



***Board of Zoning Appeals Public Hearing  
October 20, 2015 — 7:00 P.M***

<b>CASE NUMBER:</b>	<b>V-15-017</b>
<b>PROPERTY LOCATION:</b>	<b>1187 Composer Lane Johns Creek, GA 30022 1<sup>st</sup> District, 1<sup>st</sup> Section Land Lot 193</b>
<b>CURRENT ZONING:</b>	<b>R-5A (Single-Family Dwelling) Conditional</b>
<b>PARCEL SIZE:</b>	<b>.18 Acres</b>
<b>PROPERTY OWNER(S):</b>	<b>Charles Wooton and Aaron Newport</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL with conditions</b>

**REQUEST**

The applicants have requested a variance to encroach 30 feet into the subdivision’s required 40-foot perimeter setback in order to install a 471-square-foot swimming pool, spa, 815-square-foot paver pool deck, and to re-rout existing pool deck steps in their rear yard. The property is located at 1187 Composer Lane in the Jones Bridge Estates subdivision.

Pools, pool decks, and pool equipment are not required to adhere to building setbacks on detached dwelling lots, but must remain a minimum of 10 feet from all property lines. In addition, they are not permitted in perimeter setbacks along the outer edges of subdivisions in certain zoning districts. The property’s rear yard is located on the north perimeter of the Jones Bridge Estates subdivision, zoned R-5A (Single-Family Dwelling District) Conditional, and is therefore subject to a 40-foot perimeter setback. The applicants’ proposed construction is located 10 feet from the rear property line and eastern side property line and 12 feet from the western side property line.

**ADJACENT ZONING AND LAND USES**

The subject property is zoned R-5A (Single-Family Dwelling District) conditional pursuant to Fulton County zoning case Z-99-015, and is located in the Jones Bridge Estates subdivision on the west side of Jones Bridge Road approximately 0.2 miles south of its intersection with Kimball Bridge Road. The subject property and properties to the east, west, and south are developed with single-family homes zoned R-5A in Jones Bridge Estates. The adjacent and nearby property to the north is also zoned R-5A, and will be part of the single-family residential Summit Point subdivision, which is currently in development. The parcel in Summit Point adjacent to the subject property is approximately 0.2 acres in area and is to be developed with a detached single-family residence.

## **APPLICABLE CODE REQUIREMENTS**

### 6.9 – R-5A Single-Family Dwelling District

#### 6.9.3 *Development Standards.*

F. *Minimum Perimeter Setbacks for the entire R-5A Development:* 40 feet

### 19.3. – Minimum Administrative Permit Standards

#### 19.3.1.2 *Swimming Pool, Private.*

##### B. *Standards*

1. *Detached Dwellings.* Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except when perimeter setbacks are required, for example in NUP and TR zoned districts, pools pool equipment, and decks cannot be located in perimeter setbacks.

## **VARIANCE REQUIREMENTS**

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Board of Zoning Appeals in considering the application and its merits. These considerations include:

- A. Relief, if granted, would be in harmony with, or, could be made to be in harmony with, the general purpose and intent of the Zoning Ordinance; or
- B. The application of the particular provision of the Zoning Ordinance to a particular piece of property, due to extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner while causing no detriment to the public.

## **STAFF RECOMMENDATION**

V-15-017, if granted, would be in harmony with the general purpose and intent of the zoning ordinance and would be unlikely to have any detrimental effects on adjacent or nearby property. Perimeter setbacks in R-5A zoned subdivisions are intended to protect neighboring subdivisions from potentially higher-intensity development. In this case, the neighboring subdivision is Summit Point, which is currently in development. This subdivision, along with the subject property and properties adjacent to the subject property in Jones Bridge Estates, is zoned R-5A conditional. The intensity of development in the two neighboring subdivisions is similar, and the parcel in Summit Point adjacent to the subject property is to be developed with a single-family residence that will be constructed a minimum of 50 feet from the proposed pool and accessory uses. The pool, pool deck, and pool equipment would all be at least 10 feet from all property lines and would meet all other requirements of the zoning ordinance. Therefore the Department recommends **APPROVAL, with conditions** of V-15-017.

## **RECOMMENDED CONDITIONS**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL, with conditions** of V-15-017, subject to the following conditions of approval:

1. The pool shall be developed in general accordance with the site plan received by the Community Development Department on August 21, 2015, with changes to meet zoning and development regulations.
2. The existing retaining wall shall be reviewed for compliance with building codes and permitted by the City of Johns Creek.
3. All pool equipment shall be screened from the street with fencing or landscape material as approved by the Community Development Department.

