



Forsyth County Department of Planning & Community Development

110 E. Main Street, Suite 100 | Cumming, Georgia 30040 | (770) 781-2115 | forsythco.com

FOR STAFF USE ONLY
DATE STAMP

Contact Information

A. APPLICANT CONTACT INFORMATION

Name:

Mailing Address:

Phone#:

E-mail Address:

B. REPRESENTATION INFORMATION

Name:

Address:

Phone#:

E-mail Address:



FOR STAFF USE ONLY
DATE & TIME STAMP

Zoning Condition Amendment Application for Board Consideration

Applications for Zoning Condition Amendments are necessary when land development may be unable to comply with the approved zoning conditions that were adopted by the Board of Commissioners during the approval of a Rezoning, Conditional Use Permit or Sketch Plat application. By requesting Board action regarding zoning conditions, the applicant may be subject to additional conditions given that the Board shall review the application in its entirety in determining whether an amendment is warranted.

A. APPLICANT INFORMATION (REQUIRED FOR ALL APPLICANTS):

Name:

Address:

Phone #:

E-mail Address:

B. REPRESENTATION INFORMATION (IF APPLICABLE):

Preferred Contact: ☐ Attorney ☐ Authorized Agent

Name:

Address:

Phone #:

E-mail Address:

C. PROPERTY INFORMATION (REQUIRED FOR ALL APPLICANTS):

What is the application number that you are requesting to modify the zoning conditions? (e.g. ZA20XXXX, SP20XXXX, CP20XXXX)

Tax Map & Parcel #(s): (e.g. xxx-xxx)

Current Zoning:

Subdivision Name (if applicable)

Status of Subject Property (e.g. undeveloped, vertical construction started, etc.)

FOR STAFF USE ONLY
Application #

D. REQUESTED MODIFICATIONS TO APPROVED ZONING CONDITIONS [\(SEPARATE SHEET REQUIRED FOR EACH REQUESTED MODIFICATION\)](#):

1) What is the zoning condition number that is being requested to be modified?

2) What is the zoning condition language exactly as it is approved?

3) What is the proposed zoning condition language?

4) Describe in sufficient detail why the existing condition cannot be met?

E. REQUESTED ADDITIONAL CONDITIONS ([ATTACH ADDITIONAL SHEETS IF NECESSARY](#)):

1) Please specify any additional zoning conditions that you propose to be permanently added to this subject property.

F. VARIANCE REQUEST FORM (SEPARATE SHEET REQUIRED FOR EACH REQUESTED VARIANCE)

1) A separate sheet is required for each variance request. The number of this variance request is:

2) Please indicate which section of the Unified Development Code (UDC) is requesting to be varied, e.g. Chapter 11, Table 11.2(a).

3) Please check the type of variance being requested:

☐ A variance of feet to allow a setback to be feet.

☐ A variance of feet to allow to be feet.

☐ Other:

4) Written Justification. Per § 8-6.3 (B), all variance requests must be accompanied by written documentation justifying the variance and explaining why it should be granted. Additional sheets can be found on the website at forsythco.com. The justification must specifically address, for each variance requested, the below criteria:

a) Describe why the variance would not negate the purpose and intent of the Unified Development Code provision?

b) Describe why the variance would not cause substantial detriment to the public safety, health, or welfare of the public, or injurious to other property?

c) Describe why the conditions of your property are unique only to the property which relief is sought and are not applicable generally to other property?

d) Describe how this property's physical surroundings (e.g. shape, size, or topographical conditions) result in an extraordinary hardship or practical difficulty (as distinguished from a mere inconvenience)?

e) Describe why the requested variance is the minimum necessary to accomplish the proposed development or building?

f) Describe how granting this variance will result in equal or greater protection to adjacent property or natural resources? (Only required if requesting a variance to a buffer or setback)

G. PROPERTY OWNER AUTHORIZATION (REQUIRED FOR ALL APPLICANTS): ADD ADDITIONAL SHEETS IF APPLICABLE.

Notice to Applicant. This application must be signed by the owner(s) as listed on the deed of record for the subject property. If there is more than one property owner, additional affidavits can be found on the Web site at forsythco.com. Only the owner or authorized agent (i.e. applicant or representing attorney) may speak on behalf of this application at the public hearing. The undersigned hereby swear that he/she/they is/are the owner(s) of the subject property as identified on this application.

I /We hereby authorize the authorized agent or attorney listed on the front of this application to speak and act on behalf of the owner(s) for this zoning condition amendment application. I/We realize that any action granted for this property will be binding on the property regardless of ownership.

Owner Name #1:

Address:

Phone #:

E-mail Address:

Signature of Owner: _____

Date: _____

Signature of Notary: _____

Date: _____

Notary Stamp

Owner Name #2:

Address:

Phone #:

Email Address:

Signature of Owner: _____

Date: _____

Signature of Notary: _____

Date: _____

Notary Stamp

Owner Name #3:

Address:

Phone #:

E-mail Address:

Signature of Owner: _____

Date: _____

Signature of Notary: _____

Date: _____

Notary Stamp

Owner Name #4:

Address:

Phone #:

E-mail Address:

Signature of Owner: _____

Date: _____

Signature of Notary: _____

Date: _____

Notary Stamp

H. CORPORATE/COMPANY DISCLOSURE: ADD ADDITIONAL SHEETS IF APPLICABLE

If either the applicant or owner are corporations, provide the names of the corporate stockholders with 10% interest or greater; officers; and directors unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient. If either the applicant or owner are limited liability companies, provide the names of all officers/managers or members. Also, identify any parties having a direct financial interest in the zoning application other than the owner and applicant (e.g. developer or anticipated commercial occupant). If such additional parties having a direct financial interest are corporations or companies, then provide the names of officers, directors, company members, stockholders with 10% ownership or greater, unless the corporation has stock that is traded on a national stock exchange in which case the corporate name shall be sufficient.

In the event that public disclosure of the developer or commercial occupant may cause such developer or occupant to withdraw from pursuing a project due to competition, trade secret, or proprietary business concerns, and if the proposed development advances a bona fide economic development purpose, then an affidavit affirmatively declaring such shall be tendered with the application and in that event only the owner and or authorized applicant shall be identified. The affidavit contemplated in this paragraph shall only be valid for its intended purpose if it is also signed by a duly authorized representative of the Forsyth County Development Authority, Cumming/Forsyth County Chamber of Commerce, or the Forsyth County Manager, with such signature certifying that the pertinent individual is aware of the proposed development and confirms that the proposed development advances a bona fide economic development purpose. For purposes of this paragraph, a bona fide economic development purpose means a development that would be eligible for an inducement under section 22-260 of the Forsyth County Economic Development Ordinance.

If there is more than one corporate entity, additional disclosures can be found on the website at forsythco.com.
I am a duly authorized officer/member of the _____ [corporate entity]. The _____ [corporate entity] is the applicant or owner of the property seeking rezoning, conditional use and/or sketch plat approval and I am fully vested with authority to act on behalf of the _____ [corporate entity] in submitting this application. In making this representation, I acknowledge that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in any matter within the jurisdiction of any department or agency of state government or of the government of any county, city, or other political subdivision of this state, shall upon conviction thereof, be punished by a fine of not more than \$1,000.00 or by imprisonment for not less than one nor more than five years, or both.

Name of Corporate Entity:

Name of Officer(s), Director(s) and/or Stockholder(s)

I. APPLICANT CERTIFICATION (ZONING CONDITION AMENDMENT): PLEASE READ AND INITIAL THE FOLLOWING 7 STATEMENTS.

_____ 1) I hereby request this application relative to the property shown on the attached plats and site plan be placed on the Board of Commissioners agenda for a public hearing.

_____ 2) I understand that my request will be rejected if all the necessary information and/or requirements are not presented.

_____ 3) I understand that I have an obligation to present all necessary information required by the Unified Development Code to enable the Board of Commissioners to make an informed determination on my request. I will seek advice of Planning Staff or an attorney if I am not familiar with the zoning and land use requirements.

_____ 4) I understand that my request will be acted upon at the Board of Commissioners public hearing and that I am required to be present or to be represented by the authorized representative as indicated on this application, so that someone is available to present all facts and answer questions. I understand that failure to appear at a public hearing may result in the postponement or denial of my request. I further understand that it is my responsibility to be aware of relevant public hearing dates and times regardless of notification from Forsyth County.

_____ 5) The Unified Development Code (UDC) of Forsyth County requires the landowner, applicant, or authorized representative to place the yellow public hearing sign(s) on the subject property at least twenty-one (21), but not more than forty-five (45) days prior to the public hearing. In order to insure that the correct information is included on the public hearing sign(s), the Planning & Development Department will prepare the sign(s) and contact the applicant to pick it/them up and post the sign(s) on the subject property within the specified time frame. It is the applicant's responsibility to maintain the sign(s) until an application is withdrawn or a decision is rendered by the Board of Commissioners. The term "maintain" means that the sign(s) shall remain standing, be readable, and be updated regarding any changes in the date of the public hearing. A signed affidavit with a dated photo of each sign(s) placing said sign(s) against a verifiable property landmark shall be submitted to the Planning & Development Department. Failure to submit the affidavit shall result in the postponement of the public hearing. The applicant shall be responsible for removal of all public notice signs within three (3) days of the final motion or date of withdrawal. Failure to do so will result in a fine of one hundred dollars (\$100) per day until the sign(s) are removed.

_____ 6) The Forsyth County Tree Preservation and Replacement Ordinance requires that all zoning applications submitted to the Department of Planning and Community Development include the following sworn statement: *"I hereby swear, under oath, that the property shown on attached plats and site plan has not been clear cut within three years prior to the zoning application date and that the property will not be clear cut prior to a decision by the Board of Commissioners on the zoning. I hereby understand that any property that has been clear cut within three years prior to the date of this application, shall not be eligible for rezoning for a period of three years from the date said property was clear cut. Clear cut is defined as a timber harvest performed in one cutting operation with any remaining trees having no merchantable value or forestry management purpose."*

_____ 7) Please list the name(s) and dollar amount of any campaign contribution or gift (for gifts greater than \$100) made to any Forsyth County elected official during the two years immediately preceding the filing of this application.

Please indicate the name of the elected official, date of gift, and dollar amount of any gift or contribution:

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The undersigned has personally appeared before me, a Notary Public, and states upon oath and by initialling, that he/she has read, understands, and agrees to comply with each of the above seven (7) applicant certifications.

Printed Name of Applicant: _____ Date: _____

Signature of Applicant: _____ Date: _____

Signature of Notary: _____ Date: _____

Notary Stamp

J. APPLICANT WITHDRAWAL (ONLY SIGN IF OFFICIALLY WITHDRAWING APPLICATION REQUEST):

Signature of Applicant: _____ Date: _____