

PROTECTED ENVIRONMENTAL AREAS

VARIANCE APPLICATION

SUBMITTAL REQUIREMENTS: Please see page 2 for full list of requirements

FEE: \$225 per requested variance (*cash/card/check – make check payable to ACC*)**PROPERTY INFORMATION***For Staff Use:*

PLAN #: VAR - _____ - _____ - _____

PROPERTY ADDRESS: _____

COUNTY TAX MAP #(s): _____

ZONING DISTRICT: _____

CURRENT USE: _____

PROPOSED USE: _____

Applicants are encouraged to meet with Planning Staff for assistance in preparing a complete application. Staff is available to answer questions, and review procedures, forms, and plans prior to submittal.

DECLARATION OF OWNERSHIP

Applications for a variance to the terms and literal enforcement of the Development Regulations must be filed by anyone with at least fifty-one (51) percent interest in the ownership of, or an accepted contract to purchase on, the affected property.

Owners Name (print): _____

Mailing Address: _____

Telephone #: _____

E-Mail Address: _____

OWNERS'S SIGNATURE: _____ **DATE:** _____**AGENT'S AUTHORIZATION BY PROPERTY OWNER**

I authorize the person named below to act as applicant or agent in the pursuit of the variance for this property:

Name of
Applicant/Agent: _____

Owners Name (print): _____

Mailing Address: _____

Telephone #: _____

E-Mail Address: _____

OWNERS'S SIGNATURE: _____ **DATE:** _____

SUBMISSION OF MATERIALS:

A complete application must contain the following:

1. The original and one (1) copy of the property & applicant information (pg. 1 of this application)
2. Fifteen (15) copies of the applicant's responses to variance findings (pp. 3-4 of this application)
3. Fifteen (15) copies of site plan with the information detailed below [PLEASE NOTE: Requires a professional seal] and any additional materials
5. One (1) legal description of the property, e.g., record deed, unless site plan has metes & bounds.
6. Fifteen (15) copies of any additional materials, e.g., exterior architectural elevations, photographs, etc.
7. Digital pdf versions of signed application, variance findings, plans and any additional materials
8. Application fee

Site plan information required:

- a. The location and extent of Environmental Areas as established in Athens-Clarke County Code Section 8-6-4. Plans shall indicate the extent and boundaries of floodplain, riparian buffers, wetlands or significant groundwater recharge areas. The applicant may request the department to field verify the applicant's delineation of protected streams and buffers. The field review by the department will be valid for up to six (6) months.
- b. The location and extent of topography, with areas having slopes greater than twenty-five (25) percent delineated.
- c. The location and extent of all existing non-natural features including buildings, structures, foundations, parking areas, driveways, walls and fences.
- d. The location and extent of any easements or other physical encumbrances on the property.
- e. The location and extent of all proposed construction including clearing, construction of buildings, impervious surfaces (driveways, paving, patios and sidewalks), roads, walls, fences and other accessory structures.
- f. Buildable area.

VARIANCES REQUESTED

List the requested variances, citing the specific section(s) of the Athens-Clarke County Code, the required and proposed standards. Examples: *Sec. 8-6-7(A)(4)(s) – increase of impervious area from 2,500 to 3,000 sf*

VARIANCE(S) MAY BE GRANTED IN AN INDIVIDUAL CASE IF IT CAN BE SHOWN THAT A LITERAL ENFORCEMENT OF AN ORDINANCE WILL RESULT IN AN UNNECESSARY HARDSHIP TO THE APPLICANT.

In order to determine that an unnecessary hardship might occur, the following questions must be completely answered.

1(a) That there are unique or unusual circumstances that apply to this site which do not typically exist for parcels which contain environmental areas; and

1(b) That approval of the application is necessary for the preservation of property rights; for example, to allow the construction of a single-family home on the property; and

1(c) That the proposal's benefits will be greater than any negative impacts on the environmental areas on adjacent uses; and will further the purpose and intent of this chapter; and

1(d) That the circumstances or conditions have not been willfully or purposely self-imposed.

2. Provide documentation that the requirements of this chapter represent an extreme hardship for the landowner such that little or no reasonable economic use of the land is available without a variance.

3. Justify the width of the encroachment on the Environmental Area. Is it the minimum necessary to provide relief?

4. Provide information supporting the fact that the encroachment will not result in violations of any other local, state and federal laws, and will not impair water quality as defined by the Clean Water Act.
