



# LAWRENCEVILLE

WINNETT • 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.

**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 a scale of 1"=50' or greater.
- 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.
    - v. Indemnification and Waiver form, signed and dated
- 6) Fee
  - a. Refer to the Schedule of Fees, Charges, and Expenses
  - b. 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 sent via Certified Mail by the deadline shown on the schedule provided by the Planning & Development Department. The notice shall include:

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



# LAWRENCEVILLE

GWINNETT • METRO ATLANTA

Proof that the notifications were mailed must be delivered to the Planning & Development Department as soon as is feasible but no later than 12:00 (noon) on Wednesday the week before the Board of Appeals meeting. 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 & Development 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 variance proceedings.

Approximately one week prior to the scheduled Board of Appeals Meeting the Planning Staff Report and Recommendation will be available at the Planning and Development office.

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.

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

## 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:

---

---

---

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

---

---

---

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

---

---

---

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

---

---

---

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

WINNETT • 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, which is located at 70 South Clayton Street, Lawrenceville, Georgia.

**If you would like to comment on the variance request, please plan to attend these meetings. The public is allowed to speak during both the Board of Appeals public hearing. 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 variance request, campaign contributions aggregating \$250.00 or more to a local government official who will consider this application, you must contact the Planning & Development Department to obtain the appropriate Campaign Contributions Disclosure Form. This disclosure requirement must be filed at least five calendar days prior to the Board of Appeals Public Hearing.**

Sincerely,

Enclosure

*Please enclose*

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