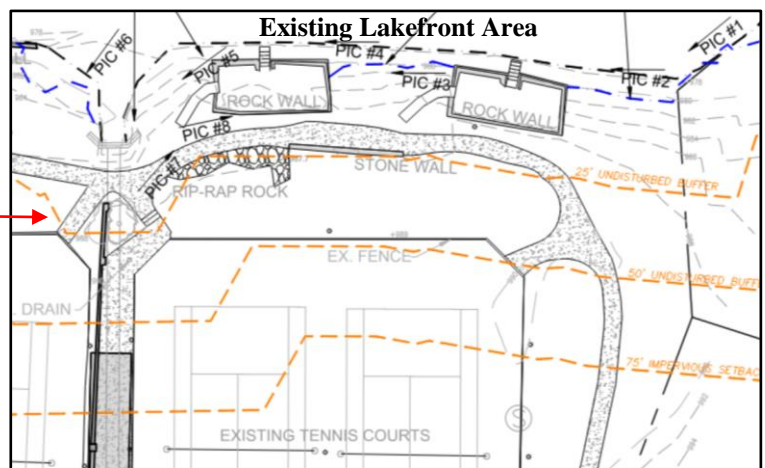


**Board of Zoning Appeals Meeting
June 18, 2024**

CASE NUMBER:	V-24-0004
PROPERTY LOCATION:	9825 Autry Falls Drive, Johns Creek, GA 30022
CURRENT ZONING:	R-4A (Single Family Dwelling District) Conditional
PARCEL SIZE:	11.70 Acres
PROPERTY OWNER:	The Falls of Autry Mill Homeowners Association Inc.
VARIANCE REQUEST:	Encroachment into the 75-foot stream buffer for bank stabilization, restoration of the lakefront common area and to construct a 6-foot-wide pedestrian walkway
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The location of the proposed project is along the lakefront, north of the tennis courts, of the Falls of Autry Mill recreation area. This area along the lake has been deemed unsafe and unusable for community access by the subdivision’s Homeowners Association, and temporarily closing access to the site until the project is completed. According to the Applicant’s letter of appeal, inadequate riparian zone and landscape maintenance at the lakeshore has attributed to the increased sedimentation and erosion along the lakeshore due to stormwater runoff from the existing tennis courts located immediately south of this area. For visual reference, the photos on the following page illustrate the existing condition of the lakeshore. Staff would note that on April 5, 2024, the Georgia Environmental Protection Division (EPD) approved the Applicant’s state buffer variance (BV-060-24-01), granting authorization to the Falls of Autry Mill HOA to encroach the 25-foot state buffer to perform the proposed lakeshore restoration and bank stabilization project.



Community Development



Existing Lakeshore

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.

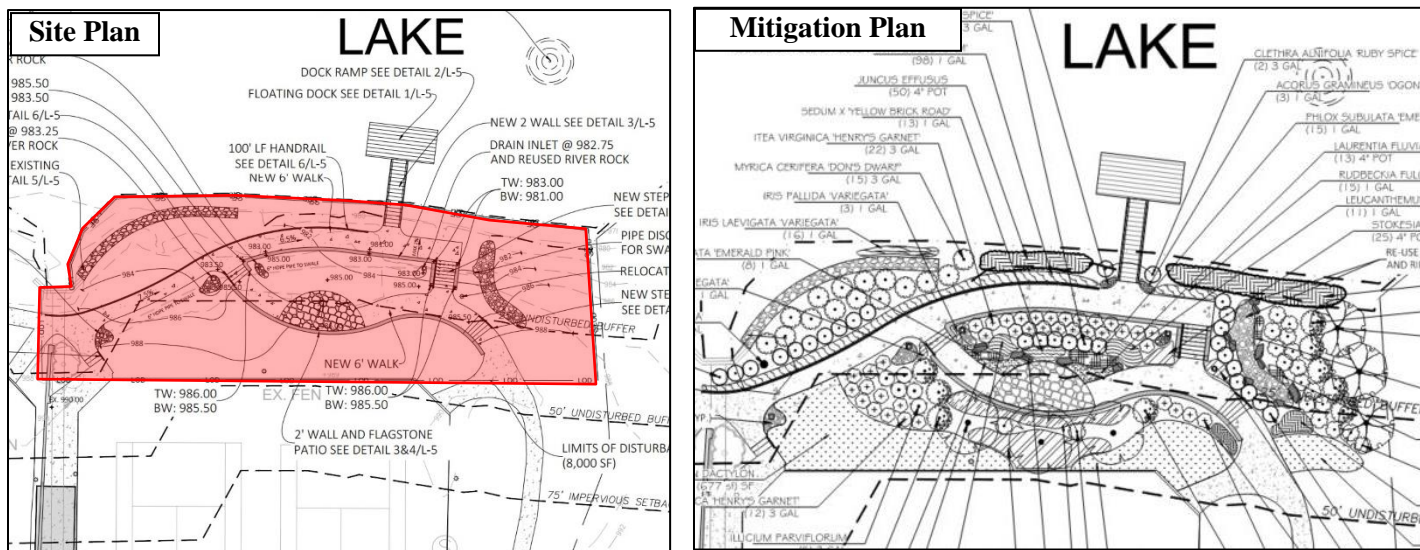
Variance Request

As part of the lakeshore restoration and bank stabilization project, the Applicant proposes the removal of several rock walls, stone walls and a portion of the existing sidewalk to rebuild the area with a flagstone patio surrounded by a 2-foot-tall wall and a 6-foot-wide pedestrian pathway. Several of the existing river rocks would be reused to help with drainage of the current site and a 2.5-foot-tall gabion wall would also be constructed to help stabilize the bank. The entire project will be contained within the City's 50-foot stream buffer.

Within the project area, the Applicant is proposing a total impervious surface of 2,158, which includes 1,342 square feet of existing impervious and an addition of 816 square feet of new impervious surface. The total disturbance within the 50-foot stream buffer, bounded by the limits of disturbance, is 8,000 square feet (shown in red on the following page).

To offset the stormwater and environmental impacts and mitigate the overall disturbance and additional impervious surface associated with the requested stream buffer encroachment, the Applicant proposes to plant 10 large trees, 20 small trees, 125 shrubs, and 500 square feet of ground cover.

In addition to the required revegetation, the Applicant is providing supplementary planting for slope stabilization and naturalization of the buffer.



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 encroachment into the stream buffer will help to restore and stabilize the banks of the lakeshore, and enhance environmental and stormwater functions of the site from what currently exists today. A significant portion of the project will occur within the State's 25-foot buffer for which Georgia EPD has already granted approval. The additional improvements required within the City's 50-foot portion of the stream buffer would be an extension of beautifying, enhancing, and improving stormwater management and usage of the area. Granting this variance would bring the proposed improvement into compliance with the Stream Buffer Ordinance, while minimizing erosion and providing safe access and recreation opportunities for the residents.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-24-0004, 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. 8,000 square feet of new disturbance within the stream buffer.
 - b. 2,158 square feet of total impervious surface, which includes 816 square feet of net new impervious surface 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.