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**WALNUT GROVE APPLICATION FOR CONDITIONAL USE OR VARIANCE**

Variance or Conditional Use Request

Date: 6-28-21 Tax Map and Parcel Number(s) LL 173-174 4th district

PROPERTY ADDRESS Forrester Cemetery Rd.

USE REQUESTED (DESCRIBE BELOW):

Residential - Single Family

Parts 1 and/or Part 2 below must be signed and notarized when petition is submitted.

- a) If you are the sole owner of the property and not the petitioner complete Part 1.
- b) If you are the petitioner and not the sole owner of the property complete Part 2.
- c) If you are the sole owner and petitioner complete Part 1.
- d) If there are multiple owners each must complete a separate Part 1 and include it in the application.

Part 1. The undersigned states under oath that he/she is the owner of the property and the application is true and complete. The owner also states under oath that the petitioner below is authorized to act on their behalf in the filing of this application.

PRINT NAME Keith Thompson  
ADDRESS 1199 Deer Hill Rd Monroe, La 70655  
PHONE 404-867-9105  
SIGNATURE [Signature]

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC

Part 2. The undersigned states under oath that he/she is the petitioner and is authorized to act on the owner's behalf in the filing of this application and the application is true and complete.

PRINT NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
PHONE \_\_\_\_\_  
SIGNATURE \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ Day of \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC  
ATTORNEY/AGENT

Check One:  Attorney  Agent

\_\_\_\_\_  
TYPE OR PRINT ATTORNEY / AGENT NAME

\_\_\_\_\_  
SIGNATURE OF ATTORNEY / AGENT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY & STATE

\_\_\_\_\_  
ZIP CODE

\_\_\_\_\_  
PETITIONER'S SIGNATURE

\_\_\_\_\_  
PHONE NUMBER

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

\_\_\_\_\_  
APPLICANT

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
PHONE NUMBER

\_\_\_\_\_  
BUSINESS REPRESENTED

Check one of the following:

(A) The applicant here certifies, under oath, that he or she has not made any campaign contributions or gifts having an aggregate total value of \$250 or more to any local government official of Walnut Grove, Georgia as defined by O.C.G.A. 36-67A-1(5).

(B) The Applicant here certifies, under oath, that he or she has made the following campaign contributions or gifts having an aggregate total value of \$250 or more to a local government official of Walnut Grove, Georgia as defined by O.C.G.A.36-67A-1 (5).

Please list total value of contribution(s) dates and names of the local Government Official:

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

Describe in detail any gifts listed above (example: quantity and nature, etc.):

n/a

IMPACT ANALYSIS

1. Map and Parcel #: LL #173 + 174 Dist. 4
2. Road Name(s): Forrester Cemetery Rd.
3. Use Request: Single Family
4. Petitioner's Name: Highland Group Home Builders  
Address: 1149 Dean Hill Rd  
Daytime Telephone No.: 404-867-9105

EXCERPTS OF ORDINANCE APPLICANT MUST CERTIFY COMPLIANCE WITH

Request for Conditional Use or Variance shall be processed in accordance with the following requirements:

1. Initiation of Amendments. A proposed Conditional Use or Variance may be initiated by the Mayor and Council, or by application filed by the owner(s) of the property.
2. Application procedure. Completed forms, together with an application fee plus any additional information the applicant feels to be pertinent, will be filed with the City Clerk. Any communication purporting to be an application for a Conditional Use or Variance shall be regarded as a mere notice to seek relief until it is made in the form required.
3. Applications, including all required fees, attachments and supplemental information, must be submitted in proper form at least 21 days prior to a hearing to be heard at that hearing.
4. The applicant must set forth a written justification for the requested Conditional Use or Variance.
5. The applicant must state the details of the exact Conditional Use or Variance requested and address all items in Section 1501.
6. Applications shall include:
  - A. A written legal description of the property which is the subject of the request, including the current tax parcel number.
  - B. Three copies of a plat of the subject property drawn to scale, prepared and sealed by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid, showing:
    1. North arrow, land lot and district.
    2. Property lines with dimensions and angles of turns.
    3. Adjoining streets with present right-of-way and pavement widths.
    4. Location of existing structures.

5. Proposed Conditional Use or Variance.

C. An application shall be accompanied by such other plans, elevations or additional information as the City Clerk and the Ordinance may require, showing the impact on natural and built systems. Additional information may include without limitation traffic studies, utility studies, and drainage studies. At a minimum the following shall be submitted:

1. Residential Zoning District Conditional Use or Variance

- a) Show how the proposed property is to be subdivided including proposed streets.
- b) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- c) State minimum lot size and total number of lots proposed.
- d) State minimum house size proposed.

2. Commercial or Non-Residential and Multi-family Zoning District Conditional Use or Variance.

- a) Show proposed layout of building locations with driveway and parking lots.
- b) Show proposed curb cuts or existing driveway/roadways.
- c) Show all required buffers and building set back lines.
- d) List how utilities are to be provided including but not limited to water, sewer, well, septic tank.
- e) State the density per acre and the square feet per acre area of total buildings.

7. All applications shall include the notarized signature of the applicant and, if the applicant is not the current property owner, such application shall include the notarized authorization from the property owner for the requested Conditional Use or Variance.

SUMMARY OF DEADLINES AND PROCEDURES

1. Pre-application review is requested prior to the formal submittal of the application.
2. The application must be complete and submitted in proper form at least 21 days prior to a hearing. Fees are to be paid, by check or money order, at the time of filing. Checks without pre-printed account information will not be accepted.
3. Applications preferably should be submitted in-person by the applicant or an authorized agent. Applications submitted via courier or mail makes it harder to immediately communicate with the applicant about any potential deficiency or any ambiguity.
4. Applicant is requested to submit any revisions to site plans, letters of intent, proposed conditions, etc. to the City Clerk immediately. Last minute revisions may delay the dates of public hearings.
5. The applicant may be given a preliminary Public Notice sign to post on the property. This will identify the site for the City, who will post the official sign.
6. The applicant must attend the public hearing at the municipal building. The hearing is at the Council meeting which is typically the second Thursday of each month, 7 p.m.
7. Any staff analysis report may be available from the City Clerk a day before the hearing.

REQUIRED ITEMS

1. PRE-APPLICATION REVIEW MEETING: Prior to submitting an application, all applicants are encouraged to meet with the City Clerk or Designee, who will review your proposal. Bring to the meeting a plat or site plan. Call City Hall for an appointment.
2. APPLICATION FORM: The applicant must have a notarized signature of all owners of the property authorizing the filing of the application. If the owner is not the petitioner, part 2 of the form must also be completed. The owner's signature of the application may serve as authorization for the petitioner/applicant or agent to act on their behalf in filing of the application.
3. NARRATIVE DESCRIPTION OF REQUEST: The applicant shall set forth a written justification for the request. This should include factual information such as requested use, acreage, square footage of buildings, number of residential structures, number of parking spaces, any special conditions, any subdivision of property, setbacks, existing and proposed buildings, parking, driveways, buffers, landscape areas, streams, and other features.
4. PLAT: The plat of the property must be prepared and sealed by a professional engineer or land surveyor registered in Georgia, and include: The complete boundaries of the subject property and all buildings and structures existing thereon; Notation as to whether or not any portion of the subject property is within the boundaries of the 100-year floodplain; and Notation as to the total acreage or square footage of the subject property.
5. LEGAL DESCRIPTION: Must match the plat.
6. IMPACT ANALYSIS: Complete the form answering all questions regarding the impact of the use with respect to each standard and factor.
7. STANDARDS OF REVIEW: Complete this form briefly addressing all requirements showing compliance with the standards of review. The standards are as follows:

Section 1501. Hearings. The mayor and council shall have the following powers:

1. To recommend variances as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the Zoning Ordinance will, in an individual case, result in unnecessary hardship, so that the spirit of the Zoning Ordinance shall be observed, public safety and welfare secured and substantial justice done. **Such variances may be granted only upon a finding by the Mayor and Council that:**

- a) There are extraordinary and exceptional conditions of the property in question because of its size, shape or topography; not feasible for sewer application.
- b) The application of the Ordinance to this property would create an unnecessary hardship; yes.
- c) Such conditions are peculiar to this property; below grade for sewer application.
- d) Such conditions are not the result of any actions of the property owner; yes.
- e) A variance, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Ordinance. yes (correct).
- f) The zoning proposal is consistent with construction and design standards and criteria adopted by City; yes.
- g) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right or by conditional use in the district; yes.
- h) The variance is the minimum variance that will make possible an economically viable use of the land, building, or structure; and allow property to be buildable.
- i) The variance is not 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 the Zoning Ordinance or to grant a development right or standard in conflict with a condition of zoning imposed by the Mayor and Council. correct.

2. To recommend, in specific cases, Conditional Uses after a public hearing and **determining the Conditional Use will not be contrary to the public interest and determining that the Conditional Use:**

- a. Will not be injurious to the use and enjoyment of the environment or other property in the vicinity nor diminish and impair property values within the surrounding neighborhood; correct.
- b. Will not increase expenditures in relation to cost of serving neighboring properties or maintaining infrastructure;

- c. Will not impede the normal and orderly development of surrounding property for uses predominant in the area; correct and
- d. Has a location and character consistent with a desirable pattern of development. Yes
3. The following evidence must be satisfactorily demonstrated before the 4 determinations above can be made:
- Evidence of reduction of adverse environmental impacts to acceptable levels; n/a
  - Evidence that traffic will not be substantially hindered or endangered; n/a
  - Evidence that parking and loading will be adequate; n/a
  - Evidence that public facilities and utilities are capable of serving the proposed use; Yes
  - Evidence that the use will not cause a damaging volume of commercial use in a stable neighborhood which would lead to decreasing property values, and/or that this use would not lead to additional requests that would expand these problems; Yes
  - Evidence that the proposed use would not lead to congestion, noise or traffic hazards; Yes
  - Evidence that the use conforms to the comprehensive land use plan; Yes
  - Evidence that the use would not have a domino effect creating a "wedge" for further rapid growth beyond that contemplated by the comprehensive land use plan. Yes
4. Additional Conditional Use Permit Criteria. No application for a conditional use permit shall be granted by the Mayor and Council unless it is determined that in addition to meeting the requirements contained within applicable use standards and the zoning district in which the conditional use permit is located, satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application:
- Adequacy of the size of the site for the use contemplated and whether adequate land area is available for the proposed conditional use; Yes
  - Compatibility with adjacent properties and with other properties in the same zoning district; Yes
  - Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed; Yes
  - Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency; Yes
  - Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use; will not
  - Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed conditional use; will not
  - Whether the proposed use will create unreasonable adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use; will not
  - Whether there is adequate provision of refuse and service areas; Yes
  - Whether the length of time for which the conditional use permit is granted should be limited in duration; no
  - Whether the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings. Yes
  - Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources; and
  - Whether the proposed plan will have an unreasonable adverse impact on natural resources or environmentally sensitive areas, including floodplains, wetlands, prime plant or animal habitat, or other similar features of unique value to the character of City. no
5. In approving a Conditional Use or Variance, the Mayor and Council may designate such conditions in connection therewith as will, in its opinion, assure that the proposed use will conform to the requirements and spirit of this Ordinance.
6. If at any time after a Conditional Use or Variance has been issued, the Mayor and Council finds that the conditions imposed and agreements made have not been or are not being fulfilled by the holder, the Variance or Conditional Use shall be terminated and such use discontinued. If a Variance or Conditional Use permit is terminated for any reason, it may be reinstated only after a public hearing for a new application, and approval thereof.

Section 1508. Mayor and Council Public Hearing and Action.

- The Mayor and Council may also require that the land area for such application be reduced, or that conditions be added or deleted, as the Mayor and Council deems appropriate.
- It is the duty of the applicant to carry the burden of proof regarding his application under this Article.

6. In approving a Variance or Conditional Use request, the Mayor and Council may impose special conditions it deems necessary in order to make the requested action acceptable and consistent with the purposes of the zoning district(s) involved and to thither the goals and objectives of the Comprehensive Plan. Such conditions include but are not limited to: setback requirements from any lot line; specified or prohibited locations for buildings, parking, loading or storage areas or other land uses; driveway curb cut restrictions; restrictions as to what land uses or activities shall be permitted; maximum building size; special drainage or erosion provisions; landscaping or planted area which may include the location, type and maintenance of plant materials; fences, walls, berms, or other buffer provisions or protective measures; preservation of existing trees or other vegetation; special measures to alleviate undesirable views, glare, noise, dust or odor; permitted hours of operation; architectural style; a requirement that the existing building(s) be retained; a requirement that the applicant must build according to the site plans as adopted; a limitation on exterior modifications of existing buildings; or any other requirement that the Mayor and Council may deem appropriate and necessary as a condition of the Conditional Use or Variance.

8. WATER AND SEWER LETTER: A letter or statement indicating the availability of water and sewer service and any upgrades necessary to provide continued service.

9. TRAFFIC STUDY: A traffic study must be submitted if the development reaches a threshold as specified by the zoning ordinance. A traffic study is also required as part of the Development of Regional Impact.

10. DEVELOPMENT OF REGIONAL IMPACT: When an application includes uses that exceed the listed thresholds of intensity it is deemed to be a Development of Regional Impact. Applicants shall first file the permit request, then no action shall be taken on the application until a finding is made by the N.E. Georgia Regional Development Center.