**Variance Application**

COWETA COUNTY BOARD OF ZONING APPEALS

**A PRE-SUBMITTAL MEETING SHALL BE SCHEDULED NO LATER THAN ONE (1) WEEK PRIOR TO THE APPLICATION DEADLINE**

Name of Applicant(s): _____

Address of Applicant(s): _____

Phone #: _____ E-mail address: _____

Address of Subject Property: _____

Property Tax I.D. #: _____

**Definition of Variance**: A variance is a relaxation of the terms of the ordinance where such variance will not be contrary to the public interest and where, owning to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Ordinance listing for proposed use: Article _____ Section _____ Item_____

Brief description of requested use: _____

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Applicant's reason for not conforming to the Zoning Ordinance: _____

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What extraordinary conditions concerning the property/structure/property, warrants a variance or variances?

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Provide proffered measures to reduce any impact. If no mitigation is proposed, the applicant must include an explanation of why none is being proposed.

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A variance can only be recommended for approval only if the Board of Zoning Appeals finds and states the basis for said findings on the record, all of the following exist. The applicant and/or applicant representative must provide response.

A. That one of the following is true, through no action or fault of the property owner or predecessor:

I. Is the property exceptionally narrow shallow, or usually shaped?

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II. Does property contain exceptional topographic conditions?

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III. Does the property contain other extraordinary or exceptional conditions?

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IV. Are there other existing extraordinary or exceptional circumstances?

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B. That the strict application of the requirements of this ordinance would result in practical difficulties to, or undue hardship upon, the owner of this property. Please provide explanation of the undue hardship.

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C. The requested variance relief may be recommended for approval without substantially impairing the intent and purpose of this ordinance. Please provide explanation as to how this request does not substantially impair the intent and purpose of this ordinance.

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Conditions: In recommending the approval of a variance, the Board of Zoning Appeals may attach such conditions regarding the location, character, and other features of the proposed building, structure, or use as it may deem advisable so that the purpose of this ordinance will be served, public safety and welfare secured, and substantial justice done. Any deviation or revision from a condition recommended by staff shall be clearly set forth in the minutes of the Board of Zoning Appeals.

*Limitations on variances; improper variance requests*: Variance cannot be given to totally remove a requirement or to exempt a property or applicant entirely from the requirement. If a variance is being sought that is, in the judgement of the director, a request that would constitute a text amendment, then the application shall not be accepted. Variances can only be recommended for approval to alter numeric value, such as setback, height limit, area limit, and so forth. Furthermore, the Board of Zoning Appeals shall not be authorized to recommend approval of a density variance or a use variance to permit a use in a district in which the use is prohibited. A variance application shall not be accepted if the variance seeks something that cannot be varied, or to eliminate rather than modify a requirement or regulation. A variance application shall not be accepted if the variance is contradictory to the ordinance (such as reducing a requirement to zero or totally eliminating a requirement).

*Self-inflicted hardship*: The Board of Zoning Appeals shall not recommend approval of variances when the hardship was created by the property owner or his predecessor and shall not recommend approval of hardship variances based on shape or topography for a lot of record. Configuring a subdivision to create lots that are difficult to build is an example of a hardship created by the property owner or predecessor, that do not justify a variance.

Please provide the following documentation for a complete variance application package:

- Application
- A copy of the Warranty Deed
- If the applicant is not the owner of the property, submit a notarized letter from the property owner giving applicant permission to file the request.
- Plat of the property, indicating all existing and proposed structures in relation to nearby streets, property lines, and driveways; dimensions are to be accurate.
- Written Legal Description of the subject property.
- Total feet of encroachment/distance from property line.

The variance application and supporting documentation must be submitted through our Accela portal by using this link: https://aca-prod.accela.com/COWETA/Default.aspx