



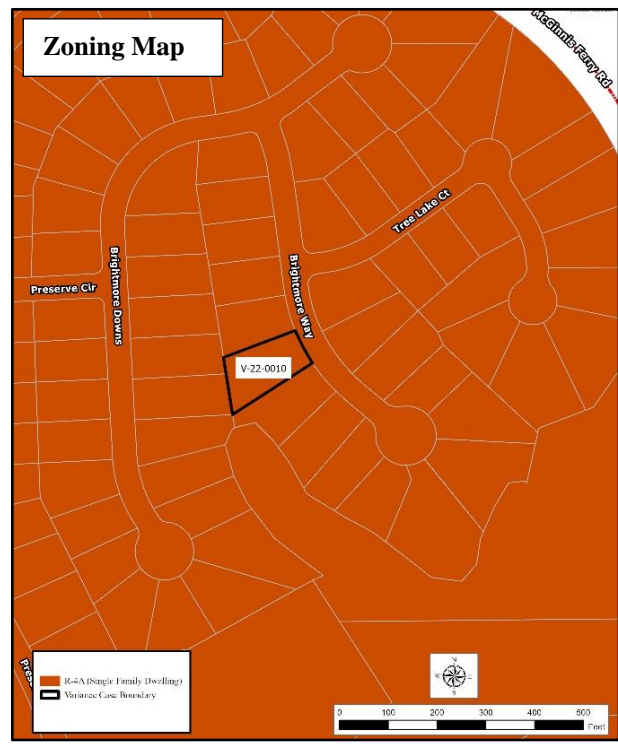
# Johns Creek

## Board of Zoning Appeals Meeting June 22, 2022

<b>CASE NUMBER:</b>	<b>V-22-0010</b>
<b>PROPERTY LOCATION:</b>	<b>155 Brightmore Way, Johns Creek, GA 30005</b>
<b>CURRENT ZONING:</b>	<b>R-4A (Single-Family Dwelling District) Conditional</b>
<b>PARCEL SIZE:</b>	<b>0.354 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Julie Johnson</b>
<b>VARIANCE REQUEST:</b>	<b>15-foot encroachment into the 25-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 Seven Oaks subdivision and is zoned R-4A (Single-Family Dwelling District) Conditional. The lot was originally platted in Fulton County in 1994 with a 25-foot undisturbed stream buffer. Due to the application of the City of Johns Creek's 50-foot undisturbed buffer and additional 25-foot impervious surface setback, the stream buffer encompasses the entirety of the rear yard and a portion of the existing deck and stairs.



## 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 109-118: Land Development Requirements.

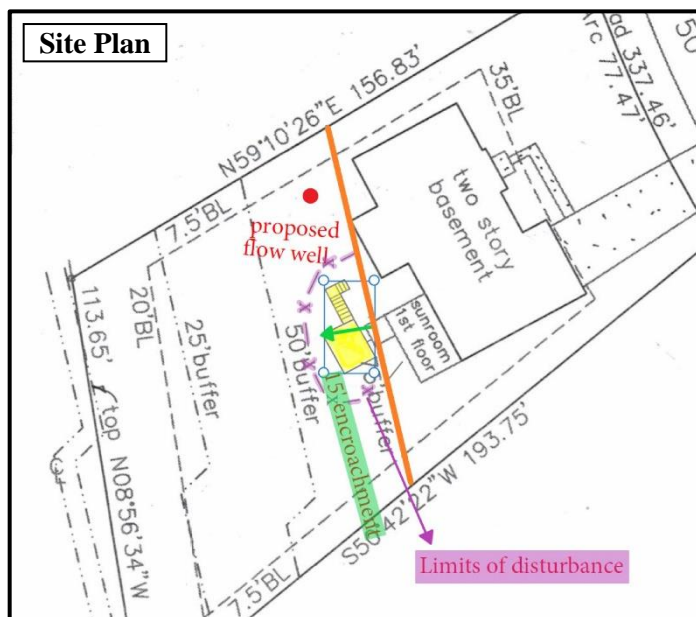
### (a) *Buffer and setback requirements.*

- (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 feet into the impervious surface setback to construct a 132 square-foot deck and 68 square-foot stairs and landing, and to bring the property into compliance with the Stream Buffer Ordinance. These improvements will result in 200 square feet of new impervious surface (highlighted in yellow) in the 25-foot impervious surface setback. The Applicant has not proposed any land disturbance within the City's 50-foot undisturbed buffer or the State's 25-foot stream buffer.

In order to offset stormwater and environmental impacts associated with the proposed encroachment into the stream buffer, the Applicant has proposed to install a drywell (shown in red) to retain the first 1 inch of stormwater runoff for the 200 square-foot impervious surface.



## 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 1994 and only identified a 25-foot undisturbed stream buffer. However, with the incorporation of the City in December of 2006, the stream buffer was expanded to 50 feet with an additional 25-foot impervious surface setback. The expansion of the stream buffer to 75 feet has created a hardship for the homeowner, as even a portion of the existing deck and stairs fall within the 25-foot impervious surface setback, which would not be permitted today without seeking a stream buffer variance. Granting of this variance would bring the proposed improvements and existing house into compliance with the Stream Buffer Ordinance.

**Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-22-0010, 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 and date stamped on May 10, 2022:
  - a. 15 linear feet of encroachment into the 25-foot impervious surface setback
  - b. 200 square feet of impervious surface within the 25-foot impervious surface setback
- 2) The applicant shall install a drywell that retains the first 1 inch of rainfall from the 200 square feet of impervious surface. The drywell location and design shall be approved by the City's Land Development Manager prior to the issuance of a building permit, and the drywell shall pass City inspection prior to the issuance of a Certificate of Completion.
- 3) No disturbance or impervious surface shall be permitted in the 50-foot undisturbed stream buffer.