



City of Suwanee
Basis for Stream Buffer Variance Request

A. Stream Buffer Variances will be considered only in the following cases:

1. Due to the unusual shape or topography of the property at the time of the adoption of this rule, there is no opportunity for any development under development under any design configuration unless a buffer variance is granted; or
2. The project involves the construction or repair of a structure, which, by its nature, must be located within the buffer. Such structures include dams, public water supply intake structures, waste water discharges, docks, boat launches, and stabilization of areas of public access to water; or
3. The project is for the exclusive purpose of restoration and enhancement, the goal of which is to improve water quality and/or aquatic habitat quality; or
4. Buffer intrusion is necessary to provide access to the property; or
5. The intrusion is for gravity-flow sewer lines that cannot reasonably be placed outside the buffer, and stream crossings and vegetative disturbance are minimized; or
6. Crossing for utility lines, including but not limited to gas, liquid, power, telephone, and other pipelines, provided that the number of crossings and the amount of vegetative disturbance are minimized; or
7. Recreational foot trails and viewing areas, providing that impacts to the buffer are minimal.
8. Unusual circumstances when strict adherence to the minimal buffer requirements in the law would create an extreme hardship.

B. STREAM BUFFER VARIANCE INFORMATION FORM

The following items are necessary in order to process Stream Buffer Variance Applications:

1. APPLICATION FORM

Complete all sections of the application form. The application MUST be signed by both the applicant and the owner.

2. APPLICATIONS FEES

Please make checks payable to **CITY OF SUWANEE**. The application fee is non-refundable.

Board of Appeals -----\$300.00

3. LEGAL DESCRIPTION

A legal description is required on an 8 ½” x 11” sheet.

4. SITE PLAN AND/OR BOUNDARY SURVEY

An 8 ½” x 11” reduction is required in addition to the full size plan showing specific information such as Buffers, Setbacks, Building Locations, curb cuts etc. (if applicable). The Site Plan must clearly delineate all state, waters, wetlands, floodplain boundaries and other natural features, as determined by a field survey. The site plan shall also clearly depict all structures, impervious surfaces, and the boundaries of the area of soil disturbance, both inside and outside the buffer. The exact area of the buffer to be impacted shall be accurately and clearly indicated on a separate plan sheet.

5. EROSION CONTROL PLANS

One (1) full sized copy and one (1) reduced (8 ½” x 11”) copy of an approved erosion and sedimentation control plan and site plan signed off by the appropriate Soil and Water Conservation District.

6. DOCUMENTATION

Any and all information related to the application which you believe may be helpful to the Board of Appeals to render a decision should be submitted along with the application.

7. CERTIFICATION

A certification from the design professional preparing the plan as to whether state waters appear on the latest U.S.G.S. quad sheet as a solid or dashed blue line or are not shown.

8. OTHER DOCUMENTS

- A. A plan for storm water control once site stabilization is achieved, if applicable
- B. Documentation of unusual hardship should the buffer be maintained, if applicable.
- C. Any other reasonable information related to the project that the Planning and Community Development Department may deem necessary to effectively evaluate the variance request.

9. No Application will be accepted for processing unless the application is complete and all necessary plans are included with the application.

30 Day Public Advisory

The or City will publish a notice in the legal organ of the City of Suwanee after receiving a completed application. The public advisory and public notice shall describe the proposed buffer modification, the location of the variance, where the public can go to review site plans, and where comments should be sent. The public shall have 30 days from the date of publication of the notice in the legal organ to comment on a variance proposal.

**C. SUWANEE SOIL EROSION AND SEDIMENTATION CONTROL ORDINANCE
CITY OF SUWANEE ZONING BOARD OF APPEALS**

Please complete this application and submit with all necessary attachments as stated on the Stream Buffer Variance Information Form (please type or print)

APPLICANT INFORMATION

OWNER INFORMATION

Name: _____

Name: _____

Company Name: _____

Company Name: _____

Address: _____

Address: _____

City: _____

City: _____

State: _____

State: _____

Phone: _____

Phone: _____

CONTACT PERSON: _____

PHONE: _____

ADDRESS OF PROPERTY _____

LAND DISTRICT _____ LAND LOT _____ PARCEL _____ ACRES _____

PROJECT NAME _____ PROJECT NAME _____

ZONING _____

NAME OF STREAM(S) INVOLVED (if un-named, indicate the stream that this tributary flows into): _____

EXTENT OF ENCROACHMENT INTO STREAM BUFFER (linear feet and area of buffer to be disturbed) _____

NEED FOR VARIANCE (see A. 1-8 and expound) _____

***A STREAM BUFFER VARIANCE FROM A CONDITION OF ZONING CANNOT BE ACCEPTED.**

*****The property owner, applicant and /or a representative thereof shall be present at all meetings of the Zoning Board of Appeals, Planning Commission and/or Mayor and Council at which official action is requested on any stream buffer variance or application for amendment. The failure of the property owner, applicant and/or a representative to attend such meetings shall result in the denial of said variance or application for amendment.**

D. STANDARD QUESTIONS FOR STREAM BUFFER VARIANCE REQUEST

The City of Suwanee Erosion and Sedimentation Act, as adopted December 19, 2000, prohibits land disturbing activities within 50 feet (horizontally measured) of state waters, unless a variance is obtained from the Director of the Environmental Protection Division and the City of Suwanee Zoning Board of Appeals. A completed application form is required for evaluating requests for such approval. Please answer all questions as thoroughly as possible. Attach answers to the following:

1. Describe the present condition of the buffer area. What kind of vegetation is present? Has the contour been altered by man's activities in the past? Are there buildings, parking lots, sewer lines, or other man-made structures present? Is it flat or hilly? What kinds of soils or rock are present?
2. Describe the land disturbing activity proposed within the buffer area. Describe the proposed project in detail. How much land will be disturbed? For how long? What structures and paved or gravel areas will be built? What is the planned long-term use of the area?
3. Explain your need to encroach within the buffer. What would be the impact to the project if it were not allowed to be constructed within the buffer? How does the topography of the site affect the project? How wide a buffer will be left undisturbed?
4. What alternatives have been considered which would keep the project outside the buffer area? Briefly explain each alternative and why they could not meet your needs). Describe other alternatives for using the property that would avoid encroachment within the buffer. Include scaling down or re-orienting the proposed use. Explain why each alternative allows no opportunity for any development under any design configuration unless a buffer variance is granted.
5. What mitigation measures will be taken to offset this loss of stream buffer area? (Explain in detail) If your response to Item 5 indicates an impaired buffer function, explain in detail what mitigation measures you propose to offset the loss and how these measures will actually work. What width of undisturbed buffer would be maintained after the project is completed?
6. What will the long-term impacts of the project be on the buffer area? Explain the long-term impacts of the project. For example, installing an underground utility