



# **NEWTON COUNTY**

## **APPLICATION PACKAGE**

### **FOR**

# **ADMINISTRATIVE VARIANCE**

**(Revised 07/22/14)**

# NEWTON COUNTY APPLICANT'S CHECK SHEET

## DOCUMENTS AND QUANTITIES REQUIRED FOR ADMINISTRATIVE VARIANCE

**FILING DEADLINE:** Administrative Variances have no deadline

**FEES MAY BE PAID BY CHECK OR MONEY ORDER ONLY. Checks without pre-printed account information will not be accepted.**

ITEM	REQUIRED ITEM	NUMBER OF COPIES	CHECK <input type="checkbox"/>
1.	Pre-application Review Form	One (1) copy	
2.	Application Forms	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)	

### REQUIRED ITEMS FOR ADMINISTRATIVE 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 678-625-1650 for an appointment.
- ITEM 2.        APPLICATION FORMS: The application forms include “Application for Administrative Variance Petition” & “Owner/Petitioner Information”. Please note for the “Owner/Petitioner Information”, 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 36 feet)

**APPLICATION FOR ADMINISTRATIVE VARIANCE PETITION**

Date: \_\_\_\_\_ Tax Map and Parcel Number(s): \_\_\_\_\_

Commission District Number: \_\_\_\_\_

Current Status: Preliminary Plat  Land Disturbance Permit  Final Plat   
Building Permit  Other \_\_\_\_\_

**ADMINISTRATIVE VARIANCE REQUEST**

SUBJECT PROPERTY ADDRESS/STREET NAME: \_\_\_\_\_

CHECK ONE:

\_\_\_\_\_ To reduce a front, side or rear yard setback or transitional buffer by an amount not to exceed 10% of the requirement.

\_\_\_\_\_ To reduce the required spacing between buildings in district where multiple buildings are authorized on a single lot in an amount not to exceed 10% of the requirement.

\_\_\_\_\_ To reduce the off-street parking or loading requirements not to exceed 10% of the requirement.

\_\_\_\_\_ Relief to double-frontage lot for accessory structure

REQUEST) \_\_\_\_\_

Reference Sec. \_\_\_\_\_ Item \_\_\_\_\_

**Newton County Zoning Ordinance - Sec. 630-010 ADMINISTRATIVE VARIANCES**

The Zoning Administrator is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this Section, a variance from the following regulations:

- A. Reduce by variance any front, side or rear yard setback or any transitional buffer by an amount not to exceed ten percent (10%) of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or conditional use permit approval, pursuant to the standards specified in Section 620-070 (B).
- B. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed ten percent (10%) of the requirement, but not in an amount which is less than the minimum requirement imposed.
- C. Reduce by variance the off-street parking or loading requirements imposed by this Ordinance in an amount not to exceed ten percent (10%) of the district requirement in accordance with Section 515-020 and Section 515-030 of the Zoning Ordinance and Sections 605-100 and 630-030 of the Development Regulations.
- D. On double-frontage lots, allow accessory structures to be placed in the rear yard between the house and the adjacent street. Adequate screening from the adjacent street, as approved by the County Landscape Architect, may be required.
- E. Any request for administrative variance permitted by this Section shall be filed in writing with the Zoning Administrator. The Administrator shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above, and shall make a written decision on each such application no later than thirty (30) days from the date such application was filed. No administrative variance shall be authorized to delete, modify, or change in any manner any condition imposed by the Board of Commissioners or the Board of Zoning Appeals.
- F. Any appeal of an administrative variance may be filed in writing to the Board of Zoning Appeals by an aggrieved party and shall be heard by the Board of Zoning Appeals in accordance with Section 605-020 (E).

## OWNER/PETITIONER INFORMATION

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.

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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.

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
TYPE OR PRINT OWNER'S NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE                      ZIP CODE

\_\_\_\_\_  
OWNER'S SIGNATURE

\_\_\_\_\_  
EMAIL ADDRESS

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
MAP & PARCEL NUMBER(S)

\_\_\_\_\_  
PHONE NUMBER

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Part 2.

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
TYPE OR PRINT PETITIONER'S NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE                      ZIP CODE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
EMAIL ADDRESS

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
PHONE NUMBER

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## ATTORNEY/AGENT

Check One:     Attorney     Agent

\_\_\_\_\_  
TYPE OR PRINT ATTORNEY / AGENT NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE                      ZIP CODE

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
EMAIL ADDRESS

\_\_\_\_\_  
SIGNATURE OF ATTORNEY / AGENT

**STATEMENT OF HARDSHIP FOR VARIANCE APPLICATIONS**

The Board of Zoning Appeals 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?

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

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3. If relief is granted, will this cause substantial detriment to the public good or impair the purposes and intent of the Ordinance?

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

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# 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: \_\_\_\_\_