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### **Sec. 12-3. Variances.**

- A. For all variances, including those in conjunction with use permits and rezonings but excluding administrative variances in Section 12-4 of this Article, upon application made to the Zoning Administrator, the City Council, following a public hearing, is authorized to consider such variances from the terms of this Appendix as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the Appendix will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the Appendix shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same or in other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the City Council that all the following conditions exist:
1. There are extraordinary and exceptional conditions 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.
  2. A literal interpretation of the provisions of this Appendix would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
  3. 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.
  4. The requested variance will be in harmony with the purpose and intent of this Appendix, the specific zoning of the property and the land use plan and will not be injurious to the general welfare of the community.
  5. The special circumstances or justifications for the variance are not the result of self-imposed actions or misfortunes of the applicant.
  6. The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
  7. The variance is not a request to permit a use of land, buildings or structures which is not permitted by right in the district involved.
- B. The City Council shall hold a public hearing in accordance with Section 12-9 - Public Hearing and Notice Procedures.
- C. Variances approved in accordance with this section shall be done so by ordinance.
- D. Should the City Council deny a variance request on a parcel(s) of land, then the same request may not be considered until the expiration of at least 12 months from the date of denial.
- E. All requests by private groups, individuals, businesses and other nonpublic organizations for variances shall be accompanied by a filing fee which is maintained in the office of the Zoning Administrator.
- F. Any person or persons, jointly or severally, aggrieved by a variance decision may appeal said decision in accordance with O.C.G.A. § 36-66-5.1.

(Ord. No. 457, § 1, 8-14-18; Ord. No. 2023-07, § 1(Exh. A), 6-13-23)