



CITY OF DUNWOODY
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MEMORANDUM

To: Mayor and City Council

From: Howard J. Koontz, City Planner

Date: August 23, 2010

Subject: Text amendment to City of Dunwoody Zoning Ordinance

BACKGROUND/DISCUSSION

Currently, there are no provisions in the Zoning Ordinance that specify the protocol for an applicant to remove a variance application request. The Zoning Ordinance specifies that applications for Special Land Use Permits, which follow the Mayor and City Council tract for approval, may be withdrawn up until the point of advertising. Staff feels that a deadline comparable to the Council's should be considered, amending Chapter 27, Article 5, Division 5, Section 27-1575 to add the following withdrawal requirements:

Withdrawal of Application by Applicant.

Applications to the Zoning Board of Appeals shall not be withdrawn after they have been filed for advertising for public hearing in a newspaper of general circulation. Applications may be withdrawn by the applicant or applicant's representative in writing without prejudice at any time before the application has been duly advertised. All fees submitted shall be forfeited in any case where the Zoning Board of Appeals permits the withdrawal of an application.

RECOMMENDATION

Community Council voted on the amendment at their June 10 meeting and approved the motion 6-0.

Planning Commission discussed the proposed ordinance and voted 6-0 to allow a variance application to be withdrawn without prejudice up until the vote of the application by the Zoning Board of Appeals.