

CRITERIA FOR APPROVAL

The applicant must demonstrate, and the Director must find, that all of the following criteria are present when approving a request for an administrative variance:

- A. There are clear and compelling reasons that are not purely financial demonstrating that the required standard cannot be met;
- B. The variance is the minimum amount necessary to meet the objectives identified above; and
- C. The requested adjustment will not contravene the public interests or negatively impact adjoining properties.
- D. And any additional criteria provided in the UDO and which is specific to the following:
 1. Sec. 201-1.6.D. (Driveways)
 2. Sec. 201-4. (Enhanced Architectural Standards)
 3. Sec. 401-3.4.H. (Inter-parcel Access)
 4. Sec. 403-1.4. (Stream Buffer and Setback Requirements)
 5. Sec. 403-1.5. (Stream Buffer and Setback Requirements in the Big Haynes Creek Watershed)

SUBMITTAL and PUBLIC NOTICE REQUIREMENTS

SUBMITTAL REQUIREMENTS: Any application for administrative variance, and/or waiver must be submitted by 4:00 p.m. fifty (50) calendar days before the date on which it is to be considered by the Director. Please review the Public Hearing Calendar for submittal deadlines and hearing dates. The application submittal must contain the following:

1. Written narrative detailing the administrative variance request, related code section, and hardship levied as a result of the UDO requirement and demonstration that approval criteria is present.
2. Site plan, drawn to scale, showing: property lines with dimensions; any improvements, structures and buildings; location of the requested variance; building setbacks; easements, public water, sewer, or storm drainage facilities traversing or located on the property; limits of the 100-year floodplain; and any applicable buffers.
3. Two (2) stapled or bound copies of the application and any supporting documents and exhibits.
4. One (1) unbound application bearing original notarized signatures.
5. A digital copy in .pdf format of all materials must be submitted using email, flash drive, or other means approved by the Director.
6. Verification by Gwinnett County and the City of Snellville that all county and city property taxes owed have been paid and account is current.
7. Warranty deed, security deed, or quit claim deed for all lots/parcels subject to the application.
8. Map indicating the subject property(ies) and the adjacent properties, identified by tax parcel number.
9. Payment of application fee and public notification fees (public notice sign and notice to adjoining property owners) as determined by the Department fee schedule.
10. An initiating party must also file any other information or supporting materials that are required by the City Council, and/or the Department (i.e. building elevation, rendering, floor plan, etc.).

PUBLIC NOTIFICATIONS: The Planning Department must provide notice of the date, time and place of the public hearing as follows:

1. **LEGAL AD:** Published in the Gwinnett Daily Post which carries the legal advertisements of the City, by advertising the application and date, time, place and purpose of the public hearing not fewer than 30-days, nor more than 45- days before the date of the public hearing.
2. **NOTICES TO ADJOINING PROPERTY OWNERS:** Notification to the owners of adjoining properties of the property for which the variance, or waiver is sought and/or their agent by first class USPS mail to the mailing address provided by the Gwinnett County Tax Commissioner's office. The notification must be mailed not fewer than 30-days, nor more than 45-days before the public hearing. The notification must include a description of the application and the date, time, and place of the public hearing.
3. **PUBLIC NOTICE SIGN:** Posting of a Public Notice Sign on the property, one sign per road frontage, per parcel, posted at least 30-days before the public hearing. The sign must include a description of the application and the date, time, and place of the public hearing.

Once advertised the public hearing must be held. Any party may appear in person, or by agent or attorney.

* * * * * FINDINGS BY THE PLANNING DIRECTOR * * * * *

The Director, having reviewed this Administrative Variance application and accompanying statements and exhibits, hereby finds the following:

GENERAL CRITERIA FOR APPROVAL		YES	NO	
1.	The applicant has provided clear and compelling reasons that are not purely financial demonstrating that the required standards cannot be met.			
2.	The variance is the minimum amount necessary to meet the objectives in Sec. 103-8.1 (General).			
3.	The requested variance (adjustment) will not contravene the public interests.			
4.	The requested variance (adjustment) will not negatively impact adjoining properties.			
DRIVEWAYS (SEC. 201.1-6.D.)		Not-Applicable <input type="checkbox"/>	YES	NO
1.	No more than 35% of the front yard area may be used for driveways or authorized on-site parking. The Director is authorized to grant administrative variances to the requirement in order to meet the following requirements:			
2.	All garage doors facing a public street or private street must observe a minimum 22-foot front and side (street) setback from sidewalk in all residential districts.			
3.	Build to Rent (BTR) residential districts require a minimum 24-foot wide driveway and minimum 30-foot driveway length, measured from inside edge (house side) or sidewalk to garage door.			
ENHANCED ARCHITECTURAL STANDARDS (SEC. 201.4.)		Not-Applicable <input type="checkbox"/>	YES	NO
1.	Administrative variances may only be granted to permit a practice that is not consistent with a specific provision of these regulations, but is justified by the following:			
2.	The purpose of the applicable zoning and overlay district.			
3.	The policies of the Comprehensive Plan.			
4.	Administrative variances relating to a physical element or numeric measurement must be based upon credible submitted evidence demonstrating that:			
5.	Approval, if granted, would not offend the purposes of the applicable district.			
6.	There are such extraordinary and exceptional situations or conditions pertaining to the particular piece of property that the literal or strict application of the regulations would create an unnecessary hardship due to size, shape or topography or other extraordinary and exceptional situations or conditions not caused by the applicant.			
7.	Relief, if granted would not cause a substantial detriment to the public good and surrounding properties.			
8.	That the public safety, health, and welfare are secured, and that substantial justice is done.			
INTER-PARCEL ACCESS (SEC. 401-3.4.H.)		Not-Applicable <input type="checkbox"/>	YES	NO
1.	When cross-access for vehicles is deemed impractical by the Director based on topography, the presence of natural features, or vehicular safety factors, relief from the requirement for cross-access may be granted by administrative variance. However, bicycle and pedestrian connections must be provided between abutting parcels when cross-access relief is granted.			
STREAM BUFFER AND SETBACK REQUIREMENTS (SEC. 403-1.4.)		Not-Applicable <input type="checkbox"/>	YES	NO
1.	Administrative variances from the requirements of this section on single-family residential lots of record platted before May 23, 2005, may be granted if the applicant submits a residential site drainage plan approved by the Director, in accordance with the following:			
2.	The lot or parcel's shape, topography, or other existing physical condition prevents land development consistent with this section, and the Director finds and determines that the requirements of this section prohibit the otherwise lawful use of the property by the owner.			
3.	If a variance is requested from the required 50-foot undisturbed natural vegetative stream buffer, the request is for 10% or less (5 feet or less) of the required buffer.			
4.	If a variance is requested from the required, additional 25-foot impervious surface setback, the request is for 20% or less (5 feet or less) of the required, additional setback, and no impervious cover is proposed within the reduced, additional setback.			
5.	If an applicant is requesting a variance from both the undisturbed natural vegetative stream buffer and the required, additional 25-foot impervious surface setback, and the requests meet all the criteria listed above, the Director may grant an administrative variance for both requests.			
6.	Additional water quality treatment practices appropriate for single-family residential lots, such as the incorporation of bio-retention areas, pervious paving that is at least 40% pervious, and sustainable landscaping, may be allowed by approval of the Director.			

BIG HAYNES CREEK STREAM BUFFER & SETBACK (SEC. 403-1.5.) Not-Applicable <input type="checkbox"/>	YES	NO
I. All lots or parcels of record as of October 28, 1997, in the Big Haynes Creek Watershed and all lots or parcels which have been submitted by way of preliminary plat and approved by the Department in accord with the provisions of the 1985 Zoning Resolution of Gwinnett County, as of October 28, 1997, within the Big Haynes Creek Watershed, that are made unbuildable by the stream buffer and setback provisions, may still be developed on a case-by-case basis. Requests for development of these lots must be made to the Director as administrative variances. If development is allowed, the maximum possible impervious surface setback and stream buffer width, given the configuration of the lot, must be maintained.		

No variance shall be considered or authorized to:

- A. Allow a structure or use not authorized in the applicable zoning district or a density of development that is not authorized within such district.
- B. Conflict with or change any requirement enacted as a condition of zoning or of a special use permit approved by the Mayor and Council.
- C. Reduce, waive or modify in any manner the minimum lot area established by the Unified Development Ordinance in any zoning district or established by the Mayor and Council through a special condition of approval.
- D. Permit the expansion or enlargement of any nonconforming situation or nonconforming use requiring a special use permit.
- E. Permit the re-establishment of any nonconforming situation or nonconforming use as regulated in Sec. 103-11 (Nonconformities).

DECISION OF THE PLANNING DIRECTOR

THE ADMINISTRATIVE VARIANCE APPLICATION HAS BEEN REVIEWED BY THE UNDERSIGNED AND BASED ON THE ABOVE CRITERIA FOR APPROVAL, THE REQUESTED VARIANCE(S) LISTED BELOW BY SECTION IS/ARE:

UDO Sec. _____ APPROVED DENIED
 UDO Sec. _____ APPROVED DENIED
 UDO Sec. _____ APPROVED DENIED
 UDO Sec. _____ APPROVED DENIED

COMMENTS: _____

BY: JASON THOMPSON, DIRECTOR _____ DATE _____
 DEPARTMENT OF PLANNING AND DEVELOPMENT, CITY OF SNELLVILLE, GEORGIA

Any person aggrieved by a decision of the Director may appeal to the Snellville Board of Zoning Appeals in accordance with Sec. 103-7.3. of the Snellville Unified Development Ordinance.