



PROCEDURES AND INFORMATION FOR FILING A VARIANCE

Applications are available at the Department of Environment and Community Development, Suite 2085, 141 Pryor Street, S.W., Atlanta, Georgia 30303. Phone: (404) 730-7800 or at www.FULTONECD.ORG. **Read the following instructions prior to filing and refer to the filing schedule enclosed. Applications with original signatures must be filed in person. A PRE-APPLICATION APPOINTMENT IS REQUIRED PRIOR TO FILING.**

TYPE OF VARIANCES

Listed below are the type variances. Please identify the type variance requested and check the appropriate box in Section I, Section II or Section III of the VARIANCE APPLICATION.

VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING :

- A. ADMINISTRATIVE:** These types of variances are handled administratively by the Department of Environment & Community Development.
- 1) **MINOR VARIANCES:** Administrative relief can only be sought from the minimum yard requirements of the zoning district not to exceed 10% of the setback. (Example: Front Setback 60 feet – 10%= 54 feet [6 foot variance]). Letters from adjoining property owners are required at the time of filing (Form letter included).
 - 2) **ADMINISTRATIVE VARIANCE:** Administrative relief to standards of Article XXXIV, Development Regulations of the Fulton County Zoning Resolution or the Chattahoochee River Corridor Ordinance (i.e. sidewalk, curb and gutter, detention pond landscaping).
 - 3) **ADMINISTRATIVE MINOR VARIANCE:** Administrative relief from the minimum yard setback requirements for one foot or less.

VARIANCES THAT DO REQUIRE A PUBLIC HEARING:

- B. BOARD OF ZONING APPEALS (BZA):** The following variances require a public hearing and action by the BZA.
- 1) **PRIMARY VARIANCE:** Applicant seeks relief from the provisions of the Zoning Resolution or Subdivision Regulations. All such appeals shall be heard by the Board of Zoning Appeals and shall be accompanied with a statement of hardship (See enclosed Variance Considerations).
 - 2) **SECONDARY VARIANCE:** Applicant seeks to appeal a decision of the Department of Environment and Community Development or seeks to appeal a decision on an Administrative Variance, Minor Variance or Zoning Resolution Interpretation.
 - 3) **BUILDING CODE VARIANCE:** Provides relief from the Fulton County Building Code. A Letter of Non-Compliance from the building official reviewing plans shall be filed with application.

ALL REQUESTS FOR VARIANCES SHALL HAVE A STATEMENT OF HARDSHIP. THE FOLLOWING CONSIDERATIONS SHALL BE USED IN JUSTIFYING THE HARDSHIP.

Article 22.3.1 Fulton County Zoning Resolution

VARIANCE CONSIDERATIONS: Variances may be considered in all districts except CUP. Primary variances and concurrent variances shall only be granted upon showing that:

- A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Resolution or;
- B. The application of the particular provision of the Zoning Resolution to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public or;
- C. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.

Should a variance request impact approved zoning conditions, a separate Modification Appeal may be necessary.

APPLICATION REQUIREMENTS

ALL APPLICATION SUBMITTALS MUST BE DONE IN PERSON AT 141 PRYOR STREET BETWEEN 8:30 A.M. AND 4:00 P.M. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. PLEASE REFER TO THE INFORMATION BELOW AND THE ENCLOSED CHECK SHEET FOR DOCUMENTS NEEDED FOR FILING.

- A. **VARIANCE REVIEW FORM:** A Variance Review Form shall be completed in a PRE-APPLICATION REVIEW MEETING with a Planner. The completion of this form is required as a part of your application packet. You must provide the reviewing planner with a detailed site plan and/or sign details so an accurate assessment of the request and appropriate Zoning Resolution standards can be appealed. **Contact Staff at 404-730-7800 to make an appointment for a variance pre-application review meeting.**
- B. **VARIANCE QUESTIONNAIRE:** A Variance Questionnaire shall be completed by the applicant in preparation for filing a variance application. The questionnaire is designed to establish facts and background information pertaining to the subject variance request. **Provide Four (4) Copies**
- C. **APPLICATION FORM:** Variance Applications must have an **original NOTARIZED SIGNATURE** of the property owner(s) of record or a notarized statement by the appellant acting as power of attorney for the property owner. Where there are multiple owners, a notarized signature of each and all owners must be submitted with the application. **A VARIANCE REQUEST DENIED BY THE BOARD OF ZONING APPEALS CANNOT be resubmitted for a period of six (6) months from the date of the DENIAL.** **Provide Four (4) Copies including One (1) Original Notarized Copy for each property owner**
- D. **LEGAL DESCRIPTION/SURVEY:** A legal description or survey of the subject property must be submitted with the Variance Application. Legal Descriptions or surveys must establish a point of beginning and from said point of beginning, give each dimension bounding the property, calling the directions (such as north, northeasterly, etc.) and returning to the point of beginning. The survey shall have a registered surveyor's seal. The property's address must also be identified. **Provide Four (4) copies**
- E. **LETTER OF APPEAL:** The letter of appeal shall be addressed to Angela Parker, Acting Director of E&CD and shall state in detail the proposed project, the variance request, and a hardship statement stating that the granting of a variance will alleviate some demonstrated and unusual hardship for which a variance is warranted. **Provide Eleven (11) copies** for a Primary

or Secondary Variance; **Four (4) copies** for a Minor or Administrative Variances; **Four (4) copies** for an Administrative Minor Variance

- F. **SITE PLAN:** The site plan must show all property boundaries, adjoining streets and roads, proposed and existing structures such as buildings, signs, and fences. The site plan boundaries shall match the legal description or survey filed. The subject variance shall be indicated on the site plan with existing and proposed setback dimensions. (See enclosed Site Plan Characteristics). A topography map of the site shall be provided when a variance is based on difficult terrain. **Provide Four (4) copies**
- G. **SKETCH OF SIGN(S), if applicable:** If the variance request is for a sign, a sketch, photo or drawing of the sign structure is required. A building wall elevation is required for a wall sign variance. All drawings or photos shall provide dimensions. Drawings shall be to scale indicating total square footages of signs/walls. **One (1) 8½" x 11" Transparency of the sign is required; Provide Four (4) paper copies**
- H. **An 8½" x 11" Reproduction:** A copy of the site plan, sign(s) and/or structure elevation for wall sign(s) must be reproduced and submitted for all primary and secondary variances to be used in public hearing presentation. **Provide Four (4) copies**
- I. **PLANS/DRAWINGS, for Building Code Variances:** If the variance request is for a building code violation, the applicant shall submit plans or drawings that support the request. **Provide Four (4) copies**

Included with Minor Variance requests

- J. **ADJACENT PROPERTY OWNER LETTERS:** Minor Variance Applications shall include letters from all adjoining property owners. Any property owner having property that adjoins or is across a street from the subject property is required to attest to support or to opposition of the proposed variance. **Provide Four (4) sets**

Included with Secondary Variance requests

- K. **ADVERSE DECISION LETTER:** The applicant shall provide a copy of the Decision or interpretation Letter for which the adverse decision is being appealed. **Provide Four (4) copies.**

Included with Building Code Variance requests

- L. **LETTER OF NON-COMPLIANCE:** The Department of Environment and Community Development reviewing officer shall provide you with a letter of non-compliance to be filed along with your variance application and presented to staff in a pre-application review meeting. Contact the Plan Review Division of the Department of Environment and Community Development between 8:30 a.m. to 4:00 p.m., Monday - Friday. Phone: (404) 730-7800. **Provide Eleven (11) copies**

PUBLIC HEARING AND FILING DEADLINES:

- **SCHEDULE:** A schedule of public hearing dates and filing deadlines for variances requiring a public hearing is included in the application package. Please adhere to the filing and posting deadlines to remain on schedule. **Incomplete applications will not be accepted resulting in a filing delay which may affect public hearing date.**
- **FULTON COUNTY BOARD OF ZONING APPEALS:** The Board of Zoning Appeals (BZA) hearing is the third Thursday of the month at 1:00 p.m. in the Auditorium of the South Fulton Service Center at 5600 Stone Wall Tell Road, College Park, Georgia. **The applicant or agent must attend the public**

hearing. Any voluminous presentation of documents shall be filed with the Department of Environment and Community Development a minimum of 15 days in advance of the public hearing. Presentation at the meeting will not guarantee the BZA's review or consideration.

NOTIFICATION:

- **POSTING OF PUBLIC NOTICE SIGN(S).** The applicant shall post notification signs on each road frontage of the subject property in a conspicuous place no later than 20 days prior to the Board of Zoning Appeals hearing. At the time of filing the applicant will be given the necessary sign(s) and instructions on posting. The applicant shall continuously make an effort to maintain the sign posting until the scheduled hearing date. **Failure to properly post the sign will delay action on the variance request. On-site visits are made by staff to verify that posting requirements have been met.** If the sign is damaged or removed it is the applicant's responsibility to obtain and re-post new sign(s).
- **Posting Deferred Cases.** If the petition is held or deferred, it is the responsibility of the applicant to obtain and post new sign(s) with the revised hearing date a minimum of 20 days prior to new BZA hearing date.
- **SURROUNDING PROPERTY OWNERS.** For **Primary Variances** the Department of Environment and Community Development shall provide written notice by U.S. Mail to all property owners of record within 300 feet of the subject property as shown on the current tax records of Fulton County as retrieved from the County's Geographic Information System (GIS). Said notice of the BZA hearing shall be mailed no later than 15 days prior to the public hearing date. For **Administrative and Minor Variances**, property owner notification letters are mailed to adjoining property owners. No notification letters are required for **Administrative Minor Variances**.
- **NEWSPAPER.** For all Primary, Secondary and Building Code Variances, the Department of Environment and Community Development shall publish in a newspaper of general circulation a notice of the public hearing no later than 15 days prior the Board of Zoning Appeals hearing. The published notice shall contain the time, place, purpose of the hearing and the variance property location.
- **DECISION.** Notice of decisions from the Board of Zoning Appeals shall be mailed seven days following the date of decision for all Primary and Secondary Variances. Administrative and Minor variance decisions will be provided in writing within 30 days of the filing and following administrative review. Administrative Minor Variance Decisions shall be provided in writing within 3 days of filing.
- **APPEALS.** Appeals to Primary and Secondary Variance decisions shall be filed with the Fulton County Superior Court within 30 days of the Board of Zoning Appeals decision. Appeals to other variances, administratively handled shall be filed within 30 days of the Department's decision via a Secondary Variance Application.

FEES:

VARIANCE FEE. All Variance Applications must be accompanied with the appropriate fee at the time of filing.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND THE AG-1 DISTRICT USED FOR RESIDENTIAL USE	\$250.00 plus \$50.00 for each additional variance request on the same piece of property
MULTI-FAMILY DISTRICTS, NON-RESIDENTIAL DISTRICTS, COMMERCIAL USES IN RESIDENTIAL OR AG-1 DISTRICTS	\$350.00 plus \$100.00 for each additional variance request
ALL SIGNS	\$350.00 plus \$100.00 for each additional request

APPLICATION REVISION FEE. Any revision to a variance application after filing (including revisions to the number of variances requested, site plan, and or letter of appeal) shall be subject to a \$50.00 revision fee. Additional variances not previously filed will also incur an additional fee per request as noted above.

REFUND OF FILING FEE. The policy for refunds of application fees (Section 28-2-43) is as follows:

1. If the application is accepted and filed with the Director, as an official document, no part of the application fee will be returned.
2. If the application is returned to the applicant at their request, or at the suggestion of the staff, before any entry is made upon any County record, the full amount of the fee will be returned. (Code 1965, Sec. 66-232)

NOTE: IF YOU HAVE ANY QUESTIONS CONCERNING THESE VARIANCE FILING PROCEDURES, PLEASE CALL THE DEPARTMENT OF ENVIRONMENT AND COMMUNITY DEVELOPMENT AT 404-730-7800.

PLEASE MAKE APPOINTMENT FOR THE PRE-APPLICATION MEETING (Phone: 404-730-7800).



DEPARTMENT OF ENVIRONMENT & COMMUNITY DEVELOPMENT
 141 PRYOR STREET, S.W., SUITE 2085
 ATLANTA, GEORGIA 30303
 www.FULTONECD.ORG
 404 730-7800

VARIANCE APPLICATION

DATE _____

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPE IN SECTION I OR II.

SECTION I VARIANCES REQUIRING PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

- 1) **PRIMARY VARIANCE:** Seeks relief from the Zoning Resolution and other County Ordinances
- 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of Fulton County (Article 22.3), or relief from Minor, Administrative or Administrative Minor requests
- 3) **BUILDING CODE VARIANCE:** Seeks relief from building construction designs that conflict with the Fulton County Building Code.

**SECTION II MINOR, ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES
[NO PUBLIC HEARING IS REQUIRED]**

- 1) **MINOR VARIANCE** - Relief from the minimum yard requirements, not to exceed 10% of required setback (35 foot front yard = 3.5 foot variance)
- 2) **ADMINISTRATIVE VARIANCE** - Relief from the requirements of Article XXXIV, Development Regulations and other Development Standards of the Zoning Resolution
- 3) **ADMINISTRATIVE MINOR VARIANCE** - Relief requiring 1 foot or less from required building setback

DESCRIPTION OF VARIANCE REQUESTED: _____

SECTION III LEGAL DESCRIPTION OF PROPERTY

SUBDIVISION _____ UNIT/PHASE: _____ LOT NO(S): _____
 LAND LOT(S): _____ DISTRICT: _____ TAX ID: _____
 PROPERTY ADDRESS _____ LEGAL ROAD FRONTAGE _____

Legal description/survey must match submitted site plan.

SECTION IV

A. OWNER INFORMATION

Owner states under an oath that he or she is the owner of the property described in the attached legal description. [***EACH OWNER'S SIGNATURE MUST BE NOTARIZED***]

TYPE OR PRINT OWNER'S NAME

Sworn to and subscribed before me this _____ day of
_____ 200 _____

ADDRESS

NOTARY PUBLIC

CITY, STATE & ZIP CODE

OWNER'S SIGNATURE

OWNER'S SIGNATURE

(_____)

AREA CODE/ PHONE NUMBER

B. APPLICANT INFORMATION

A notarized authorization of the applicant signature is required if applicant has owner's power of attorney.

TYPE OR PRINT OWNER'S NAME

Sworn to and subscribed before me this _____ day of
_____ 200 _____

ADDRESS

NOTARY PUBLIC

CITY, STATE & ZIP CODE

OWNER'S SIGNATURE

OWNER'S SIGNATURE

(_____)

AREA CODE/ PHONE NUMBER

C. ATTORNEY/AGENT INFORMATION

CHECK ONE: [_____] ATTORNEY [_____] AGENT

TYPE OR PRINT ATTORNEY/AGENT NAME

SIGNATURE OF ATTORNEY/AGENT

ADDRESS

CITY, STATE & ZIP CODE

[_____]

AREA CODE/PHONE NUMBER

DEPARTMENT OF ENVIRONMENT
PARKER
AND COMMUNITY DEVELOPMENT
141 Pryor Street, S.W.
Suite 2085
Atlanta, Georgia 30303
Telephone: (404) 730-7800
Fax: (404) 730-7818



ANGELA
ACTING DIRECTOR

VARIANCE QUESTIONNAIRE

Answer all applicable questions to the best of your knowledge. The information submitted will assist in the appropriate filing of your request.

TYPE OF VARIANCE:

- | | | |
|---|---|---|
| <input type="checkbox"/> Administrative Minor | <input type="checkbox"/> Administrative | <input type="checkbox"/> Minor |
| <input type="checkbox"/> Primary | <input type="checkbox"/> Secondary/Interpretation | <input type="checkbox"/> Building Code/Impact Fee |
| <input type="checkbox"/> River Corridor | <input type="checkbox"/> Subdivision Regulations | |

Property Location
Street Address _____

Development Name _____ Dist. _____ L. L.(s) _____

Contact Person _____ Phone _____

Mailing Address _____

Contact Person Status: Property Owner Agent/Applicant Attorney

ACTION REQUIRING VARIANCE:

- | | | | |
|-----------------------------------|---|-----------------------------------|-------------------------------------|
| <input type="checkbox"/> Existing | <input type="checkbox"/> New Construction | <input type="checkbox"/> Addition | <input type="checkbox"/> Alteration |
|-----------------------------------|---|-----------------------------------|-------------------------------------|

TYPE OF IMPROVEMENT:

- | | | | |
|--|--|-------------------------------------|----------------------------------|
| <input type="checkbox"/> Principal Structure | <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Fence/Wall | <input type="checkbox"/> Sign(s) |
|--|--|-------------------------------------|----------------------------------|

- | | | | |
|----------------------------------|---|---------------------------------|--------------------------------|
| <input type="checkbox"/> Parking | <input type="checkbox"/> Landscape Area | <input type="checkbox"/> Buffer | <input type="checkbox"/> Other |
|----------------------------------|---|---------------------------------|--------------------------------|

If Other Explain: _____

If Accessory Structure, state attached or detached, use and size: _____

If Sign Variance, are there existing signs on subject property? State type sign(s). _____

Do the existing signs comply with the Zoning Standards? _____

Has a Fulton County building permit been issued for the subject structure or improvement under variance appeal? _____ Permit No.: _____

Has a Fulton County land disturbance permit been filed or issued for this improvement? _____

Permit No.: _____

If this is a new subdivision, has a final subdivision plat been approved by Fulton County? _____

Through what contact did you learn that you needed to apply for a variance?

_____ Plan Review _____ Citation/Warning _____ Permitting

County Contact Person: _____

Comments (Attach related documents i.e. Citation, correspondence): _____

Please respond if you have knowledge of the following:

Has there been any previous variance(s) granted on this property?_Case No.: _____

Has there been any previous zoning activity? _____ Case No.: _____
Zoning District (if known): _____

Is the subject site located within a designated Overlay District? _____

- Cascade Old National Cedar Grove Cliftondale Sandtown

Has there been contact with community representative(s)? If so, state name(s) _____

Has there been contact with adjoining property owner(s) regarding the variance? _____

Is there any documentation of support? (If so, please attach) _____

AREA OF VIOLATION

Check below the area of the property where the violation exists and state the type of request (to delete, reduce, or increase). Variance location shall be identified on site plan.

Request Example: To reduce the front yard setback from 35 feet to 20 feet; Additional wall sign, increase freestanding sign height, etc.

- Front Yard Side Yard (__Interior__Exterior) Rear Yard Sidewalk
- Lot Width Bldg. Line Sign Area Sign Setback Sign Height
- Height Buffer Area Landscape Area Improvement Setback
- Other: _____ State Request 1: _____

State Request 2: _____

State Request 3: _____

State Request 4: _____

State Request 5: _____