

Department of Planning and Development



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

gwinnettcounty

**VARIANCE APPLICATION
 FROM THE UNIFIED DEVELOPMENT ORDINANCE**

For Consideration Of:

- BOARD OF APPEALS VARIANCE
 ADMINISTRATIVE VARIANCE

Applicant Information:

Applicant:	
*Mailing Address:	
City, State, Zip Code:	
Contact Person:	
Telephone No. :	Mobile Telephone No:
Email Address:	
Applicant is (check one): <input type="checkbox"/> Property Owner <input type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser	

* Note: All correspondence will be sent to this address.

Property Owner Information:

Name:			
Mailing Address:			
City, State, Zip Code:			
Telephone Number:		Contact Person:	

Property Information:

Subdivision or Project Name:			
Address of Property:			
District , Land Lot, Parcel:		Zoning:	
Proposed Development:			
Building Permit Number (if construction has begun):	BLD		

Variance Requested:

VARIANCE APPLICATION

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 portion thereof shall not be acted upon within the 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 (UDO Section 270-70.1). Authorized administrative variances are not subject to this time lapse requirement (UDO Section 270-70.2).

I hereby certify that all statements made by me are true, complete and correct, to the best of my knowledge.

SIGNATURE OF APPLICANT DATE

TYPED OR PRINTED APPLICANT NAME

NOTARY SEAL

SIGNATURE OF NOTARY PUBLIC DATE

SIGNATURE OF PROPERTY OWNER DATE

TYPED OR PRINTED OWNER NAME

NOTARY SEAL

SIGNATURE OF NOTARY PUBLIC DATE

NOTE: Please submit the completed application and related documents to the Department of Planning and Development Department, Development Plan Review Section. Failure to complete the application and/or to provide the necessary documentation may result in non-acceptance of the application.

***** Staff Use Only Below *****

Date Received: _____ Received By: _____ MRN: _____

Zoning District: _____ Hearing Date (for ZBA): _____ Commission District: _____

Variance Type: _____ Code Section: _____

Related Cases & Applicable Conditions: _____

Variance Description: _____

Approval _____ Date: _____
(Administrative Variance only)

Conditions: _____

Case # _____

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**Variance Application from the Unified Development Ordinance
 Guidelines & Information
 (Revised December 2014)**

Included in these guidelines are the informational requirements necessary to process a variance application from the Unified Development Ordinance.

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

Types of Variance Applications

Depending on the nature of the variance, the applications are processed for consideration by either: (1) an administrative decision by the Director of Planning and Development Department (administrative variance); or (2) the Zoning Board of Appeals (ZBA) decision.

Administrative Application:

An administrative variance application may be considered without a public hearing and requires, at minimum, 5 business days to process. An application regarding a buffer width reduction may take 10 business days. Processing time begins after a complete application with all required information has been received. Please refer to the Unified Development Ordinance (UDO) code provisions for a list of authorized items for administrative consideration (UDO Section 270-130.2). Listed below are the most common items for consideration by this process:

- Front Setback: 10 feet maximum
- Rear Setback: 10 feet maximum
- Side Setback: 5 feet maximum
- Parking Space Quantity: 30 percent maximum (increase /decrease)
- Buffer Width Reduction: 50 percent maximum
- Building Height: 10 feet maximum

Zoning Board of Appeals Application:

A Zoning Board of Appeals (ZBA) application requires a public hearing and takes approximately 30 to 45 days to process. Please refer to 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 by the applicant 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.

P&D highly recommends that the applicant, or the applicant’s representative, attends the public hearing to address questions or concerns regarding the application.

Application Submittal Requirements

The following items must be submitted with the variance application:

1. **Application Form:** Complete all portions of the application form. The same form is used for both the ZBA and the Administrative Variance applications. The application must be signed by the applicant and the property owner and the signatures notarized. Incomplete applications will not be accepted.

2. **Application Fee:** The application fee is non-refundable and payable to Gwinnett County. The fees are as follows:
 - a. Zoning Board of Appeals Variance
 - Single-Family Residential \$350.00
 - Multi-Family Residential \$450.00
 - Commercial \$700.00
 - Public Hearing Notice \$150.00 (applicable to all ZBA variances)

 - b. Administrative Variance:
 - Single-Family Residential \$250.00
 - Multi-Family Residential \$350.00
 - Commercial \$600.00

3. **Full-sized Site Plan and/or Boundary Survey:** Submit one (1) full sized copy of a closed boundary survey and one (1) full sized copy of the site plan. If the plan is drawn on a closed boundary survey, only one (1) copy is required. Please clearly indicate on the plan the area of the requested variance.

4. **Reduced Site Plan:** Submit one (1) 8½ by 11 inch reduced site plan and boundary survey.

5. **Letter of Intent:** Submit a Letter of Intent which includes:
 - a. a statement explaining how the requested variance is consistent with the intent of the Unified Development Ordinance (UDO Section 270-100).
 - b. Justification (reason) for the requested variance;
 - c. a statement of hardship imposed on applicant by the UDO;
 - d. a statement explaining why the variance will not be materially detrimental or injurious to other properties or improvements in the neighborhood in which the subject property is located.

6. **Additional Documentation:** Submit any additional information related to the application that may be helpful for the ZBA or the Director to make a decision.
 - a. **Hardship:** If the application is due to hardship, documentation is necessary to substantiate claim. For example, if the hardship is due to severe topography, topographic information must be submitted. If the hardship 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.

 - b. **Additional Plans:** Submit additional plans as necessary to support the application. For example, if the request concerns a ground or wall sign, provide

complete details of the sign showing size, height, architectural finish, etc.
Provide one (1) 8½” by 11” reduced plan in addition to one (1) full sized plan.

- c. **Note:** If construction has begun and a variance request is for setback encroachment, STOP ALL WORK AT ONCE. Provide with the variance application 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.
7. **Public Hearing Notification:** Submit a signed “Acknowledgement of Sign Posting.”
8. **Administrative Variance Applications:** Submit a notarized letter of consent from adjoining property owners stating that they do not object to the variance request.
9. **Building Height Administrative Applications:** Provide one (1) full sized and one (1) 8 ½ by 11 inch reduction of each building wall elevation.
10. **Buffer Width Reduction Administrative Applications:** Zoning Buffers may be reduced up to 50% of the required width by an approved administrative variance. Applications requesting a buffer width reduction must contain the following information:
 - a. demonstrate compliance with the general provisions of the UDO Chapter 600 “Buffers, Landscaping, and Tree Protection”;
 - b. adjacent zoning district boundaries;
 - c. cross sections of the proposed buffer and existing and proposed improvements on the subject tract, existing uses and structures of the adjacent properties as seen from the subject tract;
 - d. cross section of the proposed planting plan showing existing vegetation to remain and proposed replanting. Indicate types of trees, name, size, quantity and spacing;
 - e. proposed screening fence and/or berm locations, etc., and details of same;
 - f. location of detention facilities and the direction of drainage flow;
 - g. details of building and parking lot lights adjacent to the proposed reduced buffer;
 - h. notarized letter of consent from adjoining property owners(s).

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**Sign Posting Instructions for Public Hearings and Deposit Refund Policy
For the Zoning Board of Appeals Variance Applications**

Sign Posting Instructions: The Gwinnett County Board of Commissioners has adopted sign posting procedures for public hearings. Under these procedures, the applicant is required to:

1. Obtain the Sign from the Department of Planning and Development (P&D) at 446 West Crogan Street, Suite 150, Lawrenceville GA. The fee for the Sign is \$150 payable to Gwinnett County (\$100 Sign Deposit Fee is included).
2. Post the Sign no later than one (1) day before the Notification Deadline as shown on the "ZBA Public Hearing Schedule."
 - a. The Sign may be picked up from P&D office one (1) week prior to the Notification Deadline.
 - b. Failure to post the Sign by the deadline may result in administrative withdrawal of the application. Failure to maintain the Sign continuously throughout the variance application process may delay or prohibit consideration of the application.

Please note: The P&D Director may require the placement of multiple Signs at various locations for large acreage tracts or sites with multiple road frontages.

3. Mount the Sign on a hard surface to prevent curling or bending and erect it at or near the right-of-way line of the subject property so that it is visible from the roadway but not interfering with sight distance of any intersection or driveway.
4. Take a photo of the posted sign and email it to Site.Planreview@gwinnettcountry.com.

Sign Deposit Refund: Return the Sign no later than 15 calendar days after the final ZBA action in order to receive a refund of \$100 for the sign deposit. Failure to return the Sign within the 15-day period deposit will result in the sign deposit forfeited.

Applicant's Acknowledgment of Sign Posting Instructions

I, the undersigned have read and understand the above Sign Posting Instructions. I further understand that I must pick up the Sign and post it on the subject site on or before the date _____.

In order to receive the \$100 sign deposit, I understand that I must return the Sign no later than 15 days after the final ZBA public hearing for the variance I requested.

Signed by: _____ Date: _____

Printed Name: _____ Telephone: _____

Address: _____

Case Number: ZVR _____

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