

## **PURPOSE OF VARIANCE**

Pursuant to Sec. 23-1402, the Mayor and City Council are authorized in specific cases to consider such variances from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the article will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same or in other districts shall not constitute a reason for a variance.

### **Application process:**

- 1) Pre-application meeting with City staff. Prior to submitting the application, the applicant shall meet with the planning department to discuss the zoning proposal and the application submittal requirements.
- 2) Submittal of the application. The applicant or property owner should submit **all** applicable items as listed on the variance permit application.
- 3) Review by City staff. The planning department will process the variance. Staff may contact the applicant or owner for additional information during the review period.
- 4) Presentation to Planning Commission. The Planning Commission shall review the application and hear any presentation which the Applicant may wish to make. The Planning Commission shall make a recommendation to the City Council for approval, denial, or approval with conditions to the City Council.
- 5) Notification of public hearing. Staff will notify the applicant of the date of the public hearing. A legal notice is also sent to the local newspaper for publication.
- 6) Posting of signs on property for zoning notification. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the change in zoning has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- 7) City Council public hearing. A public hearing is required for a variance application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.
- 8) City Council decision. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed variance(s).
- 9) Conditions. The City Council may require such modifications in the proposed use and attach such conditions to the variance as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

Applications are accepted at City Hall, Monday through Friday between 8:30 a.m. and 4:30 p.m.

Schedule may be subject to change, please check the meeting agendas webpage to confirm meeting dates:

<http://doravillecityga.iqm2.com/Citizens/Default.aspx>

Application Deadline	Planning Commission Meeting at 6pm	Newspaper Advertisement Deadline	Property Sign Posting Deadline (15 days prior to hearing)	City Council Public Hearing at 6:30pm
December 8, 2017	January 3, 2018	January 10	January 21	February 5, 2018
		January 24	February 5	February 20, 2018
January 5, 2018	February 7, 2018	February 7	February 19	March 5, 2018
		February 21	March 5	March 19, 2018
February 2, 2018	March 7, 2018	March 7	March 19	April 9, 2018
		March 21	April 1	April 16, 2018
March 9, 2018	April 4, 2018	April 11	April 23	May 7, 2018
		April 25	May 7	May 21, 2018
April 6, 2018	May 2, 2018	May 9	May 21	June 4, 2018
		May 23	June 4	June 18, 2018
May 11, 2018	June 6, 2018	-	-	No meetings in July
June 8, 2018	July TBD, 2018	July 11	July 23	August 6, 2018
		July 25	August 6	August 20, 2018
July 6, 2018	August 1, 2018	August 8	August 20	September 4, 2018
		August 22	September 3	September 17, 2018
August 10, 2018	September 5, 2018	September 5	September 17	October 1, 2018
		September 19	September 30	October 15, 2018
September 7, 2018	October 3, 2018	October 10	October 22	November 5, 2018
October 5, 2018	November 7, 2018	November 7	November 18	December 3, 2018
November 2, 2018	December 5, 2018	-	-	January 2019 TBD
December 7, 2018	January 2, 2019	-	-	February 2019 TBD

*Rezoning, zoning text amendments, conditional use permits (CUP), and variances go to the Planning Commission and the Doraville City Council.*

*Appeals go to the Doraville City Council only.*

*Last updated: March 2018*



**VARIANCE APPLICATION**  
Community Development Department

**Application #** \_\_\_\_\_

DATE RECEIVED

**APPLICANT**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ Suite/Unit # \_\_\_\_\_  
E-mail: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**PROPERTY OWNER**

Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
E-mail: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**SUBJECT PROPERTY**

Street Address: \_\_\_\_\_  
Tax ID Parcel No.: \_\_\_\_\_ Council District: \_\_\_\_\_  
Current Zoning Category: \_\_\_\_\_ Future Land Use Character Area: \_\_\_\_\_

Variance(s) Requested (submit separate cover letter if necessary): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Application Submission Requirements (one copy of application materials & 15 copies of drawings if larger than 8 1/2" x 11").**

**SUBMIT ALL MATERIALS NOTED BELOW:**

- \_\_\_ 1) Cover letter describing the requested variance, the proposed scope of work and the rationale for the variance.
- \_\_\_ 2) Letter responding to each of the seven (7) "Standards" criteria. List each criterion before each response.
- \_\_\_ 3) Property Survey showing property lines, building footprints and parking layout for setback reductions. Applications seeking a streambank setback variance, surveys should also show topography lines, stream/floodplain areas and corresponding setback lines.
- \_\_\_ 4) For Stream buffer variances, provide Information outlined in this application.
- \_\_\_ 5) Full site plan, drawn-to-scale, for projects with any proposed new construction, additions, and/or site development work. Setback dimensions should be labeled (see site plan check list for plan requirements).
- \_\_\_ 6) Notarized property owner (or owner representative) authorization and applicant campaign contributions disclosure using the attached forms.
- \_\_\_ 7) Photographs, renderings, building elevations (as applicable to the variance request and project scope).
- \_\_\_ 8) CD or USB flash drive of drawings submitted in digital PDF format.
- \_\_\_ 9) Additional information required by the City based upon the initial application meeting with staff.

Application #: \_\_\_\_\_

**PRE-APPLICATION MEETING WITH STAFF**

Prior to submitting the CUP application, applicants shall meet with staff to discuss all application submittal requirements.

DATE RECEIVED

**DATE OF MEETING:** \_\_\_\_\_

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**SUBJECT PROPERTY**

Street Address: \_\_\_\_\_

Tax ID Parcel No.: \_\_\_\_\_

Conditional Use Requested \_\_\_\_\_

**APPLICANT**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Suite/Unit # \_\_\_\_\_

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

**PROPERTY OWNER**

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

E-mail: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

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Applicant's Signature: To the best of my knowledge, this Pre-application review is correct and complete. Applicant will submit documentation for the application pursuant to the Zoning Ordinance of the City of Doraville.

Applicant signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff signature: \_\_\_\_\_ Date: \_\_\_\_\_

Staff name printed: \_\_\_\_\_

*Signature of Staff only represents that the required pre-application for a CUP application has been held and does not indicate the position of the Community Development Department on any proposal.*



Application #: \_\_\_\_\_

DATE RECEIVED

**NOTARIZED AUTHORIZATION OF PROPERTY LANDOWNER**

I, \_\_\_\_\_ SWEAR THAT I AM THE **PROPERTY LANDOWNER**  
Printed owner(s) name

OF SUBJECT PROPERTY: \_\_\_\_\_

WITH PARCEL ID NO.: \_\_\_\_\_

AS SHOWN IN THE RECORDS OF **DEKALB COUNTY**, GEORGIA WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO ACT AS THE APPLICANT IN THE PURSUIT OF THIS APPLICATION. I ALSO HEREBY AUTHORIZE CITY STAFF TO INSPECT PREMISES OF ABOVE DESCRIBED PROPERTY.

**NAME OF APPLICANT (PRINT CLEARLY):**

\_\_\_\_\_  
\_\_\_\_\_

ADDRESS: \_\_\_\_\_

\_\_\_\_\_

TELEPHONE: \_\_\_\_\_ EMAIL: \_\_\_\_\_

Personally Appeared  
Before Me

\_\_\_\_\_  
Signature of Property Landowner

\_\_\_\_\_  
Print Name of Property Landowner

\_\_\_\_\_  
Print Name

Who Swears That The Information Contained  
In this Authorization Is True and Correct  
To The Best of His or Her Knowledge and Belief.

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date



Application #: \_\_\_\_\_

DATE RECEIVED

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes \_\_\_\_\_ No \_\_\_\_\_

If the answer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.

\_\_\_\_\_  
NOTARY DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT DATE

\_\_\_\_\_  
Notary Name Printed

\_\_\_\_\_  
Applicant Name Printed

\_\_\_\_\_  
EXPIRATION DATE / SEAL

Check One: Owner \_\_\_\_\_ Applicant/Agent \_\_\_\_\_

**Subject Property Street Address:**

\_\_\_\_\_



Community Development Department  
Application #: \_\_\_\_\_

DATE RECEIVED

**APPLICANT SIGNATURES**

- SUBMISSION:** REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL:
- **ONE (1) COMPLETED SET OF APPLICATION FORMS and**
  - **15 STAPLED SETS OF COLLATED DRAWINGS. DRAWINGS MUST BE LEGIBLE. DRAWINGS LARGER THAN 11" x 17" MUST BE FOLDED TO APPROXIMATELY 9" X 12" IN SIZE.**

- APPLICATION FEE:** See current City Fee Schedule. Sec. 2-261. - Zoning processing fees:
- Application (Administrative Variance): \$200 per each item
  - Application (Mayor and City Council Variance):
    - Non-residential: \$350 + \$100 per concurrent action
    - Residential \$150+\$50 per concurrent action
  - Telecommunications: see City Fee Schedule.

**PLEASE READ THE FOLLOWING BEFORE SIGNING**

This form must be completed in its entirety before it will be accepted. It must include all required attachments and filing fees. **An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be accepted.**

\_\_\_\_\_  
NOTARY DATE

\_\_\_\_\_  
SIGNATURE OF APPLICANT DATE

\_\_\_\_\_  
Notary Name Printed

\_\_\_\_\_  
Applicant Name Printed

\_\_\_\_\_  
EXPIRATION DATE / SEAL

Check One: Owner \_\_\_\_\_ Applicant/Agent \_\_\_\_\_

**Subject Property Street Address:**

\_\_\_\_\_

**STANDARDS CRITERIA for a Variance in all zoning districts, except LCC Code districts.**

Pursuant to **Sec. 23-1402**, a variance may be granted in an individual case of unnecessary hardship upon a finding by the Mayor and/or City Council as relevant that **all the conditions described below in items 1 - 7 are met.** **In addition to the cover letter, applicant shall submit a letter listing each standard and providing a written response to each Standard Criteria and provide a written response under each Standard Criteria.**

- 1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- 2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- 3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- 4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare.
- 5) The special circumstances are not the result of the actions of the applicant.
- 6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- 7) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the district involved.

**Sec. 23-1402A. - Limitations to grant of variances.**

- a) Variances may not be granted from density or use requirements of properties.
- b) In granting a variance, the Mayor and Council may attach thereto any conditions which may be deemed advisable so that the purpose of this chapter will be served, public safety and welfare secured, and substantial justice done.
- c) As to development standards of this chapter, the authority to grant variances shall be limited to variances from the following requirements:
  - (1) In the case of a front, side or rear yard, the variance may not exceed fifty (50) percent of the minimum district requirement.
  - (2) In the case of the distance between the buildings on the same lot, the variance may not exceed ten (10) feet.
  - (3) In the case of parking requirements, the variance may not exceed fifty (50) percent of that required.
  - (4) In nonresidential districts, a height variance may not exceed approving building heights in excess of five (5) stories in planned centers of not less than four (4) acres.



## **STANDARDS CRITERIA for a Variance in Livable Community Code (LCC) Districts**

**In addition to the variance application cover letter, applicant shall submit a letter listing each Standard Criteria and provide a written response under each Standard Criteria. Pursuant to Sec. 23-2005, a variance in a property zoned in an LCC district, shall be subject to the following:**

- (a) Variances from the requirements of Article XX (LCC Code) shall be in accordance with Article XIV except as identified to the contrary herein.
- (b) The requirements of Sections 23-1402 (Variances) and 23-1402A (Limitation to Grant of Variances) of Article XIV notwithstanding, the Mayor and City Council are authorized upon appeal in specific cases to consider variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Article will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the code shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same or in other districts shall not constitute a reason for a variance.

A variance may be granted in an individual case of unnecessary hardship upon a finding by the Mayor and City Council as relevant that all the conditions below are met. When the Mayor and City Council consider approval, denial or nonbinding recommendations on variances as may be relevant, all of the following conditions must be considered and found present or found not to be present.

- (1) The variance is justified by the provision of Section 23-2001 (Intent).
  - (2) The variance is consistent with the comprehensive plan.
  - (3) The variance will not materially endanger the public health or safety or constitute a public nuisance if located where proposed and developed according to the plans and information submitted and approved.
  - (4) The variance will not substantially injure the value of adjoining property.
  - (5) The variance, if developed according to the plans and information approved, will result in development that is in harmony with nearby land uses.
  - (6) The variance will advance the presence of the intended form of the development.
- (c) If a variance is requested in conjunction with an application for a Regulating Plan or Special Area Plan, the Mayor and City Council may process the requested variances concurrently.

**ADDITIONAL requirements for Streambank Buffers and Setbacks in all zoning districts**

Pursuant to **Sec. 23-1905, Land Development Requirements**, the following buffer and setback requirements are applicable to all development activity:

- (1) An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

**Variance procedures.** Variances from streambank buffers and setbacks require mitigation measures to offset the effects of any proposed land development on the parcel.

- (1) The following information shall be provided with the streambank variance application:
  - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
  - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
  - d. Documentation of unusual hardship should the buffer be maintained;
  - e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
  - f. A calculation of the total area and length of the proposed intrusion;
  - g. A stormwater management site plan, if applicable; and
  - h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (2) In addition to the Standards Criteria present in Sec. 23-1402, the following factors will be considered in determining whether to issue a variance:
  - a. The soils, vegetation and other physical characteristics of the property;
  - b. The locations of all streams on the property, including along property boundaries;
  - c. The location and extent of the proposed buffer or setback intrusion;
  - d. Whether alternative designs are possible which require less intrusion or no intrusion;
  - e. The long-term and construction water-quality impacts of the proposed variance;
  - f. Whether issuance of the variance is at least as protective of natural resources and the environment.

**ADMINISTRATIVE VARIANCE**

- a) Pursuant to **Sec. 23-1404**, the Community Development Director shall be authorized to consider and grant or deny, pursuant to the procedures and standards contained in this section, variances from the development standards of this chapter, where, in his opinion, the intent of the chapter can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variance from the following requirements:
- (1) Front yard or yard adjacent to public street—Variance not to exceed five (5) feet.
  - (2) Side yard—Variance not to exceed two (2) feet.
  - (3) Rear yard—Variance not to exceed four (4) feet.
  - (4) Height of building—Variance not to exceed five (5) feet.
- b) Any request for an administrative variance permitted by this section shall be filed in writing with the Community Development Director. The Director shall review and decide upon each application pursuant to the standards referred to above, and make a written decision on each such application no later than thirty (30) days from the date such application was filed.
- c) No administrative variance shall be authorized to delete, modify or change in any manner any condition imposed by the Mayor and City Council.
- d) If the Community Development Director denies the requested administrative variance, the applicant shall have the right to request the variance directly from the Mayor and City Council pursuant to the provisions of this article.

**SITE PLAN REQUIREMENTS:**

The site plan shall be clearly drawn at a scale of not less than 100 feet per inch on a sheet size not to exceed 24" x 36". The Director may approve other sheet sizes as deemed appropriate.

**The following information shall be depicted on the site plan if applicable:**

- \_\_\_\_\_ Project name;
- \_\_\_\_\_ Project owner and address (both local and permanent if different), telephone numbers and e-mail address;
- \_\_\_\_\_ Date, scale and north arrow;
- \_\_\_\_\_ Site location / vicinity map;
- \_\_\_\_\_ Proposed use of property;
- \_\_\_\_\_ Required yard setbacks;
- \_\_\_\_\_ Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
- \_\_\_\_\_ Total number of lots and minimum lot sizes (if applicable);
- \_\_\_\_\_ Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
- \_\_\_\_\_ Topography with contour interval no greater than 10 feet;
- \_\_\_\_\_ Sewage disposal method (note);
- \_\_\_\_\_ Property lines with bearings and distances; location of utility and private easements;
- \_\_\_\_\_ All proposed development features and layout;
- \_\_\_\_\_ Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
- \_\_\_\_\_ Building heights;
- \_\_\_\_\_ Proposed buffers, landscape development, sidewalks and other hardscape;
- \_\_\_\_\_ Land lot and district;
- \_\_\_\_\_ General development data in tabular form;
- \_\_\_\_\_ Name of person or company preparing the site plan;
- \_\_\_\_\_ Any other data requested by the Planning Director necessary for an understanding and evaluation of the project.