
Variance Application (Hardship & Special Exception)

Application, Instructions, and Information

Troup County
Planning & Zoning Office

PLEASE READ CAREFULLY BEFORE APPLYING.

THIS APPLICATION DOES NOT ENSURE A PERMIT WILL BE ISSUED.

First, check to see if the subject property (the property for which the Variance is requested) is governed by any restrictive covenants. Restrictive 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. Restrictive 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.

Since they are private agreements or contracts and Troup 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 your subdivision covenants, please contact your Home Owners' Association or the Deeds & Record's Office of the Clerk of Superior Court located in the Troup County Government Services Center between the hours of 8:00am and 5:00pm, Monday through Friday, except holidays.

Troup County, Georgia, Variance Application

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 our 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 of these standards may be considered. These are considered and approved or denied by the Board of Zoning Appeals and Planning Commission.

There are two types of variances and 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 features, soil conditions, conditions associated with height, unique natural conditions, surrounding of the property, size/shape of the property, etc.
- **Special Exception** – these are requests for conditions and circumstances within the control of the applicant. Special Exception variances may only be granted for:
 - Minimum building setbacks.
 - Maximum building height. Minimum lot width.
 - Minimum appearance standards for single-family dwellings. Public or private street frontage.
 - Automobile parking requirements. Zoning buffers and screening.
 - 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 or special use would be the appropriate request in these cases.

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

- Conditions and Standards for Granting a Hardship Variance:** The Board of Zoning Appeals and 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.

Standards for Special Exception Variance approval: A special exception variance may be granted by the Board of Zoning Appeals and Planning Commission 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 and Planning Commission 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.
- The Variance Application fees do not include subsequent applications and/or permits and associated fees that may be necessary.

Applicant Information

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, or the Property Appraisal Office located in the Government Services Center, or online at the Troup County website (<http://www.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 before 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.
- *Subdivision* – please list the name of the subdivision or N/A, if not applicable.
- *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 parcel of land for 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.
- *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.

Variance Request Information

- 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:
 - 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.
 - Maximum building height - Not to exceed an additional 4 feet above the maximum allowed.
 - 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.
 - 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.
 - Signage. Up to 10% of the dimensional restrictions of the Sign Regulations Article.

Additional Information (Following page)

- Lot or parcel sketch – provide a Site Plan 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.



Variance Application

100 Ridley Ave, Suite 1300
 LaGrange, GA 30240
 Phone: (706) 883-1650 Fax: (706) 883-1653

Case #	Fee Paid \$	Application Date	Receipt #/By
VAR-	<input type="checkbox"/> Special Exception:\$300.00		# /
	<input type="checkbox"/> Hardship: \$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 Appraisals Office. Additional permits may be necessary.
Incomplete applications will not be reviewed or processed. Please enter N/A if a question is not applicable. Fees are non-refundable.

APPLICANT INFORMATION

Applicant's Name	Current Home Address	City/State	Zip
Phone 1	Phone 2	Email	

SUBJECT PROPERTY INFORMATION

Assessor Parcel Number	Street Address (street name if no address)	City/Zip	# Acres or SQFT
- - -			
Conservation Land?	Zoning	Present Use	Subdivision
<input type="checkbox"/> Yes <input type="checkbox"/> No			

Zoning/Use of Adjacent Properties

NORTH	SOUTH	EAST	WEST

OWNED
 RENTED/PURCHASING
IF RENTED, PROPERTY OWNER MUST SIGN. IF PURCHASED NOT CLOSED AT TIME OF APPLICATION, PROVIDE PURCHASE AGREEMENT OR OWNER MUST SIGN.

Property Owner's Name	Mailing Address	City/State/Zip	Phone

Authorized Signature: _____

Date: _____

VARIANCE REQUEST INFORMATION

Using the information from the Zoning Ordinance, please indicate the Variance being requested.

Variations 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	<i>Meet standards for Administrative Review?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>Zoning Administrator:</i>	<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

Additional Conditions, Comments and Information

Where necessary or helpful, please provide a 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