



***Board of Zoning Appeals Public Hearing
August 18, 2015 — 7:00 P.M***

CASE NUMBER:	V-15-010, V-15-011, V-15-012, and V-15-013
PROPERTY LOCATION:	5195 North Bridges Drive Johns Creek, GA 30022 1st District, 1st Section Land Lot 201
CURRENT ZONING:	TR (Townhouse Residential District) Conditional
PARCEL SIZE:	.333 Acres
PROPERTY OWNER(S):	Jayson Schofield
STAFF RECOMMENDATION:	V-15-010: APPROVAL with conditions V-15-011, V-15-012, and V-15-013: DENIAL

REQUEST

The applicant has requested four variances:

- V-15-010: to encroach 14.3 feet into the 30-foot side perimeter setback in order to construct a pool and pool deck;
- V-15-011: to build a pool, pool deck, or pool equipment within 10 feet of a property line;
- V-15-012: to encroach 30 feet into the 30-foot rear yard setback and 30-foot side perimeter setback in order to construct a shed; and
- V-15-013: to encroach 4.5 feet into the 7-foot side yard setback in order to construct a shed.

The property is located at 5195 North Brides Drive in the North Bridges subdivision.

Pools, pool decks, and pool equipment are not required to adhere to building setbacks on detached dwelling lots, so long as they remain a minimum of 10 feet from all property lines. In addition, they are not permitted in perimeter setbacks along the outer edges of subdivisions in certain zoning districts. The property’s rear yard is located on the south side perimeter of the North Bridges subdivision, zoned TR (Townhome Residential) Conditional, and is therefore subject to a 30-foot perimeter setback. The applicant is proposing a pool and pool deck that would extend to within 17 feet of the rear property line.

The applicant has also submitted a site plan showing the proposed pool deck and pool equipment within 10 feet of the west property line (four feet and seven feet from the property line, respectively). As previously mentioned, pool decks and pool equipment must remain a minimum of 10 feet from all property lines. The deck is being located adjacent to an existing retaining wall and the equipment is proposed next to the home’s existing air conditioning unit.

The applicant has requested two variances to allow an existing shed to remain in its current location. The shed is currently located 2.5 feet from the west side property line and less than one foot from the rear property line. The property slopes upward at its rear edge, with the shed near the top the slope, allowing it to be visible over the existing fence from neighboring property. The shed is located on a flat area created by the construction of the existing retaining wall.

ADJACENT ZONING AND LAND USES

The subject property is zoned TR (Townhouse Residential District) Conditional pursuant to Fulton County zoning case Z-84-064, and is located in the North Bridges subdivision to the east of Jones Bridge Road. The subject property and all adjacent properties are developed with single-family homes. The adjacent and nearby properties to the north, west, and east are also a part of North Bridges, and the property immediately to the south is within the TR Conditional Silver Ridge Subdivision.

APPLICABLE CODE REQUIREMENTS

7.2. – TR Townhouse Residential District

7.2.3 *Development Standards.*

H. *Minimum Perimeter Setbacks for the entire TR Development:*

2. *Minimum Side Yard:* 30 feet adjacent to interior line

I. *Minimum Interior Setbacks When One Building Per Lot:*

2. *Minimum Side Yard:* 7 feet adjacent to interior lot line

3. *Minimum Rear Yard:* 25 feet.

19.3. – Minimum Administrative Permit Standards

19.3.1.2 *Swimming Pool, Private.*

B. *Standards*

1. *Detached Dwellings.* Pools, pool equipment, and their decks must be a minimum of 10 feet from all property lines, except when perimeter setbacks are required, for example in NUP and TR zoned districts, pools pool equipment, and decks cannot be located in perimeter setbacks.

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.

STAFF RECOMMENDATION

The zoning ordinance does not cause any unnecessary hardship for the owner on this property.

V-15-010, if granted, would be in harmony with the general purpose and intent of the zoning ordinance and would be unlikely to have any detrimental effects on adjacent or nearby property. Perimeter setbacks in TR-zoned subdivisions are intended to protect neighboring subdivisions from potentially higher-intensity development. The subject property is developed with a detached single-family residence, and the proposed pool would be located over 120 feet from the nearest residential structure in the Silver Ridge subdivision to the south. Therefore the Department recommends **APPROVAL, with conditions** of V-15-010.

The zoning ordinance's requirement that pools, pool decks, and pool equipment be located a minimum of 10 feet from all property lines is intended to protect adjacent property from excessive noise and other potential negative impacts. Locating pool equipment and a pool deck within 10 feet of the side property line and less than 20 feet from a neighboring residence would not be in harmony with the general purpose and intent of the zoning ordinance and may have detrimental effects on adjacent property. Therefore, the Department recommends **DENIAL** of V-15-011.

The shed in the rear yard is currently located almost directly on the rear property line, within both the rear yard and side perimeter setbacks. It is also located 2.5 feet from the west property line, within the side yard setback. Although there are fences near the rear and side property lines, the shed is also located near the top of a slope at the rear of the subject property, making it visible from adjacent property. Because side and rear yard setbacks are intended to help minimize negative visual impacts of structures on adjacent property, allowing it to remain in its current location would not be in keeping with the general purpose and intent of the zoning ordinance. Therefore, the Department recommends **DENIAL** of V-15-012 and V-15-013,

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **APPROVAL, with conditions** of V-15-010, and **DENIAL** of V-15-011, V-15-012, and V-15-013, subject to the following conditions of approval:

1. The pool shall be developed in general accordance with the site plan received by the Community Development Department on July 15, 2015, with changes to meet zoning and development regulations.
2. The existing retaining wall shall be reviewed for compliance with building codes and permitted by the City of Johns Creek.
3. All pool equipment shall be screened from the street with fencing or landscape material as approved by the Community Development Department.

