



Johns Creek

Board of Zoning Appeals Meeting November 17, 2020

CASE NUMBER:	V-20-003
PROPERTY LOCATION:	90 Old Sandhurst Landing, Johns Creek, GA 30022
CURRENT ZONING:	R-4A (Single-Family Dwelling District) Conditional
PARCEL SIZE:	0.46 Acres
PROPERTY OWNERS:	Marvin and Amy Woodward
VARIANCE REQUEST:	24-foot encroachment into the 75-foot stream buffer to expand a deck
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Chartwell subdivision. The entire neighborhood is zoned R-4A (Single-Family Dwelling District) Conditional. The lot was originally platted in Fulton County in 1996 with a 35-foot undisturbed tributary buffer in the rear of the property. However, since that time, the stream buffer requirements have been extended to 75 feet (50-foot undisturbed buffer and an additional 25-foot impervious surface setback).



Community Development

Applicable Code Requirements

City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-118: Land Development Requirements.

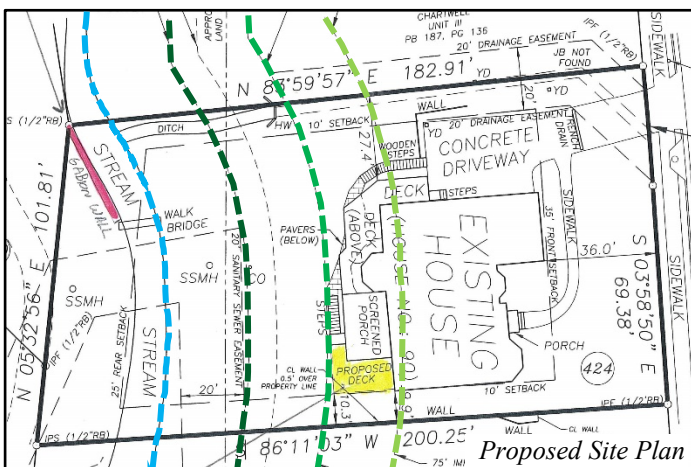
(a) *Buffer and setback requirements.*

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wrested vegetation.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.

Variance Request

The Applicant is requesting a stream buffer variance to encroach 24 feet into the 75-foot impervious surface setback to expand an existing deck. The proposed deck (highlighted in yellow) will add 220 square feet of impervious surface in the 75-foot impervious surface setback. The Applicant has not proposed any land disturbance or impervious surface within the 50-foot undisturbed stream buffer.

In order to offset the adverse impacts associated with the encroachment, the Applicant has proposed to construct a gabion rock wall (highlighted in pink) by hand along the stream bank. The gabion rock wall would be approximately 3 feet high and 30 feet long, and it would minimize soil erosion caused by the discharge from the 30-inch storm pipe located along the north property line. It should be noted that the Georgia Environmental Protection Division has confirmed that the wall construction is considered a minor land-disturbance activity, and is exempt from the Georgia Erosion and Sedimentation Act and applicable state buffer requirements.



25' State's undisturbed buffer 50' City's undisturbed buffer 75' impervious surface setback

Stream Buffer Variance Review Criteria

City Code Section 109-118(b) (2) lists the following considerations for granting stream buffer variances:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted;
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the article would create an extreme hardship.

Staff Analysis

The subject property was platted in Fulton County in 1996 with a 35-foot undisturbed tributary buffer in the rear. However, after the incorporation of the City in 2006, the stream buffer was expanded to 50 feet and the additional 25-foot impervious surface setback was added. The expansion of the stream buffer creates a hardship for the homeowner and requires them to submit for a variance, as even portions of the existing home and deck are located within the 75-foot impervious surface setback, which would not be permitted today without a stream buffer variance.

In order to mitigate the impact of encroachment into the stream buffer, the applicant has proposed to construct a gabion rock wall to help slow the velocity of stormwater runoff and minimize stream bank erosion on the property.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-20-003, **subject to the following conditions:**

- 1) The encroachment of the proposed development shall not exceed 24 feet in depth and 220 square feet of impervious surface into the 75-foot impervious surface setback, as shown on the site plan received by the Community Development Department on October 20, 2020.
- 2) No land disturbance shall occur within the 50-foot City stream buffer or the 25-foot State stream buffer.
- 3) The Applicant is required, prior to issuance of a building permit, to receive approval from the City's Land Development Manager for a stream buffer mitigation plan to offset any adverse impacts associated with the additional impervious surface. Said plan shall be consistent with the mitigation plan proposal received by the Community Development Department on October 20, 2020. The mitigation plan shall be submitted, approved, and inspected, prior to the issuance of a Certificate of Completion.