

Building Permit Application No.: _____

Property Address of Principal Use: _____ /Parcel Id. No. _____

Property Address of Accessory Use: _____ /Parcel Id. No. _____

City Code Sec. 16-29.001(2):

Accessory uses or structure: A use or structure of a nature customarily and subordinate to the principal use or structure and, unless otherwise specifically provided or authorized, on the same premises. "On the same premises" means on the same lot or on a contiguous lot in the same ownership. Where a building is attached to a principal building, it shall be considered a part thereof, and not an accessory building.

AFFIDAVIT OF ACCESSORY USE AND/OR STRUCTURE ON THE SAME PREMISES

Personally appeared before the undersigned officer duly authorized by law to administer oaths, _____, who after first being duly sworn, states the following:

1.

The information contained herein is based upon my own personal knowledge. I am competent in the manner required by law to give this affidavit and authorize it to be used for any lawful purpose in connection with the building permit application number listed above ("Application").

2.

By signing this Affidavit, I assume responsibility for the accuracy of the statements made by me and the documents that I have either personally prepared and/or submitted or that I have caused to be prepared and/or submitted in connection with the Application.

3.

I am the _____ owner or _____ authorized agent (check one) for the owner of the above listed properties which are the subject of the Application. The Application proposes an accessory use and/or structure upon a contiguous lot to the lot upon which the principal use or structure is proposed. Both lots are in the same record ownership of:

_____.

4.

I hereby acknowledge that the Atlanta Zoning Ordinance, specifically Sec. 16-29.001(2) (quoted verbatim above), provides that an accessory use or structure is considered to be on the same premises, even though technically located upon a contiguous lot to that of the lot upon which the principal use or structure is proposed, as long as both lots are under the same ownership.

5.

I hereby further acknowledge that if either of the lots is conveyed to a third-party, such that both lots are no longer under the same ownership, the accessory use, including but not limited to parking, is no longer on the same premises within the meaning of Sec. 16-29.001(2) and therefore not accessory and may not continue but must be brought into compliance with the Atlanta Zoning Ordinance, which will require the accessory use and/or structure to be solely located on the same lot as the principal use before either the accessory use or principal use may continue. I further acknowledge that this may mean that the accessory use and/or structure will have to be removed and/or provided on the same lot as the principal use.

6.

I hereby further acknowledge that the transfer of title (whether voluntarily or otherwise), of either lot, including but not limited to reduction of lot size which reduces parking, to a third-party, such that both lots are no longer under the same ownership, does not result in a non-confirming use (i.e. grandfathered) that is entitled to remain but rather results in an illegal use caused solely and directly by such transfer and for which the City may seek enforcement action to bring the property into compliance with all applicable codes.

7.

I hereby agree that I will notify the Bureau of Buildings within 30 days of any transfer of title described in Paragraph 6 above.

8.

I lastly acknowledge that this Affidavit shall be: (i) incorporated into any issued building permit(s) arising out of the Application as a condition thereto, (ii) recorded in the applicable county land records prior to the issuance of any building permit(s) and (ii) relied upon by the Bureau of Buildings in both the review of the Application and the issuance of any building permit (including enforcement) arising from the Application.

FURTHER AFFIANT SAYETH NOT.

By:
Its:

Sworn to and subscribed
before me, this ____ day
of _____, _____,
Notary Public.
My commission expires: