



City of Sandy Springs Fire Marshal Variance Procedures

Please note that variances are permitted pursuant State law O.C.G.A. § 25-2-12 for:

Existing Buildings

On the construction on existing buildings, local governments authorized to enforce the state minimum fire safety standards, and may grant variances from compliance with the state minimum fire safety standards as adopted in the rules and regulations identified in O.C.G.A Title 25.

On the construction on existing buildings not under the jurisdiction of a local government, the Commissioner may grant variances from compliance with the state minimum fire safety standards as adopted in the rules and regulations identified in O.C.G.A Title 25.

New Buildings

On the construction of new buildings, the Commissioner of Insurance, upon the written recommendation of the State Fire Marshal and the written request of the fire or building official responsible for enforcing the state minimum fire safety standards, may grant variances from compliance with the state minimum fire safety standards

Variances granted pursuant to these requirements shall be as nearly equivalent as practical to the standards required in by State Law.

Fire Marshal Variance Procedures

For new or existing buildings, the Design Professional shall write a letter seeking a variance or waiver with appropriate plans, diagrams and/or pictures to:

Jeff Scarbrough, Fire Marshal
City of Sandy Springs Fire Department
7840 Roswell Road, Building 500
Sandy Springs, Georgia 30350

The letter shall identify the following:

- (1) The rule from which a variance or waiver is requested;
 - (2) The type of action requested;
 - (3) The specific facts of substantial hardship which would justify a variance or waiver for the petitioner, including the alternative standards which the person seeking the variance or waiver agrees to meet and a showing that such alternative standards will afford adequate protection for the public health, safety, and welfare;
- And



(4) The reason why the variance or waiver requested would serve the purpose of the underlying statute.”

This letter shall constitute a sworn affidavit and shall bear a notarized seal of the Design Professional.

For Existing buildings:

The city manager and the chief of the fire department shall appoint a committee to determine the validity of the variance or waiver request.

The City of Sandy Springs Fire Marshal's Office shall grant or deny a petition for variance or waiver in writing no earlier than 7 days no more than 30 days after the receipt of the petition. At the end of this period, the City of Sandy Springs Fire Marshal will issue a written letter the design professional with a decision to grant or deny the request.

For New Buildings:

The City of Sandy Spring Fire Marshal will forward the Design Professional's letter along with the COSS Fire Marshal recommendations to the State Fire Marshal's Office for an official ruling.

The State Fire Marshal's Office shall grant or deny a petition for variance or waiver in writing no earlier than 15 days after the posting of the petition on the register (internet) and no more than 60 days after the receipt of the petition. The variance request can be viewed at:

<http://www.gainsurance.org/FIREMARSHAL/variances.asp>

At the end of the 60 day period, the State Fire Marshal will issue a written letter the Architect with a decision to grant or deny the request.

Appeals for New and Existing Buildings

Pursuant the City of Sandy Springs Fire Prevention and Protection Code, any person aggrieved by an action of the fire chief or other city official or employee of the City of Sandy Springs fire department, including but not limited to disapproval of an application, refusal to grant a permit, regarding a determination that the fire code or city ordinances do not apply or have been misconstrued, but excluding those actions or violations which are within the purview of the state fire marshal, or as otherwise required by law, may appeal and be heard by the city Construction Board of Appeals in accordance with the rules and regulations as set forth by the Code of Sandy Springs, and said board.

All appeals, pursuant to this section, must be filed in writing with the City of Sandy Springs Community Development Department within 30 days from the date of the decision or action from which the aggrieved party appeals. All appeals must be filed on



forms which can be obtained at the City of Sandy Springs Community Development Department.

Any person aggrieved by an action of the city Construction Board of Appeals may appeal within 30 days to the Superior Court of Fulton County, Georgia by writ of certiorari or as otherwise required by law.

Please contact David Adams at (770) 206-2083 should you have any questions regarding these processes.

*Fire
Department*