



***Board of Zoning Appeals Public Hearing
November 17, 2015 — 7:00 P.M***

CASE NUMBER:	V-15-022; V-15-023
PROPERTY LOCATION:	11225 Indian Village Drive Johns Creek, GA 30022 1st District, 1st Section Land Lots 131
CURRENT ZONING:	R-4A Conditional (Single Family Dwelling)
PARCEL SIZE:	.25 Acres
PROPERTY OWNER(S):	Simitrio Reyes
STAFF RECOMMENDATION:	DENIAL

REQUEST

The existing residence, located at 11225 Indian Village Drive, was constructed in the late 1980s and is approximately 1,500 square feet. The applicant is requesting two variances in order to continue construction of a shed in the southeast corner of his property. The shed is 20' x 16' (320 square feet) and 9 feet tall. There are two windows and a double door on the exterior. This is an after-the-fact request. No building permit was filed prior to construction and a stop work order has been issued.

The applicant has requested two variances for a shed:

- The first variance (V-15-022) is to encroach 1'10" into the 7-foot side yard setback on the side (east) of the property. This reduces the side setback to 5'2".
- The second variance (V-15-023) is to encroach 19'6" into the 25' rear setback, which reduces the rear setback to 5'6".

NOTE: The second variance request was advertised as an 18'2" encroachment into the 25' rear setback, but was later discovered to be in error by 1'4". This was a staff error that was made when the encroachment was initially calculated for the applicant. The City Attorney has indicated that a minor error such as this does not impact the request.

ADJACENT ZONING AND LAND USES

The subject property is zoned R-4A Conditional (Single Family Dwelling) and is located in the Long Indian Creek subdivision to the south of State Bridge Road. The adjacent and nearby properties to the north, east, south, and west are single-family residences that area also a part of Long Indian Creek (R-4A Conditional).

APPLICABLE CODE REQUIREMENTS

6.7 R-4A Single-Family Dwelling District

6.7.3 *Development Standards:*

C. Minimum Side Yard: 7 feet adjacent to interior line

D. Minimum Rear Yard: 25 feet

The proposed addition meets all other R-4A Development Standards.

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

It does not appear that the applicant has a hardship. The photos illustrate that the shed was constructed next to two trees. The protection of trees is typically a reason to seek a variance, however, in this case the applicant is seeking a variance for a location that will likely damage the trees. By damaging the existing trees, the proposal is going against the general purpose and intent of the Zoning Ordinance. In addition, the shed is highly visible from the street as it is set so close to the side property line (1'10" from side property line). In looking at aerial photography of the site, there appears to be an alternative location for the shed on the southwest corner of the parcel.



Staff recommends denial of the two variance requests due to the proximity of the adjacent trees, the visibility from the street, and the option for an alternative location.

RECOMMENDED CONDITIONS, IF APPROVED

1. The variance shall only apply to the proposed shed as indicated on Exhibit A.

