



***Board of Zoning Appeals Public Hearing
September 20, 2016 — 7:00 P.M***

CASE NUMBER:	V-16-021
PROPERTY LOCATION:	4100 Old Alabama Road Johns Creek, GA 30022 1st District, 1st Section Land Lot 71 and 102
CURRENT ZONING:	CUP (Community Unit Plan) Conditional
PARCEL SIZE:	7.9 Acres
PROPERTY OWNER(S):	Andrew Deyo
STAFF RECOMMENDATION:	Approval with Conditions

REQUEST

The subject property located at 4100 Old Alabama Road and is currently used as a recreational amenities area. The applicant is requesting a variance to allow for the construction of two double tennis courts to encroach into the required 100-foot rear setback from all property lines per Section 19.3.8.B.3 of the zoning ordinance. The applicant intends on constructing two tennis courts (60' x 120' and 108' x 120') 41.6-feet from the northern property line and approximately 18-feet to the north of the existing tennis courts. The applicant intends to maintain a 36-foot natural buffer toward the northern property line, adjacent to the new proposed tree line. The tennis courts will be comprised of mainly asphalt with the installation of double lighted poles for lighting. The double lighted poles will shine directly down toward the ground. The lights are contained within a cutoff type luminaire box to minimize light spillage. There are six existing lighted double tennis court located directly to the south of the proposed courts. The proposed courts will not encroach into the 40' landscape strip adjacent to Old Alabama Road.

BACKGROUND

The subject property located at 4100 Old Alabama Road, is part of the 767-unit Country Club of the South subdivision development pursuant Fulton County zoning case Z-94-055. The original zoning of the parcel was AG-1 and was rezoned on July 6, 1994 to CUP (Community Unit Plan) Conditional. The subdivision development included a golf clubhouse, pro shop, restaurant, tennis courts, swimming pool and recreational facilities as well. The original site plan attached to the subdivision development showed five double tennis courts to be constructed when the initial development was approved. Currently the proposed location is cleared and graded. To the north, west and east property lines is approximately a 42-foot wide thick area of mature pine trees. There is a vertical difference in the grade of the location of the proposed tennis courts and the neighboring residential property to the north. The proposed tennis courts will be constructed at an elevation of 1061.0 while the existing residence is located at 1078.0. The existing residence sits approximately 17-feet above the proposed tennis courts.

The two proposed double tennis courts are located on two separate parcels (11 031001020116 and 11

020000710934). References to the northern property line refer to the boundary formed by both parcels.

ADJACENT ZONING AND LAND USES

Adjacent properties to the south, east, and west are zoned CUP Conditional and are located in Country Club of the South subdivision as well. The property to the north is zoned CUP Conditional pursuant to Fulton County zoning case Z-95-025 (Autrey Mill Middle School).

APPLICABLE CODE REQUIREMENTS

City of Johns Creek Zoning Ordinance; Article XIX: Administrative Permits and Use Permit; Section 19.3.8.B.3.b: Recreational Court, Private; B: Standards; 3: Neighborhood;

b. Recreational courts, accessory structures, fencing, and parking shall be located a minimum of 100 feet from all adjoining property lines.

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

V-16-021, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance. The intent of the zoning ordinance is to provide adequate space and reduce visibility between recreational courts and neighboring residential homes. Staff believes the difference in the elevation and the 36-foot natural buffer meets the intent of the zoning ordinance as the existing tree line with dense vegetation along the northern, eastern and western sides of the property provides ample screening that reduces the visibility of the proposed tennis courts. In addition, the cutoff type luminaire box will minimize any light spillage to adjacent properties.

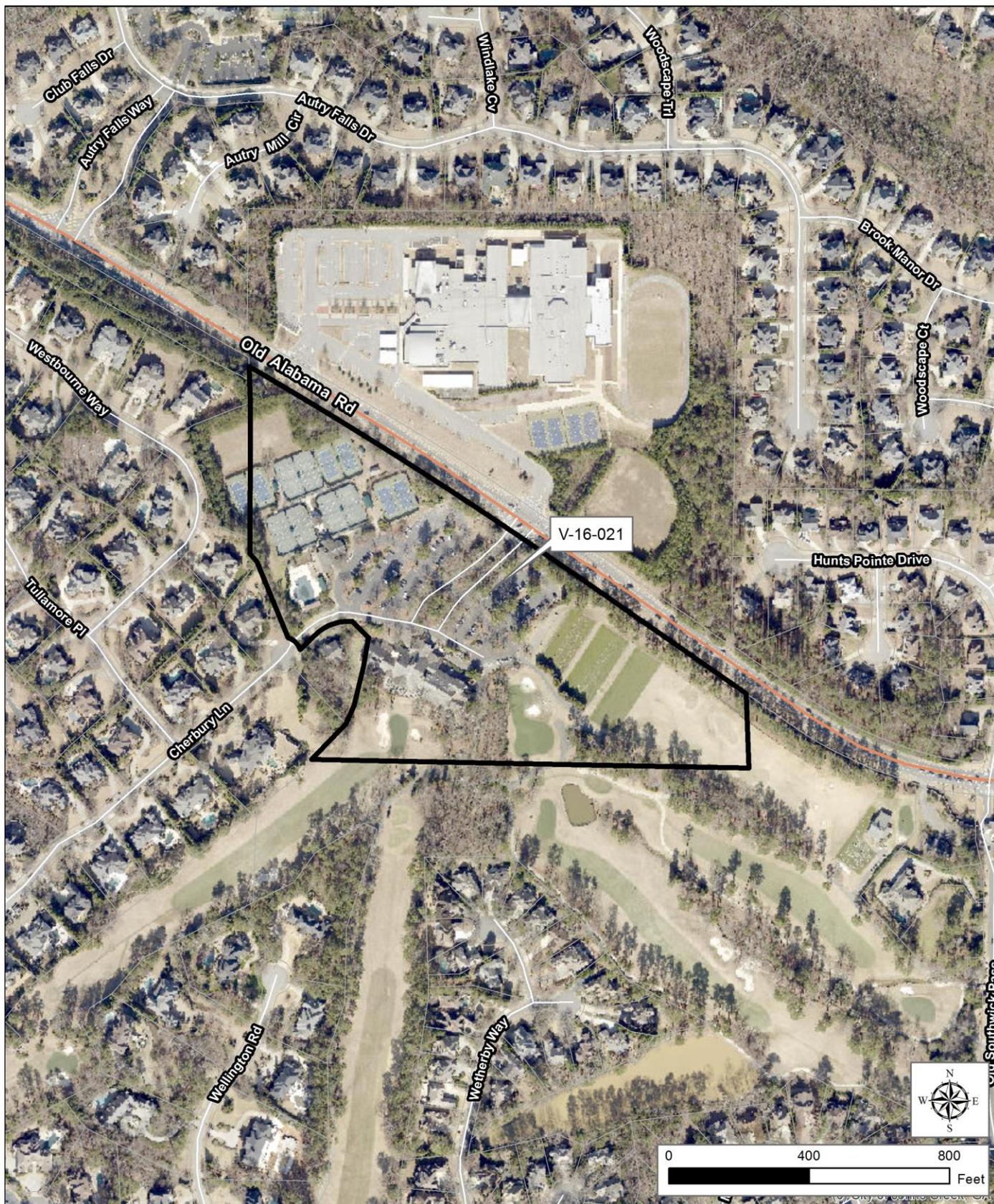
Therefore, the Community Development Department recommends **Approval with conditions** of V-16-021, as the proposed variance request is in harmony with the general purpose and intent of the Zoning Ordinance.

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. Applicant must obtain an Administrative Permit and Land Disturbance Permit from the Community Development Department.
2. The tennis courts shall be constructed in general accordance with the site plan received by the Community Development Department on August 8, 2016.
3. The proposed tennis courts shall be at minimum of 41.6-feet from the northwest property line of the recreational area.
4. The new proposed tree line shall be a minimum of 36-feet along the northwest property line of the recreational area.

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