

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): Jeff Grubbs  
Address of Applicant(s): 344 Bill Hart Road Newnan  
Phone #: [REDACTED] E-mail address: [REDACTED]  
Address of Subject Property: 344 Bill Hart Road Newnan  
Property Tax I.D. #: 112 1020 010

**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 7 Section 72 Item 11  
Brief description of requested use: Permission to construct an 896 square foot guest house for my elderly Mother-in-law

Applicant's reason for not conforming to the Zoning Ordinance: Our property is less than 10 acres that are required. We are at 7.63 acres.

What extraordinary conditions concerning the property/structure/property, warrants a variance or variances?  
The property is less than the 10 acre requirement. The guest house cannot be attached to the main dwelling due to the location of the septic system.

Provide proffered measures to reduce any impact. If no mitigation is proposed, the applicant must include an explanation of why none is being proposed.  
The structure will be placed within the minimum setbacks to the property line and will be at least 250 feet from the neighbors home. This will be used for my Mother-in-law only, she is elderly and we will be caring for her. This structure will have its own septic system and proper drainage, and will also use the existing driveway that serves the main dwelling. The guest house will mirror construction of the main dwelling.

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 usually shaped?

No

II. Does property contain exceptional topographic conditions?

The front of the property has a deemed "stream" which includes setbacks that will prohibit any structure from being built in front of the main dwelling

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

No

IV. Are there other existing extraordinary or exceptional circumstances?

No

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.

My mother-in-law is 82 and currently lives alone. My wife and I help care for her and her home as my wife is the only living child. Building her a guest house on our property gives her the peace of mind that she can be better cared for, no longer alone and is the only economical choice for her. If she sells her home she still would not be able to afford assisted living.

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.

There is no impact to traffic, neighbors, noise, etc. The property provides space for this guest house. In some ways its no different than building a "pool house" of the same size. Again, shes 82 and just wants/needs to be near her family.

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.