



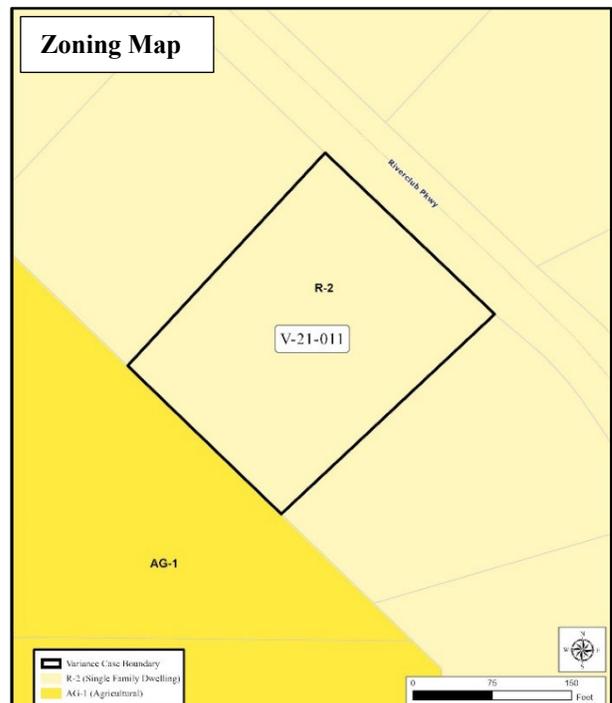
Board of Zoning Appeals Meeting

December 21, 2021

CASE NUMBER:	V-21-011
PROPERTY LOCATION:	9395 Riverclub Parkway, Johns Creek, GA 30097
CURRENT ZONING:	R-2 (Single-Family Dwelling District) Conditional
PARCEL SIZE:	1.34 Acres
PROPERTY OWNER:	Douglas H. Wilson
VARIANCE REQUEST:	41-foot encroachment into the 50-foot undisturbed buffer and 75-foot impervious surface setback to construct a porch
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Riverwood subdivision and is zoned R-2 (Single-Family Dwelling District) Conditional. The lot was originally platted in Fulton County in 1971 with a 20-foot drainage easement. However, a recent survey located a stream along the eastern 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 Requirement

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.

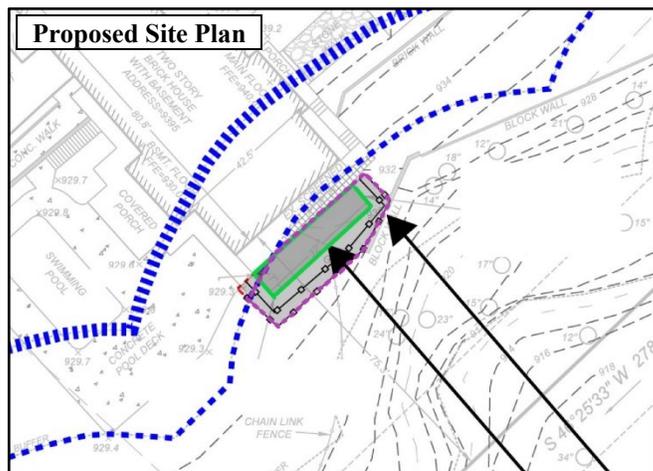
(a) Buffer and setback requirements.

- (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 41 feet into the stream buffer to disturb 470 square feet (outlined in purple) in the 50-foot undisturbed buffer, add 224 square feet of impervious surface (in green) in the additional 25-foot impervious surface setback to construct a 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 State’s 25-foot stream buffer.

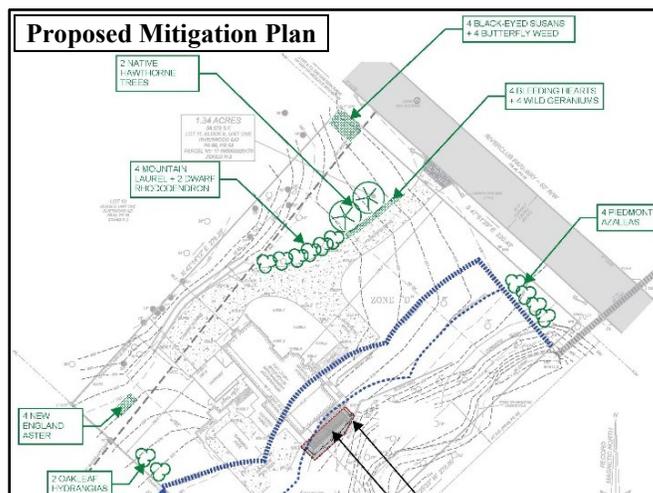
In order to offset the adverse impacts associated with the encroachment, the Applicant has proposed to plant 2 small trees, 12 shrubs, and 80 square feet of groundcover (shown in green on the Proposed Mitigation Plan).



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 1971 with a 20-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 to be remedied by a variance. The determination of the stream also locates portions of the existing home within the 50-foot undisturbed buffer. Granting of this variance will bring the existing home and proposed addition into compliance with the City’s Stream Buffer ordinance.

In order to mitigate the impact of encroachment, the Applicant has provided a vegetative planting plan to reduce and slow stormwater runoff associated with the additional impervious surface. Staff has also recommends a condition for installation of a dry well to hold at least 23 cubic feet of stormwater runoff.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-21-011, **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 on November 9, 2021:
 - a. 41 linear feet of encroachment into stream buffer
 - b. 470 square feet of disturbance within the 50-foot undisturbed buffer
 - c. 224 square feet of impervious surface within the 75-foot impervious surface setback
- 2) A vegetative planting 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 received by the Community Development Department on November 9, 2021. The final vegetative planting shall pass City inspection prior to the issuance of a Certificate of Completion.
- 3) The applicant shall install a dry well that retains the first 1 inch of rainfall from the 224 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.