

Variance Request Application Packet

Applicant's Public Notice Requirements

The Code requires public notice of your Rezoning request, Special Use and Variance requests. The Community Development Department will tell you when and where the Planning and Zoning Commission and the Mayor and Council meetings will be held.

Newspaper: The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing. At least 15 days before the Mayor and Council but no more than 45 days prior to the date of the public hearing.

Sign Posting, Public Hearing Notice & Affidavit

Sign Posting: The applicant shall be required to post and maintain signs supplied by the City on or near the right-of way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body's public hearing on the rezoning or special use application. It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

Public Hearing Notice: At least 15 days before the Planning & Zoning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the zoning change. The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

Affidavit: Prior to the public hearing you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed (form attached)

City Actions

The Community Development Department will date your application when it is received. The Community Development Department has five (5) working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete. The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing. After the Planning Commission has made their recommendation, the Mayor and City Council will consider approval or denial of the application at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing. The final action taken by the Mayor and City Council will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

Contact Information

The Community Development Dept.

4488 Pineview Drive

Powder Springs GA 30127.

commdev@cityofpowdersprings.org

770-943-1666

Zoning Administrator

Shauna Wilson-Edwards

Special Projects Coordinator for Zoning

sedwards@cityofpowdersprings.org

770-943-1666



Variance Request Application Checklist

Applicant Information

Name	Saige Enterprises, Inc./ Tim McTyre, Sr.	Phone	404-317-6489	
Mailing Address	4818 Hill Rd., Powder Springs, GA 30127		Email	saigeenterprises@att.net

Application Checklist

The following information will be required:

- Application
- Notice of Intent
- Applicant's Written Analysis
- Campaign Contribution Disclosure
- Owner's Authorization, if applicable.
- Legal Description and Survey Plat of the property
- Application Fee (summary of fees attached)
- Copy of the Deed that reflects the current owners name
- Vicinity Map outlining the parcel/s in relation to the surrounding area
- Site plan, plat or survey prepared by an architect, engineer. The following information **must** be included:
Specific use or uses proposed for the site. Acreage, bearing and distances, other dimensions, and location of the tract(s). Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area. Detention/retention areas, and utility easements. Location of dumpsters. Public or private street(s) - right of way and roadway widths, approximate grades Location and size of parking area with proposed ingress and egress. Specific types and dimensions of protective measures, such as buffers. Landscaping. Wetlands, stream buffers, and 100 year floodplain.
- Sketch Plan/ Architectural Rendering, if applicable
- Traffic Study required for development with 500,000 sf of nonresidential floor area or 350 dwelling units or more.

List additional attachments:

Note Carefully

If your application qualifies as a "Development of Regional Impact" (see Article 13) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.

Indicate the current zoning district of the property, and the zoning district you are requesting. File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.



Variance Request Application Form

Applicant Information

Name	Saige Enterprises, Inc./ Tim McTyre, Sr.	Phone	404-317-6489
Mailing Address	4818 Hill Rd., Powder Springs, GA 30127	Email	saigeenterprises@att.net

Variance Request Property Information

Address	4818 Hill Rd, Powder Springs, GA, 30127	Parcel ID / Lot#	19089900010
Acreage	25.178	Present Zoning	HI
Variance Request	Redevelop existing driveway/Reduce landscape island/Remove detention facility		
Source of Water Supply	N/A	Source of Sewage Disposal	N/A

Additional Information, If Applicable

Elementary School and School's Capacity	Middle School and School's Capacity
High School and School's Capacity	Peak Hours Trips Generated

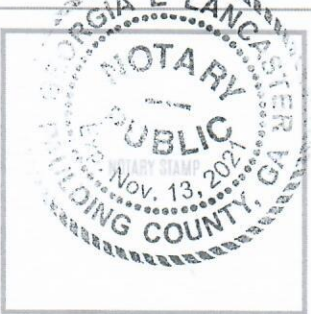
Notary Attestation

Executed in Powder Springs (City), GA (State).

Signature of Applicant	Printed Name	Date

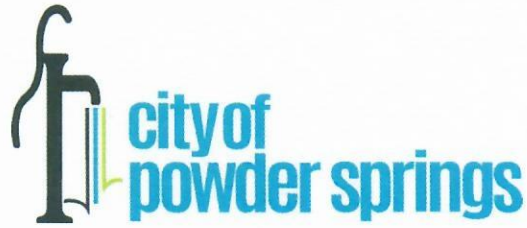
Subscribed and sworn before me this 24th day of Nov month, 2020.

Signature of Notary Public	Name of Notary Public	My Commission Expires
<u>Georgia Lancaster</u>	<u>Georgia Lancaster</u>	<u>11/13/2021</u>



For Official Use Only

PZ #	
Planning Commission Hearing	City Council Hearing
Withdrawal Date	Reason for Withdrawal



Variance Request

Notice of Intent

Applicant Information

Name	Saige Enterprises, Inc./ Tim McTyre, Sr.	Phone	404-317-6489
Mailing Address	4818 Hill Rd., Powder Springs, GA 30127	Email	saigeenterprises@att.net

Notice of Intent

PART I. Please indicate the purpose of this application :
Redevelop existing driveway/Reduce landscape island/Remove detention facility

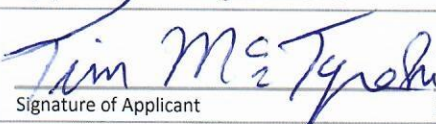
PART II. Please list all requested variances:
To be allowed to modify the existing floodplain at the existing driveway in order to keep one point of ingress/egress for the project. The floodplain modification will result in no additional fill in the floodplain
Reduce the number of landscape parking islands onsite to perimeter locations
Remove the detention facility and pay the city of Powder Springs a fee of \$5,000 per impervious acre in lieu of the detention facility being installed. This is consistent with Cobb County development code Sec. 50-126 (a).

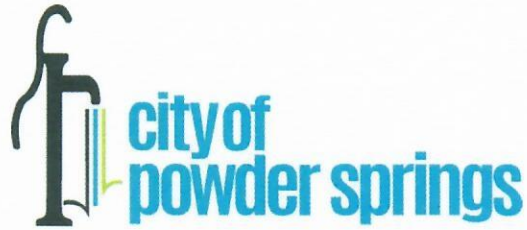
Part III. Existing use of subject property:
Existing site has contain a building and an access road.

Part IV. Proposed use of subject property:
Proposed use of subject property is boat and RV leasing parking area

Part V. Other Pertinent Information (List or attach additional information if needed):
The primary income of this development is from each parking space.

Applicant Signature

	Tim McTyre, Sr.	11/24/2020
Signature of Applicant	Printed Name	Date



Variance Request

Applicant's Written Analysis

Applicant Information

Name	Saige Enterprises, Inc./ Tim McTyre, Sr.	Phone	404-317-6489	
Mailing Address	4818 Hill Rd., Powder Springs, GA 30127		Email	saigeenterprises@att.net

Written Analysis

In details please address these Variance Criteria:

- a. Are there extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.

There is an existing driveway onsite, therefore the proposed parking lot entrance was designed to tie in the existing driveway.

The existing driveway is partially in the floodplain and the resulting grading will result in no net fill in the floodplain.
- b. A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

Proposed use of the parking lot will be boat and trailer parking, too many landscape islands would create inconvenience for truck driving with attached boat or trailer.
- c. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located

The 3 requested variances are requested to simplify the development, there is no impact to the adjacent neighborhood, or district where property is located.
- d. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.

All of the civil engineering design is per city or county code requirement. The 3 requested variances will have no further impact to the neighborhood other than what is allowed by current HI code.
- e. The special circumstances are not the result of the actions of the applicant.

There is an existing driveway cross floodplain, tie in the existing driveway will disturb the floodplain, but there is no fill to it.

So the development is not increasing 100 yr flood elevation.
- f. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.

Proposed site will only contain a parking lot, remove stromwater facility or reduce landscape island will only create more parking spaces
- g. The variance shall not permit a use of land, building or structures, which is not permitted by right in the zoning district overlay district involved.

There is no building or structure proposed in this permit. The site is not in an overlay district.

Applicant Signature

	Tim McTyre, Sr.	11/24/2020
Signature of Applicant	Printed Name	Date



Variance Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name **Saige Enterprises, Inc.**

Applicant's Address **4818 Hill Rd., Powder Springs, GA 30127**

Applicant's Attorney **Parks Huff**

Attorney's Address **376 Powder Springs Str., Marietta, GA 30064**

Campaign Contribution Disclosure

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 et seq.

The property that is the subject of the attached application is owned by:

- Individual(s)
 Corporation
 Partnership
 Limited Partnership
 Joint Venture

All persons, corporations, partners, limited partners, or joint ventures party to ownership of the property that is the subject of the attached application are listed below:

Tiffany S. Tidwell

APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
_____	_____	_____

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
_____	_____	_____



Variance Request

Owner's Authorization Form

Owner's Authorization

Applicant Name Saige Enterprises, Inc./ Tim McTyre, Sr. **Applicant's Address** 4818 Hill Rd., Powder Springs, GA 30127

Property Address 4818 Hill Rd, Powder Springs, GA 30127 **Property PIN**

This is to certify that I am or We are or I am the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

Rezoning <input type="checkbox"/>	Special Use <input type="checkbox"/>	Hardship Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Appeal of Administrative Decision <input type="checkbox"/>

Signature of Property Owner(s)

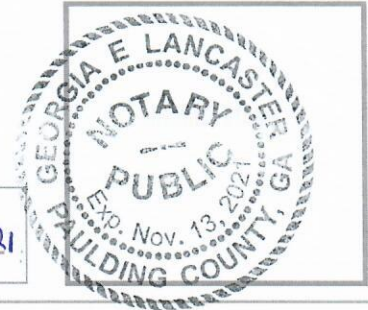
Tiffany Tidwell Tiffany Tidwell 11/24/2020
Signature of Owner Printed Name Date

State of GA, County of Cobb.

This instrument was acknowledged before me this 24th day of Nov month.

2020, by Tiffany Tidwell name of signer. Identification Presented: known to me

Georgia Lancaster Georgia Lancaster 11/13/2021
Signature of Notary Public Name of Notary Public My Commission Expires



Signature of Owner Printed Name Date

State of _____, County of _____.

This instrument was acknowledged before me this _____ day of _____ month.

20 _____, by _____ name of signer. Identification Presented: _____.

Signature of Notary Public Name of Notary Public My Commission Expires

