



# Johns Creek

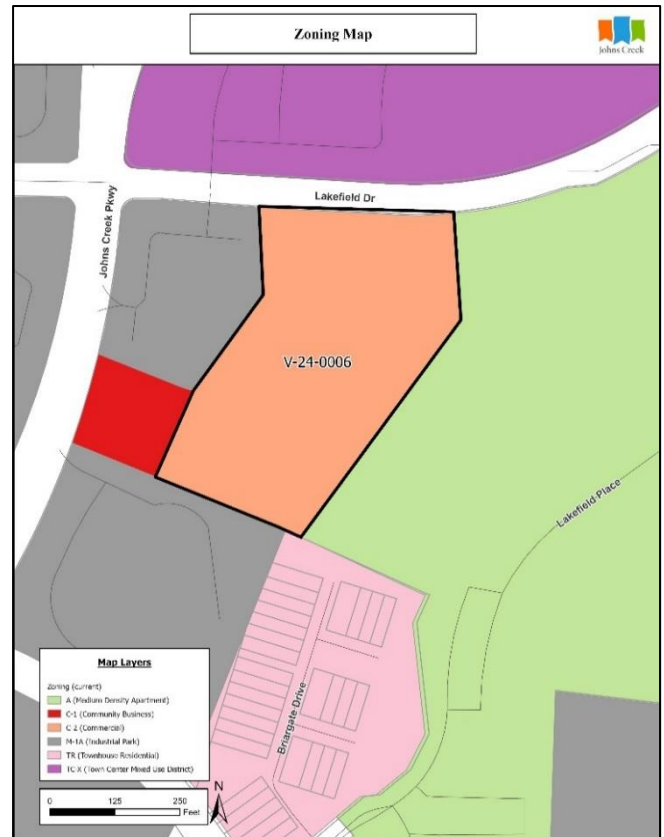
GEORGIA

## Board of Zoning Appeals Meeting August 20, 2024

<b>CASE NUMBER:</b>	<b>V-24-0006</b>
<b>PROPERTY LOCATION:</b>	<b>11455 Lakefield Drive, Unit 300, Johns Creek, GA 30097</b>
<b>CURRENT ZONING:</b>	<b>C-2 (Community Business District ) Conditional</b>
<b>PARCEL SIZE:</b>	<b>5.03 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Clay Gridley, Six Bridges Brewing</b>
<b>VARIANCE REQUEST:</b>	<b>Encroachment into the 40-foot minimum front yard setback to construct a raised platform for live music</b>
<b>STAFF RECOMMENDATION:</b>	<b>DENIAL</b>

### Background

The subject property is located in the Tech Park Community Area, approximately 280 feet east of the intersection of Lakefield Drive and Johns Creek Parkway. It is zoned C-2 (Community Business District) Conditional and is bounded by Lakefield Drive and the future site of Medley (catalyst mixed-use development) to the north, The Oaks at Johns Creek apartments to the east, Wegner Communications to the south, and a multi-tenant office building to the west. Staff would note that a row of luxury townhomes are planned to be constructed as part of the Medley development, across Lakefield Drive.



## Community Development

In June 2024, the Applicant, Six Bridges Brewing, started constructing a 120 square-foot wooden platform on the subject property without acquiring a building permit. The City issued a Stop Work Order on June 21, 2024, and subsequently, the business owner submitted a site plan that showed the platform encroached into the minimum front yard setback, thus requiring the Applicant to seek this variance to maintain the platform in its current location.



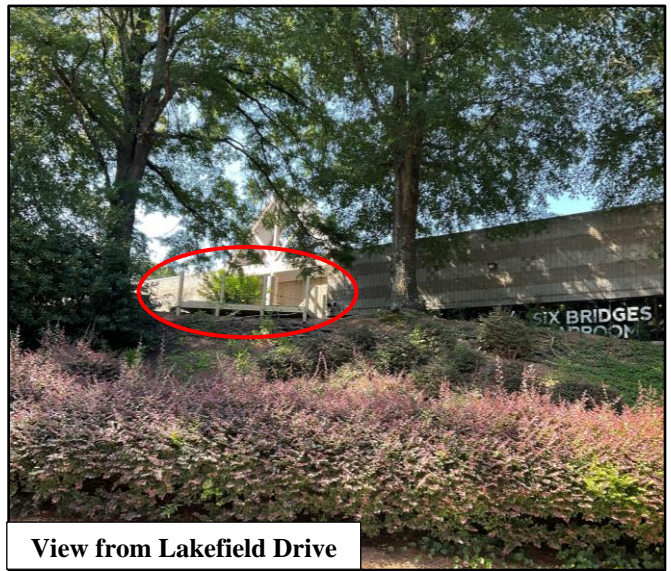
Front Patio



Wooden Platform



Wooden Platform



View from Lakefield Drive

### **Applicable Code Requirements**

City of Johns Creek Code of Ordinances, Appendix A – Zoning, Article IX: Community Business Districts; Section 9.2. – C-2 Community Business District.

#### ***9.2.3. Development Standards.***

***B. Minimum Front Yard:*** 40 feet

***G. Minimum Accessory Structure Requirements:*** Accessory structures shall not be located in the minimum front yard.

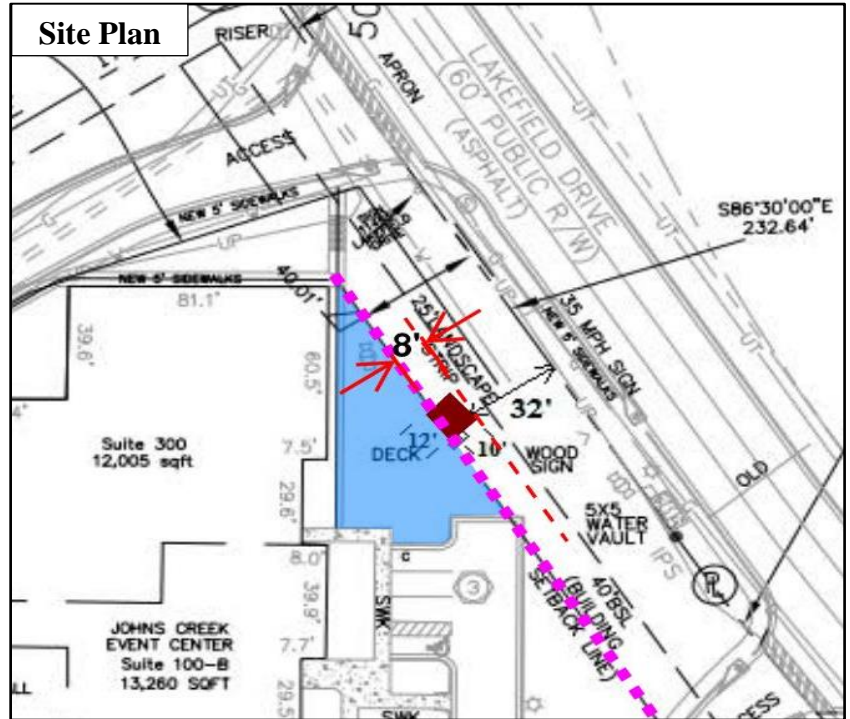
## Variance Request

The Applicant is requesting a variance to encroach 8 feet into the 40-foot front yard setback (shown as pink line) to maintain the 120 square-foot raised, wooden platform (shown in brown) that was constructed without a permit.

## 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 not be in harmony with the purpose or intent of the Zoning Ordinance. Front yard setbacks are established for all zoning districts to maintain adequate separation from streets, sidewalks and structures, and to provide a uniform landscaped appearance, screen surface parking lots and minimize visual and noise impacts from roads and vehicles to primary buildings/structures. The intent of the Zoning Ordinance is to “promote or protect the health, safety, peace, security, good order, comfort, convenience and general welfare of the city and its inhabitants” (Article II, Section 2.1). A financial hardship as shared by the Applicant in their Letter of Intent is not a qualifying hardship related to zoning and land use, as it is a subjective justification that is not to be considered in review of this variance request.

The use of the raised platform for live entertainment could be permitted as an accessory use to the existing brewery, provided the accessory structure is built without encroaching into the minimum front yard setback. There are no extraordinary and/or exceptional conditions on the subject property that justifies a hardship under the provision of the Zoning Ordinance. Additionally, amplified music played on the platform for entertainment purposes would present adverse impact related to noise to existing and future residents nearby – The Oaks at Johns Creek apartments and townhomes to be built as part of the Medley mixed-use development, directly across Lakefield Drive. Lastly, the Applicant has options to construct the raised platform at alternative locations on the site without encroaching into the front yard setback – other areas within the outdoor patio by reconfiguring the tables, or constructing a small platform indoors. Based on the findings as presented, there is no justification for staff to support the requested encroachment as it is not a hardship as defined by the Zoning Ordinance.

## **Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **DENIAL** of V-24-0006. However, should the Board of Zoning Appeals feel compelled to approve the variance request, Staff would recommend the following conditions:

- 1) The encroachment of the 120-square-foot raised platform shall not exceed 8 feet into the 40-foot front yard setback, as shown on the site plan received by the Community Development Department and date stamped on July 2, 2024.
- 2) The Applicant is required to obtain a building permit, have all required inspections approved and submit an as-built survey of the property showing compliance with the conditions of this variance prior to issuance of a Certificate of Completion.
- 3) The Applicant shall plant a row of evergreen trees around the perimeter of the platform to provide sufficient screening from Lakefield Drive, subject to the approval of the Community Development Director. The evergreen species shall be selected from Appendix J of the City's Tree Preservation Administrative Guidelines.