



Gwinnett

AGENDA PACKAGE

Board of Construction Adjustments & Appeals Hearing

January 14, 2026

BCAA CHAIRMAN NOTES

**To be read by the Chairman
at the start of the meeting**

BCAA CHAIRMAN NOTES

BEFORE WE GET STARTED WITH TODAY'S AGENDA, I HAVE A FEW ITEMS TO REVIEW:

- I WOULD LIKE TO REMIND INDIVIDUALS THAT PAST MEETING AGENDAS AND MINUTES CAN BE FOUND AT WWW.GWINNETTCOUNTY.COM.
- PLEASE BE AWARE THAT COMMENTS FROM THE AUDIENCE ARE NOT PERMITTED DURING THESE PROCEEDINGS. THIS IS FOR THE COURTESY OF THOSE SPEAKING, AS WELL AS FOR CLARITY AND RECORDING PURPOSES.
- THIS BOARD WILL FOLLOW AND OPERATE UNDER THE ROBERT'S RULES OF ORDER.
- ANYONE WHO WISHES TO SPEAK FOR OR AGAINST ANY MATTER HEARD BY THIS BOARD MUST SPEAK FROM THE PODIUM AND DIRECT ALL QUESTIONS AND COMMENTS TO THE BOARD.
- THERE IS AN OVERHEAD PROJECTOR AT THE PODIUM, WHICH WILL DISPLAY THE INFORMATION TO THE AUDITORIUM AND TO THE TV MONITORS IN FRONT OF EACH PLANNING COMMISSIONER. PLEASE USE THE POINTER DIAL ROD IN FRONT OF THE PODIUM WHEN REFERING TO SPECIFIC ITEMS DURING YOUR PRESENTATION.
- FINALLY, PLEASE MAKE SURE ALL CELL PHONES AND ELECTRONIC DEVICES ARE MUTED OR TURNED OFF. IF YOU MUST TAKE A PHONE CALL, PLEASE DO SO AFTER EXITING THE AUDITORIUM.
- THE PROCEDURES TODAY WILL BE AS FOLLOWS:
 - The Chairman shall call the matter for discussion before the Board.
 - The Chairman shall then call parties in interest who shall have privilege on the floor after identifying themselves by name, address and affiliation with any business or organization which would be relative to the matter being considered.
 - The Chairman shall then call for questions from the Board to the proponents or opponents immediately after their individual presentation.
 - The Chairman shall then call for discussion of the matter by the Board and the voting thereon.
 - The Board may table a vote on a specific matter to a specified future date and time.

AGENDA



Board of Construction Adjustments & Appeals Hearing Wednesday, January 14, 2026, at 3:00pm

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

- A. Call To Order**
- B. Determination of a quorum (5 Members)**
- C. Opening Remarks by Chairman and Rules of Order**
- D. Approval of Agenda**
- E. Approval of Minutes – November 12, 2025**
- F. Announcements**
- G. Old Business**
- H. New Business**

Case Number:

SBV2025-00010

Applicant:

Dan Walsh

Phone Number:

678-546-8100

Location:

2375 Rock Springs Road, Buford, GA 30519

Map Number:

R7135 007

Proposed Development

Single-Family Residential Development

Proposed Variance Request:

Encroachment into County and State buffers

Site Area:

27.68 Acres

- I. Other Business**
- J. Adjournment**

MEETING MINUTES

NOVEMBER 12, 2025

**Board of Construction Adjustments & Appeals Hearing
Wednesday, November 12, 2025, at 3:00pm**

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

Present: David Moss, Louis T Camerio, Jr., Matthew Guilfoyle, Regina Young, Stoney Abercrombie, William Peltier

Absent: Linda Priest & Robert Ponder

A. Call To Order 3:07pm

B. Determination of a quorum

A quorum was present.

C. Opening Remarks by Chairman and Rules of Order

D. Approval of Agenda

{Action: Approved Motion: Peltier; Second: Young; Vote: 6-0: Moss-Yes, Camerio, Jr.-Yes, Guilfoyle-Yes, Young-Yes, Abercrombie-Yes, Peltier-Yes}

E. Approval of Minutes – November 8, 2023

{Action: Approved Motion: Peltier; Second: Moss; Vote: 6-0: Moss-Yes, Camerio, Jr.-Yes Guilfoyle-Yes, Young-Yes, Abercrombie-Yes, Peltier-Yes}

F. Announcements

None

G. Old Business

Case Number:	SBV2025-00007
Applicant:	Bill Schroeder
Phone Number:	404-428-8618
Location:	4077 Mink Livsey Road, Snellville, GA 30039 Map
Number:	R6003 164
Proposed Development	Residential Development
Proposed Variance Request:	Encroachment into County and State buffers
Site Area:	100.55 Acres

{Action: Approved. Motion: Peltier; Second: Guilfoyle; Vote: 6-0: Moss-Yes, Camerio, Jr.-Yes, Guilfoyle-Yes, Young-Yes, Abercrombie-Yes, Peltier-Yes}

H. New Business

Case Number:	BCA2025-00009
Applicant:	Marcus Rubenstein
Phone Number:	804-273-8383

Location:	1900 Apogee Way., Lawrenceville, Ga. 30044
Map Number:	R7036 104
Proposed Development:	Industrial Development
Acreage:	28.4 acres
Proposed Variance Request:	Encroachment into County and State buffers

{Action: Approved. Motion: Guilfoyle; Second: Young; Vote: 6-0: Moss-Yes, Camerio, Jr.-Yes, Guilfoyle-Yes, Young-Yes, Abercrombie-Yes, Peltier-Yes}

I. Other Business

Open Meetings, Open Records, and Code of Ethics Training by Jenny Carter, Law Department
Member Training by Rinda Grooms, Planning and Development

J. Adjournment 4:13pm

{Action: Approved. Motion: Peltier; Second: Guilfoyle; Vote: 6-0: Moss-Yes, Camerio, Jr.-Yes, Guilfoyle-Yes, Young-Yes, Abercrombie-Yes, Peltier-Yes}

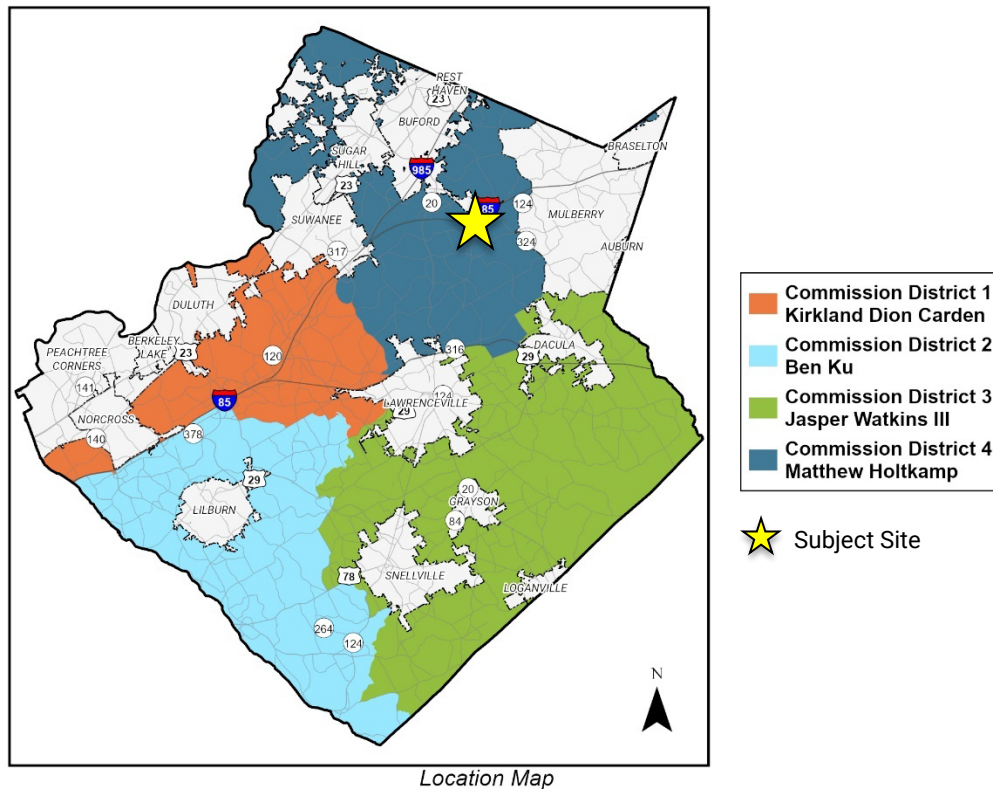
CASE REPORT

SBV2025-00010



PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

Case Number: SBV2025-00010
Address: 2375 Rock Springs Road Buford, Georgia 30519
Map Number: 7135 007
Site Area: 27.68 acres
Proposed Development: Single-Family Residential Development
Request: The variance request is to encroach into the Gwinnett County 75-ft impervious setback and 50-ft undisturbed buffer as well as the 25-ft undisturbed State waters buffer to accommodate for the development of two retaining walls.



Applicant: Dan Walsh
3475 Corporate Way
Suite A
Duluth, GA 30096

Owner: Hoyt & Marie Tuggle
2391 Rock Springs Road
Buford, GA 30519

Contact: Dan Walsh

Contact Phone: (678) 546-8100

Existing Site Condition

The subject development is a 27.68-acre site located in Buford, Georgia which contains two buffered streams, wetlands, floodplain, and floodway. The proposed site impacts an intermittent stream and its associated stream buffers and setbacks.

Project Summary

The applicant is requesting a variance to encroach into the 75-ft Gwinnett County impervious setback and 50-ft Gwinnett County undisturbed buffer to accommodate for the development of two retaining walls and grading required for a stream crossing. The proposed disturbance will be as follows:

- 339-sf of impervious area encroaching into the Gwinnett County 75-ft impervious setback.
- 329-sf of impervious area encroaching into the Gwinnett County 50-ft undisturbed buffer.
- 2,151-sf of disturbed pervious area encroaching into the Gwinnett County 50-ft undisturbed buffer.

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.

Staff Recommended Conditions

Should the Board of Construction Adjustments and Appeals choose to approve the variance request, staff recommend the following conditions of approval:

1. The property owner pays the in-lieu fee of \$12,027.00 as shown in Exhibit A dated 12/30/2025.

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
- F. Proposed Landscape 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.

<u>Applicant Information</u>	<u>Property Owner Information</u>
Name: <u>Dan Walsh</u>	Name: <u>Hoyt N. Tuggle & Marie O. Tuggle</u>
Address: <u>3475 Corporate Way, Suite A</u>	Address: <u>2391 Rock Springs Rd</u>
City: <u>Duluth</u>	City: <u>Buford</u>
State: <u>GA</u> Zip: <u>30096</u>	State: <u>GA</u> Zip: <u>30519</u>
Phone: <u>678546-8100</u>	Phone: <u>(HWT) 770-378-2431 (MOT) 404-403-8471</u>
Contact Person's Name: <u>Dan Walsh</u> Phone: <u>678-546-8100</u>	
Email: <u>dwalsh@gaskinslecrew.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: 2375 Rock Springs Road, Buford, GA, 30519

Subdivision or Project Name: Ivy Creek Preserve Lot/Block: _____

District, Land Lot, & Parcel (MRN): Land Lot 266, District 7, 7135 007

Development Type: Subdivision

Variance Requested: Retaining Walls and Grading within the 75', 50' and 25' buffers in order to facilitate a stream crossing.

- 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).

 12/11/2025
Signature of Applicant Date

Notary Seal

Daniel Walsh, P.E., Project Manager

Typed or Printed Name & Title

Tarandeep Kaur Rathor 12/11/2025
Signature of Notary Public Date

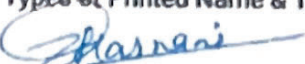
Tarandeep Kaur Rathor
NOTARY PUBLIC
DEKALB COUNTY, GEORGIA
My Commission Expires 05/08/2029

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).

 12/19/25
Signature of Applicant Date

Notary Seal

ZOHRA HASNANI (Notary)
Typed or Printed Name & Title
 12/09/2025
Signature of Notary Public 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: Ivy Creek Preserve
PROPERTY ADDRESS: 2375 Rock Springs Rd
Buford, GA 30519
LANDLOT/DISTRICT/PARCEL: 266/7th/7135 007

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 COUNTYS 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: \$ \$12,027

Dan Walsh

APPLICANT NAME

Marie O. Tuggle
Hoyt N. Tuggle

SIGNATURE NAME OF OWNER/ MANAGING PARTNER

MARIE O. Tuggle
Hoyt N. Tuggle

PRINTED NAME OF OWNER/ MANAGING PARTNER

12/5/2025

DATE

NOTICE
SIGN POSTING STATEMENT

I have been given a copy of the sign posting instructions and I understand these instructions.
I further understand that the sign is to be posted on or before:

Sign Posting Date: 12/31/2025

Name: MARIE D. Tuggle
Hoyt Tuggle

Signature: Marie D. Tuggle
Hoyt Tuggle

Address: 2391 Rock Springs Rd
Buford, GA 30519

Phone: (M.T) 404-403-8471 (HT) 770-378-2431

Today's Date: 12/5/2025

Case Number: SBV2025-00010

Exhibit B: Letter of Intent

[attached]



December 30, 2025

Gwinnett County Planning and Development
446 West Crogan Street
Lawrenceville, GA 30046

Re: Stream Buffer Variance Letter of Intent – Ivy Creek Preserve (EPN2025-02336)

To Whom It May Concern,

We submit this letter of intent to describe the proposed impacts and provide reasoning for the project's encroachment into the stream buffers.

The proposed residential development includes 46 single-family detached lots. The site plan complies with the recently approved Board of Commissioners Resolution (REZ2025-00012), which allows for a new street to cross a stream located near the center of the property, providing access to many of the lots. To minimize buffer encroachment, two retaining walls are planned along the north and south sides of this proposed street.

Throughout the design process, we carefully balanced minimizing buffer impacts with controlling construction costs related to buffer impact fees and wall dimensions. Despite these efforts, the stream buffer areas, outside of the right of way, will include some impervious surfaces. The retaining wall and associated grading which lie outside of the proposed right of way are the scope of this variance. The retaining wall will have a cap and a "leveling area" rather than a footer. Through correspondence with Gwinnett County reviewers, it was agreed that the length of the retaining wall, along with an assumed width of 2' to account for batter and cap, will comprise the proposed impervious area. The results of the design yield a total of 339 SF of impervious area between the 50' buffer and 75' impervious setback. Additionally, 329 SF of impervious areas 2,151 SF of disturbed pervious area are proposed between the 25' and 50' buffers. Finally, another 258 SF of impervious area and 967 SF of disturbed pervious area are proposed within the 25' state stream buffer. Due to the proposed disturbance within the 25' state stream buffer, we have initiated the permitting process with the U.S. Army Corps of Engineers and will submit the necessary documentation upon project approval. Additionally, coordination with the GAEPD is not required prior to construction per Ga. Comp. R. & Regs. r. 391-3-7-.05 (Buffer Variance Procedures and Criteria) (1) ... "The following activities do not require application to or approval from the Division:" (c) "where roadway drainage structures must be constructed within the twenty-five (25) foot buffer area of any state waters..."

Should you have any questions or require any additional information, please contact me at 678.546-8100 or via email at dwalsh@gaskinslecraw.com

Sincerely,
Gaskins + LeCraw
Dan Walsh, P.E.

Exhibit C: Gwinnett County Stream Buffer Evaluation Tool

[attached]

Gwinnett County Stream Buffer Evaluation Tool

Date:	12/30/2025
District/ Lant Lot/ Parcel:	LL 266/DISTRICT 7/7135 007
Permit/ Case Number (i.e. SBV):	
Project Name:	Rock Springs Estates
Applicant Name:	Dan Walsh
Applicant Phone Number:	678.546.8100

Existing Area (square feet{SF})

Type	Zone									
	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	35,670	SF	27,545	SF	24,115	SF	0	SF	0	SF
Total	35,670	SF	27,545	SF	24,115	SF	0	SF	0	SF

Proposed Area (square feet{SF})

Type	Zone									
	0-25		25-50		50-75		75-150		150-300	
Impervious	258	SF	329	SF	339	SF	0	SF	0	SF
Disturbed Pervious	967	SF	2,151	SF	9,436	SF	0	SF	0	SF
Forest	0	SF	0	SF	0	SF	0	SF	0	SF
Total	1,225	SF	2,480	SF	9,775	SF	0	SF	0	SF

Buffer Impact	0.52
On Site Mitigation	0.00
Mitigation Needed	0.52

WQ Value Cost (\$/Value)	\$23,000
Total Cost	\$12,027

Gwinnett County Stream Buffer Evaluation Tool

Existing Impact Area (square feet{SF})

Type	Zone					
	0-25		25-50		50-75	
Impervious						
Disturbed Pervious	0	SF	0	SF	0	SF
Forest	35,670	SF	27,545	SF	24,115	SF
Total	35,670	ac	27,545	ac	24,115	ac

Proposed Impact Area (square feet{SF})

Type (Existing>Proposed)	Zone					
	0-25		25-50		50-75	
Forest>Impervious	258	SF	329	SF	339	SF
Forest>Disturbed Pervious	967	SF	2,151	SF	9,436	SF
Disturbed Pervious>Impervious	0	SF	0	SF	0	SF
Total	1,225	SF	2,480	SF	9,775	SF

Impact WQ Value Factor

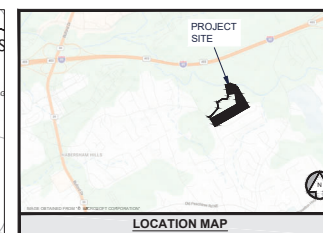
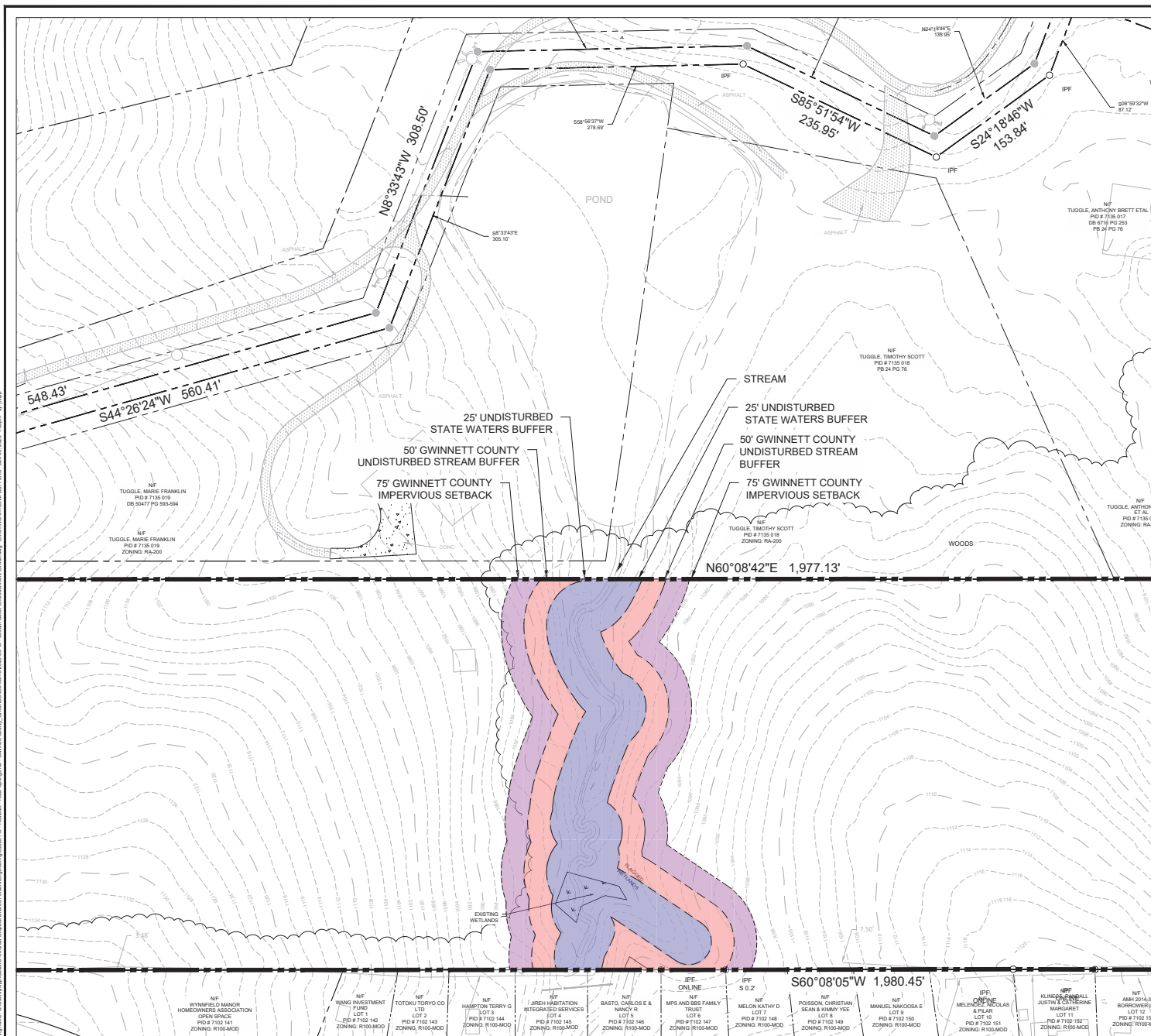
Type (Existing>Proposed)	Zone			
	0-25		25-50	
Forest>Impervious	8		6	
Forest>Disturbed Pervious	7		5.25	
Disturbed Pervious>Impervious	4		3	

Water Quality Impact Value = Area * Water Quality Value Factor




Type (Existing>Proposed)	Zone			
	0-25		25-50	
Forest>Impervious	2,064		1,974	
Forest>Disturbed Pervious	6,769		11,293	
Disturbed Pervious>Impervious	0		0	
Total	8,833		13,267	

Exhibit D: Existing Site Plan and Boundary Survey

[attached]



SITE SUMMARY	
SITE AREA	
SITE AREA:	27.68 ACRES
MINIMUM OPEN SPACE: (10%TOTAL, INCLUDING 5% USABLE)	
PROPOSED OPEN SPACE:	9.53 ACRES (34.4%)
USABLE OPEN SPACE:	4.68 ACRES (16.9%)
ZONING CLASSIFICATION	
JURISDICTION:	OWINNETT COUNCIL
ZONING:	R
BUILDING SETBACKS	
FRONT:	
SIDE:	
REAR:	
LOT INFORMATION	
TOTAL LOTS PROPOSED:	
GROSS DENSITY:	1.66 UNITS/ACRE
MAXIMUM DENSITY:	3.50 UNITS/ACRE
MINIMUM LOT AREA:	10,500
MINIMUM BUILDING HEIGHT:	
MAX BUILDING HEIGHT:	

LEGEND	
	0' - 25' STATE UNDISTURBED STREAM BUFFER (35,670 SF)
	25' - 50' GWINNET COUNTY UNDISTURBED STREAM BUFFER (27,545 SF)
	50' - 75' GWINNET COUNTY IMPERVIOUS SETBACK (24,115 SF)

PREPARED IN THE OFFICE OF:


**GASKINS
+ LECRAW**

© 2025 GASKINS + LECRAW, INC.
3475 CORPORATE WAY
SUITE A
DULUTH, GA 30096
PHONE - 678.546.8100
www.gaskinslecraw.com
PEF008127

REVISIONS:

CLIENT
LOCAL LAND CO.
3630 PEACHTREE RD.NE, #1500
ATLANTA, GA, 30326

PROJECT
IVY CREEK PRESERVE
4375 ROCK SPRINGS ROAD, BUFORD, GA 30619
266, 7TH DISTRICT, R7135 007

SEAI



CALL BEFORE YOU DIG



SCALE & NORTH ARROW



DESIGN INFO:

DRAWN BY:	
DESIGNED BY:	
REVIEWED BY:	
JOB #:	02520
DATE:	12/02/2

SHEET 4

Exhibit E: Proposed Site Plan and Grading Plan

[attached]

REVISIONS:

CLIENT
LOCAL LAND CO.
3630 PEACHTREE RD NE, #1500
ATLANTA, GA, 30326
PROJECT
IVY CREEK PRESERVE
2375 ROCK SPRINGS ROAD, BUFORD, GA 30511
286, 7TH DISTRICT, R7135 007



Know what's below.
Call before you dig.

DRAWN BY:	
DESIGNED BY:	
REVIEWED BY:	
JOB #:	02520
DATE:	12/02/2

SHEET 2

Exhibit F: Proposed Landscape Plan
[attached]

