



# Johns Creek

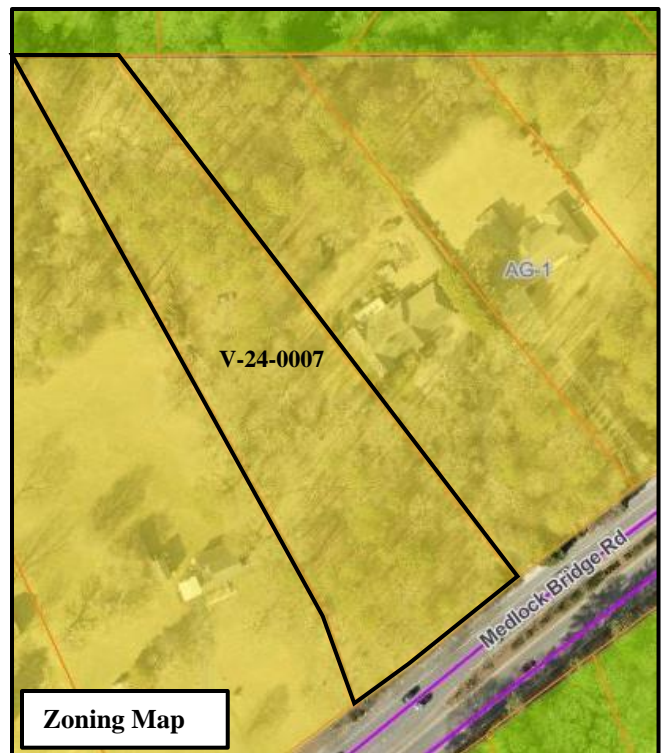
GEORGIA

## Board of Zoning Appeals Meeting September 17, 2024

<b>CASE NUMBER:</b>	<b>V-24-0007</b>
<b>PROPERTY LOCATION:</b>	<b>8950 Medlock Bridge Rd, Johns Creek, GA 30097</b>
<b>CURRENT ZONING:</b>	<b>AG-1 (Agricultural District)</b>
<b>PARCEL SIZE:</b>	<b>2.381 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Doug Dillard</b>
<b>VARIANCE REQUEST:</b>	<b>To allow construction of an accessory structure in the front yard</b>
<b>STAFF RECOMMENDATION:</b>	<b>DENIAL</b>

### Background

The subject property is an undeveloped parcel, currently zoned AG-1 (Agricultural District), located approximately 600 feet northeast from the Chattahoochee River. The property fronts Medlock Bridge Road and is bounded by AG-1 zoned properties developed with single-family detached homes to the east and west, Thornhill subdivision to the north and River Club subdivision to the south across Medlock Bridge Road.



### Community Development

**Applicable Code Requirements**

City of Johns Creek Code of Ordinances, Appendix A – Zoning, Article V: Agricultural Districts  
 Section 5.1. – AG-1 Agricultural District.

*5.1.3. Development Standards.*

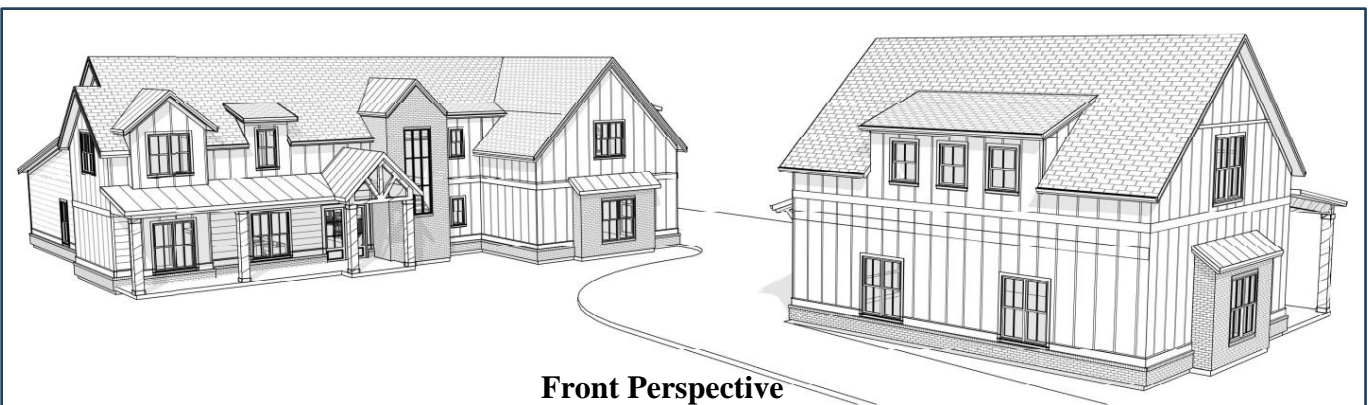
I. *Minimum Accessory Structure Requirements:* Accessory structures may be located in rear or side yards but shall not be located within a minimum yard.

**Variance Request**

The Applicant is requesting a variance to construct an accessory structure (highlighted in yellow) in the front yard. The site plan shows the proposed accessory structure is a 2-story detached garage with an in-law suite on the second floor and has a building footprint of 1,200 feet.



**Site Plan**



**Front Perspective**

**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 2.381-acre lot is currently undeveloped and provides the property owner with an opportunity to meet the requirements of the City's Zoning Ordinance by placing the accessory structure in the side or rear yard. The Applicant has the option to move the principal residence towards the front, closer towards the road while still maintaining more than sufficient setback from Medlock Bridge Road, to locate the proposed detached garage (accessory structure) in the rear yard, behind the principal structure. This option still provides ample room for the accessory structure to be placed in the rear yard without encroaching into the minimum building setbacks or the 75-foot stream buffer. Alternatively, the detached garage in the front yard can also be designed to be part of the principal structure, by direct connection, to function as a single building. There are no extraordinary and exceptional conditions on the subject property related to its size, shape, or topography that justifies a hardship under the provision of the Zoning Ordinance.

The proposed location of the accessory structure in the front yard, if granted, would not be in harmony with the purpose or intent of the Zoning Ordinance. The minimum accessory structure requirements as established for all residential and commercial zoning districts are intended to regulate the placement of accessory structures in the rear or side yard, to minimize any negative visual impacts and providing a uniform appearance from the street, similar to adjacent/neighborhood properties. The Applicant's financial hardship as stated in the Letter of Intent is a subjective justification and does not qualify as hardship related to zoning and land use and therefore, cannot be considered in review of this variance request.

Based on the findings as presented, there is no justification for staff to support the requested variance as it is not a qualified hardship as defined by the Zoning Ordinance.

## **Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **DENIAL** of V-23-0007. However, should the Board of Zoning Appeals feel compelled to approve the variance request, Staff would recommend the following conditions:

- 1) The accessory structure shall not be used as habitable space or in-law suite and be limited for use as a garage only.
- 2) The accessory structure shall be allowed to be located in the front yard as shown on the site plan received by the Community Development Department and date stamped on August 5, 2024.
- 3) The Applicant is required to obtain a building permit and have all required inspections approved showing compliance with the conditions of this variance prior to issuance of a Certificate of Completion.
- 4) The Applicant shall plant a row of evergreen trees around the perimeter of the accessory structure to provide sufficient screening from Medlock Bridge Road, subject to the approval of the Community Development Director. The evergreen species shall be a minimum 5 feet tall at the time of planting and shall be selected from Appendix J of the City's Tree Preservation Administrative Guidelines.