



SNELLVILLE STREAM BUFFER VARIANCE APPLICATION

Information Sheet

Snellville Planning & Development Department
2342 Oak Road
Snellville, Georgia 30078
Phone 770.985.3514 Fax 770.985.3551
www.snellville.org

VARIANCES / APPEALS / WAIVERS:

The Snellville Zoning Ordinance, **Article XIV, Board of Appeals** sets forth the provisions to apply for a variance from the Zoning Ordinance, an appeal concerning the interpretation or administration of the Zoning Ordinance, or a waiver from the Development Regulations.

Once the application is filed, the Planning Department reviews the application and makes a written recommendation. The Board of Appeals holds a public hearing to review the application and grant or deny the request.

IMPORTANT DATES:

Submittal Deadline: 12:00 Noon, 36-days prior to Board of Appeals Public Hearing meeting date. Pre-submittal appointment shall be requested and completed a minimum of five (5) business days prior to application submittal deadline. Please call 770.985.3514 to schedule pre-submittal appointment date.

The Planning Department will meet the following public notice requirements for each application submitted:

Legal Notice appears in Gw. Daily Post:	15-days (minimum) before Board of Appeals public hearing
Public Notice Sign(s):	Erect public notice sign(s) <u>15-days (minimum)</u> before Board of Appeals public hearing.
Letters to Adjoining Property Owners:	Mail Certified Mail with Return Receipt <u>15 days (minimum)</u> before Board of Appeals public hearing.
Letters to Subject Property Owners:	Mail Certified Mail with Return Receipt <u>15 days (minimum)</u> before Board of Appeals public hearing.
Board of Appeals Public Hearing*:	2 nd Tuesday of the month

* Board of Appeals Public Hearings are held at 7:30 p.m. at Snellville City Hall Council Chambers 2342 Oak Road, Snellville, unless alternative meeting dates, times, and/or places are necessary.

If an application is denied, no application affecting any portion of the same property shall be submitted less than twelve (12) months from the date of the original application.

APPLICATION FEES:

Variance	\$	200.00
Public Notice Sign(s)	\$	50.00 each (per parcel, per road frontage)
Adjoining Property Owner Notification Letters	\$	15.00 per notice



BOARD OF APPEALS APPLICATION

APPLICATION FOR VARIANCE FROM SNELVILLE STREAM BUFFER ORDINANCE

City of Snellville
Planning & Development Department
2342 Oak Road, 2nd Floor
Snellville, GA 30078
Phone 770.985.3514 Fax 770.985.3551 www.snellville.org

DATE RECEIVED: _____

CASE # BOA _____

Applicant is: (check one) Owner's Agent
 Contract Purchaser
 Property Owner

Owner (if not the applicant): check here if there are additional property owners and attach additional sheets.

Name (please print)

Name (please print)

Address

Address

City, State, Zip Code

City, State, Zip Code

Phone Number(s) Fax

Phone Number(s) Fax

Contact Person: _____ Phone: _____ Fax: _____

Cell Phone: _____ E-mail: _____

Property Information:

Address of Property: _____ City: _____ Zip Code: _____

District: _____ Land Lot: _____ Parcel: _____ Size in Acres: _____ Number of Existing Structures: _____

The Subject property IS IS NOT a Lot/Parcel of Record. If yes, date platted: _____ Plat Book: _____ Page No.: _____

PROPERTY IS IS NOT LOCATED WITHIN A 7 MILE RADIUS OF THE BIG HAYNES CREEK.
PROPERTY IS IS NOT LOCATED WITHIN A 7 MILE RADIUS OF THE BIG HAYNES CREEK WATERSHED PROTECTION AREA.

Has this property been reviewed by any City Board, Commission, Mayor and Council within the past 24-months? No Yes (If yes, please describe: _____ File Number: _____

Description of Stream Buffer Variance Requested: _____

Variations will be considered only in the following cases:

- a. **When a property's shape, topography or other physical conditions existing at the time of adoption of this Article prevents land development unless a buffer variations is granted; and**
- b. **Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.**

Variations will not be considered when, following adoption of this Article, actions of any property owner of a given property have created conditions of a hardship on that property.

PUBLIC HEARING REQUIREMENT DETERMINATION. CHECK THE SITUATION THAT APPLIES:

- The project identified on page one 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 (5/23/2005).

[§26-505(b)(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 Article (5/23/2005), and its shape, topography or other existing physical condition prevents land development consistent with this Article, and the Department of Planning and Development finds and determines that the requirements of this Article prohibit the otherwise lawful use of the property by the owner, the Board of Appeals 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 project identified on page one 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.

[§26-505(b)(2)] Except as provided above, the Board of Appeals shall grant no variance from any provision of this Article without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the Board of Appeals. The City of Snellville shall give public notice of each such public hearing in a newspaper of general circulation within the City. The City 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 clearly visible from the primary adjacent road right-of-way.

A VARIANCE from the terms of the Snellville Zoning Ordinance shall not be granted by the Board of Appeals unless and until:

- 1) Please state any special conditions and circumstances of the site, its shape or topography that apply to the property covered by this application which do not apply to other properties in the same zoning district. _____

- 2) In what way do these circumstances deprive the property covered by this application of privileges which are possessed by other properties in the same zoning district, thereby creating an unnecessary hardship? _____

3) Does granting the variance request give the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district? YES NO If no, why not? _____

Please Note: Non-conforming uses of adjacent properties cannot be considered as grounds to justify a variance. Peculiar conditions or circumstances which are the result of actions of the owner of property covered by this application cannot be considered as grounds justifying a variance. A "use variance", i.e. a variance for the purpose of using land or a structure, or combination thereof for a purpose prohibited by the present zoning classification of the property covered by this application will not be granted.

REQUIRED ATTACHMENTS:

- a) Existing Conditions Site Survey that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey prepared within the past 6-months from the date of variance application; [§26-505(b)(3)(a)]
- b) Description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property; [§26-505(b)(3)(b)]
- c) Detailed Site and Concept 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; [§26-505(b)(3)(c)]
- d) Documentation of unusual hardship should the buffer be maintained; [§26-505(b)(3)(d)]
- e) At least one alternative Site and Concept Plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible; [§26-505(b)(3)(e)]
- f) Calculation of the total area and length of the proposed intrusion (include on detailed Site and Concept Plan and on alternative Site and Concept Plan); [§26-505(b)(3)(f)]
- g) A stormwater management site plan, if applicable; and [§26-505(b)(3)(g)]
- 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 [§26-505(b)(3)(h)]

At a minimum, the following items are required with submittal of this application. INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

- √ 1) Pre-submittal appointment shall be requested and completed a minimum of five (5) business days prior to Application deadline to ensure application is complete, accurate, and includes all required attachments/exhibits and required signatures;
- √ 2) Payment of the appropriate application, public notice sign(s), and adjoining property owner notification fees. Make checks payable to *City of Snellville*;
- √ 3) Letter of Intent explaining the reason for the request for the Stream Buffer Variance;
- √ 4) The names, addresses, and original signatures of the owners of the subject parcel(s) and their agents, if any;
- √ 5) A current legal description of the subject parcel(s). If the property proposed for a variance includes multiple parcels, provide a separate legal description for each individual parcel, together with a composite legal description for all parcels;
- √ 6) Verification from Gwinnett County Tax Assessor that all property taxes have been paid and account is current (for all parcels subject to this application). Applicant to obtain confirmation of taxes paid using original Verification Sheet (attached);
- √ 7) A Certificate of Title or Warranty Deed showing evidence of property ownership (for all parcels subject to this application);
- √ 8) Map indicating the subject parcel(s) and the adjoining parcel(s), identified by property owner(s) name, address, and tax parcel number;
- √ 9) Nine (9) COPIES (original-size and 11"x14" reduction) and one (1) ORIGINAL (original-size and 11"x14" reduction) of the detailed Site and Concept Plan [Attachment C] showing 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 limits. The exact area of the buffer to be affected shall be accurately and clearly indicated. Include the Existing Conditions Site Survey [Attachment A] that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by a field survey, Provide on the plan, a description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property [Attachment B] and a calculation of the total area and length of the proposed intrusion [Attachment F]. Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal. All documents must be folded to 8-1/2" x 11";
- √ 10) Nine (9) COPIES (original-size and 11"x14" reduction) and one (1) ORIGINAL (original-size and 11"x14" reduction) of at least one ALTERNATE Site and Concept Plan which does not include a buffer or setback intrusion [Attachment E] showing the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, the limits of the buffer and setback shall be clearly defined. Include the Existing Conditions Site Survey [Attachment A] that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by a field survey, Provide on the plan, a description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property [Attachment B] and a calculation of the total area and length of the proposed intrusion [Attachment F]. Alternate Site and Concept Plan shall be prepared by an architect, engineer, landscape architect, or land surveyor whose Georgia state registration is current and valid. Site plan must be stamped and sealed by one of the four above-mentioned professionals no more than six (6) months prior to the date of submittal. All documents must be folded to 8-1/2" x 11";
- √ 11) Documentation of unusual hardship should the buffer be maintained [Attachment D];
- √ 12) Stormwater Management Site Plan (if applicable) [Attachment G];
- √ 13) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed [Attachment H];
- √ 14) 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;
- √ 15) 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;
- √ 16) Nine (9) stapled or clipped copies of: (a) Letter of Intent; (b) completed application (pages 1-4 only); (c), all items requested in item #9 (above); all items requested in item #10 (above); (d) documentation of unusual hardship should the buffer be maintained [Attachment D]; (e) Stormwater Management Site Plan (if applicable) [Attachment G]; (f) Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed [Attachment H]; (g) all items requested in item #14 and #15 (above); and any supporting documents and/or exhibits you would like to provide;
- √ 17) One (1) unbound ORIGINAL application bearing original signatures, ORIGINAL items (3-15) above; and any ORIGINAL supporting documents and/or exhibits you would like to provide; and
- √ 18) A CD-ROM containing a digital file of: (a) completed application (pages 1-4 only); (b) Items (3-15) above in .pdf file format; (c) Site and Concept Plan (with existing conditions) in .pdf and .dwg file formats, and (e) Alternate Site and Concept Plan (with existing conditions) in .pdf and .dwg file formats.



CITY OF SNELLVILLE
 Department of Planning & Development
 2342 Oak Road, 2nd Floor
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 Phone 770.985.3514 Fax 770.985.3551

APPLICANT – PLEASE HAND DELIVER THIS VERIFICATION SHEET TO THE GWINNETT COUNTY TAX ASSESSORS OFFICE (SEE ADDRESS AND PHONE NUMBER BELOW) TO OBTAIN WRITTEN CONFIRMATION THAT REAL PROPERTY TAXES HAVE BEEN PAID-IN-FULL AND PROPERTY TAX ACCOUNT IS CURRENT. ATTACH COMPLETED ORIGINAL TO APPLICATION.

APPLICANT NAME: _____

CHECK HERE, IF THERE ARE MORE THAN FOUR (4) SUBJECT PARCELS AND ATTACH ADDITIONAL SHEETS.

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

PROPERTY OWNER NAME(S): _____ TAX PARCEL NO.: _____

AMOUNT OF CURRENT TAXES PAID: \$ _____ PAYMENT DATE: _____ ACCOUNT CURRENT? YES NO

***** INFORMATION VERIFIED BY GWINNETT COUNTY TAX ASSESSOR'S OFFICE *****

COUNTY TAX DEPARTMENT REPRESENTATIVE (PRINT NAME): _____	DATE: _____
COUNTY TAX DEPARTMENT REPRESENTATIVE (SIGNATURE): _____	

**ONLY ORIGINAL VERIFICATION SHEET
 CAN BE USED TO CONFIRM PROPERTY TAX ACCOUNT STATUS**