

City Council of Peachtree City

WORKSHOP

December 3, 2007

6:30 p.m.

The Mayor and City Council of Peachtree City will hold a workshop on Monday, December 3, 2007, 6:30 p.m., in Council Chambers. The purpose of the workshop is to hear a presentation by the Fire Marshal on a proposed fire sprinkler ordinance & City Planner to discuss proposed amendments to variance procedures.

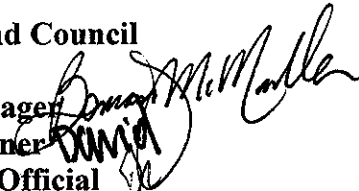
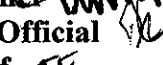
This agenda is subject to change at any time up to 24-hours prior to the scheduled meeting.

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CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council

VIA: City Manager 
City Planner 
Building Official 
Fire Chief 

FROM: Fire Marshal John Dailey 

DATE: November 28, 2007

SUBJECT: Automatic Fire Sprinkler Ordinance
December 3, 2007 City Council Workshop

Recommendation:

The Fire Marshal's Office recommends an ordinance requiring automatic fire sprinklers in new buildings including businesses, public buildings, multifamily dwellings and single family dwellings.

Discussion:

Fire sprinkler systems are not a new concept in commercial or residential applications. Automatic fire sprinklers can and do save lives not to mention their ability to decrease the overall damage cost to a given property. The National Fire Protection Association (NFPA) is a non-profit organization founded in 1896. Generally their mission has been to create, educate, and otherwise assist professional organizations worldwide in efforts to write codes and standards for the purposes of protection of life and property. The Fire Marshal shall give a presentation at the workshop which includes statistics for the NFPA as justification for the requested changes to our ordinance.

The NFPA has no records of a fire killing more than two people in a completely sprinklered public assembly, educational, institutional or residential building where the sprinkler system was working properly.

In a typical fire scenario it is expected that smoke detectors will activate within one minute, alerting occupants of impending danger. At the same time a room or area can experience a phenomenon known as "flashover" in less than five minutes which can include temperatures of 1400 degrees. If individuals are in that space or area when flashover occurs it has generally resulted in death. Deaths have included firefighters even when appropriately outfitted with their fire protection clothing, turnout gear and breathing apparatus.

Budget Impact:

A certain degree of monies would be generated due to required plan reviews for systems and inspection requirements to verify and receive certification documentation when an installation is complete.

FIRE PROTECTION ORDINANCE SPRINKLER SYSTEMS

Draft

Automatic Fire Sprinkler Systems:

Automatic fire sprinkler systems shall be required as noted in section A. Automatic fire sprinkler systems are defined in those sections of the National Fire Protection Association, Fire Codes, specifically:

NFPA 13 Standard for the Installation of Sprinkler Systems

NFPA 13D Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes

NFPA 13R Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height

NFPA 14 Standard for the Installation of Standpipe and Hose Systems 2003 Edition

The Fire Chief or Fire Marshal or the fire department designated representative for the authority having jurisdiction shall have the authority to require water valves, sprinkler control valves, and / or standpipe connections where in his/her opinion it would benefit firefighters in controlling a fire in any structure. A sprinkler control valve and water flow device shall be provided for each floor. This is not to restrict the fire marshal having jurisdiction from requiring the installation of a water-based fire protection system and/or smoke detection system if, in the opinion of the fire marshal, and for the public interest, the health and welfare of the firefighters, and the protection of human life, such a system would serve to benefit all parties that may be affected by the type of construction, hazard of content, limited access to the structure, and for other purposes. Based on the type of construction and the tenants' ability to evacuate, the fire marshal shall have the authority to designate which system is best suited in each situation, but not less than the standard set by the requirements of the National Fire Protection Association.

A) Buildings of any type construction or occupancy of 5000 square feet or more per floor for commercial buildings and all assembly occupancies where seating is available for 100 or more persons and / or where live entertainment is planned or allowed, all bars and nightclubs, or in buildings specified to require automatic fire sprinklers per International Building Code (IBC) whichever is more restrictive, and residential occupancies, (definition of R3 in the International Building Code), which meet any one or more of the four criteria below:

1. - Greater than 3000 square feet.

2. - Greater than two (2) stories in height or greater than twenty five (25) feet in height from grade to a windowsill of a room used for sleeping purposes and rooms defined as "bonus rooms"
3. - Homes that are built five (5) feet or closer to a property line* or five (5) feet to a significant building; i.e. building owned by another, a commercial establishment (to include accessory buildings used for home based businesses), etc.).
4. - Homes or buildings having fire apparatus access or hose reach of 200 feet or more to the building entrance.
5. - Multifamily Buildings; including Apartments, Town homes, Nursing or Assisted Living Homes, Row houses, and Condominiums.

B) Existing buildings, when required to have automatic sprinkler protection by section A above, shall be retrofitted for automatic sprinklers as required by the fire marshal and/or building official in accordance with NFPA Standards when the cost of remodel or renovation exceeds 50 percent of the latest approved assessed value of the building. These buildings shall be required to upgrade to meet all current codes, standards, and ordinances as applicable for required fire protection and life safety systems.

*Chapter 34 in the latest edition of the International Building Code.

Historical buildings may require an equivalency concept and working through of the process in conjunction with the historical society and NFPA 914 Code for Fire Protection of Historic Structures

C) The owner or occupant of any building shall be responsible for having the system inspected and tested in accordance with NFPA 25 Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2002 Edition.

Maintaining Existing Fire Sprinkler Systems or Shutting Off Fire Sprinkler Systems:

Any existing fire sprinkler system in any structure shall be maintained to the extent recognized by the NFPA, (National Fire Protection Association)

No person shall shut off, disable, or disarm any automatic fire sprinkler system except for the following purposes:

- 1.- In order to perform required or necessary service or maintenance to such system. Any such maintenance may be conducted after notice has been given to the fire department.
- 2.- In the event of accidental damage to the system that causes undo water flow.

In the event that a fire sprinkler system must stay off for an extended time due to repair or maintenance a fire watch may be required during that period. If required the fire watch is to remain in effect until such time that the system is returned to its full capacity.

CITY OF PEACHTREE CITY

INTEROFFICE MEMORANDUM

TO: Mayor and Council Members
VIA: City Manager 
FROM: City Planner/ Zoning Administrator 
DATE: November 27, 2007
SUBJECT: Review of recommended amendments to variance process
December 3, 2007 City Council workshop

Recommendation:

Staff recommends that Council provide guidance as to how to proceed with the recommended amendments to the variance process.

Discussion:

At the City Council Retreat, Staff was asked to review our existing variance process to determine if enhancements could be made to the criteria used to either grant or deny a variance request. Staff researched variance procedures from other jurisdictions and found that many included specific criteria that Staff and Council evaluated when reviewing variance requests.

The city's current variance process allows an Applicant to request either an Administrative Variance or a Variance, depending on specific circumstances. Through the years, the city has granted variances for extreme hardship cases only, but not for "self-induced" hardships. It is not envisioned this would change with the proposed amendments to the variance process.

Staff is proposing three types of variance requests: Administrative Variance, Minor Variance and Variance. Administrative variances would be reviewed by a committee consisting of the Zoning Administrator, City Manager and a representative from City Council. Minor Variances would be reviewed by City Staff and the Planning Commission, and Variances would be reviewed by City Staff and the City Council. Specific criteria for each type of variance has been developed, and the type of variance necessary would be determined by the Zoning Administrator once the application was submitted.

Additionally, specific review criteria has been established which must be met prior to granting a variance of any type. This criteria is consistent for both a Minor Variance and a Variance.

Review of recommended amendments to variance process

November 27, 2007

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Attached are copies of Article XII, Appeals, from the Zoning Ordinance (Attachment "A") and Article XIII, Appeals and Variances, from the Land Development Ordinance (Attachment "B"), as well as the proposed amendments to the variance process (Attachment "C"). Should Council endorse these recommendations, Staff will prepare amendments to both Article XII and Article XIII and schedule Public Hearings accordingly.

At next Monday's workshop, we will also be presenting several "case studies" of each variance type and how the proposed review criteria would be used to evaluate these requests.

Attachments

ARTICLE XII. APPEALS*

***Editor's note:** Ordinance No. 339, which abolished the board of zoning appeals and repealed former art. XIA pertaining thereto, passed and reinstituted art. XII as herein set forth.

Sec. 1201. Authority.

The city council shall have jurisdiction over certain matters arising in connection with this ordinance as herein provided.

Sec. 1202. Powers and duties (appeals).

The city council shall have the following powers and duties:

(1202.1) To hear and decide special exceptions to the terms of this ordinance upon which the city council is required to pass under the provisions of this ordinance. When acting upon an application for special exception, the city council shall give consideration to the following factors, where applicable:

The proposed design and location of the particular development.

The possible traffic generating characteristics of the proposed development.

The effects of the proposed development on the present or intended character of the area in which it is proposed for location.

The availability of public utilities, facilities and services.

(1202.2) The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done.

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee shall accompany each variance application. The fee shall be as established by the city council under the city's fee schedule and as maintained by the city clerk.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be

placed in a conspicuous location on the property not less than 15 days prior to the hearing date.

- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to the hearing date.
- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- (1) Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- (2) Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- (3) Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance. (Ord. No. 589, 11-19-1992; Ord. No. 618, 7-7-1994)

(1202.3) After due consideration of an application for special exception, the city council shall take such action or establish such reasonable conditions of approval as will accomplish the intent and purposes of this ordinance.

(Ord. No. 877, 3-16-2006)

Sec. 1203. Appeal procedures.

Appeals to the city council for special exceptions and variances to the ordinance shall be filed with the city clerk in writing and clearly specify the grounds for the appeal. All documents constituting the record of the action which is being appealed shall be transmitted to the city council by the city clerk. Appeal applications shall be accompanied by a fee of \$25.00 which is deemed to be reasonable and necessary to defray public cost.

Action shall not be initiated on the same appeal by the same applicant more than once in every 12 months.

Any communication relative to an appeal will be regarded as information only until a proper application is filed with the city clerk.

Before acting on any appeal, the city council shall hold a public hearing hereon. Notice of the time, place, and subject matter of the hearing shall be published in a newspaper of general circulation in the city at least 15 days prior to the date of the hearing.

The process of advertising the public hearing, holding the public hearing, and rendering a decision on the appeal shall not be unduly delayed.

Sec. 1203.1. Administrative appeals.

A property owner may make an appeal for an administrative variance if the following requirements are met:

- a. The appeal only pertains to a zoning setback requirement;
- b. The appeal only pertains to an existing setback violation;
- c. The appeal is for a variance that would not exceed 25 percent of the required setback, up to a maximum of ten feet;
- d. The setback violation that is being appealed has been existing for at least one year, and the property owner making the appeal is not the same property owner who was responsible for the violation.

An appeal for an administrative variance must be initiated by a property owner. The appeal shall be made in writing to the zoning administrator. It must be accompanied by an accurate, up-to-date plat of the property clearly showing the nature and extent of the violation.

A special administrative variance committee comprised of the zoning administrator, a representative of the city council, and a representative of the planning commission shall review the appeal for conformance with the above requirements. The special committee shall also analyze the violation to determine whether granting the variance would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance. If it is found that the appeal is in conformance with the requirements and does not adversely affect the area, the special committee may issue an official administrative variance. The property owner, the city clerk, and the building official shall be provided with a written notice of the variance.

If it is found that the appeal is not in conformance with the requirements or may possibly have an adverse affect on the surrounding area, the special committee shall deny the appeal in writing, stating the reasons for the denial. The special committee shall act on all appeals within ten working days after the application is filed.

If an appeal for an administrative variance is denied by the special committee, the property owner may make an appeal to the city council in accordance with the procedures in [this] section 1203.

(Ord. No. 574, 4-16-1992)

Sec. 1204. Appeals of city council decision or action.

Any person or persons severally or jointly aggrieved by any decision, action, or unduly delayed action on any appeal for special exception or variance, may take an appeal to the superior court of Fayette County in accord with statutes governing such action.

ARTICLE XIII. APPEALS AND VARIANCES*

***Note:** See the editor's note following art. XII.

Sec. 1301. Appeals.

These land development regulations shall be administered by the city planner and other city staff members, along with the planning commission for the city council. However, should an issue concerning these regulations remain unresolved by the city staff and planning commission, or if a written request for appeal should be filed with the city planner by any interested party within five working days of any action, a hearing shall be held by the city council for final resolution of the dispute. Sufficient information shall be provided by the applicant, affected city staff members, and the planning commission to ensure a timely decision by the city council. An applicant must first exhaust all appeals set out in this article before an appeal is made to the city council. For purposes of this section, an interested party shall be an applicant or a city resident who lives within 300 feet of the proposed subdivision or development at issue on appeal.

(Ord. No. 435, 6-4-87; Ord. No. 724, 11-4-99; Ord. No. 725, 11-4-99)

Sec. 1302. Variance.

The purpose of this section [article] is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent.

- (a) Variance applications shall be filed with the city planner on forms provided by the city planner.
- (b) Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.
- (c) An application fee shall accompany each variance application. The fee shall be as established by the city council under the city's fee schedule and as maintained by the city clerk.
- (d) Upon receiving an application, the city planner shall schedule a public hearing on the request before the city council within 45 days after receipt.
- (e) A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 15 days prior to the hearing date.
- (f) A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear at least 15 days prior to

the hearing date.

- (g) At the public hearing before the city council, the applicant may appear in person or be represented by an agent or attorney.
- (h) Variances from the provisions of this ordinance may be approved by the city council if it is determined that they will not cause substantial detriment to other parties or impair the purpose or intent of this ordinance; provided, however, that no variance can be granted for a use that is specifically prohibited by this ordinance within the zoning district in which the property is located.

In making a determination on a variance request, the city council shall consider the following factors:

- a. Whether or not the special circumstances contributing to the request are peculiar to the particular property involved;
- b. Whether or not the situation for which the request is being made poses an unnecessary hardship for the applicant; and
- c. Whether or not the request is due to an intentional action of the applicant to violate the requirements of this ordinance.

(Ord. No. 435, 6-4-87; Ord. No. 451, 2-4-1988; Ord. No. 590, 11-19-1992; Ord. No. 619, 7-7-1994; Ord. No. 724, 11-4-99; Ord. No. 725, 11-4-99; Ord. No. 880, 3-16-2006)

ARTICLE XIII. APPEALS AND VARIANCES*

Appeals.

These land development regulations shall be administered by the City Planner and other City Staff members, along with the Planning Commission for the City Council. However, should an issue concerning these regulations remain unresolved by the City Staff and Planning Commission, or if a written request for appeal should be filed with the City Planner by any interested party within five working days of any action, a hearing shall be held by the City Council for final resolution of the dispute.

A written appeal shall contain sufficient information provided by the applicant, affected City Staff members, and the Planning Commission to ensure a timely decision by the City Council. An applicant must first exhaust all appeals set out in this article before an appeal is made to the City Council. For purposes of this section, an interested party shall be an applicant or a city resident who lives within 300 feet of the property boundary of a proposed subdivision or development at issue on appeal.

Variance.

The purpose of this section is to authorize variances from the terms of this ordinance as will not be contrary to the public interest so that the spirit of this ordinance shall be observed, public safety and welfare secured, and substantial justice done. A variance is a request for relief from the provisions of the Zoning Ordinance. The power to grant a variance does not extend to use restrictions established within a particular zoning district

An application for a variance may be submitted only by the owner of the property for which a variance is desired, or his authorized agent. Application requirements shall be as described herein.

Variances may be considered in all districts and shall only be granted upon showing that:

- a. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or,
- b. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Review criteria.

The Zoning Administrator shall determine the type of variance required, and shall classify the request as:

- 1) Administrative Variance
- 2) Minor Variance
- 3) Variance

Administrative variance

Review and approval of a Request for an Administrative Variance shall be administered by a special administrative variance committee consisting of the Zoning Administrator, the City Manager and a member of City Council. Applications may be considered only if the following requirements are met:

- a. The request only pertains to a zoning setback requirement;
- b. The request only pertains to an existing setback violation;
- c. The request is for a variance that would not exceed 25 percent of the required setback, up to a maximum of ten feet;
- d. The setback violation being requested has been existing for at least one year; and,
- e. The property owner making the request is not the same property owner who was responsible for the violation.

In reviewing the application, the administrative variance committee shall analyze the application to determine whether granting the request would cause substantial detriment to other property owners in the surrounding area or would impair the purposes of the zoning ordinance. If it is found that the request is in conformance with these requirements and does not adversely affect the area, the administrative variance committee shall issue an official determination in writing approving the request. The property owner, the city clerk, and the building official shall be provided with a copy of this determination.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the administrative variance committee shall deny the appeal in writing, stating the reasons for the denial.

The administrative variance committee shall act on all appeals within fifteen (15) working days after the application is filed.

If a request for an administrative variance is denied by the administrative variance committee, the property owner may appeal this decision to the City Council in accordance with the procedures identified herein.

Minor variance

A minor variance is recognized as having a potential impact on only the immediate neighborhood and adjoining properties. Review and approval of minor variance requests shall be administered by the Zoning Administrator, City Staff (as applicable) and the Planning Commission.

A minor variance may be considered for only the following:

- 1) A decrease of not more than 20 percent of the minimum building setback.
- 2) Any deviation in the maximum height or location of a fence or wall.
- 3) An increase of not more than 10 percent of the maximum lot coverage.
- 4) A decrease of not more than 25 percent in the minimum number of parking spaces.

In reviewing the request, the Planning Commission shall not grant the request unless all of the following findings can be made:

- 1) There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;
- 2) The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;
- 3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;
- 4) The granting of such variance will not constitute the granting of special privileges that are inconsistent with the limitations on other property in the same zoning district; and,
- 5) The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.
- 6) The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.

If it is found that the request is not in conformance with these requirements or may possibly have an adverse effect on the surrounding area, the Planning Commission shall deny the request in writing, stating the reasons for the denial.

The Planning Commission shall act on all minor variance requests within thirty (30) working days once the application is deemed complete by the Zoning Administrator.

If a request for a minor variance is denied by the Planning Commission, the property owner may make an appeal to the City Council in accordance with the procedures identified herein.

Variance

A variance is recognized as having potential impact on the larger area and may affect enforcement of the Zoning Ordinance elsewhere in the city. A Request for Variance shall be reviewed by the Zoning Administrator, City Staff (as applicable), and City Council.

A variance may be considered for only the following:

- 1) A decrease in the minimum distance between structures.
- 2) A decrease in the minimum lot width.
- 3) A decrease of more than 20 percent of the minimum building setback area.
- 4) An increase of more than 10 percent of the maximum permitted lot coverage.

In reviewing the application, the City Council shall not grant the request unless all of the following findings can be made:

- 1) There are special circumstances applicable to the property, including location, shape, size, surroundings, or topography so that the strict application of this ordinance denies the property of privileges enjoyed by other property in the vicinity and under identical zoning district classification;
- 2) The strict or literal interpretation and application of this ordinance would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of the Zoning Ordinance, or would deprive the Applicant of privileges granted to others in similar circumstances;
- 3) There are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property which preclude the applicant from complying with this ordinance and that do not apply generally to other property in the same zoning district and which prevent the applicant from complying with existing regulations;
- 4) The granting of such variance will not constitute the granting of special privileges inconsistent with the limitations on other property in the same zoning district; and

- 5) The granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.
- 6) The granting of such variance will not create inconsistencies with any objective of the Comprehensive Plan.

Filing procedure

All variance applications shall be filed with the Zoning Administrator on forms provided by the Zoning Administrator.

Any communication relative to a variance request will be regarded as information only until a proper application is made in the form required.

An application fee, as established within the city's Schedule of Fees, shall accompany each variance application.

Upon receiving an application, the Zoning Administrator shall have no less than ten (10) working days to review the application for compliance with these requirements. Once the application is deemed complete, the Zoning Administrator shall schedule Public Hearings with the Planning Commission or City Council (as appropriate). Such hearings shall take place within 45 days after the application is deemed complete.

A sign displaying the hearing date and the nature of the hearing shall be placed in a conspicuous location on the property not less than 10 days prior to a Planning Commission meeting and not less than 15 days prior to a City Council meeting, as appropriate.

A notice of the public hearing date and the nature of the hearing shall be published in the newspaper of general circulation which serves as the legal organ for the city. The newspaper notice shall appear not less than 10 days prior to a Planning Commission meeting and not less than 15 days prior to a City Council meeting, as appropriate.

At the public hearing, the applicant may appear in person or be represented by an agent or attorney.

Limitations on authority

The authority and jurisdiction of individuals as provided herein shall be limited as outlined in the following. In exercising this jurisdiction, each hearing Board or individual shall have authority to determine whether it has jurisdiction.

- 1) There shall be no variances to permitted uses or accessory uses as specified in the zoning district regulations, administrative/ use permit or zoning conditions.
- 2) There shall be no variances to the minimum lot area or the minimum district size requirements in each zoning district.
- 3) There shall be no variances to the minimum lot frontage on a street as required in designated zoning districts.
- 4) There shall be no modification to increase the density or change the use approved under the zoning case except as to allow the development of a conservation subdivision.
- 5) There shall be no modification to revise a site plan that, as determined by the Planning Commission and/ or City Council, results in a significant change in the approved concept.

Appeal procedures.

Appeals to the City Council based on decisions of the Zoning Administrator (Administrative Variance) and the Planning Commission (Minor Variance) shall be filed with the City Clerk in writing and shall clearly specify the grounds for the appeal. All documents constituting the record of the action which is being appealed shall be transmitted to the City Council by the City Clerk.

- 1) Action shall not be initiated on the same appeal by the same applicant more than once in every 12 months.
- 2) Any communication relative to an appeal will be regarded as information only until a proper application is filed with the City Clerk.
- 3) An application fee, as established within the city's Schedule of Fees, shall accompany each Request for Appeal.
- 4) Before acting on any appeal, the City Council shall hold a Public Hearing as described herein.
- 5) The City Clerk shall place notice of the time, place, and subject matter of the hearing in the newspaper of general circulation which serves as the legal organ for the city not less than fifteen (15) days prior to the hearing.
- 6) The process of advertising the public hearing, holding the public hearing, and rendering a decision on the appeal shall not be unduly delayed.

Appeals of City Council decision or action.

Any person or persons severally or jointly aggrieved by any decision on any appeal for variance may appeal such decision to the Superior Court of Fayette County by Writ of Certiorari.