



## STREAM BUFFER VARIANCE APPLICATION

Please complete this application & submit it with all attachments as stated in the Stream Buffer Variance Guidelines & Information. Please TYPE or PRINT using BLUE or BLACK ink. A variance cannot be processed unless all information accompanies the application.

<u>Applicant Information</u>	<u>Property Owner Information</u>
Name: _____ Address: _____ _____ City: _____ State: _____ Zip: _____ Phone: _____	Name: _____ Address: _____ _____ City: _____ State: _____ Zip: _____ Phone: _____
Contact Person's Name: _____ Phone: _____ Email: _____	
Applicant is the (please check or circle one of the following): <input type="checkbox"/> Developer <input type="checkbox"/> Property Owner <input type="checkbox"/> Developer's/Property Owner's Agent	

Address of Property: \_\_\_\_\_

Subdivision or Project Name: \_\_\_\_\_ Lot/Block: \_\_\_\_\_

District, Land Lot, & Parcel (MRN): \_\_\_\_\_

Development Type: \_\_\_\_\_

Variance Requested: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## REQUIREMENTS FOR COMPLETING STREAM BUFFER VARIANCE APPLICATIONS

*Public hearing will not be advertised until a complete and full application has been submitted.*

*A complete Application should include the following:*

1. Completed application (must be original application) with notarized signatures of **applicant(s)**, **titleholder(s)** and **representative(s)**. The application and all related material can be submitted to the Stormwater Management daily from 8:30 – 1:00, but no later than 2:00 p.m.
2. Two Drawings shall be no larger than 24”X 36” and three copies must be 8-1/2 x 11”.
3. Major Revisions ~~to the application must be received~~ no later than ten (10) days prior to the public hearing. Revisions made after this date may not be considered.
4. Letter of Intent: The Letter of Intent shall be a clearly identified, separate document. The Letter of Intent should include the following information:
  - An overview of the proposed development
  - The reasoning behind encroaching into the stream buffers and why you, the applicant, believes the request is justified
  - A discussion of a non-encroachment option and why it is not feasible
  - A discussion regarding the 25-ft State Waters Buffer and EPD requirements for stream buffer variances
  - If wetlands are on-site, then a discussion regarding USACE permitting requirements should be provided
5. Stream Determination (form attached below)
6. Application fee: the application fee is \$300.00 and is non-refundable. Fees can be paid by phone or check payable to City of Austell.
7. Owner’s statement and sign posting attached (city will provide the sign) Please complete the Owner’s Statement and the Sign Posting Statement and provide with the application.
8. **Existing Site Plan and Boundary survey** prepared by a registered surveyor, drawn to scale, showing north arrow, land lot and district, dimensions, acreage and location of the tract. The preparer’s seal shall be affixed to the plat. Indicate on the plat structures that are currently located on the property.  
At a minimum the following items should be included:
  - Locations of all streams, limits of wretched vegetation, wetlands, regulatory and FEMA floodplain boundaries and other existing natural features.
  - Existing topography with a minimum 2-ft contours and any other physical characteristics of the property such as existing impervious areas, disturbed areas, wooded areas, etc.
  - Delineation of impacted areas within the various buffers (the 75-ft Impervious Setback, the 50-ft city Undisturbed Buffer & the 25-ft State Waters Buffer). A table/note, such as below, should be provided.
    - 75-ft Impervious Setback Area Impacted = XX.XX ac
    - 50-ft city Undisturbed Buffer Area Impacted = XX.XX ac
    - 25-ft State Waters Undisturbed Area Impacted = XX.XX ac
9. **Site plan**, drawn to scale, (prepared, signed and sealed by an engineer and/or registered surveyor) depicting the requested variance, including at a minimum, the following information:
  - A. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
  - B. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
  - C. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside

the buffer and setback. The exact area of buffer to be affected shall be accurately and clearly indicated

- D. Documentation of unusual hardship should the buffer be maintained;
  - E. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
  - F. A calculation of the total area and length of the proposed intrusion;
  - G. A stormwater management site plan, if applicable; and,
  - H. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
10. Proposed grading plan (24" x 36") - At a minimum the following items should be included:
    - Proposed site layout
    - Proposed grading with 2-ft contours
    - Proposed utilities
    - Delineation of the area that will be disturbed within the various buffers. The areas need to be clearly labeled showing the impacted areas within the 75-ft Impervious Setback, the 50-ft city Undisturbed Buffer, and the 25-ft State Waters Buffer. Provide various hatching to show the differences of impervious and previous disturbances in the buffers
  11. Erosion plan
  12. Proposed landscaping after disturbance – the proposed landscaping should reflect the proposed restoration of the buffer areas and landscaping for encroachment areas.
  13. A current legal description of the subject property. If the application consists of several tracts, a legal description of each tract is required. A separate legal description of each zoning classification is also required, as well as an overall description of all tracts and/or classifications combined. No legal description should include more property than what has been requested for waiver, modification or appeal
  14. A copy of the **warranty deed** that reflects the current owner(s) of the property.
  15. Notarized Campaign Contribution forms and Property/Financial Disclosure Report for each applicant and each representative (see attached).
  16. A written explanation of any hardship or basis for modification or waiver that applies to the application for appeal.
  17. The applicant shall provide a title certificate from a licensed attorney certifying the title of the property being applied for and the specific ability of the applicant to subdivide the easement rights to allow for another easement access point and permit.
  18. Such other additional information as may be requested by the Stormwater Management or staff.
  19. Applicant/Representative acknowledges and accepts all responsibility for the completeness of the application as presented. If, upon further review by Staff, any information is lacking, unclear, or deemed incomplete by Staff, Applicant/Representative understands the application will not be placed on the agenda until such information is addressed.
  20. Applicant or representative **must be present** at the hearing. Failure to attend may result in dismissal with prejudice, rejection of the application, or continuance of the hearing at the Committee's sole discretion.
  21. **Incomplete applications will NOT be accepted by the Stormwater Division.**



# Austell Public Works

## Stormwater Management Division

5000 Austell-Powder Springs Road • Suite 160 • Austell, Georgia 30106  
Office: (770) 944-4325 option 4

### STREAM DETERMINATION FORM

Date: \_\_\_\_\_ Address: \_\_\_\_\_

Requested By: \_\_\_\_\_

Phone/Email: \_\_\_\_\_

Parcel Owner's Name: \_\_\_\_\_

Phone/Email: \_\_\_\_\_

(Below section for Inspectors use only)

.....  
**FIELD**

Description of Water Feature: \_\_\_\_\_

- Defined Channel?  Yes  No
- Flow?  Yes  No
- Wetland Vegetation?  Yes  No \_\_\_\_\_
- Wetland Vegetation?  Yes  No \_\_\_\_\_
- Hydric Soils?  Yes  No \_\_\_\_\_
- Coarse Sediments?  Yes  No

Description of Water Feature Entering/Leaving the Property: \_\_\_\_\_

**OFFICE**

Associated Flood Zones:  Yes  No \_\_\_\_\_

City/County GIS Streams:  Yes  No \_\_\_\_\_

Supporting Topography:  Yes  No

Adjacent Permits & Site Plans: \_\_\_\_\_  
.....

City Inspectors Name: \_\_\_\_\_

Final Determination:  Perennial  Intermittent  Ephemeral  
Buffers Required:  Yes  No

Comments: \_\_\_\_\_

### NOTICE SIGN POSTING INSTRUCTIONS

1. Signs must be posted at right-of-way of main street or road on which the property bounds.
2. Sign is to be mounted on hard surface that will prevent curling or bending of sign.
3. Sign shall be free of obstructions to said main road.
4. Signs improperly displayed may be ruled as a violation to the variance process.
5. Signs will be posted and maintained more than 15 days prior to the Mayor and City Council Hearing.

**NOTICE  
SIGN POSTING STATEMENT**

I have been given a copy of the sign posting instructions and I understand these instructions.  
I further understand that the sign is to be posted on or before:

Sign Posting Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Today's Date: \_\_\_\_\_

**Property Owner Certification**

The undersigned is the record owner of the property considered in this application and is aware that no application or reapplication for a variance affecting the same stream segment on a property shall be heard within 12 months from the date of last action by the City Council unless such 12-month period is waived by the City Council, and in no case may such application or reapplication be considered in less than six months from the date of last action by the City Council (Article II. -Administration and Enforcement. Division 1. Generally -Section 48-33. Variance Applications.)

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Signature of Property Owner

Date

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Printed Name & Title

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Signature of Notary Public

Date

Notary Seal

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS AND GIFTS**  
**BY APPLICANT AND/OR REPRESENTATIVE**

(required by Title 36, Chapter 67A, Official Code of Georgia Annotated)

Applicant's Name (Note 1): \_\_\_\_\_

Reference: Application filed on \_\_\_\_\_, 20\_\_\_\_\_

All Individuals and business entities (Note 2) have a property interest (Note 3) in said properties are as follows: \_\_\_\_\_

Has the applicant made, within two (2) years immediately preceding the filing of this application for rezoning, campaign contributions aggregating two hundred fifty dollars (\$250.00) or more, or made gifts having in the aggregate a value of two hundred fifty dollars (\$250.00) or more to a member or members of the Austell City Council who will consider this applications? \_\_\_\_\_ (YES or NO)

If YES, GA Law requires applicant to file a disclosure report within ten (10) days after the rezoning application is filed. Please provide the following information which will be considered as the require disclosure:

Name and official position of the local government official to whom the campaign contribution/gift was made: \_\_\_\_\_

The dollar amount of each campaign contribution made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application and the date of each such contribution:

An enumeration and description of each gift having a value of two hundred fifty (\$250.00) or more made by the applicant to the local government official during the two (2) years immediately preceding the filing of this application:

\_\_\_\_\_  
*Please attach additional sheet if necessary.*

.....  
I certify that the foregoing information is true and correct, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Applicant's Signature \_\_\_\_\_

Sworn to and subscribed before me, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Public Signature \_\_\_\_\_

My Commission expires \_\_\_\_\_

- Note 1: Applicant means any person who applies for any application and any attorney or other person representing or acting on behalf of a person who applies for any application.
- Note 2: Business entity – Corporation, partnership, limited partnership, firm, enterprise, franchise, association or trust.
- Note 3: Property interest – Direct or indirect ownership, including any percentage of ownership less than total ownership.

**Austell Public Works cannot advise anyone on how to complete this form. You may want to confer with an attorney for guidance.**

**\*A SEPARATE DISCLOSURE FORM IS REQUIRED TO BE COMPLETED BY EACH APPLICANT AND REPRESENTATIVE.\***

**PROPERTY/FINANCIAL DISCLOSURE REPORT**  
**BY APPLICANT AND OR REPRESENTATIVE**

Does any member of the Council member have a property interest (direct or indirect ownership, including any percentage of ownership less than total) in the subject property?  
\_\_\_\_\_ (YES or NO).

If yes, describe the nature and extent of such interest: \_\_\_\_\_  
\_\_\_\_\_

Does any member of the Council have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is ten percent (10%) or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property? \_\_\_\_ (YES or NO)

If yes, describe the nature and extent of such interest: \_\_\_\_\_  
\_\_\_\_\_

Does any member of the Council have a spouse, mother, father, brother, sister, son or daughter who has any interest as described above? \_\_\_\_\_ (YES or NO).

If yes, describe the relationship and the nature and extent of such interest: \_\_\_\_\_  
\_\_\_\_\_

I certify the foregoing information is true and correct, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.

Applicants Signature \_\_\_\_\_

Signed, sealed and delivered in the presence of:

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_

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- If the answer to any of the above is “Yes”, then the member of the Board of the Austell City Council must immediately disclose the nature and extend of such interest, in writing to the Mayor and Council of the City of Austell, Georgia. A copy should be filed with this application. Such disclosures shall be a public record and available for public inspection at any time during normal working hours.
  - Applicant means any person who applies for a stream buffer variance

**\*A SEPARATE PROPERTY/FINANCIAL DISCLOSURE REPORT IS REQUIRED TO BE COMPLETED BY EACH APPLICANT AND REPRESENTATIVE.\***