

VARIANCE APPLICATION SUBMITTAL INSTRUCTIONS

These submittal instructions include the requirements to submit a variance application from Title II of the Gwinnett County Unified Development Ordinance (UDO) and the Gwinnett County Sign Ordinance. The UDO may be accessed here: [Unified Development Ordinance | Gwinnett County](#). A pre-application meeting is required prior to submittal of a variance application.

General Information:

The Gwinnett County Zoning Board of Appeals (ZBA) has the authority to grant variances from the requirements of Title 2 of the UDO. A variance is a mechanism when, owing to special conditions, it is determined that the strict application of the UDO would impose on a landowner exceptional and undue hardship.

Variance applications require a public hearing as outlined on the official ZBA public hearing schedule. This schedule, which also includes pre-application, filing and public notification deadlines, is available here: [Forms | Gwinnett County](#). The ZBA generally meet on the second Tuesday of each month at 6:30 PM in the auditorium of the Gwinnett County Justice and Administration Center, located at 75 Langley Drive, Lawrenceville.

The applicant, or the applicant's representative must attend the public hearing to address questions or concerns regarding the application. A public hearing notice sign, provided by the Department of Planning and Development, shall be posted by the applicant on the subject property at least 15 days prior to the hearing. Please find the attached Public Notification Guidelines for information regarding the sign posting and public notification process.

Note: No application or reapplication for the same type of variance affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Zoning Board of Appeals, unless such 12-month period is waived by the Zoning Board of Appeals as appropriate, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Zoning Board of Appeals (UDO section 270-70.1).

Application Submittal Instructions:

1. Pre-Application Meeting

Prior to the submittal of a variance application, the applicant, and/or applicant's representative, shall be required to schedule and attend a pre-application meeting with the Planning Division of Planning and Development. Pre-application meetings are required to ensure all applications are complete prior to the official application submittal. Failure to attend will result in rejection of a variance application. Please refer to the Instructions for Requesting a Pre-Application Meeting for more information here: [Forms | Gwinnett County](#).

2. Submit Application Package

Complete applications shall be submitted electronically to P&D-PlanningZoning@gwinnettcountry.com. Please refer to the submittal requirements below and the submittal checklist on the Variance Application form.

3. Application Fee

Once the application has been accepted, the applicant will be emailed a confirmation, in addition to instructions for payment.

Application Submittal Requirements:

The following items must be submitted with the variance application:

1. Application Fee per Requested Variance:

Public Hearing Notice:	\$150.00 (applicable to all variance types)
Single-Family Residential:	\$350.00
Multi-Family Residential:	\$450.00
Commercial:	\$700.00

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

<https://eddspermits.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 completed 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 or Boundary Survey:

Submit one (1) PDF copy of a boundary survey 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 and proposed buildings;
- Location of the development subject to this variance application;
- Location and names of all abutting streets or other rights-of-way;
- Minimum required front, side, and rear building setback lines with dimensions, and 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 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 applicant by the UDO.

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.



VARIANCE APPLICATION

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

Property Information:

Property Address: _____ Property Parcel ID: _____

Variance(s) Requested: _____

Unified Development Ordinance (UDO) Code Section(s): _____

Sign Ordinance Code Section(s): _____

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: _____

Variance Application Submittal Checklist

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

- Signed Pre-Application Acknowledgement Form
- Completed and Signed Application Form
- Site Plan and/or Boundary Survey (PDF)
- Letter of Intent
- Standards Granting Variances (for each variance requested)
- Applicant's Acknowledgement of Public Notification Guidelines
- Additional Documents (if necessary)

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



Public Notification Guidelines for Public Hearings and Deposit Refund Policy

Public Hearing Sign Posting Instructions:

The Unified Development Ordinance (UDO) requires the applicant to place a sign on the subject property, which shall contain information as to the variance applied for and the time and place of the public hearing. The sign shall be erected at least **15 days** prior to the date of the public hearing. 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 300, Lawrenceville GA. The sign may obtained from the Planning and Development Department office on the sign pick-up-date date shown on the "ZBA Public Hearing Schedule" located here: [Forms | Gwinnett County](#).
2. Post the sign by the deadline shown on the "ZBA Public Hearing Schedule." Mount the Sign on a hard surface to prevent curling or bending. Place the sign 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.
3. Take a photo with a date and time stamp of the posted sign and email to P&D-PlanningZoning@gwinnettcountry.com
4. Failure to maintain the sign continuously throughout the variance application process may prohibit consideration of the application.

Sign Deposit Refund: Return the Sign no later than 7 calendar days after the ZBA action to receive refund of \$100.00 for the sign deposit. Failure to return the Sign within the 7-day period deposit will result in sign deposit forfeiture.

Applicant's Acknowledgement of Sign Posting Instructions

I, the undersigned have read and understand the above Sign Posting Instructions. I further understand that I must obtain the sign from the Planning and Development Department and post it on the subject site on or before _____ (15 days before hearing).

To receive the \$100 sign deposit, I understand that I must return the sign no later than 7 days after the final ZBA public hearing where action is taken.

Printed Name: _____ Date: _____

Address: _____ Telephone: _____

Applicant Signature: _____