



Variance Request Application Packet

Applicant's Public Notice Requirements

The Code requires public notice of your Rezoning request, Special Use and Variance requests. The Community Development Department will tell you when and where the Planning and Zoning Commission and the Mayor and Council meetings will be held.

Newspaper: The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing. At least 15 days before the Mayor and Council but no more than 45 days prior to the date of the public hearing.

Sign Posting, Public Hearing Notice & Affidavit

Sign Posting: The applicant shall be required to post and maintain signs supplied by the City on or near the right-of way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body's public hearing on the rezoning or special use application. It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

Public Hearing Notice: At least 15 days before the Planning & Zoning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the zoning change. The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

Affidavit: Prior to the public hearing you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed (form attached)

City Actions

The Community Development Department will date your application when it is received. The Community Development Department has five (5) working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete. The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing. After the Planning Commission has made their recommendation, the Mayor and City Council will consider approval or denial of the application at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing. The final action taken by the Mayor and City Council will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

Contact Information

The Community Development Dept.
4488 Pineview Drive
Powder Springs GA 30127.
commdev@cityofpowdersprings.org
770-943-1666

Zoning Administrator
Shaun Myers
Planning and Zoning Manager
smyers@cityofpowdersprings.org
770-943-1666



Variance Request Application Checklist

Applicant Information

Name	Brian Jones	Phone	404-391-8618
Mailing Address	388 WARD FARM DRIVE Powder Springs GA 30127	Email	brijonesconstruction@gmail.com

Application Checklist

The following information will be required:

- Application
- Notice of Intent
- Applicant's Written Analysis
- Campaign Contribution Disclosure
- Owner's Authorization, if applicable.
- Legal Description and Survey Plat of the property
- Application Fee (summary of fees attached)
- Copy of the Deed that reflects the current owners name
- Vicinity Map outlining the parcel/s in relation to the surrounding area
- Site plan, plat or survey prepared by an architect, engineer. The following information must be included:
Specific use or uses proposed for the site. Acreage, bearing and distances, other dimensions, and location of the tract(s). Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area. Detention/retention areas, and utility easements. Location of dumpsters. Public or private street(s) - right of way and roadway widths, approximate grades Location and size of parking area with proposed ingress and egress. Specific types and dimensions of protective measures, such as buffers. Landscaping. Wetlands, stream buffers, and 100 year floodplain.
- Sketch Plan/ Architectural Rendering, if applicable
- Traffic Study required for development with 500,000 sf of nonresidential floor area or 350 dwelling units or more.
- List additional attachments: *eco survey w/ dialogue, proposed home plan*

Note Carefully

If your application qualifies as a "Development of Regional Impact" (see Article 13) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.

Indicate the current zoning district of the property, and the zoning district you are requesting. File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.



city of powder springs

Variance Request

Application Form

Applicant Information

Name <u>Brian Jones</u>	Phone <u>404-391-8618</u>
Mailing Address <u>388 WARD KATH DRIVE P.S. GA 30127</u>	Email <u>bjonesconstruction@gmail.com</u>

Variance Request Property Information

Address <u>Daywood Dr. P.S. GA 30127</u>	Parcel ID / Lot# <u>19079900010</u>
Acreage <u>1.0</u>	Present Zoning

Variance Request buffer

Source of Water Supply <u>Public</u>	Source of Sewage Disposal <u>Public</u>
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Additional Information, If Applicable

Elementary School and School's Capacity	Middle School and School's Capacity
High School and School's Capacity	Peak Hours Trips Generated

Notary Attestation

Executed in Marietta (City), GA (State).

	<u>Brian Jones</u>	<u>8-24-21</u>
Signature of Applicant	Printed Name	Date
Subscribed and sworn before me this <u>24th</u> day of <u>Aug</u> , 20 <u>21</u>		
	<u>JESSICA MATTHEWS</u>	<u>11-18-2022</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires



For Official Use Only

PZ #	
Planning Commission Hearing	City Council Hearing
Withdrawal Date	Reason for Withdrawal



Variance Request

Notice of Intent

Applicant Information

Name <u>Brian Jones</u>	Phone <u>404-391-8618</u>
Mailing Address <u>388 WARD FARM DR. P.S. GA 30127</u>	Email <u>bjonesconstruction@gmail.com</u>

Notice of Intent

PART I. Please indicate the purpose of this application : Seeking relief from a stream buffer to allow sewer line to be run and a single family residential construction

PART II. Please list all requested variances:

Stream buffer

Part III. Existing use of subject property:

VACANT LAND

Part IV. Proposed use of subject property:

2 single family homes +/- 2000 ft²
proposed plan attached

Part V. Other Pertinent Information (List or attach additional information if needed):

ecological survey, proposed house plan, proposed buffer swap w/ other areas on site

Applicant Signature

	<u>Brian Jones</u>	<u>8-24-21</u>
Signature of Applicant	Printed Name	Date



city of powder springs

Variance Request

Applicant's Written Analysis

Applicant Information

Name	Brian Jones	Phone	404-351-8618
Mailing Address	388 WARD Farm DR P.S. GA 30127	Email	

Written Analysis

 In details please address these Variance Criteria:

- a. Are there extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
the point of notation of "stat" waters adversely affects the buildability of of the southernmost lot.
- b. A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
We are asking for a better reassignment / swap with another area on the property
- c. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located
granting the variance would allow for utilities to be run to the northern lot as well as allow for construction on the south lot
- d. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.
we would be improving property values to the neighborhood as well as improving the tax base for the LIA
- e. The special circumstances are not the result of the actions of the applicant.
no they are not
- f. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed. yes, we only ask for a reassignment of equal footage as the disturbed areas
- g. The variance shall not permit a use of land, building or structures, which is not permitted by right in the zoning district overlay district involved.
we will remain within the limits of the current zoning. ie setbacks, footage etc.

Applicant Signature

	Brian Jones	8-24-21
Signature of Applicant	Printed Name	Date



Variance Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name Brian Jones

Applicant's Address 388 WARD FARM DRIVE P.O. GA 30127

Applicant's Attorney

Attorney's Address

Campaign Contribution Disclosure

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 et seq.

The property that is the subject of the attached application is owned by:

- Individual(s) Corporation Partnership Limited Partnership Joint Venture

All persons, corporations, partners, limited partners, or joint ventures party to ownership of the property that is the subject of the attached application are listed below:

Brian Jones Jonathan Moore

APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
<u>n/A</u>		

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
<u>n/A</u>		



city of powder springs

Variance Request

Owner's Authorization Form

Owner's Authorization

Applicant Name <u>Brian Jones</u>		Applicant's Address <u>388 WARD FARM DRIVE P.S. GA 30127</u>	
Property Address	Powder Springs, GA	Property PIN	

This is to certify that I am or We are or I am the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

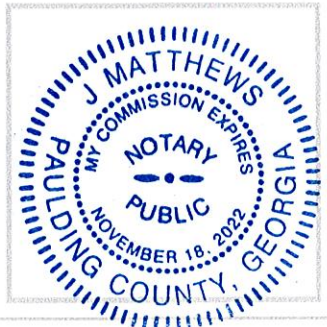
Rezoning <input type="checkbox"/>	Special Use <input type="checkbox"/>	Hardship Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Appeal of Administrative Decision <input type="checkbox"/>

Signature of Property Owner(s)

	<u>Brian Jones</u>	<u>8-24-21</u>
Signature of Owner	Printed Name	Date

State of GA, County of COBBS.
 This instrument was acknowledged before me this 24th day of Aug month.

2021, by _____ name of signer. Identification Presented: GA DL.



	<u>JESSICA MATTHEWS</u>	<u>11-18-2022</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires

	<u>Jonathan Moore</u>	<u>8-24-21</u>
Signature of Owner	Printed Name	Date

State of GA, County of COBBS.
 This instrument was acknowledged before me this 24th day of Aug month.

2021, by _____ name of signer. Identification Presented: GA DL.



	<u>JESSICA MATTHEWS</u>	<u>11-18-2022</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires

Return Recorded Document to:
Hallmark, Bowman & Hallmark, LLC
3818 Powder Springs Road
Powder Springs, Georgia 30127-2736

LIMITED WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

File #: 05311

This Indenture made this 9th day of June, 2020, between Frank L. Boyd, Pamela C. Boyd and Steven J. Boyd, of the County of Cobb, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **JNB Contracting, LLC**, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee: All that tract or parcel of land lying and being in Land lot 799 of the 19th District, 2nd Section, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows: Begin at the southeast corner of Land Lot 799; thence North 0 degrees 30 minutes east along said land lot line 1069.5 feet to an iron pin and the point of beginning; thence South 62 degrees 33 minutes 03 seconds west 105.39 foot to an iron pin; thence south 53 degrees 36 minutes 41 seconds west 115.69 feet to an iron pin and the east right-of-way of Dogwood Drive; thence north along said right-of-way to the southwest corner of Lot 64 of Spring Crossing Subdivision; thence east along the south property line of said Lot 64 190 feet, more or less, to the southeast corner of said lot and east land lot line of Land Lot 799.


Tax ID#: **19079900010**
This Deed is given subject to all zoning ordinances, easements, covenants, conditions and restrictions of record affecting said bargained premises.


TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons claiming by, through or under Grantor.

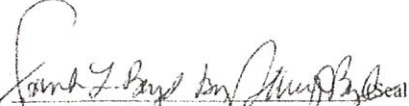
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

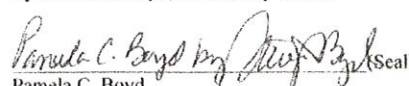
Signed, sealed and delivered in the presence of:

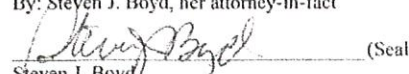


Witness
Sworn to and subscribed before me
this 9th day of June, 2020.


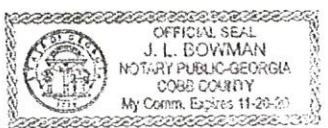
Notary Public

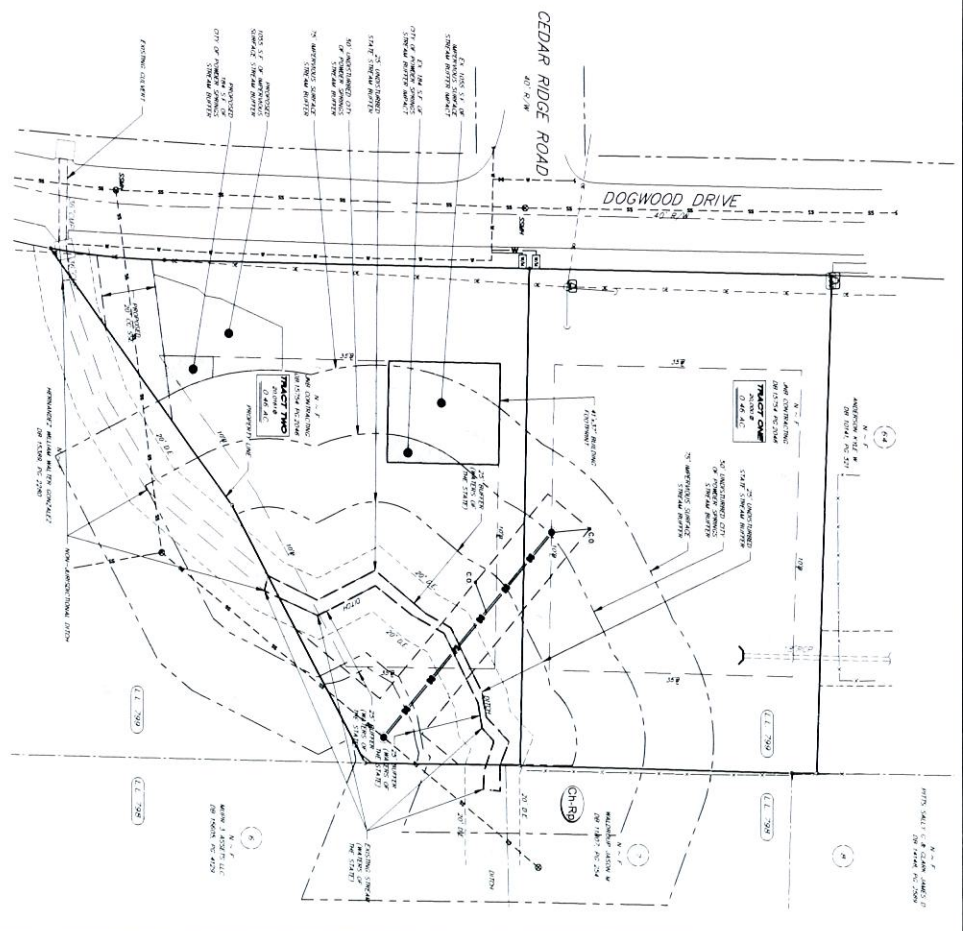
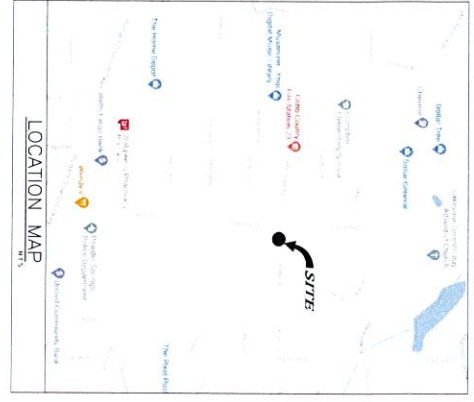


Frank L. Boyd
By: Steven J. Boyd, his attorney-in-fact


Pamela C. Boyd
By: Steven J. Boyd, her attorney-in-fact


Steven J. Boyd (Seal)





311
City of Powder Springs

24 HRE PHONE & EMERGENCY CONTACT
BRIAN JONES
404-991-8818

Scale: 1" = 20'

NOT ISSUED FOR CONSTRUCTION

PROJECT TITLE	FIELDBOOK
DESIGNER	CHICKENSON
DATE	08/19/2021
SHEET NUMBER	1 OF 1

REV.	DATE	DESCRIPTION

B.R. JONES CONSTRUCTION
UTILITY SERVICE PLAN TRACTS ONE AND TWO

LAND LOTS 799
1ST DISTRICT
CITY OF POWDER SPRINGS
COBB COUNTY, GA

Gaskins

Professional Engineer
No. 10000
State of Georgia



Fee Schedule

FEES – Updated 11/5/2018. Please verify cost with staff	
Variance, residential	\$ 250.00
Variance, commercial	\$ 450.00
Special Use	\$ 250.00
Rezoning Application, single family, 0-5 acres	\$ 250.00
Rezoning Application, single family, 6-10 acres	\$ 700.00
Rezoning Application, single family, 11-20 acres	\$ 1,000.00
Rezoning Application, single family, 21-100 acres	\$ 1,500.00
Rezoning Application, single family, =/> 101 acres	\$ 1,500.00 + \$30/acre
Rezoning Application, undeveloped med/high density residential, 0-5 acres	\$ 700.00
Zoning - Rezoning Application, undeveloped med/high density residential, 6-10 acres	\$ 1,200.00
Zoning - Rezoning Application, undeveloped med/high density residential, 11-20 acres	\$ 1,500.00
Zoning - Rezoning Application, undeveloped med/high density residential, 21-100 acres	\$ 2,000.00
Rezoning Application, undeveloped med/high density residential, =/> 101 acres	\$ 2,000.00 + \$40 /acre
Rezoning Application, undeveloped non-residential, 0-5 acre	\$ 900.00
Rezoning Application, undeveloped non-residential, 6-10 acres	\$ 1,500.00
Rezoning Application, undeveloped non-residential, 11-20 acres	\$ 1,800.00
Rezoning Application, undeveloped non-residential, 21-100 acres	\$ 2,200.00
Rezoning Application, undeveloped non-residential, =/> 101 acres	\$ 2,200.00 + \$50 /acre
Zoning - Rezoning Application, developed med/high density residential, 0-20,000 SF	\$ 700.00
Rezoning Application, developed med/high density residential, 20,0001 - 50,000 SF	\$ 1,200.00
Rezoning Application, developed med/high density residential, 50,001 - 100,000 SF	\$ 1,500.00
Rezoning Application, developed med/high density residential, 100,001 - 500,000 SF	\$ 2,000.00
Rezoning Application, developed med/high density residential, =/> 500,001 SF	\$ 2,000.00 \$90 /100,000 SF
Rezoning Application, developed non-residential, 0-20,000 SF	\$ 900.00
Rezoning Application, developed non-residential, 20,001-50,000 SF	\$ 1,500.00
Rezoning Application, developed non-residential, 50,001-100,000 SF	\$ 1,800.00
Rezoning Application, developed non-residential, 100,001-500,000 SF	\$ 2,200.00
Rezoning Application, developed non-residential, =/> 500,001 SF	\$ 2,200.00 + \$115 /100,000 SF
Public Hearing signs	\$ 25.00
Public Hearing signs - Deposit	\$ 10.00



Affidavit of Public Notification

Public Notification Requirements

Per Article 13 and 14 of the City of [Powder Springs Unified Development Code](#), I certify that I have met the advertising requirements of Article 13 and Article 14 for a Special Use, Variance or Rezoning application for subject property located at _____

Notices were mailed to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning, special use or variance application. The written notice was mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records on _____. Said notices were mailed at least 15 days but no more than 45 days prior to the Mayor and Council first public hearing date.

Signs were placed on the subject property advertising said hearing on _____. One sign was placed at each road frontage at least 15 days prior to the Mayor and Council first hearing date.

Please attach the following to affidavit: notices, list of addresses, picture of sign posted on property and any receipt or documentation that was provided at the post office.

Please sign affidavit after letters have been mailed out to neighboring lot owners within 200 feet of the subject site and sign/s have been posted on subject site.

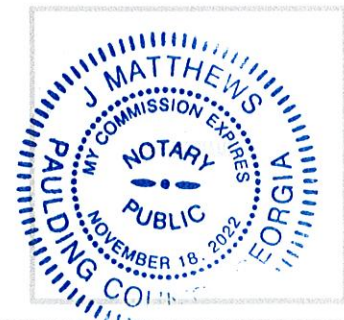
Notary Attestation

Executed in COBB (City), GA (State).

[Signature] Brian Jones 8-24-21
Signature of Applicant Printed Name Date

Subscribed and sworn before me this 24th day of Aug, 2021.

[Signature] JESSICA MATTHEWS 11-18-2022
Signature of Notary Public Name of Notary Public My Commission Expires





630 Colonial Park Drive, Suite 200
Roswell, Georgia 30075
770/998-7848 Office ~ 770/998-5606 Fax
www.ecologicalsolutions.net

July 9, 2021

Mr. Brian Jones

RE: Buffered State Waters Assessment Letter Report
3487 Dogwood Drive, Powder Springs, Georgia

Dear Mr. Jones:

At your request, Ecological Solutions assessed a tract located off of Dogwood Drive in Powder Springs, Cobb County, Georgia in order to assess the presence and location of buffered state waters. Please refer to Figures 1 and 2 for the location and extent of the environmental survey area. The survey area is bordered to the west by Dogwood Drive and to the east, north, and south by existing developed residential lots. The property is located in the jurisdiction of the City of Powder Springs. Figure 2 also depicts the proposed boundaries (as georeferenced from the property survey) should the property be subdivided into two lots.

The predominant habitat within the site is mixed hardwood-pine forest composed primarily of loblolly pine (*Pinus taeda*), sweetgum (*Liquidambar styraciflua*), water oak (*Quercus nigra*), red maple (*Acer rubrum*), Chinese privet (*Ligustrum sinense*) and other invasive species including monkey grass (*Liriope* sp.) and holly-leaved barberry (*Mahonia aquifolia*). The majority of the property consists of a hilltop and associated slopes that drain to the south and east.

Ecological Solutions conducted a state waters assessment in accordance with guidelines provided in the Georgia Environmental Protection Division (EPD) document: *Field Guide for Determining the Presence of State Waters that Require a Buffer*.

Below is a brief description of our findings and potential permitting requirements.

Jurisdictional Findings

State Waters

State waters are defined as “any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of surface or subsurface water, natural and artificial, lying within or forming a part of the boundaries of the State which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation, except as may be defined in O.C.G.A. 12-7-17(8). Non-trout buffered state waters require a 25-foot buffer.

Mr. Brian Jones

July 9, 2021

Page 2 of 5

The City of Powder Springs as the Local Issuing Authority (LIA) has adopted additional buffer requirements including a 25-foot no disturbance buffer adjacent to the state buffer and a 25-foot no impervious buffer for a total of 75 feet (50 feet no disturbance as measured from the buffered water bank and the additional 25-foot non-impervious buffer).

The key feature for identifying state waters requiring buffers is “wrested vegetation” along a channel or open water. Non-trout water ephemeral streams do not require buffers.

Powder Springs land development requirements define stream bank as: *The confining cut of a stream channel and is usually identified as the point where the normal stream flow has wrested the vegetation. For non-trout waters, the normal stream flow is any stream flow that consists solely of base flow or consists of both base flow and direct runoff during any period of the year. Base flow results from groundwater that enters the stream channel through the soil. This includes spring flows into streams. Direct runoff is the water entering stream channels promptly after rainfalls or snow melts.*

Identification of the stream bank is important as this demarcates the beginning point for required buffers. Ecological Solutions conducted a site visit on June 16, 2021, following a 48-hour period with no recorded rainfall. It should be noted that approximately 2.08-inches of precipitation had occurred over the prior week to the site visit. Evidence of that rainfall event, which included heavy downpours, would be expected to be observable in the field by indicators such as recent sediment deposits, staining on leaves of adjacent ground cover, scouring within stream channel, and recent sorting of bed materials.

One primary topographic valley feature is located within and adjacent to the property. This feature is located along the southern property boundary. Drainage from Dogwood Drive, adjacent lots, and the undeveloped tract is directed toward this feature through either surface runoff or a culvert that is located under Dogwood Drive. The culvert is located at the southwestern corner of the property. Immediately upgradient of the culvert on the west side of Dogwood Drive is an existing developed residential lot. The area immediately upgradient of the culvert is mowed/maintained with no evidence of a channel or surface flow.

No flow or surface water was observed within or immediately on the down gradient side of the culvert. Approximately 15 to 20 feet down gradient of the culvert, there is no evidence of a channel or stream banks. The area is heavily vegetated and evidence of sheetflow associated with storm events was evident in this area. From this point, what appears to be an excavated feature approximately 2 to 3 feet wide is located along the property boundary. This area appears to hold water due to its excavated condition, but no evidence of surface flow was observed. Vegetation appears to be sparse in this area due to saturated soil conditions as not as a result of surface flow. This reach is then interrupted by both natural and man-made debris. In this interrupted area upland vegetation including monkey grass was observed in what would be the central flow path for this valley. Please note that based on rolling data over a 30-year period according to the Antecedent Precipitation Tool (APT), the field visit was conducted during a period of normal rainfall. The APT analysis is attached.

Approximately 20 to 30 feet below the debris jam and upland vegetation surface flow appears to become concentrated and sorting of bed materials becomes evident. At this point stream banks are defined, and it is Ecological Solutions professional opinion that this demarcates the beginning of the buffered state water. This location is shown on Figure 2.

In support of concluding that the upper reaches of the feature in question is not a buffered state water, a North Carolina Stream Identification form was completed for this area. A minimum score of 19 is required for intermittent streams. The upgradient section scored a 11.5 documenting the absence of typical stream characteristics. In comparison, beginning at the intermittent stream point as shown on Figure 2, the reach scored 28 using the stream identification form documenting the overall transition between the areas and the formation of the buffered state water. The significant contrast in assessment scores, interrupted feature, absence of a stream bank, evidence of surface sheetflow, and presence of upland rooted vegetation supports the conclusion that the upper reach of this feature is a non-buffered state water. Completed stream forms and representative photographs are attached.

Permitting Overview

Georgia EPD/State Waters Requiring a Buffer

It is Ecological Solutions, Inc. professional opinion that identified stream is a state water requiring a buffer. The Georgia Erosion and Sedimentation Act (Act), as amended (Code Section 12-7-6(15)) prohibits land disturbing activities within 25 feet (horizontally measured) of state waters, unless a variance is obtained from the Director of the EPD or the proposed activity is specifically exempted. In many cases, EPD's authority for delineation of state waters is promulgated down to LIA, which administer the permitting process and issue Land Disturbance Permits (LDP's). Stream buffers are measured horizontally from the point where vegetation has been wrested by normal stream flow.

If the LIA concurs that the stream requires a buffer and the project design requires encroachment (with the exception of perpendicular road and/or drainage structures and utility crossings and other specific exemptions) into the state buffers, then a stream buffer variance (SBV) application would be required by the EPD for encroachment within the 25-foot buffer. This application requires avoidance and minimization, alternatives analysis, buffer mitigation, low impact water quality measures, and a public review period. This process takes approximately four to six months for the EPD to reach a variance decision (authorization/denial). Please note that SBV require complete and stamped Erosion, Sedimentation and Pollution Control Plans (ESPCP).

The EPD has mitigation requirements specific to buffer impacts. All buffer variance applicants must comply with three buffer mitigation components:

- *Post-development Total Suspended Solids and Stormwater Runoff Reduction* – Minimum stormwater management standards should be used to intercept the stormwater runoff from the first 1.2" of rainfall and reduce average annual post-development total suspended solids (TSS) loadings by 80%.

- *Water Quality Protection* – Best management practices (BMPs) should be implemented to address post-construction pollutants other than TSS. An appropriate BMP or “treatment train;” is required to address all pollutants of concern generated on site.
- *Aquatic/Buffer Habitat Protection* – This criterion may be achieved by the purchase of mitigation credits required in the USACE permit if required.

Should the applicant not be able to fulfill the water quality and TSS reduction criteria of the buffer mitigation requirements, additional mitigation credits may be purchased; however, justification to the EPD must be provided as to why the criteria cannot be fulfilled.

Please note that in some instances, the LIA can require additional local stream buffer requirements, including permitting. Powder Springs is the LIA for the survey area. The county adopted a local stream buffer protection ordinance that includes the following stream buffer requirements:

- A minimum 50-foot undisturbed buffer on each side of state waters, as measured from the point of wretched vegetation with an additional 25-foot no impervious buffer.

City code does provide for a variance process that is predicated on documenting hardship associated with the buffer requirements and proposing compensatory mitigation for buffer impacts including a planting plan and the incorporation of other features to protect water quality.

Conclusion

Field investigations identified one buffered state water within the survey area. The identified stream within the survey area appears to be state waters requiring a 25-foot state buffer. If non-exempt activities with the buffers of these features are proposed, a stream buffer variance would be required. Most stream buffer variances require four to six months to obtain. Powder Springs has additional stream buffer requirements including a 50-foot no disturbance buffer and an additional 25-foot non-impervious buffers. It is recommended that coordination be conducted with Powder Springs to verify the applicability of these additional buffer requirements.

Ecological Solutions appreciates the opportunity to assist you with this project and we are available to provide a more detailed permitting assessment following the review of design plans once available. If you have any questions or require any additional information regarding this letter report, please contact me at 404-915-8823.

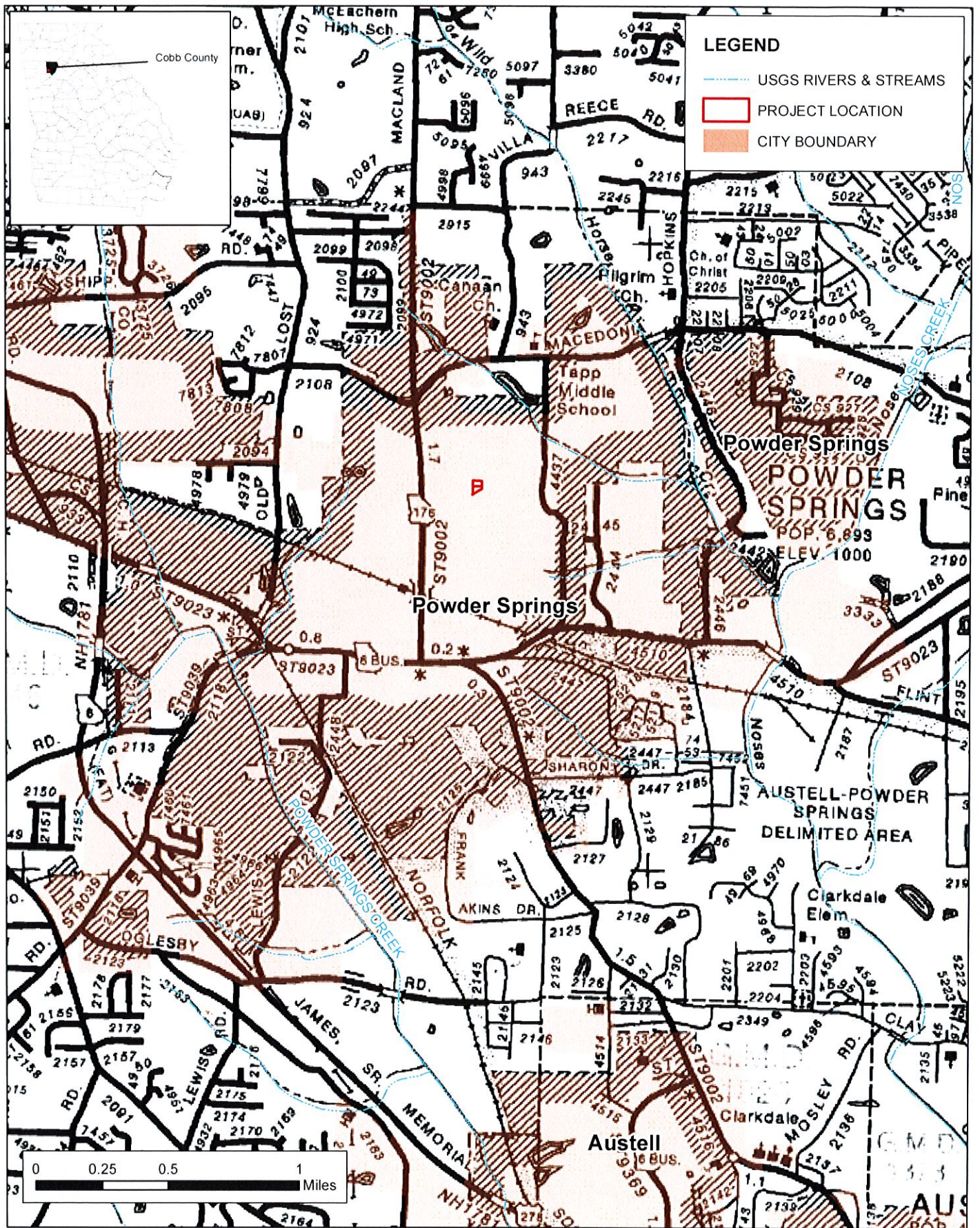
Sincerely,
ECOLOGICAL SOLUTIONS, INC.

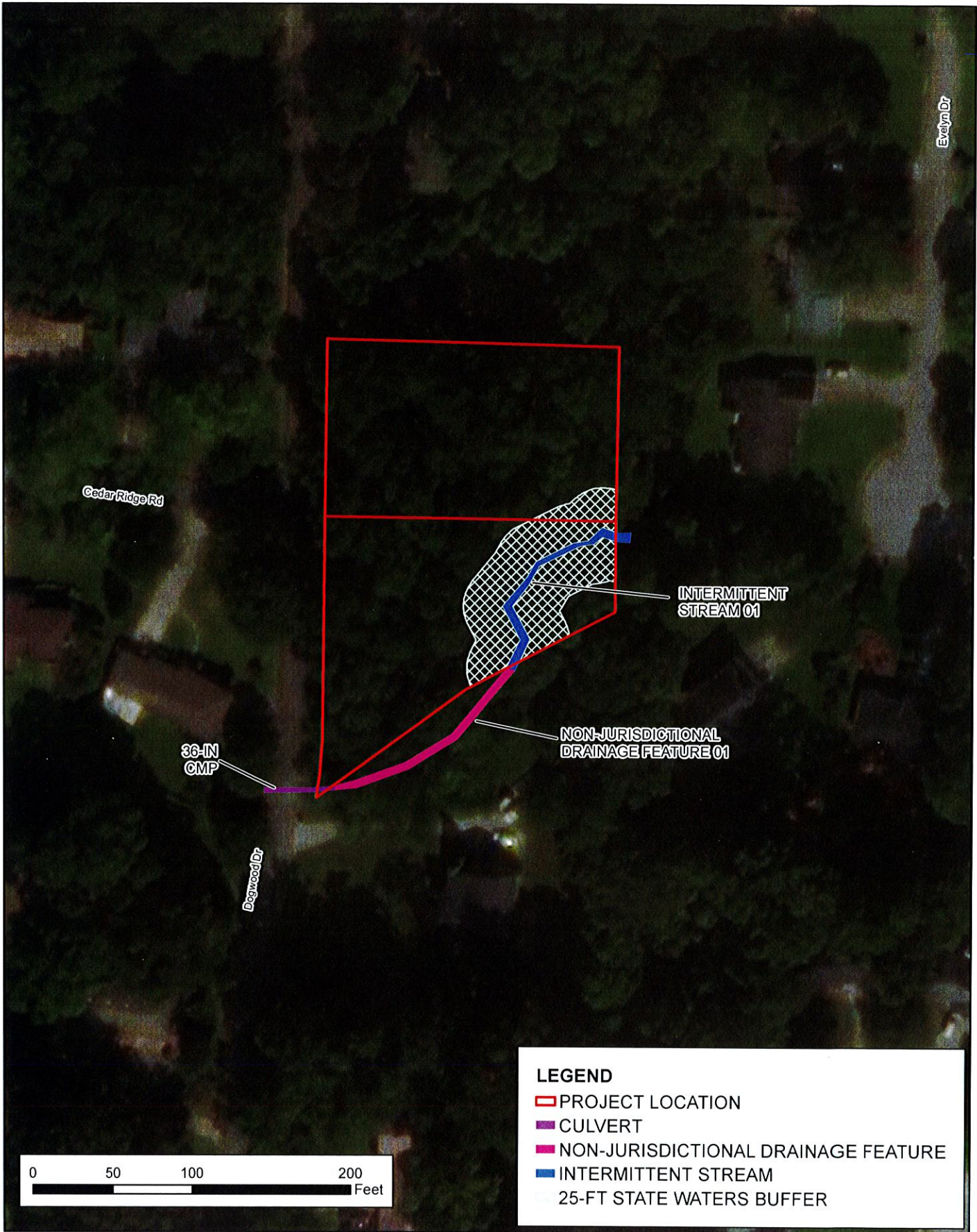


Mark Ballard, PWS
President

Mr. Brian Jones
July 9, 2021
Page 5 of 5

cc: Mr. David Stuart, P.E.





Evans Dr

Cedar Ridge Rd

36-IN
CMP

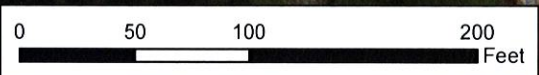
Dogwood Dr

INTERMITTENT
STREAM 01

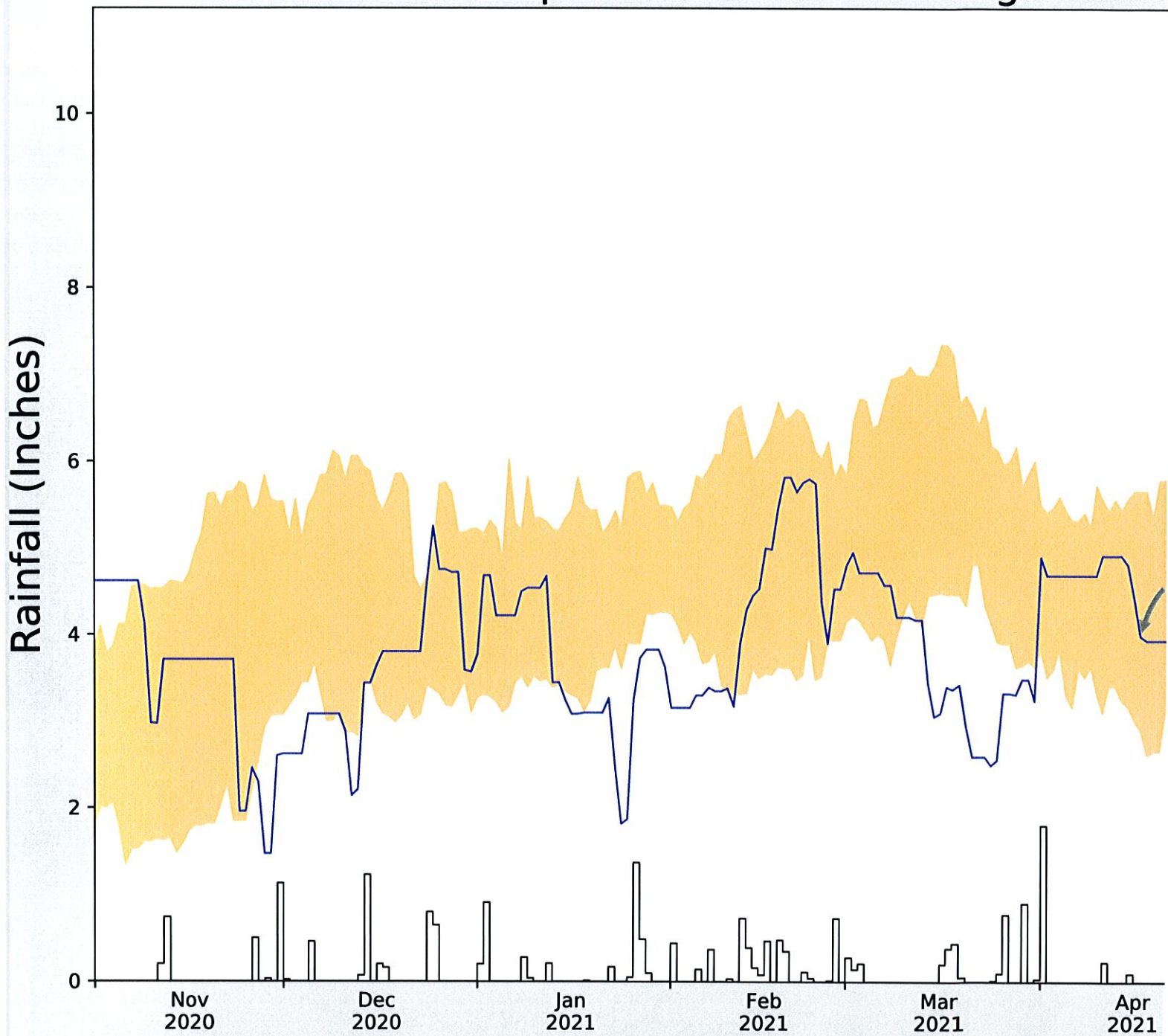
NON-JURISDICTIONAL
DRAINAGE FEATURE 01

LEGEND

- PROJECT LOCATION
- CULVERT
- NON-JURISDICTIONAL DRAINAGE FEATURE
- INTERMITTENT STREAM
- 25-FT STATE WATERS BUFFER



Antecedent Precipitation vs Normal Range based



Coordinates	33.868828, -84.672776
Observation Date	2021-06-16
Elevation (ft)	957.45
Drought Index (PDSI)	Not available
WebWIMP H ₂ O Balance	Dry Season

30 Days Ending	30 th %ile (in)
2021-06-16	2.782677
2021-05-17	3.02126
2021-04-17	2.900787
Result	

Weather Station Name
DALLAS 7 NE
DALLAS 7.7 NNE
DALLAS 5.3 ENE
KENNESAW 5.6 SW
KENNESAW 3.1 SSW
KENNESAW 2.9 NE
ALLATOONA DAM 2

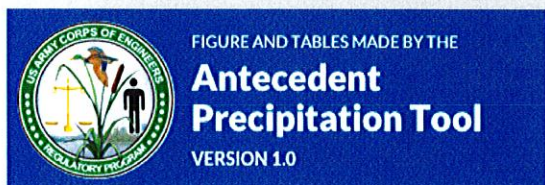


FIGURE AND TABLES MADE BY THE
**Antecedent
 Precipitation Tool**
 VERSION 1.0

WRITTEN BY JASON DETERS
 U.S. ARMY CORPS OF ENGINEERS

MADE BY SWAMP
 SCHOOL

NC DWQ Stream Identification Form Version 4.11

Date: 6/16/21	Project/Site: Dogwood Dr	Latitude: 33.868828
Evaluator: Mark Bellant	County: Colob	Longitude: -84.67776
Total Points: Stream is at least intermittent if ≥ 19 or perennial if $\geq 30^*$ 11.5	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 7)

	Absent	Weak	Moderate	Strong
1 ^a Continuity of channel bed and bank	0	1	2	3
2. Sinuosity of channel along thalweg	0	1	2	3
3. In-channel structure: ex. riffle-pool, step-pool, ripple-pool sequence	0	1	2	3
4. Particle size of stream substrate	0	1	2	3
5. Active/relict floodplain	0	1	2	3
6. Depositional bars or benches	0	1	2	3
7. Recent alluvial deposits	0	1	2	3
8. Headcuts	0	1	2	3
9. Grade control	0	0.5	1	1.5
10. Natural valley	0	0.5	1	1.5
11. Second or greater order channel	No = 0		Yes = 3	

^a artificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 2.5)

12. Presence of Baseflow	0	1	2	3
13. Iron oxidizing bacteria	0	1	2	3
14. Leaf litter	1.5	1	0.5	0
15. Sediment on plants or debris	0	0.5	1	1.5
16. Organic debris lines or piles	0	0.5	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = 3	

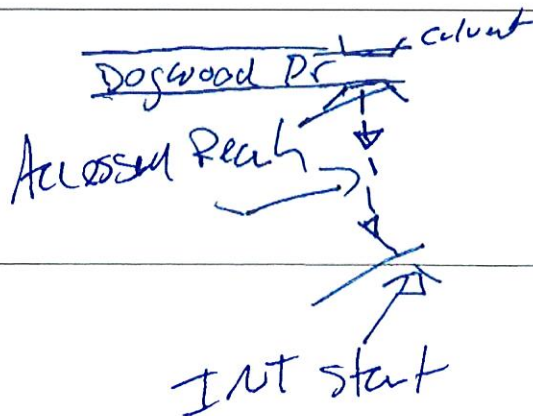
C. Biology (Subtotal = 2)

18. Fibrous roots in streambed	3	2	1	0
19. Rooted upland plants in streambed	3	2	1	0
20. Macroinvertebrates (note diversity and abundance)	0	1	2	3
21. Aquatic Mollusks	0	1	2	3
22. Fish	0	0.5	1	1.5
23. Crayfish	0	0.5	1	1.5
24. Amphibians	0	0.5	1	1.5
25. Algae	0	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = 0			

*perennial streams may also be identified using other methods. See p. 35 of manual.

Notes:

Sketch:



NC DWQ Stream Identification Form Version 4.11

Date: <u>6/16/21</u>	Project/Site: <u>Dogwood Dr</u>	Latitude: <u>33.868828</u>
Evaluator: <u>Mark Ballard</u>	County: <u>Cobb</u>	Longitude: <u>-84.67076</u>
Total Points: <u>28</u> <i>Stream is at least intermittent if ≥ 19 or perennial if ≥ 30*</i>	Stream Determination (circle one) Ephemeral Intermittent Perennial	Other e.g. Quad Name:

A. Geomorphology (Subtotal = 13)

	Absent	Weak	Moderate	Strong
1 ^a Continuity of channel bed and bank	0	1	<u>2</u>	3
2 Sinuosity of channel along thalweg	0	1	<u>2</u>	3
3. In-channel structure: ex riffle-pool, step-pool, ripple-pool sequence	0	<u>1</u>	2	3
4. Particle size of stream substrate	0	1	<u>2</u>	3
5. Active/relict floodplain	0	1	<u>2</u>	3
6. Depositional bars or benches	0	1	<u>2</u>	3
7. Recent alluvial deposits	0	<u>1</u>	2	3
8. Headcuts	<u>0</u>	1	2	3
9 Grade control	<u>0</u>	0.5	1	1.5
10 Natural valley	0	0.5	<u>1</u>	1.5
11. Second or greater order channel	No = <u>0</u>		Yes = 3	

^aartificial ditches are not rated; see discussions in manual

B. Hydrology (Subtotal = 10)

12. Presence of Baseflow	0	1	<u>2</u>	3
13. Iron oxidizing bacteria	0	1	2	<u>3</u>
14. Leaf litter	1.5	<u>1</u>	0.5	0
15. Sediment on plants or debris	0	<u>0.5</u>	1	1.5
16. Organic debris lines or piles	0	<u>0.5</u>	1	1.5
17. Soil-based evidence of high water table?	No = 0		Yes = <u>3</u>	

C. Biology (Subtotal = 5)

18 Fibrous roots in streambed	<u>3</u>	2	1	0
19 Rooted upland plants in streambed	3	<u>2</u>	1	0
20. Macroinvertebrates (note diversity and abundance)	<u>0</u>	1	2	3
21. Aquatic Mollusks	<u>0</u>	1	2	3
22 Fish	<u>0</u>	0.5	1	1.5
23 Crayfish	<u>0</u>	0.5	1	1.5
24 Amphibians	<u>0</u>	0.5	1	1.5
25 Algae	<u>0</u>	0.5	1	1.5
26. Wetland plants in streambed	FACW = 0.75; OBL = 1.5 Other = <u>0</u>			

*perennial streams may also be identified using other methods. See p 35 of manual.

Notes:

Sketch:

