

**CITY OF FLOWERY BRANCH**  
**STREAM BUFFER VARIANCE APPLICATION**

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

**Owner:**

\_\_\_\_\_  
 Name (please print)

\_\_\_\_\_  
 Name (please print)

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 Address

\_\_\_\_\_  
 City, State, Zip Code

\_\_\_\_\_  
 City, State, Zip Code

\_\_\_\_\_  
 Phone Number(s)                      Fax

\_\_\_\_\_  
 Phone Number(s)                      Fax

Corporation: Submit list of officers, directors and major stockholders with name, address and title.

Partnership: Submit list of all partners with name, address and title.

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Cell Phone: \_\_\_\_\_ E-mail: \_\_\_\_\_

Present Zoning Classification(s): \_\_\_\_\_

Proposed Use(s): \_\_\_\_\_

Property Location: \_\_\_\_\_ District \_\_\_\_\_ Land Lot \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_

Property Size: \_\_\_\_\_ Road Frontage \_\_\_\_\_ Feet \_\_\_\_\_

Check one each:     Paved Road or                       Unpaved  
     Public Water or                       Individual Well  
     Public Sewer or                       Individual Septic Tank

As a minimum, the following items are required with submittal of this application.

- Payment of the variance application fee of \$350 Minimum /\$125.00 (per variance). Sign Variance is \$100.00. Make checks payable to City of Flowery Branch.
- A legal description of the property, including a survey. (Original or copy – NO FAX)
- A legal description of the property in electronic format.
- Seven (7) copies of the proposed site plan, and one (1) 8 ½ x 11" reduction of the plan, drawn to scale, showing: The title of the proposed development and the name, address and telephone number of the property owner; The name, address and telephone number of the architect, engineer or other designer of the proposed development; Scale, date, north arrow, and general location map showing relationship of the site to streets or natural landmarks; Boundaries of the subject property, all existing and proposed streets, including right-of-way and street pavement widths, buildings (submit complete elevations), water courses, parking and loading areas, and other physical characteristics of the property and proposed development; Identification of ownership of adjacent property; The location of all setbacks, buffers, greenspace or open space; The location of all existing and proposed utilities; If applicable, all information required by the Zoning Code or Subdivision and Land Development Regulations of the City of Flowery Branch.
- Information as required on Attachment B.
- Letter of intent explaining what is proposed. All documents must be folded to 8 ½ x 11".
- Seven (7) stapled or bound copies of this application and all supporting documents, in addition to one (1) unbound application bearing original signatures. All documents must be folded to 8 ½ x 11".
- Applicant's and/or Owner's Certification (Attachment A).
- Completed "Statement of Facts" (Attachment B).
- The names and addresses of adjoining property owners. Names and addresses must be from current Hall County tax index and provided in mailing label form (contact staff for details).

**REASON FOR REQUEST**

Would be in harmony with the character of the neighborhood because \_\_\_\_\_

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Would not be detrimental to property or persons in the area because \_\_\_\_\_

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

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**CONFLICT OF INTEREST DISCLOSURE**

Identify all members of the City Council of the City of Flowery Branch and Employees of the City of Flowery Branch Community Development Department who

(1) Have a property interest in the real property affected by this request

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(2) Have a financial interest (direct ownership interest) of the total assets or capital stock of a business entity where such ownership interest is more than 10% in any business entity which has a property interest in the real property affected by this request

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(3) Have a member of the family (spouse, mother, father, brother, sister, son or daughter) having a property financial interest as herein defined, in the real property affected by this request

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**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

List below the names of local government officials of the City of Flowery Branch to whom campaign contributions were made, within two (2) years immediately preceding the filing of this application, which campaign contributions total \$250.00 or more or to whom gifts were made having a total value of \$250.00 or more.

Elected Officials Name

Amount of Description of Gift

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**SIGNATURE(S) OF OWNER(S)**

I/We, the owner(s), submit this application and certify that the information is correct and true to the best of my knowledge.

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Notary (required by Zoning Code)

**HEARING DATE**

This Application is scheduled to be heard by the Mayor and Council of the City of Flowery Branch at their meeting of \_\_\_\_\_, 200\_, at \_\_\_\_\_ in the Council Chambers of Flowery Branch City Hall, 5517 Main Street, Flowery Branch, Georgia.

*Owner or agent must be present in order for the request to be heard.*

**RECEIPT**

Submission fee for variance received from \_\_\_\_\_  
in the amount of \$ \_\_\_\_\_.

City of Flowery Branch

BY: \_\_\_\_\_  
City Planner

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

**ATTACHMENT A**

**City of Flowery Branch Community Development Department  
Planning and Zoning Division**

**AGENT AUTHORIZATION FORM**

In the event an owner's agent or contract purchaser is filing this application, both of the certifications below must be completed. If the owner is filing the application, only the Owner's Certification must be completed.

**Ownership Certification**

State of Georgia  
County of Hall

I, the undersigned, do hereby certify that I am the owner of the property to be affected by the proposed application to the City of Flowery Branch dated \_\_\_\_\_, 200\_\_\_\_, by virtue of a deed dated \_\_\_\_\_, \_\_\_\_\_, on file in the Office of the Clerk of Superior Court, Hall County, in Deed Book \_\_\_\_\_, Page \_\_\_\_\_.

\_\_\_\_\_  
Owner's Printed/Typed Name

\_\_\_\_\_  
Other Owner's Printed/Typed Name

\_\_\_\_\_  
Owner's Signature      Date: \_\_\_\_\_

\_\_\_\_\_  
Other Owner's Signature      Date: \_\_\_\_\_

**Agent Authorization**

I/We, the undersigned owner(s) of the property involved in this application, do hereby authorize \_\_\_\_\_ to act as Agent in submitting and representing the above identified application in my/our behalf.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Other Owner's Signature

I accept this authorization to act on behalf of the above ownership as Agent.

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**Planning and Zoning**

Received by: \_\_\_\_\_ Date: \_\_\_\_\_

## ATTACHMENT B

### STREAM BUFFER VARIANCE

#### STATEMENTS OF FACT TO BE EXPLAINED BY THE APPLICANT:

Any applicant requesting consideration of a variance shall provide a written justification that one or more of the following condition(s) exist. The Governing Body shall not approve a variance application unless it shall have adopted findings that one or more of the following conditions exist:

Variances will be considered only in the following cases:

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

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

(1) At a minimum, a variance request shall include 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 the 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.

- 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.

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

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