



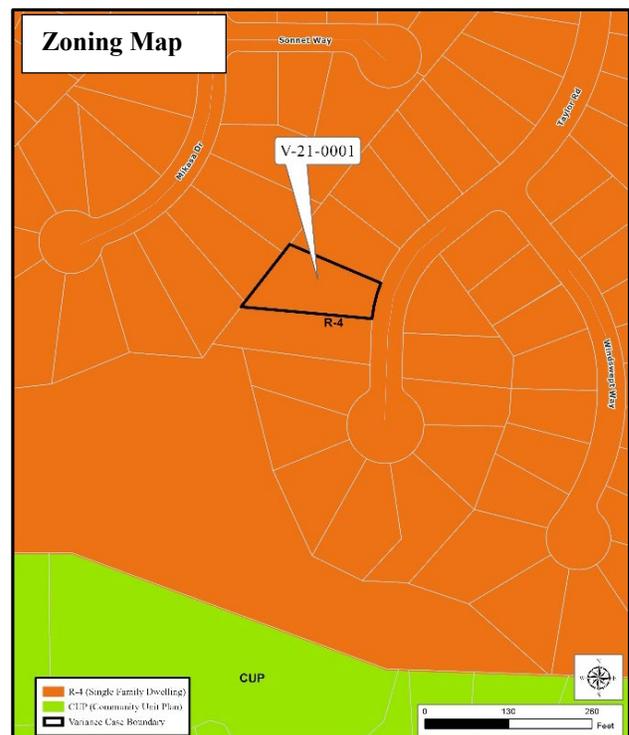
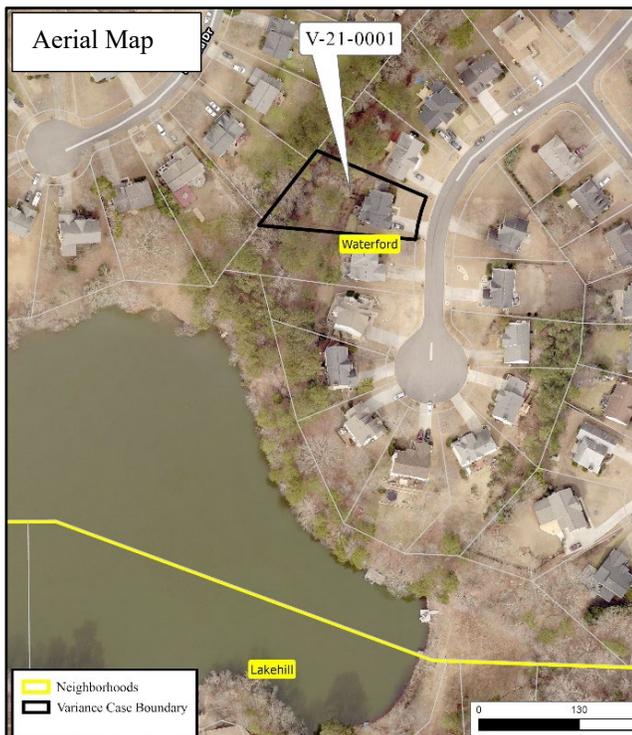
# Johns Creek

## Board of Zoning Appeals Meeting January 18, 2022

<b>CASE NUMBER:</b>	<b>V-21-0001</b>
<b>PROPERTY LOCATION:</b>	<b>5485 Taylor Road Johns Creek, GA 30022</b>
<b>CURRENT ZONING:</b>	<b>R-4 (Single-Family Dwelling District) Conditional</b>
<b>PARCEL SIZE:</b>	<b>0.343 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Keith Felderman</b>
<b>VARIANCE REQUEST:</b>	<b>To encroach 15.2 feet into the 75-foot impervious surface setback to construct a deck.</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

### Background

The subject property is located in the Waterford subdivision and is zoned R-4 (Single-Family Dwelling District) Conditional. The lot was originally platted in 1993 under Fulton County with a 30-foot drainage easement. However, a recent survey located a stream along the western property line and now requires for the 75-foot stream buffer (50-foot undisturbed buffer and an additional 25-foot impervious surface setback) to be applied to the property.



## 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 wrested 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 to encroach 15.2 feet into the stream buffer to add 254 square feet of impervious surface (in green) in the 75-foot impervious surface setback to construct a rear and side porch, and to bring the entire property into compliance with the Stream Buffer ordinance. The Applicant has not proposed any land disturbance or impervious surface within the City's 50-foot undisturbed buffer or State's 25-foot stream buffer.

In order to offset the adverse impacts associated with the encroachment, the Applicant has proposed installing a flow-well (shown in yellow on the site plan) that will collect 25.4 cubic feet of stormwater runoff associated with the deck addition.

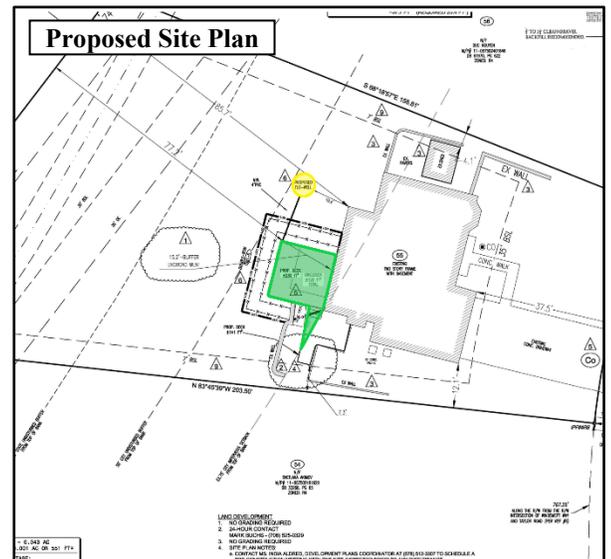
## Stream Buffer Variance Review Criteria

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 1993 under Fulton County with a 30-foot drainage easement. However, a recent survey confirmed the presence of a creek requiring the 75-foot stream buffer to be applied to the property. The determination of a stream on the property requires the stream buffer to be applied and creates a hardship for the homeowner, and any proposed addition within the stream buffer would require it be remedied by a variance. The determination of the stream also locates a portion of the existing home within the 75-foot impervious surface setback.



**Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-21-0001, **subject to the following conditions:**

- 1) The proposed development shall not exceed the following encroachment, as shown on the site plan received by the Community Development Department and date stamped on December 14, 2021:
  - a) 15.2 linear feet of encroachment into the stream buffer
  - b) 254 square feet of impervious surface within the 75-foot impervious surface setback
- 2) The applicant shall install a dry well that retains the first 1 inch of rainfall from the 254 square feet of impervious surface. The dry well location and design shall be approved by the City's Land Development Manager prior to the issuance of a building permit, but the dry well location shall not encroach further than the linear distance permitted by this variance. The dry well shall pass City inspection prior to the issuance of a Certificate of Completion.
- 3) No disturbance shall be permitted in the 50-foot undisturbed stream buffer.