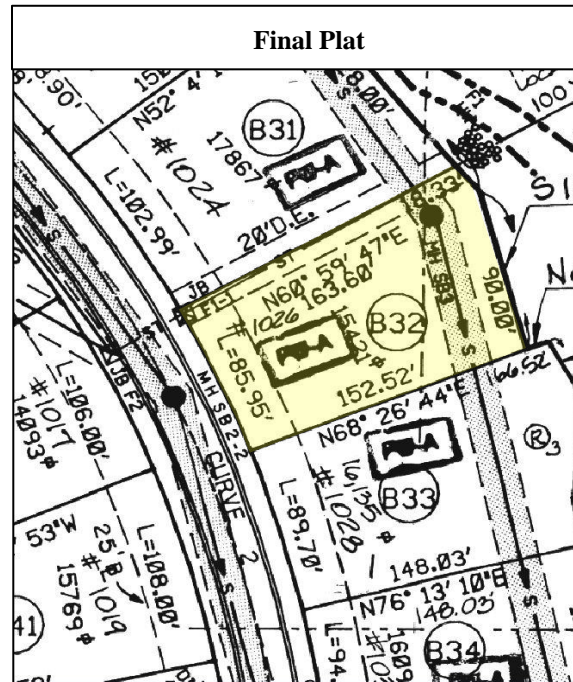


**Board of Zoning Appeals Meeting
June 18, 2024**

CASE NUMBER:	V-24-0003
PROPERTY LOCATION:	1026 Quaker Ridge Way, Johns Creek, GA 30097
CURRENT ZONING:	CUP (Community Unit Plan District) Conditional
PARCEL SIZE:	0.354 Acres
PROPERTY OWNER:	Jordana and Gary Solyian
VARIANCE REQUEST:	To allow for encroachment into the 75-foot stream buffer to construct an outdoor patio, walkway, steps and block walls
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is in the St. Ives Country Club and is zoned CUP (Community Unit Plan District) Conditional. The lot was originally platted in Fulton County in 1990 with no reference of a creek on the final plat, since the stream is located on the golf course. Due to the application of the City’s 50-foot undisturbed buffer and additional 25-foot impervious surface setback, the stream buffer encompasses the entirety of the rear yard and a portion of the existing house.



In July of last year, the property owner began construction without a permit, a block wall that extended into the 75-foot impervious surface setback portion of the stream buffer. The City issued a Stop Work Order on July 26, 2023, and subsequently, the property owner submitted an as-built survey showing block walls in the rear yard, encroaching into the 25-foot State buffer and the City's 50-foot undisturbed buffer, thus requiring the Applicant to seek a stream buffer variance from both the State and the City to maintain these improvements in their current location.



On April 25, 2024, the Georgia Environmental Protection Division issued a consent order to the property owner allowing the block walls to remain within the buffer with conditions requiring no additional encroachment into the buffer, a corrective action plan to be implemented to mitigate the impacts from the construction of the walls in the buffer, and payment of fines by the property owners to the State of Georgia.

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.

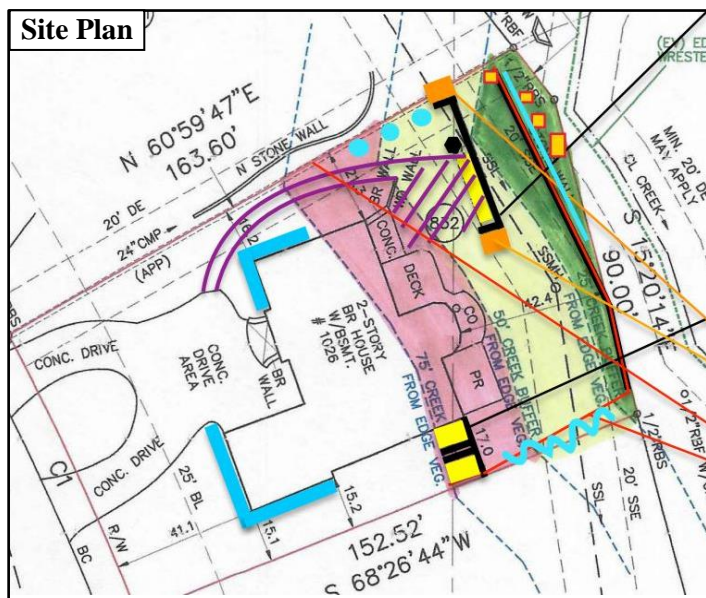
(a) Buffer and setback requirements.

- (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 67.50 feet into the City's 75-foot stream buffer to construct an outdoor patio and walkway (shown in purple) and block walls and side steps (shown in black). The proposal will result in approximately 666 square feet of new disturbance and 2,034 square feet of total impervious surface in the City's stream buffer, which includes the existing portion of the home, deck, porch and patio (1,257 square feet). The overall net increase of impervious surface in the stream buffer, however, would only be 777 square feet.

To offset the stormwater and environmental impacts associated with the requested stream buffer encroachment, the Applicant has proposed a mitigation plan providing 2,596 square feet of plantings – 4 pine trees, 3 dogwoods, 81 shrubs, and 200 square feet of ground cover.



Encroachment into the Stream Buffers		
Area	Impervious Area in Square Feet	Disturbance in Square Feet
Back Wall	53.2	53.2
Patio Wall	22.4	72.4
Path	125	
Patio	528	528
Side Wall	7.84	
Side Steps	28	
Side Fence(s)	12.5	12.5
Total	777	666
Mitigation Required	2,596 square feet	

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 survey of the subject property identifies a creek with wretched vegetation on the adjacent golf course property. The application of the 50-foot undisturbed buffer with an additional 25-foot impervious surface setback extends the buffers to the rear yard and portions of home on the subject property. The application of the City’s stream buffer has created a hardship for the homeowner. The Applicant is seeking a stream buffer variance to install block walls, less than 3 feet in height to minimize soil erosion and to build a patio to stabilize the ground. Granting of this variance would allow the Applicant to construct a block wall, walkway and patio to stabilize the rear yard and lessen existing soil erosion impacts.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-24-0003, 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 May 7, 2024:
 - a. 67.5 linear feet of encroachment into the stream buffer.
 - b. 666 square feet of new disturbance within the stream buffer.
 - c. 2,034 square feet of total impervious surface, including 777 square feet of net new impervious surface, inclusive of the block walls, outdoor patio, walkway, and steps within the stream buffer.

- 2) A vegetative planting plan shall be submitted to the Community Development Department, as part of the Minor Land Disturbance Permit. Said plan shall be consistent with the mitigation plan received by the Community Development Department on May 7, 2024. The final vegetative planting shall pass City inspection prior to the closeout of the Minor Land Disturbance Permit.