

Article 14, Appeals and Variances, Powder Springs Unified Development Code

exists. The governing body may interpret such provisions of this development code as may require clarification or extension in specific cases.

- (c) **Notice.** The city clerk shall notify the applicant, in writing, of its decision within 5 calendar days after the governing body has rendered its decision.
- (d) **Binding action.** The community development director shall be bound by the decision of the governing body on the appeal application.
- (e) **Finality.** A decision of the governing body pursuant to this division shall constitute final action and may be appealed only to a court of competent jurisdiction in the manner provided by law.

[Secs. 14-8 to 14-10 Reserved].

Division II. Administrative Variances.

Sec. 14-11. Authority.

- (a) In accordance with the requirements of this division, the community development director shall have the power to authorize upon application in specific cases such administrative variances from the terms of this development code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this development code will in an individual case result in practical difficulty or unnecessary hardship, so that the spirit of this development code shall be observed, public safety and welfare secured, and substantial justice done.
- (b) The community development director may upon application consider the approval, conditional approval, or denial of administrative variances, subject to the requirements of this division. In granting an administrative variance, the community development director may impose such requirements and conditions with respect to the location, construction, maintenance and operation of any use or building, in addition to those expressly set forth in this development code, as may be deemed necessary for the protection of adjacent properties and the public interest.

Sec. 14-12. Provisions That May Be Administratively Varied.

The community development director is authorized upon application and in specific instances, in accordance with the requirements of this division, to grant administrative variances to the following provisions:

- (a) **Front setback.** Reduction not to exceed 35 percent of a front setback for a principal building, as required generally by Sec. 1-43 of this development code and as specifically required by Table 2-2 or Table 2-4 of this development code, whichever is applicable;

- (b) **Side setback.** Reduction not to exceed 35 percent of a side setback for a principal building, as required generally by Sec. 1-43 of this development code and as specifically required by Table 2-2 or Table 2-4 of this development code, whichever is applicable;
- (c) **Rear setback.** Reduction not to exceed 35 percent of a rear setback for a principal building, as required generally by Sec. 1-43 of this development code and as specifically required by Table 2-2 or Table 2-4 of this development code, whichever is applicable;
- (d) **Accessory building setback.** Reduction not to exceed 35 percent of a setback required for an accessory building or structure, as specified by Table 2-2 or Table 2-4 of this development code, whichever is applicable.
- (e) **Principal building separation.** Reduction not to exceed 35 percent of principal building separation requirements of Sec. 1-43 of this development code.
- (f) **Principal and accessory building separation.** Reduction not to exceed 35 percent of the minimum separation between a principal building and an accessory building or structure as required by Sec. 4-05 of this development code.
- (g) **Specific use setbacks and separation.** Reduction not to exceed 35 percent of any building, structure, or use setback or separation requirement established in article 4 of this development Code, except Sec. 4-05; provided, however, that this authority shall not include authority to administratively vary required buffers.
- (h) **Improvement setback.** Reduction of a setback for improvements as required by Sec. 6-52 of this development code, to no less than three feet.
- (i) **Minimum required parking spaces.** Reduction not to exceed 20 percent of the minimum required number of parking spaces required by Sec. 6-74 and Table 6-4 of this development code, subject to the requirements of Sec. 6-81 of this development code. Reductions greater than 20 percent can be granted based on a shared parking study prepared by a professional engineer to industry standards that demonstrates that the reduction will not have an adverse effect on internal and external traffic operations and adjoining properties.
- (j) **Maximum parking spaces.** Increase not to exceed 10 percent of the maximum number of parking spaces limited by Sec. 6-73 and Table 6-4 of this development code, subject to the requirements of Sec. 6-81 of this development code.
- (k) **Minimum loading area requirements.** Reduction or waiver of minimum number of on-site loading spaces required by Sec. 6-92 of this development code, and the loading specifications of Sec. 6-94, as also provided per Sec. 6-95 of this development code.

(l) Conflicts between a PUD -R or MXU adopted site plan and the Unified Development Code
May be administratively varied as long as there is no conflict with safety or floodplain requirements as long as it is demonstrated that the variances are in keeping with the original intent of the approval and does not conflict with Section 13-54.