

(3) No variance shall be approved administratively by the director unless the requested variance does not vary the standard otherwise set forth in this Code by more than the limits outlined below and only for the performance standards listed.

- a) The requested variance may not exceed fifteen percent (15%) for the following:
 - (i) Maximum building height.
 - (ii) Building setbacks, except as noted below.
 - (iii) Building separation.
 - (iv) The following buffers:
 - (a) Residential exterior.
 - (b) Georgia Highway 400.
 - (c) Large scale retail.
 - (d) Senior housing.
 - (e) Side and rear.
- b) For residential developments twenty-five (25) acres and greater, the following shall apply:
 - (i) Building setback variance may not exceed twenty percent (20%).
 - (ii) Lot width variance may not exceed fifteen percent (15%).
 - (iii) Lot coverage variance may not exceed fifteen percent (15%).
- c) When a pole-mounted light meeting the height requirements of this Code or any zoning condition placed upon a property, cannot be provided by an electric utility company, the height of a pole-mounted light may be administratively varied to the shortest height available.

(B) **Application for Board Consideration.** Applicants shall submit to the department an Application for Board consideration when the criteria exceed those processed under administrative review. The submittal shall be in conformance with the provisions set forth in Article II and this article. All applications determined complete by the department shall be subject to the following restrictions:

- (1) **Applicant Changes.** No changes shall be allowed to any Application for Board consideration once it determined complete by the department.
- (2) **Public Hearing Sign.** The applicant shall be required to place the Public Hearing Sign(s) on the subject property in accordance with section 8-3.3(C). The applicant shall be required to obtain the sign from the department in accordance with department procedures.
- (3) **Scheduling of Public Hearing.** The department shall both advertise and schedule the application for a Public Hearing in accordance to the provisions in Article III of this Chapter.
- (4) **Staff Report.** County staff shall review each Application for Board consideration in its entirety, compile a Staff Report, and submit all necessary information to Zoning Board of Appeals or the Board of Commissioners with sufficient time for board review prior to the Public Hearing.

(C) **Public Hearing.** Variance applications for board consideration shall receive a public hearing in accordance with the provisions as set forth in Article III of this Chapter.

- (1) **Applicant Initiated Postponement.** The applicant for a variance may request postponement of any public hearing for the application, and such postponement may be granted by the county, provided:
 - a) Postponement is not requested more than three (3) times for any one application; and
 - b) The total period of time requested for postponement does not exceed six (6) months; and
 - c) The applicant agrees to pay for the costs of readvertising the application for public hearing and agrees to post public notice signs on the property.
- (2) **Zoning Board of Appeals Initiated Postponement.** The Zoning Board of Appeals ability to postpone applications shall be limited to situations in which the postponement will allow the respective board to obtain additional information from the applicant or allow the applicant and any opposition to negotiate.
- (3) **Board of Commissioners Initiated Postponement.** Shall follow the rules and procedures adopted by the Board of Commissioners.
- (4) **Zoning Board of Appeals or Board of Commissioners Action on Variances.** Following the completion of the public hearing on a variance request, the Zoning Board of Appeals or Board of Commissioners shall take action in accordance with Article III of this Chapter.

- a) **General Considerations for Decision.** The Zoning Board of Appeals or Board of Commissioners as the case may be shall make a decision on each variance based on findings that consider each of the following:
 - (i) The variance shall not have the effect of negating any of the various purposes and intentions of this Code;