TOWN OF BRASELTON, GEORGIA

STREAM BUFFER AND SETBACK VARIANCE APPLICATION

An applicant seeking a grant of variance from the stream buffer protection regulations found in Section 15.5 of the Town of Braselton's Development Code must submit to the Town one original and nine (9) completed copies of this application along with all information required to be included with this application (see application checklist) together with a \$400 fee to cover administrative and advertising costs. A public hearing will be held on a valid application from thirty (30) to sixty (60) days after the Town's receipt of such application. The applicant must be present at such hearing.

APPLICANT INFORMATION	OWNER INFORMATION*
NAME: OLD NORCROSS INVESTMENTS, INC ADDRESS: 4411 SUWANEE DAM ROAD, SUITE 750 CITY: SUWANEE STATE: GA ZIP: 30024 PHONE: 770.614.1471	NAME: TIN CUP INVESTMENTS, INC. ADDRESS: 4411 SUWANEE DAM ROAD, SUITE 750 CITY: SUWANEE STATE: GA ZIP: 30024 PHONE: 770.614.14171
CONTACT PERSON: FRED CRAWFORD IVA HOYLE	PHONE: 770.614.1471 FAX: 770.963.8520 EXT.105

^{*} Include any and all persons having a property interest and/or financial interest in any business entity having property interest (use additional sheets if necessary)

APPLICANT IS THE:

XOWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICT(S): R3

COUNTY TAX MAP NO. 123 TAX PARCEL NO: 123007C, 123006,

123010A, 11840B

ACREAGE: 83.377 ACRES

ADDRESS OF PROPERTY: EDNAVILLE ROAD & HOYT WOOD ROAD

BRASELTON CLERK'S OFFICE USE ONLY			
Date Received:	Received by:	Case Number:	

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. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;

 EXISTING CONDITIONS
- 2. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

 EXISTING CONDITIONS PLAN
- 3. 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;

CONCEPTUAL SITE PLAN DATED January 3, 2020.

- 4. Documentation of unusual hardship should the buffer be maintained; DETAILED IN APPLICATION
- 5. 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;

ALTERNATIVE CONCEPTUAL SITE PLAN DATED NOVEMBER 5, 2019.

- 6. A calculation of the total area and length of the proposed intrusion; SEE RESPONSE BELOW
- 7. A stormwater management site plan, if applicable; and,
 PROPOSED DETENTION POND LOCATIONS SHOWN ON CONCEPTUAL SITE PLAN
- 8. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

 DETAILED IN APPLICATION'S LETTER OF INTENT
- 6. OTHER THAN PUBLIC ROAD AND UTILITY CROSSINGS: WE ARE REQUESTING an ENCROACHMENT INTO THE 100 FOOT BUFFER FOR THE RECREATION AREA IMPROVEMENTS (SWIMMING POOL, CLUBHOUSE AND ASSOCIATED PARKING) UP TO 0.20 ACRES.

THE APPLICANT IS ALSO REQUESTING TO ALLOW FOR ENCROACHMENT INTO THE 50 FOOT IMPERVIOUSE SETBACK FOR A TOTAL OF 15 LOTS TO INCLUDE: LOTS 55, 56, 58, 59 PHASE I and LOTS 1-9,17, 18 PHASE II.

P. J. Krieger Engineers & Surveyors, Inc.

493 Cricket Ridge Court Lawrenceville, Ga. 30044 Tel. (678) 643-1422

January 9, 2020

City of Braselton Zoning Board of Appeals and Planning & Development Staff Braselton Planning and Development Department 4986 Hwy 53 Braselton, Georgia 30517

RE: Letter of Intent

Fox Creek S/D Stream Buffer Variance 83.377 ac. along Ednaville Rd. and Hoyt Wood Road Parcels 123007C, 123006, 123010A, and 11840B

To whom it may concern,

On behalf of my client (Old Norcross Investments, Inc.) I have prepared this letter of intent to clearly state the requests for relief from Article XV; Section 15.5.2 (Buffer & Setback Requirements).

Existing Site Conditions

The site is located with frontage along Ednaville Road and Hoyt Wood Road. The site is composed of Parcels 123007C, 123006, 123010A, and 11840B and contains a total of 83.377 acres. Topographic elevations range from 800 to 900 feet above sea level. Several areas, identified on the Existing Condition Plan demonstrate slopes over 25 percent. Existing vegetation consists of pasture and meadows and wooded areas of mostly hardwoods and areas of pines. The southeasterly property line is bordered by a stream with adjacent area within Zone A flood hazard area. Three additional streams traverse across the subject property running upstream in northerly, northwesterly and westerly directions. Two small ponds exist on-site. Existing wetlands are contained within the existing lakes or within the steam banks and flood plain.

Proposed Site Conditions

The subject property is zoned R-III with the condition that it be developed as single-family detached homes.

Old Norcross Investments, Inc. desires to develop the property as a Conservation Subdivision which is allowed under the R-III zoning pursuant to approval by the Mayor and City Council.

The "Standards for Conservation Subdivisions" require a minimum 75-foot buffer adjacent to the banks of all intermittent and perennial streams. Even though the site is approximately 10.1 miles upstream of the Winder/Mulberry Water Intake; it still falls within the 7-mile radius of the Winder/Mulberry Water Intake. Because it is within the 7-mile radius; the buffer requirements are expanded to a 100-foot buffer with an additional 50-foot impervious surface setback adjacent to the buffer.

These expanded buffers; when combined with the multiple streams traversing the site, flood plain, areas of rough topography and the irregular shape of the property creates a hardship from which Old Norcross, Inc. seeks relief by means of a variance.

A Concept Plan has been prepared for this site dated January 3, 2020 and is attached hereto for your reference and review.

Variances Requested

- 1. Allow encroachment into the 100' buffer for recreational area improvements (swimming pool, clubhouse and associated parking) up to 0.20 ac.
- 2. Allow for impervious surface encroachment into the additional 50' impervious setback for the following:
 - a. The recreational area improvements in 1 above.
 - b. 4 lots located in Phase I; lots 55, 56, 58 & 59.
 - c. 11 lots located in Phase II; lots 1-9 & 17 & 18.

<u>Justification and Mitigation</u>

As per the attached "Concept Plan"; other than as requested in (1) above: the 100' buffer will not be encroached upon except for the construction of public roads and public utilities which are allowed per the ordinance.

Encroachments into the additional 50' impervious setback shall be mitigated by one or more of the following methods:

- 1. Affected areas shall be graded so that impervious surfaces drain to the street and into a pipe system which flows to a storm-water management pond to be treated before entering a stream.
- 2. The developer shall install additional storm sewer piping systems to collect runoff from these areas and discharge into a storm-water management pond to be treated before entering a stream.
- 3. Where 1 & 2 above prove to be unfeasible; pervious paving and /or stormwater chambers may be used on individual lots.

Methods 1 and 2 shall be incorporated into the site development plans.

Conclusion

I believe approving the above variance requests subject to the proposed methods of mitigation would be consistent with and at least as protective of the streams as the "Conservation Subdivision Ordinance" and the "Buffer and Setback Requirements Ordinance". Runoff from impervious surfaces within the 50-foot impervious setback will not enter streams without being treated in a storm-water management facility.

I look forward to meeting with City Staff to address any questions or concerns.

Respectfully,

Phillip J. Krieger, PE, RLS

STANDARDS GOVERNING THE GRANT OF A STREAM BUFFER AND SETBACK VARIANCE

PURSUANT TO SECTION 15.5.3 OF THE TOWN OF BRASELTON DEVELOPMENT CODE, THE ZONING BOARD OF APPEALS FINDS THAT THE FOLLOWING CONDITIONS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE CONSIDERATION OF STREAM BUFFER VARIANCE REQUESTS. THE ZONING BOARD OF APPEALS WILL ONLY GRANT STREAM BUFFER VARIANCES IN THE FOLLOWING CASES:

- 1. When a property's shape, topography or other physical conditions prevents land development unless a buffer variance is granted.
- 2. Unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship.
- 3. 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.
- 4. Any variance granted by the Zoning Board of Appeals must require mitigation measures to offset the effects of any proposed land development on the parcel.

Please respond to the following standards in the space provided or use an attachment as necessary. SEE ATTACHMENT FOR APPLICANT'S RESPONSE

1.	
	unless a buffer variance is granted?
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	-
2.	Are there unusual circumstances when strict adherence to the minimal buffer requirements in the ordinance would create an extreme hardship?
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STANDARDS GOVERNING THE GRANT OF A STREAM BUFFER VARIANCE (cont.) (#2 cont.) 3. Following the adoption of these regulations on March 12, 2007, 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?

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.

APPLICANT'S RESPONSE TO STANDARDS GOVERNING THE GRANT OF A STREAM BUFFER AND SETBACK VARIANCE FOX CREEK SUBDIVISION

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

Due to the configuration of the site and multiple creeks flowing through the project, the site is significantly impacted relative to development as a residential subdivision. The site is located within the seven (7) mile radius of the Winder / Mulberry Water Intake. Accordingly, the buffer requirements are expanded to a 100-foot buffer with an additional 50-foot impervious surface setback adjacent to the stream buffer. These expanded buffers; combined with the multiple streams traversing the site, floodplain, areas of rough topography and the irregular shape of the property creates a hardship from which the applicant seeks the requested variance.

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

The required buffers combined with the multiple streams traversing the site, floodplain, areas of rough topography and the irregular shape of the property creates a hardship from which the applicant seeks relief of a variance. Accordingly, the applicant is seeking buffer encroachment for recreation improvements up to 0.20 acres, allow for 50 foot impervious setback encroachment for the recreation area, Phase 1 lots to include lots 55, 56, 58, 59 and Phase 2 lots to include lots 1-9 and 17, 18.

3. Following the adoption of these regulations on March 12, 2007, have the actions of the property owner created the conditions of a hardship of the property?

The requested stream buffer variance is not the result of any conditions created by the current property owner or previous property owners.

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

Encroachment into the 100 foot stream buffer is limited to the recreation area. Encroachments also include construction of public roads and public utilities which are allowed per the ordinance.

Encroachments into the additional 50-foot impervious setback shall be mitigated by grading affected areas so that impervious surfaces drain to the street and into a pipe system which flows to a storm-water management pond to be treated before entering a stream. The developer shall install additional storm sewer piping system to collect runoff from these areas and discharge into a storm water- management pond to be treated before entering a stream. If needed pervious paving and /or storm-water chambers may be used on individual lots.

VARIANCE APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNIED 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.

12(4)	Fred Crawford, Vice Pres.	
Signature of Applicant	Applicant's Name and Title	Date WHO G DAN OTAN O
Jas Jac	10-24-19	EXPIRES
Signature of Notary Public	Date	(SEACEORGIA Jan. 3, 2023 PUBLIC
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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.

44 HX	Fred Crawford, Vice Pres	
Signature of Owner	Owner's Name and Title	Dallan G DAV
	10-24-19	EXPIRES GEORGIA
Signature of Notary Public	Date	SEAL 2023 NETT COUNTRIBLE

BRA	ASELTON CLERK'S OFFICE USE ONLY	
Receipt No:	Amount of Fee:	_
Date:	Received By:	

CONFLICT OF INTEREST CERTIFICATION FOR VARIANCES

THE UNDERSIGNED BELOW, MAKING AN APPLICATION FOR A VARIANCE, HAS			
COMPLIED WITH THE OFFICIAL C	ODE OF GEORGI	A SECTION 36-674-1 FT SEC	
CONFLICT OF INTEREST IN ZOND	NG ACTIONS AND	O HAS STIRMITTED OF	
ATTACHED THE REQUIRED INFO	RMATION ON TH	E FORMS PROVIDED	
12011	10-24-19		
Signature of Applicant	Date	Type or print name and title	
Sample of Experience	Date	Type of print name and title	
Suttyle	10-24-19	Iva Hoyle, Project Manager	
Signature of Applicant's	Date	Type or print name and title	
Attorney or Representative	Duto	Type of print hame and title	
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7	10-24-19	EXPIRES :	
Signature of Notary Public	Date	Notary Seal GEORGIA	
•		Jan. 3, 2023	
		PUBLIC AND	
		JETT COUNTRING	
DISCLOSURE O	F CAMPAIGN CO	NTRIBUTIONS """"""""""""""""""""""""""""""""""""	
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 শ No	Fred Crawfor	d	
	YOUR NAME		
	10	UK NAME	
If the answer is yes, please complete the following section:			
NAME AND OFFICIAL C	ONTRIBUTIONS	DATE CONTRIBUTION	
POSITION OF (List	all which aggregate		
GEVERNMENT OFFICIAL	\$250 or more)	(Within last 2 years)	
		(**************************************	
Attach additional sheets if necessary to	disclose or describe	all contributions.	





