

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 the 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. 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 (see p. 3, item No. 2). Elevations are required for wall and fence special exceptions.
- ___ 6. Write **justification** based on criteria outlined in application form. (See Pages 3-4)
- ___ 7. Obtain **Referral Certificate** for completed application from Office of Buildings Zoning Enforcement desk BEFORE filing with the Office of Planning.
- ___ 8. File **application** with Office 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. Obtain **public notice sign** and post it at least 15 days prior to the hearing. (See Page 2)
- ___ 12. Contact **NPU** representative and attend necessary neighborhood and NPU meetings.
- ___ 13. Attend Board of Zoning Adjustment (BZA) **public hearing** on the scheduled date.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

APPLICATIONS ARE ACCEPTED DURING NORMAL DESK HOURS
MONDAY FROM 8:30AM – 1:00PM
TUESDAY-THURSDAY FROM 8:30AM – 2:00PM

ON THE LAST DAY OF THE APPLICATION PERIOD ("CLOSING DAY"), APPLICANTS MUST SIGN IN AT THE OFFICE OF PLANNING BY 2:00 P.M. TO ENSURE PROCESSING AND SCHEDULING FOR THE CORRESPONDING PUBLIC HEARING DATE. (SEE ATTACHED PUBLIC HEARING SCHEDULE).

APPLICATION FOR SPECIAL EXCEPTION
City of Atlanta

Date Filed _____ Application Number _____

Name of Applicant _____ Daytime Phone _____

Company Name _____ email _____

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: ____

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 Adjustment grant a Special Exception.

I hereby authorize the staff of the Office of Planning 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 Planning 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.

Sworn To And Subscribed Before Me This ____ Day Of _____, 200__.

Owner or Agent for Owner (Applicant)

NAME OF APPLICANT IN PRINTED LETTERS

NOTARY PUBLIC

Summary of proposed construction changes to buildings or site. (Examples:
“Convert a 100’ x 200’ retail space into a restaurant.” “Install a 6-foot high opaque wooden wall
(‘privacy fence’ with 6-foot high opaque wall gates.”) _____

Proposed Lot Coverage (After Construction) Calculate total amount of lot coverage on
entire property, after proposed construction would be finished, including existing and proposed
buildings and other structures; sidewalks, driveways, parking pads, patios, gravel, etc.; everything
except natural planted or undisturbed areas.

_____ covered square feet / _____ total lot square feet = _____% proposed lot coverage
_____ % maximum allowed lot coverage

(For Parking Special Exceptions Only) List the maximum number of employees who will
park on the site at any given time: _____ AND
List the maximum estimated number of customers, clients, visitors, or similar persons who will require
automobile parking in connection with the facility on the site at any given time: _____.
**If you propose to provide off-site parking, see the attached Standards for Off-site Parking
Agreements (p. 8).**

Special Exception Procedures

Special exception applications 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. Approximately one week after each closing date, a planner is assigned to review your
application. 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 neighborhood and NPU meetings to occur throughout the City prior to each public hearing. The
schedule of closing and public hearing dates is attached.

Neighborhood and NPU Recommendations. The City is divided into 24 Neighborhood Planning
Units (NPUs), each of which has a volunteer citizen advisory committee that makes a recommendation
to the BZA on special exceptions. 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. You may be requested to attend additional neighborhood meetings; inquire about the time and
place of those meetings. The applicant is expected to contact the NPU as soon as possible after the
application is filed. The Office of Planning will send a copy of your application to the appropriate NPU
during the week after the closing date for your application.

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, and
- by causing public notice to be placed in the newspaper.

*You are 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. 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.*

Refunds on Withdrawn Cases. Requests for withdrawal received 18 days prior to the public hearing will enable a refund of the application fee.

Staff Recommendation. Office of Planning staff reviews and makes written recommendations to the BZA on each variance application. You may contact your assigned planner at (404) 330-6145 on the day of the public hearing if you wish to know staff's recommendation.

Public Hearing Presentation. Each applicant or representative of the applicant 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 application 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 special exception. You may choose to bring exhibits such as enlarged site 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. Before granting any application for a special exception, the BZA must enter the facts of the case into the record at the public hearing, and must base the decision on applicable criteria listed in the Zoning Ordinance. The City Council does not make decisions regarding applications that come before the BZA.

Special Exception Application Instructions

- 1) Your Special Exception application should be clearly printed or typewritten and all signatures on the application must be notarized.
- 2) Each application must contain a legal description of the subject property (metes and bounds or a recent plat of survey), complete site plan (s) of your property, and a written justification (see criteria below) for the Special Exception(s) that are requested. 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 copies. The site plan should clearly indicate existing conditions and proposed changes to buildings or the site, including location of buildings, walls and fences, parking spaces, and trees. Elevations are required for wall or fence special exceptions.
- 3) 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.
- 4) 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, Office of Buildings, Suite 3900, 3rd Floor City Hall, Atlanta, GA, (404) 330-6175.
- 5) If you do not own the subject property, the owner must sign the Notarized Authorization by Property Owner (form included) which authorizes you to file this application. If more than one property owners are involved, each owner should sign a separate authorization.
- 6) If you choose to be represented by an attorney, the attorney should sign the Authorization of Attorney (form included).
- 7) The Board may attach conditions and safeguards concerning fencing, screening, or other buffering and such other matters as are reasonably required to assure the tranquillity of the neighborhood.
- 8) Specific criteria for Board approval of special exceptions are included below for your information. Your written justification should address these criteria. Please submit a typewritten justification.

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. If you propose to provide off-site parking spaces, please see the attached Standards for Off-site Parking Agreements (p. 8).

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 recreation in yards adjacent to streets in residential districts 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 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 Office 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 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 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 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.

Standards for Off-site Parking Agreements

Agreements in association with special exceptions for reduction of minimum required parking spaces and provision of off-site parking will be acceptable to the Office of Planning as valid if they meet the following standards (for convenience, words applicable to lease agreements are used; however any agreement must meet these standards):

1. Provide original signatures of lessee and lessor.
2. Provide current phone numbers and addresses of lessee and lessor.
3. Identify the principal property and the property on which the off-site spaces will be leased, by either of the two following methods:
 - a. Street address and outline of properties on a copy of a City of Atlanta “Cadastral” map.
 - b. Legal description in metes and bounds.
4. Include a provision that leased, off-site spaces must be used exclusively by the lessor for all persons who would otherwise use on-site parking on the principal property, in conjunction with the business, office, or other use on the principal property for which the lease is executed.
5. Include a provision in the lease that requires that the leased spaces will be demarcated, by signs and, optionally, by striping, barriers, or other means, as reserved for exclusive use by persons associated with the business, office, or other use on the principal property for which the lease is executed, and that identifies the party who will be responsible for so demarcating the spaces.
6. State the hours of the day and week during which the off-site parking spaces will be made available for use by the lessor.
7. State the term of the lease, including the expiration date. The term must be for a minimum of six months.
8. Provide signature and seal of a notary public.

In addition, applicants for special exceptions that involve off-site parking are required to provide a list of all executed agreements for the off-site parking location that are current at the time that the application is filed with the Office of Planning, and, for each agreement, its term, the number of parking spaces to be used, and the hours of the day during which the spaces are to be used.



**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 Variances and Special Exceptions are accepted up until 1:00 pm (Monday) and 2:00 pm (Tuesday – Thursday).**

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

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