

# VARIANCE APPLICATION

## Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338  
 Phone: (678) 382-6800 | Fax: (770) 396-4828

If for any reason you cannot meet all the standards and regulations of the Code of Ordinances, you may be entitled to present a request for a Variance before the Dunwoody Zoning Board of Appeals (ZBA). A Variance is a relaxation of the strict terms of the Zoning/Land Development/Sign Ordinances (such as building setbacks, number of parking spaces or other regulations) for a specific property to permit construction or use in a manner that would otherwise be prohibited because of the particular physical surroundings, shape or topographical conditions.

### Application Requirements:

Item #	Required Item	Number of Copies
1	Variance Application	1 electronic copy + 1 hardcopy
2	Property Owner Affidavit(s)	1 electronic copy
3	Campaign Disclosure Statement	1 electronic copy
4	Site plan and elevations (drawn to scale)	1 electronic copy + 2 hardcopies
5	Written legal description of the property	1 electronic copy
6	Site photos	1 electronic copy
7	Letter of Intent	1 electronic copy
8	Payment	Pay with cash, check or credit card

**Please submit the entirety of your application submittal electronically, saved as a single PDF.**

Unless otherwise noted, you will need to complete and submit your Variance Application by the 1st Tuesday of the month in order for the Variance request to be heard at the next available scheduled meeting. The Zoning Board of Appeals meets the first Thursday of each month at 6:00 p.m. in the Dunwoody City Hall, located at 4800 Ashford Dunwoody Road, Dunwoody, GA 30338.

Application Deadline	Meeting Date
January 2, 2019	March 7, 2019
February 5, 2019	April 11, 2019
March 5, 2019	May 2, 2019
April 2, 2019	June 6, 2019
May 7, 2019	July 11, 2019
June 4, 2019	August 1, 2019
July 2, 2019	September 5, 2019
August 6, 2019	October 3, 2019
September 3, 2019	November 2, 2019
October 1, 2019	December 5, 2019
November 5, 2019	January 9, 2020
December 3, 2019	February 6, 2020

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 process, and when granting a Variance, the Zoning Board of Appeals may impose requirements and conditions to protect adjacent properties and the public interest. Any application for a Variance must be supported by written verification pursuant to the questions below. If a variance application is denied, an application to vary the same zoning ordinance provision for the same portion of the subject property may not be resubmitted for 24 months from the date of the denial.

- **Letter of Intent for Zoning Variances (Chapter 27):** Please describe your situation and how your variance request is a result of all of the following conditions:

- 1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
- 2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;
- 3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
- 4) The requested variance 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;
- 5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
- 6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

- **Letter of Intent for Sign Variances (Chapter 20):** Please describe your situation and how your variance request is a result of all of the following conditions:

- 1) Where the proximity of existing signs on adjoining lots causes the subject property to be ineligible, due to spacing requirements, for a sign of the type sought; or
- 2) Where visibility of a conforming sign from the proposed street and within 50 feet of the proposed sign would be substantially impaired by existing trees, plants, natural features, signs, buildings or structures on a different lot; and
  - a. Placement of the sign elsewhere on the lot would not remedy the visual obstruction;
  - b. Such visibility obstruction was not created by the owner of the subject property; and
  - c. The variance proposed would not create a safety hazard to vehicular traffic or pedestrians.

Variances shall be limited to the minimum relief necessary to overcome the hardship. No variances shall be granted to allow a greater number of signs than would be allowed if the hardship did not exist. No variance shall transfer to a new owner or occupant of the property.

- **Letter of Intent for Land Development Variances (Chapter 16):** Please describe your situation and how your variance request is a result of all of the following conditions:

1. By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Article 14 would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;

2. By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;
  3. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;
  4. The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and
  5. The requested variances will not in any manner vary the provisions of the city zoning ordinance, the city comprehensive plan or the zoning map of the city.
- **Letter of Intent for Stream Buffer Variances (Chapter 16):** Please describe your situation and how your variance request is a result of all of the following conditions:
- 1) The request, while not strictly meeting the requirements of this chapter, will be, in the judgment of the zoning board of appeals, at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the zoning board of appeals must examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
    - a. Stream bank or soil stabilization;
    - b. Trapping of sediment in surface runoff;
    - c. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
    - d. Terrestrial habitat, food chain, and migration corridor;
    - e. Buffering of flood flows;
    - f. Infiltration of surface runoff;
    - g. Noise and visual buffers;
    - h. Downstream water quality; and
    - i. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.
  - 2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.
  - 3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.
  - 4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.
  - 5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.

# VARIANCE APPLICATION

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Project #: \_\_\_\_\_ Date Received: \_\_\_\_\_

**\* Type:**

Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 20-Signs  Chapter 27-Zoning

Code section from which variance is sought: \_\_\_\_\_

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: \_\_\_\_\_

## ADDITIONAL VARIANCES

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\* **Type:**

Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 20-Signs  Chapter 27-Zoning

Code section from which variance is sought: \_\_\_\_\_

Nature of Request: \_\_\_\_\_

\* **Type:**

Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 20-Signs  Chapter 27-Zoning

Code section from which variance is sought: \_\_\_\_\_

Nature of Request: \_\_\_\_\_

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Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 20-Signs  Chapter 27-Zoning

Code section from which variance is sought: \_\_\_\_\_

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Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 20-Signs  Chapter 27-Zoning

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Nature of Request: \_\_\_\_\_

\* **Type:**

Type of Request:  Chapter 16-Streams  Chapter 16-Other  Chapter 20-Signs  Chapter 27-Zoning

Code section from which variance is sought: \_\_\_\_\_

Nature of Request: \_\_\_\_\_

**Property Owner(s)  
Notarized Certification**

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The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

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

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

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

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

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

Owner Name: _____
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.*

## Campaign Disclosure Statement

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Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?
 
 YES    NO

**\* Applicant / Owner:**

Signature: _____	Date: _____
Address: _____	

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount