



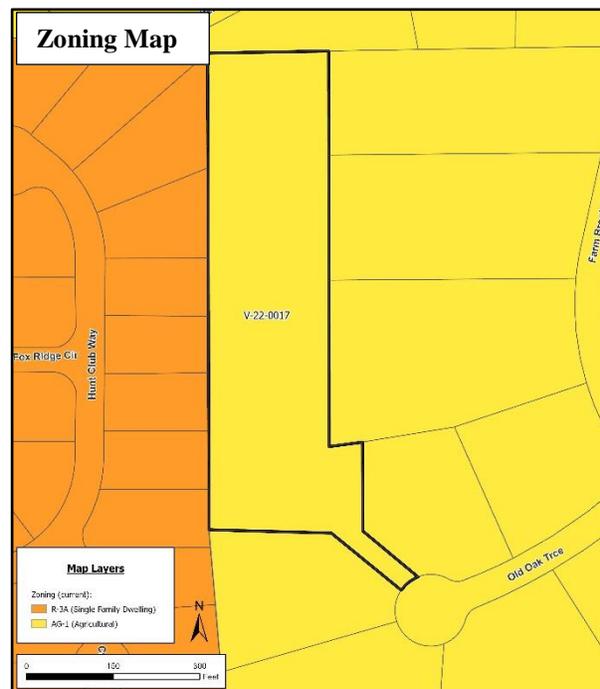
Johns Creek

Board of Zoning Appeals Meeting November 15, 2022

CASE NUMBER:	V-22-0017
PROPERTY LOCATION:	735 Old Oak Trace, Johns Creek, GA 30022
CURRENT ZONING:	AG-1 (Agricultural District) Conditional
PARCEL SIZE:	4.33 Acres
PROPERTY OWNER:	William Fain
VARIANCE REQUEST:	To bring into compliance and expand a nonconforming structure encroaching 16.3 feet into the 25-foot side yard setback
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Farmbrook subdivision (shown in yellow), and is zoned AG-1 (Agricultural District) Conditional pursuant to rezoning case Z-78-019. The subject property abuts the Fox Creek subdivision (shown in orange), which is zoned R-3A (Single-Family Dwelling District) Conditional.



Community Development

The subject property is currently developed with a house and a barn. The barn (shown in red) encroaches 16.3 feet into the 25-foot side yard setback (shown in yellow), which makes it a nonconforming structure. It should be noted that the barn was originally built in the 1930s on the original estate parcel, prior to the establishment of an official zoning map, and the eventual rezoning and platting of the Farmbrook subdivision in 1978.



Applicable Code Requirements

City of Johns Creek Code of Ordinances, Appendix A, Zoning, Article IV: General Provisions. Section 4.3. – Exceptions.

4.3.1.D. Nonconforming Structures. When a structure exists on the effective date of adoption of this ordinance or its amendments that could not be built under the terms of this ordinance because of restrictions on building area, lot coverage, height, yards, or other characteristics of the structure or its location on the lot, such structure may remain as long as it complies with all other zoning regulations, subject to the following conditions:

1. No structure may be enlarged or altered in a way which increases its nonconformity.

City of Johns Creek Code of Ordinances, Appendix A, Zoning, Article V: Agricultural Districts. Section 5.1. – AG-1 Agricultural District.

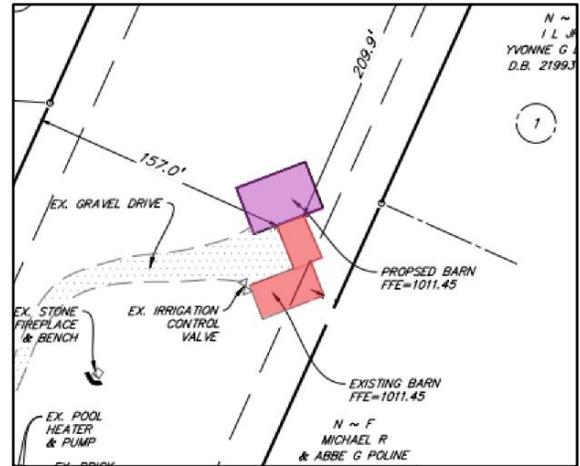
5.1.3. Development Standards

- C. Minimum Side Yard: 25 feet adjacent to interior line

I. Minimum Accessory Structure Requirements: Accessory structures may be located in rear or side yards but shall not be located within a minimum yard.

Variance Request

The Applicant is requesting to bring the existing barn (shown in red) into compliance with the City’s current Zoning Ordinance and to improve and expand (shown purple) the barn for personal use.



Variance Review Criteria

Zoning Ordinance Section 22.3.1 lists the following considerations for granting a variance:

- 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 Analysis

The proposed encroachment, if granted, would be in harmony with the purpose and intent of the Zoning Ordinance. The intent of the side yard setback is to ensure adequate separation between structures are maintained to minimize negative visual and noise impacts related to use of structures on adjacent properties. Considering that the existing barn was constructed prior to the establishment of the Farmbrook subdivision and maintains a significant separation of over 200 feet (shown in yellow arrow) from the closest house, the proposal would not impose an adverse impact.



Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL** of V-22-0017 with the following conditions:

- 1) The barn addition shall be developed in accordance with the site plan received and date stamped by the Community Development Department on October 14, 2022.
- 2) No additional encroachment shall be allowed in the 25-foot side yard setback.
- 3) Owner shall obtain all required permits, inspections and approvals from the City prior to commencing construction and improvements of the barn.