

## Special Exception

### Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

In specific instances, an applicant may be entitled to present a request for a Special Exception before the Dunwoody Zoning Board of Appeals (ZBA). For instance, if an applicant cannot meet all the standards and regulations of the off-street parking or loading space requirements found in the city's Zoning Ordinance, that applicant may be entitled to present a request for a Special Exception pursuant to the provisions of the zoning ordinance.

You will need to complete and submit your Special Exception Application by the 1st Thursday of the month in order for the request to be heard at the next available scheduled meeting. The Zoning Board of Appeals meets the first Thursday of each month at 7:00 PM in the Council Chambers, located on the first floor at 41 Perimeter Center East, Dunwoody, GA 30346.

You must present your request to the Board in the form of a hardship that you will experience if the strict application of the zoning regulation is enforced. The process is very similar to the Zoning and Variance process, and when granting a Special Exception, the Zoning Board of Appeals may impose requirements and conditions to protect adjacent properties and the public interest. Any application for a Special Exception must be supported by written verification pursuant to the questions listed on the attached Special Exception Application Requirements.

Please fill out the attached application form, as well as the supplemental information as required in the attached Application Checklist.

# Special Exception Application Checklist

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- Completed application.
- Letter of Intent: Please describe your situation and why a special exception is needed.
- Electronic version of the entirety of your application submittal, saved as a single PDF.**
- Survey Plat of the subject property in accordance with the attached site plan checklist.
- Signed and notarized affidavits of all owners. Use attached sheet.
- Signed Campaign Disclosure Statement.
- Written legal description of the property.
- A prepared and sealed parking study by a registered professional engineer in the State of Georgia with expertise in parking and transportation demonstrating that the motor vehicle parking ratios of Sec. 27-202 do not accurately reflect the actual parking demand that can reasonably be anticipated for the proposed use (**parking or loading reductions only**).
- Site plan or a topographical map certified by an engineer or landscape architect (**retaining walls only**).
- Letter of Intent for Parking or Loading Reductions:** Please describe your situation and how your special exception request is a result of one or more of the following situations:
  - The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces; or
  - The lot upon which the building(s) is/are located is within one thousand (1,000) feet of the boundary of a MARTA Rapid Transit Station.
  - The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource.
  - The proposed reduced parking ratios are not likely to cause adverse impacts on traffic circulation and safety or on the surrounding area.
- Letter of Intent for Other Authorized Special Exceptions:** Please describe your situation and how your special exception request is a result of one or more of the following situations:
  - The grant of the special exception will not be detrimental to the public health, safety or welfare of the public or injurious to the property or improvements;
  - The requested special exception does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties; and
  - The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.
  - Determination that exceptional topographical restrictions exist on the lot in context with the adjoining property that were not created by the applicant or owner, and a determination that no practical alternative retaining wall design is feasible (**retaining walls only**).

# SPECIAL EXCEPTION APPLICATION



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Project #: \_\_\_\_\_ Date Received: \_\_\_\_\_ Phone: (678) 382-6800 | Fax: (770) 396-4828

**\* Type:**

Type of Request:  Parking or Loading Reduction  Retaining Wall Height  Other  
Code section enabling Special Exception: \_\_\_\_\_  
Nature of Request: \_\_\_\_\_

**\* Project:**

Name of Project / Subdivision: \_\_\_\_\_ Zoning: \_\_\_\_\_  
Property Address / Location: \_\_\_\_\_  
District: \_\_\_\_\_ Land Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Property ID: \_\_\_\_\_

**\* Owner Information:**

Owner's Name: \_\_\_\_\_  
Owner's Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**\* Applicant Information:**  Check here if same as Property Owner

Contact Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

**\* Terms & Conditions:**

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: \_\_\_\_\_  
Applicant's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**\* Notary:**

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_, 20\_\_\_\_  
Notary Public: \_\_\_\_\_  
Signature: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

**\* Office Use:**

Application Fee Paid  Sign Fee Paid (\$135 x number of signs required) Fee: \$ \_\_\_\_\_  
Payment:  Cash  Check  CC Date: \_\_\_\_\_  
 Approved  Approved w/ Conditions  Denied Date: \_\_\_\_\_

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# Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this application form is correct and complete. If additional materials are determined to be necessary, they understand that they are responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinances.

**\* Property Owner (If Applicable):**

Signature: _____ Date: _____
Address: _____
Phone: _____ Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____
Notary Public:

**\* Property Owner (If Applicable):**

Signature: _____ Date: _____
Address: _____
Phone: _____ Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____
Notary Public:

**\* Property Owner (If Applicable):**

Signature: _____ Date: _____
Address: _____
Phone: _____ Fax: _____ Email: _____
Sworn to and subscribed before me this _____ Day of _____, 20____
Notary Public:

# Campaign Disclosure Ordinance

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Campaign Disclosure Ordinance

**Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.**

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions

\*38069 Code, 36-67A-3

## **CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS**

(Current through 2000 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - 1) The name and official position of the local government official to whom the campaign contribution was made; and
  - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
  - 1) The name and official position of the local government official to whom the campaign contribution was made; and
  - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection ( c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

*Official Code of Georgia Annotated Copyright 1982 – 2000 State of Georgia.*

