



**Town of Mt. Airy**  
 P.O. Box 257  
 869 Dicks Hill Parkway  
 Mt. Airy, GA 30563  
 Phone: (706)778-6990  
 Fax: (706)776-3976

**Variance Application**

VAR-\_\_\_\_\_

Fee: \$50.00

Application for:  Appeal  Special Exception  Adjustment

Type of Variance Requested: \_\_\_\_\_ (Letter of Intent must fully describe this request.)

Applicant Name: \_\_\_\_\_ Company: \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_ Cell Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_ Fax#: (\_\_\_\_) \_\_\_\_-\_\_\_\_

Owner Name(s): \_\_\_\_\_

Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_ Cell Phone: (\_\_\_\_) \_\_\_\_-\_\_\_\_ Fax#: (\_\_\_\_) \_\_\_\_-\_\_\_\_

Exact Location and Description of Subject Property:

Address: \_\_\_\_\_ Lot Number: \_\_\_\_\_

Present/Proposed Zoning: \_\_\_\_\_ Parcel #: \_\_\_\_\_

District: \_\_\_\_\_ Land Lot: \_\_\_\_\_ Tax Map #: \_\_\_\_\_

Present and/or Proposed Use of Property: \_\_\_\_\_

.....  
**Required Items:**

- A completed signed application along with the variance fee of \$50.00.
- A detailed Letter of Intent of your request along with any supporting maps, survey's and/or documents requested by the Building Official.
  - The Letter of Intent shall address the criteria specified in Page 2.
- It is the responsibility of the applicant to pay the postage and mail the Certified Letters which will be prepared by the City Hall to the adjacent property owners.

\_\_\_\_\_

Signature of Applicant

\_\_\_\_\_

Date

(Office Use Only)

Date Completed Application Rec'd: \_\_\_\_\_

Letter of Intent Rec'd: \_\_\_\_\_

Date of Planning Commission Meeting: \_\_\_\_\_

Dates Advertised: \_\_\_\_\_

Approved by Planning Commission: (Circle One) Yes or No

Date Applicant Notification Letter Sent: \_\_\_\_\_

Amount Paid: \$ \_\_\_\_\_

Check # \_\_\_\_\_/Cash



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## Variance Application

Powers and Duties: The Planning Commission shall have the following functions, powers and duties: (9) Determine variances pursuant to Section 52-2777.

Variances: The Planning Commission is hereby empowered to authorize upon application in specific cases such variance from the terms of these regulations as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations will in an individual case, result in unnecessary hardship, so that the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done. The existence of a non-conforming use of neighboring land, buildings or structures in the same zoning district or of permitted or non-conforming uses in other districts shall not constitute a reason for the requested variance.

A variance may be granted in an individual case of unnecessary hardship, after appropriate application, upon specific findings that all of the following conditions exist. The absence of any one of the conditions shall be grounds for denial of the application for variance.

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other land or structures in the same district; and,
2. A literal interpretation of the provisions of the zoning regulations would create an unnecessary hardship and would deprive the applicant of rights commonly enjoyed by other property owners within the district in which the property is located; and,
3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located; and,
4. Relief, if granted, will be in harmony with the purpose and intent of these regulations and will not be injurious to the neighborhood or general welfare in such a manner as will interfere with or discourage the appropriate development and use of adjacent land and buildings or unreasonably affect their value; and,
5. The special circumstances are not the result of the actions of the applicant; and,
6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure; and,
7. The variance is a request to permit a use of land, building or structures which is permitted by right in the district involved.

Condition Approval Permitted: In exercising its powers, The Board of Zoning Appeals may, in conformity with the provisions of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination, and to that end, shall have all of the powers of the Zoning Administrator and Building Official and may issue or direct the issuance of a permit. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination of the Building Official or Zoning Administrator or Town Engineer. No order of the Board permitting the erection or alteration of a building or other variance shall be valid for a period provided, however that such order by the Board shall continue in force and effect if a building permit for said erection or alteration is obtained within such period and such erection or alteration is started and proceeds to completion in accordance with such permit.



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**Property Owner Authorization**

VAR# \_\_\_\_\_ TMP# \_\_\_\_\_

Property Owner Authorization

I / We \_\_\_\_\_ hereby swear that I / we own the property located at (Fill in address and/or tax map & parcel #) \_\_\_\_\_ as shown in the tax maps and/or deed records of Habersham County, Georgia, and which parcel will be affected by this request.

I hereby authorize the person(s) or entity(ies) named below to act as the applicant or agent in pursuit of the variance requested on this property. I understand that any variance granted, and/or conditions or stipulations placed on the property will be binding upon the property regardless of ownership. The under signer below is authorized to make this application. The undersigned is aware that no application or reapplication affecting the same land shall be acted upon within 6 months from the date of the last action.

Printed Name of Applicant of Agent: \_\_\_\_\_

**Signature of Applicant of Agent:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone Number: (\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Printed Name of Owner(s): \_\_\_\_\_

**Signature of Owner(s):** \_\_\_\_\_ **Date:** \_\_\_\_\_

\_\_\_\_\_ **Date:** \_\_\_\_\_

Sworn to and subscribed before me

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

Notary Public, State of Georgia

My Commission Expires: \_\_\_\_\_

Notary Seal

(The complete names of all owners must be listed, if the owner is a partnership, the names of all partners must be listed, if a joint venture, the names of all members must be listed. If a separate sheet is needed to list all names, please identify as applicant or owner and have the additional sheet notarized also.)



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**Adjacent Property Owners**

VAR# \_\_\_\_\_

TMP# \_\_\_\_\_

It is the responsibility of the applicant to provide a list of adjacent property owners. This list must include the name and address of anyone who has property touching your property or who has property directly across the street from your property where the variance is being requested. Attach another page if needed. The Certified Letters to the adjacent property owners will be prepared by the City Hall, and the postage paid and letters mailed by the applicant.

TMP# \_\_\_\_\_ 1. Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

TMP# \_\_\_\_\_ 2. Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

TMP# \_\_\_\_\_ 3. Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

TMP# \_\_\_\_\_ 4. Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

TMP# \_\_\_\_\_ 5. Name(s): \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_

The applicant, or designated agent, MUST\* attend the public hearings for the variance request to be considered.

\*NOTE: If the applicant of a petition before the Planning Commission fails to attend the public hearing, then the Planning Commission may deny the subject petition or may require re-advertisement of the subject petition at the expense of the applicant.