

**Zoning Board of Appeals –  
Variances (Sec. 3.21) and Extension of  
ZBA Approval Checklist**

Pursuant to **O.C.G.A. § 8-2-26**, this checklist must be completed and submitted with each permit application. Please check **every** item as either “Y” for items that are included with the application or “N” for items that are not included with the application. Items without an “N” checkbox are minimum requirements initially due with the application if applicable.

**Required Forms & Documents**

Y N

- Signed Application;
- Complete Application Checklist (*This Form*);
- Letter of Authorization: If the applicant is the agent of the property owner, the agent shall file, simultaneously with the petition, a notarized letter signed by the owner, authorizing the agent to file on his behalf. No application shall be accepted which fails to meet this requirements;
- Variance Review Criteria Form (*This Form*);
- Decision being requested to be extended;
- A scaled dimensioned map, plat or sketch of the subject property of the application, all adjoining lots or land which are in the same ownership and indicate nearby public roads in common use;
- A legal description of the subject property by lot, block, and subdivision designations, or if none, by metes and bounds (Electronic or digital Word document).

**All Required Meetings**

Y N

- Prior to the submittal of an application for a Variance, the applicant shall participate in a pre-application conference with the MPC and City planning staff.

**All Required Information**

Y N

- Date of Decision being requested to be extended;
- Applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property or the authorized agent or attorney of the owner of the subject property;
- The name and address of the owners of the subject property;
- The property identification number from the tax records of Chatham County;
- The present zoning district for the subject property;
- The type of Variance;

Y N

- Description of the request for a Variance;
- The reasons for requesting a Variance;
- The area of the subject property proposed to obtain a Variance stated in SF if less than one acre and in acres if one or more;
- The present and proposed land uses of the property petitioned for the Variance and all adjoining properties if under the same ownership;
- The community or area in which is located the subject property proposed obtain a Variance and the street number, if any, or if none, the location of nearby public roads in common use.

### Optional

#### Y N

- Neighborhood Meeting Form at least 14 days before the Planning Commission Meeting;
- The Neighborhood Meeting shall occur at least 7 days before the Planning Commission Meeting;
- Concept Plan.

### Electronic or Digital

#### Y N

- A scaled dimensioned map, plat or sketch of the subject property referred to in the application, all adjoining lots or land which are in the same ownership and indicate nearby public roads in common use (Original not scanned if produced electronically and not recorded);
- A legal description of the subject property by lot, block, and subdivision designations, or if none, by metes and bounds (Electronic or digital Word document);
- Concept Plan (Original not scanned if produced electronically).

*Please note: Supplemental information may be required during plan review to address deficiencies.*

## **Sec. 3.21 – Variances**

### **Sec. 3.21.1 – Purpose**

Certain requirements of this Ordinance that will not be contrary to the public interest may be varied by the applicable review authority, where, owing to special conditions, a literal enforcement of such requirements, will, in an individual case, result in practical difficulty or unnecessary hardship.

### **Sec. 3.21.2 – Applicability**

- a. Certain requirements may be achieved through alternative compliance. Where alternative compliance is possible, it is specified elsewhere in this Ordinance.
- b. Certain requirements shall not be variable. Such requirements are specified in this Section and may be specified elsewhere in this Ordinance. Any application for a variance that is not permitted by this Ordinance shall not be processed.

### **Sec. 3.21.6 – Burden of Proof**

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the applicable review authority to reach conclusions set forth below as well as have the burden of persuasion on those issues.

### Sec. 3.21.7 – Action by the Review Authority

- a. The applicable review authority shall hold a public hearing on the proposed variance and has the authority to approve, approve with conditions or deny the variance.
- b. In granting any variance, the review authority may prescribe reasonable and appropriate conditions and safeguards, including but not limited to reasonable time limits within which the action for which variance is required shall be begin or be completed, or both.

### Sec. 3.21.8 – Limitations on Power to Grant Variances

As specified below, the granting of a variance shall have limitations.

#### a. **Use and Use Condition(s) Variance Prohibited**

- i. A variance shall not be granted which would permit a use that is not permitted by this Ordinance or that is not permitted in the zoning district in which the property affected by the variance is located.

*Commentary: If a desired use is not permitted in a particular zoning district, an application for a text amendment can be submitted to petition for such use in the district. Alternatively, a rezoning application can be submitted to petition for a zoning district that would permit the desired use.*

- ii. A variance shall not be granted which would vary any use condition except for a variance for dimensional or measurable developmental requirements and to time limitations applicable to the use.

#### b. **Variance Prohibited**

A variance shall not be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district in which the property affected by the variance is located.

*Commentary: A reduction of the minimum lot area to such a size that the density exceeds the maximum permitted by the zoning district is not permitted. An increase in density can only be approved in accordance with Sec. 3.7, Zoning Text Amendment, or by rezoning to a district that allows the increased density.*

#### c. **Height Map Variance Prohibited for Savannah Downtown Historic District**

A variance shall not be granted to permit height greater than the maximum height established on the Savannah Downtown Historic District Height Map.

#### d. **Variances to Conditions of Development Approvals**

The review authorities authorized to grant variances, as specified in Sec. 3.21.2, shall not grant a variance to any condition of approval that has been granted by another review authority. An amendment to a condition of approval by any review authority shall be approved only by the granting review authority.

### Sec. 3.21.9(a) - Authority for the Zoning Board of Appeals to Grant Variances:

#### i. **Variance Authority**

1. The Zoning Board of Appeals may grant variances only to those standards that are not within the purview of the Planning Commission, Historic Preservation Commission and the Savannah Downtown Historic Board of Review;
2. The Zoning Board of Appeals may grant variances only from the:
  - a. Building standards for permitted uses in the base zoning districts (not to include density or vehicular access) in [Article 5.0, Base Zoning Districts](#);
  - b. Variable standards in [Article 9.0, General Site Standards](#);
  - c. Any variable standards in [Article 10.0, Natural Resource Standards](#).

**ii. Variance Criteria**

The criteria in Sec. 3.21.10 shall be the basis of granting a variance request.

**Variances Review Criteria Form**

**Describe how the requested Variance(s) satisfies one or more of the following criteria:**

**Sec. 3.21.10 – Criteria for Approval:** The responsible review authority shall make a finding that the variance request does comply or does not comply with each individual criterion below:

- a. General Consistency:** The variance shall be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

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**b. Special Conditions:**

- i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- ii. The special conditions and/or circumstances do not result from the actions of the applicant.
- iii. The Special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings, or structures involved more profitably or to save money.

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- c. Literal Interpretation:** Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

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- d. Minimum Variance:** The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings or structures.

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- e. **Special Privilege Not Granted:** The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.

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**Sec. 3.21.11(a) - Time Limitations for Variances Approved by the Zoning Board of Appeals:**

Approval of a variance pursuant to the provisions of this Ordinance shall become null and void unless the following is completed in the time period specified:

- i. A variance requires a building permit shall expire after twelve (12) months from the date of approval if no building permit is issued. If a building permit is issued and expires under the terms of this Ordinance, the variance requiring the building permit shall also become null and void at the same time the building permit expires.

**Sec. 3. 21.12 - Circumstances which May Cause a Variance to be Revoked:**

A variance may be revoked if at least one of the circumstances described in **Sec. 12.8.d.** is found to exist by the City Manager or his or her designee.

**Sec. 3. 21.13 - Appeals:**

Final action on a variance may be appealed in accordance with **Sec. 3.23 - Appeals.**

**Statement of Application Completeness:**

Pursuant to the requirements established by **O.C.G.A. § 8-2-26**, I am submitting all documents checked “Y” above for review and approval.

To facilitate compliance with this law, I am certifying that I understand all of the information and supporting documents required for a complete application, and **I hereby certify one of the following as it applies to this application:**

- All required documents are complete and included with this submittal. I understand the City will determine the completeness of this application and notify me of their finding within five business days;
- One or more documents required for a complete submittal are not included with this application. I request that the City begin the plan review process for this application while the outstanding items are completed. I acknowledge that the plan review times outlined in **O.C.G.A. § 8-2-26** will not apply and the permit cannot be issued until the remaining documents are submitted, reviewed and approved by the City.

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Signature of Petitioner or Petitioner’s Agent	Printed Name	Date
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