

City of Norcross

65 Lawrenceville Street
Norcross, GA 30071



Meeting Agenda

Thursday, August 28, 2025
6:30 PM

2nd Floor Community Room
Zoning Board of Appeals

Michael Walsh, Chair

Bob Evely

Taylor Walker

DaVida Cole

Naim Harrison

- I. **Call to Order**
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES
- II. **Presentation of previous meeting minutes for acceptance.**
[Zoning Board of Appeals - July 24, 2025 6:30 PM](#)
- III. **Old Business**
- IV. **New Business**
 1. [25-7425](#) **ZBA2025-010 296 Sunset Drive**

Applicant seeking relief from the maximum height allowed for an accessory dwelling unit.

[ZBA2025-010 Final Staff Report](#)

[ZBA2025-010 Application](#)

[ZBA2025-010 Opposition Correspondence from Mr. Don Purvis](#)

[ZBA2025-010 Opposition Correspondence from Stacey and John Galloway](#)

[ZBA2025-010 Opposition Correspondence from Lisa Carr](#)

[ZBA2025 010 Opposition Correspondence from Mr. Don Purvis \(#2\)](#)
- 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, July 24, 2025
6:30 PM

2nd Floor Conference Room
Zoning Board of Appeals

Michael Walsh, Chair

Bob Evely

Taylor Walker

DaVida Cole

Naim Harrison

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

I. Call to Order

Attendee Name	Title	Status	Arrived
Michael Walsh	Chair	Absent	
Bob Evely	Vice Chair	Present	
Taylor Walker	Board Member	Present	
DaVida Cole	Boardmember	Present	
Naim Harrison	Board Member	Present	

Zoning Board of Appeals was called to order at 6:35 PM by Bob Evely

II. Presentation of previous meeting minutes for acceptance.

Zoning Board of Appeals - Zoning Board of Appeals - Jun 26, 2025, 6:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Naim Harrison, Board Member
SECONDER:	Taylor Walker, Board Member
AYES:	Bob Evely, Taylor Walker, DaVida Cole, Naim Harrison
ABSENT:	Michael Walsh

III. Old Business

IV. New Business

1. 25-7402: ZBA2025-006 189 Hunt Street and 248 Beutell Street

Request a variance to Chapter 400-Land Development, Article 1-Land Development Standards, Division 1-In General, Section 401-2(4) Amendment to Section 810.10 General Requirements requiring all drainage in the right of way or proposed right-of-way to be piped with reinforced concrete pipe to allow a design alternative to meet the performance standards through the use of HDPE pipe with stone.

The Assistant City Manager, Tracy Rye, presented the facts and findings of the requested variance and staff's recommendation of approval subject to the following conditions:

1. Product is installed to design specifications of the manufacturer and according to the GDOT standard details; and
2. Installation will be inspected by a 3rd party construction material testing firm.

The applicant, David Tracht, spoke about the request for HDPE pipe for the stormwater drainage system and reiterating that the HOA will be responsible for maintenance.

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

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

2. **25-7403: ZBA2025-007 633 Sunset Drive**

Chapter 200-Land Use and Zoning, Article 1-Zoning Districts and Use Provisions, Division 2-Single Family Residential Districts, Section 201-6 (b) R100 development standards requesting relief from the maximum height allowed for an accessory dwelling unit.

The Planning Director, Deborah Rogoff-Ezra, presented the facts and findings of the requested variance and staff's recommendation of approval.

Opposition to the proposed variance request presented their concerns.

RESULT:	APPROVED [3 TO 1]
MOVER:	Bob Evely, Vice Chair
SECONDER:	DaVida Cole, Boardmember
AYES:	Bob Evely, DaVida Cole, Naim Harrison
NAYS:	Taylor Walker
ABSENT:	Michael Walsh

3.

25-7404: ZBA2025-008 444 West Peachtree Street

Chapter 200-Land Use and Zoning, Article 1-Zoning Districts and Use Provisions, Division 5-Industrial Districts, (b) M1 lot development standards requesting relief from the maximum height limitation for a principal structure.

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

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

VI. **Adjourn**

Board member Taylor Walker motioned to adjourn the meeting at 8:05 PM, seconded by Naim Harrison. The vote was unanimous. 4-0.

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



Meeting Date: August 28, 2025 at 6:30pm Petition Number: ZBA2025-010

Property Location: 296 Sunset Drive

Tax Parcel ID: 6254 131A

Petitioner: Stephen Murray

Petitioner's Request: Chapter 200-Land Use and Zoning, Article 1-Zoning Districts and Use Provisions, Division 2-Single Family Residential Districts, Section 201-6 (b) R100 development standards requesting relief from the maximum height allowed for an accessory dwelling unit.

Vicinity Map:



Attachment: ZBA2025-010_Final Staff Report (25-7425 : Zba2025-010 296 Sunset Drive)

PROPERTY INFORMATION	
Property Location	296 Sunset Drive
Acreage	1.47 acres
Existing Zoning/Land Use	R100 (Single Family Residence)
Character Area	4-North Peachtree Street Neighborhoods
Existing Lot Dimensions	Frontage:100.39, Depth along the eastern property line: 356.47 feet, Depth along the western property line: Approximately 835 feet
Proposed Building Dimensions	See Exhibit B for Building Data
Topography	High Point: 1062 Low Point: 1038
Elevation	High Point: Southeast side Low Point: Northwest side
Encumbrances:	N/A

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 Residences	231 Sunset Hills Drive, 321 Freeman Circle, 331 Freeman Circle	0.37 AC, 0.35 AC, 0.41 AC
South	R100 / Single Family Residences	295 Sunset Drive, 267 Sunset Drive	0.99 AC, 0.78 AC
East	R100 / Single Family Residences	278 Sunset Drive, 221 Sunset Hills Drive, 231 Sunset Hills Drive	0.34 AC, 0.40 AC, 0.37 AC
West	R100 / Single Family Residences	300 Sunset Drive, 340 Sunset Drive	0.46 AC, 3.1 AC

Attachment: ZBA2025-010_Final Staff Report (25-7425 : Zba2025-010 296 Sunset Drive)

Project Description:

The applicant seeks a variance to exceed the height standard allowed for an accessory structure as outlined in Chapter 200, Article I, section 201-6 (b), R100 lot development standards to construct a two-story garage inclusive of a second-floor accessory dwelling unit, and a covered porch attached to the structure. The main floor consists of 766.22 square feet of garage parking, with 202.89 square feet of conditioned space for a pool shower and internal staircase, for a total of 969 square feet. Dimensions of the main floor are 38 feet 2 inches in length and 24 feet 8 inches in width. The second story includes 596.6 square feet of conditioned space, approximately 372 square feet smaller than the building footprint. A 424.7 square foot covered porch is attached to the pool side of the proposed structure to allow for sheltered outdoor poolside seating and eating space. The covered porch is the same length as the garage, with a 14-foot six-inch width.

The garage/ADU portion of the structure has a 12/12 rough roof pitch to match the roof on the primary dwelling which naturally increases the height of the roof with the highest peak of the 12/12 slope roof at 27 feet, not exceeding but matching the height of the main structure. Several homes in the surrounding area also have 12/12 roof pitches. The average height of the accessory structure is 20 feet, as depicted on the roof height exhibit in this review. The second floor is tucked into what would be open attic space created to achieve the 12/12 roof pitch.

The site plan shows a side setback of 10 feet, and over 50 feet from the rear property line, well exceeding the five (5') foot setback requirements, with landscaping adjacent to the eastern property line. It is important to note that the proposed garage/ ADU meets all other R100 building setbacks and accessory structure standards as shown in Exhibit A and B in this analysis.

The proposed garage/ADU originally was included as Phase 2 in the application for renovations to the primary structure. It was approved by the ARB virtually on November 11, 2022. The project's exterior architecture was re-evaluated before the Architectural Review Board at their May 20, 2025 meeting and was approved with conditions.

Existing Conditions:

The property is currently developed as a two-story single-family residence, originally built in 1945. The applicant received a permit for a renovation and conversion of a carport to enclosed living space in 2022. According to the Gwinnett County Tax Assessor, the gross square footage of the home in its current configuration is 5,371-square feet. There is a row of Leland Cypress trees along the east property line, which at one time provided a partial privacy buffer of views from higher elevated properties along Sunset Hills Drive and the directly adjoining neighbor to the east into the applicant's backyard. The cypress trees have over the years grown to a significant height, although approximately the lower 20 feet have lost their limbs so privacy is no longer effected. Views from surrounding properties of the tree canopy in the distance have been, and remain available throughout

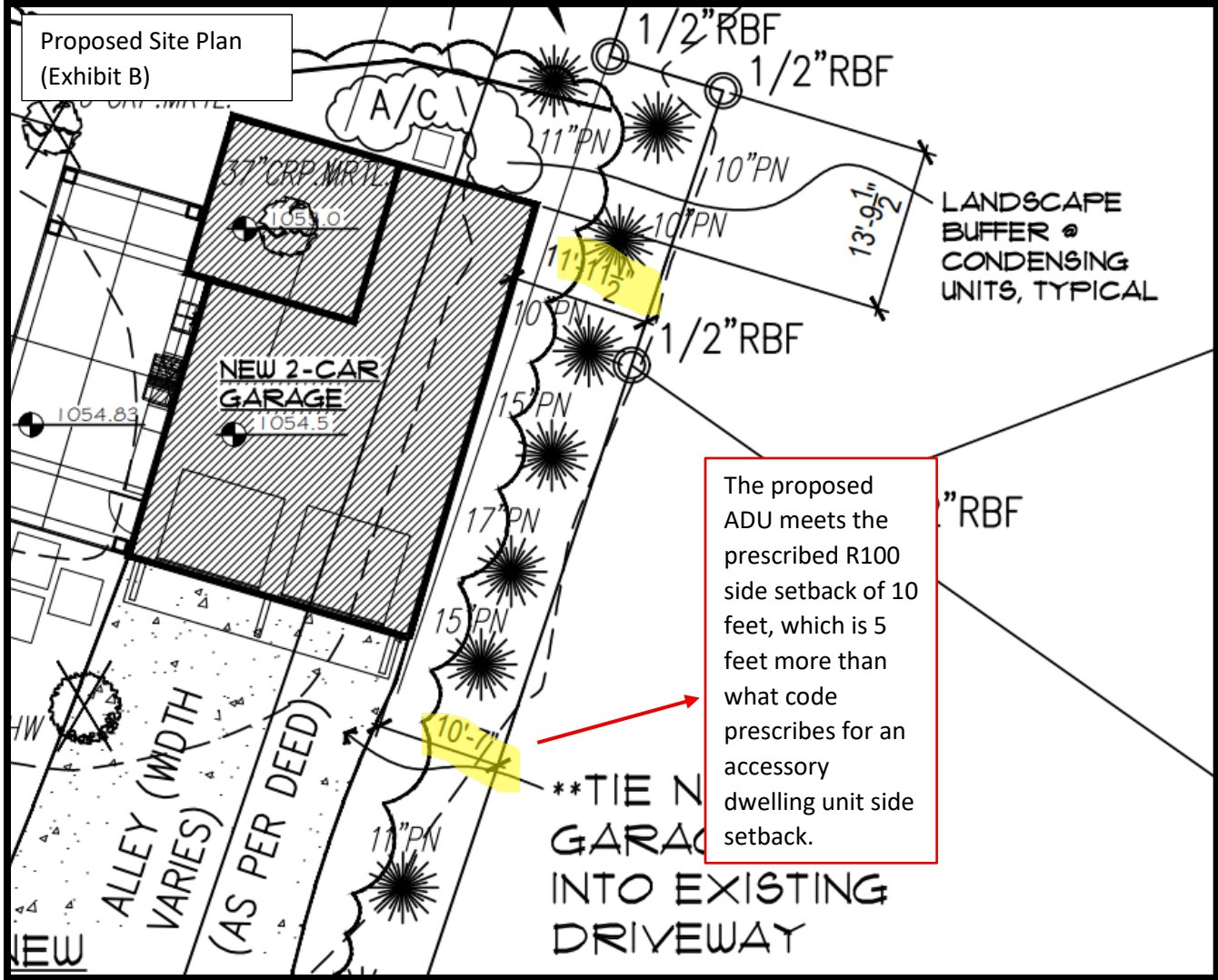
all stages of the tree's lifetime. Surrounding properties are elevated between 6 feet to 14 feet and above the proposed location of the garage/ADU.

Zoning Analysis:

The Unified Development Ordinance (UDO) was adopted in 2019 and Chapter 200, Article I, section 201-6 (b), outlines R100 development standards. Specifically, the maximum height allowed for accessory structures is 12 feet.

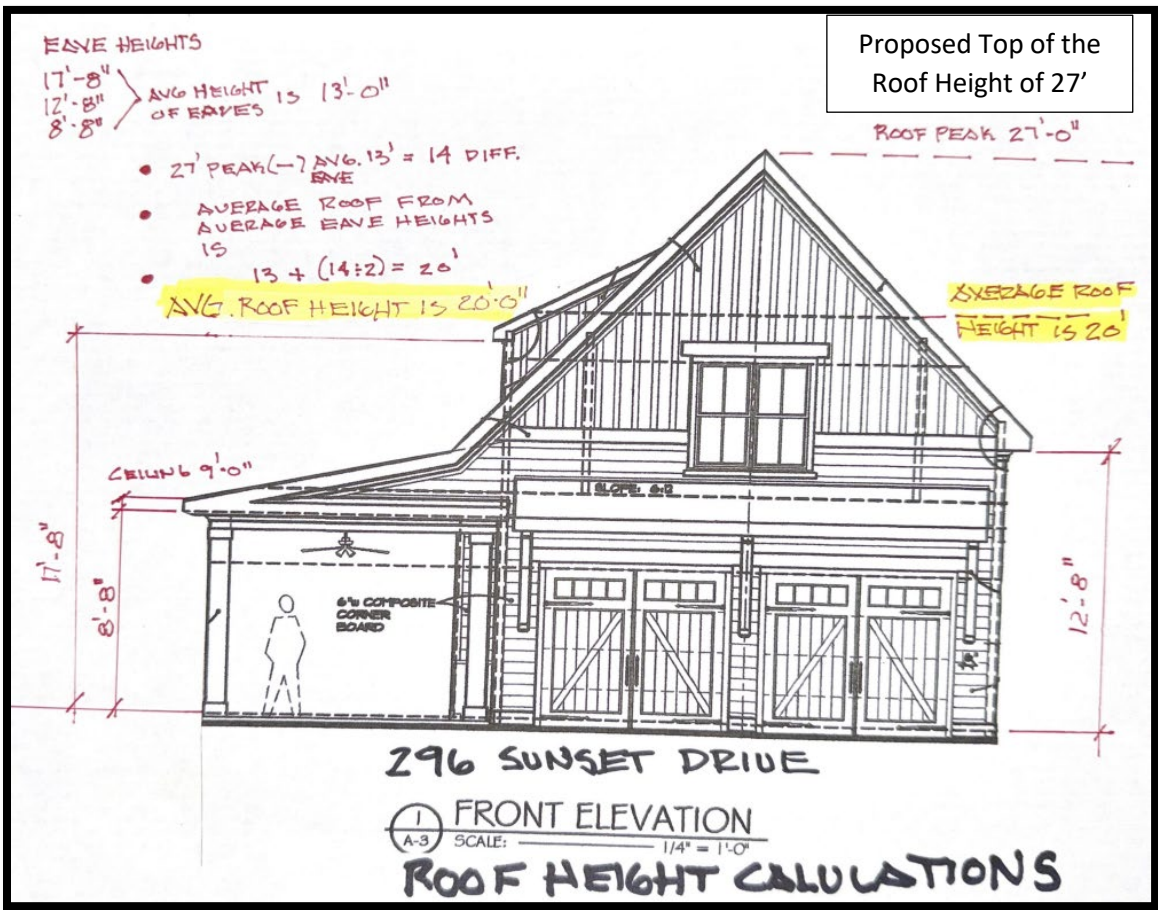
Interpretation of Height and Setbacks for Accessory Dwelling Units

When the Unified Development Ordinance was drafted in 2019, Accessory Dwelling Units were granted their own specific code section that states that ADUs cannot be higher than the main dwelling (Section 202-3b8), and that they shall meet all rear and side yard setback requirements (Section 202-3b7) of the zone in which they are located. Within the lot development standards for each zoning district, Sections 201-6, 7, and 8, accessory structures, including accessory dwelling units are prescribed a five (5') building setback from each property line and a maximum height of 12 feet.

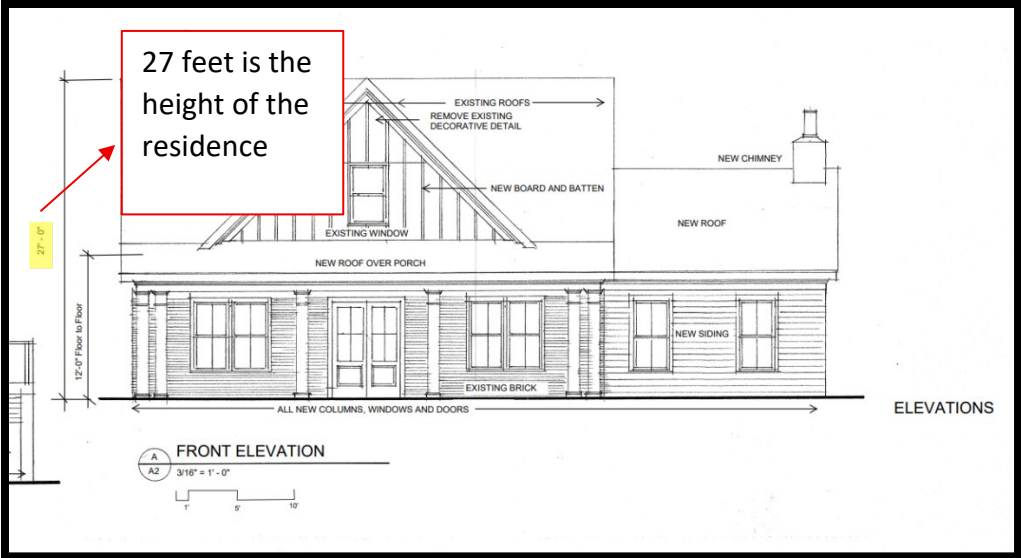


Attachment: ZBA2025-010_Final Staff Report (25-7425 : Zba2025-010 296 Sunset Drive)

BUILDING DATA:		ADU's proposed square footage (Exhibit B)
SQUARE FOOTAGE:		
MAIN LEVEL (heated):	_____	202.89 SQ. FT.
UPPER LEVEL (heated):	_____	596.61 SQ. FT.
TOTAL (heated):	_____	799.50 SQ. FT.
COVERED PORCH:	_____	424.71 SQ. FT.
2 - CAR GARAGE:	_____	766.22 SQ. FT.



Attachment: ZBA2025-010_Final Staff Report (25-7425 : Zba2025-010 296 Sunset Drive)



Attachment: ZBA2025-010_Final Staff Report (25-7425 : Zba2025-010 296 Sunset Drive)



Right
Side/Partial
Backyard View

Requested Variance

Relief from the average 12-foot height allowed for an accessory dwelling unit per Section 201-6(b) to a proposed average height of 20 feet, based on the average height methodology calculation of 22 feet (12-foot maximum height prescribed for an accessory dwelling unit plus the 10 feet that can be approved administratively).

Variance Criteria:

Staff interpretation of the variance criteria follows. 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 proposed accessory dwelling unit is located a 1.47-acre lot that extends approximately 356 feet deep along the eastern property line and features a rear yard behind the existing residence that is approximately 127 feet wide. The location of the proposed garage/ADU utilizes the existing driveway along the east side of the lot for access. Prior to the renovations in 2022, the carport was situated on the current driveway alignment. The proposed garage/ADU structure is set back off the current terminus of the existing driveway to accommodate an extension of the driveway to allow for additional parking and to provide a parking space for when the applicant's mother begins her residence in the ADU unit, anticipated in the next few years following her husband's recent passing.

The applicant has shared that the proposed location of the garage/ADU, in addition to the other rationale already noted, is in part to provide privacy in their pool area from the direct line of sight of four (4) uphill neighbors into their backyard, provide a noise buffer to filter swimming activity associated sound, and position the covered porch with direct pool pad access for a shaded seating and dining area that does not have to be reached by steps. However, construction of a garage/accessory dwelling unit on the property is not directly impeded by steep slopes, unusual lot dimensions or challenging terrain. Overall, there are no particularly unique physical challenges present on the lot pertaining to the particular property in question due to size, shape, or topography where application of the Unified Development Ordinance or repositioning the accessory structure by a few feet to the north or south would create an unnecessary or undue hardship for the applicant. It should be noted however, that the proposed site location is approximately 6 feet to 6.5 feet lower than the adjacent property to the east.

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

The proposed height of the garage/accessory dwelling unit will allow for accommodation of a two-car garage, standard-sized garage door, conditioned space on the main floor for a pool shower and internal staircase, and a standard apartment on the second floor.

The applicant and builder determined that a two-story structure would create less impervious surface coverage and sheet flow drainage runoff that would have to be handled as part of the construction permitting process. Currently, that portion of the site receives downflow from the four properties to the east, often resulting in pooling of water on the applicant's property.

Meeting the average 12-foot height allowed for the accessory structure would not accommodate a second floor, even though the second floor living space is tucked into the eave and roof volume. From an architectural and development perspective, to mimic the roofline and eave style of primary structures, particularly those older units with more historic architecture, an average 15-foot height limit is more appropriate for a single-story accessory structure. Also, to match the primary structure's 12/12 rough pitch roof composition, the structure would reach a height of 27 feet regardless of whether the second floor is built out.

Given the property's 1.47 acres and rear yard widths of approximately 127 feet and 219 feet, while partially constrained by the existing alignment of the driveway on the east side of the lot, there are alternatives to the proposed siting and configuration of the structure. These include:

- Construct two one-story buildings or a single-story structure with a larger impervious surface coverage footprint, at an average height of 12 feet;
- Build an addition to the existing residence with a height to match the existing residence, which may be attached by either a mud room or a conditioned, enclosed breezeway, as long as there is an attachment between two conditioned walls. This option would potentially reduce the length of the existing driveway, and likely would be built to the 10 foot side setback line directly parallel to the neighboring home on the adjoining lot.
- Relocate the proposed position of the garage/ADU either further back on the lot, or closer to the existing residence.

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

Besides selecting the location of the ADU to take advantage of the existing driveway alignment; provide a buffer between the pool and the four properties to the east which are at a higher elevation and have direct view into the property and swimming pool currently under construction; and to integrate stormwater management into the construction process to rectify the current offsite flow into the subject property, such conditions for the siting of the ADU are not considered peculiar to the particular piece of property involved. The shape, size, or topography of the property does not directly create unnecessary hardships.

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. ADUS are a permitted by right use per Section 201-6(f)(2) of the UDO.

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

It is determined that the requested relief, if granted, would not cause substantial detriment to the public good or impair the purpose and intent of the UDO.

Pursuant to the current code Section 202-3(b), the applicant has the right to construct an addition to the existing home, combining an accessory studio apartment and an attached garage, which would be subject to a 35 foot height limitation, surpassing the proposed height of the detached garage structure/ADU, as long as the other standards of the R100 zoning district are not exceeded.

Recommendation:

Based on no identified unnecessary hardships, staff recommends **denial** of the applicant's request.



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

PROPERTY OWNER INFORMATION

Owner's Name: Stephen Murray

Owner's Address: 296 Sunset Drive

Phone: 404-409-8577 Email: Stephen@choosebooster.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: 6254-131A Size in Acres: 1.47 Number of existing structures: 1

Current Zoning: R-100 Project Name: Murray BOA

Address: 296 Sunset Dr

DESCRIPTION OF REQUESTED VARIANCE

Owner is requesting a height variance as per attached drawings.

ACTION REQUESTED FROM THE BOARD OF APPEALS

To approve drawings as depicted. Consistent with other ADU's previously permitted in Norcross.

Attachment: ZBA2025-010 Application (25-7425 : Zba2025-010 296 Sunset Drive)

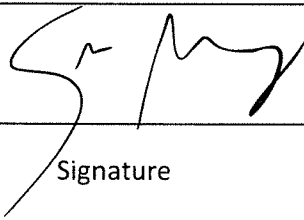
REQUIRED ATTACHMENTS

- 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: ARB Board. COA2025-008

	<p><u>APPLICANT'S SIGNATURE</u></p> <p style="text-align: center;">7/15/2025</p>
Signature	Date

CITY USE ONLY BELOW THIS LINE

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

Fee Paid: \$ _____ Meeting Date: _____

DEADLINE AND HEARING SCHEDULE

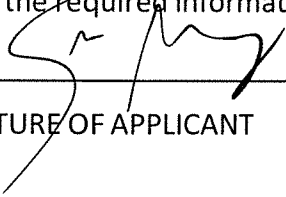
See calendar on the Community Development website for pre-application conference deadlines, application submission deadlines and scheduled meeting dates.

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

Attachment: ZBA2025-010 Application (25-7425 : Zba2025-010 296 Sunset Drive)

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.

	DATE	Stephen Murray
SIGNATURE OF APPLICANT		TYPE OR PRINT NAME AND TITLE

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.

This home currently does not have a garage and this is only location closest to driveway that can accomdate it. Addionally, a mother in law suite is needed and is incorporated within the roof system of the garage

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

Yes due to the height restriction.

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

Yes due to existing elevation of driveway that will accommodate garage.

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

no

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. This application is consistent with every other ADU that has been built to date in the city of Norcross relative to height variances allowed, including one approved last month on the same street.



Ownership Affidavit & Designation of Agent

I. Ownership.

I, Stephen Murray, hereby attest to ownership of the property described below:

Parcel I.D. Number(s) _____

Location address: _____

_____ for which this Application is submitted.

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

Stephen Murray

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

Provide Names of Officers/Members: _____

Provide Names of General Partners: _____

Government Entity

Secretary of State Registration Number: _____

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.)

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

IV. Acknowledgement.

• Individual

Signature: [Handwritten Signature]
Print Name: Stephen Murray
Address: 296 Sunset Dr Norcross, GA
Phone #: 404-403-8577

• 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

Print Government Name
By: [Signature]
Print Name:
Title:
Department:

NOTARY INFORMATION (Please use appropriate block.)

STATE OF GEORGIA
COUNTY OF Fulton

• Individual

Before me, this 15th day of July, 2025, personally appeared Stephen Murray who executed the foregoing instrument, and acknowledged before me that same was executed for the purposes therein expressed.

• Government Entity

Before me, this ___ day of ___, 20___, personally appeared ___ and on behalf of ___ 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 ___ (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.

• Partnership

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.



NOTARY STAMP:
My commission expires: 07/14/2026
Identification Method: [X] Personally known.
Produced I.D. Type: ___

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

Attachment: ZBA2025-010 Application (25-7425 : Zba2025-010 296 Sunset Drive)



FW: 278 Sunset Drive Site Visit

From Deborah Rogoff-Ezra <Deborah.Rogoff-Ezra@norcrossga.net>

Date Mon 8/18/2025 6:49 PM

To LeDarius Scott <LeDarius.Scott@norcrossga.net>

📎 1 attachment (2 MB)

IMG_0566.jpg;

Deborah Rogoff-Ezra



Deborah Rogoff-Ezra

Community Development Director

✉ Deborah.Rogoff-Ezra@NorcrossGA.net

📞 Office: (470) 416-0443

📍 65 Lawrenceville St NW, Norcross, GA 30071

🌐 www.NorcrossGA.net

From: Don Purvis <don.purvis1@gmail.com>

Sent: Monday, August 18, 2025 6:05 PM

To: Tracy Rye <Tracy.Rye@norcrossga.net>; Deborah Rogoff-Ezra <Deborah.Rogoff-Ezra@norcrossga.net>;
ladarius.scott@norcrossga.net

Cc: Eric Johnson <Eric.Johnson@norcrossga.net>; Bruce Gaynor <Bruce.Gaynor@norcrossga.net>; Marshall Cheek <Marshall.Cheek@norcrossga.net>; Matt Myers <Matt.Myers@norcrossga.net>; Andrew Hixson <ahixson@norcrossga.net>; Josh Bare <josh.bare@norcrossga.net>; Darci Purvis <darci.purvis2@gmail.com>

Subject: 278 Sunset Drive Site Visit

Some people who received this message don't often get email from don.purvis1@gmail.com. [Learn why this is important](#)

Caution: This email came from outside Norcross Networks. Do not open attachments or click on links if you do not recognize the sender.

Ms. Rye, Ms. Rogoff-Ezra, Mr. Scott,
(cc: Eric Johnson, City Council)

Thank you for attending the site visit at 278 Sunset Drive today. I appreciated the courteous and professional tone of the meeting and your willingness to listen to my perspective on the zoning variance request of my neighbor at 296 Sunset Drive. I am disappointed and a bit confused as to why none of the ZBA members chose to attend. It is my understanding that one declined, one

accepted then subsequently declined and the other three simply did not respond. I am surprised that this group tasked with making such a pivotal decision on what has become a lightning rod issue in the community would not want first hand knowledge only available via a site visit. Ms. Rye, please extend another invitation to the ZBA members on my behalf and provide them with my contact information at the end of this message. I will meet with them at their convenience. Also, please forward this message in its entirety to them.

Aside from what you observed at the site visit, I want to reiterate a few key points:

- According to the City of Norcross ZBA Board Responsibilities and Approval Guidelines document, there does not appear to be any case whatsoever according to the **standards and factors that shall be used for evaluating applications**. Listed below is reasoning to deny for each standard and factor. **If there are other standards and factors that will be used by Norcross P&D staff or the ZBA members regarding this variance appeal, I request that they be provided to me in writing ASAP and no later than COB on Tuesday, August 19 so that I can address them prior to the planning and development staff recommendation which is due to be released on Thursday, August 21.**
 - **#1 Extraordinary conditions:** A desire for a **two-story ADU** is not an unusual *lot* condition; it's a **design choice**. Unless the applicant proves a truly unique site constraint, this criterion likely isn't met.
 - **#2 Unnecessary hardship:** Because a **code-compliant ADU** can be built—and even the applicant admits alternatives exist—there's **no denial of reasonable use**. Preference for an upper-level studio or larger garage/pool house isn't a hardship.
 - **#3 Peculiar to this property:** If nearby lots are typical R-100 parcels, nothing peculiar justifies exceeding the height limit **by 11–15 feet**.
 - **#4 Not self-created:** The height need arises from the owner's **chosen program** (two-car garage + outdoor kitchen/porch + upstairs studio). That's **self-created** rather than a constraint imposed by the lot.
 - **#5 No detriment / preserves UDO intent:** A **27' structure** behind the home introduces **greater massing, overlook, light, and activity**, and **blocks an established wooded view**—all of which can be substantial detriments to adjacent properties and **undercut the UDO's intent** that ADUs remain **secondary** and low-profile. Based on current peer-reviewed evidence and appraisal standards, the proposed 27' ADU and greatly expanded driveway is likely to **reduce the value and marketability of my home by removing a priced amenity (wooded view) and introducing recognized nuisances (overlook, light, noise)**. The variance therefore fails the core criteria concerning adverse impacts on adjacent properties and compatibility with neighborhood character and should be denied.
- An overwhelming number of neighbors including all but one adjacent neighbor have expressed that they object to the proposed variance. Please see the attached jpeg showing the plat. Neighbors objecting have their lots marked with an orange X.
- There is likely a stormwater runoff issue which to my knowledge has not been addressed with the city by the applicant.

Best regards,
 Don Purvis
don.purvis1@gmail.com
 404-432-4097



Fw: Proposed ADU at 296 Sunset Dr.

From Tracy Rye <Tracy.Rye@norcrossga.net>
Date Mon 8/18/2025 2:11 PM
To LeDarius Scott <LeDarius.Scott@norcrossga.net>

Add to the file please.

Tracy Rye, AICP
Assistant City Manager

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From: Stacey Meinert-Galloway <smeinertgalloway@gmail.com>
Sent: Monday, August 18, 2025 12:57 PM
To: Deborah Rogoff-Ezra <Deborah.Rogoff-Ezra@norcrossga.net>; Marshall Cheek <Marshall.Cheek@norcrossga.net>; Tracy Rye <Tracy.Rye@norcrossga.net>; Josh Bare <josh.bare@norcrossga.net>; Bruce Gaynor <Bruce.Gaynor@norcrossga.net>; Andrew Hixson <ahixson@norcrossga.net>; Matt Myers <Matt.Myers@norcrossga.net>; Eric Johnson <Eric.Johnson@norcrossga.net>; Craig Newton <cnewton@norcrossga.net>
Subject: Proposed ADU at 296 Sunset Dr.

Some people who received this message don't often get email from smeinertgalloway@gmail.com. [Learn why this is important](#)

Caution: This email came from outside Norcross Networks. Do not open attachments or click on links if you do not recognize the sender.

Dear City of Norcross Georgia,

This is Stacey and John Galloway at 221 Sunset Hills Dr, Norcross, GA 30071. The entire length of our backyard touches the property at 296 Sunset Dr. We would like you to know that we are against the increased height of the ADU. Feel free to contact us if you have any questions.

Thank You,

Stacey and John Galloway

Attachment: ZBA2025-010_Opposition Correspondence from Stacey and John Galloway (25-7425 : Zba2025-010 296 Sunset Drive)



From: Lisa Carr <lisacarr300@yahoo.com>
Sent: Monday, August 18, 2025 3:22 PM
To: Matt Myers <Matt.Myers@norcrossga.net>
Cc: Lisa Carr <lisacarr300@yahoo.com>; Marshall Cheek <Marshall.Cheek@norcrossga.net>; Josh Bare <josh.bare@norcrossga.net>; Bruce Gaynor <Bruce.Gaynor@norcrossga.net>; Andrew Hixson <ahixson@norcrossga.net>; Craig Newton <cnewton@norcrossga.net>; Eric Johnson <Eric.Johnson@norcrossga.net>; Tracy Rye <Tracy.Rye@norcrossga.net>; Deborah Rogoff-Ezra <Deborah.Rogoff-Ezra@norcrossga.net>
Subject: 296 Sunset Drive Project

You don't often get email from lisacarr300@yahoo.com. [Learn why this is important](#)

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Good afternoon Councilman Matt Myers.

Thank you for listening to my comments at the Cookout with Council event recently. I would like to follow up with this note.

I understand that there is a storm water issue in my neighborhood. I am very concerned that the backyard project at 296 Sunset Drive will contribute to a stormwater encumbrance in my yard, since my yard is downhill from theirs.

I respectfully request that you and your colleagues consider this situation before you all make your recommendations. Please know that you are welcomed to do a site visit at my home at any time.

Thank you for your time, attention and your service to our community.

Lisa Carr
300 Sunset Drive
770-235-6279

[Sent from Yahoo Mail for iPad](#)

Attachment: ZBA2025-010_Opposition Correspondence from Lisa Carr (25-7425 : Zba2025-010 296 Sunset Drive)

From: [Don Purvis](#)
To: [Tracy Rye](#)
Cc: [Deborah Rogoff-Ezra](#); [William J. Diehl](#); [Josh Bare](#); [Marshall Cheek](#); [Bruce Gaynor](#); [Andrew Hixson](#); [Matt Myers](#)
Subject: Opposition to Variance Request for 27" Accessory Dwelling Unit at 296 Sunset Drive
Date: Thursday, August 14, 2025 1:08:06 PM

Some people who received this message don't often get email from don.purvis1@gmail.com. [Learn why this is important](#)

Caution: This email came from outside Norcross Networks. Do not open attachments or click on links if you do not recognize the sender.

Dear Ms. Rye,
(cc: Ms. Rogoff-Ezra, Mr. Diehl, Norcross City Commissioners)

I am writing to formally oppose the variance request submitted by my neighbors at 296 Sunset Drive to construct a 27-foot-tall Accessory Dwelling Unit (ADU) in an R-100 district.

The **Unified Development Ordinance (UDO)** limits ADU height to **12 feet**, a standard that ensures such structures remain secondary to the primary dwelling and minimizes visual and environmental impacts on adjacent properties. The proposed 27-foot ADU would **more than double the permitted height**, setting a precedent that undermines the integrity of the ordinance and weakens neighbor protections in future cases.

This variance request does not meet the UDO's required criteria for approval. The request is driven by **personal design preference** rather than an undue hardship that is not self-created. Compliant alternatives likely exist that would provide the needed garage and living space without violating the UDO and maintaining Norcross as *A Place to Imagine*.

To provide full context, I am including below a verbatim copy of an email I received from the applicants on July 28th. This email outlines not only their proposed plans but also "alternative" designs they suggest they might pursue if the variance is denied. These alternatives appear to be presented as a means of discouraging opposition, but they remain speculative and would themselves require review and possible variances. I am also including a verbatim copy of my reply to the applicant's email that I sent to them on August 14th.

Exhibit A – Applicant's Email to Me

Hi Don,

I wanted to follow up on our conversation from a few weeks ago and send over our construction plans so you can see them in more detail.

As I'm sure you know, we're appealing the height variance next month. While I understand and respect your concerns—and I anticipate you may voice dissent at the hearing—I sincerely believe the best outcome for all parties is to move forward with construction as currently proposed. If the variance is denied, we'll redesign our plans towards one of the two following code-compliant alternatives—which in my opinion are more disruptive to you

Attachment: ZBA2025_010_Opposition Correspondence from Mr. Don Purvis (#2) (25-7425 : Zba2025-010 296 Sunset Drive)

at the surrounding sunset hills neighbors.

- **1-Story Garage:** We'd reduce the garage to one story and move the living space behind it on the main level. This would significantly increase the footprint and (in my opinion) be much less visually appealing. Structurally, the height of the roofline wouldn't drop much because the current living space is already integrated within the roof slope starting at the top of the first story. Ironically, this design would result in a bulkier structure—likely creating more of what you've expressed concern about.
- **Attached Garage:** Another route would be to attach the current designed two-story garage to the house via a breezeway. As an attached structure (not an ADU), this code gives us way more design flexibility. We'd consider a three-car garage, a larger upstairs living area, and other features we hadn't explored when we initially drafted plans three years ago. If we're going to go through the hassle of redesigning and submitting plans, we'd consider making these upgrades while we're at it. Again, this is a much larger footprint.

We also wanted to share some additional context behind the placement and design:

- **Pool Privacy & Noise Buffer:** We know the structure may impact your back porch view, but our intent is to preserve our family's privacy—especially around the pool area—and avoid turning it into a neighborhood "fishbowl." The garage will also act as a sound buffer. Another reason why the garage is close to the pool is for functional purposes. You'll see from the plans that we've incorporated a dormer/porch to create a shaded area for grilling and gathering.
- **Driveway Access:** We've received complaints about cars parked on the street. Currently, we lack turnaround space and adequate parking, which will become more pressing when our oldest turns 16 later this year and we become a 3-car family. We host often and need a more functional setup to keep cars off sunset. On a related note, I've heard rumors have been spreading that we're building the adu as a rental project. This is not true—our long-term plan is for my mom to live there down the road, following the passing of my dad two years ago. In the meantime, we will use it as an extra guest room when friends and family are in town.

I know this is a lengthy explanation, but I hope you see we've tried to be thoughtful in our approach and tried to keep the footprint limited. We believe our current plan is the least disruptive of all viable options and hope that you can

now see that too.

Feel free to reach out with any questions or thoughts as we move forward.

Exhibit B – My Reply to Applicant's Email

Hi Stephen,

Thanks for sharing your plans and providing additional details about your goals for the property.

While I appreciate the time and thought you've put into the design, my position remains that the proposed height variance is not in keeping with the Unified Development Ordinance's clear intent to limit ADU structures to 12 feet in height. A 27-foot ADU would fundamentally change the scale and character of the immediate area and significantly impact the beautiful view from our property that we have enjoyed for almost two decades. Additionally, the 'NEW DRIVEWAY' area indicated on your plans will also be in direct view from our deck and backyard so that when you frequently host meetings and events, we will be overlooking a parking lot.

I fully understand your comments about preserving your family's privacy, especially around the pool area, and have two points regarding that: 1) closer examination of the plans indicate that a substantial portion of the pool area will remain in direct view of our deck and side yard, and 2) perhaps a better alternative for your family and your neighbors would be to plant fast growing trees like Denis and Misty Wilson did when they installed their pool a few years ago. This would give you the privacy you desire, maintain the 'wooded' character of the neighborhood and positively impact the view for all your neighbors. The Wilsons live across the street from us at 267 Sunset Drive. I know them well and will introduce you to them if you want to know more about their selection of trees.

The variance process exists for cases where strict application of the ordinance would cause an undue hardship that is not self-created. In this case, the proposed height is a matter of preference and design choice, not necessity. I also believe granting such a large departure from the existing limit would set a precedent making it more difficult for neighbors to have meaningful input on similar future requests.

For these reasons, I will be respectfully opposing the variance at the ZBA hearing.

I appreciate your outreach.

—Don

While I appreciate my neighbors' transparency, these emails underscores my primary concerns:

- 1. Incompatibility with Neighborhood Character**

The scale and height of the proposed structure are inconsistent with surrounding properties and the intent of the R-100 zoning district.

2. Loss of Scenic Views and Privacy

- The proposed 27' ADU would severely degrade the wooded view from the rear of my home, replacing it with a large, two-story building mass.

3. Precedent for Oversized ADUs

- Approval of such a significant departure from the ordinance would make it difficult to deny similar requests in the future, effectively nullifying the current 12-foot height limit.

4. Lack of Genuine Hardship

- The applicants have acknowledged viable, code-compliant alternatives. Their preference for the current design is not a valid basis for a variance under the UDO.

For these reasons, I respectfully urge the Planning & Development Board and the Zoning Board of Appeals to deny the variance request.

Please include this letter and the email Exhibits A and B in the public record for this case.

Since this email is fairly long already, I will follow it up with an additional message regarding requests for information and urgent actions that should be taken prior to the August 28th ZBA meeting.

Thank you for your consideration.

Sincerely,
Don Purvis
278 Sunset Drive