



www.JohnsCreekGA.gov

678-512-3200

11360 Lakefield Drive, Johns Creek, GA 30097

PRIMARY AND SECONDARY VARIANCE APPLICATION PACKET

Instructions

A properly completed application and fees are due at the time of submittal. The submittal deadline is the second Tuesday of each month. Variance requests will be considered the third Tuesday of the following month by the Board of Zoning Appeals (BZA). A **pre-application meeting** is required prior to submitting an application; please contact the Community Development Department to schedule a pre-application meeting at 678.512.3293.

Application Materials

REQUIRED ITEMS	CHECK <input type="checkbox"/>
<p>Variance Application—Provide one copy of original and notarized signatures of the property owner(s) and applicant(s), or a notarized statement from the property owner authorizing submittal of the variance by the applicant on their behalf. Provide copy of the pre-application form.</p>	
<p>Variance Fee—See fee schedule on page 3 of this application.</p>	
<p>Survey & Legal Description—Provide three copies (folded) of a dimensioned, orientated and scaled survey on 8 ½" x 11" (letter size) or 11" x 17" (ledger size). See site plan checklist on page 3. Larger sheets may be accepted, if needed.</p>	
<p>Letter of Appeal—Provide one copy of the letter of appeal. The letter should state the hardship, background and justification for the variance request and any additional information to support the request. The hardship should address the property's limitations preventing compliance with the zoning standards. Refer to Article 22, Section of the City of Johns Creek Zoning Ordinance for additional information.</p>	
<p>Pictures—Provide photos of what is being proposed for the requested variance, or to show hardship.</p>	
<p>Sign Variance—If the requested variance is pertinent to signage, provide three copies of sign and wall elevations and other details shall be required, as appropriate. Please note that no variance shall be granted as to the number of signs, and to the size of a sign which exceeds the maximum size within the subject property's zoning district.</p>	
<p>Stream Buffer Variance—If the requested variance is pertinent to the stream buffer, in addition to the above referenced materials, provide the following: 1) Documentation of unusual hardship should the buffer be maintained; 2) 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; 3) A calculation of the total area and length of the proposed intrusion; 4) A stormwater management site plan, if applicable; and, 5) Proposed mitigation to offset intrusion/encroachment into the stream buffer, or an explanation of why such a plan is not possible.</p>	

Variance Considerations and Noticing Requirements

Standard Variance Considerations:

1. 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; or
2. 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.

Stream Buffer Variance Considerations:

Stream buffer variances will be considered only in the following cases:

1. When a property's shape, topography or other physical conditions existing at the time of the adoption of the Stream Buffer Ordinance prevents land development unless a buffer variance is granted.
2. Unusual circumstances when strict adherence to the minimal buffer requirements in the article would create an extreme hardship.

Stream buffer variances will not be considered when, following adoption of the Stream Buffer Ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

The following factors will be considered in determining whether to issue a stream buffer 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.

Sign Variance Considerations:

1. The topography of the lot on which the sign is located or to be located renders it impossible to comport with the strict standards of the Sign Ordinance (Article 33); or
2. The natural features of the lot on which the sign is located or to be located, or of the land immediately adjacent to the Lot, impairs the visibility of the sign such that it cannot be seen.

Public Notification

Public notification shall be the responsibility of the City of Johns Creek. Public notification includes:

- The City of Johns Creek will post a legal ad in the newspaper;
- The City of Johns Creek will mail a postcard notification to all property owners within 300 feet of the boundaries of the property who appear on the current tax records of Fulton County;
- The City of Johns Creek will post a sign in a conspicuous location on each street frontage of the subject site, **at least 20 days but not more than 45 days** prior to the public hearing at which an application will be heard.

Site Plan Checklist

- Site plan shall be at a standard engineer or architect scale, on a sheet size no larger than 11 x 17, unless size of project warrants a larger size, and shall be no larger than 24 x 36. Multiple sheets may be used. Drawings should be true-to-scale.
- Show property lines and label with metes and bounds.
- Show and label all applicable setback measurements.
- Show and label existing and proposed improvements with square footages listed, if needed for variance.
- Show and label the extent of encroachment into setbacks, if needed for variance.
- Show neighboring parcels and homes, if needed for variance.
- If topography is a reason for variance, provide topography information.

Additional items needed for a **Stream Buffer Variance** site plan:

- Show and label locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by a field survey. Show and label buffers and setbacks.
- Show and label any other physical characteristics of the property that would be needed for variance.
- Show and label all existing and proposed impervious cover, the limits of all existing and proposed land disturbance (a minimum of five (5) feet shall be shown from the edge of proposed impervious surfaces), both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.
- Provide a calculation of the total area and length of the proposed intrusion in a chart on the site plan.
- Provide a separate site plan showing an alternative location, which does not include a buffer or setback intrusion; if there is no alternative location, provide a written explanation of why such a site plan is not possible with letter of appeal.
- Provide stormwater management on site plan, if applicable.
- Provide a separate mitigation plan for the intrusion; if no mitigation is proposed, provide an explanation of why such a plan is not needed with the letter of appeal.
 - a. Provide a plant schedule listing the species, quantity, and size.

Fee Schedule

VARIANCES		
MINOR VARIANCE, ADMINISTRATIVE VARIANCE, ADMINISTRATIVE MINOR VARIANCE, PRIMARY VARIANCE, SECONDARY VARIANCE, BUILDING CODE VARIANCE	Single-Family Residential Zoning Districts and AG-1 District for Residential uses only	\$250 plus \$50 for each additional variance request on the same piece of property
	Multi-Family Districts, Non-Residential Districts, and Commercial Uses in Residential or AG-1 Districts	\$350 plus \$100 for each additional variance request
	All Signs	\$350 plus \$100 for each additional variance request
MAILINGS AND PUBLIC NOTICE SIGN(S)	\$120 per mailing, \$55/public notice sign/road frontage	

Primary and Secondary Application

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Property Owner/Applicant Information

Property Owner: _____ **Phone:** _____

Address: _____

Email: _____

Applicant: _____ **Phone:** _____

Address: _____

Email: _____

Contact Person: _____ **Phone:** _____

Email: _____

Briefly Describe Variance Request

Parcel Information

Assessor's Parcel Identification Number (PIN): _____

Land Lot & District: _____

Site Address: _____

Subdivision Name (if applicable): _____

Parcel Size: _____

Zoning and Land Use

Existing Zoning Designation and Case Number: _____

Zoning of Surrounding Properties: (N)_____ (S)_____ (E)_____ (W)_____

Primary and Secondary Application

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Notarized Certification

To the best of my knowledge, this variance 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 Johns Creek Zoning Ordinance.

Owner Signature: _____ Date: _____

Applicant Signature: _____ Date: _____

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

NOTARY PUBLIC:

Signature: _____

Email: _____

Phone Number: _____

2022 Board of Zoning Appeals Calendar

Submittal Deadline	Sign Posted by Staff	300' Mailing Sent by Staff	BZA Public Hearing
12/14/2021	*12/28/2021	*12/30/2021	1/18/2022
1/11/2022	1/25/2022	2/1/2022	2/15/2022
2/8/2022	2/22/2022	3/1/2022	3/15/2022
3/8/2022	3/29/2022	4/4/2022	4/19/2022
4/12/2022	4/26/2022	5/2/2022	5/17/2022
5/10/2022	5/31/2022	6/6/2022	6/21/2022
6/14/2022	6/28/2022	*7/1/2022	7/19/2022
7/12/2022	7/26/2022	8/1/2022	8/16/2022
8/9/2022	8/30/2022	*9/2/2022	9/20/2022
9/13/2022	9/27/2022	10/3/2022	10/18/2022
10/11/2022	10/25/2022	10/31/2022	11/15/2022
11/8/2022	11/29/2022	12/5/2022	12/20/2022

*Indicates date change due to holidays