



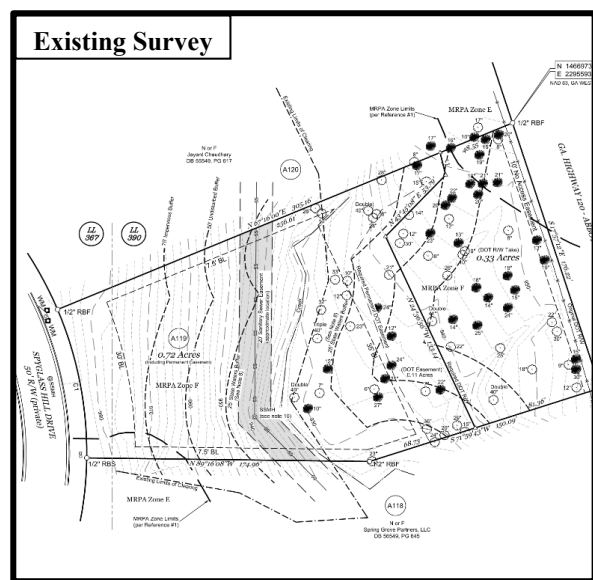
**Board of Zoning Appeals Meeting  
July 15, 2025**

<b>CASE NUMBER:</b>	<b>V-25-0004</b>
<b>PROPERTY LOCATION:</b>	<b>1425 Spyglass Hill Drive, Johns Creek, GA 30097</b>
<b>CURRENT ZONING:</b>	<b>CUP (Community Unit Plan) Conditional</b>
<b>PARCEL SIZE:</b>	<b>0.72 Acres</b>
<b>PROPERTY OWNER:</b>	<b>Faysal Kapadia</b>
<b>VARIANCE REQUEST:</b>	<b>Encroachment into the 75-foot stream buffer to construct a single-family detached home</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVAL WITH CONDITIONS</b>

**Background**

The subject property is an undeveloped parcel located in Saint Ives Country Club subdivision and zoned CUP (Community Unit Plan District) Conditional. The lot was originally platted in 1991 by Fulton County, showing a 100-year floodplain bisecting the property in the center. Due to the application of the City's 50-foot undisturbed buffer and additional 25-foot impervious surface setback, the stream buffer encompasses approximately 84 % of the property.

The property was previously approved for a variance in 2018 (V-18-001) to encroach 45 feet into the 75-foot stream buffer to construct a 4,000 square-foot single-family home. Due to the development inactivity of the property exceeding 36 months from the date of approval, the variance has expired and the applicant is required to request a new variance.



**Community Development**

## **Applicable Code Requirements**

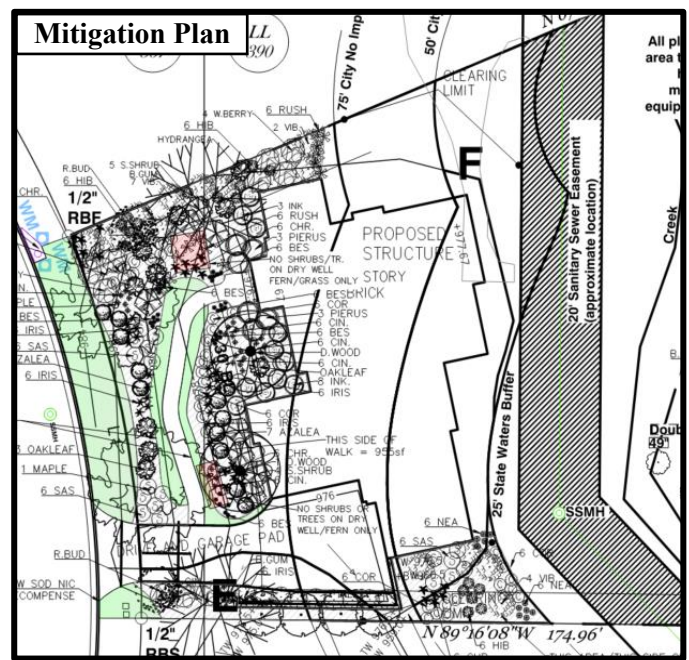
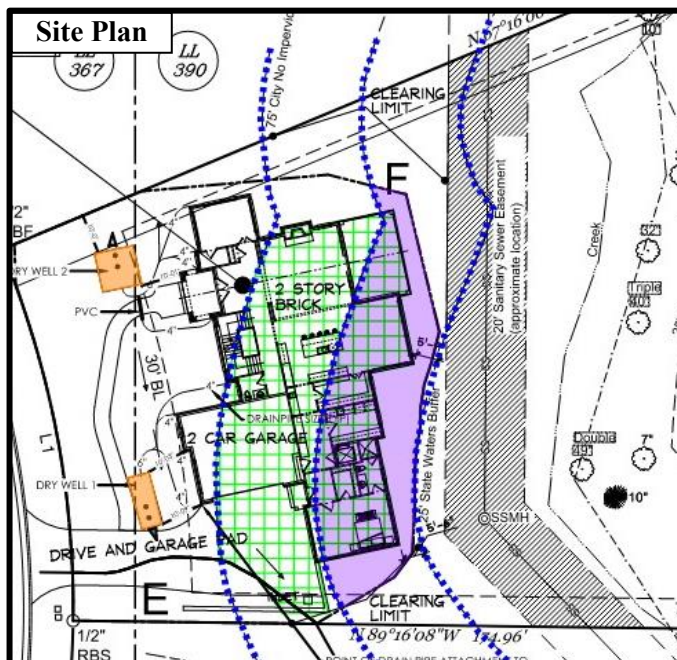
City of Johns Creek Code of Ordinances, Chapter 109: Natural Resources and Environmental Protection, Article V: Stream Buffer Protection, Section 109-118: Land Development Requirements.

### ***(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 50 feet into the 75-foot stream buffer to construct a single-family home. The proposed improvements will result in 2,083 square feet of disturbance in the 50-foot undisturbed buffer (shown in purple) and 3,642 square feet of impervious surface in the 75-foot stream buffer (shown in green hatch). 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 proposed stream buffer encroachment, the Applicant proposes to install two drywells (shown in orange on the site plan) intended to retain the first one inch of stormwater runoff associated with the proposed 3,642 square feet of impervious surface. In addition, the Applicant proposes to plant 7 large trees, 13 small trees, 81 shrubs, and 318 groundcover plants to provide a total of 5,268 square feet of planted area to mitigate the total proposed disturbance within the stream buffer.

## **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 subject property was platted in Fulton County in 1991, which showed a 100-year floodplain bisecting the property north to south, but the existing Chattahoochee River tributary was not shown at the time. With the incorporation of the City, the stream buffer was expanded to 50 feet with an additional 25-foot impervious surface setback on both sides of the stream. The expansion of the stream buffer has created hardship for the homeowner, as the buffer encompasses nearly 84% of the property, leaving approximately 1,775 square feet of buildable area outside of the stream buffer. Staff is of the opinion that the requested variance is necessary to build a residential dwelling consistent in form and building size of existing homes within the development.

**Staff Recommendation**

Based upon the findings and conclusions herein, staff recommends **APPROVAL** of V-25-0004, subject to the following conditions:

- 1) The proposed development shall not exceed the following encroachments, as shown on the site plan received by the Community Development Department and date stamped on May 12, 2025:
  - a. 50 linear feet of encroachment into the stream buffer.
  - b. 3,642 square feet of impervious surface within the 75-foot stream buffer.
  - c. 2,083 square feet of disturbance within the 50-foot undisturbed buffer.
- 2) The applicant shall install drywells that retain the first one inch of stormwater runoff for the 3,642 square feet of impervious surface in the 75-foot stream buffer as shown on the site plan received by the Community Development Department and date stamped on May 12, 2025. The drywell location and design shall be approved by the City's Land Development Manager prior to the issuance of a building permit, and the drywell shall pass City inspection prior to the issuance of a Certificate of Occupancy for the home.
- 3) A vegetative planting plan shall be submitted to the Community Development Department, as part of the Building Permit application. Said plan shall be consistent with the mitigation plan received by the Community Development Department on May 12, 2025. The final vegetative planting shall pass City inspection prior to the issuance of a Certificate of Occupancy for the home.