



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.

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

Page 2

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 1/2" 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".
*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

Page 3

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.

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

Revised: November 19, 2015.

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

Revised October 2016 for amended sign fee of \$15.

Application for Variance Cobb County

(type or print clearly)

Application No. _____

Hearing Date: _____

Applicant _____ Phone # _____ E-mail _____

(representative's name, printed) Address _____
(street, city, state and zip code)

(representative's signature) Phone # _____ E-mail _____

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:

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.		

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.

COBB COUNTY COMMUNITY DEVELOPMENT

2016 VARIANCE SCHEDULE

LAST FILING DAY	POST SIGNS	HEARING DATES
11/12/2015	12/14/2015	1/13/2016
12/10/2015	1/11/2016	2/10/2016
1/14/2016	2/8/2016	3/9/2016
2/11/2016	3/14/2016	4/13/2016
3/10/2016	4/11/2016	5/11/2016
4/14/2016	5/16/2016	6/15/2016 *
5/12/2016	6/13/2016	7/13/2016
6/9/2016	7/11/2016	8/10/2016
7/14/2016	8/15/2016	9/14/2016
8/11/2016	9/12/2016	10/12/2016
9/8/2016	10/10/2016	11/9/2016
10/13/2016	11/14/2016	12/14/2016
11/10/2016	12/12/2016	1/11/2017 Tentative
12/8/2016	1/9/2017	2/8/2017 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, 2nd Floor of the Cobb County Building A, 100 Cherokee Street, Marietta, Georgia.

Revised on November 6, 2015 at 2:41 PM

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