



Lumpkin County

Request to the
Planning Commission
for a Variance
to specific regulations

This application must be completed and returned to the Planning Department
no later than the 10th of the month prior to the monthly meeting.

THE APPLICATION IS CONSIDERED PROPERLY SUBMITTED ONLY WHEN COMPLETE
INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

VARIANCES

The purpose of a variance is to provide relief when a strict application of the Land Use and Development Codes would impose unusual practical difficulties or unnecessary physical hardships on the applicant.

Unusual practical difficulties and physical hardships may result from:

1. Size, shape, and dimension of a site.
2. The location of an existing structure.
3. Geographic, topographic, or other conditions that exist at the site.

No variance may be granted from a self-imposed hardship.

The Planning Commission is responsible for considering and making decisions on requests for variances. Reasonable conditions may be imposed in connection with a variance as deemed necessary to protect the best interest of the surrounding property or neighborhood, and otherwise secure the purpose and requirements of the Land Use and Development Codes.



Lumpkin County, Georgia

<input type="checkbox"/> -APPROVED	<input type="checkbox"/> -DENIED
<input type="checkbox"/> -MAP AMENDMENT	
DATE: _____	

Planning Department

342 COURTHOUSE HILL SUITE A, DAHLONEGA, GEORGIA 30533 (706) 864-6894

REQUIRED INFORMATION FOR ALL APPLICATIONS

Property Owners Name: _____

If applicant is "not" property owner, then Property Owner Authorization Form is required

Applicant's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____ - _____

Phone: _____

Description of Request:

Existing Activity: _____

Proposed Activity: _____

Character Area/Development Category: _____

Parcel No.: _____ - _____

Property Size: _____ ac (s)

Office Use Only	
<u>Land Use of Surrounding Properties:</u>	
North: _____	South: _____
West: _____	East: _____

FOR MAP AMENDMENTS ONLY:

Requested amendment to Character Area Map Designation of property: _____

REQUIRED ATTACHMENTS

- | | |
|---|--|
| ____ Proof of Ownership (Deed) | ____ Legal Description of the Property |
| ____ Notarized authorization of owner, if not the applicant | ____ Processing and review fee (receipt) |
| ____ Survey or Map of the property | |

I, _____, BY SUBMITTAL OF THIS APPLICATION
(print name)

hereby request an amendment to the land use plan and / or the future land use map or a variance to specific provisions of the land use code and / or a variance from certain requirements of the subdivision regulations or from specific provisions of other Lumpkin County regulations as described within this application. By signature below I attest that all information provided within and submitted with this application is true and correct to the best of my knowledge.

Signature: _____ Date: _____

**STATE OF GEORGIA
COUNTY OF LUMPKIN**

The foregoing instrument was acknowledged before me this _____ by
(date)

_____, who is personally known to me or who has produced
(Name of Person Acknowledging)

_____ as identification and did (did not) take an oath.
(Type of Identification)

(Signature) Notary Public, Commission No. _____

(Name of Notary typed, printed or stamped)

NOTE:

The Planning Commission and/or Board of Commissioners, as appropriate, shall consider the following standards in considering any proposal that would result in a special land use approval, variance to character area standards or changes to the Character Area Map, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal. Additional and specific standards are also listed under each individual procedure.

- Is the proposed request consistent with the purpose and intent of the character area, village or corridor in which it is located or proposed to be located?
- Is the proposed request consistent with the purpose and intent of this Land Use Code?
- Will the proposed request cause a burden on County infrastructure?
- Is the proposed request compatible with surrounding land uses within the Character Area and adjacent properties?
- Is the proposed request consistent with goals, strategies and policies of the Comprehensive Plan?
- Is the proposed request required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
- Does the proposed request reasonably promote the public health, safety, morality or general welfare?



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VARIANCE REQUEST FORM

Requested Action

- Front Setback Variance of _____ feet.
- Rear Setback Variance of _____ feet.
- Side Setback Variance of _____ feet.
- Lot Size Variance of _____ acres.
- Mobile Home Variance
- Appeal of an Administrative Decision

Description: _____

Land Use/Development Regulation: _____

Please attach any maps, drawings, letters or any other information concerning this matter. The Planning Board will make their decision based on the information you provide.

Failure to provide adequate information will result in the application being rejected.

1) What exceptional conditions apply to this particular piece of property requiring the need for a variance from the established standards?

- Size: _____
- Shape: _____
- Topography (if slope a factor, a topographic map must be included) _____
- Other: _____

2) Describe why granting this request would not be a detriment to the public good: _____

3) Describe why the variance would not oppose the intent of the Ordinance: _____

Please submit any other information you believe should be considered with this application and attach as many sheets as necessary

LUMPKIN COUNTY PROPERTY OWNER AUTHORIZATION

This page must be completed when the Applicant for the Variance is
Someone other than the Owner of Record of the Property.

I hereby swear that I am the owner of the property located at (address and /or map and parcel #)

as shown in the deed records of Lumpkin County, Georgia, which will be affected by this
variance request.

By signature below, I hereby authorize the person named below to act as the applicant or agent in
pursuit of the variance requested on this property. I realize that any variance granted, and/or
conditions placed on the property will be binding upon the property regardless of ownership.

Name of Applicant or Agent: _____
(print name)

Address: _____

City, State, Zip Code: _____

Daytime Telephone Number: _____ no pager numbers

Name of Owner: _____ Date: _____
(print name)

Signature of Owner: _____

Notary Public: _____ My Commission Expires: _____

Request for a Hardship Variance

This form must be included in the application when a
Variance is requested because of a hardship.

Applicant Name; _____

What is requested; _____

Requested at (give location, address, or tax map and parcel) _____

What is the Hardship; _____

(Be specific on the nature of the hardship, include additional sheets if necessary)

Data to support the hardship must be attached, and must include but is not limited to;

- Letter or letters from Doctors specifying the need for the request and/or letter or letters from State or County citizen help agencies.
- Tax information and/or financial statements.
- Property information, plats, deeds and / or photographs.
- Any additional information you want considered in the determination of this case.

Chapter 26 Variance Guidelines

*Must be fully filled out per each requested variance in Chapter 26

1. Variances may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all four of the following expressly written findings are made:

(1) A strict or literal interpretation and enforcement of the specified standard or requirement would result in practical difficulty or unnecessary hardship.

(2) These are exceptional or extraordinary circumstances or conditions applicable to the property involved or to be the intended use of the property which do not apply generally.

(3) The granting of the variance will not be detrimental to the public health, safety, or welfare.

(4) The granting of the variance would support general objectives contained within chapter 26.

(b) Variances in accordance with this article should not ordinarily be granted if the special circumstances on which the applicant relies are a result of the actions of the applicant or owner or previous owners.

Chapter 27 Variance Guidelines

*Must be fully filled out per each requested variance in Chapter 27

1. Variances may be granted only if, on the basis of the application, investigation, and evidence submitted by the applicant, all of the following expressly written findings are made:
 - (1) Certain provisions and requirements of the performance activity charts may create unnecessary hardships for property owners resulting from strict application of these provisions. No variances shall be considered for the requirements set by these regulations on conditional uses listed in article IV of this ordinance. In order to obtain the variance application from the planning department, the applicant must show all of the following:
 - a. Unnecessary hardship would result from the strict application of the ordinance.
 - i. Hardship is determined on a case-by-case basis based on evidence presented to the planning commission.
 - ii. The hardship must be more than mere inconvenience or a preference for a more lenient standard. Cost of compliance may be a factor, but cost is not determinative. It is not enough for an applicant to say that development will cost more in order to comply. The applicant must show the substantial and undue nature of that additional cost as compared to others subject to the same restriction.

- (2) Additionally, the variance applicant must show that the variance will:
 - a. Be consistent with the intent of the ordinance;
 - b. Secure public safety; and
 - c. Achieve substantial justice.

- (3) In such cases, property owners may submit an application for a variance from such specific requirements or provisions.