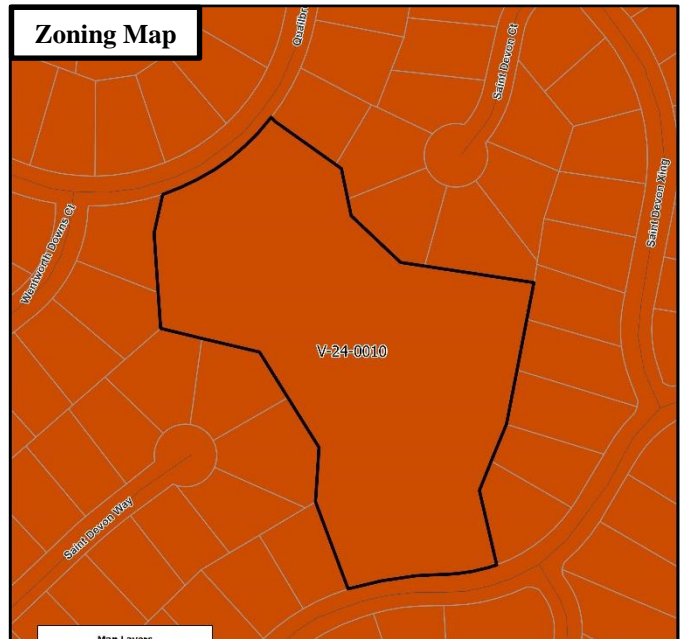


**Board of Zoning Appeals Meeting
November 19, 2024**

CASE NUMBER:	V-24-0010
PROPERTY LOCATION:	7220 Devonhall Way, Johns Creek, GA 30097
CURRENT ZONING:	R-4A (Single-Family Dwelling District) Conditional
PARCEL SIZE:	5.51 Acres
PROPERTY OWNER:	Shakerag Homeowners Association
VARIANCE REQUEST:	To allow two, 500-square foot covered pavilions to encroach into the 100-foot setback from all adjoining property lines
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Devonhall subdivision, southwest of the intersection of McGinnis Ferry Road and Rogers Bridge Road and is zoned R-4A (Single-Family Dwelling District) Conditional. The subject property has double frontage on Quailbrook Chase and Devonhall Way and abuts single-family homes along the east and west property lines. This site was envisioned as a neighborhood recreation area pursuant to Fulton County zoning case, Z-89-0014, and is owned and maintained by the Shakerag Homeowners Association for the common use by the residents of Laurelwood, Devonhall, Amberleigh, and Huntington subdivisions.



Community Development



Existing Recreation Area



Applicable Code Requirements

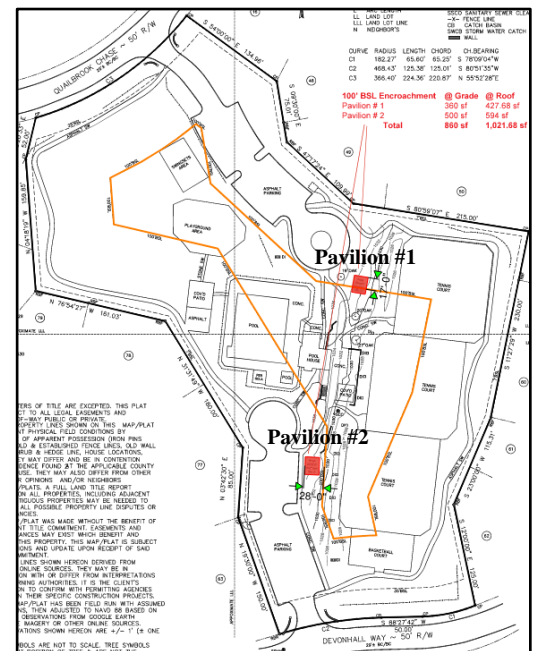
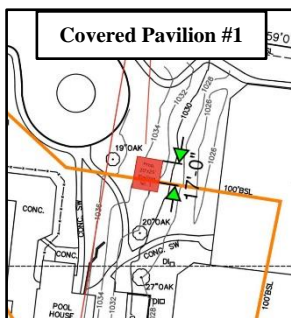
City of Johns Creek Code of Ordinances, Appendix A: Zoning
 Article XIX: Administrative Permits and Use Permits, Section 19.3.8. – Recreational Court, Private.

B. Standards:

- 3. *Neighborhood.* Recreational courts serving a neighborhood must be located within the limits of the underlying zone.
 - b. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all adjoining property lines.

Variance Request

The Applicant is requesting to encroach into the minimum 100-foot setback from all adjoining property lines (shown as orange line) as required for neighborhood recreational courts to construct two, 500-square foot covered pavilions (shown in red). The total area of encroachment into the 100-foot setback is 860 square feet, with pavilion #1 encroaching 17 linear feet for 360 square feet and pavilion #2 encroaching 28 linear feet for 500 square feet.



Variance Review Criteria

Zoning Ordinance Section 22.3.1 lists the following considerations for granting a variance:

- a. 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; or
- b. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

Staff Analysis

The required 100-foot setback from adjoining property lines for recreational courts and associated accessory structures is intended to provide adequate separation from adjacent residential dwellings to minimize negative visual, light and noise impacts. As stated by the Applicant in their Letter of Appeal, the Shakerag Community recreation area was developed over 30 years ago, when the 100-foot setback from the property boundaries was not a required standard. The site plan shows that the existing tennis courts, basketball court, accessory structures, swimming pool, and parking are all encroaching into the 100-foot setback. Considering that the recreation area is already developed, the proposed improvements would further facilitate and enhance tennis match viewing and community gathering experiences for the area residents in an organized manner. Staff is of the opinion that the proposed pavilions would have minimal visual and noise impact on the adjacent properties. The proposed encroachments, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommend **APPROVAL** of V-24-0010, subject to the following conditions:

- 1) The proposed covered pavilion #1 shall not exceed 17 linear feet and 360 square feet of encroachment into the 100-foot setback as shown on the site plan received by the Community Development Department and date stamped on September 30, 2024.
- 2) The proposed covered pavilion #2 shall not exceed 28 linear feet and 500 square feet of encroachment into the 100-foot setback as shown on the site plan received by the Community Development Department and date stamped on September 30, 2024.