



## Variations

*“A variance is a waiver of the dimensional terms of the zoning chapter where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the chapter would result in unnecessary and undue hardship; and does not involve a change in the use of the property.”* Chapter 38-212 of the Oconee County Code of Ordinances.

Requesting a variance requires a public hearing through the Board of Zoning Appeals. These hearings are generally held once per month on the fourth Monday. During this hearing the applicant or their assignee may speak to the Board regarding their request. Neighbors and citizens are given an opportunity to speak in-favor, or against, the request during the meeting. The public is notified about the request in following ways:

1. Signs or signage on , adjacent and near the property that the variance is being requested for.
2. A direct mailing to all property owners within a 250’ radius of the property that the variance is being requested for.
3. An advertisement in a newspaper at least 21 calendar days before the meeting.

The language from the Code of Ordinances is as follows:

*Sec. 38-7.1. - Variations. The board of zoning appeals may grant a variance in an individual case of unnecessary hardship if the board of zoning appeals makes and explains in writing the following findings:*

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property;*

- (2) These conditions do not generally apply to other property in the vicinity;*
- (3) Because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and*
- (4) The authorization of a variance will not be of substantial detriment to adjacent uses or to the public good, and the character of the district will not be harmed by the granting of the variance.*
- a. The board of zoning appeals may not grant a variance the effect of which would be to allow the establishment of a use not otherwise permitted. The fact that the property may be utilized more profitably, should a variance be granted, may not be considered grounds for a variance.*
- b. The board of zoning appeals may grant a variance to extend physically an existing nonconforming use provided that the expansion does not adversely affect the character of the community and is designed so as to minimize any negative secondary impacts.*
- c. In granting a variance, the board of zoning appeals may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board of zoning appeals may consider advisable to protect established property values in the surrounding area, or to promote the public health, safety, or general welfare.*

*The developer shall have the burden of providing evidence to the county of compliance with the general requirements of this chapter and the specific requirements of the applicable section. The board of zoning appeals may impose whatever reasonable conditions it deems necessary to ensure that any proposed development will comply substantially with the objectives in this chapter.*

**This document is for informational purposes only and does not supersede or supplant any information within the current code of ordinances. Speak with the Planning & Zoning department for the most accurate information.**

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