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**STREAM BUFFER VARIANCES**  
**Application Guidelines & Information**  
**UDO Title 3 Chapter 500**

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Stream Buffer variances, which require greater than 0.1 Water Quality Units as calculated on the Stream Buffer Mitigation Spreadsheet, are decided by the Board of Construction Adjustments & Appeals. Stream Buffer variances that require less than 0.1 Water Quality Units are Administrative Variances and reviewed by the Stormwater Plan Review section of Planning & Development. After a review by staff, variances decided by the BCAA are scheduled for an advertised public hearing. The Board of Construction Adjustments & Appeals meets on the 2<sup>nd</sup> Wednesday of each month (unless otherwise published) at 3:00PM, usually in the auditorium of the Gwinnett Justice & Administration Center, 75 Langley Drive, Lawrenceville. The applicant is required to post a public hearing notice on the property under consideration at least 15 days prior to the public hearing. Staff places a legal advertisement in the Gwinnett Daily Post at least 15 days prior to the hearing. Once advertised for public hearing, the variance request can **NOT** be withdrawn.

**Note: It is strongly recommended that the applicant, or the applicant's representative, attends the public hearing to address any questions or concerns.**

### **Submittal Schedules**

Please see the schedule for submittal deadline, sign posting and hearing dates posted at the following location: [Checklists and Forms | Gwinnett County](#)

The application includes the application form, plans, fees, and all related material required for review and processing. Failure to submit all required information can result in delaying the processing of your request and may extend the public hearing date beyond the date you are trying to attend.

The application package can be submitted via email to the Stormwater Plan Review Section of Planning & Development, at [P&D-StormWaterSewer@gwinnettcountry.com](mailto:P&D-StormWaterSewer@gwinnettcountry.com)

### **Application Requirements**

1. **Application Form**  
Please complete all portions of this form. The application must be signed, and the signatures notarized by both the applicant and the property owner. Incomplete applications cannot be processed.
2. **Application Fee**  
The application fee is \$200.00 and is non-refundable. An additional \$150.00 sign deposit fee per application is required. Fees can be paid on-line with the assigned case number provided by the Stormwater Plan Review section of Planning & Development.
3. **Owner's Statement & Sign Posting**  
Please complete the Owner's Statement and the Sign Posting Statement and provide with the application.

#### 4. Letter of Intent

The Letter of Intent shall be a clearly identified, separate document. The Letter of Intent should include the following information:

- An overview of the proposed development
- The reasoning behind encroaching into the stream buffers and why you, the applicant, believes the request is justified
- A discussion of a non-encroachment option and why it is not feasible
- A discussion regarding the 25-ft State Waters Buffer and EPD requirements for stream buffer variances
- If wetlands are on-site, then a discussion regarding USACE permitting requirements should be provided

#### 5. Gwinnett County Stream Buffer Evaluation Tool

The Stream Buffer Evaluation Tool needs to be completed and submitted with the initial submittal of the Variance Application.

#### 6. Existing Site Plan and Boundary Survey (24" x 36")

The Existing Site Plan/Survey should reflect the existing conditions of the property.

At a minimum the following items should be included:

- Locations of all streams, limits of wooded vegetation, wetlands, regulatory and FEMA floodplain boundaries and other existing natural features
- Existing topography with a minimum 2-ft contours and any other physical characteristics of the property such as existing impervious areas, disturbed areas, wooded areas, etc.
- Delineation of impacted areas within the various buffers (the 75-ft Impervious Setback, the 50-ft Gwinnett County Undisturbed Buffer & the 25-ft State Waters Buffer). A table/note, such as below, should be provided.
  - 75-ft Impervious Setback Area Impacted = XX.XX ac
  - 50-ft Gwinnett County Undisturbed Buffer Area Impacted = XX.XX ac
  - 25-ft State Waters Undisturbed Area Impacted = XX.XX ac

#### 7. Proposed Grading Plan (24" x 36")

The Proposed Grading Plan should reflect the proposed design of the site.

At a minimum the following items should be included:

- Proposed site layout
- Proposed grading with 2-ft contours
- Proposed stormwater utilities
- Delineation of the area that will be disturbed within the various buffers. The areas need to be clearly labeled showing the impacted areas within the 75-ft Impervious Setback, the 50-ft Gwinnett County Undisturbed Buffer, and the 25-ft State Waters Buffer. Provide various hatching to show the differences of impervious and previous disturbances in the buffers.
- A table/note, such as below, should be provided.
  - Proposed Impervious Area within 75-ft Impervious Setback Area = XX.XX ac
  - Proposed Impervious Area within 50-ft Gwinnett County Undisturbed Buffer = XX.XX ac
  - Proposed Pervious Area within 50-ft Gwinnett County Undisturbed Buffer = XX.XX ac
  - Proposed Impervious Area within 25-ft State Waters Undisturbed Buffer = XX.XX ac
  - Proposed Pervious Area within 25-ft State Waters Undisturbed Buffer = XX.XX ac

8. Proposed Landscaping Plan (24" x 36")

The Proposed Landscaping Plan should reflect the proposed restoration of the buffer areas. At a minimum the following items should be included:

- Proposed plant selection and quantity following the recommendations of the Unified Development Ordinance (UDO) and Gwinnett County Stormwater Management Manual (GCSMM)
- Proposed landscaping for encroachment areas

9. Additional Documentation

Please submit any additional information that may be helpful for the Board of Construction Adjustments and Appeals and staff. If a variance is required from the GA EPD and/or a permit from the USACE please provide a copy of each.

10. Submittal Deadlines

Filing deadlines are at the following location: [Checklists and Forms | Gwinnett County](#).

**Please note that the Filing Deadline is the date the request is to be received by the Stormwater Plan Review Section of Planning & Development.**



## STREAM BUFFER VARIANCE APPLICATION

### Stream Buffer Protection Ordinance

Please complete this application & submit it with all attachments as stated in the Stream Buffer Variance Guidelines & Information. Please TYPE or PRINT using BLUE or BLACK ink. A variance cannot be processed unless all information accompanies the application; a variance will not be considered when actions of any property owner of a given property have created conditions of a hardship on that property.

<u>Applicant Information</u>	<u>Property Owner Information</u>
Name: _____ Address: _____ _____ City: _____ State: _____ Zip: _____ Phone: _____	Name: _____ Address: _____ _____ City: _____ State: _____ Zip: _____ Phone: _____
Contact Person's Name: _____ Phone: _____ Email: _____	
Applicant is the (please check or circle one of the following): <input type="checkbox"/> Developer <input type="checkbox"/> Property Owner <input type="checkbox"/> Developer's/Property Owner's Agent	

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

Subdivision or Project Name: \_\_\_\_\_ Lot/Block: \_\_\_\_\_

District, Land Lot, & Parcel (MRN): \_\_\_\_\_

Development Type: \_\_\_\_\_

Variance Requested: \_\_\_\_\_

- Please attach a copy of the completed signed checklist for a Stream Buffer Variance

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**Applicant Certification**

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The undersigned is authorized to make this application and is aware that an application or reapplication for a variance affecting the same stream segment on a property shall be heard within 12 months from the date of last action by the Board of Construction Adjustments and Appeals, and in no case may such application or reapplication be considered in less than six months from the date of last action by the Board of Construction Adjustments and Appeals (Article 4, Section 4.2.2).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Seal

\_\_\_\_\_  
Typed or Printed Name & Title

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

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**Property Owner Certification**

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The undersigned is the record owner of the property considered in this application and is aware that no application or reapplication for a variance affecting the same stream segment on a property shall be heard within 12 months from the date of last action by the Board of Construction Adjustments and Appeals unless such 12-month period is waived by the Board of Construction Adjustments and Appeals, and in no case may such application or reapplication be considered in less than six months from the date of last action by the Board of Construction Adjustments and Appeals (Article 4, Section 4.2.2).

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Notary Seal

\_\_\_\_\_  
Typed or Printed Name & Title

\_\_\_\_\_  
Signature of Notary Public

\_\_\_\_\_  
Date

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**Planning & Development Use Below Only**

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

Received By: \_\_\_\_\_

MRN: \_\_\_\_\_ Variance Type: \_\_\_\_\_

Code Section: \_\_\_\_\_

Zoning District: \_\_\_\_\_

Commission District: \_\_\_\_\_

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

**NOTICE  
SIGN POSTING INSTRUCTIONS**

1. Signs must be posted at right-of-way of main street or road on which the property bounds.
2. Sign is to be mounted on hard surface that will prevent curling or bending of sign.
3. Sign shall be free of obstructions to said main road.
4. Signs improperly displayed may be ruled as a violation to the variance process.
5. Signs will be posted and maintained more than 15 days prior to the Board of Construction, Adjustments & Appeals meeting.

**NOTICE  
SIGN POSTING STATEMENT**

I have been given a copy of the sign posting instructions and I understand these instructions.  
I further understand that the sign is to be posted on or before:

Sign Posting Date: \_\_\_\_\_

Name: \_\_\_\_\_ Signature: \_\_\_\_\_

Address: \_\_\_\_\_  
\_\_\_\_\_

Phone: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Case Number: \_\_\_\_\_



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## STREAM BUFFER MITIGATION BANK ORDINANCE OWNERS STATEMENT

PROJECT NAME: \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_

\_\_\_\_\_

LANDLOT/DISTRICT/PARCEL: \_\_\_\_\_

PURSUANT ARTICLE 7.2 OF THE STREAM BUFFER MITIGATION BANK ORDINANCE, I/WE ACKNOWLEDGE ALL OBLIGATIONS PROPOSED TO THE COUNTY FOR THE PURPOSE OF ENCROACHMENT INTO GWINNETT COUNTY'S PROTECTED STREAM BUFFERS. SHOULD THE BOARD OF CONSTRUCTION ADJUSTMENTS AND APPEALS DECIDE IN MY/OUR FAVOR, PAYMENT WILL BE REQUIRED AT THE TIME OF PERMIT ISSUANCE.

IN-LIEU FEE: \$\_\_\_\_\_

\_\_\_\_\_  
APPLICANT NAME

\_\_\_\_\_  
SIGNATURE NAME OF OWNER/ MANAGING PARTNER

\_\_\_\_\_  
PRINTED NAME OF OWNER/ MANAGING PARTNER

\_\_\_\_\_  
DATE