

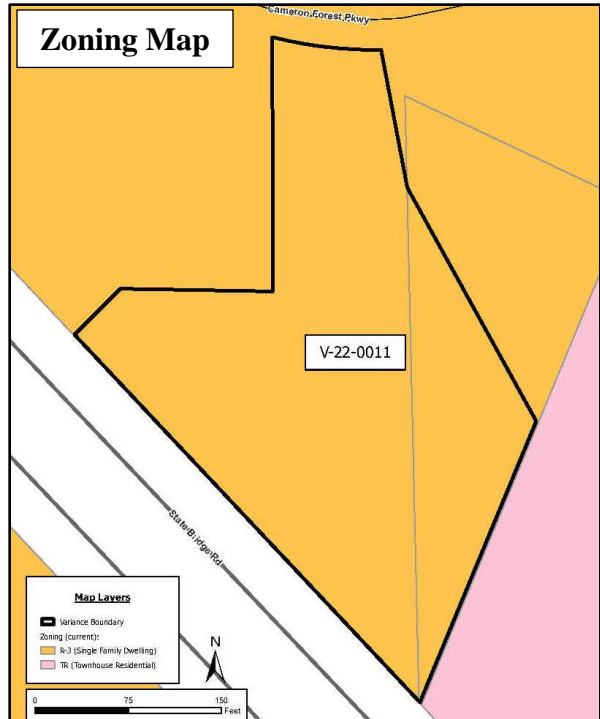


**Board of Zoning Appeals Meeting
September 20, 2022**

CASE NUMBER:	V-22-0011
PROPERTY LOCATION:	5100 Cameron Forest Parkway, Johns Creek, GA 30022
CURRENT ZONING:	R-3 (Single-Family Dwelling District) Conditional
PARCEL SIZE:	1.998 Acres
PROPERTY OWNER:	Dagmar & Tom Sands
VARIANCE REQUEST:	17-foot encroachment into the 25-foot impervious surface setback to construct a driveway.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Cameron Forest subdivision and is zoned R-3 (Single-Family Dwelling District) Conditional. The lot was originally platted in Fulton County in 1984 with a detention area and a 20-foot drainage easement. However, a recent survey located a stream along the eastern property line and accordingly, the required 75-foot stream buffer (50-foot undisturbed buffer and additional 25-foot impervious surface setback) is 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 109-118: Land Development Requirements.

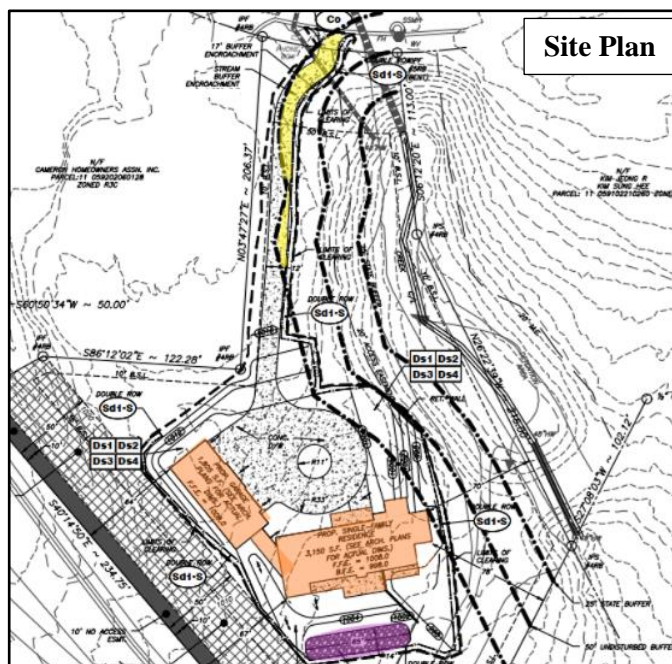
(a) *Buffer and setback requirements.*

- (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 17 feet into the 25-foot impervious surface setback to construct a driveway to access their proposed home (highlighted in orange), which will result in 1,260 square feet of new impervious surface (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 an infiltration trench (in purple) at the rear of the proposed home to retain the first 1 inch of stormwater runoff associated with the 1,260-square-foot encroachment.



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 1984 and only identified a detention area and a 20-foot drainage easement. However, a recent survey confirmed the presence of a stream requiring the 75-foot stream buffer to be applied to the property, which creates a hardship for the homeowner, as it restricts the ability to gain access into the lot from Cameron Forest Parkway. Direct access from State Bridge Road is not allowed pursuant to the applicable zoning conditions. The Applicant proposes to install an infiltration trench to mitigate stormwater runoff associated with the impervious surface within the 25-foot impervious surface setback.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-22-0011, **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 August 1, 2022:
 - a. 17 linear feet of encroachment into the 25-foot impervious surface setback
 - b. 1,260 square feet of impervious surface within the 25-foot impervious surface setback
- 2) The applicant shall provide runoff reduction to retain the first 1 inch of stormwater runoff from the 1,260 square feet of impervious surface. The infiltration trench location and design shall be approved by the City's Land Development Manager prior to the issuance of a building permit, and shall pass City inspection prior to the issuance of a Certificate of Occupancy.
- 3) The applicant shall submit a wetland determination report as part of the building permit submission.
- 4) No disturbance or impervious surface shall be permitted in the 50-foot undisturbed stream buffer.