



CITY OF DAHLONEGA

Planning Commission Regular Meeting / Public Hearing Agenda

July 07, 2026, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND INVOCATION

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- (1.) Regular Meeting / Public Hearing of May 5, 2026
Rhonda Hansard, City Clerk

V. RECESS REGULAR MEETING FOR PUBLIC HEARING

VI. PUBLIC HEARING

- (1.) REZN 26-4: Applicants and owners John and Kasey Sharp seek rezoning of their property consisting of .69 acres located at 399 North Chestatee Street (Tax Parcel 007-024) from Zoning District R-1 (single family) to Zoning District R-2 (multi-family).
Allison Martin, City Manager
- (2.) BZA 25-1: Applicant Jessica Jones on behalf of TJP Investments seeks a variance for property located at 127 Millie's Place (Tax Parcel 078-002) for extension of a gravel road for additional parking.
Allison Martin, City Manager
- (3.) BZA 26-1: Steven Leibel, property owner applicant seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction.
Allison Martin, City Manager
- (4.) Ordinance 2026-03 to Amend Chapter 22, Section 5. Noise Pollution of the City of Dahlonega Code of Ordinances.
Allison Martin, City Manager
- (5.) Ordinance 2026-02 to Amend Chapter 123, Section 8. Holiday Lighting of the City of Dahlonega Code of Ordinances.
Allison Martin, City Manager

VII. ADJOURN PUBLIC HEARING

In compliance with the Americans with Disabilities Act, those requiring accommodation for public meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at (706) 864-6133.

VIII. RECONVENE REGULAR MEETING

IX. OLD BUSINESS

X. NEW BUSINESS

- (1.) REZN 26-4: Applicants and owners John and Kasey Sharp seek rezoning of their property consisting of .69 acres located at 399 North Chestatee Street (Tax Parcel 007-024) from Zoning District R-I (single family) to Zoning District R-2 (multi-family).
Allison Martin, City Manager
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Allison Martin, City Manager

XI. ADJOURNMENT



CITY OF DAHLONEGA

Planning Commission Regular Meeting / Public Hearing Minutes

May 05, 2026, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

On Tuesday, May 5, 2026, at 6:00 p.m. in the Gary McCullough Council Chambers at Dahlonega City Hall, the City of Dahlonega Planning and Zoning Commission held a Regular Meeting / Public Hearing with the following persons present: Michael Feagin - Member, James Guy - Member, A.C. Moore II - Member, Ethan Norton - Member, Jane O'Gorman - Member, Noah Steinberg - Member, James Spivey - Chairman, Allison Martin - City Manager, and Rhonda Hansard - Secretary / City Clerk.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG AND INVOCATION

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- (1.) *Regular Meeting / Public Hearing of April 7, 2026*
Rhonda Hansard, City Clerk

V. RECESS REGULAR MEETING FOR PUBLIC HEARING

VI. PUBLIC HEARING

- (1.) *REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079/ 054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units). Allison Martin, Zoning Administrator*
- (2.) *BZA 26-1: Steven Leibel, property owner / applicant, seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction. Allison Martin, Zoning Administrator*
- (3.) *REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10-076), located at 117 Turner Road, Dahlonega, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business*

District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less.

Allison Martin, City Manager

VII. ADJOURN PUBLIC HEARING

VIII. RECONVENE REGULAR MEETING

IX. OLD BUSINESS

X. NEW BUSINESS

(1.) *REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079-054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units). Allison Martin, Zoning Administrator*

(2.) *BZA 26-1: Steven Leibel, property owner / applicant, seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonaga, GA 30533 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction. Allison Martin, Zoning Administrator*

(3.) *REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10-076), located at 117 Turner Road, Dahlonaga, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less. Allison Martin, City Manager*

XI. ADJOURNMENT

Chairman Spivey called the Regular Meeting to order at 6:00 p.m. with all Commissioners present.

The Pledge of Allegiance was led by Chairman Spivey and Commissioner Moore led the Invocation.

APPROVAL OF AGENDA

There was a motion by Commissioner Feagin and a second by Commissioner Moore to withdraw Public Hearing (3.) and New Business (3.) [*REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10-076), located at 117 Turner Road, Dahlonaga, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for*

retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less.] from the Agenda and to adopt the Agenda as amended.

Motion carried unanimously.

APPROVAL OF MINUTES

(1.) Regular Meeting / Public Hearing of April 7, 2026

There was a motion by Commissioner O’Gorman and a second by Commissioner Steinberg to approve the Regular Meeting / Public Hearing of April 7, 2026 Minutes.

Motion carried unanimously.

RECESS REGULAR MEETING FOR PUBLIC HEARING

There was a motion by Commissioner Moore and a second by Commissioner Steinberg to recess the Regular Meeting for the purpose of entering into the Public Hearing.

Motion carried unanimously, and the Regular Meeting was recessed at 6:03 p.m.

PUBLIC HEARING

Chairman Spivey called the Public Hearing to order at 6:04 p.m. with all Commissioners present.

- (1.) REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079/ 054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units).**

Allison Martin, City Manager, addressed the Commission and introduced Public Hearing (1.) [REZN 26-3 (resubmission)].

Chairman Spivey declared the Public Hearing open.

Speaking in favor:

Julie Sellers (Representative of Applicant, provided a presentation and handout)

Speaking in opposition:

Kay Peters (provided a handout)

Ms. Sellers addressed the Council and provided summary remarks regarding the application.

Chairman Spivey declared the Public Hearing closed.

No Commission action was taken.

- (2.) **BZA 26-1: Steven Leibel, property owner / applicant, seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction.**

Allison Martin, City Manager, addressed the Commission and introduced Public Hearing (2.) [BZA 26-1].

Chairman Spivey declared the Public Hearing open.

Speaking in favor:

Steven Leibel (Applicant)

Speaking in opposition:

None

Chairman Spivey declared the Public Hearing closed.

No Commission action was taken.

- (3.) **REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10-076), located at 117 Turner Road, Dahlonega, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less.**

The Commission voted, during Approval of Agenda, to withdraw this Item from the Agenda.

ADJOURN PUBLIC HEARING

There was a motion by Commissioner Steinberg and a second by Commissioner Guy to adjourn the Public Hearing.

Motion carried unanimously, and the Public Hearing was adjourned at 6:53 p.m.

RECONVENE REGULAR MEETING

There was a motion by Commissioner Moore and a second by Commissioner Feagin to come out of recess and reconvene the Regular Meeting.

Motion carried unanimously, and the Regular Meeting was reconvened at 6:53 p.m.

OLD BUSINESS

There was no *Old Business*.

NEW BUSINESS

- (1.) **REZN 26-3 (resubmission): Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079-054). Proposed use: 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units).**

Allison Martin, City Manager, addressed the Commission and provided a summary of the Planning Consultant's recommendation.

The Commission and the applicant's representative, Julie Sellers, held a discussion regarding the proposed conditions.

There was a motion by Commissioner Norton and a second by Commissioner O'Gorman to recommend approval of REZN 26-3 (resubmission), an application for Pinetree Development, LLC, by Dillard Sellers, applicant, Vivian L. Cottrell, property owner, seeks rezoning from PUD (Planned Unit Development District), Conditional, to PUD (Planned Unit Development District), Conditional (change of use and conditions of approval) for 55.44 acres fronting on the south side of Pinetree Way and on the north side of Mechanicsville Road (Map/Parcel 079-054) with a proposed use of 125 residential lots/units (85 detached single-family lots and 40 fee simple townhouse lots/units), with the following conditions:

1. Generally.

- A. As required by the Dahlenega zoning ordinance, the letter of intent, dimensional requirements, and architectural inspiration images and other information regarding design material submitted with the application are adopted by reference and are conditions of approval, except as modified by these conditions of approval.
- B. Except as modified by these conditions of zoning approval, the site shall be developed in general accordance with the conceptual master plan for "Pine Tree Way, A Master Planned Residential Development" prepared for Pine Tree Development, LLC, by Planners & Engineers Collaborative (PEC+), dated March 12, 2026, on file with the City of Dahlenega in Case file REZN 26-3. The zoning administrator may authorize minor modifications to the conceptual master plan due to engineering constraints, ingress and egress, and/or to meet conditions of zoning, and city, county and state regulations. Any major deviation from the approved conceptual master plan, as determined by the zoning administrator, shall require an amendment to the approved PUD zoning district following applicable zoning procedures.

2. **Uses.** The site shall be limited to 125 dwelling units along with common areas for parking, recreation, mail kiosks, and stormwater management. Of the total units, no more than 40 shall be fee-simple townhouse units.
3. **Dimensional requirements.** Dimensional requirements shall be as shown on the conceptual master plan, except for the following additional requirements shall apply:
 - A. The minimum lot size of a townhouse unit shall be 1,200 square feet, and the minimum width of all townhouse lots shall be 24 feet.
 - B. For detached units on individual lots, the minimum lot size shall be 4,400 square feet, and the minimum lot width shall be 40 feet.
4. **Building and architectural design and exterior material finishes.** In addition to the general requirement of condition #1, which makes the architectural concepts binding, the PUD shall be subject to the following:
 - A. Each unit shall have a gabled roof and shall be brick or stone, or brick or stone veneer for at least 20% of front and side (building end) and the remaining 80% of the façade shall be limited to wood siding, concrete composite, stone, brick, or a combination of these elevations.
 - B. Units in the same building shall be staggered or offset at the building line or roof line at least two feet from each adjoining dwelling.
 - C. The development must provide for a minimum of four (4) different architectural elevations for attached residential that are staggered throughout the site. Mirrored/reversed floor plans and exterior finishes will not be considered a different elevation.
 - D. Final elevations shall be subject to the review and approval of the zoning administrator prior to issuance of a building permit for any dwelling in the development.
 - E. Units consisting of three or more bedrooms must avoid a 1:1 bedroom to bathroom ratio.
5. **Water and sewer improvements.** The owner shall be required to provide public water and sanitary sewer connections necessary to connect the project to the city's water and sanitary sewer systems at no cost to the city.
6. **Access.**
 - A. The development shall have one street connection (entrance/exit) to Mechanicsville Road.
 - B. The development may have one but not more than one street connection (entrance/exit) to Pinetree Way.

- C. No street connection or other access shall be permitted to/from Lumpkin County school property, unless required by the Fire Marshal for emergency access and agreed to by school property owner.
- D. The access plan for the development shall require approval by the fire marshal prior to preliminary plat approval and development permitting.

7. Street standards.

- A. All streets within the PUD shall be designed to meet city standards and specifications for a local (city) public street and shall be private streets.
- B. Any deviations to city street standards shall only be made by variance application approved by City Council.
- C. Development shall consist of speed tables and/or raised crosswalks every 300' between Pinetree Way and Mechanicsville Road.
- D. All internal streets shall contain single, contiguous sidewalks.

8. Bond. On or before the issuance of certificates of occupancy for one half the units, the applicant or applicant's successor in interest (including a builder if the zoning administrator so directs) must post a bond in an amount to be approved by the zoning administrator in consultation with the public works director and city engineer, in a form approved by the city attorney, and in an amount sufficient to insure final completion of the improvements to Pinetree Way and any other access point, after construction on the site is complete, which shall include repair of any damage caused by construction traffic, final paving and striping.

9. Stormwater management areas.

- A. The applicant or applicant's successor in interest shall submit a stormwater management report in accordance with the latest edition of the Georgia Stormwater Management Manual, prior to any land disturbance.
- B. Any stormwater facilities designed and/or maintained as wet detention facilities will be required to be surrounded by a fence of five (5) feet high and which is open to the air. If chain link is utilized for fencing of a wet detention facility, it shall be vinyl coated.

10. Covenant and restriction pertaining to rental.

- A. No more than 20% of the residential units may be rented by individual owners to other parties, at any given time. This restriction shall be and remain an enforceable zoning condition.

- B. In addition, the covenants, conditions and restrictions for the PUD shall have provisions that effectuate the 20% cap at any one time on rental of residential dwelling units.
- C. The conditions, covenants and restrictions for the development shall be subject to approval by the zoning administrator to ensure that specifics of enforcing the rental restrictions are included.
- D. The rental restrictions shall also specifically include a prohibition against the rental of individual bedrooms of any residential dwelling unit in the project that has more than one bedroom.
- E. Rental restrictions shall also reflect that no residential units shall be operated commercially (other than home occupations as may be approved by the city) including but not limited to short-term rental uses.

11. Sanitation. All proposed solid waste loading centers shall be accessible by rear-loading solid waste vehicles, consistent with those used by the City of Dahlonaga.

Motion carried unanimously.

- (2.) **BZA 26-1: Steven Leibel, property owner / applicant, seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonaga, GA 30533 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction.**

Allison Martin, City Manager, informed the Commission that there is an issue with this application's submitted plat and that a separate lot of record must be created. Manager Martin stated that the applicant had confirmed that this will be done prior to the Commission's next Regular Meeting.

There was a motion by Commissioner Guy and a second by Commissioner Moore to postpone this Item to the next Regular Meeting.

Motion carried with five members in favor (Feagin, Guy, Moore, O'Gorman, and Steinberg) and one member opposed (Norton).

[Clerk's Note: the Commission's next Regular Meeting is scheduled to occur on June 2, 2026.]

- (3.) **REZN 25-11 Rezoning: Cathy Cain, owner, by Applicant, Shiri R. Gantt, and Doug Sherrill, Agent, seeks to rezone the subject property (Tax Parcel D10-076), located at 117 Turner Road, Dahlonaga, Georgia, from Zoning Classification R-2 (Multi-Family Residential District) to Classification B-1 (Neighborhood Business District) for retail, office or service uses allowed in Classification B-1. The subject property contains 1.02 acres, more or less.**

The Commission voted, during Approval of Agenda, to withdraw this Item from the Agenda.

ADJOURNMENT

There was a motion by Commissioner O’Gorman and a second by Commissioner Guy to adjourn the Regular Meeting.

Motion carried unanimously, and the Regular Meeting was adjourned at 8:35 p.m.



Agenda Memo

DATE: 7/7/2026
TITLE: REZN 26-4
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 26-4 Applicants and owners John and Kasey Sharp seek rezoning of their property consisting of .69 acres located at 399 North Chestatee Street (Tax Parcel 007-024) from Zoning District R-1 (single family) to Zoning District R-2 (multi-family). This matter will be heard by the Planning Commission for Public Hearing and recommendation and then by the City Council for Public Hearing on the dates and times referenced below.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval consistent with the Consultant's recommendation.

SUGGESTED MOTIONS

Motions to approve with conditions when action is to be taken.

ATTACHMENTS

Consulting Planner's Report.

CONSULTING PLANNER'S REPORT

TO: Dahlonga Planning Commission and City Council
c/o Doug Parks, City Attorney

FROM: Jerry Weitz, Consulting City Planner

DATE: April 29, 2026

SUBJECT: **REZN 26-04:** Rezoning from R-1 (Residential Single-Family District) to R-2 (Multiple Family Residential District Low to Medium Density)

PUBLIC HEARINGS: TBD

APPLICANT: John and Kasey Sharp

OWNER(S): John and Kasey Sharp

LOCATION: Fronting on the south side of Chestatee Street and the east side of Happy Hollow Road (399 North Chestatee Street) (Land Lot 927, 12th District, 1st Section)

PARCEL #: D07 024

ACREAGE: 0.69

EXISTING USE: Residential dwelling with separate upper and lower occupancies (duplex)

PROPOSED USE: Residential dwelling with separate upper and lower occupancies (duplex)

SURROUNDING LAND USE/ZONING:

NORTH: (across N. Chestatee Street): Bed and breakfast inn, B-1
EAST: Vacant (part of church property), R-1
SOUTH: Vacant (part of church property), R-1
WEST: (across Happy Hollow Road): Church, B-1

RECOMMENDATION: **Approval, Conditional**



Vicinity Map (Subject property outlined in blue)



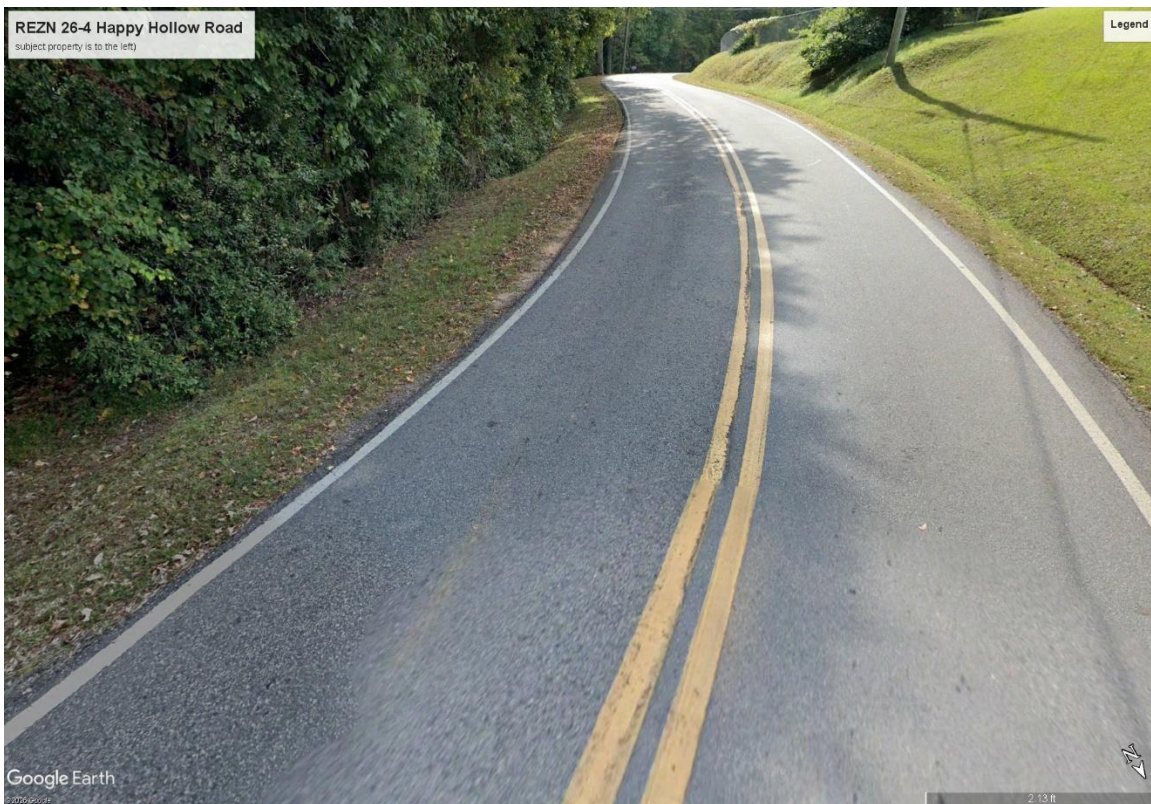
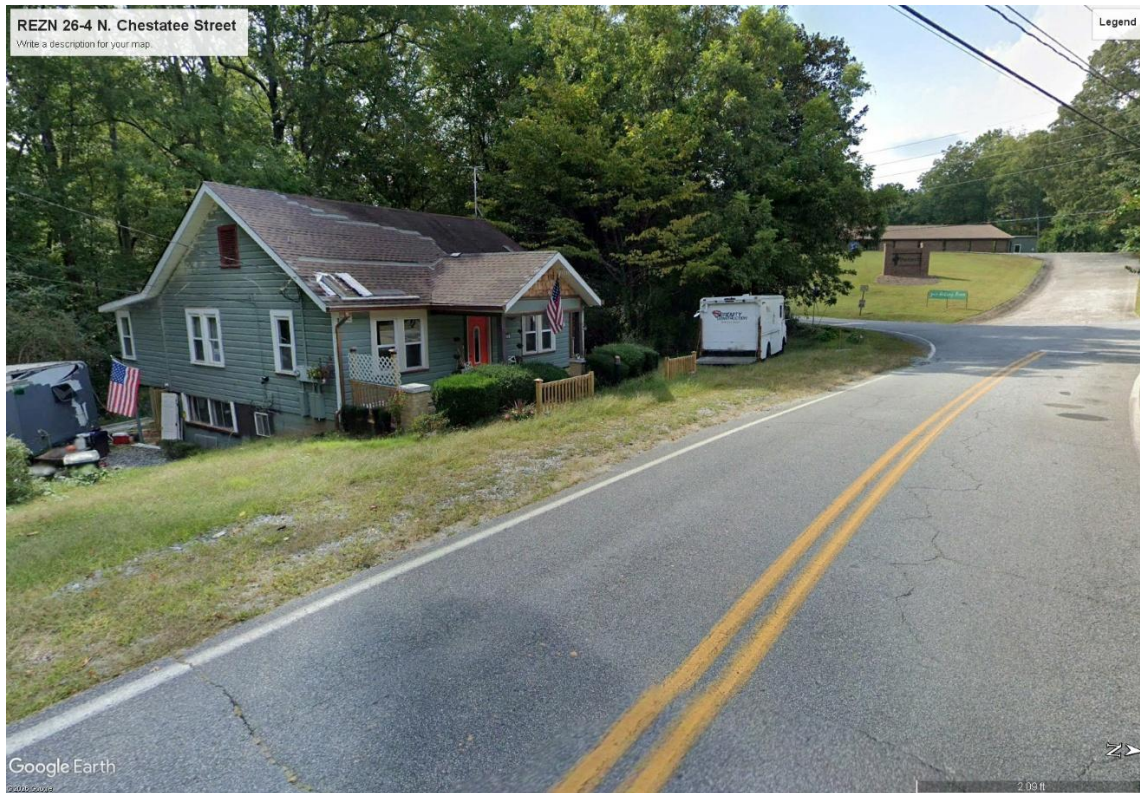
Tax Map/Aerial Photograph of Property (blue outline)

SUMMARY OF PROPOSAL

The applicant seeks rezoning from single-family (R-1) to multi-family (R-2) to authorize use of a dwelling on the property for two family occupancy. A letter of intent and a site plan have been submitted and are attached to this report. The applicant has also addressed in writing various zoning criteria. The applicant has also included as-built floor plans of the first and second floors of the dwelling.

This property was improperly used as a duplex by a prior owner and does not have the required second water or sanitary sewer connections paid and installed.

REZN 26-4 Rezoning from R-1 to R-2



ZONING CRITERIA

Section 2607 of the Dahlonge zoning ordinance articulates the criteria by which an application for rezoning should be evaluated. They are as follows:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonge.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

Note: The Planning Commission and City Council may adopt the findings and determinations provided in this report as written (provided below), if appropriate, or it may modify them. The planning commission and city council may cite one or more of these in its own determinations, as it determines appropriate. The Planning Commission and City Council may modify the language provided here, as necessary, in articulating its own findings. Or, the Planning Commission and City Council can reject these findings and make their own determinations and findings for one or more of the criteria as specified in the Dahlonge zoning ordinance and any additional considerations it determines appropriate.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Finding: The subject property abuts institutional properties (churches) to the west, east, and south. One of the churches is zoned R-1, while the other (to the west) is zoned B-1 (Neighborhood Business District) To the north is a detached dwelling zoned for neighborhood business (B-1) and utilized as a bed and breakfast inn. Based on the fact that the subject property is surrounded by institutional and neighborhood commercial land uses and does not abut any detached, single-family dwelling, the proposal for R-2 zoning is considered suitable (**supports request**), provided that it is restricted to use of the existing structure as opposed to new construction. Unless restricted, unconditional R-2 zoning would authorize the owner to demolish the existing dwelling and replace it with multiple-family dwellings which would not be in keeping with the

character of the neighborhood and would be inconsistent with the comprehensive plan policies and character area map (discussed below). Therefore, a condition of zoning approval is recommended that limits the use to the existing structure and prohibits construction of new dwelling units (**supports conditional approval**).

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Finding: Since there are no other detached dwellings in the immediate vicinity, use of the existing dwelling for multi-family will not adversely affect the existing use or usability of adjacent property. Nor will it adversely affect nearby property (**supports request**). Unrestricted R-2 zoning that enables construction of new dwellings would be considered out of context with the neighborhood and may have adverse effects on nearby property (**supports conditional approval**).

3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Finding: The subject property is a corner lot, with frontage on Happy Hollow Road and N. Chestatee Street. Use of the dwelling for two households will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. However, access and parking to the property is not formalized. The applicant proposes to have two driveways, one of which is very close to the intersection of N. Chestatee Street and Happy Hollow Road. The proposal for a curb cut and driveway that has parking for one of the units that backs into the street near the intersection of Happy Hollow Road and N. Chestatee Street is considered potentially hazardous. A condition of approval is recommended that requires construction of any driveway at a safe location from the street intersection (**supports conditional approval**).

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonega.

Finding: Community goals in the comprehensive plan support the rezoning request. Goals indicate that “The City should also be prepared for more multi-family developments by planning where and how best to accommodate such projects most efficiently and without damaging local character” (p. 12). Also, with regard to neighborhood preservation, plan policies (p. 13) indicate as follows: “Preserving these neighborhoods and subdivisions is not only critical to sustaining the city’s cost of living but will contribute to the variety of housing options needed in the future. The City should be proactive in monitoring these areas for signs of distress or blight, working to help preserve the viability of residential areas by ensuring the safety and accessibility of each. Where possible this should include pedestrian connections to key public destinations. The City should also ensure land use regulations foster compatible infill without incurring undue costs on the landowners” (**supports request**).

Finding: The subject property is included in the “residential” character area. The description of the residential character area calls for “preservation of existing structures where possible, or context sensitive infill development” and one- to two-story structures oriented close to the street front...”. The existing dwelling matches this description. The proposal is considered generally consistent with the residential character area recommendation **(supports request)**. It is also noted that all properties to the north, east, and south of the subject property are in a public square character area, and extension of that character area to the subject property would be logical **(further supports request)**.

5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

Finding: Although the subject property is zoned R-1 and is within an area that includes some R-1 zoning, the use pattern is institutional (with three different churches nearby) with a neighborhood commercial use operating in the vicinity. The use pattern tends to support the change and lessens the need to maintain detached, single-family zoning **(supports request)**. As noted in the letter of intent, the subject property is located in close proximity to Dahlonga’s downtown and the university. The location is such that there is added pressure to transition land uses from low density to a more urban density. The requested rezoning is considered in alignment with these trends **(supports request)**.

CONCLUSION

The application is consistent with all of the criteria for zoning decisions, which support R-2 zoning on the subject property. Consulting planner recommends approval, but with a condition that requires any driveways to be a safe distance from the intersection of Happy Hollow Road and N. Chestatee Street. Also, conditions are recommended to restrict the use of the subject property to the existing building and to require second water and sewer connections for a second dwelling unit.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

If this request for R-2 zoning is approved, it should be approved R-2 conditional, subject to the owner’s agreement to abide by the following conditions:

1. Use of the property shall be limited to one residential building which shall contain no more than two dwelling units. Individual bedrooms shall not be rented.
2. The owner/developer shall be required to construct driveways and parking in accordance with applicable city specifications. No driveway onto Happy Hollow Road shall be located closer than 125 feet from the intersection of the centerlines of Happy Hollow Road and N. Chestatee Street. No driveway onto N. Chestatee

Street shall be authorized between the existing building and the intersection of Happy Hollow Road and N. Chestatee Street.

3. Prior to occupancy for more than one dwelling unit, the applicant shall be required to pay for and install an additional public water and additional sanitary sewer connections to serve the second unit.

REZONING APPLICATION – EXHIBIT A

John & Kasey Sharp
399 North Chestatee Street
Dahlonega, Georgia 30533

April 16, 2026

City of Dahlonega
Planning & Zoning Department
465 Riley Road
Dahlonega, Georgia 30533

Re: Letter of Intent & Rezoning Request – 399 North Chestatee Street

Dear Members of the Planning Commission and City Council,

This Letter of Intent is submitted in support of our application to rezone 399 North Chestatee Street from Single-Family Residential (R-1) to Multiple-Family Residential (R-2).

The purpose of this request is to align the zoning designation with the property's longstanding physical layout, historical use pattern, and compatibility with the surrounding Chestatee corridor. The existing structure includes distinct upper and lower living areas, separate exterior access, multiple bedrooms and bathrooms, and a layout that is consistent with residential duplex-compatible use. The requested rezoning is intended to regularize and align the zoning classification with the existing built form and surrounding neighborhood context.

Existing Property Conditions

The home is an established residential cottage located in close proximity to downtown Dahlonega and the University of North Georgia. Historically, the structure has functioned in configurations that included multiple residential living areas and separate access points. The current physical layout continues to reflect this longstanding configuration, including an independently accessible lower level that is compatible with duplex-style residential use.

No expansion of the existing footprint, increase in density, or new construction is proposed as part of this request. Rather, the rezoning seeks to align the zoning classification with the existing physical characteristics of the home.

Compatibility with Surrounding Land Uses

The subject property is located within a transitional corridor that includes a mix of residential, hospitality, institutional, and neighborhood commercial uses. Nearby properties include existing lodging accommodations, church properties, and other mixed-use residential uses, making the requested R-2 classification highly compatible with the surrounding area.

Letter of Intent (1 of 2)

REZONING APPLICATION – EXHIBIT A

The requested rezoning is therefore consistent with the existing development pattern and neighborhood character along North Chestatee Street.

Proposed Use

The proposed use is residential duplex-compatible occupancy under R-2 zoning. This classification will provide flexibility for long-term residential use while aligning the property with its historical configuration and surrounding land uses.

Importantly, this request does not seek any use intensity beyond what the existing structure already supports.

Suitability of the Property

The lot configuration, existing structure layout, utility access, and off-street parking potential make this property well suited for R-2 residential zoning. The property is already served by public water, sewer, and street access, and no new public infrastructure improvements are required as part of this request.

Impact on Adjacent Properties

Because the request primarily regularizes the zoning designation to match the existing structure and neighborhood pattern, we do not anticipate adverse impacts to adjacent properties or neighborhood character.

We intend to continue investing in the restoration, maintenance, and stewardship of this historic cottage so that it remains a positive asset to the surrounding community.

Consistency with Planning Objectives

The requested rezoning supports the City's broader planning objectives of encouraging compatible residential land uses, preserving existing housing stock, and supporting thoughtful corridor transitions near downtown Dahlonga.

REZONING APPLICATION – EXHIBIT A

Conclusion

For the reasons outlined above, we respectfully request approval of the rezoning of 399 North Chestatee Street from R-1 to R-2.

Thank you for your time and consideration.

Respectfully submitted,



John & Kasey Sharp
(303) 726-2226 / (303) 809-5547

Attachments:

- Exhibit A – Rezoning Application Form
- Exhibit B – Site Plan / Parking Layout
- Exhibit C – Boundary Survey / Plat
- Exhibit D – Existing Structure / Layout

Letter of Intent (2 of 2)

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

The subject property is located within a transitional corridor along North Chestatee Street that includes a mix of residential, hospitality, institutional, and nearby business uses. Existing nearby properties include residential homes, lodging accommodations, church properties, and other mixed-use uses consistent with the evolving character of the corridor. The requested R-2 zoning is compatible with the surrounding development pattern and is not expected to adversely affect adjacent properties, as no increase in building footprint, height, or development intensity is proposed. See attached Letter of Intent as Exhibit A and site / parking plan as Exhibit B.

2. The extent to which property values are diminished by the particular zoning restrictions.

The current R-1 zoning does not fully align with the property's longstanding physical layout and historical use pattern, which includes distinct upper and lower living areas and separate exterior access. Because the existing structure is more consistent with duplex-compatible residential use, the current zoning may limit reasonable flexibility for lawful residential occupancy and may negatively affect long-term value, financing, and marketability. See Exhibit A.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

Approval of the requested rezoning will promote the public welfare by regularizing the zoning classification to better match the existing structure and surrounding corridor character. The property will remain residential in nature and will continue to benefit from planned improvements to drainage, parking, and general restoration, supporting neighborhood safety and long-term preservation of existing housing stock. See Exhibits A and B.

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

Approval provides public benefit through preservation and continued investment in an existing residential structure in a transitional corridor near downtown Dahlenega. Denial would create hardship by maintaining a zoning classification that does not fully align with the existing built form and longstanding residential configuration of the property. See Exhibit A.

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

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

The property is physically well suited for R-2 zoning due to the existing structure layout, lot configuration, public utility access, and off-street parking potential. The existing physical configuration of the structure is already compatible with duplex-style residential use. See Exhibits A and B.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

The property is not vacant; however, conditions in the surrounding corridor support the requested rezoning. The existing neighborhood pattern includes transitional residential, hospitality, and institutional uses that make the requested R-2 classification appropriate and consistent with current land use conditions. See Exhibit A.

7. The zoning history of the subject property.

The property is currently zoned R-1. To the best of the applicant's knowledge, this request is intended to align the zoning classification with the existing structure's longstanding physical layout and historical residential use pattern.

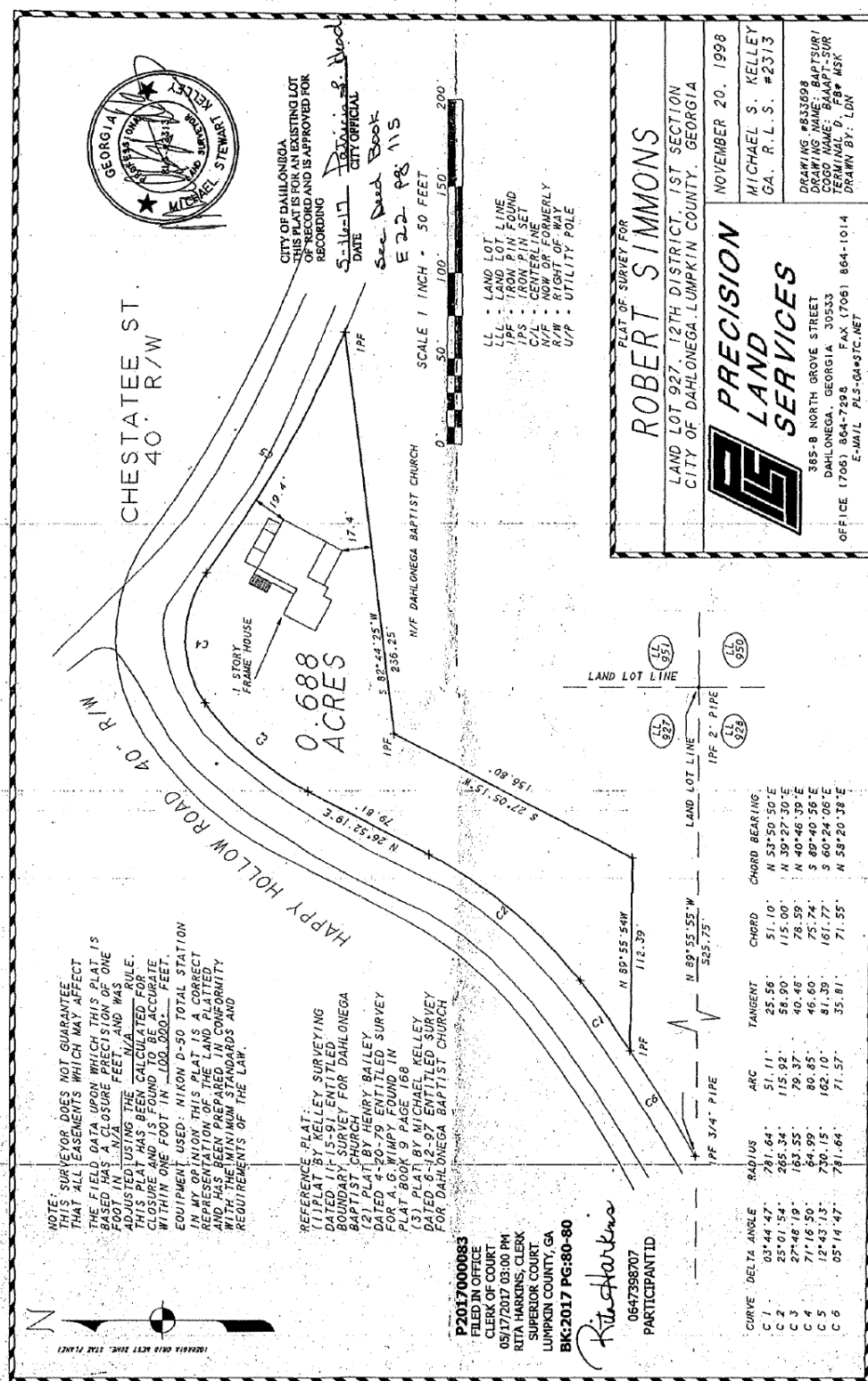
8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

The requested rezoning will not create excessive burden on public streets, utilities, or public facilities. The property is already served by city water, city sewer, and existing street access. Adequate off-street parking is proposed and shown in Exhibit B. No increase in density beyond the existing structure is proposed.

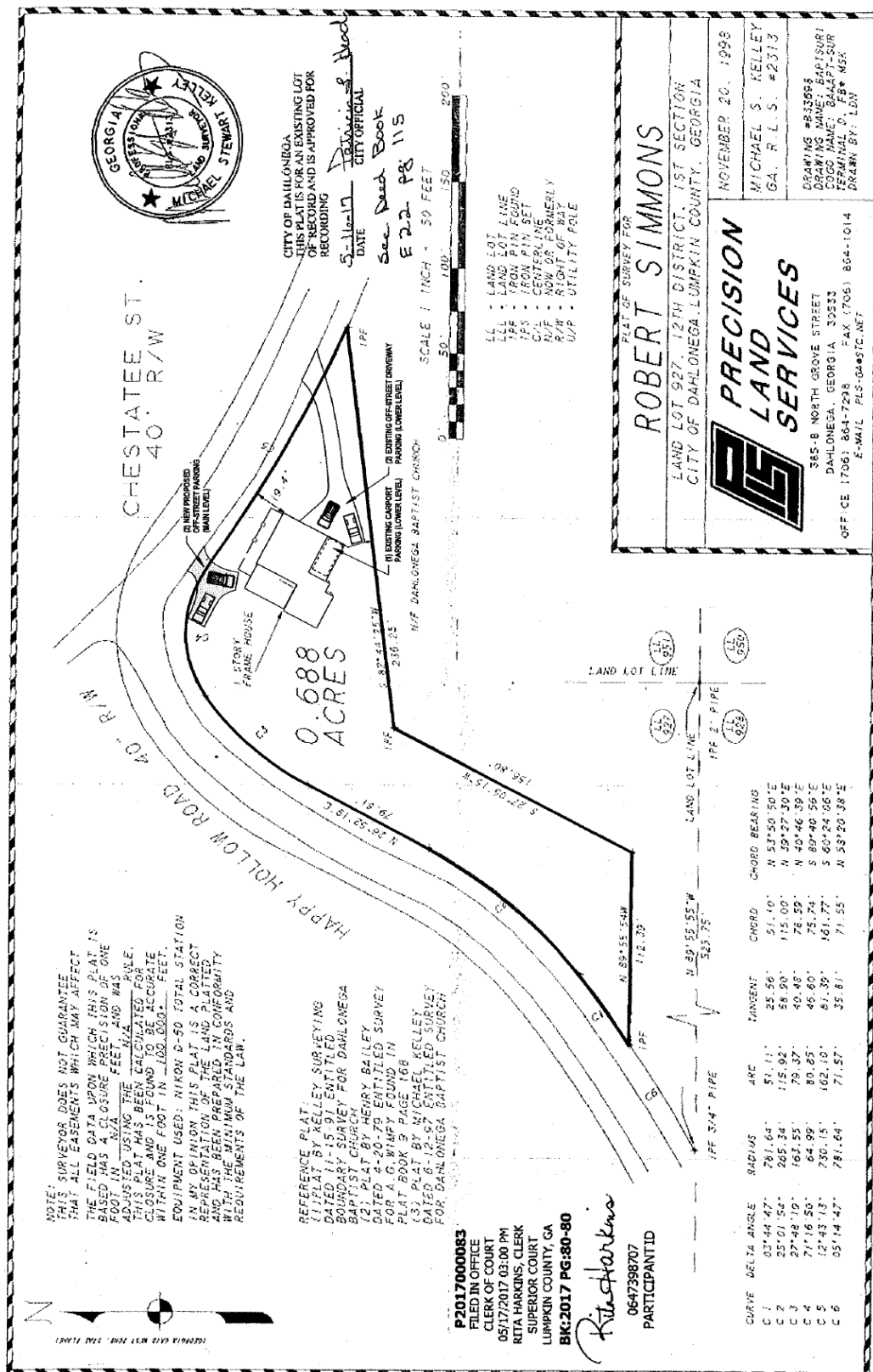
9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

The requested rezoning is consistent with the City's planning objectives for compatible residential land use transitions, preservation of existing housing stock, and thoughtful corridor development near downtown Dahlonega. The request aligns the zoning designation with both the existing built form and surrounding neighborhood character. See Exhibit A.

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



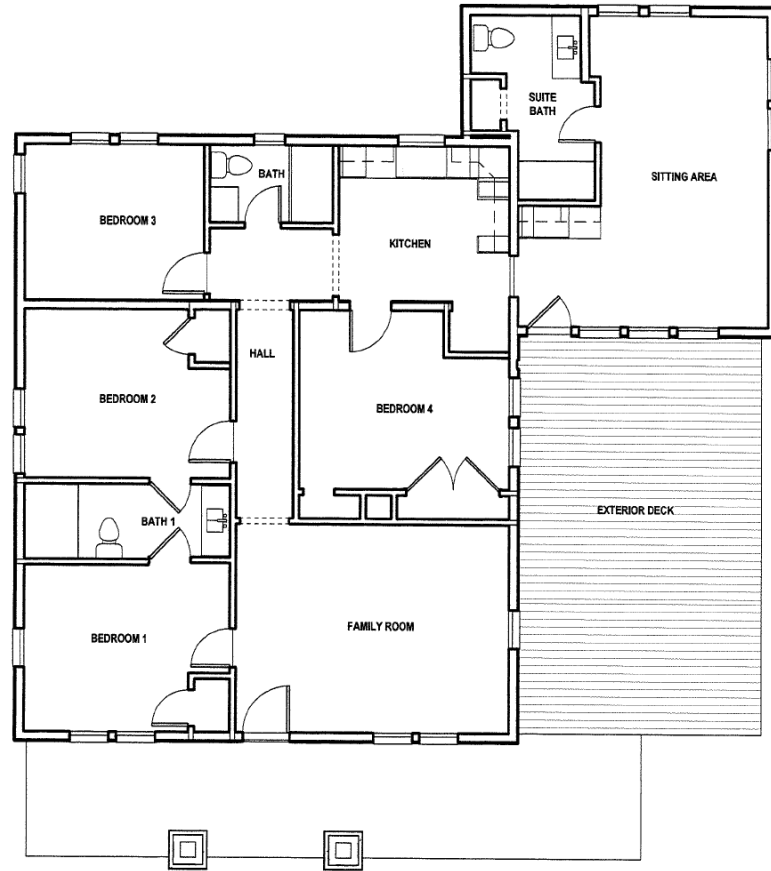
Boundary Survey



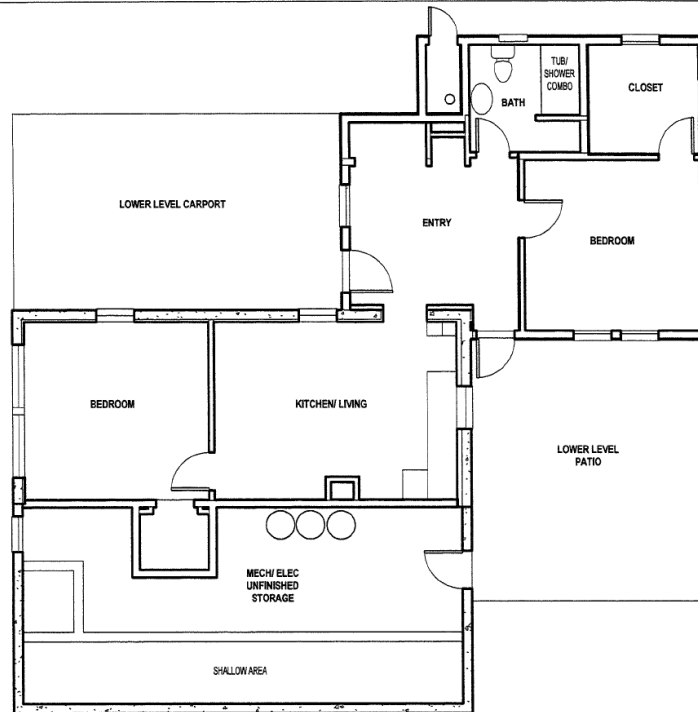
Recorded Plat



Aerial Photo/ Site Plan of Proposed Development



MAIN LEVEL AS-BUILT FLOOR PLAN
399 NORTH CHESTATEE STREET, DAHLONEGA | 04/16/26



LOWER LEVEL AS-BUILT PLAN
399 NORTH CHESTATEE STREET, DAHLONEGA | 04/16/26



Agenda Memo

DATE: 7/7/2026
TITLE: BZA 25-1
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 25-1 Applicant Jessica Jones on behalf of TJP Investments seeks a variance for property located at 127 Millie's Place, Dahlonega, Georgia (Tax Parcel 078-002) for extension of a gravel road for additional parking. This matter is to be heard by the Planning Commission for Public Hearing and recommendation and then a Public Hearing before the Board of Zoning Appeals on the dates and times referenced below.

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 25-01

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

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: April 29, 2026

SUBJECT REQUEST: **BZA 25-01 Variance** to the Dahlonega zoning ordinance, Article VI. "Off-Street Parking, Loading and Access Requirements," Sec. 605, "Parking and Loading Area Design Requirements" to allow 6 parking spaces to be graveled instead of paved

EXISTING ZONING: B-2, Highway Business District

EXISTING USE: Commercial (retail); parent property includes storage buildings

BZA HEARING: TBD

APPLICANT: Jessica Jones

OWNER(S): TJP Investments, LLC (Paul Folger)

PROPOSED USE: Commercial (retail) (no change)

LOCATION: East of Morrison Moore Parkway E (Dahlonega East Connector) (U.S. 19/SR 9/ SR 60): fronting on the east side of Millie's Place (private – ingress/egress easement) (Land Lot 1056, 12th District, 1st Section)

PARCEL(S) #: Part of 078-002 (parent parcel)

ACREAGE: 0.0291 (parking area) (parent parcel is 10.58 acres)

SURROUNDING LAND USE AND ZONING:

North: Commercial (storage buildings), B-2 (parent tract)

East: Commercial (storage buildings), B-2 (parent tract); further east is Lake Zwerner (a.k.a. Yahoola Creek Reservoir)

South: Public land (city and county) (Lake Zwerner), O-I (Office-Institutional District)

West: (across U.S. 19): Vacant, B-2

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 Dahlonega zoning ordinance.

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

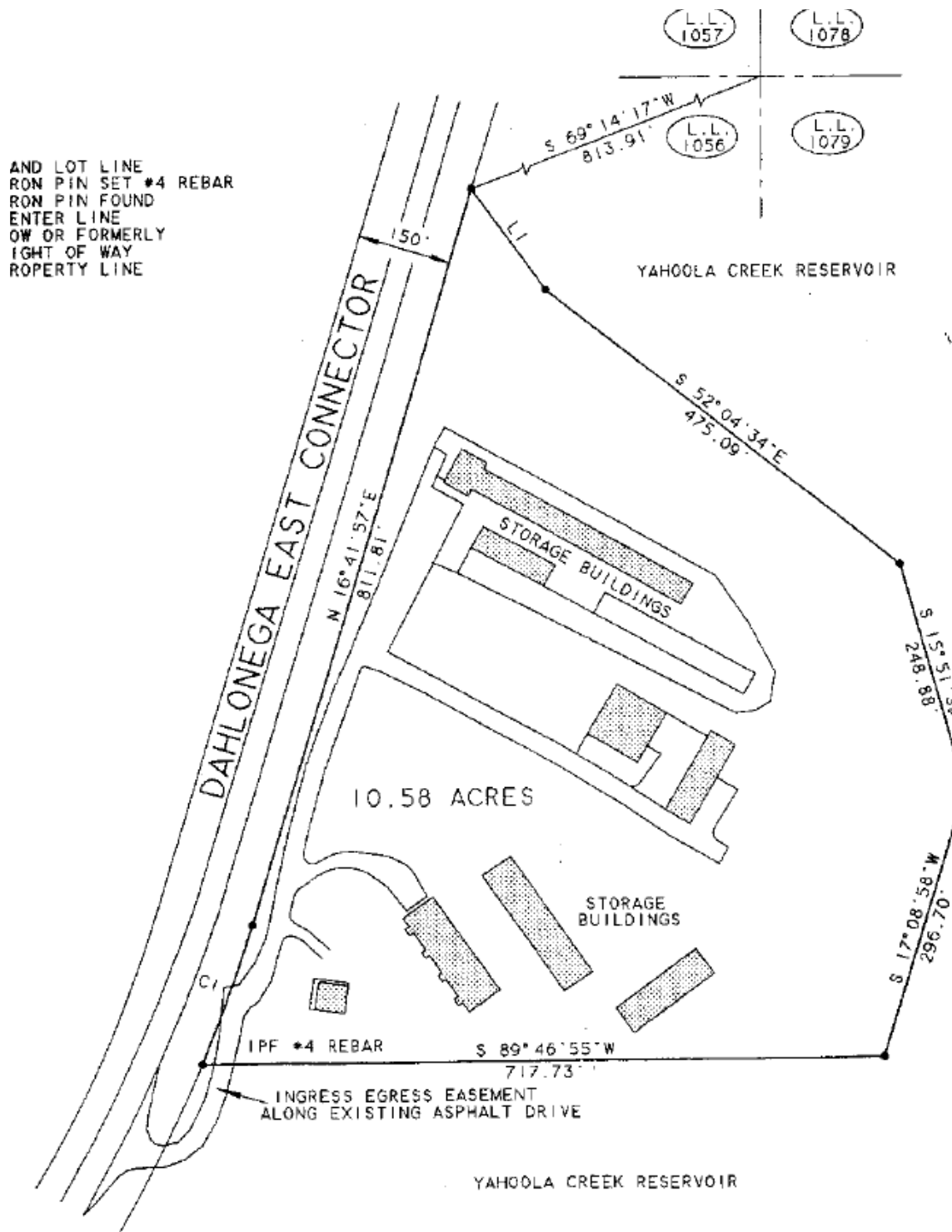
PROPERTY DESCRIPTION AND APPLICABLE REGULATIONS



Vicinity Map (Parent Parcel Outlined in Blue)



Aerial Photograph/Tax Map
(The variance involves the building at the southeast corner of the parent tract)



Boundary Survey of Parent Tract



Applicant's Leased Area Outlined in Red

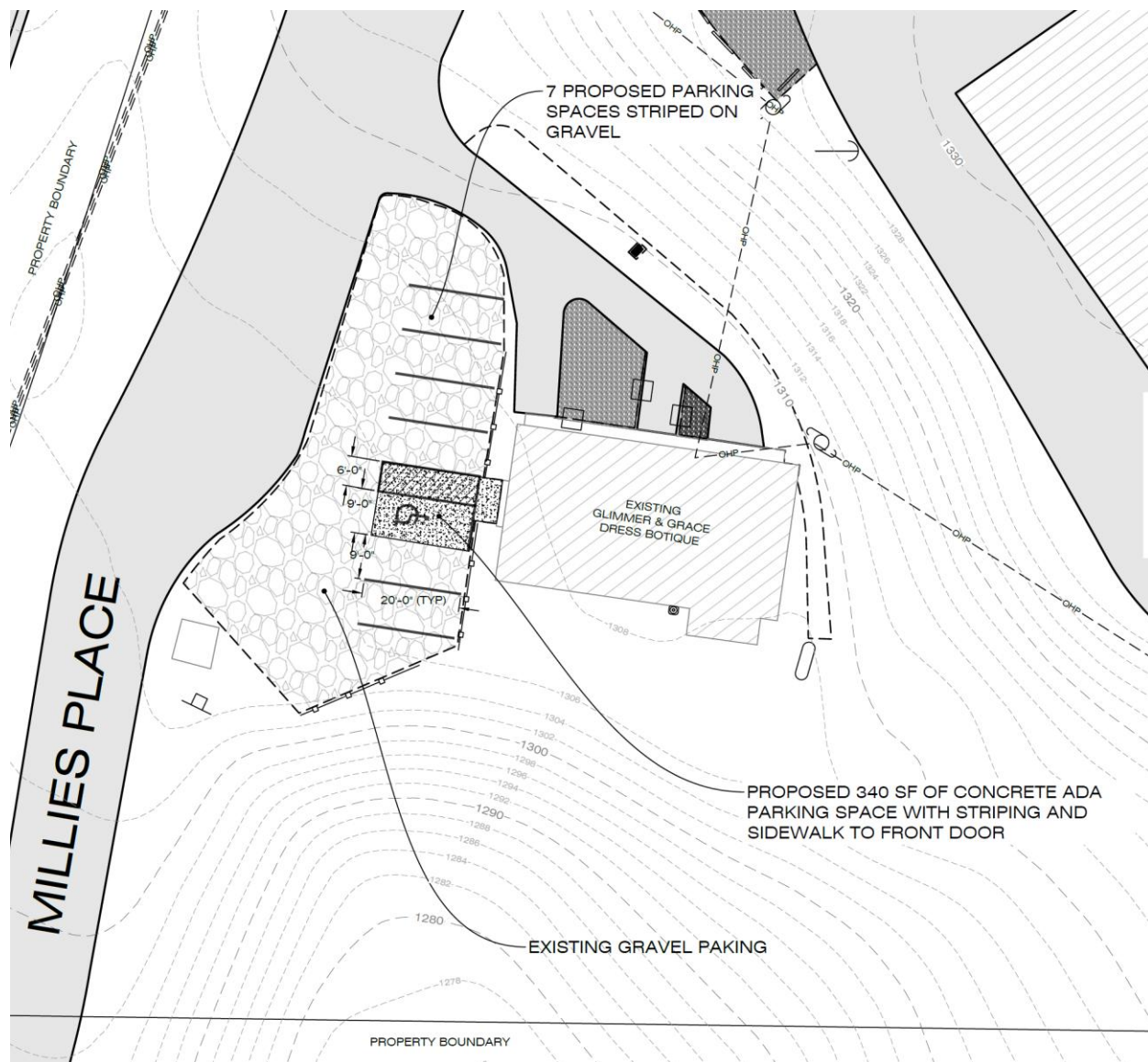
Summary of Information Provided by the Applicant

The applicant is requesting a variance to extend the existing gravel to the front of the building to satisfy required space for retail parking. The building was leased to the applicant as a retail space but did not have adequate parking spaces as required by city ordinances. Adding a gravel parking area instead of paved is the minimum variance to allow adequate parking. This variance request will allow the lot to be used as intended and in accordance with the zoning of the parcel. The applicant is a first-time business owner and is unable to take on the financial burden of paving the entire parking area of the leased building. No special privilege will be granted with this variance. Granting the variance will not negatively affect the surrounding community or adjacent land. This variance will help maximize the value of this lot.

Location and Access

The subject property lies east of U.S. Highway 19/State Route 9/ State Route 60 (Morrison Moore Parkway E) in the northern part of the city. The subject (parent) parcel is 10 acres and is addressed as 127 Millie's Place, a private road that accesses the highway off-site on city-owned property surrounding Yahoola Creek Reservoir.

A 340-square foot concrete pad is proposed for the handicapped parking space required by code (see site and grading plan excerpt below and a more complete image at end of report).



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 area that is the subject of this variance is a small leased space on a larger commercial property developed with multiple storage buildings. There is room on the larger site for parking as needed, but the applicant seeks parking spaces close to the building that is being leased. The area around the leased building was not improved with parking spaces according to the requirements of the zoning ordinance. The applicant has already leased the

building space on site. The applicant/ owner has shown a site plan (provided in this report) (see also the excerpt above) that calls for a 340-square foot concrete pad for a handicapped parking space. The size of the area requested is sufficient to qualify it for a variance (***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: Other parts of the subject property may similarly be out of compliance with parking lot paving requirements. This means the applicant's leased portion of the subject property may not be paved in accordance with city zoning ordinance requirements (***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: In all likelihood, the owner of the larger parcel is already enjoying the opportunity to utilize the property without meeting the full paving requirements for parking lots (***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 proposed gravel parking spaces will back into a private ingress-egress easement named Millie's Place. That access way gains its access to the highway on the adjacent property (Yahoola Creek Reservoir) owned by the city and county. Authorizing the gravel parking spaces in the proposed location will not injure the neighborhood or general welfare; it will only affect the subject property since the larger commercial storage property is the only user of Millie's Place. Therefore, minor relief in the form of varying the paving requirements is considered to be consistent with the purpose and intent of the zoning ordinance (***meets criterion/ supports request***).

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

Consulting planner's finding: The applicant was not responsible for the original development of the commercial property including the construction of the building that is being leased; hence the deficiency with regarding to parking space paving was not the result of actions of the applicant (***meets criteria/ 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 variance applies only to a small area in front of an existing building off of a private road (Millie's Place). The owner/ applicant is proposing to install a concrete pad for the required handicapped parking space. The request is therefore for six spaces (and approach area) to be graveled rather than paved. This is the minimum area of pavement waiver needed to make possible the legal use of the building for retail commercial use (***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: This is not a request to allow a use that is not otherwise a permitted use in the B-2 zoning district (***meets criterion/ supports request***).

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 criteria and relief can be granted. It is recommended that the Board of Zoning Appeals approve the requested variance as submitted.

January 25, 2025

City of Dahlongega Planning
465 Riley Road
Dahlongega, GA 30533

RE: Variance Request for Tax Parcel 078-002: 28 Millie's Place

To Whom it May Concern:

Please let this letter serve as a Letter of Intent for a variance request for the property listed above located at 28 Millie's Place, in the City of Dahlongega, Georgia. The property is zoned B-2. I would like to request a variance for Dahlongega, GA. – Code of Ordinances, Subpart B – Land Use and Land Development, Appendix B – Zoning, Article VI. – Off-Street Parking, Loading and Access Requirements, Sec. 605. – Parking and Loading Area Design Requirements.

In December 2024 I signed a 3-year lease for a Dress Shop/Retail Store at 28 Millie's Place. Recently I was told that the current parking area does not meet the parking requirements of the ordinance mentioned above. I am requesting a variance to extend the existing gravel along the front of the building to satisfy the required space for retail parking. As a first-time small business owner, I am not able to take on the financial burden of paving the entire parking area of the leased building. Approval of this variance will not have a negative impact on the surrounding community or adjacent land.

I appreciate your consideration of this variance. I have included a portion of the lease agreement on page 2 of this letter. Please do not hesitate to call me with any questions.

Sincerely,

Jessica Jones
706-300-5824
Jessjones001@icloud.com

COMMERCIAL LEASE AGREEMENT
(Standalone Single-Tenant Building)

NORTON
COMMERCIAL & ACREAGE GROUP

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2024 Printing

For and in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Landlord (**TJP Investments LLC**) and the undersigned Tenant (**Jessica Jones**) do hereby agree as follows:

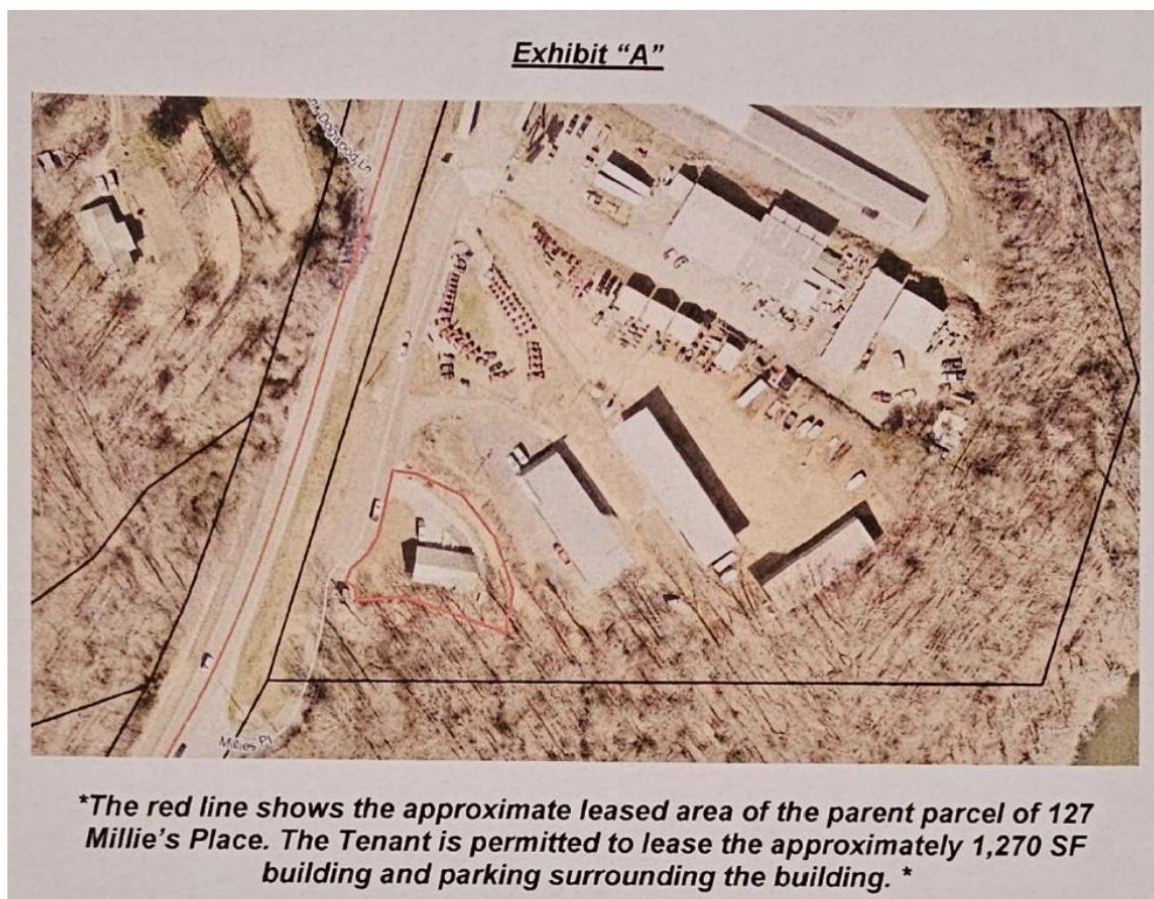
A. **PRIMARY TERMS.** The primary terms of this Lease are set forth in this Section and are subject to the explanations and clarifications set forth in Corresponding Paragraphs Section B of the Lease.

Lease. Landlord agrees to lease to Tenant, and Tenant agrees to lease from Landlord, the Premises identified herein on this date of _____ on the terms and conditions which are set forth below.

1. **Agreement to Lease: Property Address:** **127 Millie's Place (28 millie's place)**
Unit _____ City **Dahlonega** County **Lumpkin** Georgia, Zip **30533** ("Premises")
The legal description of the Property is attached as an exhibit hereto and incorporated herein.

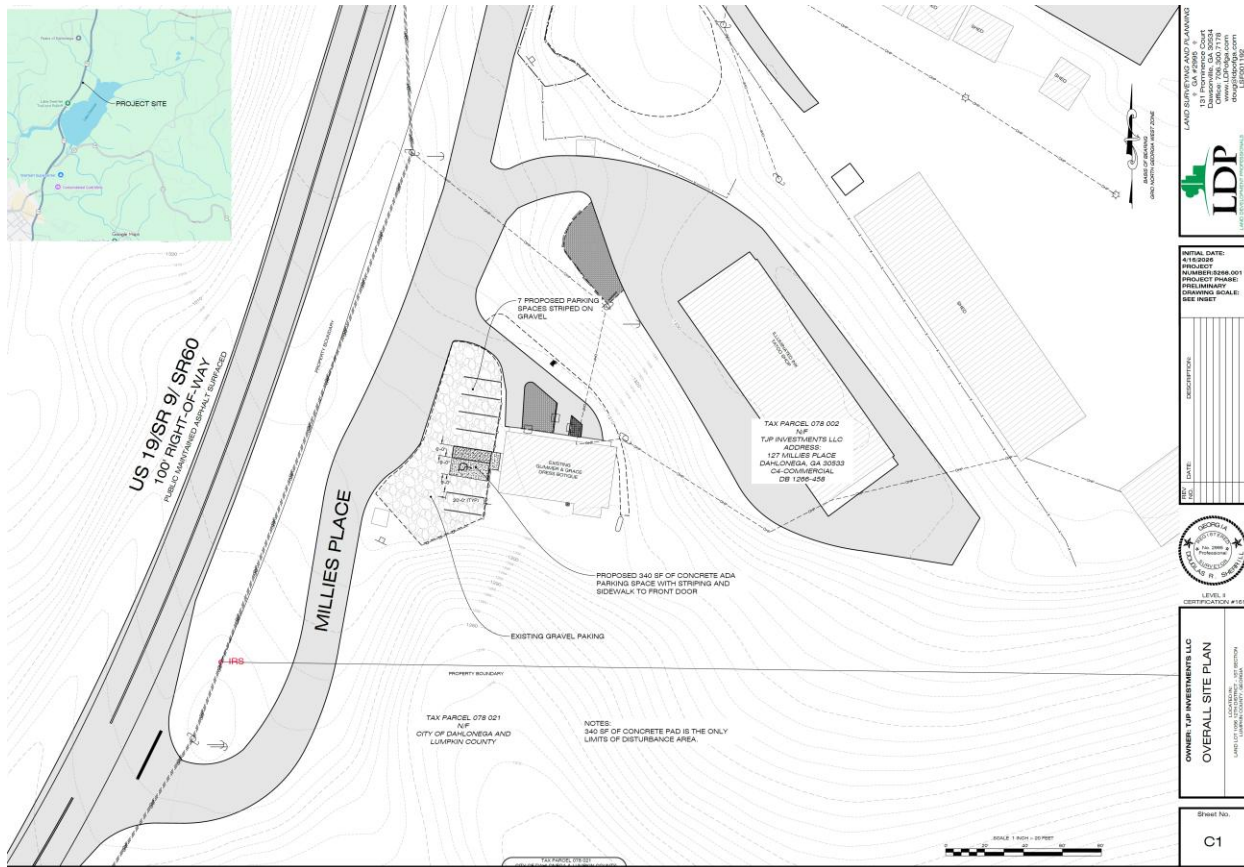
2. **Use:** Tenant acknowledges that Tenant has inspected Premises and that it is for Tenant's intended use. The Premises shall be used for the following use: **Dress Shop/Retail Store** Current Zoning: **B2**

3. **Term and Possession: Lease Start Date:** **12/19/2024** Last Day of Lease ("Lease End Date"): **12/31/2027**
Tenant may terminate this Agreement without penalty if possession is not granted within **N/A** days of the Lease Start Date ("Approved Delay Period").



BK=1232 PG=422





Site Plan



Agenda Memo

DATE: 7/7/2026
TITLE: BZA 26-1
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 26-1: Steven Leibel, property owner applicant seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 tax parcel 081 476 to allow the placement of a deck structure. Requested is a ten-foot reduction.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

The consultant's report contemplates receipt of additional information not available at the time of the writing of the report. Staff will review and advise a recommendation orally at the time of the meeting on this matter.

SUGGESTED MOTIONS

See preceding comments.

ATTACHMENTS

Consulting Planner's Report.

CONSULTING PLANNER'S REPORT FOR BZA 26-01

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

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: March 30, 2026

SUBJECT REQUEST: **BZA 26-01 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the 60-foot minimum required front principal building setback in a B-2 zoning district (along an arterial street)

EXISTING ZONING: B-2, Highway Business District

EXISTING USE: Event center

BZA HEARING: TBD

APPLICANT: Steven Leibel

OWNER(S): Steven Leibel

PROPOSED USE: Event center with deck in front

LOCATION: Fronting on the east side of South Chestatee Street (SR 60) approximately 100 feet north of Calhoun Mine Road

PARCEL(S) #: Part of 081/ 476

ACREAGE: 0.658 (not a lot of record) (parent parcel is 4.32 acres)

SURROUNDING LAND USE AND ZONING:

North: Commercial (self storage), B-2

East: Church (unincorporated)

South: Office, B-2

West: (across SR 60): Detached, single-family dwelling (unincorporated)

RECOMMENDATION: Postpone pending plat approval and additional information



Tax Map/Aerial Photograph (parent tract)

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 Dahlonaga 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).

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 tract, described by metes and bounds as 0.658 acre, and shown on an unrecorded survey with as-built conditions, does not appear to be a lot of record, but rather, is part of a larger tract. The Lumpkin County Tax Assessor shows the subject property is 4.02 acres owned by an entity different from the applicant. The 4.02 acres is divided into two with a church parcel in between (see map). The western portion of the tract has an office building and the subject event center; collectively, the western portion of the tract is approximately 1.658 acres. The applicant should be required to produce a plat of the property that has been recorded. If it has not been recorded, then the legal description is incorrect, and a plat should be recorded so that the subject tract is a lot of record.

Consulting planner's finding: The tract is relatively narrow. It is only 100 feet wide. There is not any room along side yards to construct a deck (**may support request**). The subject tract (not a lot of record) is relatively small, at less than 0.7 acre (**may support request**), and the size does not provide for many options to expand the existing structure.

Consulting planner's finding: The subject unrecorded 0.658-acre tract does not have its own driveway access to South Chestatee Street (SR 60). Rather, it is accessed via a commercial driveway on the parent tract, south of the office building constructed to the south of the event center. The commercial driveway bisects the 0.658-acre tract, with the building being to the west (between the commercial drive and SR 60). This is important, in that the tract has additional land that could be built upon but it is on the other side of the commercial driveway. In other words, it would not be feasible to have an improvement related to the event center on the other side of the commercial driveway. This may in itself be an extraordinary condition (**may support request**) pertaining to the layout of the tract (if made a lot of record).

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: If the subject tract fronted on a local street instead of an arterial street, the minimum required front building setback would be 35 feet rather than 60 feet, and the deck would appear to meet (or would be close to meeting) that setback. The abutting office has approximately the same building setback as the event center (***inconclusive***).

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: None (***inconclusive***).

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: Encroachment within 60 feet of the front yard with a deck will not be injurious to the neighborhood or general welfare and will not discourage or interfere with development of adjacent land. Approval of the deck in the proposed location would not unreasonably affect the value of adjacent land and buildings (***meets criterion/ supports request***).

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

Consulting planner's finding: The application refers to and the boundary survey shows SR 60 having a 150-foot wide right of way, but the right of way scales out in Q Public as a 100-foot-wide right of way. The application indicates that a measurement for the deck setback was taken from the centerline of the highway rather than the edge of right of way (this would be the result of the applicant) (***does not meet criterion***). The application indicates that the deck (which has already been constructed) is needed to provide a safe transition for patrons walking from the parking area. However, the parking on the subject tract is to the rear of the site, not in the front. It is therefore unclear why patrons would not walk directly into the building from the parking area. There is no minimum required lot size or lot width for B-2-zoned lots; therefore, the tract is not required to be any particular size (***inconclusive but may justify in part the variance 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 application does not provide a precise indicator of how much variance is being requested. The narrative indicates the request is for about a 10-foot reduction of the setback. However, the amount of setback from the SR 60 right of way is not shown (dimensioned) on the boundary survey and appears to be more than 10 feet. Therefore, this criterion cannot be confirmed (***inconclusive***).

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 request does not involve a use which is not permitted in the zoning district (***inapplicable or meets criterion***).

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 does not meet all of the criteria for relief. Consulting planner recommends that the applicant be required to produce a recorded plat of the 0.658-acre parcel. If not recorded, it should be filed for recording after review by the city (if the subdivision can be approved). The variance should not be approved unless the subject 0.658-acre tract is a lot of record. Not all criteria appear to be met, in any event, so approval at this time is not recommended. The applicant should also be required to show the exact measurement of the deck in relation to the right of way and the minimum required 60 foot setback. Doing so will allow the city to confirm the minimum setback variance needed to make the deck comply.

LETTER OF INTENT: VARIANCE REQUEST

Project: Event Center – Land Lot 148, 11th District

Property Owner: Steve Leibel

Date: March 4, 2026

To the City of Dahlonga Planning & Zoning

Department:

This letter serves as a formal application for a variance from the 60-foot front setback requirement for the property located at Tax Parcel 081 476. We are requesting this relief specifically to allow for the placement of a deck structure associated with the Event Center.

1. Description of the Hardship

The strictly enforced 60-foot front setback creates a functional and safety-related hardship for the operation of this event facility. The necessity of the variance is based on the following factors:

- **Pedestrian Safety and Trip Hazard Mitigation:** The natural terrain between the Event Center building and the parking area is uneven. Because this facility hosts weddings and public gatherings, the deck is essential to provide a level, stable transition that prevents trip-and-fall accidents on the grass.
- **Child Safety and Roadway Buffer:** The property is adjacent to the high-traffic Georgia Hwy. 60 (South Chestatee Street). The deck serves as a structural boundary that naturally contains guests—specifically children—within a designated area, preventing them from wandering toward the 150-foot right-of-way.

Applicant's Letter/ Response to Variance Criteria (1 of 4)

- **Non-Permanent Structure:** Unlike the primary building, this deck is a non-permanent wooden structure. It achieves the necessary safety goals without the environmental or permanent footprint of a masonry expansion.

Conclusion

We believe this request represents the minimum variance necessary to ensure the safety of our guests while respecting the intent of the City's zoning ordinances.

Respectfully,

Steve Leibel

Property Owner

Application Checklist for the Portal:

- **Survey/Plat:** Upload the PDF titled "Plat - event center .pdf".
- **Surveyor Info:** Douglas R. Sherrill, GA #2995.
- **Deed Reference:** D.B. 1299-PG 2.
- **Zoning Reference:** Front Setback 60', Side Setback 15', Rear Setback 15'.

✓

Applicant's Letter/ Response to Variance Criteria (2 of 4)

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.*

Site Context and Impact

As shown on the Boundary Survey prepared by Land Development Professionals:

- **Limited Buildable Envelope:** The 0.658-acre project site is heavily constrained by the existing Office Building and required Asphalt Parking, leaving the front area as the only viable location for outdoor guest assembly.
- **No Public Detriment:** The deck is set back from the actual property line and will not interfere with the sightlines or maintenance of the Georgia Hwy. 60 right-of-way.
- **Flood Zone Compliance:** The property is not located in a 100-year flood zone.

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.*

The city allows pedestrian activity in the set back, this is a deck that allows and enhances the activity in a way to prevent accidents and road incidents.

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.*

See above

3

Applicant's Letter/ Response to Variance Criteria (3 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.*

The property next door is a law office and the event center will be used for seminars and other events.

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

The roadway was measured from the centerline not the property line

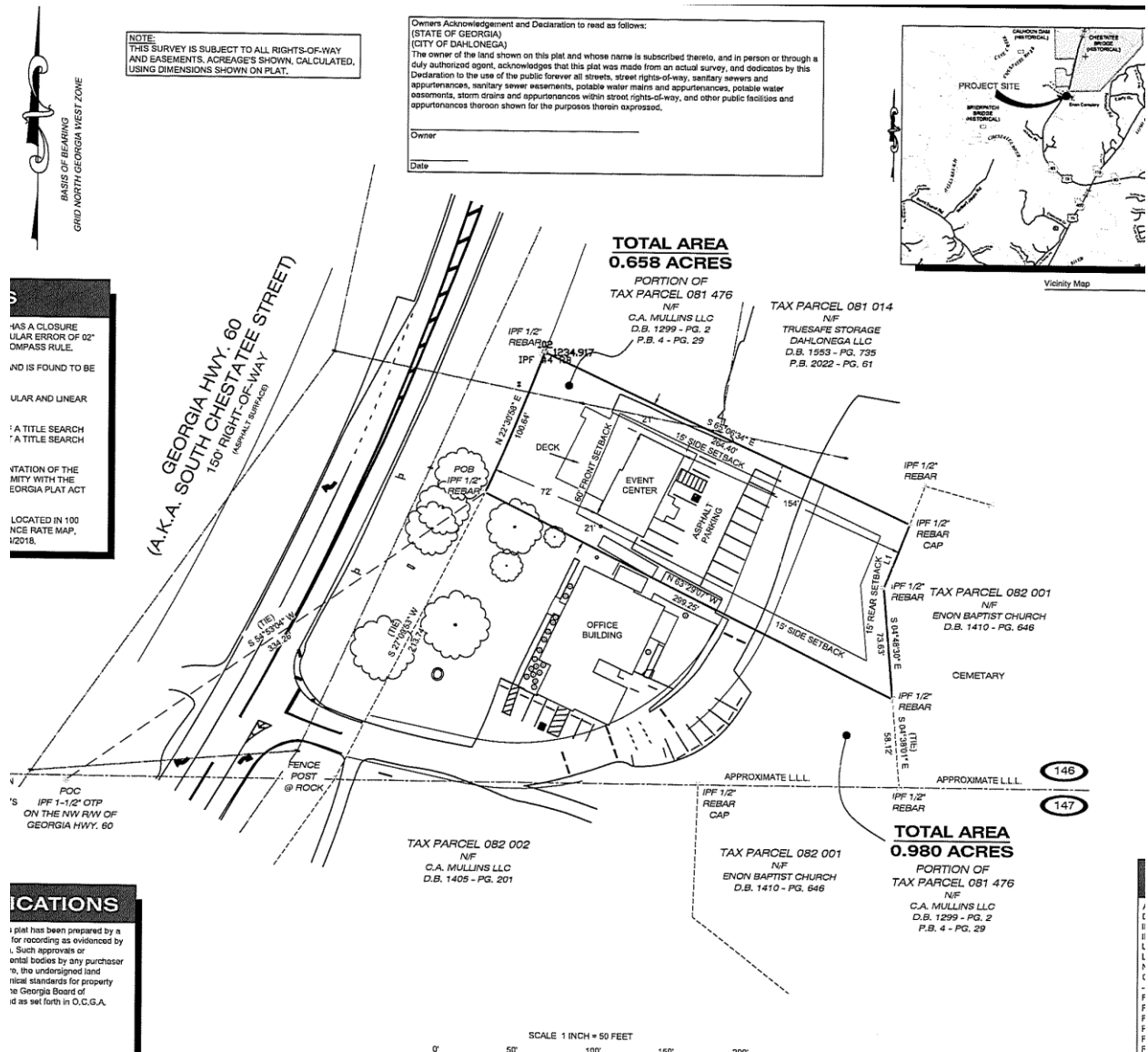
The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.*

The variance is for approximately 10 feet and does not ask for building construction but asks for deck usage.

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.*

This usage is completely congruent with the land use contemplated.

Applicant's Letter/ Response to Variance Criteria (4 of 4)



Boundary Survey/ Site Plan Excerpt



Agenda Memo

DATE: 7/7/2026
TITLE: Ordinance 2026-03
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2026-03 to Amend Chapter 22, Section 5. Noise Pollution of the City of Dahlonaga code of ordinances.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motion to approve when action is to be taken.

ATTACHMENTS

Ordinance 2026-03

ORDINANCE 2026-03

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA BY ADOPTION OF AN AMENDMENT TO THE NOISE POLLUTION ORDINANCE

WHEREAS, the City Council desires to promote the public health, safety, and general welfare of the residents of the city; and

WHEREAS, the City Council wishes to protect public square area within the City from excessive noise pollution; and

WHEREAS, the City Council finds that noise pollution is distracting to pedestrians seeking to visit the downtown area, and substantially detracts from the vintage environment of the City; and

WHEREAS, the City Council further finds that there is a substantial need directly related to the public health, safety and welfare to address comprehensively these concerns through the adoption of this amendment to the noise pollution regulations.

NOW THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the Code of the City of Dahlonega, Georgia shall be amended, as detailed in the paragraphs set forth herein. This amendment is adopted with the express authority for Municode to renumber the ordinance sections based on their numbering system and to take other measures necessary for proper codification.

In Section 22-5. Noise pollution the following portions of the regulations shall be amended to read as follows:

“(c) Prohibited conduct.

(1) *Restrictions of 200 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday.:*

a. *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 200 feet or more from the building, structure, outdoor location, or motor vehicle or, in the case of real property, beyond the property limits, in which it is located, whichever is farthest. Neither shall any person within said hours and times use or cause to be used a sound amplifying device or equipment on any part of the public sidewalks, rights of way or other public property located in the Public Square area of Dahlonega for the amplification of the human voice, music or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed or include warning devices, sounds emitting from authorized emergency vehicles, automobile horns or other warning devices on any vehicle used for traffic safety purposes. Sounds occurring during an authorized special event are also excluded as well as sounds emanating from any City of Dahlonega approved or sponsored activity. The Public Square area of Dahlonega is defined as that area located within the B3 Zoning District.”

and

“(2) Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday.

- a. *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure, outdoor location, or motor vehicle or, in the case of real property, beyond the property limits, in which it is located, whichever is farthest. Neither shall any person within said hours and times use or cause to be used a sound amplifying device or equipment on any part of the public sidewalks, rights of way or other public property located in the Public Square area of Dahlonega for the amplification of the human voice, music or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed or include warning devices, sounds emitting from authorized emergency vehicles, automobile horns or other warning devices on any vehicle used for traffic safety purposes. Sounds occurring during an authorized special event are also excluded as well as sounds emanating from any City of Dahlonega approved or sponsored activity. The Public Square area of Dahlonega is defined as that area located within the B3 Zoning District.”

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that if any portion of this Ordinance is for any reason found to be invalid or unconstitutional by the final decision of any tribunal of competent jurisdiction, it is the intention of the City Council of Dahlonega that the remainder of this Ordinance shall be in full force and effect.

So ordained and effective this ____ day of _____ 2026.

Sam Norton, Mayor

Attest: Rhonda Hansard, City Clerk



Agenda Memo

DATE: 7/7/2026
TITLE: Ordinance 2026-02
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2026-02 to Amend Chapter 123, Section 8. Holiday Lighting of the City of Dahlonega code of ordinances.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motion to approve when action is to be taken.

ATTACHMENTS

Ordinance 2026-02

ORDINANCE 2026-02

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA BY ADOPTION OF AN AMENDMENT TO THE SIGN ORDINANCE

WHEREAS, the City Council desires to promote the public health, safety, and general welfare of the residents of the city; and

WHEREAS, the City Council finds that uniformity of lighting adds to the overall ambiance of the downtown area.

NOW THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the Code of the City of Dahlonega, Georgia shall be amended, set forth herein. This amendment is adopted with the express authority for Municode to renumber the ordinance sections based on their numbering system and to take other measures necessary for proper codification.

Section 123-8(f) shall be amended to read as follows:

“(f) Holiday lighting. In the B-3 and CBD zoning districts. Only holiday lighting in the form of white/clear outdoor lighting approved by a nationally recognized certification organization is permitted in the B3 and CBD zoning districts without a Dahlonega Historic Preservation Commission Certificate of Appropriateness. More specifically, holiday lighting must meet the following standard: emit light that is on the Kelvin Color Temperature Scale within the range of 1,500K-3,200K. The time period during which holiday lighting is allowed is between October 20th and January 31st of the following year. Letters and/or words and/or phrases spelled and exhibited through the use of holiday lighting are not allowed. This paragraph applies exclusively to outdoor lighting and not the lighting inside the premises itself as long as the lighting is at least three feet away from the window. There is no restriction on holiday lighting other than in the B-3 and CBD zoning districts.”

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that if any portion of this Ordinance is for any reason found to be invalid or unconstitutional by the final decision of any tribunal of competent jurisdiction, it is the intention of the City Council of Dahlonega that the remainder of this Ordinance shall be in full force and effect.

So ordained and effective this ____ day of _____ 2026.

Sam Norton, Mayor

Attest: Rhonda Hansard, City Clerk

DRAFT



Agenda Memo

DATE: 7/7/2026
TITLE: REZN 26-4
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

REZN 26-4 Applicants and owners John and Kasey Sharp seek rezoning of their property consisting of .69 acres located at 399 North Chestatee Street (Tax Parcel 007-024) from Zoning District R-1 (single family) to Zoning District R-2 (multi-family). This matter will be heard by the Planning Commission for Public Hearing and recommendation and then by the City Council for Public Hearing on the dates and times referenced below.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval consistent with the Consultant's recommendation.

SUGGESTED MOTIONS

Motions to approve with conditions when action is to be taken.

ATTACHMENTS

Consulting Planner's Report.

CONSULTING PLANNER'S REPORT

TO: Dahlonga Planning Commission and City Council
c/o Doug Parks, City Attorney

FROM: Jerry Weitz, Consulting City Planner

DATE: April 29, 2026

SUBJECT: **REZN 26-04:** Rezoning from R-1 (Residential Single-Family District) to R-2 (Multiple Family Residential District Low to Medium Density)

PUBLIC HEARINGS: TBD

APPLICANT: John and Kasey Sharp

OWNER(S): John and Kasey Sharp

LOCATION: Fronting on the south side of Chestatee Street and the east side of Happy Hollow Road (399 North Chestatee Street) (Land Lot 927, 12th District, 1st Section)

PARCEL #: D07 024

ACREAGE: 0.69

EXISTING USE: Residential dwelling with separate upper and lower occupancies (duplex)

PROPOSED USE: Residential dwelling with separate upper and lower occupancies (duplex)

SURROUNDING LAND USE/ZONING:

NORTH: (across N. Chestatee Street): Bed and breakfast inn, B-1
EAST: Vacant (part of church property), R-1
SOUTH: Vacant (part of church property), R-1
WEST: (across Happy Hollow Road): Church, B-1

RECOMMENDATION: **Approval, Conditional**



Vicinity Map (Subject property outlined in blue)



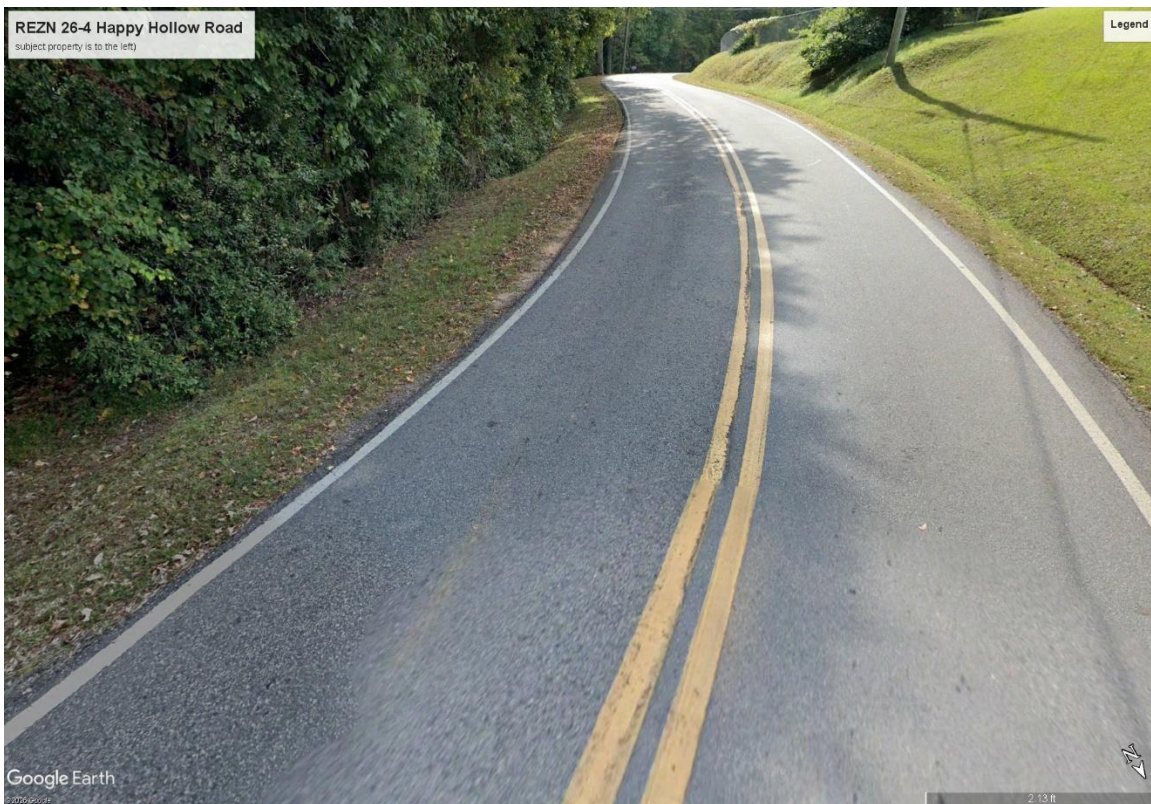
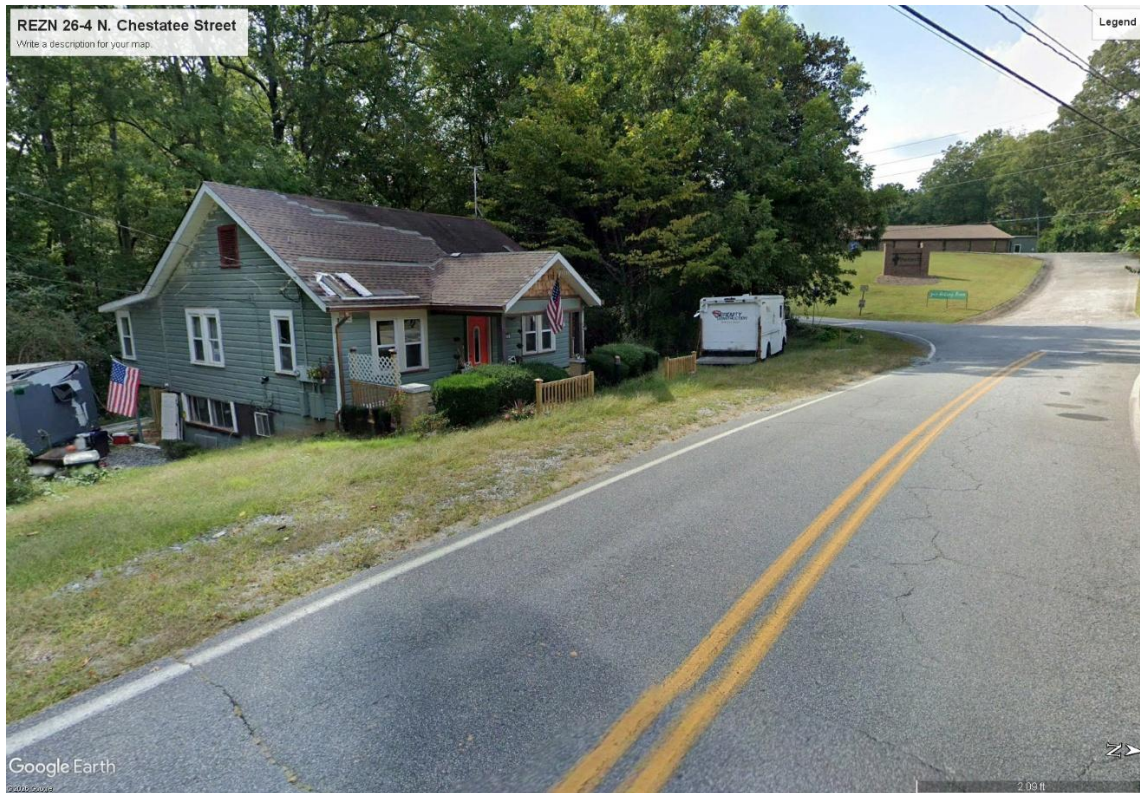
Tax Map/Aerial Photograph of Property (blue outline)

SUMMARY OF PROPOSAL

The applicant seeks rezoning from single-family (R-1) to multi-family (R-2) to authorize use of a dwelling on the property for two family occupancy. A letter of intent and a site plan have been submitted and are attached to this report. The applicant has also addressed in writing various zoning criteria. The applicant has also included as-built floor plans of the first and second floors of the dwelling.

This property was improperly used as a duplex by a prior owner and does not have the required second water or sanitary sewer connections paid and installed.

REZN 26-4 Rezoning from R-1 to R-2



ZONING CRITERIA

Section 2607 of the Dahlonge zoning ordinance articulates the criteria by which an application for rezoning should be evaluated. They are as follows:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonge.
5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

Note: The Planning Commission and City Council may adopt the findings and determinations provided in this report as written (provided below), if appropriate, or it may modify them. The planning commission and city council may cite one or more of these in its own determinations, as it determines appropriate. The Planning Commission and City Council may modify the language provided here, as necessary, in articulating its own findings. Or, the Planning Commission and City Council can reject these findings and make their own determinations and findings for one or more of the criteria as specified in the Dahlonge zoning ordinance and any additional considerations it determines appropriate.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Finding: The subject property abuts institutional properties (churches) to the west, east, and south. One of the churches is zoned R-1, while the other (to the west) is zoned B-1 (Neighborhood Business District) To the north is a detached dwelling zoned for neighborhood business (B-1) and utilized as a bed and breakfast inn. Based on the fact that the subject property is surrounded by institutional and neighborhood commercial land uses and does not abut any detached, single-family dwelling, the proposal for R-2 zoning is considered suitable (**supports request**), provided that it is restricted to use of the existing structure as opposed to new construction. Unless restricted, unconditional R-2 zoning would authorize the owner to demolish the existing dwelling and replace it with multiple-family dwellings which would not be in keeping with the

character of the neighborhood and would be inconsistent with the comprehensive plan policies and character area map (discussed below). Therefore, a condition of zoning approval is recommended that limits the use to the existing structure and prohibits construction of new dwelling units **(supports conditional approval)**.

2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

Finding: Since there are no other detached dwellings in the immediate vicinity, use of the existing dwelling for multi-family will not adversely affect the existing use or usability of adjacent property. Nor will it adversely affect nearby property **(supports request)**. Unrestricted R-2 zoning that enables construction of new dwellings would be considered out of context with the neighborhood and may have adverse effects on nearby property **(supports conditional approval)**.

3. Whether the zoning proposal will result in a use that will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Finding: The subject property is a corner lot, with frontage on Happy Hollow Road and N. Chestatee Street. Use of the dwelling for two households will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. However, access and parking to the property is not formalized. The applicant proposes to have two driveways, one of which is very close to the intersection of N. Chestatee Street and Happy Hollow Road. The proposal for a curb cut and driveway that has parking for one of the units that backs into the street near the intersection of Happy Hollow Road and N. Chestatee Street is considered potentially hazardous. A condition of approval is recommended that requires construction of any driveway at a safe location from the street intersection **(supports conditional approval)**.

4. Whether the zoning proposal is consistent with the Comprehensive Plan, transportation plans, or other plans adopted for guiding development within the City of Dahlonga.

Finding: Community goals in the comprehensive plan support the rezoning request. Goals indicate that “The City should also be prepared for more multi-family developments by planning where and how best to accommodate such projects most efficiently and without damaging local character” (p. 12). Also, with regard to neighborhood preservation, plan policies (p. 13) indicate as follows: “Preserving these neighborhoods and subdivisions is not only critical to sustaining the city’s cost of living but will contribute to the variety of housing options needed in the future. The City should be proactive in monitoring these areas for signs of distress or blight, working to help preserve the viability of residential areas by ensuring the safety and accessibility of each. Where possible this should include pedestrian connections to key public destinations. The City should also ensure land use regulations foster compatible infill without incurring undue costs on the landowners” **(supports request)**.

Finding: The subject property is included in the “residential” character area. The description of the residential character area calls for “preservation of existing structures where possible, or context sensitive infill development” and one- to two-story structures oriented close to the street front...”. The existing dwelling matches this description. The proposal is considered generally consistent with the residential character area recommendation **(supports request)**. It is also noted that all properties to the north, east, and south of the subject property are in a public square character area, and extension of that character area to the subject property would be logical **(further supports request)**.

5. Whether there are other existing or changing conditions affecting the use and development of property that give supporting grounds for either approval or disapproval of the zoning or special use proposal.

Finding: Although the subject property is zoned R-1 and is within an area that includes some R-1 zoning, the use pattern is institutional (with three different churches nearby) with a neighborhood commercial use operating in the vicinity. The use pattern tends to support the change and lessens the need to maintain detached, single-family zoning **(supports request)**. As noted in the letter of intent, the subject property is located in close proximity to Dahlonga’s downtown and the university. The location is such that there is added pressure to transition land uses from low density to a more urban density. The requested rezoning is considered in alignment with these trends **(supports request)**.

CONCLUSION

The application is consistent with all of the criteria for zoning decisions, which support R-2 zoning on the subject property. Consulting planner recommends approval, but with a condition that requires any driveways to be a safe distance from the intersection of Happy Hollow Road and N. Chestatee Street. Also, conditions are recommended to restrict the use of the subject property to the existing building and to require second water and sewer connections for a second dwelling unit.

RECOMMENDED CONDITIONS OF ZONING APPROVAL

If this request for R-2 zoning is approved, it should be approved R-2 conditional, subject to the owner’s agreement to abide by the following conditions:

1. Use of the property shall be limited to one residential building which shall contain no more than two dwelling units. Individual bedrooms shall not be rented.
2. The owner/developer shall be required to construct driveways and parking in accordance with applicable city specifications. No driveway onto Happy Hollow Road shall be located closer than 125 feet from the intersection of the centerlines of Happy Hollow Road and N. Chestatee Street. No driveway onto N. Chestatee

Street shall be authorized between the existing building and the intersection of Happy Hollow Road and N. Chestatee Street.

3. Prior to occupancy for more than one dwelling unit, the applicant shall be required to pay for and install an additional public water and additional sanitary sewer connections to serve the second unit.

REZONING APPLICATION – EXHIBIT A

John & Kasey Sharp
399 North Chestatee Street
Dahlonega, Georgia 30533

April 16, 2026

City of Dahlonega
Planning & Zoning Department
465 Riley Road
Dahlonega, Georgia 30533

Re: Letter of Intent & Rezoning Request – 399 North Chestatee Street

Dear Members of the Planning Commission and City Council,

This Letter of Intent is submitted in support of our application to rezone 399 North Chestatee Street from Single-Family Residential (R-1) to Multiple-Family Residential (R-2).

The purpose of this request is to align the zoning designation with the property's longstanding physical layout, historical use pattern, and compatibility with the surrounding Chestatee corridor. The existing structure includes distinct upper and lower living areas, separate exterior access, multiple bedrooms and bathrooms, and a layout that is consistent with residential duplex-compatible use. The requested rezoning is intended to regularize and align the zoning classification with the existing built form and surrounding neighborhood context.

Existing Property Conditions

The home is an established residential cottage located in close proximity to downtown Dahlonega and the University of North Georgia. Historically, the structure has functioned in configurations that included multiple residential living areas and separate access points. The current physical layout continues to reflect this longstanding configuration, including an independently accessible lower level that is compatible with duplex-style residential use.

No expansion of the existing footprint, increase in density, or new construction is proposed as part of this request. Rather, the rezoning seeks to align the zoning classification with the existing physical characteristics of the home.

Compatibility with Surrounding Land Uses

The subject property is located within a transitional corridor that includes a mix of residential, hospitality, institutional, and neighborhood commercial uses. Nearby properties include existing lodging accommodations, church properties, and other mixed-use residential uses, making the requested R-2 classification highly compatible with the surrounding area.

Letter of Intent (1 of 2)

REZONING APPLICATION – EXHIBIT A

The requested rezoning is therefore consistent with the existing development pattern and neighborhood character along North Chestatee Street.

Proposed Use

The proposed use is residential duplex-compatible occupancy under R-2 zoning. This classification will provide flexibility for long-term residential use while aligning the property with its historical configuration and surrounding land uses.

Importantly, this request does not seek any use intensity beyond what the existing structure already supports.

Suitability of the Property

The lot configuration, existing structure layout, utility access, and off-street parking potential make this property well suited for R-2 residential zoning. The property is already served by public water, sewer, and street access, and no new public infrastructure improvements are required as part of this request.

Impact on Adjacent Properties

Because the request primarily regularizes the zoning designation to match the existing structure and neighborhood pattern, we do not anticipate adverse impacts to adjacent properties or neighborhood character.

We intend to continue investing in the restoration, maintenance, and stewardship of this historic cottage so that it remains a positive asset to the surrounding community.

Consistency with Planning Objectives

The requested rezoning supports the City's broader planning objectives of encouraging compatible residential land uses, preserving existing housing stock, and supporting thoughtful corridor transitions near downtown Dahlonga.

REZONING APPLICATION – EXHIBIT A

Conclusion

For the reasons outlined above, we respectfully request approval of the rezoning of 399 North Chestatee Street from R-1 to R-2.

Thank you for your time and consideration.

Respectfully submitted,



John & Kasey Sharp
(303) 726-2226 / (303) 809-5547

Attachments:

- Exhibit A – Rezoning Application Form
- Exhibit B – Site Plan / Parking Layout
- Exhibit C – Boundary Survey / Plat
- Exhibit D – Existing Structure / Layout

Letter of Intent (2 of 2)

Complete the following information. (This section may be addressed in the letter of intent.)

1. The existing uses and zoning of nearby property and whether the proposed zoning will adversely affect the existing use or usability of nearby property.

The subject property is located within a transitional corridor along North Chestatee Street that includes a mix of residential, hospitality, institutional, and nearby business uses. Existing nearby properties include residential homes, lodging accommodations, church properties, and other mixed-use uses consistent with the evolving character of the corridor. The requested R-2 zoning is compatible with the surrounding development pattern and is not expected to adversely affect adjacent properties, as no increase in building footprint, height, or development intensity is proposed. See attached Letter of Intent as Exhibit A and site / parking plan as Exhibit B.

2. The extent to which property values are diminished by the particular zoning restrictions.

The current R-1 zoning does not fully align with the property's longstanding physical layout and historical use pattern, which includes distinct upper and lower living areas and separate exterior access. Because the existing structure is more consistent with duplex-compatible residential use, the current zoning may limit reasonable flexibility for lawful residential occupancy and may negatively affect long-term value, financing, and marketability. See Exhibit A.

3. The extent to which the destruction of property values promotes the health, safety, morals or general welfare of the public.

Approval of the requested rezoning will promote the public welfare by regularizing the zoning classification to better match the existing structure and surrounding corridor character. The property will remain residential in nature and will continue to benefit from planned improvements to drainage, parking, and general restoration, supporting neighborhood safety and long-term preservation of existing housing stock. See Exhibits A and B.

4. The relative gain to the public as compared to the hardship imposed upon the individual property owner.

Approval provides public benefit through preservation and continued investment in an existing residential structure in a transitional corridor near downtown Dahlenega. Denial would create hardship by maintaining a zoning classification that does not fully align with the existing built form and longstanding residential configuration of the property. See Exhibit A.

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

5. The physical suitability of the subject property for development as presently zoned and under the proposed zoning district.

The property is physically well suited for R-2 zoning due to the existing structure layout, lot configuration, public utility access, and off-street parking potential. The existing physical configuration of the structure is already compatible with duplex-style residential use. See Exhibits A and B.

6. The length of time the property has been vacant, considered in the context of land development in the area in the vicinity of the property, and whether there are existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the rezoning request.

The property is not vacant; however, conditions in the surrounding corridor support the requested rezoning. The existing neighborhood pattern includes transitional residential, hospitality, and institutional uses that make the requested R-2 classification appropriate and consistent with current land use conditions. See Exhibit A.

7. The zoning history of the subject property.

The property is currently zoned R-1. To the best of the applicant's knowledge, this request is intended to align the zoning classification with the existing structure's longstanding physical layout and historical residential use pattern.

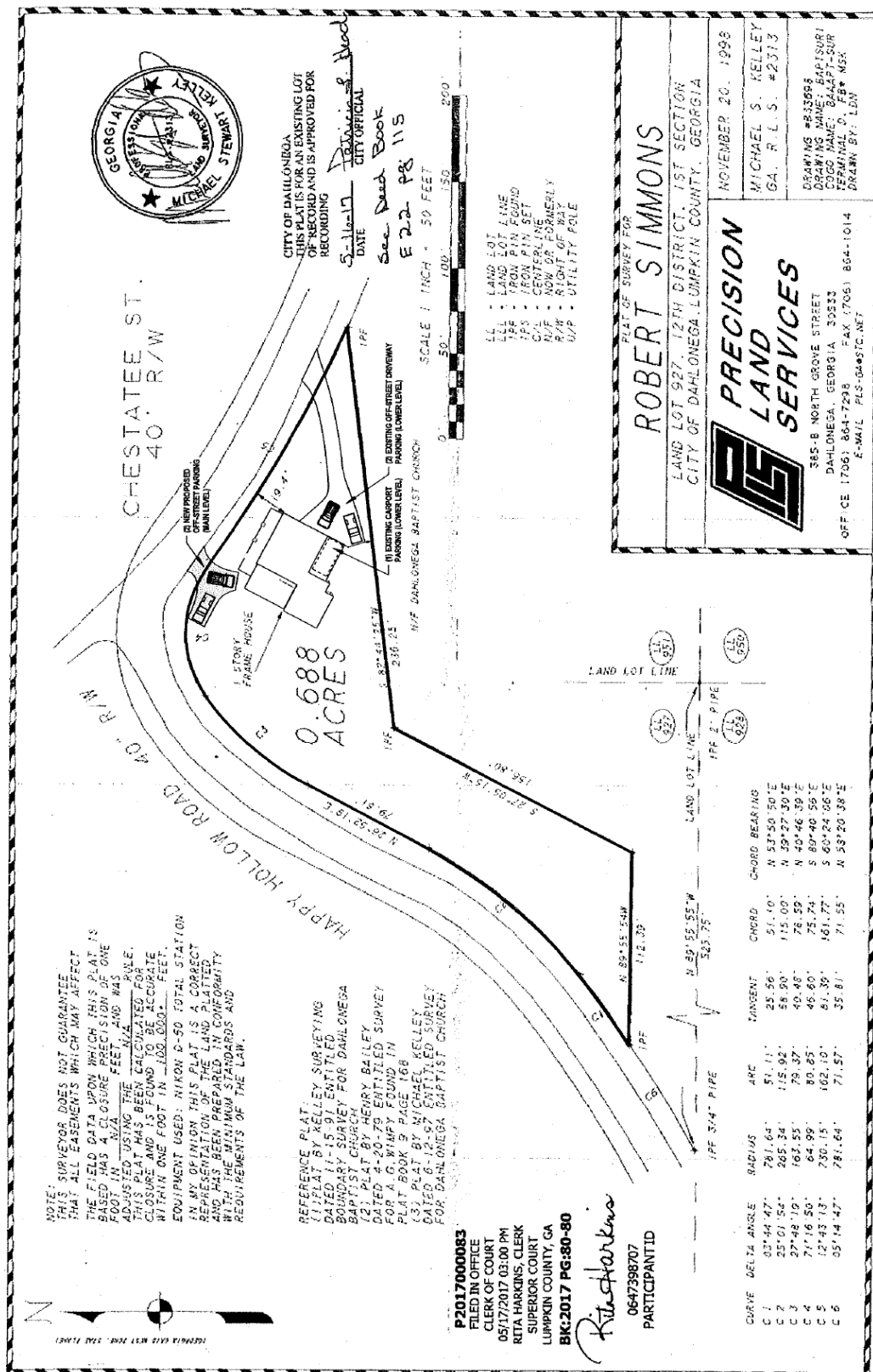
8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

The requested rezoning will not create excessive burden on public streets, utilities, or public facilities. The property is already served by city water, city sewer, and existing street access. Adequate off-street parking is proposed and shown in Exhibit B. No increase in density beyond the existing structure is proposed.

9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

The requested rezoning is consistent with the City's planning objectives for compatible residential land use transitions, preservation of existing housing stock, and thoughtful corridor development near downtown Dahlonega. The request aligns the zoning designation with both the existing built form and surrounding neighborhood character. See Exhibit A.

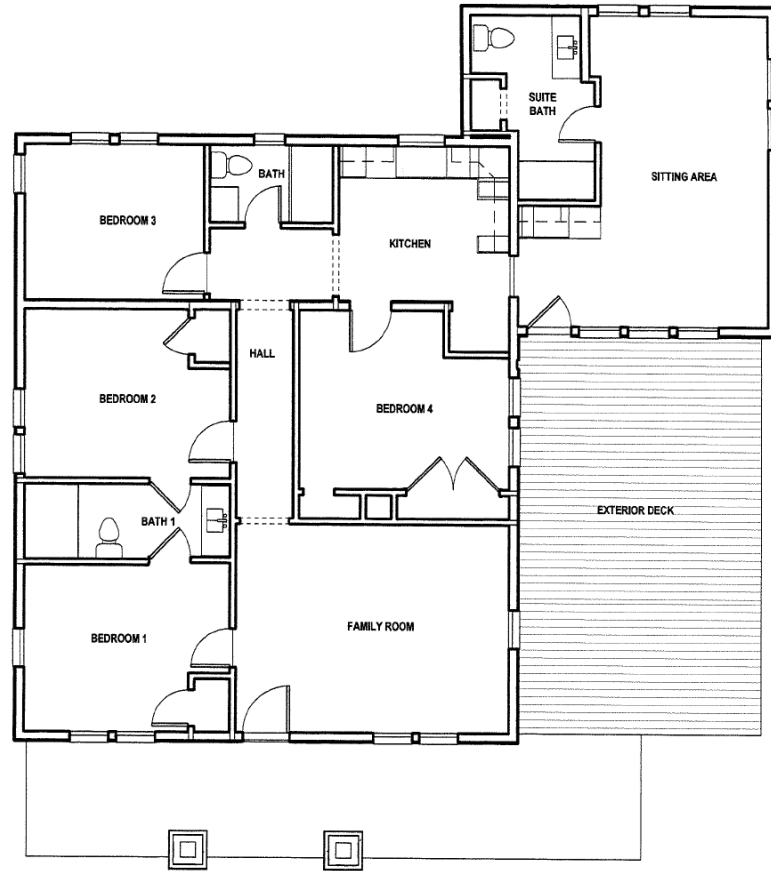
Applicant's Response to Zoning Criteria (2 of 2)



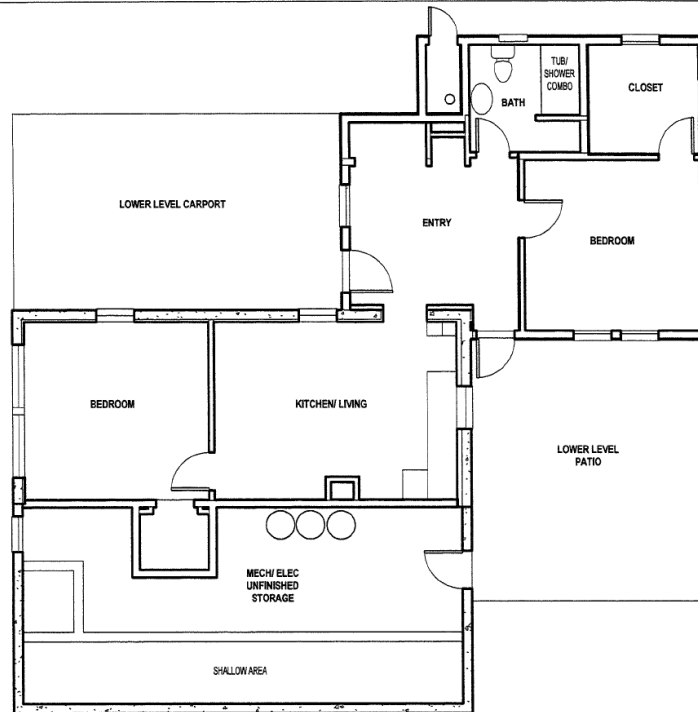
Recorded Plat



Aerial Photo/ Site Plan of Proposed Development



MAIN LEVEL AS-BUILT FLOOR PLAN
399 NORTH CHESTATEE STREET, DAHLONEGA | 04/16/26



LOWER LEVEL AS-BUILT PLAN
399 NORTH CHESTATEE STREET, DAHLONEGA | 04/16/26



Agenda Memo

DATE: 7/7/2026
TITLE: BZA 25-1
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 25-1 Applicant Jessica Jones on behalf of TJP Investments seeks a variance for property located at 127 Millie's Place, Dahlonega, Georgia (Tax Parcel 078-002) for extension of a gravel road for additional parking. This matter is to be heard by the Planning Commission for Public Hearing and recommendation and then a Public Hearing before the Board of Zoning Appeals on the dates and times referenced below.

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 25-01

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

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: April 29, 2026

SUBJECT REQUEST: **BZA 25-01 Variance** to the Dahlonega zoning ordinance, Article VI. "Off-Street Parking, Loading and Access Requirements," Sec. 605, "Parking and Loading Area Design Requirements" to allow 6 parking spaces to be graveled instead of paved

EXISTING ZONING: B-2, Highway Business District

EXISTING USE: Commercial (retail); parent property includes storage buildings

BZA HEARING: TBD

APPLICANT: Jessica Jones

OWNER(S): TJP Investments, LLC (Paul Folger)

PROPOSED USE: Commercial (retail) (no change)

LOCATION: East of Morrison Moore Parkway E (Dahlonega East Connector) (U.S. 19/SR 9/ SR 60): fronting on the east side of Millie's Place (private – ingress/egress easement) (Land Lot 1056, 12th District, 1st Section)

PARCEL(S) #: Part of 078-002 (parent parcel)

ACREAGE: 0.0291 (parking area) (parent parcel is 10.58 acres)

SURROUNDING LAND USE AND ZONING:

North: Commercial (storage buildings), B-2 (parent tract)

East: Commercial (storage buildings), B-2 (parent tract); further east is Lake Zwerner (a.k.a. Yahoola Creek Reservoir)

South: Public land (city and county) (Lake Zwerner), O-I (Office-Institutional District)

West: (across U.S. 19): Vacant, B-2

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 Dahlonega zoning ordinance.

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

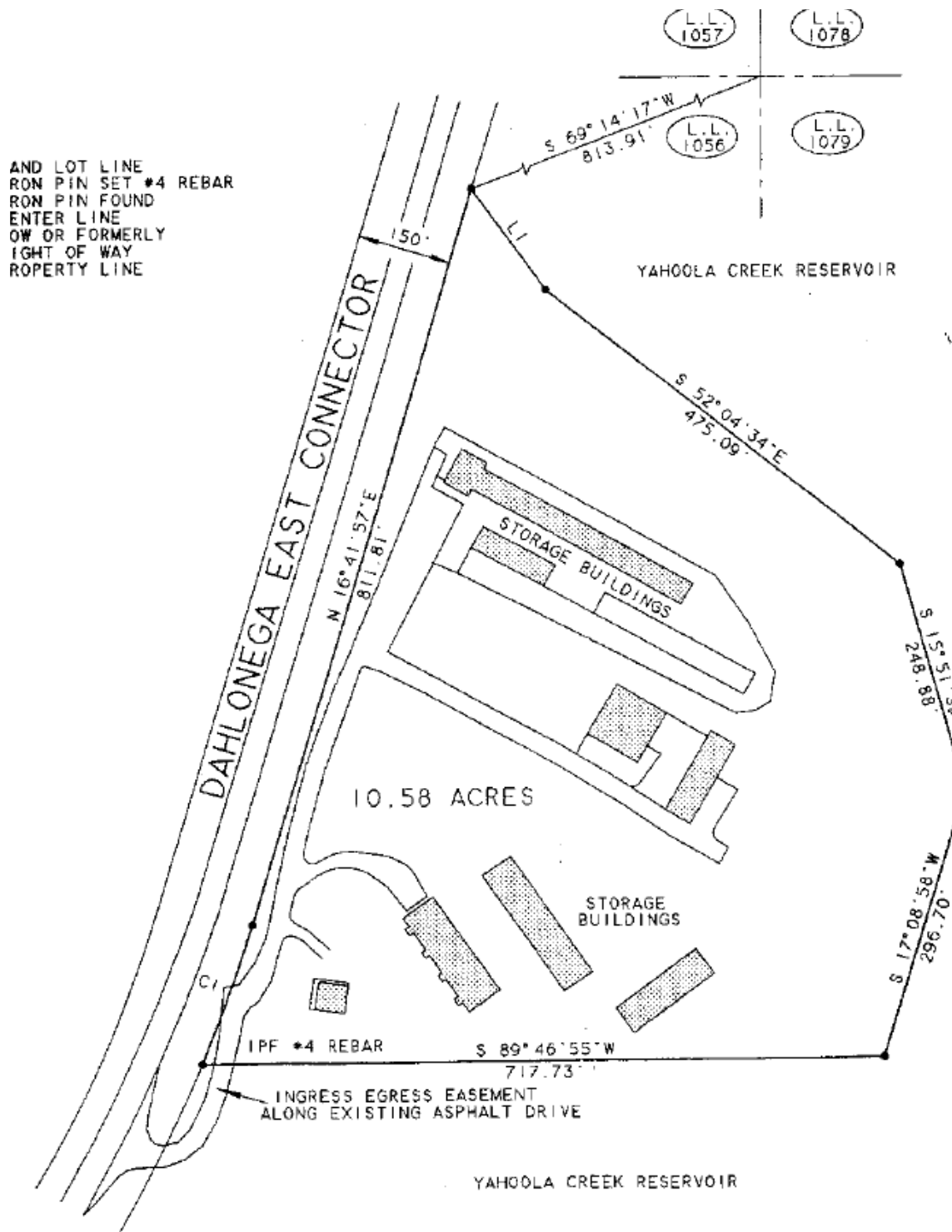
PROPERTY DESCRIPTION AND APPLICABLE REGULATIONS



Vicinity Map (Parent Parcel Outlined in Blue)



Aerial Photograph/Tax Map
(The variance involves the building at the southeast corner of the parent tract)



Boundary Survey of Parent Tract



Applicant's Leased Area Outlined in Red

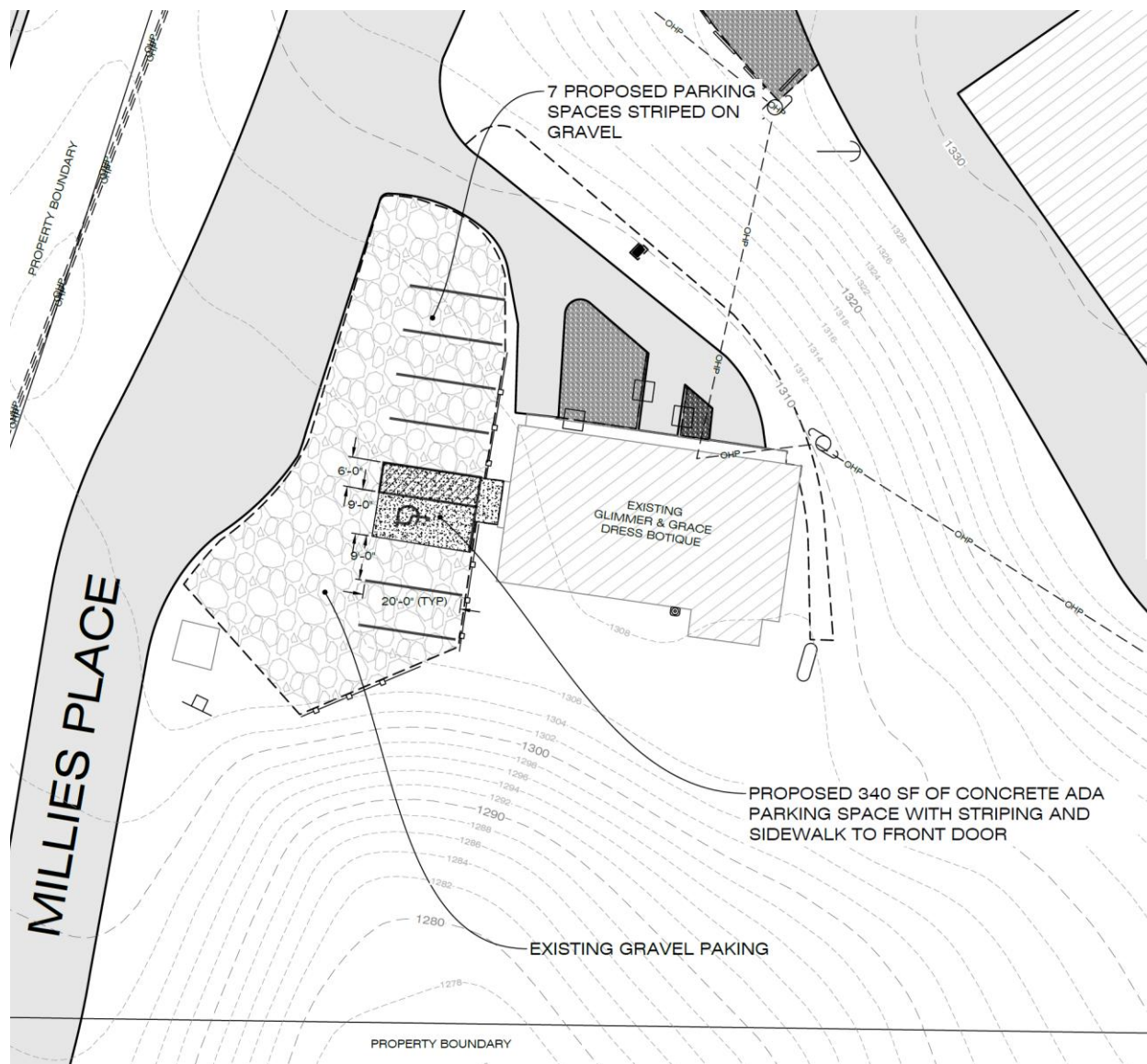
Summary of Information Provided by the Applicant

The applicant is requesting a variance to extend the existing gravel to the front of the building to satisfy required space for retail parking. The building was leased to the applicant as a retail space but did not have adequate parking spaces as required by city ordinances. Adding a gravel parking area instead of paved is the minimum variance to allow adequate parking. This variance request will allow the lot to be used as intended and in accordance with the zoning of the parcel. The applicant is a first-time business owner and is unable to take on the financial burden of paving the entire parking area of the leased building. No special privilege will be granted with this variance. Granting the variance will not negatively affect the surrounding community or adjacent land. This variance will help maximize the value of this lot.

Location and Access

The subject property lies east of U.S. Highway 19/State Route 9/ State Route 60 (Morrison Moore Parkway E) in the northern part of the city. The subject (parent) parcel is 10 acres and is addressed as 127 Millie's Place, a private road that accesses the highway off-site on city-owned property surrounding Yahoola Creek Reservoir.

A 340-square foot concrete pad is proposed for the handicapped parking space required by code (see site and grading plan excerpt below and a more complete image at end of report).



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 area that is the subject of this variance is a small leased space on a larger commercial property developed with multiple storage buildings. There is room on the larger site for parking as needed, but the applicant seeks parking spaces close to the building that is being leased. The area around the leased building was not improved with parking spaces according to the requirements of the zoning ordinance. The applicant has already leased the

building space on site. The applicant/ owner has shown a site plan (provided in this report) (see also the excerpt above) that calls for a 340-square foot concrete pad for a handicapped parking space. The size of the area requested is sufficient to qualify it for a variance (***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: Other parts of the subject property may similarly be out of compliance with parking lot paving requirements. This means the applicant's leased portion of the subject property may not be paved in accordance with city zoning ordinance requirements (***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: In all likelihood, the owner of the larger parcel is already enjoying the opportunity to utilize the property without meeting the full paving requirements for parking lots (***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 proposed gravel parking spaces will back into a private ingress-egress easement named Millie's Place. That access way gains its access to the highway on the adjacent property (Yahoola Creek Reservoir) owned by the city and county. Authorizing the gravel parking spaces in the proposed location will not injure the neighborhood or general welfare; it will only affect the subject property since the larger commercial storage property is the only user of Millie's Place. Therefore, minor relief in the form of varying the paving requirements is considered to be consistent with the purpose and intent of the zoning ordinance (***meets criterion/ supports request***).

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

Consulting planner's finding: The applicant was not responsible for the original development of the commercial property including the construction of the building that is being leased; hence the deficiency with regarding to parking space paving was not the result of actions of the applicant (***meets criteria/ 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 variance applies only to a small area in front of an existing building off of a private road (Millie's Place). The owner/ applicant is proposing to install a concrete pad for the required handicapped parking space. The request is therefore for six spaces (and approach area) to be graveled rather than paved. This is the minimum area of pavement waiver needed to make possible the legal use of the building for retail commercial use (***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: This is not a request to allow a use that is not otherwise a permitted use in the B-2 zoning district (***meets criterion/ supports request***).

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 criteria and relief can be granted. It is recommended that the Board of Zoning Appeals approve the requested variance as submitted.

January 25, 2025

City of Dahlongega Planning
465 Riley Road
Dahlongega, GA 30533

RE: Variance Request for Tax Parcel 078-002: 28 Millie's Place

To Whom it May Concern:

Please let this letter serve as a Letter of Intent for a variance request for the property listed above located at 28 Millie's Place, in the City of Dahlongega, Georgia. The property is zoned B-2. I would like to request a variance for Dahlongega, GA. – Code of Ordinances, Subpart B – Land Use and Land Development, Appendix B – Zoning, Article VI. – Off-Street Parking, Loading and Access Requirements, Sec. 605. – Parking and Loading Area Design Requirements.

In December 2024 I signed a 3-year lease for a Dress Shop/Retail Store at 28 Millie's Place. Recently I was told that the current parking area does not meet the parking requirements of the ordinance mentioned above. I am requesting a variance to extend the existing gravel along the front of the building to satisfy the required space for retail parking. As a first-time small business owner, I am not able to take on the financial burden of paving the entire parking area of the leased building. Approval of this variance will not have a negative impact on the surrounding community or adjacent land.

I appreciate your consideration of this variance. I have included a portion of the lease agreement on page 2 of this letter. Please do not hesitate to call me with any questions.

Sincerely,

Jessica Jones
706-300-5824
Jessjones001@icloud.com

COMMERCIAL LEASE AGREEMENT
(Standalone Single-Tenant Building)

NORTON
COMMERCIAL & ACREAGE GROUP

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2024 Printing

For and in consideration of \$10.00 and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the undersigned Landlord (**TJP Investments LLC**) and the undersigned Tenant (**Jessica Jones**) do hereby agree as follows:

A. **PRIMARY TERMS.** The primary terms of this Lease are set forth in this Section and are subject to the explanations and clarifications set forth in Corresponding Paragraphs Section B of the Lease.

Lease. Landlord agrees to lease to Tenant, and Tenant agrees to lease from Landlord, the Premises identified herein on this date of _____ on the terms and conditions which are set forth below.

1. **Agreement to Lease: Property Address:** 127 Millie's Place (28 millie's place)
Unit _____ City Dahlonega County Lumpkin Georgia, Zip 30533 ("Premises")
The legal description of the Property is attached as an exhibit hereto and incorporated herein.

2. **Use:** Tenant acknowledges that Tenant has inspected Premises and that it is for Tenant's intended use. The Premises shall be used for the following use: Dress Shop/Retail Store Current Zoning: B2

3. **Term and Possession:** Lease Start Date: 12/19/2024 Last Day of Lease ("Lease End Date"): 12/31/2027
Tenant may terminate this Agreement without penalty if possession is not granted within N/A days of the Lease Start Date ("Approved Delay Period").

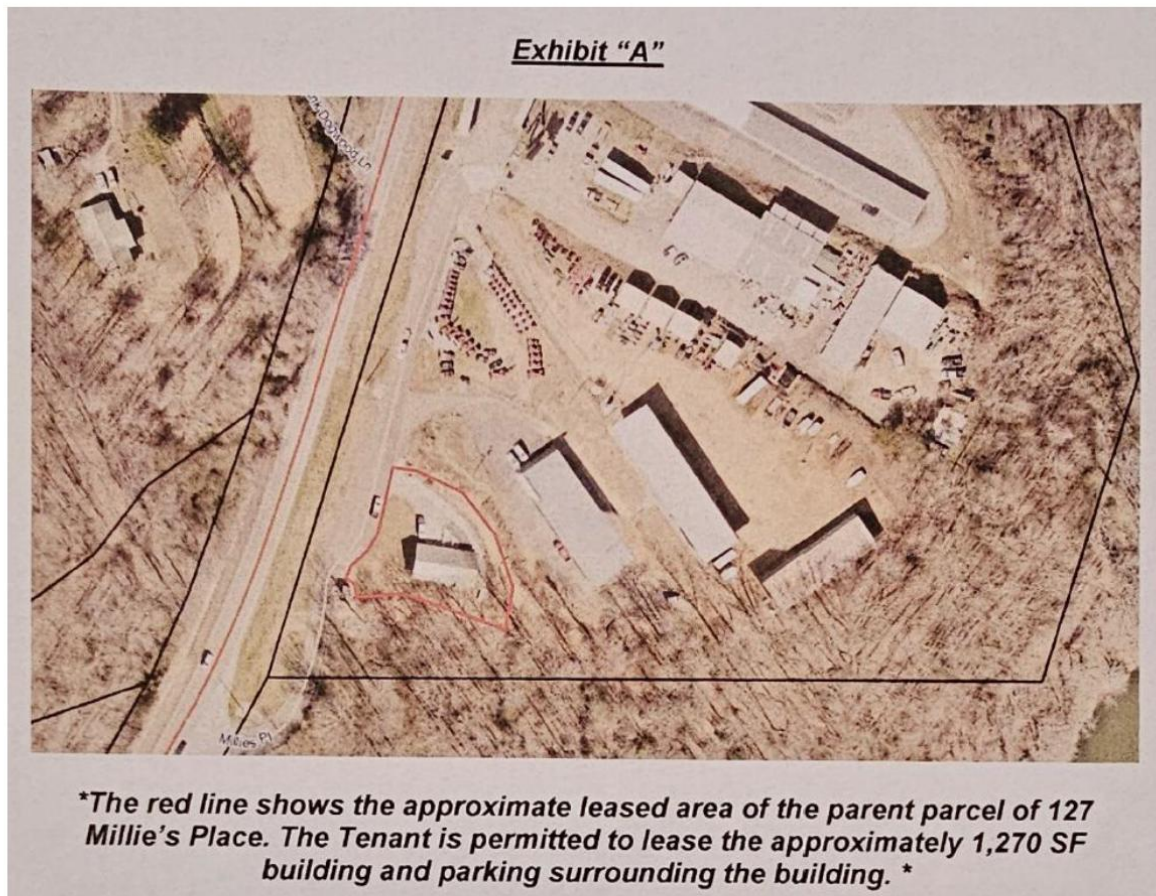
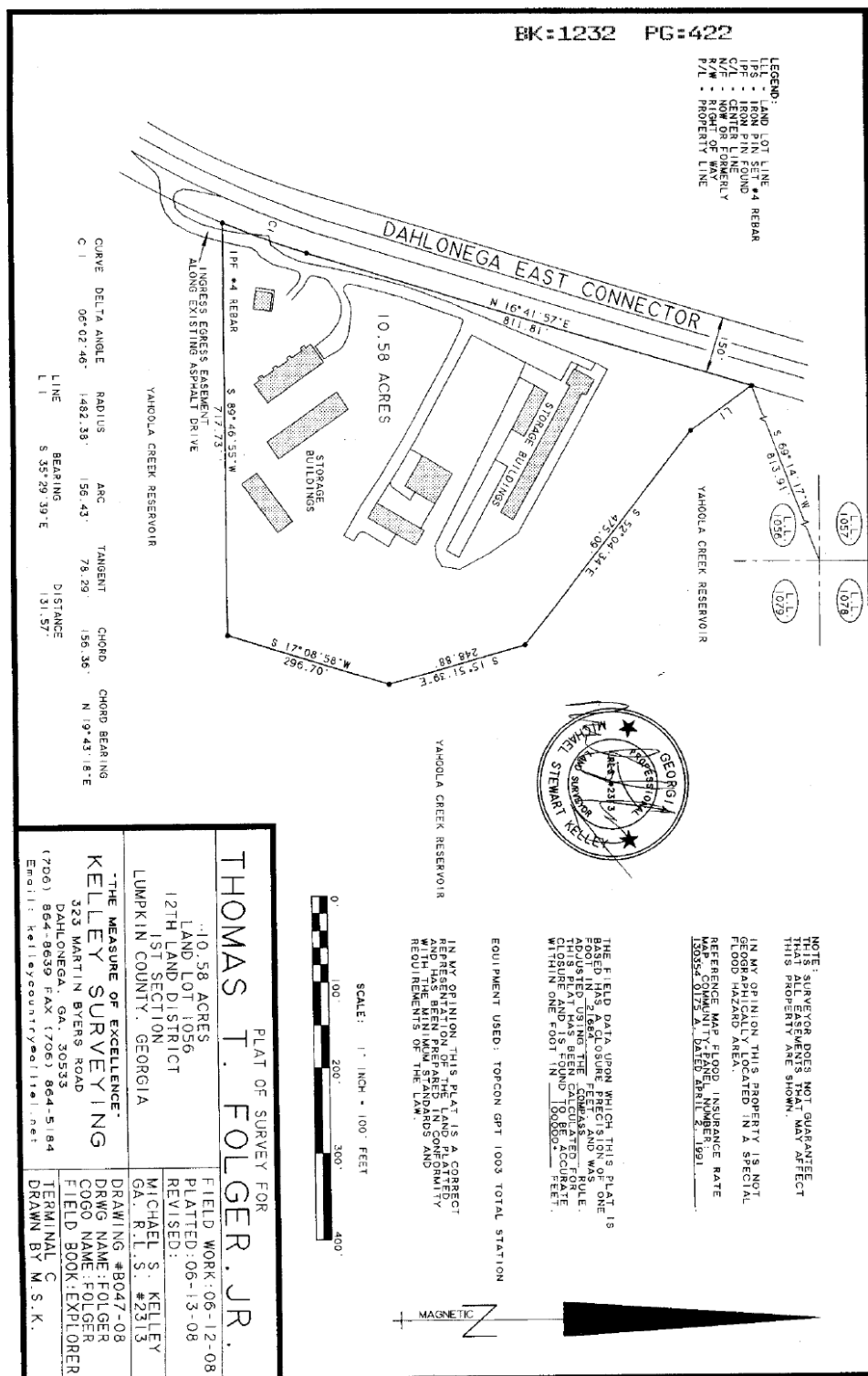
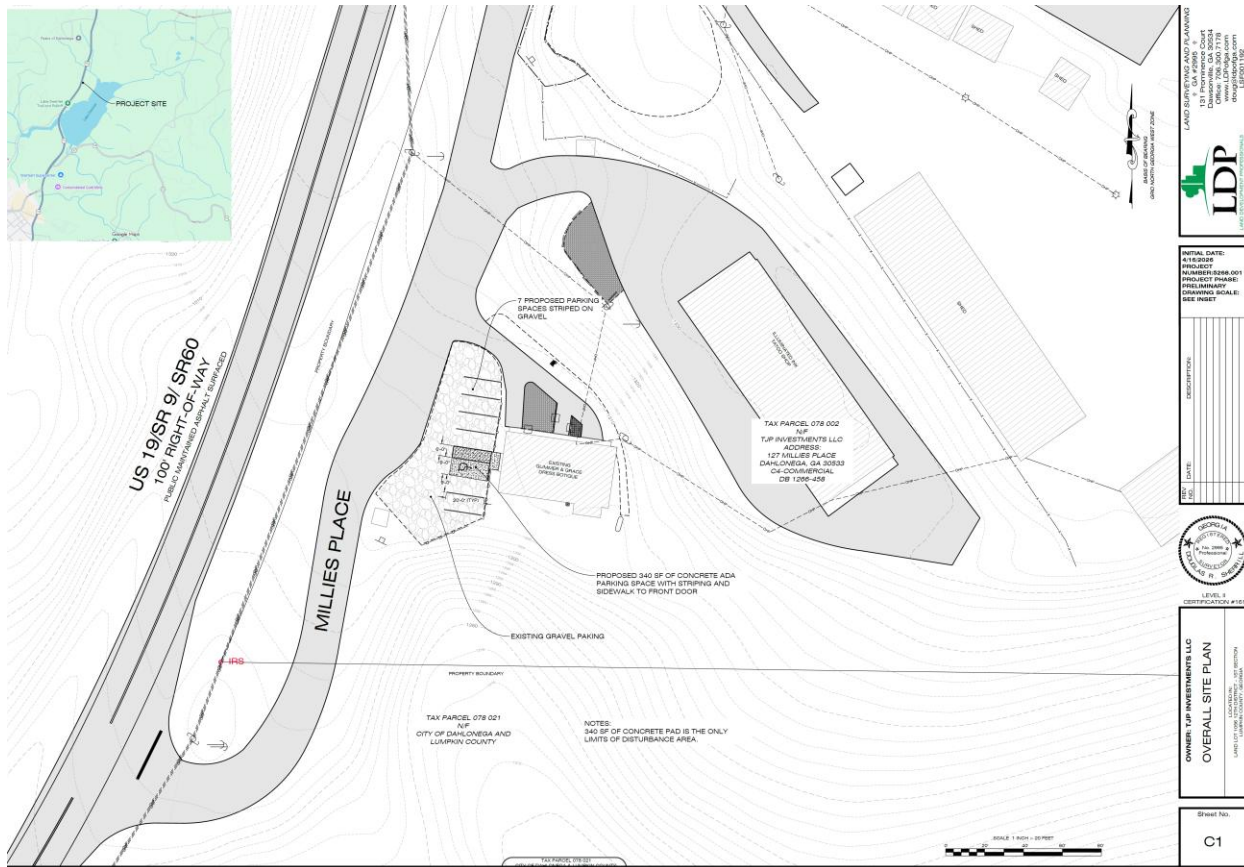


EXHIBIT "A"





Site Plan



Agenda Memo

DATE: 7/7/2026
TITLE: BZA 26-1
PRESENTED BY: Allison Martin, Zoning Administrator
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

BZA 26-1: Steven Leibel, property owner applicant seeks a variance from the 60-foot front setback requirement for the property located at 3619 South Chestatee St, Dahlonega, GA 30533 tax parcel 081 476 to allow the placement of a deck structure. Requested is a ten-foot reduction.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

The consultant's report contemplates receipt of additional information not available at the time of the writing of the report. Staff will review and advise a recommendation orally at the time of the meeting on this matter.

SUGGESTED MOTIONS

See preceding comments.

ATTACHMENTS

Consulting Planner's Report.

CONSULTING PLANNER'S REPORT FOR BZA 26-01

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

BY: Jerry Weitz, Consulting City Planner

DATE OF REPORT: March 30, 2026

SUBJECT REQUEST: **BZA 26-01 Variance** to the Dahlonega zoning ordinance, Article XX, "Minimum Dimensional Requirements," Section 2001, "Minimum setback requirements by zoning district (in feet)," to reduce the 60-foot minimum required front principal building setback in a B-2 zoning district (along an arterial street)

EXISTING ZONING: B-2, Highway Business District

EXISTING USE: Event center

BZA HEARING: TBD

APPLICANT: Steven Leibel

OWNER(S): Steven Leibel

PROPOSED USE: Event center with deck in front

LOCATION: Fronting on the east side of South Chestatee Street (SR 60) approximately 100 feet north of Calhoun Mine Road

PARCEL(S) #: Part of 081/ 476

ACREAGE: 0.658 (not a lot of record) (parent parcel is 4.32 acres)

SURROUNDING LAND USE AND ZONING:

North: Commercial (self storage), B-2

East: Church (unincorporated)

South: Office, B-2

West: (across SR 60): Detached, single-family dwelling (unincorporated)

RECOMMENDATION: Postpone pending plat approval and additional information



Tax Map/Aerial Photograph (parent tract)

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 Dahlonaga 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).

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 tract, described by metes and bounds as 0.658 acre, and shown on an unrecorded survey with as-built conditions, does not appear to be a lot of record, but rather, is part of a larger tract. The Lumpkin County Tax Assessor shows the subject property is 4.02 acres owned by an entity different from the applicant. The 4.02 acres is divided into two with a church parcel in between (see map). The western portion of the tract has an office building and the subject event center; collectively, the western portion of the tract is approximately 1.658 acres. The applicant should be required to produce a plat of the property that has been recorded. If it has not been recorded, then the legal description is incorrect, and a plat should be recorded so that the subject tract is a lot of record.

Consulting planner's finding: The tract is relatively narrow. It is only 100 feet wide. There is not any room along side yards to construct a deck (**may support request**). The subject tract (not a lot of record) is relatively small, at less than 0.7 acre (**may support request**), and the size does not provide for many options to expand the existing structure.

Consulting planner's finding: The subject unrecorded 0.658-acre tract does not have its own driveway access to South Chestatee Street (SR 60). Rather, it is accessed via a commercial driveway on the parent tract, south of the office building constructed to the south of the event center. The commercial driveway bisects the 0.658-acre tract, with the building being to the west (between the commercial drive and SR 60). This is important, in that the tract has additional land that could be built upon but it is on the other side of the commercial driveway. In other words, it would not be feasible to have an improvement related to the event center on the other side of the commercial driveway. This may in itself be an extraordinary condition (**may support request**) pertaining to the layout of the tract (if made a lot of record).

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: If the subject tract fronted on a local street instead of an arterial street, the minimum required front building setback would be 35 feet rather than 60 feet, and the deck would appear to meet (or would be close to meeting) that setback. The abutting office has approximately the same building setback as the event center (***inconclusive***).

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: None (***inconclusive***).

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: Encroachment within 60 feet of the front yard with a deck will not be injurious to the neighborhood or general welfare and will not discourage or interfere with development of adjacent land. Approval of the deck in the proposed location would not unreasonably affect the value of adjacent land and buildings (***meets criterion/ supports request***).

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

Consulting planner's finding: The application refers to and the boundary survey shows SR 60 having a 150-foot wide right of way, but the right of way scales out in Q Public as a 100-foot-wide right of way. The application indicates that a measurement for the deck setback was taken from the centerline of the highway rather than the edge of right of way (this would be the result of the applicant) (***does not meet criterion***). The application indicates that the deck (which has already been constructed) is needed to provide a safe transition for patrons walking from the parking area. However, the parking on the subject tract is to the rear of the site, not in the front. It is therefore unclear why patrons would not walk directly into the building from the parking area. There is no minimum required lot size or lot width for B-2-zoned lots; therefore, the tract is not required to be any particular size (***inconclusive but may justify in part the variance 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 application does not provide a precise indicator of how much variance is being requested. The narrative indicates the request is for about a 10-foot reduction of the setback. However, the amount of setback from the SR 60 right of way is not shown (dimensioned) on the boundary survey and appears to be more than 10 feet. Therefore, this criterion cannot be confirmed (***inconclusive***).

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 request does not involve a use which is not permitted in the zoning district (***inapplicable or meets criterion***).

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 does not meet all of the criteria for relief. Consulting planner recommends that the applicant be required to produce a recorded plat of the 0.658-acre parcel. If not recorded, it should be filed for recording after review by the city (if the subdivision can be approved). The variance should not be approved unless the subject 0.658-acre tract is a lot of record. Not all criteria appear to be met, in any event, so approval at this time is not recommended. The applicant should also be required to show the exact measurement of the deck in relation to the right of way and the minimum required 60 foot setback. Doing so will allow the city to confirm the minimum setback variance needed to make the deck comply.

LETTER OF INTENT: VARIANCE REQUEST

Project: Event Center – Land Lot 148, 11th District

Property Owner: Steve Leibel

Date: March 4, 2026

To the City of Dahlonga Planning & Zoning

Department:

This letter serves as a formal application for a variance from the 60-foot front setback requirement for the property located at Tax Parcel 081 476. We are requesting this relief specifically to allow for the placement of a deck structure associated with the Event Center.

1. Description of the Hardship

The strictly enforced 60-foot front setback creates a functional and safety-related hardship for the operation of this event facility. The necessity of the variance is based on the following factors:

- Pedestrian Safety and Trip Hazard Mitigation: The natural terrain between the Event Center building and the parking area is uneven. Because this facility hosts weddings and public gatherings, the deck is essential to provide a level, stable transition that prevents trip-and-fall accidents on the grass.**
- Child Safety and Roadway Buffer: The property is adjacent to the high-traffic Georgia Hwy. 60 (South Chestatee Street). The deck serves as a structural boundary that naturally contains guests—specifically children—within a designated area, preventing them from wandering toward the 150-foot right-of-way.**

Applicant's Letter/ Response to Variance Criteria (1 of 4)

- **Non-Permanent Structure:** Unlike the primary building, this deck is a non-permanent wooden structure. It achieves the necessary safety goals without the environmental or permanent footprint of a masonry expansion.

Conclusion

We believe this request represents the minimum variance necessary to ensure the safety of our guests while respecting the intent of the City's zoning ordinances.

Respectfully,

Steve Leibel

Property Owner

Application Checklist for the Portal:

- **Survey/Plat:** Upload the PDF titled "Plat - event center .pdf".
- **Surveyor Info:** Douglas R. Sherrill, GA #2995.
- **Deed Reference:** D.B. 1299-PG 2.
- **Zoning Reference:** Front Setback 60', Side Setback 15', Rear Setback 15'.

✓

Applicant's Letter/ Response to Variance Criteria (2 of 4)

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.*

Site Context and Impact

As shown on the Boundary Survey prepared by Land Development Professionals:

- **Limited Buildable Envelope:** The 0.658-acre project site is heavily constrained by the existing Office Building and required Asphalt Parking, leaving the front area as the only viable location for outdoor guest assembly.
- **No Public Detriment:** The deck is set back from the actual property line and will not interfere with the sightlines or maintenance of the Georgia Hwy. 60 right-of-way.
- **Flood Zone Compliance:** The property is not located in a 100-year flood zone.

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.*

The city allows pedestrian activity in the set back, this is a deck that allows and enhances the activity in a way to prevent accidents and road incidents.

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.*

See above

3

Applicant's Letter/ Response to Variance Criteria (3 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.*

The property next door is a law office and the event center will be used for seminars and other events.

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

The roadway was measured from the centerline not the property line

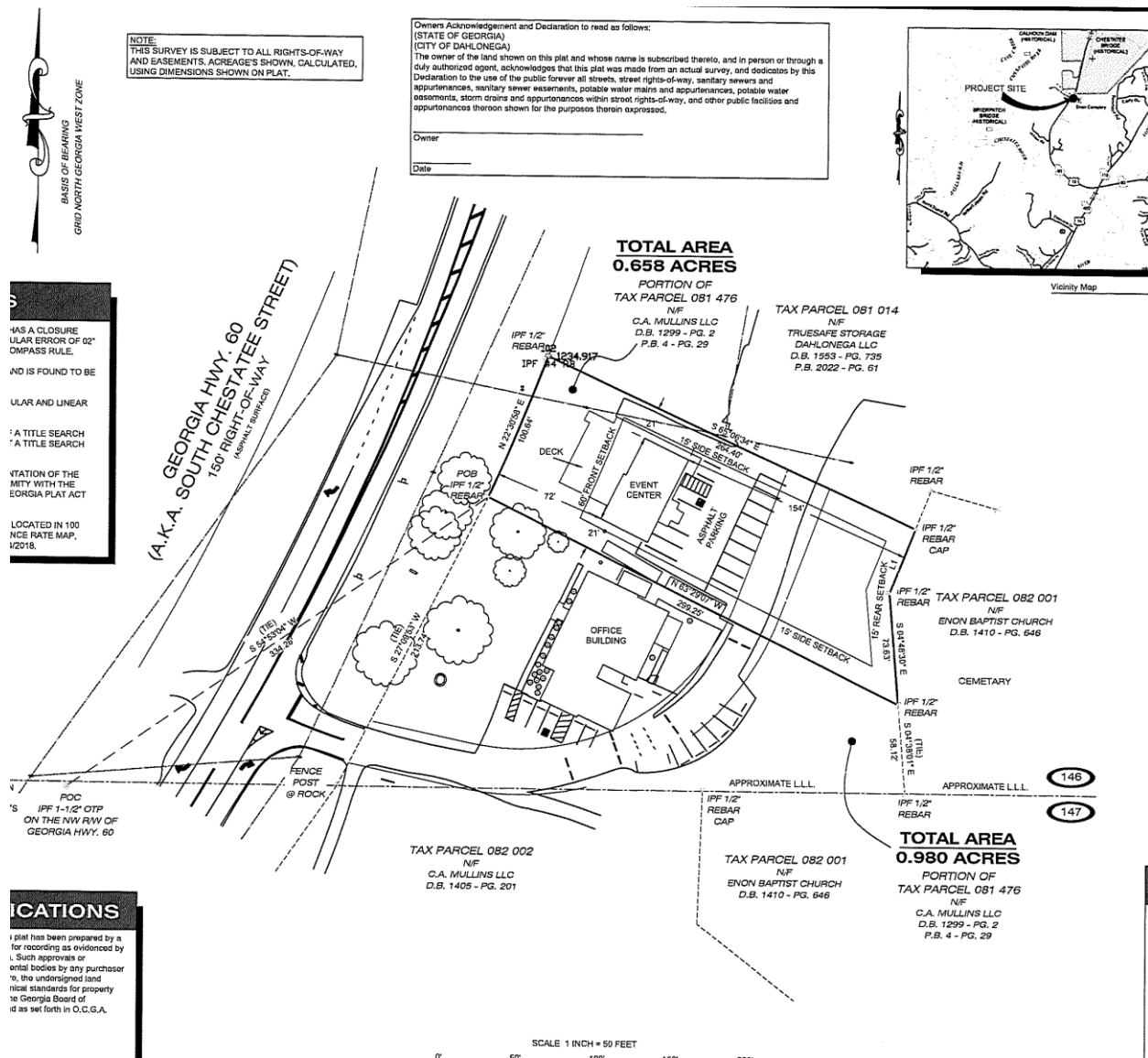
The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.*

The variance is for approximately 10 feet and does not ask for building construction but asks for deck usage.

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.*

This usage is completely congruent with the land use contemplated.

Applicant's Letter/ Response to Variance Criteria (4 of 4)





Agenda Memo

DATE: 7/7/2026
TITLE: Ordinance 2026-03
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2026-03 to Amend Chapter 22, Section 5. Noise Pollution of the City of Dahlonega code of ordinances.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motion to approve when action is to be taken.

ATTACHMENTS

Ordinance 2026-03

ORDINANCE 2026-03

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA BY ADOPTION OF AN AMENDMENT TO THE NOISE POLLUTION ORDINANCE

WHEREAS, the City Council desires to promote the public health, safety, and general welfare of the residents of the city; and

WHEREAS, the City Council wishes to protect public square area within the City from excessive noise pollution; and

WHEREAS, the City Council finds that noise pollution is distracting to pedestrians seeking to visit the downtown area, and substantially detracts from the vintage environment of the City; and

WHEREAS, the City Council further finds that there is a substantial need directly related to the public health, safety and welfare to address comprehensively these concerns through the adoption of this amendment to the noise pollution regulations.

NOW THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the Code of the City of Dahlonega, Georgia shall be amended, as detailed in the paragraphs set forth herein. This amendment is adopted with the express authority for Municode to renumber the ordinance sections based on their numbering system and to take other measures necessary for proper codification.

In Section 22-5. Noise pollution the following portions of the regulations shall be amended to read as follows:

“(c) Prohibited conduct.

(1) *Restrictions of 200 feet for 7:00 a.m. through 11:00 p.m. Sunday through Thursday and 7:00 a.m. through 12:00 midnight on Friday and Saturday.:*

a. *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 200 feet or more from the building, structure, outdoor location, or motor vehicle or, in the case of real property, beyond the property limits, in which it is located, whichever is farthest. Neither shall any person within said hours and times use or cause to be used a sound amplifying device or equipment on any part of the public sidewalks, rights of way or other public property located in the Public Square area of Dahlonega for the amplification of the human voice, music or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed or include warning devices, sounds emitting from authorized emergency vehicles, automobile horns or other warning devices on any vehicle used for traffic safety purposes. Sounds occurring during an authorized special event are also excluded as well as sounds emanating from any City of Dahlonega approved or sponsored activity. The Public Square area of Dahlonega is defined as that area located within the B3 Zoning District.”

and

“(2) *Restrictions of 100 feet for 11:00 p.m. through 7:00 a.m. Sunday through Thursday and 12:00 midnight through 7:00 a.m. on Saturday and Sunday.*

- a. *Mechanical sound-making devices.* It is unlawful for any person to play, use, operate, or permit to be played, used, or operated any radio receiving device, television, stereo, musical instrument, phonograph sound amplifier or other machines or devices for the producing, reproducing or amplifying of sound and/or noise at such a volume and in such a manner so as to create, or cause to be created, any noises or sounds which are plainly audible at a distance of 100 feet or more from the building, structure, outdoor location, or motor vehicle or, in the case of real property, beyond the property limits, in which it is located, whichever is farthest. Neither shall any person within said hours and times use or cause to be used a sound amplifying device or equipment on any part of the public sidewalks, rights of way or other public property located in the Public Square area of Dahlonega for the amplification of the human voice, music or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed or include warning devices, sounds emitting from authorized emergency vehicles, automobile horns or other warning devices on any vehicle used for traffic safety purposes. Sounds occurring during an authorized special event are also excluded as well as sounds emanating from any City of Dahlonega approved or sponsored activity. The Public Square area of Dahlonega is defined as that area located within the B3 Zoning District.”

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that if any portion of this Ordinance is for any reason found to be invalid or unconstitutional by the final decision of any tribunal of competent jurisdiction, it is the intention of the City Council of Dahlonega that the remainder of this Ordinance shall be in full force and effect.

So ordained and effective this ____ day of _____ 2026.

Sam Norton, Mayor

Attest: Rhonda Hansard, City Clerk



Agenda Memo

DATE: 7/7/2026
TITLE: Ordinance 2026-02
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Ordinance 2026-02 to Amend Chapter 123, Section 8. Holiday Lighting of the City of Dahlonega code of ordinances.

HISTORY/PAST ACTION

None.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motion to approve when action is to be taken.

ATTACHMENTS

Ordinance 2026-02

ORDINANCE 2026-02

**AN ORDINANCE TO AMEND THE CODE OF THE CITY OF DAHLONEGA BY ADOPTION
OF AN AMENDMENT TO THE SIGN ORDINANCE**

WHEREAS, the City Council desires to promote the public health, safety, and general welfare of the residents of the city; and

WHEREAS, the City Council finds that uniformity of lighting adds to the overall ambiance of the downtown area.

NOW THEREFORE, be it ordained, and it is so ordained by the authority of the City Council of Dahlonega, that the Code of the City of Dahlonega, Georgia shall be amended, set forth herein. This amendment is adopted with the express authority for Municode to renumber the ordinance sections based on their numbering system and to take other measures necessary for proper codification.

Section 123-8(f) shall be amended to read as follows:

“(f) Holiday lighting. In the B-3 and CBD zoning districts. Only holiday lighting in the form of white/clear outdoor lighting approved by a nationally recognized certification organization is permitted in the B3 and CBD zoning districts without a Dahlonega Historic Preservation Commission Certificate of Appropriateness. More specifically, holiday lighting must meet the following standard: emit light that is on the Kelvin Color Temperature Scale within the range of 1,500K-3,200K. The time period during which holiday lighting is allowed is between October 20th and January 31st of the following year. Letters and/or words and/or phrases spelled and exhibited through the use of holiday lighting are not allowed. This paragraph applies exclusively to outdoor lighting and not the lighting inside the premises itself as long as the lighting is at least three feet away from the window. There is no restriction on holiday lighting other than in the B-3 and CBD zoning districts.”

Except as modified herein, The Code of the City of Dahlonega, Georgia, is hereby reaffirmed and restated. The codifier is hereby granted editorial license to include this amendment in future supplements of said Code by appropriate section, division, article or chapter. The City Attorney is directed and authorized to direct the codifier to make necessary minor, non-substantive corrections to the provisions of this Code, including but not limited to, the misspelling of words, typographical errors, duplicate pages, incorrect references to state or federal laws, statutes, this Code, or other codes or similar legal or technical sources, and other similar amendments, without necessity of passage of a corrective ordinance or other action of the Mayor and Council. The City Clerk shall, upon the written advice or recommendation of the city attorney and without the necessity of further council action, alter, amend or supplement any non-codified ordinance, resolution or other record filed in his or her office as necessary to effect similar non-substantive changes or revisions and ensure that such public records are correct, complete and accurate.

BE IT ORDAINED by the City Council of Dahlonega, and it is ordained by authority of the same, that if any portion of this Ordinance is for any reason found to be invalid or unconstitutional by the final decision of any tribunal of competent jurisdiction, it is the intention of the City Council of Dahlonega that the remainder of this Ordinance shall be in full force and effect.

So ordained and effective this ____ day of _____ 2026.

Sam Norton, Mayor

Attest: Rhonda Hansard, City Clerk

DRAFT