

**Department of Planning and Development**

446 West Crogan Street • Lawrenceville, GA 30046-2440  
 (tel) 678.518.6000  
 www.gwinnettcountry.com



gwinnettcountry

**Variance Application from the Zoning Resolution  
 (Both Zoning Board of Appeals & Administrative)**

Please complete this application & submit it with all attachments as stated in the Variance Application Guidelines & Information. Please **TYPE** or **PRINT** and sign in **BLUE** ink. A variance cannot be processed unless all information accompanies the application; a variance from a condition of zoning or special use cannot be accepted.

<u>Applicant Information</u>	<u>Property Owner Information</u>
Name _____	Name _____
Address(all correspondence will be mailed to this address): _____ _____	Address _____ _____
City _____	City _____
State _____ Zip _____	State _____ Zip _____
Phone _____	Phone _____
Contact Person Name: _____ Phone: _____	
Email Address: _____	
Applicant is the (please check or circle one of the following):	
<input type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

Address of Property \_\_\_\_\_

Subdivision or Project Name \_\_\_\_\_ Lot & Block \_\_\_\_\_

District, Land Lot, & Parcel (MRN) \_\_\_\_\_

Proposed Development \_\_\_\_\_

Building Permit Number (if construction has begun) BLD \_\_\_\_\_

Variance Requested \_\_\_\_\_

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

- Please attach a **LETTER OF INTENT** explaining the proposed use and the justification or hardship for this variance.

Case No. \_\_\_\_\_

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**Applicant Certification**

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The undersigned is authorized to make this application and is aware that an application or reapplication for the same type of variance affecting the same land or any portion thereof shall not be acted upon within 12 months from the date of last action by the Zoning Board of Appeals unless waived by the Zoning Board of Appeals. An application or reapplication shall not be acted upon in less than 6 months from the date of the last action by the Zoning Board of Appeals (Article XVII, Section 1707, Paragraph 2). Authorized administrative variances are not subject to this time lapse requirement (Article XVI, Section 1610).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

Notary Seal

\_\_\_\_\_  
Typed or Printed Name & Title

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

\*\*\*\*\*

**Property Owner Certification**

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The undersigned, or as attached, is the record owner of the property considered in this application and is aware that an application or reapplication for the same type of variance affecting the same land, or any portion thereof, shall not be acted upon within 12 months from the date of last action by the Zoning Board of Appeals unless waived by the Zoning Board of Appeals. An application or reapplication shall not be acted upon in less than 6 months from the date of the last action by the Zoning Board of Appeals (Article XVII, Section 1707, Paragraph 2). Authorized administrative variances are not subject to this time lapse requirement (Article XVI, Section 1610).

\_\_\_\_\_  
Signature of Property Owner

\_\_\_\_\_  
Date

Notary Seal

\_\_\_\_\_  
Typed or Printed Name & Title

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

\*\*\*\*\*

**Planning & Development Use Below Only**

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Date Received: \_\_\_\_\_ Received By: \_\_\_\_\_ MRN: \_\_\_\_\_

Zoning District: \_\_\_\_\_ Hearing Date (if applicable): \_\_\_\_\_ Commission District: \_\_\_\_\_

Variance Type: \_\_\_\_\_ Code Section: \_\_\_\_\_

Related Cases & Applicable Conditions: \_\_\_\_\_

Variance Description: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



## GWINNETT COUNTY

Department of Planning & Development  
One Justice Square, 1<sup>st</sup> Floor, Suite 150  
446 West Crogan Street, Lawrenceville, GA 30046  
Phone: 678.518.6000 / Fax: 678.518.6240  
[www.co.gwinnettcounty.com](http://www.co.gwinnettcounty.com)

### Variance Application Guidelines & Information (Revised 7/2010)

**Note: A variance application from a condition of zoning or special use can neither be accepted nor processed.**

#### **Zoning Board of Appeals Applications**

There are two types of variance applications. The first, a Zoning Board of Appeals (ZBA) application, requires a public hearing and takes the longest amount of time (approximately 30 to 45 days). Please see the filing deadline and hearing date schedule. The ZBA meets on the second Tuesday of each month (unless otherwise published) at 6:30 PM, usually in the auditorium of the Gwinnett Justice & Administration Center, 75 Langley Drive, Lawrenceville. A public hearing notice sign shall be posted on the property under consideration at least 15 days before the public hearing. In addition, a legal advertisement will be published in the *Gwinnett Daily Post* at least 15 days prior to the hearing. Once advertised for public hearing, an application can NOT be withdrawn.

**Note: P&D recommends that the applicant, or the applicant's representative, attend the public hearing or the likely result will be postponement or denial of the application by the ZBA.**

#### **Administrative Applications**

The second type, an administrative application, is processed without a public hearing. Most administrative applications take from 3 to 5 business days to process. Administrative buffer width applications, however, take from 5 to 10 business days. Processing time begins after receiving a complete application with all required information. Listed below are the most common code provisions of the Zoning Resolution authorized for administrative consideration (see Section 1610 of the Zoning Resolution for a list of the code provisions):

- Front Setback: 10 feet maximum
- Rear Setback: 10 feet maximum
- Side Setback: 5 feet maximum
- Parking Space Quantity: 10 percent maximum
- Buffer Width (Section 606 only): 50 percent maximum
- Building Height 10 feet maximum

After initial review, P&D staff will determine whether or not it can be processed as an administrative variance, or if it must be forwarded to the ZBA for a decision. Although not

required, it helps to expedite the administrative application process if information is provided about the distance and location of an existing structure on an adjacent lot, and whether or not it is occupied. If construction has already started and a setback error has happened, **STOP ALL WORK AT ONCE**. Do not proceed with any additional construction until the variance is resolved. Inform P&D why the mistake was made and provide a survey showing the encroachment, a letter from qualified design professional attesting to building code compliance, and a letter detailing what steps are being taken to make sure the same error does not reoccur.

### **Application Requirements**

Included in these guidelines are the informational requirements necessary to process an application. This documentation is important in demonstrating an “unnecessary hardship.” For example, if the hardship is due to severe topography, topographic information must be submitted. If the justification is due to the location of an easement, a survey showing the easement must be submitted. In some circumstances, photographs can be used to substantiate a hardship.

The following items are necessary to process a variance application:

1. **Application Form**

Please complete all portions of the form. The same form may be used for both ZBA and administrative applications. The application must be signed and the signature notarized by both the applicant and the property owner. Incomplete applications can not be processed.

2. **Application Fee**

Please make checks payable to **Gwinnett County**. The application fee is non-refundable. Fees are as follows:

a. Zoning Board of Appeals Variance

- Single-Family Residential                    \$350.00
- Multi-Family Residential                    \$450.00
- Commercial                                    \$700.00

b. Administrative Variance:

- Single-Family Residential                    \$250.00
- Multi-Family Residential                    \$350.00
- Commercial                                    \$600.00

3. **Site Plan and/or Boundary Survey**

One (1) 8½” by 11” reduction in addition to one (1) full size plan drawn to scale. A survey showing details of the variance request may be required for some applications.

4. **Additional Plans**

Submit additional plans as necessary to support the application. Example: if the request concerns a sign, complete details of the sign showing size, height, etc., is required. Please

provide one (1) 8½” by 11” reduction in addition to one (1) full size plan.

5. **Letter of Intent**

The Letter of Intent should explain, at a minimum, what is proposed and why you, the applicant, believe the request is justified.

6. **Additional Documentation**

Please submit any information related to the application that may be helpful for the ZBA or P&D staff to make a decision.

7. **Setback Encroachment Administrative Applications**

Provide letters of agreement as follows: for side setback, provide letter(s) from adjacent property owner(s); for rear setback, provide letter(s) from property owner(s) adjacent to the side and rear; for front setback, provide letter(s) from property owner(s) adjacent to each side as well as across the street. **Setback applications to include the roof overhangs.** There is a sample consent form attached to this package.

8. **Building Height Administrative Applications**

Provide one (1) full size and one (1) 8 ½ X 11 inch reduction of each building wall elevation.

9. **Buffer Width Reduction Applications**

Applications requesting a buffer width reduction must also contain the following information:

- a. Adjacent zoning district boundaries.
- b. Cross-sections of the buffer and its relationship to uses on adjacent property.
- c. Cross-sections indicating improvements on adjacent residential property as may be seen through the proposed improvements on the subject site.
- d. Complete planting plan indication existing vegetation and any proposed replanting. Indicate types of trees, name, size, quantity and spacing. Indicate trees proposed to be retained or planting on the cross sections and on the planting plan.
- e. Proposed screening fence and/or berm locations, etc., and details of same.
- f. Demonstrate compliance with the Buffer, Landscape & Tree Ordinance requirements.
- g. Show location of detention facilities and the direction of drainage flow.
- h. Provide details of building and parking lot lights adjacent to the proposed reduced buffer.
- i. Provide written consent from the adjacent property owner(s).

**Note: Buffers can NOT be reduced by administrative variance greater than 50% of the required width. In addition, buffers required as a condition of zoning or special use approval can not be reduced by administrative variance.**

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**VARIANCE CONSENT FORM**

PROPERTY OWNER: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

SUBDIVISION NAME: \_\_\_\_\_

LAND LOT(S): \_\_\_\_\_ DISTRICT: \_\_\_\_\_ SECTION/UNIT: \_\_\_\_\_

LOT NUMBER: \_\_\_\_\_ BLOCK: \_\_\_\_\_

BRIEF DESCRIPTION OF VARIANCE REQUEST: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ABUTTING PROPERTY OWNERS:

PROPERTY ADDRESS: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_

AS OWNER OF LOT: \_\_\_\_\_, BLOCK: \_\_\_\_\_

I/WE HAVE NO OBJECTIONS TO THE GRANTING OF THE VARIANCE REQUESTED.

\_\_\_\_\_  
PRINTED NAME OF OWNER

\_\_\_\_\_  
SIGNATURE OF OWNER

\_\_\_\_\_  
PRINTED NAME OF OWNER

\_\_\_\_\_  
SIGNATURE OF OWNER

\_\_\_\_\_  
DATE

\*\*\*\*\*

**FOR INTERNAL USE ONLY**

DATE RECEIVED: \_\_\_\_\_ BY: \_\_\_\_\_ VARIANCE CASE NUMBER: \_\_\_\_\_

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**2012**  
**ZONING BOARD OF APPEALS PUBLIC HEARING SCHEDULE**  
**GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**DEVELOPMENT DIVISION**

<b>FILING DEADLINE</b>	<b>WITHDRAWAL DEADLINE</b>	<b>SIGN PICK-UP</b>	<b>**NOTIFICATION DEADLINE</b>	<b>HEARING DATE</b>
December 6, 2011	December 15, 2011	December 19, 2011	December 21, 2011	January 10, 2012
January 9, 2012	January 19, 2012	January 23, 2012	January 25, 2012	February 14, 2012
February 6, 2012	February 16, 2012	February 21, 2012	February 22, 2012	March 13, 2012
March 5, 2012	March 15, 2012	March 19, 2012	March 21, 2012	April 10, 2012
April 2, 2012	April 12, 2012	April 16, 2012	April 18, 2012	May 8, 2012
April 30, 2012	May 10, 2012	May 21, 2012	May 23, 2012	June 12, 2012
June 4, 2012	June 14, 2012	June 18, 2012	June 20, 2012	July 10, 2012
July 2, 2012	July 12, 2012	July 23, 2012	July 25, 2012	August 14, 2012
August 6, 2012	August 16, 2012	August 20, 2012	August 22, 2012	September 11, 2012
September 4, 2012	September 13, 2012	September 17, 2012	September 19, 2012	October 9, 2012
October 1, 2012	October 11, 2012	October 22, 2012	October 24, 2012	November 13, 2012
November 5, 2012	November 15, 2012	November 19, 2012	November 21, 2012	December 11, 2012
December 3, 2012	December 13, 2012	December 17, 2012	December 19, 2012	January 8, 2013

**\*\*Please see Sign Posting Instructions**

Revised 11/2012

## Department of Planning and Development

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### Sign Posting Instructions For Zoning Variances

Please be advised that the Gwinnett County Board of Commissioners has adopted sign posting procedures for Zoning Variance requests. Under these procedures, the applicant is required to post the Zoning Variance sign on the property.

In order to continue processing your application you must obtain a Zoning Variance sign from the Department of Planning and Development, One Justice Square, 446 West Crogan Street, First Floor, Lawrenceville, and physically post it on the subject property. A \$150 sign deposit is also required at the time you receive the sign (cash, check, Visa or MasterCard). Within 15 days after the final Zoning Board of Appeal's decision, the sign must be returned to the Development Division to receive a refund of the sign deposit of \$100.00 (\$50.00 is non-refundable).

**The sign must be posted the day before the Notification Deadline date that appears on the enclosed schedule.** Development Division staff will visit the site on the Notification Deadline date to verify that you have properly posted the sign.

Failure to follow these sign posting procedures will result in the application(s) being Administratively Withdrawn. If you have any questions regarding the sign posting requirements, please contact the Development Division staff at 678.518.6000.