

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) <u>Meet with City staff</u>. Prior to submitting for a conditional use permit, the applicant shall meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- 2) <u>Submittal of the application</u>. The applicant or property owner should submit <u>all</u> 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) <u>Presentation to Planning Commission</u>. 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) <u>Notification of public hearing</u>. 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) <u>Posting of signs on property for zoning notification</u>. 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) <u>City Council public hearing</u>. 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) <u>City Council decision</u>. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed variance(s).
- 9) <u>Conditions</u>. 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.



2016 Zoning Schedule

City Hall, City Council Chambers 3725 Park Avenue, GA 30340

Applications are accepted Monday through Friday between 8:30AM and 2PM.

Application Deadline	Planning Commission Meeting 6pm	Newspaper Advertisement Deadline	Property Sign Posting Deadline	City Council Public Hearing 6:30pm
November 6, 2015	December 9, 2015	December 9, 2015 December 23, 2015	December 20, 2015 January 3, 2016	January 4, 2016 January 19, 2016
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December 11, 2015	January 6, 2016	January 6, 2016 January 20, 2016	January 17, 2016 January 31, 2016	February 1, 2016 February 16, 2016
January 15, 2016	February 3, 2016	February 10, 2016	February 21, 2016	March 7, 2016
,,,		February 24, 2016	March 6, 2016	March 21, 2016
February 12, 2016	March 2, 2016	March 9, 2016	March 20, 2016	April 4, 2016
1 cb1 daily 12, 2010	141 cm 2, 2010	March 23, 2016	April 3, 2016	April 18, 2016
March 18, 2016	April 6, 2016	April 6, 2016	April 17, 2016	May 2, 2016
Waten 10, 2010		April 20, 2016	May 1, 2016	May 16, 2016
April 15, 2016	May 4, 2016	May 11, 2016	May 22, 2016	June 6, 2016
April 13, 2010		May 25, 2016	June 5, 2016	June 20, 2016
May 13, 2016	June 1, 2016	June 8, 2016	June 19, 2016	July 5, 2016
May 15, 2016		June 22, 2016	July 3, 2016	July 18, 2016
June 17, 2016	July 6, 2016	July 6, 2016	July 17, 2016	August 1, 2016
Julie 17, 2010	July 0, 2010	July 20, 2016	July 31, 2016	August 15, 2016
July 15, 2016	August 3, 2016	August 10, 2016	August 21, 2016	September 6, 2016
July 13, 2010	August 3, 2010	August 24, 2016	September 4, 2016	September 19, 2016
August 10, 2016	September 7, 2016	September 7, 2016	September 18, 2016	October 3, 2016
August 19, 2016	September 7, 2016	September 21, 2016	October 2, 2016	October 17, 2016
September 16, 2016	October 5, 2016	October 12, 2016	October 23, 2016	November 14, 2016
September 10, 2010	October 5, 2016	October 26, 2016	November 6, 2016	-
October 14, 2016	November 2, 2016	November 9, 2016	November 20, 2016	November 14, 2016
October 14, 2016		December 14, 2016	December 23, 2016	January 9, 2017
November 18, 2016	December 7, 2016	December 14, 2016	December 23, 2016	January 9, 2017
11076111061 10, 2010		December 21, 2016	January 1, 2017	January 17, 2017
December 9, 2016	January 4, 2017	January 11, 2017	January 22, 2017	February 6, 2017
December 9, 2010		January 25, 2017	February 5, 2017	February 20, 2017

Rezonings, 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.



VARIANCE APPLICATION

Community Development Department

V		DATE RECEIVED
<u>APPLICANT</u>		
Name:		
		Suite/Unit #
E-mail:	Daytime Phone:	Fax:
PROPERTY OWNER		
Name:		
		Fax:
SUBJECT PROPERTY		
		Council District:
		rea:
Application Submission Requirements	(one copy of application materials & 7 cop	ies of drawings if larger than 8 ½" x 11").
SUBMIT ALL MATERIALS NOTED BELO	DW:	
Cover letter describing the pro	pposed use, scope of work, and variances be	eing requested.
Letter responding to each of t	ne seven (7) "Standards" criteria. List each	criteria and provide respond to each.
	erty lines, building footprints and parking la variance, surveys should also show topogra	
	for projects with any proposed new constru labeled (see site plan check list for plan rec	·
For Stream buffer variances, p	rovide <u>Information outlined in this applicati</u>	ion.
Photographs, renderings, build	ding elevations (as applicable to the variance	e request and project scope).
Any additional information red	quired by the City based upon the initial app	olication meeting with staff.
	owner representative) authorization and ap	oplicant campaign contributions disclosure
using the attached forms.	aubustated in digital DDF farmers	
CD or thumbdrive of drawings	submitted in digital <u>PDF</u> format.	



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 <u>all the conditions described below in items 1 - 7 are met</u>. In addition to the cover letter, applicant shall submit a <u>letter</u> listing each standard <u>and</u> providing a written response to each Standard Criteria <u>and</u> 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 <u>letter</u> listing each Standard Criteria <u>and</u> 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 <u>except</u> 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) <u>An undisturbed natural vegetative buffer shall be maintained for fifty (50) feet</u>, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) <u>An additional setback shall be maintained for twenty-five (25) feet</u>, 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.

<u>Variance procedures.</u> Variances from streambank buffers and setbacks <u>require mitigation measures</u> 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) <u>In addition to the **Standards Criteria present in Sec. 23-1402**, the following factors will be considered in determining whether to issue a variance:</u>
 - 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 fol	lowing 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.



EXPIRATION DATE / SEAL

VARIANCE APPLICATION

Community Development Department

V-____

Subject Property Street A	ddress:		
DISCLOSURE OF CAN	//PAIGN CONTRIBUTION	NS	
In accordance with the (answered:	Conflict of Interest in Zoning	Act, O.C.G.A. Ch 36-67A, the	following questions must be
	ade \$250 or more in campaigr e filing of this application? Yes	n contributions to a local govern	ment official within two years
If the answer is Yes, you m	nust file a disclosure report wit	th the governing authority of the	City of Doraville showing:
2. The dollar amoun		nment official to whom the cam npaign contribution made durin of each such contribution.	
NOTARY	DATE	SIGNATURE OF APPLICAN	T DATE
Notary Name Printed		Applicant Name Printed	
		Check One: Owner	Applicant/Agent



NOTARIZED AUTHORIZATION OF PROPERTY LANDOWNER

TYPE OF APPLICATION:		·
I,		SWEAR THAT I AM THE PROPERTY
Printed owner(s) nan		
LANDOWNER OF:		
AND PARCEL ID NO		
AS SHOWN IN THE RECORDS OF DEKA	ALB COUNTY, GEO	RGIA WHICH IS THE SUBJECT MATTER OF
THE ATTACHED APPLICATION. I AUTHO	RIZE THE PERSON	NAMED BELOW TO ACT AS THE APPLICANT
IN THE PURSUIT OF THIS APPLICATION	ON. I ALSO HERE	BY AUTHORIZE CITY STAFF TO INSPECT
PREMISES OF ABOVE DESCRIBED PRO	PERTY.	
NAME OF APPLICANT (PRINT C	CLEARLY):	
ADDRESS:		
TELEPHONE:	EMAIL:	
		Signature of Property Landowner
		Print Name of Property Landowner
Personally Appeared Before Me		
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		



EXPIRATION DATE / SEAL

VARIANCE APPLICATION

Community Development Department

V-____

Subject Property Stre	et Address:		
APPLICANT SIGN	<u>ATURES</u>		
SUBMISSION:	ONE (1) COMPLETED APPLICATION SET OF FORMS and 7 COLLATED COPIES OF DRAWINGS (WHICH ARE TO BE FOLDED TO APPROXIMATELY 9" X 12" IN SIZE AND SUBMITTED AS SEPARATE PACKAGES) ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL.		
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 FO	DLLOWING BEFORE SIGNING	
	tion which lacks any of the requi	vill be accepted. It must include all required attachments or information shall be of	
NOTARY	DATE	SIGNATURE OF APPLICANT	DATE
Notary Name Printed		Applicant Name Printed	
		Check One: Owner Annlic	ant/Agent