



CITY OF DAHLONEGA

Board of Zoning Appeals Special Called Meeting Agenda

August 03, 2026, 6:00 PM

Gary McCullough Chambers, Dahlonega City Hall

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

- (1.) Special Called Meeting of March 2, 2026
Rhonda Hansard, City Clerk
- (2.) Public Hearing of July 20, 2026
Rhonda Hansard, City Clerk

V. OLD BUSINESS

VI. NEW BUSINESS

- (1.) 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.
Doug Parks, City Attorney
- (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 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction.
Doug Parks, City Attorney

VII. ADJOURNMENT



CITY OF DAHLONEGA

Board of Zoning Appeals Special Called Meeting Minutes

March 02, 2026, 6:00 PM

Gary McCullough Chambers, Dahlonaga City Hall

On Monday, March 2, 2026, at 6:01 p.m. in the Gary McCullough Chambers at Dahlonaga City Hall, the Dahlonaga Board of Zoning Appeals held a Special Called Meeting with the following persons present: Johnny Ariemma - Member, Lance Bagley - Member, Dan Brown - Member, Tony Owens, Member, Ryan Reagin - Member, Ross Shirley - Mayor Pro Tem / Member, Sam Norton - Mayor, Allison Martin - City Manager, Doug Parks - City Attorney, and Rhonda Hansard - City Clerk.

I. CALL TO ORDER

II. PLEDGE OF ALLEGIANCE TO THE AMERICAN FLAG

III. APPROVAL OF AGENDA

IV. APPROVAL OF MINUTES

(1.) *Public Hearing of December 15, 2025*
Rhonda Hansard, City Clerk

(2.) *Special Called Meeting of December 15, 2025*
Rhonda Hansard, City Clerk

(3.) *Public Hearing of February 16, 2026*
Rhonda Hansard, City Clerk

V. OLD BUSINESS

VI. NEW BUSINESS

(1.) *BZA 25-06: Leland Cox, applicant and property owner, seeks a variance to the Dahlonaga Zoning Ordinance, Article XX, Minimum Dimensional Requirements, Section 2001, minimum setback requirements by zoning district (in feet), to reduce the principal building front setback required by the R-1, Single-Family Residential District from 35 to 15 feet for property (1.03 acre +/-) fronting on Shamans Way (Map/Parcel 062B 096). Proposed use: Detached, single-family dwelling.*
Doug Parks, City Attorney

VII. ADJOURNMENT

Mayor Norton called the Special Called Meeting to order at 6:01 p.m. with all members present.

The Pledge of Allegiance to the American Flag was led by Councilman Reagin.

APPROVAL OF AGENDA

No Board action was taken.

APPROVAL OF MINUTES

There was a motion by Councilman Reagin and a second by Councilman Shirley to approve the Public Hearing of December 15, 2025 Minutes; the Special Called Meeting of December 15, 2025 Minutes; and, the Public Hearing of February 16, 2026 Minutes.

- (1.) Public Hearing of December 15, 2025**
- (2.) Special Called Meeting of December 15, 2025**
- (3.) Public Hearing of February 16, 2026**

Motion carried unanimously.

OLD BUSINESS

NEW BUSINESS

- (1.) BZA 25-06: Leland Cox, applicant and property owner, seeks a variance to the Dahlonge Zoning Ordinance, Article XX, Minimum Dimensional Requirements, Section 2001, minimum setback requirements by zoning district (in feet), to reduce the principal building front setback required by the R-1, Single-Family Residential District from 35 to 15 feet for property (1.03 acre +/-) fronting on Shamans Way (Map/Parcel 062B 096). Proposed use: Detached, single-family dwelling.**

There was a motion by Councilman Shirley and a second by Councilman Ariemma to deny BZA 25-06, an application by Leland Cox (applicant and property owner) seeking a variance to the Dahlonge Zoning Ordinance, Article XX, Minimum Dimensional Requirements, Section 2001, minimum setback requirements by zoning district (in feet), to reduce the principal building front setback required by the R-1, Single-Family Residential District from 35 to 15 feet for property (1.03 acre +/-) fronting on Shamans Way (Map/Parcel 062B 096) for a proposed detached, single-family dwelling.

Motion carried unanimously.

ADJOURNMENT

There was a motion by Councilman Bagley and a second by Councilman Reagin to adjourn the Special Called Meeting.

Motion carried unanimously, and the Special Called Meeting was adjourned at 6:04 p.m.



CITY OF DAHLONEGA

Board of Zoning Appeals Public Hearing Minutes

July 20, 2026, 4:00 PM

Gary McCullough Chambers, Dahlonaga City Hall

On Monday, July 20, 2026, at 4:00 p.m. in the Gary McCullough Chambers at Dahlonaga City Hall, the Dahlonaga Board of Zoning Appeals held a Public Hearing with the following persons present: Johnny Ariemma - Member, Lance Bagley - Member, Dan Brown - Member, Tony Owens, Member, Ryan Reagin - Member, Ross Shirley - Mayor Pro Tem / Member, Sam Norton - Mayor, Doug Parks - City Attorney, and Rhonda Hansard - City Clerk.

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. PUBLIC HEARING

- (1.) *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.
Doug Parks, City Attorney*
- (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 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction.
Doug Parks, City Attorney*

IV. ADJOURNMENT

Mayor Norton called the Public Hearing to order at 4:00 p.m. with all members present.

APPROVAL OF AGENDA

There was a motion by Councilman Shirley and a second by Councilman Reagin to approve the Agenda as presented.

Motion carried unanimously.

PUBLIC HEARING

- (1.) **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.**

Doug Parks, City Attorney, addressed the Council and introduced Public Hearing (1.) [BZA 25-1].

Attorney Parks declared the Public Hearing open.

Speaking in favor:

Jessica Jones (Applicant)

Speaking in opposition:

None

Attorney Parks declared the Public Hearing closed.

No Board 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 (Tax Parcel 081-476) to allow the placement of a deck structure. Requested is a ten-foot reduction.**

Doug Parks, City Attorney, addressed the Council and introduced Public Hearing (2.) [BZA 26-1].

Attorney Parks declared the Public Hearing open.

Speaking in favor:

Steven Leibel (Applicant)
Jim Gribben

Speaking in opposition: None

Steven Leibel, Applicant, provided summary remarks and held a discussion with the Council. Mr. Leibel confirmed that he would be agreeable to the Certificate of Occupancy being withheld until the property is platted.

Attorney Parks declared the Public Hearing closed.

No Board action was taken.

ADJOURNMENT

There was a motion by Councilman Ariemma and a second by Councilman Brown to adjourn the Public Hearing.

Motion carried unanimously, and the Public Hearing was adjourned at 4:24 p.m.



Agenda Memo

DATE: 8/3/2026
TITLE: BZA 25-1
PRESENTED BY: Doug Parks, City Attorney
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

The Planning Commission at its public hearing on this matter recommended approval.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval.

SUGGESTED MOTIONS

Motions to approve.

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 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).

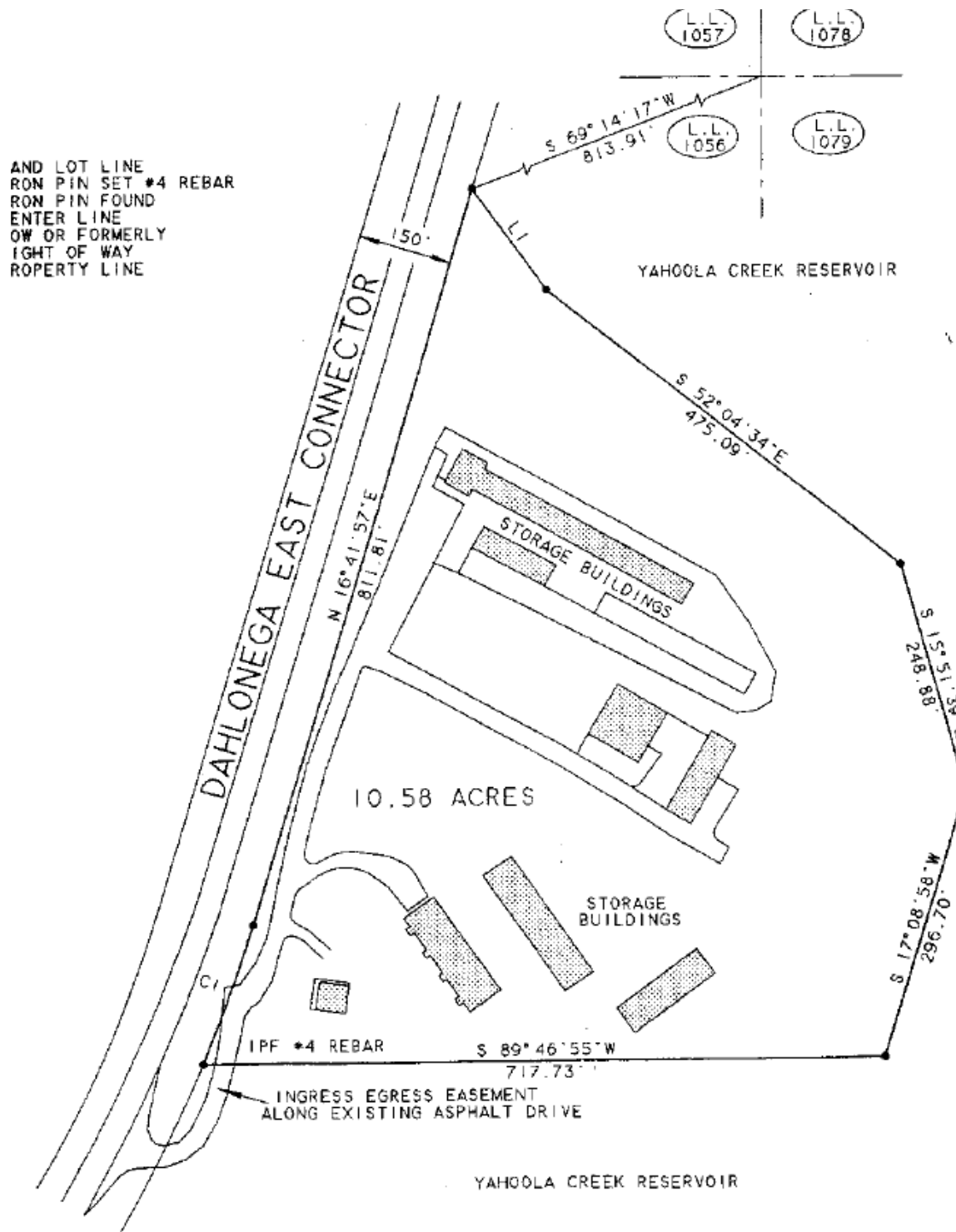
PROPERTY DESCRIPTION AND APPLICABLE REGULATIONS



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

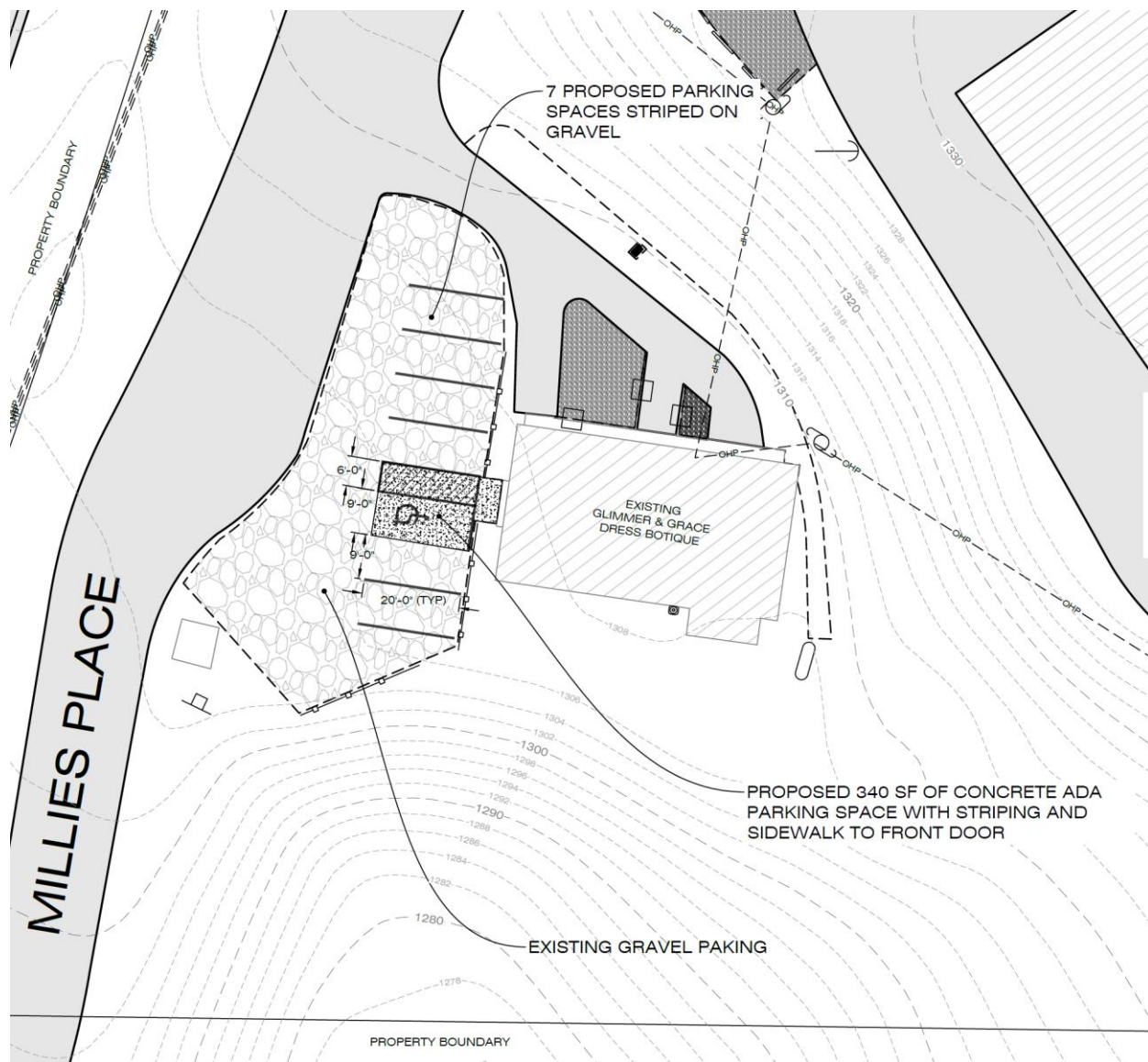
Summary of Information Provided by the Applicant

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 Dahlonega Planning
465 Riley Road
Dahlonega, 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 Dahlonega, Georgia. The property is zoned B-2. I would like to request a variance for Dahlonega, 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
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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"

***The red line shows the approximate leased area of the parent parcel of 127 Millie's Place. The Tenant is permitted to lease the approximately 1,270 SF building and parking surrounding the building. ***

BK=1232 PG=422



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Agenda Memo

DATE: 8/3/2026
TITLE: BZA 26-1
PRESENTED BY: Doug Parks, City Attorney
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

Approval with the following condition: 1. Prior to final approval, applicant shall submit to the City a plat separating the property into two parcels.

SUGGESTED MOTIONS

Conditional Approval.

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)

