

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Agenda

Thursday, January 23, 2025
6:30 PM

2nd Floor Conference Room
Zoning Board of Appeals

Michael Walsh, Chair
Taylor Walker
Bob Evely
DaVida Cole

- I. **Call to Order**
PLEASE SILENCE ALL CELL PHONES AND ELECTRONIC DEVICES
- II. **Presentation of previous meeting minutes for acceptance.**
 1. [Zoning Board of Appeals - Zoning Board of Appeals - Dec 5, 2024, 6:30 PM](#)
- III. **Old Business**
- IV. **New Business**
 - a. [25-7228](#) **ZBA2024-008 6885 Jimmy Carter Blvd**
Request a variance from Chapter 200, Article III, section 203-9, minimum number of spaces required.

[ZBA2024-008 Staff Report](#)

[FIDES Norcross Property Variance Application 12182024](#)

[FIDES Norcross Property Variance Application Support 12182024](#)
- V. **ADDITIONAL INPUT AND/OR DISCUSSION NOT OTHERWISE ADDRESSED BY THIS AGENDA**
- VI. **Adjourn**

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Minutes

Thursday, December 5, 2024
6:30 PM

2nd Floor Conference Room
Zoning Board of Appeals

Michael Walsh, Chair
Taylor Walker
Bob Evely
DaVida Cole

Minutes Acceptance: Minutes of Dec 5, 2024 6:30 PM (Presentation of previous meeting minutes for acceptance.)

I. Call to Order

Attendee Name	Title	Status	Arrived
Michael Walsh	Chair	Present	
Taylor Walker	Board Member	Present	
Bob Evely	Board Member	Present	
DaVida Cole	Board Member	Present	

Zoning Board of Appeals was called to order at 6:31 PM by Michael Walsh

II. Presentation of previous meeting minutes for acceptance.

A. Zoning Board of Appeals - Zoning Board of Appeals - Oct 24, 2024, 6:30 PM

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Walsh, Chair
SECONDER:	Bob Evely, Board Member
AYES:	Michael Walsh, Taylor Walker, Bob Evely, DaVida Cole

III. Old Business

IV. New Business

a. 24-7201: ZBA2024-007 275 Summerour Street

Staff presented the application. The applicant, Arthur Blumen, also provided the project's history. Michael Walsh made a motion, seconded by Taylor Walker, to approve the application with the recommended staff condition.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Walsh, Chair
SECONDER:	Taylor Walker, Board Member
AYES:	Michael Walsh, Taylor Walker, Bob Evely, DaVida Cole

V. ADDITIONAL INPUT AND/OR DISCUSSION NOT OTHERWISE ADDRESSED BY THIS AGENDA

VI. Adjourn

Michael Walsh moved to adjourn the meeting, which was seconded by Taylor Walker. The motion passed unanimously, and the meeting was adjourned at 6:36 p.m.

Minutes Acceptance: Minutes of Dec 5, 2024 6:30 PM (Presentation of previous meeting minutes for acceptance.)



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#: 25-7228 **Version:**

Type: Agenda Item **Status:** Agenda Ready

File Created: 1/6/2025 **In Control:** Zoning Board of Appeals

On Agenda: 1/23/2025 6:30 PM **Status:** Scheduled

Title: ZBA2024-008 6885 Jimmy Carter Blvd

Sponsors:

Code Sections:

Attachments:

1. [ZBA2024-008 Staff Report](#)
2. [FIDES Norcross Property Variance Application 12182024](#)
3. [FIDES Norcross Property Variance Application - Support](#)

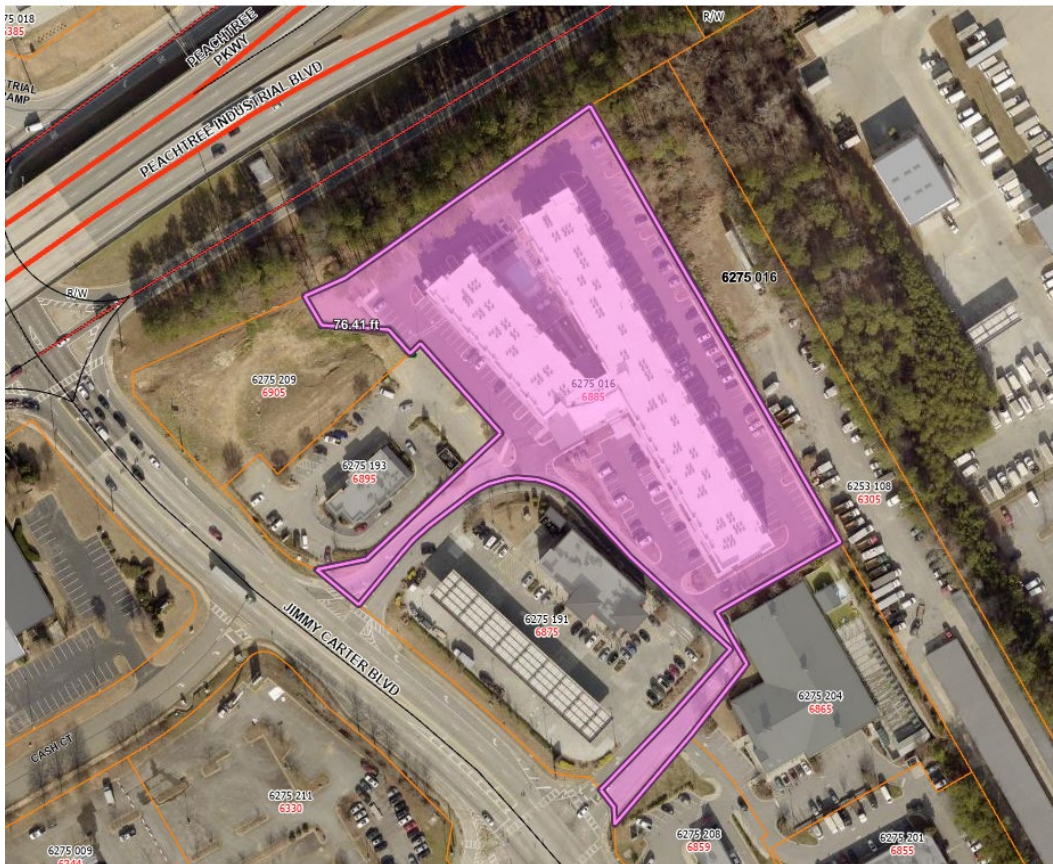
Title
ZBA2024-008 6885 Jimmy Carter Blvd



Meeting Date: January 23, 2025 at 6:30pm Petition Number: ZBA2024-008

Property Location: 6885 Jimmy Carter Blvd
 Tax Parcel ID: 6275 016
 Petitioner: John Hillman on behalf of FIDES Norcross Property LLC
 Petitioner's Request: Request a variance from Chapter 200, Article III, section 203-9, minimum number of spaces required.

Vicinity Map:



Attachment: ZBA2024-008 Staff Report (25-7228 : ZBA2024-008 6885 Jimmy Carter Blvd)

PROPERTY INFORMATION	
Property Location	6885 Jimmy Carter Blvd
Acreage	3.81 acres
Existing Zoning/Land Use	CX Community Mixed Use (Multifamily Residential)
Character Area	1 Atlantic/Peachtree Industrial
Existing Lot Dimensions	Frontage: 388 ft on Peachtree Industrial and approximately 108 ft between two touch points on Jimmy Carter Blvd.
Proposed Building Dimensions	N/A, building already constructed
Topography	High Point: Rear Low Point: Front
Elevation	High Point: 1012 Low Point: 990
Encumbrances:	None readily identified

EXISTING ZONING AND LAND USE OF PROPERTIES WITHIN 500 FEET			
Location relative to subject property	Zoning/Land Use	Address(es)	Land Area (acres) (Approximate)
North	CX Mini Warehouse	6305 Atlantic Blvd	0.3 AC
South	CX Vacant and Restaurant	6905, 6895, and 6875 Jimmy Carter	3.62 AC
East	CX Pet Spa and Boarding	6865 Jimmy Carter	1.38 AC
West	Right of Way and City of Peachtree Corners	N/A	N/A

Project Description:

The applicant seeks a variance for the parking standards for this existing development, as outlined in Chapter 200, Article III, section 203-9, minimum number of spaces required.

Attachment: ZBA2024-008 Staff Report (25-7228 : ZBA2024-008 6885 Jimmy Carter Blvd)

Existing Conditions:

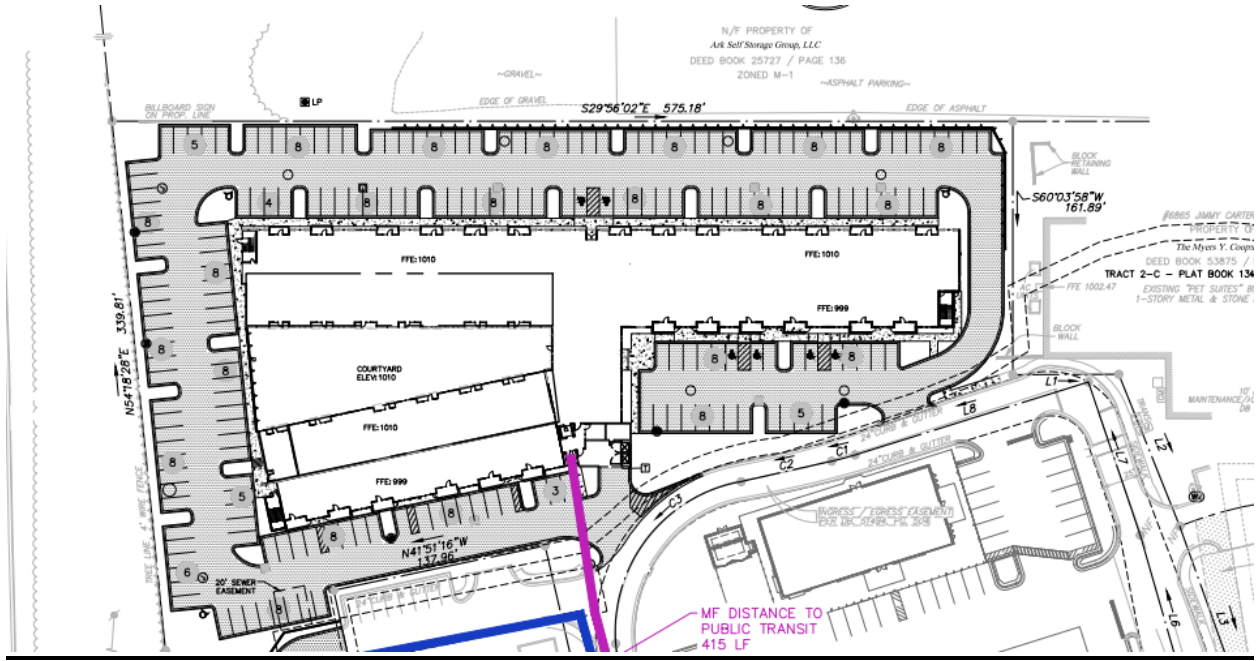
The property is currently developed as the multifamily residential component of an overall mixed-use development that includes fast food retail, pet related boarding, convenience retail with fuel pumps and under-review commercial development. The standard requirement for multifamily residential at the time permitting began in 2021 was 2 spaces per dwelling unit plus 1 additional space for every 4 dwelling units. There are 160 units on site, and this is part of a mixed-use development. The parking calculation would be 360 spaces. The applicant applied for and received an administrative variance as allowed in the Unified Development Code for a mixed-use development reduction of 25% and a 10% reduction allowed for the close proximity to the Gwinnett County bus system line for a total of 234 spaces required. 210 spaces would be built on site and the additional 24 spaces available through a shared parking agreement with the currently under review for permitting commercial site just to the south of the site, next to Zaxby's.

On the approved site plan, the parking table showed the calculations correctly, however the design engineer, applicant and staff reviewer did not catch that the actual parking spaces shown were at 204 spaces during design and it was not caught at the issuance of a Certificate of Occupancy on final inspection. The 6-space shortfall was found in a subsequent zoning verification process.

The multifamily site is currently fully occupied, and as stated above, the final commercial component to this assemblage is currently in the review and permitting stage where a total of 40 spaces will be provided, 24 of which will be available to the multifamily site via the aforementioned shared parking agreement.

Staff conducted two separate visits to the site on different dates at different times and have seen no uncontrolled parking configurations that would lead us to believe that the loss of 6 spaces on site is detrimental to the operation of the site.

Site Plan:



Attachment: ZBA2024-008 Staff Report (25-7228 : ZBA2024-008 6885 Jimmy Carter Blvd)

is based on an error that was not caught until after the certificate of occupancy was issued for the site.

2. Whether the application of the UDO to this particular piece of property would create unnecessary hardship.

The literal application of the UDO to this particular property does create an unnecessary hardship on the property, as amenities would possibly need to be removed in order to fit the additional six spaces onto the site.

3. Whether such conditions are peculiar to the particular piece of property involved.

This particular condition is unique to this property as it is an issue of unintentional lack of QA/QC during the review process by a number of individuals on all sides of the review process.

4. Whether such conditions are the result of any actions of the property owner.

This particular condition is unique to this property as it is an issue of unintentional lack of QA/QC during the review process by a number of individuals on all sides of the review process.

5. Whether the requested relief, if granted, would cause substantial detriment to the public good or impair the purpose and intent of the UDO.

The requested relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the UDO and the lack of the six spaces in question have not caused uncontrolled parking configurations at full occupancy.

Recommendation:

Staff recommend **approval** of the applicant's request.



APPLICATION FOR A VARIANCE TO THE PLANNING AND ZONING BOARD OF APPEALS

PROPERTY OWNER INFORMATION

Owner's Name: FIDES Norcross Property, LLC

Owner's Address: 1180 W Peachtree Street, Suite 700 Atlanta GA 30309

Phone: 954-464-1361 Email: JohnH@FidesDevelopment.com

APPLICANT INFORMATION

Contact Name: John Hillman

Company Name: FIDES Development, LLC

Phone: 954-464-1361 Email: JohnH@FidesDevelopment.com

PROPERTY INFORMATION FOR REQUESTED VARIANCE

Tax Parcel Number: R6275-016 Size in Acres: 3.815 Number of existing structures: 1

Current Zoning: CX Project Name: The Perry Residences

Address: 6885 Jimmy Carter Boulevard Norcross GA 30071

DESCRIPTION OF REQUESTED VARIANCE

Request to reduce the number of required parking spaces from 210 to 204.

ACTION REQUESTED FROM THE BOARD OF APPEALS

Approval to reduce the number of required parking spaces from 210 to 204.

Attachment: FIDES Norcross Property Variance Application 12182024 (25-7228 : ZBA2024-008 6885 Jimmy Carter Blvd)

REQUIRED ATTACHMENTS

- Site plan (to scale) of subject property indicating area of variance ■ Legal description ■ Vicinity Map
- Include a narrative that explains the reason for the requested variance

STATEMENT

Has the subject property been before the Mayor and Council, Downtown Development Authority, Architectural Review Board, Board of Appeals, Planning and Zoning Board, or any other City Board in the past 24 months? YES NO

If yes, list the board and reference number: _____
Norcross Board of Zoning Appeals - 23-6813: ZBA2023-002



APPLICANT'S SIGNATURE

December 18, 2024

Signature

Date

CITY USE ONLY BELOW THIS LINE

Date received: _____ Receipt Number: _____ Application Number: _____

Fee Paid: \$ _____ Meeting Date: _____

DEADLINE AND HEARING SCHEDULE

See calendar on the Community Development website for pre-application conference deadlines, application submission deadlines and scheduled meeting dates.

(THE PROPERTY OWNER OR APPLICANT'S ATTENDANCE AT EACH PUBLIC HEARING IS REQUIRED)

Attachment: FIDES Norcross Property Variance Application 12182024 (25-7228 : ZBA2024-008 6885 Jimmy Carter Blvd)

CRITERIA FOR EVALUATING VARIANCE REQUESTS

1. Whether there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.

Refer to attached supplemental document

2. Whether the application of UDO to this particular piece of property would create an unnecessary hardship.

Refer to attached supplemental document

3. Whether such conditions are peculiar to the particular piece of property involved

Refer to attached supplemental document

4. Whether such conditions are the result of any actions of the property owner

Refer to attached supplemental document

5. Whether the requested relief, if granted, would cause substantial detriment to the public good or impair the purpose and intent of the UDO

Refer to attached supplemental document



Ownership Affidavit & Designation of Agent

I. Ownership.

I, John Hillman, hereby attest to ownership of the property described below:

Parcel I.D. Number(s) _____

Location address: 6885 Jimmy Carter Boulevard

for which this Application is submitted.

The ownership, as recorded on the deed, is in the name of: _____

Fides Norcross Property, LLC

Please complete the appropriate section below:

NOTE: The person signing under section IV Acknowledgement, must be listed below as an officer or partner.

Individual

Corporation/Limited Liability Company (LLC)

Partnership

Government Entity

Provide Names of Officers/Members:

Provide Names of General Partners:

Douglas Davidson

John Hillman

Heath Hans

Josh Magaro

Secretary of State Registration Number: 21304455

Name/Address of Registered Agent: _____

II. Designation of Owner's Agent. (Leave blank if not applicable)

As the owner of the above designated property and the applicant for which this affidavit is submitted, I wish to designate the below named party as my agent in all matters pertaining to the location address. In authorizing the agent named below to represent me, or my company, I attest that the application is made in good faith and that any information contained in the application is accurate and complete to the best of my knowledge and belief. (Note: Prior to the issuance of a building permit, the owner's agent must be the contractor listed on the permit application.)

Owner's Agent: _____

Address: _____

Contact Person: _____ Telephone No.: _____

III. Notice to Owner.

- A. All changes in Ownership & Applicant's Agent prior to issuance shall require new affidavit. If ownership changes the new owner assumes the obligations and the original applicant is released from responsibility for actions taken by others after the change in ownership.
- B. If the Owner intends the Designation of Applicant's Agent to be limited in any manner, please indicate the limitation below. (i.e., Limited to obtaining a certificate of concurrency for the parcel; limited to obtaining a land use compliance certificate; etc.)

IV. Acknowledgement.

• Individual

Signature

Print Name: _____
Address: _____
Phone #: _____

• Government Entity

Print Government Name

By: _____
Signature

Print Name: _____
Title: _____
Department: _____

• Corporation/LLC

FIDES Norcross Property, LLC

Print Corporation/LLC Name _____
By: _____
Signature

Print Name: John Hillman
Its: Co-Manager
Address: 6885 Jimmy Carter Blvd.
Norcross, GA 30071
Phone #: 954-464-1361


• Partnership

Print Partnership Name _____
By: _____
Signature

Print Name: _____
Its: _____
Address: _____
Phone #: _____

NOTARY INFORMATION (Please use appropriate block.)

STATE OF GEORGIA
COUNTY OF DeKalb

<p>• Individual</p> <p>Before me, this _____ day of _____, 20____, personally appeared _____ who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.</p>	<p>• Corporation/LLC</p> <p>Before me, this <u>18th</u> day of <u>December</u>, 20<u>24</u>, personally appeared <u>John Hillman</u> of _____ a <u>Georgia</u> (State) corporation/LLC, on behalf of the corporation/LLC, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.</p>	<p>• Partnership</p> <p>Before me, this _____ day Of _____, 20____, personally appeared _____ partner/agent on behalf of _____ a partnership, who executed the foregoing instrument and acknowledged before me that same was executed for the purposes therein expressed.</p>
<p>• Government Entity</p> <p>Before me, this _____ day of _____, 20____, personally appeared _____ as _____ and on behalf of _____ who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.</p>	<p>NOTARY STAMP: </p> <p>My commission expires: <u>2025</u></p> <p>Identification Method: <input checked="" type="checkbox"/> Personally known. <input type="checkbox"/> Produced I.D. - Type: <u>drivers license</u></p>	
<p><u>Melanie Counts</u> Signature of Notary</p> <p><u>Melanie Counts</u> Print Notary Name</p>		

Attachment: FIDES Norcross Property Variance Application 12182024 (25-7228 : ZBA2024-008 6885 Jimmy Carter Blvd)

CITY OF NORCROSS VARIANCE APPLICATION SUPPORT THE PERRY RESIDENCES



DECEMBER 2024

Attachment: FIDES Norcross Property Variance Application - Support (25-7228 : ZBA2024-008 6885

REQUEST

Variance approval to allow a reduction of six (6) required parking spaces from 210 to 204 on-site spaces.

Address:
6885
Jimmy Carter
Boulevard



HARDSHIP DESCRIPTION

This variance application seeks relief from the City's parking requirements for an existing multifamily development that has been fully constructed, occupied, and operating as a business for 18 months. The development obtained its Certificate of Occupancy (CO) and Certificate of Development Conformance over a year ago, indicating successful completion and compliance with all approved plans and permits.

While the development was built in strict accordance with the approved plans, a discrepancy has been identified between the number of parking spaces required as described in the data table on the site plan and the number of spaces depicted in construction plans.

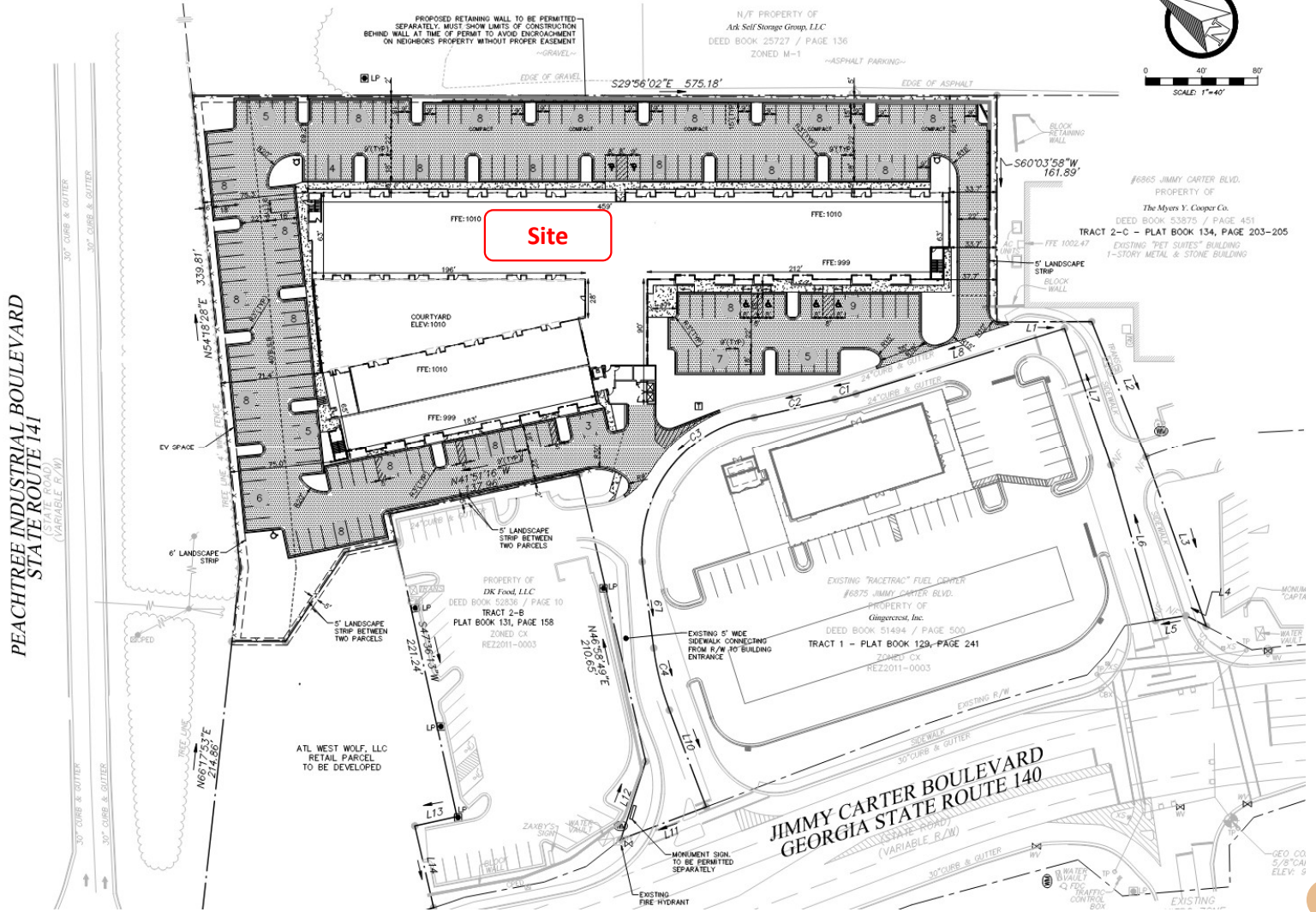
Justification for Request:

- **Lack of Available Space:** The property lacks sufficient available space to accommodate the six additional parking spaces required to meet the count as described in the data table.
- **Lack of Current Parking Issues:** The development has been operating successfully for 18 months without any parking-related issues. This demonstrates that the existing parking configuration adequately serves the needs of the residents.

Given the successful operation, and lack of any current parking problems, requiring the property owner to undertake costly and disruptive modifications to comply with a discrepancy between the data table and the built plans would constitute an undue hardship. This variance application seeks to recognize the successful completion and operation of the development as permitted and to avoid unnecessary and burdensome modifications.



LOCATION



CRITERIA FOR EVALUATING VARIANCE REQUESTS

	Question	Action or Response
1	Whether there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography	No. There are not extraordinary and exceptional conditions to the particular property because of its shape, size or topography.
2	Whether the application of UDO to this particular piece of property would create an unnecessary hardship.	As of today, the application of the UDO would create an unnecessary hardship as the property is fully built and there is not sufficient space on site for six (6) additional spaces.
3	Whether such conditions are peculiar to the particular piece of property owned	Yes. This variance request is to overcome issues with a built condition of this particular piece of property.
4	Whether such conditions are the result of any actions of the property owner	No, not intentional actions.
5	Whether the requested relief, if granted, would cause substantial detriment to the public good or impair the purpose and intent of the UDO.	No. There is sufficient on-site parking, and this request would not cause detriment to the public good or impair the purpose and intent of the UDO.

THANK YOU



Attachment: FIDES Norcross Property Variance Application - Support (25-7228 : ZBA2024-008 6885