



Office of Zoning and Development
55 Trinity Street, Suite 3350
Atlanta, GA 30303
(404) 330-6145

APPLICATION FOR BOARD OF ZONING ADJUSTMENT APPEALS

CHECKLIST

- Complete **application** with notarized signatures (*Appellant is not required to use the form provided by the City. However, if the form is not used, similar information should be submitted as your application.*)
- Include a **summary** of the events leading to the appeal, the reason for the appeal, and the date if the decision of the administrative official (City staff person) against which the appeal is made.
- Provide documentation of the exact location and boundaries of the subject property: **City Cadastral map, survey**, or written **legal description** in metes and bounds.
- Provide **documentation of the decision that is appealed**, e.g., building permit, approved plan or plat.
- Provide **documents that support appeal**, e.g. historic records, zoning regulations, affidavits. **Ten (10) folded copies** of all documents larger than 8 ½” x 11” must be submitted to ensure distribution to all parties involved.
- If an attorney represents the appeal, complete the attached **Authorization of Attorney**.
- File application** with Office of Zoning and Development.
- Pay fee of \$250.00 – the following payments are acceptable: check (payable to "City of Atlanta"), cash, cashier check, credit card or money order. Application will not be processed without the fee.
- Upon filing the appeal, staff will provide the applicant with a **Notice to the Applicant** which will document the Board of Zoning Adjustment (BZA) hearing date. Appeal applications are sent to the NPU for information only.
- Provide **site plan(s)**: All site plans must be to a scale no smaller than 1 inch = 30 feet. **If the “to scale” site plan is 8 ½” x 11, submit 1 copy. If it is larger than 8 ½” x 11”, submit 8 folded copies.** Site plans should show all existing and proposed conditions including streets, footprints of buildings, parking layout, driveways, north arrow, streams, wetlands, riparian buffers, floodplains and must contain a seal of professional preparer. **Elevations are required for wall and fence special exceptions requests.**
- Obtain a public notice sign and post it at least 15 days prior to the hearing if appealing a decision for property owned by appellant. If appealing a decision for property not owned by the appellant the Office of Zoning and Development will post the sign.
- Communicate with the Office of Zoning and Development (assigned planner) regarding any amendments, additions, withdrawal or deferral requests.
- Attend applicable Board of Zoning Adjustment (BZA) public hearing.

**APPEALS ARE ACCEPTED DURING NORMAL BUSINESS HOURS
MONDAY-FRIDAY FROM 8:15 AM – 5:00 PM AND MUST BE SUBMITTED WITHIN 30 DAYS AFTER THE
DECISION OF THE ADMINISTRATIVE OFFICIAL WAS MADE.**

APPEAL PROCEDURES

Appeals are heard and decided at a regularly-scheduled public hearing by the five-member City of Atlanta Board of Zoning Adjustment (“BZA”). The Office of Zoning and Development serves as staff to the BZA. All inquiries regarding your application should be directed to the Secretary to the Board at (404) 330-6145. The rules of the BZA prevent BZA members from discussing the merits of any case except during the public hearing for that case.

- 1) **Per Section 16.30.010(a) – Appeals from Decisions of Administrative Official:** “Appeals may be taken by any person aggrieved or by any officer, department, board or bureau affected by any decision of an administrative official, by filing with the official from whom the appeal is taken, and with the board, a notice of appeal specifying the grounds thereof, within 30 days after the action appealed from was taken, unless the rules of the board specify a longer period generally or for a particular class of cases.”
- 2) **Schedule.** There are two closing dates and two public hearings per month. The agenda for any meeting of the Board is limited to two (2) Appeals. Following the closing date for each board meeting, the Secretary shall determine the total number of Appeals filed for said meeting. In the event that more than two Appeals are accepted for any meeting, the Secretary, with the consensus of all parties involved, shall reschedule the appeal to the next available hearing date. Appeals are sent to the applicable Neighborhood Planning Unit (NPU) for information only. Attendance is not required however, the appellant may choose to appear as a courtesy.
- 3) **Fees.** For appeals of a decision of a City staff person, the application fee is \$250.00, without regard to the zoning district in which the subject property is located. **Deferral Fee.** Applicants/appellants requesting a deferral from a scheduled appearance before the BZA are required to pay a deferral fee which includes the cost incurred for public notice (postage fees, postcards and newspaper advertisement). The Secretary of the BZA will provide the cost which must be paid no less than 3 business days after the deferral request has been granted by the Board.
- 4) **Refunds on Withdrawn Cases.** Requests for withdrawal received 18 days prior to the public hearing may be considered for a refund of the application fee. A refund will not be issued after the case has been advertised.
- 5) **Public Notice.** At least 15 days prior to the hearing, Staff will initiate the public notice process. This includes sending written notice of the application to all property owners within 300 feet of the subject property and by causing public notice to be placed in a newspaper of general circulation. The applicant will be provided with a public notice sign(s) at the time of filing. The applicant is responsible for posting the sign in a visible location on the subject property, at least 15 days prior to the scheduled hearing. Failure to properly post the sign may cause the BZA to defer the application to another public hearing.
- 6) **Sign Posting.** If appealing a decision as the property owner, the appellant will be responsible for obtaining a public notice sign when the application is filed with the Office of Zoning and Development. The sign must be posted in a visible location on the subject property at least 15 days prior to the scheduled public hearing. If appealing a decision as a non-property owner the Office of Zoning and Development will post the public notice sign to the property subject property. Failure to properly post the sign will make it necessary for the BZA to defer your case to another public hearing. The BZA may defer the case to a hearing that has been scheduled 30 or more days after the original hearing. Failure to properly post the sign may cause the BZA to defer the application to another public hearing.
- 7) **Public Hearing Presentation.** Each appellant or appellant’s representative must appear and present the case before the BZA at the scheduled public hearing. The applicant is allowed a total of ten minutes to present the application and may reserve a portion of this time for rebuttal to any objections to the application. The applicant may bring. Any exhibits that are submitted at the hearing should be able to be stored in the 11” x 17” file.
- 8) **BZA Decision.** The BZA shall sustain (approve) an appeal upon finding that the appealed decision was based on an error in material fact or that the administrative officer (staff person) who made the decision acted in an arbitrary or capricious manner. The BZA may reverse or affirm, wholly or partly, or may modify the appealed decision. To that end, the BZA has all the authority of the staff person whose decision is appealed, and may issue or direct the issuance of a permit, provided that all requirements imposed by the applicable laws are met. The City Council does not make decisions regarding appeals that come before the BZA. The staff of Office of Zoning and Development does not make a recommendation to the BZA on appeal applications.
- 9) **Board Rules.** A copy of the Board of Zoning Adjustment Rules of Procedure is located at the following link: <http://www.atlantaga.gov/index.aspx?page=399>.

APPLICATION FOR APPEAL OF A DECISION OF AN ADMINISTRATIVE OFFICER

Date Filed _____ Application Number _____

Name of Applicant _____ Daytime Phone _____

Company Name (if applicable) _____ email _____

Address _____
street city state zip code

Name of Property Owner _____ Phone _____

Address _____
street city state zip code

Description of Property

Address of Property _____
street city state zip code

Area: _____ Land Lot: _____ District: _____, _____ County, GA.

Property is zoned: _____, Council District: _____, Neighborhood Planning Unit (NPU): _____

TO THE BOARD OF ZONING ADJUSTMENT (*not applicable if appellant is not the property owner*):

I hereby authorize the staff of the Office of Zoning and Development to inspect the premises of the above-described property. I understand that it is my responsibility to post a public notice sign on the property according to the instructions given to me by the Office of Zoning and Development upon filing this application. I swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

OWNER OR AGENT FOR OWNER (APPLICANT)

PRINT NAME OF OWNER

Sworn To And Subscribed Before Me This ____ Day Of ____, 20____.

NOTARY PUBLIC

PUBLIC NOTICE SIGN POSTING

- As owner of the property subject to the appeal I understand that I must post the public notice sign, provided by the Office of Zoning and Development, no later than 15 days prior to the scheduled BZA hearing date.

- As non-owner of the property subject to the appeal I understand that the Office of Zoning and Development will post the public notice sign to the subject property no later than 15 days prior to the scheduled BZA hearing date.

SIGNATURE OF APPELLANT

PRINT NAME OF APPELLANT

AUTHORIZATION BY PROPERTY OWNER

(Required only if the applicant is not the owner of the property subject to the appeal.)

(Please Print Clearly)

I, _____ (OWNER'S NAME) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT _____ (PROPERTY ADDRESS). AS SHOWN IN THE RECORDS OF _____ COUNTY, GEORGIA, WHICH IS THE SUBJECT MATTER OF THE ATTACHED APPEAL APPLICATION. I AUTHORIZE THE PERSON NAMED BELOW TO FILE THIS APPLICATION AS MY AGENT.

NAME OF APPLICANT:

LAST NAME _____ FIRST NAME _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP CODE _____

OWNER'S TELEPHONE NUMBER: _____

SIGNATURE OF OWNER

PRINT NAME OF OWNER

PERSONALLY APPEARED BEFORE ME THE ABOVE NAMES, WHO SWEARS THAT THE INFORMATION CONTAINED IN THIS AUTHORIZATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

NOTARY PUBLIC

DATE

AUTHORIZATION OF ATTORNEY
(Required only if the appellant is represented by an attorney.)

(Please Print Clearly)

I SWEAR, AS AN ATTORNEY AT LAW, THAT I HAVE BEEN AUTHORIZED BY THE APPELLANT TO FILE THE ATTACHED APPEAL APPLICATION.

NAME OF APPELLANT:

LAST NAME _____ FIRST NAME _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP CODE _____

APPELLANT'S TELEPHONE NUMBER: _____

NAME OF ATTORNEY:

LAST NAME _____ FIRST NAME _____

ADDRESS _____ SUITE _____

CITY _____ STATE _____ ZIP CODE _____

ATTORNEY'S TELEPHONE NUMBER: _____

SIGNATURE OF ATTORNEY

FEE SCHEDULE

FOR APPLICATIONS TO THE CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT (BZA) FOR VARIANCES, SPECIAL EXCEPTIONS, AND APPEALS

Fees for applications to the BZA are as follows:

- (A) **Variance applications.** Variance application fees are based on the zoning district in which the subject property is located.

<u>District</u>	<u>Fee</u>
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, R-5, LD, HD	\$100.00
RG Sectors 1-6 MR Sectors 1-8	\$500.00
R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, MRC-1, MRC-2, MRC-3, LW, NC, all SPI Districts	\$625.00

- (B) **Special Exception applications.** Special Exception application fees are based on the zoning district in which the subject property is located.

<u>District</u>	<u>Fee</u>
R-1, R-2, R-2A, R-3, R-3A, R-4, R-4A, R-4B, R-5, LD, HD	\$100.00
RG Sectors 1-6 MR Sectors 1-6	\$500.00
R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2, MRC-1, MRC-2, MRC-3, LW, NC, all SPI Districts	\$625.00

- (C) **Deferral Fee.** Applicants/appellants requesting a deferral from a scheduled appearance before the BZA are required to pay a deferral fee which includes the cost incurred for public notice (postage fees, postcards and newspaper advertisement). The Secretary of the BZA will provide the cost which must be paid no less than 3 business days after the deferral request has been granted by the Board.

- (D) **Appeal applications.** For appeals of a decision of a City staff person, the application fee is \$250.00, without regard to the zoning district in which the subject property is located.



**City of Atlanta
Board of Zoning Adjustment (BZA)
2017 Public Hearing Schedule**

Application Period*	Public Hearing Date
October 20, 2016 – November 9, 2016	January 5, 2017
November 10, 2016 – November 22, 2016	January 12, 2017
November 23, 2016 – December 7, 2016	February 2, 2017
December 8, 2016 – December 21, 2016	February 9, 2017
December 22, 2016 – January 4, 2017	March 2, 2017
January 5, 2017 – January 18, 2017	March 9, 2017
January 19, 2017 – February 8, 2017	April 6, 2017
February 9, 2017 – February 22, 2017	April 13, 2017
February 23, 2017 – March 8, 2017	May 4, 2017
March 9, 2017 – March 22, 2017	May 11, 2017
March 23, 2017 – April 5, 2017	June 1, 2017
April 6, 2017 – April 19, 2017	June 8, 2017
April 20, 2017 – May 10, 2017	July 6, 2017
May 11, 2017 – May 24, 2017	July 13, 2017
May 25, 2017 – June 7, 2017	August 3, 2017
June 8, 2017 – June 21, 2017	August 10, 2017
June 22, 2017 – July 12, 2017	September 7, 2017
July 13, 2017 – July 26, 2017	September 14, 2017
July 27, 2017 – August 9, 2017	October 5, 2017
August 10, 2017 – August 23, 2017	October 12, 2017
August 24, 2017 – September 6, 2017	November 2, 2017
September 7, 2017 – September 20, 2017	November 9, 2017
September 21, 2017 – October 11, 2017	December 7, 2017
October 12, 2017 – October 25, 2017	December 14, 2017

***Applications for Appeals will be accepted during regular business hours
Monday – Friday from 8:15 am – 5:00 pm
Racquel T. Jackson, Secretary to the Board of Zoning Adjustment**

***The agenda for any meeting of the Board is limited to two (2) Appeals. Following the closing date for each board meeting, the Secretary shall determine the total number of Appeals filed for said meeting. In the event that more than two Appeals are accepted for any meeting, the Secretary, with the consensus of all parties involved, shall reschedule the appeal to the next available hearing date.**