



BOARD OF APPEALS
2019 Application Deadlines/Meeting Dates

Application Deadline	Meeting Date (3 rd Tuesday at 6:30 p.m.)
Friday, December 14, 2018	January 15
Friday, January 18	February 19
Friday, February 15	March 19
Friday, March 15	April 16
Friday, April 19	May 21
Friday, May 17	June 18
Friday, June 14	July 16
Friday, July 19	August 20
Friday, August 16	September 17
Friday, September 13	October 15
Friday, October 18	November 19
Friday, November 15	December 17

- C. To condition the grant of a variance pursuant to Section 1610 upon the performance or forbearance of any condition, which the Board of Appeals deems to be necessary for preservation of the public interest in light of the variance, granted.
- II. In exercising the above powers, the Board of Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination, and to that end, shall have all the powers of the officer from whom the appeal is taken and may issue or direct the issuance of a permit; however, in no event shall be relief be granted in excess of that necessary to achieve minimum use of the property.
- III. Expiration of permits. Unless otherwise specified by the board, any official interpretation, order or decision of the board authorizing an action, granting an exception or granting a variance shall expire if a building permit or certificate of occupancy for such use or if any other action proposed in the application and acted on by the Board is not obtained and action related thereto indicated by the appellant within six (6) months from the date of the Board's decision.

Sec. 1610. Variance

- I. The Board of Appeals shall have the power to authorize such variances from the terms of this ordinance as will not be contrary to public interest where the appellant establishes to the satisfaction of the Board of Appeals that literal enforcement of the terms of this ordinance would result in great practical difficulties or undue hardship as defined in Article 5. Such variances may be granted in individual cases of great practical difficulty or undue hardship only upon a specific finding by the Board of Appeals that each of the following conditions exist:
 - A. There are extraordinary and exceptional conditions pertaining to the lot because of its size, shape or topography, or to preserve a mature tree or trees having a minimum diameter of eight (8) inches as measured at four and one-half feet above finished grade that would be lost by strict application of the yard setbacks. When application for variance is based upon the desire to preserve such mature tree(s), a variance may only be granted upon a written finding by the Building Official certifying to the Board of Appeals that such tree(s) will be lost either by necessary removal for construction or as a consequence of adjacent construction adversely impacting the survival of the tree by damage to the root system or canopy;
 - B. Application of the Ordinance to the lot would create an unnecessary hardship;
 - C. Such conditions are peculiar to the lot involved;
 - D. The hardship complained of was not created by the actions of the appellant;
 - E. The variance sought would not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege; and
 - F. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

- II. The Board of Appeals shall not have the authority to grant a variance which would allow for a use of land or a building or structure that is prohibited in a given district by this Ordinance.
- III. The Board of Appeals shall have the authority to place conditions upon the granting of a variance when it deems such conditions to be in the public interest. Any such conditions shall be recorded with the grant of variance. Noncompliance with a condition of variance shall be deemed to invalidate the variance.
- IV. The Board of Zoning Appeals shall not have the authority to grant any variance that would reduce any required lot dimension or size.

Sec. 1611. Appeals from Decisions of Board of Appeals

An individual aggrieved by a decision of the Board of Appeals, or any officer, board or bureau of the City of Avondale Estates, may appeal a decision of the Board of Appeals to the Superior Court of DeKalb County by filing a Writ of Certiorari with the Clerk of Superior Court of DeKalb County. This petition shall be in writing setting forth plainly, fully and distinctly wherein such decision is contrary to law. Such appeal shall be filed within 30 calendar days of the decision of the Board of Appeals.

Sec. 1612. Successive Applications

An application for a variance affecting all or a portion of the same property, which was denied by the Board of Appeals, shall not be submitted more than once every twelve (12) months measured from the date of final decision by the Board of Appeals. The Board of Appeals may reduce this time period by majority vote, but in no event shall a successive variance application regarding the same property be heard within six (6) months of a denial.

Article 17. AMENDMENTS

Sec. 1701. Authority

This Ordinance, including the Official Zoning Map, may be amended from time to time by the Board of Mayor and Commissioners as herein specified, but no amendment shall become effective unless it shall have been proposed by or shall first have been submitted to the Planning and Zoning Board for review and recommendation. The Planning and Zoning Board shall have 60 days within which to submit its report. In the event no report is recorded, the Board of Mayor and Commissioners shall proceed.

Sec. 1702. Requirements for Change



City of Avondale Estates Variance Application

Name of Applicant: _____ Phone #: _____

Address: _____

E-mail Address: _____

Property Owner: _____ Phone # _____

Address: _____

Location of property for which variance is sought:

Address: _____
_____ Parcel ID: _____

Variance(s) Requested:

	From	To
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attachments: (7 copies of each)

- * Legal description and plat of the property
- * Scale drawing showing the proposed improvement

If the applicant is not the current property owner, please provide a notarized authorization for this application from the current property owner

Please include a check in the amount of \$100 payable to the City of Avondale Estates with application.

Applicant Signature

Date