

Variance Application

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 (See Page 7)	1 electronic copy
2	Property Owner Notarized Affidavit(s) (See Page 9)	1 electronic copy
3	Campaign Disclosure Statement (See Page 10-11)	1 electronic copy
4	Site plan and elevations (drawn to scale)	1 electronic copy
5	Written legal description/survey 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.

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.

Pre-Application Meeting Deadline	Application Deadline	Zoning Board of Appeals Meeting Date
October 24, 2023	November 7, 2023	January 4, 2024
November 21, 2023	December 5, 2023	February 1, 2024
December 19, 2023	January 2, 2024	March 7, 2024
January 23, 2024	February 6, 2024	April 4, 2024
February 20, 2024	March 5, 2024	May 2, 2024
March 19, 2024	April 2, 2024	June 6, 2024
April 23, 2024	May 7, 2024	July 11, 2024
May 21, 2024	June 4, 2024	August 1, 2024
June 18, 2024	July 2, 2024	September 5, 2024
July 23, 2024	August 6, 2024	October 10, 2024
August 20, 2024	September 3, 2024	November 7, 2024
September 17, 2024	October 1, 2024	December 5, 2024
October 22, 2024	November 5, 2024	January 2025 TBD
November 19, 2024	December 3, 2024	February 2025 TBD

Detailed Process and Instructions

Before the Pre-Application Meeting

- Review the application packet.
- Consult the Dunwoody Zoning Ordinance at library.municode.com/ga/Dunwoody
- Fill out the variance application (page 7).
- Prepare a preliminary site plan.
- Contact a Planner to schedule a Pre-Application Meeting. Contact information is online at dunwoodyga.gov.

Pre-Application Meeting

- The purpose of this meeting is to discuss the proposed project, determine the number and type(s) of variance request(s), as well as discuss the preparation of the Required Items (listed on page 1) in order to ensure a complete and quality application at the time of submittal.
- The Pre-Application meeting should take place at least two weeks in advance of, but no more than two months before, the target Filing Deadline.

Filing

- Prepare and compile all the Required Items, subject to what was discussed at the Pre-Application Meeting.
- Contact a Planner prior to filing.
- Submit a complete Application to the Planning and Zoning Division.
- The Application deadline is the first Tuesday of every month, by 4:00 pm.
- Staff will initiate a review and ask for more information if necessary, at which point the application may be put on an administrative hold until the application is determined complete and compliant—i.e. providing quality materials for all required items.
- Once it is determined that the application is acceptable, the applicant will be sent a Complete and Compliant Letter and the Variance process will be officially initiated.
- The Variance case will be added to an upcoming Zoning Board of Appeals (ZBA) meeting.

Before the Zoning Board of Appeals Meeting

Once the application is filed, Planning and Zoning staff will

- Prepare a legal notice for the newspaper
- Mail written notice to property owners within 500 feet
- Order and post signage on the subject property
- Prepare and post the staff memorandum, typically one week in advance of the meeting
- You should review the staff memorandum, which details the staff's recommendation to the Zoning Board of Appeals.

At the Zoning Board of Appeals Meeting

- A Planner will provide a brief presentation to the Board and present the staff recommendation.
- You will have 10 minutes to present your case to the ZBA, including any supporters speaking in favor of your request. You may save any remaining time for rebuttal to the opposition.

- The opposition will also have 10 minutes to speak.
- The ZBA will discuss and render its decision. The ZBA may approve, approve with conditions, or deny the request. The ZBA may also defer the case to another regularly scheduled meeting.

After the Zoning Board of Appeals Meeting

- Remove signage within 48 hours of the ZBA’s decision.
- Staff will prepare an official action letter stating the ZBA’s decision.
- Once in receipt of the action letter, you can proceed with obtaining any necessary permits.
- Please be aware that approval of a variance does not equate to approval of a permit. During the permitting process, you may be asked for additional information to ensure your compliance with all applicable zoning, building, stormwater, and fire safety regulations.

Failure to complete any of these events may result in an administrative hold, and the case will be rescheduled to a future filing cycle

Typical Sequence of Events

Week (approx.)	Activity & Timeframe
-1 to -2	Pre-Application meeting. Two weeks to two months prior to the filing deadline
1	Filing: Before 4:00 pm on the first Tuesday of the month
2	Initial review and issuance of Complete and Compliant Letter. If application is not complete, timeline is extended.
3-4	Public notice requirements completed by Staff
4-6	Preparation of Staff memorandum
7	Staff memorandum Posted
8	Zoning Board of Appeals Meeting: 1 st Thursday of each month
9	Action letter sent

Required Items

Site Plan and Elevations

- Site Plan and elevations must be to scale.
 - ‘To scale’ means the drawing is proportional to the real life element, i.e. one inch on paper represents 20 feet on the actual ground.
- The site plan needs to
 - accurately show all property lines
 - accurately represent the improvements that are proposed
 - at the discretion of staff, include topography, the location of any trees, and/or any other information deemed necessary for thorough analysis of the variance request
- The elevations, if necessary, must accurately represent the final product of what will be constructed.

Legal Description/Survey

A legal description is the written description of the property lines. A survey is a to-scale graphic representation of the existing conditions on the property. A legal description or survey can often be found in the closing documents from the purchase of the property or can be requested from a licensed surveyor.

Site Photos

The site photos should demonstrate the existing conditions of the lot, help illustrate any challenges specific to the property, and show the location of any proposed improvements.

Letter of Intent

The Zoning Board of Appeals (ZBA) utilizes a pre-determined set of criteria as a guide when deciding whether to approve or deny a variance request. Any application for a Variance must be supported by written verification, a letter of intent, pursuant to those criteria, which are listed in the Zoning Ordinance.

Note: 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. When granting a Variance, the Zoning Board of Appeals may impose requirements and conditions to protect adjacent properties and the public interest. If a variance application is denied, an application may not be resubmitted for 24 months from the date of the denial.

Listed below are the criteria, taken directly from the zoning ordinance, which you must address in your Letter of Intent.

- **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 16 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

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

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: 16-78 Minimum Stream Buffer Requirements

Nature of Request: Place a 10x12 wooden storage shed on the property

Project:

Name of Project / Subdivision: Kingsley

Zoning: R-100

Property Address / Location: 2420 Sandell Drive Dunwoody, GA

District: 18th

Land Lot: 373

Block: 12

Property ID: Block M unit 19

Owner Information:

Owner's Name: Stephen and Patricia Newton

Owner's Address: 2420 Sandell Drive, Dunwoody, GA

Phone: 404-386-5207

Fax: _

Email: snewton100@comcast.net

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 Public Notice Fee Paid (\$450) Fee: \$ _

Payment: Cash Check CC Date: _

Approved Approved w/ Conditions Denied Date: _

**VARIANCE
APPLICATION**

Community Development

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

Project #: _____ Date Received: _

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Property ID: Block M unit 19

Owner Information:

Owner's Name: Stephen and Patricia Newton

Owner's Address: 2420 Sandell Drive, Dunwoody, GA

Phone: 404-386-5207

Fax: _

Email: snewton100@comcast.net

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: Stephen M Newton

Applicant's Signature: *Stephen M Newton*

Date: July 1, 2024

Notary:

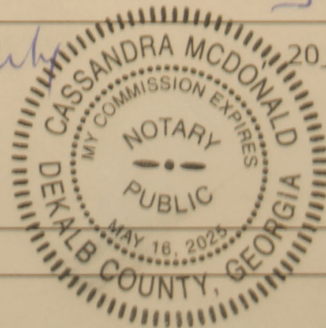
Sworn to and subscribed before me this _ 1st

Day of July 2024

Notary Public: Cassandra McDonald

Signature: *Cassandra McDonald*

My Commission Expires: May 14, 2025



Office Use:

Application Fee Paid Public Notice Fee Paid (\$450) Fee: \$

Payment: Cash Check CC Date: _

Approved Approved w/ Conditions Denied Date: _

ADDITIONAL VARIANCES

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

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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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 Affidavit

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

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: <u>Stephen M. Newton</u>		
Signature: _	Date:	
Address: <u>2420 Sandell Drive Dunwoody, GA</u>		
Phone: _ 404-386-5207	Fax: _	Email: <u>snewton100@comcast.net</u>
Sworn to and subscribed before me this	Day of	, 20_
Notary Public:		

Property Owner (If Applicable):

Owner Name: <u>Patricia P. Newton</u>		
Signature: _	Date:	
Address: <u>2420 Sandell Drive Dunwoody, GA</u>		
Phone: _ 770-313-3504	Fax: _	Email: <u>patsypr@aol.com</u>
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(s) Notarized Affidavit

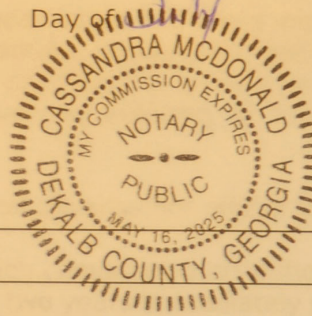
Community Development

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

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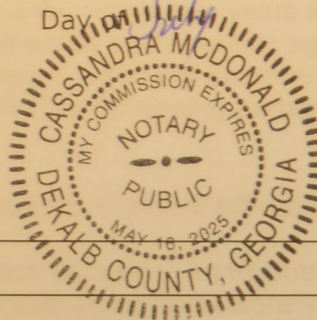
Property Owner (If Applicable):

Owner Name:	Stephen M. Newton		
Signature:	<i>Stephen M. Newton</i>	Date:	July 1, 2024
Address:	2420 Sandell Drive Dunwoody, GA		
Phone:	404-386-5207	Fax:	
		Email:	snewton100@comcast.net
Sworn to and subscribed before me this	1 st	Day of	July, 2024
Notary Public:	<i>Cassandra McDonald</i>		



Property Owner (If Applicable):

Owner Name:	Patricia P. Newton		
Signature:	<i>Patricia P. Newton</i>	Date:	July 1, 2024
Address:	2420 Sandell Drive Dunwoody, GA		
Phone:	770-313-3504	Fax:	
		Email:	patsypr@aol.com
Sworn to and subscribed before me this	1 st	Day of	July, 2024
Notary Public:	<i>Cassandra McDonald</i>		



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

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

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

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

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: <i>Stephen M Newton</i>	Date: June 24, 2024
Address: 2420 Sandell Drive Dunwoody, GA	

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

Date	Government Official	Official Position	Description	Amount

PROPERTY SURVEY FOR
STEPHEN & PATRICIA NEWTON

Of the property located at
2420 Sandell Drive
Being Lot 12 Block M Unit Nine
Kingsley Subdivision
Being in Land Lot 373 of the 18th District
City of Dunwoody, DeKalb County, Georgia

Prepared by:
NESBITT LAND SURVEYING, INC.
2239 Peachtree North Court
Dunwoody, Georgia 30338
770-458-4369

Date of field survey: 22 April 2024
Date of map preparation: 3 May 2024



The references used in preparation of this survey included:
Deed Book 8232 Page 295, and Plat Book 57 Page 135.

Monuments shown were honored as being in their correct locations.
Dimensions shown reflect the relative positions of the monuments found.
Dimensions shown in parentheses are from the Reference Plat.

The Property is Zoned as "R-100"
The Building Setbacks per Muni Code are:
Front = 40' (considered an arterial street)
Side = 20'
Rear = 40'
Side for Accessory Building = 10'
Rear for Accessory Building = 10'
Maximum Impervious area is 40%

The existing Impervious areas are:
Building: 1772.5 SF
Rear Screened Porch: 231.0 SF
Deck (old): 230.9 SF
Deck (new): 363.7 SF
Porch (front): 23.3 SF
Side walk: 107.8 SF
Driveway (includes area in R/W): 1073.1 SF
Total: 3822.3 SF± = 20.01% of Lot Area

Proposed addition: NEW SHED = 120 SF
Proposed Total: 3942.3 SF± = 20.64% of Lot Area

The field data upon which this plat is based has a closure precision of one foot in 27,330 feet and an angular error of +05" per angle point, and was adjusted using compass rule.

This map has been calculated for error and is found to be accurate within one foot in 104,912 feet.

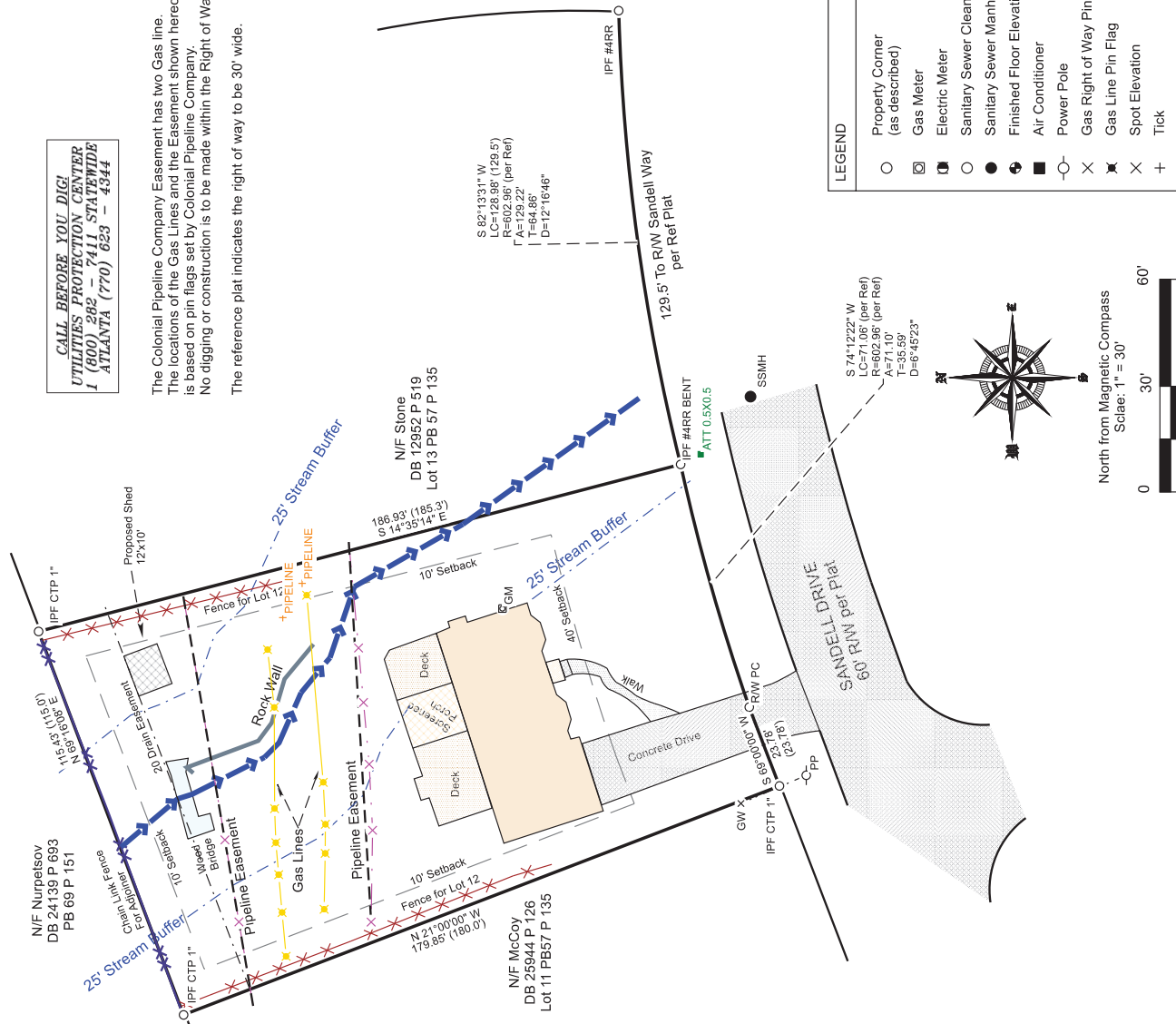
The area of this property is 0.439 acres (19,102.7 SF±).

The equipment used to obtain the linear and angular measurements used in the preparation of this map was a LEICA TCA 1100.

CALL BEFORE YOU DIG!
UTILITIES PROTECTION CENTER
J (800) 282 - 7411 STATEWIDE
ATLANTA (770) 623 - 4344

The Colonial Pipeline Company Easement has two Gas line.
The locations of the Gas Lines and the Easement shown hereon is based on pin flags set by Colonial Pipeline Company.
No digging or construction is to be made within the Right of Way.
The reference plat indicates the right of way to be 30' wide.

SANDELL Way
60' R/W per Plat



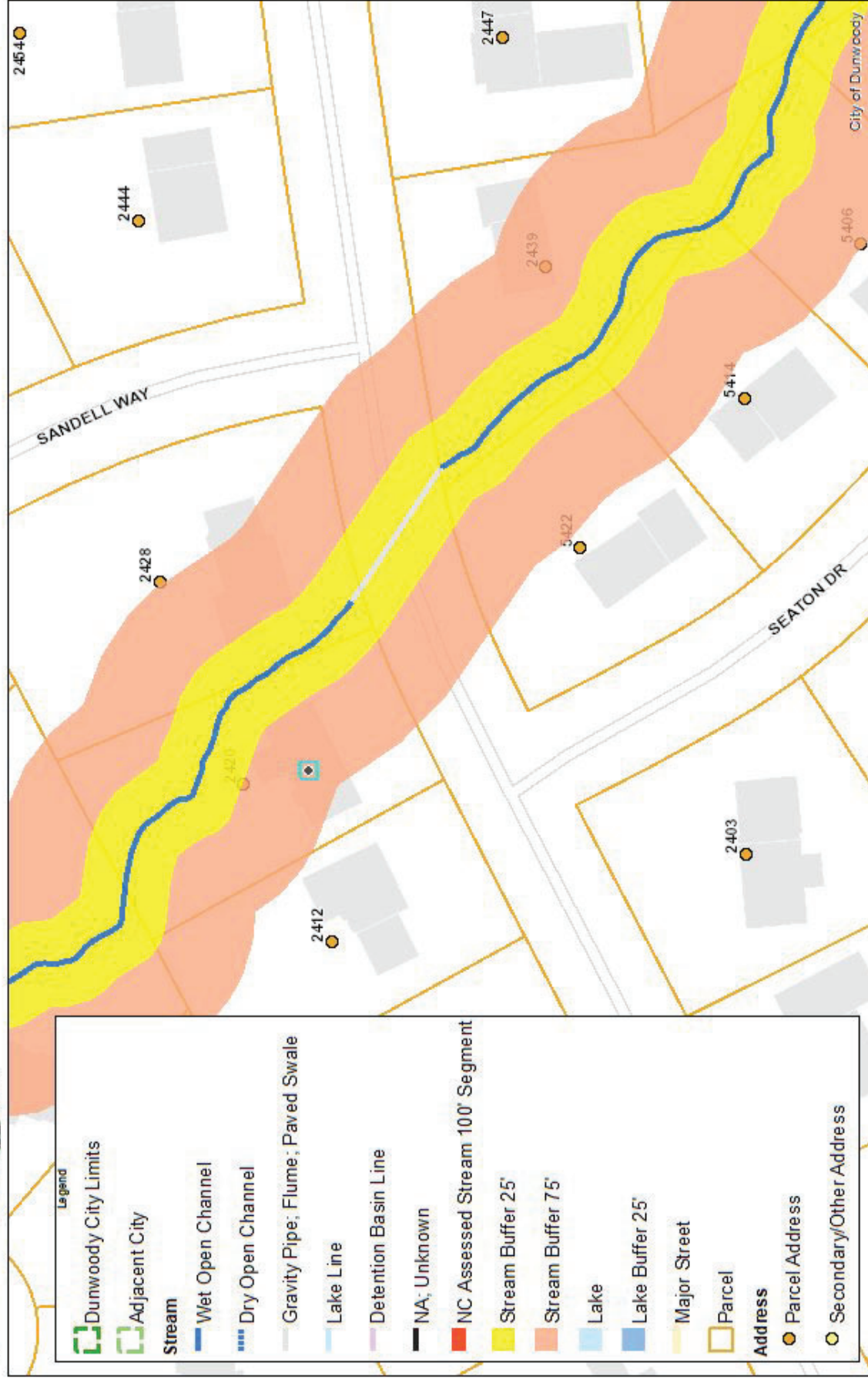
LEGEND

○	Property Corner (as described)
⊗	Gas Meter
⊕	Electric Meter
○	Sanitary Sewer Cleanout
●	Sanitary Sewer Manhole
⊖	Finished Floor Elevation
⊙	Air Conditioner
⊗	Power Pole
⊗	Gas Right of Way Pin Flag
⊗	Gas Line Pin Flag
⊗	Spot Elevation
+	Tick

22405



Dunwoody, GA
Dunwoody GIS



The City of Dunwoody does not warrant the accuracy or currency of the map provided and does not guarantee the suitability of the map for any purpose, expressed or implied.





A view of the back corner of the the lot where the potting shed will be placed.



Close up of location.

Steve and Patsy Newton

2420 Sandell Drive

Dunwoody, GA 30338

Letter of Intent for Zoning Variance

Stream Buffer Variance (Chapter 16)

The Owner respectfully requests approval to construct a potting shed at the rear of the existing residence. The construction of the potting shed will encroach the 75' buffer in the rear of the lot behind the residence and will add 120 square feet of impervious area to the lot within the stream buffer. The Owner proposes to mitigate the impact of this encroachment by capturing runoff generated by the project in a rain barrel. Since the proposed construction will not strictly meet the requirements of Chapter 16 the Owner proposes certain mitigation measures that will be at least as protective of natural resources and address the following:

a. The only disturbance within the buffer will be the installation of nine 8" diameter concrete footings to support the shed. Each footing will be 2' in the ground and one foot above ground. None of the footings are near the stream bank or in an area of steep slopes.

b. Temporary sediment barriers will be installed as required by the City to trap sediment in surface runoff.

c. The construction will not decrease the removal of nutrients, heavy metals, pesticides or other pollutants from the surface runoff.

d. Terrestrial habitat, food chain, and migration corridors will not be affected by the proposed construction.

e. The construction is well above the flood way and additional runoff will be intercepted in a rain barrel, so flood flows will not be affected.

f. The proposed construction will not impede the infiltration of surface runoff.

g. The proposed structure is not located within any noise or visual buffers. No sound will be generated by the project. The project is heavily buffered visually from adjacent properties by the woody ornamentals including camellias, magnolias, dogwoods, and pyracantha.

h. No additional runoff will be allowed to enter the stream therefore, downstream water quality will not be affected by the project.

i. No known threatened or endangered species are present on the site. There is no opportunity for construction of this project under any design configuration since it lies within the 75' stream buffer unless a variance is granted.

This 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. The grant of a variance for this project 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. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship that was not created by the owner.

Newton Residence, 2420 Sandell Drive, Dunwoody, GA 30338

Mitigation Measures

The proposed potting shed on the back of the residence is within the 75' stream buffer. The construction will add 120 sf of impervious area to the site. The Owner proposes to add a 100 gallon rain barrel to mitigate the impact of this additional impervious area to the site. The rain barrel will collect water from 130 sf roof area through a downspout and prevent it from draining toward the creek. A one inch storm event will produce 22 gallons of runoff. Therefore, the rain barrel will have the capacity to intercept the water of more than four storms. The water from the rain barrel will be used to water perennial plants in the yard.