

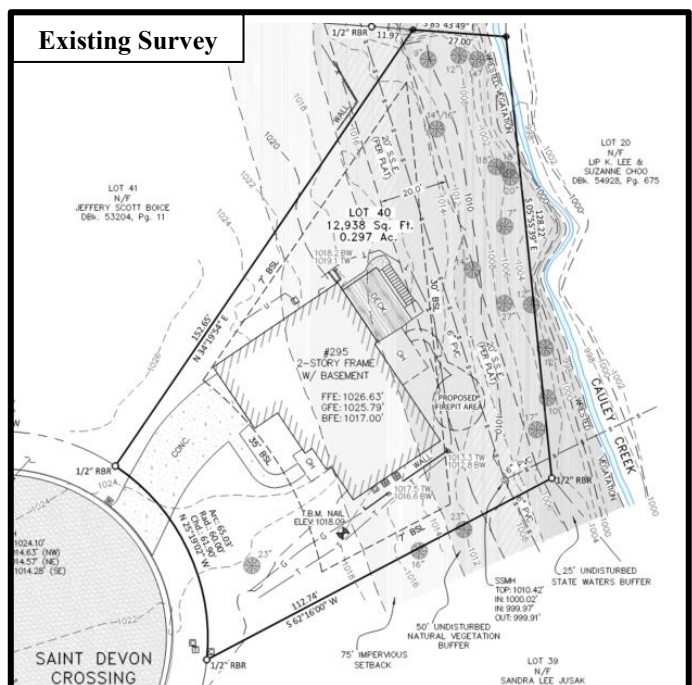


Board of Zoning Appeals Meeting July 15, 2025

CASE NUMBER:	V-25-0003
PROPERTY LOCATION:	295 Saint Devon Crossing, Johns Creek, GA 30097
CURRENT ZONING:	R-4A (Single-Family Dwelling District) Conditional
PARCEL SIZE:	0.297 Acres
PROPERTY OWNER:	Antwan and Lisa McNary
VARIANCE REQUEST:	Encroachment into the 75-foot stream buffer to construct an outdoor patio in the rear yard and bring the existing house and deck into compliance
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Devonhall subdivision and zoned R-4A (Single-Family Dwelling District) Conditional. The lot was originally platted in 1993 by Fulton County showing a 100-year floodplain and a 35-foot undisturbed tributary buffer along the rear property line. Due to the application of the City's 50-foot undisturbed buffer and additional 25-foot impervious surface setback, the stream buffer encompasses over half of the existing house as well as the entire rear yard and existing deck.



Community Development

Applicable Code Requirements

City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-118: Land Development Requirements.

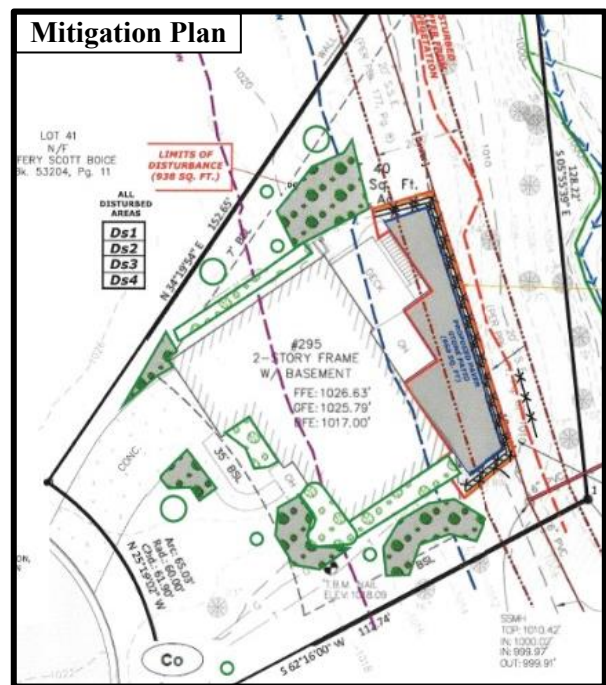
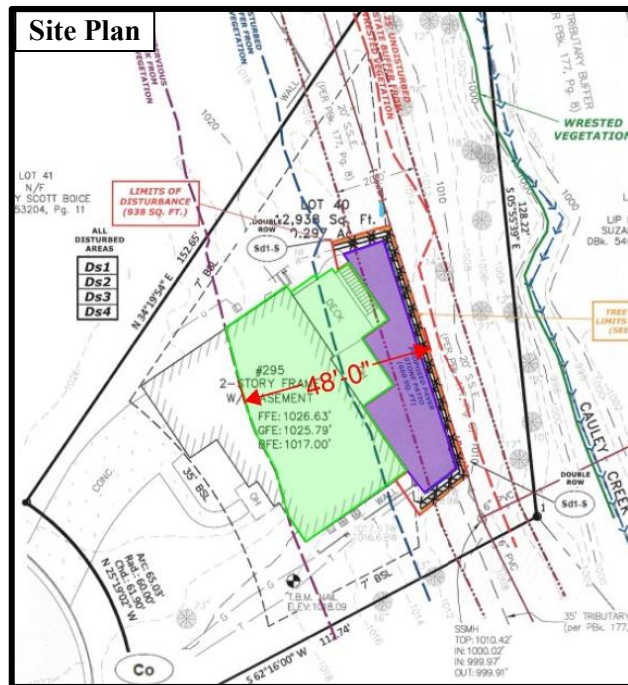
(a) Buffer and setback requirements.

- (1) An undisturbed natural vegetative buffer shall be maintained for 50 feet, measured horizontally, on both banks (as applicable) of the stream as measured from the point of wrested vegetation.
- (2) An additional setback shall be maintained for 25 feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling, and earthmoving shall be minimized within the setback.

Variance Request

The Applicant is requesting to encroach 48 feet into the City's 75-foot stream buffer to construct an outdoor stone paver patio (in purple) in the rear yard and to bring the existing home and deck (in green) into compliance with the Stream Buffer Ordinance. The proposed improvements will result in approximately 938 square feet of disturbance and 660 square feet of impervious surface. Overall, the proposal will result in 2,485 square feet of total impervious surface, which includes 1,825 square feet of the existing portion of the home and deck within the stream buffer. The Applicant has not proposed any land disturbance within the State's 25-foot stream buffer.

To offset the stormwater and environmental impacts associated with the requested stream buffer encroachment, the Applicant has proposed a planting area of 1,600 square feet to plant 3 large trees, 4 small trees, 320 square feet of shrubs, and 280 square feet of ground cover.



Stream Buffer Variance Review Criteria

City Code Section 109-118(b)(2) lists the following considerations for granting stream buffer variances:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this article prevents land development unless a buffer variance is granted; or
- b. Unusual circumstances when strict adherence to the minimal buffer requirements in the article would create an extreme hardship.

Staff Analysis

The Applicant's survey for the subject property identifies a creek with wrested vegetation meandering along the rear property line of the home. The application of the 50-foot undisturbed buffer with an additional 25-foot impervious surface setback extends the buffers to the rear yard, existing deck, and a significant portion of the existing home. The extension of the stream buffer has created a hardship for the homeowner as 70 percent of the subject property, including existing and proposed improvements, would fall within the 75-foot stream buffer and would not be permitted today without seeking a stream buffer variance. Granting this variance would allow for the construction of the proposed stone paver patio and bring the existing house into compliance with the Stream Buffer Ordinance, while negligibly impacting the stream.

Staff Recommendation

Based upon the findings and conclusions herein, staff recommend **APPROVAL** of V-25-0003, subject to the following conditions:

- 1) The proposed development shall not exceed the following encroachments, as shown in the as-built survey received by the Community Development Department on May 21, 2025:
 - a. 48 linear feet of encroachment into the stream buffer.
 - b. 938 square feet of new disturbance within the stream buffer.
 - c. 2,485 square feet of total impervious surface, including 660 square feet of net new impervious surface, associated with the outdoor patio within the stream buffer.
- 2) A vegetative planting plan shall be submitted to the Community Development Department, as part of the Building Permit. Said plan shall be consistent with the mitigation plan received by the Community Development Department on May 21, 2025. The final vegetative planting shall pass City inspection prior to the issuance of a Certificate of Completion.