



CITY OF TYBEE ISLAND
SITE PLAN APPROVAL WITH VARIANCE APPLICATION

Site Plan Fee
Commercial \$500
Residential \$250

Variance Fee
Commercial \$500
Residential \$200

Applicant's Name _____

Address and location of subject property _____

PIN _____ Applicant's Telephone Number _____

Applicant's Mailing Address _____

Brief description of the land development activity and use of the land thereafter to take place on the property:

Explain the requested variance _____

Explain the hardship _____

Property Owner's Name _____ Telephone Number _____

Property Owner's Address _____

Is Applicant the Property Owner? ___ Yes ___ No

If Applicant is the Property Owner, Proof of Ownership is attached: ___ Yes

If Applicant is other than the Property Owner, a signed affidavit from the Property Owner granting the Applicant permission to conduct such land development is attached hereto. ___ Yes

Current Zoning of Property _____ Current Use _____

Names and addresses of all adjacent property owners are attached: ___ Yes

If within two (2) years immediately preceding the filing of the Applicant's application for a zoning action, the Applicant has made campaign contributions aggregating to more than \$250 to the Mayor and any member of Council or any member of the Planning Commission, the Applicant and the Attorney representing the Applicant must disclose the following:

- a. The name of the local government official to whom the campaign contribution or gift was made;
- b. The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action, and the date of each contribution;
- c. An enumeration and description of each gift having a value of \$250 or more made by the Applicant to the local government official during the two (2) years immediately preceding the filing of the application for this zoning action.

Signature of Applicant _____ Date _____

NOTE: Other specific data is required for each type of Site Plan Approval with Variance.

Fee Amount \$ _____ Check Number _____ Date _____

City Official _____

NOTE: This application must be accompanied by additional documentation, including drawings that include or illustrate the information outlined below.

- _____ 3 copies, no smaller than 24 x 36, of the engineered drainage and infrastructure plan.
- _____ 1 copy, no smaller than 11 x 17, of the existing tree survey and the tree removal and landscaping plan.
- _____ Disclosure of Campaign Contributions
- _____ Site plan and/or architectural rendering of the proposed development depicting the location of lot restrictions. *1 copy, no smaller than 11 x 17, of the proposed site plan and architectural renderings.* Section 5-040 (D)(1)
- _____ A survey of the property signed and stamped by a State of Georgia certified land surveyor. Section 5-040 (D)(2)
- _____ Provide attachments illustrating conditions on the subject and surrounding properties indicating that there are unique physical circumstances or conditions including:
 - _____irregularity,
 - _____narrowness, or,
 - _____shallowness of the lot size or shape, or,
 - _____exceptional topographical or other physical conditions peculiar to the particular property

That because of such physical circumstances or conditions, the property cannot be developed in strict conformity with the provisions of the Land Development Code, without undue hardship to the property. Sections 5-090 (A)(1) and 5-090 (A)(2).

- _____ If this variance application is for a Height Variance, in addition to other requirements, the petitioner shall be required to:
 - _____Add two feet to each side yard setback for each one foot above 35 feet in height, and,
 - _____Have safeguards consisting of sprinkler systems, smoke detectors and other fire protection equipment deemed necessary at the time by the Mayor and Council, and,
 - _____Where a rear yard abuts a side yard of the adjacent lot, the petitioner shall be required to add two feet to the rear setback for each foot above 35 feet height.
- Section 5-090 (B)

The Planning Commission may require elevations or other engineering or architectural drawings covering the proposed development.

The Mayor and Council will not act upon a zoning decision that requires a site plan until the site plan has met the approval of the City's engineering consultant. (Note: Section 5-080 (A) requires, "Once the engineer has submitted comments to the zoning administrator, a public hearing shall be scheduled.")

The Applicant certifies that he/she has read the requirements for Site Plan Approval with Variance and has provided the required information to the best of his/her ability in a truthful and honest manner.

Signature of Applicant

Date



CITY OF TYBEE ISLAND

CONFLICT OF INTEREST IN ZONING ACTIONS DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you within the past two (2) years made campaign contributions or gave gifts having an aggregate value of \$250.00 or more to a member of the City of Tybee Island Planning Commission, or Mayor and Council or any local government official who will be considering the rezoning application?

YES _____ NO _____

IF YES, PLEASE COMPLETE THE FOLLOWING SECTION:

NAME OF GOVERNMENT OFFICIAL	CONTRIBUTIONS OF \$250.00 OR MORE	GIFTS OF \$250.00 OR MORE	DATE OF CONTRIBUTION

IF YOU WISH TO SPEAK CONCERNING THE ATTACHED REZONING APPLICATION, THIS FORM MUST BE FILED WITH THE ZONING ADMINISTRATOR FIVE (5) DAYS PRIOR TO PLANNING COMMISSION MEETING IF CAMPAIGN CONTRIBUTIONS OR GIFTS IN EXCESS OF \$250.00 HAVE BEEN MADE TO ANY MEMBER OF THE PLANNING COMMISSION OR MAYOR AND COUNCIL.

Signature _____

Printed Name _____

Date _____

Sec. 5-080. - Site plan approval.

The site plan approval process is intended to provide the general public, planning commission, and mayor and council with information pertinent to how a new development will affect the surrounding area and the city as a whole and to ensure compliance with all applicable regulations and considerations as hereinafter stated. Where a variance, special review, or any other land development activity is involved in connection with a site plan, the standards applicable to the variance, special review, and/or land development activity applied for shall apply.

- (A) **Process.** Upon submittal of the site plan, the designated city official will review the site plan or noticeable discrepancies and determine if there is a need to apply for other zoning actions. The site plan is then forwarded to the city's consulting engineer. Once the engineer has submitted comments to the designated city official, a public hearing before the planning commission shall be scheduled. The public hearing shall be held regardless of whether the site plan meets the requirements of this Land Development Code. Until the applicant addresses all of the engineer's comments and the site plan is satisfactory, the mayor and council will not consider the plan. In addition to all other requirements, any applicant for a site plan must identify all prior site plan applications made by the applicant, any affiliates/relatives, corporate or business entities in which the applicant has had an interest for the property which is the subject matter of the current application. The applicant must identify any parking meters proposed to be eliminated from city rights-of-way by the proposed site plan implementation. The applicant must demonstrate compliance with all other applicable ordinances including but not limited to stormwater, flood damage prevention, and buffering. In considering a site plan, the mayor and council may consider whether the proposed development will be unreasonably detrimental to adjacent or nearby uses and whether the proposed development will adversely impact existing conditions in the overall neighborhood, including but not limited to:
- (1) The impact or lack thereof on available resources and utilities.
 - (2) Whether the proposed development is of a scale and mass so as to be compatible with the character of the neighborhood.
 - (3) Whether the proposed development is consistent with the character area under the master plan.
 - (4) Density considerations for the neighborhood including demands on infrastructure, traffic, and other relevant factors. In considering a site plan, the mayor and council may approve or deny the application as submitted, or add or delete conditions appropriate to protecting the interest of the applicant as well as those of nearby properties. Buffering requirements beyond those expressly identified may also be imposed. If conditions are added or deleted the applicant must subsequently submit a revised plan of the proposed development to the designated city official and all such conditions that had been added or deleted must be accepted by the city's consulting engineer. If all of the foregoing requirements have been satisfied and further if the mayor and council find that the benefits of and need for the proposed use and project are greater than any possible depreciating effects and damages to the neighboring properties, the application may be granted.
- (B) **Other zoning actions.** Because special review, variances and map amendments require site plans, site plan review may be the first step in the permitting process, however, the site plan should identify any other zoning actions necessary in order for the intended development to be constructed so that a public hearing can be held on all such zoning actions simultaneously with the public hearing on the site plan. Site plan approval should encompass approval of all other zoning actions necessary to accomplish the development, however, if the intended development is to be altered from an approved site plan, additional public hearing and review is necessary if an additional special review, variance or map amendment is necessitated by the proposed alteration.
- (C) **Site plan longevity.** After a site plan has been approved by the mayor and council it shall be valid for a period of 18 months from the date of approval. If a building permit has not been obtained and work has not begun, the site plan approval shall be void and a new application must be submitted for site plan approval.

(Ord. No. 1999-26, 8-12-1999; Ord. No. 2002-15, 7-11-2002; Ord. No. 2002-15, amended 1-9-2003; Ord. No. 1999-26, amended 8-12-1999; Ord. No. 1999-19, amended 6-15-1999; Ord. No. No. 2005-14, § 1, 5-26-2005; Ord. No. 2005-14, § 1, 5-26-2005; Ord. No. 01-2015, § 1, 1-15-2015)

Sec. 5-090. - Variances.

(A) *Standards.* After an application has been submitted to the designated city official, reviewed by the planning commission, and a public hearing has been held by the mayor and council, the mayor and council may grant a variance from the strict application of the provisions in this Land Development Code only if a physical circumstance, condition, or consideration exists as described in subsection (1).

- (1) There are unique physical circumstances or conditions or considerations beyond that of surrounding properties, including a substandard lot of record that existed prior to March 24, 1971 (see [section 3-040](#)); irregularity; narrowness; or shallowness of the lot shape; or exceptional topographical or other physical circumstances, conditions, or considerations related to the environment, or to safety, or to historical significance, that is peculiar to the particular property; and;
- (2) Because of such physical circumstances or conditions or considerations, the property cannot be developed in strict conformity with the provisions of this Land Development Code, without undue hardship to the property.
- (3) A nonconforming use or structure does not constitute a unique physical circumstance, condition, or consideration.

(B) *Height.* No part of any structure shall project beyond 35-feet above the average adjacent grade of a property except:

- (1) Chimneys, flues, stacks, heating units, ventilation ducts, air conditioning units, gas holders, elevators, solar panels and similar appurtenances needed to operate and maintain the building on which they are located.
- (2) The following items that were existing on the date of the adoption of this ordinance: flag poles, television aerials, water towers and tanks, steeples and bell towers, broadcasting and relay towers, transmission line towers, and electric substation structures.

(C) *Variance longevity.* After a variance has been granted by the mayor and council it shall be valid for a period of 12 months from date of approval. Such approval is based on information provided in the application. Building permits may only be granted for plans consistent with the approved application. Any deviation from the information submitted will require separate approval by the mayor and council.

(D) *Reviewing variance applications.* The designated city official, planning commission, and governing body, shall consider the factors stated herein in reviewing variance applications in taking action on a particular variance. In exercising the powers to grant variances, the mayor and council may attach any conditions to its approval which it finds necessary to accomplish the reasonable application of the requirements of these regulations.

(E) *Application approval.* Notwithstanding any other provisions of this Code of Ordinances, the designated city official may approve applications for variances without the need of public hearings and without the need of review by the planning commission or the mayor and council as follows:

- (1) When either of the following circumstances exists:
 - a. The proposed improvement or alteration will not result in an expansion of the existing footprint of the existing structure; or
 - b. No additional encroachment into any setback shall be created by the proposed improvement, construction or addition.
- (2) When each of the following circumstances also exists:
 - a. No encroachment or construction of habitable space or other prohibited improvements will exist below one foot above the base flood elevation; and
 - b. The requested improvements or construction will not violate existing zoning provisions.

This subsection shall have specific application to existing nonconforming structures as referred to in [section 3-020](#).

(F) *Compliance with ordinances.* Notwithstanding any other provision of this Code of Ordinances, no application for a variance may be accepted nor may any variance be granted with respect to any property that is then not in compliance with the requirements of ordinances for the condition on which the variance is sought, unless the applicant files with the application a detailed written explanation of how, when, and by whom the need for a variance was created. In such a case, the planning commission shall make a recommendation to the mayor and council as to whether the variance should be approved or rejected or modified and the mayor and council, following a public hearing, may approve, reject or modify the variance request. In the event property is constructed in violation of the ordinances, the violation status remains until such time as the condition is rectified and placed in conformity with the ordinances. Violations of the ordinances may be subject to the enforcement provisions of this Code and all penalties permissible by law. A variance that is granted under this section does not excuse prior violations including those that have resulted or may result in enforcement action by the city.

(Ord. No. 1999-27, 8-12-1999; Ord. No. 2002-08, 5-9-2002; Ord. No. 2002-08 Variances, amended 8-29-2002; Ord. of 8-11-2005; Ord. No. 14-2010, 8-26-2010; [Ord. No. 57-A-2014, § 1, 12-11-2014](#))