

FOR OFFICE USE ONLY
Case #: _____

PLANNING & COMMUNITY DEVELOPMENT

eastpointcity.org

2757 East Point Street, East Point, GA 30344
 Phone: (404) 669-4399, option 4 Email: zoning@eastpointcity.org

VARIANCE CHECKLIST
 ALL DOCUMENTS AND QUANTITIES ARE REQUIRED

ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING
NO INCOMPLETE APPLICATIONS WILL BE ACCEPTED

Item #	Required Document	Number of Copies	Check <input type="checkbox"/>
1.	Pre-Application Form	1 original	
2.	Application Form	1 original	
3.	Variance Questionnaire	1 original	
4.	Letter of Appeal (8½ x 11)	1 original	
5.	Legal Description (8½ x 11)	1 original	
6.	Site Plan (8½ x 11)	1 original	
7.	Sketch of Sign (if applicable)	1 original	
8.	Authorization to Inspect Premises	1 original	
9.	CZIM Address List	1 original	

REQUIRED ITEMS FOR VARIANCE APPLICATIONS:

Applications are available at the Department of Planning and Community Development or at www.eastpointcity.org. The filing deadline for all variance applications is the first Friday of each month. All application submittals must be done in person at 2757 East Point Street, East Point, GA 30344 between 8:00 a.m. and 3:00 p.m. Incomplete applications will not be accepted. Please refer to the information below for all documents needed for filing. **A PRE-APPLICATION APPOINTMENT IS REQUIRED PRIOR TO FILING.**

1. **PRE-APPLICATION FORM:** A variance pre-application form shall be completed in a pre-application 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 Ordinance standards can be appealed. Contact Staff at (404) 669-4399 to make an appointment for a pre-application review meeting.

2. **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 Planning and Zoning Commission cannot be resubmitted for a period of six (6) months from the date of the denial.

3. **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.

4. **LETTER OF APPEAL:** On a separate Word document, the letter of appeal shall be addressed to the Director of Planning and Community Development 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 a written response to the following considerations which shall be used in justifying the hardship(s) (Section 10-2184):

HARDSHIPS

VARIANCE CONSIDERATIONS: Variances from the provisions or requirements of the Ordinance shall be authorized only upon making all of the following findings:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Ordinance would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
2. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located;
3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance. No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the Planning and Zoning Commission or City Council. No variance shall be granted to extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the City Council.
4. No variance shall be granted by the Planning and Zoning Commission that permits the expansion or enlargement of any nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit;
5. No variance shall permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant the requirements and limitations of 10-2017;

and if variance request pertains to a sign then answer the following:

6. 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.
4. **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 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.
6. **SITE PLAN:** Site plans must meet the minimum requirements specified by 10-2226 of the East Point Zoning Ordinance. Refer to Site Plan Check list (Form F).

SITE PLAN CHECKLIST: The site plan checklist (Form F) details the minimum requirements for site plans as specified by 10-2226 of the Zoning Ordinance. **Prior to submitting an application, a review of the site plan and sign-off by Plan Review on Form F is required.**

7. **SKETCH OF SIGN (IF APPLICABLE):** If the variance request is for a sign, 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.
8. **AUTHORIZATION TO INSPECT PREMISES:** This document gives the City of East Point authorization to inspect the premises, which are the subject of this request for rezoning/use permit/variance/subdivision.
9. **COMMUNITY ZONING INFORMATION MEETING (CZIM) ADDRESS LIST:** A CZIM Address List must be completed and filed no later than 7 days before the Planning and Zoning Commission meeting. The report shall include a list of all property owners within 500 feet of the subject property.

INCLUDED ONLY WITH MINOR/ADMINISTRATIVE MINOR VARIANCE REQUESTS:

1. **ADJACENT PROPERTY OWNER LETTER:** Minor/Administrative Minor Variance Applications shall include letters from all adjoining property owners. Any property owner having property that adjoins the subject property is required to attest to support or to opposition of the proposed variance.

INCLUDED ONLY WITH SECONDARY VARIANCE/INTERPRETATION VARIANCE REQUESTS:

1. **ADVERSE DECISION LETTER:** The adverse decision letter shall address the effect assumed to result from not applying the current standards. The applicant shall provide a copy of the Decision or interpretation Letter for which the adverse decision is being appealed.

RESOURCE LINKS

[BS&A](#)

[Apply for Planning, Zoning, or Engineering Process](#)

[Online Payments](#)

SUBMITTING AN APPLICATION:

SUBMITTAL: Application deadlines are the first Friday of the month. The applicant must provide (1) one original application packet with all the required documents and eight (8) copies. Please do not staple or bind the application. Site plan submittal should include (1) one original 8 ½" x 11" . **A PRE-APPLICATION APPOINTMENT IS REQUIRED PRIOR TO FILING.** If you have any questions or concerns regarding the variance filing procedures, please call the Department of Planning and Community Development at (404) 669-4399.

FEES: Application fees are due at the time of submittal. Please refer to the "Fee Schedule" for fee amount.

REQUIREMENTS FOR FILING A VARIANCE REQUEST:

PUBLIC PARTICIPATION:

COMMUNITY ZONING INFORMATION MEETING (CZIM): The CZIM is to allow applicants an opportunity to present their application, allow the citizens of East Point opportunities to review all applications submitted and ask questions of the applicant and express any preliminary concerns. The meeting is held on the second Tuesday after the application deadline at 2757 East Point Street, East Point, GA 30344 from 6 p.m. to 8 p.m. The applicant or representative is **required to attend**.

PUBLIC HEARING:

EAST POINT PLANNING AND ZONING COMMISSION: The Planning and Zoning Commission holds a public hearing on the third Thursday of each month at 7:00 p.m. at 2757 East Point Street, City Council Chambers, 1st Floor, East Point, GA 30344. The applicant or agent **must attend** the public hearing. Any voluminous presentation of documents shall be filed with the Department of Planning and Community Development a minimum of 15 days in advance of the public hearing. Presentation at the meeting will not guarantee the Planning and Zoning Commissions review or consideration.

PUBLIC NOTICE:

POSTING OF PUBLIC NOTICE SIGNS: 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 Planning and Zoning Commission 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 a 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 the Planning and Zoning Commission hearing date.

MAILING "DEVELOPMENT OF INTENT" POSTCARDS: By U.S. Mail, postcard notices are sent by the applicant to all property owners within 500 feet (for residential and commercial properties) or 1,000 feet (for industrial and business park properties) of the subject property. Said notices are mailed prior to the CZIM meeting to property owners of record as shown on the current tax records of Fulton County as retrieved by the County's Geographic Information System. For Minor/Administrative Minor Variances, property owner notification letters are mailed to immediately adjacent property owners.

NEWSPAPER: For all Primary, Secondary/Interpretation and Stream Buffer Variances, The Department of Planning and Community Development shall publish in the South Fulton Neighbor a notice of the public hearing no later than 15 days prior to the Planning and Zoning Commission hearing. The published notice shall contain the time, place, purpose of the hearing and the variance property location.

POST-PUBLIC HEARING:

DECISION: Notice of decisions from the Planning and Zoning Commission shall be mailed seven days following the date of decision for all Primary, Secondary/Interpretation and Stream Buffer Variances. Minor/Administrative Minor Variance decisions will be provided in writing 30 days of the filing and following administrative review.

APPEALS: Appeals to Primary, Secondary/Interpretation and Stream Buffer Variances shall be filed with the Fulton County Superior Court within 30 days of the Planning and Zoning Commission decision. Appeals to other variances, administratively handled shall be filed within 30 days of the Department's decision via a Secondary/Interpretation Variance Application.

TYPES OF VARIANCES (Chapter 2, Article I - Section 2185 and 2186)

VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING:

ADMINISTRATIVE: These types of variances are handled administratively by the Department of Planning and Community Development.

1. **ADMINISTRATIVE MINOR VARIANCES:** Administrative relief up to one-foot (1') from any minimum yard requirement.
2. **MINOR VARIANCE:** Relief from the minimum yard setback requirements not to exceed ten-percent (10%) of such requirement.

VARIANCES THAT REQUIRE A PUBLIC HEARING

PLANNING AND ZONING COMMISSION: The following variances require a public hearing and action by the Planning and Zoning Commission.

1. **PRIMARY VARIANCE:** Applicant seeks relief from the provisions of the Zoning Code and Development Regulations. All such appeals shall be heard by the Planning and Zoning Commission and shall be accompanied with a statement of hardship (See enclosed Variance Considerations).
2. **SECONDARY VARIANCE/INTERPRETATION:** Applicant seeks to appeal a decision of the Department of Planning and Community Development or seeks to appeal a decision on an MINOR/ADMINISTRATIVE MINOR VARIANCE.
3. **STREAM BUFFER VARIANCE:** Applicant seeks relief from the stream buffer and setback requirements. Requirements are enumerated in Chapter 12, Stream Buffer Protection, and Section 10-12022 VARIANCE PROCEDURES.



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**PRE-APPLICATION FORM
FOR VARIANCE REQUESTS**

Variance Type: Primary Stream Buffer Secondary/Interpretation Administrative Minor Minor

PROJECT DETAILS

Address: _____

Parcel I.D.: _____

Current Zoning: _____

Project Description (Intent/Request): _____

SITE DETAILS

Ward: _____ Future Land Use: _____

District: _____ Land Lot(s): _____ Overlay District: _____

Acres: _____ Square Feet (Area): _____ Lot Dimensions: _____

Additional Information: _____

APPLICANT

Name: _____ Phone: _____

Address: _____ E-mail: _____

City: _____ State: _____ Zip: _____ Fax: _____

PROPERTY OWNER

Name: _____ Phone: _____

Address: _____ E-mail: _____

City: _____ State: _____ Zip: _____ Fax: _____

REPRESENTATIVE (AGENT/ATTORNEY)

Name: _____ Phone: _____

Address: _____ E-mail: _____

City: _____ State: _____ Zip: _____ Fax: _____



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**APPLICATION FORM
FOR VARIANCE REQUESTS**

Application Deadline Date: _____

PROJECT LOCATION

Address: _____

Parcel I.D.: _____

SECTION I CHECK ONE OF THE FOLLOWING VARIANCES

VARIANCES THAT REQUIRE A PUBLIC HEARING

Primary Variance: Seeks relief from the Zoning Code and Development Regulations.

Secondary Variance/Interpretation: Interpretations, relief of an adverse decision by any official of East Point, or relief from Minor/Administrative Minor requests

Stream Buffer Variance: Seeks relief from buffer and setback requirements.

VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING

Minor/Administrative Minor Variances: Seeks relief from the minimum yard setback requirements for one-foot (1') or less.

Minor Variance: Seeks relief from the minimum yard setback requirement not to exceed ten-percent (10%) of such requirement.

SECTION II DESCRIBE THE VARIANCE REQUEST

SECTION III PROVIDE THE LEGAL DESCRIPTION OF PROPERTY

District: _____ Land Lot(s): _____ Lot Number(s): _____

Subdivision: _____ Unit/Phase: _____

Legal description/survey must match submitted site plan.

SECTION IV

REQUIRED SIGNATURE(S) AND NOTARIZATION(S)

PROPERTY OWNER

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]**

OWNER PRINT NAME

Sworn to and subscribed before me this the _____ Day of _____ 20_____

ADDRESS

NOTARY PUBLIC

CITY STATE ZIP CODE

COMMISSION EXPIRES

OWNER SIGNATURE

(SEAL)

OWNER PHONE NUMBER

APPLICANT

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

APPLICANT PRINT NAME

Sworn to and subscribed before me this the _____ Day of _____ 20_____

ADDRESS

NOTARY PUBLIC

CITY STATE ZIP CODE

COMMISSION EXPIRES

APPLICANT SIGNATURE

(SEAL)

APPLICANT PHONE NUMBER

REPRESENTATIVE (AGENT OR ATTORNEY)

REPRESENTATIVE PRINT NAME

ADDRESS

CITY STATE ZIP CODE

REPRESENTATIVE SIGNATURE

REPRESENTATIVE PHONE NUMBER



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VARIANCE QUESTIONNAIRE

INSTRUCTIONS

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

Variance Type: Primary Stream Buffer Secondary/Interpretation Administrative Minor Minor

CONTACT INFORMATION

Contact Person Status: Property Owner Applicant Attorney/Agent

Name: _____ Phone Number: _____

Mailing Address: _____

PROJECT DETAILS

Address: _____

Parcel I.D.: _____

District: _____ Land Lot(s): _____ Development Name: _____

ACTION REQUIRING THE VARIANCE

Existing Structure New Construction Addition Alteration

TYPE OF IMPROVEMENT

Principal Structure Accessory Structure Fence/Wall Sign

Parking Spaces Landscaping Buffer Other: _____

If accessory structure, specify whether attached or detached, use and size: _____

If sign variance, specify whether the sign is existing or proposed and the type of sign: _____

Does the existing sign(s) comply with the Chapter 7 - Signs of the East Point Zoning Code and Regulations? Yes No

Has an East Point building permit been issued for the subject structure or is the improvement under a variance appeal?

Yes No If yes, Permit #: _____ or Variance Case #: _____

If this is a new subdivision, has a final plat been approved by East Point Yes No

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**SITE PLAN REQUIREMENTS
FORM F**

Section 10-2226. – Plans.

Site plans for rezonings and land use petitions must be folded, drawn to scale, no larger than 30" x 42", and shall, at a minimum, include the following information:

If property is developed, complete items 1-10:

1. Key and/or legend and site location map with North arrow;
2. 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;
3. Acreage of subject property;
4. Location of land lot lines and identification of land lots;
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property;
6. Proposed streets on the subject site;
7. Posted speed limits on all adjoining roads;
8. Current zoning of the subject site and adjoining properties;
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property;
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on adjacent properties within 400 feet of the subject site based on the County's aerial photography or an acceptable substitute as approved by the Director;

If property is undeveloped, complete items 1-26:

11. Location of proposed buildings (except single family residential lots) with total square footage;
12. Layout and minimum lot size of proposed single-family residential lots;
13. Topography (surveyed or County) on subject site and adjacent property within 200 feet as required to assess runoff effects;
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines;
15. Required and/or proposed setbacks;
16. 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps;
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed;
18. Required and proposed parking spaces; loading and unloading facilities;
19. Lakes, streams, and waters on the state and associated buffers;
20. Proposed storm water management facilities;
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access;
22. Availability of water system and sanitary sewer system;
23. Tree lines, woodlands and open fields on subject site;
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet (See East Point Subdivision Regulations);
25. Wetlands shown on the County's GIS maps or survey; and
26. Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.

A request for relief from any of the above site plan requirements may be submitted in writing to the Director for approval prior to the filing deadline. The request should clearly state the reasons for the request. Projects subject to Development of Regional Impact reviews and other large projects that will be phased shall be required to revise the site plan for each phase of the development to comply with the above standards through a zoning modification.

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**SAMPLE SITE PLAN
FORM F**



