



Land Use Petition: RZ-24-0008 & VC-24-0007
Application Date: August 6, 2024
Public Participation Meeting: September 5, 2024
Planning Commission Meeting: November 4, 2024
City Council Meeting: November 18, 2024

PROJECT LOCATION: 9675 Brumbelow Road

DISTRICT/SECTION/LAND LOT: 1st District, 2nd Section, Land Lot 925

ACREAGE: 1.0 acre

CURRENT ZONING: AG-1 (Agricultural District)

PROPOSED ZONING: R-4A (Single-Family Dwelling District)

**COMPREHENSIVE PLAN
COMMUNITY AREA:** Newtown

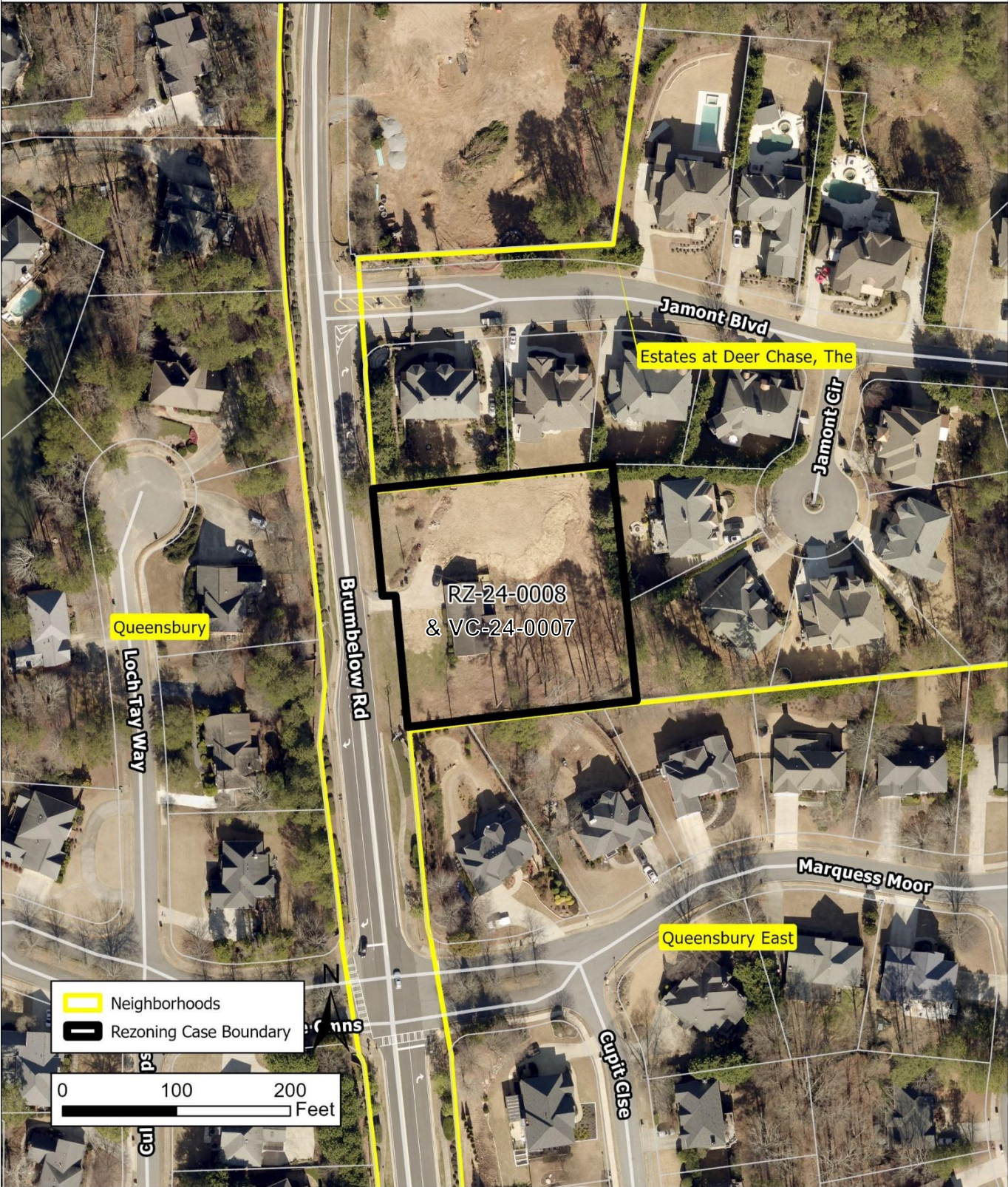
APPLICANT: John Jamont
P.O. BOX 9261
Marietta, GA 30065

OWNER: Northcorner LLC
P.O. BOX 9261
Marietta, GA 30065

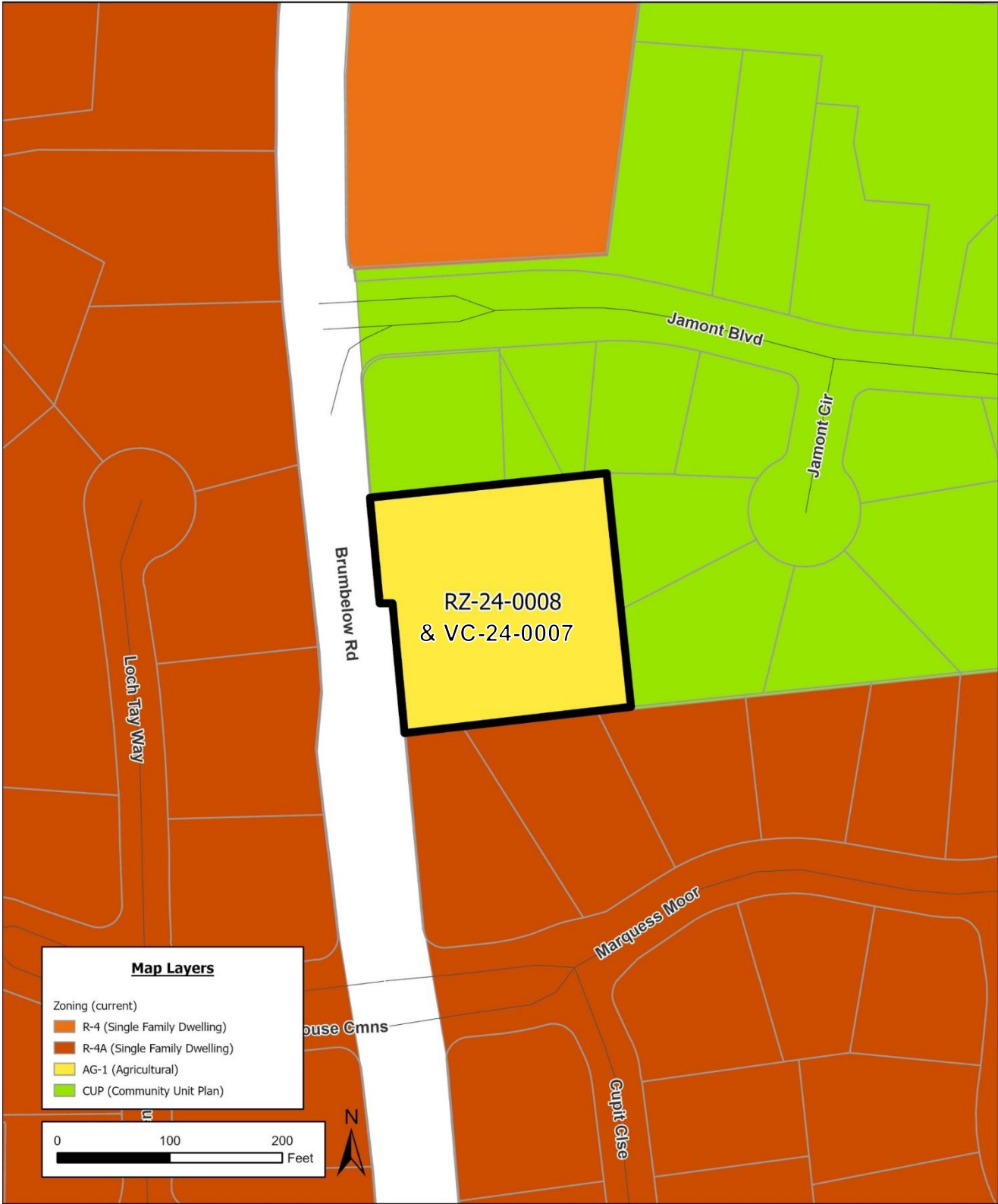
PROPOSED DEVELOPMENT: Two-lot, single-family detached residential subdivision at a density of 2 units per acre with one concurrent variance to eliminate the 10% common open space requirement.

STAFF RECOMMENDATION: **Approval with Conditions**

Aerial Map



Zoning Map



Map Layers

Zoning (current)

- R-4 (Single Family Dwelling)
- R-4A (Single Family Dwelling)
- AG-1 (Agricultural)
- CUP (Community Unit Plan)



PROJECT OVERVIEW

Location

The subject property is a 1.0-acre parcel located 0.4 miles south of the intersection of Old Alabama Road and Brumbelow Road. It is bounded by Brumbelow Road to the west, the Estates at Deer Chase subdivision to the north and east, Queensbury East subdivision to the south, and Queensbury subdivision to the west across Brumbelow Road.

Background

The site is zoned AG-1 (Agricultural District) and currently improved with a single-story dwelling and a single curb cut off Brumbelow Road. The topography of the site generally slopes downward from the north and west to the south and east.



Rezoning and Concurrent Variance Requests

The applicant seeks to rezone the subject property from AG-1 (Agricultural District) to R-4A (Single-Family Dwelling District) to develop two single-family detached residential dwelling units at a density of 2 units per acre. A concurrent variance is requested to eliminate the 10% common open space requirement.

Site Plan

The site plan shows the required 25-foot landscape strip along Brumbelow Road (shown in green), with the development accessed by a single full-access curb cut connecting to the driveways of the two lots. The applicant proposes a minimum lot area of 21,754 square feet and a minimum heated floor area of 3,145 square feet for a two-story home (in blue).

The site plan shows a 5-foot public sidewalk that would be provided along the entire length of the frontage on Old Alabama Road. The Applicant proposes an enhanced bypass swale (in brown) to control drainage from the property. The staff would note that the development is required to provide for runoff reduction in compliance with applicable City codes and ordinances.



Elevation

The submitted elevation displays a 2-story single-family detached home with a 3-car side entry garage. The exterior building materials are shown to consist of predominantly brick veneer, stone, hard-coat stucco and glass.



Public Participation

As part of the required land use petition process, property owners within one-quarter mile of the subject property were mailed notices in August 2024 for the public participation meeting. The meeting was held at the City Hall Council Chambers on September 5, 2024, and two residents attended the meeting and stated their concerns regarding the steep slopes and stormwater runoff.

STANDARDS OF REZONING REVIEW

1. Will the proposal permit a use that is suitable in view of the use and development of adjacent and nearby property.

The residential uses adjacent to and nearby the subject property maintain similar or slightly higher densities with smaller lot sizes. The proposed use at a density of 2 units per acre would be suitable considering similar residential uses found in the area.

Adjacent & Surrounding Properties	Zoning (Rezoning Number)	Land Use	Residential Density (Units/Acre)	Minimum Lot Size (SF)
Application	Proposed: R-4A	Single-Family Dwelling	2.00	21,754
Adjacent: North and East	CUP (Z-96-038)	Single-Family Dwelling (The Estates at Deer Chase)	2.00	18,000 (along Brumbelow Road); 12,000 (along south property line); 9,000
Adjacent: South	R-4A (Z-88-104)	Single-Family Dwelling (Queensbury East)	2.03	18,000
Nearby: West	R-4A (Z-88-028)	Single-Family Dwelling (Queensbury)	2.00	18,000
Nearby: North	R-4 (RZ-22-0004)	Single-Family Dwelling	2.24	18,400

2. Will the proposal adversely affect the existing use or usability of adjacent or nearby properties?

The proposed development at a density of 2 units per acre with a minimum lot size of 21,750 square feet is consistent with the surrounding residential communities, including The Estates at Deer Chase subdivision, which is directly adjacent to the north and east of the subject property. The development as proposed would not adversely affect the existing use or usability of surrounding properties.

3. Does the subject property have a reasonable economic use as currently zoned?

The property appears to have reasonable economic use as currently zoned.

4. Will the proposal result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

The proposed development is expected to generate 28 daily trips, including 9 trips in the morning peak hour and 3 trips in the evening peak hour. Fulton County Public Works has confirmed adequate water and sewer capacity is available to service the proposed development. The Fulton County School Board does not provide comments for residential developments with fewer than 5 units. The proposed development as proposed, would not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

5. Is the proposal in conformity with the policy and intent of the Comprehensive Plan, including the land use element?

The subject property is in the Newtown Community Area, and the Comprehensive Plan's future land use map for the area indicates "Residential – 3 units or less" for the subject property. With the density at 2 units/acre, the proposal aligns with the Comprehensive Plan's vision of new infill housing developments being limited to single-family detached homes at a density not to exceed three units/acre, and up to three stories in height. The proposal as requested would be in conformity with the policy and intent of the Comprehensive Plan.

6. Do existing or changed conditions affecting the use and development of the property give supporting grounds for either approval or disapproval of the proposal?

There are no conditions giving support for approval or disapproval of the proposal.

7. Does the zoning proposal permit a use which can be considered environmentally adverse to the natural resources, environment, and citizens of the City of Johns Creek?

The environmental site analysis indicates that the site does not contain any environmentally sensitive features. The Applicant is proposing an enhanced by-pass swale on each lot to comply with the City's stormwater management requirements for the proposed development.

CONCURRENT VARIANCE ANALYSIS

The Applicant is requesting a concurrent variance, VC-24-0007, to eliminate the common open space requirement. Section 12.E.3.A.1. of the Zoning Ordinance requires R-4A zoned property to have a minimum of 10% of the subject property designated as common open space. The intent of the common open space requirement is to enhance the overall quality of life and foster a sense of community, typically for a multi-lot residential subdivision and not specifically intended for a 2-lot development. The two lots individually are shown to have over 40% open space in the rear yard and provide collectively more open space than the required 10% common open space area. Staff is of the opinion that the request, if granted, would be in harmony with the general purpose and intent of the Zoning Ordinance.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of land use petition, RZ-24-0008, and concurrent variance, VC-24-0007.

1. The subject property shall be limited to two single-family detached residential dwelling lots.

2. The site shall be developed in general accordance with the site plan received and date stamped by the City of Johns Creek on August 6, 2024. Said site plan is conceptual, and the final site plan must meet or exceed the land development regulations and zoning conditions prior to the approval of a land disturbance permit.
3. Exterior elevations shall be constructed primarily of at least 75% brick or stone on all sides. Accent materials may be stucco and/or fiber-cement siding. Final elevations shall be substantially similar to the elevations received and date stamped on August 6, 2024, subject to the review and approval of the Community Development Director, prior to issuance of a building permit.
4. The minimum heated floor area for each dwelling shall be 3,145 square feet.
5. The minimum lot area shall be 21,750 square feet.
6. Owner/Developer shall provide a minimum of 10% open space for each lot (VC-24-0007).
7. Owner/Developer shall be limited to one full-access curb cut on Brumbelow Road, as shown on the site plan received and date stamped on August 6, 2024. The location of the curb cut is subject to sight distance, spacing requirements, and approval of the Public Works Director.
8. No lot shall have direct access to Brumbelow Road.
9. Owner/Developer shall construct a 5-foot sidewalk along the entire frontage of Brumbelow Road and also connect to the existing sidewalk of Queensbury East subdivision to the south, subject to the approval of the Public Works Director.
10. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.