

**AMENDMENT TO SUBDIVISION REGULATIONS
FOR
THE TOWN OF WOOLSEY**

AN ORDINANCE AMENDING THAT ORDINANCE OF THE TOWN OF WOOLSEY ADOPTED MAY 21, 1997, ENTITLED "SUBDIVISION REGULATIONS FOR THE TOWN OF WOOLSEY", SO AS TO PROVIDE FOR APPEALS TO THE MAYOR AND COUNCIL OF DECISIONS BY ZONING OFFICIALS AND FOR APPLICATIONS FOR VARIANCE OF PROVISIONS OF SAID ORDINANCE; TO PROVIDE FOR HEARINGS OF SUCH APPEALS AND APPLICATIONS; TO PRESCRIBE NOTICE OF SUCH HEARINGS; TO PRESCRIBE STANDARDS FOR SUSTAINING OR DENYING SUCH APPEALS AND APPLICATIONS; TO REPEAL CONFLICTING ORDINANCES AND PARTS THEREOF, AND FOR OTHER PURPOSES.

BE IT ORDAINED BY the Mayor and Council of the Town of Woolsey and it is hereby ordained by the authority of the same:

- A. That ordinance entitled "Subdivision Regulations for the Town of Woolsey", adopted May 21, 1997, is hereby amended by adding thereto a new Section 12, to read as follows:

SECTION 12

APPEALS AND VARIANCES

- 12.1 A subdivider or other applicant for approval of a submission hereunder, or any person or entity aggrieved by an act of the Zoning Administrator or other official hereunder, or who can establish entitlement to a variance under standards hereinafter referenced, may enter an appeal or request for variance addressed to the Mayor and Council specifying in the case of an appeal, the error committed; and in the case of an application for variance, what section hereof should not apply, or should be applied differently as to the applicant's property, and for what reason. Such appeals or application for variance shall be submitted in such format, with such data and on such forms as the Town Zoning Administrator shall prescribe.
- 12.2 Hearings. A public hearing shall be had upon each appeal or application for variance submitted pursuant to this ordinance, which hearing shall be had by the Mayor and Council in accordance with procedures set forth for public hearings upon appeal and applications for

variance in the Zoning Ordinance for the Town of Woolsey, Georgia, 1996 as the same may be from time to time hereafter amended; which provisions, currently contained in Section 1501.2 of the latter ordinance, are herein by reference incorporated.


- 12.3 Appeals submitted hereunder shall be determined upon a construction of the meaning and intent of this ordinance construed as a whole, giving force and effect to all its provisions.
- 12.4 The Mayor and Council may authorize, in specific cases, such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. Such variance may be granted, in an individual case, upon a finding by the Mayor and Council that the following exist:
- a. There are extraordinary and exceptional conditions pertaining to the particular property in question, because of its size, shape or topography; and
 - b. The application of these regulations to the property at issue would create a practical difficulty or unnecessary hardship; and
 - c. Such conditions are peculiar to the particular property involved; and
 - d. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of these regulations; and
 - e. A literal interpretation of this Ordinance would deprive the applicant of rights that others in the same district are allowed; provided, however: the Mayor and Council may impose or require such additional restrictions and standards as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood; and, further provided, that whenever the Mayor and Council shall find, in the case of any permit granted pursuant to the provisions of these regulations, that any of the terms, conditions, or restrictions upon which such permit was granted are not complied with, said Mayor and Council shall rescind and remove such variance and any permits issued pursuant thereto after giving due notice to all parties concerned and granting full opportunity for a public hearing. A variance will not be granted to relieve a landowner from a hardship that is self-created.

In exercising the above powers, the Mayor and Council shall not consider any non-conforming use of the neighboring lands, structures or building in the same district and no permitted use or lands, structures, or buildings in other districts as grounds for the issuance of a variance.

- B. That ordinance entitled "Subdivision Regulations For The Town of Woolsey" adopted May 21, 1997, is hereby further amended by striking Section 11.3.2 thereof in its entirety.

C. All ordinances and parts thereof conflicting herewith are repealed.

DULY ADOPTED by the Mayor and Council of the Town of Woolsey after notice and hearing as prescribed by law, this 1 day of June, 1998.



HONORABLE GARY LAGGIS
Mayor

Attest:



Town Clerk