

CITY OF LAWRENCEVILLE  
PO BOX 2200, LAWRENCEVILLE, GA 30046  
PLANNING, ZONING & INSPECTIONS DEPARTMENT

VARIANCE PROCESS 2009

To authorize such variance from the terms of the City of Lawrenceville Zoning Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. (Section 11.6.2 of the City of Lawrenceville's Zoning Ordinance)

<http://lawrencevillegaweb.org/pz/Ordinances/Code%20Chapters/Zoning%20Code/Article%2011.pdf>

**Variance applications may only be accepted for height, area and size of structure or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance.** A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until:

The application and all required documents and fees must be complete or the application will not be accepted.

Documents required at the time of submittal:

- 1) Application Form, signed and notarized
- 2) Demonstration Questionnaire
- 3) A typed, metes and bounds legal description
- 4) A boundary survey signed by a GA. Registered surveyor
  - a. Drawn to scale
- 5) A site Plan: 1 8.5" x 11" copy and 6 full size copies
  - a. Must be done by a GA registered surveyor or engineer
  - b. Must be drawn to scale
  - c. Must show all improvements for the proposed development
    - i. Buildings, setbacks,
    - ii. Streets, Ingress/egress points, Driveways & parking lots
    - iii. Detention pond, sidewalks
    - iv. Buffers, screening
  - d. Must include ownership information, state specific proposed use
  - e. Must include existing features
    - i. Floodplain, streams, stream buffers
    - ii. Structures that are to be removed
- 6) Indemnification and Waiver form, signed and dated
- 7) Fee
  - a. \$150.00 application fee
  - b. \$20.00 notification sign
  - c. Please make checks payable to the: City of Lawrenceville

The applicant is then required to notify all adjoining property owners (including those across any streets) of their intentions to request a variance for the property. The notification shall be of first class mail and include:

- 1) Copy of application
- 2) Legal Description
- 3) Site plan
- 4) Variance case number
- 5) Date, time and place of public hearing

Proof of the mailing must be delivered to the Planning Department no later than Wednesday the week before the Board of Appeals meeting at 12:00PM (noon). Failure

to submit the required proof of mailing will result in the application being tabled to the next month's meeting.

The applicant is required to erect a notification sign (provided by the Planning Department) on the property not less than 15 days prior to the Board of Appeals meeting. It is the responsibility of the applicant to insure that the sign remain on the property throughout the rezoning proceedings.

The applicant shall appear\* before the City of Lawrenceville Board of Appeals to present his case for the variance. There will be an opportunity for opposition to speak.

The Board of Appeals will make a decision at that meeting (decision could be to approve, approve with conditions, deny or table), based on the evidence presented and other data collected.

If approved, the Board of Appeals will make a finding that the requirements of Section 11.6.2(a) have been met by the applicant for a variance and that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance that will make possible the reasonable use of the land, structure, or building. Also that it has made a finding that the granting of the variance will be in harmony with the general purpose and intent of this Ordinance, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

In granting any variance, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and punishable under the provisions of the Ordinance. Under no circumstances shall the Board grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

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\* The applicant, or a representative on his behalf, must be present at all the meetings to answer any questions that may arise. If the applicant fails to attend the meetings, his rezoning request may be tabled until the next meeting. However, the Planning Commission and/or Mayor and City Council may act upon the rezoning request if they choose to do so.

In compliance with the City of Lawrenceville Zoning Ordinance, you are required to submit the following:

Variance Application Fee:	\$150.00
Sign Cost:	\$ 20.00
TOTAL DUE:	\$_____



DEMONSTRATION QUESTIONNAIRE

Demonstrate the special conditions and circumstances that exist which are peculiar to the land, structure, or building for which the variance is being requested:

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Demonstrate that these special conditions or circumstances are unique to this property:

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Demonstrate that these special conditions or circumstances are not the result from actions of the applicant:

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Demonstrate that the variance requested is the minimum variance that will make possible the reasonable use of land, structure, or building:

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Demonstrate that the request is in harmony with the general purpose and intent of this ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare:

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INDEMNIFICATION AND WAIVER FORM

I, \_\_\_\_\_, do hereby agree to indemnify and defend the City of Lawrenceville should any litigation arise as a result of the variance being granted by the Lawrenceville Board of Zoning Appeals.

I realize and understand that when the City of Lawrenceville grants a variance it is agreeing not to enforce a city ordinance and that, as a result, the City incurs a risk of being sued due to the granting of the variance. I, therefore, agree that I will be responsible for all costs in the event litigation arises concerning the granting of a variance and will hold the City harmless for any expenses I incur to defend any claims on the granting of the variance.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

# SAMPLE LETTER

DATE

RE: Attached Legal Description

Dear Sir or Madam:

PLEASE BE ADVISED THAT \_\_\_\_\_ HAS APPLIED FOR A VARIANCE (V-09-\_\_ ) TO REQUEST \_\_\_\_\_

The Lawrenceville Board of Zoning Appeals will hold a public hearing at 6:00 p.m. on Monday, DATE OF MEETING in order to discuss and act upon this variance request. The meeting will be held in the Assembly Room of the new City Hall, which is located at 70 South Clayton Street, Lawrenceville, Georgia.

If you wish to comment on this proposed variance request, please plan to attend the meeting.

Sincerely,

Enclosure

**Sincerely,**

*Please enclose*

**Encl.** Copy of application  
Demonstration Questionnaire  
Legal Description  
Site plan