

# City of Norcross

65 Lawrenceville Street  
Norcross, GA 30071



## Meeting Agenda

Thursday, November 16, 2017  
7:00 PM

Council Chambers

### **Planning and Zoning BOA**

*Don Thompson, Chairman*

*David Butsko*

*Carl Howington*

*Al Karnitz*

*Alvie Killingsworth*

- I. **Call to Order**  
PLEASE TURN OFF ALL CELL PHONES AND ELECTRONIC DEVICES
- II. **Presentation of previous meetings minutes for acceptance.**
  - A. **Planning and Zoning BOA - Regular Meeting - Sep 28, 2017 7:00 PM**
- III. **Old Business**
- IV. **New Business**
  - a. **Variance - Front Yard Parking Restriction & Front Yard Setback in the RAOD District**  
[VAR2017-0023: Mitchell Road - R6242 406](#)
- V. **ADDITIONAL INPUT AND/OR DISCUSSION NOT OTHERWISE ADDRESSED BY THIS AGENDA**
- VI. **Adjourn**

Signed by \_\_\_\_\_ Chairman, Don Thompson

Signed by \_\_\_\_\_ Brett Conn, Community  
Development Clerk  
Sustainably Coordinator

# City of Norcross

65 Lawrenceville Street  
Norcross, GA 30071



## Meeting Minutes

Thursday, September 28, 2017  
7:00 PM

Council Chambers

### Planning and Zoning BOA

*Don Thompson, Chairman*

*David Butsko*

*Carl Howington*

*Al Karnitz*

*Alvie Killingsworth*

Minutes Acceptance: Minutes of Sep 28, 2017 7:00 PM (Presentation of previous meetings minutes for acceptance.)

**I. Call to Order**

Regular Meeting was called to order at 7:00 PM by

Attendee Name	Title	Status	Arrived
Don Thompson	Chairman	Present	
David Butsko	Board Member	Present	
Carl Howington	Board Member	Present	
Al Karnitz	Board Member	Present	
Alvie Killingsworth	Board Member	Present	

**II. Presentation of previous meetings minutes for acceptance.**

**A. Planning and Zoning BOA - Regular Meeting - Jun 22, 2017 7:00 PM**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	David Butsko, Board Member
<b>SECONDER:</b>	Alvie Killingsworth, Board Member
<b>AYES:</b>	Thompson, Butsko, Howington, Karnitz, Killingsworth

**III. Old Business**

**IV. New Business**

**a. 17-4717 Variance - Corner Lot Front Yard Encroachment**

[VAR2017-0017: 2185 Beaver Ruin Road - R6226 403](#)

Façade/Structural Requirements & Modifications:

- The dumpster unit will be screened from view

*There shall be a final inspection by City Staff to confirm all conditions made by Planning and Zoning Board of Appeals have been met prior to the issuance of a Certificate of Occupancy.*

<b>RESULT:</b>	<b>APPROVED WITH CONDITIONS [UNANIMOUS]</b>
<b>MOVER:</b>	David Butsko, Board Member
<b>SECONDER:</b>	Carl Howington, Board Member
<b>AYES:</b>	Thompson, Butsko, Howington, Karnitz, Killingsworth

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

**VI. Adjourn**

The meeting was closed at 7:20 PM

Minutes Acceptance: Minutes of Sep 28, 2017 7:00 PM (Presentation of previous meetings minutes for acceptance.)

Signed by \_\_\_\_\_ Chairman, Don Thompson

Signed by \_\_\_\_\_ Brett Conn, Community  
Development Clerk  
Sustainably Coordinator

Minutes Acceptance: Minutes of Sep 28, 2017 7:00 PM (Presentation of previous meetings minutes for acceptance.)



# CITY OF NORCROSS

Community Development  
Department

**Petition No. VAR2017-0023**

**Project Type:** Variance from front yard parking restriction and maximum front yard setback in the RAOD District

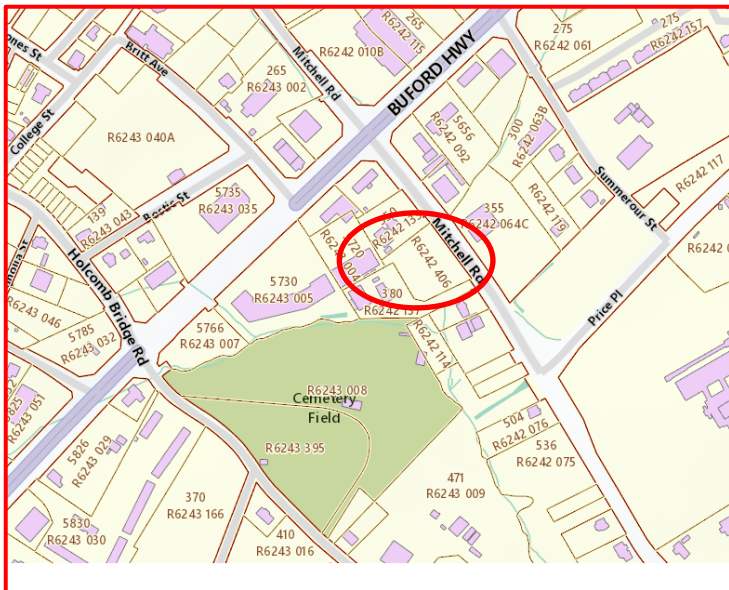
**Property Location** Mitchell Road (Property ID R6242 406)  
Norcross, GA 30071

**Petitioner:** Amir Ajirniar  
Sylvan Construction Col  
3016 Adriatic Ct.  
Peachtree Corners, GA 30071

**Petitioner's Request:** Receive a waiver from the requirements of Article 3, Section 115-93 RAOD, Redevelopment Area Overlay District, in particular, Section 115-93 (h)(1), Dimensional Standards, and Subsection (i)(1)(e), Parking Management of the City of Norcross Zoning Regulations

**Date:** 10/18/2017

**Vicinity Map**



Attachment: VAR2017-0023 staff report (1486 : Variance VAR2017-0023)

The applicant, Amir Ajirniar on behalf of the owners, Nghi que Chen and Wenlong Zhong, is proposing to build an 8000 sf retail building on Mitchel Road just southeast of Buford Highway. The parcel, Property Id 6242 406, is zoned C3 and lies within the Redevelopment Area Overlay District, RAOD. Given the nature of their proposed improvements the RAOD zoning requirements would take legal priority over the requirements of the C-3 District.

The applicant is seeking a waiver from the requirements of Article 3, Section 115-93 RAOD, Redevelopment Area Overlay District, in particular, Section 115-93 (h)(1), Table 1: Dimensional Standards, and Subsection (i)(1)(e), Parking Management. The Dimensional Standards Table allows a **maximum** 50 foot front yard setback. Note c of that table also states that “front yard setbacks greater than five feet shall be used for outdoor dining or outdoor display, **no parking allowed.**” The site plan provided by the applicant, dated 9/28/17 and prepared by Westbrook Engineering, indicates a front yard setback of 87 feet with off street front yard parking.

Subsection (i)(1)(e), Parking Management, goes on state that “No more than ten percent of the required parking for a building shall be in parking spaces located between the façade of the building and the street on which the building faces.” The applicant is requesting that 29 of the 40 spaces or 72% of the required spaces will be in the front.

**ANALYSIS and RECOMMENDATION.**

The request to place the parking in the front yard and to exceed the 50 foot maximum setback is a result of the existing location of a double 60” CMP culvert located along the road frontage, with an associated drainage easement into the property. Additionally, an existing public sanitary sewer main bisects the property and must be relocated to the rear of the building, so as not to conflict with the existing storm water line easement. The storm water pipes are so large that relocation is not feasible and a building cannot be located with the easement. The easement extends into the site 48-70’ from the front property line depending on the exact location.

Given this engineering requirement, that this site plan would be consistent with the existing development pattern of neighboring commercial developments, and that the following conditions as specified under Section 115-284 (a)(3) by which the Board of Appeals may grant a variance have been met, the Staff recommends **Approval**, under the condition that the site be developed within close conformity to the Site plan prepared for the subject property by Westbrook Engineering, dated 9/28/17.

Attachment: VAR2017-0023 staff report (1486 : Variance VAR2017-0023)



Sec. 115-284. - Powers.

- (a) The Zoning Board of Appeals shall have the following powers to:
- (1) Hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Community Development Director in the enforcement of this chapter;
  - (2) Hear and decide requests for the special exceptions to this chapter upon which the Zoning Board of Appeals is required to pass;
  - (3) Authorize, upon appeal in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter will, in an individual case, result in unnecessary hardship, so that the spirit of this chapter shall be observed, public safety and welfare secured and substantial justice done. Such variances may be granted in such individual cases of unnecessary hardship upon a finding by the Zoning Board of Appeals that:
    - a. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; **(Yes, the topography of the lot requires underground drainage and easement in the front yard)**
    - b. The application of this chapter to this particular piece of property would create an undue hardship; **(Yes)**
    - c. Such conditions are peculiar to the particular piece of property involved; **(Yes)**
    - d. Such conditions are not the result of any actions of the property owner; **(They are not.)**
    - e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this chapter; and **(It would not.)**
    - f. No variance may be granted for use of land or building or structure that is prohibited by this chapter. **(The proposed use is allowed within the RAOD.)**