



# **VARIANCE APPLICATION**

## **2023**

**Thank you for your interest in the City of Harlem, Georgia. This packet includes the necessary documents needed for VARIANCE APPLICATIONS to be heard by the Planning and Zoning Commission and the City Council.**

**Please note: all fees are non-refundable. There are no exceptions.**

**The City of Harlem Community Development Department will conduct pre-application meetings on an appointment basis. Please call the Community Development Department to schedule an appointment (706) 556-0043.**

**The location of all city related meetings is:  
320 North Louisville Street  
Harlem, Georgia 30814**

**Variance Fee: \$615 + \$25.00 per acre per Sec. 108-377.**

## **Procedures**

**A pre-application meeting with the Community Development Director before submission of any application is required. A scheduled appointment is required.** *(No opinions or guidance can be given over the phone).* Staff will review the request and discuss all necessary code requirements that affect the request. Staff may also need to consult other city departments before accepting the application. The request will then be advertised in The Columbia County News-Times and a sign posted at least 15 days prior to the scheduled public meeting date (see the attached schedule).

**No application will be accepted unless all necessary documentation is complete, and a pre-application meeting has been held (There will be no exceptions.)**

The Harlem Planning Commission, on the 1st Tuesday of each month, shall hear requests. Upon recommendation by the Planning Commission, the request will then go before the City Council on the 4th Monday of the next available month's agenda, subject to the Planning & Zoning office's determination.

## **Notes**

Per the Planning and Zoning Commission and the City Council's request, no more than six (6) items will be placed on a Planning and Zoning Commission or City Council's hearing, unless stated otherwise by the respective board.

### **Sec. 108-355. - Deadline for withdrawal of petition.**

Any petitioner shall have the right to voluntarily withdraw a petition for change of zoning by 12:00 noon on the date preceding the hearing date without commission approval for resubmission. Any petition withdrawn after this time for any reason must have the consent of the commission by proper resolution before resubmission and advertisement.

### **Sec. 108-354. - Resubmittal of petitions.**

Whenever a petition for change of zoning has been denied, no further petition for change of zoning for the same property for the same classification shall be heard for a period of one year from the date of the first hearing.

## **Contacts**

Community Development Director  
320 North Louisville Street / Harlem, GA 30814  
tel. (706) 556-0043 fax. (706) 556-0604

Public Works Director  
P.O. Box 99 / Harlem, GA 30814  
tel. (706) 556-3500 fax. (706)556-3293



## City of Harlem

### Variance Request Checklist

**PLEASE COMPLETE THIS FORM WHEN ACCEPTING ALL VARIANCE REQUEST APPLICATIONS.**

**ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN.**

<input checked="" type="checkbox"/>	REQUIRED ITEMS*	COPIES	PROCEDURE
	Pre-Application Review Form (Meeting Notes)	1	Must be obtained from a current planner, prior to submitting your application. <b>(by appointment only)</b>
	Application Form	1	1. Signed and <b>notarized</b> by owner. 2. In lieu of owner's signature, applicant has signed and <b>notarized</b> a copy of a "Contract", "Power of Attorney" or "Lease"
	Applicant Disclosure Form	1	Required for all property owners, applicants, and agents filed with an application and must be <b>notarized</b>
	Letter of Ownership	1	Letter stating that the owner is aware of the VARIANCE request and owns the property in question
	Letter of Intent	1	Must clearly state the proposed variance(s) and reason(s) behind any requests.
	Site Plans (11 x 17)	1	Must show minimum details: Buildings, setbacks, buffers, road frontage, correct scale, north arrow, present zoning classification, topographic information to show elevation and drainage, location, and extent of any required buffers. Clearly indicate proposed variance, as appropriate, on-site plan.
	Survey Plat (8 ½ x 11) Or (11 x 17)	1	Subject Property, prepared and sealed <b>within the last five years</b> by a professional engineer, landscape architect or land surveyor registered in the State of Georgia. Said survey plat shall: 1) indicate the complete boundaries of the subject property and all buildings and structures existing therein; 2) Include a notation as to whether any portion of the subject property is within the boundaries of the 100-year floodplain; and 3) Include a notation as to the total acreage or square footage of the subject property

**\*ALL DOCUMENTS ARE REQUIRED IN ORDER TO ACCEPT APPLICATION.**

Land Use Officer: \_\_\_\_\_ Date: \_\_\_\_\_



**City of Harlem**  
**Variance Request Application**

Name of Applicant \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
Address Applicant: \_\_\_\_\_ Fax \_\_\_\_\_ Pager/Cell # \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_  
Name of Agent \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_  
Address Agent: \_\_\_\_\_ Fax \_\_\_\_\_ Pager/Cell # \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_ E-mail: \_\_\_\_\_

**THE APPLICANT NAMED ABOVE AFFIRMS THAT THEY ARE THE OWNER OR AGENT OF THE OWNER OF THE PROPERTY DESCRIBED BELOW AND REQUESTS**

Variance being requested: \_\_\_\_\_

Address of Property: \_\_\_\_\_ Nearest intersection to the property: \_\_\_\_\_  
(Street Address)

Size of Tract: \_\_\_\_\_ acre(s), Historic District: \_\_\_\_\_ Tax Parcel Number: \_\_\_\_\_  
**(Required)**

\_\_\_\_\_  
Witness' Signature

\_\_\_\_\_  
Signature of Applicant/s

\_\_\_\_\_  
Printed Name of Witness

\_\_\_\_\_  
Printed Name of Applicant/s

\_\_\_\_\_  
Notary

\_\_\_\_\_  
Signature of Agent

\_\_\_\_\_  
Printed Name of Agent

**NOTARY STAMP:**

**(For Office Use Only)**

Total Amount Paid \$ \_\_\_\_\_ Cash \_\_\_\_\_ Check # \_\_\_\_\_ Received by: \_\_\_\_\_ *(FEES ARE NON-REFUNDABLE)*

Application checked by: \_\_\_\_\_ Date: \_\_\_\_\_ Map Number(s): \_\_\_\_\_

Pre-application meeting: \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation of Planning and Zoning Commission: \_\_\_\_\_

City Council Decision: \_\_\_\_\_

City Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Applicant Campaign Disclosure Form

(Must be completed by the applicant, the property owner, and the agent. Use as many forms as needed.)

Has the applicant\* made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to a member of the City of Harlem City Council or Planning and Zoning Commission Board who will consider the application?

Yes \_\_\_\_\_ No \_\_\_\_\_

If Yes, the applicant and the attorney representing the applicant must file the following information with the Henry County Board of Commissioners within ten (10) days after this application is first filed:

City Council and/or Planning and Zoning Commissioner Member Name	Dollar Amount of Campaign Contribution	Description of Gift \$250 or greater given to Board Member

We certify that the foregoing information is true and correct, this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Applicant's Name - Printed

\_\_\_\_\_  
Signature of Applicant/Property Owner/Agent

\_\_\_\_\_  
Applicant's Attorney, if applicable - Printed

\_\_\_\_\_  
Signature of Applicant's Attorney, if applicable

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary

\* Applicant means any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association, or trust) applying for rezoning.

## **DIVISION 3. - VARIANCE AND APPEALS PROCEDURE**

### **Sec. 108-377. - Authority to grant variances.**

(a) *Variance applications.* A property owner or his authorized agent may initiate a request for a variance by filing an application with the community development director. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The community development director may require other drawings or materials essential to an understanding of the proposed use and variance requested and its relationship to the surrounding properties. A fee, as established by the city council, shall accompany the variance application.

(b) *Conditions and criteria for granting a variance.* The planning and zoning commission, in cases where specifically authorized, may make a recommendation to the council to grant a variance only after consideration and adoption of findings of fact that all the following conditions exist, and criteria are met.

(1) There are unusual, exceptional, or extraordinary circumstances or conditions applying to the property that do not apply to other property in the same vicinity or use district, and such conditions are not the result of the owner or occupant's own actions. The conditions may include topography, unique natural conditions, surroundings of the subject property, or the size or peculiar shape of the lot.

(2) As a result of such unusual circumstance or conditions, there is an unnecessary hardship or practical difficulty that renders it difficult to carry out the provisions of this division.

(3) The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, and the variance will be in harmony with the general purposes and intent of the provisions of this division.

(4) The variance approved is the minimum variance that will make possible the legal use of the land, building or structure.

(5) The variance does not permit a use of land, building or structure which is not permitted by right in the land use intensity district in which the proposed development is located.

(c) *Staff investigation and report.* The community development director shall make an investigation of all variance applications and shall prepare a report thereon, considering applicable criteria specified herein. The investigation shall be submitted to the planning and zoning commission. The investigation shall also be made available to the applicant prior to the public hearing scheduled on the matter. A copy of the investigation will be included with the recommendation to the city council on the requested variance.

(d) *Notice and hearing.* Upon the filing of any complete application for a variance with the community development director, a public hearing shall be scheduled and held on the proposed variance in accordance with Section 108-352.

(e) *Action on variances.* The planning and zoning commission shall make findings and render a recommendation in writing within 30 days after the initial public hearing on the proposed variance. The recommendation shall be forwarded to the city council at its next regular meeting for final decision. The city shall notify the applicant, in writing, of its decision within five days after the city council has rendered its decision.

<p style="text-align: center;"><b>City of Harlem Planning &amp; Zoning Commission</b></p> <p style="text-align: center;"><b>2023-2024 Administrative Calendar</b></p>		
<u><b>Submittal Deadline Date</b></u>	<u><b>Agenda Posting – City Hall, Public Safety &amp; Website</b></u>	<u><b>Meeting Date</b></u>
December 23 <sup>rd</sup>	January 24 <sup>th</sup>	February 7 <sup>th</sup>
January 20 <sup>th</sup>	February 21 <sup>st</sup>	March 7 <sup>th</sup>
February 24 <sup>th</sup>	March 28 <sup>th</sup>	April 11 <sup>th</sup>
March 17 <sup>th</sup>	April 18 <sup>th</sup>	May 2 <sup>nd</sup>
April 21 <sup>st</sup>	May 23 <sup>rd</sup>	June 6 <sup>th</sup>
May 26 <sup>th</sup>	June 27 <sup>th</sup>	July 11 <sup>th</sup>
June 23 <sup>rd</sup>	July 25 <sup>th</sup>	August 8 <sup>th</sup>
July 21 <sup>st</sup>	August 22 <sup>nd</sup>	September 5 <sup>th</sup>
August 18 <sup>th</sup>	September 19 <sup>th</sup>	October 3 <sup>rd</sup>
September 22 <sup>nd</sup>	October 24 <sup>th</sup>	November 7 <sup>th</sup>
October 20 <sup>th</sup>	November 21 <sup>st</sup>	December 5 <sup>th</sup>
November 17 <sup>th</sup>	December 19 <sup>th</sup>	January 2 <sup>nd</sup>
December 22 <sup>nd</sup>	January 23 <sup>rd</sup>	February 6 <sup>th</sup>





# Confirmation of Water/Sewer Public Effects



Thank you for your interest in the City of Harlem, Georgia. The City of Harlem has water and sewer service provided by the Columbia County Water Utility Department. This relationship has proven very beneficial to the balance of private property rights and environmental protection.

This packet includes the information necessary for the City of Harlem Planning Commission to evaluate Item (9) of Sec. 108-353. Relevant factors in rezoning evaluations. This factor reads:

(9) *Public effects.* The population density pattern and increase or overtaxing of the load on public facilities including, but not limited to, schools, utilities, and streets.

Columbia County Water Utility will verify that water and sewer service is, or will be, available to serve a particular development. The requested information in this package is used for determining the existing water/sewerage system capacity, planning for future water and sewerage system needs, and protection of the City of Harlem and Columbia County water resources.

**PLEASE NOTE: ALL FEES ARE NON-REFUNDABLE. THERE ARE NO EXCEPTIONS. SHOULD YOU NEED FURTHER ASSISTANCE, PLEASE CONTACT OUR OFFICE BETWEEN 8:00 AM AND 5:00 PM, MONDAY THROUGH FRIDAY AT (706) 556-0043.**

PLEASE COMPLETE THIS FORM WHEN REQUESTING WATER/SEWER AVAILABILITY LETTERS. ATTACH THE CHECKLIST TO THE APPLICATION AND SIGN. ALL DOCUMENTS ARE REQUIRED IN ORDER TO CONSIDER AVAILABILITY; INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED

<input checked="" type="checkbox"/>	REQUIRED ITEMS*	COPIES	PROCEDURE
	Application Form (Originals only. No photocopies accepted.)	1	Signed by owner and <b>notarized.</b> <b>OR</b> Signed by applicant or owner's agent and <b>notarized.</b>
	Letter of Intent	1	The letter must clearly state the proposed use, development intent, and estimated time for construction.



# Certification of Columbia County Water Utility

Columbia County Water Utility Department is in receipt of a City of Harlem Application for Water/Sewer Availability application from \_\_\_\_\_ (applicant/agent) of \_\_\_\_\_ (company) dated \_\_\_\_\_.

From the information provided in this application:

- \_\_\_\_\_ The Application for Water/Sewer Availability is granted in full.
- \_\_\_\_\_ The Application for Water/Sewer Availability is denied in full.
- \_\_\_\_\_ The Application for Water/Sewer Availability is deferred until \_\_\_\_\_.

NOTES:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ The Application for Water/Sewer Availability is granted with the following conditions and schedule:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**Stacey W. Gordon, P.E.**  
**Director of Water Utility Services**  
**Board of Commissioners of Columbia County**

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

Columbia County Water Utility may require additional information different from the above depending upon the type of development and/or system requirements. This application is valid only for the real property referenced on this application. This application is not transferable or assignable to any party. The City of Harlem reserves the right to discontinue processing applications at any time without prior notice for any reason, including limited, diminished, or lack of supply and/or demand considerations. If no development activity commences within 365 days from issuance of a letter, the letter shall be invalid, and the Owner/Applicant/Agent will be required to repeat the application process. If the Owner/Applicant/Agent is unable to commence development within 365 days, a written request for a six-month extension will be considered.