



Johns Creek

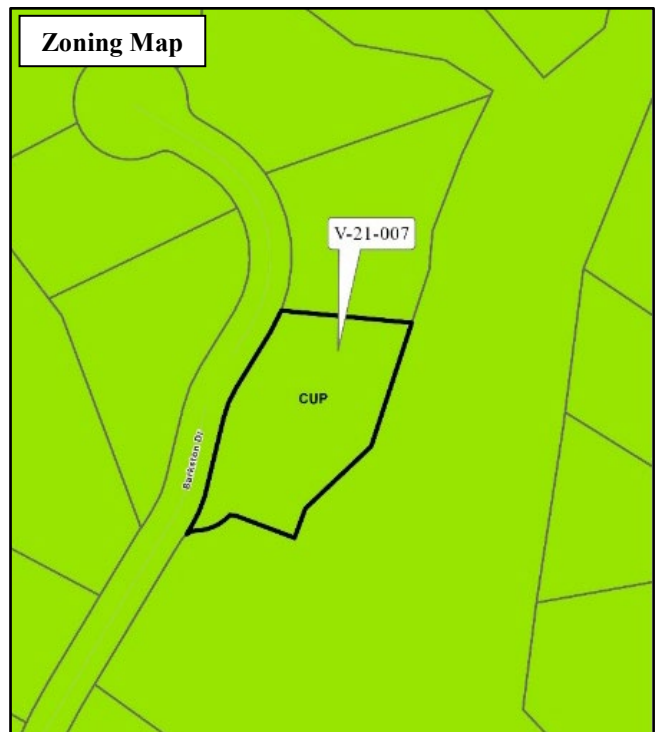
Board of Zoning Appeals Meeting
September 21, 2021

CASE NUMBER:	V-21-007
PROPERTY LOCATION:	9095 Barkston Drive, Johns Creek, GA 30022
CURRENT ZONING:	CUP (Community Unit Plan District) Conditional
PARCEL SIZE:	0.73 Acres
PROPERTY OWNER:	Andy Wren
VARIANCE REQUEST:	Encroach into the 50-foot undisturbed buffer and 75-foot impervious surface setback to construct a new house and a pool
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in Pod U of the Country Club of the South subdivision. The entire neighborhood is zoned CUP (Community Unit Plan District) Conditional.

Pod U was originally platted in 1994, showing a lake without any buffers. A Land Disturbance Permit was approved in 2018, which shows a lake in the rear of the property with the 75-foot stream buffer (50-foot undisturbed buffer and an additional 25-foot impervious surface setback). However, the stream buffer is not shown in the final plat, which was recorded in 2019.



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.

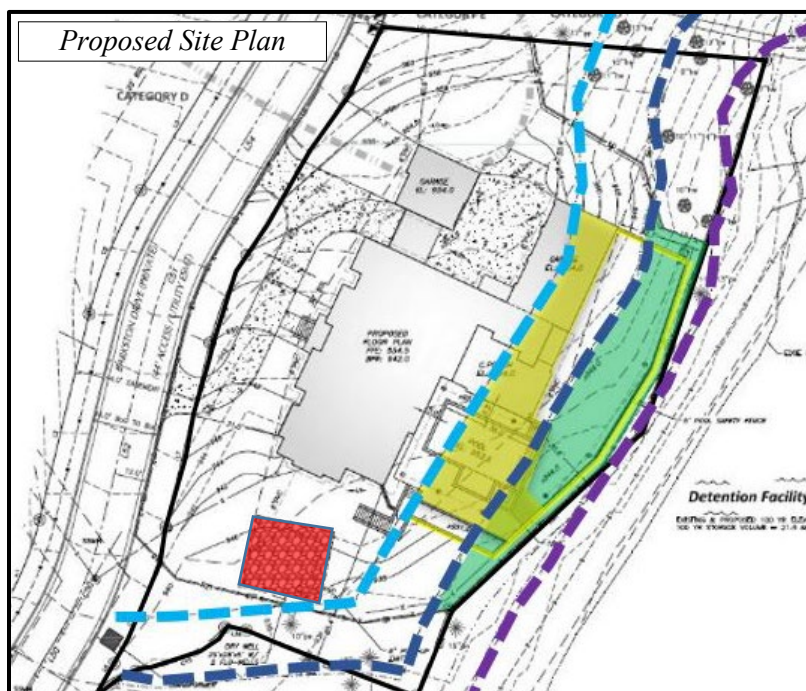
(a) *Buffer and setback requirements.*

- (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 stream buffer variance to disturb 3,220 square feet (shown in green) in the 50-foot undisturbed buffer, and adding 2,738 square feet of impervious surface (in yellow) in the portion of the additional 25-foot impervious surface setback, to construct a new house and a pool. The Applicant has not proposed any land disturbance or impervious surface within the State's 25-foot stream buffer.

In order to offset the adverse impacts associated with the encroachment, the Applicant has proposed to install a dry well (in red) that would hold an additional 238.5 cubic feet of stormwater runoff.



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 2019 without showing any stream buffers. However, a recent site visit confirmed the presence of wretched vegetation around the lake, requiring the 75-foot stream buffer to be applied to the rear of the property. The addition of the stream buffer would create a hardship for the homeowner, requiring them to apply for a variance. In order to mitigate the impact of encroachment into the stream buffer, the Applicant has proposed installing a dry well to capture an additional 238.5 cubic feet of stormwater runoff.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-21-007, **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 August 25, 2021:
 - a. 3,220 square feet of disturbance within the 50-foot undisturbed stream buffer;
 - b. 2,738 square feet of impervious surface into the 75-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 August 27, 2021. The mitigation plan shall pass City inspection prior to the issuance of a Certificate of Occupancy.
- 4) Owner/Developer shall revise and re-record the final plat to reflect the 25-foot State undisturbed buffer, 50-foot City undisturbed stream buffer and additional 25-foot impervious surface setback on the property, prior to the issuance of a Certificate of Occupancy.