



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

VARIANCE PROCESS

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://lawrencevillega.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: Provide one 11" x 17" copy and 1 full size copy;
 - a. Prepared by a GA Registered Land Surveyor, or Professional Engineer or Landscape Architect
 - b. Drawn to a scale of 1"=50' or greater.
 - c. Show property line data (metes and bounds) as well as existing infrastructure and existing site conditions including:
 - i. Existing structures;
 - ii. Full width of existing streets and intersecting streets;
 - iii. Streams, stream buffers and non-pervious easements;
 - iv. Flood hazard zones (reference source of data); A vicinity map.
- 6) 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.



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

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.

* 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.



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

VARIANCE APPLICATION

Applicant: _____

Owner: _____

Phone: _____

Phone: _____

Address: _____

Address: _____

Contact Person: _____

Contact Person Phone: _____

PROPERTY IN QUESTION

Street Address: _____

Property Identification Number (Tax Parcel Number): ____/____/____

Present Zoning: _____

Variance(s) Requested: _____ Code section: _____

Signature of Applicant

Date

Signature of Owner

Date

Typed or Printed Name

Date

Typed or Printed Name

Date

Notary Public

Date

Notary Public

Date



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

DEMONSTRATION QUESTIONNAIRE

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

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

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

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

5. 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:



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

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



LAWRENCEVILLE

GWINNETT • METRO ATLANTA

SAMPLE LETTER

DATE

RE: Attached Legal Description

Dear Sir or Madam:

PLEASE BE ADVISED THAT _____ HAS APPLIED FOR A VARIANCE (V--
_) 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 City Hall, located at 70 South Clayton Street in Lawrenceville.

If you would like to comment on the rezoning request, please plan to attend these meetings. The public is allowed to speak during both the Planning Commission meeting and City Council Second Reading. If you plan to speak in opposition to this request, please be advised that in accordance with Chapter 36-67A-3(c) of the Code of Georgia, if you have made, within the two years immediately preceding the filing of this rezoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider this application, you must contact this Department to obtain the appropriate Campaign Contributions Disclosure Form. This disclosure requirement must be filed at least five calendar days prior to the first public hearing by the Planning Commission.

Sincerely,

Enclosure

Please enclose

Enclosures

- Copy of application
- Demonstration Questionnaire
- Legal Description
- Site plan