



Forsyth County Department of
Planning and Development



APPLICATION FOR A VARIANCE

NOTICE TO APPLICANT: The following items are **REQUIRED** to process an application for a variance. All required items **MUST** be received by the Planning & Development (P&D) Department by the submittal deadline in order to be scheduled for the next **AVAILABLE** Zoning Board of Appeals public hearing (See page 5). After P&D Staff determine an application is complete, they will inform the applicant as to which public hearing date the applicant will need to appear in front of the Zoning Board of Appeals. Incomplete applications **WILL NOT** be accepted.

- (1) A CHECK OR MONEY ORDER MADE OUT TO FORSYTH COUNTY PLANNING AND DEVELOPMENT (\$250 RESIDENTIAL, \$350 COMMERCIAL). FEES WILL BE DOUBLED IF WORK HAS STARTED PRIOR TO APPLICATION.
- (2) COMPLETED APPLICATION FORM (ALL QUESTIONS MUST BE ANSWERED).
- (3) A SITE PLAN, DRAWN TO SCALE, SHOWING ALL INFORMATION PERTINENT TO APPEAL, ALSO A COPY OF THE SITE PLAN REDUCED TO AN 8 ½" X 11".
- (4) A LEGAL DESCRIPTION (INCLUDING METES AND BOUNDS).
- (5) BOUNDARY SURVEY PREPARED BY REGISTERED LAND SURVEYOR (5 COPIES).
- (6) ANY OTHER INFORMATION DEEMED APPLICABLE TO THE APPLICATION.

A VARIANCE IS DEFINED AS FOLLOWS:

Variance: A grant of relief that relaxes or modifies the strict dimensional or numerical requirements of this Code to permit construction in a manner that would otherwise be prohibited by this Code, based on a showing that special or unique circumstances exist on a subject property, such as physical surroundings, shape or size, or topographical conditions, and that due to such special or unique circumstances, compliance would result in extraordinary and unnecessary hardship or practical difficulty or an inability to meet policies and objectives specifically identified in the Comprehensive Plan (Forsyth County Unified Development Code (UDC), Chapter 3, Article II, Specific Definitions).

Notice to Applicant: The Zoning Board of Appeals can not grant a variance or an appeal for any requirement created by the Board of Commissioners (i.e. via a zoning condition) during the rezoning process. Any application for a variance or an appeal that includes a change to an approved zoning condition can only be granted by the Board of Commissioners through the Zoning Condition Amendment process.

The Forsyth County Unified Development Code (UDC) can be found on the County website at:
<http://www.forsythco.com>. Use the "Quick Links" pull-down menu and choose "Unified Development Code."

It is understood by the Applicant that this application is to be heard by the Zoning Board of Appeals under the provisions of the regulations of Forsyth County and that it is the responsibility of the Applicant to present sufficient evidence to justify a variance from an adopted ordinance. IF THE APPLICANT OR HIS/HER REPRESENTATIVE DOES NOT APPEAR AT THE HEARING, THE APPLICANT'S APPLICATION WILL BE DENIED. A POSTPONEMENT MUST BE REQUESTED AT LEAST 24 HOURS BEFORE THE PUBLIC HEARING.

APPLICATION FOR VARIANCE

For Staff Use Only:

AB# _____ DATE _____ TIME _____ REC'D BY _____

COMMISSION DISTRICT _____

(Please Type or Print)

APPLICANT NAME _____

ADDRESS _____

PHONE # _____ DATE _____

SIGNATURE _____

PROPERTY INFORMATION

ADDRESS OF PROPERTY _____

SUBDIVISION NAME _____ LOT # _____

TAX MAP/PARCEL (PIN) # _____ ZONING DESIGNATION _____

LAND LOT(S) _____ DISTRICT _____ 1ST SECTION

ZA# _____

REQUESTED ACTION

Please indicate which section of the Forsyth County Unified Development Code is under appeal or the variance that is requested (e.g. Chapter 11, Table 11.2(a), Performance Standards for Residential Districts)

I am requesting a:

- Front yard variance of _____ feet to allow for a front yard setback to be _____ feet
- Rear yard variance of _____ feet to allow for a rear yard setback to be _____ feet
- Side yard variance of _____ feet to allow for a side yard setback to be _____ feet
- Exterior yard variance of _____ feet to allow for an exterior setback to be _____ feet
- Lot width variance of _____ feet to allow for a lot width to be _____ feet
- Other:

I am requesting this variance to: (e.g. build a pool, build a garage, build an addition to the house, etc.)

JUSTIFICATION

Section 8-5.6 of the Forsyth County Unified Development Code requires applicants to submit written justification of how this variance request (with regard to your proposed development or building) complies with each of the below criteria. Failure to provide adequate information will result in the application being not accepted. Attach additional sheets if more space is necessary.

- (1) Describe why the variance would not oppose the intent of the Unified Development Code:

- (2) Describe why the variance would not cause substantial detriment to the public safety, health, or welfare of the public, or injurious to other property:

- (3) Describe why the conditions of your property are unique only to the property which relief is sought and are not applicable generally to other property:

- (4) Describe how this property's physical surroundings (e.g. shape, size, or topographical conditions) result in an extraordinary hardship or practical difficulty (as distinguished from a mere inconvenience):

- (5) Describe why the requested variance is the minimum necessary to accomplish the proposed development or building:

- (6) Describe how granting this variance will result in equal or greater protection to the adjacent property or natural resource. (ONLY REQUIRED IF REQUESTING A VARIANCE TO A BUFFER OR SETBACK):

APPLICANT CERTIFICATION

I hereby request the action contained within this application relative to the property shown on the attached plats and site plan and further request that this item be placed on the Zoning Board of Appeals' agenda for a public hearing.

I understand that the Director of Planning & Development or his designee may either accept or reject my request upon review. My request will be rejected if all the necessary data is not presented.

I understand that my request will be acted upon at the Zoning Board of Appeals' public hearing and that I am required to be present or to be represented by someone able to present all facts. I understand that failure to appear at the public hearing may result in the postponement or denial of my application. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Forsyth County.

I understand that approval of my variance application shall be valid for a period of one (1) year measured from the date of approval by the Zoning Board of Appeals, Planning Commission or Board of Commissioners. If an application for development approval or building permit is not made within the specified variance approval period, the variance approval shall expire and become null and void. (Forsyth County Unified Development Code, Article V, Section 8-5.7)

I understand that the findings and decisions of the Zoning Board of Appeals shall be final unless a person aggrieved shall, within ten (10) days of such decision, petition the Board of Commissioners of Forsyth County to review the decision. At the end of this ten (10) day period, it shall be your responsibility as the applicant to check with the Department of Planning and Development to confirm whether or not such an appeal has been filed. (Forsyth County Unified Development Code, Article VI, Section 8-6.1)

I hereby certify that I have read and understand the above and that the attached information is true and correct.

Applicant Name (Printed): _____ Notary Public: _____

Applicant Signature: _____

Date: _____

PROPERTY OWNER AUTHORIZATION

NOTICE TO APPLICANT: All owners listed on the deed of record **MUST** sign this form. Only the owner or authorized representative may speak on behalf of this application at the public hearing. If anyone else appears, the hearing **WILL** be postponed unless a new authorization form is submitted prior to the hearing or brought to the hearing.

The undersigned hereby swear that he/she/they is/are the owner(s) of the property located at (address or tax map and parcel #) _____

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

I (We) hereby authorize the person named below to act as the applicant or agent in pursuit of the variance requested on this property. I (We) 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: _____

Address: _____

City, State, Zip Code: _____

Telephone Number: _____

Name of Owner #1: _____ Notary Public: _____

Signature of Owner: _____

Date: _____

Name of Owner #2: _____ Notary Public: _____

Signature of Owner: _____

Date: _____

ZONING BOARD OF APPEALS PUBLIC HEARING SCHEDULE

NOTICE TO APPLICANT: The Zoning Board of Appeals (ZBA) will process only fifteen (15) new variance applications, and five (5) new appeal applications per month. The ZBA shall consolidate and hear all applications submitted by a single applicant, even if the total number of applications exceed the 15/5 rule. Any application that is submitted by the deadline, but exceeds the 15/5 deadline, will automatically be deferred and processed for the next available month. Deferred applications shall have priority over all new applications submitted for the next month. Any applications postponed from the previous meeting will also not count towards the 15/5 rule.

All applications are due by 5:00 p.m. on the submittal deadline. Planning & Development Staff will review the application and make a determination as to whether the application is complete. Once an application is complete, Staff will inform applicants of the Public Hearing date where they will need to appear before the ZBA.

A ZBA work session is held at 6:30 p.m. prior to the Public Hearing. This session is held in the Planning Department's conference room, Suite 100. Although the public may attend this work session, they are not allowed to speak or ask questions. The Public Hearing begins at 7:00 p.m. and is held in the Commissioners Meeting Room on the 2nd Floor of the Forsyth County Administration Building, unless otherwise noted.

| SUBMITTAL DEADLINE | MEETING DATE |
|-------------------------------|----------------------------|
| December 21, 2006 Thursday | February 6, 2007 |
| January 29, 2007 | March 6, 2007 |
| February 26, 2007 | April 3, 2007 |
| March 26, 2007 | May 1, 2007 |
| April 23, 2007 | June 5, 2007 |
| May 25, 2007 Friday | July 11, 2007 |
| June 25, 2007 | August 7, 2007 |
| July 30, 2007 | September 4, 2007 |
| August 27, 2007 | October 2, 2007 |
| September 24, 2007 | November 7, 2007 Wednesday |
| October 29, 2007 | December 4, 2007 |
| November 26, 2007 | January 2, 2008 Wednesday |

*Dates are subject to change, please call 770-781-2115 to confirm.



FORSYTH COUNTY COMMISSION DISTRICTS Contact Information

| District | Board of Commissioners | Title | Telephone | Email |
|----------|--------------------------|---------------|----------------|--|
| 1 | Charles L. Laughinghouse | Chairman | (770) 886-2810 | claughinghouse@forsythco.com |
| 2 | Brian R. Tam | Member | (678) 513-5882 | brtam@forsythco.com |
| 3 | Jim Harrell | Secretary | (678) 513-5883 | jwharrell@forsythco.com |
| 4 | David W. Richard | Vice-Chairman | (678) 513-5884 | dwrichard@forsythco.com |
| 5 | Linda K. Ledbetter | Member | (678) 513-5885 | lkledbetter@forsythco.com |

| District | Planning Commission Members | Title | Telephone | Email |
|----------|-----------------------------|---------------|----------------|--|
| 1 | Brant Meadows | Member | (770) 367-7529 | brant@home-hunters.com |
| 2 | Pam Livesay | Chairman | (770) 889-1586 | plivesay@bellsouth.net |
| 3 | Barry Russell | Member | (678) 795-1211 | barry.russell@adelphia.net |
| 4 | Bettina Hammond | Secretary | (770) 887-4851 | bhamm2715@adelphia.net |
| 5 | Mary Helen McGruder | Vice-Chairman | (678) 936-0308 | maryhelen1@aol.com |

| District | Zoning Board of Appeals Members | Title | Telephone | Email |
|----------|---------------------------------|---------------|-----------------------|--|
| 1 | John Mobley | Chairman | Office (770) 518-9776 | |
| 2 | Fred Kerr | Vice-Chairman | Home (770) 889-3635 | fkerr@bellsouth.net |
| 3 | Joseph Staffieri | Member | Office (770) 888-8300 | |
| 4 | Jim Kinsey | Member | Office (706) 216-1644 | |
| 5 | Debra Bradley | Secretary | Home (770) 889-2814 | debra.Bradley@coldwellbanker.atlanta.com |