



FULTON COUNTY

MODIFICATION APPLICATION PACKAGE

Please visit our website at
www.fultonecd.org
for additional zoning and
Geographic Information System (GIS) information.



MODIFICATION APPLICATION & PROCEDURES

PROCEDURES AND INFORMATION FOR FILING A ZONING/ADMINISTRATIVE MODIFICATION AND CONCURRENT VARIANCE UNINCORPORATED AREA OF FULTON COUNTY

ALL application forms are obtained from the Department of Environment and Community Development, Suite 2085, 141 Pryor Street, S.W., Suite 2085, Atlanta, Georgia, 30303 or @ www.FULTONECD.ORG. **PLEASE READ ALL INSTRUCTIONS BEFORE FILING. NO FAXED COPIES NOR COPIES OF FAXED MATERIAL WILL BE ACCEPTED AS PART OF THIS APPLICATION PACKET.**

TYPES OF MODIFICATION:

- 1. ADMINISTRATIVE MODIFICATION:** A modification of conditions to a Rezoning or Use Permit that do not require a public hearing. A decision will be made by the Director of the Department of Environment and Community Development and will be confirmed by the Fulton County Board of Commissioners.
- 2. ZONING MODIFICATION:** A modification of conditions to a Rezoning or Use Permit, where public interest has been determined. This requires a public hearing by the Fulton County Board of Commissioners. The Department of Environment and Community Development will make a recommendation to the Board. A concurrent variance may be sought in connection with Zoning Modification requests and may be considered by the Board of Commissioners, if filed concurrently with the Zoning Modification petition.

FILING REQUIREMENTS

Applications will not be accepted after 4:00 PM.

- 1. PRE-APPLICATION REVIEW FORM:** Prior to submitting a modification of conditional zoning, you are required to meet with a current planner, who will review your proposal and issue a pre-application review form, which becomes part of your application packet. Call 404-730-7800 to make an appointment.
- 2. APPLICATION FORMS: Three (3) copies are required.** ALL application forms must have the original signature(s) of the property owner, or attach a Power-of-Attorney, or documents showing an option to purchase the property.
- 3. LEGAL DESCRIPTIONS: Three (3) copies are required.** The legal description must be a metes and bounds description of the property that establishes a point of beginning and gives directions (bounds) and distances (metes) of property lines. If the property consists of more than one parcel, all parcels must be combined into one legal description.
- 4. SITE PLAN: Five (5) copies are required,** one of which must be 8½" x 11". The site plan must illustrate the requested modification(s) and or concurrent variance(s). Site plans must be folded, drawn to scale and must not exceed 24" x 36". The required number is subject to change.

5. **TRANSPARENCY: One (1) 8½" x 11" is required** for each site plan submitted. A transparency is required only for Zoning Modifications.
6. **LETTERS OF INTENT: Three (3) copies are required.** The letter of intent must explain the circumstances upon which the requested change of condition is based. Include the reason why development or use of the property cannot be accomplished without modification of a condition and identify the zoning/use permit case number and specific condition(s) being addressed.
7. **CONCURRENT VARIANCES TO ZONING MODIFICATIONS: One (1) extra copy** of the application form, legal description, letter of intent, and site plan is required. Concurrent variances sought in connection with a zoning modification may be considered by the Board of Commissioners if submitted for the same agenda. See Articles 22 and 28 of the Fulton County Zoning Resolution for additional information.
8. **ADJACENT PROPERTY OWNERS/NEIGHBORHOOD ASSOCIATION LETTERS: Two (2) copies are required** at the time of filing.
9. **DEPARTMENTAL SIGN-OFF LETTERS: Two (2) copies are required.** If a request for an ADMINISTRATIVE MODIFICATION requires a sign-off by a Fulton County department or staff person, such as the Traffic Engineer or the Arborist, this letter is required at the time of filing.
10. **FEES: Make check payable to FULTON COUNTY, GEORGIA.** The policy for refunds of application fees will be as per Sec. 22.13.5 of the Fulton County Zoning Resolution.

FEES

MODIFICATION BASE FEE:	
\$300 PLUS \$100 FOR EACH ADDITIONAL MODIFICATION REQUEST ON THE SAME PROPERTY	
CONCURRENT VARIANCE:	
·SINGLE FAMILY RESIDENTIAL ZONING DISTRICTS (E.G. R-1, R-2) ·AG-1 FOR RESIDENTIAL USES ONLY	\$250 PLUS \$50 FOR EACH ADDITIONAL VARIANCE REQUESTED ON THE SAME PIECE OF PROPERTY
·NON SINGLE RESIDENTIAL DISTRICTS (E.G. R-6) ·MULTI-FAMILY DISTRICTS (TR, A, A-L, O-I, MIX, C-1, C-2, M-1A, M-1, M-2) ZONING DISTRICTS ·AG-1 FOR NON-RESIDENTIAL USES ONLY ·ALL SIGNS	\$350 PLUS \$100 FOR EACH ADDITIONAL VARIANCE REQUESTED ON THE SAME PIECE OF PROPERTY
REVISIONS:	
\$50 PER REVISION	

MEETING AND PUBLIC HEARINGS:

- **SCHEDULE:** A schedule with deadlines and public hearing dates for **ZONING MODIFICATIONS** is obtainable from the Department of Environment and Community Development or on our website at WWW.FULTONECD.ORG.
- **COMMUNITY ZONING INFORMATION MEETING (CZIM):** The CZIM is not a public hearing but rather an informal meeting held on the second Thursday of each month (unless otherwise noted in the

schedule) prior to the Board of Commissioners public hearing the following month. The meeting runs from 6:30 p.m. until 8:00 p.m., at the South Service Center, 5600 Stonewall Tell Road, College Park, GA.

- **BOARD OF COMMISSIONERS (BOC) MEETING:** The Board of Commissioners (BOC) holds a public hearing on the first Wednesday of each month at 10:00 AM in the Government Center assembly hall at 141 Pryor Street, Atlanta.

POSTING OF SIGNS:

- **COMMUNITY ZONING INFORMATION MEETING (CZIM) SIGN:** Orange signs posted along the frontages of properties subject to zoning and/or use permit modifications that notify area residents of the Community Zoning Information Meeting (CZIM). The CZIM is not a public hearing but rather an informal meeting held on the second Thursday of each month (unless otherwise noted in the schedule) from 6:30 p.m. until 8:00 p.m. at the South Service Center, 5600 Stonewall Tell Road, College Park, GA. This meeting is open to all interested citizens and applicants are strongly encouraged to attend.
- **BOARD OF COMMISSIONERS AND COMMUNITY ZONING BOARD PUBLIC HEARING NOTICE SIGN:** Yellow signs posted along the frontages of properties subject to zoning and/or use permit modifications that notify area residents of the Board of Commissioners public hearing. Applicants are required to post sign(s) in conspicuous places along the property's public street frontage(s) no later than 20 days before the BOC hearing. Failure to post the signs properly, in accordance with instructions given to applicants at the time of filing, will result in delaying action on the petition until the next available appropriate hearing date. *THERE ARE NO EXCEPTIONS TO THE PROPER POSTING THESE SIGNS.*
- If the sign is mutilated and/or removed, it is the applicant's responsibility to obtain and re-post a new sign(s).

NOTIFICATION FOR ZONING MODIFICATION:

- Notice is mailed (by U.S. Mail) to all property owners within 300 feet of the subject property. Said notice is mailed no later than 15 days prior to the public hearing to property owners of record as shown on the real estate tax records of Fulton County as retrieved by the County's Geographic Information System.
- A published notice in a newspaper of general circulation is done no later than 15 days prior to the public hearing. The published notice contains the time, place, purpose of the hearing and the location of the property.



**APPLICATION FOR ADMINISTRATIVE/ZONING MODIFICATIONS
AND CONCURRENT VARIANCES
UNINCORPORATED AREA OF FULTON COUNTY**

The undersigned, having an interest in the property herein described respectfully request:

SECTION I

MODIFICATION #: _____
(To be assigned by Fulton County)

A. **ADMINISTRATIVE MODIFICATION:** A modification of a condition(s) of zoning or Use Permit that does not require a public hearing. A decision will be made by the Director of Environment and Community Development, and will be confirmed by the Fulton County Board of Commissioners.

B. **ZONING MODIFICATION:** A modification of a condition(s) of zoning or Use Permit where public interest has been determined. This requires a public hearing by the Fulton County Board of Commissioners. The Department of Environment and Community Development will make a recommendation to the Board.

If "A" was denied, list previous case number: #M _____

C. **CONCURRENT VARIANCE REQUEST[S] TO MODIFICATION #VC** _____
(To be assigned by Staff)

CONCURRENT VARIANCE REQUEST 1) _____

REF: ARTICLE _____ SECTION _____

CONCURRENT VARIANCE REQUEST 2) _____

REF: ARTICLE _____ SECTION _____

CONCURRENT VARIANCE REQUEST 3) _____

REF: ARTICLE: _____ SECTION _____

SECTION II

- 1) State the name of the Planner, who determined the type of Modification you should file. _____

- 2) Identify the specific condition(s) being modified as provided by the Planner. State the condition number(s) and letter(s) (e.g. 2-b, 2-e). _____, _____, _____, _____, _____, _____, _____.
- 3) Petition number of the Zoning or Use Permit to which this application pertains _____
Current zoning district _____
- 4) Attach a copy of Legal Description [must be metes and bounds], *or* complete the following information if the property is within a recorded subdivision.

SUBDIVISION NAME: _____ UNIT/PHASE: _____

LOT NUMBER: _____ BLOCK DESIGNATION: _____ LAND LOT(S): _____

DISTRICT/SECTION: _____/_____ RECORDED IN PLAT BOOK: _____ PAGE: _____

ROAD NAME: _____

SECTION III

NOTICE: Sections III and/or IV below MUST be signed and notarized when application is submitted. If Section III is signed and notarized, applicant need only complete Section IV as "Applicant" notarization of Section IV is not necessary.

Owner states under oath that he/she is the owner of property described in the attached legal description, which is made part of this application for a Modification.

TYPE OR PRINT OWNER'S NAME

ADDRESS

CITY & STATE ZIP CODE

OWNER OF PROPERTY (SIGNATURE)

PHONE NUMBER

Sworn to and subscribed before me this
_____ day of _____ 20____

NOTARY PUBLIC

SECTION IV

Applicant, if different from the Owner, states under oath that:

- 1) Applicant is the executor or attorney-in-fact under a Power-of-Attorney for the Owner. Attach copy of Power-of-Attorney and type name of Owner as indicated in Section III; *or*
- 2) Applicant has an option to purchase said property conditioned upon the property being granted a modification. Attach copy of contract and type name of Owner as indicated in Section III; *or*
- 3) Applicant has an estate for years which permits the applicant to apply for a modification. Attach a copy of lease and type name of Owner as indicated in Section III.

APPLICANT (SIGNATURE)

Sworn to and subscribed before me this

_____ day of _____ 20_____

TYPE/PRINT NAME OF APPLICANT

NOTARY PUBLIC

ADDRESS

CITY & STATE ZIP CODE

PHONE NUMBER

Indicate which of the above is applicable: 1 _____ 2 _____ or 3 _____

SECTION V

Attorney or Agent, if different from the applicant and/or owner

SIGNATURE OF ATTORNEY OR AGENT

CHECK ONE: [___] ATTORNEY [___] AGENT

ADDRESS

CITY & STATE ZIP CODE

PHONE NUMBER