

## Minor Modification Application

Minor modifications are those that implement only slight alterations to approved conditions made necessary by actual field conditions at the time of development, and that do not alter the impact of the development on nearby properties or the intent or integrity of the conditions as originally imposed. The Community Development Director has the sole authority to approve minor changes to conditions and all requests for minor modifications are processed administratively.

To initiate a request for a minor modification, an applicant must schedule and hold a pre-application meeting with the city Planning & Zoning staff. These meetings are scheduled as-needed. The applicant shall provide preliminary/finalized site plan(s), a letter of intent regarding the request, and/or other illustrative documents as necessary at the time of the pre-application meeting. The applicant will then provide an overview of their proposed application and their reasoning for why the application is necessary. Staff can then inform the applicant of the City's process to affect the proposed change, and offer a preliminary analysis of the feasibility of the proposal, including ways upon which the proposal may need improvements or revisions.

Following the pre-application meeting, applicants can submit their application and required supplemental materials (detailed in the following checklist).

Please note that if a request to change approved conditions of zoning is associated with the following criteria then the request will be deemed to constitute a "major change," thus requiring an application and hearing before the planning commission and the city council:

- (1) The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
- (2) Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
- (3) Any decrease in the minimum size of residential units imposed in the original conditional zoning amendment;
- (4) Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
- (5) Any increase in the height of any building or structure;
- (6) Any change in the proportion of floor space devoted to different authorized uses; or
- (7) All changes to conditions, except minor changes as defined in subsection 27-845(a), imposed by the city council when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.



## Application Checklist

**(Incomplete applications will not be accepted)**

- Pre-application meeting (A staff-signed pre-application form must be submitted with application)
- Completed application with all applicable information
- Letter of intent
- Complete and detailed site plan of the proposed use prepared, signed and sealed by an architect, landscape architect or engineer licensed in the State of Georgia, showing the following, as relevant:
  - All buildings and structures proposed to be constructed and their location on the property;
  - Height of proposed building(s);
  - Proposed use of each portion of each building;
  - All driveways, parking areas, and loading areas;
  - Location of all trash and garbage disposal facilities;
  - Setback and buffer zones required in the district in which such use is proposed to be located;
  - Landscaping plan for parking areas; and
  - All additional requirements outlined under page 4 (Site Plan Checklist)
- Written legal description which includes a narrative of the metes and bounds of the property matching the site plan.
- Building elevations (attached residential & non-residential).
- Signed and notarized affidavits of all owners. Use attached sheet.
- Signed and notarized affidavits of all applicants. Use attached sheet.

## Site Plan Checklist

**All items must be included on the Site Plan; separate sheets may be used**

- Key and/or legend and site location map with North arrow
- Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning.
- Acreage of subject property
- Location of land lot lines and identification of land lots
- Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
- Proposed streets on the subject site
- Current zoning of the subject site and adjoining properties
- Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
- Existing buildings' locations and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement on adjacent properties within 200 feet of the subject property.
- Location of proposed buildings with total square footage
- Layout and minimum lot size of proposed single family residential lots
- Topography on the subject site and adjacent property up to 200 feet as required to assess runoff effects
- Location of overhead and underground electrical and pipeline transmission/conveyance lines
- Required and/or proposed setbacks.
- 100-year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps.
- Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed.
- Required and proposed parking spaces; Loading and unloading facilities.
- Lakes, streams, wetlands, and Waters of the State and associated buffers.
- Proposed stormwater management facilities.
- Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access.
- Availability of water system and sanitary sewer system.
- Location of existing trees and trees to be removed, or a statement that there are none, and whether the trees identified are specimen trees. *(A specimen tree is any hardwood (oak, hickories, poplars, etc.) or softwood (pines, evergreens, etc.) tree with a diameter at breast height (DBH) of 30 inches and larger, or a small tree (dogwoods, redbuds, sourwoods, etc.) with a DBH of 10 inches and larger. If no specimen trees exist on the site, note their absence on the plans. If a specimen tree is to be removed, provide a calculation for recompense at 1.5x the diameter.*

## Minor Modification Application

<b>Applicant</b>	Name:		
	Address:		
	Phone:	Fax:	Email:
<b>Property Owner</b>	Owner's Name:		
	Owner's Address:		
	Phone:	Fax:	Email:
<b>Property Information</b>	Property Address:		
	Parcel Size:		
	Parcel ID:		
	Current Zoning Classification:		
	Land Use Category:		
<b>Affidavit</b>	<i>To the best of my knowledge, this zoning application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Brookhaven Zoning Ordinance.</i>		
	Applicant's Name (please print):		
	Applicant's Signature:	Date:	
<b>Notary</b>	Sworn to and subscribed before me this _____ Day of _____, 20_____		
	Notary Public:		
	Signature:		
	My Commission Expires:		

## Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for minor modification, and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

<b>Property Owner (If Applicable)</b>	Name (please print):		
	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
<b>Property Owner (If Applicable)</b>	Name (please print):		
	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		
<b>Property Owner (If Applicable)</b>	Name (please print):		
	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

## Applicant/Petitioner Notarized Certification

Petitioner states under oath that:

- (1) he/she is the executor or Attorney-In-Fact under a Power-of- Attorney for the owner (attach a copy of the Power-of-Attorney letter and type name above as "Owner");
- (2) he/she has an option to purchase said property (attach a copy of the contract and type name of owner above as "Owner"); (3) he/she has an estate for years which permits the petitioner to apply (attach a copy of lease and type name of owner above as "Owner").

<b>Applicant / Petitioner</b>	Name (please print):		
	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			
<b>Attorney / Agent</b>	Signature:		Date:
	Address:	City, State:	Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
	Notary Public:		

## Campaign Disclosure Ordinance

Please read the law and complete the Campaign Disclosure Statement on the following page if you are requesting a Rezoning, Concurrent Variance, or Conditional Use.

GA Citation/Title

GA Code 36-67A-3, Disclosure of campaign contributions \*38069 Code, 36-67A-3

CODE OF GEORGIA TITLE 36. LOCAL GOVERNMENT PROVISIONS APPLICABLE TO COUNTIES AND MUNICIPAL CORPORATIONS CHAPTER 67A. CONFLICT OF INTEREST IN ZONING ACTIONS (Current through 2000 General Assembly)

36-67 Disclosure of campaign contributions

- a) When any applicant for rezoning action has made, within two years immediately preceding the filing of that applicant's application for the rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:
  - 1) The name and official position of the local government official to whom the campaign contribution was made; and
  - 2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- b) The disclosures required by subsection (a) of this Code section shall be filed within ten days after the application for the rezoning action is first filed.
- c) When any opponent of a rezoning action has made, within two years immediately preceding the filing of the rezoning action being opposed, campaign contributions aggregating \$250.00 or more to a local government official of the local government which will consider the application, it shall be the duty of the opponent to file a disclosure with the governing authority respective local government showing:
  - 1) The name and official position of the local government official to whom the campaign contribution was made; and
  - 2) The dollar amount and description of each campaign contribution made by the opponent to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.
- d) The disclosure required by subsection (c) of this Code section shall be filed at least five calendar days prior to the first hearing by the local government of any of its agencies on the rezoning application.

(Code 1981, 36-67A-3, enacted by Ga. L. 1986, p. 1269, 1; Ga. L. 1991, p. 1365, 1; Ga. L. 1993, p. 91, 36.) *Official Code of Georgia* Annotated Copyright 1982 – 2000 State of Georgia.

## Campaign Disclosure Statement

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City of Brookhaven City Council or a member of the City of Brookhaven Planning Commission?

- Yes     
  No

<b>Applicant/ Owner</b>	Name (please print):	Date:
	Signature:	
	Address:	

If you answered yes above, please complete the following section:

Date	Government Official	Official Position	Description	Amount