

**VARIANCE/CONDITIONAL USE APPLICATION FORM  
CITY OF CUMMING, GEORGIA**

Request No. \_\_\_\_\_

Date Paid: \_\_\_\_\_ Receipt # \_\_\_\_\_

Residential Variance Request Fee     \$400.00    

Commercial Variance Request Fee     \$750.00    

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Property Owner: Name: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Applicant: Name: \_\_\_\_\_

(if different from owner) Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Agent: (if applicable) Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_

Proposed Variance: \_\_\_\_\_

Existing Use: \_\_\_\_\_

Proposed Use: \_\_\_\_\_

Acreage of Site: \_\_\_\_\_

Location of Property: \_\_\_\_\_

(street address) \_\_\_\_\_

Tax Map and Parcel # \_\_\_\_\_

**Applicants shall submit (22) sets of application as follows in order; Application 3 pages, letter of intent, legal description with metes and bounds, plat survey, required site plans, developments plans, and elevation drawings to the Zoning Administrative Officer for distribution to the applicable bodies and/or review agencies. The Zoning Administrative Officer may require more or less copies depending on the nature and extent of required review. In addition, application needs to include Section 1908 stream buffer variance requirements of the City of Cumming Zoning Ordinance if applicable.**

**All (22) sets must be on 8 ½ x 11 inch paper. Do not staple!**

**Please be advised of the following:**

- 1) The applicant is bound by the submitted site plan and letter of intent if this application is approved.**
- 2) It is a legal requirement that the public hearing for this Variance be advertised in the legal County organ in addition to posting a variance sign on the subject property.**

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Complete the following information. (This section may be addressed in the letter of intent. )

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

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2. A literal interpretation of the provisions of these zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the property is located; and

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3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and

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4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and

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5. The special circumstances are not the result of the actions of the applicant; and

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6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure; and

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7. The variance is not a request to permit a use of land, building or structures which are not permitted by right in the district involved.

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8. The extent to which the proposed zoning will result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, schools, parks, or other public facilities.

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9. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adopted plans.

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**Property Owner's Certification**

I hereby certify that I am the owner of the property described in the attached legal description, that all information contained in this application is true and correct to the best of my knowledge, and that the applicant and/or agent listed above is authorized to act as the applicant and/or agent in the pursuit of the rezoning of this property. I further certify that, within the past two years, the applicant has not made any campaign contributions or made gifts of \$250 or more to members of the Governing Body or Planning Commission who will consider this application, or that if such contributions or gifts have been made, the amount and recipient of such contributions or gifts will be disclosed within ten (10) days after this application is first filed, as required by Title 36, Chapter 85, Georgia Laws.

**Signature of Property Owner:** \_\_\_\_\_

**Printed Name of Property Owner:** \_\_\_\_\_

**Date of Signature:** \_\_\_\_\_