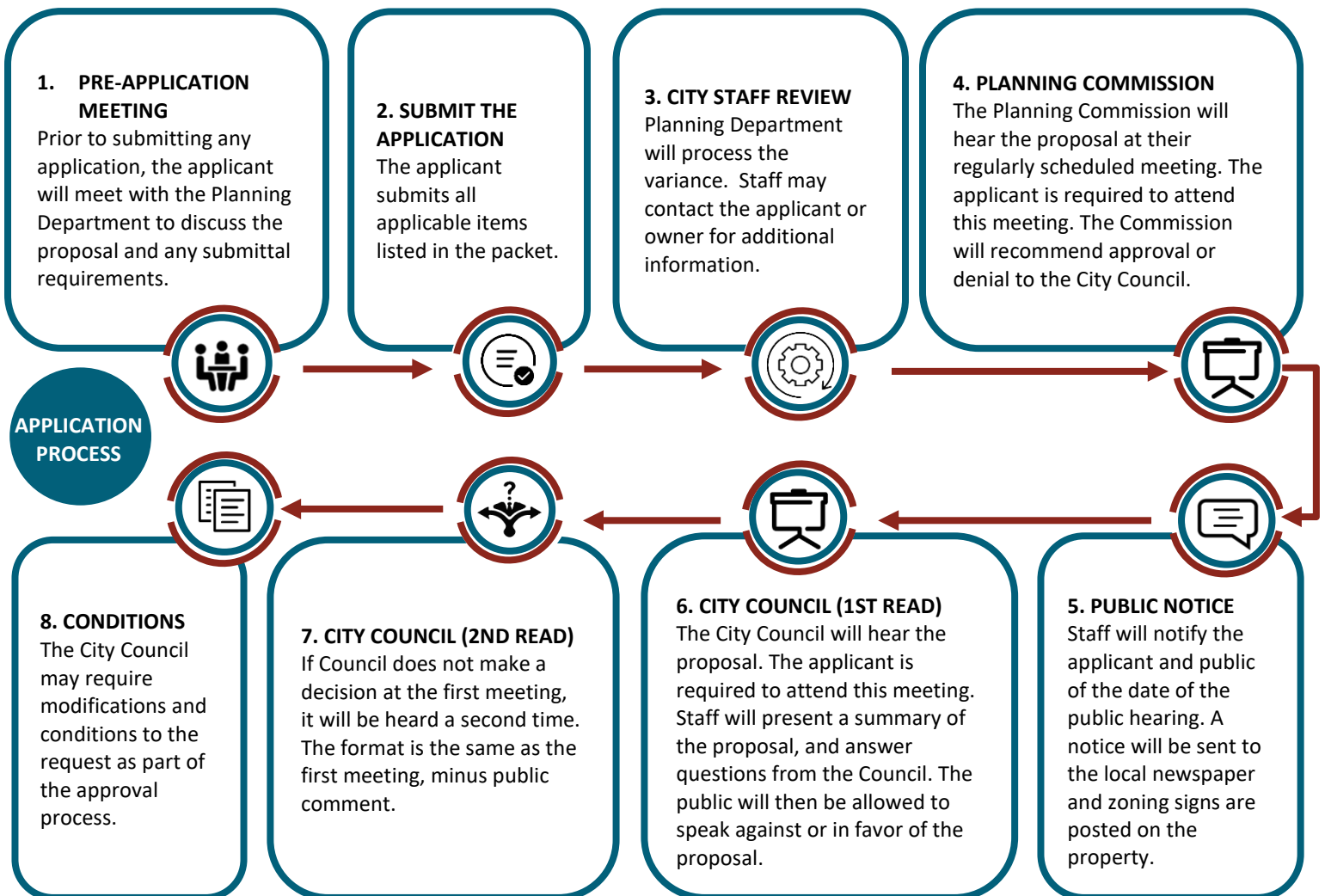


**PURPOSE OF VARIANCE**

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 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**



DATE RECEIVED

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

**APPLICANT**

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

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

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

**PROPERTY OWNER (if different from the applicant)**

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

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

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

**SUBJECT PROPERTY (provide separate cover page if more than one property)**

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

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

Current Zoning Category: \_\_\_\_\_ Future Land Use Character Area: \_\_\_\_\_

**Variance(s) Requested:** \_\_\_\_\_

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**Please SUBMIT DIGITALLY all the materials requested below:**

- \_\_\_ 1) Cover letter describing the requested variance, the proposed scope of work and the rational 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).
- \_\_\_ 9) Additional information required by the City based upon the initial application meeting with staff.



Community Development Department  
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



Community Development Department  
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 provide written disclosure 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:**

\_\_\_\_\_

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

**PRE-APPLICATION MEETING WITH STAFF**

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

DATE RECEIVED

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

Please state the new zoning you are requesting: \_\_\_\_\_

\_\_\_\_\_

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: \_\_\_\_\_

*Staff signature only certifies that the required pre-application meeting has been held and does not indicate the position of the Community Development Department on any proposal.*

**APPLICANT SIGNATURES**

**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

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

\_\_\_\_\_

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

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

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

**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 **the conditions described below in items 1 - 7 are found to be present or not present.** 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 their 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.