

**PLANNING & COMMUNITY DEVELOPMENT**

*eastpointcity.org*

2757 East Point Street, East Point, GA 30344  
 Phone: (404) 270-7029 Fax: (404) 209-5148

**VARIANCE CHECKLIST**  
 ALL DOCUMENTS AND QUANTITIES ARE REQUIRED

**ALL PERTINENT ITEMS ARE DUE AT THE TIME OF FILING**  
**NO INCOMPLETE APPLICATIONS WILL BE ACCEPTED**

Item #	Required Document	Number of Copies	Check <input checked="" type="checkbox"/>
1.	Pre-Application Form	1 original and 8 copies	
2.	Application Form	1 original and 8 copies	
3.	Variance Questionnaire	1 original and 8 copies	
4.	Letter of Appeal (8½ x 11)	1 original and 8 copies	
5.	Legal Description (8½ x 11)	1 original and 8 copies	
6.	Site Plan	1 original (8½ x 11) and 8 (11 x 17) copies	
7.	Sketch of Sign (if applicable)	1 original and 8 copies	
8.	Authorization to Inspect Premises	1 original and 8 copies	
9.	CZIM Address List	1 original and 8 copies	

**REQUIRED ITEMS FOR VARIANCE APPLICATIONS:**

Applications are available at the Department of Planning and Community Development or at [www.eastpointcity.org](http://www.eastpointcity.org). The filing deadline for all variance applications is the first Friday of each month. All application submittals must be done in person at 2757 East Point Street, East Point, GA 30344 between 8:00 a.m. and 3:00 p.m. Incomplete applications will not be accepted. Please refer to the information below for all documents needed for filing. **A PRE-APPLICATION APPOINTMENT IS REQUIRED PRIOR TO FILING.**

- 1. PRE-APPLICATION FORM:** A variance pre-application form shall be completed in a pre-application meeting with a Planner. The completion of this form is required as a part of your application packet. You must provide the reviewing Planner with a detailed site plan and/or sign details, so an accurate assessment of the request and appropriate Zoning Ordinance standards can be appealed. Contact Staff at (404) 270-7029 to make an appointment for a pre-application review meeting.
- 2. APPLICATION FORM:** Variance applications must have an original notarized signature of the property owner(s) of record or a notarized statement by the appellant acting as power of attorney for the property owner. Where there are multiple owners, a notarized signature of each and all owners must be submitted with the application. A variance request denied by the Planning and Zoning Commission cannot be resubmitted for a period of six (6) months from the date of the denial.
- 3. VARIANCE QUESTIONNAIRE:** A variance questionnaire shall be completed by the applicant in preparation for filing a variance application. The questionnaire is designed to establish facts and background information pertaining to the subject variance request.

4. **LETTER OF APPEAL:** On a separate Word document, the letter of appeal shall be addressed to the Director of Planning and Community Development and shall state in detail the proposed project, the variance request, and a hardship statement stating that the granting of a variance will alleviate some demonstrated and unusual hardship for which a variance is warranted. Provide a written response to the following considerations which shall be used in justifying the hardship(s) (Section 10-2184):

### **HARDSHIPS**

**VARIANCE CONSIDERATIONS:** Variances from the provisions or requirements of the Ordinance shall be authorized only upon making all of the following findings:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, the strict application of the requirements of this Ordinance would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district;
2. 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 properties in the zoning district in which the subject property is located;
3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance. No variance may be granted for a use of land or building or structure that is prohibited by this Ordinance. No variance may be granted that would conflict with or alter a stipulation or condition imposed by the Planning and Zoning Commission or City Council. No variance shall be granted to extend the time period for a temporary outdoor social, religious, entertainment or recreation activity approved by the City Council.
4. No variance shall be granted by the Planning and Zoning Commission that permits the expansion or enlargement of any nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit;
5. No variance shall permit the reestablishment of any nonconforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring special land use permit where such use has lapsed pursuant the requirements and limitations of 10-2017;

*and if variance request pertains to a sign then answer the following:*

6. Conditions resulting from existing foliage or structures bring about a hardship whereby a sign meeting minimum letter size, square footage and height requirements cannot be read from an adjoining public road.
4. **LEGAL DESCRIPTION/SURVEY:** A legal description or survey of the subject property must be submitted with the Variance Application. Legal Descriptions or surveys must establish a point of beginning and from said point of beginning, give each dimension bounding property, calling the directions (such as north, northeasterly, etc.) and returning to the point of beginning. The survey shall have a registered surveyor's seal. The property's address must also be identified.
  6. **SITE PLAN:** Site plans must meet the minimum requirements specified by 10-2226 of the East Point Zoning Ordinance. Refer to Site Plan Check list (Form F).

**SITE PLAN CHECKLIST:** The site plan checklist (Form F) details the minimum requirements for site plans as specified by 10-2226 of the Zoning Ordinance. **Prior to submitting an application, a review of the site plan and sign-off by Plan Review on Form F is required.**

7. **SKETCH OF SIGN (IF APPLICABLE):** If the variance request is for a sign, photo or drawing of the sign structure is required. A building wall elevation is required for a wall sign variance. All drawings or photos shall provide dimensions. Drawings shall be to scale indicating total square footages of signs/walls.
8. **AUTHORIZATION TO INSPECT PREMISES:** This document gives the City of East Point authorization to inspect the premises, which are the subject of this request for rezoning/use permit/variance/subdivision.
9. **COMMUNITY ZONING INFORMATION MEETING (CZIM) ADDRESS LIST:** A CZIM Address List must be completed and filed no later than 7 days before the Planning and Zoning Commission meeting. The report shall include a list of all property owners within 500 feet of the subject property.

**INCLUDED ONLY WITH MINOR/ADMINISTRATIVE MINOR VARIANCE REQUESTS:**

1. **ADJACENT PROPERTY OWNER LETTER:** Minor/Administrative Minor Variance Applications shall include letters from all adjoining property owners. Any property owner having property that adjoins the subject property is required to attest to support or to opposition of the proposed variance.

**INCLUDED ONLY WITH SECONDARY VARIANCE/INTERPRETATION VARIANCE REQUESTS:**

1. **ADVERSE DECISION LETTER:** The adverse decision letter shall address the effect assumed to result from not applying the current standards. The applicant shall provide a copy of the Decision or interpretation Letter for which the adverse decision is being appealed.

## **SUBMITTING AN APPLICATION:**

**SUBMITTAL:** Application deadlines are the first Friday of the month. The applicant must provide (1) one original application packet with all the required documents and eight (8) copies. Please do not staple or bind the application. Site plan submittal should include (1) one original 8 ½" x 11" and (8) eight copies 11" x17". **A PRE-APPLICATION APPOINTMENT IS REQUIRED PRIOR TO FILING.** If you have any questions or concerns regarding the variance filing procedures, please call the Department of Planning and Community Development at (404) 270-7029.

**FEES:** Application fees are due at the time of submittal. Please refer to the "Fee Schedule" for fee amount.

## **REQUIREMENTS FOR FILING A VARIANCE REQUEST:**

### **PUBLIC PARTICIPATION:**

**COMMUNITY ZONING INFORMATION MEETING (CZIM):** The CZIM is to allow applicants an opportunity to present their application, allow the citizens of East Point opportunities to review all applications submitted and ask questions of the applicant and express any preliminary concerns. The meeting is held on the second Tuesday after the application deadline at 2757 East Point Street, East Point, GA 30344 from 6 p.m. to 8 p.m. The applicant or representative is **required to attend**.

### **PUBLIC HEARING:**

**EAST POINT PLANNING AND ZONING COMMISSION:** The Planning and Zoning Commission holds a public hearing on the third Thursday of each month at 7:00 p.m. at 2757 East Point Street, City Council Chambers, 1<sup>st</sup> Floor, East Point, GA 30344. The applicant or agent **must attend** the public hearing. Any voluminous presentation of documents shall be filed with the Department of Planning and Community Development a minimum of 15 days in advance of the public hearing. Presentation at the meeting will not guarantee the Planning and Zoning Commissions review or consideration.

### **PUBLIC NOTICE:**

**POSTING OF PUBLIC NOTICE SIGNS:** The applicant shall post notification signs on each road frontage of the subject property in a conspicuous place no later than 20 days prior to the Planning and Zoning Commission hearing. At the time of filing the applicant will be given the necessary sign(s) and instructions on posting. The applicant shall continuously make an effort to maintain the sign posting until the scheduled hearing date. Failure to properly post the sign will delay action on the variance request. On-site visits are made by staff to verify that posting requirements have been met. If the sign is damaged or removed it is the applicant's responsibility to obtain and re-post new sign(s).

**POSTING DEFERRED CASES:** If a petition is held or deferred, it is the responsibility of the applicant to obtain and post new sign(s) with the revised hearing date a minimum of 20 days prior to the Planning and Zoning Commission hearing date.

**MAILING "DEVELOPMENT OF INTENT" POSTCARDS:** By U.S. Mail, postcard notices are sent by the applicant to all property owners within 500 feet (for residential and commercial properties) or 1,000 feet (for industrial and business park properties) of the subject property. Said notices are mailed prior to the CZIM meeting to property owners of record as shown on the current tax records of Fulton County as retrieved by the County's Geographic Information System. For Minor/Administrative Minor Variances, property owner notification letters are mailed to immediately adjacent property owners.

**NEWSPAPER:** For all Primary, Secondary/Interpretation and Stream Buffer Variances, The Department of Planning and Community Development shall publish in the South Fulton Neighbor a notice of the public hearing no later than 15 days prior to the Planning and Zoning Commission hearing. The published notice shall contain the time, place, purpose of the hearing and the variance property location.

## **POST-PUBLIC HEARING:**

**DECISION:** Notice of decisions from the Planning and Zoning Commission shall be mailed seven days following the date of decision for all Primary, Secondary/Interpretation and Stream Buffer Variances. Minor/Administrative Minor Variance decisions will be provided in writing 30 days of the filing and following administrative review.

**APPEALS:** Appeals to Primary, Secondary/Interpretation and Stream Buffer Variances shall be filed with the Fulton County Superior Court within 30 days of the Planning and Zoning Commission decision. Appeals to other variances, administratively handled shall be filed within 30 days of the Department's decision via a Secondary/Interpretation Variance Application.

## **TYPES OF VARIANCES (Chapter 2, Article I - Section 2185 and 2186)**

### **VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING:**

**ADMINISTRATIVE:** These types of variances are handled administratively by the Department of Planning and Community Development.

1. **ADMINISTRATIVE MINOR VARIANCES:** Administrative relief up to one-foot (1') from any minimum yard requirement.
2. **MINOR VARIANCE:** Relief from the minimum yard setback requirements not to exceed ten-percent (10%) of such requirement.

### **VARIANCES THAT REQUIRE A PUBLIC HEARING**

**PLANNING AND ZONING COMMISSION:** The following variances require a public hearing and action by the Planning and Zoning Commission.

1. **PRIMARY VARIANCE:** Applicant seeks relief from the provisions of the Zoning Code and Development Regulations. All such appeals shall be heard by the Planning and Zoning Commission and shall be accompanied with a statement of hardship (See enclosed Variance Considerations).
2. **SECONDARY VARIANCE/INTERPRETATION:** Applicant seeks to appeal a decision of the Department of Planning and Community Development or seeks to appeal a decision on an MINOR/ADMINISTRATIVE MINOR VARIANCE.
3. **STREAM BUFFER VARIANCE:** Applicant seeks relief from the stream buffer and setback requirements. Requirements are enumerated in Chapter 12, Stream Buffer Protection, and Section 10-12022 VARIANCE PROCEDURES.



<b>FOR OFFICE USE ONLY</b>
Case #: <u>2021V-002-07</u>

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**PRE-APPLICATION FORM  
FOR VARIANCE REQUESTS**

Variance Type:  Primary  Stream Buffer  Secondary/Interpretation  Administrative Minor  Minor

**PROJECT DETAILS**

Address: 3049 Stone Road

Parcel I.D.: 14 0227 LL0496

Current Zoning: R-2 (Single Family Dwelling)

Project Description (Intent/Request): variances to conform as-built infrastructure to regulations to develop 32 lot subdivision.

**SITE DETAILS**

Ward: C Future Land Use: Suburban Residential

District: 14 Land Lot(s): 227 Overlay District: N/A

Acres: 11.9 Square Feet (Area): 518,364 approx. Lot Dimensions: varies

Additional Information: \_\_\_\_\_

**APPLICANT**

Name: Rockhaven Homes, Brad Hughes Phone: 770-519-1668

Address: c/o attorney (below) E-mail: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ Fax: \_\_\_\_\_

**PROPERTY OWNER**

Name: Geosam Capital US (Atlanta) LP Phone: \_\_\_\_\_

Address: 2170 Satellite Blvd., Suite 425 E-mail: jbrode@geosamatl.com

City: Duluth State: GA Zip: 30097 Fax: \_\_\_\_\_

**REPRESENTATIVE (AGENT/ATTORNEY)**

Name: Stephen Rothman Phone: 404-853-5050

Address: 2849 Paces Ferry Rd. SE, Suite 700 E-mail: srothman@wbilegal.com

City: Atlanta State: GA Zip: 30339 Fax: 404-853-1812

**ADDITIONAL VARIANCE(S)**

Chapter/Section: <u>10-2061(e)(b)</u>	Request: <u>reduce front yard setback as shown on plan</u>
Chapter/Section: <u>10-2020.3(e)(1)</u>	Request: <u>reduce landscape buffer to 10 feet</u>
Chapter/Section: <u>10-2020.3(e)(2)</u>	Request: <u>reduce undisturbed buffer to allow replanting</u>
Chapter/Section: <u>10-2020.3(m)</u>	Request: <u>allow orientation internally along Stone Road</u>
Chapter/Section: _____	Request: _____

Attach an additional form if needed for additional variances.

**PROJECT REQUIREMENTS**

Post signs <input checked="" type="checkbox"/>	Attend CZIM <input checked="" type="checkbox"/>	Mail "Development of Intent" postcards <input checked="" type="checkbox"/>
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**PUBLIC HEARING SCHEDULE (ATTENDANCE IS MANDATORY)**

Community Zoning Information Meeting      Date: 8/17/2021  
 Planning and Zoning Work Session:      Date: 9/9/2021  
 Planning and Zoning Commission:      Date: 9/16/2021

**ACTIONS TO BE COMPLETED BY APPLICANT**

- Mail "Development of Intent" postcards (use cardstock paper) to the following on (Date) 8/6/2021 :
  - City Planner
  - All property owners within a 500 foot radius.
  - One (1) Mayor plus eight (8) City Council members.
  - All Neighborhood Association Presidents in Ward C.
- E-mail a photo of the "posted signs" to: [pcd@eastpointcity.org](mailto:pcd@eastpointcity.org).
  - Post CZIM [purple] sign from: 8/6/2021 to 8/18/2021.
  - Post Variance [yellow] sign from: 8/6/2021 to 9/17/2021.

**APPLICANT'S SIGNATURE**

To the best of my knowledge, this pre-application form is accurate and complete. If additional variances are determined to be necessary, I understand that I am responsible for filing an appeal as specified by Chapter 2, Article I of the East Point Zoning Code and Development Regulations.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

Planner: \_\_\_\_\_ Date: \_\_\_\_\_

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**APPLICATION FORM  
FOR VARIANCE REQUESTS**

Application Deadline Date: August 6, 2021

**PROJECT LOCATION**

Address: 3049 Stone Road

Parcel I.D.: 14 0227 LL0496

**SECTION I CHECK ONE OF THE FOLLOWING VARIANCES**

**VARIANCES THAT REQUIRE A PUBLIC HEARING**

- Primary Variance:** Seeks relief from the Zoning Code and Development Regulations.
- Secondary Variance/Interpretation:** Interpretations, relief of an adverse decision by any official of East Point, or relief from Minor/Administrative Minor requests
- Stream Buffer Variance:** Seeks relief from buffer and setback requirements.

**VARIANCES THAT DO NOT REQUIRE A PUBLIC HEARING**

- Minor/Administrative Minor Variances:** Seeks relief from the minimum yard setback requirements for one-foot (1') or less.
- Minor Variance:** Seeks relief from the minimum yard setback requirement not to exceed ten-percent (10%) of such requirement.

**SECTION II DESCRIBE THE VARIANCE REQUEST**

Applicant seeks variances to allow development of 32 lot subdivision in manner consistent with existing infrastructure. Variances sought from Sections 10-2061 (e)(b), 10-2020.3(e)(1), 10-2020.3(e)(2) and 10-2020.3(m) to develop as shown on site plan.

**SECTION III PROVIDE THE LEGAL DESCRIPTION OF PROPERTY**

District: 14 Land Lot(s): 227 Lot Number(s): 1-32  
Subdivision: Stonegate Unit/Phase: \_\_\_\_\_

*Legal description/survey must match submitted site plan.*



**SECTION IV REQUIRED SIGNATURE(S) AND NOTARIZATION(S)**

**PROPERTY OWNER**

Owner states under an oath that he or she is the owner of the property described in the attached legal description. [EACH OWNER'S SIGNATURE MUST BE NOTARIZED]

Geosam Capital US (Atlanta) LP

OWNER PRINT NAME

2170 Satellite Blvd, Suite 425

ADDRESS

Duluth GA 30097

CITY STATE ZIP CODE

Sworn to and subscribed before me this the \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
COMMISSION EXPIRES

\_\_\_\_\_  
OWNER SIGNATURE

(SEAL)

\_\_\_\_\_  
OWNER PHONE NUMBER

**APPLICANT**

A notarized authorization of the applicant signature is required if applicant has owner's power of attorney.

Rockhaven Homes

APPLICANT PRINT NAME

4062 Peachtree Rd, Suite 277

ADDRESS

Atlanta GA 30319

CITY STATE ZIP CODE

Sworn to and subscribed before me this the \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
COMMISSION EXPIRES

\_\_\_\_\_  
APPLICANT SIGNATURE

(SEAL)

\_\_\_\_\_  
APPLICANT PHONE NUMBER

**REPRESENTATIVE (AGENT OR ATTORNEY)**

Stephen Rothman

REPRESENTATIVE PRINT NAME

2849 Paces Ferry Rd SE, Suite 700

ADDRESS

Atlanta GA 30339

CITY STATE ZIP CODE

\_\_\_\_\_  
REPRESENTATIVE SIGNATURE

404-853-5050

REPRESENTATIVE PHONE NUMBER



FOR OFFICE USE ONLY
Case #: <u>2021V-002-07</u>

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**VARIANCE QUESTIONNAIRE**

**INSTRUCTIONS**

Answer all applicable questions to the best of your knowledge. The information submitted will assist in the appropriate filing of your request.

Variance Type:  Primary  Stream Buffer  Secondary/Interpretation  Administrative Minor  Minor

**CONTACT INFORMATION**

Contact Person Status:  Property Owner  Applicant  Attorney/Agent

Name: Stephen Rothman, Wilson Brock & Irby LLC Phone Number: 404-853-5050

Mailing Address: 2849 Paces Ferry Rd, Suite 700, Atlanta, GA 30339

**PROJECT DETAILS**

Address: 3049 Stone Road

Parcel I.D.: 14 0227 LL0496

District: 14 Land Lot(s): 227 Development Name: Stonegate

**ACTION REQUIRING THE VARIANCE**

Existing Structure  New Construction  Addition  Alteration

**TYPE OF IMPROVEMENT**

Principal Structure  Accessory Structure  Fence/Wall  Sign  
 Parking Spaces  Landscaping  Buffer  Other: new residential community

If accessory structure, specify whether attached or detached, use and size: \_\_\_\_\_

If sign variance, specify whether the sign is existing or proposed and the type of sign: \_\_\_\_\_

Does the existing sign(s) comply with the Chapter 7 - Signs of the East Point Zoning Code and Regulations?  Yes  No

Has an East Point building permit been issued for the subject structure or is the improvement under a variance appeal?

Yes  No If yes, Permit #: \_\_\_\_\_ or Variance Case #: \_\_\_\_\_

If this is a new subdivision, has a final plat been approved by East Point  Yes  No

## VARIANCE DETERMINATION

At what point did you learn that you needed to apply for a variance?

Plan Review     Permitting     Citation/Warning     Concept Phase

East Point Contact Person Name: Kimberly Smith Phone: \_\_\_\_\_

Comments (attach related documents i.e., citation, correspondence, etc.):  
\_\_\_\_\_  
\_\_\_\_\_

## PROPERTY ZONING HISTORY

Has there been any previous variance(s) granted on this property?     Yes     No

Has there been any previous zoning activity?     Yes     No    Case #: \_\_\_\_\_

Is the subject site located within an overlay district?     Yes     No    If yes, which overlay: \_\_\_\_\_

Has there been contact with the community representative? If so, who? Not yet.

Has there been contact with adjoining property owners regarding the variance? If so, who? Not yet.

Is there documentation of support?     Yes     No    If yes, please attach to this questionnaire.

## LOCATION OF VARIANCE ON SUBJECT PROPERTY

Check below the area of the property where the variance is needed and state the type of request (to delete, reduce or increase).  
Variance location shall be identified on the site plan.

Front Yard     Side Yard     Rear Yard     Sign Area     Sign Setback  
 Sign Height     Height     Buffer     Landscape Area     Other: \_\_\_\_\_

Request #1: 10-2020.3(m) face public street

Request #2: 10-2020.3(e)(2) allow buffer to be disturbed

Request #3: 10-2020.3(e)(1) reduce landscape strip along Stone Road to 10 feet

Request #4: 10-2061(e)(b) reduce front yard setbacks

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**AUTHORIZATION TO INSPECT PREMISES**

I/we (PRINT NAME) Geosam Capital US (Atlanta) LP  
am/are the owner(s) of the property, which is the subject matter of this application. I/we authorize the City of East Point to inspect the premises, which are the subject of this request for rezoning/use permit/variance/subdivision.

\_\_\_\_\_  
SIGNATURE

**APPLICANT SIGNATURE**

I have read this entire application and all of the information is completed.  
Personally, appeared before me,

Rockhaven Homes by Stephen Rothman

APPLICANT (OR AGENT) PRINT NAME

\_\_\_\_\_  
APPLICANT (OR AGENT) SIGNATURE

**NOTARIZATION**

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
DATE

(SEAL)

\_\_\_\_\_  
COMMISSION EXPIRES