



Variance Application Instructions

Planning staff will determine whether a request for variance can be processed as an Administrative Variance, or if it must be forwarded to the Zoning Board of Appeals for a decision. A pre-application conference is recommended. Note: A variance application from a condition of zoning or special use can neither be accepted nor processed.

Zoning Board of Appeals Variance Application

A Zoning Board of Appeals (ZBA) application requires a public hearing and processing takes approximately **30 days**. The ZBA will meet on the fourth Wednesday of the month, if there is business, at 7:30 PM, at City Hall, 340 Main Street (unless otherwise published). A public hearing notice sign shall be posted on the property under consideration at least 15 days before the public hearing. A legal advertisement will be published in the *Gwinnett Daily Post* at least 15 days prior to the hearing. Once advertised for public hearing, an application can NOT be withdrawn. Application filing deadline is 30 days prior to hearing date. The applicant, or the applicant's representative should plan to attend the work session and public hearing or the likely result will be postponement or denial of the application by the ZBA.

Administrative Variance Application

An administrative variance application is processed without a public hearing, and takes approximately **5 business days** to process, except buffer width applications, which take approximately **7 to 10 business days**. Processing time begins after receiving a complete application with all required information.

Application Requirements:

The following items are required to complete the application and incomplete applications cannot be processed. **A pre-application conference is highly recommended.**

- (1) **Application Form:** Available at the Department of Planning and Development or at www.cityoflilburn.com, the same form is used for both ZBA and administrative applications. Please be specific and fill in all pertinent and required information. The application form must have notarized signatures of both the property owner and the applicant, or an attachment, if multiple owners are involved.
- (2) **Application Fee:** Please make checks payable to City of Lilburn. The application fee is non-refundable. Fees are as follows:
 - a. Zoning Board of Appeals Variance: \$500.00 + \$25.00 for each additional variance on the same property.
 - b. Administrative Variance: \$100.00 + \$25.00 for each additional variance on the same property.
- (3) **Letter of Intent:** The Letter of Intent should describe your request in detail and why you feel it is justified. Please specifically state if you are requesting any buffer width reductions. You may also include any mitigation being offered to offset the variance.
- (4) **Site Plan and/or Boundary Survey:** Include one (1) full size plan drawn to scale and five (5) copies reduced to 8½" by 11". A survey indicating details of the variance request may be required or beneficial for some applications. Site Plan requirements are within the applicable ordinance.
- (5) **Additional Requirements:** Additional information is important in demonstrating an "unnecessary hardship." For example, if the hardship is due to severe topography, topographic information must be submitted. If the hardship is due to the location of an easement, a survey showing the easement must be submitted. In some circumstances, photographs can be used to substantiate a hardship. Information should also be provided about the distance and location of an existing structure on an adjacent lot, and whether or not it is occupied. The following specific variance requests require additional information:

Planning Department (770) 921-2210 ▪ Fax (770) 921-8854
340 Main St. ▪ Lilburn, Georgia 30047 ▪ www.CityofLilburn.com

❖ **Buffer Width:** Buffers can NOT be reduced by administrative variance without adjacent property owner's consent.

- Show adjacent zoning district boundaries.
- Provide cross-sections of the buffer and its relationship to uses on adjacent property.
- Provide cross-sections indicating improvements on adjacent residential property as may be seen from the proposed improvements on the subject site.
- Demonstrate compliance with the Buffer, Landscape & Tree Ordinance requirements.
- Provide complete planting plan indicating existing vegetation and any proposed planting. Indicate types of trees, name, size or height at time of planting and height at maturity, quantity and spacing. Indicate trees proposed to be retained or planting on the cross sections and on the planting plan.
- Show proposed screening fence and/or berm locations, etc., and details of same.
- Show location of detention facilities and the direction of drainage flow.
- Provide details of building and parking lot lights adjacent to the proposed reduced buffer.
- Provide written consent of the buffer reduction from adjacent property owner(s) before approval. Buffers reduced by more than 50% cannot be approved administratively.

❖ **Building Height:** Provide one (1) full size and one (1) 8 ½ X 11 inch reduction of each building wall elevation.

❖ **Signs:** Submit complete details of the sign showing type of sign, and proposed versus required size, height, setback, etc. Please provide one (1) 8½" by 11" reduction in addition to one (1) full size plan.

If construction or installation that results in violation has already occurred, **STOP ALL WORK AT ONCE** until the variance is resolved. In the case of setback violation, describe why the mistake was made with a survey showing the encroachment, a letter from qualified design professional attesting to building code compliance, and a letter detailing what steps are being taken to ensure the error does not reoccur.

ZBA Hearing Schedule			
<u>Filing Deadline</u>	<u>Public Notice (GDP Legal Ad out, Letters and Signs Drafted)</u>	<u>Public Notice (15 days min-then Ltrs and Sign up 15 days prior to hearing)</u>	<u>ZBA Hearing (4th Wed/Month)</u>
1/23/2023	1/30/2023	2/7/2023	2/22/2023
2/21/23	2/27/2023	3/7/2023	3/22/2023
3/27/2023	4/3/2023	4/11/2023	4/26/2023
4/24/23	5/1/2023	5/9/2023	5/24/2023
5/22/2023	6/5/2023	6/13/2023	6/28/2023
6/20/23	7/3/2023	7/11/2023	7/26/2023
7/24/2023	7/31/2023	8/8/2023	8/23/2023
8/28/23	9/4/2023	9/12/2023	9/27/2023
9/25/2023	10/2/2023	10/10/2023	10/25/2023
10/23/23	10/30/2023	11/7/2023	11/22/2023
11/27/2023	12/4/2023	12/12/2023	12/27/2023

If you have questions, or to schedule a pre-submittal conference, contact Joellen Wilson, Director of Planning, at 770-638-2197 or jlwilson@cityoflilburn.com.

Zoning Board of Appeals (ZBA) Meets on the Fourth Wednesday of the Month

**Planning Department (770) 921-2210 ▪ Fax (770) 921-8854
340 Main St. ▪ Lilburn, Georgia 30047 ▪ www.CityofLilburn.com**