

Chief Executive Officer  
Lorraine Cochran-Johnson

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Director  
Juliana A. Njoku

## Application for Administrative Variance of Development Standards Per Code 14-34 (C)

Fee: \$200.00 – Existing home and \$300.00 for new Development (non-refundable) payable when application is filed. Attach a scale site plan showing all property lines with dimensions; location, size and species of all significant and specimen trees; all existing and proposed buildings; storm drains; sanitary sewers; flood plains; state waters; buffers; easements and fences; north arrow; and land lot and district. The plan must depict the exact nature of the site conditions from which the variance is sought (grading, soil erosion and sedimentation control, storm water management, water quality control) per 14-34(C) 3.

\* See checklist for plan requirements.

PROPERTY OWNER: \_\_\_\_\_

ADDRESS FOR WHICH THE VARIANCE IS REQUESTED: \_\_\_\_\_

\_\_\_\_\_

PHONE: \_\_\_\_\_ E-MAIL (required): \_\_\_\_\_

AGENT: \_\_\_\_\_ AGENT PHONE: \_\_\_\_\_

AGENT ADDRESS: \_\_\_\_\_ AGENT E-MAIL: \_\_\_\_\_

\_\_\_\_\_

DESCRIPTION OF REQUESTED VARIANCE: \_\_\_\_\_

\_\_\_\_\_

TYPE OF CONSTRUCTION (CHECK ONE):

NEW RESIDENTIAL CONSTRUCTION:  NEW COMMERCIAL CONSTRUCTION:

REDEVELOPMENT OF EXISTING MULTI-FAMILY RESIDENTIAL, COMMERCIAL OR INSTITUTIONAL:

REDEVELOPMENT OR ADDITION TO EXISTING SINGLE FAMILY RESIDENTIAL:

14-44.4. Except as further limited herein, an applicant may request a variance from the terms of the requirements of sections 14-37, 14-38, 14-40, 14-42 AND 14-44 of Chapter 14. The director shall have no power to consider or to grant variances which are the responsibility of the director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the director of the EPD and the director, the director shall take no action on any such request for variance until the director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the director of the

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EPD does not obligate the director to permit the project to proceed if the project does not also meet all the other requirements of this article. No variance from the provisions of Chapter 14 shall be authorized except as specifically authorized in this section or specifically authorized in another section of Chapter 14.

14-44.4(i)(1). In considering any request for a variance to the terms of this Chapter authorized in subsection (1) above, the director shall apply all of the following criteria:

- a. The request, while not strictly meeting the requirements of Chapter 14, will in the judgment of the director be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the director shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:
1. Stream bank or soil stabilization.
  2. Trapping of sediment in surface runoff.
  3. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff.
  4. Terrestrial habitat, food chain, and migration corridor.
  5. Buffering of flood flows.
  6. Infiltration of surface runoff.
  7. Noise and visual buffers.
  8. Downstream water quality.
  9. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
  10. The locations of all streams on the property, including along property boundaries.
  11. The location and extent of the proposed buffer or setback intrusion.
  12. Whether alternative designs are possible which require less intrusion or no intrusion.
  13. The long-term and construction water-quality impacts of the proposed variance.

RESPONSE \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- b. By reason of exceptional topographic or other relevant physical conditions of the subject property that was not created by which were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

RESPONSE \_\_\_\_\_  
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c. The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties which are similarly situated.

RESPONSE \_\_\_\_\_

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d. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

RESPONSE \_\_\_\_\_

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\_\_\_\_\_

e. Whether the applicant has provided a mitigation plan designed and stamped by Georgia licensed design professionals and whether that proposed mitigation plan is (a) non-structural; (b) designed to improve the quality of the stream and the associated buffer; and (c) includes a planting schedule and channel protection design.

RESPONSE \_\_\_\_\_

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f. Whether the literal interpretation and strict application of the applicable provisions or requirements of Chapter 14 would cause an extreme hardship, so long as the hardship is not created by the owner. The applicant is responsible for providing proof of hardship. The proof shall demonstrate the difficult site conditions and possible alternate designs. The director shall not grant any stream buffer variances if the actions of the property owner of a given property have created the conditions of hardship on the property.

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RESPONSE \_\_\_\_\_

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APPLICANT \_\_\_\_\_ DATE: \_\_\_\_\_

SIGNATURE \_\_\_\_\_

\*\*\*\*\*

AMOUNT: \_\_\_\_\_ MAP REFERENCE \_\_\_\_\_

RECEIPT \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_ FILE # \_\_\_\_\_

TYPE OF VARIANCE GRANTED:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ACTION TAKEN:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATE: \_\_\_\_\_

\_\_\_\_\_  
DIRECTOR OF DEVELOPMENT

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### **Stream Buffer Variance Checklist**

- Show graphic scale and north arrow, including location of all streams, wetlands, floodplain boundaries and natural features as determined by field survey.
- Delineate all state waters located on or within 200 feet of the project site.
- Delineate 25-foot undisturbed buffers of state waters and 50-foot buffers along designated trout streams from wretched point of vegetation.
- Delineate 75-foot undisturbed buffers of state waters from wretched point of vegetation.
- Identify the project receiving waters and describe adjacent areas – such as streams, lakes, drainage ditches, residential areas etc., which might be affected.
- Variance from GA. E.P.D. required for encroachment in 25-foot state waters buffers.
- All proposed mitigation plans shall be designed and stamped by a Georgia-licensed designed professional.
- Show double row Type –C silt fence between land disturbing activity and state waters, wetlands, 2025 built-out conditions and/or I.R.F.
- File notice of intent and notice of termination with GA. E.P.D. and DeKalb Co., if land disturbance is one (1) acre or more or within 200 feet of state waters. Submission must be 14 days prior to start of land disturbance activities.
- Show soil series and their delineation.
- Provide existing and proposed lot coverage.
- Show limits of disturbance on E&SC plans.
- Provide name, address, email address and phone number of developer/owner.
- Provide Power of Attorney, if you are not the owner.
- Provide name and phone number of 24 – hour local erosion and sediment control contact.
- Show certification number, signature and seal of qualified plan designer.
- Provide vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, seeding,

***\*No permanent non erodabel structure can be placed within the 75' Dekalb County Stream Buffer.***

- Show location and detail of erosion and sediment control practices, using uniform coding symbols from the manual for Erosion and Sediment Control in Georgia, Chapter 6. Practices may include, but not limited to:
  - Construction exit
  - Sediment Barrier per DeKalb STD. 900
  - Retrofitting
  - Storm Outlet Protection
  - Temporary sediment basin and calculations
  - Storm drain inlet sediment traps

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- Channel stabilization and vegetation
  - Check dams
  - Rock filter dams
  - Down drains
  - Temporary creek crossings
  - Mat blankets
  - Other
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- Provide 67 cubic yards per acre sediment storage. This can't be located within the 75' buffer area.
  - Provide a list of distinct and super district commissioners within which the property is located.
  - Provide a list of abutting property owners to subject property.
  - Posting of signs on site is required within 48 hours of submittal of a complete stream buffer variance application. Provide a dated photograph of the posted notice as evidence of posting within 48 hours of posting.

### **Notes on Plan:**

- Erosion and sediment control measures and practices to be inspected daily.
- Cut and fill slopes shall not exceed 3H: 1V on residential projects and lots, and lots shall not exceed 2H: 1V on all other projects.
- "I certify that the permittee's erosion, sedimentation and pollution control plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document 'Manual for Erosion and Sediment control in Georgia', published by the State Soil and Water Conservation Commission as of January of the year in which the land disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the storm water outfalls and the designed system of Best Management Practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit NO. Gar 10000-."(1,2 or 3).
- "I certify under penalty of law that this plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my direct supervision"
- Inspections by qualified personnel provided by the primary permittee and the associated records shall be kept on site in compliance with Gar.10000- (1,2 or 3).

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**ADDITIONAL QUESTIONS:**

Do all property lines bear dimension?

Yes No

Does it include Existing Grading Topography and Proposed Contours?

Yes No

Have you inserted other Plans or Documents?

Yes No

If so, list them below:

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Are you showing Water Quality Control?

Yes No

If Buffer Reduction Request, it is required a stream buffer zone of 75'. How many feet of Buffer are you requesting? \_\_\_\_\_ Feet

Check the box below if drawings indicate all of the following: The standard Dekalb 75 feet buffer; the standard State of Georgia 25 feet buffer; as well as the requested reduced buffer.

Yes No

Name what design feature or buffer management requirements have been proposed for the planned reduction.

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## Stream Buffer Variance

**“Example Sign”**

(Sign must be 20” x 22” Minimum)

Name of Applicant: \_\_\_\_\_

Address of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Site Plan Designer: \_\_\_\_\_

Contractor: \_\_\_\_\_

Type of Work: \_\_\_\_\_  
\_\_\_\_\_

AP Number: \_\_\_\_\_

Date Variance Applied for: \_\_\_\_\_