



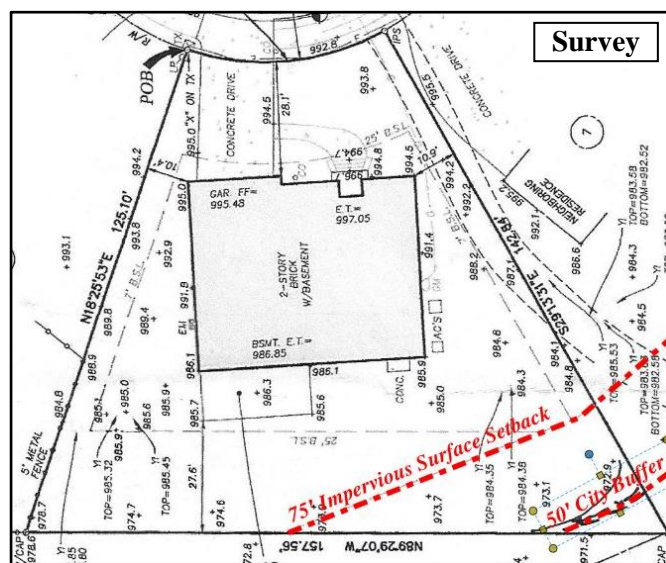
# Johns Creek

## Board of Zoning Appeals Meeting March 19, 2024

<b>CASE NUMBER:</b>	<b>V-24-0001</b>
<b>PROPERTY LOCATION:</b>	<b>720 Pauls Walk</b>
<b>CURRENT ZONING:</b>	<b>R-4A (Single Family Dwelling District) Conditional</b>
<b>PARCEL SIZE:</b>	<b>0.284 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Billy Morgan</b>
<b>VARIANCE REQUEST:</b>	<b>Encroachment into the 75-foot stream buffer to construct a retaining wall</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

### Background

The subject property is located in the Parsons Retreat subdivision, and zoned R-4A (Single Family Dwelling District) Conditional. The final plat for this subdivision was recorded in 2019, which shows a portion of the 75-foot stream buffer (50-foot undisturbed buffer and an additional 25-foot impervious surface setback) in the southeast corner of the site.



### 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.*

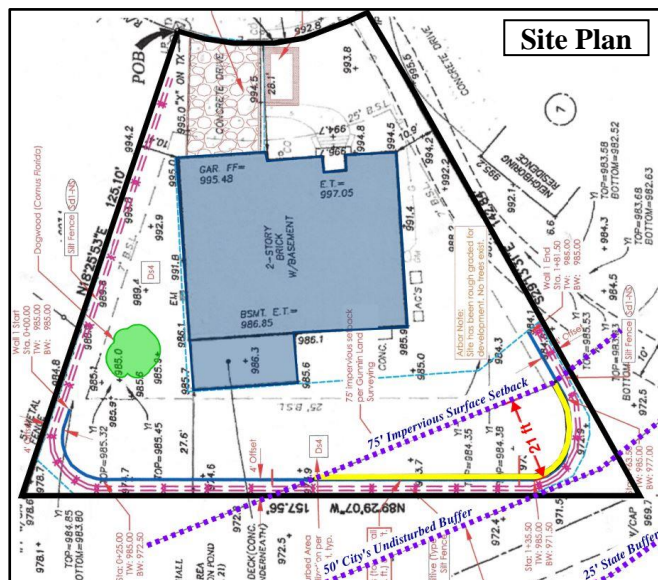
- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wretched vegetation.

- (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 21 feet into the 75-foot stream buffer to construct a retaining wall. The proposal will result in approximately 85 square feet of impervious surface in the City’s stream buffer (shown in yellow). The Applicant has not proposed any land disturbance or impervious surface within the 50-foot undisturbed stream buffer.

To offset stormwater and environmental impacts associated with the proposed encroachment into the stream buffer, the Applicant proposes to plant one dogwood tree equivalent to 100 square feet of canopy coverage on-site (shown in green).



**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 subject property was platted in 2019 with a 75-foot stream buffer in the southeast corner of the site. The topography of the site is such that the rear yard slopes down approximately 10 to 12 feet from the outdoor patio towards the rear property line. The existing slope could cause significant soil erosion in the rear yard and over time, potentially impact the deck piers. The Applicant is seeking a stream buffer variance to install a retaining wall to stabilize the slope in the rear yard, since the area is bare of any trees or vegetation. Granting of this variance would bring the proposed improvement into compliance with the Stream Buffer Ordinance, while negligibly impacting the stream.



**Rear Yard View from East**



**Rear Yard View from**

**Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-24-0001, 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 February 6, 2024:
  - a. 21 linear feet of encroachment into the stream buffer; and
  - b. 85 square feet of total impervious surface within the stream buffer.
  
- 2) A vegetative planting plan shall be submitted to the Community Development Department for approval by the Director, prior to the issuance of a retaining wall permit. Said plan shall be consistent with the mitigation plan received by the Community Development Department on February 6, 2024. The final vegetative planting shall pass City inspection prior to the issuance of a Certificate of Completion for the retaining wall.