



Board of Zoning Appeals Public Hearing
March 21, 2017 — 7:00 P.M

CASE NUMBER:	V-17-004
PROPERTY LOCATION:	9730 Farmbrook Lane Johns Creek, GA 3002 1st District, 1st Section Land Lot 211
CURRENT ZONING:	R-2 (Single-family Dwelling Unit) Conditional
PARCEL SIZE:	1.3 acres
PROPERTY OWNER(S):	Drew McNeil
STAFF RECOMMENDATION:	DENIAL

REQUEST

The subject property includes an existing 2,691 square foot single-family residence constructed in 1974. The applicant is requesting a variance to the side yard setback in order to construct a garage/ 2nd story addition. The proposed 1,050 square foot garage/addition will encroach 7' into the 15' side yard setback. The proposed garage/addition will be attached to the existing garage located on the left elevation on the southern end of the property. The addition will extend 13' past the existing primary structure.

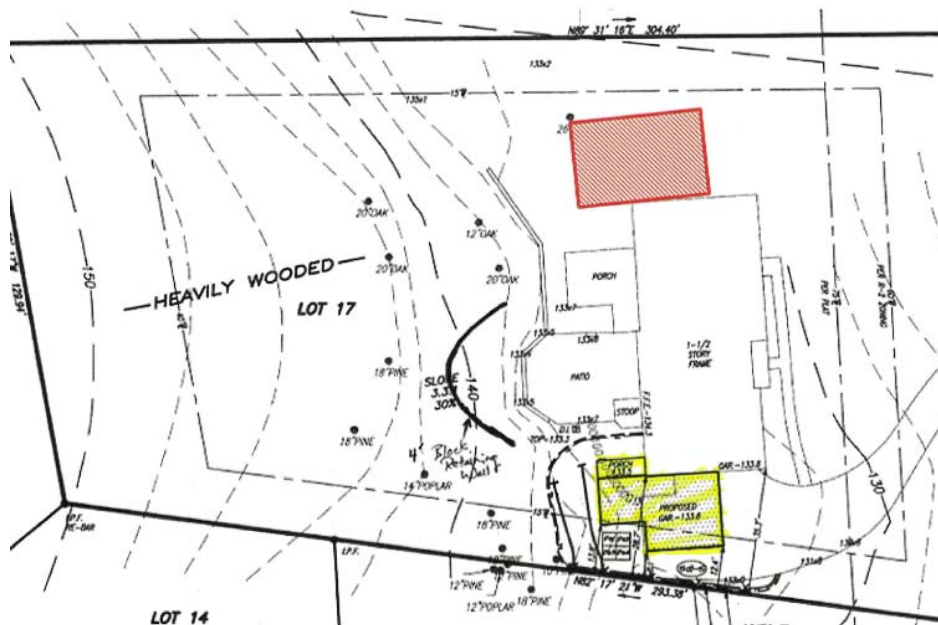
The proposed construction of the garage will be comprised of cementitious siding and concrete slab serving as the foundation. The addition will match the existing architectural design of the home. The second floor will be renovated into a master bedroom, master bath, and master closet. The existing garage will have it's the second floor converted into a separate bedroom with a playroom adjacent to it.

BACKGROUND

The subject property is located at 9730 Farmbrook Lane, lot number 17 within the Farmbrook subdivision. The subject property has a continuous increase in grade until it reaches the residence where it flattens out. From the residence, the topography transitions to steeper grade towards the rear of the property.

Staff has review the property and believes an alternative location would be more appropriate for the new addition. The northern portion of the property is a possible alternative location for the garage/addition (see figure 1.) If the applicant would move the addition to the northern side of the property then they would not need to seek a variance request for the side yard setback.

Figure 1. Alternative location, which complies with the 15-foot setback, is shown in red. Proposed location is shown in yellow.



ADJACENT ZONING AND LAND USES

Adjacent properties to the north, south, east, and west are zoned R-2 (Single-Family Dwelling District) Conditional pursuant to Fulton County zoning case 1971Z-057 and are in the Farmbrook Lane subdivision as well.

APPLICABLE CODE REQUIREMENTS

City of Johns Creek Zoning Ordinance; Article VI: Single-Family Dwelling District; Section 6.2.3: Development Standards;

C. Minimum Side Yard: 15 feet adjacent to interior line; 30 feet adjacent to street

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-17-004 is granted, it would not be in harmony with the general purpose and intent of the Zoning Ordinance. The 15' side yard setback is intended to provide adequate space for the primary structure and the adjoining properties. Although the applicant has received the support of the neighbors that directly abut the property, the garage/addition would encroach into the southern side setback approximately 7' into the 15' side yard setback. Reducing the southern side yard setback to from 15' to 8 feet would not meet this intent.

Additionally, there are no extraordinary and exceptional conditions pertaining to that property because of its size, shape, or topography, would create an unnecessary hardship for the owner under the provision of the Zoning Ordinance which will allow for the garage/addition to be installed 8' from the side property line. Staff has reviewed the site and the northern portion of the property is a possible alternative location for the garage/addition. By constructing the garage/addition at the alternative location, the applicant would be respecting the current setback requirements and would not need to seek a variance.

Therefore, the Community Development Department recommends **DENIAL** of V-17-004.

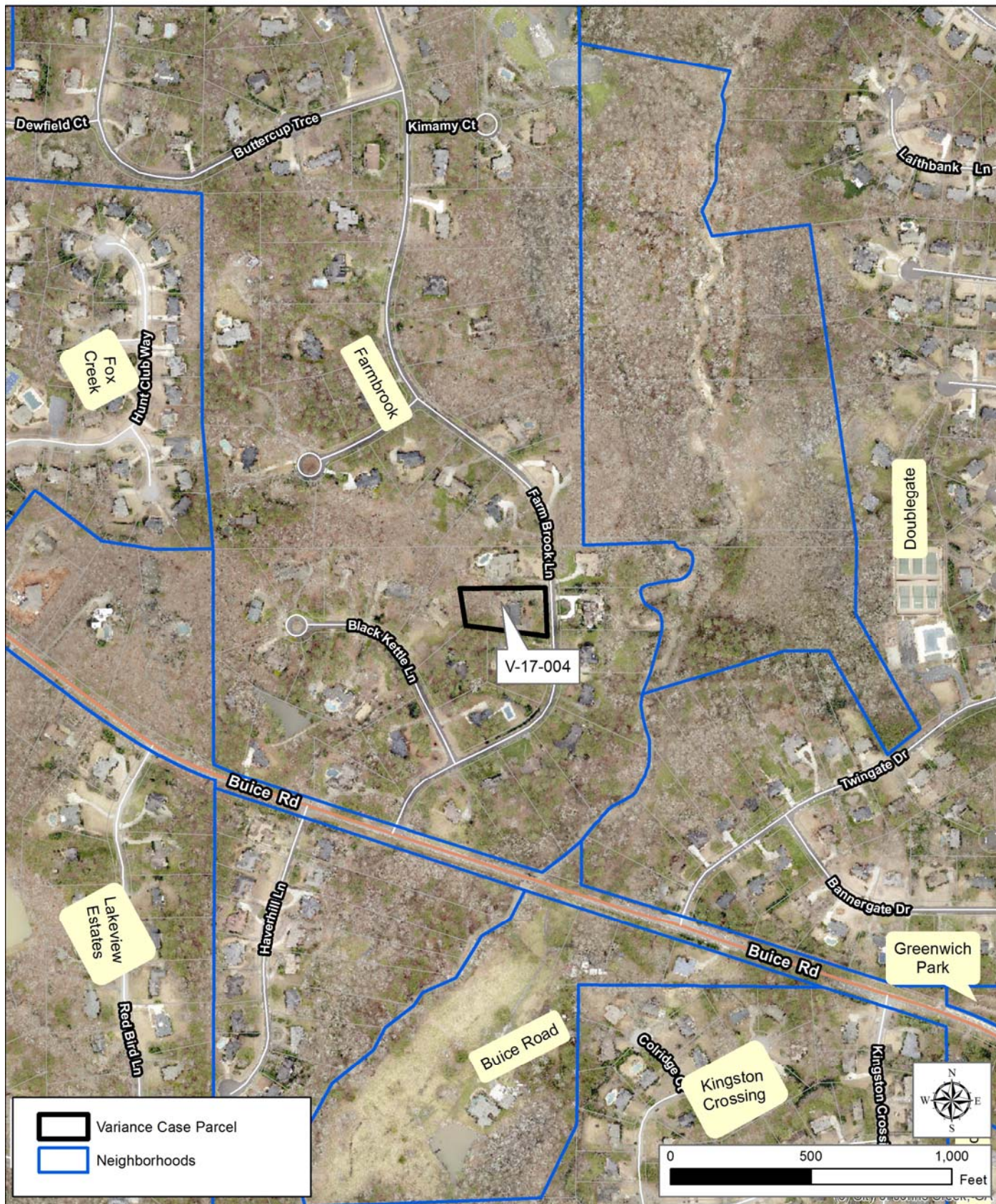
RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **DENIAL**.

Should the Board feel compelled to approve the variance request, Staff recommends that approval be subject to the following conditions:

1. The proposed garage/addition shall not encroach more than 7' feet past the 15' side yard setback as shown on the site plan submitted to the Community Development Department on February 6, 2017.
2. Obtain required building permits from the City of Johns Creek Community Development Department.

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