



NEWTON COUNTY

APPLICATION PACKAGE

FOR

SPECIAL EXCEPTION

AND

APPEALS TO THE BOARD OF

COMMISSIONERS

(Revised 12-09-14)

DEADLINES AND PROCEDURES
SPECIAL EXCEPTIONS

1. Pre-application review is required prior to the submittal of the application.
2. The application must be complete and submitted by the deadline of the first Friday of each month before 3:30 P.M. Fees are to be paid, by check or money order, at the time of filing.
3. Applications must be submitted in-person by the applicant or an authorized agent. Applications submitted via courier or mail will not be accepted.
4. Applicant is requested to submit any revisions to site plans, letters of intent, proposed conditions, etc. to the Development Services Department. Last minute revisions may delay the dates of your public hearings.
5. The applicant will be given a Public Notice sign to post on the property. This will identify the site for the Newton County Road Department who will post the official sign.
6. The applicant must attend the public hearing. The hearing is as follows:

 Planning Commission meeting
 Held on the fourth Tuesday of each month.
 Time: 7:00 p.m.
 Location: The 2nd floor of the Historic Courthouse, 1124 Clark Street, Covington.

 Refer to the enclosed calendar for the exact dates.
7. The staff analysis reports will be available in the Department one week before the meeting. Applicants are responsible for obtaining their staff reports.
8. The agenda for each meeting and a summary of the meeting is available on our website at www.co.newton.ga.us
9. Fees must be paid by check or money order. Checks without pre-printed account information will not be accepted.

Standards for Special Exception to the Almon/Crowell Rd Overlay District

**SEC. 450-210 A. of the Newton County Zoning Ordinance:
The Newton County Planning Commission shall consider any special exception to the Almon/Crowell Road Overlay District where the variance or waiver request is to change a design standard, or to appeal a decision of an Administrative Official per Section 605-020 (E). The following procedures shall apply to all applications:**

- A. A formal written application, along with any such fees as may be established by the Board of Commissioners, shall be filed with the Director or Zoning Administrator.
 - 1. The application for a special exception shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information, as the Director deems necessary to evaluate the request.
 - 2. It shall be the applicant's responsibility to provide sufficient justification for granting the special exception.
 - 3. The Director and staff shall prepare an evaluation statement concerning each application for special exception. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the special exception request. The evaluation shall consider whether the request satisfies the intent of the Overlay District. The Director shall make a recommendation as to grant, grant with conditions, or deny the special exception.
 - 4. The standards for staff's evaluation and the Planning Commission decision is whether the proposed change(s) in appearance will have a substantial adverse affect on the Overlay. The Commission and staff shall consider, in addition to any other pertinent factors, the extent to which the proposed project complies with the Overlay District in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features and the extent to which the proposal is compatible with other structures in the area.
 - 5. The application shall be heard at a regularly scheduled Planning Commission meeting. The Planning Commission shall make a decision to approve the special exception, approve with conditions, or deny the special exception, citing to the grounds relied upon, and/or to the staff evaluation comments.
 - 6. Any person or persons severally or jointly aggrieved by any decision of the Planning Commission may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the Planning Commission. The secretary of the Planning Commission shall transmit the record to the Board, and the Board shall hear the appeal de novo within forty five days of the filing of the notice of appeal.

Standards for Special Exception to the Salem Road Overlay District

SEC. 460-130 B. of the Newton County Zoning Ordinance:

The Newton County Planning Commission shall consider any special exception to the Overlay where the variance or waiver request is to change a design standard, or to appeal a decision of an Administrative Official. The following procedures shall apply to all applications:

1. A formal written application, along with any such fees as may be established by the Board of Commissioners, shall be filed with the Director or Zoning Administrator.
2. The application for a special exception shall state the specific regulation from which exception is sought and the reasons the exception is needed. The application shall contain such information as the Director deems necessary to evaluate the request.
3. It shall be the applicant's responsibility to provide sufficient justification for granting the special exception.
4. The Director and staff shall prepare an evaluation statement concerning each application for special exception. The evaluation shall consider the circumstances and supporting documents supplied by the applicant and other generally available technical information pertaining to the special exception request. The evaluation shall consider whether the request satisfies the intent of the Overlay. The Director may suggest appropriate conditions in the event of approval.
5. The standard for staff evaluation and the Planning Commission decision is whether the proposed change(s) in appearance will have a substantial adverse affect on the Overlay. The Commission and staff shall consider, in addition to any other pertinent factors, the extent to which the proposed project complies with the Overlay in terms of architectural style, general design arrangement, and material texture of architectural features, and other site features and the extent to which the proposal is compatible with other structures in the area.
6. The application shall be heard at a regularly scheduled Planning Commission meeting. The Planning Commission shall make a decision to approve the special exception, approve with conditions, or deny the special exception, citing to the grounds relied upon, and/or to the staff evaluation comments.
7. Any person or persons severally or jointly aggrieved by any decision of the Planning Commission may take an appeal to the Board of Commissioners by filing a notice of appeal within ten days of the date of the decision of the Planning Commission. The secretary of the Planning Commission shall transmit the record to the Board, and the Board shall hear the appeal de novo within 45 days of the filing of the notice of appeal.

NEWTON COUNTY APPLICANT'S CHECK SHEET

DOCUMENTS AND QUANTITIES REQUIRED FOR SPECIAL EXCEPTION AND APPEALS TO THE BOARD OF COMMISSIONERS

FILING DEADLINE: FIRST FRIDAY OF EACH MONTH, BEFORE 3:30 p.m.

FEES MAY BE PAID BY CHECK OR MONEY ORDER ONLY

ITEM	REQUIRED ITEM	NUMBER OF COPIES	CHECK <input type="checkbox"/>
1.	Pre-application Review Form	One (1) copy	
2.	Application Form	One (1) original	
3.	Letter of Intent	One (1)	
4.	Survey Plat	Two (2)	
5.	Written Legal Description	One (1)	
6.	Concept Plan –full size	Two (2)	
7.	Concept Plan- 8.5x11	One (1)	
8.	Statement of Hardship	One (1)	
9.	Elevations	One (1)	

REQUIRED ITEMS FOR VARIANCES:

- ITEM 1. **PREAPPLICATION REVIEW MEETING AND FORM:** Prior to submitting an application, all applicants must meet with the Zoning Administrator or the Planner who will review your proposal and issue a Pre-application Review Form. Bring to the meeting a site plan. Call 770-784-2018 for an appointment.

- ITEM 2. **APPLICATION FORM:** The applicant must have a notarized signature of all owners of the subject property authorizing the filing of the application. If the owner is not the petitioner, part 2 of the form must also be completed. The owner's signature of the application may serve as authorization for the petitioner/applicant or agent to act on their behalf in the filing of the application.

- ITEM 3. **LETTER OF INTENT:** The letter should include factual information such as zoning district, Ordinance Section # for the standard to which you seek a variance, and details of the requested variance. (i.e. to reduce the front yard setback from 40 feet to 35 feet)

- ITEM 4. **SURVEY PLAT:** The survey of the property must be prepared and sealed by a professional engineer or land surveyor registered in the State of Georgia, and include the following:
 - 1. The complete boundaries of the subject property and all buildings and structures existing thereon;

2. Notation as to whether or not any portion of the subject property is with the boundaries of the 100-year floodplain; and
3. A notation as to the total acreage or square footage of the subject property.

ITEM 5. WRITTEN LEGAL DISCRPTION: Must be a “metes and bounds” description. Must match the survey and the concept plan. If property is located within a recorded subdivision, the lot number, and plat book and page, may be sufficient, if a copy of the recorded plat is provided.

ITEM 6. CONCEPT PLAN – FULL SIZE: (if larger site plan is needed) Must be drawn to scale. Include existing and proposed conditions, and anything useful to demonstrate a hardship like shape of property, easements, topography, parking, driveways, buffers, landscape areas, streams, and other features.

ITEM 7. CONCEPT PLAN – 8.5” X 11”: A reduced copy of the concept plan.

ITEM 8. STATEMENT OF HARDSHIP: Complete the form describing how the literal enforcement of the Ordinance will cause a practical difficulty or unnecessary hardship. (Sec. 605-030)

ITEM 9. ELEVATIONS

REQUIRED ITEMS FOR APPEALS TO THE BOARD OF COMMISSIONERS:

- ITEM 1. PREAPPLICATION REVIEW MEETING AND FORM: Prior to submitting an application, all applicants must meet with the Zoning Administrator or the Planner who will review your proposal and issue a Pre-application Review Form. Bring to the meeting a site plan. Call 770-784-2018 for an appointment.
- ITEM 2. APPLICATION FORM: The applicant must have a notarized signature of all owners of the subject property authorizing the filing of the application. If the owner is not the petitioner, part 2 of the form must also be completed. The owner's signature of the application may serve as authorization for the petitioner/applicant or agent to act on their behalf in the filing of the application.
- ITEM 3. LETTER OF INTENT: The letter should include factual information such as zoning district, Ordinance Section number of the standard to which you seek a variance, and details of the requested variance. (i.e. to reduce the front yard setback from 40 feet to 35 feet)
- ITEM 4. SURVEY PLAT: The survey of the property must be prepared and sealed by a professional engineer or land surveyor registered in the State of Georgia, and include the following
4. The complete boundaries of the subject property and all buildings and structures existing thereon;
 5. Notation as to whether or not any portion of the subject property is with the boundaries of the 100-year floodplain; and
 6. A notation as to the total acreage or square footage of the subject property.
- ITEM 5. WRITTEN LEGAL DISCRPTION: Must be a "metes and bounds" description. Must match the survey and the concept plan. If property is located within a recorded subdivision, the lot number, and plat book and page, may be sufficient, if a copy of the recorded plat is provided.
- ITEM 6. CONCEPT PLAN – FULL SIZE (if larger site plan is needed) Must be drawn to scale. Include existing and proposed conditions, and anything useful to demonstrate a hardship like shape of property, easements, topography, parking, driveways, buffers, landscape areas, streams, and other features.
- ITEM 7. CONCEPT PLAN – 8.5" X 11": A reduced copy of the concept plan.

**PETITION FOR SPECIAL EXCEPTION
TO THE PLANNING COMMISSION**

Date: _____ Tax Map and Parcel Number(s): _____

Commission District Number: _____

Overlay District: _____

Current Status: Preliminary Plat Land Disturbance Permit Final Plat
Building Permit Other _____

SECTION I SPECIAL EXCEPTION/VARIANCE REQUEST

SUBJECT PROPERTY ADDRESS/STREET NAME: _____

REQUEST 1) _____
Reference Sec. _____ Item _____

REQUEST 2) _____
Reference Sec. _____ Item _____

REQUEST 3) _____
Reference Sec. _____ Item _____

SECTION II APPEALS TO THE BOARD OF COMMISSIONERS

CHECK ONE:

_____ APPEAL TO A DECISION OF THE BOARD OF ZONING APPEALS

_____ APPEAL TO A DECISION OF THE PLANNING DIRECTOR

_____ APPEAL TO A DECISION OF THE PLANNING COMMISSION

_____ DATE OF DECISION (Must file no later than 10 days after decision date)

SECTION IV

OWNER/PETITIONER

NOTICE: Parts 1 and/or Part 2 below must be signed and notarized when petition is submitted. Please complete Section IV as follows:

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application. Please indicate applicable map and parcel numbers for each owner.

Part 1. Owner states under oath that he/she is the owner of the property described in the attached legal description, which is made part of this application. The owner also states under oath that the petitioner below is authorized to act on their behalf in the filing of this application.

TYPE OR PRINT OWNER'S NAME	Sworn to and subscribed before me this
ADDRESS	_____ Day of _____ 20_____
CITY & STATE ZIP CODE	NOTARY PUBLIC
OWNER'S SIGNATURE	MAP & PARCEL NUMBER(S)
	PHONE NUMBER

Part 2.

TYPE OR PRINT PETITIONER'S NAME	Sworn to and subscribed before me this
ADDRESS	_____ day of _____ 20_____
CITY & STATE ZIP CODE	NOTARY PUBLIC
PETITIONER'S SIGNATURE	PHONE NUMBER

SECTION V

ATTORNEY/AGENT

Check One: Attorney Agent

TYPE OR PRINT ATTORNEY / AGENT NAME	SIGNATURE OF ATTORNEY / AGENT
ADDRESS	
CITY & STATE ZIP CODE	
PHONE NUMBER	

APPLICANT'S EMAIL ADDRESS: _____



Newton County Development Services

MARKER SIGN

I understand that upon filing this petition I will be given a marker sign (or signs) to place upon the property associated with this request. The purpose of these marker signs is to confirm the physical location of the property so that the Road Department may place the public notification signs required by Section 620-020 B. of the Newton County Zoning Ordinance and State law. One marker sign shall be placed along each public road the property abuts.

I also understand that it is my responsibility to have the marker sign(s) placed **within one week** of the filing deadline so that the Development Services Department may visit the property to confirm the proper location of the signs.

I further understand that if these marker signs are not properly located the Road Department will be unable to place the required notification signs. In the event the signs are not able to be posted within the time frame specified by the Zoning Ordinance and State law due to my failure to properly place the marker signs, my petition may be delayed to a subsequent hearing date.

I hereby certify that the necessary marker sign(s) will be placed on the property by _____, 20__.

Applicant's Signature: _____ **Date:** _____

LETTER OF ACCESS

I agree to allow free access to the land this application is being submitted for to all public agencies with jurisdiction. Furthermore, I agree to inform those agencies and/or departments who require access to this land of any hazardous materials, animals, devices or activities that may be on the property. In addition, from the date of application submittal, I agree to notify the Department of Development Services of any hunting activities that are currently, or proposed to be, conducted on my property.

The Newton County Development Services Department will do our utmost to contact the owner of the property twenty-four (24) hours prior to any site inspections or visits to the property. If staff is unable to contact the property owner via a phone call, email and/or voice message, staff will contact the applicant, if applicable.

Property Owner's Signature: _____ **Date:** _____

Applicant's Signature: _____ **Date:** _____

**STATEMENT OF HARDSHIP FOR
SPECIAL EXCEPTION/VARIANCE APPLICATIONS**

The Planning Commission is authorized to consider a variance from the terms of the Ordinance, deemed not to be contrary to the public interest, and owing to special conditions, a literal enforcement of provisions of the Ordinance will, in an individual case, result in a practical difficulty or unnecessary hardship. They shall also consider whether the spirit of the Ordinance can be maintained, public safety and welfare secured, and substantial justice done.

In order to make your case to the Board, answer the following questions:

1. Are there extraordinary and exceptional conditions pertaining to the particular piece of property in question, such as size, shape or topography?

2. Does the proposed project comply with the Overlay District in terms of architectural style, general design arrangement, texture and color (non-painted surfaces) material of architectural features, and other site features and the extent to which the proposal is compatible with other structures in the area. Explain.

3. Does the strict application of the Ordinance to this particular piece of property create practical difficulty or unnecessary hardship? Explain.

4. If relief is granted, will the proposed change(s) in appearance have a substantial adverse affect on the surrounding area of the Overlay?

5. If relief is granted, are you proposing any measures to alleviate any detriment caused?
