



Land Use Petition: RZ-24-0009 & VC-24-0006
Application Date: August 6, 2024
Public Participation Meeting: September 5, 2024
Planning Commission Meeting: January 7, 2024
City Council Meeting: January 13, 2025

PROJECT LOCATION: 9110 Brumbelow Road

DISTRICT/SECTION/LAND LOT: 1st District, 2nd Section, Land Lot 836

ACREAGE: 0.926 acres

CURRENT ZONING: AG-1 (Agricultural District)

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

**COMPREHENSIVE PLAN
COMMUNITY AREA:** Newtown

APPLICANT: Mark Patrick
1985 Elks Club Road
Covington, GA 30019

OWNER: Ishir Vasavada
1336 Thornborough Drive
Alpharetta, GA 30004

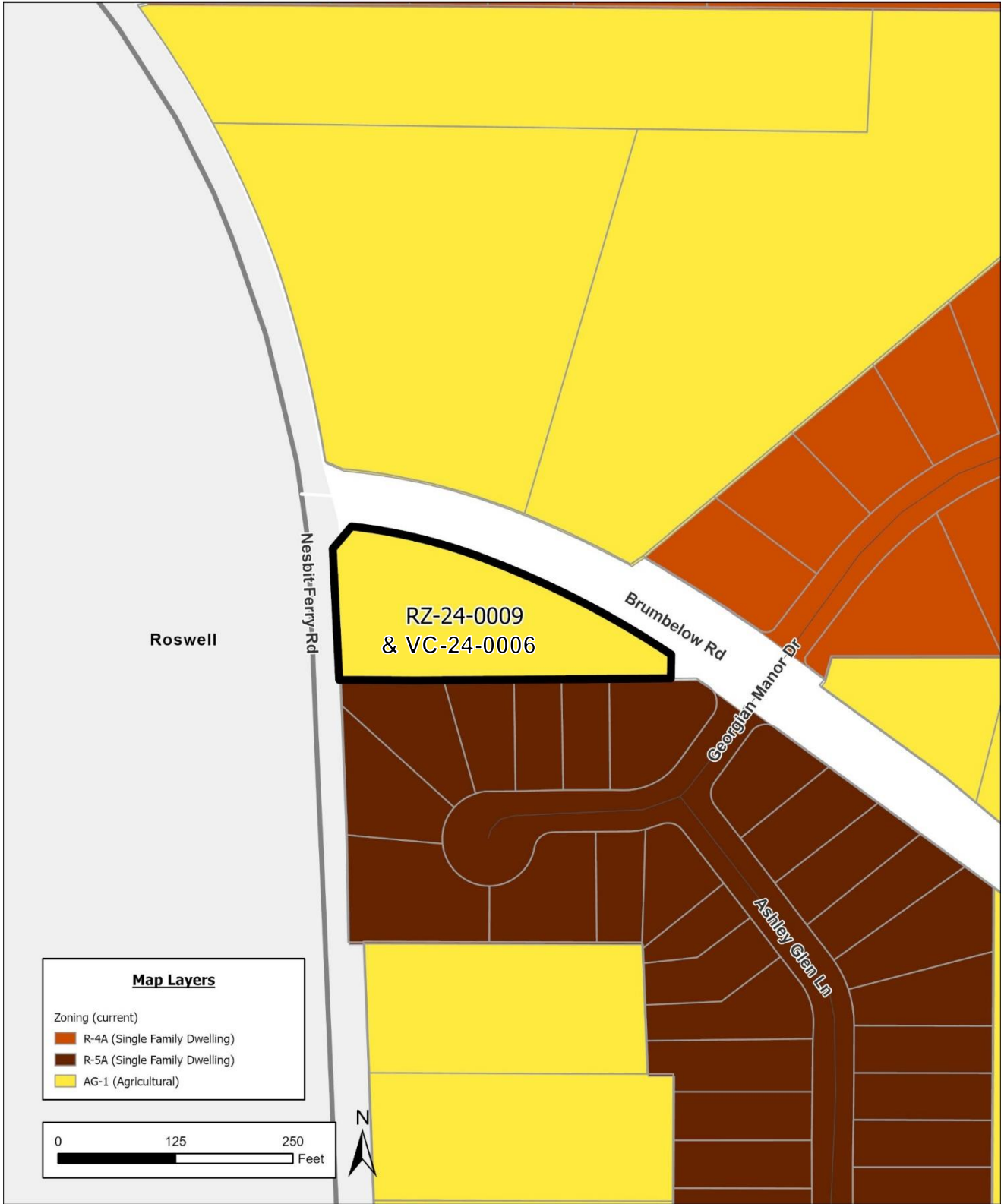
PROPOSED DEVELOPMENT: Two-lot, single-family detached residential subdivision at a density of 2.16 units per acre with a concurrent variance to eliminate the 10% common open space requirement.

STAFF RECOMMENDATION: **Approval with Conditions**

Aerial Map



Zoning Map



PROJECT OVERVIEW

Location

The subject property is a 0.926-acre parcel located in the southeast quadrant of the intersection of Brumbelow Road and Nesbit Ferry Road. The property is bounded by Nesbit Ferry Road to the west, Ashley Glen subdivision to the south, Brumbelow Road to the north, and Georgian Ridge subdivision to the northeast across Brumbelow Road.



Background

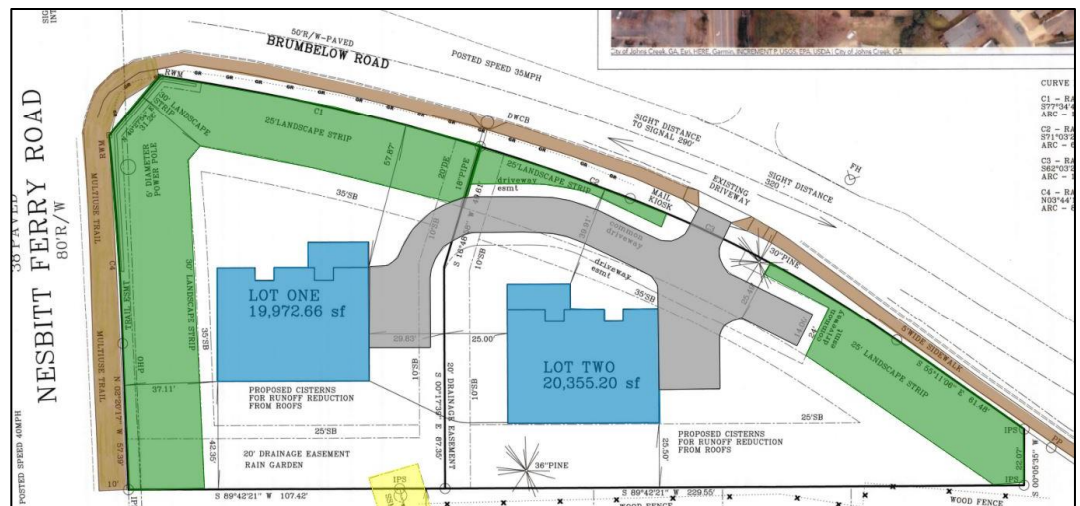
The site is currently zoned AG-1 (Agricultural District) and is heavily wooded. The topography of the site gradually slopes downward from the north and west towards the south. There is one existing curb cut off Brumbelow Road, 220 feet east from the intersection of Brumbelow Road and Nesbit Ferry Road.

Rezoning and Concurrent Variance Requests

The Applicant is requesting to rezone the subject property from AG-1 (Agricultural District) to R-4A (Single-Family Dwelling District) to construct two single-family detached residential dwelling units at a density of 2.16 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 and 30-foot landscape strip along Nesbit Ferry Road (shown in green). The development is proposed to be accessed through the existing curb cut on Brumbelow Road, transitioning to a shared driveway for the proposed two lots. A minimum lot area of 19,972 square feet and a minimum heated floor area of 4,500 square feet is proposed by the Applicant, which would exceed the minimum requirements established for the R-4A zoning district. The site plan shows a 10-foot multi-use trail provided along the entire length of the frontage on Nesbit Ferry Road and a 5-foot sidewalk along Brumbelow Road. The Applicant is proposing individual cisterns to capture rainwater from the roofs to manage stormwater runoff from the roofs to manage stormwater runoff on each lot. Staff would note that the Applicant would be required to provide an alternative to the proposed cisterns to meet the runoff reduction requirement in compliance with applicable City codes and ordinances.



Elevation

The submitted elevation displays a 2-story, single-family detached home with a 2-car side entry garage, with a modern architectural style. The exterior building materials are shown to consist of brick veneer, board and batten, and stacked stone with tall glass windows. The building massing, exterior building materials, and architectural features present variations in the building façade.



Public Participation

As required of the 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 inquiring about the future multi-use trail along Nesbit Ferry Road and expressing concerns regarding removal of trees on the subject property, and impact of stormwater runoff on adjacent properties.

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 higher densities with smaller lot sizes than the proposed development. The proposed use at a density of 2.16 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	2.16	19,972
Adjacent: South	R-5A (Z-97-013)	Single-Family Dwelling (Ashley Glen)	4.5	4,000
Nearby: Northeast	R-4A (Z-85-130)	Single-Family Dwelling (Georgian Ridge)	2.27	12,000
Nearby: North & Northeast	AG-1	Single-Family Dwelling	1.00	18,300 to 174,240

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

The proposed development at a density of 2.16 units per acre with a minimum lot size of 19,972 square feet would be consistent with the surrounding residential communities and 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 18 daily trips, including 2 trips in the morning peak hour and 2 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 comment for residential developments with fewer than five units.

The 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 located in the Newtown Community Area and the Comprehensive Plan's future land use map indicates "Residential – 3 units or less" for the subject property. With a proposed density of 2.16 units per acre, the development would align with the Comprehensive Plan's vision of new infill housing being limited to single-family detached homes at three units per acre. The development of two single-family detached homes on the subject property would be in compliance 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. Staff would note that an alternative method shall be considered in place of the proposed cisterns to comply with the City's stormwater and runoff reduction requirements.

CONCURRENT VARIANCE ANALYSIS

The Applicant is requesting a concurrent variance, VC-24-0006, 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. Although a separate parcel cannot be created for a common open space area, each lot individually would have over 20% of open space in the rear yard. 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-24-0009, and concurrent variance, VC-24-0006.

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 November 1, 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 70% brick or stone on all sides. Accent materials may be board and batten 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 4,500 square feet.
5. The minimum lot area shall be 19,900 square feet.
6. Owner/Developer shall provide a minimum of 10% open space for each lot (VC-24-0006).
7. The development shall be limited to one full-access curb cut on Brumbelow Road, as shown on the site plan received and date stamped on November 1, 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 or Nesbit Ferry Road.
9. Owner/Developer shall construct a 10-foot multi-use trail along the entire frontage of Nesbit Ferry Road, as shown on the site plan received and date stamped on November 1, 2024, with a permanent easement for public use and maintenance to be dedicated at no cost to the City of Johns Creek, prior to the issuance of a Land Disturbance Permit and subject to the approval of the Public Works Director.
10. Owner/Developer shall prior to issuance of the land disturbance permit, coordinate with the City of Roswell to obtain a Right-of-Way encroachment permit for construction activity along Nesbit Ferry Road.
11. Owner/Developer shall submit a stormwater concept plan prior to the submittal of a land disturbance permit application.