

Variance Application

If for any reason you cannot meet all the standards and regulations of the Code of Ordinances, you may be entitled to present a request for a Variance before the Dunwoody Zoning Board of Appeals (ZBA). A Variance is a relaxation of the strict terms of the Zoning/Land Development (such as building setbacks, number of parking spaces or other regulations) for a specific property to permit construction or use in a manner that would otherwise be prohibited because of the particular physical surroundings, shape or topographical conditions.

Application Requirements:

Item #	Required Item	Number of Copies
1	Variance Application (See Page 7)	1 electronic copy
2	Property Owner Notarized Affidavit(s) (See Page 9)	1 electronic copy
3	Campaign Disclosure Statement (See Page 10-11)	1 electronic copy
4	Site plan and elevations (drawn to scale)	1 electronic copy
5	Written legal description/survey of the property	1 electronic copy
6	Site photos	1 electronic copy
7	Letter of Intent	1 electronic copy
8	Payment	Pay with cash, check or credit card

Please submit the entirety of your application submittal electronically, saved as a single PDF.

You will need to complete and submit your Variance Application by the 1st Tuesday of the month in order for the Variance request to be heard at the next available scheduled meeting. The Zoning Board of Appeals meets the first Thursday of each month at 6:00 p.m. in the Dunwoody City Hall, located at 4800 Ashford Dunwoody Road, Dunwoody, GA 30338.

Pre-Application Meeting Deadline	Application Deadline	Zoning Board of Appeals Meeting Date
October 21, 2025	November 4, 2025	January 8, 2026
November 18, 2025	December 2, 2025	February 5, 2026
December 23, 2025	January 6, 2026	March 5, 2026
January 20, 2026	February 3, 2026	April 9, 2026
February 17, 2026	March 3, 2026	May 7, 2026
March 24, 2026	April 7, 2026	June 4, 2026
April 21, 2026	May 5, 2026	July 2, 2026
May 19, 2026	June 2, 2026	August 6, 2026
June 23, 2026	July 7, 2026	September 3, 2026
July 21, 2026	August 4, 2026	October 1, 2026
August 18, 2026	September 1, 2026	November 5, 2026
September 22, 2026	October 6, 2026	December 3, 2026
October 20, 2026	November 3, 2026	January 2027 TBD

Detailed Process and Instructions

Before the Pre-Application Meeting

- Review the application packet.
- Consult the Dunwoody Zoning Ordinance at library.municode.com/ga/Dunwoody
- Fill out the variance application (page 7).
- Prepare a preliminary site plan.
- Contact a Planner to schedule a Pre-Application Meeting. Contact information is online at dunwoodyga.gov.

Pre-Application Meeting

- The purpose of this meeting is to discuss the proposed project, determine the number and type(s) of variance request(s), as well as discuss the preparation of the Required Items (listed on page 1) in order to ensure a complete and quality application at the time of submittal.
- The Pre-Application meeting should take place at least two weeks in advance of, but no more than two months before, the target Filing Deadline.

Filing

- Prepare and compile all the Required Items, subject to what was discussed at the Pre-Application Meeting.
- Contact a Planner prior to filing.
- Submit a complete Application to the Planning and Zoning Division.
- The Application deadline is the first Tuesday of every month, by 4:00 pm.
- Staff will initiate a review and ask for more information if necessary, at which point the application may be put on an administrative hold until the application is determined complete and compliant—i.e. providing quality materials for all required items.
- Once it is determined that the application is acceptable, the applicant will be sent a Complete and Compliant Letter and the Variance process will be officially initiated.
- The Variance case will be added to an upcoming Zoning Board of Appeals (ZBA) meeting.

Before the Zoning Board of Appeals Meeting

Once the application is filed, Planning and Zoning staff will

- Prepare a legal notice for the newspaper
- Mail written notice to property owners within 500 feet
- Order and post signage on the subject property
- Prepare and post the staff memorandum, typically one week in advance of the meeting
- You should review the staff memorandum, which details the staff's recommendation to the Zoning Board of Appeals.

At the Zoning Board of Appeals Meeting

- A Planner will provide a brief presentation to the Board and present the staff recommendation.
- You will have 10 minutes to present your case to the ZBA, including any supporters speaking in favor of your request. You may save any remaining time for rebuttal to the opposition.

- The opposition will also have 10 minutes to speak.
- The ZBA will discuss and render its decision. The ZBA may approve, approve with conditions, or deny the request. The ZBA may also defer the case to another regularly scheduled meeting.

After the Zoning Board of Appeals Meeting

- Remove signage within 48 hours of the ZBA's decision.
- Staff will prepare an official action letter stating the ZBA's decision.
- Once in receipt of the action letter, you can proceed with obtaining any necessary permits.
- Please be aware that approval of a variance does not equate to approval of a permit. During the permitting process, you may be asked for additional information to ensure your compliance with all applicable zoning, building, stormwater, and fire safety regulations.

Failure to complete any of these events may result in an administrative hold, and the case will be rescheduled to a future filing cycle

Typical Sequence of Events

Week (approx.)	Activity & Timeframe
-1 to -2	Pre-Application meeting. Two weeks to two months prior to the filing deadline
1	Filing: Before 4:00 pm on the first Tuesday of the month
2	Initial review and issuance of Complete and Compliant Letter. If application is not complete, timeline is extended.
3-4	Public notice requirements completed by Staff
4-6	Preparation of Staff memorandum
7	Staff memorandum Posted
8	Zoning Board of Appeals Meeting: 1 st Thursday of each month
9	Action letter sent

Required Items

Site Plan and Elevations

- Site Plan and elevations must be to scale.
 - 'To scale' means the drawing is proportional to the real life element, i.e. one inch on paper represents 20 feet on the actual ground.
- The site plan needs to
 - accurately show all property lines
 - accurately represent the improvements that are proposed
 - at the discretion of staff, include topography, the location of any trees, and/or any other information deemed necessary for thorough analysis of the variance request
- The elevations, if necessary, must accurately represent the final product of what will be constructed.

Legal Description/Survey

A legal description is the written description of the property lines. A survey is a to-scale graphic representation of the existing conditions on the property. A legal description or survey can often be found in the closing documents from the purchase of the property or can be requested from a licensed surveyor.

Site Photos

The site photos should demonstrate the existing conditions of the lot, help illustrate any challenges specific to the property, and show the location of any proposed improvements.

Letter of Intent

The Zoning Board of Appeals (ZBA) utilizes a pre-determined set of criteria as a guide when deciding whether to approve or deny a variance request. Any application for a Variance must be supported by written verification, a letter of intent, pursuant to those criteria, which are listed in the Zoning Ordinance.

Note: You must present your request to the Board in the form of a hardship that you will experience if the strict application of the zoning regulation is enforced. When granting a Variance, the Zoning Board of Appeals may impose requirements and conditions to protect adjacent properties and the public interest. If a variance application is denied, an application may not be resubmitted for 24 months from the date of the denial.

Listed below are the criteria, taken directly from the zoning ordinance, which you must address in your Letter of Intent.

- **Letter of Intent for Zoning Variances (Chapter 27):** Please describe your situation and how your variance request is a result of **all** of the following conditions:
 - 1) The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;
 - 2) The variance request is based on conditions that (1) are unique to the subject property (2) are not generally applicable to other properties in the same zoning district and (3) were not created by the owner or applicant;
 - 3) Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;
 - 4) 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 similarly situated properties;
 - 5) The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and
 - 6) The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.

- **Letter of Intent for Land Development Variances (Chapter 16):** Please describe your situation and how your variance request is a result of **all** of the following conditions:
 - 1) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, the strict application of Article 16 would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in the same zoning district;
 - 2) By reason of the shape or topographical conditions of a parcel of property which were not created by the owner or applicant, there is no opportunity for development under any design configuration allowed by these subdivision regulations unless a variance is granted;
 - 3) The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute the grant of a special privilege inconsistent with the limitations upon other property owners in the zoning district in which the subject property is located;
 - 4) The requested variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located; and
 - 5) The requested variances will not in any manner vary the provisions of the city zoning ordinance, the city comprehensive plan or the zoning map of the city.

Letter of Intent for Stream Buffer Variances (Chapter 16): Please describe your situation and how your variance request is a result of **all** of the following conditions:

- 1) The request, while not strictly meeting the requirements of this chapter, will be, in the judgment of the zoning board of appeals, at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the zoning board of appeals must examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
 - a. Stream bank or soil stabilization;
 - b. Trapping of sediment in surface runoff;
 - c. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff;
 - d. Terrestrial habitat, food chain, and migration corridor;
 - e. Buffering of flood flows;
 - f. Infiltration of surface runoff;
 - g. Noise and visual buffers;
 - h. Downstream water quality; and
 - i. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation.

- 2) By reason of exceptional topographic or other relevant physical conditions of the subject property that were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.
- 3) The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties that are similarly situated.
- 4) The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.
- 5) The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause an extreme hardship, provided the hardship was not created by the owner.

VARIANCE APPLICATION

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Project #: _____ Date Received: _

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Project:

Name of Project / Subdivision: _

Zoning: _____

Property Address / Location: _____

District: _

Land Lot: _

Block: _____

Property ID: _____

Owner Information:

Owner's Name: _____

Owner's Address: _____

Phone: _

Fax: _

Email: _____

Applicant Information: ☐ Check here if same as Property Owner

Contact Name: _____

Address: _____

Phone: _

Fax: _

Email: _____

Terms & Conditions:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Dunwoody Zoning Ordinance) will result in the rejection of this application.

Applicant's Name: _____

Applicant's Signature: _

Date: _____

Notary:

Sworn to and subscribed before me this _

Day of _

, 20_

Notary Public: _

Signature: _

My Commission Expires: _

Office Use:

☐ Application Fee Paid ☐ Public Notice Fee Paid (\$450) Fee: \$ _

Payment: ☐ Cash ☐ Check ☐ CC Date: _

☐ Approved ☐ Approved w/ Conditions ☐ Denied Date: _

ADDITIONAL VARIANCES

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Type:

Type of Request: ☐ Chapter 16-Streams ☐ Chapter 16-Other ☐ Chapter 27-Zoning

Code section from which variance is sought: _____

Nature of Request: _____

Property Owner(s) Notarized Affidavit

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338

Phone: (678) 382-6800 | Fax: (770) 396-4828

The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner (If Applicable):

Owner Name: _____		
Signature: _		Date: _____
Address: _____		
Phone: _	Fax: _	Email: _____
Sworn to and subscribed before me this		Day of _____, 20_
Notary Public: _____		

Property Owner (If Applicable):

Owner Name: _____		
Signature: _		Date: _____
Address: _____		
Phone: _	Fax: _	Email: _____
Sworn to and subscribed before me this		Day of _____, 20_
Notary Public: _____		

Property Owner (If Applicable):

Owner Name: _____		
Signature: _		Date: _____
Address: _____		
Phone: _	Fax: _	Email: _____
Sworn to and subscribed before me this		Day of _____, 20_
Notary Public: _____		

Campaign Disclosure Ordinance

Community Development

4800 Ashford Dunwoody Road | Dunwoody, GA 30338
Phone: (678) 382-6800 | Fax: (770) 396-4828

Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

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 2000 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 – 2000 State of Georgia.

Campaign Disclosure Statement

Community Development
 4800 Ashford Dunwoody Road | Dunwoody, GA 30338
 Phone: (678) 382-6800 | Fax: (770) 396-4828

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Dunwoody City Council or a member of the City of Dunwoody Planning Commission?

☐ YES ☐ NO

Applicant / Owner:

Signature: _____	Date: _____
Address: _____	

If the answer above is yes, please complete the following section:

Date	Government Official	Official Position	Description	Amount