



| Official Use Only    |  |
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| <i>Date Received</i> |  |
| <i>Log No.</i>       |  |

## Riparian Buffer Authorized Encroachment Application

Pursuant to Atlanta City Code § 74-306, the Commissioner of the Department of Watershed Management may authorize an encroachment to allow development within a riparian buffer upon a showing by the applicant that due to site-specific conditions, the buffer required by Article VII of Chapter 74 of the Atlanta City Code would result in a hardship or extreme hardship; provided however, the grant of such encroachment shall require mitigation such that post-development conditions are at least as protective of water quality as pre-development conditions.

**Part 1: General Information.**

Address of Proposed Encroachment \_\_\_\_\_

County: \_\_\_\_\_

Parcel ID: \_\_\_\_\_

Property Owner(s) Name(s) \_\_\_\_\_

Agent Name (if applicable) \_\_\_\_\_  
(see page 6)

Mailing Address \_\_\_\_\_  
(if different from Property Address)

Email Address \_\_\_\_\_

Phone Numbers \_\_\_\_\_ alternate: \_\_\_\_\_

**Part 2: Documentation of Lot Creation**

Provide documentation that the lot is either a *new lot* or an *existing lot* as defined by § 74-302. The documentation should demonstrate that the lot was either recognized by the City on or before December 11, 2001 (existing lot), or recognized after December 11, 2001 (new lot). Examples of appropriate documentation include a City of Atlanta cadastral map, deed, title report, plat, or other recorded document showing that the current Parcel ID number was effective before December 11, 2001. Label this documentation as "**PART 2.**"

**Check one:** In accordance with the attached documentation, this parcel is a(n)

NEW LOT (recognized by the City after December 11, 2001)

EXISTING LOT (recognized by the City on or before December 11, 2001)

**Part 3: Description of Project**

Describe the project and include calculation of the total land disturbance within the buffer in square feet. Attach additional pages, drawings, documents, or photographs if necessary, labeled "**PART 3.**"

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**Part 4: Documentation of Hardship**

If the property is an EXISTING LOT (see **Part 2**), complete **Section A**; if the property is a NEW LOT, complete **Section B**. An authorized encroachment will not be granted for a distance, location, or activity that is greater than necessary to alleviate a hardship imposed by a strict application of the Riparian Buffer Ordinance.

**Section A (Existing Lot)**

§ 74-306(a)(1) of the Atlanta City Code requires the demonstration of a hardship, and that no alternative to an authorized encroachment exists. A hardship is a unique or special condition and does not include lesser property value by comparison to other properties in the vicinity, or the mere fact that a buffer exists on the property. Describe the hardship that necessitates a buffer encroachment. Attach additional pages if necessary labeled "**Part 4.**"

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**Section B (New Lot)**

§ 74-306(b)(3) of the Atlanta City Code limits authorized encroachment for a new lot of record to cases of *extreme hardship*. An extreme hardship exists when denial of the authorized encroachment would result in one of the following, and no alternative to the encroachment exists:

**Check one and provide a written explanation:**

- Non-compliance with applicable state or federal regulatory law

Explain:

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- Severe and unavoidable hazard to public health or safety

Explain:

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- Severe and unavoidable harm to the environment

Explain:

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## Part 5: Alternatives to Buffer Encroachment

Provide alternative designs which attempt to meet the same development goals as the proposed site plan while preventing buffer intrusion. Plans need not meet all the criteria of Part 8 of this application, but must contain enough information for the Technical Panel to evaluate the alternative. Provide an explanation as to why the alternative is not feasible. Provide alternative designs as an attachment labeled "**Part 5**," and explain below why the alternative is not feasible.

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## Part 6: Demonstration of Minimized Buffer Impact

Explain how the proposed impact to the stream buffer is minimized. An authorized encroachment will only be granted to the extent necessary to alleviate a hardship. Explain how the project alleviates the hardship identified in **Part 4**. Attach additional pages if necessary, labeled "**Part 6**."

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## Part 7: Mitigation

Mitigation is required and must ensure that post-encroachment conditions are at least as protective of water quality as pre-encroachment conditions. Mitigation should be site- and project-specific, and may include stormwater quality improvement measures or quantity reduction measures specified by the Georgia Stormwater Management Manual, stream or wetland restoration, buffer revegetation in accordance with the City of Atlanta Riparian Buffer Revegetation Guidelines, removal of existing impervious surfaces and revegetation, or buffer compensation. Explain the proposed mitigation and how it protects water quality. Provide details of the mitigation on the site plan (Part 8). Attach additional pages if necessary, labeled "**Part 7**."

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## Part 8: Site Plan

Attach a site plan that depicts the physical characteristics of the property, including, at a minimum, the following:

- Waters of the state, streams, wetland delineation, floodplain boundaries, other natural features, and all buffers as determined by a field survey;
- Property boundaries, size, existing and proposed topography, slopes, soil types, vegetation, and other relevant physical characteristics of the property;
- Locations of both existing and proposed structures, utilities, stormwater facilities, impervious surfaces, trees to be removed, and the limits of disturbance both inside and outside of the buffer.

- Area of the buffer to be impacted (accurately and clearly delineated), and total area and length of buffer disturbance (calculated);
- Erosion and sedimentation control measures in accordance with the Manual for Erosion and Sediment Control in Georgia to prevent the migration of sediment into streams, wetlands, or waters of the state;
- 100 year flood components for all streams with elevations and contour locations along the full length of the property. Where 100 year flood elevations have been determined by the Federal Emergency Management Agency Flood Insurance Rate Maps, or where other studies deemed acceptable by the Department exist, those elevations shall be used. In areas that have not been studied by the Federal Emergency Management Agency as shown on Flood Insurance Rate Maps, the Commissioner may require a 100 year flood study prepared in accordance with Atlanta City Code Chapter 74, Article V, and prepared by a professional engineer or hydrogeologist currently licensed in the State of Georgia;
- Proposed mitigation for the buffer disturbance, including details, calculations, and specifications.

**Part 9: Certification**

By signing below, I certify that I am the owner of the property for which the authorized encroachment is being proposed, or I am the authorized agent of said owner (complete attached authorization form if agent). I further certify that all information provided in this application and in all supporting documentation is true and correct. I understand that the omission or misrepresentation of a material fact in connection with this application shall be grounds for denial. I further understand that the Technical Panel may require additional information to evaluate my application.

\_\_\_\_\_  
Property Owner

\_\_\_\_\_  
Authorized Agent of Property Owner

\_\_\_\_\_  
Date

**Part 10: Submittal.** This application and all required attachments must be submitted either electronically to [TechnicalPanel@atlantaga.gov](mailto:TechnicalPanel@atlantaga.gov) or by mail or hand delivery to:

City of Atlanta, Department of Watershed Management  
Office of Site Development  
55 Trinity Avenue, Suite 4400  
Atlanta, Georgia 30303  
(404) 330-6249

## Riparian Buffer Authorized Encroachment Review Process:

- ❖ The Technical Panel will determine whether your application contains sufficient information to proceed with review. The Technical Panel will notify you if any additional information is required.
- ❖ The Technical Panel will conduct a review within 30 days of receipt of a complete application.
- ❖ Upon completion of review, the Technical Panel will either request modifications to the proposed encroachment, notify you to proceed with public notice, or deny the application.
- ❖ If you are advised to proceed with public notice, you should:
  - (1) Notify by certified mail all potentially affected property owners as defined in Code Section 74-310.
  - (2) Notify by certified mail the President of your local NPU.
  - (3) Post a sign as defined in Code Section 74-310
- ❖ Upon completion of public notice, you must submit a certification and evidence of such completion (a form will be provided). The public comment period is generally 30 days.
- ❖ Upon completion of the public comment period, the Technical Panel will review the public comments for pertinent information and issue a determination within 30 days.
- ❖ If the Authorized Encroachment is granted, you must send a second notice to all parties previously notified. The authorized encroachment will be valid for 30 months (2 ½ years).
- ❖ Within 30 days of issuance of the authorized encroachment, any adversely affected party may appeal the determination of the Technical Panel to the Commissioner of Watershed Management.
- ❖ If an appeal is successful, you will be notified of any change of status of your Authorized Encroachment.

# Riparian Buffer Authorized Encroachment Designation of Agent

I swear (or affirm) that I am the owner of \_\_\_\_\_  
*(address and parcel ID number)*

which property is the subject of the attached application for an authorized encroachment into the riparian buffer and is shown in the real property records of \_\_\_\_\_ County, Georgia.

I designate and authorize the person named below to act as my agent in the pursuit of this application for a riparian buffer authorized encroachment.

Agent's Name \_\_\_\_\_

Agent's Address \_\_\_\_\_

Agent's phone \_\_\_\_\_ *alt:* \_\_\_\_\_

Agent's email \_\_\_\_\_

Owner's Name \_\_\_\_\_

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

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### Notary Statement

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Notary Public

State of \_\_\_\_\_, County of \_\_\_\_\_

My commission expires \_\_\_\_\_.