



Fee: \$200

Amount Paid: _____

Date: _____

City of Brunswick
Planning, Development, & Codes Department
601 Gloucester Street
Brunswick, Georgia, 31520

VARIANCE

Please take care to insure that the information for each checkbox below is sufficiently provided. **The City of Brunswick does not accept incomplete applications.** Applications must be submitted to the Planning, Development & Codes Department no later than 20 days prior to the regularly scheduled meeting of the Planning and Appeals Commission. The PAC meets the second Wednesday of each month.

Completed Application

Survey/Lot Inspection Report/Vicinity or Aerial Map

Site Plan or Construction Plan

Proof of ownership OR proof of legal authorization from property owner

Written narrative that provides information about the use of the site and the requested variance. This should include the following (if applicable): Ingress/Egress to the site, off-street parking and loading locations, buffering or screening of open yard storage, hours of operation, or details specific to the particular use that are unique to the property.

Letters of approval for any existing Variances, Special Use Permits, or Rezone (Text Amendment) Requests **(STAFF WILL COMPILE)**

The Planning, Development & Codes Department highly recommends arranging a meeting with staff prior to the submission of an application. Should you have questions or wish to arrange a meeting please contact City Planning at (912) 267-5527



CITY OF BRUNSWICK, GEORGIA



VARIANCE APPLICATION

APPLICANT: READ PART A COMPLETELY, THEN ANSWER EACH ITEM IN PART B. PLEASE PRINT OR TYPE. DO NOT WRITE IN PART C. PLANNING STAFF WILL HELP YOU, IF NECESSARY. YOU MUST FILE THIS APPLICATION AND ALL REQUIRED MATERIALS WITH THE PLANNING & DEVELOPMENT AND CODES DEPARTMENT AT LEAST 20 DAYS BEFORE THE PLANNING COMMISSION MEETING AT WHICH IT WILL BE CONSIDERED. **A \$200 FEE IS REQUIRED TO BE SUBMITTED FOR THE APPLICATION TO BE CONSIDERED COMPLETE.**

PART A GENERAL INFORMATION

YOU ARE ENCOURAGED TO READ APPLICABLE SECTIONS OF THE ZONING ORDINANCE IF YOU ARE REQUESTING A VARIANCE. A VARIANCE IS A "LOOSENING" OF THE REQUIREMENTS OF THE ZONING ORDINANCE TO RELIEVE A HARDSHIP. A VARIANCE CAN ONLY BE GRANTED BECAUSE A HARDSHIP BEYOND YOUR CONTROL IS BEING CAUSED BY A DIMENSIONAL REQUIREMENT, THAT IS, ONE DEALING WITH DISTANCE, AREA, HEIGHT OR SOME OTHER DIMENSION OF YOUR LAND OR BUILDING. PLEASE NOTE THAT A VARIANCE DOES NOT ALLOW YOU TO START A NEW USE IN A ZONING DISTRICT WHERE IT IS PRESENTLY NOT PERMITTED. IN OTHER WORDS, YOU COULD NOT PUT A GROCERY STORE IN A RESIDENTIAL NEIGHBORHOOD. ONCE YOU HAVE FILED A COMPLETE APPLICATION WITH THE PLANNING DIRECTOR, YOUR REQUEST WILL BE ADVERTISED. THE PLANNING COMMISSION WILL THEN HOLD A PUBLIC HEARING. AT THE MEETING YOU WILL TELL THE PLANNING COMMISSION WHY YOU NEED THE VARIANCE AND YOUR NEIGHBORS MAY ASK QUESTIONS AND MAKE COMMENTS. THE PLANNING COMMISSION WILL THEN MAKE A DECISION ABOUT THE VARIANCE. THE VARIANCE IS VALID FOR ONE YEAR.

PART-B APPLICANT ONLY

1. THIS IS AN APPLICATION ASKING THE BRUNSWICK PLANNING, DEVELOPMENT & CODES DEPARTMENT TO GRANT A VARIANCE FROM THE REQUIREMENTS OF THE (CHECK ONE): ZONING ORDINANCE SUBDIVISION REGULATIONS
2. NAME: _____ PHONE: _____
ADDRESS: _____ EMAIL: _____
3. LOCATION OF PROPERTY: STREET _____
PARCEL NO. _____ LOT NO. _____
4. THIS LAND IS ZONED: R-9 R-6 GR GR-C OC LC GC GC-C HC BI GI
 CP PD-G PD-TN MH LM LI CR US 17 OTHER: _____
5. PLEASE DESCRIBE THE TYPE OF VARIANCE YOU NEED. EXAMPLE: REDUCTION OF FRONT YARD SETBACK FROM 15 FT TO 10 FT.

6. ALL THE FOLLOWING CONDITIONS MUST APPLY TO YOUR SITUATION FOR THE VARIANCE TO BE GRANTED. DESCRIBE HOW YOU MEET EACH CONDITION (ATTACH PAGES IF NEEDED):
 - A. SPECIAL CONDITIONS OR CIRCUMSTANCES OVER WHICH I HAVE NO CONTROL, AFFECT MY PROPERTY.

 - B. BECAUSE OF THE SITUATION, I DO NOT HAVE THE SAME PROPERTY RIGHTS AS MY NEIGHBORS OR AS OTHER PROPERTY OWNERS IN THE SAME ZONING DISTRICT DO. _____

 - C. THE VARIANCE WOULD NOT SIGNIFICANTLY DEFEAT THE PURPOSES OF ANY CITY PLAN, POLICY ORDINANCE

 - D. THIS IS THE MINIMUM VARIANCE WHICH WOULD RELIEVE MY HARDSHIP. _____

7. ATTACH THESE TO THIS APPLICATION:
 - A) A SIMPLE MAP SHOWING LOCATION OF THE PROPERTY, ITS DIMENSIONS, LOCATION OF EXISTING AND PROPOSED STRUCTURES, AND THE NEAREST PUBLIC ROAD.
 - B) A LIST OF NAMES AND ADDRESSES OF ALL ADJACENT PROPERTY OWNERS.
8. SIGNED: _____ DATE: _____

PART-C STAFF ONLY

1. DATE COMPLETE APPLICATION WAS FILED: _____
2. PUBLIC HEARING DATE: _____ DATE APPLICANT WAS NOTIFIED: _____
3. APPROVED: _____ DENIED: _____ PAC CHAIR SIGNATURE: _____

DIVISION 6. - ZONING VARIANCES

Sec. 23-26-56. - Generally.

Persons may seek relief from compliance with the zoning-related requirements of this Code pursuant to this chapter when the strict application would create a particular and unique hardship, by filing an application for variance with the director for consideration by the planning and appeals commission in accordance with this chapter. Such relief may be granted only to the extent necessary to alleviate such unnecessary hardship and not as a convenience neither to the applicant nor to gain any advantage or interest over similarly zoned properties.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-57. - Initiation.

An application for a zoning variance for any property or properties in the city may be initiated by the governing body, planning and appeals commission, owner of the property, or some other person(s) given authorization by property owner to file said application.

Any applicant wishing to submit an application for a zoning variance request must schedule an appointment with the PDC department staff in order to review the application for completeness. No such application shall be accepted for processing by the director unless it meets the requirements of this section. Incomplete or improper applications will be returned to the applicant. The director is hereby authorized to establish administrative deadlines for the receipt of applications.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-58. - Waiting period for reapplication.

If denied, a variance request affecting the same property shall not be reconsidered for a period of 12 months from the date of denial; provided, however, that the planning and appeals commission may reduce the waiting period under extenuating circumstances or on its own motion. A request to reduce the waiting period must be asked for and acted upon by the planning and appeals commission during the public hearing at which the request was first considered.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-59. - Requirements for submittal.

Applications for zoning variance shall include the following:

- (a) *Application form.* A completed application. All applications shall be submitted to the PDC department on the department's application forms.
- (b) *Fee.* All applications shall be accompanied by a non-refundable fee as fixed from time to time by the governing body. A fee shall not be charged if the governing body or the planning and appeals commission initiate the application.
- (c) *Plat or boundary survey.* A plat or boundary survey of the property or properties involved in the application. Provide one scaled and folded copy, and one 8.5"x11" or 11"x17" reproducible size copy.
- (d) *Statement of hardship.* Form with various questions to be answered by an applicant in a manner describing how each situation applies to the application. The applicant may complete the questions on the form provided with the application, or the applicant can type the answers on a separate sheet of paper as part of the written narrative, identifying each component as such.
- (e) *Written narrative.* A written narrative should indicate at a minimum: the purpose of the request, proposed use, economic and environmental impacts as well as overlay zones or protection areas in which the property is located.
- (f) *Architectural renderings.* Architectural renderings for any proposed new construction or exterior alterations of the existing structure(s), including at a minimum:

- (1) Roof pitch;
- (2) Materials to be used on exterior;
- (3) Basic landscaping proposed; and
- (4) Building elevations.

If the architectural rendering is in a color format or is larger than an 11"×17" size copy, nine copies of the colored or large-scale rendering must be submitted with the completed application.

- (g) *Concept plan.* An application for a zoning variance approval related to a residential subdivision, multi-family, or non-residential use or zoning district shall be accompanied by a concept plan if any new construction is proposed or alteration of the site is required under the site or development design standards of this Code. An as-built survey (rather than a concept plan) indicating the most current development conditions must be submitted with those applications regarding existing developments that are not to be altered. The concept plan must be prepared by a professional engineer, or a registered land surveyor; landscape architect; or architect. The concept plan shall meet the requirements of section 9-22-6-5. The applicant shall submit nine scaled and folded copies, folded to fit into an 8"×10" size envelope, and one 11"×17" reproducible copy. The director may request information in addition to that specified in this section when considered necessary for review of the application.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-60. - Specifications for concept plans.

The concept plan shall show the following, as appropriate to the variance requested:

- (a) Name, address and telephone number of the property owner.
- (b) Name, address and telephone number of the applicant.
- (c) Date of survey, north point and graphic scale, source of datum, date of plan drawing, and revision dates, as appropriate.
- (d) Proposed use of the property.
- (e) Location (land district and land lot) and size of the property in acres (or in square feet if less than an acre).
- (f) Location map of the property in relation to the surrounding area with regard to well-known landmarks such as arterial streets or railroads. Location maps must be drawn at a scale sufficient to show clearly the information required, but not less than one inch equal to 2,000 feet. U.S. Geological Survey maps may be used as a reference guide.
- (g) Zoning district classification of the subject property and all adjacent properties, and zoning district boundaries as appropriate.
- (h) Natural features within the property, including drainage channels, bodies of water, wooded areas and other significant natural features such as rock outcroppings. On all water courses entering or leaving the property, the direction of flow shall be indicated. The 100-year flood plain, if any, shall be outlined.
- (i) Man-made features within and adjacent to the property, including existing streets and names, city and county political boundary lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- (j) The proposed project layout including:
 - (1) For residential development projects, approximate lot lines and street right-of-way lines, along with the building setback lines.
 - (2) For multi-family and non-residential development projects, the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas, and driveways.
- (k) The proposed phasing of the development if it is proposed to be built in sections.
- (l) A statement as to the source of domestic water supply.
- (m) A statement as to the provision for sanitary sewage disposal.

- (n) The approximate location of proposed stormwater detention facilities.
- (o) Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-61. - Notice of public hearing in newspaper.

Before the planning and appeals commission may take final action on a proposed variance application, the PAC shall hold a public hearing on the proposal. At least 15 days but not more than 45 days prior to the public hearing before the PAC, notice shall be published in a newspaper of general circulation within the city. The published notice shall be prepared by the PDC department and shall include the location of the property, the present zoning classification of the property, the variance requested, and the date, time, and place of the public hearing before the planning and appeals commission.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-62. - Notice of public hearing by sign on property.

At least 15 days but not more than 45 days prior to the public hearing, the city shall post a sign or signs stating the date, time and place of the public hearing before the planning and appeals commission, the present zoning classification and the proposed variance. One such sign shall be placed in a conspicuous location along each street frontage of the property for which the variance has been requested. If the property has no street frontage, the sign shall be placed on each street from which access will be gained to the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-63. - Notice to adjacent property owners.

At least ten days prior to the planning and appeals commission public hearing, the applicant shall cause a notice to be mailed to all persons owning property located abutting or across any street from the property that is the subject matter of the variance application. The written notice shall be mailed to the property owners as such names and addresses appear on the county's ad valorem tax records. The notice shall state the date, time, place and purpose of the hearing by the PAC.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-64. - Investigations and staff recommendation.

Within a reasonable period of time after acceptance of a complete application, the PDC director may but shall not be required to send the application or notice thereof out for review by internal municipal departments and external agencies, such as the development review team (DRT) as may be appropriate. Any written comments received in a timely manner as a result of such review shall be submitted for consideration to the planning and appeals commission and governing body, or summarized in a memorandum. Any such comments shall become public records.

The director may but shall not be required to investigate and make a recommendation regarding the variance application. Any such investigation and recommendation if in writing shall be made available to the applicant and planning and appeals commission prior to its public hearing and shall become public records. Copies of the director's findings and recommendations, if provided, shall be available no later than the time of the planning and appeals commission's public hearing on the matter.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-65. - Planning and appeals commission hearing and action.

The planning and appeals commission shall convene a public hearing on the variance application as provided in the public notice. The public hearing shall follow policies and procedures which govern calling and conducting public

hearings established in section 23-27.4. The planning and appeals commission shall have 65 calendar days from the date of its public hearing within which to take final action on the variance application.

In rendering a decision on a variance application, the planning and appeals commission shall consider all information supplied by the applicant, the director, and any information presented at the public hearing of the PAC. After conducting a public hearing, in taking action on an application, the PAC may:

- (a) Approve the application as submitted.
- (b) Approve the application with conditions.
- (c) Deny the proposal.
- (d) Table the proposal for consideration at its next scheduled meeting, provided that it acts within its allotted 65-day review period.

The action of the planning and appeals commission on the variance application shall be final; provided, however, that any person adversely affected by any determination made by the PAC relative to the approval or denial of a variance application may appeal such determination to a court of competent jurisdiction in the manner provided by law.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-66. - Criteria to consider for variance applications.

The planning and appeals commission shall consider the following standards in considering any variance application, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

- (a) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography;
- (b) The application of this Code to this particular piece of property would create an unnecessary hardship; and
- (c) There are conditions that are peculiar to the property which adversely affect its reasonable use or usability as currently zoned.
- (d) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Code.
- (e) There must be a proved hardship by showing beyond a doubt the inability to make a reasonable use of the land if the zoning ordinance were applied literally.
- (f) The hardship cannot be self-created; e.g., as in a case where the lot was purchased with the knowledge of an existing restriction.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-67. - Withdrawal of application.

A variance application may be withdrawn at any time at the discretion of the person or entity initiating such a request upon notice to the director, up until the public hearing by the planning and appeals commission is closed.

If the applicant withdraws the application prior to the publication of notice for public hearing before the planning commission, the application shall be withdrawn administratively by the director without restriction on the refiling of a proposed variance on the property in the future.

If the applicant withdraws the application after notice has been published or is irretrievably set for publication but the application has not been heard by the planning and appeals commission, the application shall be withdrawn administratively by the director and an application for variance on the property may not be resubmitted for six months from the date of withdrawal.

If the request for withdrawal is made at the planning and appeals commission public hearing on the case, the request may be approved by a majority vote of the PAC, but an application for a variance on the property may not be resubmitted for 12 months from the date of withdrawal. However, the planning and appeals commission may reduce the waiting period under extenuating circumstances or on its own motion. A request to reduce the waiting period must be asked for and acted upon by the PAC during the public hearing at which the request was first considered.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-68. - Provisions that cannot be varied.

In no case shall a variance be granted for any of the following:

- (a) A condition created by the applicant, including the result of an unwise investment decision or real estate transaction.
- (b) A change in the conditions of approval imposed through a rezoning application approved by the governing body.
- (c) Reduction of a minimum lot size required by a zoning district.
- (d) Use of land or buildings or structures that is not permitted by the zoning district that is applicable to the property.
- (e) Any increase in the number of dwelling units or nonresidential building floor area otherwise permitted by the zoning district that is applicable to the property.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)

Sec. 23-26-69. - Duration of validity.

Approval of a zoning variance on a property located within the city shall be in full force and effect upon its approval by the planning commission and shall be effective for a period of 12 months. If no action is taken by the applicant to implement the purpose of the application within 12 months from the date of approval, said approval shall become null and void. A zoning variance shall be specific to the request made by the current applicant and shall not stay with the property, as is the case for a zoning change.

(Ord. No. 1055, § 3(Exh. A), 3-21-2018)