

Variances – Planning Commission Application



Please type or print legibly. Attach additional sheets, if necessary, to fully answer any of the following sections. Incomplete applications will not be scheduled by the Metropolitan Planning Commission (MPC) until deficiencies are corrected. Additional instructions and information regarding the amendment process are attached. **SUBMIT 1 COMPLETED ORIGINAL APPLICATION FORM AND 1 COPY TO THE CITY at 5515 Abercorn St. Applicants are requested to contact the MPC staff at 912.651.1440 and City planning staff at 912.651.6530 prior to submitting an application.**

I. Subject Property

Street Address(es): _____

Property Identification Number(s) (PINs) (Note: Attach a boundary survey, recorded or proposed plat, tax map or scaled plot plan to identify the property boundary lines.):

Total acreage or SF of the subject property: _____

Existing land use(s) for the subject property (e.g., undeveloped, restaurant, auto repair shop, multi-family): _____

II. Action Requested

A. Variance (Sec. 3.21.2(c)(ii)). The Planning Commission shall have the ability to grant variances associated with a Site Development Permit (development plan). Please provide the File #'s _____

B. Provide a description of request below:

C. Reasons for the Variance(s):

The petitioner must obtain a Public Notice Sign(s) from the City at 5515 Abercorn St and erect the sign(s) on the subject property at least 15 DAYS PRIOR TO THE PLANNING COMMISSION and CITY COUNCIL MEETINGS.

D. Application History. Have any previous applications been made regarding the subject property? Yes No If yes, please provide the file number(s): _____
_____.

III. Property Owner Information

Name(s): _____

Registered Agent: _____
(Or Officer or Authorized Signatory, if Property Owner is not an individual. Provide GA Annual Registration.)

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

IV. Petitioner Information, if different from Property Owner (Note: If the property owner(s) will have an agent serve on his or her behalf, the owner(s) must complete the attached Letter of Authorization. If the agent changes after submitting the application and the agent is not the property owner, a new authorization form will be required.)

Name(s): _____

Registered Agent: _____
(Or Officer or Authorized Signatory, if Petitioner is not an individual)

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

V. Agent, if different from Petitioner or Property Owner (Note: A signed, notarized statement of authorization from the property owner is required and must be attached if this section applies. If the agent changes after submitting the application and the agent is not the property owner, a new authorization form will be required.)

Name(s): _____

Firm or Agency: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

E-mail address: _____

VI. Items Required to be Submitted with this Application:

A. Application. A COMPLETED ORIGINAL APPLICATION FORM AND TWO COPIES.

B. Filing Fee. The non-refundable filing fee is based on the type of use for which relief is requested. Make check payable to City of Savannah. Fee is subject to change.

Special Exceptions: Residential: \$120.00 Non-residential: \$350.00

C. Notarized Letter of Authorization Form. If the property owner will not represent the petition, a signed, notarized statement from the property owner authorizing the petitioner /

agent to act on his behalf is required.

D. Variance Review Criteria Form.

E. Survey. A scaled or dimensioned boundary survey, tax map, plot plan, or sketch showing the subject property (Original not scanned if produced electronically and not recorded).

F. Legal Description. A legal description of the land by lot, block, and subdivision designations, or if none, by metes and bounds (Electronic or digital Word document).

G. Is this request related to another review, such as a Certificate of Appropriateness (COA), Subdivision, Site Development Permit or Plan, Master Plan, Business Location Approval, Rezoning, or Text Amendment? If so, please provide the Plan/Permit # _____ and associated Staff Report/Decision.

VII. Certification

By my signature below, I certify that the information contained in this application is true and correct to the best of my knowledge at the time of the application. I acknowledge that I understand and have complied with all of the submittal requirements and procedures, and that this application is a complete application submittal. I further understand that that an incomplete application submittal may cause my application to be deferred to the next posted deadline date. I understand that the approval of an application for Special Use Permit by The Mayor and Aldermen does not constitute a waiver from any applicable local, state, or federal regulations.

Applicant Name: _____
Print Signature Date

Contacts

Planning & Urban Design: 5515 Abercorn St, Savannah, GA, 31405 (Located within the Development Services Building) ~ P.O. Box 1027, Savannah, GA, 31402 (Phone: 912.651.6530)

The Planning Commission: 110 E State St, Savannah, GA, 31401 (Located at the State Street Garage) ~ P.O. Box 8246, Savannah, GA, 31412 (Phone: 912.651.1440)

Letter of Authorization

As fee simple owner of the subject property that is identified as Property Identification Number(s) (PIN) _____, I (we) authorize _____ (Agent Name) of _____ (Firm or Agency, if applicable) to serve as agent on my (our) behalf for the purpose of making and executing this application for the proposed request. I (we) understand that any representations(s) made on my (our) behalf, by my (our) authorized representative, shall be legally binding upon the subject property.

Property Owner(s)

Name(s): _____

Registered Agent: _____

(Or Officer or Authorized Signatory, if Property owner is not an individual)

Signature(s)

Date

Witness Signature Certificate

State of Georgia

County of _____

Signed or attested before me on _____

Date

by _____

(Printed name(s) of individual(s) signing document)

who proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

_____ Personally Known or _____ Produced Identification Type of ID _____

Signature of notary public

(Name of notary, typed, stamped or printed)

Notary Public State of Georgia

My commission expires: _____

Variations Review Criteria Form

Describe how the requested Variance(s) satisfies one or more of the following criteria:

Sec. 3.21.10 – Criteria for Approval: The responsible review authority shall make a finding that the variance request does comply or does not comply with each individual criterion below:

- a. **General Consistency:** The variance shall be consistent with the intent of the Zoning Ordinance and the Comprehensive Plan and shall not be injurious to the neighborhood or otherwise detrimental to the public health, safety or welfare.

- b. **Special Conditions:**

- i. Special conditions and/or circumstances exist which are peculiar to the land, buildings or structures involved and which are not applicable to other lands, buildings or structures in the same zoning district.
- ii. The special conditions and/or circumstances do not result from the actions of the applicant.
- iii. The Special conditions and/or circumstances are not purely financial in nature so as to allow the applicant to use the land, buildings, or structures involved more profitably or to save money.

- c. **Literal Interpretation:** Literal interpretation of the provisions of the regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the Ordinance and would result in unnecessary and undue hardship on the applicant.

- d. **Minimum Variance:** The variance, if granted, is the minimum variance necessary to make possible the reasonable use of land, buildings or structures.

- e. **Special Privilege Not Granted:** The variance would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, buildings or structures in the same zoning district.

Sec. 3.21.1 – Purpose

Certain requirements of this Ordinance that will not be contrary to the public interest may be varied by the applicable review authority, where, owing to special conditions, a literal enforcement of such requirements, will, in an individual case, result in practical difficulty or unnecessary hardship.

Commentary: For the purposes of this Section, “review authority” shall mean the Zoning Board of Appeals, Planning Commission, Historic Preservation Commission or the Savannah Downtown Historic Board of Review.

Sec. 3.21.2 – Applicability

- a. Certain requirements may be achieved through alternative compliance. Where alternative compliance is possible, it is specified elsewhere in this Ordinance.
- b. Certain requirements shall not be variable. Such requirements are specified in this Section and may be specified elsewhere in this Ordinance. Any application for a variance that is not permitted by this Ordinance shall not be processed.

Sec. 3.21.6 – Burden of Proof

The applicant seeking the variance shall have the burden of presenting evidence sufficient to allow the applicable review authority to reach conclusions set forth below as well as have the burden of persuasion on those issues.

Sec. 3.21.7 – Action by the Review Authority

- a. The applicable review authority shall hold a public hearing on the proposed variance and has the authority to approve, approve with conditions or deny the variance.
- b. In granting any variance, the review authority may prescribe reasonable and appropriate conditions and safeguards, including but not limited to reasonable time limits within which the action for which variance is required shall be begin or be completed, or both.

Sec. 3.21.8 – Limitations on Power to Grant Variances

As specified below, the granting of a variance shall have limitations.

a. Use and Use Condition(s) Variance Prohibited

- i. A variance shall not be granted which would permit a use that is not permitted by this Ordinance or that is not permitted in the zoning district in which the property affected by the variance is located.

Commentary: If a desired use is not permitted in a particular zoning district, an application for a text amendment can be submitted to petition for such use in the district. Alternatively, a rezoning application can be submitted to petition for a zoning district that would permit the desired use.

- ii. A variance shall not be granted which would vary any use condition except for a variance for dimensional or measurable developmental requirements and to time limitations applicable to the use.

b. Variance Prohibited

A variance shall not be granted to permit a lot area per unit that is less than the minimum lot area per unit permitted by the zoning district in which the property affected by the variance is located.

Commentary: A reduction of the minimum lot area to such a size that the density exceeds the maximum permitted by the zoning district is not permitted. An increase in density can only be approved in accordance with Sec. 3.7, Zoning Text Amendment, or by rezoning to a district that allows the increased density.

c. Height Map Variance Prohibited for Savannah Downtown Historic District

A variance shall not be granted to permit height greater than the maximum height established on the Savannah Downtown Historic District Height Map.

d. Variances to Conditions of Development Approvals

The review authorities authorized to grant variances, as specified in Sec. 3.21.2, shall not grant a variance to any condition of approval that has been granted by another review authority. An amendment to a condition of approval by any review authority shall be approved only by the granting review authority.

Sec. 3.12.9(b) - Authority to Grant Variances by the Planning Commission:

i. Variance Authority

The Planning Commission may grant variances only from the:

1. Building standards for permitted uses in the base zoning districts (not to include density or vehicular access) in [Article 5.0, Base Zoning Districts](#);
2. Variable standards in [Article 9.0, General Site Standards](#);
3. Any variable standards in [Article 10.0, Natural Resource Standards](#);
4. Variances shall be reviewed concurrently with the submittal for a development plan.

ii. Variance Criteria

The criteria in Sec. [3.21.10](#) shall be the basis of granting a variance request.

Sec. 3.21.11(b) - Time Limitations for Variances Approved by the Planning Commission:

Approval of a variance pursuant to the provisions of this Ordinance shall be valid for the same time period as the associated approved development plan or building permit. Upon the expiration of an approved development plan or the subsequent approved building permit that are consistent with the approved development plan, the variance shall become null and void.

Sec. 3. 21.12 - Circumstances which May Cause a Variance to be Revoked:

A variance may be revoked if at least one of the circumstances described in **Sec. [12.8.d](#)** is found to exist by the City Manager or his or her designee.

Sec. 3. 21.13 - Appeals:

Final action on a variance may be appealed in accordance with **Sec. 3.23 - Appeals**.

Neighborhood Meeting

Sec. 3.2.7 Neighborhood Meetings

a. **When Required**

When required, as shown in [Table 3.2-1](#), Types of Required Public Notice for Applications, or indicated elsewhere in this Ordinance.

b. **Registered Neighborhood Associations**

Neighborhood meetings are required for neighborhood associations registered with the City of Savannah as posted on the Open Neighborhoods map located at <https://public.sagis.org/OpenNeighborhoods/>

Commentary: *The purpose of a neighborhood meeting is to ensure early citizen participation in an informal forum in conjunction with applications and to provide an applicant the opportunity to understand and try to mitigate any impacts an application may have on an affected community. A neighborhood meeting is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.*

c. **General Requirements**

Prior to the public hearing, the applicant shall offer to hold a neighborhood meeting consistent with the following:

i. **Timing of Meeting**

The neighborhood meeting shall occur at least seven (7) days prior to the public hearing.

ii. **Neighborhood Notification**

1. The applicant shall notify the neighborhood president by email or mail.
2. Within the notification, the address and/or property identification number of the subject property, contact information for the applicant of the subject property, zoning districts, nature of application, intended public hearing date, and an offer to meet with the applicant shall be included.
3. The notification shall be sent to the neighborhood president and a copy sent to the Planning Director at least fourteen (14) days before the scheduled public meeting.
4. If a neighborhood meeting is scheduled, the applicant shall notify the Planning Director of the time and location of the meeting within two (2) working days prior.

d. **Failure to Provide Neighborhood Notification**

If an applicant fails to provide neighborhood notification consistent with the requirements of this Section, the public hearing shall be postponed until after such notification has been made.

Please provide the following information:

1. Neighborhood Association: _____
2. Neighborhood President: _____
3. Method of Notification: _____
4. Date Notification Sent: _____
5. Date of Neighborhood Meeting: _____
6. Time of the Meeting: _____
7. Location of the Meeting: _____
8. Date Notification Sent to Planning Director of the Scheduled Date, Time, Place: _____
9. Date of Planning Commission Meeting: _____

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Instructions

1. Applicants are requested to contact MPC staff and City planning staff prior to submitting an application.
2. If the project is a Development of Regional Impact (DRI), the project must first be found “in the best interest of the State” before a rezoning application can be reviewed by the Planning Commission. MPC staff will notify the petitioner or agent when a request qualifies as a DRI.
3. The application form must be completed (including appropriate fee) and must include all required supplemental materials before it will be processed and scheduled for a hearing.
4. **A total of two (2) copies of the completed application, including the original application and supporting documents, MUST be provided.**
5. Applications must be submitted to the Office of the Clerk of Council at City Hall, 2 E Bay St.
6. The petitioner or agent may include exhibits (e.g., letters or photos) to support the request. If a signed petition is to be submitted, please provide the original at the Planning Commission meeting and provide three (3) copies with the completed application.
7. A schedule of the Planning Commission and City Council meetings is available online at www.thempc.org.

Special Use Permit Process (After the Application is Submitted)

1. Once an application submittal is determined to be complete, MPC staff will schedule the petition for review by the Planning Commission and prepare a staff report and recommendation.
2. You will receive a letter acknowledging receipt of the petition and notifying you of the Planning Commission meeting date and time and the staff recommendation will be sent to you.
3. The petitioner must obtain a sign(s) announcing the petition from the City of Savannah Planning and Urban Design Department at the Development Services Building, 5515 Abercorn St, and erect the sign(s) on each street frontage of the subject property at least **15 DAYS PRIOR TO THE Planning Commission MEETING**. The sign(s) must be posted no more than five (5) feet from the property line. If the property does not abut a public right-of-way, at least one (1) sign shall be placed on the property at the access point and additional sign(s) shall be placed on the nearest public right-of-way.
4. If the signs are not erected in a timely manner, the petition will be rescheduled to the next scheduled Planning Commission meeting. The signs shall remain in place until a Planning Commission recommendation is made. Changes to signs shall be made by the applicant to reflect the correct dates and any other changing information involving a petition that has been postponed or continued at least ten (10) days prior to the revised public meeting or hearing date. The petitioner shall remove the signs within 10 days of the decision.
5. The Planning Commission meeting will be held in the Arthur A. Mendonsa Hearing Room at the MPC, 112 E State St doorway.
6. An overhead projector and computer are available for use. The overhead projector can display all paper items (e.g., photographs, maps, site plans). PowerPoint presentations must be provided to MPC staff at least two days prior to the hearing. A copy of any materials used to support your petition must be submitted for the record at the time of the hearing.
7. The Planning Commission will make a recommendation to the Mayor and Aldermen regarding the petition. The Planning Commission’s recommendation may be for approval of, denial of, or an alternative to the request.
8. The petitioner will be notified of the date and time of the City Council meeting(s) by the Office of the Clerk of Council. The Office of the Clerk of Council will publish a notice in the newspaper.
9. The petitioner must obtain a sign(s) announcing the petition from the Planning and Urban Design Department and erect the sign(s) on each street frontage of the subject property at least **15 DAYS PRIOR TO THE City Council MEETING**. The sign(s) must be posted no more than five (5) feet from the property line. If the property does not abut a public right-of-way, at least one (1) sign shall be placed on the property at the access point and additional sign(s) shall be placed on the nearest public right-of-way.
10. If the signs are not erected in a timely manner, the petition will be rescheduled to the next scheduled City Council meeting. The signs shall remain in place until a City Council decision has been made. Changes to signs shall be made by the applicant to reflect the correct dates and any other changing information involving a petition that has been postponed or continued at least ten (10) days prior to the revised public meeting or hearing date. The petitioner shall remove the signs within 10 days of the decision.
11. The City Council meeting(s) will be held in the Council Chambers on the 2nd Floor of City Hall, 2 E Bay St.
12. The Mayor and Aldermen must have at least two meetings for the petition for approval; a zoning hearing and then the first and second readings of the ordinance to rezone the property.
13. The Mayor and Aldermen may accept the Planning Commission’s recommendation, refuse the Planning Commission’s recommendation, approve an alternative, or refer the request back to the Planning Commission for further study.
14. If a motion is made at the hearing to approve the request, the following meeting(s) will be to hear the first and second readings of the amendment. The petitioner may request that the Mayor and Aldermen hold the first and second readings at the same meeting.
15. Notification of the decision of the Mayor and Aldermen will be sent to the petitioner or agent by the Office of the Clerk of Council.
16. The petitioner or petitioner’s agent should be in attendance at all Planning Commission and City Council meetings. If no one is present to represent the petition, the petition may still be discussed.

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2020 Application Submittal Deadlines for Planning Commission Meetings

Application Submittal Deadline	Planning Commission Meeting Date
<i>(Application submittal deadlines are on Tuesdays unless otherwise noted.)</i> Submittal Due: 5:00 p.m. Submittal Location: City Hall, 2 E Bay St, Clerk of Council's Office on the 1 st Floor.	<i>(All meetings are scheduled for every three weeks on Tuesdays unless otherwise noted.)</i> Pre-meeting: 12:00 p.m. Meeting Time: 1:30 p.m. Meeting Location: MPC, 112 E State St, Arthur A. Mendonsa Hearing Room or the Chatham County Commission Chambers of the Old Courthouse, 124 Bull St on the 2 nd Floor. Call 912.651.1440.
DEC 17	JAN 14
JAN 07	FEB 04
JAN 28	FEB 25
FEB 18	MAR 19
MAR 10	APR 07
MAR 31	APR 28
APR 21	MAY 19
MAY 12	JUN 09
JUN 02	JUN 30
JUN 23	JUL 21
JUL 14	AUG 11
AUG 04	SEP 01
AUG 25	SEP 22
SEP 15	OCT 13
OCT 06	NOV 03
OCT 27	NOV 24
NOV 17	DEC 15
DEC 08	JAN 12 (2021)

O.C.G.A. § 36-66-4(a): A local government taking action resulting in a zoning decision shall provide for a hearing on the proposed action. At least 15 but not more than 45 days prior to the date of the hearing, the local government shall cause to be published within a newspaper of general circulation within the territorial boundaries of the local government a notice of the hearing. The notice shall state the time, place, and purpose of the hearing.