

Conditional Use Application Checklist

- Completed Application
- Recorded Plat
- Recorded Deed (applicant and owner have to match) – **Every owner will be required to sign application**
- Estate(s) must be applied in the name of the Estate and list the Executor as the attorney in fact – Executor will sign as the applicant as well (must provide documentation proving executorship)
- Copy of C.C.R.'s (Covenant, Conditions & Restrictions) If POA is active, provide approval from Board _____ (Initials of Applicant)
- I Certify that there are **NO** C.C.R.'s on property that would prohibit requested Conditional Use _____ (Initials of Applicant)
- Approval from POA (when applicable)
- This Application Applies To Parcel(s) _____ Only
- Letter of Intent
- Site plan to locate any proposed structures
- Site plans for campgrounds must be STAMPED by registered surveyor

*****Application must be received complete by the 2nd Friday of the month*****

Applicant Signature

Date

Gilmer County Public Works Director

Approved

Not Approved

_____ Comments _____

Gilmer County Public Safety Director

Approved

Not Approved

_____ Comments _____

ACTION BY GILMER COUNTY

OFFICE USE ONLY:

Date Received: _____

Approved: _____

Disapproved: _____

**APPLICATION FOR AMENDMENT OF THE
GILMER COUNTY LAND USE ORDINANCE:**

No: _____

Fee: _____

Check to: Gilmer County Planning

All completed applications must be received by the 2nd Friday of the month in order to be on the Calls For Public Hearing at the Regularly Scheduled Gilmer County Planning Commission Hearing

Application is hereby made for amendment of the Gilmer County Land Use Ordinance, and if granted, the applicant agrees to all laws, ordinances and resolutions regulating the same.

Name of Applicant: _____

Telephone: _____

Address: _____

Address of Property for the Conditional Use (if applicable): _____

Amendment to Land Use District Tax Map #: _____

Parcel ID #: _____

Email Address: _____

Accurate Direction to Property for the Conditional Use:

If an amendment to the Land Use District Map, indicate the following:

Size of Property: _____ acres (or) _____ square feet

Existing Land Use District Classification: _____

Present Use of Property: _____

Land Lot: _____ ; District: _____ ; Section: _____

Proposed Use of Property (Letter of Intent): _____

If multi-family, total number of units: _____

Size of Unit (optional): _____

Included on separate sheets a plat of the property showing:

1. Actual dimensions of property.
2. Location and type of existing structures.
3. Location of property in relation to surrounding property on roads.

I hereby certify that the above information is true and correct under penalty of law.

Signed: _____

Date: _____

CC: Applicant
Gilmer County Planning Commission

Optional Form: Needed only if transferring authority to someone else.

VERIFICATION

The undersigned is the/an owner of an interest in the lands described in the attached application for a Variance Request from the Gilmer County Board of Land Use Appeals and concurs in the application. The undersigned's interest in the lands describe in the application are as follows:

(Describe parcel or parcels and nature of interest and percentage of interest)

I appoint _____ my attorney in fact with full authority, my name, place and stead, to apply for the Variance Request set forth in the attached application.

Owners Signature

Sworn to and subscribed
before me, this _____ day
of _____,

Notary Public

(SEAL)

**DISCLOSURE REPORT ¹ OF PROPERTY/FINANCIAL INTEREST
BY APPLICANT ²**

(Required by Title 36, Chapter 67 A, O.C.G.A.)

Date of Conditional Use Application: _____

1. Does any member of the Gilmer County Board of Commissioners or Gilmer County Planning Commission have a property interest (direct or indirect ownership, including and percentage or ownership less than total) in the subject property?
(Yes or No)

If so, describe the nature and extent of such interest:

2. Does any member of the Gilmer County Board of Commissioners or Gilmer County Planning Commission have a financial interest (direct ownership of the total assets or capital stock where such ownership interest is ten (10) percent or more) in a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?
(Yes or No)

If so, describe the nature and extent of such interest:

3. Does any member of the Gilmer County Board of Commissioners or Gilmer County Planning Commission have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above
(Yes or No)

If so, describe the relationship and the nature and extent of such interest:

4. Has the applicant¹ made, within two (2) years immediately preceding the filing date of this application, campaign contributions aggregating two hundred fifty dollars (\$250) or more or made gifts having in the aggregate a value of two hundred fifty dollars (\$250) or more to a member or members of the Gilmer County Board of Commissioners who will consider this application?
(Yes or No)

If so, the applicant and the attorney or other person representing the applicant must file a disclosure report with the Gilmer County Board of Commissioners within ten (10) days after this application is first filed. The following information will be considered as the required disclosure:

- a. List the name and official position of the Board of Commissioners;
- b. The dollar amount and date of each applicable campaign contribution
- c. An enumeration and description of each gift have a value of \$250 or more.

I certify that the foregoing information is true and correct to the best of my knowledge and belief, this _____ day of _____, 20____.

Applicant's Signature

[Note: Any local government official or any applicant for rezoning action knowingly failing to make any disclosures as required by O.C.G.A. Chapter 36-67A shall be guilty of a misdemeanor.]

¹ If the answer to any of the above is "Yes," then the member of the Gilmer County Board of Commissioners must immediately disclose the nature and extent of such interest, in writing, to the Gilmer County Clerk of Gilmer County, Georgia. A copy should be filed with this application. Such disclosures shall be public inspection at any time during normal working hours.

² Applicant mean any person who applies for a rezoning action and any attorney or other person representing or acting on behalf of a person who applies for a rezoning action.

Section 62-342. of the Gilmer County Land Use Ordinance States:

Criteria to consider for conditional uses.

In reviewing, recommending, and acting upon applications for conditional uses, the land development officer, the planning commission and the county board of commissioners shall consider the following criteria for approval or disapproval as appropriate:

(1) Access to the site is appropriate considering the anticipated volume of traffic resulting from the use. Please provide supporting documentation if applicable.

(2) The amount and location of open space and the provision of screening is such that buffering of incompatible uses is achieved. Please provide supporting documentation if applicable.

(3) Hours and manner of operation of the proposed use are not inconsistent with the adjacent of nearby uses. Please provide supporting documentation if applicable.

(4) Public facilities and utilities are capable of adequately serving the proposed use. Please provide supporting documentation if applicable.

(5) The proposed use will not have a significant adverse effect on the level of property values or the health, safety and general welfare and character of adjacent land uses or the general area. Please provide supporting documentation if applicable.

(6) The physical conditions of the site, including size, shape, topography and drainage, are suitable for the proposed development. Please provide supporting documentation if applicable.

(7) The proposed use is consistent with the goals and objectives of the comprehensive plan. Please provide supporting documentation if applicable.

(8) Whether all pertinent and applicable requirements of this Code, and all applicable state and federal laws have been met. Please provide supporting documentation if applicable.

(9) Any other factors deemed relevant to the land development officer, planning commission, or the county board of commissioners. Please provide supporting documentation if applicable.

I herby certify that the above information is true and correct under penalty of law.

Signature of Property Owner: _____

Sworn to and subscribed before the undersigned notary this _____ day of _____ 20 _____

Seal

Printed Name _____
My Commission Expires _____

APPENDIX B AGRICULTURAL USE ACKNOWLEDGEMENT AND NOTICE

I, _____, acknowledge and agree that the property proposing to use or build upon is located within, partially within, near or adjacent to property zoned or identified on Gilmer County's Land Use Plan as agricultural.

I acknowledge that I have read and understand the following notice prescribed in O.C.G.A. 44-1-17.

"It is the policy of this state and this community to conserve, protect, and encourage the development and improvement of farm and forest land for the production of food, fiber, and other products, and also for its natural and environmental value. This notice is to inform prospective property owners or other persons or entities leasing or acquiring an interest in real property that the property in which they are about to acquire an interest lies within, or adjacent to an area zoned, used or identified for farm and forest activities and that farm and forest activities occur in the area. Such farm and forest activities may include intensive operations that cause discomfort and inconveniences that involve, but are not limited to, noises, odors, fumes, dust, smoke, insects, operations of machinery during any 24 hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides, and pesticides. One or more of these inconveniences may occur as the result of farm or forest activities which are in conformance with existing laws and regulations and accepted customs and standards."

I recognize that I may be subject to inconvenience or discomfort from lawful agricultural operations. Discomfort and inconvenience may include, but are not limited to, noise, odors, fumes, dust, smoke, burning, vibrations, insects, rodents, and/or the operation of machinery (including aircraft) during any 24 hour period. One or more inconveniences may occur as a result of agricultural operations that are in compliance with existing laws and regulations and accepted customs and standards. I recognize that I will live or operate a use near an agricultural area, and that I must be prepared to accept such inconveniences or discomforts as a normal and necessary aspect of living in an area with a strong rural character and an active agricultural sector. My signature below constitutes a voluntary acknowledgement of the forgoing and I will not bring any complaints against adjacent landowners whose property is agricultural land or in agricultural operation, or against local government(s), asserting that the adjacent agricultural operation or uses of agricultural lands constitute a nuisance.

Parcel ID Number: _____

Signature of Property Owner: _____

Sworn to and subscribed before the undersigned notary this _____ day of _____ 20_____

Seal

Printed Name _____
My Commission Expires _____

Gilmer County Planning Commission

9 Southside Square

Ellijay, GA 30540

Phone (706)635-3406 Fax (706)635-3405

The Gilmer County Land Use Ordinance Fee Schedule

Application for Re-Zoning Advertising Fee Letter Fee	\$175.00 \$50.00 \$6.75 per Adjacent Property Certified Letter
Application for Conditional Use Permit Advertising Fee Letter Fee	\$175.00 \$50.00 \$6.75 per Adjacent Property Certified Letter
Application for Variance Request Advertising Fee Letter Fee	\$175.00 \$50.00 \$6.75 per Adjacent Property Certified Letter
Application for Appeals	\$ 175.00