

City of Atlanta
Department of Planning, Development and Neighborhood Conservation
Bureau of Planning
Development Review Division
(404) 330-6145

SPECIAL EXCEPTION APPLICATION CHECKLIST

- ___ 1. Complete **application** with notarized signatures. (See Page 1)
- ___ 2. Obtain **notarized signature of property owner(s)**, if other than applicant.
(See Page 5)
- ___ 3. If you are an attorney representing owner, complete Authorization by Attorney.
(See Page 6)
- ___ 4. Attach plat of survey or written legal description in metes and bounds. **Application will be returned if survey or legal description in metes and bounds is not provided.**
- ___ 5. Attach 3 copies of **site plan**, drawn to scale, showing existing and proposed conditions including parking layout.
- ___ 6. Write **justification** based on criteria outlined in application form. (See Pages 3-4)
- ___ 7. Obtain **Referral Certificate** from Bureau of Buildings Zoning Enforcement desk.
PLEASE NOTE: The Bureau of Buildings is closed to the public on Tuesdays.
- ___ 8. File **application** with Bureau of Planning.
- ___ 9. Pay **fee** - See application for amount due. Make check payable to "City of Atlanta". Application will not be accepted without the fee. (See Page 7)
- ___ 10. Obtain copy of the **Notice to the Applicant** regarding the Board of Zoning Adjustment (BZA) hearing date, the NPU contact person and the NPU meeting date.
- ___ 11. Contact **NPU** representative and attend necessary meeting.
- ___ 12. Attend Board of Zoning Adjustment (BZA) **public hearing** on the scheduled date.

APPLICATION FOR SPECIAL EXCEPTION
City of Atlanta

Date Filed _____ Application Number _____

Name of Applicant _____ Phone _____

Address _____
street city state zip code

Name of Property Owner _____ Phone _____

Address _____
street city state zip code

Description of Property

Address of Property _____

The subject property fronts _____ feet on the _____ side of _____
_____ beginning _____ feet from the
_____ corner of _____.

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

Property is zoned: _____, Council District: _____, Neighborhood Planning Unit: ____

TO THE BOARD OF ADJUSTMENT: Applicant, having received an adverse order or requirement from the administrative officer in seeking a building permit or certificate of occupancy, hereby requests that the Board of Zoning Adjustments grant a Special Exception.

Documentation: On a separate sheet(s) of paper you must submit a full justification for your request based on the criteria outlined in the instructions (see Page 3). If the owner and applicant are not the same, please complete Page 5. If the applicant will be represented by an attorney, please complete Page 6.

I hereby authorize the staff of the Bureau of Planning to inspect the premises of the above described property. I hereby swear that all statements herein and attached hereto are true and correct to the best of my knowledge and belief.

Sworn To And Subscribed Before Me This _____ Day Of _____, 199__.

Owner or Agent for Owner (Applicant)

NOTARY PUBLIC

APPLICATION FOR A SPECIAL EXCEPTION

City of Atlanta
Board of Zoning Adjustment
Bureau of Planning
Zoning Division
55 Trinity Avenue SW
Suite 3350
Atlanta, Georgia 30335-0310
(404) 330-6145

Special Exception applications are heard and decided by the five-member City of Atlanta Board of Zoning Adjustment appointed by the Atlanta City Council. The Bureau of Planning serves as staff to the Board and all inquiries regarding your application should be directed to this office (404) 330-6145. The schedule of closing and public hearing dates is attached (Attachment 4). The rules of the Board provide that members will not discuss the merits of any case except in the public hearing for that case.

The City is divided into 24 Neighborhood Planning Units (NPUs), each of which has a volunteer citizen advisory committee. When you file your application, you will be notified of the NPU contact person and that you must schedule a meeting with that NPU in order to explain what you wish to do. The applicant is expected to contact the NPU prior to your public hearing before the Board of Zoning Adjustment. A copy of each application is sent to the appropriate NPU during the week that the application is filed.

Your application will be scheduled for a public hearing. The Staff of the Bureau of Planning will advertise the subject of the public hearing at least 15 days before the public hearing: (1) by sending written notice of your application to all owners whose property is within 300 feet of the subject property, (2) by causing a legal notice to be placed in the newspaper, and (3) by posting a public hearing notification sign on your property. Do not mutilate modify remove or relocate the sign(s). Requests for withdrawal received prior to all of these notifications will be considered for refund of fee paid.

Each applicant must appear and present their case in a public hearing before the Board of Zoning Adjustment. The applicant is given a total of ten minutes to present your case. Those persons in opposition to your application are also allowed ten minutes to present their viewpoints. The applicant may reserve a portion of his or her time for rebuttal.

The Board of Zoning Adjustments shall have the power to hear and decide applications for Special Exceptions from the City of Atlanta Zoning Ordinance. Before granting any Special Exception, the Board shall find the facts of the case, and shall find that the granting of the exception will not adversely affect the surrounding property.

SPECIAL EXCEPTION APPLICATION INSTRUCTIONS

Your Special Exception application should be typewritten and all signatures on the application must be notarized.

Each application must contain a legal description of the subject property (metes and bounds or a recent plat of survey), a complete site plan (three copies) of your property which shows all existing and proposed improvements, and a written justification (see criteria below) for the Special Exceptions that are requested.

The proper fee must accompany your application at the time of filing. Checks must be made payable to City of Atlanta. The application fee schedule is attached for your information.

Each Special Exception application must be accompanied by a Referral Certificate. This Referral Certificate describes the Special Exception you are requesting and is obtained from the Zoning

Enforcement Division, Bureau of Buildings, Suite 3900, 3rd Floor City Hall, Atlanta, GA, (404) 330-6175.

If you do not own the subject property, the owner must sign the Notarized Authorization by Property Owner (See Page 5) which authorizes you to file this application. If more than one property owners is involved, each owner should sign a separate authorization.

If you choose to be represented by an attorney, the attorney should sign the Authorization of Attorney (See page 6.)

The schedule of special exception application closing dates and public hearing dates is attached.

The staff of Bureau of Planning reviews and makes written recommendations to the BZA on each Special Exception application. You may call the Zoning Division of the Bureau of Planning at (404) 330-6145 on the day before the public hearing if you wish to know the staff's recommendation.

In connection with Special Exceptions, the Board may attach conditions and safeguards concerning fencing, screening, or other buffering and such other matters as are reasonably required to assure the tranquility of the neighborhood.

The following classes of Special Exceptions comprise the majority of such applications heard by the Board. The specific criteria for these classes of applications are included for your information. Your written justification should address these criteria.

CHURCHES ON LOTS OF LESS THAN ONE ACRE

1. Ingress and egress to the property and proposed structure or uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other catastrophe.
2. Off-street parking and loading areas where required, with particular attention to the items in 1. above.
3. Refuse and service areas.
4. Appropriate buffering or screening to alleviate such potentially adverse effects as may be created by noise, glare, odor, lighting, signs or traffic congestion.
5. Hours and manner of operations.
6. Length of time regarding the duration of such permit, if any.
7. Required yards and other open spaces.

PARKING. The Board of Zoning Adjustment may waive or reduce the parking and loading requirements in any district when the character or use of the building is such as to make unnecessary the full provisions of parking or loading facilities, or where such regulations would impose an unreasonable hardship upon the use of the lot.

WALLS AND FENCES. Any request for walls or fences should include:

1. a site plan showing the full extent of the wall or fence; and
2. a drawing showing a typical portion of the wall or fence including gates of ornamental fences.

The Board of Zoning Adjustment may grant Special Exceptions in any district for greater heights of walls and fences only upon finding that:

1. Such wall or fence is justified by reason of security or privacy and will not unduly prevent passage of light and air to adjoining properties and is not incompatible with the surrounding neighborhood;
2. Such greater height is justified by requirements for security of persons or property in the area;
3. Such greater height is justified for topographic reasons; or,

4. Such greater height, in the yard or yards involved, is not incompatible with the character of the surrounding neighborhood.

ACTIVE RECREATION FACILITIES: The BZA may grant a Special Exception to permit active granted only upon finding that:

1. The location will not be objectionable to occupants of a neighboring property or the neighborhood in general by reason of noise, lights or concentration of persons or vehicular traffic; and
2. The area for such activity could not reasonably be located elsewhere on the lot.

In connection with such Special Exceptions, the Board may attach conditions and safeguards, concerning fencing, screening or other buffering, existence and/or location of lighting, hours of use, and such other matters as reasonable to assure the tranquility of the neighborhood.

In some cases, applications for a swimming pool or tennis court adjacent to a street may also need a Special Exception for a wall or fence. This should be verified with the Zoning Enforcement Division of the Bureau of Buildings prior to making application.

SATELLITE DISHES: The BZA may permit satellite receiving dish antennae to be erected in any yard, (required or other), or attached to the primary or an accessory structure. However, such Special Exception shall be granted only upon finding that:

1. The location will not be objectionable to occupants of neighboring property or the neighborhood in general by reason of visual unsightliness, potential hazard to pedestrian or vehicular traffic movement, or the obstruction of light or air to adjoining properties; and
2. The equipment could not reasonably be located elsewhere on the lot. However, a problem related solely to signal reception standards shall not be considered sufficient grounds for granting relief under this paragraph.

NONCONFORMING USES AND STRUCTURES: See Section 16-24.001 through Section 16-24.007 of the City of Atlanta Zoning Ordinance and the following subsections:

1. Expansion of nonconforming uses or structures or of major structures and premises in combination: See Section 16-24.005(i).
2. Replacement or reconstruction of a destroyed major structure containing a nonconforming use: See Section 16-24.005(6)(b).
3. Expansion of a nonconforming use in R-4 (Single-Family Residential) and R-5 (Two-Family Residential) districts: See Section 16-24.005(7)(a).

NOTARIZED AUTHORIZATION BY PROPERTY OWNER
(Required only if applicant is not the owner of the property subject to the application)

TYPE OF APPLICATION _____

I, _____ (OWNER(S) NAME)

SWEAR THAT I AM THE OWNER OF THE PROPERTY LOCATED AT _____

_____ (PROPERTY ADDRESS).

AS SHOWN IN THE RECORDS OF _____ COUNTY, GEORGIA WHICH

IS THE SUBJECT MATTER OF THE ATTACHED APPLICATION. I

AUTHORIZE THE PERSON NAMED BELOW TO ACT AS THE APPLICANT

IN THE PURSUIT OF THIS APPLICATION.

NAME OF APPLICANT _____

ADDRESS _____

TELEPHONE NUMBER _____

Signature of Owner

Personally Appeared
Before Me

Who Swears That The
Information Contained
In This Authorization
Is True and Correct To
The Best of His or Her
Knowledge and Belief.

Notary Public

Date

AUTHORIZATION OF ATTORNEY
(Required Only if the Owner is Represented by an Attorney)

NAME

ADDRESS

CITY STATE ZIP CODE

TELEPHONE NUMBER

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

SIGNATURE OF ATTORNEY

FEE SCHEDULE

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

The amount of the fee for applications to the BZA shall be determined by the following schedule:

- (A) **Variance applications.** Variance application fees will be 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, or a landmark district | \$100.00 |
| RG district | \$500.00 |
| R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2 | \$625.00 |

- (B) **Special Exception applications.** Special Exception application fees will be 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, or a landmark district | \$100.00 |
| RG district | \$500.00 |
| R-LC, O-I, C-1, C-2, C-3, C-4, C-5, I-1, I-2 | \$625.00 |

- (C) **Appeal applications.** For appeals which allege that a decision of an officer is in error, each appeal, without regard to the zoning district in which the subject property lies, shall be \$250.00.