



Walton County Planning & Development
303 S. Hammond Drive
Suite 98
Monroe, Ga. 30655
(770) 267-1485
(770) 267-1407 FAX

GENERAL PROCEDURE FOR APPLICATIONS TO WALTON COUNTY BOARD OF APPEALS:

Submittal requirements must be submitted to the Walton County Planning & Development Department by or before the filing deadline to be placed on the agenda for the next hearing. The Board of Appeals meets once a month at 6:00pm in the Commissioners Meeting Room of the Walton County Government Building, Suite 330, 303 S Hammond Drive. All applications are submitted to Walton County Planning & Development Department, 303 S Hammond Drive, Suite 98, Monroe GA 30655. Applications will be reviewed for acceptability to the Board of Appeals. For filing deadlines, hearing dates and additional information, see the Department website at www.waltoncountyga.gov or contact the Planning & Development Department at (770) 267-1485.

Applicants or their appointed agent must be present at the public hearing to present the request to the Board of Appeals. The applicant has the burden of representing evidence sufficient to allow the Board of Appeals to take actions authorized.

Article 3 Part 2 Section 100 Duties and Powers of the Board of Appeals

The Board of Appeals shall have the following powers, as well as others significantly authorized in this Ordinance:

A. Appeals

To hear and decide appeals where it is alleged there is an error in any order, requirement, permit, decision, determination or refusal made by an administrative officer in the enforcement of this Ordinance. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this Article.

B. Variances

To authorize variances from the terms of this Ordinance and Walton County Sign Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will, in an individual case, result in a practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done.

C. Special Exceptions

Approval by the Board of Appeals an application which the Board of Appeals is authorized to decide as specified within this Ordinance:

1. Home Occupation customer contract.
2. Antenna, amateur radio heights exceeding 50 feet.
3. Reduce the required number of parking spaces when necessary to preserve significant trees.
4. Tracts or parcels of land located on an existing easement which existed prior to the initial adoption of the Ordinance (March 6, 1973) or has been created of record by a survey, deed or other written instrument recorded in the real estate records of the Clerk's Office, Walton County Superior Court, prior to December 6, 1983, and such tract or parcel (although not abutting a public road) has a legally established and clearly defined access to an existing public road may be subdivided into no more than three (3) tracts or parcels of no less than 5 acres. All other requirements of this ordinance must be in compliance. (12-2-03)

Article 14 Standard of Review

Section 100 Appeals

F. Decision of the Board

Following the consideration of all testimony, documentary evidence, and matters on record, the board shall make a determination on each appeal. An appeal shall be sustained only upon an expressed finding by the board that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner. In exercising its powers, the board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit provided all requirements imposed by all other applicable laws are met.

Section 110 Variances

B. Standards of Review

In ruling on any application for a variance, the Board of Appeals shall act in the best interest of the health, safety, morals, and general welfare of the county. In doing so, the Board of Appeals may grant variances in individual cases of practical difficulty or unnecessary hardship upon a finding that all the following conditions exist:

1. There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;
2. The strict application of the Ordinance to this particular piece of property would create practical difficulty or unnecessary hardship; and
3. Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of this Ordinance.
4. No variance may be granted for a use of land or buildings or structure that is prohibited by this Ordinance or to change the density of a use allowed by this ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Board of Commissioners.

Section 120 Special Exceptions

B. Standards for Review

In ruling on any application for a special exception, the Board of Appeals shall act in the best interest of the health, safety, morals and general welfare of the county. In doing so the Board of Appeals may grant special exceptions in individual cases upon a finding that all of the following conditions exist:

Request if granted, would not cause substantial detriment to the public good, safety, or impair the purposes and intent of this ordinance.

Request if granted, will not create adverse impact upon adjoining properties by reason of noise, smoke, odor, dust, vibration, hours of operation, activity, parking, visibility or nature of operation of use.

Request if granted, will allow use that is compatible with adjacent properties uses and other property uses in immediate area.

Request if granted, insures that adequate public services, public facilities and utilities are available to serve the special exception use.

Request if granted, insures that the public street on which the special exception use will be located has sufficient traffic carrying capacity and road design so as not to unduly increase traffic and/or create congestion, and/or create traffic hazards in the area.

Section 160 Notices of Public Hearings

The following notices shall be conducted by the Planning and Development Department prior to hearing:

1. Written Notice

Written notice of each application shall state the nature of the action requested, and the date, time, and place of the public hearing before the Board of Appeals and shall be mailed by first class mail to the owners of all property abutting and across the street from property, as such property owners are listed on the tax records of Walton County.

2. Posted Notice

For each application, the Department shall post signs on the subject property.

The public notice sign will be removed by the Department. Removal of the sign by any other individual is subject to fine or penalty.

3. Published Notice

For each application, notice of the nature of the action request and the date, time and place of the public hearing before the Board of Appeals shall be published in a newspaper of general circulation within the County.

Walton County Board of Appeals Application

Please Type or Print Legibly

Variance/Special Exception/Appeal # _____

Board of Appeals Meeting Date _____ at 6:00PM held at WC Board of Comm. Meeting Room

DOCUMENTS TO BE SUBMITTED WITH APPLICATION

Recorded Deed _____ Survey Plat _____ Site Plan _____ Proof of Paid Property Taxes _____

Map/Parcel _____ Zoning District: _____ Commission District: _____

Applicant Name/Address/Phone #

Property Owner Name/Address/Phone

Phone # _____

Phone # _____

Type Request: _____ VARIANCE _____ SPECIAL EXCEPTION _____ APPEAL

Property Location _____ Acreage _____

Describe Variance/Special Exception/Appeal: _____

State Reason for request and how these reasons satisfy Article 14 Standards of Review:

Public Water: _____ Well: _____ Public Sewer: _____ Septic Tank: _____

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for Planning and Development personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Signature _____ Date _____ Fee Paid: \$ _____

PUBLIC NOTICE SIGN WILL BE PLACED AND REMOVED BY P & D OFFICE

Administrative Variance granted per Article 14 Section 180

P & D Official: _____ Date: _____

I HEREBY WITHDRAW THE ABOVE APPLICATION _____ Date _____

**AUTHORIZATION
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Variance/Appeal Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Variance/Appeal Application.

Name of Applicant: _____

Address: _____

Telephone: _____

Location of Property: _____

Map/Parcel Number: _____

Property Owner Signature

Property Owner Signature

Print Name: _____

Print Name: _____

Address: _____

Address: _____

Phone #: _____

Phone #: _____

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

Notary Public

Date