
VARIANCE Hardship & Special Exception

Article 16.4 of the Zoning
Ordinance

Application,
instructions and
information

PZ-VA-090602.1

Troup County
Planning & Zoning Office

PLEASE READ BEFORE APPLYING

First, check to see if the subject property (property for which the variance is requested) is subject to subdivision or property covenants. Covenants are private restrictions on the use of land and are basically private agreements or contracts. They are usually recorded either on a deed, subdivision plat or as an addendum to a subdivision plat. Covenants are legally binding upon all property owners referenced on the deed or subdivision plat, including subsequent owners, for the time period as established on the deed or plat. Please refer to Georgia Law OCGA 44-5-60 for additional information regarding covenant renewal and time limitations on covenants.

Since they are private agreements or contracts and the county is not a party to the covenant, only the parties subject to the covenants may enforce them. Troup County cannot enforce private covenants. In order to enforce covenants, affected persons will need to file a civil action in Superior Court. A lawyer will need to be contacted to assist with the filing. If the requested Variance violates your property covenants, you might become the focus of a civil action. A Variance approval is not authorization to violate covenants and will not protect you in a lawsuit or civil action brought by your Property Owners Association, land lord or property manager.

For information about obtaining a copy of subdivision covenants, please contact your Home Owners' Association or the Deeds & Record's office of the Clerk of Superior Court at Suite 1602 in the Troup County Government Services Center between the hours of 8:00am and 5:00pm, Monday through Friday, except holidays.

Troup County is a great place to live, work and play. Troup County boasts a diverse economy and offers a wide variety of living options. Troup County Commissioners, management and staff have worked and listened to residents who have said there should be a balance between the areas agricultural and rural past along with opportunities for growth and success.

The Troup County Zoning Ordinance is the result of many months of planning and public meetings where residents and professionals expressed opinions, desires and beliefs to propose policies. Taking all of these into consideration, the Board of Commissioners ultimately approved the standards outlined by the Zoning Ordinance. Yet, variances from some these standards may be considered. These are considered and approved or denied by the Board of Zoning Appeals/Planning Commission.

There are two types of variances. Most variance requests are Special Exception Requests. The two types are:

- Hardship – these are variances for essentially conditions, usually natural, outside the control of the applicant. These may include topography, floodplain/water feature, soil conditions, conditions associated with height, etc.
- Special Exception – these are requests for conditions and circumstances within the control of the applicant. Examples of these include - in most cases - set-backs, design standards, etc. Special exception variances may only be granted for:
 - o Minimum building setbacks.
 - o Maximum building height.
 - o Minimum lot width.
 - o Minimum appearance standards for single-family dwellings.
 - o Public or private street frontage.
 - o Automobile parking requirements.
 - o Zoning buffers and screening.
 - o Signage.

Variances may not be requested to circumvent zoning districts. For example, if a zoning district allows for residential uses, a variance to allow a business use may not be requested. A rezoning, special or condition use would be the appropriate request in these cases. In some situations, a non-conforming use application might be the appropriate request.

For your convenience, the following will be used by the Board of Zoning Appeals when considering Variance applications:

16.4.1 Conditions and Standards for Granting a Hardship Variance The Board of Zoning Appeals/Planning Commission, in cases where specifically authorized, may grant a hardship variance only after the determination that all of the following conditions exist and criteria met.

- a. There are unusual, exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other property in the same vicinity or use district, and such conditions are not the result of the owner's or occupant's own actions. Such conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.
- b. As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty that renders it difficult or impossible to carry out the provisions of this code.
- c. The authorization of such variance will not be materially detrimental to the public welfare or injurious to surrounding property or district in which property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this code.
- d. Compliance with one section of the ordinance would violate another section of the ordinance.
- e. The variance approved will make possible the legal use of the land, building or structure.
- f. An approved variance request does not permit a use of land, building or structure that is not permitted by right in the zoning district where the proposed development is located.

16.4.2 Standards for special exception variance approval. A special exception variance may be granted by the Board of Zoning Appeals/Planning Board upon a finding that the relief, if granted:

- a. Would not cause substantial detriment to the public good; and
- b. Would not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity; and
- c. Would not diminish and impair property values within the surrounding neighborhood; and
- d. Would not impair the purpose and intent of this Zoning Ordinance.

Some variance requests may be granted administratively by a staff committee. Specific situations are listed in the Instructions below. If an administrative review is available, and that review is denied, the application date for Board of Zoning Appeals will be considered the date of consideration by the committee.

Instructions

- ✓ Please read the full application packet carefully.
- ✓ Provide all requested information. If something doesn't apply, write N/A (not applicable).
- ✓ This application is for Hardship and Special Exception Variance requests. Briefly, Hardship Variances are for purposes more or less out of control of the applicant/property owner such as natural conditions, etc. Most Variances are Special Exception requests, or for reasons within the control of the Owner/Applicant.
- ✓ The Variance Application fees do not include subsequent applications and/or permits and associated fees that may be necessary.

- *Applicant* – this is the person completing the application. The applicant should be the property owner, but not necessarily the proposed resident. A property buyer may apply if an active Purchase Agreement is submitted with the application. Provide the current home address and phone number as well as current mailing address if different.

Subject Property Information

- *Assessor parcel number (APN)* – available from your deed, property tax bill, the Property Appraisal Office, Suite 2100, 2nd floor Government Services Center, or online troupcountyga.org.
- *Street Address and Zip Code* – the physical site address for which the Variance is requested. If there isn't an assigned street number, provide the street name. If there is no street number or the proposed location isn't part of a subdivision, you will need to apply for an address assignment after the building permit is issued.
- *Acres* – the lot size of the subject property. The Property Record Card (PRC) is considered the official record.
- *Conservation Use* - If your property is in a conservation covenant, consider conferring with the Property Appraisal Office before submitting your application.
- *Zoning District* – the zone according to the Troup County Official Zoning Map at the time of the application.
- *Present use* – list all present uses, include its residential use and any other previously approved special or conditional uses.
- *Frontage* – provide the road name amount of road frontage in linear feet.
- *Zoning and use of adjacent properties* – for every property that borders the subject property, list the zoning (SFMD, AGR, GC, etc) and the present use (residential, commercial, undeveloped, school, church, etc).
- *Owned or Rented?* – Do/will you own or rent the lot of the proposed placement? If you do/will rent, you must provide the owner and contact information and the owner must sign the application.
- *Property Owners Name and Address* – provide information for the property owner. The PRC is the official record to determine the owner of record.

Variance Request

- *What type of Variance are you seeking* – see the conditions and standards that the Board may use when considering requests to help determine the type. Please ask for assistance in making the determination if needed.
- *What is the circumstance requiring the Variance. Check any that apply.*
- *Please describe the circumstance and/or conditions.*
Certain Variance Requests may be granted with Administrative Approval. These include:
 - (1) Minimum building setbacks.
Not to exceed a reduction in the minimum setback required by 10%, except the front setback may be reduced or waived if the parking (for commercial properties) is located in the side or rear yards.
 - (2) Maximum building height - Not to exceed an additional 4 feet above the maximum allowed.
 - (3) Minimum appearance standard for single family dwellings.
Roof pitch – no less than 3/12; minimum width – no less than 20 feet; minimum floor area – no less than 10% of minimum 1,000 sq. ft.
 - (4) Automobile parking requirements - Not to exceed a change by more than 10% in the number of spaces required or allowed, shared parking, or the proximity of spaces to the use served.
 - (5) Signage. Up to 10% of the dimensional restrictions of the Sign Regulations Article
- *Signature* – The property owner must sign the application for the variance. If the applicant is the purchaser, please provide a copy of the active Purchase Agreement. The Purchase Agreement must remain enforce through the final hearing dates. Properties held in Trust must be signed by the Trust Manager or other legally authorized representative. A legal Power of Attorney is also acceptable.

Following page

- *Lot or parcel sketch* – provide a hand drawn sketch of the lot or parcel of the proposed location. Indicate the length in feet of each property line. Attach a survey if one is available. Indicate the proposed location of the unit on the drawing.
- *Additional Information* – use the next block space on the following page to provide additional information that might not fit in the provided spaces on the main application form.

Submitting Completed Application Form – Applications may be submitted via e-mail, fax, mail or in person in the Building Inspections Office. Fees are due by the Application deadline. Troup County accepts cash, checks and Visa/Mastercard. For your security, credit cards must be presented in person by the cardholder.



Troup County, Georgia

Variance Application

100 Ridley Ave, Ste 1300, Lagrange GA 30240 | FAX: 706-883-1653 | EMAIL: sturk@troupc.org

CASE #	FEE PAID \$	Application Date	RECEIPT # / BY
_V-	<input type="checkbox"/> Hardship: \$200.00		# /
	<input type="checkbox"/> Special Exception: \$300.00		# /

Please read the following and attached materials before applying.

DISCLAIMER: Please read all instructions carefully. Information provided must be confirmed by current Property Records maintained by the Troup County Property Appraisal Office. Additional permits may necessary.

Incomplete applications will not be reviewed. Please enter N/A if a question is not applicable. Fees are non-refundable.

APPLICANT INFORMATION

Applicant's Name	Current Home Address	City St Zip	Phone
Mailing Address	City St Zip	E-Mail	

SUBJECT PROPERTY INFORMATION

Assessor Parcel Number	Street Address (street name if no address)	City / Zip	# of ACRES	
- - -				
Conservation Land?	Zoning	Present Use	Frontage	Subdivision
<input type="checkbox"/> Yes <input type="checkbox"/> No			/ Ft.	
Zoning / Use of Adjacent Properties				
NORTH	SOUTH	EAST	WEST	
/	/	/	/	

OWNED

IF RENTED, PROPERTY OWNER MUST SIGN.

RENTED/PURCHASING

IF PURCHASE NOT CLOSED AT TIME OF APPLICATION, PROVIDE PURCHASE AGREEMENT OR OWNER MUST SIGN.

Property Owner's Name	Mailing Address	City St Zip	Phone
Authorized Signature ⇨	Date ⇨		

REQUEST INFORMATION

Using the information on the previous page, please indicate the type of variance being requested.

Variances may not be granted to circumvent use of land, building or structure not permitted by right in the subject property zoning district

Check one	Check all that apply	Please Describe
<input type="checkbox"/> Hardship <input type="checkbox"/> Special Exception	<input type="checkbox"/> Extraordinary circumstances <input type="checkbox"/> Topography <input type="checkbox"/> Lot shape <input type="checkbox"/> Other	

Office Use Only Below

Application	Correct Variance requested <input type="checkbox"/> Yes <input type="checkbox"/> No	Taken/Reviewed by	Date
ADMINISTRATIVE	Meets Standards for Administrative Review <input type="checkbox"/> Yes <input type="checkbox"/> No Zoning Administrator:	<input type="checkbox"/> Approve <input type="checkbox"/> Deny: Planner _____ <input type="checkbox"/> Approve <input type="checkbox"/> Deny: Chief Inspector _____ <input type="checkbox"/> Approve <input type="checkbox"/> Deny: Engineer _____	
BOZA/PC	Date:	Decision <input type="checkbox"/> APPROVE <input type="checkbox"/> DENY	Vote: of
Summary of Action			
CHAIRMAN	Name	Signature	Date

Troup County, Georgia Variance Application
Additional Conditions, Comments and Information

Where necessary or helpful, please provide lot sketch and/or dimensions in the space below or attach survey, plat or other design documents

Additional Applicant, Subject Property and Request Information

Office Use Only - Review Comments

Conditions & Restrictions to Approved Variance Request