

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Agenda

Thursday, May 22, 2025
6:30 PM

2nd Floor Conference Room
Zoning Board of Appeals

Michael Walsh, Chair

Bob Evely, Vice Chair

Taylor Walker

DaVida Cole

Naim Harrison

- A. Call to Order**
PLEASE SILENCE ALL CELL PHONES AND ELECTRONIC DEVICES
- B. Presentation of previous meeting minutes for acceptance.**
[Zoning Board of Appeals - Zoning Board of Appeals - Apr 24, 2025, 6:30 PM](#)
- C. Old Business**
- D. New Business**
1. [25-7336](#) **ZBA2025-004 80 and 94 Wingo Street**
Request a variance from Chapter 200-Land Use and Zoning, Article 3-Parking and Loading, Section 203-4 Plan and Design Standards requesting relief from 203-4(3a), 203-4(5a1), and 203-4 (6).

[ZBA2025-004 Staff Report](#)

[ZBA2025-004 Variance Application](#)
2. [25-7337](#) **ZBA2025-005 307 Academy Street**
Request a variance Chapter 200-Land Use and Zoning, Article 1-Zoning Districts and Use Provisions, Division 2-Single Family Residential Districts, Section 201-7 (b) R75 lot development standards requesting relief from the minimum setbacks required.

[ZBA2025-005 Staff Report](#)

[ZBA2025-005 Application](#)
- E. ADDITIONAL INPUT AND/OR DISCUSSION NOT OTHERWISE ADDRESSED BY THIS AGENDA**
- F. Adjourn**

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Minutes

Thursday, April 24, 2025
6:30 PM

2nd Floor Conference Room
Zoning Board of Appeals

Michael Walsh, Chair
Taylor Walker
Bob Evely
DaVida Cole
Naim Harrison

Minutes Acceptance: Minutes of Apr 24, 2025 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	
Naim Harrison	Board Member	Present	

Zoning Board of Appeals was called to order at 6:30 PM by Chair Michael Walsh

II. Presentation of previous meeting minutes for acceptance.

Zoning Board of Appeals - Zoning Board of Appeals - Feb 27, 2025 6:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Michael Walsh, Chair
SECONDER:	Naim Harrison, Board Member
AYES:	Walsh, Walker, Evely, Cole, Harrison

III. Old Business

IV. New Business

Board Member Bob Evely was voted Vice Chair 5-0.

a. 25-7306: ZBA2025-002 5634 Ballard Way

- ZBA2025-002 (to allow for a 6-foot fence in the front yard)

The case was introduced and summarized by the Senior Planner, outlining the project description and recommendation for approval. Board Members and the applicants discussed privacy concerns with the elimination of trees and landscaping due to the Georgia Department of Transportation’s Greenway Project. Noise and foot traffic concerns was also discussed.

A motion to approve ZBA2025-002 to allow for a 6-foot fence in the front yard located at 5634 Ballard Way with the following conditions:

- Fence shall be setback a minimum of three feet from the edge of the right of way; and
- Fence may be constructed of brick, stone, wood, stucco, wrought iron or split rail. No chain link.

RESULT:	APPROVED WITH CONDITIONS [UNANIMOUS]
MOVER:	Michael Walsh, Chair
SECONDER:	Bob Evely, Board Member
AYES:	Walsh, Walker, Evely, Cole, Harrison

25-7307: ZBA2025-003 53 Born Street

The Case was introduced and summarized by the Senior Planner, outlining the project description and recommendation for approval. Board Members and the applicant discussed the proposed variance for a lot width reduction.

A motion to approve ZBA2025-003, a reduction in lot width from the code-required 75 feet to 70.45 feet located at 53 Born Street, with the following condition:

Minutes Acceptance: Minutes of Apr 24, 2025 6:30 PM (Presentation of previous meeting minutes for acceptance.)

- The residence on this parcel, when developed, must be setback a minimum of 35 feet from the property line at the point where the lot reaches the 75-foot width.

RESULT:	APPROVED WITH ONE CONDITION [UNANIMOUS]
MOVER:	Michael Walsh, Chair
SECONDER:	Naim Harrison, Board Member
AYES:	Walsh, Walker, Evely, Cole, Harrison

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

VI. Adjourn

Chair Michael Walsh motioned to adjourn the meeting at 6:48 PM, seconded by Co-Chair Bob Evely. The vote was unanimously approved.

Minutes Acceptance: Minutes of Apr 24, 2025 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#: 25-7336 **Version:**

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

File Created: 5/20/2025 **In Control:** Zoning Board of Appeals

On Agenda: 5/22/2025 6:30 PM **Status:** Scheduled

Title: ZBA2025-004 80 and 94 Wingo Street

Sponsors:

Code Sections:

Attachments:

1. [ZBA2025-004 Staff Report](#)
2. [ZBA2025-004 Variance Application](#)

Title
ZBA2025-004 80 and 94 Wingo Street

Drafter
LeDarius Scott



Meeting Date: May 22, 2025 at 6:30pm Petition Number: ZBA2025-004

Property Location: 80 and 94 Wingo Street
Tax Parcel ID: 6254 193 and 6254 192

Petitioner: Jim Eyre, DDA

Petitioner's Request: Request a variance from Chapter 200-Land Use and Zoning, Article 3-Parking and Loading, Section 203-4 Plan and Design Standards requesting relief from 203-4(3a), 203-4(5a1), and 203-4 (6).

Vicinity Map:



Attachment: ZBA2025-004 Staff Report (25-7336 : ZBA2025-004 80 and 94 Wingo Street)

PROPERTY INFORMATION	
Property Location	80 and 94 Wingo Street
Acreage	0.40 and 0.34 acres
Existing Zoning/Land Use	HX (Historic Mixed Use)
Character Area	7 Town Center
Existing Lot Dimensions	Frontage: 151.73 along Wingo Street, Depth is 210.09
Proposed Building Dimensions	N/A
Topography	High Point: 1050 Low Point: 1032
Elevation	High Point: Southwest Low Point: Northeast
Encumbrances:	The site is located in the National Historic District

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	R100 / Single Family Residence	60 Buchanan Street	0.90 AC
South	HX / Single Family Residence and Vacant Lot	60 Wingo Street and Parcel 6254 195	0.15 and 0.32 AC
East	R100 / City Park	Parcel ID 6254 163	2.17 AC
West	HX / City Hall	65 Lawrenceville Street	1.29 AC

Attachment: ZBA2025-004 Staff Report (25-7336 : ZBA2025-004 80 and 94 Wingo Street)

Project Description:

The applicant seeks three (3) variances from the Unified Development Ordinance (UDO) as listed below under Requested Variances for the construction of a temporary gravel paved parking lot at 80 and 94 Wingo Street. The Downtown Development Authority is proposing to construct a temporary parking lot with ten (10) parking spaces to provide parking for prospective tenants, occupants, and construction vehicles until such time that the proposed City parking lot expansion project is completed and a permanent parking arrangement is negotiated with the City. The temporary parking lot will be unstriped with wheel stops to designate spaces, covered with a gravel surface and will not include any perimeter or interior landscaping to reduce construction and future demolition costs. The gravel lot is anticipated to be in place for 24-36 months until it is converted to a concrete paved permanent parking lot by the City of Norcross. The applicant has not provided a fully dimensioned site plan, but manual calculations estimate the gravel area to be approximately 4,000 square feet.

Existing Conditions:

The properties are currently both developed as single-family residences. The proposed temporary parking lot will be located across the rear yards of the properties, with one ADA compliant space constructed at the front of 80 Wingo Street.

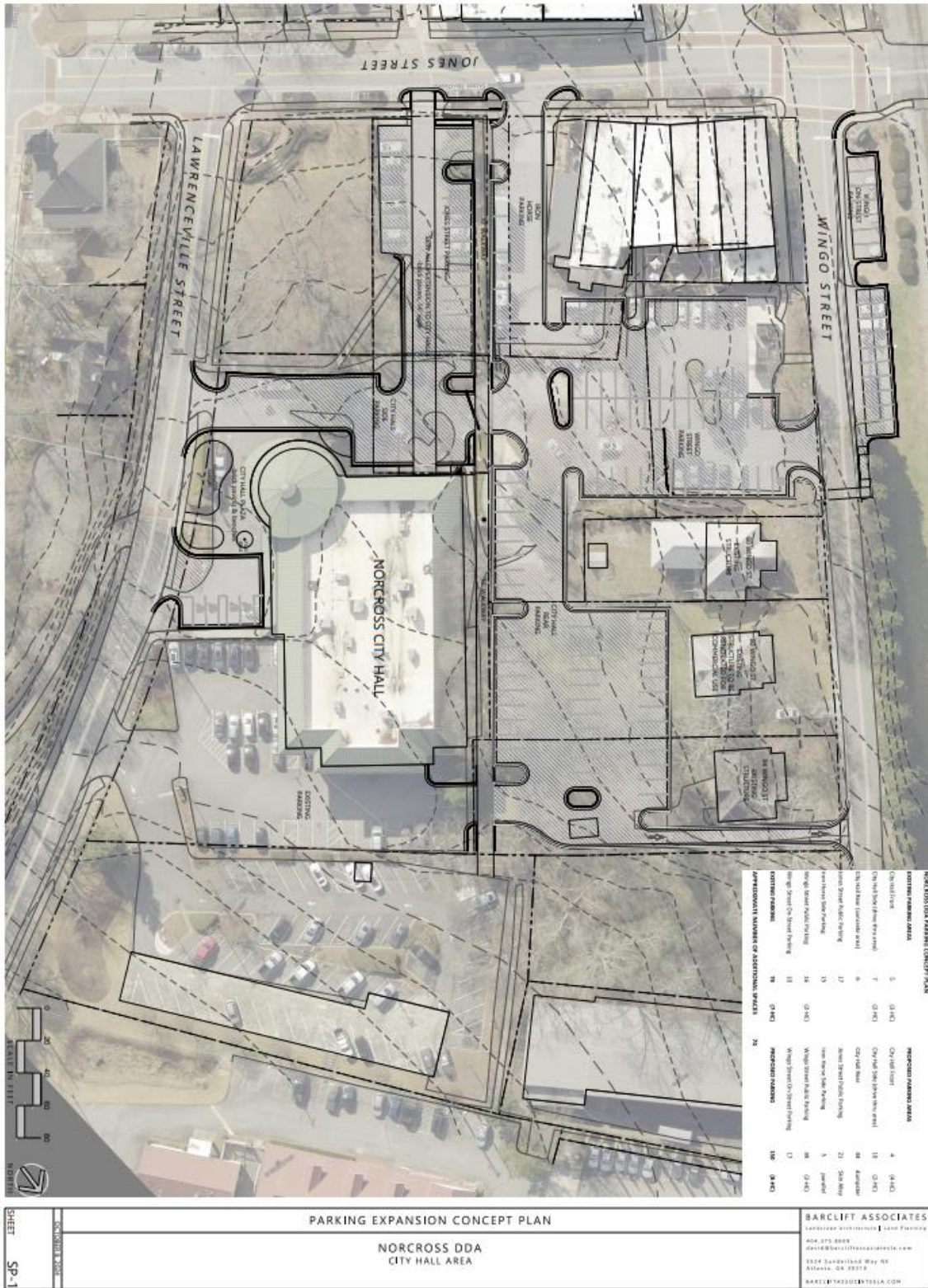
Zoning Analysis:

The Unified Development Ordinance (UDO) was adopted in 2019. The applicant is requesting relief from Chapter 200-Land Use and Zoning, Article 3-Parking and Loading, Section 203-4 Plan and Design Standards.

Requested Variances

1. Chapter 200, Article 3, Section 203-4 (3.a): Waive the requirement that each space shall be clearly identified by surface markings at all times in a highly visible condition;
2. Chapter 200, Article 3, Section 203-4 (5.a.1): Waive the requirement that in commercial and multifamily districts, any off-street parking area for five or more vehicles shall be paved with asphalt or concrete material; and
3. Chapter 200, Article 3, Section 203-4 (6): Waive the parking lot landscaping, including any required interior islands, perimeter landscaping and median islands shall be designed and installed as identified in chapter 200, article V, buffers, landscaping and tree conservation.

Preliminary Draft Future Parking Plan Concept (in process):



Attachment: ZBA2025-004 Staff Report (25-7336 : ZBA2025-004 80 and 94 Wingo Street)

Variance Criteria:

Please see below for the staff interpretation of the variance criteria. The applicant has also prepared responses to the variance criteria from their perspective that can be viewed in his application.

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

There are no extraordinary and exceptional conditions pertaining to the particular property in question due to size, shape or topography, with the exception that the only available nearby parking for these two properties currently includes curb adjacent spaces along Wingo Street and a parking pad on the west side of the 94 Wingo Street property. The existing gravel driveway on the west side of 94 Wingo provides a few onsite spaces. During the interior reconstruction and exterior improvement phase, this may be particularly difficult for contractors and construction crews to find parking within a suitable distance to have access to materials and equipment, potentially also having to park in the spaces on Wingo Street adjacent to the railroad tracks which are for the public.

Planning staff and the City Arborist are recommending, for this variance analysis, submitting a tree removal plan to ensure tree preservation where appropriate. This has been requested of the applicant, and although a Tree Removal and Replacement Plan is a required component of the land disturbance application which is the next permitting step, it is important at this point to determine if there are any specific conditions that would need to be reflected in the future building plans and subsequently implemented as a result of the variances being granted. A tree removal plan is important in this variance request for ensuring the coordination of the future City parking lot expansion concept, which includes these two lots. The preliminary draft concepts for the permanent City parking lot expansion do not indicate removal of trees along the west side of the 94 Wingo Street property. However, the trees along the existing gravel drive appear to have already been disturbed, with only a small strip of land between the property line and the adjacent neighbor. It is not clear at this stage if the applicant proposes removal of whatever trees and vegetation remains along the driveway.

The City of Norcross has been recognized as a Tree City for over 15 years, and a code compliant plan is recommended to both minimize environmental impact to the adjacent residentially inhabited properties, as well as to the community at large. Managing the existing population of “significant” classified trees is one of the primary objectives of the Tree City Designation. The proposed temporary parking lot depicts use of an existing gravel driveway for access to the temporary lots at the rear of the properties. It is unclear if this entails removing the remaining existing

vegetation, or if there are any designated specimen trees that will be impacted which the preliminary draft concepts for the future City parking expansion plan do not remove. Thus, until a tree removal plan is submitted for review, as requested, staff would recommend that the case be tabled until the next ZBA meeting for consideration of potential impacts to the site and surrounding properties resulting from approval of the requested variances to the code.

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

Application of the standards in the UDO for: paved parking surfaces of parking lots with 5 or more spaces; striped space designation; and construction of landscaped planting strips, tree bays, pedestrian walkways, and curb and gutters in the parking lot could realistically be completed for this temporary parking lot. However, implementation of the UDO standards would entail installation of surface flow drainage systems, significant earth movement, hardscaped landscape plantings, and construction of a permanent access driveway and striped parking surfaces; all of which would have to be demolished and removed from the site to accommodate the future City parking lot layout. The requests for the three variances to the code standards for a temporary parking lot would relieve the necessity for installation of permanent systems which would subsequently be demolished within approximately three (3) years. However, while staff understands the importance of providing cost effective temporary parking during the internal renovation phase of the structures, and for the future tenants and occupants which is envisioned to bring additional business to the City at 80 and 94 Wingo Street; while simultaneously reducing the overall cost of the project, it is important to note that financial hardships alone typically do not qualify for a zoning variance.

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

While there are no conditions which would preclude the construction of an interim parking lot meeting the standards of the UDO, the property was constructed decades ago as a residential home. The recent rezoning to HX now permits commercial uses. Years of the structures being used as non-permitted internally subdivided residential apartments (which likely did not meet construction code requirements at the time), along with minimal maintenance, has resulted in much disrepair. This requires a significant amount of internal renovation to bring the structure up to applicable codes to accommodate commercial uses. The siting of the structures on the property do not accommodate parking in front of the buildings with the exception of the gravel drive along the west side of 94 Wingo Street. In order to adaptively reuse these structures for retail and office uses, parking will have to be provided per the UDO, at 1 space per 400 square feet, and the rear

yard is the only available space besides Wingo Street to provide parking. It is unclear whether the basements of these structures will be renovated to provide retail and office space. Assuming that the basements will be included as usable space, parking might be required for up to 5,000 square feet, which equates to 13 spaces. Should the basements not be used, 8 spaces would be required. The determination as to how and where the applicant will provide parking during construction of the City lot expansion, and how to meet the permanent parking allocation, is a matter that planning staff considers integral to the consideration of these variances and recommends that the application be tabled until the next ZBA meeting while the applicant and City coordinate on the future scenarios.

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

Such conditions are not the result of any actions of the current property owner.

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, may cause some detriment to the public good. Although the HX zone permits the majority of a lot to be developed, the construction of the temporary lot may create impacts to the adjacent residential properties with the removal of trees which would serve as a buffer between commercial uses and existing residential occupants. The preservation of trees supporting the City's Tree City designation also would be compromised with the removal of specimen trees that might be preserved onsite as part of the future permanent City parking lot plan.

Further, without a drainage system in place other than surface flow, the interim lot may create additional sheet flow from the installation of a large new gravel impervious surface. This can intensify the drainage issues along the rear of the City Hall building currently experienced from surface flow off the two lots onto the sidewalk and into the Public Safety parking lot. Without the dimensioned site plan providing the square footage of the proposed parking lot, planning cannot determine if parking lot access standards are met, or if the proposed disturbance area exceeds what would be necessary for 10 parking spaces, and therefore modifications to the proposed interim plan to reconfigure it closer to the grassy areas behind the structures would be conditioned to reduce the area of disturbance.

Recommendation:

Staff recommends tabling the applicant's three variance requests until:

1. The applicant and the City have met and coordinated on the integration of the interim use of the rear yards for a temporary parking lot with the future plans and ownership transactions between the City and the DDA for the permanent City parking expansion onto these lots;
2. The provision of a tree removal plan; and
3. The provision of a dimensioned site plan.



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

PROPERTY OWNER INFORMATION

Owner's Name: Downtown Development Authority of the City of Norcross
Owner's Address: 65 Lawrenceville Street; Norcross GA 30071
Phone: 770-856-3211 Email: jamesaeyre@gmail.com

APPLICANT INFORMATION

Contact Name: Jim Eyre; Chairman
Company Name: Downtown Development Authority of the City of Norcross
Phone: 770-856-3211 Email: jamesaeyre@gmail.com

PROPERTY INFORMATION FOR REQUESTED VARIANCE

Tax Parcel Number: 6254 192 & 6254 193 Size in Acres: 0.72 Number of existing structures: 2
Current Zoning: HX Project Name: Wingo Street Parking
Address: 80 & 94 Wingo Street; Norcross GA 30071

DESCRIPTION OF REQUESTED VARIANCE

Request a variance to provide a temporary gravel paved parking lot to be constructed by the DDA.
The temporary gravel paved lot will be replaced in 24-30 months by an asphalt or concrete paved parking lot to be constructed by the City of Norcross.

ACTION REQUESTED FROM THE BOARD OF APPEALS

The Downtown Development Authority of the City of Norcross requests the Board of Appeals grant a variance from Section 203-4.(5).a.1 of the Norcross Zoning Code to allow the construction by the DDA of a temporary parking lot with gravel paving in lieu of asphalt or concrete required by above noted Section of the Zoning Code. This request also includes the grant of a variance from Sections 203-4.(3).a and 203-4.(6) to eliminate striping and landscape at the temporary lot.

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: Subject Property was before the DDA and Council in late 2024 to approve acquisition.
DDA on 10/30/24 as Item C.a.(1). Council on 11/5/24 as Item 24-7157.

APPLICANT'S SIGNATURE

Jim Eyre

Digitally signed by Jim Eyre
Date: 2025.04.07 20:59:40 -04'00'

4/7/25

Signature

Date

Jim Eyre

Digitally signed by Jim Eyre
Date: 2025.04.07 21:00:11 -04'00'

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: ZBA2025-004 Variance Application (25-7336 : ZBA2025-004 80 and 94 Wingo Street)

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq. Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Jim Eyre Digitally signed by Jim Eyre Date: 2025.04.07 21:01:07 -04'00' Jim Eyre; Downtown Development Authority of the City of Norcross

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Jim Eyre Digitally signed by Jim Eyre Date: 2025.04.07 21:01:28 -04'00' Jim Eyre; Downtown Development Authority of the City of Norcross

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

DISCLOSURE OF CAMPAIGN CONTRIBUTION

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Norcross Mayor/Council Member or a Member of the Planning and Zoning Board

NO (YES or NO)

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250.00 OR MORE)	DATE CONTRIBUTION WAS MADE (WITHIN THE LAST TWO YEARS)

Attach additional sheets if necessary to disclose or describe all contributions

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.

The property will be graded as part of a paved parking lot to be developed by the City on the subject property. The grading and construction of the future City parking lot will alter the size, shape and topography of the subject property and remove the existing temporary parking lot on the property.

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

The application of the UDO would create considerable financial hardship for the DDA as any paving, curb, landscape improvements will be removed when the future City parking lot is built on the property per the attached plan.

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

The conditions are peculiar in that the City has no plans to build a future parking lot on other properties in the downtown area. There is no other property in the area that will experience this future construction.

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

The conditions are a result of the City providing additional parking to support a vibrant and growing downtown business district. Any temporary DDA parking will be removed when the City lot is built.

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 will support public good by allowing the construction of the future City parking lot. The purpose and intent of the UDO will not be impaired by the requested relief as the proposed gravel parking is temporary and will be replaced by permanent paved parking in due time.

Attachment: ZBA2025-004 Variance Application (25-7336 : ZBA2025-004 80 and 94 Wingo Street)



Ownership Affidavit & Designation of Agent

I. Ownership.

I, Jim Eyre as Chairman of Downtown Development Authority of the City of Norcross, hereby attest to ownership of the property described below:

Parcel I.D. Number(s) 6254-192 & 6254-193

Location address: 80 & 94 Wingo Street

for which this Application is submitted.

The ownership, as recorded on the deed, is in the name of: The Downtown Development Authority of the City of Norcross

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:

Secretary of State Registration Number: N/A

Name/Address of Registered Agent: Jim Eyre, Chairman
Downtown Development Authority of the City of Norcross
65 Lawrenceville Street, Norcross GA 30071

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: N/A

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.)
N/A

City of Norcross, 65 Lawrenceville Street, Norcross, GA 30071 Community Development Department, 678-421-2027

Attachment: ZBA2025-004 Variance Application (25-7336 : ZBA2025-004 80 and 94 Wingo Street)

IV. Acknowledgement.

• Individual

Signature _____
 Print Name: _____
 Address: _____
 Phone #: _____

• Corporation/LLC

Print Corporation/LLC Name _____
 By: _____
 Signature _____
 Print Name: _____
 Its: _____
 Address: _____
 Phone #: _____

• Partnership

Print Partnership Name _____
 By: _____
 Signature _____
 Print Name: _____
 Its: _____
 Address: _____
 Phone #: _____

• Government Entity

Downtown Development Authority of the City of Norcross
 Print Government Name _____
 By: _____
 Signature _____
 Print Name: Jim Eyre
 Title: Chairman
 Department: Downtown Development Authority of the City of Norcross

NOTARY INFORMATION (Please use appropriate block.)

STATE OF GEORGIA
 COUNTY OF _____

• Individual

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.

• Government Entity

Before me, this 8th day of April, 20 24, personally appeared Jim Eyre as Chairman and on behalf of Downtown Development Authority of the City of Norcross, who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

• Corporation/LLC

Before me, this _____ day of _____, 20____, personally appeared _____ of _____ a _____ 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.

• Partnership

Before me, this _____ day of _____, 20____, Of _____, 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.

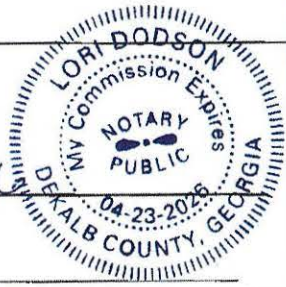
Lori Dodson
 Signature of Notary

Lori Dodson
 Print Notary Name

NOTARY STAMP:

My commission expires: 04/23/2026

Identification Method: Personally known.
 Produced I.D. - Type: _____



Attachment: ZBA2025-004 Variance Application (25-7336 : ZBA2025-004 80 and 94 Wingo Street)



City of Norcross

Legislation Details (With Details)

65 Lawrenceville Street
Norcross, GA 30071

770-448-2122

770-242-0824

File#: 25-7337

Version:

Type: Agenda Item

Status: Agenda Ready

File Created: 5/20/2025

In Control: Zoning Board of Appeals

On Agenda: 5/22/2025 6:30 PM

Status: Scheduled

Title: ZBA2025-005 307 Academy Street

Sponsors:

Code Sections:

Attachments:

1. [ZBA2025-005 Staff Report](#)
2. [ZBA2025-004 Variance Application](#)

Title
ZBA2025-005 307 Academy Street

Drafter
LeDarius Scott



Meeting Date: May 22, 2025 at 6:30pm Petition Number: ZBA2025-005

Property Location: 307 Academy Street

Tax Parcel ID: 6255 062

Petitioner: Robert Forro

Petitioner's Request: Request a variance Chapter 200-Land Use and Zoning, Article 1-Zoning Districts and Use Provisions, Division 2-Single Family Residential Districts, Section 201-7 (b) R75 lot development standards requesting relief from the minimum setbacks required.

Vicinity Map:



Attachment: ZBA2025-005 Staff Report (25-7337 : ZBA2025-005 307 Academy Street)

PROPERTY INFORMATION	
Property Location	307 Academy Street
Acreage	0.27 acres
Existing Zoning/Land Use	R75 (Single Family Residence)
Character Area	7 Town Center
Existing Lot Dimensions	Frontage: 87.50 ft on Academy Street, Depth is 148 ft
Proposed Building Dimensions	Approximately 400 square feet
Topography	High Point: 1054 Low Point: 1050
Elevation	High Point: Northeast Low Point: Southwest
Encumbrances:	The site is located in the National Historic District

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	R75 / Single Family Residence	416 Webb Drive	0.28 AC
South	R75 / Single Family Residences	300 Academy Street	0.57 AC
East	R75 / Single Family Residences	331 Academy Street	0.39 AC
West	R75 / Single Family Residences	293 Academy Street	0.20 AC

Attachment: ZBA2025-005 Staff Report (25-7337 : ZBA2025-005 307 Academy Street)

Project Description:

The applicant seeks a variance for an encroachment of the side and rear yard setbacks for a two (2) car garage addition attached with a breezeway to the existing residence on the right side of the home, as outlined in Chapter 200, Article I, section 201-7 (b), R75 lot development standards. This code section requires a 10-foot side setback on one side, and a total of 25 feet. This code section also requires a minimum 40-foot rear building setback. The proposed side yard setback is 3' 6" and the proposed rear yard setback is 15 feet. The project's architecture went before the Architectural Review Board at their meeting on 5/20/2025.

Existing Conditions:

The property is currently developed as a single-family residence. The applicant plans to demolish the existing garage and construct a new approximately 400-square-foot garage, extend the driveway, and add a bedroom and kitchen to the existing home.

Zoning Analysis:

The Unified Development Ordinance (UDO) was adopted in 2019 and Chapter 200, Article I, section 201-7 (b), outlines R75 development standards and more specifically the minimum side and rear yard setback requirement.

Requested Variances

1. Reduce the rear setback from required 40 feet to 15 feet (for a proposed approximately one (1) story 400 square-foot garage); and
2. Reduce the side setback from required 10 feet to 3 feet (for a proposed one (1) story approximately 400 square-foot garage).

Variance Criteria:

Please see below for the staff interpretation of the variance criteria. The applicant has also prepared answers to the variance criteria that can be viewed in his application.

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

The lot does pose some challenges to the siting of the proposed addition, breezeway and garage, resulting in the request for relief from setback standards. The siting of the proposed garage addition is constrained by the layout of the existing home on the east side of the lot; the driveway along the eastern edge of the property; and the siting of the existing carport/garage structure, which is slated for demolition. The new garage is intended to be constructed on the same pad area where the existing carport/garage structure is located. As the original carport structure was constructed to standards required for a detached accessory building, which is 5 feet from the property line, the pad area for the proposed garage is already encroaching 5-feet into the required setback envelope for an attached structure at the east side and is 10-feet from the property line at the rear of the site. The proposed garage is structurally larger than the previous carport pad to accommodate the ingress/egress of two cars safely, and the ability to open the car doors within the garage without hitting the walls; therefore requiring an additional 1'- 6" into the required side setback, thereby requiring a full variance approval. Also, locating the garage further toward the center of the property would entail removal of a large existing tree, which the applicant and City staff would prefer to remain on site.

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

Setbacks are intended to provide adequate space between buildings and property lines. The original carport was built according to the setback standards for a detached accessory building (5-feet from the property lines) and the footprint will be used for positioning of the proposed new garage. While there is a concern of the proximity of the proposed garage to the property line, the residential building code will require a fire rated assembly on the garage to mitigate that concern. As well, the previous parking structure was located within 5 feet of the property line, therefore not introducing a new structure on the site at that location. In addition, there is an existing fence between the subject property and adjoining property which appears to be at least 6-feet in height, which will provide a measure of screening. In the case of the proposed improvements (expansion to the residence, addition of covered access to the parking with a breezeway, and replacement of

the carport with a full garage structure on an existing impervious area), the strict application of the side and rear setbacks as defined by the UDO would preclude the siting of the proposed property improvements. Without the relief of the side setback, the ability to access the vehicles from inside the garage may be restricted, and potentially could require reducing the size of the garage from a 2-car to a 1-car design.

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

Such conditions are peculiar to the particular piece of property involved. According to the proposed site plan, the width of the garage is 20' 1". The proposed width will allow for accommodation of two (2) cars and a standard-sized garage door. According to the applicant, the variance will allow the car parked on the right side of the garage to be able to open the passenger side door, whereas without the variance the width of the garage would have to be reduced, potentially requiring a non-standard size garage door to be required, and limiting how far the doors to the vehicles can be opened for access when in the garage. Having to load and unload passengers once outside of the garage creates a hardship that other property owners in the neighborhood are not subject to experience.

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

Such conditions are not the result of any actions of the property owner. According to the Gwinnett County Tax Assessor, the existing home and original carport/garage were both built in 1928, and likely were not subject to any setback requirements at the time of construction, making them pre-existing nonconforming structures and use of the land. The applicant is looking to replace the existing garage with a new garage in approximately the same location to maximize the use of the existing driveway alignment and minimize the addition of impervious surfaces on the lot.

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.

Recommendation:

Staff recommend **approval** of the applicant's request subject to the following conditions:

1. Fire rated assembly required for garage addition.



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

PROPERTY OWNER INFORMATION

Owner's Name: Barbara Morgan
Owner's Address: 307 Academy Street Norcross
Phone: 770-265-8400 Email: bmorgan@firstam.com

APPLICANT INFORMATION

Contact Name: Robert Forro
Company Name: 4.0 Construction LLC
Phone: 678-300-5440 Email: robert@40mainstreet.com

PROPERTY INFORMATION FOR REQUESTED VARIANCE

Tax Parcel Number: 6255-062 Size in Acres: .29 Number of existing structures: 2
Current Zoning: R-75 Project Name: Barbara Variance Request
Address: 307 Academy Street Norcross Georgia

DESCRIPTION OF REQUESTED VARIANCE

see attached letter

ACTION REQUESTED FROM THE BOARD OF APPEALS

see attached letter

Attachment: ZBA2025-004 Variance Application (25-7337 : ZBA2025-005 307 Academy Street)


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: _____

DocuSigned by:

725158F0D0F3428...

APPLICANT'S SIGNATURE

4/16/2025 | 16:00 EDT

Signature

Date

CITY USE ONLY BELOW THIS LINE

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

Fee Paid: \$ _____ Meeting Date: _____

DEADLINE AND HEARING SCHEDULE

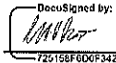
See calendar on the Community Development website for pre-application conference deadlines, application submission deadlines and scheduled meeting dates.

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

Attachment: ZBA2025-004 Variance Application (25-7337 : ZBA2025-005 307 Academy Street)

CONFLICT OF INTEREST CERTIFICATION FOR REZONINGS

The undersigned below, making application for rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et seq. Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

DocuSigned by:  4/16/2025 | 16:00 EDT Robert Forro
725158F600F3428

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

DISCLOSURE OF CAMPAIGN CONTRIBUTION

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a City of Norcross Mayor/Council Member or a Member of the Planning and Zoning Board

_____ (YES or NO)

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (LIST ALL WHICH AGGREGATE TO \$250.00 OR MORE)	DATE CONTRIBUTION WAS MADE (WITHIN THE LAST TWO YEARS)

Attach additional sheets if necessary to disclose or describe all contributions

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

Attachment: ZBA2025-004 Variance Application (25-7337 : ZBA2025-005 307 Academy Street)