



***Board of Zoning Appeals Public Hearing  
April 19, 2016 — 7:00 P.M***

<b>CASE NUMBER:</b>	<b>V-16-007</b>
<b>PROPERTY LOCATION:</b>	<b>359 Citadella Court, Johns Creek, GA 30022 1<sup>st</sup> District, 1st Section, Land Lot 20, 21, 26, and 27</b>
<b>CURRENT ZONING:</b>	<b>CUP (Community Unit Plan) Conditional</b>
<b>PARCEL SIZE:</b>	<b>1.59 Acres</b>
<b>PROPERTY OWNERS:</b>	<b>Dr. Norman Harbaugh</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

**REQUEST**

The existing residence, located at 359 Citadella Court, was constructed in 2004 and is approximately 5,600 square feet. The applicant is requesting a variance in order to allow for an outdoor fireplace to be built in the side yard. The fireplace is located on a stone patio in a recessed area of the side yard, behind a retaining wall. The street side of the retaining wall features a metal fence with stone columns. The flue of the fireplace is in line with one of the stone columns, leaving only the fireplace cap exposed. The fireplace is 14-feet tall, 14-feet wide (includes a wood bin on either side), and 30-inches by 32-inches deep.

**BACKGROUND**

The subject property, 359 Citadella Court, is lot number 8 within the Citadella subdivision off of Barnwell Road. This lot is within the Chattahoochee River Corridor, however, the proposed project is in compliance with their allotted impervious and clearing limits set by the Atlanta Regional Commission (ARC).

Staff notes that this is an after-the-fact request, as the fireplace has already been constructed. A shed roof structure was also constructed without a building permit, but that portion of the project does not require a variance. The applicant has since applied for a building permit.

**ADJACENT ZONING AND LAND USES**

The properties to the north and east are zoned AG-1 and CUP Conditional and are in the Citadella subdivision as well. Adjacent properties to the south are zoned R-4 and are in the River Glen subdivision.

**APPLICABLE CODE REQUIREMENTS**

City of Johns Creek Zoning Ordinance; Article VI: General Provisions; Section 4.3.4: Minimum building lines; B: Permitted Encroachments into Yards; 2: Single-family Residential and Townhouses used for single-family on individual lots of record.

Outdoor fireplaces and outdoor uncovered kitchens, whether standalone or constructed as a part of a patio, retaining wall or other structure, may only be located in the rear yard and may extend no more than 10 feet into the minimum rear yard. In no case shall an outdoor fireplace be located closer than 10 feet to a property 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; or

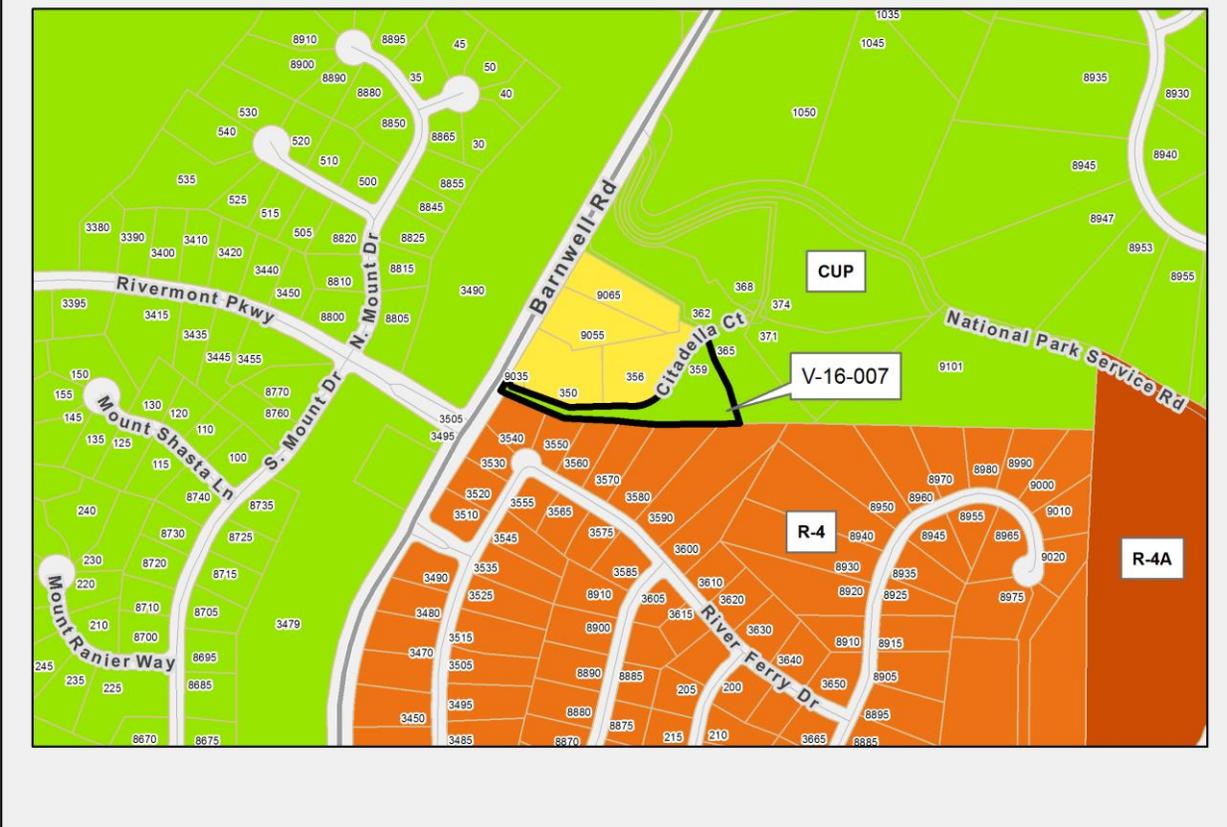
**STAFF RECOMMENDATION**

V-16-007, if granted, would be in harmony with the general purpose and intent of the zoning ordinance. Outdoor fireplaces are required to be placed in the rear yard as it is the location that has the least impact on adjacent neighbors. In this case, the fireplace is located in a recessed patio and is screened by an existing column that is part of a retaining wall. The fireplace is constructed in the same materials as the retaining wall/columns and appears to blend in from both the front and side elevations. The lack of visibility of the outdoor fireplace from the front and side property lines meets the intent of the Zoning Ordinance as it creates no impact to adjacent neighbors. Therefore, the Department of Community and Development recommends **APPROVAL WITH CONDITIONS** of this request.

**RECOMMENDED CONDITIONS**

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of this request, subject to the following conditions of approval:

- 1) The height of the fireplace and chimney cap cannot exceed 14-feet, as constructed.
- 2) Obtain required building permits from the City of Johns Creek Community Development Department.



## Community Development