

## ADMINISTRATIVE VARIANCE APPLICATION SUBMITTAL INSTRUCTIONS

These submittal instructions include the requirements to submit a variance application from certain requirements of Title II of the Gwinnett County Unified Development Ordinance (UDO). The UDO may be accessed here: [Unified Development Ordinance | Gwinnett County](#).

### General Information:

An administrative variance application does not require a public hearing. The Director shall have the power to grant administrative variances from the standards as established in Title 2 of the UDO where, in his/her opinion, the intent of the ordinance can be achieved, and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to the following requests:

- Front yard or yard adjacent to public street – variance not to exceed 10 feet;
- Side yard – variance not to exceed 5 feet;
- Rear yard – variance not to exceed 10 feet;
- Height – variance up to but not exceeding 10 feet;
- Buffers – width reduced by no more than 50 percent;
- Demarcation of parking spaces;
- Accessory structures within the front yard – Subject to the following:
  - The residentially zoned property contains at least three acres;
  - The accessory structures are limited to a swimming pool, garage/carport, barn, storage building, or other similar structures;
  - The accessory structure is setback a minimum of 100 feet from the right-of-way and located no closer than 40 feet to any side property line. (If the accessory use is for animal quarters, this must be a minimum of 100 feet from any property line); and
  - The accessory structure shall be screened with walls, fences, or suitable landscaping so that it is not visible from the street.
- Reduction in unit width for villas in R-TH Zoning District - not to exceed 10 feet; and
- Keeping of livestock and household pets within residential zoning districts.

### Application Submittal Instructions:

#### 1. **Submit Application Package**

Complete applications shall be submitted electronically to [P&D-PlanningZoning@gwinnettcountry.com](mailto:P&D-PlanningZoning@gwinnettcountry.com). Please refer to the submittal instructions below and the submittal checklist on the Administrative Variance Application Form.

#### 2. **Application Fee**

Once the application has been accepted, the applicant will be emailed an Application Acceptance Letter with instructions for payment.

## **Application Submittal Requirements:**

The following items must be submitted with the administrative variance application:

### **1. Application Fee per Requested Variance:**

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

Once the application has been accepted, the applicant will be emailed a confirmation, in addition to instructions for payment. Acceptable payment methods are cash, debit, or credit card (Visa, MasterCard, or Discover). Fees are also payable via the Zoning, Inspections, and Permitting Records (ZIP) Portal:

<https://eddspemits.gwinnettcountry.com/CitizenAccess/Welcome.aspx>

**(Note:** Application Fees are not submitted until the application is officially accepted by the Department of Planning and Development. See below for additional details)

### **2. Application Form:**

One copy of the application form must be submitted. If multiple variances are being requested, each variance must be listed. The application must be signed by the applicant and the property owner. Incomplete applications will not be accepted.

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

Submit one (1) PDF copy of a boundary survey and/or "scaled" site plan. Please clearly indicate on the plan the subject and location of the requested variance. At a minimum, plans shall show the following:

- Property address;
- Boundary lines of the lot, giving distances to the nearest one-tenth of a foot;
- Location of existing structures;
- Location of the proposed development and requested variance(s);
- Location and names of all abutting streets or other rights-of-way;
- Minimum required front, side, and rear building setback lines with dimensions;
- Notation of the existing zoning on the property;
- All easements, public water, sewer, or storm drainage facilities traversing or located on the property;
- Limits of the 100-year floodplain and any applicable buffers or special building setback lines;
- All other applicable requirements of Title 2 of this UDO or conditions of zoning approval; and
- Additional exhibits as may be required.

### **4. Letter of Intent:**

Provide a Letter of Intent which includes:

- a. A description of the variance requested including the related UDO code section;
- b. Reason for the requested variance;
- c. A statement explaining how the requested variance is consistent with the intent of the UDO; and
- d. A statement of hardship imposed on the applicant by the UDO if the variance is not granted.

### **5. Standards for Granting Variances:** Complete the Standards for Granting Variances Form.

6. **Additional Documentation:** Submit any additional information related to the application (photos, elevations/renderings, etc.), if necessary and/or requested by the Department of Planning and Development.
  
7. **Letter(s) of consent:** Submit a notarized form from each adjoining property owner stating that they do not object to the variance request. Please use the attached Administrative Variance Consent Form. All Variance Consent Forms must be completed by both the applicant and the adjoining property owner. When the applicant is prepared to submit the full, complete administrative variance application, a copy of each Variance Consent Form from each adjoining property owner must be included in the submittal.



**ADMINISTRATIVE VARIANCE APPLICATION**

See the Administrative Variance Application Submittal Instructions for general information and directions related to submitting this application.

**Property Information:**

Property Address: \_\_\_\_\_ Property Parcel ID: \_\_\_\_\_

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

Unified Development Ordinance (UDO) Code Section: \_\_\_\_\_

**Applicant Information:**

Name: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

Applicant is (check, if applicable): [ ] Property Owner [ ] Owner’s Agent

**Property Owner Information** (if property owner is not the applicant):

Name: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

**Signatures**

Applicant Signature: \_\_\_\_\_ Property Owner Signature: \_\_\_\_\_

Name of Applicant: \_\_\_\_\_ Name of Property Owner: \_\_\_\_\_

Date: \_\_\_\_\_ Date: \_\_\_\_\_

**Standards for Granting Variances:**

Responses to the following criteria must be submitted for each variance requested (attach additional sheets as needed). According to the Unified Development Ordinance (UDO), a variance shall not be granted unless evidence is presented supporting conclusions that the variance meets each of the following criteria:

- a. Does the request arise from a condition that is unique and peculiar to the land, structures, and buildings involved? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- b. Is the request necessary because the particular physical surroundings, the size, shape or topographical condition of the specific property involved result in an unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are literally enforced? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- c. Is the condition requiring the requested relief not ordinarily found in properties of the same zoning district as the subject property? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- d. Is the request a result of conditions created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- e. Would granting the variance impair or injure other property or improvements in the neighborhood in which the subject property is located, or impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety, or substantially diminish or impair property values within the neighborhood? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- f. Is the variance requested the minimum variance that will make possible the reasonable use of the land, building, or structures? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  
- g. Does the variance desired meet the general spirit and intent of Title 2 of the UDO and/or the purpose and intent of the Gwinnett County Unified Plan? Please explain: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



### ADMINISTRATIVE VARIANCE CONSENT

The applicant listed below has requested an administrative variance from the Gwinnett County Unified Development Ordinance. As part of the application process, each owner of property sharing a common boundary with the subject property must consent to the granting of the variance. If all adjoining property owners do not consent, the administrative variance application will not be accepted.

Description of Requested Variance: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property Address: \_\_\_\_\_ Parcel ID Number: \_\_\_\_\_

#### Applicant Information:

Applicant Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City, State, Zip Code: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Email Address: \_\_\_\_\_

#### Adjoining Property Owner Information:

Property Owner Name: \_\_\_\_\_

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

I, as an owner of the adjoining property listed above: (select one)

Do not object to the variance  Object to the variance

Comments (if any): \_\_\_\_\_  
\_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_

Sworn to and subscribed before me,

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ (Seal)

\_\_\_\_\_  
(Notary Public)

## **Administrative Variance Application Checklist**

The following submittal checklist shall be included as part of the application submittal. Incomplete applications will not be accepted.

- Completed and Signed Application Form
- Site Plan and/or Boundary Survey (PDF)
- Letter of Intent
- Standards Granting Variances (for each variance requested)
- Letter(s) of Consent (from each adjoining property owner)
- Additional Documents (if necessary)

Note: Once the application has been accepted, the applicant will be emailed a confirmation, with instructions for payment of fees.