

STATE OF GEORGIA

CITY OF HIRAM

ORDINANCE NO. 2022-03

AN ORDINANCE OF THE GOVERNING AUTHORITY FOR THE CITY OF HIRAM, GEORGIA GRANTING A VARIANCE TO THE MINIMUM SIDE SETBACK REQUIREMENT FOR R-4 ZONED PROPERTY LOCATED AT THE COTTAGES OF GREYSTONE:

**2022-03-V(CoH)
145 Stone Ridge Circle—Lot 72
Paulding County Tax Parcel No. 147.3.3.133.0000**

WHEREAS, Rob Hosack of the TPA Group, on behalf of title holder Greystone Development Partners, LP (“the Applicant”), submitted a variance application for the property located at 145 Stone Ridge Circle, Hiram, Georgia, also known as Paulding County Tax Parcel 147.3.3.133.0000 (the “Subject Property”), seeking a variance from the minimum zoning side setback requirement of 6 feet;

WHEREAS, the Applicant seeks a variance to reduce the minimum side setback of 6 feet to 5.8 feet due to the mistaken belief that industry tolerance was in compliance with the minimum zoning side setback requirement;

WHEREAS, the variance application has been received and processed in accordance with the requirements of the City’s Code of Ordinances, and as required by State law;

WHEREAS, a public hearing on the variance application was held by the Zoning Board of Appeals Paulding County (ZBA) on February 8, 2022, after having been noticed publicly in accordance with all applicable rules and regulations;

WHEREAS, upon hearing the matter, the ZBA recommended approval of the variance application;

WHEREAS, upon receipt of the ZBA’s recommendation, the City published notice of a public hearing on the application in compliance with all application rules and regulations;

WHEREAS, City Staff reviewed the application and the record of the matter and, in light of the ordinances governing requests for variances, has recommended approval of the application;

WHEREAS, the request for variance was heard at a properly noticed public hearing of the Governing Authority of the City of Hiram on March 29, 2022; and

WHEREAS, based upon the information presented at the March 29, 2022 public hearing and upon the entire record of the matter, all of which is before the Governing Authority, the Governing Authority concurs with the analysis and recommendation of the ZBA and the City Staff and finds that the variance requested should be granted;

THE GOVERNING AUTHORITY SO ORDAINS AS FOLLOWS:

Sec. 1. That the Subject Property is hereby granted a variance from the minimum side setback requirement from 6 feet to 5.8 feet.

Sec 2. Except as otherwise provided in Section 1, development and use of the Subject Property is subject to all applicable restrictions, limitations, and requirements of the City's Code of Ordinances and any and all other applicable laws.

Sec 3. In the event a court of competent jurisdiction declares any word, phrase, clause, sentence, or paragraph of this Ordinance invalid, unenforceable, or unconstitutional, such ruling shall not affect the remaining words, phrases, clauses, sentences, and paragraphs of this Ordinance, but the invalidated provisions shall be severed from the Ordinance and the remaining contents shall stand with their validity in no way affected.

Sec 4. This Ordinance shall become effective immediately upon its adoption by the Governing Authority.

SO ORDAINED this 12th day of April, 2022.

Frank Moran
Mayor Frank Moran

Teresa Philyaw
Mayor Pro Tem Teresa Philyaw, Post 1

Kathy Bookout
Councilperson Kathy Bookout, Post 2

Melissa Bayardelle
Councilperson Melissa R. Bayardelle, Post 3

Derrick Battle
Councilperson Derrick Battle, Post 4

Doris Devey
Councilperson Doris Devey, Post 5

Attest: Melissa Chosewood
Melissa Chosewood, City Clerk

