



Variance Application

Planning & Zoning

Community Development Department 700 Watson Blvd * 202 N Davis Drive PMB 718
Warner Robins, Georgia 31093

SCHEDULED PLANNING & ZONING MEETINGS FOR 2015

TIME: 5:30 P.M.

<u>MEETING DATES</u>	<u>CUT OFF DATE</u>
<u>JANUARY 13</u>	<u>11/28/14</u>
<u>FEBRUARY 10</u>	<u>12/29/14</u>
<u>MARCH 10</u>	<u>1/26/15</u>
<u>APRIL 14</u>	<u>3/2/15</u>
<u>MAY 12</u>	<u>3/30/15</u>
<u>JUNE 9</u>	<u>4/27/15</u>
<u>JULY 14</u>	<u>5/29/15</u>
<u>AUGUST 11</u>	<u>6/29/15</u>
<u>SEPTEMBER 15 (THIRD TUESDAY)</u>	<u>8/3/15</u>
<u>OCTOBER 13</u>	<u>8/27/15</u>
<u>NOVEMBER 10</u>	<u>9/28/15</u>
<u>DECEMBER 8</u>	<u>10/26/15</u>
<u>(2016) JANUARY 12</u>	<u>(2015)11/30/15</u>

§114.1.1. An application to amend the text of this Ordinance, the Land Use Plan or the Official Zoning Map shall be submitted in writing to the zoning enforcement officer at least forty-five (45) days before any hearing by the Planning and Zoning Commission. Any application that does not include all of the components required in Sections 114.1.2, 114.1.3 and/or 114.1.4 shall be considered incomplete; submission date shall be considered the date upon which the application is accepted as complete by the Planning and Zoning staff.

This schedule is subject to change.

CITY OF WARNER ROBINS ZONING REGULATIONS

DEFINITIONS

Variance: A variance is a relaxation of the terms of the Zoning Ordinance for a specific parcel, except use, where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship to the property. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance. Nor shall a variance be granted because of the presence of nonconformities in the Zoning District or uses in an adjoining Zoning District.

APPLICABLE STANDARDS of Sections 112.1.4 and 114.2.10 of the City of Warner Robins Zoning Ordinance

Sec. 112.1.4 & 114.2.10

112.1.4. To authorize upon appeal in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement will, in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted in such individual case of unnecessary hardship upon a finding by the commission that:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (2) The application of these regulations to this particular piece of property would create an unnecessary hardship to the property;
- (3) Such conditions creating the difficulty are peculiar to the particular piece of property involved due to the size, shape or topography;
- (4) Relief, if granted, would not cause substantial detriment to the public good or injurious to other property or improvements in the neighborhood or impair the purpose and intent of these regulations;
- (5) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by special exception in the district.
- (6) The variance is the minimum variance that will make possible an economically viable use of the land, building or structure.
- (7) The variance will not confer upon the property of the applicant any special privilege denied to other properties in the district;
- (8) The purpose of the variance is not based exclusively upon reasons of convenience, profit or caprice. It is understood that any development necessarily increases property value, and that alone shall not constitute an exclusive finding;
- (9) The alleged difficulty has not been created by the property owner or the owner's predecessors in title;
- (10) The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety; and
- (11) The variance complies, as nearly as possible, with the spirit, intent, and purpose of the Comprehensive Plan.

114.2.10. Each application for a Variance must be submitted to the zoning enforcement officer at least forty-five (45) days before any hearing by the Planning and Zoning Commission. Each application shall include all the following information about the subject property:

- (1) Name and address of the applicant;
- (2) Location of the structure and/or use of the structure for which the variance is sought, as shown on a plat by a licensed surveyor;
- (3) Relationship of the structure and/or use to existing structures and uses on adjacent lots;
- (4) Specific sections of this Ordinance which would cause hardship, see Section 112.1.4.
- (5) Characteristics of the property related to its size, shape or topography that prevent compliance with this Ordinance;
- (6) The particular hardship that would result from strict application of this Ordinance, see Section 112.1.4;
- (7) For any application within an overlay district (i.e. Corridor Overlay, Historic District, etc.) a Certificate of Appropriateness or a letter of support from a design review board for the district; and
- (8) Any other pertinent information that the zoning enforcement officer, Planning and Zoning Commission or Council may require, including without limitation the application contents required by a Pre-Application conference.

114.2.11. *Minor variance* provides a simplified procedure for City review and decision on variance requests that propose only a minor modification of applicable Zoning Code standards. The zoning enforcement officer has the authority to review and grant a minor variance, with or without conditions, or may defer action and refer the application to the planning and zoning commission.

- (1) A public hearing shall not be required for a decision on a minor variance, unless the review authority determines that the specifics of the application justify the holding of a public hearing.
- (2) An application for a minor variance shall be considered by the zoning enforcement officer governing only the development standards identified in following table.

Types of Minor Variances Allowed	Maximum Adjustment
1. Projections. An increase in the allowable projection of canopies, cornices, eaves, fireplaces, landings, masonry chimneys, overhangs, raised porches, stairways, and steps into a required setback area, but not closer to any property line than allowed by the International Building Code, or other such codes as mandated by the State of Georgia.	25%
2. Setback areas. A decrease in a required setback, but no closer to the property line than the average of the developed lots on the same block face, and so that no projection into a public utility easement is allowed.	25%
3. Structure height. An increase in the maximum allowable structure height.	25%
4. Required Variance. A request which exceeds the limitations identified in this section shall require the filing of a Variance application.	

114.2.12. The granting of any Variance or Minor Variance will only occur upon a finding by the zoning enforcement officer or Planning & Zoning commission that the request meets the conditions outlined in Section

112.1.4.

114.2.13. The granting of a prior variance shall not set a precedent for the granting of a further variance, and each application shall be considered only on its individual merits.

114.2.14. A variance shall not be granted if the review authority finds that the condition of the specific piece of property for which a variance is sought, is so general or recurrent in the area as to make practicable the formulation and adoption of a general regulation (e.g. a Zoning Ordinance amendment) to address and provide for the prevailing condition.

114.2.15. Variances shall lapse one (1) year from the date of the grant of the variance by the zoning enforcement officer unless:

- (1) A zoning or building permit is in effect, the land is being used as contemplated in the variance, or regular progress toward completion of the use or structures contemplated in the variance has taken place in accordance with plan for which the variance was granted; or
- (2) A longer period of validity is established by the zoning enforcement officer or Planning & Zoning commission; or
- (3) The variance is for future installation or replacement of utilities at the time such installation becomes necessary.

114.2.16. Any application for special exceptions or variances may be withdrawn prior to action by the Planning & Zoning commission at the discretion of the applicant upon written notice to the zoning enforcement officer.

114.2.17. An applicant shall not initiate action for a special exception or variance involving the same parcel of land more often than once every twelve (12) months.

VARIANCE APPLICATION CHECK SHEET

- Property Information Form
- Applicant's Response Statement
- Contact Information
- Property Owner's Certification
- Agent's Authorization (if applicable)
- Adjacent Property Owner's Signatures (if applicable)
- Drawing on a Survey Plat and/or Tax Parcel Map and/or Site Plan of structure
- Letter of Intent

Property Information

Property Owner/Applicant: _____

Address/Location _____

Tract#: _____ Parcel#: _____ Land Lot(s): _____ Land District#: _____

County: _____ Tax Parcel#: _____ Total Acres: _____

Survey Prepared by: _____

Recorded in Plat Book#: _____ Page#: _____

Present Zoning: _____

Applicant's Request:

Authorization:

Upon receipt of the completed application package, the Community Development Department shall notify the applicant of scheduled date, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, _____, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This ____ day of _____ 20____.

Print Name _____

Applicant Signature _____



**CITY OF WARNER ROBINS
VARIANCE APPLICATION
CONTACT INFORMATION**

OFFICIAL USE ONLY

_____ Minor Variance

Approved by: _____

Date: _____

APPLICANT INFORMATION

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

OWNER INFORMATION

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

ATTORNEY/AGENT INFORMATION

NAME: _____

ADDRESS: _____

CITY: _____ STATE: _____ ZIP: _____

PHONE: _____ EMAIL: _____

CONTACT PERSON: _____

PHONE NUMBER: _____

EMAIL ADDRESS: _____

PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW IS THE OWNER OF SAID PROPERTY AND IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE PLANNING AND ZONING COMMISSION AND/OR MAYOR AND COUNCIL UNLESS WAIVED BY THE PLANNING AND ZONING COMISSION AND/OR MAYOR AND COUNCIL. (§114.2.17)

Signature

Date

Type or Print Name

Business and/or Cellphone number

Signature of Notary Public

Date

PROPERTY OWNER'S AGENT AUTHORIZATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED DOES DULY AUTHORIZE THE APPLICANT NAMED BELOW TO **ACT AS AGENT** IN THE PURSUIT OF THIS VARIANCE PETITION.

AGENT INFORMATION:

Signature Date

Type or Print Name Date

Mailing Address

Business and/or Cellphone number

THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE PLANNING AND ZONING COMMISSION AND/OR MAYOR AND COUNCIL UNLESS WAIVED BY THE PLANNING AND ZONING COMMISSION AND/OR MAYOR AND COUNCIL. (§114.2.17)

Signature of **Property Owner** Date

Signature of **Property Owner** Date

Personally appeared before me

who swears the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public Date

STATEMENTS FROM ADJACENT AFFECTED PROPERTY OWNERS:

I, _____, owner of property located at _____, am aware of the attached petition.

Signed : _____ Phone # _____

I, _____, owner of property located at _____, am aware of the attached petition.

Signed : _____ Phone # _____

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