



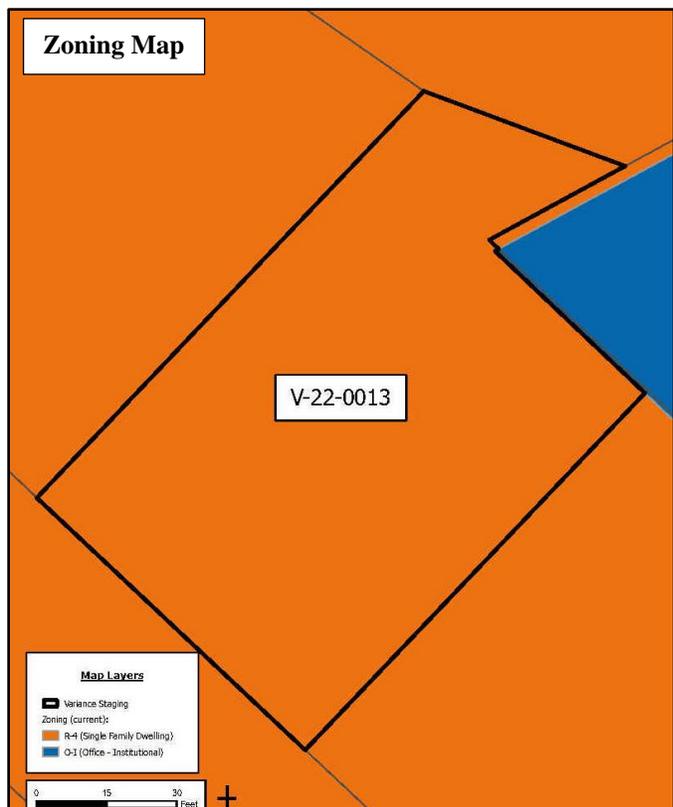
Johns Creek

Board of Zoning Appeals Meeting September 20, 2022

CASE NUMBER:	V-22-0013
PROPERTY LOCATION:	2910 Ivey Ridge Lane, Johns Creek, GA 30076
CURRENT ZONING:	R-4 (Single-Family Dwelling District) Conditional
PARCEL SIZE:	0.20 Acres
PROPERTY OWNER:	Benjamin McCoy
VARIANCE REQUEST:	To encroach 3.5 feet into the 10-foot setback to construct a pool.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Ivey Ridge subdivision and is zoned R-4 (Single-Family Dwelling District) Conditional. The neighboring property to the east is zoned O-I (Office Institutional District) Conditional and is developed with an assisted living facility. The remaining surrounding properties are zoned R-4 Conditional and developed with single-family detached homes.



Community Development

Applicable Code Requirements

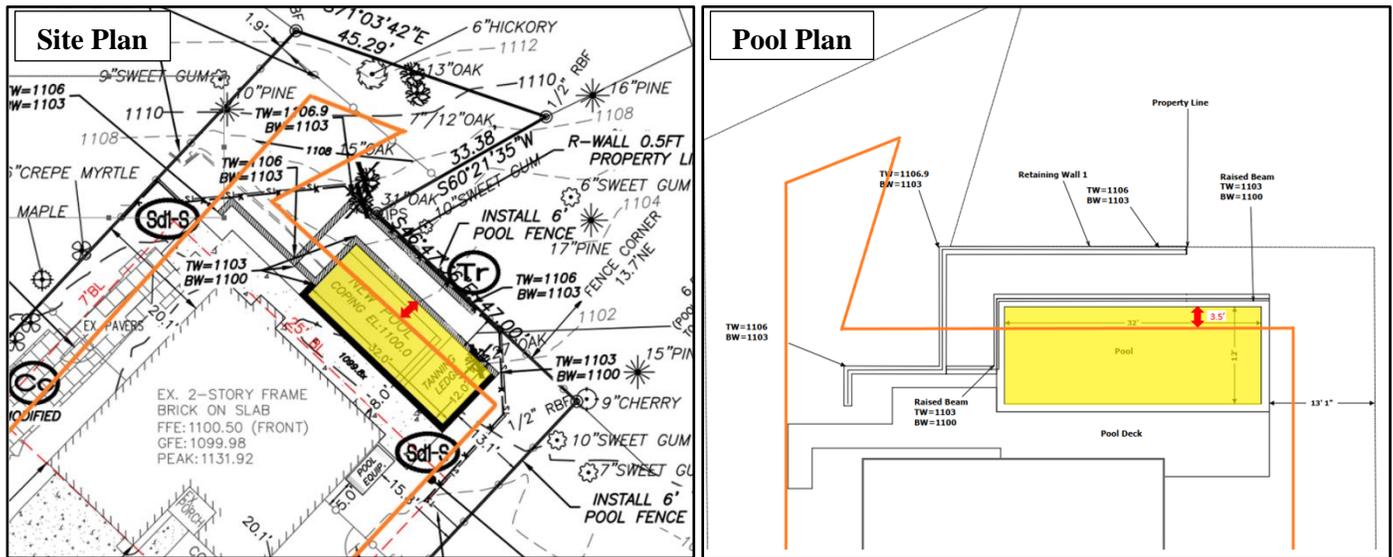
City of Johns Creek Code of Ordinances, Appendix A, Zoning, Article XIX: Administrative Permits and Use Permits Section 19.3. – Minimum Administrative Permit Standards.

19.3.12. Swimming Pool, Private.

B.1. Detached Dwellings. **Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines**, except that when perimeter setbacks are required, for example in NUP and TR zoned districts, pools, pool equipment, and decks cannot be located in perimeter setbacks.

Variance Request

The Applicant is requesting to encroach 3.5 feet (shown in red arrow) into the 10-foot pool setback (shown in orange) to construct a 32-foot by 12-foot pool (shown in yellow).



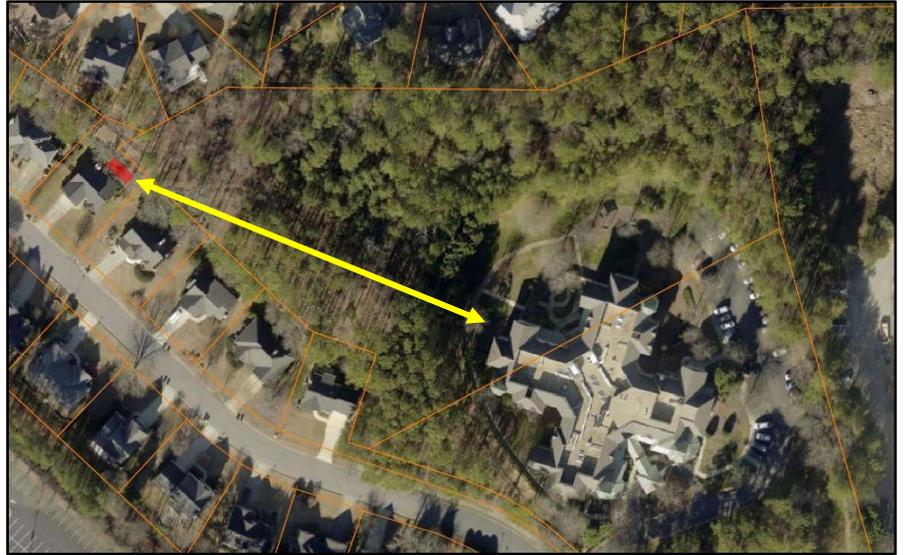
Variance Review Criteria

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 pertaining 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 proposed encroachment, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance. The required 10-foot setback for pools, pool equipment, and decking is intended to provide adequate separation between pool activities and neighboring property lines to minimize negative visual and noise impacts. Considering that the rear yard of the subject property abuts the area of the assisted living facility's detention pond, maintains a significant separation of over 400 feet (shown in yellow arrow) from the assisted living facility itself,



and will comply with the minimum 10-foot setback from all other neighboring properties, the proposed 3.5-foot encroachment into the setback would not impose an adverse impact.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-22-0013, **subject to the following condition:**

- 1) The swimming pool shall only encroach 3.5 feet into the 10-foot setback as shown on the site plan received by the Community Development Department and date stamped on August 9, 2022.