

# Variance Application Checklist

- Completed Application
- Surveyor's Exhibit Drawing (note: drawing should show planned structure with the distances to each property line where a variance will be requested – any other information on drawing is optional – if information will help show variance necessity)
- Recorded Plat
- Recorded Deed (must be able to show ownership) - **Every owner will be required to sign application**
- 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 Variance \_\_\_\_\_ (Initials of Applicant)
- POA Approval (when applicable)
- This Application Applies To Parcel(s) \_\_\_\_\_ Only
- Letter of Intent

**\*\*\*Application must be received complete by the 2<sup>nd</sup> 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: \_\_\_\_\_

**All completed applications must be received by the 2<sup>nd</sup> Friday of the month in order to be on the Calls For Public Hearing at the Regularly Scheduled Board of Land Use Hearing**

**VARIANCE REQUEST TO THE  
GILMER COUNTY LAND USE ORDINANCE:**

No: \_\_\_\_\_

Fee: \_\_\_\_\_

Check to: Gilmer County Planning

Application is hereby made for consideration of a Variance Permit, and if granted the applicant agrees to conform to all laws, ordinances and resolutions regulating the same.

Name of Applicant: \_\_\_\_\_

Telephone: \_\_\_\_\_

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

Address of Subject Property, (if available): \_\_\_\_\_

Tax Map #: \_\_\_\_\_

Parcel ID #: \_\_\_\_\_

Email Address: \_\_\_\_\_

Size of Property: \_\_\_\_\_ acres (or) \_\_\_\_\_ square feet

Existing Land Use District Classification: \_\_\_\_\_ ;

Present Use of Property: \_\_\_\_\_

Land Lot: \_\_\_\_\_ ; District: \_\_\_\_\_ ; Section: \_\_\_\_\_

Accurate Direction to Property being considered for a variance:

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

Describe the proposed use of the subject property. Include details about building size/architecture and location; parking. (Supplementary reasons for why a variance is being requested are also desired.)

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

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: \_\_\_\_\_

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)**

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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 <sup>1</sup> OF PROPERTY/FINANCIAL INTEREST  
BY APPLICANT <sup>2</sup>**

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

Date of Rezoning or Variance Application: \_\_\_\_\_

1. Does any member of the Gilmer County Board of Land Use Appeals 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:

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2. Does any member of the Gilmer County Board of Land Use Appeals 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:

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3. Does any member of the Gilmer County Board of Land Use Appeals 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:

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4. Has the applicant<sup>1</sup> made, within two (2) years immediately preceding the filing date of this application, given 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 Land Use Appeals 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 Land Use Appeals 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 Land Use Appeal Member;
- b. An enumeration and description of each gift have a value of \$250 or more.

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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.]**

<sup>1</sup> 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.

<sup>2</sup> 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 62-234 of the Gilmer County Land Use Ordinance States:**

**Variances**

The BOLUA is hereby empowered to authorize upon application in specific cases such variances as defined herein as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this article will in an individual case, result in unnecessary hardship, so that the spirit of this article shall be observed, public safety and welfare secured, and substantial justice done. A variance may be granted 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. Further, a variance cannot be granted for a use of land, building, or structure that is prohibited in a district by this article, nor can a variance be granted to allow an increase in the number of dwelling units per acre or a lot size smaller than authorized by this article. The following is a checklist that needs to be completed and notarized upon application being received by Gilmer County. A detailed answer shall follow each of the following questions in order for a variance to be heard by the Board of Land Use Appeals.

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

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2. A literal interpretation of the provisions of this land use ordinance 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

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3. Granting the variance requested will not confer upon the property of the applicant any special privilege that is denied to other properties of the district in which the applicant's property is located; and

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4. Relief, if granted, will be in harmony with the purpose and intent of this article 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

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5. The special circumstances are not the result of the actions of the applicant; and

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6. The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

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**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 \_\_\_\_\_

# **Gilmer County Planning Commission**

**9 Southside Square**

**Ellijay, GA 30540**

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

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## **The Gilmer County Land Use Ordinance Fee Schedule**

<b>Application for Re-Zoning</b>	<b>\$175.00</b>
<b>Advertising Fee</b>	<b>\$50.00</b>
<b>Letter Fee</b>	<b>\$6.75 per Letter</b>
<b>Application for Conditional Use Permit</b>	<b>\$175.00</b>
<b>Advertising Fee</b>	<b>\$50.00</b>
<b>Letter Fee</b>	<b>\$6.75 per Letter</b>
<b>Application for Variance Request</b>	<b>\$175.00</b>
<b>Advertising Fee</b>	<b>\$50.00</b>
<b>Letter Fee</b>	<b>\$6.75 per Letter</b>
<b>Application for Appeals</b>	<b>\$ 175.00</b>
<b>Advertising Fee</b>	<b>\$50.00</b>
<b>Letter</b>	<b>\$6.75 per Letter</b>

**Note: The fee schedule is subject to change. Please check with the Gilmer County Planning Commission for current fees.**

Revised 3/13/15