



CITY OF DAHLONEGA

Board of Zoning Appeals Public Hearing Agenda

September 21, 2026, 4:00 PM

Gary McCullough Council Chambers, Dahlonega City Hall

I. CALL TO ORDER

II. APPROVAL OF AGENDA

III. PUBLIC HEARING

- (1.) [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 23-foot reduction.
Doug Parks, City Attorney

IV. ADJOURNMENT



Agenda Memo

DATE: 9/21/2026
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 23-foot reduction.

HISTORY/PAST ACTION

This matter was remanded to the Planning Commission by the Board of Zoning Appeals for further review now that the actual survey has been provided. The reduction requested now is twenty-three feet. The Planning Commission recommends approval with conditions.

FINANCIAL IMPACT

None.

RECOMMENDATION

Approval with any conditions recommended by the consultant.

SUGGESTED MOTIONS

Approval conditioned upon the applicant filing a minor plat application with the city for the 0.658-acre parcel and if approved, recorded with the Clerk of Superior Court. The variance should not be approved unless the subject 0.658-acre tract is a lot of record.

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: August 4, 2026 (revised)

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 (per revised survey) (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: Approval, conditional



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 a revised but unrecorded survey with as-built conditions, is not 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 has produced a plat of the property which will need to be recorded after gaining the city's approval as a minor final plat application.

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 (**supports request**). The subject tract is relatively small, at less than 0.7 acre, and the size does not provide for many options to expand the existing structure (**supports request**).

Consulting planner's finding: The subject 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 is not considered feasible to have an improvement related to the event center on the other side of the commercial driveway. This is an extraordinary condition (**support requests**) 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: The revised boundary survey shows the deck is 37 feet from the right of way of SR 60. 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 (at 37 feet) the deck would be close to meeting a 35-foot setback. There is no evidence that other property owners in B-2 zoning districts in the area have buildings or structures with less than the required 60-foot front setback abutting an arterial street (***does not support request***). However, given the configuration of the property and lack of available, alternative options for placement of the deck, it would be an unnecessary hardship imposed on the property owner if the variance request was denied (***tends to support 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: Since any property owner can file for a variance, it is not considered a special privilege denied to other properties in the B-2 zoning district. It is not considered a special privilege if the required minimum building setback on the front of the tract is reduced from 60 feet to 37 feet, since the reduction is close to being in line with the 35-foot minimum setback required for buildings and structures in B-2 zoning districts that front on a local rather than arterial street (***supports request***). Furthermore, the revised boundary survey shows the right of way for SR 60 is 150 feet at this location, which appears to be wider than a standard highway right of way of 100 feet. A narrower right of way would in effect increase the distance that the deck is set back (***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 unreasonably affect their value;***

Consulting planner's finding: The primary purpose of a larger minimum front building setback for a commercial building in a B-2 zoning district along an arterial street is to keep structures a safe distance from the arterial street right of way in the event the roadway has to be widened. It is unlikely that SR 60 will be widened at this location; therefore, a 35 to 37-foot front building setback is considered adequate and in harmony with the purpose of the zoning regulations. Reduction of the required minimum front building setback from 60 feet to 37 feet for the 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 need to locate the deck in the front yard is based on the configuration of the subject tract, and the lack of available alternative options for placing the

deck provides supporting grounds for approval of the requested variance. The applicant was not responsible for the size, shape and configuration of the subject tract (***supports request***). 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.

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 revised boundary survey shows the deck is 37 feet from the right of way of SR 60. This appears to be the minimum necessary to place the deck on the tract (***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: The request does not involve a use which is not permitted in the zoning district (***meets criterion***).

CONCLUSIONS AND RECOMMENDATION

For the BZA to grant a variance, the Dahlonaga 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 appear to meet all of the criteria needed for relief.

Consulting planner recommends that the variance application, if approved, be conditioned upon the applicant filing a minor final plat application with the city for the 0.658-acre parcel and if approved, recorded with the clerk of superior court. The variance should not be approved unless the subject 0.658-acre tract is a lot of record.

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

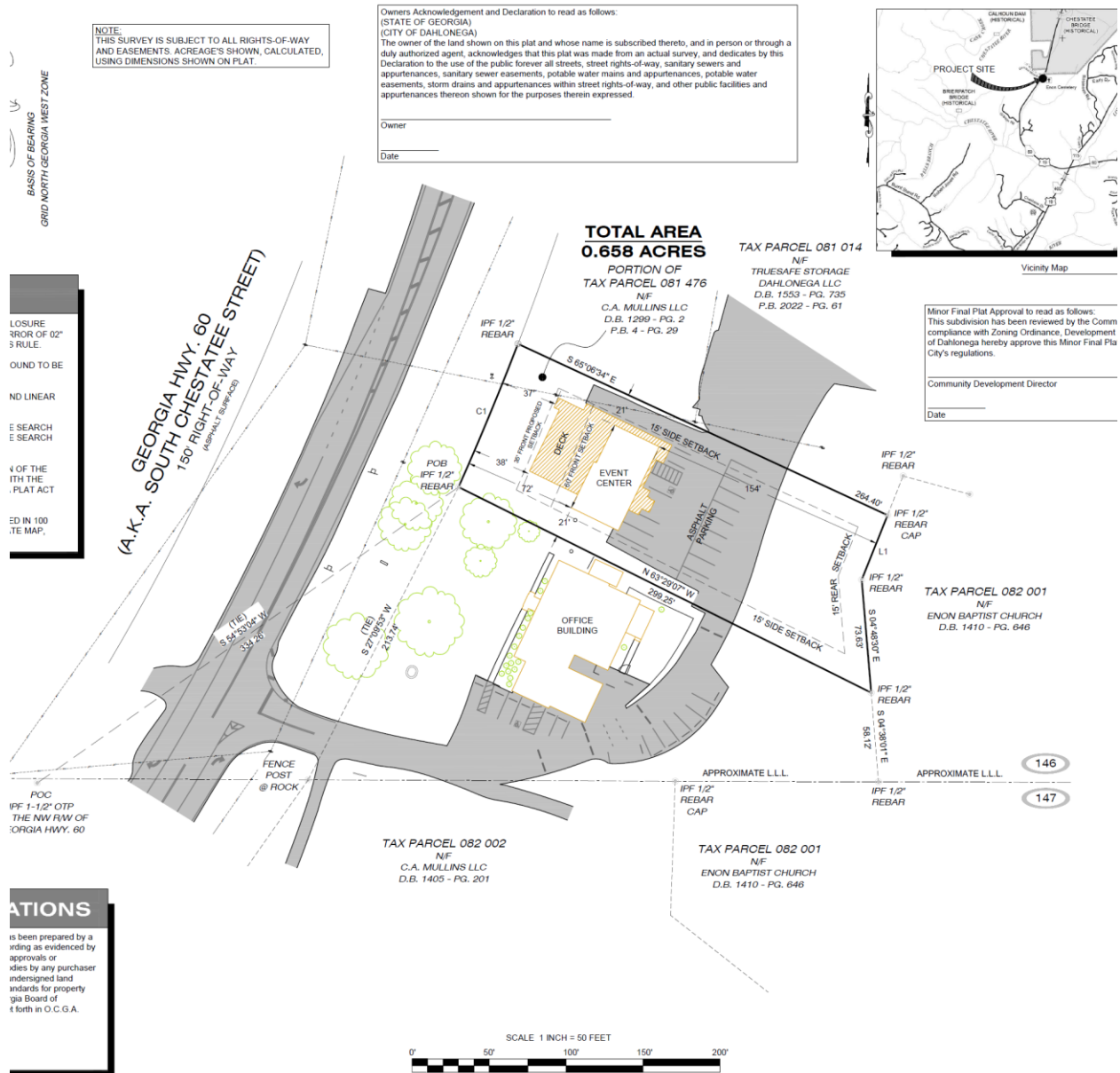
The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.*

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)



Revised Boundary Survey/ Site Plan Excerpt