

# Board of Construction Adjustments & Appeals Hearing Wednesday, September 14, 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 August 10, 2022
- F. Old Business
- G. New Business

Case Number: SBV2022-00010
Applicant: Thaddeus Ugha

Contact: Atlantic Flair Homes, LLC

Phone Number: 404-445-5086

Location: 2499 Park Estate Drive, Snellville 30078

Map Number: R6052 489

Acreage: 0.27

Proposed Development: Single Family Development

H. Other Business

Fire Regulation Updates Presentation

- I. Announcements
- J. Adjournment



# GWINNETT COUNTY DEPARTMENT OF PLANNING AND DEVELOPMENT

446 West Crogan Street, Suite 300 | Lawrenceville, GA 30046-2440 678.518.6000 GwinnettCounty.com

# PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

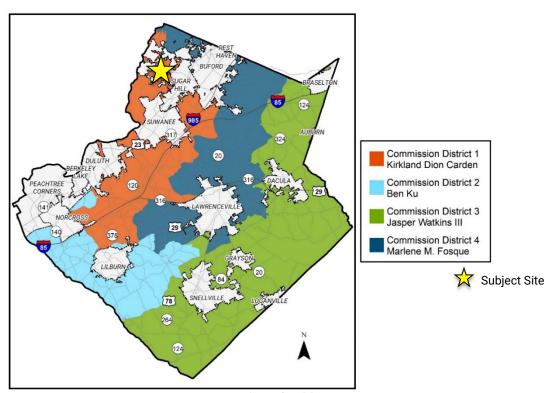
Case Number: SBV2022-00010
Address: 2499 Park Estate Dr

Map Number: R6052 489 Site Area: 0.27 acres

**Proposed Development:** Single Family Development

**Request:** Encroachment into the 75' Impervious Buffer and 50' Undisturbed Buffer to

allow the construction of a single-family home and associated grading.



Location Map

**Applicant:** Atlantic Flair Homes, Inc.

2024 Beaver Ruin Rd Norcross, GA 30071 Owner: JRAB Brokers & Investments

2024 Beaver Ruin Rd Norcross, GA 30071

Contact: Thaddeus Ugha Contact Phone: 404.445.5086

#### **Existing Site Condition**

The subject site is a 0.27-acre lot along the frontage of Park Estate Drive and consists of one parcel. The variance request is to allow construction of a single-family home and associated grading 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 a single-family home:

- o 434-sf of grading within the 50-ft Gwinnett County undisturbed buffer
- o 1,138-sf of impervious area encroaching into the 50-ft Gwinnett County undisturbed buffer
- 1,034-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]



# GWINNETT COUNTY PLANNING & DEVELOPMENT | STORMWATER PLAN REVIEW

### **VARIANCE APPLICATION**

#### 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 <a href="TYPE">TYPE</a> or <a href="PRINT">PRINT</a> using <a href="BLACK">BLACK</a> 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>A</u> ı	pplicant Information	Property Owner Information
Name: Atlantic Flair Address: 2024 Bea	Homes INC ver Ruin Road	Name:JRAB BROKERS & INVESTMENTS LLC  Address:2024 Beaver Ruin Road
City: Norcross		City: Norcross
State: <u>GA</u> Phone: 404-456-5086	Zip: <u>30071</u>	State: GA Zip: 30071  Phone: 404-446-7622
ı	ame:	Phone: _404-456-5086
	Applicant is the (please check	or circle one of the following):
[ ] Developer	[ ] Property Owner	[x] Děveloper's/Property Owner's Agent
Address of Property:	2499 PARK ESTATE DRIVE, SNELLVILLE	E, GA 30078
Subdivision or Project Na	me: MONTREAUX IN-TOWNE	Lot/Block: LOT 20/BLOCK A
District, Land Lot, & Parce	el (MRN): DISTRICT 6, LAND LOT 52	, PARCEL 20
Variance Requested:	REQUESTING 1,572 Sq Ft (0.0361 Acres)	ENCROACHMENT IN THE 50-FT COUNTY BUFFER AND 1,868
•		N THE 75-FT IMPERVIOUS BUFFER TO ALLOW
	CONSTRUCTION OF A SINGLE FAMILY	HOME

	Applicant Certification	****
affecting the same stream segment of	ke this application and is aware that an application or reapplication for a var n a property shall be heard within 12 months from the date of last action by the E eals, and in no case may such application or reapplication be considered in less n by the Board of Construction Adjustments and Appeals (Article 4, Section 4.2.	Board s than
	Signature of Applicant Date	22
WINNING FAIRCY	Signature of Applitant Date	
NO CONTROL OF A CANAL	Notary Seal	
A S	THADDEUS UGHA - BUILDER	
A PACH 23 TO LOS	Typed or Printed Name & Title	_ ~
COUNTY	Signature of Notary Public Date	<u>92</u> 2
*********	*********************	*****
***********	Property Owner Certification  ***********************************	*****
Poord of Construction Adjustments	onstruction Adjustments and Appeals unless such 12-month period is waived and Appeals, and in no case may such application or reapplication be considered flast action by the Board of Construction Adjustments and Appeals (Article 4, Son Signature of Applicant Date  Notary Seal  OSAHON PIUS AIREWELE - SOLE MEMBER	erea iii
A BLIC OF	Typed or Printed Name & Title	
COUNTY WILL	Signature of Notary Public Date	022
William,	Signature of Notary Fubic	*****
	Planning & Development Use Below Only	
********************************	Figuring & Development & Service & S	
Date Received:	Received By:	
MRN:Varia	nce Type:	
Code Section:		<u></u>
Zoning District:	Commission District:	
Hearing Date:		

STREAM BUFFER VARIANCE APPLICATION 2 | 2



# **OWNER'S STATEMENT**

# STREAM BUFFER MITIGATION BANK ORDINANCE OWNERS STATEMENT

2499 PARK ESTATE DR

PROJECT NAME:	2499 PARK ESTATE DR
PROPERTY ADDRESS:	2499 PARK ESTATE DRIVE, SNELLVILLE, GA 30078
LANDLOT/DISTRICT/PAR	RCEL: LAND LOT 52/ DISTRICT 6/ PARCEL: 20
· -	.2 OF THE STREAM BUFFER MITIGATION BANK ORDINANCE, I/WE
ACKNOWLEDGE ALL O	BLIGATIONS PROPOSED TO THE COUNTY FOR THE PURPOSE OF
ENCROACHMENT INTO G	SWINNETT COUNTYS PROTECTED STREAM BUFFERS. SHOULD THE BOARD
OF CONSTRUCTION ADJ	USTMENTS AND APPEALS DECIDE IN MY/OUR FAVOR, PAYMENT WILL BE
REQUIRED AT THE TIME	OF PERMIT ISSUANCE.
IN-LIEU FEE: \$3,552.00	
ATLANTIC FLAIR HOMES INC	
APPLICANT NAME	
AM	
SIGNATURE NAME OF OWN	NER/ MANAGING PARTNER
THADDEUS UGHA	D/MANACINIC DADTNED
PRINTED NAME OF OWNER	K/ MANAGING PAKTNEK
06/06/2022	
DATE	

### **Exhibit B: Letter of Intent**

[attached]



# ATLANTIC FLAIR HOMES LLC

2024 BEAVER RUIN ROAD, NORCROSS, GA 30071. PHONE: 404-456-5086. EMAIL: thadugha@gmail.com

June 6, 2022

Director of Planning & Development Gwinnett County 446 W Crogan Street, Suite 300 Lawrenceville, GA 30046

Dear Sir,

#### LETTER OF INTENT FOR VARIANCE FOR 2499 PARK ESTATE DRIVE, SNELLVILLE, GA 30078

- A) The purpose of this letter of intent is to explain and justify the variances requested.
  - The subject property is located at 2499 Park Estate Drive, Snellville, GA 30078.
  - We would like to construct a single-family two-story home of approximately 3,000 sq. ft in area. The size of the home was selected based on the average size of homes in the subdivision.
  - The purpose of the variance is to allow the minimum encroachment that would permit the construction of the proposed building.
  - The proposed building will encroach a total of 1,572 Sq ft (0.0361 Acres) into the 50ft County buffer, and a total of 1,868 Sq ft (0.0429 Acres) into the 75 ft impervious buffer.
  - The proposed building will not encroach on the 25-ft State buffer.
- B) A large portion of the property lies within the stream buffers set by Gwinnett County ordinance. Current Gwinnett County Ordinance prohibits the installation of structures within the 50-ft County stream buffer and the 75-ft impervious buffer. A majority of lots within the district do not lie within the 50-ft County and 75-ft Impervious buffers and are therefore not subject to this restriction.
- C) The literal interpretation of the stream buffer ordinance would deprive the property of the rights enjoyed by other properties within the subdivision. The required buffers will literally reduce the buildable area to the point that it will make the lot unbuildable.
- D) These special conditions namely the required buffers were not a result of any action taken by the owner or the initial developers of the subdivision as the subdivision final plat was recorded in 2007 prior to the larger buffer requirements, otherwise the county would not have approved this as a buildable lot.
- E) The variance sought are administrative and will not confer any special privileges that are denied by the ordinance to other lands, structures or buildings in the subdivision and district.
- F) These variances are not a non-conforming use in another district.

- G) The variances requested are the minimum necessary to allow for the construction of the building.
- H) The requested variance will be consistent with the general purpose and intent of the zoning ordinance, and will not be injurious to the neighborhood and the surrounding properties because the owner proposes to build a single-family home of similar size and look to that of the homes in the neighborhood.

Sincerely,

Thaddeus Ugha Licensed Builder

Lic. # RBQA003507

# Exhibit C: Gwinnett County Stream Buffer Evaluation Tool [attached]

Gwinnett County Stream Buffer Evaluation Tool

Date:

6/6/2022

District/ Lant Lot/ Parcel: DISTRICT 6/LAND LOT 52/ PARCEL 20

Permit/ Case Number (i.e. SBV):

Project Name: 2499 PARK ESTATE DRIVE

Applicant Name: THADDEUS UGHA

Applicant Phone Number: 404-456-5086

#### Existing Area (square feet{SF})

					Zone				****		
Туре	0-25		25-50		50-75		75-150		150-300		
Impervious	0	SF	0	SF	0	SF	0	SF	, 0	SF	
Disturbed Pervious	0	SF	0	SF	0	SF	0	SF	0	SF	
Forest	0	SF	0	SF	0	SF	0	SF	0	SF	
Total	0	SF	0	SF	0	SF	0	SF	0	SF	0 SF

#### Proposed Area (square feet(SF))

					Zone						
Туре	0-25		25-50		50-75	T	75-150		150-300		
Impervious	0	SF	1,138	SF	1,034	SF	0	SF	- 0	SF	
Disturbed Pervious	0	SF	434	SF	834	SF	0	(S)	0	SF	
Forest	0	SF	0	SF	0	SF	0	SF.	0	SF	
Total	0	SF	1,572	SF	1,868	SF	0	SF	0	SF	3,440 S

0.15 **Buffer Impact** 0.00 On Site Mitigation 0.15 Mitigation Needed

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

\$3,552 Total Cost

#### Existing Impact Area (square feet(SF))

			Zone				
Туре	0-25		25-50		50-75		
Impervious							
Disturbed Pervious	0	SF	0	SF	0	SF	•
Forest	0	SF	0	SF	0	SF	
Total	0	ac	0	ac	0	ac	C

#### Proposed Impact Area (square feet(SF))

	Zone							
Type (Existing>Proposed)	0-25		25-50	$\Box$	50-75			
Forest>Impervious	0	SF	0	SF	0	SF		
Forest>Disturbed Pervious	0	SF	434	SF	834	SF		
Disturbed Pervious>Impervious	0	SF	1,138	SF	1,034	SF		
Total	0	SF	1,572	SF	1,868	SF		

#### Impact WQ Value Factor

		Zone		
Type (Existing>Proposed)	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

	Zone							
Type (Existing>Proposed)	0-25	25-50	50-75					
Forest>Impervious	0	0	0					
orest>Disturbed Pervious	0	2,279	0					
Disturbed Pervious>Impervious	0	3,414	1,034					
Total	0	5,693	1,034					

v050401

Page 2

#### Existing Mitigation Area (square feet(SF))

					Zon	e
Type	0-2	5	25-5	i0	50-7	5
Impervious	0	SF		SF		SF
Disturbed Pervious		SF		SF		SF
Forest	_					SF
Total	0	SF	0	SF	0	SF

#### Proposed Mitigation Area (square feet(SF))

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

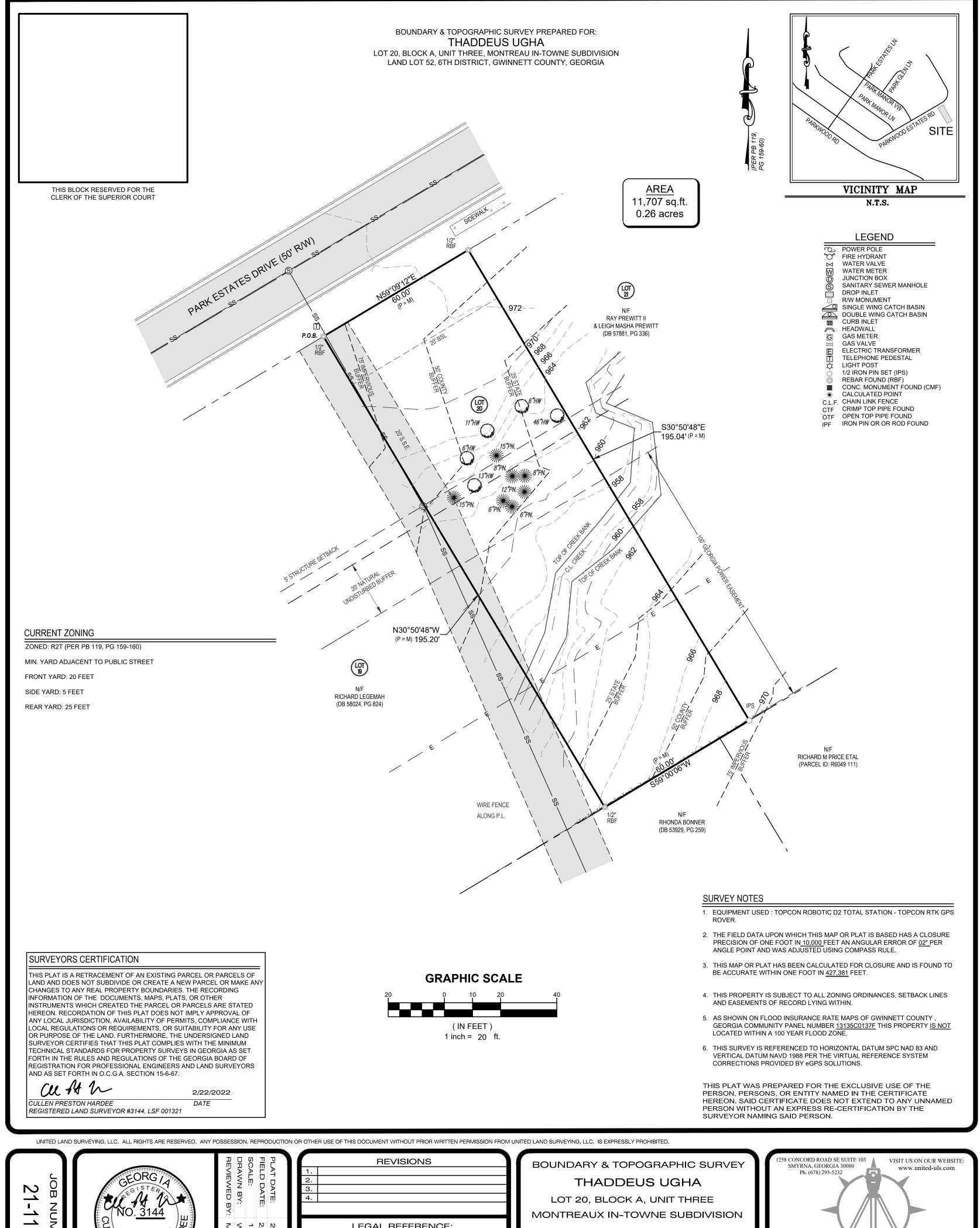
#### Mitigation WQ Value Factor

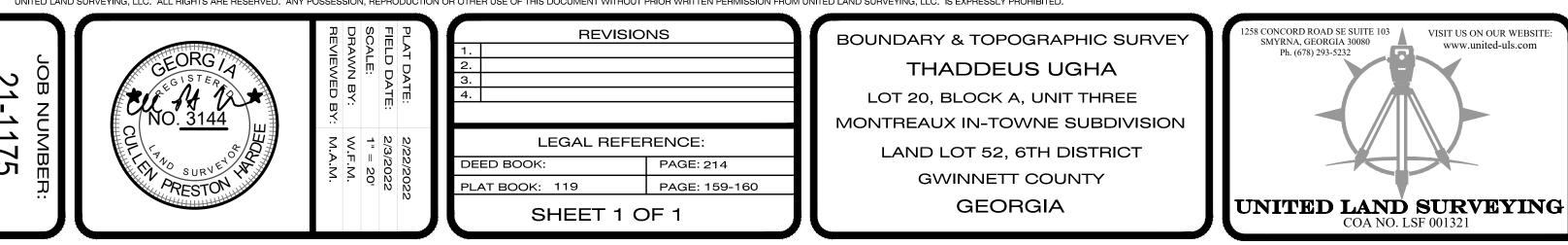
			Zone
Type (Existing>Proposed)	0-25	25-50	50-75
Impervious	Ö	Ö	0
Impervious>Disturbed Pervious	1	0.75	0.25
Disturbed Pervious>Restored Forest	1.5	1.125	0.375
Impervious> Restored Forest	4	1.5	0.5
Preserved Forest			1

#### Water Quality Mitigation Value = Area \* Water Quality Value

			Zone
Type (Existing>Proposed)	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

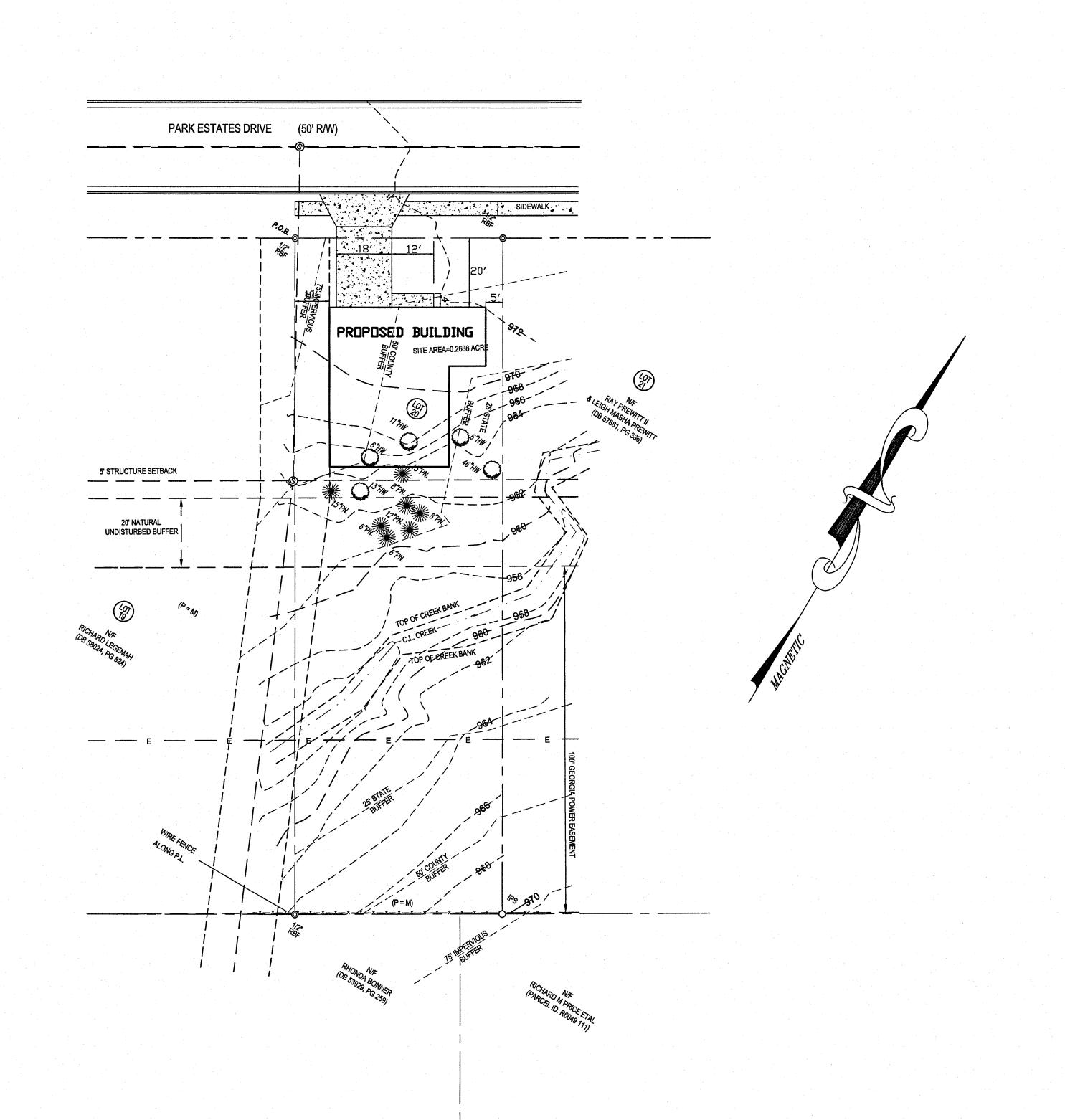
# Exhibit D: Existing Site Plan and Boundary Survey [attached]





# **Exhibit E: Proposed Site Plan and Grading Plan**

[attached]



HOME RESIDENTIAL HODRIVE, SNELLVILLE, GEORGIA FAMILY FARK ESTATE SINGLE AT 2499

DARA CONSULTING ENGINEERS, INC.

DESIGNERS - PLANNERS - SCIENTISTS

115 GREEN VALLEY RD, FAYETTEVILLE GA 30214

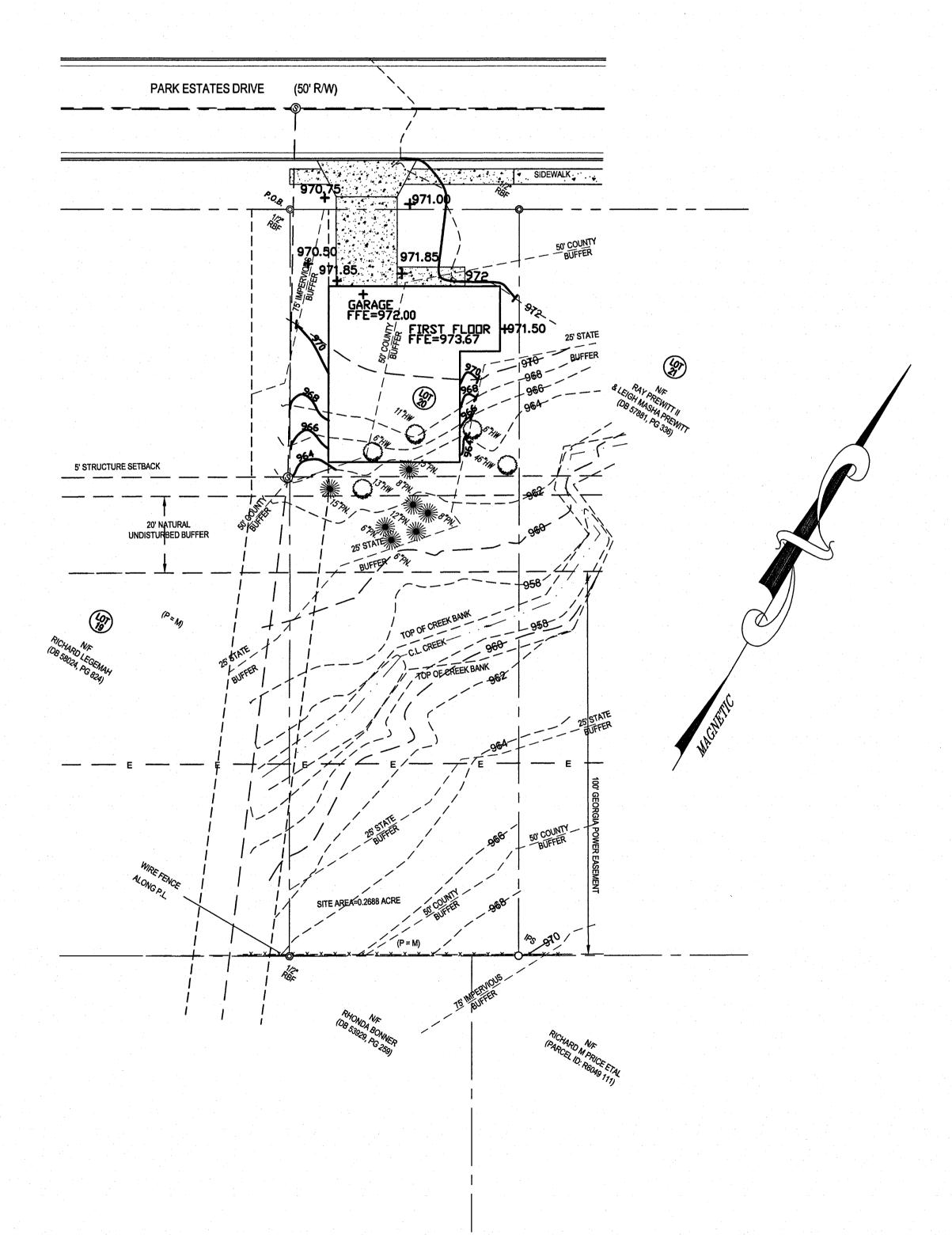
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STAKING PLAN SITE

PROPOSED PERVIOUS AREA WITHIN THE 75-FT SETBACK = 834 sf (0.0219 ACRE)

PROPOSED IMPERVIOUS AREA WITHIN THE 75-FT GWINNETT COUNTY UNDISTURBED BUFFER = 1034 SF (0.0210 ACRE) PROPOSED PERVIOUS AREA WITHIN THE 50-FT GWINNETT COUNTY UNDISTURBED BUFFER = 434 SF (0.0073 ACRE) PROPOSED IMPERVIOUS AREA WITHIN THE 50-FT GWINNETT COUNTY UNDISTURBED BUFFER = 1138 sf (0.0288 ACRE) EXISTING PERVIOUS AREA WITHIN THE 25-FT STATE WATERS BUFFER = 2317 sf (0.0532 ACRE)

PROPOSED IMPERVIOUS AREA WITHIN THE 25-FT STATE WATERS BUFFER = 0.00 sf (0.00 ACRE)



## **GRADING NOTES**

- NO GRADED SLOPES SHALL EXCEED 2h: 1v.
   CONTRACTOR SHALL OBTAIN APPROVAL FROM GWINNETT COUNTY FOR A HAUL ROUTE FOR SOIL AND DEBRIS BEING HAULED TO AND FROM THE CONSTRUCTION SITE.
- CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE RULES AND REGULATIONS OF THE FEDERAL, STATE AND LOCAL AUTHORITIES HAVING JURISDICTION OVER THE PROJECT SITE.
- 4. CONTRACTOR SHALL VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL CAUSE NOTICE TO BE GIVEN TO ALL APPLICABLE UTILITY COMPANIES AND THE UTILITY PROTECTION CENTER (UPC) AT 1-800-282-7411 AS REQUIRED BY GEORGIA LAW CODE SECTION 25-9-1 THROUGH 25-9-13 AT LEAST 72 HOURS (THREE WORKING DAYS) PRIOR TO ANY LAND DISTURBANCE ACTIVITIES.
- CONTRACTOR SHALL ADJUST ALL EXISTING UTILITY STRUCTURES AFFECTED BY GRADING PER GWINNETT COUNTY STANDARDS AND SPECIFICATIONS.

# NOTES:

- 1. THE ESCAPE OF SEDIMENT FROM THE SITE SHALL BE PREVENTED BY THE INSTALLATION OF EROSION AND SEDIMENTATION CONTROL MEASURES AND PRACTICES PRIOR TO, OR CONCURRENT WITH LAND-DISTURBING ACTIVITIES.
- 2. EROSION CONTROL MEASURES WILL BE MAINTAINED AT ALL TIMES.
  IF FULL IMPLEMENTATION OF THE APPROVED PLANS DO NOT PROVIDE
  FOR EFFECTIVE EROSION CONTROL, ADDITIONAL EROSION AND SEDIMENT
  CONTROL MEASURES SHALL BE IMPLEMENTED TO CONTROL OR
  TREAT THE SEDIMENT SOURCE.
- 3. MAINTENANCE STATEMENT: EROSION CONTROL MEASURES WILL BE INSPECTED AT LEAST WEEKLY, AFTER EACH RAIN AND REPAIRED BY THE GENERAL CONTRACTOR.
- H. ADDITIONAL EROSION AND SEDIMENT CONTROL MEASURES WILL BE INSTALLED IF DEEMED NECESSARY BY ON-SITE INSPECTION.

NOTE: WATERS OF THE STATE EXISTS WITHIN 200 FEET OF OF THE PROJECT SITE.

# SITE INFORMATION

TOTAL AREA OF SITE: 0.2688 ACRE

TOTAL DISTURBED AREA OF SITE: 0.0790 ACRE

PROPOSED CONSTRUCTION: CONSTRUCT NEW BUILDING, INSTALL NEW DRIVEWAY,

INSTALL WATER LINES AND SEWER LINES.

# CONSTRUCTION NOTES

- 1. ALL PROPOSED WORK ITEMS SHALL BE CONSTRUCTED AS SHOWN ON THE PLAN AND DETAILS.
- 2. CONTRACTOR SHALL VERIFY ALL EXISTING SITE STRUCTURES IN THE AREAS OF PROPOSED WORK.
- 3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING EXISTING STRUCTURES BOTH ABOVE AND <u>UNDERGROUND</u> AND SHALL BE RESPONSIBLE FOR REPLACING ANY STRUCTURE DAMAGED DUE HIS CONSTRUCTION ACTIVITIES.
- 4. ALL EXISTING SITE STRUCTURES TO REMAIN IN PLACE SHALL BE PROTECTED FROM DAMAGE BY THE CONTRACTOR.
- 5. ANY DAMAGE DONE ON EXISTING SITE STRUCTURES DUE TO CONTRACTOR'S OPERATIONS SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT NO COST TO THE OWNER.
- 6. INVERT ELEVATIONS AND LOCATION OF EXISTING UNDERGROUND UTILITIES ARE APPROXIMATE, CONTRACTOR SHALL FIELD—VERIFY LOCATIONS AND INVERTS PRIOR TO CONSTRUCTION.
- 7. ALL EXISTING SITE STRUCTURES IDENTIFIED FOR REMOVAL DURING CONSTRUCTION SHALL SHALL BE REMOVED AND DISPOSED OFF SITE BY THE CONTRACTOR.
- 8. CONTRACTOR SHALL CLEAN AND FLUSH ALL STORM SEWER SYSTEMS AT THE END OF CONSTRUCTION AT NO ADDITIONAL COST TO THE OWNER.
- 9. ALL WORK SHALL BE PERFORMED AND FINISHED IN A WORKMAN-LIKE MANNER TO THE SATISFACTION OF THE OWNER AND IN ACCORDANCE WITH THE BEST RECOGNIZED TRADE PRACTICES.
- 10. ALL <u>NECESSARY</u> BARRICADES, SIGNS AND OTHER TRAFFIC CONTROL METHODS AS MAY BE NECESSARY FOR PROTECTION AND SAFETY OF THE PUBLIC SHALL BE PROVIDED AND MAINTAINED BY THE CONTRACTOR THROUGHOUT THE CONSTRUCTION PERIOD.

SINGLE FAMILY RESIDENTIAL HOME

AT 2499 PARK ESTATE DRIVE, SNELLWILLE, GEORGIA

BY ATI ANTIC FLAIR HOMES

DC2022-

GRADING PLAN

SITE

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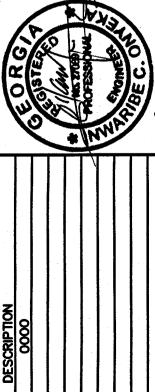
DARA CONSULTING ENGINEERS

DESIGNERS - PLANNERS - SCIENT

115 GREEN VALLEY RD, FAYETTEVILLE

PHONE 770-548-8831

E-MAIL: conveka@dargengineers.com



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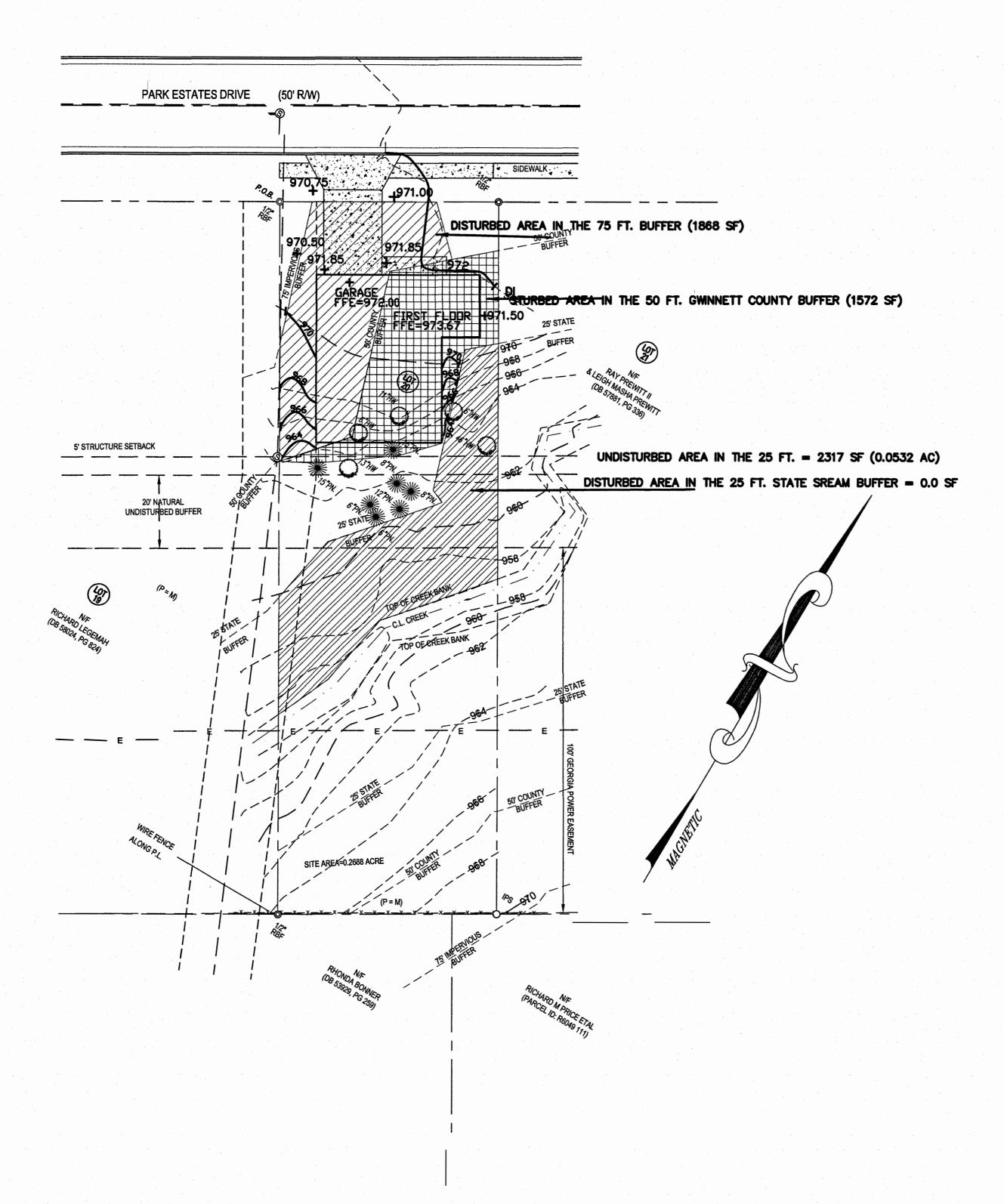
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PROPOSED PERVIOUS AREA WITHIN THE 50-FT GWINNETT COUNTY UNDISTURBED BUFFER = 434 SF (0.0073 ACRE) PROPOSED

IMPERVIOUS AREA WITHIN THE 50-FT GWINNETT COUNTY UNDISTURBED BUFFER = 1138 sf (0.0288 ACRE) EXISTING PERVIOUS

AREA WITHIN THE 25-FT STATE WATERS BUFFER = 2317 sf (0.0532 ACRE)

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SINGLE FAMLY RESIDENTIAL HOME

AT 2499 PARK ESTATE DRIVE, SNELLWILLE, GEORGIA

BY ATLANTIC FLAIR HOMES

E GRADING CALCULATIONS

ARE

DARACONSULTING ENGINEERS, IN DESIGNERS - PLANNERS - SCIENTISTS - SCIEN