



PLANNING COMMISSION STAFF REPORT
FOR THE PLANNING COMMISSION MEETING OF: June 15, 2010
FOR THE CITY COUNCIL MEETING OF: July 8, 2010

LOCATION: n/a

PIN: n/a

APPLICANT: City of Tybee Island

OWNER: n/a

EXISTING USE: n/a

PROPOSED USE: n/a

ZONING: n/a

USE PERMITTED BY RIGHT: n/a

COMMUNITY CHARACTER MAP: n/a

APPLICATION:

This is a request from City staff to amend Section 5-090 (f) of the Land Development Code relating to variance requests.

PROPOSAL:

To amend 5-090 to include provisions to allow for variances to be requested for those matters previously created circumstances.

ANALYSIS:

Text amendment

STAFF FINDING

N/A

ATTACHMENTS:

- A. Current Ordinance (1 page)
- B. Proposed Ordinance (2 pages)

(F) *Compliance with ordinances.* Notwithstanding any other provision of the 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 a variance is sought. Property must be brought into conformity with existing ordinances in order for an application to be filed and processed or for a variance to be granted. In the event property is constructed in violation of the ordinances, the violation status remains until such time as the condition is rectified and 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. No variance may be granted which retroactively excuses a prior violation of an ordinance.

ORDINANCE NO. _____
AMENDMENT TO THE CODE OF ORDINANCES
SECTION 5-090 VARIANCES

CITY OF TYBEE ISLAND, GEORGIA

IT IS HEREBY ORDAINED by the governing authority of the City of Tybee Island, duly assembled, that the Code of Ordinances, Section 5-090, Variances, be amended to add the following:

Section 5-090(f): Notwithstanding any other provision of the 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, 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 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 or may not 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. No variance may be granted which retroactively excuses a prior violation of an Ordinance.

ADOPTED THIS _____ DAY OF _____, 2004.

MAYOR

ATTEST:

CLERK OF COUNCIL

FIRST READING: _____

SECOND READING: _____

ENACTED: _____

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