



[APPLICATION FOR VARIANCE]

CITY OF DULUTH, GEORGIA
DEPARTMENT OF PLANNING & DEVELOPMENT
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 are only accepted on deadlines as outlined on the City of Duluth ZBA Public Schedule (Attached).
- 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. **The applicant must submit the following forms with ORIGINAL signatures:**
 - 1. Application for Variance
 - 2. Conflict of Interest Certification
 - 3. Applicant Response and/or written narrative of proposal
 - 4. Disclosure Statement
 - 6. Authorization by Property Owner
 - 7. Verification of Current Paid Property Taxes

Additional submittals required for the Case File:

- 1. Fees: See Current Planning Fee Schedule
 - 2. 1 copy of Legal description
 - 3. List of adjoining property owner's names and mailing addresses
 - 4. 2 copies of the site plan to scale
 - 5. Any color maps or pictures must be submitted in the quantity of 10
 - 6. Reduced copy of the site plan (no larger than 11" x 17")
 - 7. Digital copies of all photos, maps and site plans are required. Please submit these on disk with your application.
- D. **Initial Review Period.** Planning Staff will process your application for completeness during the first 24 hours starting on a 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 within the City of Duluth 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. **Public Notification.** It is your responsibility to provide public notification regarding the hearing of your request. Please see section 5 for more details and templates.
- D. **Zoning Board of Appeals Hearing.** Once your case manager has authorized your case to proceed to the ZBA for review (all applicable deadlines have been met), a hearing will be held to consider and take action upon your request.
- E. **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.



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Section 2

Site Plan Requirements

MULTI-FAMILY, NON-RESIDENTIAL DEVELOPMENT OR MORE THAN TWO SINGLE-FAMILY LOTS:

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 to be 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 the 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;
- Any other data requested by the Planning Director or Zoning Board of Appeals necessary for an understanding and evaluation of the project;



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SINGLE-FAMILY LOT (TWO OR FEWER)

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;
- Parcel owner and address (both local and permanent addresses if different) and telephone and fax number(s);
- Date, scale and north arrow;
- Vicinity map;
- Required yard setbacks labeled with dimensions;
- Total parcel area;
- Size, location, and names of adjoining existing streets or access drives and proposed rights-of-ways and roadways;
- Property lines and dimensions;
- "Stub" property lines of adjoining properties and ownership information for each adjoining parcel including those across public or private roads;
- Driveway location(s);
- Location of 100-year floodplain, lakes, ponds and other water courses;
- Existing and proposed landscaping;
- Building heights;
- Building footprints of all existing including dimensions.
- Building footprints of all proposed structures.
- 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 single family developments, such as minimum lot size, floor area of homes, and all relevant conditions of zoning;



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Section 3

Application Form

V# _____

Application Date: _____

Applicant Information
Name: _____

Address: _____

E-mail Address: _____

Phone Number: _____

Fax Number: _____

Owner Informaiton

Name: _____

Address: _____

E-mail Address*: _____

Phone Number: _____

Property Information

Present Zoning: _____

Address: _____

Parcel ID Number: _____

Use of Property: _____

Parcel Area: _____ Acres / Square Feet

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

Signature of Applicant

Date

Signature of Owner

Date



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DISCLOSURE STATEMENT

Nothing in Title 36 of O.C.G.A. (36-67A-3) shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

- 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



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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

(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 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: _____



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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) Explain the 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) Explain the 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 Ordinance.
- (C) Explain the special conditions and circumstances that exist that do not result from the actions of the applicant.
- (D) Explain why granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures or buildings in the same district.
- (E) Demonstrate that no nonconforming use of neighboring lands, structures or buildings in the same district, and not permitted or non-conforming use of lands structures or buildings in other districts shall be considered grounds for issuance of a variance.



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Section 5

Notification Requirements

As the applicant, you are responsible for providing notification to the public regarding the Zoning Board of Appeals hearing of your request. Proof of the fulfillment of all notification requirements is due in the office by 4:30 p.m. on the date indicated by the attached Zoning Board of Appeals Public Schedule.

The following forms of notification are required:

1. Posting of a legal advertisement in the Gwinnett Daily Post stating the nature of the request, name of the applicant, location of the property and date and location of the hearing.
2. Delivery (via USPS certified mail) of a hard copy letter of notification to all adjoining property owners. This letter should express the nature of your request, a detailed description of any operations to take place, the name and address of the applicant and the date, time and place of the hearing.

Templates for each of the requirements are attached to this package. In order to submit proof of notification to the City of Duluth Department of Planning and Development, you should prepare and submit the following prior to the listed "Proof of Public Notification" due date on the ZBA public schedule:

1. A copy of the receipt received for payment of and placing of the legal advertisement in accordance with requirement number 2 above.
2. A copy of the letter required by number 3 above should also be sent to our office with a list of all adjoining property owners to whom the required letter was sent. When available, the certified mail receipts should be submitted to our office.



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Legal Advertisement Template

PUBLIC HEARING CITY OF DULUTH, GEORGIA

Notice is hereby given to the public that an application has been filed with the City of Duluth, Georgia for a variance case [Insert Case Number] submitted by [Insert Applicant Name] of [Insert Applicant City, State] to construct a [Insert description of request]. The location related to this request is [Insert property address] also known as parcel number [Insert Parcel ID Number].

All interested parties are invited to attend a public hearing before the **Duluth Zoning Board of Appeals** on the variance request at Duluth City Hall, 3167 Main Street on **[Insert Hearing Date]** at 7:00 p.m. Case file and map of the proposed development are available for review in the Department of Planning and Development, Monday-Friday 8:00 a.m. – 5:00 p.m. or by calling 770-476-1790. Handicap accessibility is at the rear of the building.

Notice To Applicant

The required legal notice above must appear in the Gwinnett Daily Post no less than 15 calendar days prior to the hearing date. Please see the following contact information:

Legal Notices: Hours are 8 a.m. to 5 p.m., Mon.-Fri. The fax number is 770-339-8082. Cindy Carter is the legal notice coordinator. She can be reached at 770-963-9205 ext.1160. E-mail legals@gwinnettdaily.com.

Once you have placed the advertisement, please submit a signed publisher's affidavit as proof of placement of this notification. This document can be provided by the Gwinnett Daily Post.



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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 Rezoning request and public hearings.

Case Number:	
Applicant Name:	
Applicant Address:	
Applicant Phone Number:	
Present Zoning:	
Requested Variance:	
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 applicant listed above or 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]



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Adjoining Property Owner Notification Requirements (Page Two)

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).