



*Cobb County...Expect the Best!*

## **REQUIREMENTS FOR COMPLETING VARIANCE APPLICATION COBB COUNTY, GEORGIA**

Application must be submitted in person to the Zoning Division, located at 1150 Powder Springs Street, Suite 400, Marietta, Georgia 30064, no later than **4:00 p.m. on the second Thursday of each month** (see attached hearing schedule) in order to be considered for the next scheduled public hearing.

**EXAMPLE:** A complete application filed by the second Thursday in March would be considered by the Board of Zoning Appeals on the second Wednesday in May [unless otherwise scheduled]. You are *not* required to wait until the second Thursday of each month to file an application.

**NOTE: All information submitted, and filled in on the application is a public record and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.**

The following items are required for submitting an application for a Variance:

1. **Original** notarized signatures of **titleholder(s)** and **representative(s)**.
2. If the **titleholder(s)** is a domestic or foreign corporation, then the following documentation shall also be required:

Written authentication with the presence of the corporate seal, or a facsimile thereof, attested by the secretary or assistant secretary of the corporation, or other officer to whom the bylaws or the directors have delegated the responsibility for authenticating records of the corporation, shall attest:

  - a) That the corporate seal or facsimile thereof affixed to the document is in fact the seal of the corporation or true facsimile thereof, as the case may be;
  - b) That any officer of the corporation executing the document does in fact occupy the official position indicated, that one in such position is duly authorized to execute such document on behalf of the corporation, and that the signature of such officer subscribed thereto is genuine; and
  - c) That the execution of the document on behalf of the corporation has been duly authorized.
3. A copy of the warranty deed that reflects the current owner(s) of the property.
4. A current legal description of the subject property.
5. A copy of current plot plan and current boundary survey drawn to scale and stamped by a **registered engineer, architect, land planner, or land surveyor** currently registered in accordance with applicable state laws. These plans must include: a) north arrow; b) land lot lines; c) district lines; d) lot lines e) angles; f) bearing and distances; g) adjoining street with right-of-way (present and proposed); h) paving widths; i) the exact size and location of all buildings along with intended use; j) buffer areas; k) parking spaces; l) lakes and streams; m) utility easements; n) limits of the 100-year floodplain and acreage of floodplain; o) cemeteries; p) wetlands; q) access points; and r) stream buffers (minimum 50' buffer).

## Requirements for Variance Application

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**NOTE: Two (2) full size drawing to be no larger than 36" x 48" and two (2) copies of the site plan must be 8 ½" x 11".**

6. A copy of the paid tax receipt for the subject property, or a statement signed by an official in the Tax Commissioner's Office or other official document issued by the Tax Commissioner's Office indicating the taxes have been paid. Properties with delinquent taxes may be withdrawn by the staff, or may be delayed or denied by the Board of Zoning Appeals.
7. A petition form for Consent of Contiguous Occupants or Land Owners is provided. In the event that applicant cannot obtain signatures on the petition form, a certificate of mailing to those contiguous owners shall be required. The certificate of mailing shall be submitted to the zoning office two weeks prior to the hearing.
8. Applicant, or representative for applicant, **must** attend the Variance Hearing. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Board's sole discretion.
9. Application Fees: \*Residential - \$150.00      Churches - \$450.00      Livestock - \$25.00  
   Builders - \$450.00  
   Commercial - \$500.00  
Make all checks payable to "Cobb County". All fees from paragraph 9 & 10 on this page can be on one check.  
\*To qualify as a residential request, the applicant must be the present or future resident.
10. In addition to the application fee, there is a **deposit of \$100.00** for signs, which will be refunded if signs are returned within *thirty (30)* days after the final decision by the Board of Zoning Appeals. **Sign deposits will only be refunded to the person or entity that originally paid the sign deposit.** There will also be a fee of **\$15.00 per sign** issued by the Zoning Division; this fee **will not** be refunded.
11. Signs provided by the Zoning Division **must** be posted on or near the right-of-way of the nearest public street thirty (30) days before the public hearing. Signs **must** be posted every 500 feet of public road frontage. Failure to post and maintain signs continuously may prohibit consideration of the application at any scheduled public hearing. It is the responsibility of the applicant to ensure that signs remain posted throughout the advertising period, **including the day of the public hearing and to remain posted until the final decision by the Board of Zoning Appeals.**
12. Any variance request may not be reconsidered for a period of twelve (12) months after it has been rejected by the Board of Zoning Appeals, unless by court order or pursuant to a settlement of litigation approved by the Board of Zoning Appeals.
13. Any sign variance request **must** provide a sign rendering showing: size, height, shape, illumination (external/internal) and structural details (footings).
14. Any variance affecting setbacks will be determined by a footings survey. See attached footings survey requirements from the Cobb County Development Standards and Specifications – (Sec. 103.19). A copy of the approved footing/foundation survey submitted at time of application for building permit must be attached.

Continued on next page

## Requirements for Variance Application

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15. Variances for a **reduction in lot size** or a **reduction in public road frontage** cannot be heard by the Board of Zoning Appeals. These two types of variances can only be heard by the Board of Commissioners via the “Other Business” process. Please see the “Other Business” application for the requirements, fees and hearing dates.

**NOTES: NO APPLICATION WILL BE ACCEPTED BY THE ZONING DIVISION UNLESS FILLED OUT IN ITS ENTIRETY, ALONG WITH ALL STAMPED PLOT PLANS AND BOUNDARY SURVEYS.**

**EACH SITE WILL BE INSPECTED BY COBB COUNTY ZONING STAFF TO INSURE VARIANCE SIGN(S) HAVE BEEN PROPERLY POSTED.**

The following concerns variance applications requesting a reduction in lot size or a reduction in road frontage relating to the Official Code of Cobb County, Chapter 134, adopted by the Board of Commissioners on July 28, 2015. Applicants are advised that variance applications requesting a reduction in lot size or public road frontage which are approved by the Board of Zoning Appeals take the form of a recommendation to the Board of Commissioners, who makes a final determination whether to grant a special exception for the requested lot size reduction or road frontage reduction. The Board of Commissioners may add, delete or modify any of the board of zoning appeals stipulations pertaining to this section. The BOC determination will take place the following month at the scheduled Zoning Hearing.

Revised 09-28-10: Variance fees adopted by the Board of Commissioners (BOC).

Revised 03-23-16: To remove backyard chickens from the variance process.

Revised 02-28-18: Added item #15 regarding lot size and public road frontage variances.

**NOTE: All information submitted, and filled in on the application is a public record and is subject to the Open Records Act. This information will be posted online; please do not place any sensitive or personal information on the application, or in your submitted application packet.**

# Application for Variance Cobb County

(type or print clearly)

Application No. \_\_\_\_\_

Hearing Date: \_\_\_\_\_

Applicant \_\_\_\_\_ Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

\_\_\_\_\_ Address \_\_\_\_\_

(representative's name, printed)

(street, city, state and zip code)

\_\_\_\_\_ Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Titleholder \_\_\_\_\_ Phone # \_\_\_\_\_ E-mail \_\_\_\_\_

Signature \_\_\_\_\_ Address: \_\_\_\_\_

(attach additional signatures, if needed)

(street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

Present Zoning of Property \_\_\_\_\_

Location \_\_\_\_\_

(street address, if applicable; nearest intersection, etc.)

Land Lot(s) \_\_\_\_\_ District \_\_\_\_\_ Size of Tract \_\_\_\_\_ Acre(s) \_\_\_\_\_

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property \_\_\_\_\_ Shape of Property \_\_\_\_\_ Topography of Property \_\_\_\_\_ Other \_\_\_\_\_

Does the property or this request need a second electrical meter? YES \_\_\_\_\_ NO \_\_\_\_\_.

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List type of variance requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONSENT OF CONTIGUOUS OCCUPANTS OR LAND OWNERS**

**TO ACCOMPANY APPLICATION FOR THE PURPOSE OF VARIANCE REQUEST**

By signature, it is hereby acknowledged that I give my consent/or have no objection that \_\_\_\_\_  
\_\_\_\_\_ intends to make an application to the appropriate Cobb County  
Authorities for a variance request for the purpose of \_\_\_\_\_ on the  
premises described in the application.

| Signature | Printed name | Address |
|-----------|--------------|---------|
| 1.        |              |         |
| 2.        |              |         |
| 3.        |              |         |
| 4.        |              |         |
| 5.        |              |         |
| 6.        |              |         |
| 7.        |              |         |
| 8.        |              |         |
| 9.        |              |         |
| 10.       |              |         |
| 11.       |              |         |
| 12.       |              |         |
| 13.       |              |         |
| 14.       |              |         |
| 15.       |              |         |
| 16.       |              |         |
| 17.       |              |         |
| 18.       |              |         |
| 19.       |              |         |
| 20.       |              |         |

**(Attach additional pages if necessary)**

*Revised October 1, 2009*

## **CERTIFICATION BY OWNER/APPLICANT**

I understand and certify that the maximum percentage of impervious surface for the development activity associated with this variance application shall conform to the limit for the specific Zoning District as detailed by the Official Code of Cobb County, Chapter 134, Article IV, District Regulations, (11) Use Limitations. Impervious surface shall include structures (principal and accessory), parking lots, driveways, walkways, non-wooden pool decks and the like, and non-permitted work.

Signature of property owner or owner representative: \_\_\_\_\_

Printed name: \_\_\_\_\_

Signature of property owner or owner representative: \_\_\_\_\_

Printed name: \_\_\_\_\_

# COUNTY DEVELOPMENT STANDARDS AND SPECIFICATIONS

## 103.19.1 FOOTINGS SURVEY (Page 100 – 25)

A footings survey is required to be prepared anytime a building footprint (foundation wall) is proposed to be constructed within five feet of any applicable setback. The failure to prepare such a footings survey shall be a principal factor in determining whether or not to grant a variance.

On any development, prior to obtaining a building permit, the permittee or landowner must file a copy of a current plan and survey of the property sealed by a registered land surveyor providing such information as shall be required from the Cobb County Development and Inspections Department or its successor.

Prior to commencing pouring of footings, it shall be the responsibility of the builder or developer to accurately and clearly flag all pin corner boundaries or building setback lines prior to any footings inspection. Should the developer or builder desire to place any footing within five (5) feet of the applicable building setback line, the builder or developer shall provide a footings (foundation) survey signed by a registered land surveyor showing the footing location and the outer perimeter of the proposed structure. The failure to provide such a footing survey shall be a primary consideration in whether or not the Board of Zoning Appeals may deny a variance application.

## **Additional instructions for the applicant for variances**

### **CASE NUMBER**

Your case number identifies your specific case. Please include this case number on any e-mails, faxes, submissions, letters, plans, petitions, phone messages, etc.

### **NOTICE SIGNS**

You will be issued a pink variance sign. Post the sign on your property, near the road. The sign should face the road and should not be obscured by trees, bushes, cars, fences, etc. You may be issued more than one sign based on the linear-feet of the road frontage (1 sign per every 500 feet), or number of road frontages for the property. The signs should be posted in a manner that prevents signs from falling down, blowing away, curling or other damage to the signs (example: a plywood backing with posts in the grounds). It is your responsibility to ensure the signs are posted properly every required day. Failure to properly post signs may cause a delay in hearing your request, and/or may result in the denial of your request. If the signs are lost or stolen, please visit the Zoning Division for additional signs at no charge. **BRING THE SIGNS BACK TO THE ZONING DIVISION THE DAY AFTER THE FINAL DECISION BY THE BOARD OF ZONING APPEALS. Only the person or entity that originally paid the sign deposit is entitled to the refund amount.**

### **NOTIFICATION REQUIREMENT**

Part of the requirements of the variance process is for the applicant to notify all property owners in writing via the enclosed Consent of Contiguous Occupants or Land Owners petition. In the event that applicant cannot obtain signatures on the petition form, a certificate of mailing to those contiguous owners shall be required. The certificate of mailing shall be submitted to the zoning office two weeks prior to the hearing.

### **HEARING LOCATION**

All hearings will take place at 100 Cherokee Street, Marietta, GA 30060, in the second floor Commissioners Meeting Room.

### **STAFF COMMENTS AND RECOMMENDATIONS**

The County Staff submits comments and recommendations for your request. The comments and recommendations are available by noon the Monday prior to your variance hearing. These comments and recommendations may be picked up in person, or printed from the County's website at <http://zoning.comdev.cobbcountyga.gov/index.htm>. County Staff strongly recommends you get a copy of your comments and recommendations before the hearing and you visit the Zoning Division before the zoning hearing to look through the variance file for opposition letters, or letters from concerned neighbors. County Staff recommends you try to compromise or work-out any concerns the opposition may have.

### **VARIANCE HEARING (BOARD OF ZONING APPEALS or BZA)**

You are required to be present by 1:00 p.m. on the advertised hearing day. The hearing starts at 1:00 p.m. on the advertised day. County Staff cannot estimate what time your case will be heard. Signify you are present when your case is called and go to the front of the meeting room to be sworn-in. You will have a total of 10-minutes to state your case. Please state your entire case, because there is not any reserved time or rebuttal time. The BZA may ask questions, if needed. Then, the opposition, if any, will make a 10-minute presentation. Based on the Staff comments, applicant's testimony, and opposition's testimony, the BZA will deliberate and make a decision to approve, deny, delete, hold, or continue the case. Official hearing minutes will be available generally within two weeks after the hearing via the County Clerks webpage.

***NOTE: The information contained in these instructions is general in nature. Please contact the Cobb County Zoning Division at 770-528-2035 if there is a specific question. Please see the Application and the Cobb County Code for more specific information about the variance process. There is no guarantee your requested action will be approved.***



## COBB COUNTY COMMUNITY DEVELOPMENT

|                               |
|-------------------------------|
| <b>2019 VARIANCE SCHEDULE</b> |
|-------------------------------|

| LAST FILING DAY | POST SIGNS | HEARING DATES       |
|-----------------|------------|---------------------|
| 11/8/2018       | 12/10/2018 | 1/9/2019            |
| 12/13/2018      | 1/14/2019  | 2/13/2019           |
| 1/10/2019       | 2/11/2019  | 3/13/2019           |
| 2/14/2019       | 3/11/2019  | 4/10/2019           |
| 3/14/2019       | 4/15/2019  | 5/15/2019 *         |
| 4/11/2019       | 5/13/2019  | 6/12/2019           |
| 5/9/2019        | 6/10/2019  | 7/10/2019           |
| 6/13/2019       | 7/15/2019  | 8/14/2019           |
| 7/11/2019       | 8/12/2019  | 9/11/2019           |
| 8/8/2019        | 9/9/2019   | 10/9/2019           |
| 9/12/2019       | 10/14/2019 | 11/13/2019          |
| 10/10/2019      | 11/11/2019 | 12/11/2019          |
| 11/14/2019      | 12/9/2019  | 1/8/2020 Tentative  |
| 12/12/2019      | 1/13/2020  | 2/12/2020 Tentative |

\*Not on a regular scheduled day or time.

Last filing day is on the second Thursday of each month until 4:00 p.m.

Variance Hearings start at 1:00 p.m. (unless otherwise indicated) and are held in the Commissioner's Meeting Room, 2<sup>nd</sup> Floor of the Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

Revised On 11/6/2018

NOTE: The Zoning Division Manager may alter dates on this calendar to accommodate workloads.