



***Board of Zoning Appeals Public Hearing
December 15, 2015 — 7:00 P.M***

CASE NUMBER:	V-15-028
PROPERTY LOCATION:	515 Falls Watch Circle Johns Creek, GA 30022 1st District, 1st Section Land Lot 100
CURRENT ZONING:	R-4A (Single-Family Dwelling) Conditional
PARCEL SIZE:	.037 Acres
PROPERTY OWNER(S):	Steve Boresow
STAFF RECOMMENDATION:	DENIAL

REQUEST

The applicant has requested a variance to encroach 5.7 feet into the subject property’s required seven-foot side yard setback in order to construct an attached one-car garage. If constructed as proposed, the addition would be 2.3’ from the side property line. The property is located at 515 Falls Watch Circle in the Falls of Autry Mill subdivision. The garage would be constructed on what is currently a driveway, with its northern wall on top of an existing retaining wall. The applicant has stated that while no architectural plans are yet available, the garage would be constructed with external materials to match the existing structure. The applicant has not indicated the proposed height of the addition, which would be approximately 30 feet from the rear of the neighboring house to the north. The Zoning Ordinance limits the height of structures in the R-4A district to 40 feet.

ADJACENT ZONING AND LAND USES

The subject property is zoned R-4A (Single-Family Dwelling District) conditional pursuant to Fulton County zoning case Z-92-067, and is located in the Falls of Autry Mill subdivision. The subject property and properties to the east, west, and south are developed with single-family homes zoned R-4A in Falls of Autry Mill.

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

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-15-028, if granted, would not be in harmony with the general purpose and intent of the zoning ordinance. Side yard setbacks in the R-4A district are intended to provide appropriate separation between structures. In this case, allowing a garage to be located 2.3 feet from the north property line would not meet this intent, as the adjacent residence would be located approximately 30 feet away. The rear deck of the adjacent residence would be located approximately 20 feet away from the proposed garage.

Additionally, there are no extraordinary or exceptional conditions on the subject property due to its size, shape, or topography that would create an unnecessary hardship under the provisions of the Zoning Ordinance. A lack of space for a garage expansion does not in itself constitute a hardship. While it would likely be impossible to provide access to a garage in the rear yard due to space constraints, the presence of the rear porch and side retaining wall blocking access do not create a hardship. The topography of the property would not be considered extraordinary or exceptional within Johns Creek. Therefore the Department recommends **DENIAL** of V-15-028.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **DENIAL**. If the Board were to approve the variance request, Staff recommends that approval be subject to the following conditions of approval:

1. The garage shall be constructed in general accordance with the site plan received by the Community Development Department on November, 2015, with changes to meet zoning and development regulations.
2. The garage shall be constructed to be architecturally similar in style and materials to the current residential structure.
3. The garage shall not exceed the existing height of the northern side of the current residential structure.

