



**Board of Zoning Appeals Meeting
November 21, 2023**

CASE NUMBER:	V-23-0016
PROPERTY LOCATION:	3441 & 3443 Holly Trail Lane, Johns Creek, GA 30022
CURRENT ZONING:	R-4 (Single-family Dwelling District) Conditional and TR (Townhouse Residential) Conditional
PARCEL SIZE:	19.95 Acres
PROPERTY OWNER:	River Glen Homeowners Association – Jerry McFadden
VARIANCE REQUEST:	Encroachment into the 75-foot stream buffer to stockpile the sediment from dredging subdivision stormwater pond to restore proper depths of the lake for stormwater management
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The project area is located on the northwest side of a private lake in River Glen subdivision. In February 2022, an assessment of River Glen lake was conducted, and it was found that sediment accumulation from stormwater discharge had significantly reduced the volume of stormwater that can be held and recommended dredging of approximately 3,600 cubic yards of sediment from the lake.



Community Development

Applicable Code Requirements

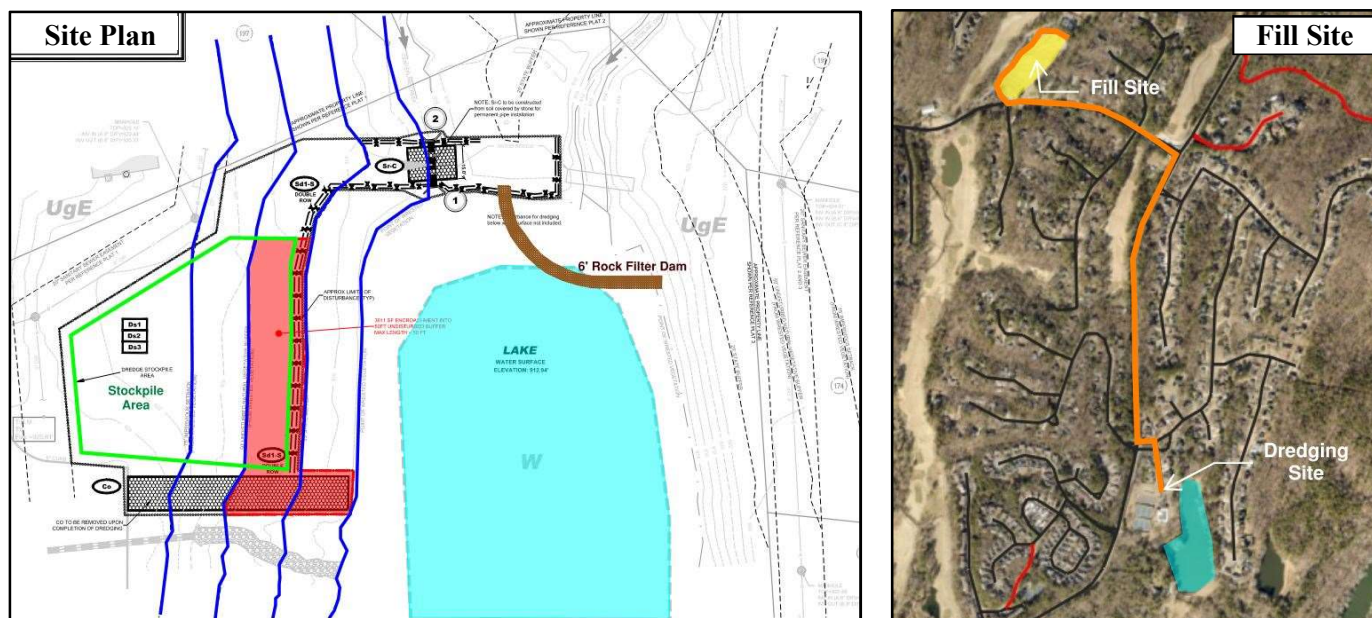
City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-118: Land Development Requirements.

(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.

Project Description and Variance Request

The Applicant is requesting to deposit the dredged material to a designated stockpile area on the northwest side of the lake, east of Holly Trail Lane (shown in green outline). The stockpile area will be used as a temporary drying location for the excavated sediment for approximately 6-8 weeks or the time required for material to dry completely before it is transferred to the Rivermont Golf Club driving range for use as fill (shown in yellow in the aerial map). The proposed activity will encroach 50 feet into the 75-foot stream buffer and result in 3,611 square feet of new disturbance (shown in red in the site plan) in the City's 50-foot undisturbed buffer.



Removal of the accumulated sediment will restore the necessary volume to comply with the Stormwater Management Ordinance. The Applicant is also proposing to install a six-foot wide Rock Filter Dam at the confluence of the eastern tributary and the private lake. This pretreatment area will serve both as a discharged sediment settling area and a clean-out point for future dredging activity. Therefore, mitigation for the proposed variance will be accomplished by restoring the necessary volume to the lake and installing the required rock filter dam.

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; **or**
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the article would create an extreme hardship.

Staff Analysis

The proposed dredging will restore proper depths in the lake and will reduce the risk of downstream flooding and sediment and pollutant discharge into the Chattahoochee River, improve downstream channel protection, and restore the overall health and vitality of aquatic life and wildlife of the lake's ecosystem. The temporary stockpile of the excavated sediment will not have any adverse impact on the lake and its tributaries and the stockpile area will be restored to its original state once the sediment is transferred to the Rivermont Golf Club driving range. Therefore, granting of this variance to allow dredging activity will be in compliance with the Stream Buffer Ordinance.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-23-0016, 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 on October 9, 2023:
 - a. 50 linear feet of encroachment into the City's stream buffer;
 - b. 3,611 square feet of new disturbance within the City's stream buffer.

- 2) The Applicant shall submit a mitigation plan as part of the Land Disturbance Permit. Said plan shall include water quality improvement, and shall be consistent with the mitigation plan received by the Community Development Department on October 9, 2023. The final mitigation measures shall pass City inspection prior to the closeout of the Land Disturbance Permit.