



VARIANCE APPLICATION PACKAGE



VARIANCE APPLICATION CHECKLIST

DOCUMENTS AND QUANTITIES REQUIRED

**ALL ITEMS ARE DUE AT THE TIME OF FILING.
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.**

*Applications **will not be accepted after 3:00pm** on each due date.*

ITEM #	REQUIRED ITEM	CHECK ✓
1.	LETTER OF INTENT (8½ "X 11")	
2.	PRE-APPLICATION REVIEW FORM	
3.	COMPLETE APPLICATION WITH ORIGINAL NOTARIZED SIGNATURES	
4.	LEGAL DESCRIPTION/SURVEY	
5.	LETTER OF APPEAL	
6.	SITE PLAN	
8.	SIGN POSTING AFFIDAVIT	
7.	EMAIL DOCUMENTS TO PLANNING@CITYOFSOUTHFULTONGA.GOV	

PROCEDURES AND INFORMATION

FOR FILING A VARIANCE

Applications are available at the Community Development Services at 5440 Fulton Industrial Boulevard, Atlanta, GA 30336 at www.cityofsouthfultonga.gov. **Read the following instructions prior to filing and refer to the included filing schedule. Applications with original signatures must be filed in person.**

TYPE OF VARIANCES

Listed below are the type variances. Please identify the type of variance requested and check the appropriate box of the VARIANCE APPLICATION.

- A. ADMINISTRATIVE:** These types of variances require public hearing before the Director of Community Development and Regulatory Affairs.
- ☐ **MINOR VARIANCES:** Please see South Fulton Code Section 808.10(a).
- ☐ **ADMINISTRATIVE MINOR VARIANCE:** Please see South Fulton Code Section 808.10(b).
- B. ZONING BOARD APPEALS (ZBA):** The following variances require a public hearing and action by the ZBA.
- ☐ **PRIMARY VARIANCE:** Applicant seeks relief from the provisions of the Zoning Ordinance. All such appeals shall be heard by the Zoning Board Appeals and shall be accompanied with a statement of hardship (See following Variance Considerations). All REQUESTS FOR PRIMARY VARIANCES SHALL HAVE A STATEMENT OF HARDSHIP. THE FOLLOWING CONSIDERATIONS SHALL BE USED IN JUSTIFYING THE HARDSHIP.
- **Applications for Level One and Secondary stream buffer variances under Title 14 of the South Fulton Code of Ordinances shall be treated as Primary Variances for purposes of this application.**

VARIANCE CONSIDERATIONS: Primary Variances may be considered in all districts except CUP. Primary variances shall only be granted upon showing that:

- (a) The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public;
- (b) That special conditions and circumstances exist which are peculiar to the land, structure, sign, or building involved and which are not applicable to other land, structures, or buildings in the same district;
- (c) That literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties within the same district under the terms of this Ordinance;
- (d) That the special conditions and circumstances do not result from the actions of the appellant;
- (e) That granting the variance requested will not confer on the appellant any special privilege that is denied

by this Zoning Ordinance to other lands, structures or buildings in the same district;

- (f) 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; and
- (g) Relief, if granted, would be in harmony with, or could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.

Should a variance request impact approved zoning conditions, a Modification may be necessary.

APPLICATION REQUIREMENTS

ALL APPLICATIONS MUST BE SUBMITTED BY THE FILING DEADLINE. **INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED. PLEASE REFER TO THE INFORMATION BELOW AND THE ENCLOSED CHECK SHEET FOR DOCUMENTS NEEDED FOR FILING.**

- A. **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 ZONING BOARD OF APPEALS CANNOT be resubmitted for a period of six (6) months from the date of the DENIAL.**
- B. **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 the property, calling the directions (such as north, northeasterly, etc.) and returning to the point of beginning. The property's address must also be identified.
- C. **LETTER OF APPEAL:** The letter of appeal 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.
- D. **SITE PLAN:** The site plan must show all property boundaries, adjoining streets and roads, proposed and existing structures such as buildings, signs, and fences. The site plan boundaries shall match the legal description or survey filed. The subject variance shall be indicated on the site plan with existing and proposed setback dimensions. A topography map of the site shall be provided when a variance is based on difficult terrain. See enclosed Site Plan Checklist, Form F.

PUBLIC HEARING AND FILING DEADLINES:

- **SCHEDULE:** A schedule of public hearing dates and filing deadlines for variances is included in the application package. Please adhere to the filing and posting deadlines to remain on schedule. **Incomplete applications will not be accepted.**
- **CITY OF SOUTH FULTON ZONING BOARD OF APPEALS:** The Zoning Board of Appeals (ZBA) hearing is the third Thursday of the month at 6:00 p.m. **The applicant or agent must attend the public hearing.** Presentation at the meeting will not guarantee the ZBA's review or consideration.

DIRECTOR: The Director of Community Development and Regulatory Affairs will hold hearing on Minor Variance and Administrative Minor Variance requests on the same date as the Zoning Board of Appeals hearing date at 12:00 p.m. **The applicant or agent must attend the public hearing.**

NOTIFICATION:

- **POSTING OF PUBLIC NOTICE SIGN(S).** The applicant shall post notification signs on the frontage of the subject property in a conspicuous place no later than 20 days prior to the Board of Zoning Appeals 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 the 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 new ZBA hearing date.
- **SURROUNDING PROPERTY OWNERS.** For **Primary Variances**, written notice shall be provided by U.S. Mail to all property owners of record within a quarter mile of the subject property as shown on the current tax records of the City of South Fulton as retrieved from the City's Geographic Information Systems (GIS). Said notice of the ZBA hearing shall be mailed no later than 30 days prior to the public hearing date. For **Administrative and Minor Variances**, property owner notification letters are mailed to adjoining property owners. No notification letters are required for **Administrative Minor Variances**.
- **NEWSPAPER.** For all Variances, Community Development and Regulatory Affairs shall publish in a newspaper of general circulation a notice of the public hearing no later than 30 days prior the of hearing. The published notice shall contain the time, place, purpose of the hearing and the variance property location.
- **DECISION.** Notice of decisions from the Zoning Board of Appeals, or other hearing officer, shall be mailed no more than thirty days following the date of decision.
- **APPEALS.** Appeals to Primary Variance decisions shall be filed with the Fulton County Superior Court within 30 days of the Zoning Board of Appeals decision. Appeals to other variance requests, administratively handled, shall be filed within 30 days of the decision.

FEES:

VARIANCE FEE. All Variance Applications must be accompanied with the appropriate fee at the time of filing.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND THE AG-1 DISTRICT USED FOR RESIDENTIAL USE	\$250.00 plus \$50.00 for each additional variance request on the same piece of property
MULTI-FAMILY DISTRICTS, NON-RESIDENTIAL DISTRICTS, COMMERCIAL USES IN RESIDENTIAL OR AG-1 DISTRICTS	\$350.00 plus \$100.00 for each additional variance request

APPLICATION REVISION FEE. Any revision to a variance application after filing (including revisions to the number of variances requested, site plan, and or letter of appeal) shall be subject to a \$100.00 revision fee. Additional variances not previously filed will also incur an additional fee per request as noted above. If variances

are added to the petition the hearing date may change subject to the advertising deadline.

REFUND OF FILING FEE. The policy for refunds of application fees (City Code Sec. 5-1002) is as follows:

1. If the application is accepted and filed with the city as an official document, no part of the application fee will be returned.
2. If the application is merely presented and returned to the applicant at his request, or at the suggestion of the staff, before any entry is made upon any city record, the full amount of the fee will be returned.

NOTE: IF YOU HAVE ANY QUESTIONS CONCERNING THESE VARIANCE FILING PROCEDURES, PLEASE EMAIL CDRA @PLANNING@CITYODSOUTHFULTONGA.GOV



COMMUNITY DEVELOPMENT SERVICES
CITY OF SOUTH FULTON GOVERNMENT SERVICE CENTER
5440 FULTON INDUSTRIAL BOULEVARD, ATLANTA, GEORGIA 30336
(470) 809-7700
www.cityofsouthfultonga.gov

VARIANCE APPLICATION

DATE _____

CHECK ONE OF THE FOLLOWING REQUESTED VARIANCE TYPE IN SECTION I OR II.

SECTION I VARIANCES REQUIRING PUBLIC HEARING BY THE ZONING BOARD OF APPEALS

☐ **PRIMARY VARIANCE:** Seeks relief from the Zoning Resolution and other City Ordinances

DESCRIPTION OF VARIANCE REQUESTED: _____

SECTION II MINOR VARIANCES & ADMINISTRATIVE MINOR VARIANCES

☐ **MINOR VARIANCE:** See Code Sec. 808.10.

☐ **ADMINISTRATIVE MINOR VARIANCE:** Relief requiring 1 foot or less from required building setback

DESCRIPTION OF VARIANCE REQUESTED: _____

SECTION III LEGAL DESCRIPTION OF PROPERTY *(Legal description/survey must match submitted site plan.)*

SUBDIVISION _____ UNIT/PHASE: _____ LOT NO(S): _____

LAND LOT(S): _____ DISTRICT: _____ TAX ID: _____

PROPERTY ADDRESS _____ LEGAL ROAD FRONTAGE _____

SECTION IV

A. OWNER INFORMATION

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***]

TYPE OR PRINT OWNER'S NAME

Sworn to and subscribed before me this _____ day of

ADDRESS

_____ 20 _____

CITY, STATE & ZIP CODE

NOTARY PUBLIC

OWNER'S SIGNATURE

(_____)

AREA CODE/ PHONE NUMBER

EMAIL ADDRESS

B. APPLICANT INFORMATION (if applicant is different than owner)

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

TYPE OR PRINT APPLICANT'S NAME

Sworn to and subscribed before me this _____ day of

ADDRESS

_____ 20 _____

CITY, STATE & ZIP CODE

NOTARY PUBLIC

APPLICANT'S SIGNATURE

OWNER'S SIGNATURE

(_____)

AREA CODE/ PHONE NUMBER

EMAIL ADDRESS

C. ATTORNEY/AGENT INFORMATION

CHECK ONE: ☐ ATTORNEY ☐ AGENT

TYPE OR PRINT ATTORNEY/AGENT NAME

SIGNATURE OF ATTORNEY/AGENT

ADDRESS

CITY, STATE & ZIP CODE

[_____]

AREA CODE/PHONE NUMBER

EMAIL ADDRESS



CHECKLIST

THE FOLLOWING DOCUMENTS ARE REQUIRED FOR VARIANCE SUBMITTAL.

SECTION I **Primary Variance**

- _____ Variance Review Form (To be completed by staff in a scheduled Pre-App Meeting, original plus copy)
 - _____ Variance Application (Requires one original notarized signature of each property owner)
 - _____ Legal Description or Surveyed Plat of Subject Property (metes & bounds)
 - _____ Site Plan (Requires scaled drawings. See enclosed Site Plan Checklist, Form F.)
 - _____ Sign or wall elevations with dimensions (if applicable)
 - _____ Topo Map, if applicable (or other Illustrations or Documents to support hardship)
 - _____ Sign Posting Affidavit _____ Appeal Letter (Must clearly state request, background and hardship)
 - _____ Copies of Form D, Public Participation Plan
-

SECTION II **Minor Variance / Administrative Minor Variance**

- _____ Variance Application (Requires notarized signature of each property owner)
 - _____ Legal Description or Surveyed Plat of Subject Property (metes & bounds)
 - _____ Site Plan (Requires scaled drawings. See enclosed Site Plan Checklist, Form F.)
 - _____ Topo Map, if applicable (or other Illustrations or Documents to support hardship)
 - _____ Appeal Letter (Must clearly state request, background and hardship)
 - _____ Original Letters from Adjoining Property Owners (Minor Variance Only, originals plus copy)
-

INCOMPLETE SUBMITTALS WILL NOT BE ACCEPTED

FEES All Variance Applications must be accompanied with the appropriate fee at the time of filing.

SINGLE-FAMILY RESIDENTIAL ZONING DISTRICTS AND THE AG-1 DISTRICT USED FOR RESIDENTIAL USE	\$250.00 plus \$50.00 for each additional variance request on the same piece of property
MULTI-FAMILY DISTRICTS, NON-RESIDENTIAL DISTRICTS, COMMERCIAL USES IN RESIDENTIAL OR AG-1 DISTRICTS	\$350.00 plus \$100.00 for each additional variance request

(ALL CHECKS PAYABLE TO THE CITY OF SOUTH FULTON)

FOR THE MOST CURRENT ZONING INFORMATION
PLEASE VISIT THE CITY ZONING PAGE AT

WWW.CITYOFSOUTHFULTONGA.GOV



SITE PLAN CHECKLIST FORM F

We reserve the right to request a site plan with higher resolution

ITEM #	DESCRIPTION	CHECK √
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	
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; Onsite areas with slopes greater than thirty-three percent (33%) shall be labeled and identified through cross-hatching and/or separate colors.	
14	Location of major overhead and underground electrical and petroleum 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 other waters on the site and associated buffers	
20	Proposed stormwater 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 Fulton County Subdivision Regulations)	
25	Wetlands shown on the County's GIS maps or survey	
26	Airport noise contours on those properties within the FAR Part 150 Airport Noise Contour Map.	

SITE PLAN CHECKLIST

I hereby certify that I have completed the site plan checklist review of the site plan for this project and determined that it meets the minimum standards specified by Section 803.08 of the South Fulton Zoning Ordinance.

Applicant signature: _____ Date: _____

Applicant printed name: _____

Office use only:

Staff signature: _____ Date: _____
Community Development and Regulatory Affairs

Staff printed name: _____



CITY OF SOUTH FULTON 2026 VARIANCE SCHEDULE

Cycle	Pre-Application Meeting Deadline	Filing Deadline	Sign Posting Deadline	Public Notification Deadline	Zoning Board of Appeals / CDRA Director Hearing
1	November 7, 2025	November 17, 2025	December 23, 2025	December 31, 2025	January 15, 2026
2	December 1, 2025	December 15, 2025	January 28, 2026	February 4, 2026	February 19, 2026
3	January 6, 2026	January 20, 2026	February 25, 2026	March 4, 2026	March 19, 2026
4	February 2, 2026	February 17, 2026	March 25, 2026	April 1, 2026	April 16, 2026
5	March 2, 2026	March 16, 2026	April 29, 2026	May 6, 2026	May 21, 2026
6	April 6, 2026	April 20, 2026	May 27, 2026	June 3, 2026	June 18, 2026
7	May 4, 2026	May 18, 2026	June 24, 2026	July 1, 2026	July 16, 2026
8	June 1, 2026	June 15, 2026	July 29, 2026	August 5, 2026	August 20, 2026
9	July 6, 2026	July 20, 2026	August 26, 2026	September 2, 2026	September 17, 2026
10	August 3, 2026	August 17, 2026	September 23, 2026	September 30, 2026	October 15, 2026
11	September 9, 2026	September 21, 2026	October 28, 2026	November 4, 2026	November 19, 2026
12	October 5, 2026	October 19, 2026	November 25, 2026	December 2, 2026	December 17, 2026

ZONING BOARD OF APPEALS HEARINGS ARE HELD AT 6.00PM AT CITY HALL (5440 Fulton Industrial Blvd)

ADMINISTRATIVE VARIANCE HEARINGS BEGIN AT 5.30PM

NOTES: DATES, TIMES AND LOCATIONS ARE SUBJECT TO CHANGE AND MEETINGS MAY BE ADDED AS NEEDED

DATES MAY CHANGE DUE TO PUBLIC HOLIDAYS OR EMERGENCIES

FOR THE MOST CURRENT ZONING INFORMATION PLEASE VISIT THE CITY OF SOUTH FULTON ZONING PAGE: <https://www.cityofsouthfulton.ga.gov/2570/planning-zoning>