

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

VARIANCE 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 4)
- ___ 3. If you are an attorney representing owner, complete Authorization by Attorney.
(See Page 5)
- ___ 4. Attach plat of survey or written legal description in metes and bounds. **Application will be returned if survey or metes and bounds description 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 Page 3)
- ___ 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 6)
- ___ 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** for the scheduled date.

APPLICATION FOR VARIANCE
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 ADJUSTMENTS: 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 Variance.

Justification For Request: 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 Attachment 1). If the owner and applicant are not the same, please complete Attachment 2. If the applicant will be represented by an attorney, please complete Attachment 3.

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

Variance Procedures

Variance 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. All inquiries regarding your application should be directed to this office (404) 330-6145. The schedule of closing and public hearing dates is attached (Page 8). The rules of the Board provide that Board 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 (NPU), 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 Adjustments. A copy of each application is sent to the appropriate NPU on the day the application is filed.

Your application will be scheduled for a public hearing. The Bureau of Planning will advertise the subject of the public hearing at least 15 days before the public hearing:

- by sending written notice of your application to all property owners whose property is within 300 feet of the subject property,
- by causing a legal notice to be placed in the newspaper, and
- by posting a public hearing notification sign on your property.

Do not mutilate, remove, modify, or relocate the sign(s). Requests for withdrawal received prior to all of these actions will enable a refund of fee paid.

Each applicant must appear and present their case before the Board of Zoning Adjustment. You are allowed a total of ten minutes to present your viewpoints. The applicant may save a portion of his or her time for rebuttal.

The Board of Zoning Adjustment shall have the power to hear and decide applicants for variances from the City of Atlanta Zoning Ordinance. Before granting any application for a variance, the Board shall find the facts of the case, and shall find that the granting of the variance will not affect the surrounding property.

Variance Application Instructions

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

Each application must contain a legal description of the property involved (either metes and bounds or a recent plat of survey), a complete site plan (three copies) of your property which shows all existing conditions and proposed improvements, and a written justification (see the following criteria) for the variance(s) that are requested. Your application fee schedule is attached for your information (See Page 6).

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 (See Page 6).

Each variance application must be accompanied by a Referral Certificate. This Referral Certificate describes the variance(s) 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 affidavit.

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

The schedule of variance application closing dates and public hearing dates is attached (See page 8).

The staff of Bureau of Planning reviews and makes written recommendations to the BZA on each variance 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 the Planning staff's recommendation.

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

Criteria for Variances

Your variance application must be accompanied by a written justification for each variance requested. Section 16-26.003 of the City of Atlanta Zoning Ordinance establishes the following criteria for granting variances.

Section 16-26.003 Conditions for granting a Variance

Variances may be granted by the Board of Zoning Adjustments only upon making all of the following findings.

- (1) there are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography;*
- (2) the application of the zoning ordinance of the City of Atlanta to this Particular piece of property would create an unnecessary hardship;*
- (3) such conditions are peculiar to the particular piece of property involved; and*
- (4) relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the Zoning Ordinance of the City of Atlanta.*

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.