

**Zoning Board of Appeals –  
Appeals (Sec. 3.23) and Extension of ZBA  
Approval Checklist**

Pursuant to **O.C.G.A. § 8-2-26**, this checklist must be completed and submitted with each permit application. Please check **every** item as either “Y” for items that are included with the application or “N” for items that are not included with the application. Items without an “N” checkbox are minimum requirements initially due with the application if applicable.

**Required Forms & Documents**

Y N

- Signed Application;
- Complete Application Checklist (*This Form*);
- Letter of Authorization: If the applicant is the agent of the property owner, the agent shall file, simultaneously with the petition, a notarized letter signed by the owner, authorizing the agent to file on his behalf. No application shall be accepted which fails to meet this requirements;
- Decision that resulted in the filing of this Appeal;
- Decision being requested to be extended;
- A scaled dimensioned map, plat or sketch of the subject property of the application, all adjoining lots or land which are in the same ownership and indicate nearby public roads in common use;
- A legal description of the subject property by lot, block, and subdivision designations, or if none, by metes and bounds (Electronic or digital Word document).

**All Required Meetings**

Y N

- Prior to the submittal of an application for an Appeal, the applicant shall participate in a pre-application conference with the MPC and City planning staff.

**All Required Information**

Y N

- Date of Decision being requested to be extended;
- Applications shall be signed and shall state the name and address of the applicant, who must be the owner of the property or the authorized agent or attorney of the owner of the subject property;
- The name and address of the owners of the subject property;
- The property identification number from the tax records of Chatham County;
- The present zoning district for the subject property;
- The type of Appeal;
- Person with Title or Board/Commission who made the Decision that resulted in this Appeal;

Y N

- Date of the Decision that resulted in this Appeal. A notice of appeal shall be filed within thirty (30) working days of a final written decision. An appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal with the ZBA and the administrator, commission or board whose decision is being appealed. A notice of appeal shall be considered filed when a complete notice of appeal is delivered to the City Manager or his or her designee;
- Description of the request for an Appeal;
- The reasons for requesting an Appeal;
- The area of the subject property proposed to obtain an Appeal stated in SF if less than one acre and in acres if one or more;
- The present and proposed land uses of the property petitioned for the Appeal and all adjoining properties if under the same ownership;
- The community or area in which is located the subject property proposed obtain an Appeal and the street number, if any, or if none, the location of nearby public roads in common use.

**Optional**

Y N

- Neighborhood Meeting Form at least 14 days before the Planning Commission Meeting;
- The Neighborhood Meeting shall occur at least 7 days before the Planning Commission Meeting;
- Concept Plan.

**Electronic or Digital**

Y N

- A scaled dimensioned map, plat or sketch of the subject property referred to in the application, all adjoining lots or land which are in the same ownership and indicate nearby public roads in common use (Original not scanned if produced electronically and not recorded);
- A legal description of the subject property by lot, block, and subdivision designations, or if none, by metes and bounds (Electronic or digital Word document);
- Concept Plan (Original not scanned if produced electronically).

*Please note: Supplemental information may be required during plan review to address deficiencies.*

**Sec. 3.23 Appeals**

**3.23.1 Applicability**

When it is alleged that there is an error in a final written decision of any administrator, commission or board authorized to make a final written decision with regards to the provisions of this Ordinance, an appeal by any aggrieved party may be taken to the Zoning Board of Appeals (ZBA), except as otherwise provided in this Ordinance.

An appeal of a final written decision of the Zoning Board of Appeals or Mayor and Aldermen shall be as provided in Sec. 3.23.7 below.

**3.23.2 Application Requirements**

A notice of appeal shall be filed within thirty (30) working days of a final written decision.

An appeal shall be made by filing a written notice of appeal specifying the grounds for the appeal with the Zoning Board of Appeals and the administrator, commission or board whose decision is being appealed.

A notice of appeal shall be considered filed when a complete notice of appeal is delivered to the City Manager or his or her designee.

### **3.23.3 Effect of an Appeal**

The filing of a complete notice of appeal stays all proceedings in furtherance of the action appealed unless the City Attorney orders that the proceedings shall not be stayed.

Proceedings shall not be stayed if it is determined by the City Attorney that a stay would cause imminent peril to life or property, or that the violation is transitory in nature, or that a stay would interfere with the enforcement of this Ordinance or other related ordinances.

An appeal shall stay only those proceedings that involve the subject of the appeal.

The filing on an appeal does not stop the accruing of assessed civil penalties, if any.

### **3.23.4 Record of Decision**

Upon receipt of a notice of appeal, the administrative official, commission or board whose final written decision is being appealed shall transmit to the Zoning Board of Appeals all records, including all documents and electronic data, constituting the entire record of the proceedings from which the appeal is taken.

### **3.23.5 Public Notice Requirements**

After the application has been deemed complete by the City Manager or his or her designee, the appeal will be scheduled for a public hearing before the Zoning Board of Appeals.

Mailed, published and posted notice shall be required in accordance with the procedures in Sec. 3.2, Public Notice. Mailed notice sent to the appellant and the owner of the affected site (if different) shall be via certified mail, return receipt requested.

### **3.23.6 Action by the Zoning Board of Appeals**

The Zoning Board of Appeals shall determine whether the first decision-maker erred in the application or interpretation of this Ordinance.

The Zoning Board of Appeals may reverse or affirm (wholly or in part) or may modify the final written decision appealed and shall make a final written decision that in its opinion ought to be made in the case before it unless otherwise specified by this Ordinance. To this end, the Zoning Board of Appeals shall have all of the powers of the administrative official, commission or board from whom the appeal is taken.

A motion to reverse, affirm or modify the final written decision appealed shall include a statement of the specific reasons including the proposed findings of fact that support the decision. The findings of fact shall be based on the same evidence received by the first decision maker.

If a motion to reverse or modify is not made, or such motion fails to receive the affirmative vote of a majority of the members present, then the appeal shall be denied.

The appellant shall have the burden of proof.

### **3.23.7 Appeal of Final Action by the Zoning Board of Appeals or the Mayor and Aldermen**

An appeal of the final written decision of the Zoning Board of Appeals or the Mayor and Aldermen under this Section may be taken by filing a petition for certiorari with the Chatham County Superior Court within 30 days of the final action.

**Statement of Application Completeness:**

Pursuant to the requirements established by **O.C.G.A. § 8-2-26**, I am submitting all documents checked “Y” above for review and approval.

To facilitate compliance with this law, I am certifying that I understand all of the information and supporting documents required for a complete application, and **I hereby certify one of the following as it applies to this application:**

- All required documents are complete and included with this submittal. I understand the City will determine the completeness of this application and notify me of their finding within five business days;
- One or more documents required for a complete submittal are not included with this application. I request that the City begin the plan review process for this application while the outstanding items are completed. I acknowledge that the plan review times outlined in **O.C.G.A. § 8-2-26** will not apply and the permit cannot be issued until the remaining documents are submitted, reviewed and approved by the City.

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Signature of Petitioner or Petitioner’s Agent                      Printed Name    Date