



APPLICATION FOR VARIANCE, WAIVER, OR SPECIAL EXCEPTION

This application applies to: Variances, Administrative Variances, Special Exceptions, and Waivers.

Variances and waivers are modifications of the specific provisions of the City of Auburn Code of Ordinances granted when strict enforcement of the ordinances would cause undue hardship owing to circumstances unique to the individual property on which they are granted.

Instructions: A properly completed application and fees are due at the time of submittal. The submittal deadline is the one month prior to the scheduled meeting date. Variance requests will be considered on the 2nd Wednesday of the following month by the Zoning Board of Appeals (ZBOA). A pre-application meeting is required prior to submitting an application; please contact the Community Development Department to schedule a pre-application meeting at 770-963-4002.

If an applicant needs to further relax the dimensional standards of the Zoning Ordinance for a specific property for the purpose of construction, they can request a variance to the text of the Zoning Ordinance. Such a request might seek to modify the strict terms of lot coverage, placement, setback, yard, buffer, landscape strip, parking and loading or other regulations, but such an application may not occur concurrently with a land use map amendment or modification of conditions, and the approval of one does not indemnify the approval of the other. The Zoning Board of Appeals shall determine whether the requested variance or special exception meets the applicable requirements. The Community Development Director shall determine whether the requested administrative variance meets the applicable requirements in accordance with Section 17.130.020.

The variance process for the City of Auburn involves one public hearing before the Zoning Board of Appeals, where the item will be heard and a decision will be made based on the applicant's submittal information and the report generated by city staff. The Zoning Board of Appeals meets the second Wednesday of each month at 6:00 PM in the Auburn Council Chambers, located at 1361 Fourth Avenue, Auburn, GA 30011. The Administrative Variance process does not require a public hearing. The Community Development Director will issue a decision within 45 days for administrative variances related to Stream Buffers and 30 days for general administrative variance requests. The decision date begins after the date of application acceptance by city staff.

Waivers: Waiver requests to the Development Regulations for the City of Auburn are decided by the City Council. The Community Development Director, along with other affected city and county departments, will review the request and forward such comments or recommendations as may be received to the City Council for final action in their normal course of business. The City Council holds meetings every first and third Thursday of every month in the Council Chamber located at 1361 Fourth Avenue, Auburn, GA 30011.

To initiate a request for a Variance, Waiver, Special Exception within the City of Auburn, an applicant must schedule and hold a pre-application meeting with the Planning & Zoning staff, which must take place by the deadline of 4:00pm on the Friday preceding the application submission deadline on the first Wednesday of the month. These meetings are scheduled as needed and the purpose of the pre-application meeting is to establish an expectation on the part of both staff and the applicant for the zoning appeal process. The applicant shall provide preliminary/finalized site plans, a letter of intent regarding the request, and/or other illustrative documents as necessary at the time of the pre-application meeting. The applicant will then provide an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to affect the proposed change and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.



VARIANCE, WAIVER, OR SPECIAL EXCEPTION APPLICATION CHECKLIST

(Incomplete applications will not be accepted)

- Pre-Application Meeting
- Completed Application
- Survey Plat of the subject property in accordance with the attached site plan checklist.
- Signed and notarized affidavits of all property owners. Use additional sheets as needed.
- Signed Campaign Contributions Disclosure Statement.
- Written legal description which includes a narrative of the metes and bounds of the property.
- Relevant site photos.
- Letter of Intent. Please describe your situation and why you are requesting a variance, waiver, or special exception.



SITE PLAN REQUIREMENTS

(All applicable items must be included on the Site Plan; separate sheets may be used)

- Key and/or legend and site location map with North arrow.
- Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- Acreage of subject property.
- Location of land lot lines and identification of land lots.
- Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property.
- Proposed streets on the subject site.
- Current zoning of the subject site and adjoining properties.
- Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property.
- Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 200 feet of the subject property.
- Location of proposed buildings with total square footage.
- Layout and minimum lot size of proposed single-family residential lots.
- Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects.
- Location of overhead and underground electrical and pipeline transmission/conveyance lines.
- Required and/or proposed setbacks.
- 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
- Required and proposed parking spaces; Loading and unloading facilities.
- Lakes, streams, wetlands, and Waters of the State and associated buffers.
- Proposed stormwater management facilities.
- Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
- Availability of water system and sanitary sewer system.
- Location of existing trees and trees to be removed, or a statement that there are none, and whether the trees identified are specimen trees. (A specimen tree is any deciduous (oak, hickories, poplars, etc.) tree with a DBH of 30 inches or greater, coniferous tree (pines, evergreens, etc.) tree with a DBH of 24 inches or greater, or a small understory tree (dogwoods, redbuds, sourwoods, etc.) with a DBH of 10 inches or greater. If no specimen trees exist on the site, note their absence on the plans. If a specimen tree is to be removed, provide a calculation for recompense at 1.5x the diameter.)



ADDITIONAL REQUIREMENTS FOR STREAM BUFFER VARIANCES

Site Plan Requirements:

1. Delineation of the stream buffer (state, 50-foot undisturbed and 25-foot additional setback) and the limits of all existing and proposed land development or 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 in a table as follows:

Buffer area	Existing Encroachment (sq.ft.)	Proposed Encroachment (sq.ft.)
25 foot (State buffer)		
50 foot (City buffer)		
75 foot (City impervious setback)		

2. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
3. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
4. 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;
5. Documentation of unusual hardship should the buffer be maintained;
6. 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;
7. A calculation of the total area and length of the proposed intrusion;
8. A stormwater management site plan, if applicable; and
9. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

The following factors will be considered in determining whether to issue a variance:

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.

*Variances will not be considered when, following adoption of the ordinance codified in this chapter, actions of any property owner of a given property have created conditions of a hardship on that property.



CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, both the owner's and agent's certifications must be completed. If the owner is filing the application, only the owner's certification must be completed.

OWNER'S CERTIFICATION

The undersigned below, hereby declares that they are the owner(s) of the property, located at

_____,
as shown in the records of Barrow or Gwinnett County, GA.

Signature

Date

Appeared before me personally this _____ day of _____, 20 _____.

Signature of Notary Public

Date



CERTIFICATIONS

In the event an owner's agent or contract purchaser is filing this application, the certifications below must be completed. If the owner is filing the application, only the owner's certification must be completed.

AGENT'S CERTIFICATION

The undersigned below, or as attached, is hereby authorized to make this application by the property owner for the property listed below and located at

_____,
as shown in the records of Barrow or Gwinnett County, GA.

Signature

Date

Appeared before me personally this _____ day of _____, 20 _____.

Signature of Notary Public

Date



CONFLICT OF INTEREST DISCLOSURE

The undersigned below, making application for Rezoning, Special Exception, Special Use Permit, Variance, etc., has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant

Signature of Owner

Date

Date

Appeared before me personally this
_____ day of _____, 20 ____.

Appeared before me personally this
_____ day of _____, 20 ____.

Notary Public

Notary Public

My Commission Expires: _____

My Commission Expires: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

(Check one) YES NO

Your Name: _____

Name and position of government official(s):

Date and amount (which aggregated \$250 or more) of the contribution(s):

Signature of Applicant

Signature of Applicant's Attorney/Representative

Date: _____

Date: _____