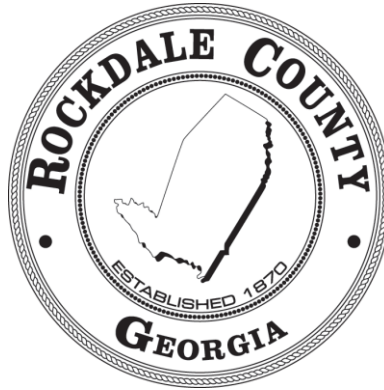


ROCKDALE COUNTY  
DEPARTMENT OF PLANNING & DEVELOPMENT



**APPEAL APPLICATION**  
UNIFIED DEVELOPMENT ORDINANCE  
TITLE II, SECTION 238-8

DEPARTMENT OF  
PLANNING AND DEVELOPMENT

958 Milstead Avenue  
Conyers, Georgia 30012

Phone: 770-278-7100  
Fax: 770-278-8940  
[www.rockdalecounty.org](http://www.rockdalecounty.org)

# REQUIREMENTS FOR BOARD OF ADJUSTMENT APPLICATIONS FOR APPEALS

## *What is the difference between an appeal and a variance?*

- An appeal is a request for a review to hear and decide where it was alleged there was an error in any decision, final order, requirement, determination or interpretation of any administrative official of the county with respect to the provisions of the Unified Development Ordinance (UDO).
- A variance is a grant of relief of the terms of Title 2, pursuant to section 238-9, that will not be contrary to the public interest and where, owing to conditions peculiar to the property (and not the applicant), a literal enforcement of the regulations would result in unnecessary and undue hardship.

## *Who is eligible for appeal?*

- Appeals to the Board of Adjustment may be initiated by any aggrieved person, or by department, official, agency or board of the county affected by any decision, final order, requirement, determination or interpretation of any administrative office of the county with respect to the provisions of the Unified Development Ordinance (UDO). A failure to act shall not be construed to be an order, requirement or decision. A person shall be considered aggrieved if:
  - a) Said person or said person's property was the subject of the action being appealed; or
  - b) Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.

## *How is an appeal requested?*

- Appeals shall be taken by filing with the secretary of the Board of Adjustment an application and written notice of appeal, specifying the grounds thereof; within 15 days after the action being appealed was taken.

## *Is there a fee to file an appeal?*

- Yes. The department shall transmit to the Board of Adjustment all papers constituting the record upon which the action being appealed was taken. The application shall be accompanied by a non-refundable fee, as established from time to time by the board of commissioners, to defray the actual cost of processing the application.

## *Is there a public hearing for an appeal?*

- Yes. The Board of Adjustment shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. The secretary shall issue proper public notification of the public hearing. The public notification shall indicate the place, date and time of the hearing and shall be posted and advertised per O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing(s) in person, by an agent, by an attorney or by written documentation.

## *How is an appeal decided?*

- Following the consideration of all testimony, documentary evidence and matters of record, the board of adjustment shall make a determination on each appeal. The board shall decide the appeal within a reasonable time but, in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon and expressed finding by the Board of Adjustment that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner.

*Is there a process to appeal decisions of the board of adjustment?*

- Yes. Any person aggrieved by a final decision of the Board of Adjustment, or any officer, department, board of agency affected by such decision, may seek review of such decision by petitioning the Superior Court of Rockdale County for a writ of certiorari, setting forth plainly the alleged errors. Such petition shall be filed within 30 days after the final decision of the Board of Adjustment is rendered.

## APPLICATION PROCESSING

### Filing:

Applications must be received by the first business day of the month to be considered at the following month's meeting of the Board of Adjustment. Applications must be complete with all of the required documents and non-refundable filing fee of \$250.00.

One application is required for each individually owned or recorded parcel of land.

Completed applications must be submitted in person or by mail to the Department of Planning and Development:

958 Milstead Avenue, Conyers, Georgia 30012 (in person)

P.O. Box 289, Conyers, Georgia 30012 (by mail)

Only complete applications will be accepted. A pre-application review with the Zoning Administrator is encouraged.

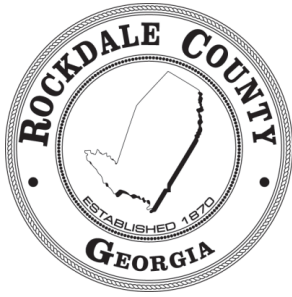
Upon receipt, applications will be reviewed for compliance with all requirements. Applicants of incomplete applications will be notified and required to resubmit for the following month's deadline.

### Hearing:

Upon acceptance, an application becomes public record. The subject property will be posted with a Public Notice sign and letters will be sent to adjoining property owners. The notification letters will provide information about the appeal request and will provide the date and time of the public hearing. The applicant will also receive written notification of the public hearing.

At the public hearing, an applicant will be allowed a total of ten (10) minutes to present his/her appeal request. Speakers in opposition will also have a total of ten (10) minutes to present their arguments against a proposed appeal. Applicants may reserve a portion of the allowable 10 minutes for rebuttal after the opposition speaks.

The Board of Adjustment meeting is held on the first Monday of each month at 6:00 P.M. The meeting is held at the Rockdale County Assembly Hall, 901 North Main Street, Conyers, Georgia.



Filing date:	
Case number:	
Parcel number:	
BOA Hearing date:	

**APPEAL APPLICATION**

**PROPERTY INFORMATION**

PROPERTY ADDRESS:			
PARCEL #:		SUBDIVISION:	
ACREAGE:	DISTRICT:	LAND LOT:	ZONING:
PURPOSE OF APPEAL:			

**PROPERTY OWNER INFORMATION:**

OWNER'S NAME:	
OWNER'S ADDRESS:	
OWNER'S ADDRESS (IF DIFFERENT FROM PROPERTY ADDRESS):	
OWNER'S PHONE NUMBER:	ALTERNATE PHONE NUMBER:
OWNER'S EMAIL:	
<i>I HAVE READ AND UNDERSTAND THE PROVISIONS OF SEC. 283-8 OF THE CODE OF ROCKDALE COUNTY.</i>	
PRINTED NAME:	SIGNATURE:
	DATE:

**APPLICANT INFORMATION (IF DIFFERENT THAN OWNER):**

APPLICANT'S NAME:	
APPLICANT'S ADDRESS:	
APPLICANT'S ADDRESS (IF DIFFERENT FROM PROPERTY ADDRESS):	
APPLICANT'S PHONE NUMBER:	ALTERNATE PHONE NUMBER:
APPLICANT'S EMAIL:	
<i>I HAVE READ AND UNDERSTAND THE PROVISIONS OF SEC. 283-8 OF THE CODE OF ROCKDALE COUNTY.</i>	
PRINTED NAME:	SIGNATURE:
	DATE:

**AGENT INFORMATION:**

AGENT'S NAME:	
AGENT'S ADDRESS:	
AGENT'S PHONE NUMBER:	ALTERNATE PHONE NUMBER:
AGENT'S EMAIL:	
<i>I HAVE READ AND UNDERSTAND THE PROVISIONS OF SEC. 283-8 OF THE CODE OF ROCKDALE COUNTY.</i>	
PRINTED NAME:	SIGNATURE:
	DATE:

## OWNERSHIP STATEMENT & OWNER'S CAMPAIGN DISCLOSURE STATEMENT

To be completed by each owner of the property as it appears on the Rockdale County Tax Records. Husband and wife or other individuals shall each sign individually. Make copies if needed.

As the current owner(s) of the subject property, I (We) respectfully request a variance(s) for the subject property.

Owner's name: \_\_\_\_\_  
 Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
 Owner's address: \_\_\_\_\_

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: \_\_\_\_\_  
 Commission expires: \_\_\_\_\_ Date: \_\_\_\_\_

## APPLICANT AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following agent to make the request, claims and representation pursuing this application.

Applicant's name: \_\_\_\_\_

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's name: \_\_\_\_\_

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

### APPLICANT'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: \_\_\_\_\_

Commission expires: \_\_\_\_\_ Date: \_\_\_\_\_

## AGENT AUTHORIZATION FORM

To be completed by the property owner, if they wish to have  
an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following agent to make the request, claims and representation pursuing this application.

Agent's name: \_\_\_\_\_

Agent's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's name: \_\_\_\_\_

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

### AGENT'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Agent's signature: \_\_\_\_\_ Date: \_\_\_\_\_

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: \_\_\_\_\_

Commission expires: \_\_\_\_\_ Date: \_\_\_\_\_



## ATTORNEY AUTHORIZATION FORM

To be completed by the property owner, if they wish to have an agent represent them in all matters related to this application.

I hereby certify that the information provided in this application is true and correct and that I have authorized the following attorney to make the request, claims and representation pursuing this application.

Attorney's name: \_\_\_\_\_

Name of Practice: \_\_\_\_\_

Attorney's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's name: \_\_\_\_\_

Owner's signature: \_\_\_\_\_ Date: \_\_\_\_\_

### ATTORNEY'S CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT

<input type="checkbox"/>	No, I have not made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.
<input type="checkbox"/>	Yes, I have made, within two (2) years immediately preceding the filing of this application, campaign contributions or gifts of \$250.00 or more to a local government official of Rockdale County, Georgia.

Attorney's signature: \_\_\_\_\_ Date: \_\_\_\_\_

If yes, provide the name and official position of the local government official to whom the campaign contribution during the two years immediately preceding the filing of the application, the dollar amount, description of each contribution, and the date each contribution was made. Use the back of this sheet, and continue on a separate sheet if necessary, in the following format:

Name	Position	Amount	Description	Date

Notary's Seal:

Notary's Signature: \_\_\_\_\_

Commission expires: \_\_\_\_\_ Date: \_\_\_\_\_

UNIFIED DEVELOPMENT ORDINANCE  
SEC. 238-8 APPEALS

Sec. 238-8. - Appeals.

(a) *Procedures for application for appeals to the board of adjustment.*

- (1) *Eligibility for appeal.* Appeals to the board of adjustment may be initiated by any aggrieved person, or by department, official, agency or board of the county affected by any decision, final order, requirement, determination or interpretation of any administrative official of the county with respect to the provisions of the UDO. These appeals shall be taken by filing with the secretary of the board of adjustment a written notice of appeal, specifying the grounds thereof, within 15 days after the action being appealed was taken. A failure to act shall not be construed to be an order, requirement or decision within the meaning of this paragraph.
  - (2) A person shall be considered aggrieved for purposes of this subsection if:
    1. a. Said person or said person's property was the subject of the action being appealed; or
    2. b. Said person has a substantial interest in the action being appealed that is in danger of suffering special damage or injury not common to all property owners similarly situated.
  - (3) *Transmission of records.* The department shall transmit to the board of adjustment all papers constituting the record upon which the action being appealed was taken. The application shall be accompanied by a non-refundable fee, as established from time to time by the board of commissioners, to defray the actual cost of processing the application.
- (b) *Appeal stays legal proceedings.* An appeal stays all legal proceedings in furtherance of the action being appealed, unless the official from whom the appeal is taken certifies to the board of adjustment after notice of appeal has been filed that by reasons of facts stated in the certificate, a stay would, in that official's opinion, cause imminent peril to life and property. In such a case, proceedings shall be stayed only by a restraining order granted by the Superior Court of Rockdale County on notice to the officer from whom the appeal is taken and on due cause shown.
- (c) *Public hearings.* The board of adjustment shall hear the appeal and matters referred to it within 45 days of receiving the complete and sufficient application for appeal and give notice to the appellant and official(s) subject to the appeal. The secretary shall issue proper public notification of the public hearing. The public notification shall indicate the place, date and time of the hearings and shall be posted and advertised per O.C.G.A. § 50-14-1 et seq., the Georgia Open Meetings Act. Any party may appear at the hearing in person, by an agent, by an attorney or by written documentation.
- (d) *Decisions of the board.* Following the consideration of all testimony, documentary evidence and matters of record, the board of adjustment shall make a determination on each appeal. The board shall decide the appeal within a reasonable time but, in no event, more than 45 days from the date of the initial hearing. An appeal may be sustained only upon an expressed finding by the board of adjustment that the administrative official's action was based on an erroneous finding of a material fact, or that the administrative official acted in an arbitrary manner.

(Ord. No. 0-2006-32, §§ 1—3, 11-28-2006)