City of Dunwoody
41 Perimeter Center East
Dunwoody, GA 30346
Phone: (678) 382-6800
Fax: (770) 396-4828

Variance Application Checklist

Variance Application Requirements:

- ❑ Completed Variance Application (with all relevant information to your case).
- ❑ **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 property owners. Use separate sheet.
- ❑ Signed Campaign Disclosure Statement.
- ❑ Written legal description of the property.
- ❑ Relevant Site Photos.
- ❑ **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) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
  2) 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 properties in the zoning district in which the subject property is located;
  3) The grant of the 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;
  4) The literal interpretation and strict application of the applicable provisions or requirements of this Chapter would cause undue and unnecessary hardship;
  5) The requested variance would be consistent with the spirit and purpose of this Chapter and the City of Dunwoody Comprehensive Plan text; and
  6) How although economic considerations may be taken into *consideration* as a hardship, they are **not**, of themselves, be the *sole criteria* upon which the applicant seeks this variance.

- ❑ **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.
  3) Variances shall be limited to the minimum relief necessary to overcome the hardship. No

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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.

Variance Application

If for any reason you cannot meet all the standards and regulations of the Zoning Ordinance, 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/Sign Ordinance (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. Variances are covered in Section 27-1560 of Dunwoody's Zoning Ordinance and Section 20-65 of Dunwoody's Sign Ordinance.

You will need to complete and submit your Variance Application by the 1st Thursday 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 7:00 p.m. in the Dunwoody City Hall, located at 41 Perimeter Center East, Dunwoody, GA 30346. See the attached ZBA calendar for deadline dates and the Variance Checklist for complete application requirements.

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 listed on the Variance application checklist, attached.

Some aspects of development are not allowed to be varied, including requests that would:

- Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district;
- Allow an increase in maximum height of building;
- Allow any variance which conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the City Council;
- Vary the requirements for an off premises sign which decreases the applicable development standard by thirty (30) percent or more, or to grant more than two (2) variances for a specific parcel of property for an off-premises sign during a five-year period of time;
- Reduce, waive or modify in any manner the minimum lot width and minimum lot area where the lot has been conditionally zoned to a specific site plan;
- Reduce, waive or modify in any manner the minimum lot area established by the City Council for any use permitted by special land use permit or by special exception;
- Extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the director of public works;
- Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit;
- Permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed for more than six (6) months as described in Section 27-1607 of the City's Zoning Ordinance; or
- Permit customer contact for a home occupation authorized by this Chapter.

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Site Plan Requirements

All applicable items must be included on the Site Plan; separate sheets may be used.

1. Key and/or legend and site location map with North arrow.
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
3. Acreage of subject property.
4. Location of land lot lines and identification of land lots.
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
6. Proposed streets on the subject site.
7. Current zoning of the subject site and adjoining properties.
8. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
9. Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement on adjacent properties within 200 feet of the subject property.
10. Location of proposed buildings with total square footage.
11. Layout and minimum lot size of proposed single family residential lots.
12. Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
13. Location of overhead and underground electrical and pipeline transmission/conveyance lines.
14. Required and/or proposed setbacks.
15. 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
16. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
17. Required and proposed parking spaces; Loading and unloading facilities.
18. Lakes, streams, wetlands, and Waters of the State and associated buffers.
19. Proposed stormwater management facilities.
20. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
21. Availability of water system and sanitary sewer system.
22. Tree lines, woodlands and open fields on subject site.

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Variance Application

Type

Type of Request: ❑ Zoning Variance (Board) ❑ Sign Variance (Board) ❑ Variance (Administrative)

Applicable Zoning/Sign Code Section:

Nature of Request:	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
❑ Setback	(See Chart to the Right)		Front	Front
❑ Sign			Side	Side
❑ # Parking Spaces			Rear	Rear
❑ Other			Other	Other

Project

Name of Project/Subdivision: Present Zoning:

Property Address/Location:

District: Land Lot: Block: Property ID:

Owner Information

Name:

Address:

Phone: Fax:

Cell: Email:

Applicant

Name:

Address:

Phone: Fax:

Cell: Email:

Affidavit

To the best of my knowledge, this variance 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. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included with the Application.

Applicant's Name:

Applicant's Signature: Date:

Notary

Sworn to and subscribed before me this Day of 20

Notary Public:

Signature:

Date:

Office Use

Application Received By: Project Title: Project Number:

❑ Application Fee ❑ Sign Fee ($135 x number of signs required*)—not required for AV

Fee: $ Payment: ❑ Cash ❑ Check ❑ CC Date:

❑ Approved ❑ Approved with Conditions ❑ Denied Date:

*** one sign required per street frontage and/or every 500 feet of street frontage**

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Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance 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	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____ Notary Public:		

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Campaign Disclosure Ordinance

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.

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Campaign Disclosure Statement

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:
	Address:
	Date:

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

Date	Government Official	Official Position	Description	Amount