

APPLICANT CHECKLIST FOR VARIANCE REQUEST

Step 1 - Preliminary Discussion: Schedule meeting with Planning Staff prior to submitting an application.

Step 2 - Application Submission Requirements: The following information/documentation shall be submitted with variance applications. ***Incomplete applications will not be accepted.***

- Application fee: Refer to appropriate fee schedule.
- Application form: Complete all sections of the application.
- Authorization form: If the applicant is not the property owner, an authorization form must be completed. *Note: If property ownership is held under a business name, an **operating agreement** noting registered agent is required.*
- Statement of Hardship form: Complete all sections of the application and provide any other relevant information that may pertain to the request.
- Campaign contribution disclosure form: Complete one each for the applicant and property owner.
- Plat: A recorded plat of the property providing the complete legal description of the area being considered.
- Site plan: An 11" x 17" site plan drawn to scale identifying the following:
For larger projects, provide a larger site plan.
 - Existing and proposed buildings and uses
 - Other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses
 - Location and number of parking spaces (provide breakdown for different uses, if applicable)
 - Proposed access from public street(s)
 - Location of proposed sign(s)
 - Location of proposed buffer(s)
 - Adjacent existing land use(s)
 - Storm water management (i.e. detention ponds)
 - Existing survey, if one exists.

Step 3 - Staff Review: Application completeness review and report preparation for hearing.

Step 4 - Planning Commission Public Hearing: HCPC will make a final decision.

Step 5 - Board of Commission Public Hearing: BOC is only applicable if an appeal has been made.



VARIANCE APPLICATION

Applicant (Name and Mailing Address)

Property Owner (Name and Mailing Address)

Phone _____

Phone _____

Email Address _____

Email Address _____

Location of Property _____

Present Zoning _____ Existing Structures _____

Type of Appeal:

- | | | |
|---|--|--|
| <input type="checkbox"/> Setback Variance | <input type="checkbox"/> Front Yard | From ___ ft. to ___ ft. |
| <input type="checkbox"/> Road Frontage Variance | <input type="checkbox"/> Right Side Yard | From ___ ft. to ___ ft. |
| <input type="checkbox"/> Sign Variance | <input type="checkbox"/> Left Side Yard | From ___ ft. to ___ ft. |
| <input type="checkbox"/> Hardship Mobile Home | <input type="checkbox"/> Rear Yard | From ___ ft. to ___ ft. |
| | <input type="checkbox"/> Road Frontage | From ___ ft. to ___ ft. |
| | <input type="checkbox"/> Sign Area | From ___ ft. to ___ ft. |
| | <input type="checkbox"/> Sign Height | From ___ ft. to ___ ft. |
| | <input type="checkbox"/> Doctor's Letter | <input type="checkbox"/> Terms Agreement |

- Supporting Documents: Plat of Property Site Plan
 Deed of Property Floor Plans
 Hardship Statement Other

Hardship Mobile Home:
 I understand that, if granted, the mobile home must be removed from the property when my hardship ceases to exist.

 (Signature)

Fee (Must be paid for application to be complete): \$ _____

I hereby certify that the above information is true & correct to the best of my knowledge.

Sign _____ Date _____

I hereby withdraw this application.

Sign _____ Date _____

Staff Use Only

Application Date: _____ Taken by: _____

Tentative Planning Commission Date: _____ If Appealed County Commission Date: _____

County Commission District: _____



STATEMENT OF HARDSHIP

The Hall County Planning Commission has the authority, in specific cases, to grant variances from the terms of the Zoning Regulations when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Regulations will, in specific cases, result in unnecessary hardship and so that the resolution shall be observed, public safety and welfare secured, and substantial justice done. The authority to grant such variances shall be limited to those instances where a hardship is clearly established as required by the Zoning Regulations.

In all cases involving requests for residential variances from the terms of the Zoning Regulations, a plat or survey of the property prepared by a registered surveyor, architect, or engineer shall be required. In all cases involving variances for commercial or industrial uses of land, a site plan of the property prepared by a registered surveyor, architect, or engineer shall be required. Variances may be granted only upon a finding by the board that:

Describe how each situation listed below relates to your application:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography (the hardship must relate to the physical character of the lot and not to a personal or economic hardship).

2. The application of the requirements of this resolution to this particular property would create an unusual hardship.

3. Such conditions are peculiar to the particular piece of property involved and not common to other properties in the neighborhood. That is, the application of the regulation would deprive the applicant of the rights commonly enjoyed by others in the neighborhood.

4. Such conditions are not the result of any actions of the property owner.

5. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this resolution provided; however, that no variance may be granted for a use of land or building or structure that is prohibited by this resolution. For example, granting the variance would not confer any special privilege that is denied by this regulation to other property in the same zoning district.

I hereby certify that the above information and all attached information is true and correct.

Applicant _____

Date _____

PLANNING AND DEVELOPMENT DEPARTMENT
2875 BROWNS BRIDGE ROAD, GAINESVILLE, GA, 30504
MAILING ADDRESS: PO BOX 1435, GAINESVILLE, GA 30503
t: 770-531-6809 | f: 770-531-3902



AUTHORIZATION OF PROPERTY OWNERS

Note: If the applicant is the property owner, please disregard this form.

Name of owner(s) _____

Address _____

Phone Number _____

Name of applicant(s) _____

Address _____

Phone Number _____

I swear that I am the owner of the property which is the subject matter of the attached applications as shown in the records of Hall County, Georgia.

I authorize the person named above to act as applicant in the pursuit of a rezoning, permissive use, or variance of this property.

Signature of Owner(s)

Personally appeared before me

who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary Public

Date

CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM

This form must be completed by the applicant and property owner, or person representing the property owner, for all zoning actions.

OCGA § 36-67A-3[C] Disclosure of campaign contributions:

(b) When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

(3) The name and official position of the local government official to whom the campaign contribution was made; and

(4) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

(b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the zoning action is first filed. (Code 1981, Section OCGA § 36-67A-3[C], enacted by GA L. 1986, page 1269, Section 1, GA L. 1991, page 1365, Section 1).

I hereby certify that I have read the above and that:

I have** _____ I have not _____

within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

****If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.**

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: _____

Date: _____

Applicant's/Owner's Name (Printed): _____

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I hereby certify that I have read the above and that:

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****If you have made such contributions, you must provide the data required below within ten (10) days of filing this application.**

Name of Official(s): _____

Office: _____

Dollar Amount: _____

Date of Contribution: _____

Applicant's/Owner's Signature: _____

Date: _____

Applicant's/Owner's Name (Printed): _____

APPLICATION WITHDRAWAL

Zoning applications may be withdrawn prior to the public notification.

Request for withdrawal after this notification requires planning commission consent if requested prior to planning commission action or board of commission consent if requested prior to action of the county board of commissioners.

APPLICATION PROCESS

- At a preliminary meeting with a planner, the application process is discussed to determine what items are to be provided by the applicant.
- Requirements for the application and applicable fees are listed elsewhere in this publication. Additional requirements may include plan approval by the Health Department, Engineering Department, Water Department, and/or the Department of Transportation.
- The application is filed in the Planning Department and must be made at least 30 working days prior to the Planning Commission meeting.
- A legal advertisement is published at least 15 days prior to both the Planning Commission and Board of Commissioners public hearings.
- A sign with the dates and times of the Planning Commission and Board of Commissioners meetings is posted on the subject property by the applicant at least 15 days prior to the public hearing.
- Property owners adjacent to the subject property are notified by mail of the request and meeting date and time (must be postmarked no less than five days before the public hearing).
- A location map and staff report are prepared and delivered to Planning Commission members along with any information submitted by the applicant.
- The Planning Commission holds a public hearing on the request. The meeting is held at 5:15 p.m. on the first and third Monday of each month at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, GA.* The applicant and any other citizens concerned with the request are given an opportunity to speak during the hearing. After all comments are heard, the Planning Commission makes its decision. They can approve, approve with conditions, table, deny a request, or recommend a specific action to the Board of Commissioners, depending on the type of application.
- Any final decision of the Planning Commission may be appealed to the Board of Commissioners within five working days following the action.

- The Planning Commission's recommendation, with all information received at the public hearing (staff report, maps, etc.), are forwarded to the Board of Commissioners.

- The County Commission holds a public hearing on the request. The meeting times are 6:00 p.m. on the second and fourth Thursday of each month. All meetings are held at the Hall County Government Center, 2nd Floor Meeting Room, 2875 Browns Bridge Road, Gainesville, GA.* The hearing is conducted under the same format as the Planning Commission's public hearing. After all comments are heard, the Board of Commissioners makes its decision. The Board can approve, approve with conditions, table, refer back to the Planning Commission, or deny the request. Their decision is final unless appealed to the Superior Court of Hall County within 30 days following Commission action.
- A final action letter is mailed to the applicant by the Clerk of Commission. Normally, the entire process, from the time the applicant submits the application until the final decision is made, takes six to eight weeks.

**Unless public notice is given of some other time and/or location.*

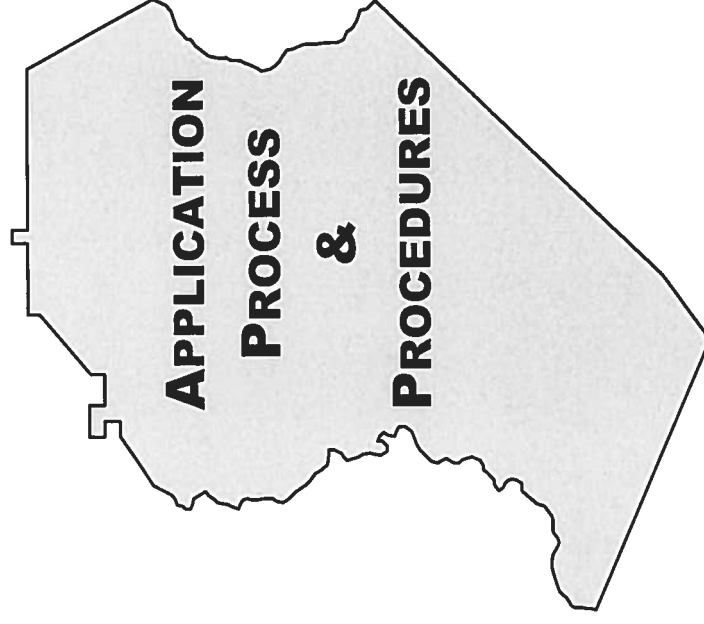
ZONING DISTRICTS

For the purpose of regulating development, Hall County has divided its jurisdictional area into the following zoning districts:

Vacation Cottage (V-C)	Office and Institutional (O-I)
Residential-I (R-I)	Suburban Shopping (S-S)
Residential-II (R-II)	Highway Business (H-B)
Residential-Two-Family (R-TF)	Parkway Commercial (P-C)
Residential-Multi-Family (R-MF)	Light Industrial (I-I)
Agricultural Residential-III (AR-III)	Heavy Industrial (I-II)
Agricultural Residential-IV (AR-IV)	Planned Development
Mobile Home Park (MHP)	(PRD, POD, PCD, PID and PCFD)

Each zoning district differs from all the other districts in which land uses are allowed, what standards and restrictions apply, and what approvals are necessary. The Hall County Zoning Regulations provide a description of land uses permitted and other requirements (minimum lot size, setbacks, frontage, etc.) of each district. You can obtain a full description of the permitted land uses and requirements from the Hall County Planning Department (telephone: 770 531-6809) located at the Hall County Government Center, 2875 Browns Bridge Road, Third Floor, Gainesville, Georgia. The requirements and permitted uses are subject to change with new amendments to the regulations, so always make sure you have the latest version of the requirements and permitted land uses.

Hall County ZONING



Hall County Planning Department

P. O. Box 1435

Gainesville, Georgia 30503

(770) 531-6809

Fax (770) 531-3902

ZONING APPLICATIONS ARE NOT CONSIDERED COMPLETE FOR STAFF REVIEW AND SCHEDULING FOR CONSIDERATION BY THE PLANNING COMMISSION UNTIL ALL DATA, DRAWINGS, NARRATIVES, AND OTHER SUPPORTING DOCUMENTATION ARE RECEIVED.

H A L L C O U N T Y Z O N I N G A P P L I C A T I O N S

APPLICATION REQUIREMENTS

Applicant

Zoning applications may be filed by any individual, firm or organization or their duly appointed agent or attorney, board of commissioners, or the county planning commission. When the applicant is not the property owner, a letter from the property owner authorizing the application is required.

Minimum Size and Area

The minimum area considered for rezoning must be at least one acre except when the tract abuts a nonresidential zoning district or abuts a district with the same zoning classification as is being requested.

Application Deadline

Zoning applications (including all required documentation) must be submitted to the planning department office at least 30 working days in advance of the next regular meeting of the planning commission.

Required Documentation

Applications requesting a change in the official zoning map or use subject to approval of the planning commission or county commission shall file an application, together with payment of fees set forth to cover administrative and advertising costs, in the planning department office. All applications shall include:

1. A plat of the property giving the complete legal description of the area being considered in the application.
2. A written report fully describing the existing and proposed use of the property. The report should include where applicable:
 - a. A general description of the proposed use. (Description should fully describe the proposed use including such items as type of business, operating hours, etc.)
 - b. Proposed standards for development including restrictions on use of the property, density (lot size), and setback requirements.
 - c. Proposed signs and specifications.
 - d. Proposed lighting of site.
 - e. Provisions for water and sewer. (For public water/sewer systems, include letter of commitment from agency providing the service.)

- f. Plans for protection of abutting properties (buffers).

3. A site plan* drawn to scale identifying:

- a. The area covered by the application.
- b. Existing and proposed buildings and uses.
- c. Any other significant site improvements proposed to accommodate the proposed use or buffer adjacent uses.
- d. Location and number of parking spaces.
- e. Proposed access from a public street. (Include DOT letter of commitment for access to state routes.)
- f. Location of proposed signs.
- g. Location of proposed buffers.
- h. Adjacent existing land uses.

APPLICATION FEES

Rezoning and uses subject to County Commission approval.

Acreage	Rezoning and Uses Subject to County Commission approval in V-C, R-I, R-II, R-III, AR-III, & AR-IV	Rezoning and Uses Subject to County Commission approval in R-TF, R-MF, O-I, S-S, H-B, H-I, H-II, PRD, POD, PCD, PID, P-C, & MHP
0-5	\$300	\$450
>5-10	\$400	\$550
>10-20	\$600	\$750
>20-100	\$1,000	\$1,500
>100+	\$1,000 + \$30 per acre or part thereof, not to exceed a maximum of \$2,500.	\$1,500 + \$40 per acre or part thereof, not to exceed a maximum of \$3,000.

Conditional uses and uses permitted subject to Planning Commission approval.

Acreage	All Uses Subject to Planning Commission approval in V-C, R-I, R-II, R-III, & AR-IV zones.	All Uses Subject to Planning Commission approval in R-TF, R-MF, O-I, S-S, H-B, H-I, H-II, PRD, POD, PCD, PID, P-C, & MHP zones.
0-5	\$250	\$350
>5-10	\$350	\$450
>10-20	\$500	\$650
>20-100	\$750	\$1,000
>100+	\$750 + \$25 per acre or part thereof, not to exceed a max. of \$2,000.	\$1,000 + \$30 per acre or part thereof, not to exceed a maximum of \$2,500.

Variances and Hardship Mobile Homes

Acreage (N/A)	Variances V-C, R-I, R-II, R-III, AR-III and AR-IV \$350	Hardship Mobile Home \$200
(N/A)	Vary the setbacks in V-C, R-I, R-II, R-III, AR-III and AR-IV \$350	Vary the setbacks in R-TF, R-MF, O-I, S-S, H-B, H-I, H-II, PRD, POD, PCD, PID, P-C and MHP \$400

APPEALS TO COUNTY BOARD OF COMMISSIONERS: \$200

***All applicants seeking to make application for zoning actions must first have their site plan and proposal reviewed by the Hall County Engineering Department.**

The Engineering Department will either approve the plan submitted, or require changes they deem necessary. The zoning request may not proceed until the Engineering Department approved the plan. Once the plan is approved, the application will be processed by the Planning Department

•See zoning requirements for additional size and submittal requirements for Planned Development applications.

CAMPAIGN CONTRIBUTION DISCLOSURE

All zoning applicants are required to sign a campaign disclosure form indicating whether they have, or have not, made campaign contributions aggregating \$250.00 or more within the past two years to a local government official who will consider the application. When disclosures are required, the name, official position, dollar amount, and description of each contribution must be disclosed within ten days of filing the zoning application.