



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

<b>CASE NUMBER:</b>	<b>V-16-031</b>
<b>PROPERTY LOCATION:</b>	<b>3018 Haynes Trail Johns Creek, GA 30022 1<sup>st</sup> District, 2nd Section Land Lot 866</b>
<b>CURRENT ZONING:</b>	<b>CUP (Community Unit Plan) Conditional</b>
<b>PARCEL SIZE:</b>	<b>0.33 acres</b>
<b>PROPERTY OWNER(S):</b>	<b>Ray Buchman</b>
<b>STAFF RECOMMENDATION:</b>	<b>Approval with Conditions</b>

**REQUEST**

The property includes an existing 4,137 sq. ft. single-family residence constructed in 2005. The applicant is requesting a variance to encroach 23 feet into the 50 foot rear yard setback to construct a 14' x 25' rear yard covered porch. Section 4.3.4 B.2. the zoning ordinance states porches or decks attached to the main dwelling may extended no more than 10 feet into a minimum front or rear yard. The applicant seeks to extend an additional 13 feet pass the 10 foot allowance for a total 23 feet encroachment into the rear yard. The 350-square foot covered porch will be 27 feet from west property line and 50 feet from both northern and southern property lines. The exact location of the proposed covered porch will be located at the north side rear elevation of the house. The applicant intends to connect the new covered porch to an already existing covered porch. The construction of the proposed covered porch will comprise primarily of hardy board siding, wood top & bottom rails with aluminum pickets and flagstone hearth slab serving as the foundation of the porch.

**BACKGROUND**

The subject property is located at 3018 Haynes Trail, lot number 16 within the Haynes Bridge Manor subdivision. The primary residence is located is two feet above road grade and continues the same grade to the residence. From the residence, the topography transitions to slightly lower grade towards the rear of the property. Along the southern and western property lines are fully mature cypress trees.

**ADJACENT ZONING AND LAND USES**

Adjacent properties to the north, south and east are zoned CUP (Community Unit Plan) Conditional pursuant to Fulton County zoning case Z-03-01 and are in the Haynes Bridge Manor subdivision as well. The property to the west is located in the City of Roswell jurisdiction.

**APPLICABLE CODE REQUIREMENTS**

City of Johns Creek Zoning Ordinance; Article IV: General Provisions; Section 4.3.4: Minimum Building Lines; B: Permitted Encroachment into yards; 2. Single-Family Residential and Townhouses used for single-family on individual lots of record.

*Porches or decks attached to the main dwelling may extend no more than 10 feet into a minimum front or rear yard.*

**VARIANCE CONSIDERATIONS**

The specific conditions that must be considered by the Board of Zoning Appeals in order to grant for a variance are the following:

- 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-16-031 is granted, it would be in harmony with the general purpose and intent of the Zoning Ordinance. The intent of the zoning ordinance is to allow decks and porches to encroach into the rear yard in order to provide properties with flexibility for using their outdoor area. However, the intent is to not completely encroach into the rear yard. Staff notes the neighbors to the western and southern property line would be the most impacted by the encroachment of the covered porch. Yet there is ample screening for the covered porch as there is existing dense vegetation along the western and southern sides of the property that effectively screens the covered porch.

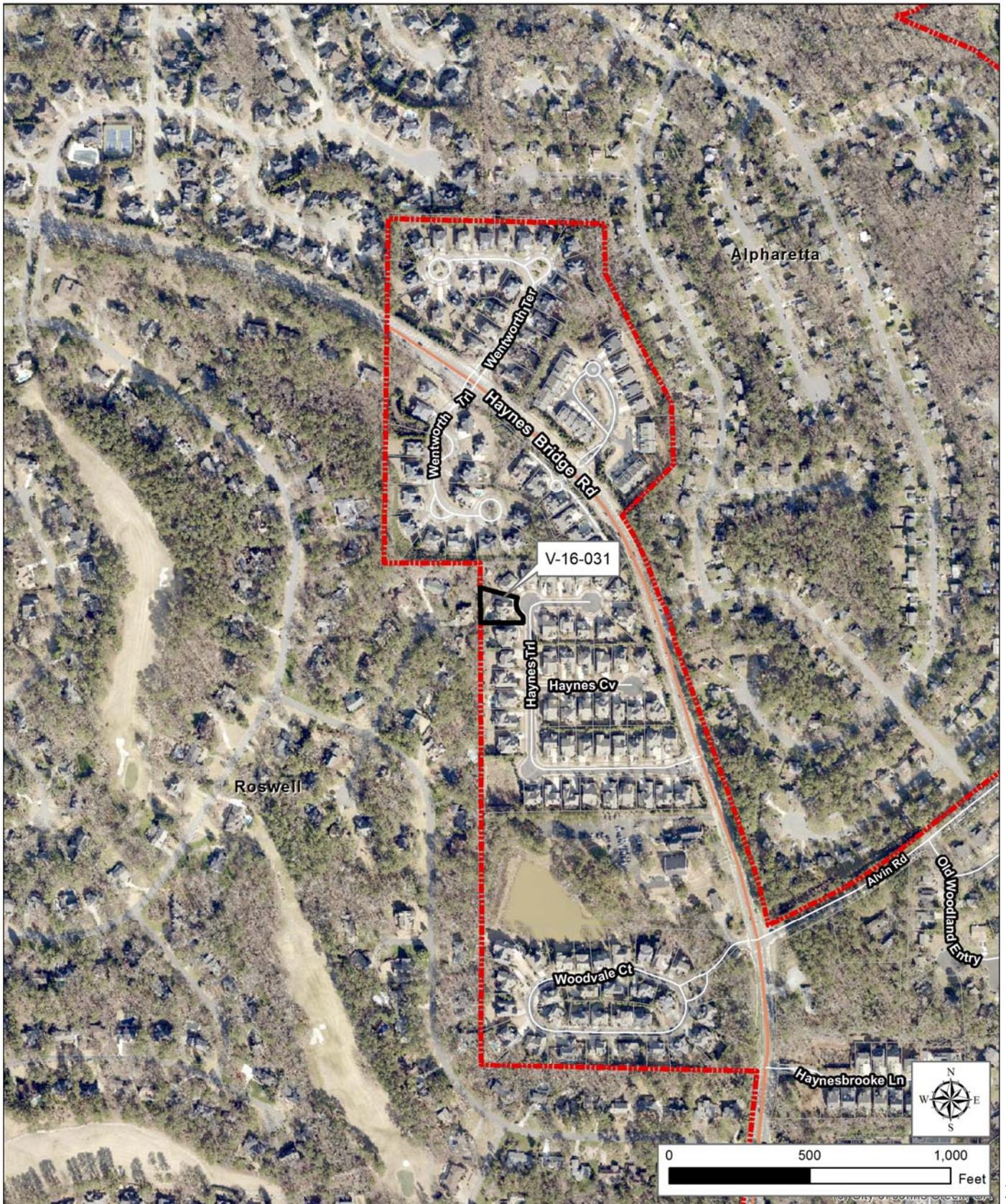
Therefore, the Community Development Department recommends **APPROVAL with conditions** of V-16-031, as the proposed variance request is in harmony with the general purpose and intent of the Zoning Ordinance.

**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. The proposed covered porch shall not encroach no more than 23 feet past the 50' rear yard setback as shown on the site plan submitted to the Community Development Department on October 4, 2016.
2. Obtain required building permits from the City of Johns Creek Community Development Department.

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