



City of Locust Grove, Georgia  
Community Development Department

## PETITION FOR DETERMINATION OF LEGAL NON-CONFORMANCE

### General Information

The City recognizes that there are existing lots, structures and uses of land and structures which were lawful prior to an ordinance amendment, but which become prohibited, regulated or restricted under the new ordinance or amended ordinance. Under certain circumstances, these nonconformities are allowed to continue provided they are not enlarged, expanded or used as grounds for adding other prohibited structures or uses elsewhere in the same district. All claims for vested rights shall be reviewed in accordance with controlling Georgia case law, statute, and/or constitutional provisions.

For those seeking a determination of legal non-conformance with R-3 zoning standards may file a petition with the Department in accordance with *Section 2(A)* and *Section 2(B)* of Ordinance 16-07-043 adopted by the Locust Grove City Council on August 1, 2016. In so doing, the petitioner must provide with the petition evidence in support of the petitioner's claim of a legal nonconforming lot, use and/or structure and respond to requests for additional information as requested by the Community Development Director. The following process will be used to determine nonconformance:

1. Submit a completed PETITION FOR DETERMINATION OF LEGAL NON-CONFORMANCE to the Community Development Department.
2. An administrative hearing before the City Council shall be scheduled to occur within the next sixty (60) days.
3. All evidence shall be presented to the City Council by the applicant for consideration during this administrative hearing.
4. The City Council shall render a final written decision on the PETITION FOR DETERMINATION OF LEGAL NON-CONFORMANCE within thirty (30) days of the administrative hearing.
5. Appeals of the City Council's decision shall be filed with the Superior Court of Henry County via a writ of certiorari.

### Initial Required Petition Information:

1. **TITLE** A title opinion of a Georgia attorney, abstract of title or other evidence demonstrating property ownership interests in the real property described in the application, which opinion, abstract or other evidence of ownership is acceptable to the City as of both the date of filing this petition and as of July 31, 2016.
2. **BOUNDARY SURVEY AND LEGAL DESCRIPTION** prepared by a surveyor registered by the State of Georgia under a surveyor's seal and certified to the City for the parcel of land upon which the applicant claims to have a legal, non-conforming status.

3. **AFFIDAVIT** under penalty of perjury, executed by the applicant before a notary public attesting to the truth, accuracy and veracity of the application and all attachments thereto.
4. **DESCRIPTION OF CLAIM** Provide a detailed description of the legal non-conforming rights claimed for each individual property. Include any and all supporting documentation.
5. **ANY OTHER INFORMATION REQUESTED** by the Community Development Director.

Subject Property Address: \_\_\_\_\_

Subject Property Parcel ID: \_\_\_\_\_