



**Board of Zoning Appeals Meeting
February 18, 2025**

CASE NUMBER:	V-25-0001
PROPERTY LOCATION:	165 Saint Amour Place, Johns Creek, GA 30097
CURRENT ZONING:	R-4A (Single Family Dwelling District) Conditional
PARCEL SIZE:	0.30 Acres
PROPERTY OWNER:	Jennifer & Simon Kon
VARIANCE REQUEST:	Encroachment into the minimum 7-foot side-yard building setback to construct a deck
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is in the St. Amour subdivision and is zoned R-4A (Single Family Dwelling District) Conditional, pursuant to Fulton County rezoning case 2004Z-0062. The subject property is a triangular lot with frontage on Saint Amour Place, two side property lines and no rear lot line. It is bounded by Saint Amour Place to the north and west, and single-family detached homes to the south and east.



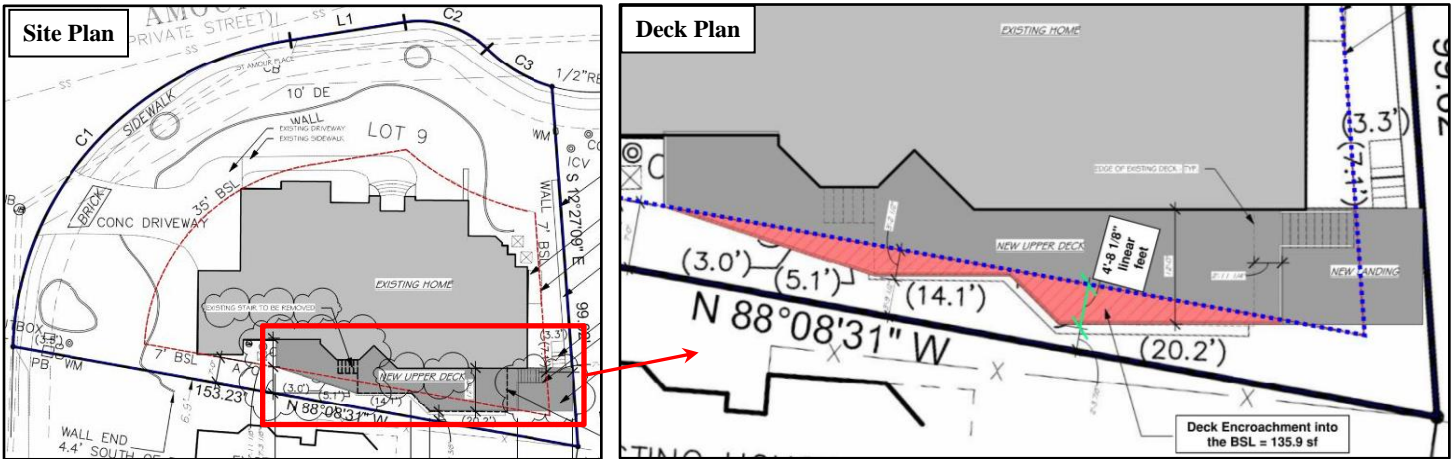
Applicable Code Requirements

City of Johns Creek Code of Ordinances, Appendix A: Zoning
 Article VI: Single-Family Dwelling Districts, Section 6.7. – R-4A Single-Family Dwelling District
6.7.3. Development Standards.

C. *Minimum Side Yard:* 7 feet adjacent to interior line

Variance Request

The Applicant is requesting a variance to encroach 4.68 linear feet into the 7-foot side-yard setback (shown as a blue dashed line) to construct an approximately 690 square-foot deck with a 136 square-foot encroachment into the side-yard setback (shown in red).



Variance Review Criteria

Section 22.3.1 of the Zoning Ordinance 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 side yard setback exists to ensure that adequate separation between structures is maintained and to minimize negative visual and noise impacts related to the use of structures on adjacent properties. The Applicant’s Letter of Appeal and submitted photos of the deck (see on the next page) demonstrate that the deck in its current condition is unsafe and unusable and needs to be repaired. Considering the subject property is a triangular lot with a 35-foot minimum front yard setback with no rear yard, the existing house is pushed back to the further extent of the property, leaving the only alternative to construct a deck that would encroach into the minimum side yard setback. The existing deck currently encroaches approximately 100 square feet into the 7-foot side yard setback and maintains a similar linear encroachment to the proposed deck. The net increase of the proposed deck area in the setback would be minimal at 36 square feet. The presence of existing evergreen trees on the adjacent property would provide adequate visual screening between the two properties, minimizing potential adverse impacts from the proposed deck. Staff is of the opinion that the proposed encroachment, if approved 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** of V-25-0001, subject to the following conditions:

- 1) The proposed deck shall not exceed the 4.68 linear feet and 136 square feet of encroachment into the side-yard setback, as shown on the site plan received by the Community Development Department and date stamped on January 7, 2024.