



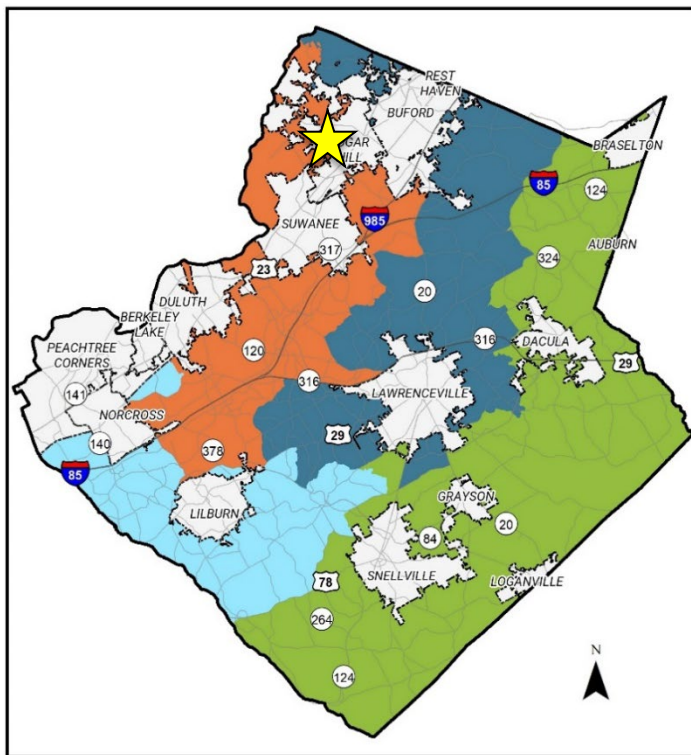
**Board of Construction Adjustments & Appeals Hearing
Wednesday, August 10, 2022, at 3:00pm**

Gwinnett Justice and Administration Center
75 Langley Drive, Lawrenceville, GA 30046


- A. **Call To Order**
- B. **Determination of a quorum**
- C. **Opening Remarks by Chairman and Rules of Order**
- D. **Approval of Agenda**
- E. **Approval of Minutes – July 13, 2022**
- F. **Old Business**
- G. **New Business**
 - Case Number: **SBV2022-00008**
 - Applicant: Michael Casey
 - Contact: Ringo, Abernathy, and Associates
 - Phone Number: 770-962-8456
 - Location: 699 Whitehead Road, Buford, GA 30518
 - Map Number: R7307 058
 - Acreage: 1.93
 - Proposed Development: Single Family Development
- H. **Other Business**
- I. **Announcements**
- J. **Adjournment**

PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SBV2022-00008
Address: 699 Whitehead Rd, Buford, Ga 30518
Map Number: R7307 058
Site Area: 1.93 acres
Proposed Development: Single Family Development
Request: Encroachment into the Gwinnett County stream buffers to accommodate installation of a single family house, retaining wall and associated grading.



- Commission District 1
Kirkland Dion Carden
- Commission District 2
Ben Ku
- Commission District 3
Jasper Watkins III
- Commission District 4
Marlene M. Fosque

 Subject Site

Location Map

Applicant: Ringo, Abernathy and Associates
257 Pinecrest Lane
Braselton, GA 30517

Owner: Amir Cehajan
5470 Brighion Rose Lane
Sugar Hill, GA 30518

Contact: Michael Casey

Contact Phone: 770.962.8456

Existing Site Condition

The subject site is a 1.93-acre lot along the frontage of Whitehead Road and consists of one parcel. The variance request is to allow construction of a single-family house and a retaining wall within the Gwinnett County 75-ft no impervious setback and the 50-ft undisturbed buffer.

Project Summary

The applicant is requesting a variance to allow for encroachment into the Gwinnett County 75-ft no impervious setback, the 50-ft Gwinnett County undisturbed stream buffer to accommodate for the single-family house and retaining wall:

- 2,797.84-sf of grading within the 50-ft Gwinnett County undisturbed buffer
- 168.60-sf of impervious area encroaching into the 50-ft Gwinnett County undisturbed buffer
- 277.04-sf of impervious area encroaching into the Gwinnett County 75-ft no impervious setback

Variance Requested

The applicant requests approval of a variance from the following regulation of the Unified Development Ordinance (UDO):

1. **Variance from Section 500** to allow encroachments into the Gwinnett County stream buffers.

Exhibits:

- A. Application
- B. Letter of Intent
- C. Gwinnett County Stream Buffer Evaluation Tool
- D. Existing Site Plan and Boundary Survey
- E. Proposed Site Plan and Grading Plan

Exhibit A: Application

[attached]



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.

Applicant Information	Property Owner Information
Name: <u>RINGO, ABERNATHY & ASSOC.</u> Address: <u>257 PINECREST LANE</u> City: <u>BRASSELTON</u> State: <u>GEORGIA</u> Zip: <u>30517</u> Phone: <u>770-962-8450</u>	Name: <u>AMIR CEHAJA</u> Address: <u>5470 BRIGHION ROSE LANE</u> City: <u>SUGAR HILL</u> State: <u>GEORGIA</u> Zip: <u>30518</u> Phone: <u>404-281-9960</u>
Contact Person's Name: <u>Michael Casey</u> Phone: <u>770-560-7730</u> Email: <u>michaelc@ringoabernathy.com</u>	
Applicant is the (please check or circle one of the following): <input type="checkbox"/> Developer <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Developer's/Property Owner's Agent	

Address of Property: 699 WHITEHEAD ROAD

Subdivision or Project Name: WHITEHEAD LAKES Lot/Block: 8

District, Land Lot, & Parcel (MRN): 7th / 307 / 058

Development Type: SINGLE FAMILY RESIDENCE

Variance Requested: HOUSE ENCROACHMENT INTO 75' IMPERVIOUS SURFACE SET BACK (277.04 sq.ft.) WALL (IMPERVIOUS 140.00 sq.ft.) AND FILL (PERVIOUS 2797.84 sq.ft.) IN 50' UNDISTURBED BUFFER.

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

Applicant Certification

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).



Michael Casey
Signature of Applicant

05/20/22
Date

Notary Seal

Michael Casey
Typed or Printed Name & Title

Lauren Ringo
Signature of Notary Public

05/26/22
Date

Property Owner Certification

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]
Signature of Applicant

05/26/22
Date

Notary Seal

Amir Cehaja
Typed or Printed Name & Title

Lauren Ringo
Signature of Notary Public

05/26/22
Date

Planning & Development Use Below Only

Date Received: _____ Received By: _____

MRN: _____ Variance Type: _____

Code Section: _____

Zoning District: _____ Commission District: _____

Hearing Date: _____



STREAM BUFFER MITIGATION BANK ORDINANCE OWNERS STATEMENT

PROJECT NAME: AMIR CEHAJA

PROPERTY ADDRESS: 699 WHITEHEAD ROAD
BUFFORD, GEORGIA 30618

LANDLOT/DISTRICT/PARCEL: 307 / 1st / 058

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: \$ 8,299.00

Amir Cehaja
APPLICANT NAME

[Signature]
SIGNATURE NAME OF OWNER/ MANAGING PARTNER

AMIR CEHAJA
PRINTED NAME OF OWNER/ MANAGING PARTNER

09/26/22
DATE

Exhibit B: Letter of Intent

[attached]

RINGO/ABERNATHY & ASSOCIATES

Gwinnett County Planning and Development Department
One Justice Square
446 West Crogan Street
Lawrenceville, GA 30046

Re: Stream Buffer Variance Request-
SBV2022-00008
Whitehead Acres Lot 8
699 Whitehead Road

To whom it may concern,

Our Client, Amir Cehaja is seeking to acquire a variance for a certain amount of grading and a wall, within the 50 foot stream buffer and a certain amount of building pad within the 75 foot impervious setback.

Property Information:

Whitehead Acres was developed as an R-140 subdivision (Septic Tank). Lot 8 was not built on because of poor soil and two small branches crossing the property. We now can get sewer to the site and build the house at the back of the lot and access will be from Dogwood Hills Drive.

Reason for Variance Request:

The house is a tight fit between the building set back and the 75 foot impervious surface set back. There will need to be an encroachment of 277.04 sq.ft. of House. In order to have a suitable rear yard, we will need to install a wall, 168.60 sq.ft. of impervious surface, along with 2797.84 sq.ft. of fill in the 50 foot undisturbed buffer.

Effect of Encroachment:

The wall will be 5 feet outside of the 25 foot State Waters buffer there is no impact to the State 25 ft. buffer and a variance from the state is not required. There is no wetland or flood plain in the area of the stream, the channel is well define. Once the work is complete and the yard is planted there should be little or no impact on the stream.

Ringo, Abernathy and Associates respectfully submits this request for the Stream Buffer Variance.

Thank you,

Michael Casey
Project Manager
770-560-7730

Exhibit C: Gwinnett County Stream Buffer Evaluation Tool

[attached]

Gwinnett County Stream Buffer Evaluation Tool

Date: 5/23/2022

District/ Lant Lot/ Parcel: 7307 058

Permit/ Case Number (i.e. SBV): SBV2022-00008

Project Name: Arnif Cehajia

Applicant Name: Ringo, Abernathy and Associates

Applicant Phone Number: 770-962-8456

Existing Area (square feet(SF))

Type	Zone										Total	
	0-25	25-50	50-75	75-150	150-300	300-450	450-600	600-750	750-900	900-1050		
Impervious	0	0	0	0	0	0	0	0	0	0	0	0
Disturbed Pervious	0	0	0	0	0	0	0	0	0	0	0	0
Forest	0	2,933	0	0	0	0	0	0	0	0	0	2,933
Total	0	2,933	0	0	0	0	0	0	0	0	0	3,243 SF

Proposed Area (square feet(SF))

Type	Zone										Total	
	0-25	25-50	50-75	75-150	150-300	300-450	450-600	600-750	750-900	900-1050		
Impervious	0	136	310	0	0	0	0	0	0	0	0	446
Disturbed Pervious	0	2,798	0	0	0	0	0	0	0	0	0	2,798
Forest	0	0	0	0	0	0	0	0	0	0	0	0
Total	0	2,934	310	0	0	0	0	0	0	0	0	3,244 SF

Buffer Impact 0.36
 On Site Mitigation 0.00
 Mitigation Needed 0.36

WQ Value Cost (\$/Value) \$23,000

Total Cost \$8,299

Gwinnett County Stream Buffer Evaluation Tool

Existing Impact Area (square feet)(SF)

Type	Zone				Total
	0-25	25-50	50-75		
ImperVIOUS					
Disturbed PerVIOUS					
Forest					
Total	0	2,933	310	310	3,243 SF

Proposed Impact Area (square feet)(SF)

Type (Existing>Proposed)	Zone				Total
	0-25	25-50	50-75		
Forest>ImperVIOUS					
Forest>Disturbed PerVIOUS					
Disturbed PerVIOUS>ImperVIOUS					
Total	0	2,934	310	310	3,244 SF

Impact WQ Value Factor

Type (Existing>Proposed)	Zone			
	0-25	25-50	50-75	
Forest>ImperVIOUS	8	6	2	
Forest>Disturbed PerVIOUS	7	5.25	0	
Disturbed PerVIOUS>ImperVIOUS	4	3	1	

Water Quality Impact Value = Area * Water Quality Value Factor

Type (Existing>Proposed)	Zone				Total
	0-25	25-50	50-75		
Forest>ImperVIOUS	0	0	620		
Forest>Disturbed PerVIOUS	0	14,650	0		
Disturbed PerVIOUS>ImperVIOUS	0	408	0		
Total	0	15,098	620		15,718

v050401

Existing Mitigation Area (square feet)(SF)

Type	Zone				Total
	0-25	25-50	50-75		
ImperVIOUS					
Disturbed PerVIOUS					
Forest					
Total	0	0	0	0	0 SF

Proposed Mitigation Area (square feet)(SF)

Type (Existing>Proposed)	Zone				Total
	0-25	25-50	50-75		
ImperVIOUS>Disturbed PerVIOUS					
Disturbed PerVIOUS>Restored Forest					
ImperVIOUS> Restored Forest					
Preserved Forest					
Total	0	0	0	0	0 SF

Mitigation WQ Value Factor

Type (Existing>Proposed)	Zone			
	0-25	25-50	50-75	
ImperVIOUS	0	0	0	
ImperVIOUS>Disturbed PerVIOUS	1	0.75	0.25	
Disturbed PerVIOUS>Restored Forest	1.5	1.125	0.375	
ImperVIOUS> Restored Forest	4	1.5	0.5	
Preserved Forest				1

Water Quality Mitigation Value = Area * Water Quality Value

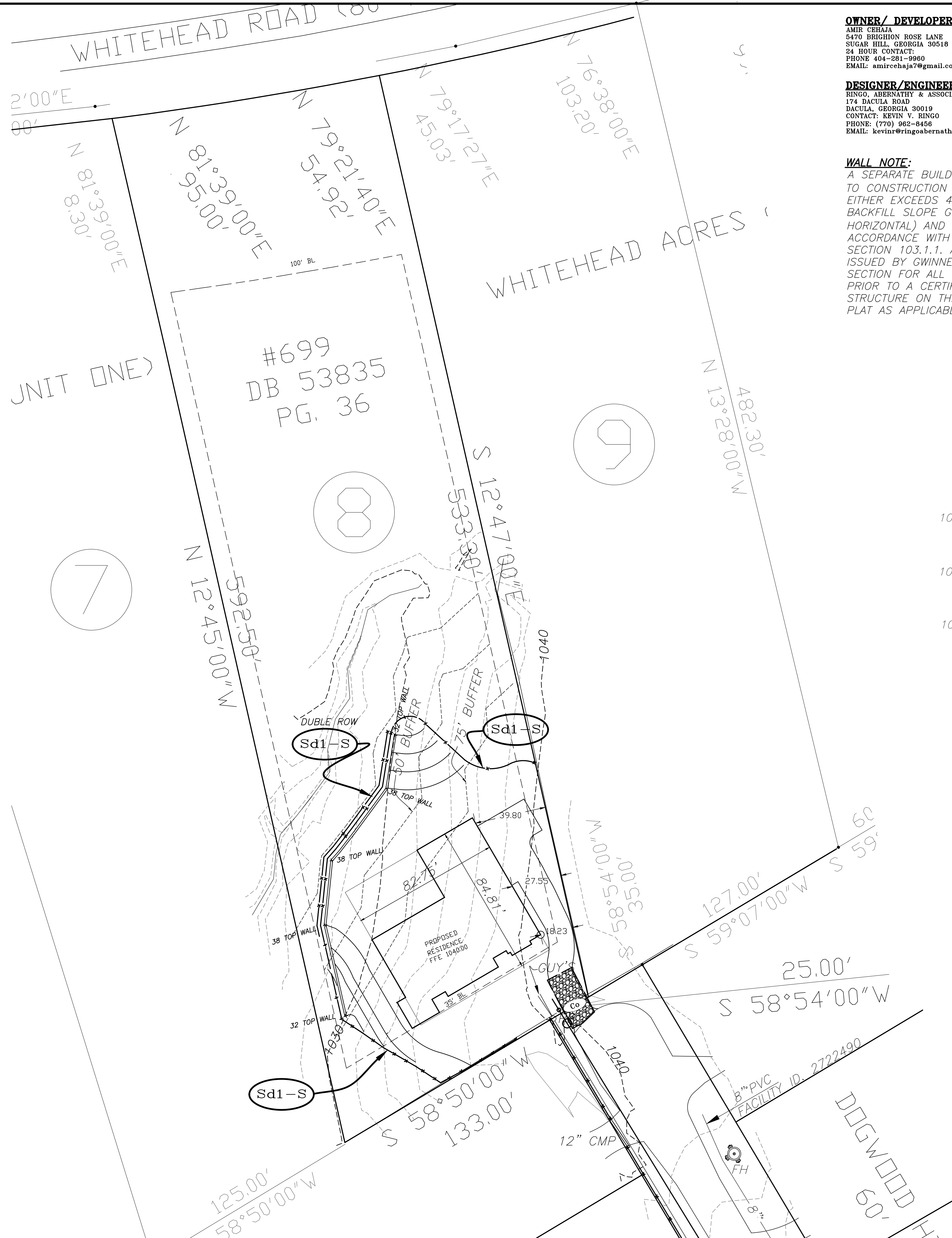
Type (Existing>Proposed)	Zone				Total
	0-25	25-50	50-75		
ImperVIOUS>Disturbed PerVIOUS	0	0	0		
Disturbed PerVIOUS>Restored Forest	0	0	0		
ImperVIOUS> Restored Forest	0	0	0		
Preserved Forest	0	0	0		
Total	0	0	0		0

Exhibit D: Existing Site Plan and Boundary Survey

[attached]

LEGEND :

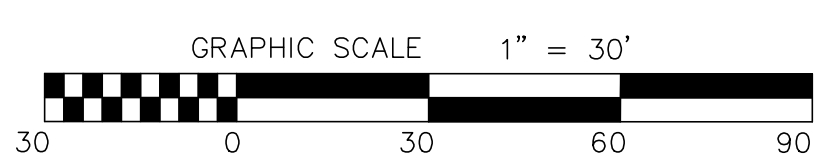
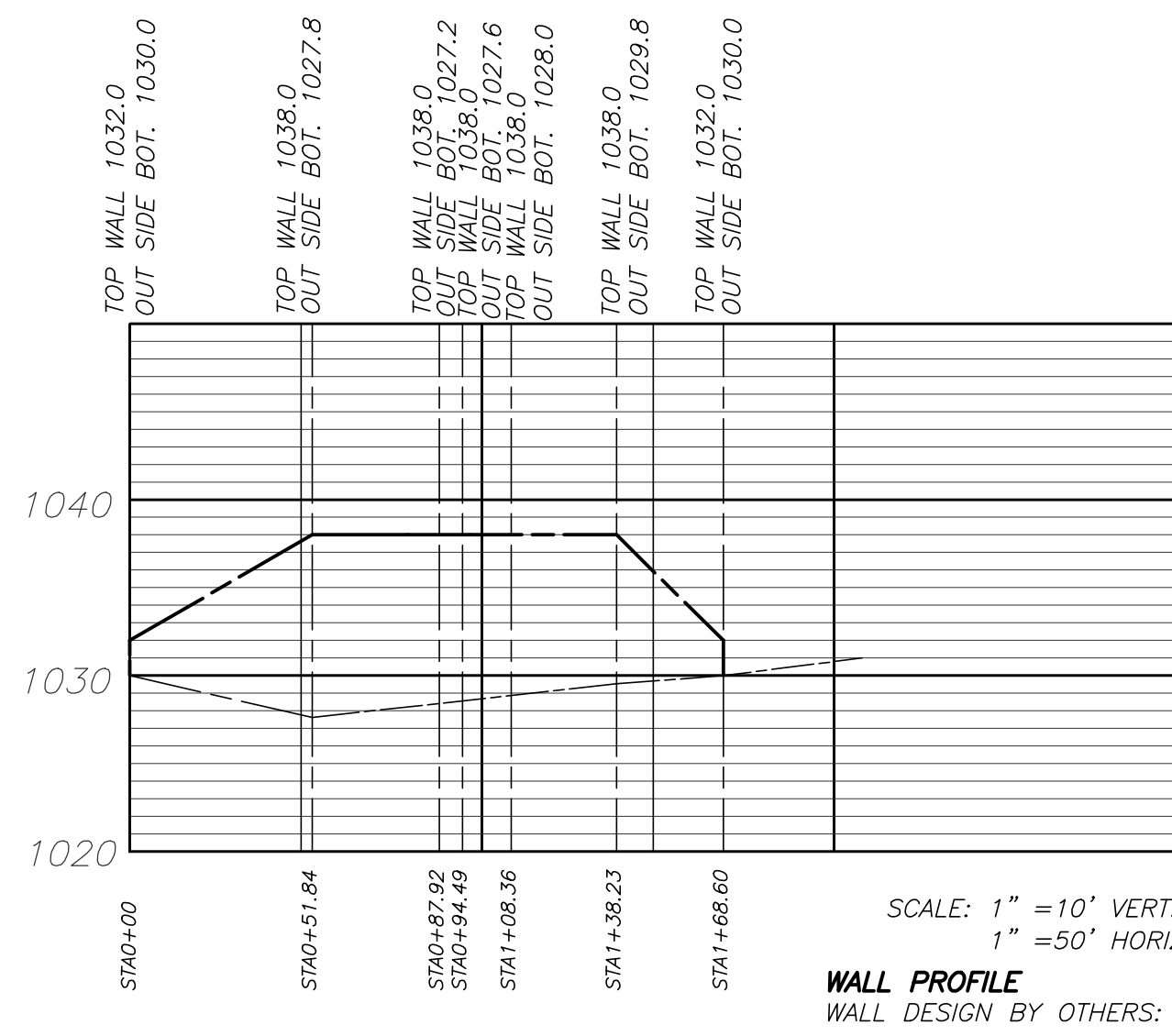
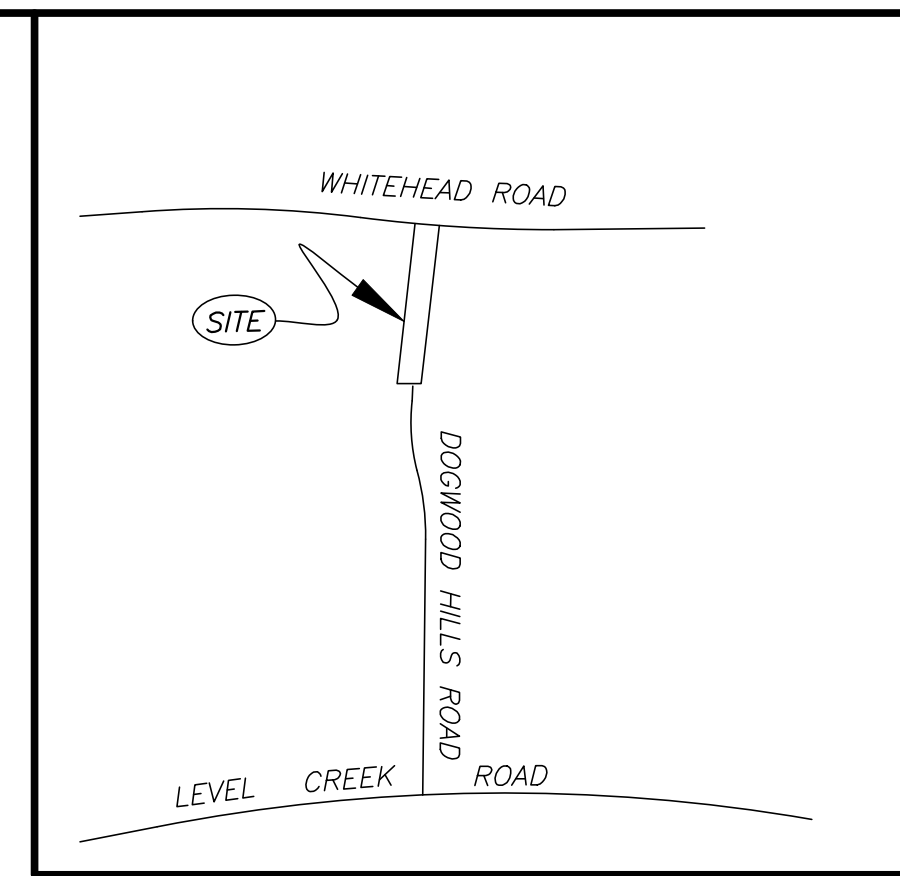
POB	POINT OF BEGINNING
LL	LAND LOT LINE
R/W	RIGHT OF WAY
N/F	NOW OR FORMERLY
OTF	CRIMP TOP FOUND
RBF	REBAR FOUND
OTF	OPEN TOP FOUND
RBS	REBAR SET
CMP	CORRUGATED METAL PIPE
RCP	REINFORCED CONCRETE PIPE
DIP	DUCTILE IRON PIPE
PVC	POLYVINYLCHLORIDE PIPE
SWCB	SINGLE WING CATCH BASIN
DWCB	DOUBLE WING CATCH BASIN
CI	CURB INLET
DI	DROP INLET
OCS	OUTLET CONTROL SYSTEM
JB	JUNCTION BOX
FES	FLARED END SECTION
HW	HEAD WALL
WI	WIER INLET
SSMH	SANITARY SEWER MANHOLE
CO	CLEAN OUT
INV	INVERT
-OHP-	OVERHEAD POWER LINE
-OTL-	OVERHEAD TELEPHONE LINE
-UT-	UNDERGROUND TELEPHONE LINE
EO	ELECTRIC OUTLET
UP	UTILITY POLE
-P-	UNDERGROUND POWER LINE
GUY	GUY WIRE
PP	POWER POLE
L/P	LIGHT POLE
C/I/T	CABLE/INTERNET/TELEPHONE
FH	FIRE HYDRANT
-W-	WATER LINE
WM	WATER METER
WV	WATER VALVE
VM	VALVE MARKER
SI	SIGN POST
BL	BUILDING LINE
CL	CENTERLINE
EP	EDGE OF PAVEMENT
*S	SAMPLING POINT
MP	MONITORING POINT
*	WETLANDS
SL	STREET LIGHT



OWNER/ DEVELOPER
 AMIR CEHAJA
 5470 BRIGHON ROSE LANE
 SUGAR HILL, GEORGIA 30518
 24 HOUR CONTACT:
 PHONE: 404-281-9860
 EMAIL: amircehaja@gmail.com

DESIGNER/ENGINEER
 RINGO, ABERNATHY & ASSOCIATES
 174 DACULA ROAD
 DACULA, GEORGIA 30019
 CONTACT: KEVIN V. RINGO
 PHONE: (770) 962-8456
 EMAIL: kevin@ringoabernathy.com

WALL NOTE:
 A SEPARATE BUILDING PERMIT SHALL BE OBTAINED PRIOR TO CONSTRUCTION FOR EACH SITE RETAINING WALL (WHICH EITHER EXCEEDS 4 FEET IN HEIGHT OR WHICH HAS A BACKFILL SLOPE GREATER THAN 1 FOOT IN RISE IN 3 FEET HORIZONTAL) AND EACH DETENTION POND WALL (DAM) IN ACCORDANCE WITH GWINNETT COUNTY CONSTRUCTION CODE SECTION 103.1.1. A CERTIFICATE OF COMPLETION SHALL BE ISSUED BY GWINNETT COUNTY BUILDING INSPECTIONS SECTION FOR ALL WALLS PERTINENT TO THE PROJECT PRIOR TO A CERTIFICATE OF OCCUPANCY FOR ANY USABLE STRUCTURE ON THE SITE OR PRIOR APPROVAL OF THE ON PLAT AS APPLICABLE.



KNOW WHAT'S BELOW, CALL BEFORE YOU DIG
 IF YOU DIG GEORGIA ... CALL FIRST!

THE EXISTING UTILITIES SHOWN ON THIS PLAN WERE OBTAINED FROM VARIOUS UTILITY COMPANIES, VARIOUS GOVERNMENTAL AGENCIES, AND ABOVE GROUND OBSERVATION. THE SURVEYOR AND/OR ENGINEER MAKE NO CLAIM TO THE COMPLETENESS OF THIS INFORMATION. THE SIZE, LOCATION, OR ADDITIONAL UTILITIES MAY BE UNCOVERED UPON EXCAVATION. PRIOR TO BEGINNING ANY EARTH DISTURBING ACTIVITIES, THE UTILITY PROTECTION SERVICE FOR THIS AREA MUST BE NOTIFIED.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

CONSULTANTS SURVEYORS PLANNERS

RINGO ABERNATHY & ASSOCIATES
 174 DACULA ROAD - DACULA, GA, 30019
 Phone (770) 962-8456

COUNTY:	GWINNETT
LAND LOT/DISTRICT:	307/7th
PARCEL(S):	058
DATE:	04/25/2022
SCALE:	1" = 30'
JOB NO.:	22030

SITE AND GRADING PLAN FOR:

AMIR CEHAJA

REVISIONS	NO.	DATE

SHEET
 1
 OF 1

Exhibit E: Proposed Site Plan and Grading Plan

[attached]

WHITEHEAD ROAD (80')

2'00"E

N 81°39'00"E

N 81°39'00"E

N 79°21'40"E

N 79°17'27"E

N 76°38'00"E

103.20'

45.03'

54.92'

59.21'40"E

100' BL

WHITEHEAD ACRES

JNIT ONE)

#699

DB 53835

PG. 36

N 12°45'00"W

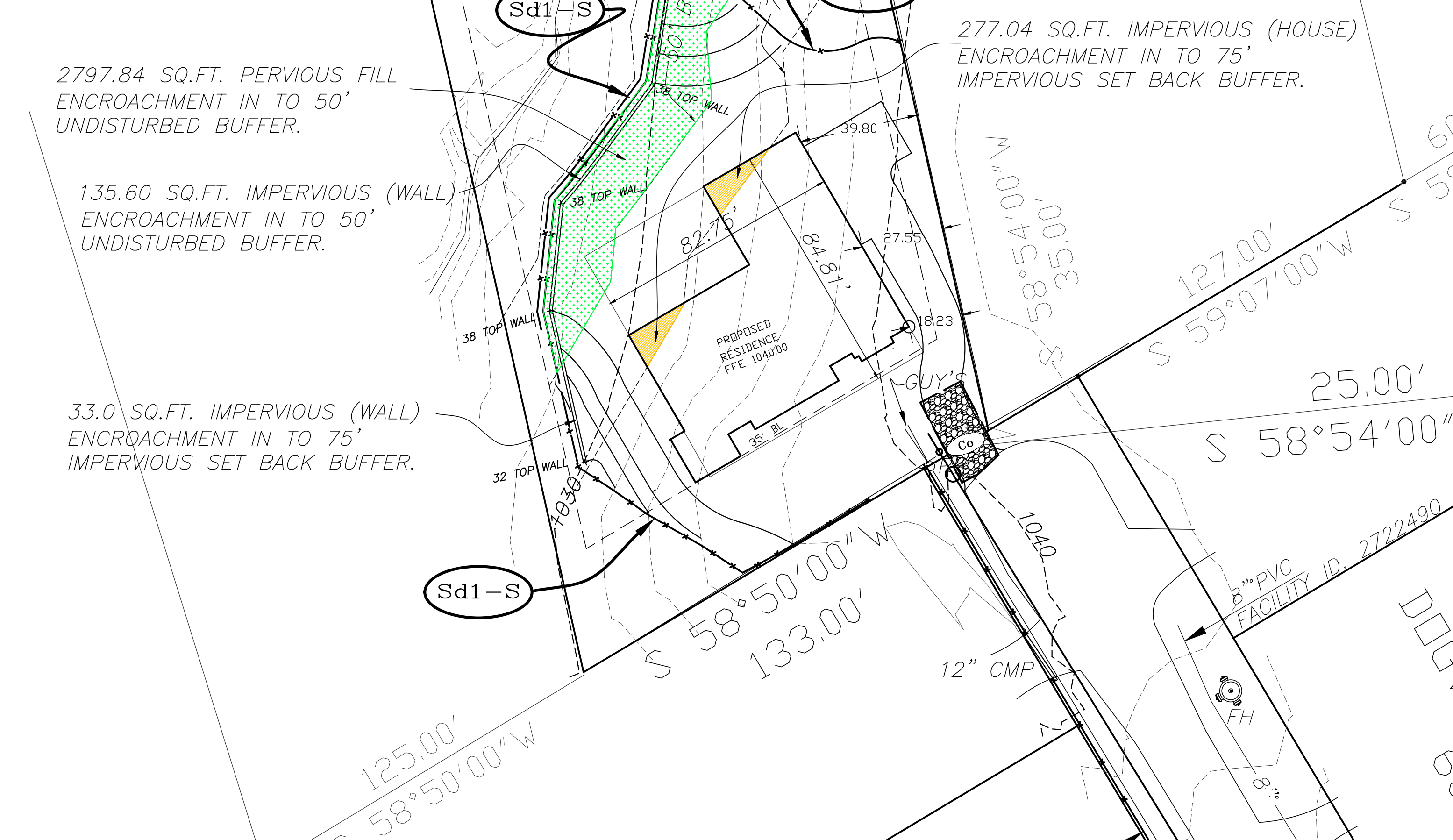
592.50'

N 12°47'00"E

533.30'

482.30'

N 13°28'00"W



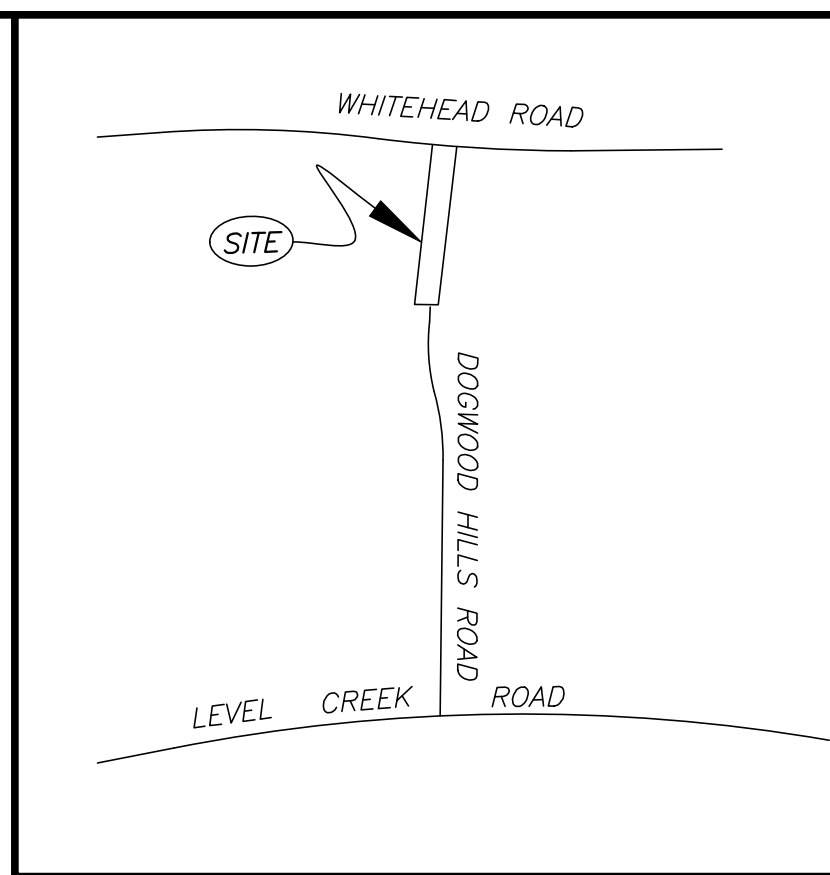
2797.84 SQ.FT. PERVIOUS FILL ENCROACHMENT IN TO 50' UNDISTURBED BUFFER.

135.60 SQ.FT. IMPERVIOUS (WALL) ENCROACHMENT IN TO 50' UNDISTURBED BUFFER.

33.0 SQ.FT. IMPERVIOUS (WALL) ENCROACHMENT IN TO 75' IMPERVIOUS SET BACK BUFFER.

277.04 SQ.FT. IMPERVIOUS (HOUSE) ENCROACHMENT IN TO 75' IMPERVIOUS SET BACK BUFFER.

ENCROACHMENT:
 75' IMPERVIOUS SETBACK AREA, IMPACTED = 277.04 SQ.FT. HOUSE.
 75' IMPERVIOUS SETBACK AREA, IMPACTED = 33.00 SQ.FT. WALL.
 50' IMPERVIOUS AREA DISTURBED = 135.60 SQ.FT. WALL.
 50' PERVIOUS AREA DISTURBED = 2797.84 SQ.FT. FILL.



VICINITY MAP
N.T.S.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

CONSULTANTS
SURVEYORS
PLANNERS

RINGO
ABERNATHY
& ASSOCIATES

174 DACULA ROAD - DACULA, GA. 30019
Phone (770) 962-8456

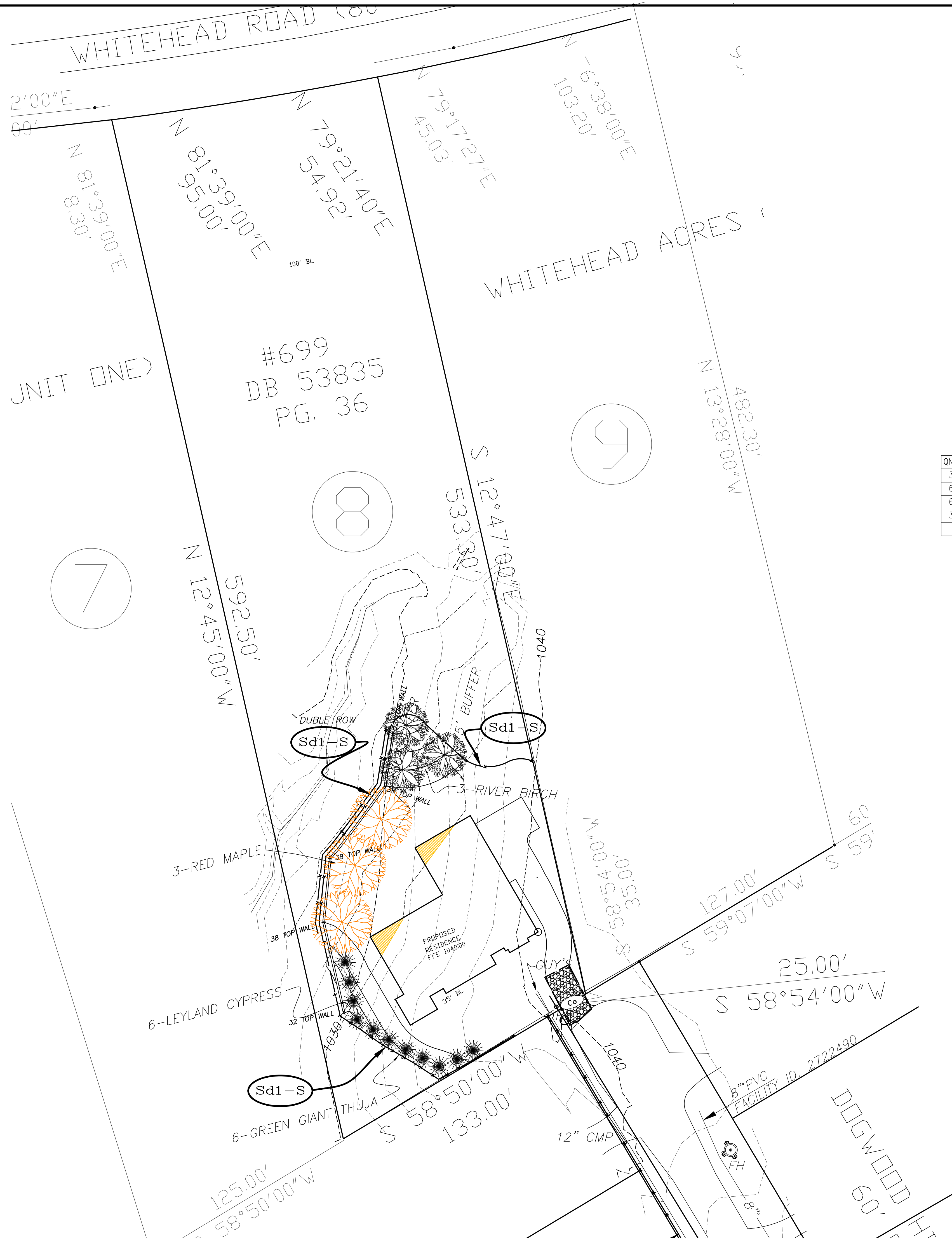
COUNTY:	WINNETT
LAND LOT/DISTRICT:	307/7th
PARCEL(S):	058
DATE:	04/25/2022
SCALE:	1" = 30'
JOB NO.:	22030

STREAM BUFFER VARIANCES:

AMIR CEHAJA

REVISIONS	NO.	DATE

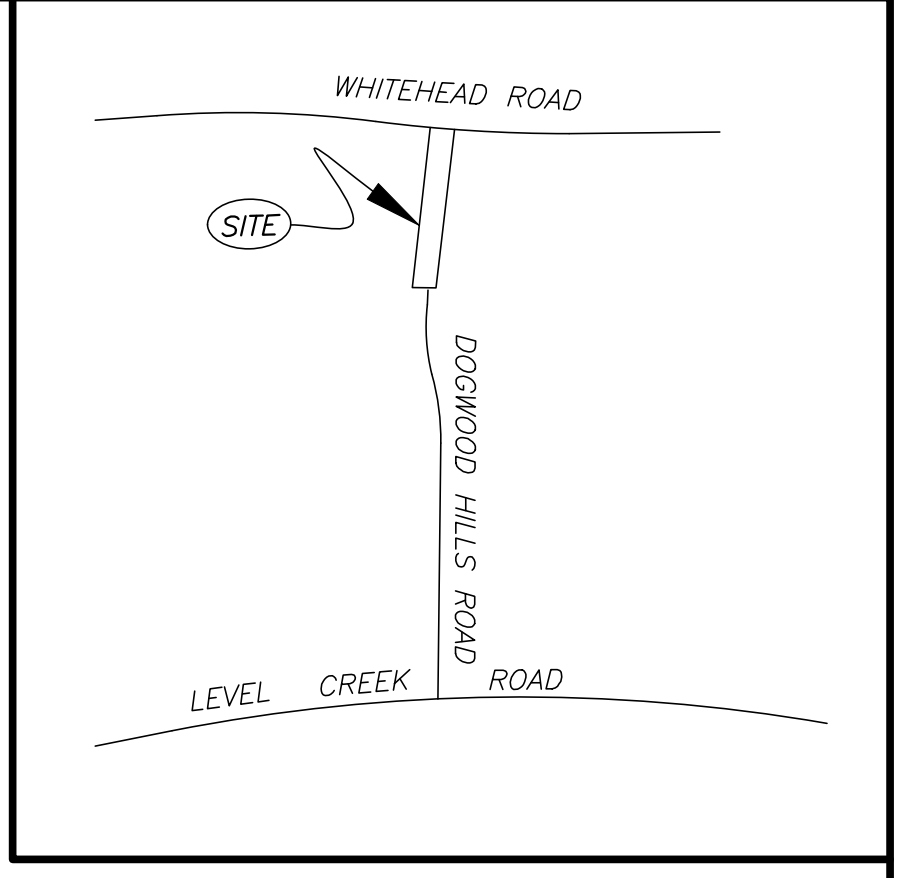
SHEET
5



UNIT ONE)

#699
DB 53835
PG. 36

WHITEHEAD ACRES



VICINITY MAP
N.T.S.

QNTY	BOTANICAL NAME	COMMON NAME	SPACING	SIZE
3	ACER RUBURN	SUGAR MAPLE	AS SHOWN	3" CAL.
6	CUPRESSOCYPARIS	LEYLAND CYPRESS	AS SHOWN	3" CAL.
3	BETULA NIGRA	RIVER BIRCH	AS SHOWN	3" CAL.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

RINGO
CONSULTANTS
SURVEYORS
PLANNERS

ABERNATHY & ASSOCIATES

174 DACULA ROAD - DACULA, GA. 30019
Phone (770) 962-6456

COUNTY:	WINNETT
LAND LOT/DISTRICT:	307/7th
PARCEL(S):	058
DATE:	04/25/2022
SCALE:	1" = 20'
JOB NO.:	22030

SBV2022-00008

STREAM BUFFER VARIANCE LANDSCAPE PLAN:

AMIR CEHAJA

REVISIONS	NO.	DATE