

CITY OF ATLANTA
Department of Planning and Community Development
Office of Planning
55 Trinity Avenue, Suite 3350
(404) 330-6145

APPEAL APPLICATION CHECKLIST*

- ___ 1. 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.*)
- ___ 2. 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.
- ___ 3. Provide documentation of the exact location and boundaries of the subject property: **City Cadastral map, survey, or written legal description** in metes and bounds.
- ___ 4. 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. **Six folded copies** of all documents larger than 8 ½” x 11” must be submitted to ensure distribution to BZA members.
- ___ 5. If an attorney represents the appeal, complete the attached **Authorization of Attorney**.
- ___ 6. **File application** with Office of Planning.
- ___ 7. Pay **fee** of \$250.00. The following payments are acceptable: check (payable to "City of Atlanta"), cashier check, credit card or money order. Application will not be accepted without the fee.
- ___ 8. Upon filing the appeal, City staff will provide you 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.
- ___ 9. 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 Planning will post the sign.
- ___ 10. Attend Board of Zoning Adjustment (BZA) **public hearing** on the scheduled date.

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

**APPLICATION FOR APPEAL OF DECISION OF
ADMINISTRATIVE OFFICER
City of Atlanta**

Date Filed _____ Application Number _____

Name of Applicant _____ Daytime Phone _____

Company Name _____ e-mail _____

Address _____
street city state zip code

Name of Property Owner _____ Phone _____

Address _____
street city state zip code

Description of Property

Address of Property _____ **OR**

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: _____

I hereby authorize the staff of the Office of Planning to inspect the premises of the above-described property. I 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 _____, 20__.

OWNER OR AGENT FOR OWNER (APPLICANT)

APPLICANT'S NAME IN PRINTED LETTERS

NOTARY PUBLIC

Appeal Procedures

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.”

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 Planning serves as staff to the BZA. All inquiries regarding your application should be directed to this office 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.

Schedule. There are two closing dates and two public hearings per month. The schedule allows time for regular monthly NPU meetings to occur throughout the City prior to each public hearing. Appeals are sent to the applicable NPU for information purposes, and your appearance at the NPU is a courtesy. When you file your application, you will be notified of the NPU contact person so that you may contact him or her if you wish to appear at the meeting. The schedule of closing and public hearing dates is attached.

Fee. 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.

Refunds for Withdrawn Cases. Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee. A refund will not be issued after the case has been advertised.

Public Notice. When you file your application, it will be scheduled for a public hearing. The Office of Planning will initiate posting of public notice (“an advertisement”, “a legal ad”) for this public hearing so that the public is informed at least 15 days before the date of 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 public notice to be placed in the newspaper, and by posting a sign on the subject property.

If appealing a decision for your property you will be responsible for obtaining a public notice sign when you file your application with the Office of Planning, and for posting it in a visible location on your property, at least 15 days prior to your public hearing. If appealing a decision as a non-property owner the Office of Planning 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.

Public Hearing Presentation. Each appellant or representative of the appellant must appear and present the case before the BZA at the scheduled public hearing, or request a deferral in writing prior to the public hearing. The party representing the appeal is allowed a total of ten minutes to present the application. A portion of this time may be saved for rebuttal to any objections to the variance. You may choose to bring copies of documents or exhibits such as enlarged plans; this is not required but is purely at your discretion. Any exhibits that are filed with the City at the hearing should be capable of being stored in the 11” x 17” City file, so please do not permanently affix exhibits to a stiff backing.

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 Planning does not make a recommendation to the BZA on appeal applications.

AUTHORIZATION OF ATTORNEY

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

NAME

ADDRESS

CITY STATE ZIP CODE

DAYTIME TELEPHONE NUMBER

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

SIGNATURE OF ATTORNEY

PUBLIC NOTICE SIGN POSTING

Please select one of the following:

- As owner of the property subject to the appeal I understand that I must post the public notice sign, provided by the Office of Planning, 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 Planning 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

APPELLANT'S NAME IN PRINTED LETTERS



**City of Atlanta
Board of Zoning Adjustment (BZA)
2015 Public Hearing Schedule**

Application Period*	Public Hearing Date
October 23, 2014 – November 19, 2014	January 8, 2015
November 20, 2014 – November 26, 2014	January 15, 2015
November 27, 2014 – December 10, 2014	February 5, 2015
December 11, 2014 – December 17, 2014	February 12, 2015
December 18, 2014 – January 7, 2015	March 5, 2015
January 8, 2015 – January 21, 2015	March 12, 2015
January 22, 2015 – February 4, 2015	April 2, 2015
February 5, 2015 – February 18, 2015	April 9, 2015
February 19, 2015 – March 11, 2015	May 7, 2015
March 12, 2015 – March 18, 2015	May 14, 2015
March 19, 2015 – April 8, 2015	June 4, 2015
April 9, 2015 – April 22, 2015	June 11, 2015
April 23, 2015 – May 13, 2015	July 9, 2015
May 14, 2015 – May 20, 2015	July 16, 2015
May 21, 2015 – June 10, 2015	August 6, 2015
June 11, 2015 – June 24, 2015	August 13, 2015
June 25, 2015 – July 8, 2015	September 3, 2015
July 9, 2015 – July 22, 2015	September 10, 2015
July 23, 2015 – August 5, 2015	October 1, 2015
August 6, 2015 – August 19, 2015	October 8, 2015
August 20, 2015 – September 9, 2015	November 5, 2015
September 10, 2015 – September 23, 2015	November 12, 2015
September 24, 2015 – October 7, 2015	December 3, 2015
October 8, 2015 - October 21, 2015	December 10, 2015

***Applications for Appeals will be accepted during regular business hours
Monday – Friday from 8:30am – 5:00 pm.**

**Brandy N. Crawford, Urban Planner Principal
Secretary to the Board of Zoning Adjustment**