



# CITY OF NEWNAN, GEORGIA

25 LaGrange Street  
Newnan, Georgia 30263  
770-254-2354

## APPLICATION FOR ADMINISTRATIVE VARIANCE

Name of Applicant \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_ E-Mail: \_\_\_\_\_

Property Owner (Use back if multiple names) \_\_\_\_\_

Mailing Address \_\_\_\_\_

Telephone \_\_\_\_\_

Address/Location of Property \_\_\_\_\_

Tax Parcel No: \_\_\_\_\_

Present Zoning Classification: \_\_\_\_\_

Present Land Use \_\_\_\_\_

Intended Use \_\_\_\_\_

Any person owning property, or having a possessory or contract interest in property and the consent of the owner, may file an application for an administrative variance in regard to such property with the City of Newnan's Planning & Zoning Department. Administrative Variances are limited to the following actions:

1. Principal Building Front, Side, Street Side and Rear Setbacks: A reduction in setbacks not to exceed 15% of the regulatory standard
2. Principal Living Space: A reduction in the principal living space square footage not to exceed 25% of the regulatory standard.
3. Stream Buffer: For lots that were recorded prior to the 2008 adoption of the City of Newnan's Stream Buffer Regulations, consideration may be given to modifying the City's Stream Buffer.

In order for the City to consider the request, it must be claimed "application of the Ordinance to the particular piece of property would create an unnecessary hardship". Please answer the following criteria questions:

1. What are the particular provisions or requirements of the Ordinance that prevent the proposed construction on, or use of, the property?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. What is the existing zoning of the property, including any previously approved modifications, conditions, or proffers?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

---

3. What are the special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of the Ordinance?

---

---

---

4. What is the particular hardship that would result if the specified provisions or requirements of the Ordinance were to be applied to the subject property?

---

---

---

5. What is the minimum extent to which it would be necessary to vary the requirements of the Ordinance in order to permit the proposed construction on, or use of, the property?

---

---

---

The Board of Zoning Appeals shall base its required findings upon the particular evidence presented in each specific case where the property owner can show:

A. The strict application of the terms of the Ordinance would effectively prohibit or unreasonably restrict utilization of the property because:

- ✓ There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography.
- ✓ Such conditions are peculiar to the particular piece of such property involved.
- ✓ Such conditions were not imposed by the action or will of the owner of the property.
- ✓ The application of the Ordinance to the particular piece of property would create an unnecessary hardship. Such hardship does not include financial hardship in that if the variance were granted, the applicant could receive a higher rate of financial return on the use of the property and without the variance, a lesser but still reasonable return could be realized.
- ✓ Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the Ordinance.

B. The granting of such variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

C. The condition or situation of the property, which give rise to the need for such variance, is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the Ordinance.

Included with the application, the following information is required:

- ✓ Plat of property, illustrating existing development and requested variance.
- ✓ Plans or drawings necessary to illustrate the requested variance.
- ✓ Check for applicable fees (**\$50.00 Per Variance Requested**).
- ✓ Legal description of property.

- ✓ List of all the names and addresses of all property owners adjoining and contiguous to the subject property. This information can be found at the Coweta County Tax Assessors Office.

---

---

I (We) do hereby certify the information provided herein is both complete and accurate to the best of my (our) knowledge, and I (we) understand any inaccuracies may be considered just cause for invalidation of this application, and any action taken on this application. I (We) do hereby understand a variance of any requirement does not exempt the development from any other requirements of the Zoning Ordinance, Subdivision Regulations, or other City or State Regulations.

\_\_\_\_\_  
Owner(s) Name(s) (Please Print)

\_\_\_\_\_  
Signature of Owner(s)

**FOR OFFICIAL USE ONLY**

RECEIVED BY \_\_\_\_\_

DATE OF FILING \_\_\_\_\_

ACTION TAKEN (DATE) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## Attachment A - **STREAM BUFFER VARIANCE ADDENDUM**

(1) Where a parcel was platted prior to the effective date of the stream buffer ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Engineering Department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the City of Newnan may grant an administrative variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.

(2) Variances will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this ordinance prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.

(3) Variances will not be considered when, following adoption of this ordinance, actions of any property owner of a given property have created conditions of a hardship on that property.

(4) At a minimum, a variance request shall include the following information:

- a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
- b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
- d. Documentation of unusual hardship should the buffer be maintained;
- e. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and,
- h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(5) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and,
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.