



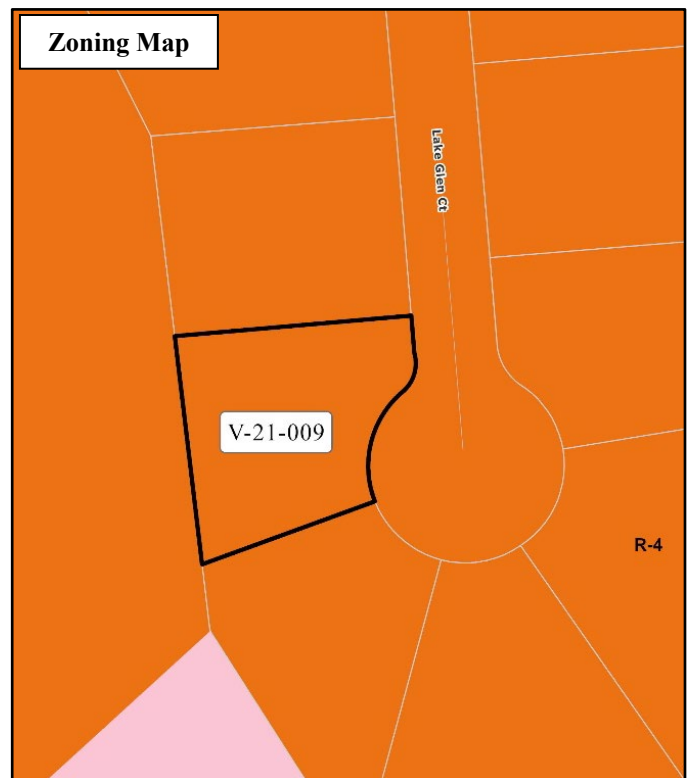
# Johns Creek

Board of Zoning Appeals Meeting  
October 19, 2021

<b>CASE NUMBER:</b>	<b>V-21-009</b>
<b>PROPERTY LOCATION:</b>	<b>8630 Lake Glen Court, Johns Creek, GA 30022</b>
<b>CURRENT ZONING:</b>	<b>R-4 (Single-Family Dwelling District) Conditional</b>
<b>PARCEL SIZE:</b>	<b>0.366 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Bill Vaughn</b>
<b>VARIANCE REQUEST:</b>	<b>Encroach into the 50-foot undisturbed buffer and 75-foot impervious surface setback to construct a pool</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

## Background

The subject property is located in the River Glen subdivision. The entire neighborhood is zoned R-4 (Single-Family Dwelling District) Conditional. The lot was originally platted in Fulton County in 1983, showing a lake without any buffers. However, over the years, the stream buffer requirement for lakes has been implemented to extend 75 feet (50-foot undisturbed buffer and an additional 25-foot impervious surface setback) from the edge of the lake.



## Community Development

**Applicable Code Requirements**

City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-116: Definitions.

*Stream* means any rivers, streams, creeks, lakes, reservoirs, ponds, drainage systems, 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 in an individual property.

City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-118: Land Development Requirements.

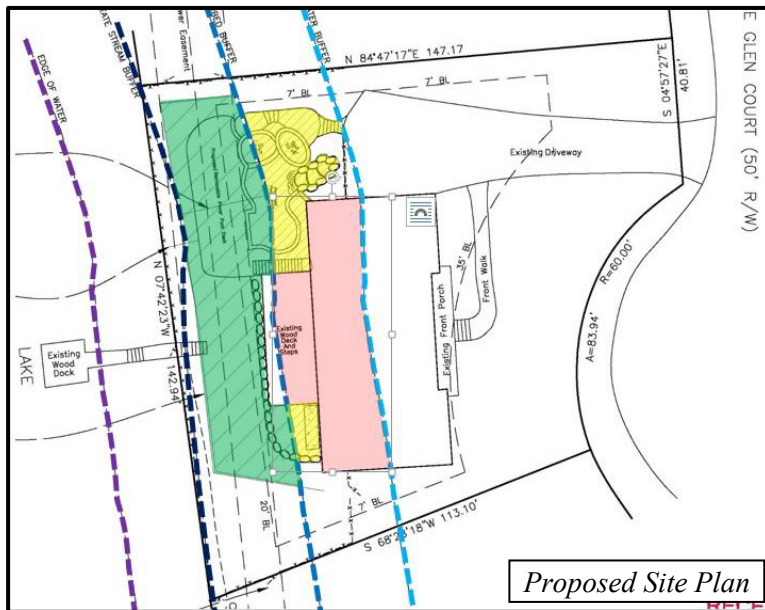
(a) *Buffer and setback requirements.*

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wretched vegetation.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

**Variance Request**

The Applicant is requesting a variance to the stream buffer to disturb 2,277 square feet (shown in green) in the 50-foot undisturbed buffer, and to add 741 square feet of impervious surface (in yellow) in the 25-foot impervious surface setback, to construct a pool. It should be noted that approximately 1,550 square feet of the existing house and deck (in pink) already exists within the 25-foot impervious surface setback. The Applicant has not proposed any land disturbance or impervious surface within the State’s 25-foot undisturbed stream buffer.

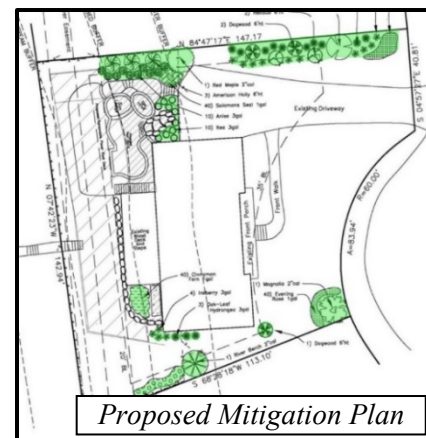
In order to offset the adverse impacts associated with the encroachment, the Applicant has proposed to plant 4 large trees, 8 small trees, 47 shrubs and 756 square feet of groundcover (shown in green on the Proposed Mitigation Plan).



**Stream Buffer Variance Review Criteria**

City Code Section 109-118(b)(2) lists the following considerations for granting stream buffer variances:

- a. When a property’s shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted;
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the article would create an extreme hardship.



### **Staff Analysis**

The subject property was platted in Fulton County in 1983, showing a lake without stream buffers. However, the stream buffer requirement came into existence in early 2000 and was implemented to lakes, extending a 75-foot (50-foot undisturbed buffer and an additional 25-foot impervious surface setback) stream buffer to the property, creating a hardship on the property. It should be noted that portions of the existing house and deck are located within the 25-foot impervious surface setback portion of the stream buffer, which would not allow for a home to be constructed today without first seeking a stream buffer variance.

In order to mitigate the impact of encroachment into the stream buffer, the Applicant has proposed vegetative plantings to reduce and slow stormwater runoff associated with the proposal.

### **Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-21-009, **subject to the following conditions:**

- 1) The proposed development shall not exceed the following encroachments, as shown on the site plan received by the Community Development Department on September 13, 2021:
  - a. 2,277 square feet of disturbance within the 50-foot undisturbed stream buffer.
  - b. 741 square feet of impervious surface into the 25-foot impervious surface setback.
- 2) No land disturbance shall occur within the State 25-foot stream buffer.
- 3) A stream buffer mitigation plan shall be submitted to the Community Development Department, and approved by the City's Land Development Manager, prior to the issuance of a building permit. Said plan shall be consistent with the mitigation plan proposal received by the Community Development Department on September 13, 2021. The mitigation plan shall pass City inspection prior to the issuance of a Certificate of Completion.