



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

CASE NUMBER:	V-16-010
PROPERTY LOCATION:	9800 Buice Road, Johns Creek, GA 30022 1st District, 1st Section, Land Lot 175
CURRENT ZONING:	AG-1 (Agricultural)
PARCEL SIZE:	1.29 Acres
PROPERTY OWNERS:	Mary John Spencer
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

REQUEST

The existing residence, located at 9800 Buice Road, was constructed in 1986 and is approximately 2,900 square feet. The applicant is requesting a variance to the front setback in order to construct a garage in the front yard. The proposed garage, which is 30-feet wide by 23-feet deep, will encroach 20-feet into the 60-foot front setback. It will be built along the corner of the previously converted garage, with the garage doors facing the interior of the lot. The applicant intends to clad the proposed garage in cedar shakes to match the existing residence. There will be two garage bays on the front and the remaining area will be used for storage.

NOTE: Staff would like to note that the legal advertisements for V-16-010 stated that the applicant was proposing to construct a detached garage, however, the garage is attached to the house. This does not impact the variance request.

BACKGROUND

The subject property, 9800 Buice Road, is zoned AG-1 and is not located within a subdivision. The parcel is located at the intersection of Buice Road and Spruill Road.

The applicant received a previous variance on June 16, 2015 to encroach 10-feet into the 60-foot front setback for the addition of an enclosed staircase to the previously converted garage. The enclosed staircase has been constructed and the proposed garage addition will connect to this area.

Code Enforcement has been monitoring the site in regards to complaints regarding a home based business on the site. While Section 4.12 of the City of Johns Creek Zoning Ordinance states that “accessory buildings and structures may not be used for the home occupation,” it does allow for the use of “25-percent or 750-square feet (whichever is smaller) of the gross floor area of a dwelling” to be used for “activities devoted to the home occupation.”

ADJACENT ZONING AND LAND USES

All adjacent parcels are also zoned AG-1 and are not located within a subdivision. Properties to the north, south, and east are all developed with single-family residences, and the property across Spruill Road to the west is a water treatment facility.

APPLICABLE CODE REQUIREMENTS

Sec. 5.1. AG-1 Agricultural District.

5.1.3. *Development Standards.*

B. *Minimum Front Yard:* 60 feet

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

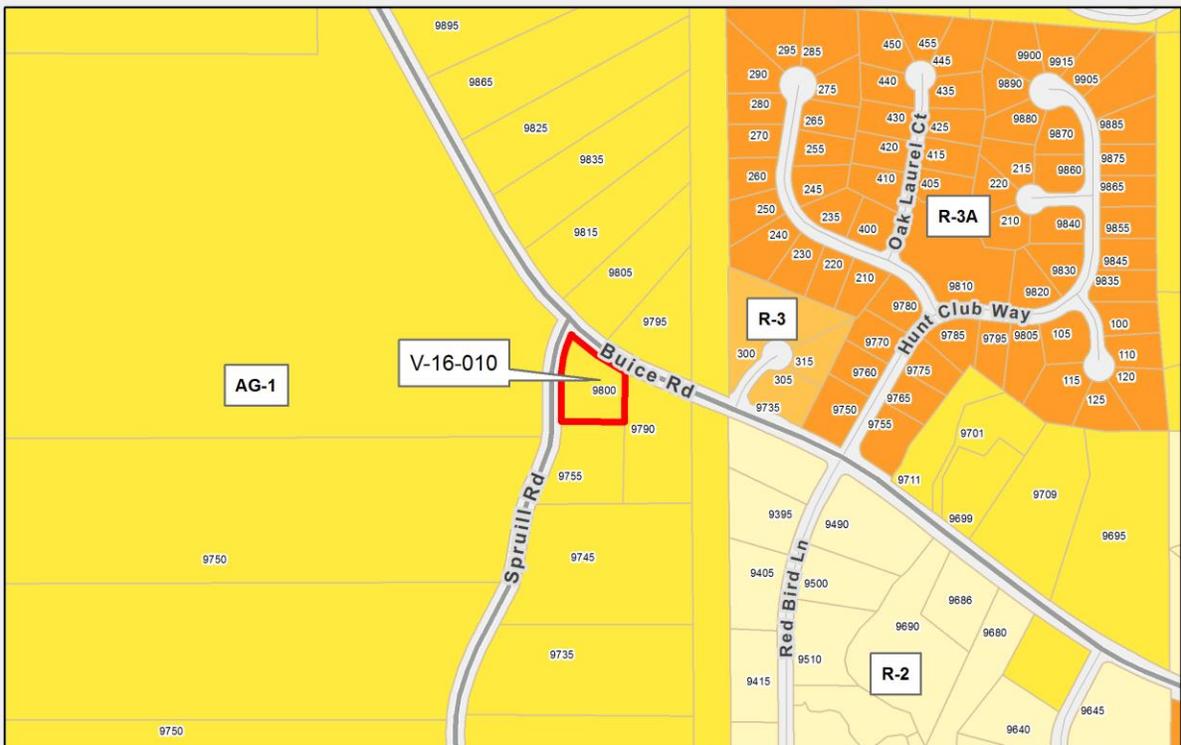
The topography on the site creates an unnecessary hardship that should allow for a variance to be granted. The corner property slopes down from both road frontages, placing the house below grade. The slope creates drainage issues which funnel down from the road, around the west side of the house. Between the steep slopes, drainage issues, and mature trees, Staff feels that the proposed location is reasonable and a variance should be granted. Additionally, staff feels that the variance will cause no detriment to the public as the garage will sit below grade, with the garage doors facing the interior of the property. 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 garage shall be constructed in general accordance with the site plan received by the Community Development Department on March 10, 2015.
- 2) The architecture and materials for the garage must match that of the existing residence.
- 3) The use of the garage must be in accordance with Section 4.12, Home Occupation, of the City of Johns Creek Zoning Ordinance.

- 4) Obtain required building permits from the City of Johns Creek Community Development Department.



Community Development