



# [APPLICATION FOR VARIANCE]

CITY OF DULUTH, GEORGIA  
PLANNING AND DEVELOPMENT DEPARTMENT  
3167 MAIN STREET  
DULUTH, GA 30096



# CITY OF DULUTH VARIANCE APPLICATION

## Section 1

## Application Instructions

- A. The accompanying application package must be completed in full in order to be accepted. Applications must meet deadlines as outlined on the City of Duluth Zoning Board of Appeals Public Schedule.
- B. Upon submittal of an application, you will be given a tentative hearing date. All deadlines and requirements found on the Zoning Board of Appeals Public Schedule must be adhered to in order for the case to be heard on the tentatively scheduled date.
- C. An application for a variance shall contain the following in order to be considered complete:
  - 1. A signed and notarized application form including all of the information required to be supplied by the applicant on the form or attached to it. If the owner is a corporation or partnership then provide an executed Certificate of Corporate authorizing submission of the application.
  - 2. Letter of intent stating the reasons for the variance request, a description of the proposal, and addressing each of the conditions governing variance applications in the City's Unified Development Code, as applicable.
  - 3. Responses to Section 4.
  - 4. Payment of fees as set forth in the schedule of fees adopted by the City Council.
  - 5. Copy of the Deed (with legal description) as proof of ownership.
  - 6. If the applicant is not the owner of the property, provide a notarized property owner's authorization for the applicant to act on behalf of the owner on the request (accompanied by an executed certificate of corporate resolution if the owner is a corporation).

### **Additional submittals required for the Case File:**

- 1. 1 copy of legal description
  - 2. List of adjoining property owner names and mailing addresses
  - 3. 2 copies of the site plan to scale
  - 4. Reduced copy of the site plan (no larger than 11" x 17")
  - 5. Digital copies of all photos, maps and site plans are required in .pdf format.
- D. **Initial Review Period** Planning Staff will process your application for completeness within 10 business days starting on the business day following your submittal. After this review period, you will be contacted via e-mail with an approval or denial notice of your application. This notice will include specific information such as your case number, Case Manager and tentative hearing dates. Applications will only be denied if they are incomplete.
  - E. **Applicant Withdrawal.** Once an application has been filed, the applicant has three (3) days to withdraw the application. Withdrawal must be submitted in writing to the Department.
  - F. **Zoning Board of Appeals Hearing.** Once your case manager has authorized your case to proceed to the Zoning Board of Appeals for review (all applicable deadlines have been met), a hearing will be held to consider and take action upon your request.
  - G. **Notice to Proceed.** The City of Duluth does not provide any notice of the variance approval. If you need written confirmation of this for any reason, please submit an open records request (available in our office or on our website) for the official minutes of the hearing.



# CITY OF DULUTH VARIANCE APPLICATION

## Section 2

## Site Plan Requirements

*All applications for a variance shall be accompanied by a plat prepared and stamped by a registered land surveyor, engineer, architect or landscape architect containing the following information:*

**The site plan shall be clearly legibly drawn at a scale of not less than 100 feet to one 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 addresses if different) and telephone and fax number(s);
- Date, scale and north arrow;
- Vicinity map;
- Proposed use of property is developed;
- Required yard setbacks appropriately dimensioned;
- Total acreage;
- Total number of lots and minimum lot sizes (if applicable);
- Size, location, and names of adjoining existing streets or access drives and proposed rights-of-ways and roadways;
- Topography with contour interval no greater than 10 feet;
- Proposed method of sewerage disposal (express as a note);
- Property lines and dimensions (showing bearings and distances);
- All contiguous property under ownership or control of the applicant, except those lands specifically to be excluded by the Department. Areas not planned for development at the time of the submittal shall be shown as "Future Development";
- Location of ingress and egress points;
- Location of 100-year floodplain, lakes, ponds and other water courses;
- Dumpster location;
- Existing and proposed landscaping;
- Building heights;
- For multi-family and non-residential developments, the approximate location and arrangement of existing buildings, parking areas and other improvements including stormwater detention areas and all required buffers.
- Location of existing and proposed sidewalks;
- Existing zoning of the property and adjoining properties;
- Land lot and district;
- Name of person or company preparing the plat;
- Boundaries of the Chattahoochee River Corridor and Chattahoochee River Tributary Protection Areas, if applicable;
- General development data (in tabular form) for multi-family or non-residential site developments, such as number of residential units, gross square feet of each building, number of parking spaces, etc.;
- General development data (in tabular form) for single family developments, such as minimum lot size, floor area of homes, and all relevant conditions of zoning;



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\*Additional information may be requested by Planning Staff if needed for proper evaluation.



# CITY OF DULUTH VARIANCE APPLICATION

## Section 3

## Application Form

V \_\_\_\_\_

Application Date: \_\_\_\_\_

### Applicant Information

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

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

E-mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Fax Number: \_\_\_\_\_

### Owner Information

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

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

E-mail Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

### Property Information

Present Zoning: \_\_\_\_\_

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

Parcel ID Number: \_\_\_\_\_

Use of Property: \_\_\_\_\_

I hereby certify that the above information and all attached information are true and correct.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date



# CITY OF DULUTH VARIANCE APPLICATION

## DISCLOSURE STATEMENT

- No, I have not made any campaign contributions to City officials voting on this application exceeding \$250 in the past two years.
- Yes, I have made campaign contributions to City officials voting on this application exceeding \$250 in the past two years.

To whom: \_\_\_\_\_

Value of contribution: \_\_\_\_\_

Date of contribution: \_\_\_\_\_

I have read and understand the above and hereby agree to all that is required by me as the applicant.

\_\_\_\_\_  
Signature of Applicant

Personally appeared before me

\_\_\_\_\_  
Applicant (print)

Who on oath deposes and says that the Above is true to the best of his or her knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date



# CITY OF DULUTH VARIANCE APPLICATION

## AUTHORIZATION BY PROPERTY OWNER

If there is more than one owner, a separate form must be submitted with the original signature of each owner.

\_\_\_\_\_, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states: That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Gwinnett County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a VARIANCE on this property.

I hereby authorize the staff of the City of Duluth Department of Planning and Development to inspect the premises which are subject of this application.

Name of applicant \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Telephone Number \_\_\_\_\_

\_\_\_\_\_  
Signature of Owner

Personally appeared before me

\_\_\_\_\_  
Owners Name (print)

Who swears that the information contained  
In this authorization is true and correct to  
The best of his or her knowledge and belief.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Date



# CITY OF DULUTH VARIANCE APPLICATION

## VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR APPLICATION

The undersigned below is authorized to make this application. The undersigned certifies that all Gwinnett County and City of Duluth property taxes billed to date for the parcel listed below have been paid in full to the Tax Commissioner of Gwinnett County, Georgia, and to the Tax Officer of the City of Duluth, Georgia. In no case shall an application or reapplication for variance be processed without such property verification.

**\*NOTE: A separate verification form must be completed for each tax parcel included in the variance request. This form is required to be completed by the Applicant.**

**Parcel I.D. Number** -----  
(Map Reference Number) District Land Lot Parcel

\_\_\_\_\_  
Signature of Applicant Date

\_\_\_\_\_  
Type or Print Name  
-----

### CITY OF DULUTH TAX OFFICER'S USE ONLY

(Payment of all property taxes billed to date for the above referenced parcel has been verified as paid current and confirmed by the signature below.)

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

Date: \_\_\_\_\_





# CITY OF DULUTH VARIANCE APPLICATION

## **Section 4**

## **Applicant Response**

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the form of a written narrative that must be submitted with the application. The response must be in this format. Any additional information may be included at the discretion of the applicant. Answers should cite specific examples.

- (A) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other land, structures, or buildings in the same district;
- (B) That literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Development Code;
- (C) That the special conditions and circumstances do not result from the actions of the appellant;
- (D) That granting the variance requested will not confer on the appellant any special privilege that is denied by this Development Code to other lands, structures or buildings in the same district; and,
- (E) That the request is limited to the extent necessary to alleviate the unnecessary hardship and not as a convenience to the appellant nor to gain any advantage or interest over similarly zoned properties.



# CITY OF DULUTH VARIANCE APPLICATION

## Adjoining Property Owner Notification Requirements (Page One)

Notification of your request should be mailed via the United States Postal Service Certified Mail to all adjoining property owners. Notification should be in the following form:

[Insert Date]

### NOTIFICATION OF VARIANCE APPLICATION

This Letter is to inform you that an application for a variance has been submitted to the City of Duluth Zoning Board of Appeals on a tract of land adjacent to your property. Please be advised of the following information pertaining to the Variance request and public hearings.

Case Number:	
Applicant Name:	
Applicant Address:	
Applicant Phone Number:	
Present Zoning:	
Property Address:	
Proposed Use:	
Zoning Board of Appeals:	[INSERT DATE] [INSERT TIME]
Location of Hearings:	3167 Main Street, Duluth GA 30096

For further information, please call the City of Duluth Planning Department at 770.476.1790. If for any reason hearings are continued or tabled to another date, no further notice will be provided. It is advisable to call the above number to confirm that this case is on the agenda prior to arriving.

Sincerely,

[Applicant Name]



# CITY OF DULUTH VARIANCE APPLICATION

## **Adjoining Property Owner Notification Requirements (Page Two)**

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In addition to the above letter, the mailing should include the following:

1. A copy of the site plan and or any drawings reduced to 8 ½ "x 11 ".
2. A copy of the zoning map for the site (can be provided by the city upon request).