

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): Andrew & Elizabeth Straessle  
Address of Applicant(s): 9 W Shore Trace Newnan, GA 30263  
Phone #: [REDACTED] E-mail address: [REDACTED]  
Address of Subject Property: 9 W Shore Trace Newnan, GA 30263  
Property Tax I.D. #: 071 5184 057

**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 \_\_\_\_\_ Section \_\_\_\_\_ Item \_\_\_\_\_

Brief description of requested use: Construction of a detached residential garage located to the rear of the primary residence to be primarily used for storage of yard equipment, tools, paint and chemicals and a workshop.

Applicant's reason for not conforming to the Zoning Ordinance: The requested variance is to allow the garage to be positioned closer to the street than permitted under the current setback requirements to allow for a driveway to go up to it without us needing to make a larger, more unsightly, area of grass become the driveway. There is already a clearing in the area proposed making it more suitable by not having to disturb the environment any further. The proposed placement will also prevent the garage from having to directly face the street in order to maintain neighborhood aesthetics.

What extraordinary conditions concerning the property/structure/property, warrants a variance or variances?

The property contains a pre-existing cleared area that is uniquely suited for the placement of a garage. This condition is not the result of any recent action by the owner but rather an existing characteristic of the property. The remainder of the lot is more heavily wooded and would require significantly more clearing, grading, and potential disruption of natural drainage patterns if the structure were forced into a conforming location.

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 garage will be designed to match or complement the existing home and turned so the garage door is not street facing and less visible while maximizing the use of the current driveway. Landscaping or buffering can be added if needed to reduce visibility from the street. Placement will be carefully positioned to maintain appropriate spacing from neighboring properties.

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:

I. Is the property exceptionally narrow shallow, or usually shaped?

The subject property is a corner lot, which creates a unique condition compared to standard interior lots. Due to frontage on two streets, the property is subject to multiple setback requirements, significantly reducing the buildable area. This configuration results in a more restrictive building envelope than neighboring properties that are not located on a corner, limiting reasonable placement options for accessory structures such as a garage.

II. Does property contain exceptional topographic conditions?

The buildable area of the lot is flat forcing the home to be built on a slab and preventing the property from having a basement which severely hinders the storage capability of the property.

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

The combination of the corner lot configuration and the required setbacks from two street frontages creates an unusually constrained buildable area. This is further compounded by the location of an existing cleared portion of the property, which represents the most practical and least disruptive area for construction.

IV. Are there other existing extraordinary or exceptional circumstances?

The buildable area of the lot is flat and does not allow for a basement severely hindering the storage capability of such a property.

- 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.

Strict application of the ordinance creates an undue hardship due to the unique constraints of a corner lot. Unlike standard lots, which typically have only one front setback, this property must comply with two, significantly limiting usable space. As a result, the remaining compliant building area is severely restricted, reasonable placement of a detached garage becomes impractical, and alternative locations would require unnecessary clearing of wooded areas and additional site work. This hardship is not self-created but is inherent to the lot's configuration and zoning requirements.

- 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.

Granting this variance will not undermine the intent of the ordinance, as the hardship arises specifically from the corner lot configuration, which is not typical of most properties in the area.

The request represents a reasonable adjustment to accommodate the unique constraints of the lot while still maintaining the overall character, safety, and intent of the zoning regulations.

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.

Please provide the following documentation for a complete variance application package:

- ✓ Application
- ✗ A copy of the Warranty Deed
- ✓ If the applicant is not the owner of the property, submit a notarized letter from the property owner giving applicant permission to file the request.
- ✓ Plat of the property, indicating all existing and proposed structures in relation to nearby streets, property lines, and driveways; dimensions are to be accurate.
- ✓ Written Legal Description of the subject property.
- ✓ Total feet of encroachment/distance from property line.

The variance application and supporting documentation must be submitted through our Accela portal by using this link: <https://aca-prod.accela.com/COWETA/Default.aspx>