



Special Exception

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
 Phone: (678) 382-6800 | Email: permits@dunwoodyga.gov

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.

Application Requirements:

| Item # | Required Item | Number of Copies |
|--------|--|-------------------------------------|
| 1 | Special Exception Application (See Page 4) | 1 electronic copy |
| 2 | Property Owner Affidavit(s) (See Page 6) | 1 electronic copy |
| 3 | Site plan and elevations (drawn to scale) | 1 electronic copy |
| 4 | Written legal description/survey of the property | 1 electronic copy |
| 5 | Site photos | 1 electronic copy |
| 6 | Letter of Intent | 1 electronic copy |
| 7 | Parking Study (if applicable) | 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 Special Exception Application by the 1st Tuesday of the month in order for the Special Exception 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 22, 2024 | November 5, 2024 | January 9, 2025 |
| November 19, 2024 | December 3, 2024 | February 6, 2025 |
| December 23, 2024 | January 7, 2025 | March 6, 2025 |
| January 21, 2025 | February 4, 2025 | April 3, 2025 |
| February 18, 2025 | March 4, 2025 | May 1, 2025 |
| March 18, 2025 | April 1, 2025 | June 5, 2025 |
| April 22, 2025 | May 6, 2025 | July 10, 2025 |
| May 20, 2025 | June 3, 2025 | August 7, 2025 |
| June 17, 2025 | July 1, 2025 | September 4, 2025 |
| July 22, 2025 | August 5, 2025 | October 9, 2025 |
| August 19, 2025 | September 2, 2025 | November 6, 2025 |
| September 23, 2025 | October 7, 2025 | December 4, 2025 |
| October 21, 2025 | November 4, 2025 | January 2026 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.
- The Special Exception 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 Special Exception 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 | Filing: Before 4:00 pm on the first Tuesday of the month |
| 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 Special Exception 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 Special Exception request. Any application for a Special Exception must be supported by written verification, a letter of intent, pursuant to those criteria, which are listed in the Zoning Ordinance.

Note: When granting a Special Exception, the Zoning Board of Appeals may impose requirements and conditions to protect adjacent properties and the public interest. If a Special Exception 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 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:
 1. The character of the use of the building(s) is such as to make unnecessary the full provision of parking or loading spaces; or
 2. 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.
 3. The provision of the full number of parking spaces would have a deleterious effect on a historic building, site, district or archaeological resource.
 4. 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:
 1. 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;
 2. 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
 3. The requested special exception is consistent with all relevant purpose and intent statements of this zoning ordinance.
 4. Retaining walls only: 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.

SPECIAL EXCEPTION APPLICATION



Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

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

Type:

| |
|--|
| Type of Request: <input type="checkbox"/> Parking or Loading Reduction <input type="checkbox"/> Retaining Wall Height <input type="checkbox"/> 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:

| |
|---|
| <input type="checkbox"/> Application Fee Paid <input type="checkbox"/> Sign Fee Paid (\$135 x number of signs required) Fee: \$ _____ |
| Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC Date: _____ |
| <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/ Conditions <input type="checkbox"/> Denied Date: _____ |

Property Owner(s) Notarized Certification

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. 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: |