

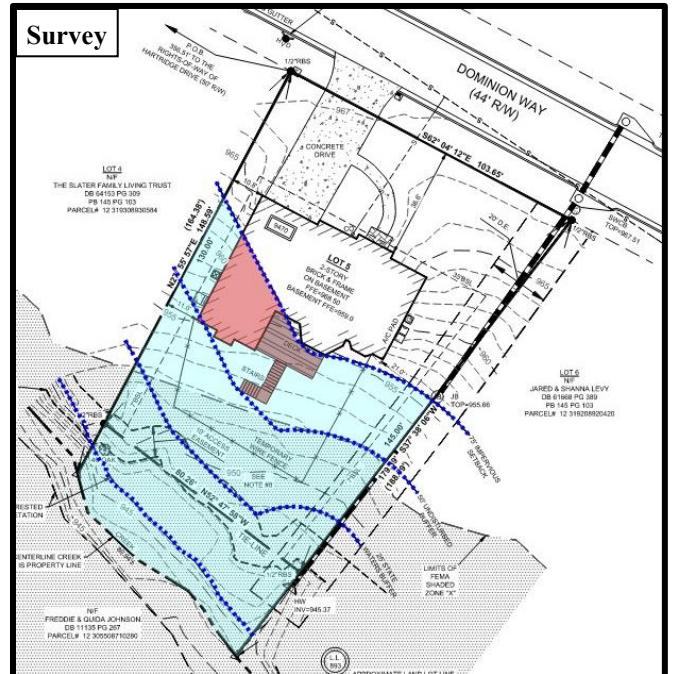


**Board of Zoning Appeals Meeting
August 19, 2025**

CASE NUMBER:	V-25-0005
PROPERTY LOCATION:	9470 Dominion Way, Johns Creek, GA 30022
CURRENT ZONING:	R-4A (Single-Family Dwelling District) Conditional
PARCEL SIZE:	0.34 Acres
PROPERTY OWNER:	Joseph and Kathryn Gazzillo
VARIANCE REQUEST:	Encroachment into the 75-foot stream buffer to construct a deck
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS

Background

The subject property is located in the Hartridge neighborhood and zoned R-4A (Single-Family Dwelling District) Conditional. The lot was originally platted in 1985 by Fulton County showing a 100-year floodplain and Hico Creek, a Chattahoochee River tributary establishing 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 approximately 55% of the property, including a portion of the existing home (in red), existing deck (in brown), and the entire rear yard and a portion of side yard (in blue).



Community Development

Staff Analysis

The subject property was platted in Fulton County in 1985 showing a 100-year floodplain and a Chattahoochee River tributary forming the rear property line. 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 55% of the property, including portions of the existing home and side yard, entire rear-yard, and existing deck. The existing deck would not be permitted today without seeking a stream buffer variance. Granting this variance would allow for the construction of the proposed deck 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-25-0005, 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 July 1, 2025:
 - a. 25 linear feet of encroachment into the stream buffer.
 - b. 1,053 square feet of total impervious surface, including 213 square feet of net new impervious surface, associated with the new deck and stairs within the stream buffer.
- 2) 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 July 1, 2025. The final vegetative planting shall pass City inspection prior to the issuance of a Certificate of Completion.