



# **VARIANCE APPLICATION PACKET**

## **Instructions for Applicant:**

Complete this form and the appropriate attachments in order to apply for a Variance on a property. Refer to Article 14 of the Unified 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 4488 Pineview Drive, Powder Springs 30127. You can reach the Planning & Zoning Department at 770-943-8001 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 Article 13) 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.
- 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, and the zoning district you are requesting.

**NOTE: File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.**

**The following information will be required (checklist attached):**

1. Application (attached)
2. Notice of Intent - A detailed written description of the proposed development (attached)
3. Applicant's Written Analysis (attached)
4. Campaign Contribution Disclosure (attached)
5. If applicable, owners authorization (attached)
6. Legal Description and Survey Plat of the property
7. Application Fee (summary of fees attached)
8. Copy of the Deed that reflects the current owners name
9. Vicinity Map outlining the parcel/s in relation to the surrounding area
10. Site plan, plat or survey prepared by an architect, engineer
11. If applicable, Sketch Plan/ Architectural Rendering
12. Traffic Study required for development with 500,000 square feet of nonresidential floor area or 350 dwelling units or more.

## COMMUNITY DEVELOPMENT

4488 Pineview Drive

Powder Springs, GA 30127

Phone: 770-943-1666 email: [commdev@cityofpowdersprings.org](mailto:commdev@cityofpowdersprings.org)

### **Applicant's Public Notice Requirements:**

The Code requires public notice of your Rezoning request, Special Use and Variance requests. The Community Development Department will tell you when and where the Planning and Zoning Commission and the Mayor and Council meetings will be held.

**Newspaper:** 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 Mayor and Council but no more than 45 days prior to the date of the public hearing.

**Sign Posting:** The applicant shall be required to post and maintain signs supplied by the City on or near the right-of-way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body's public hearing on the rezoning or special use 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 re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising 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.

**Public Hearing Notice –Surrounding Property Owners:** At least 15 days before the Planning & Zoning 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 zoning change. The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

**Affidavit:** Prior to the public hearing you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed (form attached).

### **City Actions:**

The Community Development Department will date your application when it is received. The Community Development Department has five (5) working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete.

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 recommendation, the Mayor and City Council will consider approval or denial of the application for rezoning, special use or variance at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing.

The final action taken by the Mayor and City Council 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.

# APPLICATION FOR VARIANCE REQUEST

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL MEETINGS)

**For Office Use Only:** PZ #: \_\_\_\_\_

Planning Commission Hearing: \_\_\_\_\_ City Council Hearing: \_\_\_\_\_

Withdrawn Date: \_\_\_\_\_ Reason for withdrawal: \_\_\_\_\_

Owners' Name: \_\_\_\_\_

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

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Telephone #: \_\_\_\_\_

**COMPLETE ONLY IF APPLICANT IS NOT OWNER**

Applicant: \_\_\_\_\_ Email Address: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Address of property requesting a Variance: \_\_\_\_\_

Lot #/Parcel ID: \_\_\_\_\_ Acreage: \_\_\_\_\_

Present Zoning Classification: \_\_\_\_\_ Variance Request: \_\_\_\_\_

Source of Water Supply: \_\_\_\_\_ Source of Sanitary Sewage Disposal: \_\_\_\_\_

If Applicable, Peak Hour Trips Generated:

If applicable, Available School Capacity:

Name of Elementary School and Available School Capacity

\_\_\_\_\_  
Name of Middle School and Available School Capacity

\_\_\_\_\_  
Name of High School and Available School Capacity

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

SUBSCRIBED AND SWORN BEFORE  
ME ON \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary

My Commission Expires: \_\_\_\_\_

**REQUIRED INFORMATION**

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

**Check the boxes for all of the items that you have attached:**

1.  Application (attached)
2.  Notice of Intent - A detailed written description of the proposed development (attached)
3.  Applicant’s Written Analysis (attached)
4.  Campaign Contribution Disclosure (attached)
5.  If applicable, owners authorization (attached)
6.  Legal Description and Survey Plat of the property
7.  Application Fee
8.  Copy of the Deed that reflects the current owners name
9.  Vicinity Map outlining the parcel/s to be rezoned in relation to the surrounding area
10.  Site plan, plat or survey prepared by an architect, engineer

The following information must be included:

- Specific use or uses proposed for the site
- Acreage, bearing and distances, other dimensions, and location of the tract(s)
- Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area.
- Detention/retention areas, and utility easements. Location of dumpsters
- Public or private street(s) - right of way and roadway widths, approximate grades
- Location and size of parking area with proposed ingress and egress
- Specific types and dimensions of protective measures, such as buffers
- Landscaping
- Wetlands, stream buffers, and 100 year floodplain

11.  Sketch Plan/ Architectural Rendering
12.  Traffic Study required for development with 500,000 square feet of non-residential floor area or 350 dwelling units or more.

Please list additional attachments:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
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## NOTICE OF INTENT

**Part 1.**

**Please indicate the purpose of the application:**

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**Part 2. Please list all requested variances:**

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**Part 3. Existing use of subject property:**

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**Part 4. Proposed use of subject property:**

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**Part 5.**

**Other Pertinent Information (List or attach additional information if needed):**

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**APPLICANT’S WRITTEN ANALYSIS** – *In details please address these Variance Criteria*

(a) Are there extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district. \_\_\_\_\_

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(b) A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located. \_\_\_\_\_

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(c) 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.

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(d) The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.

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(e) The special circumstances are not the result of the actions of the applicant.

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(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed. \_\_\_\_\_

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(g) The variance shall not permit a use of land, building or structures, which is not permitted by right in the zoning district overlay district involved.

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## CAMPAIGN CONTRIBUTION DISCLOSURE

**Applicant:** \_\_\_\_\_

Applicant's Address: \_\_\_\_\_

Applicant's Attorney: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 *et seq.*

The property that is the subject of the attached application is owned by:

Individual(s)  
  Corporation  
  Partnership  
  Limited Partnership  
  Joint Venture

All persons, corporations, partners, limited partners, or joint ventures party to ownership of the property that is the subject of the attached application are listed below:


**APPLICANT:** Within the two years preceding the date of the attached application, **the applicant** has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift

**ATTORNEY:** Within the two years preceding the date of the attached application, **the attorney representing the applicant** has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift

**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 names as “applicant” below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check each box that applies

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

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

Applicant's Address: \_\_\_\_\_

Date this Authorization becomes null and void: \_\_\_\_\_,20\_\_\_\_. ( Not applicable)

\_\_\_\_\_  
Signature of Owner (Notarized)

\_\_\_\_\_  
Signature of Owner (Notarized)

\_\_\_\_\_  
Signature of Owner (Notarized)

\_\_\_\_\_  
Signature of Owner (Notarized)





## Affidavit of Public Notification Requirements

Per Article 13 and 14 of the City of Powder Springs Unified Development Code, I certify that I have met the advertising requirements of Article 13 and Article 14 for a Special Use, Variance or Rezoning Application.

Notices were mailed to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning, special use or variance application. The written notice was mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records on \_\_\_\_\_. Said notices were mailed at least 15 days prior to the first hearing date.

\*Notice, addresses and picture of sign posted on property must be attached to this affidavit.

Signs were placed on the subject property advertising said hearing on \_\_\_\_\_. One sign was placed at each road frontage at least 15 days prior to the first hearing date.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

SUBSCRIBED AND SWORN BEFORE  
ME ON \_\_\_\_\_.

\_\_\_\_\_  
Signature of Notary  
My Commission Expires: \_\_\_\_\_

## Planning & Zoning 2019 Agenda & Hearing Dates

Rezoning, Special Uses, Variances and Developments of Regional Impact (DRI)

Deadline for Application	Agenda	Hearing	Council Agenda	Council Hearing
December 26 2018	January 10	January 28	January 30	February 4
<b>January 29</b>	February 7	February 25	February 27	March 4
February 26	March 14	March 25	March 27	April 1
March 26	<b>April 11</b>	<b>April 29</b>	May 1	May 6
April 23	May 9	May 28 (Tuesday)	May 29	June 3
May 28	June 13	June 24	July 10	July 15
June 25	July 11	July 29	August 14	August 19
July 30	August 8	August 26	September 11	September 16
August 27	<i>September 12</i>	September 30	October 2	October 7
September 24	October 10	October 28	<b>October 30</b>	November 4
October 29	November 14	November 25	November 26	December 2
November 26	December 12	December 16	TBD	TBD
December 24	January 9	January 27	TBD	TBD

Note: Applications may be scheduled for a different hearing date than noted, at the discretion of the City staff, should the application require additional time for review and consideration.

- Planning & Zoning Agenda meetings - 7:00 p.m. in Community Development Department conference room. Pre-meetings start at 6:30 p.m.
- Planning & Zoning Public Hearings - 7:30 p.m. in the City Council Chambers at the Community Development Department. Pre-meetings start at 7:00 p.m.
- Mayor & Council Agenda dates subject to change. Council Agenda **times may vary**, contact Kelly Axt at City Hall (770-943- 1666) on the **day prior** to the Council Agenda meeting to determine when the item has been scheduled. The meeting will be held in the 2nd floor conference room at City Hall.
- Council Public Hearings - 7:00 p.m. in the City Council Chambers at Community Development Department.

**ATTENDANCE IS REQUIRED AT ALL MEETINGS**

**FEES – Updated 11/5/2018**

Please verify cost with staff

Variance, residential	\$250
Variance, commercial	\$450
Special Use	\$250
Rezoning Application, single family, 0-5 acres	\$250
Rezoning Application, single family, 6-10 acres	\$700
Rezoning Application, single family, 11-20 acres	\$1,000
Rezoning Application, single family, 21-100 acres	\$1,500
Rezoning Application, single family, $\geq$ 101 acres	\$1,500 + \$30/acre
Rezoning Application, undeveloped med/high density residential, 0-5 acres	\$700
Zoning - Rezoning Application, undeveloped med/high density residential, 6-10 acres	\$1,200
Zoning - Rezoning Application, undeveloped med/high density residential, 11-20 acres \$1,500.0	\$1,500
Zoning - Rezoning Application, undeveloped med/high density residential, 21-100 acres	\$2,000
Rezoning Application, undeveloped med/high density residential, $\geq$ 101 acres	\$2,000 + \$40 /acre
Rezoning Application, undeveloped non-residential, 0-5 acre	\$900
Rezoning Application, undeveloped non-residential, 6-10 acres	\$1,500
Rezoning Application, undeveloped non-residential, 11-20 acres	\$1,800
Rezoning Application, undeveloped non-residential, 21-100 acres	\$2,200
Rezoning Application, undeveloped non-residential, $\geq$ 101 acres \$2,200 + \$50 /acre	\$2,200 + \$50 /acre
Zoning - Rezoning Application, developed med/high density residential, 0-20,000 SF	\$700
Rezoning Application, developed med/high density residential, 20,0001-50,000 SF	\$1,200
Rezoning Application, developed med/high density residential, 50,001-100,000 SF	\$1,500
Rezoning Application, developed med/high density residential, 100,001-500,000 SF	\$2,000
Rezoning Application, developed med/high density residential, $\geq$ 500,001 SF	\$2,000 + \$90 /100,000 SF
Rezoning Application, developed non-residential, 0-20,000 SF	\$900
Rezoning Application, developed non-residential, 20,001-50,000 SF	\$1,500
Rezoning Application, developed non-residential, 50,001-100,000 SF	\$1,800
Rezoning Application, developed non-residential, 100,001-500,000 SF	\$2,200
Rezoning Application, developed non-residential, $\geq$ 500,001 SF	\$2,200 + \$115 /100,000 SF
Public Hearing signs	\$25
Public Hearing signs - Deposit	\$10