

Variance Application

COWETA COUNTY BOARD OF ZONING APPEALS

A PRE-SUBMITTAL MEETING SHALL BE SCHEDULED NO LATER THAN ONE (1) WEEK PRIOR TO THE APPLICATION DEADLINE

Name of Applicant(s): VIRGINIA SINGH
Address of Applicant(s): 425 LAKEVIEW WAY, LAGRANGE, GA 30241
Phone: [REDACTED] E-mail address: [REDACTED]

Address of Subject Property: SOUTHWEST CORNER OF HIGHWAY 34 & BRUCE JACKSON, NEWNAM, GA 30263
Property Tax I.D. #: 1.83 ACRES - A PORTION OF PARCEL 026 3101 001 & 027 3100 001

Definition of Variance: A variance is a relaxation of the terms of the ordinance 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. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; 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.

Ordinance listing for proposed use: Article 23 Section 0 Item 0

Brief description of requested use: The buyer proposes to construct a small Convenience store (C-Store) on this site!
Reduction in CANOPY SETBACK from 135 Feet to 93 feet.

Applicant's reason for not conforming to the Zoning Ordinance: PARALLELOGRAM shaped site makes it difficult to design a good building/site plan. This is a pre-existing condition and is a physical hardship.

What extraordinary conditions concerning the property/structure/property, warrants a variance or variances?
Angled property lines make it hard to fit a rectangular building while meeting required setbacks on all sides. Setbacks measured from angled lot lines can significantly reduce the buildable envelope, especially on a smaller lot like this one with a septic system and detention pond.

Provide proffered measures to reduce any impact. If no mitigation is proposed, the applicant must include an explanation of why none is being proposed.
① We can increase the setbacks on other sides of the property as we own those lots also.
② Add additional landscaping

A variance can only be recommended for approval only if the Board of Zoning Appeals finds and states the basis for said findings on the record, all of the following exist. The applicant and/or applicant representative must provide response.

A. That one of the following is true, through no action or fault of the property owner or predecessor:

1. Is the property exceptionally narrow shallow, or unusually shaped?

The Property is a Parallelogram and the unusual shape is preexisting.

II. Does property contain exceptional topographic conditions?

- ① Good Soil for Septic system is in the rear of the property.
- ② Land slopes towards the highway limiting where we can have the detention Pond.

III. Does the property contain other extraordinary or exceptional conditions?

IV. Are there other existing extraordinary or exceptional circumstances?

B. That the strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property. Please provide explanation of the undue hardship.

A Rearsettle building cannot be placed without this setback Reduction.

C. The requested variance relief may be recommended for approval without substantially impairing the intent and purpose of this ordinance. Please provide explanation as to how this request does not substantially impair the intent and purpose of this ordinance.

The primary objectives of buffer requirements - protecting privacy, reducing visual impacts, and maintaining neighborhood compatibility are still met through proposed mitigation measures and thoughtful site design. The reduction will not result in adverse effects related to noise, lighting, drainage or neighborhood character.

Conditions: In recommending the approval of a variance, the Board of Zoning Appeals may attach such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this ordinance will be served, public safety and welfare secured, and substantial justice done. Any deviation or revision from a condition recommended by staff shall be clearly set forth in the minutes of the Board of Zoning Appeals.

Limitations on variances; improper variance requests: Variance cannot be given to totally remove a requirement or to exempt a property or applicant entirely from the requirement. If a variance is being sought that is, in the judgement of the director, a request that would constitute a text amendment, then the application shall not be accepted. Variances can only be recommended for approval to alter numeric value, such as setback, height limit, area limit, and so forth. Furthermore, the Board of Zoning Appeals shall not be authorized to recommend approval of a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied, or to eliminate rather than modify a requirement or regulation. A variance application shall not be accepted if the variance is contradictory to the ordinance (such as reducing a requirement to zero or totally eliminating a requirement).

Self-inflicted hardship: The Board of Zoning Appeals shall not recommend approval of variances when the hardship was created by the property owner or his predecessor and shall not recommend approval of hardship variances based on shape or topography for a lot of record. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that do not justify a variance.