Instructions for Applicant:

Have you talked to the Public Works Director? Before filing an appeal, you MUST FIRST see if the Public Works Director can solve your problem administratively.

Complete this form and the appropriate attachments in order to apply for a Hardship Variance on a property. Refer to Section 11-14 of the Unified Land Development Code for more detail.

Fill in the top boxes and have your signature notarized. Deliver the original of the application and all attachments to the Community Development Department at the City Hall Annex, 4488 Pineview Drive, Powder Springs 30127. You can reach the Community Development Department at 770-943-1666 during normal working hours to discuss your application or if you have any questions.

NOTE: If your application qualifies as a "Development of Regional Impact" (see Section 11-12 of the Code) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.

- Fill in your name, address, telephone number, the property's location and Land Lot in which the property is located.
- Check the appropriate box as to whether you are the property owner, an attorney representing the property owner, or someone else representing the owner.
- If you do not personally own a majority interest in the property, have the owner(s) prepare an Owner's Authorization giving you permission to file the application, and attach it to the application (see the Owner's Authorization Form that is in this application package).
- Indicate the current zoning district of the property.
- Check the appropriate box showing what you are applying for: a Hardship Variance, or a change in a stipulation that was imposed by the Mayor and City Council when the property previously had a Hardship Variance approved.

  NOTE: File a separate application for each separate variance request.

- Check the boxes for all of the items that you have attached:
  - Application fee: attach a check or money order for the appropriate fee made out to the City of Powder Springs. DO NOT ATTACH CASH.
  - Attach a legal description of the property accurately describing the boundary of the property for which the change is requested. You may find this on your deed or from a boundary survey made for the property.
  - Fill out a Review Checklist for your Special Use request and attach to the application (see the form included in this application package).
  - Include any descriptions, maps or drawings that will clearly illustrate or explain the action requested. The Planning Director may request additional information from you as necessary to provide a full understanding of your appeal.

Public Notice Requirements:

The Code requires public notice of your Hardship Variance request. The Community Development Department will tell you when and where the Planning Commission will hold their public hearing on your application.

- The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing.
- At least 15 days before the Planning Commission's public hearing on your application, the Community Development Department will give you a sign to post in a conspicuous location along each street frontage of the

property. (If the property has no street frontage, the sign is to be placed on each street where you will have access to the property.)

- The signs must remain posted until a final decision by the City has been rendered on your application.
- It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and readvertising prior to any future public hearing, for which the applicant shall pay an additional readvertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

- At least 15 days before the Planning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the Special Use. The Code says:
  - The written notice is to be mailed by "certified mail—return receipt requested" to the property owners as such names and addresses appear on the County's current ad valorem tax records.
  - At least 15 days before the Planning Commission's public hearing, you must also submit an affidavit with a copy of the notice to the Planning Director listing the property owners and certifying the date that the notices were mailed.
  - The notice is to state the time, place and purpose of the hearing, and include a page size copy of the sketch plan submitted with the application.

City Actions:

The Planning Director will date your application when it is received. The Planning Director will assemble such memos, papers, plans, or other documents as may constitute the record for the appeal or as may provide an understanding of the issues involved.

Once the record has been assembled, the Planning Director shall schedule the appeal for consideration at the next meeting of the Planning Commission for which adequate public notice can be given.

The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

After the Planning Commission has made their decision, you can accept the decision or appeal it to the Mayor and City Council (you have 10 days to file the appeal). If appealed, the Mayor and City Council will consider approval or denial of the variance at their own public hearing. You are encouraged to attend the meeting, and make a presentation following the same procedure as the Planning Commission hearing.

The final action taken by the Planning Commission (or the Mayor and City Council if appealed) will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

If the application is withdrawn (see Section 11-14(h)(5) for details), it will be noted on the application form and a copy will be given to you for your records.

FEE SCHEDULE

Design Review	$25.00
Certificate of Appropriateness	$25.00
Land Use or Zoning Map (11" x 17")	$5.00
Land Use or Zoning Map (22" x 36")	$10.00
Unified Development Code	$65.00
Unified Development Code (CD)	$5.00
Copies	$0.25 per page
Zoning Verification	$10.00

	Residential	Commercial
Variance	$250	$450
Special Use	$250	$250
Appeal of Administrative Decision	$25	$25
Administrative Variance Application	$100	$100

Rezoning Application Fees

Acres/ Square Footage	Single Family Residential	Medium/High Density Residential	Commercial, Office, Industrial
0-5 acres	$250	$700	$900
5-10 acres	$700	$1,200	$1,500
10-20 acres	$1,000	$1,500	$1,800
20-100 acres	$1,500	$2,000	$2,200
100+ acres	$1,500 + $30/acre	$2,000 + $40/acre	$2,200 + $50/acre
0-20,000 sf		$700	$900
20,001 - 50,000 sf		$1,200	$1,500
50,001 - 100,000 sf		$1,500	$1,800
100,001- 500,000 sf		$2,000	$2,200
500,001 + sf		$2000 + $90/100,000 sf	$2,200 + $115/100,000 sf

The fee for high/medium density, commercial, or office rezoning applications will be based on the total number of acres being rezoned or the total square footage of the proposed building(s) buildings on the proposed rezoning site, whichever fee is greater.

Powder Springs Application Form

HARDSHIP VARIANCE

Applicant: _____ Telephone No.: _____

Applicant's Address: _____

Property Location: _____ Land Lot No.: _____

Applicant is: ☐ Property Owner ☐ Other: ☐ Attorney for Property Owner (Attach Owner's Authorization)

☐ Other Representative of the Owner (Attach Owner's Authorization)

Current Zoning: _____

Type of Appeal

- ☐ **Hardship Variance**
- ☐ **Change in Stipulations of Approval**

Attachments

- ☐ **Application Fee**
- ☐ **Boundary Description**
- ☐ **Review Checklist**
- ☐ **Maps or Drawings** ☐ (Not Required)
- ☐ **Other:** _____

Description of Appeal

☐ Additional pages explaining the Appeal are attached.

_____

_____

_____

I attest that this Application and its attachments are accurate to the best of my knowledge, and that all written or reproducible evidence supporting my appeal is attached.

_____
Signature of Applicant (to be notarized)

Sworn to and subscribed before me this

_____ day of _____, 20____

_____
Notary Public

DO NOT WRITE IN THE BOXES BELOW

☐ **DRI** ☐ Forms filed with ARC/DCA/GRTA on: _____ ☐ Final determination received on: _____

Application Received Date: _____

Scheduled for Public Hearing:

Planning Commission Date: _____

☐ Appealed to MCC Date: _____

Mayor & City Council Date: _____

☐ Signs Provided Date: _____

☐ Newspaper Ad Date: _____

☐ Affidavit Received Date: _____

Planning Commission

Public Hearing: Date: _____

Tabled Until: Date: _____

Action

- ☐ Approved
- ☐ Approved with Changes
- ☐ Denied
- ☐ Stipulations Attached

Mayor & Council

Public Hearing: Date: _____

Tabled Until: Date: _____

Returned to P.C. Date: _____

Final Action

- ☐ Approved
- ☐ Approved with Changes
- ☐ Denied
- ☐ Stipulations Attached

THE CITY OF Powder Springs

Application Withdrawn

- ☐ By Planning Director
- ☐ By P.C. or Mayor & Council

Date: _____

- ☐ Without time restriction
- ☐ With Restriction: Cannot be refiled for 12 months

Powder Springs **Review Checklist** **HARDSHIP VARIANCE**

Applicant: _____ Current Zoning: _____

Property Location: _____ Land Lot No. _____

Standards for approval

A hardship variance may be granted in whole or in part, or with conditions, in such individual case of unnecessary hardship upon a finding that:

	Standard	YES	NO	Comments
	EITHER...			
a.	Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography?	☐	☐	
	OR...			
b.	Would the application of the Development Code to this particular piece of property create an unnecessary hardship?	☐	☐	
	OR...			
c.	Are there conditions that are peculiar to the property involved that adversely affect its reasonable use or usability as currently zoned?	☐	☐	
	AND...			
d.	Would relief, if granted, not cause substantial detriment to the public good or impair the purpose and intent of the Development Code or the Comprehensive Plan?	☐	☐	

Prepared...Date: _____, 20____ for_____Applicant ☐

Date: _____, 20____ by_____Powder Springs Staff ☐

Date: _____, 20____ by Other: _____ ☐

Powder Springs

OWNER'S AUTHORIZATION

This is to certify that (☐ I am ☐ we are ☐ I am the Corporate Secretary of a Corporation that is) the owner of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

(☑ Check each that applies and ☒ cross out each that does not apply)

- ☐ Rezoning
- ☐ Special Use
- ☐ Appeal from Administrative Decision
- ☐ Special Exception
- ☐ Hardship Variance
- ☐ Flood Protection Variance

Applicant: _____

Applicant's Address: _____

_____

_____

_____

Date this Authorization becomes null and void: _____, 20 ____. (☐ Not applicable)

(Notarized)

_____

Signature of Owner

(Notarized)

_____

Signature of Owner

(Notarized)

_____

Signature of Owner

(Notarized)

_____

Signature of Owner

Attach additional sheets as needed

Corporations – attach copy of corporate resolution approving authorization