

STREAM BUFFER AND SETBACK VARIANCE APPLICATION

CHECKLIST

In addition to the application form, all materials and information listed below must be submitted with the application in order for it be accepted by the Town of Braselton

1. Letter of Intent
2. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey.
3. A description of the shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
4. 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 the buffer to be affected shall be accurately and clearly indicated.
5. Documentation of unusual hardship should the buffer be maintained.
6. 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.
7. A calculation of the total area and length of the proposed intrusion.
8. A stormwater management site plan, if applicable; and,
9. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

FACTORS GOVERNING THE GRANT OF A STREAM BUFFER AND SETBACK VARIANCE

PURSUANT TO SECTION 11.2 H. (3) OF THE TOWN OF BRASELTON DEVELOPMENT CODE, THE APPLICANT/LANDOWNER SHALL BEAR THE BURDEN OF PROOF WHEN THE BODY IS ASKED TO CONSIDER A VARIANCE, AND VARIANCES SHALL BE CONSIDERED ONLY IN THE FOLLOWING CASES SET FORTH BELOW:

1. A parcel platted prior to the effective date of these regulations.
2. A property with a shape, topography, or other physical conditions that prevents land development consistent with these regulations unless a stream buffer variance is granted.
3. Unusual circumstances when strict adherence to the requirements of the article would create an extreme hardship.
4. Variances will not be considered when, following adoption of this article, the actions of any property owner of a given property have created conditions of a hardship on that property.

Please respond to the following standards in the space provided or use an attachment, as necessary.

1. Does the property's shape, topography or other physical conditions prevent land development unless a buffer variance is granted?_____

[illegible]

2. Are there unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship? _____

(#2 cont.)

3. Following the adoption of these regulations on April 8, 2024, have the actions of the property owner created the conditions of a hardship on the property?_____

4. What mitigation measures are proposed to offset the effects of land development on the parcel?_____

5. Are alternative designs possible which require less intrusion or no intrusion?_____

6. What are the long term and construction water quality impacts of the proposed variance? _____

7. Is the issuance of a variance at least as protective of natural resources and the environment? _____

The following factors will be considered in determining whether to issue a variance:

1. The shape, size, topography, slope, soils, vegetation, and other physical characteristics of the property.
2. The locations of all streams on the property, including along property boundaries.
3. The location and extent of the proposed buffer or setback intrusion.
4. Whether alternative designs are possible which require less intrusion or no intrusion.
5. The long-term and construction water-quality impacts of the proposed variance.
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

VARIANCE APPLICANT’S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE SUBMITTED WITHIN SIX (6) MONTHS FROM THE DATE OF THE LAST ACTION BY THE ZONING BOARD OF APPEALS UNLESS WAIVED BY BOARD OF APPEALS.

Signature of Applicant	Applicant’s Name and Title	Date
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Signature of Notary Public	Date	(SEAL)
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VARIANCE PROPERTY OWNER’S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR RE-APPLICATION AFFECTING THE SAME LAND SHALL BE SUBMITTED WITHIN SIX (6) MONTHS FROM THE DATE OF THE LAST ACTION BY THE ZONING BOARD OF APPEALS UNLESS WAIVED BY BOARD OF APPEALS.

Signature of Owner	Owner’s Name and Title	Date
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Signature of Notary Public	Date	(SEAL)
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BRASELTON PLANNING AND DEVELOPMENT OFFICE USE ONLY

Date: _____ Accepted By: _____

CONFLICT OF INTEREST CERTIFICATION FOR VARIANCES

THE UNDERSIGNED BELOW, MAKING AN APPLICATION FOR A VARIANCE, HAS COMPLIED WITH THE OFFICIAL CODE OF GEORGIA, SECTION 36-67A-1, ET SEQ., CONFLICT OF INTEREST IN ZONING ACTIONS, AND HAS SUBMITTED OR ATTACHED THE REQUIRED INFORMATION ON THE FORMS PROVIDED.

Signature of Applicant

Date

Type or print name and title

Signature of Applicant's
Attorney or Representative

Date

Type or print name and title

Signature of Notary Public

Date

Notary Seal

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to any official of the Town of Braselton?

☐ Yes ☐ No

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GEVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or more)	DATE CONTRIBUTION WAS MADE (Within last 2 years)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Attach additional sheets if necessary to disclose or describe all contributions.