



VARIANCE AND WAIVER APPLICATION PACKET

Variances and waivers are modifications of the specific provisions of the Unified Development Ordinance (UDO) granted when strict enforcement of the UDO would cause undue hardship owing to circumstances unique to the individual property on which they are granted. Variances apply to Title 2 of the UDO, while waivers apply to Title 3.

The first step toward applying for a variance or waiver is to contact the Development Department to schedule a pre-application meeting.

Application Requirements Checklist:

The following information and documentation must be received in order for a variance or waiver submittal to be deemed a complete application:

- Completed Application Requirements Checklist
- Variance and Waiver Application Form
- Owner Permission Affidavit(s)
- Campaign Contribution Disclosure Statement(s)
- Pre-Application Form Signed by the Development Department
- Redevelopment Assessment Form
- Legal Description of the property
- Letter of Intent:
 - For a Zoning Variance or Sign Variance, provide a project description and justification of how the project complies with the Review and Approval Criteria in Section 280-31. Each of the following Criteria for a zoning variance or sign variance must be addressed by the applicant:
 - 1) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and
 - 2) The application of this UDO to the particular piece of property would create an unnecessary hardship; and
 - 3) Such conditions are peculiar to the particular piece of property involved; and
 - 4) Such conditions are not the result of any actions of the property owner; or
 - 5) Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.
 - For a Stream Buffer Variance, provide a project description and justification of how the project complies with the Review and Approval Criteria in Section 310-19(c). Each of the following Criteria for a stream buffer variance must be addressed by the applicant:
 - 1) The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - 2) The locations of all streams on the property, including along property boundaries;
 - 3) The location and extent of the proposed buffer or setback intrusion;
 - 4) Whether alternative designs are possible which require less intrusion or no intrusion;

- 5) The long-term and construction water-quality impacts of the proposed variance; and
 - 6) Whether issuance of the variance is at least as protective of natural resources and the environment.
- c. For a Waiver, provide a written response to the following criteria from Section 300-8 of the UDO: *“Where, because of severe topographical or other condition peculiar to the site, strict adherence would cause an unnecessary hardship not caused by the owner, a Waiver may be granted only to the extent that is absolutely necessary and not to the extent that would violate the intent of Title 3 of the UDO.”*
- Site Plan (See attached Site Plan Checklist for requirements)
 - Other materials reasonably required by the City necessary to the analysis of the application.
 - Application Fees: See Adopted Fee Schedule

Please submit the entirety of your application electronically, saved in .pdf format with a maximum 50 MB file size, to Chambleedevelopment@chambleega.gov. No hard copies are required to be submitted. Fees can be paid electronically via the link found at www.chambleega.gov/152/appications-and-forms.

Application Processing:

Variances: An application shall be considered complete and ready for processing only if it is submitted in the required format, includes all required information and supporting documentation, and is accompanied by the application filing fee. The Development Director shall make a determination of application completeness in accordance with the schedule established pursuant to Section 280-6. Applications deemed complete by the Development Director will be considered to be in the processing cycle and will be reviewed by City Staff, affected agencies, and other review and decision-making bodies in accordance with applicable review and approval procedures of the UDO.

Any variations to strict compliance with the regulations of the UDO require review and approval by the Mayor and City Council in accordance with the variance procedures of Chapter 280, Article 4.

The Mayor and City Council shall, upon receipt of recommendations from Staff, hold a public hearing on a variance application. This takes place at the Mayor and City Council Work Session the Thursday prior to the regular monthly Mayor and City Council meeting, at 6:00 pm at the Chamblee Civic Center, located at 3540 Broad Street, Chamblee, GA 30341.

A meeting of the Mayor and City Council for the purposes of reviewing and making final decisions on variances shall be conducted either no more than five days after the date of the public hearing, or at the next scheduled meeting of the Mayor and City Council, where the Mayor and City Council shall act by simple majority vote to approve the variance, approve the variance with conditions, or deny the variance based on the applicable review and approval criteria of Section 280-31. The Mayor and City Council is also authorized

to defer action or continue a hearing in order to receive additional information or further deliberate. The regular meeting of the Mayor and City Council occurs the third Tuesday of every month at 7:30 pm at the Chamblee Civic Center, located at 3540 Broad Street, Chamblee, GA 30341.

If a variance application is denied, an application to vary the same zoning ordinance provision for the same portion of the subject property may not be resubmitted for six (6) months from the date of the denial.

Any person aggrieved by a final variance decision of the mayor and city council, including any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the superior court for a writ of certiorari, setting forth the alleged errors. The petition must be filed within 30 days of the date that the mayor and city council renders its final decision.

Waivers: Waivers and variances have the same application requirements, follow the same timeline, and have the same appeals requirements. However, waivers do not require a public hearing.

See Zoning Application Schedule for submittal deadlines and public meeting dates.

The current UDO and Zoning Application Schedule can be found at www.chambleega.gov/160/zoning.



VARIANCE AND WAIVER APPLICATION

CHECK ALL THAT APPLY:

Zoning Variance

Sign Variance

Stream Buffer Variance

Waiver

Name of Project

Property Address

Brief Description of Project

Zoning District

Total # of Properties Involved

Total Project Acreage

Total Number of Buildings

Total sq. ft. of buildings

OWNER:

Name and Company

Mailing Address

City, State

Zip Code

Phone #

E-mail

APPLICANT: Check here if Applicant is also the Property Owner

Name and Company

Mailing Address

City, State

Zip Code

Phone #

E-mail

Applicant Signature

Date

I hereby certify that all information provided herein is true and correct.

NOTARY:

Sworn to and subscribed before me this _____ day of _____, 20_____

Notary Public:



Owner Permission Affidavit

Subject Property Street Address: _____

Subject Property Tax ID number: 18 - _____ - _____ - _____

Owner:

Name (Person, Firm, Corporation, or Agency): _____

Mailing Address: _____

Phone: _____

Email: _____

Property Owner's Agent (If applicable)

Name (Person, Firm, Corporation, or Agency): _____

Mailing Address: _____

Phone: _____

Email: _____

I am applying for, or I hereby give authority to the applicant to file an application for: _____

Owner/Agent signature

Owner/Agent printed name

This instrument was signed before me on this date _____

County _____ Georgia Notary Signature: _____

Affix seal/stamp as close to signature as possible



Disclosure of Campaign Contributions

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Variance, Amendment, or Development of Community Impact.

GA Citation/Title

GA Code 36-67A-3, Disclosure of Campaign Contributions

*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2016 General Assembly)

36-67A-3 Disclosure of campaign contributions.

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
 - 1) The name and official position of the local government official to whom the campaign contribution was made; and
 - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.)

Official Code of Georgia Annotated Copyright 1982 – 2016 State of Georgia.



Campaign Contributions Disclosure Form

Have you as applicant, agent for applicant, property owner, or person associated with the application for property, located at _____, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to an elected official of the City of Chamblee? YES NO

| | |
|-----------------------------|------------|
| Applicant/ Owner | Name: |
| | Address: |
| | Signature: |
| | Date: |

If the answer above is YES, then please complete the following section:

| Date | Government Official | Official Position | Description | Amount |
|------|---------------------|-------------------|-------------|--------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |



INSTRUCTIONS FOR REQUESTING A PRE-APPLICATION MEETING

Projects That Require a Pre-Application Meeting:

1. Amend the future development map
2. Amend the zoning map
3. Variance and/or waiver
4. Development of Community Impact (DCI)
5. Subdivide land
6. Addition to a commercial building
7. New commercial building
8. Any other application deemed necessary

Application Submittal and Review Process:

- A. **Complete a Pre-Application Information Form** that contains a detailed description of the request.
- B. **Prepare Concept Plans and a Submit a PDF digital version** that conveys the proposed project. These plans may be conceptual in nature and do not need to be developed by a design professional. (Note: Individual PDF files may not exceed 25 MB. Large files should be separated into individual PDF files not exceeding 25 MB.)
- C. **Submit the Pre-Application Instruction Form and Concept Plans** to the Development Department in person or via email to chambleedevelopment@chambleega.gov. The application and forms will be reviewed within (2) two business days. Once the plans are reviewed, the Development Department will notify the applicant if an in-person Pre-Application meeting is required. Note: If an in-person meeting is not necessary, then the Pre-Application Meeting will take place during Building Permit submittal.
- D. **Attend a Pre-Application Meeting** with the Development Department. The Development Department will contact the applicant to schedule a Pre-Application Meeting. Feedback about the proposal along with an overview of the application/review process will be provided during this meeting. The applicant should bring a hard copy of the concept plans to the meeting.
- E. **Submit a Signed Copy of the Pre-Application Information Form** with the formal application. When the applicant is prepared to submit the full, complete application for the development activity or zoning process a copy of this form is required to be submitted.

PRE-APPLICATION INFORMATION FORM SUBMITTAL CHECKLIST:

- Complete Pre-Application Information Form
- One PDF digital version of Concept Plans (Note: Individual PDF files may not exceed 25 MB. Large files should be separated into individual PDF files not exceeding 25 MB.)



PRE-APPLICATION INFORMATION FORM

This page must be completed by the Applicant.

APPLICANT

Name _____

Company _____

Mailing Address _____

Suite/Apt. # _____

City, State _____

Zip Code _____

Primary Phone # _____

Alternate Phone # _____

E-mail _____

PROJECT SUMMARY

Address of Project _____

Name of Project _____

Application Type (Rezoning, Building Permit, Land Disturbance, Variance, etc.) _____

Total Project Acreage _____

Detailed Description (*Include Proposed Use(s) and Square Footage of Floor Area for each use:*)

Applicant Signature _____

Date: ____ / ____ / ____

NOTE: This form must be signed by the Development Department and submitted with your application.

For Internal Use Only:

Pre-Application Meeting Date: _____

Staff Printed Name: _____ Signed: _____



Redevelopment Assessment Form

(Applies to all existing structures except for Single-Family Detached Residential structures, per Chamblee UDO Section 270-9)

PROPERTY ADDRESS: _____

APPLICANT NAME: _____ DATE: _____

PROJECT TYPE: (Check all that apply)

- Renovation
- Alteration
- Addition
- Repair
- Other _____

THRESHOLD ASSESSMENT:

Total construction cost post renovation/improvement, cumulative: **TCC =** _____

(Attach documentation for all improvements made over the last 3 years. See UDO [Section 270-9](#). Interior-only renovations are 50% of the cost valuation based on the ICC Building Valuation Data Construction Cost Table)

Fair Market Value of existing structure(s): **FMV =** _____

(Attach DeKalb County Tax Assessor documentation for all buildings on the site. The information can be obtained from the following website: <https://propertyappraisal.dekalbcountyga.gov/search/>)

Percent calculation: **TCC/FMV =** _____

ASSESSMENT: (Check one)

- Improvements not required because less than 30% improvement
- $\geq 30\%$ $\geq 60\%$ $\geq 70\%$

See Page 2 of this form for *Redevelopment Thresholds Summary Table*.

Mandatory compliance is not intended to result in total improvement costs greater than or equal to 125% of FMV value but applicant shall meet items in order of priority listed in Section 270-9 of the UDO until the 125% cap is met.

Redevelopment Thresholds Summary Table

| Code to be applied | Redevelopment costs as a percentage of the fair market value of the structure | | | |
|---|--|--------------------|--------------------|--------------------|
| | Less than 30% | 30% or more | 60% or more | 70% or more |
| Section 230-26 (Streetscape design) | Not mandatory | Mandatory | Mandatory | Mandatory |
| Section 250-7 (Parking) | Not mandatory | Not mandatory | Not mandatory | Mandatory |
| Section 230-27 Building architecture) | Not mandatory | Not mandatory | Mandatory | Mandatory |
| Section 230-29 (Storefront Streets) | Not mandatory | Not mandatory | Mandatory | Mandatory |
| Remaining provisions of Chapter 230, Article 2 (Civic Design) not listed above | Not mandatory | Not mandatory | Not mandatory | Mandatory |
| Section 250-21 (Dumpsters) | Not mandatory | Not mandatory | Mandatory | Mandatory |
| Remaining provisions of Chapter 250 (Off-Street Parking and Loading Standards) not listed above | Not mandatory | Not mandatory | Not mandatory | Mandatory |
| Section 320-21 (Off-street surface parking lot planting requirements) | Not mandatory | Not mandatory | Mandatory | Mandatory |
| Remaining provisions of Chapter 320, Article 2 (Buffers) not listed above | Not mandatory | Not mandatory | Not mandatory | Mandatory |
| Subsection 350-2(a)(1)(b) (Sidewalks crossing driveways) | Not mandatory | Not mandatory | Mandatory | Mandatory |
| Remainder of UDO | Not mandatory | Not mandatory | Not mandatory | Mandatory |



Variance and Waiver Site Plan Checklists

Zoning and Sign Variances, Waivers

At a minimum, requests shall include the following:

1. Site Plan of Existing Conditions. The site plan must be to scale and include:

- Parcel boundaries
- North arrow
- Visual scale a minimum of 1"=100'
- Location of streams and lakes affecting the property
- Abutting streets, sidewalks, and rights-of-way
- Existing building footprints, and other existing impervious surfaces such as driveways and walkways
- Location of permanent ground signs
- Existing easements
- Required zoning setbacks
- Existing impervious surface area ratio calculation
- Existing open space calculation provided (if non-residential)
- Required zoning buffers
- Additional information as requested by Staff

2. Site Plan of Proposed Conditions. The site plan must be to scale and include the following, clearly identified with dimensions and materials:

- Parcel boundaries
- North arrow
- Visual scale a minimum of 1"=100'
- Location of streams and lakes affecting the property
- Abutting streets, sidewalks, and rights-of-way
- Proposed building footprints, and other impervious surfaces such as driveways and walkways
- Location of permanent ground signs
- Easements
- Required zoning setbacks
- Impervious surface area ratio calculation
- Open space calculation provided (if non-residential)
- Required zoning buffers
- Additional information as requested by Staff



Stream Buffer Variances

At a minimum, per Section 310-19(c) of the UDO, a stream buffer variance request shall include the following:

- A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
- A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- 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;
- Documentation of unusual hardship should the buffer be maintained;
- At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- A calculation of the total area and length of the proposed intrusion;
- A stormwater management site plan, if applicable; and
- Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.