



Planning Commission Office
The Unified Government of Cusseta-Chattahoochee County, Georgia

215 McNaughton St Cusseta, Georgia 31805
Telephone 706-890-4007 | Fax No. 706-989-2005

Variance Request Application

Instructions: Please complete the following form and submit all required items. The fee for a variance request is \$75.00 and must be paid once your application is turned in. This application will not be processed if ANY required item is not provided.

___ Contact the Planning & Zoning Department to request a rezoning application, be placed on the agenda, and obtain the scheduled public hearing date.

___ **Planning & Zoning Public Hearing:** _____

___ **Yard Sign-** A sign no less than 4 ft x 8 ft with a white background must be posted on the property the same day the application is filed. The sign must remain clearly visible to the public and shall be removed within seven days after a final decision is made. To document the posting date, the Planning & Zoning Department must receive a photo of the sign once it is posted. The date the photo is received will be used to officially record the date the sign was posted. Please refer to the provided example for proper format.

___ **Legal Notice-** You are required to run an advertisement in *The Journal* for a period of two (2) weeks. The advertisement must be published at least 15 days, but no more than 45 days prior to the date of the hearings. To publish the advertisement, please contact *The Journal* directly at (229) 649-6397. Please refer to the provided example for proper format.

___ **Letters to Abutting Property Owners-** You are required to notify all abutting property owners of your variance request application. These notification letters must be mailed at least 15 days, but no more than 45 days before the date of the hearings. To obtain a list of the abutting property owners, please contact the Tax Assessor's Office at (706) 989-3249. You may use the same format as the legal notice.

___ **Overall development scheme-** You are required to provide an overall development plan for the property. This may be as simple as submitting a copy of your land survey that shows the proposed alteration. Alternatively, you may provide a hand-drawn layout of the property that clearly indicates the alteration you plan to make.

___ To complete your variance request application, you must submit the application along with proof of legal notice, envelopes addressed to abutting property owners, proof of sign posted, development scheme, and pay the non-refundable \$75 application fee.

ADDITIONAL DOCUMENTS

The documents described above are the bare minimum required by the Unified Government of Cusseta-Chattahoochee County. You may submit any additional information that you wish to have included in your application. Application materials will be copied and distributed to the Planning and Zoning Commission. Anything included in the application is available to be viewed by the public under open record laws at the UGOCCC Planning and Zoning Office.

Applicant Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Alt. Phone: _____

Email: _____

Status: _____ Owner _____ Authorized Agent

Signature: _____

Property Owner Information

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Alt. Phone: _____

Property Information

Address: _____

Parcel Number: _____ Acreage: _____ Zoning: _____

Current Use: _____

Proposed Use: _____

Reason for Request: _____

***If the applicant is NOT the property owner, this section must be completed AND notarized. ***

I swear that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cusseta-Chattahoochee County, Georgia. I authorize the person named above to act as applicant in the pursuit of the requested action.

Sworn to and subscribed before me
this _____ day of _____, 20_____

Notary Public: _____

My Commission Expires: _____

Property Owner – Name Printed

Property Owner Signature

DISCLOSURE OF CAMPAIGN CONTRIBUTION AND GIFTS

ARTICLE II. - LEGISLATIVE Article, CHAPTER 1. - THE COMMISSION, Sec. 2-301. - Conflict of interest.

No elected official, appointed officer, or employee of Cusseta-Chattahoochee County, Georgia, or any agency or political entity to which this Charter applies shall knowingly:

- (1) Engage in any business or transaction in which the person has a financial interest, which is incompatible with the proper discharge of official duties;*
- (2) Disclose confidential information concerning the property, government, or affairs of the governmental body by which such person is engaged or is a member of without proper legal authorization or use that information to advance the financial or other private interest of such person or others;*
- (3) Accept any gift that has a value of \$100.00 or more from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in business dealings with the governmental body he or she is a member of or by which such person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any campaign;*
- (4) Represent private interests other than his or her own in any action or proceeding against Cusseta-Chattahoochee County, Georgia, or any portion of its government; or*
- (5) Vote or otherwise actively participate in the negotiation or the making of any contract between Cusseta-Chattahoochee County, Georgia, and any business or entity in which he or she has a financial interest.*

Have you, as the applicant, or anyone associated with this application or property, within the two (2) years immediately preceding the filing of this application, made campaign contributions aggregating \$100.00 or more to a member of the Unified Government of Cusseta-Chattahoochee County?

Yes _____ No _____

If yes, please complete the following section (attach additional sheets if necessary):

Name and Official Position of Government Official	Contributions (only those which aggregate to \$100.00 or more)	Date of Contribution (Within the last two (2) years)

I do hereby certify that the information provided herein is both complete and accurate to the best of my knowledge.

Applicant Name - Printed

Date

Applicant Signature

CERTIFICATION & AUTHORIZATION

I affirm that the information contained in the application attached hereto and filed with the Planning & Zoning Department consists of facts within my personal knowledge that are true and correct. I understand that this information will be relied upon by officials of Cusseta-Chattahoochee County in determining whether to issue the requested application a license or permit. I affirm that the submission of inaccurate information may be cause for denial of the request or, if discrepancies are realized after the approval for the petition or issuance of the relevant local permits, cause for the revocation of the approval and any related permits by the Board of Commissioners. I also acknowledge that I, as the applicant or property owner, am required to attend all public hearings related to this application.

Applicant Name

Date

Applicant Signature

Office Use Only
Date Application Accepted: _____
Application Accepted By: _____
Amount Paid: _____
Planning Commission Recommendation: _____
_____ Chairman, Planning Commission
_____ Date

Office Use Only – Public Notification Dates	
Sign Posted On: _____	Legal Notice: _____
Letters Mailed: _____	_____
Development Scheme: _____	

VARIANCE REQUEST EXAMPLES

Signs posted. Where application is made for a proposed amendment to the zoning map(s), the applicant shall post a sign **not less than four feet by eight feet** containing the following information: name of applicant or owner, present zoning district, proposed zoning district, date, time, and location of public hearing of the planning commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. **This sign must be posted on the date the application is filed** on the property to be rezoned in a conspicuous place for public view and shall be removed within seven days after a final decision is made.

NOTICE FOR VARIANCE REQUEST

NAME OF APPLICANT OR OWNER:

PRESENT ZONING DISTRICT:

PROPOSED USE/CHANGE OF PROPERTY:

DATE AND TIME OF THE CUSSETA-CHATTAHOOCHEE COUNTY PLANNING COMMISSION PUBLIC HEARING:

**PUBLIC HEARING TO BE HELD AT THE CUSSETA-CHATTAHOOCHEE COUNTY BOARD OF COMMISSIONERS
OFFICE LOCATED AT 215 MCNAUGHTON ST. CUSSETA, GA 31805**

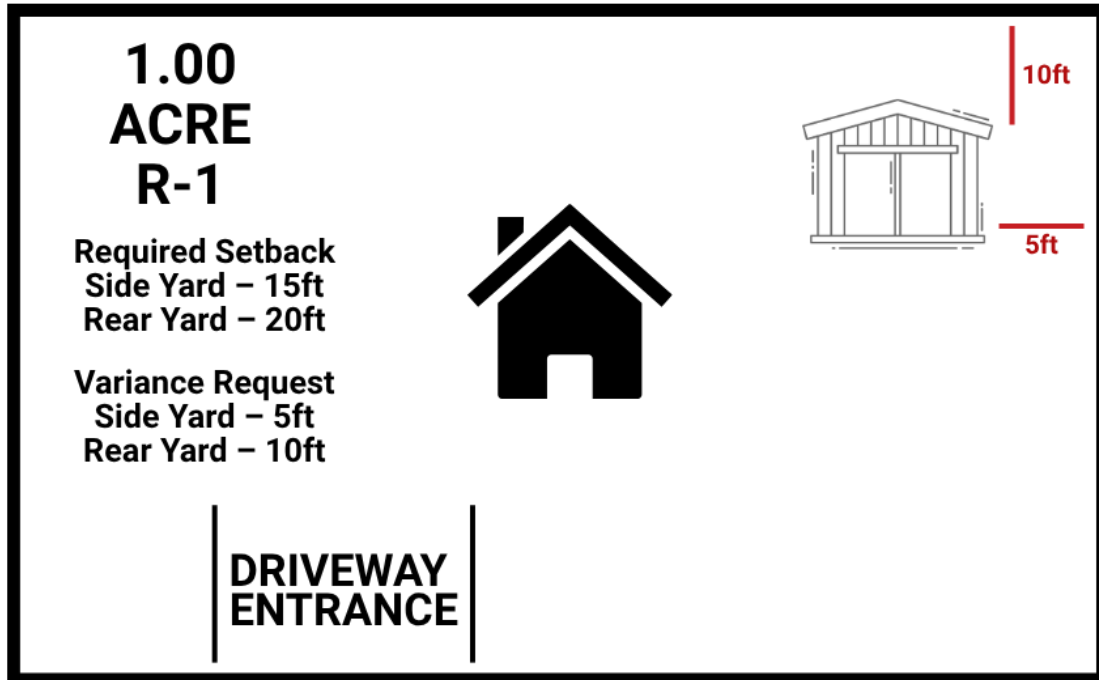
Legal notice. Notice of public hearings before the planning commission of the Unified Government of Cusseta-Chattahoochee County, Georgia as required by the section shall be published within the county's legal organ and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property. Such notice shall be published **at least 15 but not more than 45 days prior to the date of the hearing.**

Letters to abutting property owners. Where application is made for a proposed conditional use or amendment to the zoning map(s), the commission of the Unified Government or its designee shall notify, **by regular mail**, the owners, as shown by Chattahoochee County tax records, of abutting property, excluding the Fort Benning Military Reservation, of the property that is subject of the proposed amendment and/or conditional use.

Owner/Applicant **[Name of Applicant/Owner]** has submitted a request for a variance for property located at **[Property Address]**. The property is zoned **[Current Zone]** and consists of **[# of Acres]** acres. The Owner/Applicant is requesting a variance to **[Insert Reason for Variance Request]**. The Planning and Zoning Commission will hold a public hearing on this request on **[Date and Time]**, after which they will vote to approve or deny the rezoning request. The meeting will be held at the Unified Government of Cusseta–Chattahoochee County Board of Commissioners Office, located at 215 McNaughton Street, Cusseta, GA 31805. All interested parties are encouraged to attend and may voice their support or objections. Individuals with disabilities who require assistance to participate in the meeting should contact the Community Development Director at (706) 890-4007 prior to **[BOC Hearing Date]**.

Overall Development Scheme. All variance requests will require the submission of an overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed use(s) and activity(ies), a physical description of proposed facilities accommodating such uses, and a general location of existing and proposed public utilities.

BACK OF PROPERTY



FRONT OF PROPERTY

CUSSETA-CHATTAHOOCHEE COUNTY ZONING ORDINANCE

APPENDIX A – ZONING, Sec. 8. District regulations.

8.2 *Conditional uses permitted in all districts with review.* There shall be permitted in all districts the following conditional uses only after site plan review by the planning commission and approval by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia:

- A. Public buildings of a governmental nature, including libraries. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.
- B. Public utilities, not otherwise specified, including power and gas substations and pumping stations. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.
- C. Public school buildings and associated uses, public vocational schools, public research and training facilities. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.
- D. Public recreational facilities, including parks, playgrounds, stadiums, etc. The floating zone district "PUB" shall be denoted on the official zoning map for all approved uses.

8.3 *Conditional uses.*

Uses with an asterisk (*) following the district are considered to be a conditional use. These uses are deemed "appropriate" in some locations within a district or group of districts, but only if certain conditions are met. The planning commission may recommend that additional conditions need to be adopted in order to protect the health, safety and welfare of the county.

All conditional uses will require the submission of an overall development scheme stating the development intentions of the landowner, including but not limited to the following: a statement of location and intensity of proposed use(s) and activity(ies), a physical description of proposed facilities accommodating such uses, and a general location of existing and proposed public utilities. Public notification procedures described in section 15.2 shall be followed for all conditional use permits.

APPENDIX A – ZONING, Sec. 15. Amendments and alterations.

"Amendment" as used in this section means a change in the text of the zoning ordinance or a change in the official zoning map(s) of the county authorized by a zoning decision made only after compliance with the procedures set forth in this section.

1. A proposed amendment to the text may be initiated by the planning commission or may be submitted to the planning commission by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or by any person, or legal entity who owns property within the zoning jurisdiction of the county. Unless initiated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or by the planning commission, all proposed map amendments shall be submitted by the owner of such property or the authorized agent of the owner. An authorized agent shall have written authorization from the property owner, and such authorization shall be notarized and attached to the application.
2. A proposed amendment to the map affecting the same property shall not be submitted more than once every 12 months, beginning with the date of the final decision by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia may at its discretion, reduce or waive the 12-month interval between applications for proposed amendments to the zoning map affecting the same property; however, in the case of an application for a proposed amendment to the zoning maps which was defeated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, there shall be at least a six-month interval between the defeated application and the subsequent application affecting the same property unless the commission shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. The 12-month interval shall not apply to applications for proposed amendments initiated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or by the planning commission, except for applications for proposed amendments to the zoning map(s) which were defeated by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, in which case the interval required before a subsequent application may

be filed shall be at least six month unless the commission shall find and determine that the conditions under which the previous application for rezoning was made have substantially changed. An initial application to amend zoning conditions may be submitted at any time.

15.1 *Initiation of amendments.* Each proposed amendment to the text or to the official zoning map(s) shall be initiated by filing an application with the office of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. Applications for proposed amendments shall include at least the following information:

1. Applications for proposed amendments to the text shall include the following information:
 - a. Name and address of the applicant;
 - b. Current provisions of the text to be affected by the proposed amendment;
 - c. Proposed wording of the proposed amendment to the text; and
 - d. Reason for proposed amendment.
2. Applications for proposed amendments to the zoning map(s) shall include the following:
 - a. Name and address of the applicant.
 - b. A legal description of the tract(s) proposed to be rezoned.
 - c. Three copies of a plat, showing north arrow, land lot and district, the dimensions, acreage and location of the tract(s) prepared by a land surveyor, whose state registration is current and valid. The land surveyor's seal shall be affixed to the plat.
 - d. The present and proposed zoning district for the tract(s).
 - e. The names and addresses of the owner(s) of the land and of the agent(s) for the owners(s), if any.
3. **Each application for a proposed amendment shall be submitted at least 50 days prior to the date on which it is to be considered by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia as related to the zoning district requested and the size of the property affected.**
4. An applicant may file site plans, renderings, construction specifications, written development restrictions and other zoning conditions which the applicant proposes as binding restrictions upon the development and use of the property that is the subject of the proposed amendment. However, any such zoning conditions shall be filed with the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia at least seven days prior to the public hearing before the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. If any such zoning conditions are proposed by an applicant and have not been filed as required by this subsection, the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, at the time of the public hearing on the proposed amendment, shall defer any action on such proposed amendment to a specific meeting date. The date designated for action on the proposed amendment shall be set at a time which is sufficient to allow the applicant to comply with the filing requirements of this subsection.

15.1.1 *Payment of taxes.* Before any application for rezoning or alteration of the zoning maps shall be accepted for processing all taxes due upon such property as to which said request is made shall be paid in full.

15.2 *Public notification.*

1. *Legal notice.* Notice of public hearings before the planning commission and the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia as required by the section shall be published within the county's legal organ and shall state the time, place and purpose of the hearing and shall also include the location of property that is the subject of the zoning action, the present zoning district of said property, and the proposed zoning district of said property. **Such notice shall be published at least 15 but not more than 45 days prior to the date of the hearing.**
2. *Signs posted.* Where application is made for a proposed amendment to the zoning map(s), the applicant shall post a sign **not less than four feet by eight feet** containing the following information: name of applicant or owner, present zoning district, proposed zoning district, date, time, and location of hearings of the planning commission and of the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. **This sign must be posted the**

date the application is filed on the property to be rezoned in a conspicuous place for public view and shall be removed within seven days after a final decision is made.

3. *Letters to abutting property owners.* Where application is made for a proposed conditional use or amendment to the zoning map(s), the commission of the Unified Government or its designee shall notify, **by regular mail**, the owners, as shown by Chattahoochee County tax records, of abutting property, excluding the Fort Benning Military Reservation, of the property that is subject of the proposed amendment and/or conditional use.

15.3 *Public hearing procedures.* Whenever a public hearing is required by this ordinance or by state law prior to a zoning decision, such public hearing, whether conducted by the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia or the planning commission, shall be conducted in accordance with the following procedures:

1. The public hearing shall be called to order by the presiding officer.
2. The presiding officer shall explain the procedures to be followed in the conduct of the public hearing.
3. All persons who wish to address the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia at a hearing on the proposed zoning decision under consideration by the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall first sign up on a form to be provided by the county prior to the commencement of the hearing.
4. The secretary or his or her designee will read the proposed zoning decision under consideration prior to receiving public input on said proposed zoning decision. Proposed zoning decisions will be called in the order in which they are filed.
5. The secretary or his or her designee shall then call each person who has signed up to speak on the zoning decision then before the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia in order in which the persons have signed to speak, except the applicant who will always speak first. Prior to speaking, the speaker will identify him or herself and state his or her current address. Only those persons who sign up to speak prior to the commencement of the hearing shall be entitled to speak, unless two-thirds of the members of the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia present at the hearing allow the person to speak to the zoning decision, notwithstanding the failure of the person to sign up prior to the hearing.
6. Each speaker shall be allowed ten minutes to address the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia concerning the zoning decision then under consideration, unless the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia by two-thirds of the members of the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia present, prior to or at the time of the reading of the proposed zoning decision, vote to allow additional time in which to address the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia on said proposed zoning decision. The speaker may initially use all of the time allotted to him to speak or he may speak and reserve a portion of his allotted time for rebuttal. One member of the planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall be designated as the time keeper to record the time expended by each speaker.
7. Each speaker shall speak only to the merits of the proposed zoning decision under consideration and shall address his remarks to the members of the Planning commission and/or commission of the Unified Government of Cusseta-Chattahoochee County, Georgia. Each speaker shall refrain from personal attacks on any other speaker or the discussion of facts or opinions irrelevant to the proposed zoning decision under consideration. The chair may limit or refuse a speaker the right to continue, if the speaker, after first being cautioned, continues to violate this subsection.
8. Nothing contained herein shall be construed as prohibiting the chair from conducting the hearing in an orderly and decorous manner to assure the public hearing on a proposed zoning decision is conducted in a fair and orderly manner.
9. Thereafter, the presiding officer shall announce that the public hearing for the requested zoning decision is closed. The planning commission shall then convene its business session to consider the proposed amendment (zoning decision) and shall, at that time, take action on its recommendation to the commission of the Unified Government

of Cusseta-Chattahoochee County, Georgia. At the close of the public hearing before the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia, the commission shall immediately convene its business session and consider the recommendation for the zoning decision and take action on the proposed amendment.

15.4 *Planning commission public hearing and action.*

1. All applications for proposed amendments shall be reviewed by the planning commission in a public hearing in accordance with the procedures set forth in section 15.3.
2. The planning commission shall review and consider a recommendation to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia with respect to the application for a proposed amendment. The planning commission may decide not to make a recommendation, or it may make any of the following recommendations with respect to an application for a proposed amendment: approval, denial, deferral, withdrawal (with consent of applicant), change of the zoning district requested, or imposition of zoning conditions. If no recommendations are decided by the planning commission, then it shall report to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia that it makes no recommendation on the application.
3. The planning commission shall submit its recommendation or report of no recommendation on an application for a proposed amendment to the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia prior to the scheduled public hearing in which the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia will consider the application for a zoning decision. If the planning commission fails to submit a recommendation or report prior to the public hearing, the planning commission's recommendation shall be deemed to be one of approval.

15.5 *Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia public hearing and action.*

1. Before taking action on a proposed amendment and after receipt of the planning commission recommendations or reports thereon, the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall hold a public hearing on the proposed amendment.
2. So the purpose of this zoning ordinance will be served and so that the health, safety and general welfare will be secured, the commission of the Unified Government of Cusseta-Chattahoochee County, Georgia in its decision on the application for a proposed amendment, may in its legislative discretion, approve or deny the application for proposed amendment as submitted, defer a decision until a specific meeting date, require applicant to file a site plan or other plans regarding the project development and defer action to a later meeting date, or allow a withdrawal of the application by the applicant, if requested. The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall determine whether the withdrawal shall be subject to the 12-month interval before refile. The commission of the Unified Government of Cusseta-Chattahoochee County, Georgia may also require that the land area for such application for proposed amendment is made be reduced, that the zoning district changed be to one other than that requested, or that zoning conditions be added or deleted, as the commission deems appropriate.

15.6 *Zoning standards.* Whenever Cusseta-Chattahoochee County shall exercise its zoning power, the following standards are considered relevant in balancing the county's interest in promoting the public health, safety, or general welfare against the right to the unrestricted use of property:

1. Whether the zoning decision will permit a use that is suitable in view of the use and development of adjacent or nearby property;
2. Whether the zoning decision will adversely affect the existing use of adjacent or nearby property;
3. Whether the property affected by the zoning decision has a reasonable economic use as currently zoned;
4. Whether the zoning decision will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
5. Whether the zoning decision conforms with the policy and intent of an adopted land use plan; and
6. Whether other conditions exist that affect the use and development of the property in question and support either approval or denial of the zoning decision.

Chapter 12 – FLOODS, Sec. 12-31. - Variance procedures.

- (a) The Board of Commission of the Unified Government of Cusseta-Chattahoochee County, Georgia shall hear and decide requests for appeals or variance from the requirements of this article.
- (b) The board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the emergency management director in the enforcement or administration of this article.
- (c) Any person aggrieved by the decision of the board of commission may appeal such decision to the Superior Court of Chattahoochee County, Georgia, as provided in O.C.G.A. § 5-4-1.
- (d) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.
- (e) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this article are met, no reasonable alternative exists, and the development is protected by methods that minimize flood damage during the base flood and create no additional threats to public safety.
- (f) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (g) In reviewing such requests, the board of commission shall consider all technical evaluations, relevant factors, and all standards specified in this and other sections of this article.
- (h) Conditions for variances:
 - (1) A variance shall be issued only when there is:
 - a. A finding of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship; and,
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (2) The provisions of this article are minimum standards for flood loss reduction; therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; and, in the instance of a historic structure, a determination that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
 - (3) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the cost of flood insurance will be commensurate with the increased risk to life and property resulting from the reduced lowest floor elevation.
 - (4) The emergency management director shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- (i) Upon consideration of the factors listed above and the purposes of this article, the board of commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.