

Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

PICTURES



612 Cobb Parkway North



Parking in front of building



Metal awning and solar panel

Staff Analysis:

The applicant, Gerry Kilgore of Suncatcher of Atlanta, Inc., is requesting variances for the property located at 612 Cobb Parkway North, which is zoned CRC (Community Retail Commercial). The properties to either side are also zoned CRC. Single family homes are located immediately to the rear and are zoned R-4 (Single Family Residential – 4 units/acre).

The applicant is requesting variances to place two structures, a solar panel and a solar-powered metal awning, in the front yard of the subject property. The purpose of the panels is not only to generate power but to advertise the solar panels as products sold by Suncatcher of Atlanta, Inc. The placement of the structures violates multiple codes, such as having accessory structures in the front yard, placing a structure under a billboard, and further reducing the available parking for the business.

Regulations for accessory structures placed in the CRC zoning district state “*All such structures shall be located upon the same lot and to the side or rear of the principal use at least 10 feet from side or rear lot lines.*” This site has a heavily wooded rear yard serving as a buffer for the single family residences to the rear; the placement of any structures in this area would be impossible without the removal of vegetation and encroachment into this buffer. An outdoor storage area is located on the right side yard of the property. And, although it may be feasible to place these structures in the fenced-off storage area on the side, the applicant wishes for the structures to remain in front so they are fully visible to drivers on Cobb Parkway North.

There is currently a billboard, approximately 35 feet tall, in the front yard of this property, overhanging the building and the parking lot. The placement of any new permanent structures within the billboard’s fall zone would be prohibited by Section 714.04 (G.10.). Both the metal awning and solar panel structures are located directly beneath and within the billboard’s fall zone. It is possible to shift the structures to the southern end of the property in order to move them out of the billboard’s fall zone. However, placing the panel and awning on the side of the property would likely decrease the visibility desired by the applicant. As a result, variances would be needed in order to allow the structures to remain within 35 feet of the existing billboard.

Parking requirements for a contractor’s establishment are one space for every 300 square feet of office space and one per 2,000 square feet of outdoor storage. Based on the area of the building and the outdoor storage yard, over twenty (20) parking spaces would be required for this site. There were approximately eight (8) paved parking spaces located in front of the building prior to the placement of the panel structures. Although vehicles are still able to park under the accessory structures, the supports for the panel and awning eliminate one of the available parking spaces. This causes the property to become more nonconforming with respect to parking and would require a variance in order for the structures to remain.