



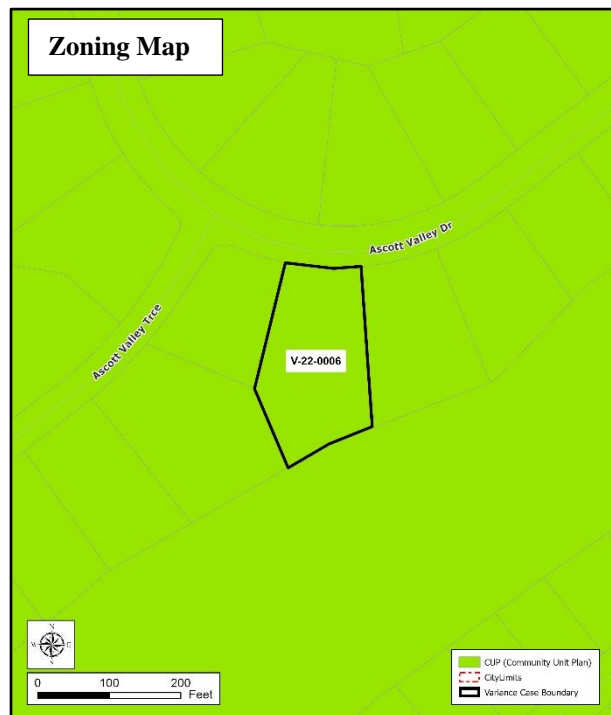
Johns Creek

Board of Zoning Appeals Meeting April 19, 2022

CASE NUMBER:	V-22-0006
PROPERTY LOCATION:	1150 Ascott Valley Drive, Johns Creek, GA 30097
CURRENT ZONING:	CUP (Community Unit Planned District) Conditional
PARCEL SIZE:	0.567 Acres
PROPERTY OWNER:	Derek Evans
VARIANCE REQUEST:	47-foot encroachment into the 50-foot undisturbed buffer and 25-foot impervious surface setback to construct a pool.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the St. Ives Country Club subdivision and is zoned CUP (Community Unit Planned District) Conditional. The lot was originally platted in Fulton County in 1993 with a 25-foot state stream buffer. Due to the application of the City of Johns Creek's 50-foot undisturbed buffer and additional 25-foot impervious setback, the stream buffer encompasses the entirety of the rear yard and a portion of the house.



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.

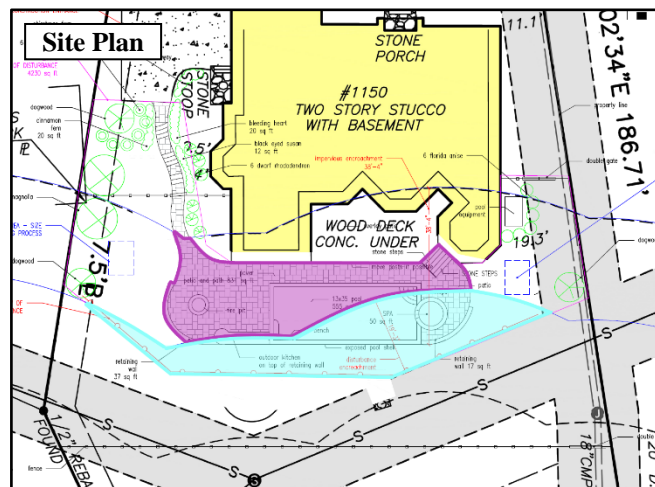
(a) *Buffer and setback requirements.*

- (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 to encroach 47 feet into the stream buffer to construct a 605 square-foot pool and spa, 831 square feet of patio, and to bring the property into compliance with the Stream Buffer ordinance. These improvements will result in 1,143 square feet of disturbance (outlined in blue) in the 50-foot undisturbed buffer, and 1,139 square feet of new impervious surface (highlighted in purple) in the additional 25-foot impervious surface setback. The Applicant has not proposed any land disturbance or impervious surface within the State's 25-foot stream buffer.

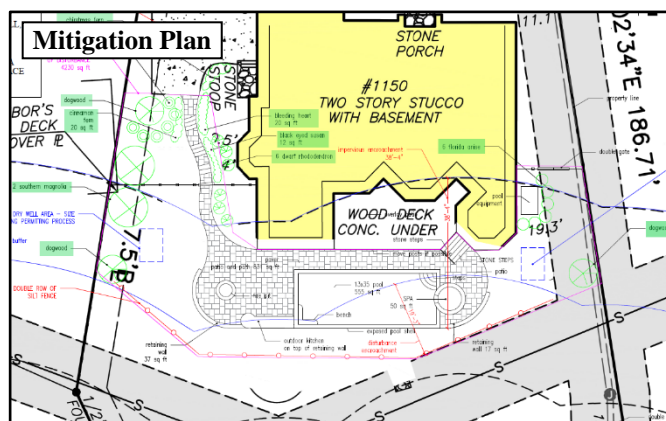
In order to offset stormwater and environmental impacts associated with the proposed encroachment into the stream buffer, the Applicant has proposed to plant 2 large trees, 3 small trees, 18 shrubs, and 72 square feet of groundcover (shown in green in the Mitigation Plan).



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 1993 and only identified the state's 25-foot stream buffer for the subject parcel. However, after the incorporation of the City in December of 2006, the stream buffer was expanded to 50 feet with an additional 25-foot impervious surface setback. The expansion of the stream buffer to 75 feet has created a hardship for the homeowner and requires them to submit for a variance, as even portions of the existing home falls within the current 25-foot impervious surface setback, which would not be permitted today without seeking a stream buffer variance. Granting of this variance would bring the existing home and proposed improvement into compliance with the Stream Buffer ordinance.

The Applicant proposes to revegetate the property in accordance with the submitted mitigation plan and also identified in the site plan that two dry wells would be installed to mitigate stormwater runoff associated with the additional impervious surface on the property.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-22-0006, **subject to the following conditions:**

- 1) The proposed development shall not exceed the following encroachments, as shown on the site plan received by the Community Development Department and date stamped on March 8, 2022:
 - a. 47 linear feet of encroachment into stream buffer
 - b. 1,143 square feet of disturbance within the 50-foot undisturbed buffer
 - c. 1,139 square feet of impervious surface within the 25-foot impervious surface setback
- 2) A vegetative planting plan shall be submitted to the Community Development Department for approval by the City's Land Development Manager, prior to the issuance of a building permit. Said plan shall be consistent with the mitigation plan received by the Community Development Department and date stamped on March 8, 2022. The final vegetative planting shall pass City inspection prior to the issuance of a Certificate of Completion.