



How to Request a Variance Before the Board of Zoning Appeals

If you cannot meet all the standards and regulations of the *Roswell Unified Development Code*, you could present your request for a **Variance** before the Roswell **Board of Zoning Appeals**. A Variance is a relaxation of the strict terms of the Zoning Ordinance (such as height, setbacks, parking 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. Variances are covered in the Section 13.11 "Variance" of the *Roswell Unified Development Code*.

The Board of Zoning Appeals meets the 2nd Tuesday of each month at 7:00 p.m. in the Council Chambers of Roswell City Hall. You will need to complete and submit your Variance Application by the filing deadline in order for the Variance request to be heard at the upcoming scheduled meeting. *See the attached BZA calendar for deadline dates and the Variance Checklist for complete application requirements.*

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. In granting a Variance, the Board of Zoning Appeals may impose requirements and conditions to protect adjacent properties and the public interest. Any application for a Variance must be supported by written verification of that:

- There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

In making this determination, the Board of Zoning Appeals considers the following criteria:

- A literal interpretation of the provisions of this UDC would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- Granting the Variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the zoning district in which the property is located.
- The requested Variance will be in harmony with the purpose and intent of this UDC and will not be injurious to the neighborhood or to the general welfare.
- The special circumstances are not the result of the actions of the applicant.
- The Variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure.
- The Variance does not permit a use of land, buildings or structures, which are not permitted by right in the zoning district.
- The Variance does not reduce the lot size below the minimum lot size allowed in the zoning district.
- The variance does not increase the maximum allocation of sign area or the maximum area of an allowed sign type.

Requesting an Administrative Variance

An **Administrative Variance** is similar to a Variance in that it also grants relief from the strict requirements of the *Roswell Unified Development Code*. An Administrative Variance does not require a public hearing. The Zoning Director may "administratively" vary or waive any of the certain requirements as outlined in Section 13.9 of the *Roswell Unified Development Code*.

Details are covered on the attached Variance Checklist. **Please note that the Administrative Variance Consent Form, found on page 5, and the Site Plan must contain original signatures of abutting property owners.** There is no specific calendar deadline for an Administrative Variance Submittal.



VARIANCE CHECKLIST

This form **must** accompany any application submitted for the Board of Zoning Appeals (BZA).

The following application materials are required by 3:30 P.M. of the submittal day (see calendar):

1. Schedule an Orientation Meeting. Include signed Orientation Meeting Form with the Submittal.
2. Completed & signed application form
3. Check made to the City of Roswell. See attached fee schedule (**page 8**)
4. Letter of Intent describing how the proposed action meets the criteria for granting of a variance as established in Section 13.11.17 of the Roswell Unified Development Code.
5. Ten copies of a Survey Plat of property sealed by the surveyor, showing all of the following:
 - Metes and bounds and dimensions;
 - Bearings and distances;
 - Current zoning of subject property;
 - Property lines;
 - Existing and proposed buildings and structures, including retaining walls;
 - Proposed setbacks;
 - Parking;
 - Topographical information (significant man-made and natural features, streams, historic and archaeological sites, and features to be retained, moved or altered; etc.)
6. If a Sign Variance is requested, provide Signage Plan including:
 - Color rendering of the proposed sign, drawn to scale (architect or engineer) with sign dimensions (height and width)
 - Archaeological Survey, if required.
7. A site plan containing original signature(s) of abutting property owner(s) supporting the variance request including properties across the street, as well as those behind subject property.
8. Signed consent form(s)

***Project deemed "Administrative Variance" must submit items 2-5, 7 and 8.**

The below signature acknowledges that:

The *Roswell Unified Development Code* has been made available for review and purchase; and that copies of the design guidelines have been provided.

Signature of Applicant

_____/_____/_____
Date

Signature of Staff

_____/_____/_____
Date



BZA Case #: _____

Admin Case #: _____

VARIANCE APPLICATION

- TYPE OF REQUEST :**
- Variance (BZA)
 - Variance (Administrative)

Total Area of Lot	_____	_____		
	In sq. ft.	Acreage		
Building Footprint	_____	_____		
	In sq. ft.	In %		
Landscape Coverage	_____	_____		
	In sq. ft.	In %		
No. Parking Spaces	_____	_____		
	Required	Planned		
Height	_____	_____		
	Height			

Minimum Setback Requirements

Proposed Setback Requirements

Front

Side

Rear

Other

Front

Side

Rear

Other

PROJECT

Name of Project/Subdivision Name

Property Address/Location Suite/Apt. # City State Zip Code

Present Zoning Parcel ID

APPLICANT/OWNER

Applicant

Company

Mailing Address Suite/Apt. # City State Zip Code

Phone Cell Phone E-mail

REPRESENTATIVE

Contact Name and Company (Owner's Agent or Attorney)

Contact Mailing Address Suite/Apt. # City State Zip Code

Phone Cell Phone Fax Phone E-mail

I hereby certify that all information provided herein is true and correct.

Applicant Signature: Property Owner or Owner's Representative

_____/_____/_____
Date

REPRESENTATIVE APPLICANT PROJECT TYPE



VARIANCE APPLICATION

REASON FOR VARIANCE (refer to Section 13.11.7 of the *Roswell Unified Development Code*).

Please explain the hardships associated with your request and attach additional information as necessary.

REQUEST

ORIENTATION MEETING

*Prior to the submission of a variance application, the applicant is required to schedule an orientation meeting with Mark Wolff, Deputy Director of Community Development. The purpose of this meeting is to determine the number and nature of the variances requested, become familiar with the appeals process and obtain preliminary input from staff. A meeting date before the Board of Zoning Appeals will be scheduled upon a determination of completeness and compliance of the application. The applicant or representative must attend the meeting. **An Orientation Meeting is NOT required for an Administrative Variance.***

ORIENTATION



Consent Form

VARIANCE CONSENT FORM (REQUIRED FOR ADMINISTRATIVE VARIANCE ONLY)

The Variance Consent Form MUST be completed and signed by ALL abutting property owners. Please provide one (1) consent form for each property owner. This form indicates that the below signed has no objection to the granting of the variance(s) requested as shown on the accompanying plat in accordance with section 13.9 of the Roswell Unified Development Code.

Abutting Property Owner Street Address

_____ / ____ / ____
Printed name of Abutting Property Owner Date

_____ / ____ / ____
Signature of Abutting Property Owner (*must be original*) Date

VARIANCE CONSENT FORM (REQUIRED FOR ADMINISTRATIVE VARIANCE ONLY)

The Variance Consent Form MUST be completed and signed by ALL abutting property owners. Please provide one (1) consent form for each property owner. This form indicates that the below signed has no objection to the granting of the variance(s) requested as shown on the accompanying plat in accordance with section 13.9 of the Roswell Unified Development Code.

Abutting Property Owner Street Address

_____ / ____ / ____
Printed name of Abutting Property Owner Date

_____ / ____ / ____
Signature of Abutting Property Owner (*must be original*) Date



Owner Signature Page

Please complete this **Owner Signature Page** for ALL applications. **READ CAREFULLY BEFORE SIGNING.**

- I understand that failure to supply all required information per the relevant Applicant Checklists and requirements of the *Roswell Unified Development Code* will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange sign permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

I respectfully petition that this property be considered as described in this application

Wherefore, applicant prays that the procedures incident to the presentation of this petition be taken, and the property be considered accordingly. Additionally, applicant further acknowledges and fully understands all above statements made by the City of Roswell.

OWNER SIGNATURE (REQUIRED FOR ALL APPLICATIONS)

I hereby certify that all information provided herein is true and correct.

_____/_____/_____
 Owner of Property (Signature) Date

 Street Address, City, State, Zip

 Phone

NOTARY

Personally appeared before me the above Owner named _____ who on oath says that he/she is the Applicant for the foregoing, and that all the above statements are true to the best of his/her knowledge.

_____/_____/_____
 Notary Public (Signature) Date Date Commission Expires

ATTORNEY / AGENT (IF APPLICABLE)

_____/_____/_____
 Attorney/Agent (Signature) Date

 Street Address, City, State, Zip

 Phone



BOARD OF ZONING APPEALS 2019 CALENDAR

Last Date for Submission	Date of Public Hearing
November 30, 2018	January 8, 2019
December 28, 2018	February 12, 2019
January 25, 2019	March 12, 2019
February 22, 2019	April 9, 2019
March 29, 2019	May 14, 2019
April 26, 2019	June 11, 2019
May 31, 2019	July 9, 2019
June 28, 2019	August 13, 2019
July 26, 2019	September 10, 2019
August 30, 2019	October 8, 2019
September 27, 2019	November 12, 2019
No applications accepted for December BZA**	No December BZA Meeting**
November 29, 2019	January 14, 2020

Note

The meetings are held in the City Hall Council Chambers on the second Tuesday of each month at 7:00 p.m. The Council Chambers are located on the second floor of Roswell City Hall at 38 Hill Street.

When the date falls on a City holiday, applications will be accepted the following Monday.



CITY OF ROSWELL FEE SCHEDULE

City of Roswell applications and resources are available at the front desk of the Community Development Department, or can be downloaded at no charge from the City of Roswell web site at www.roswellgov.com. Fees are payable to the City of Roswell by cash, check or credit card (MasterCard/Visa).

Variance	
_____ Application for Variance Non-residential Residential Each Additional	 \$350 for first \$250 for first \$50 each additional
_____ Application for Administrative Variance	No Fee