



Clayton County Planning & Zoning

121 South McDonough Street
Jonesboro, GA 30236
Office: 770.477.3569 Fax: 770.473.5481
Website: www.co.clayton.ga.us

STREAM BUFFER VARIANCE INSTRUCTIONS, APPLICATION & CHECKLIST

Procedure for Variance Application:

1. **Application:**

- Monthly submittal deadline: All applications must be complete and submitted in accordance with the Zoning Matters Schedule.
- Variance Considerations: The Clayton County Board of Commissioners may grant a variance from Article VIII. Clayton County Stream Buffer Protection Ordinance (see Sec. 38-144-2)
- Submittal requirements: **Completed** Application, fees and supporting documentation, including but not limited to the checklist items provided within this instruction packet.
- Notice to Interested Parties: Variance **Applicant** must inform surrounding parcel owners **in writing** that a variance request has been submitted, **15 days prior** to public hearing
- Zoning staff provides applicant the address of the parcel owners surrounding properties within 200 feet of subject property or within two (2) parcels.
 - **Applicant provides proof of mailing** -- certificate of mailing or certified mail receipt – to Zoning Administrator at least seven (7) business days **prior to public hearing**.

The letter must state the same information as the Legal ad. Failure to provide proof will lead to a tabling or postponement of applicant and will moved to the following month's hearing cycle. Note your submittal date for mailing proof: _____

2. **Staff Report and Board of Commissioners Public Hearing:**

- a. Staff reviews variance request and prepares comments for the Clayton County Board of Commissioners.
 - i. The **Clayton County Board of Commissioners** considers application request during officially scheduled public hearing
 - ii. Variances will be considered only in the following cases:
 1. When a properties shape, topography, or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted;
 2. Unusual circumstances would create an extreme hardship.
 - iii. Variances will not be considered when, following the adoption of this article, actions of any Property owner of a given property have created conditions of hardship on that property.
- b. **Meeting date and time:** The Clayton County Board Commissioners meets on the second Tuesday of every month at 7:00 p.m. (pre-meeting at 6:30 for staff review) at the Clayton County Administrative Building located at 112 Smith Street, Jonesboro, Georgia.

3. **Public Notice:** Notification for the scheduled public hearing follows the County Zoning Ordinance, Article XIII

- a. **Notice Sign:** The petitioner allows the County staff to post on the subject property, at least fifteen (15) days prior to the public hearing, in a conspicuous place along every street frontage/ public right-of-way
- b. **Legal Notice:** The Department of Community Development staff prepares a legal notice that will appear in the newspaper no less than one (1) time at least fifteen (15) calendar days
- c. **Interested Parties:** Applicant provides proof of notice to interested party seven (7) business days prior to public hearing.



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Checklist:

- Completed variance application
- Completed property owner authorization (notarized), if applicable
- Completed campaign disclosure form, if applicable
- Affidavit describing special powers of attorney, if applicable
- Deed of the property identifying legal ownership
- A site map (drawn to scale, signed and dated by an engineer, landscape architect, or surveyor) that includes locations of all streams, wetlands floodplain boundaries and other natural features, as determined by field survey
- A description of the shape, size, topography, slope, soils vegetation and other physical characteristics of the property
- 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.
- Documentation of unusual hardship should the buffer be maintained
- 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
- A calculation of the total area and length of the proposed intrusion
- A stormwater management site plan, if applicable
- Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.
- Letter of Intent** describing the details of the variance being requested and presenting information explaining or supporting the following criteria:
 - a. When a properties shape, topography, or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted;
 - b. Unusual circumstances would create an extreme hardship.

This letter should include any written commitments being made by the applicant/petitioner.

- A Letter from the Clayton County Board of Health indicating that the variance will not negatively affect the operation of septic system, if applicable.
- Obtain addresses of properties requiring Notification to Interested Party mailing
- Provide proof of mailing to Zoning Administrator by _____(date)



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STREAM BUFFER VARIANCE APPLICATION FORM

<u>FOR STAFF USE ONLY</u>	<u>DATE/TIME STAMP</u>
Project#: _____ Filing Fee: \$ _____ Received By: _____ Reviewed By: _____ Date Addresses Provided to Applicant: _____	

This application is required for all variance submittals. Incomplete applications will not be accepted.

APPLICANT AND PROPERTY OWNER INFORMATION

1. Applicant Name:		
Address:		
City:	State:	Zip Code:
Phone #:	Fax#:	
Email Address:		

2. Property Owner Name:		
Address:		
City:	State:	Zip Code:
Phone #:	Fax#:	
E-mail Address:		

PROPERTY INFORMATION

PARCEL ID:

3. Type of Project:	<input type="checkbox"/> New Construction	<input type="checkbox"/> Addition	<input type="checkbox"/> Alteration
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4. Current Zoning:

5. Land Lot(s):	District:	Section:
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6. Frontage (feet):	Depth (feet):	Area: (acres/square feet)
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7. Street Address/Road Name:

8. Subdivision:	Lot:	Block:
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9. Deed Book # (include copy of plat):	The subject property deed is recorded in Book _____, Page _____, in the office of the Clerk of Superior Court, Clayton County, Georgia
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10. Variance Requested (Be Specific):
a. Reduce the undisturbed natural vegetative buffer from _____ feet to _____ feet
b. Reduce additional impervious setback from _____ feet to _____ feet
c. Other:

11. Hardship:

12. Multiple Variances:
Are additional variances necessary to achieve relief? Yes <input type="checkbox"/> No <input type="checkbox"/>
If so, complete one application per section to be varied.

Application is hereby made to the Clayton County Board of Commissioners for the purpose of requesting a variance to Article _____ Section _____ of the Clayton County Code.

Signature of Applicant

Date

AUTHORIZATION BY PROPERTY OWNER (if applicable)

I, _____ (Property Owner's Name) SWEAR AND AFFIRM THAT I AM THE OWNER OF THE PROPERTY AT _____ (Property Address), PARCEL ID _____ AS SHOWN IN THE TAX MAPS AND/OR DEED RECORDS OF CLAYTON COUNTY, GEORGIA. I HEREBY AUTHORIZE THE PERSON(S) OR ENTITY(IES) NAMED BELOW TO ACT AS THE APPLICANT OR AGENT IN PURSUIT OF THE REZONING REQUESTED ON THIS PROPERTY.

Name of Applicant:

Last Name:	First Name:	
Address:		
City:	State:	Zip Code:
TELEPHONE NUMBER		
AREA CODE () Number -		

Notary's Seal:

Print Name of Property Owner

Signature of Property Owner

Personally Appeared Before Me this _____ day of _____ 2_____.

Notary Signature

Date

Disclosure of Campaign Contributions

Clayton County

Pursuant to OCGA, Section 36-67 A-3.A, the following disclosure is mandatory when an applicant or any representative has made campaign contributions aggregating \$250.00 or more to a local government within two (2) years immediately preceding the filing of this application.

It shall be the duty of the applicant and the attorney representing the applicant to file a disclosure with the governing authority of the respective local government. The following questions **must** be answered:

Have you the applicant made \$250.00 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No

If the answer is yes, you must file a disclosure report with the governing authority of Clayton County showing:

1. The name and official position of the local governing authority in Clayton County to whom the campaign contribution was made.

Name and official position of the applicant/representative (Please Print)

2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution was made.

Description of Campaign Contribution (Please Print)

\$ _____

Dollar Amount

This disclosure must be filed within 10 days after the application if first filed and must be submitted to the Board of Commissioners of Clayton County at 112 Smith Street, Jonesboro, Georgia 30236.

Signature (choose one) Applicant Owner

Date

Notary Signature

Date and Seal

SPECIAL POWER OF ATTORNEY AFFIDAVIT

STATE OF GEORGIA

COUNTY OF CLAYTON

This day of _____, 20____, I, the owner of

_____ make, constitute, and appoint _____,
Property Address and/or Tax Map ID Name of Attorney or Representative

my true and lawful attorney-in-fact, and in my name, place and stead giving unto said _____
 full power and authority to do and perform all acts and make all representation necessary, without any limitation
 whatsoever, to make application for said _____.
Type of Application

The right, powers, and authority of said attorney-in-fact herein granted shall commence and be in full force and effect on
 _____, 20____, and shall remain in full force and effect thereafter until actual
 notice, by certified mail, return receipt requested is received by the Clayton County Government Office stating that the
 terms of this power have been revoked or modified.

Owner

STATE OF GEORGIA:
 CLAYTON COUNTY, GEORGIA
 Subscribed and sworn to before me this _____ day of _____, 20____ in my county
 and state aforesaid, by the aforementioned Principal.

 NOTARY PUBLIC

My Commission Expires: _____

APPLICATION, PERMIT OR SERVICE	FEES
Zoning Amendment	
Single Family Residential	\$500.00 < 3 acres \$1,000.00 3-10 acres \$1,500.00 > 10 acres
Multi-Family Residential	\$2,000
Commercial/Industrial/Mixed Use	\$1,500
Conditional Use Permit	\$500.00
PUD	\$2,000.00
Zoning Modifications (conditions or modified site plans)	\$500.00
Land Use Plan Amendment	\$500.00
Plan Review **	
Commercial Site Plan Review	\$300.00 minimum (\$5.00 per acre)

Multi-Family Site Plan Review	\$500.00
Preliminary Plat Review	\$500.00
Final Plat Review	\$250.00 (minimum) for first 5 lots, ten \$50.00 for each additional lot.
Minor Subdivision	N/C

Variance/Appeals

Board of Appeals Variance or Administrative Appeal	\$400.00
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Permits and Other Applications

Telecommunications/Cell Tower	\$450.00 Co-location \$750 New tower (Plus CUP)
Fence and Wall Permit	\$25.00 (1,000 linear feet or less) \$50.00 (greater than 1,000 linear feet)
Tree Harvesting	\$50.00 minimum (\$1.00 per acre)
Residential Tree Removal Application	N/C
Zoning Verification Letter	\$100.00

Sign Permit

Temporary Sign Permit (Class 5 and Class 6)	\$50.00
Freestanding Sign Permit	\$100.00 (Plus building permit fee)
Wall Sign Permit	\$100.00 (Plus building permit fee)
Off-Premise (Billboard)	\$500.00 (Plus building permit fee) (Plus CUP)

Miscellaneous

Zoning Ordinance	\$ 50.00
Subdivision Regulations	\$ 20.00
Comprehensive Plan	\$ 50.00
Land Use Plan (color map)	\$ 50.00
Tree Preservation Ordinance	\$ 20.00
Landscape Guidelines	\$ 15.00
Development Procedures	No Charge
Large Base Map	\$ 10.00
Copies	
8 ½" x 11" or 8 ½" x 14"	\$.25
11" x 17"	\$ 1.50
18" x 24"	\$ 5.00

** An additional \$150 fee will be charged for each submittal following initial review