

CITY OF NORCROSS APPLICATION FOR STREAM BUFFER VARIANCE

This form describes how to apply for a variance from the stream buffer ordinance, however any activity within a state waters' buffer must meet State requirements. A variance cannot be processed unless all information accompanies the application; a variance will not be considered when actions of any property owner of a given property have created conditions of a hardship on that property.

OWNER INFORMATION

Owner's Name: _____
Owner's Address: _____
Phone: _____ Fax: _____ Email: _____

APPLICATION/CONTACT INFORMATION

Contact Name: _____
Company Name: _____
Contact Address: _____
Phone: _____ Fax: _____ Email: _____

PROPERTY INFORMATION

Tax Parcel Number: _____ Size in Acres: _____
Address: _____
Number of existing structures: _____

DESCRIPTION OF STREAM BUFFER VARIANCE REQUESTED

HAS THIS PROPERTY BEEN REVIEWED BY ANY CITY BOARDS WITHIN THE PAST 24 MONTHS?

NO ___ YES ___ If yes, please state which board and file number: _____

PUBLIC HEARING REQUIREMENT DETERMINATION. CHECK THE SITUATION THAT APPLIES:

1. The project involves the construction of one (1) single family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of this ordinance (2006).

[4.2.1 If the project involves the construction of one (1) single family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of this ordinance, and its shape, topography or other existing physical condition prevents land development consistent with this ordinance, and the Public Works Department finds and determines that the requirements of this ordinance prohibit the otherwise lawful use of the property by the owner, the Mayor and Council may grant a variance from the buffer and setback requirements hereunder, provided such variance requires mitigation measures to offset the effects of any proposed land development on the parcel. The Mayor and Council is authorized to use a consent agenda to fulfill the terms of this Subsection].

2. The project does not involve construction of one (1) single family home for residential use by the owner of the subject property on a parcel that was platted prior to the effective date of this ordinance.

[4.2.2 Except as provided above, the Mayor and Council shall grant no variance from any provision of this ordinance without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Mayor and Council. The Community Development Department shall give public notice of each such public hearing in a newspaper of general circulation within the City of Norcross at least once a week for two consecutive weeks before it is heard. The Community Development Department shall require that the applicant post a sign giving notice of the proposed variance and the public hearing at least 15 days prior to the date of the hearing. The sign shall be of a size and posted in such a location on the property as to be visible from the primary adjacent road right-of-way.]

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VARIANCE APPROPRIATENESS DETERMINATION. VARIANCES MAY BE GRANTED IN ACCORDANCE WITH THE FOLLOWING PROVISIONS.

Describe how you have tried to avoid or minimize to the fullest extent practicable, impact to the buffer. Attach additional pages as needed.

[4.2.2.1 The applicant provides evidence that impacts to the buffer have been avoided or minimized to the fullest extent practicable; and]

Check which of the following apply, and add comments if appropriate. At least one of the following conditions is necessary to move the variance process forward:

1. The project involves the construction or repair of a structure which must, by its nature, be located in the buffer.
[4.2.2.2 The project involves the construction or repair of a structure that, by its nature, must be located within the buffer. Such structures include dams and detention/retention pond; or]
2. The project is a paved recreational foot trail or viewing area.
[4.2.2.3 Paved recreational foot trails and viewing areas, providing that impacts to the buffer are minimal; or]
3. The project will have a US Army Corps of Engineer's section 404 permit before construction begins.
4.2.2.4 The proposed land disturbing activity within the buffer will receive a permit from the United States Army Corps of Engineers (USACE) under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, and the Corps of Engineers has received a mitigation plan to be implemented as a condition of such a permit. In addition, land disturbing activities in the buffer that are outside the USACE's jurisdiction must be mitigated; or
4. The Buffer intrusion is mitigated using the procedure established in the City of Norcross (Gwinnett County) Storm Water Design Manual.
4.2.2.5 The buffer intrusion is mitigated using the procedure established in the City of Norcross Storm Water Design Manual; or
5. A valid and complete application for rezoning of the property was submitted prior to the effective date of the ordinance and approval of the rezoning by the Mayor and Council occurred after the effective date of the ordinance application, and the variance request is consistent with the intent of the Ordinance factoring into account the property owner's reliance on standards in effect at the time of the rezoning.
[4.2.2.6 A valid and complete application for rezoning of the property is submitted prior to the effective date of this ordinance and approval of the rezoning by the Mayor and Council occurs after the effective date of this ordinance application, and the variance request is consistent with the intent of this Ordinance factoring into account the property owner's reliance on standards in effect at the time of the rezoning.]

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REQUIRED ATTACHMENTS:

1. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey [4.2.3.1]
2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property [4.2.3.2]
3. A dated 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 the buffer to be affected shall be accurately and clearly indicated [4.2.3.3];
4. Documentation that impacts to the buffer have been avoided or minimized to the fullest extent practicable [4.2.3.4];
5. A calculation of the total area and length of the proposed intrusion [4.2.3.5];
6. A storm water management site plan, if applicable [4.2.3.6];
7. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed [4.2.3.7];
8. A description of the project, with details of the buffer disturbance, including estimated length of time for the disturbance and justification for why the disturbance is necessary [4.2.3.8];
9. Any other reasonable information related to the project that the Public Works Department may deem necessary to effectively evaluate the variance request [4.2.3.9];
10. A copy of the permit application, supporting documentation, and proposed mitigation plan as submitted to the United States Army Corps of Engineers under Section 404 of the federal Water Pollution Control Act Amendment of 1972, 33 U.S.C. Section 1344, if applicable [4.2.3.10];
11. A copy of the permit application, supporting documentation, and proposed mitigation plan as submitted to the Georgia Environmental Protection Division for a variance from the state waters' buffer, if applicable [4.2.3.11]; and
12. A buffer mitigation plan in accordance with the procedure outlined in the City of Norcross Storm Water Design Manual¹. [4.2.3.12]
13. **REQUIRED NUMBER OF COPIES: 2 FULL SIZE COLOR COPIES, 1 COPY 11X17, 1 CD IN .PDF FORMAT**

[NOTE: 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 Mayor and Council unless such 12 month period is waived by the Mayor and Council, and in no case may such application or reapplication be reconsidered in less than six months from the date of last action by the Mayor and Council.]

¹ The City of Norcross has adopted the current edition of the Gwinnett County Storm Water Design Manual as its Storm Water Design Manual

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Applicant Certification

The undersigned is authorized to make this application and is aware that an 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, 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 (Section 105-59-c-3).

Signature of Applicant

Date

Notary Seal

Typed or Printed Name & Title

Signature of Notary Public

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 (Sec. 105-59-c-3).

Signature of Property Owner

Date

Notary Seal

Typed or Printed Name & Title

Signature of Notary Public

Date

Community Development Use Below Only

Date Received: _____ Receipt Number: _____ Application Number: _____
Fee Paid: _____ Meeting Schedule: Policy Meeting Date: _____ Mayor & Council Date: _____
Decision: Approved: _____ Approved with conditions: _____ Denied: _____