



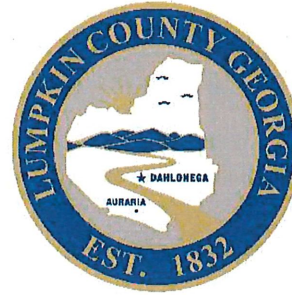
LUMPKIN COUNTY Board of Commissioners

Appeal Hearing Agenda
**Commissioners Boardroom
99 Courthouse Hill
Dahlonega, GA 30533**

**October 5, 2023
4:15 PM**

- **Call to Order**
- **Appeal Hearing**
Appeal for Planning Commission Denial of Building Setback Variance Request for Proposed House at 247 Perkins Road
- **Adjournment**

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



October 5, 2023
4:15 PM

Call to Order

The meeting was called to order at 4:57 pm. Present were Chairman Chris Dockery and Commissioners Tucker Greene, Bobby Mayfield, and Jeff Moran. Commissioner Rhett Stringer was absent.

***Motion:** Commissioner Moran moved to approve the agenda and was seconded by Commissioner Greene. The motion was approved and carried.*

Appeal Hearing

Appeal for Planning Commission Denial of Building Setback Variance Request for Proposed House at 247 Perkins Road
Chairman Dockery explained the purpose of the hearing. Rebecca Mincey provided the background of the variance request by reading aloud the minutes of the Planning Commission meeting where the request was initially denied, and she read aloud the appeal request letter from the applicant, Jarrod Hatcher. In his letter, Mr. Hatcher is requesting a 30-foot reduction on the front setback of the property, which will enable him to build a home in the same footprint of the mobile home that was there for many years. Mr. Hatcher argues in his letter that due to the unique topography of the parcel, it would be a hardship to build a home on the steep slope per the required 50-foot setback. Mr. Hatcher hopes to build a single-level home without the added cost and complexity of a two-story building.

Chairman Dockery read aloud the purpose of a variance request, which is to provide relief when regulations impose difficulties or hardships based upon certain factors, such as the size, shape, or dimension of a site, the location of existing structures, and geographic conditions of a site. No variance will be granted for self-imposed hardships. He then read the procedural rules for the hearing.

Applicant Jarrod Hatcher spoke first, briefly summarizing the reason for his variance request. He said he believes the Planning Commission denied his request due to a misunderstanding. He also expressed his concern that a member of the Planning Commission who happens to be an adjoining landowner did not recuse himself from this item when it was discussed at their September meeting. Mr. Hatcher said if he had requested this within two years of the removal of the mobile home, it would not have required a variance.

Commissioner Moran said it would be helpful to see a site plan with everything marked, and Chairman Dockery agreed. Mr. Hatcher said Charles Trammell and Jenna Ritter both have visited the site, but the Commissioners are welcome to come look. The Chairman explained that setbacks are generally created for safety, utilities, and aesthetics. Typically, subdivisions only require a 30-foot setback while homes on County roads require 50-foot. He asked Mr. Trammell what the reasoning for this is, and Mr. Trammell replied it is a safety issue. County roads will have a higher speed limit, so you don't want people backing out onto the road from their driveway. The Commissioners then discussed the exact width of the right-of-way for this road, as Commissioner Mayfield said it appeared to be a prescriptive easement, meaning the land was not deeded to the County. Commissioner Moran asked Mr. Hatcher if there was anywhere else he could put the home, but he replied no. Chairman Dockery then allowed any citizens in opposition to the variance to speak. Derek Runyon spoke about the conditions on Dry Hollow Road and Perkins Road. He said Dry Hollow is a one-lane road with a 35-mph speed limit, but you cannot safely go that fast. He said he has recently had near-collisions with someone driving down the road on a motorcycle.

Appeal Hearing
October 5, 2023

Chairman Dockery asked him if the problem is that the volume of traffic is too high for the width of the road, and Mr. Runyon said it is the size/width of the road. He said he hasn't seen any site plans, and he said Mr. Hatcher could build with the topography, it is just a matter of cost. He said his main concern is safety.

David Woodward explained he is in a partnership that owns land adjacent to Mr. Hatcher. There are 16 homes on Dry Hollow Road, which is contiguous to Perkins Road, and traffic often comes from Dry Hollow down to Perkins. Mr. Woodward encouraged the Commissioners to look at the site. He said he does applaud Mr. Hatcher for cleaning up the site, but he does not think it is ideal for a new home.

Chairman Dockery read the definition of a setback according to the American Planning Association. Setbacks have traditionally been used for purposes such as sanitation, fire safety, stormwater, and aesthetics. Setbacks also play an important role in safety and quality of life, which can affect everyone who interacts with that space. Chairman Dockery said he would like an opportunity to view the site, and he encouraged the other Commissioners to do the same. The BOC can then be prepared to make a decision at the regular meeting in two weeks.

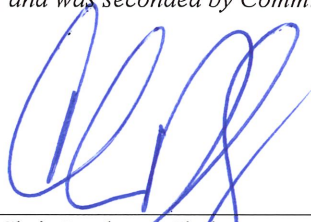
Commissioner Greene brought up the possibility of widening the road, but Charles Trammell said it would require about 5 or 6 additional feet on each side. If this is a prescriptive easement, Chairman Dockery said the taxpayers would have to purchase property on both sides. There is no room within the prescriptive easement to widen the road, and it would cost thousands for the County to purchase the right-of-way.

Adjournment

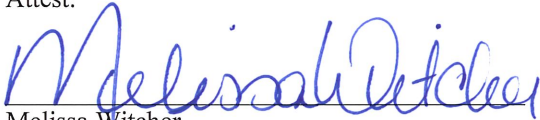
***Motion:** Commissioner Mayfield moved to adjourn the meeting and was seconded by Commissioner Greene. The motion was approved and carried.*

The meeting ended at 5:51 pm.

November 21, 2023
Date


Chris Dockery, Chairman
Lumpkin County Board of Commissioners

Attest:


Melissa Witcher
Clerk, Lumpkin County