



LUMPKIN COUNTY
Board of Commissioners
Appeal Hearing Minutes
Commissioners Boardroom
99 Courthouse Hill
Dahlonega, GA 30533

February 17, 2026
4:30 PM

CALL TO ORDER

The meeting was called to order at 4:30 pm. Present were Chairman Chris Dockery and Commissioners Tucker Greene, Bobby Mayfield, Rhett Stringer, and Jeff Moran.

CONSIDERATION OF AGENDA

APPEAL HEARING

1. Appeal of Planning Commission Denial of a request for Multifamily Dwelling at 725 Old Kerns Road
Community Development Director Vanessa McGrath read aloud the minutes from the 1/12/2026 Planning Commission meeting and the applicable code sections pertaining to this appeal. Chairman Dockery then read aloud the procedural rules for the appeal hearing.

There was a brief break from 4:42 pm to 4:48 pm.

Mr. Wilcox, the appellant, said he and his wife purchased this property in 2019 and obtained a permit to build in 2024. The foundation and septic were already there, but Mr. Wilcox said they didn't know much about it. He said a friend obtained the permit for him, and he was unaware it wasn't the correct permit. He then received a stop-work order and was told to do a modification to the septic system, and then Lumpkin County Environmental Health approved the new septic. Mr. Wilcox said after several visits from Planning, he fixed multiple issues and got the property re-platted. He said there is no doubt that he made some mistakes during this process, but he spent thousands fixing everything. With each issue, Planning provided him with a course of action to fix it.

Chairman Dockery asked him if there was any time he had been issued a stop-work order and continued to work. Ms. McGrath stated that a stop-work order was issued on May 8. Mr. Wilcox said when the first stop-work order was issued, David at Planning told him he could finish the sidewalk, but not to do anything else. Chairman Dockery asked him if May 8 was the stop-work order, and if he applied for a single-family home permit that same day? Ms. McGrath said that the stop work order was issued for a non-permitted structure, then someone went later that day and applied for a single-family dwelling permit, according to this timeline. There was some back-and-forth about the timeline of the permits, but Ms. McGrath explained there was an older permit for a garage, and then the single-family home

permit was applied for in January of 2025. Mr. Wilcox said that the non-permitted structure was his shop/shed building, which he obtained a permit for in June. He said he isn't blaming anyone, and a lot of this is his fault, but you would think that in nine trips from the Planning Department, they would have said something sooner.

Chairman Dockery said in Georgia, you cannot build a structure to rent, lease, or sell unless you have a licensed contractor. The only exception is if you are building the home for yourself to live in. To clear up some of the confusion, Ms. McGrath read aloud the timeline of the Planning Department's actions regarding this property. Commissioner Greene asked for clarification: On January 23, what happened with the permit? Ms. McGrath said it was formerly a garage and was changed to single-family on that same day.

Chairman Dockery brought up the multifamily dwelling application, which was dated 11/26/2025. The document says "existing use single family, requested use multifamily dwelling." It also says the purpose is rental. The Chairman said he doesn't understand how Mr. Wilcox intended for this to be a rental if he didn't have a licensed contractor. Mr. Wilcox said a lot of the confusion seems to be about the garage permit. The original house permit is 14314, and there were two structures on this property when we bought it, he stated. He and his wife turned the garage into a one-bedroom single-family dwelling. There was a separate permit for that first residence, and then a permit for his shop/shed. The first structure was the garage-turned-house. Commissioner Moran asked if the home was occupied without a Certificate of Occupancy (CO)? Mr. Wilcox said yes, his son and his son's wife live there because they didn't have anywhere else to live.

Planning Commission Chairman David Woodward then addressed the BOC. He said they heard about this in January, and the requirement for the multifamily dwelling wasn't done. There were stop-work orders issued in January and May, and Mr. Wilcox ignored multiple messages from former Planning Director Rebecca Mincey. That was the basis for the Planning Commission's denial, he said. Commissioner Mayfield said he isn't a homebuilder or developer, but he does know how to use the internet. He looked at our Code of Ordinances online, and it says in Sec. 26-609(b): Civil penalties: Any person violating any provision of this article shall be liable for a civil penalty of not less than \$100.00 per day or not to exceed \$500.00 per day. Each day the violation continues shall constitute a separate violation. Commissioner Mayfield said that clock started ticking as soon as the stop work order was issued.

Commissioner Greene asked if the last stop work order was on May 8, and if there was one in January as well. Mr. Woodward said yes. Commissioner Mayfield said it sounds like Mr. Wilcox was thinking, "What kind of permit can I get based upon the work I've done," instead of "What permit do I need to build this?" He should have gotten the permit first, not after he had already started building. Mr. Woodward said we saw separate HVAC units, separate panels, and physical separation in the building with no access. The intent was clearly multifamily. Chairman Dockery said the application also says the intended purpose is to be a rental.

Mr. Wilcox said he is only aware of one stop-work order. If the second stop-work order

came during the final inspection, he doesn't know what date that was. Commissioner Mayfield said if the stop-work order was rescinded, there should be documentation of that. Mr. Wilcox said he thinks he did not get any more stop-work orders after the septic modification was approved. Commissioner Mayfield asked him if a fine was assessed, and Mr. Wilcox said he thought they would make him pay any outstanding fines at the end. Chairman Dockery said Mr. Wilcox obtained a temporary power pole permit on March 5, 2025, and the final inspection was done on May 7. Ms. McGrath said the garage permit was turned into a single-family house permit on January 23, 2025. Chairman Dockery said there was a stop-work order issued on May 8 for a non-permitted structure. Was that the shop/shed? Ms. McGrath replied no, it was the duplex/multifamily dwelling.

There was some discussion over what exactly was being inspected at the visits. Commissioner Mayfield said it sounds like we went out to inspect one thing, and then we found the non-permitted multifamily dwelling. Mr. Wilcox clarified that there are three structures: the garage-turned-house, the shop/shed, and the multifamily dwelling. The Chairman said it sounds like the first house and the shop are irrelevant; the issue is the non-permitted duplex. Mr. Wilcox said they informed him that the initial permit was incorrect, so they told him he would need a new one. Commissioner Mayfield said doesn't our permit process document who the contractor is? Ms. McGrath said an owner can permit a single-family home without a contractor, but they have to sign an affidavit that they will live in it for three years. Commissioner Greene said it sounds like we went out to inspect one building and found a new building. Ms. McGrath said we didn't go out for an inspection, but he pulled a third permit for his shop, and we went out for that. It was at that point that they found people living in the non-permitted duplex.

Commissioner Mayfield said he stands behind the Planning Commission; they have been fair and equitable to everyone. Commissioner Greene said he can't even fully wrap his head around how we got to this point. Commissioner Moran said the thing that sticks out to him is the fact that it was occupied without a CO. Commissioner Mayfield said it seems to be a pattern: do it, then ask for permission later. Chairman Dockery said there were a lot of issues: an incorrect permit, no licensed contractor, and occupation without a CO. He said Mr. Wilcox should have had a licensed contractor.

Motion: Chairman Dockery moved to uphold the Planning Commission's decision. His motion was seconded by Commissioner Mayfield, and it was approved unanimously.

ADJOURNMENT

Motion: Chairman Dockery moved to adjourn the meeting and was seconded by Commissioner Mayfield. The motion was approved unanimously, and the meeting ended at 5:24 pm.