre) fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (Map/Parcel D11/036) (95 Jones Street). Proposed use: Detached, single-family dwelling.
Doug Parks, City Attorney

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!



Agenda Memo

DATE: 12/15/2025
TITLE: BZA 25-05
PRESENTED BY: Doug Parks, City Attorney
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 25-05 Variance: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent, Sandra Moore and Barbara Armstrong, property owners, seeks a variance to the Dahlonaga Zoning Ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage for property (0.39 acre) fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (Map/Parcel D11/036) (95 Jones Street). Proposed use: Detached, single-family dwelling.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motions to approve when action is to be taken.

ATTACHMENTS

Consulting Planner's report.

CONSULTING PLANNER'S REPORT FOR BZA 25-05

TO: City of Dahlonega, c/o Doug Parks, City Attorney

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: November 17, 2025

SUBJECT REQUEST: **BZA 25-05 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the principal building setback required by the R-1, Single-Family Residential District from 35 to 15 feet along the Jones Street frontage

EXISTING ZONING: R-1, Single Family Residential District

EXISTING USE: Detached, single-family dwelling

BZA HEARING: December 15, 2025 @ 6:00 p.m.

APPLICANT: Greg Imig, applicant, by Samantha Tinsley and Jim Pierce, agent

OWNER(S): Sandra Moore and Barbara Armstrong

PROPOSED USE: Detached, single-family dwelling (tear down/replace)

LOCATION: Fronting on the east side of Jones Street, the southwest side of Meaders Street, and the north side of Park Street (95 Jones Street)

PARCEL(S) #: D11/ 036

ACREAGE: 0.39

SURROUNDING LAND USE AND ZONING:

North: (across Meaders Street): detached single-family dwelling, R-1

East: (across Meaders Street): Multi-family dwellings (apartments),

South: Detached single-family dwellings, R-1

West: (across Jones St.): Two-family dwelling (duplex), R-1; (across Park St.): off-street parking lot (city), PUD

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."

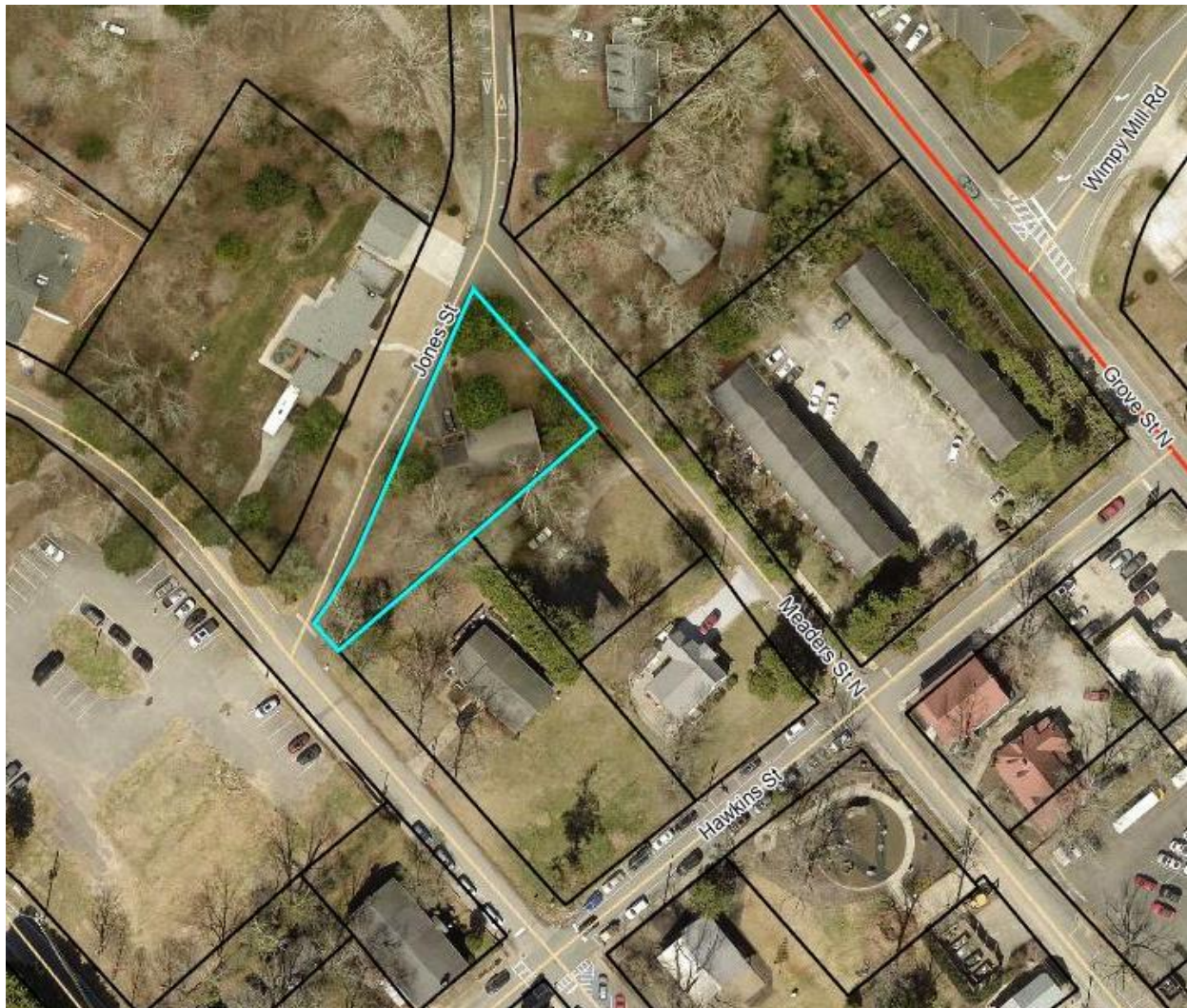
The Board of Zoning Appeals is empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual 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 unreasonably 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

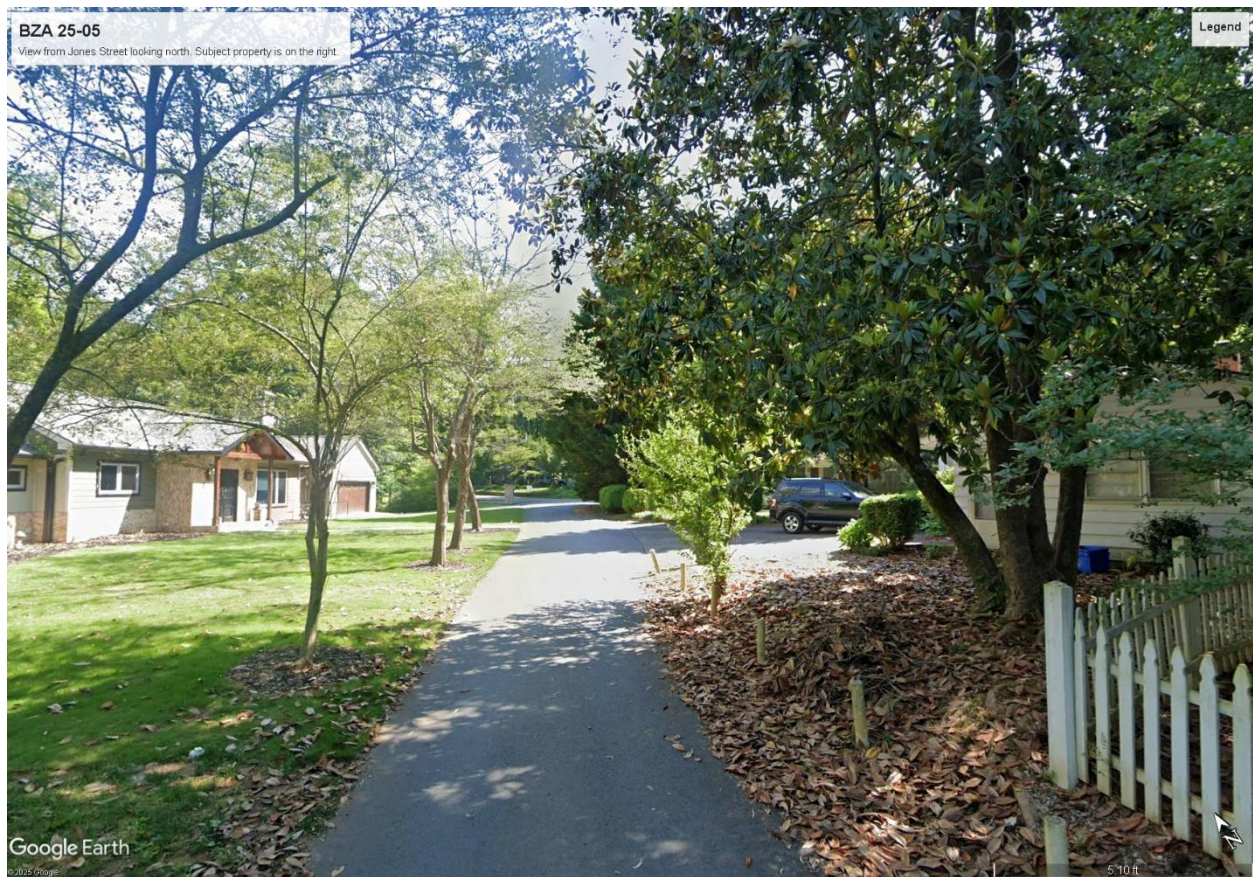
7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

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 Dahlonga 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

R-1 zoning districts require principal building setbacks of 35 feet (front; other than arterial street), 15 feet (side), and 15 feet (rear). Per the definition of building setback line in Article III of the zoning ordinance, "...in the case of corner lots or double frontage lots, front yard requirements shall be observed for those areas adjacent to street right-of-ways." This means that a 35 foot principal building setback is required along three frontages of the subject property (those abutting street right of ways). The applicant seeks to replace the existing home on the lot, which does not comply with applicable R-1 building setbacks, with a new dwelling of roughly the same building footprint but oriented differently.

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 0.39 acre (approximately 17,000 square feet), which is smaller than the minimum lot size of 30,000 square feet required for the zoning district. R-1 building setbacks are established for a larger lots than the subject property. Size of the lot is therefore an extraordinary condition pertaining to the lot that is generally not applicable to other lots in the R-1 zoning district **(supports request/ meets criterion)**.

Consulting planner's finding: The subject property fronts public rights of ways on three sides. This means that a principal building on the lot is required to meet three front setbacks. A lot with three road frontages is an exceptional condition not applicable to most other lots in the R-1 zoning district **(supports request/ meets criterion)**.

Consulting planner's finding: The shape of the subject property is irregular. Its frontage on the south end is only about 20 feet. The irregular shape places constraints on potential for building placement **(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;**

Consulting planner's finding: Because the lot fronts on three streets, and therefore requires adherence to three front yard requirements, the owner faces unnecessary hardship that deprives the owner of permissions extended to owners of other R-1 lots to utilize side and rear setbacks of 15 feet along lot lines other than front yards **(supports request/ meets 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;**

Consulting planner's finding: Across Jones Street, an existing two-family dwelling does not meet the 35-foot front setback otherwise required by the R-1 zoning district. Similarly, the existing dwelling on the subject property does not comply with the 35 foot minimum required front building setback along Jones Street. Therefore, granting relief in the form of a building setback reduction along Jones Street would not be considered a special privilege that is denied other properties in the R-1 zoning district **(supports request/ meets criterion)**.

- 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;**

Consulting planner's finding: Constructing the proposed replacement dwelling at a location similar to that which exists will not injure the neighborhood or general welfare and will not interfere with or discourage development of adjacent land and buildings or unreasonably affect their value, because there is an existing duplex across the street from the subject site that does

not meet the required setback from the right of way of Jones Street, and because the two dwellings abutting the subject property to the south will not be affected by the variance if granted (***supports request/ meets criterion***). Also, the applicant has chosen to ask for a variance along Jones Street rather than Meaders Street, because the shallower setback would apply along a one-way street as opposed to a two-way street; that choice helps to avoid interference with the neighborhood.

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

Consulting planner's finding: The current owner and applicant was not responsible for platting the lot in its current shape and area which contributes to the need for a variance. The applicant was not responsible for constructing the dwelling in its current configuration in a manner that does not meet all required building setbacks. The applicant is generally not making a request to enlarge the building footprint for the new dwelling when compared with the existing dwelling to be demolished. Therefore, the special circumstances are not the result of the owner or applicant (***supports request/ meets criterion***).

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

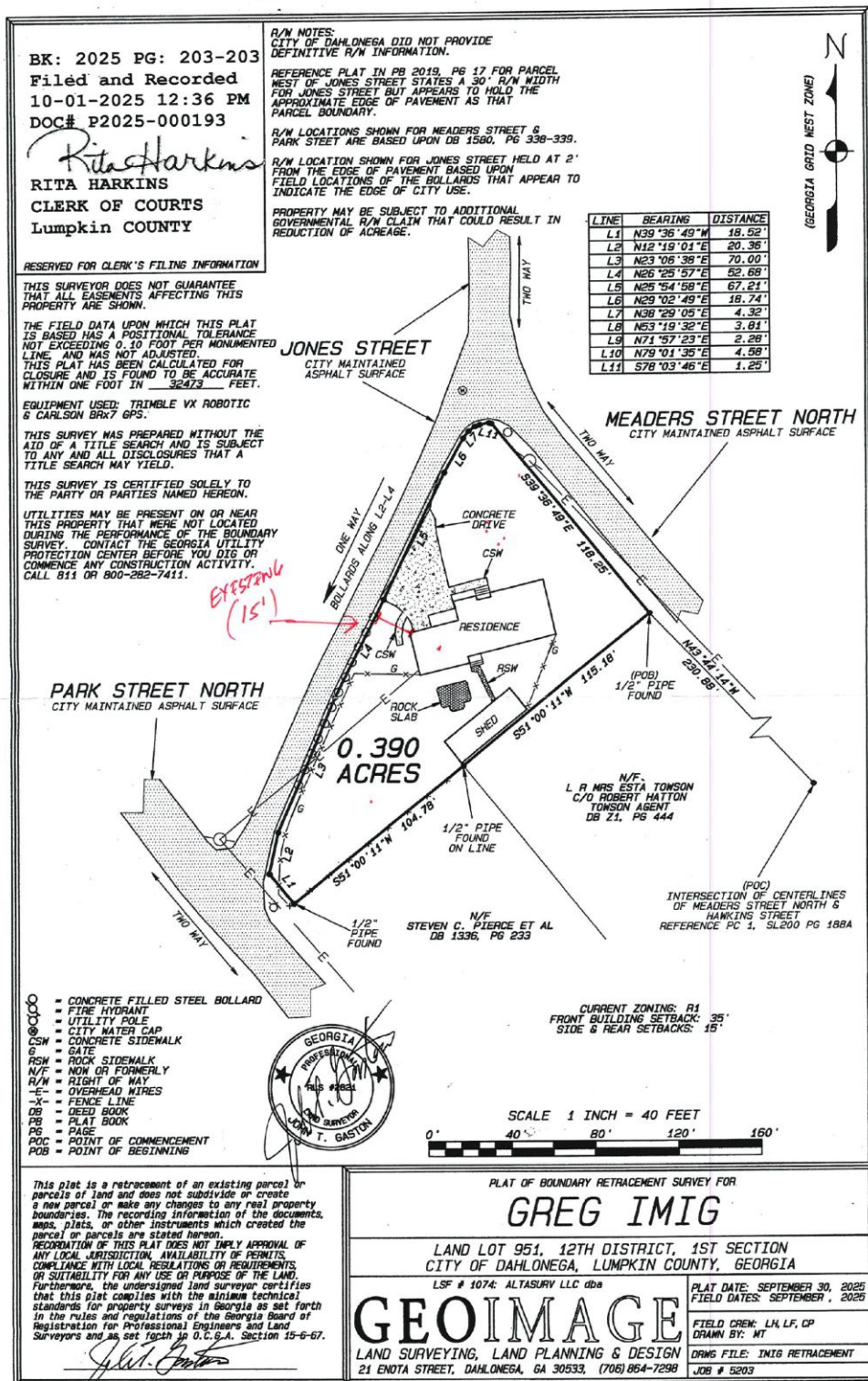
Consulting planner's finding: The applicant has provided a site plan for proposed building placement. It shows the proposed dwelling will meet the 35 foot minimum principal building setback required along Meaders Street and will also meet the minimum 15 feet setback required for a rear and side property line. This is significant in that the applicant actually proposes to reduce the nonconformity of the existing dwelling which does not currently meet a 35 foot building setback from Meaders Street. The proposed dwelling also will meet the minimum setback required from Park Street. The only setback not met is the front setback along Jones Street, and the applicant is not asking for more of a variance than would be needed to make the current dwelling lawful. Therefore, the requested variance is considered the minimum that makes lawful the proposed placement of the single-family dwelling on the lot (***supports request/ meets criterion***).

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.

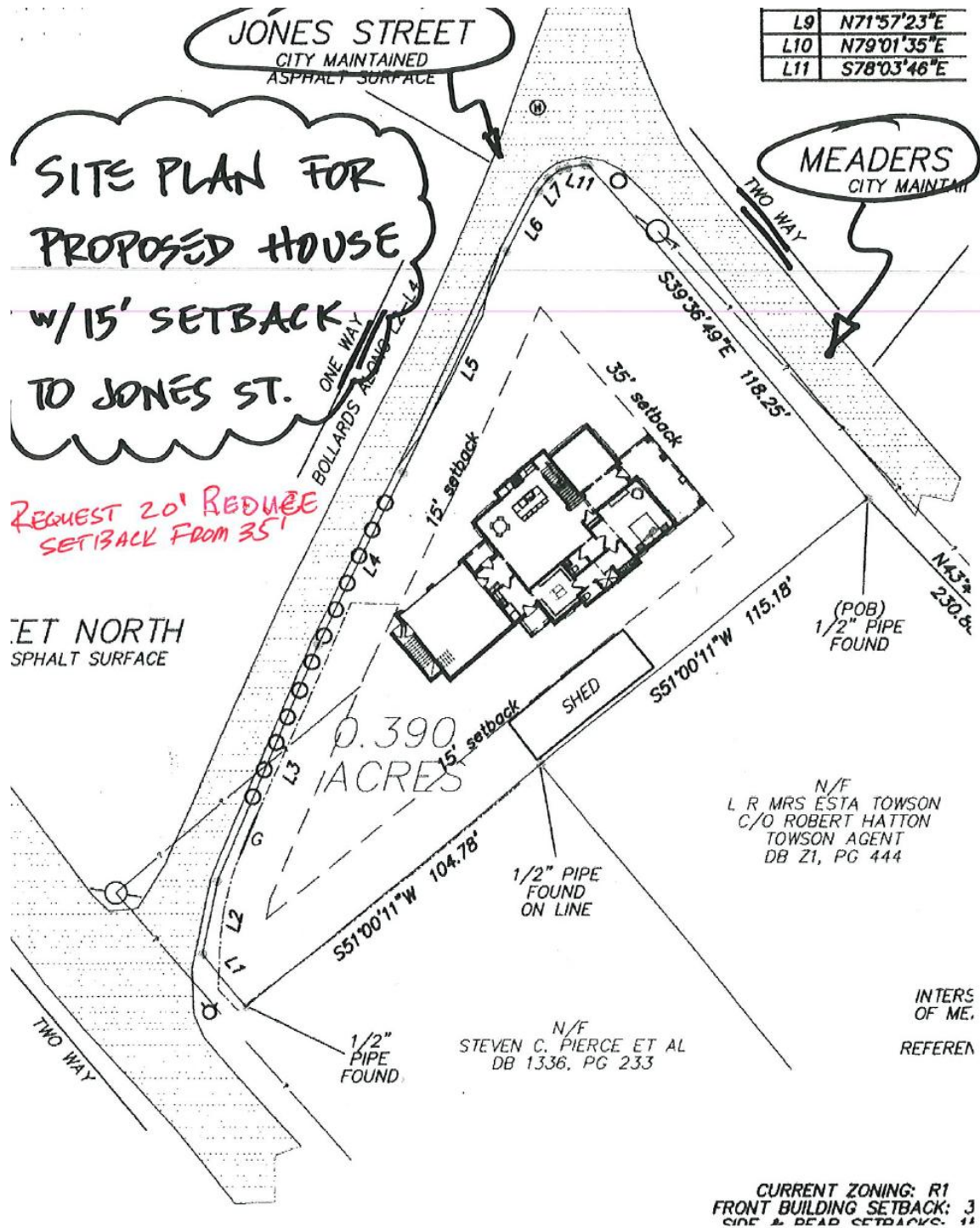
Consulting planner's finding: The application ***meets this criterion (supports request)*** because the proposed building is a permitted use in the R-1 zoning district.

CONCLUSIONS AND RECOMMENDATION

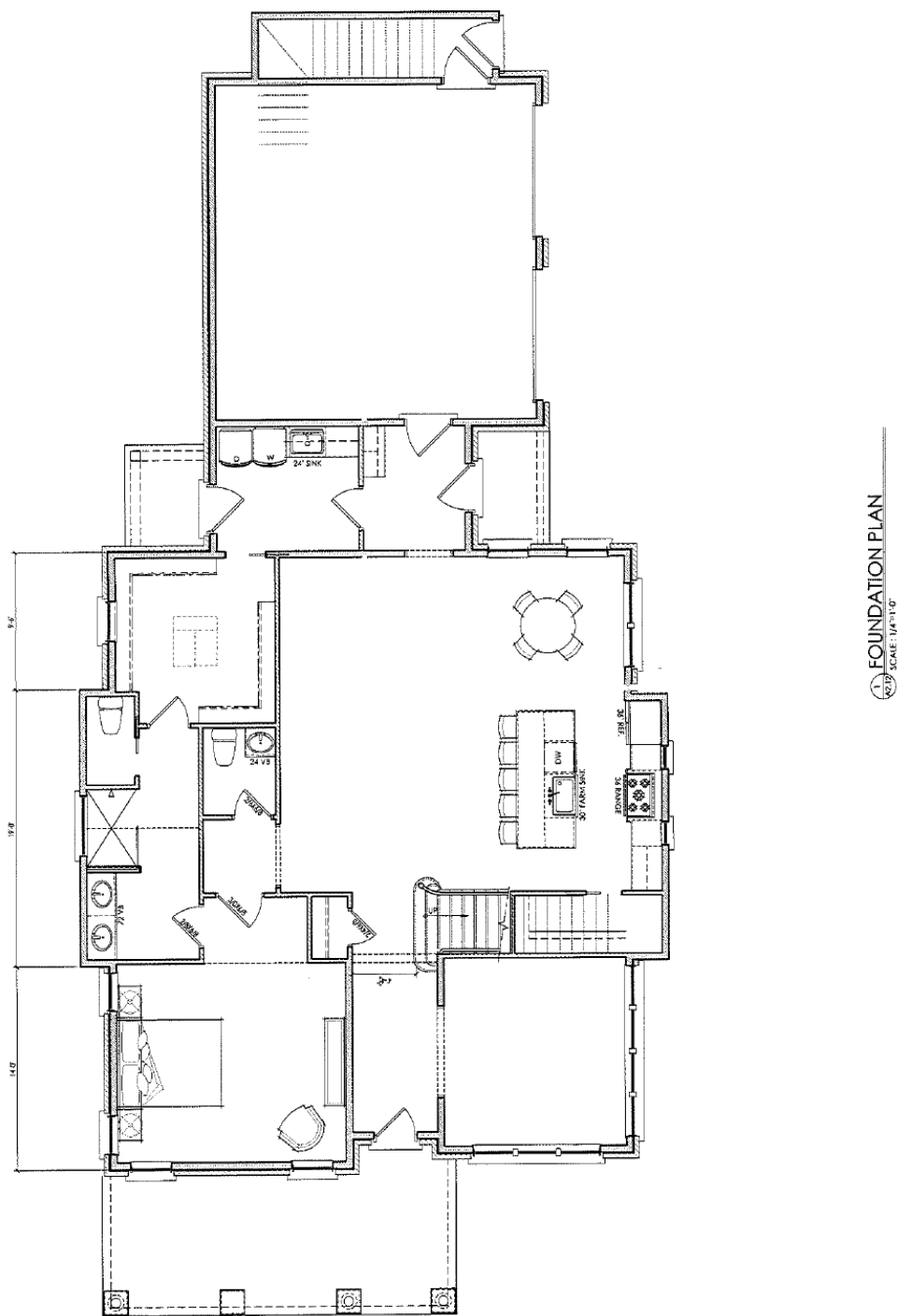
For the BZA to grant a variance, the Dahlonga zoning ordinance requires that affirmative findings be made that the variance application meets ***all seven*** of the criteria specified in Sec. 2406 of the zoning ordinance. Based on the consulting planner's findings, the application meets all criterion. Consulting planner therefore recommends approval of this request to reduce the required minimum front building setback along Jones Street from 35 feet to 15 feet.



Retracement Survey



Site Plan of Proposed House Location



Interior Layout of Proposed Home

Attachment to Variance Application – questions from online form

1. Describe variance request

This variance is being requested by the prospective property buyer. The sale of property is contingent upon variance approval.

The existing structure on the property is in violation of the 35' setbacks from two roadways. There are violations both to the east (Meaders Street) and to the north (Jones Street). The prospective buyer sees no good possibility to recondition the existing house, as it is not parallel to either street. Thus, any expansion of the existing footprint will result in zoning violations to both street setbacks.

As such, a new house is planned which would be parallel to (and properly set back from) Meaders Street. This side was chosen since Meaders Street is the major street adjacent to the property. This section of Jones Street is a narrower one-way street, as it passes on the north side of the property.

The new house planned has a marginally larger footprint than the existing house. With the property being wedge-shaped, it is not possible to locate even the same size house where 35' setbacks would be maintained to both Jones and Meaders streets.

Buyer requests that the Jones Street setback requirement be reduced to 15' due to (a) the shape of the lot and (b) because Jones St. is a minor one-way street.

2. Exceptional property conditions

The acute angle of the wedge-shaped lot results in the buildable area being less than 23% of the total lot area, if the standard setbacks are enforced. If the variance request is granted, the buildable area would therefore be raised to 42% of the total lot area.

3. Hardship created

If the requested variance is not granted, the existing sales agreement will be terminated.

4. Special privileges

This variance request is not expected to grant any special privileges to the buyer.

Applicant's Response to Variance Criteria (1 of 2)

5. Relief granted will be in harmony with the purpose of the regulations

If the variance is granted, the replacement of the existing house with the proposed house will be in harmony with the surrounding neighborhood. Refer to preliminary plans and elevations attached of the proposed house.

It is expected that such work will result in improvements to surrounding home values.

6. Actions of the applicant

This request is in no way due to action of the applicant.

7. Minimum variance possible

The variance requested is for the setback from Jones Street to be reduced to 15'. This will result in the best use of the property and not be unduly close to the roadway in this one-way section. The existing structure is approximately the same distance from Jones Street currently.

Note also, that this site plan eliminates the current setback violation to Meaders St.

8. Special land use

There is no use planned for the new structure which is not permitted by right in the district involved.

Thank you for your consideration of this matter.



Greg Imig

404-545-9076

Applicant's Response to Variance Criteria (2 of 2)