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V-24-0003
MAY 7 2024

PLANNING & ZONING

Solyian Letter of Appeal - 1026 Quaker Ridge Way, Johns Creek GA 30097

I. INTRODUCTION

We, Jordana and Gary Solyian (Jointly hereinafter “Owners” and/or “We”/ “Our”), as Homeowners, are requesting a variance for our property located at 1026 Quaker Ridge Way, Johns Creek, GA 30097 (hereinafter “The Property”), located in the St. Ives Country Club neighborhood (hereinafter “HOA”), in the city of Johns Creek (“The City”). Variance Requests include three (3) above-ground planter walls/steps; a fence to enclose the perimeter of the backyard; grading of steps and patio area; and hardscaping a path from the front yard to the backyard that opens to a patio area. *See Appendix A - Proposed Plan.*

II. BACKGROUND INFORMATION

The Property was built in 1989, 17 years before The City was incorporated and before the existence of the current buffers set by The City. The current 50 ft buffer and additional 25 ft setback required by The City encompasses our entire backyard and runs through most of the sides of the property and half of the home. *See Appendix A.* We have been informed that The City would not allow our home to be built today due to these restrictions.

The property backs up to the St. Ives Country Club golf course hole 13. A creek defines the edge of the golf course, and on the other side begins a steep incline that leads to The Property. It appears that originally the steep decline from the property to the stream did not begin until after the end of the property at the tree line. However, at this time, the decline begins well into the property due to severe and continuing erosion since the original construction of the property. This can be established by the fact that when the property was built, and the County easement for the sewer line was outside of the 25ft state buffer. Currently, due to the years of erosion from the property into the stream the county easement now enters the 25ft state buffer. *See Appendix B – Map of State Buffer and County Easement Overlap.* The adjacent property, which has a similar topography resolved and prevented the erosion issue with a retaining wall near the waterway. *See Appendix C – Picture of neighbor’s retaining wall.*

We purchased the property in December 2020 and moved into The Property at the end of January 2021. Prior to us moving into The Property, it sat uninhabited and minimally attended for approximately 10 years. Both the front and back yards received basic and minimal maintenance. However, trees, bushes, and brush were overgrown, dead, and infested with bugs and rodents. The

sprinklers failed to work properly, the drainage pipes were exposed and damaged due to erosion, the electric fence did not work, and the county's manhole on our property, although exposed through erosion of the ground, was completely covered and inaccessible due to overgrown bushes and debris. Clear and obvious erosion that had occurred throughout the property and was clearly draining into the waterway at issue.

The creek was originally thought by Owners to be a drainage stream per the HOA. This was confirmed by the original land survey obtained in 2021, which did not include any buffer requirements. *See Appendix D – 2021 land survey.*

After the HOA requested that we make repairs to the yard (*See Appendix E – letter from HOA*), plans and proposal were submitted and approved by the HOA, which also included approval by the Country Club (The property's direct neighbor to the rear). *See Appendix F – Approval by the HOA for the project at issue.* As neither the land survey nor the HOA indicated any buffer requirement, and moreover, the HOA indicated that no permits were necessary, we had no knowledge of the buffer requirements or the need for a variance. Work began on the property. After unforeseen delays with the contractor, the HOA called The City. At that time, we became informed of the buffer and the need for a variance. In March 2023, The City put a stop work order on the property. No further work within The City buffer and setback has been done at the time of this request per the stop work order than repair and maintenance to pre-existing systems on the property (including drainage, electric fence, and sprinklers). *See Appendix G – Grandfathered repair and maintenance.*

III. REQUESTED VARIANCES DETAILS

1. ***Above-Ground Planter Walls and Steps*** - No in-ground soil disturbance, no rebar, only planter stones – *See Appendix H (1& 2)*
- *Images of planter stones* - used to create a wall to stop erosion, serve as a base for a fence, and create steps.
 - i. Large wall - closest to the golf course, goes across the back of the property.
 1. 53.2 sq. ft. (under the 100 sq. ft requirement allowing a state Exemption) *See Appendix A.*
 2. Located in the 25 ft State buffer.

4. Requesting approval of existing wall
 5. Purpose for erosion control and base for fence - *See Appendix J – See picture of large wall*
 6. *EPD (State) has approved the structure - See Appendix T - EPD Consent Order .*
- ii. Small Patio wall – Left rear side of the property
1. 22.4 sq. ft.- *See Appendix A*
 2. Located in the 50 ft creek buffer
 3. Purpose to protect the last surviving tree by allowing additional dirt to fully cover exposed roots due to erosion over time, facilitate the natural incline of the property in a manner that will not erode as drastically, improve drainage on the property, and support patio to prevent basement flooding.
 4. Requesting approval for existing wall.
 5. County has approved the structure. *See Appendix K – Email with approval from Fulton County.; See Appendix L – See picture of small patio wall*
- iii. Wall/Steps – right side of the home
1. Wall - 14 ft x 6.75 inches = 7.84 sq. ft.
 - a. Grading and fill – 14ft x 7ft = 98 sq. ft.
 2. Steps - 4 ft. x 7 ft. = 28 sq. ft
 3. *See Appendix A*
 4. Located in the 75 ft City setback
 5. Requesting completion of walls, fill, and creation of steps.
 6. Purpose to level sides to allow better flow for drainage that has caused significant erosion damage.
 7. *See appendix M– See picture of wall and steps*
2. **Fence** – black iron fence (the only kind approved by the HOA)
- i. 100 ft. x .125 ft. = 12.5 sq. ft (remainder of fence is accounted for in the footprint of the large wall)
 - ii. Located equally in the 50 ft and 75 ft buffer
 - iii. Requesting erection on a fence enclosing the backyard of the property.

iv. Purpose is to restrict access to private property, prevent egression by children and dogs, and allow personal and private use of the private property.

v. *See Appendix N – See the proposed fence*

3. Pathway and Patio

i. Patio (3/4 in 50ft buffer/1/4 in setback) - 24 ft. x 22 ft. = 528

ii. Path (in Setback) - 25ft. x 5ft. = 125 sq. ft. (3 -18 inch stones separated by 3 inches)

iii. Patio is located in the 3/4 in the 50 ft. buffer and 1/4 in 75 ft. setback/ Path in 75 ft. setback

iv. *See Appendix A; See Appendix O – See the proposed patio and path.*

v. Requested action, hardscaping path and patio, grading and fill for a portion of the patio.

vi. Purpose is to facilitate access to the rear workshop/basement entrance. Prevent continued destruction to the ground covering and prevent basement/workshop flooding. Prevent further erosion and drainage issues.

4. TOTAL Disturbance into the buffer (all numbers rounded up)

i. TOTAL LAND DISTURBANCE

1. 666 sq. ft.

ii. TOTAL IMPERVIOUS DISTURBANCE

1. 777 sq. ft.

Area	Impervious Area in Square Feet	Disturbance in Square Feet
Back Wall	53.2	53.2
Patio Wall	22.4	72.4
Path	125	
Patio	528	528
Side Wall	7.84	
Side Steps	28	
Side Fence(s)	12.5	12.5
Total	777	666

IV. GRANDFATHER PROVISION

The Johns Creek Part II Code of Ordinances, Chapter 109 - Natural Resources And Environmental Protection, Article V. Stream Buffer Protection, Sec. 109-117 (1), Grandfather Provision sets standards for properties such as ours, which preexisted The City’s restriction. The Grandfather Provision section (1) states that Article V “shall not apply to the following activities: (a) work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this article.” We therefore, per The City’s Grandfather Clause, are allowed to repair/replace the broken sprinkler system (including the

pipings) and drainage running throughout the backyard, and the inground electric fence within the perimeter of the property. All three were installed prior to the enactment of The City buffer and The City's own existence. The allowed repairs, which are not subject to The City buffer and setback per the above-stated section, shall allow and include but are not limited too: digging up the location of the above-mentioned repairs; adding dirt back to cover such repairs; and leveling/grading those sections to match the natural uniformity of the backyard. *See Appendix G – Map with location of Grandfathered Sprinkler system, drainage system, and inground electric.* All repairs and maintenance areas identified in Appendix G, are exempt from a variance or buffer restriction.

V. PRIMARY VARIANCE

Primary Variance. A Primary Variance shall be heard and decided by the Board of Zoning Appeals in accordance with Section 22.3.1 defining the showing of the hardship standard. A Primary Variance may also be granted by showing that relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance.

1. Hardship Per Section 22.3.1 - Variance Considerations.

A Primary Variance requires showing extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography. We have extraordinary and exceptional circumstances, as The Property was built prior to Johns Creeks incorporation, and our entire backyard and part of our home are now within the City buffer and setback.

i. The Inability To Make Any Improvements Has Created Significant Hardships For Us As Owners Of The Property

As previously stated, the property's entire backyard and part of the side yard, and the house itself is in the City buffer and setback. **Without a variance, we as property owners cannot do anything to our backyard or side of the home, as it is ALL under the City buffer/setback.**

1. General improvements to our yard

First, the City buffer and setback have put us in direct conflict with the HOA, which demanded that the backyard be updated and improved. *See Appendix E.* We did not have the option to leave the buffer and setback area as is, as that put us in direct conflict with the HOA which wanted the area improved and modified for aesthetic purposes.

Currently, we are incurring daily fines and are in litigation with the HOA over the completion of the project and approval of this variance. The state of the backyard is in dire disrepair, as the project was started and stopped without completion pending this variance. Not only is the yard not up to the standard required and set by HOA (which we are bound by), the yard is not able to be used as intended by us, the homeowners.

Moreover, it is not only a nuisance to us as we look at the property everyday, but a nuisance to our neighbors, community, and country club members who have to endure the sight of the incomplete and destroyed backyard. Something must be done in the backyard, and no matter what we do in the backyard, we will need a variance to update and improve the yard.

ii. Dire and desperate need for a fence

More specifically, the inability to put up a fence has created a particular hardship, as our children and dogs cannot be allowed outside freely in our own backyard. We have two dogs, a 140 lb. Rottweiler and a 20 lb. Boston terrier. Our dogs often run onto the golf course chasing after deer that live freely in our neighborhood. This is in spite of the fact that we do not leave them outside without supervision, and they have wifi electric collars (the in-ground electric fence is not working and requires inground disturbance to repair). Although our dogs are very friendly, the golfers and the golf course staff are often startled and displeased by a giant 140 lb. dog running through the course and disrupting play.

Additionally, the fence would allow us to protect our small children and dogs from dangers intruding into our yard. Our neighborhood has been overtaken by coyotes, who have attacked and killed full adult deer in the neighborhood, just a couple of houses up from ours. *See Appendix P (1-3) – picture of dead deer left by coyotes, community posts regarding coyotes, and letter from HOA regarding coyotes.* Unfortunately, this coyote situation does not appear to be improving. The coyote den is believed to sit just below and directly to the side of our property. This creates a huge danger to our family's safety, as there is no barrier to our home, and the coyotes have direct access to our yard and home. This debilitating threat and safety concern for our toddler and small dog; who both are small enough to be attacked or taken by the pack. It even creates a danger to our large dog, and even myself, as the pack is known to attack individuals and large dogs. Currently, no one, neither dogs nor children, are allowed to be in the backyard for any extended period of time or play freely, never at night, and never alone. This was not what we intended when purchasing a house with a large backyard.

Moreover, allowing this variance and erecting a fence would help to keep intruders off our property. Our neighborhood has had several break-ins *See Appendix Q (1-4) – Breakin/Burglary Notices*. A fence would provide an additional barrier to protect our home from burglaries. A fence would also help prevent golfers who inappropriately trespass on our property and the danger of them being injured on our property. We have had significant discussions with the golf course regarding the trespass of golfers onto our property. *See Appendix R – Emails with golf course*. This is a significant concern for both us and the golf course, as the steep slope from the creek up to our property is jointly owned by both of us, and there is a significant likelihood of an injury occurring there. Although it is clearly not part of the course, golfers continue to traverse the steep and unsafe terrain to reach our property to collect golf balls, as there is no barrier preventing them from doing so. A fence would do just that, prevent golfers from trespassing by terminating any need to come on the property as there would be no access. Exactly what signage, warnings, and threats have not been able to achieve.

The variance for the fence/back wall would resolve all the above issues regarding the lack of a fence.

iii. Flooding and erosion

1. Back Wall

The back wall, is probably the most important wall to prevent erosion and maintain the creek as natural and undisturbed as possible. Prior to the wall being erected, and what would revert if the wall were to be removed, is ongoing erosion of the protected land and constant runoff into the stream. It is clear in looking at old plats maps and even the original buffer zones and easements, that the stream is moving and erosion is occurring at a significant rate on this property. *See Appendix B*. The wall that has been erected (and needs to be only superficially completed) is currently (1) preventing any further significant erosion and blocking any inappropriate runoff from reaching the stream. Both are the primary intents of the buffer zone.

2. Path/Patio/ Small Patio Wall

When it rains, our workshop/basement in the home floods due to the current erosion paths, runoff, and ground level of the proposed path/patio area. By creating this path and patio we will be able to end the flooding into the basement/workshop.

Additionally, the path/patio are necessary, as we only have a two-car garage and, per City Ordinance, do not have sufficient setbacks to expand our garage to a three-car garage. Therefore,

we must store our golf cart in the workshop/basement off the backyard, as we own two cars. Currently one vehicle has to always be left outside. This again, is not only against the HOA standards but invites robberies/burglaries, which are occurring more and more often in our neighborhood. *See Appendix Q.*

Without the ability to put down the path and patio to turn into the workshop, our only options would be to continually destroy the ground cover in the yard each time the golf cart is used (which is multiple times per week) or not have the golf cart covered and secured and encourage our home to be targeted by robbers. Moreover, due to the property's incline, significant runoff and erosion occur in the proposed path and patio area, which would only worsen with further damage by constant golf cart traversing.

3. Side steps

On the right side of the home, there was also a steep incline that was causing flooding when it rained. To improve and lessen the drainage flow, professionals suggested levels to prevent the flooding that directly runs off into the stream that the buffer is intended to protect. The leveling of this area requires the small wall and steps as proposed.

iv. Granting the Variance Has No Detriment To The Public;

First, the home is in a private neighborhood, in a private club, so at no point in time is there any harm to the public by any modification or variance granted for our private backyard. Moreover, as stated above, the requested variances help prevent significant erosion into the stream water, which leads to a public waterway, and therefore in the public's best interest. There is no disadvantage but a huge advantage for my neighbors, community members, and club members that this variance be granted and we are permitted these modifications to the property. Everyone wants these modifications, and in turn this variance to be granted. Not only would the significant eye sore that is our current backyard be removed; but the property values will increase, which increases community values; and the golf course aesthetic will also improve.

2. General Purpose And Intent Of The Zoning Ordinance.

Here at all times since the construction of the property, the intent of the property has been for residential use with the intent of the property being used as a residential backyard, and to remain in compliance with the HOA standards. As stated above, the purpose of the ordinance is to maintain and protect the stream and vegetation surrounding the stream. The modifications proposed in this variance request not only better protect the stream from inappropriate drainage ending up in the

waterway, but also helps prevent further erosion at the rate it has been occurring, while allows the original intent of the home to be fulfilled, by complying with the HOA standards, and our intent as homeowners for a residential back yard.

3. Stream Buffer Additional Consideration.

Documentation of unusual, extreme hardship should the buffer be maintained. In looking at the maps, it is highly unusual for a property's entire backyard to be encompassed by the buffer area. Our property is the only property fully encompassed by the buffer in the surrounding houses due to the curvature of the stream and the natural shape of the property. All these physical restraints on the property existed long before Johns Creek was incorporated and the buffers/setbacks were enacted. The requested variance follows the land's best natural curvature to create a pleasant aesthetic and functional solution to the problems addressed above. This is despite the fact that in doing so, we make our yard significantly smaller than the size of our lot.

The requested variances are intended to provide the least intrusion and disruption to the stream. There are no long-term and construction water-quality impacts due to the proposed variance. If anything, there are only advantages as erosion will significantly improve with modification and inappropriate drainage into the stream will significantly be reduced as a barrier will now exist.

4. Mitigation

We proposed the following mitigation to offset the **2596 sq. ft** intrusion/encroachment into the City buffer and setback.

- i. 4 large tree/ Pine tree @ 200 sq. ft. = 800 sq. ft.
- ii. 3 small tree/ dogwood @ 100 sq. ft. = 300 sq. ft.
- iii. 81 bushes/ Wax Myrtles & Oak-leaf Hydrangea @16 sq. ft. =1296 sq. ft
- iv. 50 flowers/ Cardinal flowers @ 4 sq. ft. = 200 sq. ft.

The total 2596 sq.ft of mitigation per the City's stream buffer mitigation standards dated August 2010. Owners proposed mitigation plan shall meet and exceed the mitigation required for a project.

5. Alternative Non-Disruptive Plan

There is no possible alternative plan, that does not include a buffer or setback intrusion, as the entire backyard, half the house, and more than half the sides of the property fall within the buffer or setback.

It is also our understanding that no stormwater plan is necessary for my property or the variance I am requesting.

VI. No Adverse Impacts On Adjacent Properties

There are no objections by anyone directly affected by the requested variance. Not only has the HOA and Country Club approved the project (*See Appendix F*), but the HOA is currently suing us to enforce the completion of the project. *See Appendix S – Complaint filed by HOA*. Additionally, both the direct neighbors to either side of The Property support the project and variance request. Both Adjacent neighbors have agreed to provide letters of support by the hearing date for this variance.

VII. ADDITIONAL APPROVALS

1. Fulton county

Fulton County approval for the easement encroachment request has been provided. Email was sent to the City directly. *See Appendix K*.

2. State of Georgia

State approval through the EPD has been granted through a consent order. *See Appendix T*.

VIII. CONCLUSION

For the aforementioned reasons, we plead to the Director or Board to obtain a variance for the property to be able to move forward in compliance with the City, HOA, State, and County for a safe and aesthetically pleasing manner that is beneficial for us as homeowners, the community, our neighbors, the club members, the City, and all other parties involved.

APPENDIX A

*** LEGEND ***

SURVEY NOTES:

- Above ground walls & steps - no mechanical equipment all hand tools used to build
- Existing Large Tree
- FENCE - back section on wall
- Grading & Fill
- Path and Patio - hardscaping (no concrete, all above ground, no mechanical tool used)
- MITIGATION
 - Large Tree - 1 @ 200 sq. ft. = 200 sq. ft. Red Maple
 - Small Trees - 3 @ 100 sq. ft. = 300 sq. ft. Red Buds
 - 17 @ 16 sq. ft. = 272 sq. ft. Wax Myrtle
 - 59 @ 4 sq. ft. = 232 sq. ft. Butterflyweeds

- | | | |
|---------------------------|------------------------------|------------------|
| PGS POINT OF BEGINNING | IFP IRON PIN FOUND | INDICATES STAINS |
| LLI LAND LOT LINE | IPS IRON PIN SET | |
| MN MAN HOLE | OTP OPEN TOP PIPE FOUND | |
| SSL SANITARY SEWER LINE | CTP CRIMP TOP PIPE FOUND | |
| SD SAN SEWER CLEANOUT | RB REINFORCING BAR | |
| CB CATCH BASIN | RFB REINFORCING BAR FOUND | |
| JB JUNCTION BOX | RBS REINFORCING BAR SET | |
| DI DRAINAGE INLET | MAG MAGNETIC READING | |
| YI YARD INLET | AIK ANGLE IRON FOUND | |
| HW HEAD WALL | CP CALCULATED POINT | |
| PP POWER POLE | -X-X- FENCE | |
| LP LIGHT POLE | CLF CHAIN LINK FENCE | |
| PW POWER LINE | WFF WOOD FENCE | |
| GW GUY WIRE | WIF WIRE FENCE | |
| SSE SANITARY SEWER ESMT. | IRF IRON FENCE | |
| DE DRAINAGE EASEMENT | FC FENCE CORNER | |
| UE UTILITY EASEMENT | WW WET WEATHER BUILDING LINE | |
| AE ACCESS EASEMENT | BL R/O RIGHT-OF-WAY | |
| TB TOP OF BANK | PC PROPERTY CORNER | |
| EB BOTTOM OF BANK | PL PROPERTY LINE | |
| CMP CORRUGATED METAL PIPE | CL CENTER LINE | |
| RCP REINFORCED CONC. PIPE | CPT CARPORT | |
| APP AS PER PLAN | SP SCREEN PORCH | |
| APD AS PER DEED | FR FRAME | |
| APR AS PER RECORD | WD WOOD | |
| APP AS PER FIELD | FN FIRE HYDRANT | |
| BC BACK OF CURB | CBX CABLE BOX | |
| ED EDGE OF PAVEMENT | COL COLUMN | |
| EB ELECTRIC POWER BOX | BLK BLOCK | |
| SM ELECTRIC METER | DR DRYCK | |
| GM GAS METER | FR FRAME | |
| GV GAS VALVE | WD WOOD | |
| WM WATER METER | SN SIGN | |
| WV WATER VALVE | LN LANDING | |
| OH OVERHANG | P PLAT | |
| OU OWNERSHIP UNCLEAR | D DEED | |
| AC AIR-CONDITION | R RECORD | |
| CONC. CONCRETE | F FIELD | |
| ATB ATT. BOX | N N'BERS. | |

1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD DRAWINGS PROVIDED TO THE SURVEYOR. LOCATION OF UNDERGROUND MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. NO EXCAVATIONS WERE MADE DURING THE PROCESS OF THIS SURVEY TO LOCATE BURIED UTILITIES. BEFORE EXCAVATIONS ARE BEGUN, TELEPHONE, ELECTRIC, WATER AND SEWER, GAS COMPANIES SHOULD BE CONTACTED FOR VERIFICATION OF UTILITY TYPE AND FOR FIELD LOCATIONS.

2. THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS AND IS NOT RECORDABLE. FENCES SHOULD NOT BE LOCATED USING SIDE DIMENSIONS FROM THE HOUSE. ALL MATTERS OF THE TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHT OF WAY PUBLIC OR PRIVATE.

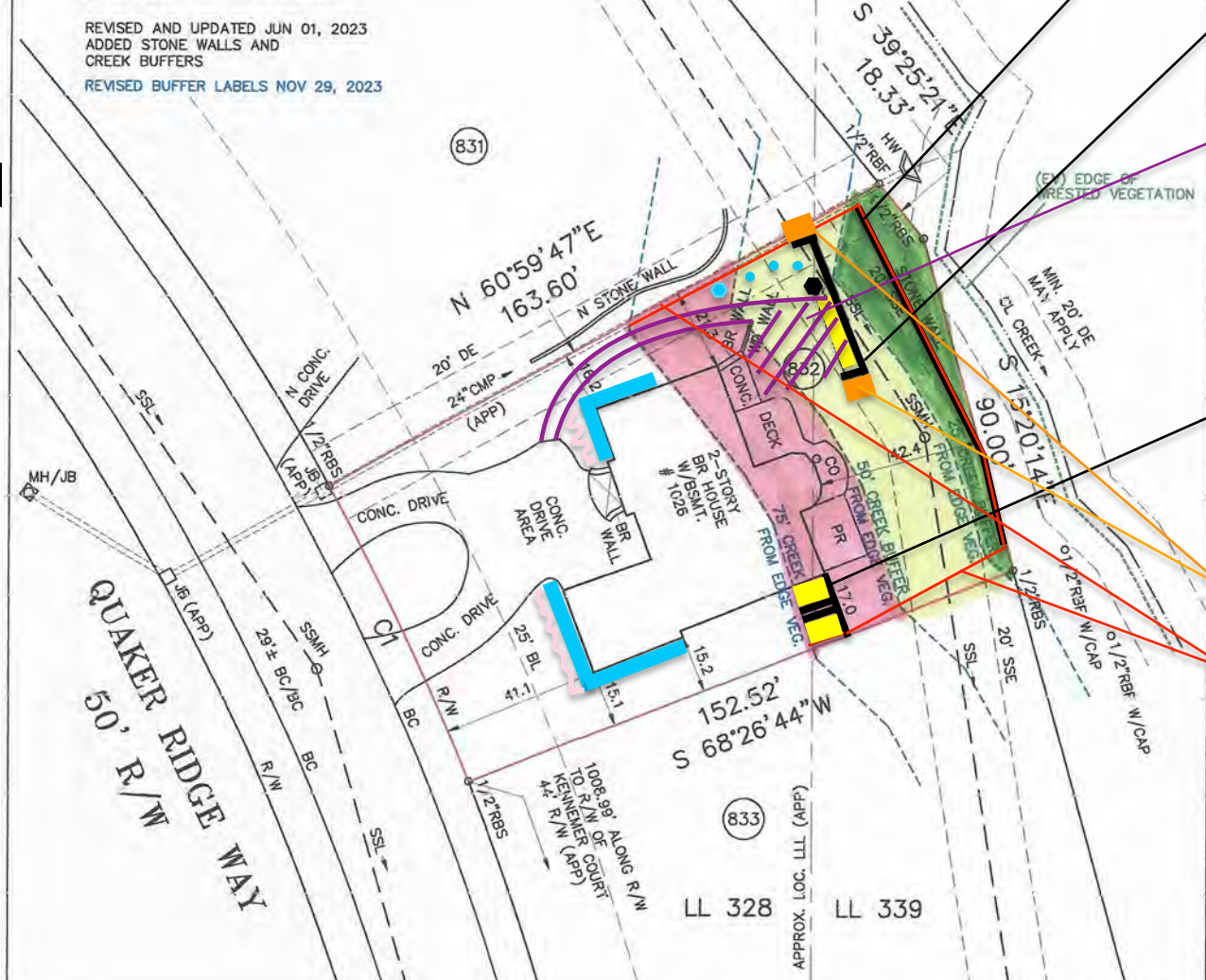
3. SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD RECORDED AND NOT RECORDED, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.

4. THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT OR BURDEN THIS PROPERTY. MATTERS OF TITLE ARE EXCEPTED. PROPERTY OWNER OR PERSON ORDERING THE SURVEY IS RESPONSIBLE TO CONTACT CLOSING ATTORNEY OR TITLE COMPANY FOR A FULL TITLE SEARCH AND COMMITMENT INCLUDING ALL THE EXCEPTION.

5. SURVEY LAND EXPRESS, INC IS NOT RESPONSIBLE FOR AND DOES NOT WARRANT THE ZONING INFORMATION AND INTERPRETATION AS PROVIDED HEREIN. THIS INFORMATION IS OBTAINED USING ON-LINE SOURCES. TELEPHONE CONVERSATION WITH ZONING OFFICE AT THE COUNTY OR CITY, ETC. AND CANNOT GUARANTEE ITS ACCURACY. IT IS RECOMMENDED THAT THE CLIENT OR USER OF THIS DATA VERIFY THIS INFORMATION WITH THE ISSUING AUTHORITY.

6. THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS REDERIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS, ENTITY.

Curve Radius Length Chord Chord Bear.
 C1 663.96' 85.95' 85.89' N 25°16'38" W



REVISED AND UPDATED JUN 01, 2023
 ADDED STONE WALLS AND CREEK BUFFERS
 REVISED BUFFER LABELS NOV 29, 2023

TOTAL MITIGATION
 1004 sq. ft.

- Back Wall
95 ft long x .56 wide = 53.2 sq. ft.
2 ft tall at max height
- Above ground wall
- No Mechanical equipment for build - hand tools only
- No filling other than for pre existing maintenance and repair
- Patio Wall
30ft long x 5 ft per side
40ft x .56 wide = 22.4 sq. ft.
3 ft tall
- No Mechanical equipment used for build - hand tools only
- Path and Patio
- No Mechanical equipment used for build
- Hand tools only for path and patio
- Path
25 ft x 5 ft = 125 sq. ft.
- all above ground /non-permanent hardscape
- Patio
24 ft x 22 ft. = 528 sq. ft.
- all above ground non-permanent hardscape
- within the 528 sq. ft. - grading and fill on 5 ft. x 22 ft = 110 sq. ft.
- Wall and Steps
Wall
14 ft long x .56 wide = 7.84 sq. ft.
2.25 ft. tall
grading and fill
14 ft x 7 ft = 98 sq. ft.
- Steps
7 ft x 4 ft = 28 sq. ft.
- No Mechanical used for build - hand tools only
- Impervious disturbance around side patio walls
- 10 ft total x 5 ft. = 50 sq. ft.
- Fence
fence sides - 100 ft (50ft on each side) = 12.5 sq. ft.
back fence on wall

Total Land Disturbance - 875 Sq. Ft.
Total Impervious - 925 Sq. Ft.

PROPERTY ADDRESS:
 1026 QUAKER RIDGE WAY
 DULUTH, GA 30097

PLAT PREPARED FOR:
JORDANA & GARY SOLYIAN

LOT 832	BLOCK
SUBDIVISION THE ST. IVES COUNTRY CLUB	POD 1 UNIT
LAND LOTS 328 & 339	1ST DISTRICT 1ST SECTION
FULTON COUNTY, GEORGIA	
FIELD WORK DATE	PRINTED/SIGNED
JAN 26, 2021	JAN 30, 2021
PLAT BOOK 155	PAGE 54
DEED BOOK 18208	PAGE 109
ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	

GEORGIA REGISTERED
 No. 3187
 PROFESSIONAL
 LAND SURVEYOR
 EUGENE A. STEPANOV

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

LAND AREA:
 0.354 AC

0 30
 SCALE 1" = 30'
 PAPER FORMAT 11"x17"

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANNED COORDINATE MANAGEMENT FOUND WITHIN 500' OF THIS PROPERTY.

SJ
 COORD # 20210088
 DWG # 20210088

SURVEY LAND EXPRESS, INC.
 LAND SURVEYING SERVICES

24 LENOX POINTE,
 ATLANTA, GA 30324
 FAX 404-601-0841
 TEL 404-252-5747
 INFO@SURVEYLANDEXPRESS.COM

APPENDIX B

*** LEGEND ***

POB	POINT OF BEGINNING	IPF	IRON PIN FOUND
LLL	LAND LOT LINE	IPS	IRON PIN SET
MH	MAN HOLE	OTP	OPEN TOP PIPE FOUND
SSL	SANITARY SEWER LINE	CTP	CRIMP TOP PIPE FOUND
CO	SAN SEWER CLEANOUT	RB	REINFORCING BAR
CB	CATCH BASIN	RBF	REINFORCING BAR FOUND
JB	JUNCTION BOX	RBS	REINFORCING BAR SET
DI	DRAINAGE INLET	MAG	MAGNETIC READING
YI	YARD INLET	AIF	ANGLE IRON FOUND
HW	HEAD WALL	CP	CALCULATED POINT
PP	POWER POLE	-X-X	FENCE
LP	LIGHT POLE	CLF	CHAIN LINK FENCE
PW	POWER LINE	WDF	WOOD FENCE
GW	GUY WIRE	WRF	WIRE FENCE
SSE	SANITARY SEWER ESMT.	IRF	IRON FENCE
DE	DRAINAGE EASEMENT	FC	FENCE CORNER
UE	UTILITY EASEMENT	WW	WET WEATHER
AE	ACCESS EASEMENT	BL	BUILDING LINE
TB	TOP OF BANK	R/W	RIGHT-OF-WAY
BB	BOTTOM OF BANK	PC	PROPERTY CORNER
CMP	CORRUGATED METAL PIPE	PL	PROPERTY LINE
RCP	REINFORCED CONC. PIPE	CL	CENTER LINE
APP	AS PER PLAT	CPT	CARPORT
APD	AS PER DEED	SP	SCREEN PORCH
APR	AS PER RECORD	PR	PORCH
APF	AS PER FIELD	FH	FIRE HYDRANT
BC	BACK OF CURB	CBX	CABLE BOX
EP	EDGE OF PAVEMENT	COL	COLUMN
EB	ELECTRIC POWER BOX	BLK	BLOCK
EM	ELECTRIC METER	BR	BRICK
GM	GAS METER	FR	FRAME
GV	GAS VALVE	WD	WOOD
WM	WATER METER	SN	SIGN
WV	WATER VALVE	LND	LANDING
OH	OVERHANG	PLT	PLAT
OU	OWNERSHIP UNCLEAR	D	DEED
AC	AIR-CONDITION	R	RECORD
CONC.	CONCRETE	F	FIELD
ATTB	ATT BOX	N	N'BORS.

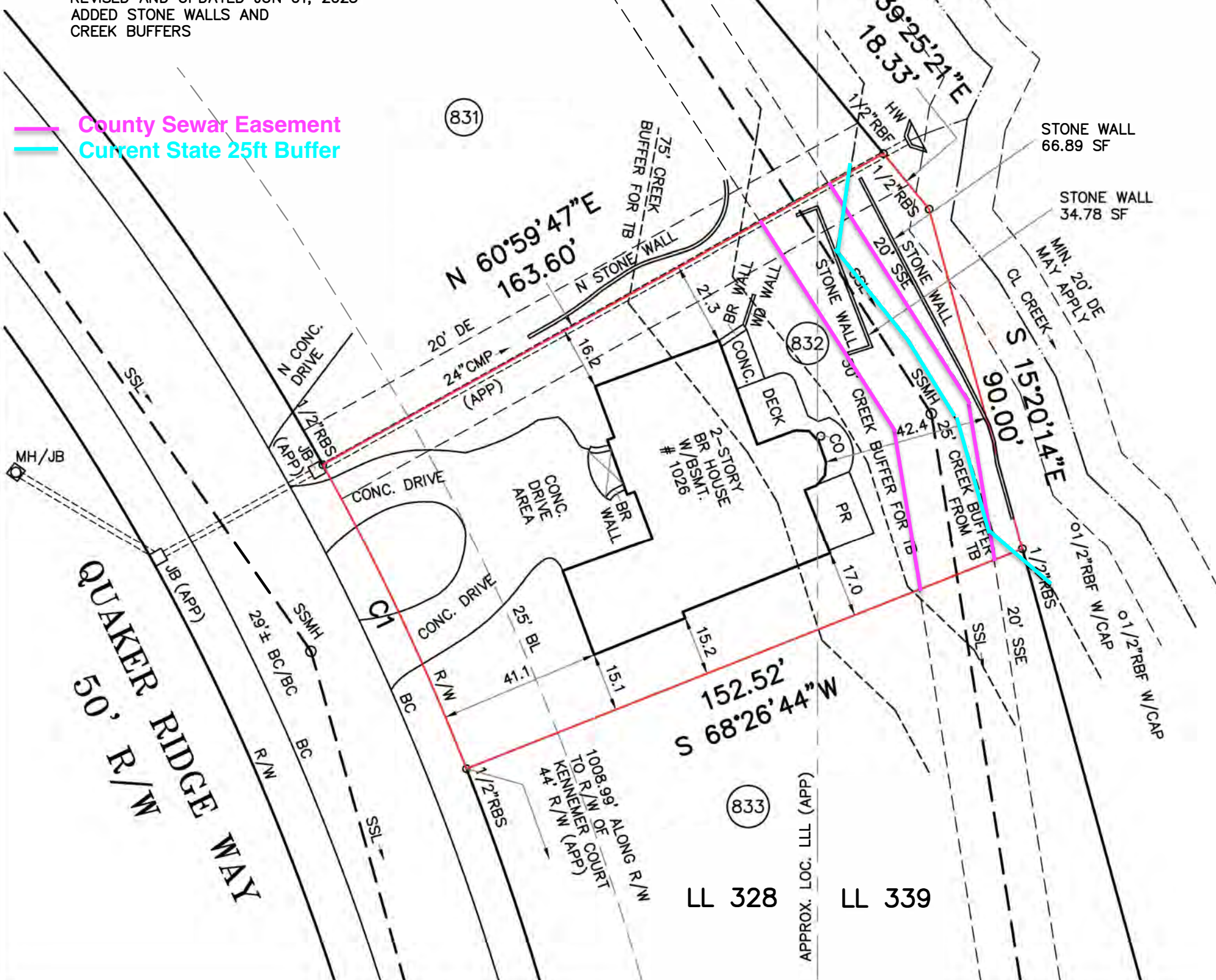
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Curve	Radius	Length	Chord	Chord Bear.
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REVISED AND UPDATED JUN 01, 2023
ADDED STONE WALLS AND CREEK BUFFERS



PROPERTY ADDRESS:
1026 QUAKER RIDGE WAY
DULUTH, GA 30097

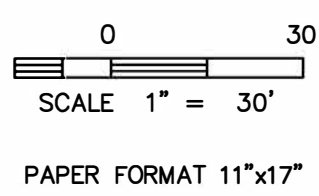
LAND AREA:
0.354 AC

PLAT PREPARED FOR:
JORDANA & GARY SOLYIAN

LOT 832	BLOCK
SUBDIVISION THE ST. IVES COUNTRY CLUB	POD 1 UNIT
LAND LOTS 328 & 339	1ST DISTRICT 1ST SECTION
FULTON COUNTY, GEORGIA	
FIELD WORK DATE JAN 26, 2021	PRINTED/SIGNED JAN 30, 2021
PLAT BOOK 155 ,PAGE 54	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED
DEED BOOK 18208 ,PAGE 109	

GEORGIA REGISTERED
No. 3197
PROFESSIONAL
EUGENE A. STEPANOV

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THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

SJ
COORD # 20210088
DWG # 20210088

SURVEY LAND EXPRESS, INC.
LAND SURVEYING SERVICES

24 LENOX POINTE,
ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

APPENDIX C



APPENDIX D

*** LEGEND ***

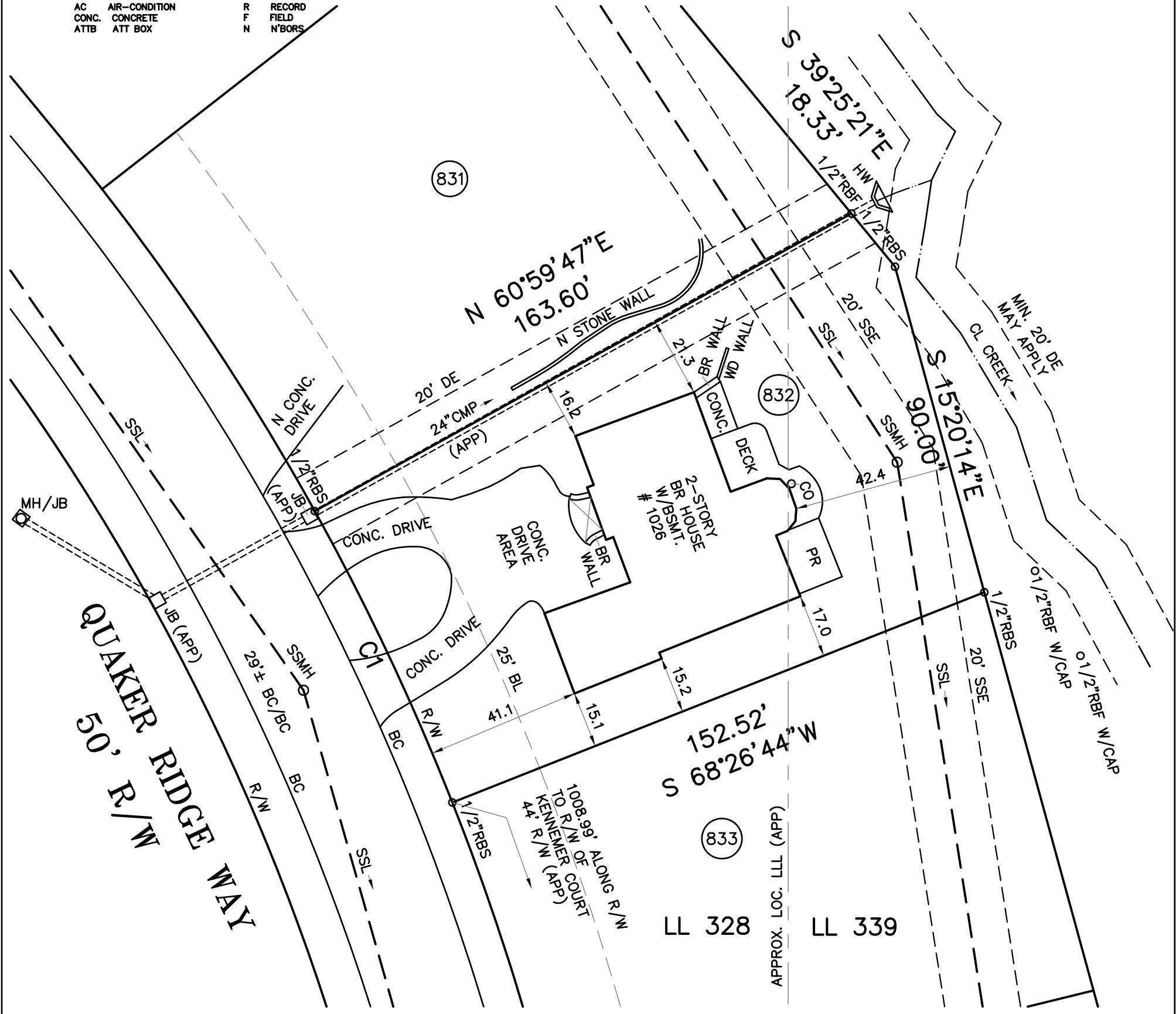
- POB POINT OF BEGINNING
- LLL LAND LOT LINE
- MH MAN HOLE
- SSL SANITARY SEWER LINE
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- CB CATCH BASIN
- JB JUNCTION BOX
- DI DRAINAGE INLET
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- HW HEAD WALL
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- LP LIGHT POLE
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- OU OWNERSHIP UNCLEAR
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- CONC. CONCRETE
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- IPF IRON PIN FOUND
- IPS IRON PIN SET
- OTP OPEN TOP PIPE FOUND
- CTP CRIMP TOP PIPE FOUND
- RB REINFORCING BAR
- RBF REINFORCING BAR FOUND
- RBS REINFORCING BAR SET
- MAG MAGNETIC READING
- AIF ANGLE IRON FOUND
- CP CALCULATED POINT
- X-X FENCE
- CLF CHAIN LINK FENCE
- WDF WOOD FENCE
- WRF WIRE FENCE
- IRF IRON FENCE
- FC FENCE CORNER
- WW WET WEATHER
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- PL PROPERTY LINE
- CL CENTER LINE
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- SP SCREEN PORCH
- PR PORCH
- FH FIRE HYDRANT
- CBX CABLE BOX
- COL. COLUMN
- BLK BLOCK
- BR BRICK
- FR FRAME
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- SN SIGN
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DULUTH, GA 30097

LAND AREA:
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PLAT PREPARED FOR:

JORDANA & GARY SOLYIAN

LOT 832 BLOCK

SUBDIVISION THE ST. IVES COUNTRY CLUB POD 1 UNIT

LAND LOTS 328 & 339 1ST DISTRICT 1ST SECTION

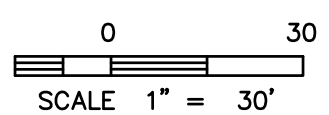
FULTON COUNTY, GEORGIA

FIELD WORK DATE JAN 26, 2021 PRINTED/SIGNED JAN 30, 2021

PLAT BOOK 155 ,PAGE 54 ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED
DEED BOOK 18208 ,PAGE 109



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PAPER FORMAT 11"x17"

SJ
COORD # 20210088
DWG # 20210088

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LAND SURVEYING SERVICES

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ATLANTA, GA 30324
FAX 404-601-0941
TEL 404-252-5747
INFO@SURVEYLANDEXPRESS.COM

APPENDIX E

Kathryn Vautrot <kathryn@stivescc.org>

to Gary, Kathryn, Sandy, me ▾

Wed, Aug

Good Afternoon,

The Compliance Committee was doing inspections on your street and observed the following non-compliance:

1. Front beds need mulch(Brown or black only) or pine straw installed
2. Erosion issues at the front and left side of the home need to be addressed and repaired.
3. Mailbox needs repair/repainting numbers need to be 2 inch brass numbers. (Referral Mailbox Joe 770-317-8657)
4. They are requesting you submit a plan for the rear yard within 30 days(By September 30), to be completed within 90 days as it is extremely overdue and necessary.

Please reply to let me know you have received this email and you understand what is required.

Kind regards

Kathryn Vautrot
Assistant Property Manager
St Ives HOA
3000 St. Ives Country Club Pkwy.
Johns Creek, GA 30097
770-497-0482 Ext 403
kathryn@stivescc.org

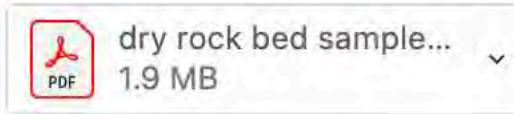
APPENDIX F



Kathryn Vautrot <kathryn@stivescc.org>

Wednesday, September 28, 2022 at 12:20 PM

To: Jordana Better; Kathryn Vautrot; Sandy Bornhorn



[Download](#) • [Preview](#)

Hi Jordana,

Your project has been reviewed and approved and will be placed on the Back Gate list until 12/31/2022.

Please see the sample of the rock for the gardens as opposed to the large pebbles. We understand they will be hidden by the bushes which will be planted in front of them.

Please let me know if you have any other questions.

Kind regards

Kathryn Vautrot
Assistant Property Manager
St Ives HOA
3000 St. Ives Country Club Pkwy.
Johns Creek, GA 30097
770-497-0482 Ext 403
kathryn@stivescc.org

APPENDIX G

*** LEGEND ***



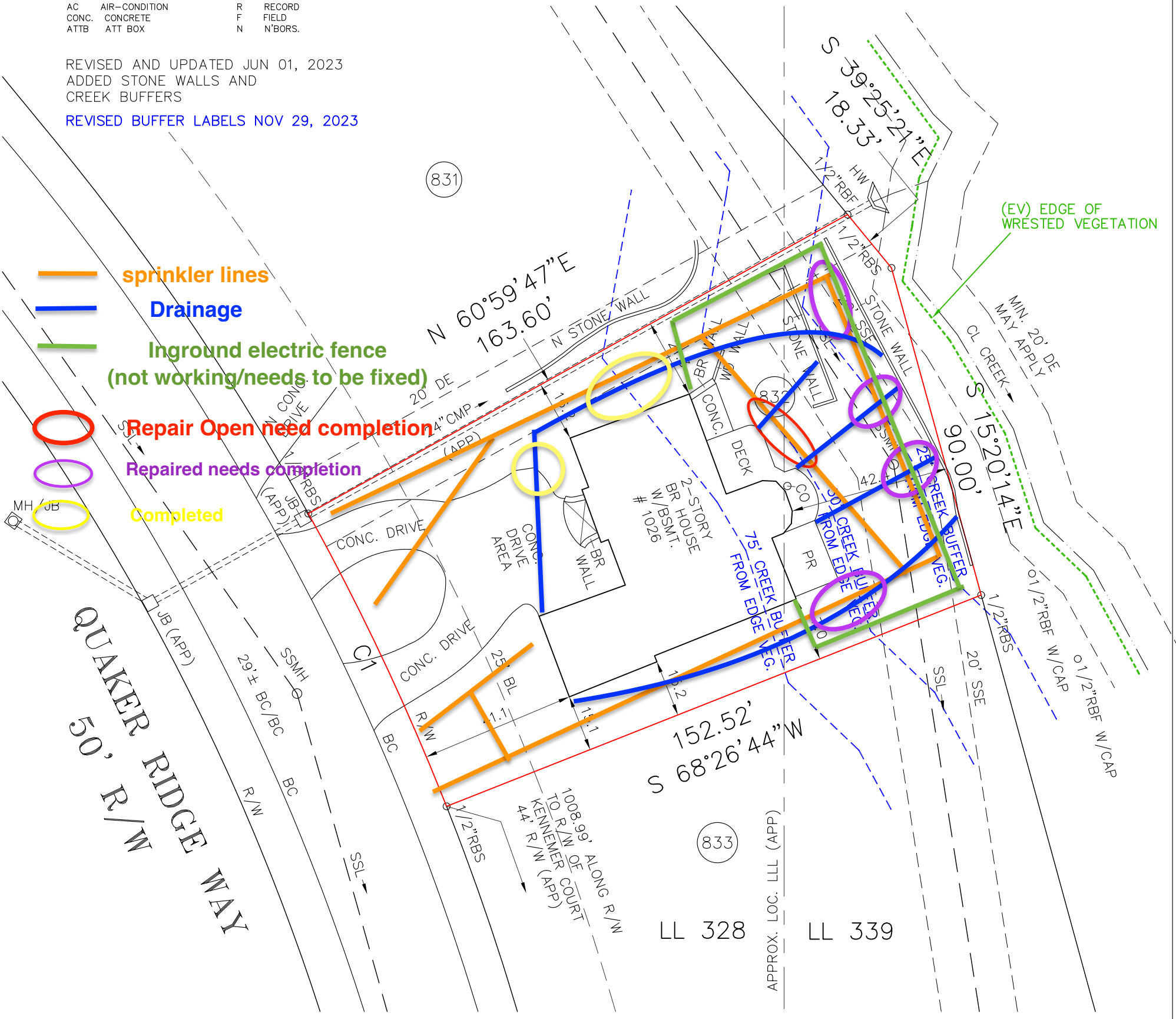
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REVISED AND UPDATED JUN 01, 2023
 ADDED STONE WALLS AND
 CREEK BUFFERS
 REVISED BUFFER LABELS NOV 29, 2023



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 DULUTH, GA 30097

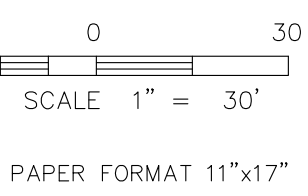
PLAT PREPARED FOR:
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APPENDIX H



APPENDIX I



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

MINOR LAND-DISTURBING ACTIVITIES

The intent of this document is to clarify minor land-disturbing activities as defined in GESA and the NPDES General Permits for Storm Water Discharges Associated with Construction Activity Common Development and Stand Alone Permits, as follows:

- A. As per O.C.G.A. 12-7-17(3), minor land-disturbing activities are exempt from the Georgia Erosion and Sedimentation Act (GESA): **“Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences, and other related activities which result in minor soil erosion.”**

The following land-disturbing activities are examples of projects not specifically listed in O.C.G.A. 12-7-17(3) that would be considered minor land-disturbing activities and therefore, exempt from GESA and the applicable buffer requirements for State waters:

1. **Structures including, but not limited to** decks, patios, gazebos, walkways, viewing platforms, picnic shelters, fire pits, BBQ pits, and sign kiosks, provided:
 - a. **The encroachment into the buffer is 100 square feet or less,**
 - b. **Disturbance of existing buffer vegetation is minimized, and**
 - c. **The site is stabilized at the end of each day with temporary or permanent stabilization measures until project completion.**

APPENDIX J



APPENDIX K



Akbar, Abdul

November 25, 2023, 8:12 AM

1026 Quaker Ridge Way, Fence Encroachment, Fence Encroachment review

To: Ruchi Agarwal, Cc: Yang Chen, Marie Janvier, Jordana Better

[Details](#)

Dear Ruchi Agarwal,

I will support the fence relocation and redesign over the existing 20 foot wide Fulton County Government sanitary sewer easement at 1026 Quaker Ridge Way (Saint Ives subdivision, Pod 1, Lot 32) in Johns Creek. The fence location must stay in compliance with the guidelines set by the Department of Public Works of Fulton County Government as shown in the "Proposed Gate Location".

Any gates or any removable fence section must be assessable to Fulton County sanitary sewer field personnel for purposes of maintaining the existing sanitary sewer line that within the sanitary sewer easement at 1026 Quaker Ridge Way in Johns Creek.

Therefore, the recommendation by the Department of Public Works of Fulton County Government to the City of Johns Creek is to allow the permitting of the fence to be approved as set by the Department of Public Works sanitary sewer field staff for north Fulton County. Please contact me if you have any questions. Have a good day.

Please contact Ms. Jordana Solyian (310-351-4745 or Gary, 310-968-0215) to inform her of the process of obtaining a fence permit from the City of Johns Creek. Please contact me if you have any questions. Have a good day.

Yours truly,

Yours truly,

Abdul Akbar
Staff Engineer
Water Services Division
Department of Public Works
Fulton County Government
404-612-7518
141 Pryor Street, Suite 6001
Atlanta, Georgia 30303



APPENDIX L



APPENDIX M



APPENDIX N



APPENDIX O




APPENDIX P





St Ives HOA - Social

Dianne Reyes Willis · 1d · 



Hey Neighbors- I live in between the 7th and 8th hole and wanted to let everyone know my sister yesterday morning observed a large pack of coyotes (at least 10) walking across the course around 5:30 am - just want to warn everyone especially with small pets!!! I have emailed the HOA to notify them - thanks!!!

   32

12 comments · Seen by 154

From: St Ives HOA Email sandy@stivescc.org
Subject: Wildlife Study Information and Update
Date: October 20, 2023 at 4:59 AM
To: jnbetter@gmail.com



October 20, 2023

St Ives Homeowners:

Per the previous letter (see below) over the next few weeks the Teams from the US Department of Agriculture Wildlife Services and Georgia Department of Natural Resources Wildlife Division will be looking for and reviewing the known pathways used by the animals. The survey will be conducted from the surface streets so they will not be accessing homeowners properties but will be on the Golf Course on Golf Carts. The night survey will begin on Tuesday October 24, 2023.

This study will involve multiple onsite inspections at various location at different hours of the day including very late evening and very early morning. The first visits will occur late October, beginning on October 24 and early November. This first visit will be followed up with multiple more visits during this year and next. The entire process normally takes 12-18 months. A wildlife count will be determined, and if overpopulation exists, what population management techniques may be implemented by the HOA, homeowners, and the Country Club to best manage our wildlife situation.

The Board of Directors of St Ives Country Club and the St Ives Homeowners Association have been working together to address the wildlife situation (deer, coyote, raccoons, etc.) within the borders of St Ives Country Club. We have spoken to the Georgia Department of Natural Resources Wildlife Division and most recently met with the US Department of Agriculture Wildlife Services.

Both organizations are willing to come to St Ives and perform onsite inspections. This analysis will look at wildlife management encompassing several visits to St Ives. Normally they prefer to begin this kind of analysis in the Fall with follow up visits at different times of the year. The entire process will normally take at least 12-18 months. A wildlife count can be done to determine if overpopulation exists and what population management techniques the Country Club, HOA, and homeowners can do to best manage the wildlife.

When these visits occur, we will communicate with all homeowners. Should inspectors desire to enter homeowner property as part of their study, homeowner permission must be granted first. Homeowner permission will not be mandatory. The HOA will not allow any inspector to enter property if permission has not been granted. However, the more inspections that can take place the better the study outcome will be.

We have recently noticed more coyotes in St. Ives. The USDA confirmed that the more deer we have, the more likely it is to attract coyotes since deer are their natural prey. In fact, we have had several deer killed by coyotes in recent months.

In the meantime, there are several things we can do. For example, the USDA stressed strongly that homeowners NOT feed the deer. This can be harmful to both the deer herd as well as to humans. The food they eat if not part of their normal diet risks their health. Conversely, the deer, coyote, and raccoons carry parasites that can be very harmful to humans. Of course, the number one danger to deer is human interaction mostly in the form of cars and trucks. If we do in fact have overpopulation it is more likely that adults, children, and pets can be harmed as interaction increases.

There are also repellents that can be used by homeowners and the country club. However, these may not be effective if it is determined that we indeed have an overpopulation.

We will continue to communicate with everyone as updates are available and your help will be greatly appreciated.

Barry Baum
VP - Infrastructure & Architectural Standards

APPENDIX Q

From: St Ives HOA Email sandy@stivescc.org
Subject: Important Safety Information
Date: October 26, 2022 at 11:08 AM
To: jnbetter@gmail.com



Dear Homeowners:

The St Ives Board of Directors, HOA management and security staff are committed to the safety of all our residents. We take security and resident safety very seriously. Essential to this commitment is open communication with residents regarding safety issues when they arise and our plan of action. It has been reported, that we had another break-in inside our community. Several Board members were notified that some homeowners are not clear on the number of break-ins that have been reported. Currently, this calendar year, there have been a total of two break-ins and one burglary reported:

March 2022

October 2022

October 2022

You may want more details on exactly how they happened, time of day, where etc. That information is personal and confidential and up to the homeowner to divulge. Many homeowners that have been affected elect to keep details confidential.

There are some common factors related to the break- ins:

- No alarm system or in non-active status.
- No cameras. Or cameras that were not active or cameras not adequately placed around the perimeter of the home.
- Windows and doors left unlocked.

At this time, we are assisting the Johns Creek Police Department to identify the individual(s) responsible for these crimes. Furthermore, we have additional security measures in place, such as our nightly vehicle patrol and additional cameras. We will continue to keep residents apprised of any information. as facts are collected.

.....,

The Board of Directors has approved funding for the installation of additional cameras on several streets where access to the community is possible by foot. These new cameras will be connected to our current camera system on the St Ives Parkway. We anticipate these new cameras to be installed by the first of next year.

If you see anything suspicious or unusual call 911. We need to give potential criminals the feeling that our community is watching their every move and will report them to law enforcement.

HELPFUL SECURITY TIPS:

- Keep all doors and windows closed and securely fastened. An open window or door is an open invitation for burglars. Thieves are also quick to spot weak locks that may be easily forced open.
- Doors should have deadbolt locks with a one-inch throw and reinforced strike plate with three-inch screws. All windows should have window locks.
- When you are away refrain from using Facebook to announce you are not at home.
- **Have an alarm installed and activated. Install cameras. Ring (camera) doorbells etc.**
- Secure sliding glass doors. Place a metal rod in the track and install vertical bolts. These will help prevent burglars from forcing the door open or lifting it off the track.
- Always lock the door to an attached garage. Don't rely on your automatic garage door opener for security.
- Create the illusion that you are home, by using timers on lights, radios and TV's. Making your residence appear occupied, even when no one is home. This will deter criminals.
- Keep the perimeter of your home well lit. Installing low voltage outdoor lighting is a cost-effective way to discourage intruders, as well as highlight a house

a house.

- Never leave clues that you are away on a trip. Have a trusted neighbor collect mail and newspapers while you are away so delivered items do not accumulate. You can also ask a neighbor to park in your driveway or parking place to make it appear that you are present.
- Keep some shades and blinds up and curtains open to maintain a normal, everyday appearance in your residence.
- Do not leave a message on your telephone answering machine telling people that you are away from home. A message that you will return at a certain time leaves your home vulnerable in the interim.
- Keep shrubbery trimmed away from entrances and walkways. While large, ornate hedges may be beautiful, they also provide a hiding place for burglars who need only a minute to break in through a window or door.
- You should not keep large amounts of cash or high-end jewelry in your house.

Thank you,

The Board of Directors, your HOA Management and Security Staff

Alert: Assault reported less than

0.21 miles from your home

Wednesday, November 22, 2023 at 6:12 AM

SI

St. Ives Country Club Alerts <alerts@neighborhoodalerts.com>

To: JNBETTER@GMAIL.COM

Dear jordana,

An Assault has been reported in 10XX QUAKER RIDGE WAY

Less than 0.21 miles from your home



[View Map](#)

From local police records:

- **Crime Type:** Assault
- **Address:** 10XX QUAKER RIDGE WAY
- **Description:** OFFENSE: SIMPLE ASSAULT / BATTERY. REPORTED AS: THREATS. SUBDIVISION: ST. IVES COUNTRY CLUB. POLICE AGENCY CODE: JCPD
- **Date of Crime:** 2023-11-19 18:30:00

[View Details](#)

Tell others about this crime alert:

[Share on Facebook](#)

[Share on Twitter](#)

[Share on Nextdoor](#)

[Share via E-mail](#)

Alert: Assault reported less than

0.74 miles from your home



St. Ives Country Club Alerts <alerts@neighborhoodalerts.com>

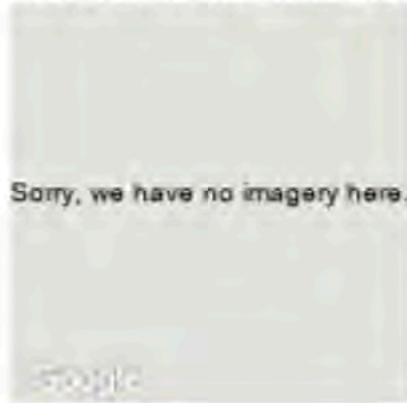
Sunday, November 26, 2023 at 6:34 AM

To: jnbetter@gmail.com

Dear jordana,

An Assault has been reported in 104XX GROOMSBRIDGE RD

Less than 0.74 miles from your home



[View Map](#)

From local police records:

- **Crime Type:** Assault
- **Address:** 104XX GROOMSBRIDGE RD
- **Description:** OFFENSE: SIMPLE ASSAULT / BATTERY. REPORTED AS: DOMESTIC DISPUT. SUBDIVISION: MEDLOCK BRIDGE. POLICE AGENCY CODE: JCPD
- **Date of Crime:** 2023-11-23 22:00:00

[View Details](#)

Tell others about this crime alert:

[Share on Facebook](#)

[Share on Twitter](#)

Alert: Burglary reported less than

0.18 miles from your home



St. Ives Country Club Alerts <alerts@neighborhoodalerts.com>

Wednesday, November 22, 2023 at 7:06 AM

To: JNBETTER@GMAIL.COM

Dear jordana,

A Burglary has been reported in BALLYBUNION DR

Less than 0.18 miles from your home



[View Map](#)

From local police records:


- **Crime Type:** Burglary
- **Address:** BALLYBUNION DR
- **Description:** BURGLARY. Incident #: 2023333117. This report is from the Johns Creek Police Calls for Service log. Information is subject to change.
- **Date of Crime:** 2023-11-20 08:57:00

[View Details](#)

Tell others about this crime alert:

APPENDIX R



From: Gary Solyian gsolyian@salesforce.com 
Subject: Re: Golfers on property
Date: January 21, 2023 at 12:05 PM
To: Mollie Boney mboney@stivescountryclub.org
Cc: Jordana Solyian jnbetter@gmail.com

Hey Molly,
I just talked to Gary from the shop. Chase is on a lesson and you are out of town. As you requested, if this happened again to let you guys know.

Here is the [video attached](#) of this occurrence. You can see the time stamp.

Let me know if there is anything else you need.

Cheers,
Gary

On Wed, Nov 30, 2022 at 2:11 PM Mollie Boney <MBoney@stivescountryclub.org> wrote:

Hi Gary,

Thank you for bringing this to our attention and I apologize that you are having golfers trespassing on your property and taking golf balls from your yard. I believe we have identified the member in the video and I have passed this on to see how the board would like to proceed.

If this happens again and you happen to be home or see it through your camera, please give us a call in the Golf Shop (770-497-9432) so myself or a member of the Golf Staff can ride out to #13 and address the member immediately.

If you need anything else please don't hesitate to contact me directly – I will keep you updated as this issue gets resolved.

Enjoy the rest of your week,

Mollie



Mollie Boney

PGA, LPGA, Head Golf Professional

St Ives Country Club

p: 770.623.1239, x1111

a: One [St Ives Country Club Drive, Johns Creek, Georgia 30097](#)

w: www.stivescountryclub.org e: mboney@stivescountryclub.org



From: Gary Solyian <gsolyian@salesforce.com>
Sent: Tuesday, November 29, 2022 3:59 PM
To: Mollie Boney <MBoney@stivescountryclub.org>
Subject: Golfers on property

Hi Molly,

My wife just spoke to Morgan. As mentioned, this video shows a golfer enter our property and steal multiple golf balls. This golfer had to jump the creek climb the roughage and cross the temporary fence to enter our property. This is a regular occurrence as to why we are putting a permanent fence up, but currently a major liability with all the construction and loose dirt on the property.

Morgan informed us that you would try to identify the player and reach out to him. Please let us know if You need any more information from us

Additionally, please let us know what to do to end this issue

Additionally please let us know what to do to end this issue.

Cheers,

Gary

--

Cheers,

Gary Solyian

Business Operations Manager | salesforce.com

M: [+13109680215](tel:+13109680215) | Email: gsolyian@salesforce.com



APPENDIX S

1/2



IN THE SUPERIOR COURT OF FULTON COUNTY, GEORGIA
136 PRYOR STREET, ROOM J2 C-103, ATLANTA, GEORGIA 30303
SUMMONS

St. Ives Country Club Homeowners Association, Inc.) Case	2023CV387661
_____) No.:	_____
)	
)	
Plaintiff,)	
)	
vs.)	
)	
Gary Richard Solyian and Jordana Better Solyian)	
_____)	
)	
Defendant)	
)	
)	
)	
)	
)	

TO THE ABOVE NAMED DEFENDANT(S):
You are hereby summoned and required to file electronically with the Clerk of said Court at <https://efilega.tylertech.cloud/OfsEfsp/ui/landing> (unless you are exempt from filing electronically) and serve upon plaintiff's attorney, whose name and address is:

Joshua F. Jones
Winter Capriola Zenner, LLC
3490 Piedmont Road, NE
Suite 800
Atlanta, GA 30305
(404) 844-5700
jjones@wcslaw.com

An answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service; unless proof of service of this complaint is not filed within five (5) business days of such service. Then time to answer shall not commence until such proof of service has been filed. **IF YOU FAIL TO DO SO, JUDGMENT BY DEFAULT WILL BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.**

This 10/24/2023 day of _____, 20____

Honorable Ché Alexander, Clerk of
Superior Court
By *Antonia Zumbro*
Deputy Clerk

To defendant upon whom this petition is served:
This copy of complaint and summons was served upon you _____, 20____

Deputy Sherriff

Instructions: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum is used

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

**St. Ives Country Club Homeowners
Association, Inc.**

Plaintiff,

v.

**Gary Richard Solyian and Jordana Better
Solyian**

Defendants.

Civil Action File No:

**VERIFIED COMPLAINT FOR TEMPORARY AND PERMANENT INJUNCTIVE
RELIEF**

St. Ives Country Club Homeowners Association, Inc. files this Verified Complaint for Temporary and Permanent Injunctive Relief against Defendants Gary Richard Solyian and Jordana Better Solyian and states:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, St. Ives Country Club Homeowners Association, Inc. ("**Association**") is a non-profit, incorporated homeowners association responsible for administering the St. Ives development (the "**Development**"), establishing the means and methods of collecting the contributions to the common expenses, arranging for the management of the Development, and performing all other acts that may be required to be performed by the Association pursuant to the duly recorded Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for St. Ives Country Club, recorded on December 10, 1997, in Deed Book 23558, Page 134, *et seq.*, of the Fulton County, Georgia land records, as amended or supplemented (hereafter

the “**Declaration**”). A true and correct copy of the Declaration is attached as Exhibit “A” and is incorporated herein by this reference.

2. Defendants are the record owners of 1026 Quaker Ridge Way, Duluth, Georgia 30097 (the “**Lot**”) as evidenced by the Limited Warranty Deed recorded in Deed Book 62960, Page 517, Fulton County, Georgia land records. A true and correct copy of the Limited Warranty Deed is attached as Exhibit “B” and is incorporated herein by this reference.

3. Defendant Gary Richard Solyian, an individual, is a citizen and resident of the State of Georgia and may be served with the Summons and Complaint at his residence in Fulton County at 1026 Quaker Ridge Way, Duluth, Georgia 30097

4. Defendant Jordana Better Solyian, an individual, is a citizen and resident of the State of Georgia and may be served with the Summons and Complaint at her residence in Fulton County at 1026 Quaker Ridge Way, Duluth, Georgia 30097.

5. Defendants are subject to the jurisdiction of this Court and venue is proper herein.

GOVERNING DOCUMENTS

6. Association repeats and realleges the allegations above as if fully set forth herein.

7. All of the real property within the Development is subject to the Declaration.

8. Defendants are subject to all of the terms, conditions, and requirements of the Declaration by virtue of their ownership of the Lot located within the Development.

9. Defendants are required to comply with all covenants and restrictions set forth in the Declaration in addition to all Rules and Regulations adopted by the Board of Directors.

10. Pursuant to Section 10(a) of the Declaration, “Each Lot Owner shall maintain and keep in good repair his or her Lot and all Dwellings and other Improvements located thereon except to the

extent said maintenance responsibility is expressly assigned to the Association by this Declaration.”

11. Pursuant to Section 10(a) of the Declaration, “Each Lot Owner’s responsibility shall include, without limitation, the responsibility (i) to maintain the exterior of all buildings and other Improvements located on the Lot in a neat, clean and attractive condition; (ii) to regularly water, treat with appropriate chemical applications, and mow, cut or prune all turf, trees, shrubbery and other landscaping or vegetation located on the Lot; (iii) to regularly remove from the Lot all trash, debris, dead or disabled trees, or trees which, in the opinion of the Board or the ASC, create a hazardous condition; (iv) to maintain all ponds, fountains, walls and other landscapes in a neat, clean and attractive condition; and (v) to otherwise maintain the Lot in a neat, clean and attractive condition.”

12. All portions of the Development, including all lots and dwellings, structures, landscaping and Improvements located thereon, are subject to the architectural standards, procedures and requirements set forth in Section 6 of the Declaration.

13. Pursuant to Section 6(b) of the Declaration, the Board of Directors is authorized to establish an Architectural Standards Committee (“ASC”).

14. Pursuant to Section 6(g) of the Declaration, the ASC, subject to approval of the Board, is authorized to promulgate written architectural standards, regulations, policies, procedures and guidelines (“**Design Standards**”).

15. Pursuant to Section 3(c)(viii) of the Declaration, the Board is authorized to adopt, amend and repeal Rules and Regulations governing the use and enjoyment of the Development.

16. On January 21, 2022, the ASC and Board updated and revised the “St. Ives Country Club HOA Architectural Standards Manual for Existing Homes with General Rules and Regulations”

(the “**Guidelines**”). . A true and correct copy of the Guidelines is attached as Exhibit “C” and is incorporated herein by this reference.

17. The Guidelines, among other things, set forth specific requirements related to landscaping and grounds maintenance of the Lots located within the Development.

18. Pursuant to Section 6(c) of the Declaration, “No Improvement shall be commenced, erected, placed, moved onto or permitted to remain on any Lot, nor shall any existing Improvements upon any Lot be altered in any way which materially changes the exterior appearance of the Lot, unless and until two (2) copies of the plans and specifications therefore shall have been first submitted to and approved in writing by the ASC as to the compliance of such plans and specifications with the requirements of this Declaration and with such Design Standards as may be published by the ASC from time to time.”

19. Pursuant to the section entitled “Landscaping Plan” of the Design Guidelines, “Any major alterations, changes or modifications to the initial or approved landscape plan must be submitted to and approved by the ASC.”

20. Pursuant to Section 6(j) of the Declaration, “The Association, the Board and the ASC shall not be responsible or liable for (i) any defects in any plans or specifications submitted, revised or approved pursuant to the terms of this Declaration; (ii) any loss or damage to any person arising out of the approval or disapproval of, or the failure to act upon, any plans and specifications; or (iii) any loss or damage arising from the noncompliance of such plans and specifications with any governmental or administrative regulation, or any defects in construction undertaken pursuant to such plans and specifications.”

COUNT I – BREACH OF DECLARATION
REQUEST FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

21. Association repeats and realleges the allegations above as if fully set forth herein.

22. On December 30, 2020, Defendants purchased the Lot.
23. On August 31, 2022, the Association's Compliance Committee performed an inspection of the Lot and identified several issues of non-compliance.
24. Specially, the Compliance Committee determined that Defendants were in violation of Section 10(a) of the Declaration for failing to maintain the Lot in accordance with the covenants and requirements set forth in the Declaration and Guidelines.
25. On August 31, 2022, the Association's property management team sent Defendants a notice of non-compliance via email. A true and correct copy of the non-compliance email is attached as Exhibit "D" and is incorporated herein by this reference.
26. Per the non-compliance email, the Association requested that Defendants submit a landscaping plan by September 30, 2022, to address erosion and sod issues.
27. Per the non-compliance email, the Association required Defendants to complete the landscaping plan within ninety (90) days (i.e., December 31, 2022).
28. On September 28, 2022, the Association notified Defendants that their landscaping plan was approved with a completion date deadline of December 31, 2022.
29. Defendants failed to complete the approved landscaping work by December 31, 2022.
30. On March 27, 2023, the Association's property management team sent Defendants a fining notice via regular mail and email. A true and correct copy of the fining notice is attached as Exhibit "E" and is incorporated herein by this reference.
31. The fining notice notified Defendants that daily fine in the amount of \$25.00 commenced on January 1, 2023, and would continue until the landscaping project was completed.

32. On March 30, 2023, the Association's property management team sent Defendants a second notice of non-compliance via email. A true and correct copy of the second notice of non-compliance email is attached as Exhibit "F" and is incorporated herein by this reference.

33. The March 30, 2023 notice of non-compliance email identified several landscape issues that needed to be addressed by Defendants to bring the Lot into compliance with the Declaration and Guidelines.

34. On March 31, 2023, Defendant Jordana Better Solyian notified the Association via email that "there is now a no-work order on the property from the city and no work can or will be done until further notice." A true and correct copy of Defendant Jordana Better Solyian's email is attached as Exhibit "G" and is incorporated herein by this reference.

35. On March 31, 2023, Defendant Jordana Better Solyian notified the Association via email that "the stop work order was placed to address variances needed in the buffer zone. Now, no work will or can be done until city and state approve variances." A true and correct copy of the Defendant Jordana Better Solyian's email is attached as Exhibit "H" and is incorporated herein by this reference.

36. Over the course of several months thereafter, the Association's property management team and Defendants exchanged multiple emails discussing numerous continuing maintenance issues with the Lot.

37. The Association notified Defendants on numerous occasions via email that the dwelling on the Lot was in violation of the Declaration and Guidelines. Specifically, (1) there was wood rot over the front door; (2) front door needed to be repainted, re-stained, or replaced; (3) the front porch, steps, driveway, and exterior of the home needed to be pressure washed; and (4) all shutters needed to be replaced.

38. Defendants took action to abate some but not all of the violations pertaining to the dwelling on the Lot.

39. On September 18, 2023, the Association's legal counsel, Winter Capriola Zenner, LLC, sent Defendants a Notice of Violations and Demand letter. A true and correct copy of the Notice of Violations and Demand letter is attached as Exhibit "I" and is incorporated herein by this reference.

40. Per the Notice of Violations and Demand letter, the Association notified Defendants that they were in violation of Section 10 of the Declaration and the Guidelines.

41. Per the Notice of Violations and Demand letter, the Association demanded that within seven (7) days from the date of the letter, Defendants (1) mow the lawn; (2) treat all weeds; and (3) remove all vegetation on the exterior of the home.

42. Per the Notice of Violations and Demand letter, the Association demanded that within thirty (30) days from the date of the letter, Defendants submit a landscaping plan and obtain approval from both the City of Johns Creek and the Association to install new sod, foundation plantings, ground cover, and any other landscaping items necessary to bring the Lot into compliance with the Declaration and the Guidelines.

43. Per the Notice of Violations and Demand letter, Defendants were notified that if they failed to comply with the Association's demand within the designated time period, the Association would file suit against Defendants for damages and injunctive relief.

44. Defendants failed or refused to comply with the demand within the designated time period.

45. As evidenced by the photographs attached as Exhibit "J" and incorporated herein by this reference, Defendants' Lot remains in violation of the Declaration and Guidelines.

46. Since August 31, 2022, Defendants have been in continuous violation of Section 10 of the Declaration and the Guidelines due to their failure to maintain the Lot.

47. The Association, and other Owners and residents of the Development, have suffered and will continue to suffer irreparable loss, injury, and/or damage if Defendants are not required to maintain their Lot as required by Section 10 of the Declaration and the Guidelines.

48. Should this Court refuse to grant the injunctive relief sought, the Association believes that Defendants will continue to maintain their Lot in a condition in violation of Section 10 of the Declaration and the Guidelines.

49. If Defendants are allowed to continue to maintain their Lot in a condition in violation of Section 10 of the Declaration and the Guidelines, the Association, and other Owners and residents within the Development, will be irreparably damaged and have no adequate remedy.

50. The Association seeks an Order from this Court requiring Defendants to immediately cure the violations on their Lot and to come into compliance with the Declaration and Guidelines.

COUNT II
REQUEST FOR SELF-HELP REMEDY

51. Association repeats and realleges the allegations above as if fully set forth herein.

52. Pursuant to Section 10(b) of the Declaration, “if the Board of Directors or the ASC determines that any Owner has failed and refused to discharge properly his or her obligations with regard to maintenance, repair or replacement of items which he or she is responsible hereunder, the Association and its agents and representatives may, upon seven (7) days written notice to the Owner thereof, enter upon any Lot for the purpose of causing any weeds, grass, trees or landscaping to be cut, pruned or removed, or for the purpose of removing garbage or trash, or for the purpose of performing such exterior maintenance as the Board, in the exercise of its sole discretion, deems necessary or advisable.”

53. Pursuant to Section 10(b) of the Declaration, if the Board of Directors exercises its right to engage in self-help, the “Owner shall be personally liable to the Association for all direct and indirect costs of such maintenance, which costs shall be added to and become part of the assessment to which the Lot is subject.”

54. On September 18, 2023, the Association notified Defendants of the Association’s right to exercise the right of abatement pursuant to Section 10(b) of the Declaration. See Exhibit “I”.

55. The Association seeks an Order from this Court authorizing the Association or its designated agent(s), to enter onto the Lot to abate the violations at Defendants’ expense should Defendants fail to do so.

COUNT III
REQUEST FOR ATTORNEYS’ FEES

56. Association repeats and realleges the allegations above as if fully set forth herein.

57. Pursuant to Section 14(c)(ii) of the Declaration, “Should the Association employ legal counsel to enforce any of the Governing Documents of the Association, all costs incurred in such enforcement, including reasonable fees for counsel, shall be paid by the violating Owner.”

58. The Association is also entitled to attorneys’ fees pursuant to O.C.G.A. § 13-6-11, as the Defendants have acted in bad faith, been stubbornly litigious, and has caused the Association unnecessary trouble and expense.

WHEREFORE, Plaintiff prays for the following relief:

(a) For an Order finding that Defendants are in violation of the Declaration, and requiring Defendants to come into compliance with the Declaration by submitting a new landscaping plan to the Association within fifteen (15) days of the Order, which must include (1) the installation of new sod on the Lot; the installation of foundational plantings around the dwelling; and (3) the installation of ground cover on all beds situated on the

Lot;

- (b) For an Order requiring Defendants to complete all required work in accordance with the landscaping plan within thirty (30) days of obtaining the Association's approval;
- (c) For an order requiring Defendants to (1) mow the lawn on a regular basis; (2) professionally treat weeds with chemical applications; and (3) otherwise maintain the Lot in compliance with Section 10 of the Declaration and the Guidelines;
- (d) For an order that should Defendants fail to abate the violations and maintain same in compliance with the Declaration, the Association, and its officers, directors, agents, and/or employees, shall be authorized to enter upon the Lot to perform any necessary maintenance and/or repair work and to assess Defendants and their Lot for all costs thereby incurred by the Association as provided in the Declaration.
- (e) For an Order requiring Defendant to comply with all of the terms of the Declaration so long as they own and/or occupy the Lot;
- (f) For such other and further relief as this Court deems just and proper.

Respectfully submitted this 24th day of October, 2023.

WINTER CAPRIOLA ZENNER, LLC



Elizabeth F. Taylor, Esq.
Georgia State Bar No. 276899
Joshua F. Jones, Esq.
Georgia State Bar No. 338610

Attorneys for Plaintiff
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Atlanta, Georgia 30305
(404) 844-5700
(404) 844-5701 (fax)
etaylor@wczlaw.com
jjones@wczlaw.com

APPENDIX T

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

IN RE: Gary and Jordana Solyian
1026 Quaker Ridge Way
Duluth, Georgia 30097
Fulton County

Respondent.

)
)
) ORDER NO. EPD-WP- 9509
)
)
)

CONSENT ORDER

Authority

WHEREAS, Mr. and Mrs. Solyian (the “Respondent”) conducted a land disturbing activity within the state mandated twenty-five (25) foot buffer of an unnamed tributary of the Chattahoochee River at 1026 Quaker Ridge Way, Duluth, Fulton County, Georgia (the “Site”); and

WHEREAS, the Director (the “Director”) of the Environmental Protection Division of the Georgia Department of Natural Resources (“EPD”) administers and enforces the “Erosion and Sedimentation Act of 1975”, O.C.G.A. § 12-7-1 *et. Seq.* (the “Act”); and

WHEREAS, EPD administers and enforces the Rules for Erosion and Sedimentation Control, GA. COMP. R. AND REGS. Chapter 391-3-7 (the “Rules”), which were promulgated and are in effect pursuant to the Act; and

WHEREAS, the Act and the Rules make it unlawful to conduct land-disturbing activities within the buffer; and

Civil Penalty

WHEREAS, O.C.G.A. § 12-7-15 *et. Seq.* provides that any person violating any provision of the Act or any rules and regulations issued or established pursuant to the Act, the Rules, or negligently or willfully failing or refusing to comply with any final order of the Director shall be liable for a civil penalty not to exceed \$2,500 per day for such violation; and

Background

WHEREAS, on March 12, 2024, the EPD was notified by the Respondent of a retaining wall constructed at the Site without obtaining the required buffer variance; and

WHEREAS, the Respondent requested a Consent Order from the EPD (hereinafter “CO”) allowing the structure to remain in the buffer; and

WHEREAS, on March 15, 2024, the Local Issuing Authority (hereinafter the “LIA”) confirmed with the EPD that the installation of the retaining wall was located within the state-mandated (25) foot buffer of an unnamed creek; and

WHEREAS, on March 25, 2024, the LIA confirmed via e-mail with the EPD that they are requesting a CO to allow the structure to remain; and

WHEREAS, the Director of the EPD has not issued a buffer variance for the land disturbing activities that occurred within the buffer at the Site; and

WHEREAS, the EPD Watershed Protection Branch confirmed there is a criteria under which a buffer variance could have been granted should one have been applied for by the Respondent; and

Violations

WHEREAS, the Respondent conducted land disturbing activity within the buffer at the Site, which is a violation of O.C.G.A § 12-7-6(b)(15)(B) et. seq.; and

Conditions

WHEREAS, the Director has determined that an amicable disposition of the alleged violations set forth herein is in the best interest of the citizens of the State of Georgia.

NOW THEREFORE, before the taking of any testimony and without adjudicating the merits of the parties' positions, the parties hereby resolve the allegations in this matter upon order of the Director and consent of Respondent as follows:

1. No additions or structural changes that would result in additional encroachment into the buffer may be made to the existing structures owned by the Respondent at the Site, and no additional impervious surfaces or structures will be placed within the buffer that would result in encroachment into the buffer at the Site.
2. The Respondent must mitigate for the construction of the structure remaining in the buffer. The EPD deems that an acceptable form of mitigation would be the enhancement of the surrounding buffer with vegetation. Therefore, the respondent shall submit a Corrective Action Plan (hereinafter "CAP") to the EPD for review and approval. Upon written approval by the EPD, the CAP shall become part of this Consent Order and the Respondent shall implement the Plan. The CAP shall contain, but not be limited to, the following:
 - a. The CAP shall stipulate how the impacted buffer areas on the entire site will be enhanced through planting of permanent vegetation of native species consisting of trees, shrubs, and grasses.
 - b. The CAP shall include a time schedule for restoration activities in the buffer.
3. The Respondent agrees to pay the State of Georgia the sum of two thousand five hundred and thirty-one dollars (\$2,531.00) within thirty (30) days of the execution date of this Consent Order.
4. In consideration of Conditions 1, 2 and 3 above, the existing structure will be allowed to remain within the buffer at the Site.

Deadlines

Time is of the essence in this Consent Order. Compliance with any deadline that falls on a Saturday, Sunday or state-recognized holiday shall be by the next business day.

Addresses

All notices, correspondence, etc., from the Director and EPD to Respondent relating to this Consent Order shall be sent to:

Gary and Jordana Solyian
1026 Quaker Ridge Way
Duluth, Georgia 30097

Respondent shall submit address changes to EPD in written notice sent by certified mail; such notice shall include this Order number.

All correspondence from Respondent to EPD relating to this Consent Order shall be sent to:

Mr. Brian Boutelle
Environmental Protection Division
Mountain District – Atlanta Office
4244 International Parkway, Suite 114
Atlanta, Georgia 30354
brian.boutelle@dnr.ga.gov

Public Notice

This Consent Order may be subject to public notice and comment.

Required Submissions

Upon the submission of any reports, plans, schedules or other information required by any Condition(s) of this Consent Order, EPD shall review the submission to determine its completeness. If EPD determines that the submission is complete, EPD shall notify Respondent in writing that the submission is approved.

If EPD determines that the submission is incomplete, it shall provide Respondent with written notice of the deficiencies. Respondent shall have fifteen (15) days from issuance of EPD's notice of deficiency to submit a corrected submission.

All submissions required by this Consent Order are, upon approval by EPD, incorporated by reference into, and made part of, this Consent Order. Any noncompliance with an approved submission shall be deemed noncompliance with this Consent Order.

Approval by EPD of any submission required by this Consent Order is not an agency determination that compliance with any state laws, regulations and/or permits, licenses, etc., will thereby be achieved, but is strictly limited to the completeness of the technical aspects of the submission with regards to the requirements of this Consent Order.

Force Majeure

Failure of Respondent to complete the requirement(s) of any Condition(s), other than payment obligations, by the deadline(s) specified therein may be excused by EPD if 1) Respondent's failure was caused by a force majeure event, and 2) Respondent complies with all notification requirements in this section. Respondent shall have the burden of proving to EPD that it was rendered unable, in whole or part, by the force majeure event to meet the deadline(s).

The term "force majeure event" as used herein shall be limited to the following: an act of war (whether declared or not), including an invasion, act of foreign enemies, or terrorism; a strike, lockout, or other labor or industrial blockade or embargo which is not attributable to any unreasonable action or inaction on the part of Respondent; public riot; specific incidents of exceptional adverse weather conditions or natural disasters such as a hurricane, flood, or earthquake; a fire or explosion affecting the Respondent's operations; failure to secure timely and necessary federal, state, or local approvals or permits, provided approvals or permits have been timely and diligently sought; and any other occurrence caused by unforeseeable circumstances beyond the reasonable control of Respondent, as determined by EPD in its sole discretion.

Within two (2) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall notify EPD verbally or in writing. Within seven (7) business days of learning of any force majeure event that may reasonably be expected to cause a deadline to be missed, Respondent shall submit written notice to EPD of the force majeure event, the possible effects and the anticipated length (if known) of any delay. EPD shall review the submission and negotiate with Respondent regarding the length of the proposed extension of deadlines, if any. The Respondent shall exercise due diligence and adopt all reasonable measures to avoid or minimize any delay.

Effect of Order

Respondent consents and the Director executes this Consent Order solely for the purpose of addressing the alleged violations set forth herein. This Consent Order does not relieve Respondent of any obligations or requirements of any statute, rules, permit, or other matter administered by EPD except as specifically authorized herein, which authorization shall be strictly construed. This Consent Order is not a finding, determination, or adjudication of a violation of any state laws, rules, standards and/or requirements, nor does Respondent by consenting to this Consent Order make any admission with respect to any factual allegation contained in this Consent Order or to any liability to any third party.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Consent Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

Further Enforcement

Failure by Respondent to comply with any provision of this Consent Order may result in further enforcement action. Issuance of this Consent Order does not waive the Director's right to use the

violation(s) alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

Finality


For the purpose of enforcement, this Consent Order constitutes a final order of the Director in accordance with applicable Georgia law. By agreement of the parties, this Consent Order shall be final and effective immediately upon execution by the Director, shall not be appealable, and Respondent does hereby waive all administrative proceedings and judicial hearings on the terms and conditions of this Consent Order.

Electronic Signatures

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 *et seq.*

It is so ORDERED and CONSENTED TO on the following date 04/25/2024.

For the Georgia Environmental Protection Division:

By: 
Jeffery W. Cown, Director

For Respondent: *Gary and Jordana Solyian*

By: 

Printed Name: Jordana B. Solyian

Title: Owner