



***Board of Zoning Appeals Public Hearing
August 16, 2016 — 7:00 P.M***

CASE NUMBER:	V-16-018
PROPERTY LOCATION:	4895 Candacraig Johns Creek, GA 30022 1st District, 1st Section Land Lot 184 &185
CURRENT ZONING:	R-2 (Single Family Dwelling District) Conditional
PARCEL SIZE:	4.99
PROPERTY OWNER(S):	Robert Collins
STAFF RECOMMENDATION:	Approval with Conditions

REQUEST

The subject property located at 4895 Candacraig includes an existing 5,878 sq. ft. single-family residence constructed in 1987. The applicant is requesting a variance to allow an accessory structure (detached garage) in the front yard. Section 6.2.3.I from the zoning ordinance states accessory structures are required to comply with primary building setbacks. The applicant seeks to construct the proposed garage 70-feet from the street and 125-feet from the northeast property line. The exact location of the proposed 56' x 26' three-car garage will be located at the terminus of the upper driveway, adjacent to the front of the primary dwelling. The site plan submitted with the application shows a proposed covered breezeway connecting the proposed garage to the existing house, however the applicant has decided not to build the covered breezeway. The construction of the garage will comprise primarily of hardy board siding, stone veneer with a concrete slab serving as the foundation of the building. There will be an unfinished second floor above the garage with area designated for a future bathroom. The building will not be considered a guest house because it does not contain a kitchen

A similar variance request (V-15-013) was approved on April 16, 2013 for the construction of 20' x 30' detached garage in the front yard. However, the approved detached garage was not built and the approved variance lapsed. If not used, a variance shall be valid only for a period of 36 months from the date it is granted, per Section 22.13.15

BACKGROUND

The subject property is located at 4895 Candacraig, lot number 42 within Unit 2 of the Cameron Crest Farms subdivision. The primary residence is located below road grade and the property maintains a gradual downward slope to the residence. From the residence, the topography transitions to a steeper grade trajectory towards the stream located in the mid-portion of the lot. The stream has a state 25-foot undisturbed buffer, a city 50-foot undisturbed buffer and a 75-foot no impervious surface setback on both sides of the stream. There is no proposed encroachment into any stream buffer on the site.

The survey shows a 100-foot building setback on the property as well as a 60-foot building setback. The 100-foot building setback is part of a private covenants reference in the zoning conditions. Staff is unable to enforce private covenants and therefore the setback of the R-2 zoning district applies. The placement of the garage meets the 60' front yard building setback requirement.

Staff notes that a previous variance for this property (V-15-013) was approved on April 16, 2013 for the construction of 20' x 30' (600 square-foot) detached garage in the front yard. However, the approved detached garage was not built and the variance lapsed on April 16, 2016. The current owner purchased the home in March 2016 and was not able to construct the garage in the remaining time left on the original variance. The current owner is requesting the same variance. The current owner's proposed garage design is bigger than the previously approved design. The previously approved design was 600 square feet, while the current owner seeks to construct a 1,352 square foot garage.

ADJACENT ZONING AND LAND USES

Adjacent properties to the north, south, east, and west are zoned R-2 Conditional and are in the Cameron Crest Farms subdivision as well.

APPLICABLE CODE REQUIREMENTS

City of Johns Creek Zoning Ordinance; Article VI: Single-Family Dwelling District; Section 6.2.3: Development Standards; I: Minimum Accessory Structure Requirement;

Minimum Accessory Structure Requirements: Accessory structures may be located in the rear or side yards only but shall not be located within a minimum yard.

VARIANCE CONSIDERATIONS

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

If V-16-018 is granted, it would be in harmony with the general purpose and intent of the Zoning Ordinance. There is ample screening of the detached garage as there is existing dense vegetation existing along the northern and eastern sides of the property. The intent of the zoning ordinance is to reduce the visibility of the accessory structure from the street. Since this is a large lot with dense vegetation, the accessory structure will not be visible from the street.

Additionally, there are 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. Since the primary residence is located below road grade and the property maintains a gradual slope that transitions into a steeper slope, the placement of the proposed garage anywhere else on the property would be infeasible. Staff feels that the proposed location is reasonable as it is the area with the least grade change. The proposed location is also preferred as it will not require an encroachment into the stream buffer. Furthermore, staff feels that the variance will cause no detriment to the public as the garage will sit below grade and is effectively screened with existing vegetation.

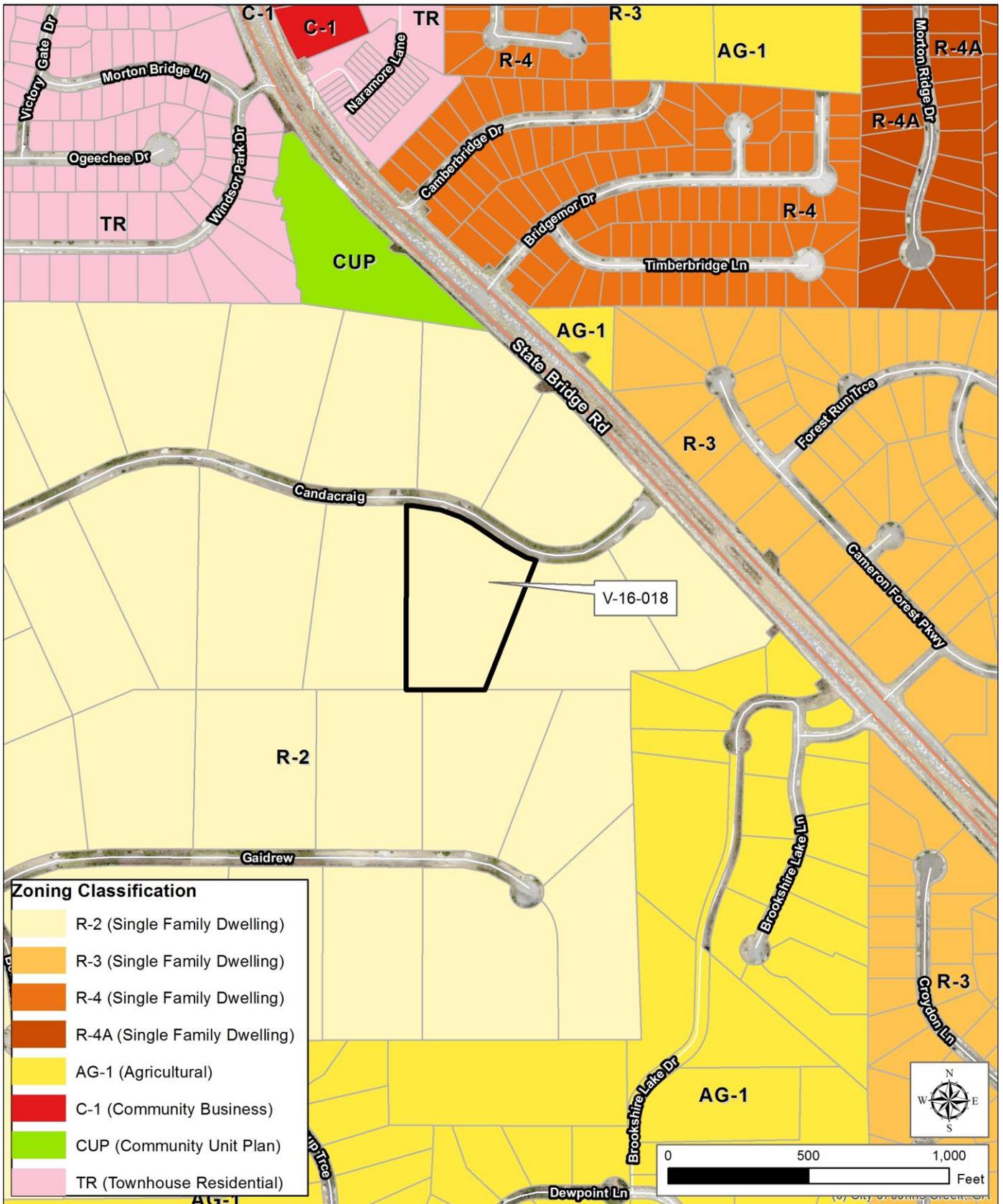
Therefore, the Community Development Department recommends **APPROVAL with conditions** of V-16-018, as the proposed variance request is in harmony with the general purpose and intent of the Zoning Ordinance and has extraordinary and exceptional conditions due to topography.

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 July 8, 2016.
- 2) The architecture and materials for the garage must match that of the existing residence.
- 3) Obtain required building permits from the City of Johns Creek Community Development Department.

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