



ROCKDALE COUNTY PLANNING & DEVELOPMENT

P.O. Box 289/958 Milstead Ave NE, Conyers, GA, 30012
Phone: 770-278-7100
Email: planning@rockdalecountyga.gov

VARIANCE APPLICATION INSTRUCTIONS

This application is required for Variance submittals from the Unified Development Ordinance (UDO) to the Board of Adjustment (BOA).

The zoning district that a parcel is in can be found in the Board of Assessors' Property Record Cards (<https://qpublic.schneidercorp.com/Application.aspx?AppID=694&LayerID=11394&PageTypeID=2&PageID=4832>).

Applicants are encouraged to submit complete application prior to submittal cutoff date. To avoid wait times, please make an appointment.

It is recommended that a Pre-Application Conference be made 10 business days before the cutoff date.

Application:

- Legal description, street address, size, lot number and subdivision name, if any, of the property that is the subject of the application.
- The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
- Statements concerning each of the Standards for granting variances in subsection (h) of this section and explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the UDO and the comprehensive plan
- Other documents as required by staff, such as a survey and/or concept plan.

Filing:

- Provide one (1) digital copy and three (3) hard copies of the entire submittal packet.
- \$250 per request
- Applications must be received by noon on the deadline as shown on the BOA Calendar on Page 3.
- Only complete applications, with all of the required documents and fees, will be accepted.
- Completed applications must be submitted in person or by mail to the Department of Planning and Development (P&D):
 - 958 Milstead Ave NE, Conyers, GA, 30012 (in person).
 - P.O. Box 289, Conyers, GA, 30012 (by mail).
- Upon receipt, applications will be reviewed for completeness and compliance with all requirements, within 5 business days of the cutoff date.
- Applicants will be notified of the result of the completeness and compliance review.
- Applicants of incomplete applications will be notified and required to resubmit for the following month's cutoff date.
- Upon acceptance, an application becomes public record.

Timeframe:

- The County will prepare the following Public Notice requirements for compliance with O.C.G.A. § 36-66 and UDO Sec. 238 between 15 and 45 days before the Public Hearings:
 - Legal Notice, which be sent by P&D, to be published in Rockdale Citizen;
 - Public Notice Sign, which will be posted by Rockdale County Department of Transportation (RDOT);
 - Public Notice Letters, which will be sent by P&D, to the adjoining property owners;
 - The applicant will also receive written notification of the public hearings.

Hearing:

- The Board of Adjustment Public Hearing is held on the fourth Tuesday of each month at 7:00 PM.
 - The Board of Adjustment shall receive the Agenda Packet at least 5 days before the meeting.
 - The applicant will receive the Staff Report at the same time.
- The Public Hearing will be held at the Rockdale County Assembly Hall, 901 N Main St NW, Conyers, GA, 30012.

- Applicants or representatives should plan to attend the Public Hearing.
- Public Comment Procedures at the Public Hearings:
 - Each speaker must sign their name to appropriate zoning case sheet and fill out a public comment card to register your intent to speak prior to the start of this meeting. Each item of business shall be handled in the order that it appears on the agenda, unless upon motion of the Planning Commission or the Board of Commissioners, the order is changed.
 - A member of the City or County P&D staff will present each item to the Conyers/Rockdale Planning Commission, the County Planning Staff will present each item to the Board of Commissioners, and will further provide a recommendation upon each item of business
 - The Zoning Applicant or the Agent will state their name and address at the podium and will have 10 minutes in which to make his/ her presentation. Any portion of their 10 minutes may be reserved for rebuttal following the opposition to the application.
 - After the Applicant's presentation, all registered speakers who wish to speak in favor of the application will then be heard. Prior to speaking upon the item, each registered speaker will state their name and address at the podium. They will also be limited to a total of 10 minutes.
 - Once the Applicant has made his/ her presentation and the speakers in favor of the application have been heard, the secretary will then call upon the registered speakers in opposition to the application. The opposition shall likewise be limited to a total of 10 minutes.
 - Once the Public Hearing portion is closed; no other speakers will be heard.
 - As a reminder, speakers are to address the Board of Adjustment, not the Applicant or the audience, and are expected to conduct themselves in an appropriate manner. The use of abusive or profane language shall not be allowed. No debate or argument between speakers shall be permitted
- The Board of Adjustment may elect to hold general discussion after the Public Hearing is closed.
- The Board of Adjustment will consider a motion(s) to make a decision on each matter and will vote on said motion.
- Within 10 business days after the Final Action:
 - P&D will notify the applicant and property owners of the Final Action;
 - P&D will advise RDOT that they can remove the Public Notice Signs;
 - RDOT will remove the Public Notice Signs.

Conditions of Approval (Conditional Zoning Amendment):

- The Board of Adjustment may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.
- See Page 12 for further details.

Alterations to Conditions of Approval:

- The Conditions of Approval may be altered or repealed pursuant to UDO Sec. 238-15.
- The Alterations to or Repeal of Conditions of Approval Process is the same as the Variance.
- The application fee is the same as the Variance.
- See Page 12 for further details.

Filing Fee:

The non-refundable filing fee is payable at the time of application. Payment may be made by cash (exact amount), credit card (VISA or Mastercard), check, or money order payable to Rockdale County.

Variance; and Alterations to Conditions of Approval

Acres	Fee per Property	Tax Parcel Nos.	No. of Requests	No. of Properties	Fee Amount (Fee x #)
<input type="checkbox"/> 0-4.99 acres	\$250				\$
<input type="checkbox"/> 5-9.99 acres	\$250				\$
<input type="checkbox"/> 10-19.99 acres	\$250				\$
<input type="checkbox"/> 20 acres and more	\$250				\$

Development of Regional Impact (DRI)

Fee: \$1,200

Filing Fee (Fee Amount + DRI Fee) \$



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BOARD OF ADJUSTMENT CALENDAR

This calendar is for Variances, Appeals, and Alterations to Conditions of Approval.

All meetings will occur at the Rockdale County Assembly Hall located at 901 N Main St NW, Conyers, GA, 30012.

Filing Deadline*	Legal Notice Published in Paper, Posted on Property, and Sent via Mail	Board of Adjustment Public Hearing ** and ***
04/27	05/09	05/25
05/14	06/02	06/22
06/18	07/07	07/27
07/16	08/04	08/24
08/20	09/08	09/28
09/17	10/06	10/26
No applications will be accepted AFTER September 17, 2021.		
12/17	TBD	TBD

* All applications must be complete and submitted prior to 12:00 pm (noon) on the day of the submission deadline.

** Public Hearings are held on the 4th Tuesdays at 7:00 pm.

*** The November and December Zoning Public Hearings have been cancelled.



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ROCKDALE COUNTY CODE SEC. 2-133

The county board of adjustment is hereby established. The board of adjustment shall consist of five members appointed and serving pursuant to the provisions of subsection 237-7(b) of the UDO. The powers and duties, officers, meetings, quorum and voting, and other matters governing the board of adjustment shall be as set forth in section 238-7 of the UDO.

UDO SEC. 238-1 ADMINISTRATIVE BODIES

The provisions of the UDO shall be administered by the department, in association with the Conyers-Rockdale County Planning Commission (planning commission), the board of adjustment and the board of commissioners of Rockdale County (board of commissioners).

UDO SEC. 238-7 BOARD OF ADJUSTMENT

(a) **Powers and duties.** The board of adjustment shall have the following powers described below and as provided in section 2-133:

- (1) **Appeals.** To hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement or decision made by an administrative official based on or made in the enforcement of the UDO. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph. In exercising its powers, the board of adjustment may, in conformity with the provisions of the UDO, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit other than a special use permit, provided that all requirements imposed by all other applicable laws are met. See also section 238-8.
- (2) **Variations.** To authorize upon application in specific cases, specific variations from the required minimum development standards of property applicable to zoning districts, as provided in Title 2 of the UDO. See also sections 238-9 and 238-10 of this chapter.
- (3) **Flood damage protection.** To hear and decide appeals and variance requests from the requirements for flood damage prevention. See section 238-10.
- (4) **Stream buffers and other variations and appeals.** To hear and decide variance requests from the requirements for stream buffers set forth in section 310-105 and to hear and decide other variance requests or appeals specifically set forth elsewhere in the UDO.

(b) **Appointment and terms of board of adjustment.**

- (1) **Terms.** The board of adjustment shall be composed of seven members who shall be appointed by the board of commissioners and shall serve staggered, four-year terms established by the board of commissioners.
 - The board of adjustment shall be composed of seven members who shall be appointed by the board of commissioners and
 - shall serve staggered, four-year terms established by the board of commissioners.
- (2) **Composition.** The board of commissioners shall appoint the seven members of the board of adjustment.
- (3) **Vacancies.** All appointees shall continue to serve until their successor is appointed. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointments. If a member moves to reside outside of Rockdale County, such member shall be deemed to have resigned from the board of adjustment.
- (4) **Other offices.** Members of the board of adjustment shall hold no other elected office or other county compensated position.
- (5) **Term limits.** No member of the board of adjustment shall be eligible for more than two consecutive terms.
- (6) **Removal.** A member of the board of adjustment may be removed from office prior to the expiration of his/her appointed term by a majority vote of the board of commissioners. Cause for removal from office shall include, but not be limited to: failure to attend regularly scheduled meetings, as provided in subsection (d) of this section; failure to disclose a conflict of interest, as provided in O.C.G.A. § 36-67A-1 et seq.; and failure to complete required training, as provided in subsection 238-16(g).

(c) **Board of adjustment officers.**

- (1) **Officers.** The board of adjustment shall elect a chair and vice-chair annually in the month of February.
- (2) **Duties of chair.** The chair shall preside at all meetings and hearings of the board of adjustment and decide all points of order and procedure. The chair may appoint committees necessary to assist and advise it in its work.
- (3) **Acting chair.** The vice-chair shall be acting chair in the absence of the chair .

- (4) **Secretary.** A designated person from the department shall serve as the secretary of the board of adjustment. The secretary shall have responsibility for assisting the chair with scheduling and preparing the agenda for meetings; providing copies of staff reports to members of the board of adjustment; preparing public notice of hearings and other meetings; and making, publishing and preserving public records of the attendance, proceedings, reports and actions of the board of adjustment; and other duties assigned by the chair.

(d) Meetings of the board of adjustment.

- (1) **Regular meetings.** Unless there is no business to be conducted, the board of adjustment shall hold regularly scheduled meetings each month. The board of adjustment shall establish and make available to the public the time, place, and dates of its regular meetings. Except as otherwise authorized by the Georgia Open Meetings Act, O.C.G.A. § 50-14-1 et seq., all meetings shall be open to the public. Public notice of all meetings shall be as required by said Georgia Open Meetings Act. Each member shall be notified of each regular meeting at least five days preceding the meeting through a written agenda prepared and distributed by the secretary.

- (2) **Special called meetings.** The chair, secretary or a majority of the board of adjustment may call a special meeting at any time that permits posting of a written notice for at least 24 hours in advance at the place of regular meetings and giving written or oral notice at least 24 hours in advance of the meeting to the official legal organ of the county. The secretary shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each member at least 24 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.

(3) **Agenda and minutes.**

- a. The chair and secretary shall determine the meeting agenda. All matters to be considered and/or acted upon by the board of adjustment shall appear on the agenda.
- b. Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote of each member on each action taken on each matter and a record of any explanation or commentary that is relevant to the decisions made on matters before the board of adjustment.

(4) **Order of business at meetings.** All meetings shall be open to the public. The order of business at meetings shall be as follows:

- a. Roll call and determination of a quorum.
- b. Approval of the agenda.
- c. Approval of minutes of previous meetings.
- d. Unfinished business.
- e. New business.
- f. Reports.
- g. Public comment.
- h. Adjournment.

- (5) **Cancellation of meetings.** In the event that there is a lack of business to be discussed and/or voted upon at a future meeting, the secretary shall post an appropriate public notice at the stating the date of the canceled meeting. Such notice shall be posted at least 24 hours in advance of the scheduled meeting.

- (6) **Continuance of hearing.** All items on an advertised agenda for a public hearing shall be heard on the scheduled date unless a majority of the members of the board of adjustment present at the public hearing determine that specific circumstances surrounding the matter warrant the continuance of the hearing on the matter to a specific future date and time. In such instances, the department shall provide public notice of the new time, date, and location of the continued hearing consistent with O.C.G.A. § 50-14-1, et seq., the Georgia Open Meetings Act.

(e) Quorum and voting.

- (1) **Quorum.** A quorum shall consist of three or more members of the board of adjustment.

(2) **Voting.**

- a. **Abstention.** A board of adjustment member, who is part of a quorum of the board of adjustment during the consideration of any matter, but not participating in the discussion or voting on a specific matter because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter. No member of the board of adjustment may abstain from voting, except in the case of having a conflict of interest with respect to the matter under consideration.
- b. **Majority vote.** A majority vote of those members present of the board of adjustment is required for approval of all motions. A motion that fails by a majority vote shall not be deemed as approval of the opposite position, and a new motion must be made to approve the opposite position.



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UDO SEC. 238-8 APPEALS

(a) ***Procedures for application for appeals to the board of adjustment.***

(1) ***Eligibility for appeal.*** Appeals to the board of adjustment may be initiated by any aggrieved person, or by department, official, agency or board of the county affected by any decision, final order, requirement, determination or interpretation of any administrative official of the county with respect to the provisions of the UDO. These appeals shall be taken by filing with the secretary of the board of adjustment a written notice of appeal, specifying the grounds thereof, within 15 days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.

(2) A person shall be considered aggrieved for purposes of this subsection if:

a. Said person or said person's property was the subject of the action being appealed; or.

b. Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

(3) ***Transmission of records.*** The department shall transmit to the board of adjustment all papers constituting the record upon which the action being appealed was taken. The application shall be accompanied by a non-refundable fee, as established from time to time by the board of commissioners, to defray the actual cost of processing the application.

(b) ***Appeal stays legal proceedings.*** An appeal stays all legal proceedings in furtherance of the action being appealed, unless the official from whom the appeal is taken certifies to the board of adjustment after notice of appeal has been filed that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Rockdale County on notice to the officer from whom the appeal is taken and on due cause shown.

(c) ***Public hearings.*** The board of adjustment shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. The secretary shall issue proper public notification of the public hearing. The public notification shall indicate the place, date and time of the hearings and shall be posted and advertised per O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing in person, by an agent, by an attorney or by written documentation.

(d) ***Decisions of the board.*** Following the consideration of all testimony, documentary evidence and matters of record, the board of adjustment shall make a determination on each appeal. The board shall decide the appeal within a reasonable time but, in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the board of adjustment that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner.



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UDO SEC. 238-9 VARIANCES

- (a) **Authority.** Unless otherwise provided for in the UDO, the board of adjustment shall have authority to grant variances from the dimensional requirements of Title 2, in accordance with the standards and procedures as set forth in this section.
- (b) **Purpose.** The purpose of a variance is to provide a mechanism when, owing to special conditions, the strict application of Title 2 would impose on a landowner exceptional and undue hardship that can be mitigated without conferring on the applicant special privilege.
- (c) **Initiation.** A written petition for a variance is to be initiated by the owner(s) of the subject property or the authorized agent(s) of the owner(s) of the property for which relief is sought. Applications shall be filed on forms provided by the department and shall not be considered accepted unless complete in every respect. Application fees shall be as established by the board of commissioners.
- (d) **Application procedures.** An application for a variance shall be filed with the department, accompanied by a non-refundable fee, as established from time to time by the board of commissioners, to defray the actual cost of processing the application. The application shall be in such form and shall contain at least such following information and documentation:
- (1) Name, address, telephone number, fax number and email address of owner(s) and applicant, if not owner.
 - (2) Legal description, street address, lot number and subdivision name, if any, of the property that is the subject of the application.
 - (3) The size of the subject property.
 - (4) The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - (5) The specific provision of Title 2 from which a variance is requested.
 - (6) A statement concerning each of the Standards for granting variances in subsection (h) of this section.
 - (7) A statement explaining how the proposed variance is consistent with the general spirit and intent of Title 2 of the UDO and the comprehensive plan.
- (e) **Staff report.** The staff of the department shall conduct a site inspection and shall prepare an analysis of each application for variance applying the criteria and standards set forth in subsection (h) of this section. The staff report shall be presented in written form to the board of adjustment at least seven days prior to the scheduled hearing date.
- (f) **Public notice procedures.** The public notice procedures for a variance application shall be in conformance with subsection 238-4(e)(1)–(4).
- (g) **Public hearing procedures.** The public hearing procedures for a variance application shall be in conformance with subsection 238-4(f) of this chapter. However, all testimony before the board of adjustment shall be taken as if under oath, regardless of whether a formal oath or affirmation is administered. The chair, or in his/her absence, the vice chair, may administer oaths and compel attendance of witnesses by subpoena.
- (h) **Standards for granting variances.**
- (1) **Granting variances.** The board of adjustment shall not grant a variance unless it has, in each case, make specific findings of fact based directly upon the particular evidence presented supporting written conclusions that the variance meets each of the following criteria:
 - a. Arises from a condition that is unique and peculiar to the land, structures and buildings involved.
 - b. Is necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced.
 - c. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.
 - d. The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.
 - e. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

- f. The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structures.
- g. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the comprehensive plan.

(2) No variance shall be authorized to:

- a. Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
- b. Allow an increase in maximum height of building.
- c. Allow any variance that conflicts with or changes any requirement enacted as a condition of zoning or of a special land use permit by the board of commissioners.
- d. Reduce, waive or modify in any manner the minimum lot area established by the UDO in any zoning district.
- e. Reduce, waive or modify in any manner the minimum lot area established by the board of commissioners through a special condition of approval.
- f. Permit the expansion or enlargement of any nonconforming use of land, nonconforming use of land and buildings in combination, non-conforming use of land and structures in combination or nonconforming use requiring a special use permit.
- g. Permit the re-establishment of any non-conforming use of land, nonconforming use of land and buildings in combination, nonconforming use of land and structures in combination, or nonconforming use requiring a special use permit where such use has lapsed.

(3) Ability to impose special conditions. The board of adjustment may attach reasonable conditions to a variance when necessary to prevent or minimize adverse impacts upon property or the environment.



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UDO SEC. 238-10 VARIANCE TO THE REQUIREMENTS OF FLOOD DAMAGE PREVENTION

(a) **General.**

- (1) **Authority.** The board of adjustment, shall hear and decide appeals and requests for variances from the requirements for flood damage prevention.
- (2) **Appeals.** The board of adjustment shall hear and decide appeals, when it is alleged that there is an error in any requirement, decision or determination made by the department in the enforcement or administration of the flood damage prevention regulations.
- (3) **Variances.** Variances to the flood damage prevention regulations may be issued consistent with subsection (c) of this section.

(b) **Application procedures.**

- (1) **Forms.** A person desiring a variance from the flood damage prevention requirements shall apply for a variance on a form provided by the department.
- (2) **Fees.** An application fee, as established by the board of commissioners, shall accompany the application.
- (3) **Application format.** The application shall be in such form and contain such information and documentation as shall at least contain the following:
 - a. Name and address of applicant.
 - b. Legal description of the property that is the subject of the application.
 - c. Size of the subject property.
 - d. The purpose for the requested variance, and a statement of the intended development of the property if the variance is granted.
 - e. A statement of the hardship imposed on the applicant by the strict application of the UDO, and a statement of why the variance will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the subject property is located.
- (4) **Review by director.** Within a reasonable time, not to exceed ten days after receipt of any application or receipt of additional information pursuant to this section, the director shall examine the application and notify the applicant (by mail) of any apparent errors or omissions and request such additional information as may be necessary for the processing of the application.
- (5) **Review process.** Within 30 working days after an application has been determined to be complete by the department, and not less than five days before the scheduled public hearing on the matter, the application shall be reviewed by the department and a recommendation submitted to the board of adjustment.
- (6) **Public hearing.** Upon notification that an application for a variance is complete, the board of adjustment shall place the application on the agenda of a regularly scheduled meeting for a public hearing. In reviewing the application for variance approval, the board of adjustment shall use the standards in subsections (c) and (d) of this section. The board of adjustment may require the applicant to meet certain conditions before approval of the variance.
- (7) **Notice.** Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the approved lower elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lower floor elevation.
- (8) **Appeals.** Appeals of all final decisions of the board of adjustment shall be as provided in section 238-13.
- (9) **Records.** The department shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(c) **Standards for issuance of variance to the requirements of flood damage prevention.**

- (1) Variances shall be issued only upon a determination that the variance is the minimum variance necessary, considering the flood hazard, to afford relief; and in the instance of a historical building, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.

(2)	Variations shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(3)	Variations shall be issued only upon:
	a. A showing of good and sufficient cause.
	b. A determination that failure to grant the variance would result in exceptional hardship.
	c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
(4)	In addition to the findings in subsection (3), the board of adjustment shall consider the following:
	a. The danger that materials may be swept onto other lands to the injury of others.
	b. The danger to life and property resulting from flooding or erosion damage.
	c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
	d. The importance of the services provided by the proposed facility to the community.
	e. The necessity of a waterfront location, in the case of a functionally dependent facility.
	f. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use.
	g. The compatibility of the proposed use with existing and anticipated development.
	h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area.
	i. The safety of access to the property in times of flood for ordinary and emergency purposes.
	j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
	k. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems and streets and bridges.
(d)	<i>Ability to impose special conditions.</i> Upon consideration of the factors listed above and the purposes of flood damage prevention requirements, the board of adjustment may attach such conditions to the granting of variations as it deems necessary to further the purposes of the flood damage prevention requirements.



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UDO SEC. 310-105 VARIANCE FROM THE STREAM BUFFER AND SETBACK REQUIREMENTS

(a) Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

Where a parcel was platted prior to the effective date of this chapter 310 (July 26, 2005), and its shape, topography or other existing physical condition prevents land development consistent with this article, and the director finds and determines that the requirements of this article prohibit the otherwise lawful use of the property by the owner, the board of zoning appeals may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel.

(b) The board of zoning appeals shall grant no variance from any provision of this article without first conducting notice and a public hearing on the application for variance and authorizing the granting of the variance in accordance with the procedures of UDO section 238-9.

(c) Variances will be allowed only in the following cases:

- (1) When a property's size, shape, topography or other physical conditions prevents land development unless a buffer variance is granted.
- (2) When such unusual circumstances exist so that strict adherence to the minimal buffer requirements in this chapter would create an extreme hardship.
- (3) When relief, if granted, would not cause a substantial detriment to the public good or impair the purposes and intent of this chapter.

(d) Variances shall not be considered when actions of any property owner of a given property have created conditions of a hardship on that property.

(e) At a minimum, an application for a variance shall include the following information:

- (1) A site map that includes locations of all streams, wetlands, floodplain boundaries, and other natural features, as determined by field survey.
- (2) A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
- (3) A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land development, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated.
- (4) Documentation of unusual hardship should the buffer be maintained.
- (5) At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible.
- (6) A calculation of the total area and length of the proposed intrusion.
- (7) A stormwater management site plan, if applicable.
- (8) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- (9) Other information required in subsection 238-9(d).

(f) The following factors shall be considered in determining whether to issue a variance:

- (1) The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
- (2) The locations of all streams on the property, including along property boundaries.
- (3) The location and extent of the proposed buffer or setback intrusion.
- (4) Whether alternative designs are possible which require less intrusion or no intrusion.
- (5) The long-term and construction water-quality impacts of the proposed variance.
- (6) Whether issuance of the variance is at least as protective of natural resources and the environment.

(g) Appeals from final decisions of said variances by the board of adjustments shall be as provided for in UDO section 238-13.



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UDO SEC. 238-11 - BURDEN OF PROOF IN APPEALS AND VARIANCES

- (a) **Requirements.** The standards and requirements of the UDO and decisions made by public officials are presumed to be valid and just. It shall be the responsibility of an applicant seeking relief to assume the burden of proof and rebut this presumption by presenting sufficient facts and evidence to explain how the proposed appeal or variance is consistent with the general spirit and intent of the UDO and the comprehensive plan.
- (b) **Review.** It is the duty of the board of adjustment to review such facts and evidence in light of the intent of the UDO to balance the public health, safety and general welfare against the injury to a specific applicant that would result from the strict application of the provisions of the UDO on the applicant's property.

UDO SEC. 238-12 - EFFECT OF DECISIONS OF BOARD OF ADJUSTMENT

- (a) **Compliance with standards upon denial.** If an application to the board of adjustment is initiated as a result of an existing violation of the UDO, and the application is denied, the violation shall be required to be corrected within 15 days of the denial or as specified by the board of adjustment if a greater time period is required. The maximum extension of time the board of adjustment may grant for correction shall not exceed 90 days.
- (b) **Successive applications.** An application for a variance affecting all or a portion of the same property that was denied by the board of adjustment shall not be accepted sooner than 12 months after the date of final decision by the board of adjustment. However, the board of adjustment may reduce this time interval by majority vote, provided that if the application for a variance was denied by the board of adjustment, the time interval between the date of the initial denial and any subsequent application or amendment affecting the same property shall be no less than six months.

UDO SEC. 238-13 - APPEALS OF DECISIONS OF THE BOARD OF ADJUSTMENT

Appeals of all final decisions of the board of adjustment under the provisions of this chapter shall be as follows:

- (a) **Review of decisions.** Any person aggrieved by a final decision of the board of adjustment, or any officer, department, board or agency affected by such decision, may seek review of such decision by petitioning the Superior Court of Rockdale County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the board of adjustment is rendered.
- (b) **Notice to the board.** In any such petition filed, the board of adjustment shall be designated the respondent in certiorari and Rockdale County the defendant in certiorari. The secretary of the board of adjustment shall be authorized to acknowledge service of a copy of the petition and writ for the board of adjustment as respondent. Service upon the county as defendant shall be as otherwise provided by law. Within the time prescribed by law, the board of adjustment shall cause to be filed with the clerk of Rockdale County Superior Court a duly certified record of the proceedings had before the board of adjustment, including a transcript of the evidence heard before it, if any, and the decision of the board of adjustment.



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UDO SEC. 238-15 CONDITIONAL APPROVAL AND ALTERATIONS TO CONDITIONS

(a) *Conditions of approval.* The planning commission and the department may recommend and the board of commissioners may impose reasonable conditions upon the approval of any amendment to the comprehensive plan, official zoning map or approval of a special use permit that it finds necessary to ensure compliance with the intent of the comprehensive plan or county ordinance. Such conditions may be used when necessary to prevent or minimize adverse impacts upon property or the environment. For example, conditions may include but shall not be limited to the following:

- (1) Limitations or requirements on the size, intensity of use, bulk and location of any structure.
- (2) Increased landscaping, buffer, screening or setback requirements from property lines or water bodies.
- (3) Greenspace and open space conservation.
- (4) Driveway curb cut limitations.
- (5) Restrictions to land uses or activities that are permitted.
- (6) Prohibited locations for buildings, structures, loading or parking areas.
- (7) The provision of adequate ingress and egress.
- (8) Making project improvements for streets, sidewalks, parks or other community facilities.
- (9) Building height, massing or compatible architectural design features.
- (10) Hours of operation.
- (11) The duration of a special use.
- (12) A requirement that development shall conform to a specific site plan.
- (13) Other conditions that the board of commissioners finds are necessary as a condition of approval of an amendment to the comprehensive plan, official zoning map or special use permit.

(b) *Such conditions, limitations or requirements shall be:*

- (1) Set forth in the motion approving the amendment or special use permit.
- (2) Set forth in the local ordinance that officially recorded the amendment or special use permit.
- (3) In effect for the period of time specified in the amendment. If no time period is stated, the conditions shall continue for the duration of the matter which it conditions and become an integral part of the comprehensive plan amendment, official zoning map amendment, or special use permit to which the conditions are attached and shall be:
 - a. Required of the property owner and all subsequent owners as a condition of their use of the property.
 - b. Interpreted and continually enforced by the department in the same manner as any other provision of the UDO.

(c) *Alterations to conditions of approval.*

- (1) Alterations or repeal of conditions attached to any amendment to the comprehensive plan, official zoning map, or approval of a special use permit shall be made only by the board of commissioners following a duly advertised public hearing conducted in accordance with subsection 238-4(f) of this chapter. Notice shall be provided in accordance with subsection 238-4(e).
- (2) Alterations or repeal of conditions attached to a variance granted by the board of adjustment shall be made only by the board of adjustment following a duly advertised public hearing conducted pursuant to procedures provided in subsection 238-9(g) of this chapter. Notice shall be provided in accordance with subsection 238-4(e).



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UDO SEC. 238-5 DEVELOPMENTS OF REGIONAL IMPACT (DRI)

- (a) *Application.* When an application for rezoning, special use, variance, preliminary plat review or permit includes any proposed development of a use and intensity that meets the definition of a DRI in the most recently published standards of the GRTA, it shall be deemed to be a DRI. The application for such rezoning, conditional use, variance, preliminary plat review or permit shall include the information required for review of a DRI in accordance with the most recently published procedures of the Georgia Regional Transportation Authority (GRTA) and the Atlanta Regional Commission (ARC).
- (b) *Procedures.* The applicant shall provide all documentation and attend all meetings necessary to meet the most recently published standards and procedures for review of DRI applications required by GRTA and the ARC.
- (c) *Recommendation from the ARC and GRTA.* No required public hearings or final action shall occur on such a rezoning, conditional use, variance, preliminary plat review or permit application by the board of commissioners until a recommendation is received from the ARC and GRTA regarding the DRI.
- (d) *Certified copy of resolution.* After the board of commissioners takes final action on the application, the department shall transmit to ARC and the Georgia Department of Community Affairs a certified copy of the ordinance recording the action, including a record of the total number of members of the board of commissioners that voted for and against approval of the application.

ARC DRI THRESHOLDS

Please go to the [Atlanta Regional Commission's \(ARC\) DRI website](https://atlantaregional.org/community-development/comprehensive-planning/developments-of-regional-impact/) for the official information on their DRI Review Process and Criteria.

<https://atlantaregional.org/community-development/comprehensive-planning/developments-of-regional-impact/>

The following table lists the types of development and size thresholds that qualify for ARC DRI Review.

Type of Development	Notification Only	Rural and Developing Rural	Maturing Neighborhoods, Established Suburbs, Developing Suburbs, and other places not mentioned in this table	Regional Centers, and Regional Employment Corridors	Region Core
(1) Office	400,000 gross SF	400,000 gross SF	500,000 gross SF	600,000 gross SF	700,000 gross SF
(2) Commercial	Greater than 300,000 gross SF	300,000 gross SF	400,000 gross SF	500,000 gross SF	600,000 gross SF
(3) Wholesale & Distribution	Greater than 500,000 gross SF	500,000 gross SF	500,000 gross SF	500,000 gross SF	500,000 gross SF
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	300 new beds	400 new beds	500 new beds	600 new beds
(5) Housing	Greater than 400 new lots or units	400 new lots or units	500 new lots or units	600 new lots or units	700 new lots or units
(6) Industrial	Greater than 500,000 gross SF; or employing more than 1,600 workers; or covering more than 400 acres	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers	500,000 SF or 1600 workers
(7) Hotels	Greater than 400 rooms	400 rooms	500 rooms	600 rooms	700 rooms
(8) Mixed Use	Gross SF of 400,000 or more (with residential units calculated at either 1800 SF per unit or, if applicable, the minimum square footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	400,000 gross SF (with residential units calculated at 1800 SF per unit, or the minimum allowed by the host local government)	500,000 gross SF (with residential units calculated at 1500 SF per unit, or the minimum allowed by the host local government)	600,000 gross SF (with residential units calculated at 1000 SF per unit, or the minimum allowed by the host local government)	700,000 gross SF (with residential units calculated at 1000 SF per unit, or the minimum allowed by the host local government)

(9) Airports	All new airports, runways and runway extensions	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or a seating capacity of more than 6,000	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+	1,500, seating capacity of 6,000+
(11) Post-Secondary School	New school with a capacity of more than 2,400 students; or expansion by at least 25 percent of capacity	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%	New school with 2,400 students or expansion of at least 25%
(12) Waste Handling Facilities	New facility or expansion of use of an existing facility by 50 percent or more	New facility within 1 mile of public facility (airport, school, reservoir, river, etc.), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(13) Quarries, Asphalt & Cement Plants	New facility or expansion of existing facility by more than 50 percent	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only	New facility within 1 mile of public facility (airport, school, reservoir, river,...), otherwise, notification only
(14) Wastewater Treatment Facilities	New major conventional treatment facility or expansion of existing facility by more than 50 percent; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(15) Petroleum Storage Facilities	Storage greater than 50,000 barrels if within 1,000 feet of any water supply; otherwise, storage capacity greater than 200,000 barrels	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply	50,000 barrels if within 1,000 ft. of water supply
(16) Water Supply Intakes / Public Wells / Reservoirs / Treatment Facilities	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(17) Intermodal Terminals	New Facilities	New Facilities	New Facilities	New Facilities	New Facilities
(18) Truck Stops	A new facility with more than three (3) diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces
(19) Correctional / Detention Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips
(20) Any other development types not identified above (includes parking facilities)	1000 parking spaces or, if available, more than 5,000 daily trips generated	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips	1000 spaces or 5,000 daily trips



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**INFORMATION FOR
ADDITIONAL
PROPERTY OWNERS**

PROPERTY OWNER INFORMATION

Owner 5:			Owner 6:		
Business / Person Name :			Business / Person Name :		
Owner of Tax Parcel No(s):			Owner of Tax Parcel No(s):		
Address:			Address:		
City:	State:	Zip:	City:	State:	Zip:
Office #:	Mobile #:		Office #:	Mobile #:	
Email:			Email:		

PROPERTY OWNER INFORMATION

Owner 7:			Owner 8:		
Business / Person Name :			Business / Person Name :		
Owner of Tax Parcel No(s):			Owner of Tax Parcel No(s):		
Address:			Address:		
City:	State:	Zip:	City:	State:	Zip:
Office #:	Mobile #:		Office #:	Mobile #:	
Email:			Email:		

PROPERTY OWNER INFORMATION

Owner 9:			Owner 10:		
Business / Person Name :			Business / Person Name :		
Owner of Tax Parcel No(s):			Owner of Tax Parcel No(s):		
Address:			Address:		
City:	State:	Zip:	City:	State:	Zip:
Office #:	Mobile #:		Office #:	Mobile #:	
Email:			Email:		

PROPERTY OWNER INFORMATION

Owner 11:			Owner 12:		
Business / Person Name :			Business / Person Name :		
Owner of Tax Parcel No(s):			Owner of Tax Parcel No(s):		
Address:			Address:		
City:	State:	Zip:	City:	State:	Zip:
Office #:	Mobile #:		Office #:	Mobile #:	
Email:			Email:		

PROPERTY OWNER INFORMATION

Owner 13:			Owner 14:		
Business / Person Name :			Business / Person Name :		
Owner of Tax Parcel No(s):			Owner of Tax Parcel No(s):		
Address:			Address:		
City:	State:	Zip:	City:	State:	Zip:
Office #:	Mobile #:		Office #:	Mobile #:	
Email:			Email:		



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OWNERSHIP STATEMENT

To be completed by each owner of the subject property or properties as it appears on the Rockdale County tax records. Husband and wife or other individuals shall each sign individually. Make copies if needed.

OWNERSHIP STATEMENT

As the current owner(s) of Tax Parcel #(s) _____,
I (we) respectfully request that the subject property be issued a Variance or that Alterations to Conditions of Zoning be made.

Name:	Phone #'s:	Email:		
Address:	City:	State:	Zip:	

If the owner is a business, list the Registered Agent or Authorized Signatory:

_____, the undersigned also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. 50-36-1(e)(1), with this affidavit.

Wait to be in front of notary to sign:	_____ (Signature)	_____ (Owner's Name)
--	----------------------	-------------------------

NOTARY

The secure and verifiable document provided with this affidavit can best be classified as: _____
(type of document)

Executed in _____, _____, _____, this _____ day of _____, 20____
(city) (county) (state) (day) (month) (year)

Notary Public signature	SEAL
GA Registration No. and expiration date	



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**AGENT
AUTHORIZATION
STATEMENT**

To be completed by each owner of the subject property or properties as it appears on the Rockdale County tax records if they wish to have an agent represent them in all matters related to this application. Husband and wife or other individuals shall each sign individually. Make copies if needed.

AGENT AUTHORIZATION STATEMENT

I, _____, hereby certify that I have authorized the following agent to make the request, claims and representation pursuing this application regarding Tax Parcel Nos.:

Agent's Name:		Phone #'s:		Email:	
Firm:	Address:		City:	State:	Zip:

_____, the undersigned also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. 50-36-1(e)(1), with this affidavit.

Wait to be in front of notary to sign:	_____ (Owner's Signature)	_____ (Owner's Name)
--	---------------------------	----------------------

NOTARY

The secure and verifiable documents provided with this affidavit can best be classified as:	_____ (type of document)
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Executed in _____, _____, _____, this _____ day of _____, 20____
(city) (county) (state) (day) (month) (year)

Notary Public signature	SEAL
GA Registration No. and expiration date	



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**ATTORNEY
AUTHORIZATION
STATEMENT**

To be completed by each owner of the subject property or properties as it appears on the Rockdale County tax records or the agent if they wish to have an attorney represent them in all matters related to this application. Husband and wife or other individuals shall each sign individually. Make copies if needed.

ATTORNEY AUTHORIZATION STATEMENT

I, _____, hereby certify that I have authorized the following attorney to make the request, claims and representation pursuing this application regarding Tax Parcel Nos.:

Attorney's Name:	Address:	City:	State:	Zip:
Firm:	Phone #'s:	Email:		

_____, the undersigned also hereby verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.C.G.A. 50-36-1(e)(1), with this affidavit.

Wait to be in front of notary to sign:	_____ (Owner's/Agent's Signature)	_____ (Owner's/Agent's Name)
--	-----------------------------------	------------------------------

NOTARY

The secure and verifiable documents provided with this affidavit can best be classified as:	_____ (type of document)
---	--------------------------

Executed in _____, _____, _____, this _____ day of _____, 20_____
(city) (county) (state) (day) (month) (year)

Notary Public signature	SEAL
GA Registration No. and expiration date	