



PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: April 10, 2025

Item #: PZ2025-1437

NAPA DUMSPTER ENCLOSURE – VARIANCE APPLICATION

Project Name: NAPA Dumpster Enclosure
Applicant: Advanced Systems, Inc, c/o Kyle Kelly
Owner: Genuine Auto Parts
Zoning District: CC (Commercial Corridor) & NR-3 (Neighborhood Residential-3)
Address: 4789 Buford Highway
Parcel ID: 18 280 02 003

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Construction of a commercial dumpster enclosure in the side yard of a commercial property.

Requests: One (1) variance

Summary Analysis:

- The applicant proposes to install an eight-foot-tall brick dumpster enclosure with two metal frame doors in the side yard of the commercial property.
- Due to the topography of the lot, the applicant proposes to construct the enclosure within the side yard of the property.
- This request is a result of a 2023 code enforcement violation.

Recommendation:

Staff recommends **APPROVAL WITH CONDITIONS** of the following variance requests:

1. Variance from Section 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard

Case Number: PZ2025-1437

City Council Work Session (Public Hearing): April 10, 2025

City Council Regular Meeting: April 15, 2025

Site Aerial:



Current Zoning:

The property is located in CC (Commercial Corridor)

Purpose and intent. This zoning district is intended primarily for commercial and mixed-use development and related accessory uses at a medium density. This district provides a location for residences, retail, goods and services and offices to satisfy the common and frequent needs of the city's businesses and residents. Design standards and design parameters encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians.

As well as NR-3 (Neighborhood Residential 3)

Purpose and intent. This zoning district is intended to provide standards for a specific infill development plan that would apply to an existing lot or series of contiguous lots within or adjacent to an existing neighborhood that would allow innovative use of the property.

Current Use:

Automotive Parts Store

Surrounding Land Uses:

- North – CC: Commercial/Retail
 - NR-3: Apartment homes
- South – CC: Commercial/Retail
- East – NR-1: Residential
- West – I: Institutional (Center for Disease Control)

Site Description and History of Property:

The subject property is a 0.86-acre lot located off Buford Highway, adjacent to the Centers for Disease Control (CDC) campus. The site contains a building, approximately 10,300 square feet in size, constructed in 1983, and currently operates as an auto parts store. The property is split-zoned, with the front portion along Buford Highway zoned CC and the rear half zoned NR-3. The lot's topography is steep at the rear, transitioning into a wooded area.

Existing conditions include a sidewalk along Buford Highway and two curb cuts that provide access to the property. However, the sidewalk lacks street trees or a landscape zone. The site contains a total of 12 parking spaces, two of which are reserved for ADA parking. Currently, the side yard is also used for the parking of employee and company vehicles.

The property was cited by Code Enforcement on July 13, 2023, for an unenclosed dumpster. Additionally, there is an active land disturbance permit for the repair of drainage issues on the site.

Project Description:

The applicant proposes to install an eight-foot-tall brick dumpster enclosure with a metal gate in the side yard of the commercial property, setback 8 feet from the property line. Due to the steep topography of the rear of the property, most of it is inaccessible and sanitation services cannot reach that area. Currently, there is no dumpster enclosure on the property.

Applicant's Variance Request:

The applicant requests variances from Title 2 of the UDO:

1. Variance from Section 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard.

Per the review and approval criteria found in Section 280-32(a), the Mayor and City Council may authorize variances from the provisions of the UDO only after making the following findings:

a) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;

The property experiences steep topographical changes in the rear area, where the land slopes upward by approximately 30 feet. Due to these topographical conditions, relocating the dumpster behind the building and out of view from the right of way is not possible while still allowing for proper accessibility by sanitation vehicles for servicing.

b) The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;

Applying the zoning ordinance would create an unnecessary hardship, as there is no suitable location for the dumpster. Access to the rear yard is extremely limited, making relocation very difficult. Constructing a brick dumpster enclosure in the proposed location would prevent this hardship, as any alternative location would obstruct sanitation vehicle access and potentially disrupt traffic flow.

- c) **Such conditions are peculiar to the particular piece of property involved;**
The conditions are not peculiar to this property, as they are similar to 4763 Buford Highway.
The topography of the lot prevents the dumpster from being placed behind the building.
- d) **Such conditions are not the result of any actions of the property owner; or**
The conditions of the lot are not the result of the applicant's actions.
- e) **Relief if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**
Relief, if granted, would not cause substantial detriment to the public good. The purpose and intent of the zoning ordinance would not be impaired, as the enclosure would provide screening for the dumpster.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **APPROVAL WITH CONDITIONS** of the following variance request, in application PZ2025-1437:

1. Variance from Section 240-7(b)(8)(e), to install a commercial dumpster enclosure in the side yard.

Should City Council approve the variance requests, staff recommends the following conditions of approval:

1. The development shall be constructed in substantial conformity with the Site Plan and Elevations received by the Planning and Development Department dated February 18, 2025, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.

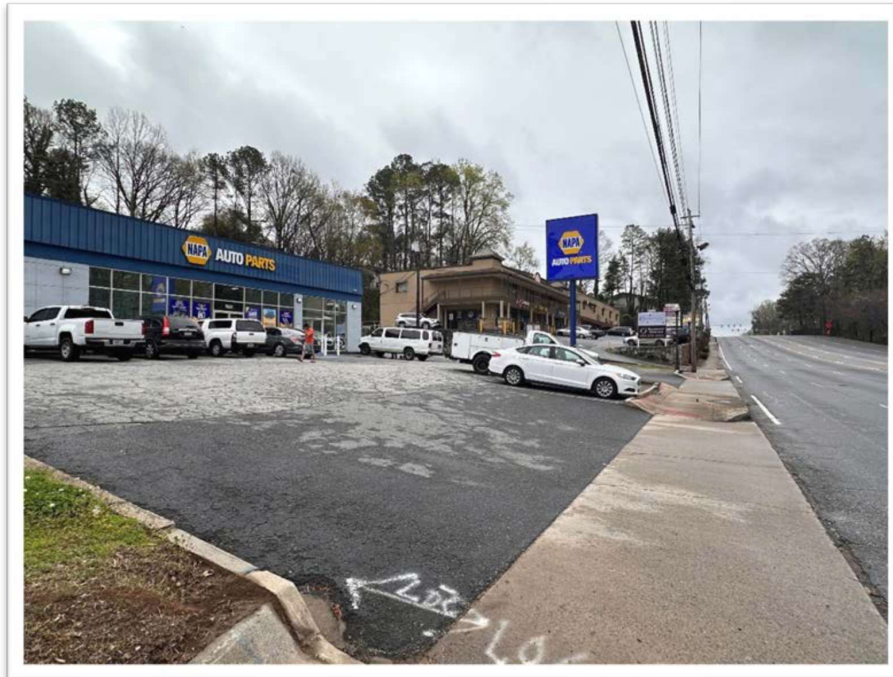
Attachments:

Attachment 1 – Application

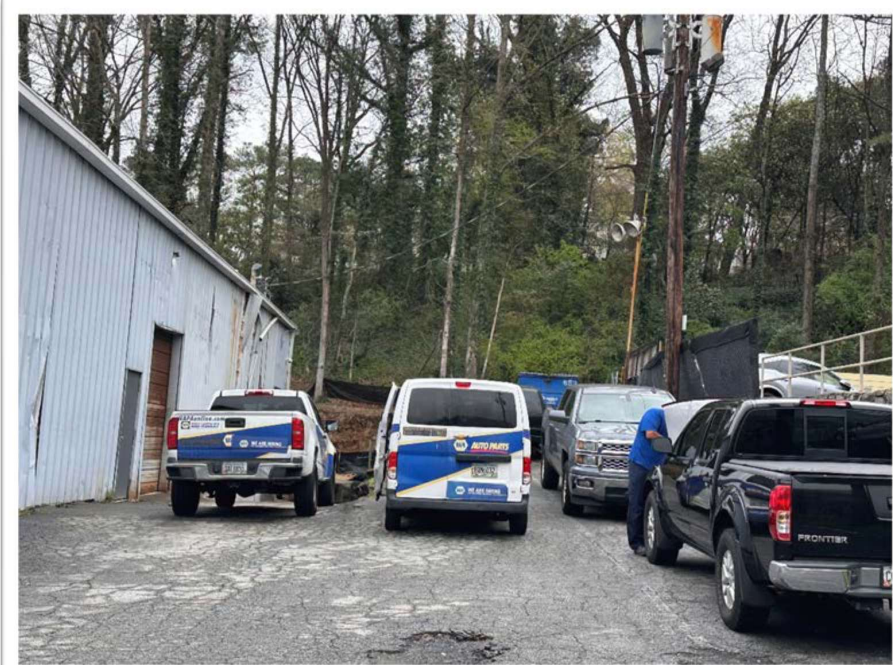
Attachment 2 – Site Plan + Elevations

Attachment 3 – Maps

Site Visit:



Frontage along Buford Highway



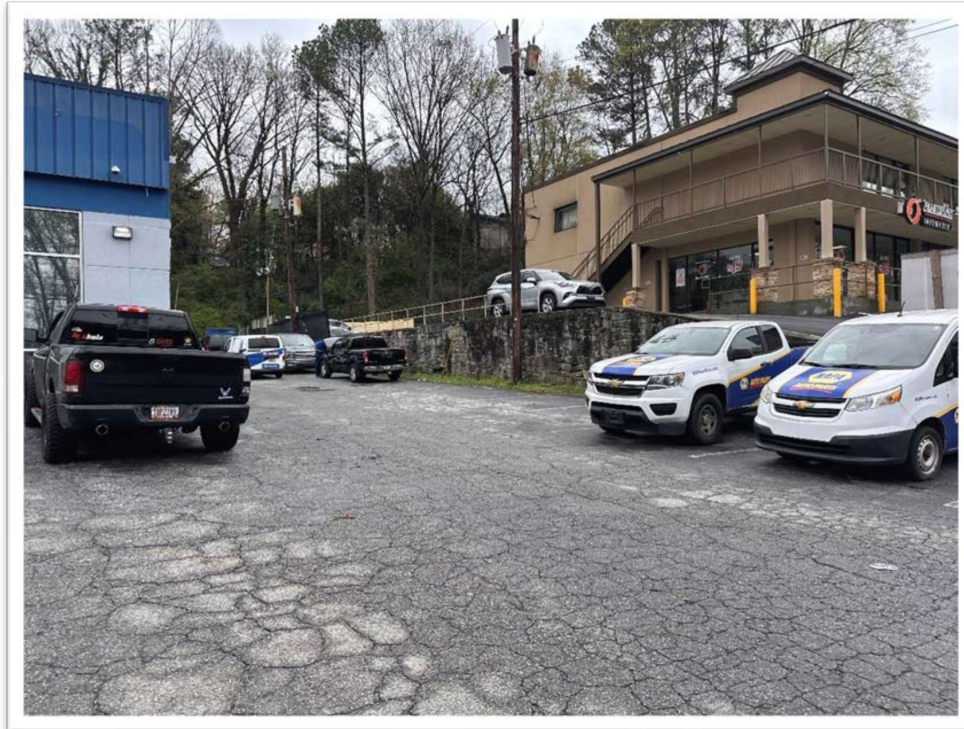
Side yard access as seen from the parking lot



View of access to dumpster



Dumpster location at the southeast end of property. Situated in the side yard.



Entrance to side yard from the parking lot