

**VARIANCE APPLICATION****ALL APPLICABLE ITEMS ARE DUE AT THE TIME OF FILING.****AN INCOMPLETE APPLICATION WILL NOT BE ACCEPTED.****APPLICANT'S CHECKLIST**

| ITEM # | REQUIRED ITEM | NUMBER OF COPIES | CHECK √ |
|--|---|---|--------------------------|
| PRIMARY/SECONDARY VARIANCE: | | | |
| 1. | Variance application | 1 original | <input type="checkbox"/> |
| 2. | Pre-Application Review Form (required to take place a minimum of five (5) business days prior to submittal deadline). | 1 original | <input type="checkbox"/> |
| 3. | Legal Description of Property | 1 copy | <input type="checkbox"/> |
| 4. | Site Plan, <u>drawn to scale</u> And building plans (if applicable) | 15 full size prints (to scale), and two (2) 11"x17" prints. | <input type="checkbox"/> |
| 5. | Letter of Appeal – Must state hardship and explain how your request complies with the appropriate considerations. | 1 copy | <input type="checkbox"/> |
| 6. | Sign or wall elevations with dimensions (if applicable) | 1 copy | <input type="checkbox"/> |
| 7. | Topo Map (if applicable) | 1 copy | <input type="checkbox"/> |
| 8. | Submit digital copies online in CityView portal of items 1-7 of the list above | Upload to the CityView portal | <input type="checkbox"/> |
| 9. | Fees | \$250 for first request--residential; \$50 for each additional request. \$350--commercial, signs | <input type="checkbox"/> |
| 10. | Design Review Board (DRB) application and required items. | 1 copy DRB application (Courtesy Review). | <input type="checkbox"/> |
| MINOR/ADMINISTRATIVE/ADMINISTRATIVE MINOR VARIANCE: | | | |
| 1. | Variance application | 1 original and 2 copies | <input type="checkbox"/> |
| 2. | Pre-Application Review Form | 1 original and 2 copies | <input type="checkbox"/> |
| 3. | Legal Description of Property | 2 copies | <input type="checkbox"/> |
| 4. | Site Plan, <u>drawn to scale</u> | 2 full size, and 2(two) 11"x17" copies, and 1 (one) 8 1/2" x 11". Please ensure that reductions are scaled correctly. | <input type="checkbox"/> |
| 5. | Letter of Appeal – Must state hardship and explain how your request complies with the four considerations | 2 copies | <input type="checkbox"/> |
| 6. | Letters from all adjacent property owners | 1 original and 2 copies of each letter | <input type="checkbox"/> |
| 7. | Topo Map (if applicable) | 2 copies | <input type="checkbox"/> |
| 8. | JPEG/PDF (Digital Copy) file of items 1-7 from the list above | Upload to the CityView portal | <input type="checkbox"/> |

EXPLANATION OF CHECKLIST ITEMS

- ITEM 1. **PREAPPLICATION REVIEW MEETING AND FORM:** Prior to submitting an application, all applicants are required to meet with a current planner who will review the applicant's proposal and site plan and complete a Pre-application Review Form. Applicants are required to bring the site plan, property address, and tax parcel identification number(s) to the meeting. Call 678.242.2524 to schedule an appointment.
- ITEM 2. **APPLICATION FORM:** Original and notarized signatures of the property owner(s) and applicant(s) or notarized statement by the applicant as to ownership are required.
- ITEM 3. **LEGAL DESCRIPTION:** The legal description must be a *metes and bounds* description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.
- ITEM 4. **SITE PLAN:** Site plans should be no larger than 30" x 42", and drawn to scale.
- ITEM 5. **LETTER OF APPEAL:** The Letter of Appeal 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.

A Variance must be based upon credible evidence submitted at a public hearing before the Board of Zoning Appeals demonstrating compliance with paragraphs A-D. Please ensure that your letter shows compliance with the following four conditions:

- A. Relief, if granted would not offend the spirit or intent of this UDC; **and**
- B. There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of this UDC would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the variance applicant; **and**
- C. Relief, if granted would not cause a substantial detriment to the public good and surrounding properties; **and**
- D. That the public safety, health and welfare are secured, and that substantial justice is done.

Sign variance:

The Board of Zoning Appeals can grant variances to signs per Sec. 9.2 (Signs) of the Unified Development Code.

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

- ☐ ☐ 1) **PRIMARY VARIANCE:** Seeks relief from the Unified Development Code (UDC).
- ☐ ☒ 2) **SECONDARY VARIANCE:** Interpretations, relief of an adverse decision by any official of the City of Milton, or relief from Minor, Administrative or Administrative Minor requests.

SECTION II. MINOR, ADMINISTRATIVE & ADMINISTRATIVE MINOR VARIANCES (NO PUBLIC HEARING IS REQUIRED).

- ☐ ☐ 1) **MINOR VARIANCE:** Relief from the minimum yard requirements not to exceed 10% of the required setback (e.g. 35-foot front yard = 3.5 foot variance).
- ☐ ☐ 2) **ADMINISTRATIVE VARIANCE:** Relief as detailed in Section 12.4.2.A.3 of the Unified Development Code.
- ☐ ☐ 3) **ADMINISTRATIVE MINOR VARIANCE:** Relief of 1 foot or less from the required building setback.

SECTION III. DESCRIPTION OF PROPERTY.

SUBDIVISION/DEVELOPMENT NAME: _____

PHASE/UNIT: _____ LOT #'S: _____ ACERAGE: _____

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

PROPERTY ADDRESS: _____

LEGAL ROAD FRONTAGE (IN FEET): _____

FORM BASED CODE/OVERLAY: _____ ZONING: _____

VARIANCE REQUEST(S): ARTICLE/SECTION _____

SEE ATTACHED DETAILED LETTER

A stream buffer variance may only be approved under the following conditions:

- A. When a property's shape, topography or other physical conditions existing at the time of the adoption of the UDC prevents land development unless a buffer variance is granted; and
- B. Unusual circumstances when strict adherence to the minimal buffer requirements in the UDC would create an extreme hardship.

se ensure that your letter of appeal shows compliance with the appropriate condition(s).

SIGN OR WALL ELEVATIONS. If the requested modification is pertinent to signage, sign and/or wall elevations and other details shall be required as appropriate.

TOPO MAP. Topo maps may be as required by the Department.

JPEG/PDF. Submit a copy of the letter of appeal and site plan in JPEG OR PDF format

ADJACENT PROPERTY OWNER LETTERS. Letters from adjacent property owners/neighborhood associations are only required if the request is for an administrative variance.

APPLICATION DUE: Wed at noon

DRB meeting: None

BZA meeting: 9-17-24

SECTION IV. OWNER/APPLICANT/AGENT INFORMATION.

OWNER INFORMATION:

JAMES L. NAPIER

TYPE OR PRINT OWNER'S NAME

13655 HOPEWELL ROAD

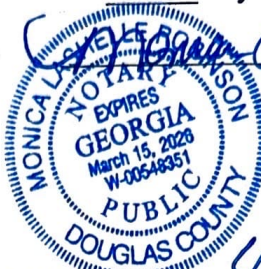
ADDRESS

MILTON, GA 30004

CITY & STATE ZIP CODE

Sworn to and subscribed before me
this the

6 Day of August, 2024



NOTARY PUBLIC

OWNER'S SIGNATURE

[Handwritten Signature]

PHONE NUMBER

404-452-6244

APPLICANT INFORMATION:

JAMES L. NAPIER

TYPE OR PRINT PETITIONER'S NAME

13655 HOPEWELL ROAD

ADDRESS

MILTON, GA 30004

CITY & STATE ZIP CODE

Sworn to and subscribed before me this the

6 Day of August, 2024



NOTARY PUBLIC

APPLICANT'S SIGNATURE

[Handwritten Signature]

PHONE NUMBER

404-452-6244

ATTORNEY/AGENT INFORMATION:

Check One: [☐] Attorney [☐] Agent

TYPE OR PRINT ATTORNEY / AGENT NAME

SIGNATURE OF ATTORNEY / AGENT

ADDRESS

CITY & STATE

ZIP CODE

PETITIONER'S SIGNATURE

PHONE NUMBER