



# 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.**

4181 Atlanta Street

Powder Springs GA 30127.

commdev@cityofpowdersprings.org

770-943-1666

**Zoning Administrator**

Shaun Myers

Planning and Zoning Manager

smyers@cityofpowdersprings.org

770-943-1666





# Variance Request Application Checklist

## Applicant Information

Name ROYRE INVESTMENTS LLC

Phone [REDACTED]

Mailing Address P.O. BOX 430 WINSTON, GA 30187

Email [REDACTED]

## Application Checklist

The following information will be required:

1.  Application
  2.  Notice of Intent
  3.  Applicant's Written Analysis
  4.  Campaign Contribution Disclosure
  5.  Owner's Authorization, if applicable.
  6.  Legal Description and Survey Plat of the property
  7.  Application Fee (summary of fees attached)
  8.  Copy of the Deed that reflects the current owners name
  9.  Vicinity Map outlining the parcel/s in relation to the surrounding area
  10.  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.
  11.  Sketch Plan/ Architectural Rendering, if applicable
  12.  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.





city of powder springs  
**Variance Request**  
 Application Form

### Applicant Information

Name <u>ROYAL INVESTMENTS, LLC,</u>	Phone [REDACTED]
Mailing Address <u>PO BOX 430 PO BOX 433 DUNWOODY, GA 30133 WINSTON, GA 30187</u>	Email [REDACTED]

### Variance Request Property Information

Address <u>3180 FLORENCE ROAD</u>	Parcel ID / Lot# <u>19067500020</u>
Acreage <u>5.963 ACRES</u>	Present Zoning <u>LIGHT INDUSTRIAL</u>

### Variance Request

Source of Water Supply <u>COBB COUNTY</u>	Source of Sewage Disposal <u>COBB COUNTY</u>
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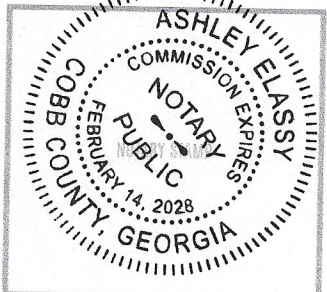
### Additional Information, If Applicable

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 \_\_\_\_\_ (City), \_\_\_\_\_ (State).

<u>[Signature]</u> Signature of Applicant	<u>Roy L. SPARKS</u> Printed Name	<u>07-11-2024</u> Date
Subscribed and sworn before me this <u>11</u> day of <u>July</u> , 20 <u>24</u>		
<u>[Signature]</u> Signature of Notary Public	<u>Ashley Elassy</u> Name of Notary Public	<u>Feb 14 24</u> My Commission Expires



### For Official Use Only

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





city of  
powder springs

# Variance Request

## Notice of Intent

### Applicant Information

Name ROYRE INVESTMENTS LLC

Phone [REDACTED]

Mailing Address P.O. Box 436  
WINSTON, GA 30187

Email [REDACTED]

### Notice of Intent

**PART I.** Please indicate the purpose of this application :

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

**PART II.** Please list all requested variances:

- ① TRACT 2 REDUCTION IN WEST SIDE SETBACK LINE FROM 40' TO 12.9 FEET
- ② TRACT 3 REDUCTION IN THE EAST SIDE SETBACK LINE FROM 50 FEET TO 12.9 FEET
- ③ ~~PARTIAL LOT LANDSCAPE REQUIREMENT (SECTION 12-54)~~ TREES EXISTING EAST SIDE

**Part III.** Existing use of subject property:

LIGHT INDUSTRIAL

**Part IV.** Proposed use of subject property:

LIGHT INDUSTRIAL

**Part V.** Other Pertinent Information (List or attach additional information if needed):

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

### Applicant Signature

Signature of Applicant _____	Printed Name _____	Date _____
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city of  
powder springs

# Variance Request

## Applicant's Written Analysis

### Applicant Information

Name <u>ROYRE INVESTMENTS LLC</u>	Phone [REDACTED]
Mailing Address <u>P.O. Box 430 WINSTON GA 30187</u>	Email [REDACTED]

### 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. <u>APPROVAL WOULD BE A PLUS FOR ECONOMIC DEVELOPMENT</u>
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. <u>WITHOUT VARIANCE APPROVAL PROPERTY CAN NOT BE SPLIT FOR MULTIPLE OWNERS</u>
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 <u>ALL PROPERTIES CAN FILE VARIANCE REQUEST</u>
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. <u>ALL THAT IS REQUESTED IS GOOD FOR FUTURE POSSIBILITIES OF MULTIPLE OWNERS</u>
e.	The special circumstances are not the result of the actions of the applicant. <u>CORRECT</u>
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. <u>IF APPROVED THIS WILL ALLOW FOR MULTIPLE OWNERS</u>
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. <u>CORRECT</u>

### Applicant Signature

<u>[Signature]</u> Signature of Applicant	<u>Roy L. SPARKS MEMBER</u> Printed Name	<u>07/11/2024</u> Date
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# Variance Request

## Campaign Contribution Disclosure

### Applicant and Attorney Information

Applicant's Name <u>ROYAL INVESTMENTS LLC</u>	Applicant's Address <u>P.O. Box 430 WINSTON, GA 30187</u>
Applicant's Attorney	Attorney's Address

### 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:

ROY L. SPARKS  
P.O. Box 430  
WINSTON, GA 30187

RE SMITH  
P.O. Box 430  
WINSTON, GA 30187

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
	<u>0</u>	

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
	<u>0</u>	





# Variance Request

## Owner's Authorization Form

### Owner's Authorization


Applicant Name <u>ROYRE INVESTMENTS LLC</u>	Applicant's Address <u>P.O. BOX 430 WINSTON GA</u>
Property Address <u>3180 FLORENCE ROAD</u> Powder Springs, GA	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)

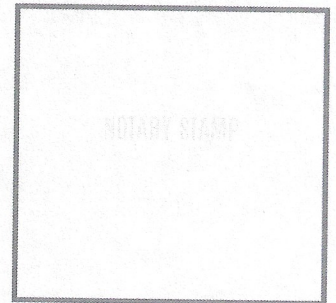
<u> MEMBER</u> Signature of Owner	<u>ROY L. SPARKS</u> Printed Name	<u>07-11-2024</u> Date
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State of \_\_\_\_\_, County of \_\_\_\_\_.

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
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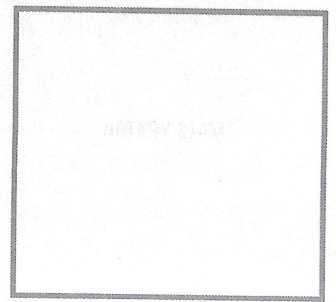
_____ Signature of Owner	_____ Printed Name	_____ Date
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State of \_\_\_\_\_, County of \_\_\_\_\_.

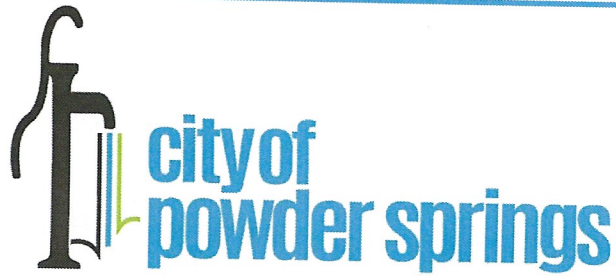
This instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ month.

20 \_\_\_\_\_, by \_\_\_\_\_ name of signer. Identification Presented: \_\_\_\_\_.

_____ Signature of Notary Public	_____ Name of Notary Public	_____ My Commission Expires
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## Affidavit of Public Notification

### Public Notification Requirements

Per Article 13 and 14 of the City of Powder Springs Unified Development Code, I certify that I have met the advertising requirements of Article 13 and Article 14 for a  Special Use,  Variance or  Rezoning application for subject property located at 3180 FLORENCE ROAD POWDER SPRINGS, GA

Notices were mailed to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning, special use or variance application. The written notice was mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records on \_\_\_\_\_. Said notices were mailed at least 15 days but no more than 45 days prior to the Mayor and Council first public hearing date.

Signs were placed on the subject property advertising said hearing on \_\_\_\_\_. One sign was placed at each road frontage at least 15 days prior to the Mayor and Council first hearing date.

Please attach the following to affidavit: notices, list of addresses, picture of sign posted on property and any receipt or documentation that was provided at the post office.

Please sign affidavit after letters have been mailed out to neighboring lot owners within 200 feet of the subject site and sign/s have been posted on subject site.

### Notary Attestation

Executed in \_\_\_\_\_ (City), \_\_\_\_\_ (State).

\_\_\_\_\_  
Signature of Applicant                      Printed Name                      Date

Subscribed and sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ month, 20\_\_\_\_.

\_\_\_\_\_  
Signature of Notary Public                      Name of Notary Public                      My Commission Expires

NOTARY STAMP







Exhibit "A"

All that tract or parcel of land lying and being in Land Lot 675, 19<sup>th</sup> District, 2<sup>nd</sup> Section of Cobb County, Georgia being 6 acres according to plat of survey prepared by George Willis Crusselle, Georgia Registered Land Surveyor #1373, dated June 15, 1979 for Marion Glover and being bounded and described as follows:

BEGINNING at a point on the westerly right of way of Florence Road (70 foot right of way) which point is 300 feet southerly as measured along said right of way from the intersection of said right of way with the land lot line separating Land Lots 658 and 675 bearing south 04 degrees 19 minutes 57 seconds east 283.43 feet and continuing south 05 degrees 16 minutes 08 seconds east 16.57 feet to an iron pin and the point of beginning; thence southerly along said right of way 313.38 feet bearing south 05 degrees 16 minutes 08 seconds east 270.7 feet and continuing south 35 degrees 03 minutes 18 seconds east 42.68 feet to an iron pin and corner; thence south 87 degrees 34 minutes 30 seconds west 840.55 feet to an iron pin on the westerly land lot line of Land Lot 675; thence north 03 degrees 11 minutes 30 seconds west along said westerly land lot line of Land Lot 675 313.03 feet to an iron pin and corner; thence north 87 degrees 34 minutes 30 seconds east 829.35 feet to an iron pin and corner.

*R M G*

Deed Book 12860 Pg 286

*Jay C. Stephenson*

Jay C. Stephenson  
Clerk of Superior Court Cobb Cty. Ga.  
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32