



PLANNING & ZONING STAFF REPORT

June 12, 2026

Case Numbers:	VAR2605-001
Applicant:	PHP Canton, LLC.
Property Owner:	PHP Canton, LLC.
Property Address:	310 Prominence Point Parkway Canton, GA 30114
Council Ward:	Ward 3 – Yawn/Waterman
Parcel Number:	15N13 007C (15-0159-0013)
Current Zoning:	PD-MU (Planned Development – Mixed Use) – Prominence Point
Character Area/ Future Land Use:	Suburban Development
Acreage:	+/- 1.84 acres
Current Use:	Preschool & daycare facility

REQUEST

The Applicant seeks following variances:

- (1) Allow an accessory structure (playground equipment) within the front yard - UDC 104.02.01A(1)
- (2) Reduce required setback for accessory structures (playground equipment) from 10' to 5' off rear property line – UDC 104.02.01A(2)

SITE

The subject property is located along Prominence Point Parkway within the commercial center of the Prominence Point development. The property is currently occupied by a preschool and daycare facility which has been operating for nearly 20 years.

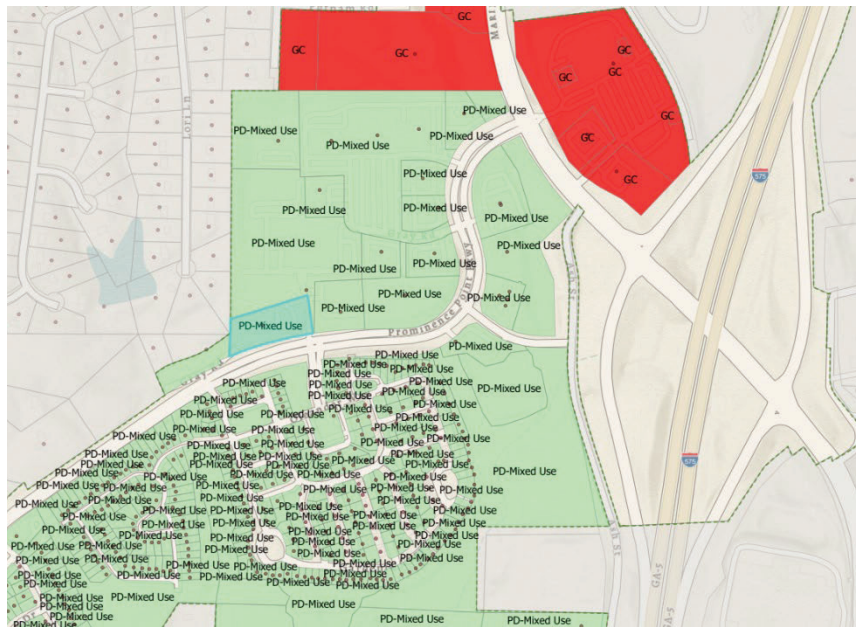
There is currently in review a proposed addition to the existing building. According to the Applicant, the expansion of the existing building required the relocation of existing playground equipment to other locations on the property. The locations proposed and shown on the site plan do not meet setback and location requirements for accessory structures. All current and existing playground equipment on the subject property meet these requirements.

CASE VAR2605-001

LOCATION MAP



ZONING MAP



SURROUNDING USES

North	Multi-family / Commercial	PD-MU
South	Single-family detached residential	PD-MU
East	Commercial	R-80
West	Single-family detached residential	R-20/AG (County)

VARIANCE

Consider the following criteria as it pertains to proposed variance requests:

1. *The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;*
2. *The variance request is based on conditions that are*
 - a. *Unique to the subject property;*
 - b. *Not generally applicable to other properties in the same zoning district;*
3. *Because of the particular conditions, shape, size, orientation, or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;*
4. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations of other similarly situated properties;*
5. *The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and*
6. *The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.*

CONDITIONS FOR CONSIDERATION

Should the Board of Appeals consider approving the requested variance(s), the following conditions of approval should be considered:

Any possible conditions of approval will be presented at the Public Hearing.



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

VARIANCE PUBLIC HEARING APPLICATION

Project #(s):

VAR2605-001

This Application is for a:

Pre-Construction Variance

Post-Construction Variance

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State **N/A**, where Not Applicable.
2. If you are not paying online, please make your check payable to "**City of Canton.**"
3. If you have questions regarding this form, please contact the Community Development Department by calling (770) 704-1559.

Applicant Information:

Name: PHP Canton, LLC
Address: 170 Parkside Close
City: Alpharetta
State: GA ZIP Code: 30022
Telephone: _____
Email Address: hersh13@gmail.com

Owner Information:

Name: PHP Canton, LLC
Address: 170 Parkside Close
City: Alpharetta
State: GA ZIP Code: 30022
Telephone: _____
Email Address: hersh13@gmail.com

I, Harsh Patel, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Variance Application is true and correct and contains no misleading information. I, Harsh Patel, have received and thoroughly read the Public Hearing Procedures.

This 19 day of MAY, 2026.

Applicant Signature: _____

Print Name: Harsh Patel



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

AUTHORIZATION OF OWNER AND APPLICANT

Project #(s): VAR2605-001

This form is to be executed under oath. I, Harsh Patel, do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required thereon.

This 21 day of MAY, 2026.

Owner Signature: [Signature] **Print Name:** Harsh Patel

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton and do hereby authorize the following person named below to act as Applicant in the pursuit of a request for a:

- Pre-Construction Variance
- Post-Construction Variance

Authorized Applicant Name:

Harsh Patel

Signature: [Signature]

Mailing Address:

170 Parkside Close

City: Alpharetta

State + ZIP: GA 30022

Email: hershp13@gmail.com

Telephone: _____

Applicant Status:

- Owner
- Option to Purchase
- Lessee
- Area Resident
- Other (explain: _____)

This Authorization of Owner and Applicant Form has been completed and the property owner's signature is

Sworn To and Subscribed Before Me This 21 Day Of MAY, 2026.

Notary Signature: [Signature]





Community Development Department
 110 Academy Street, Canton, GA 30114
 (770) 704-1500

PROPERTY INFORMATION

Project #:

VAR2605-001

Address(es):
 310 Prominence Point Pkwy, Canton, GA 30114

Land Lot(s): 159 & 202 District: 15th Section: 2nd Parcel ID(s) 15N13 007 C

Existing Zoning Of Property: PD - Mixed Use City County Total Acreage Of Property: 1.72

Existing Use(s) Of Property School

ADJACENT PROPERTY/OWNER INFORMATION:

Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

	OWNER NAME AND ADDRESS/PARCEL ID	CURRENT ZONING	CURRENT LAND USE
NORTH	Arris Canton, LLC / 15N-13-008 (City of Canton)	PD-MU	SDA (apartments)
SOUTH	Prominence Point Parkway		Local Road
EAST	J1 ANTENNA CAPITAL INC / 15-0159-0001 (CITY OF CANTON)	PD-MU	SDA (daycare/preschool)
WEST	James & Amanda Couch / 15N-13-007 (Cherokee County)	AG	SDA (single-family)
OTHER	Timothy Ward / 15N-07B-045 (Cherokee County)	R20	SDA (single-family)
OTHER	Adrienne Silberman / 15N-07B-046 (Cherokee County)	R20	SDA (single-family)
OTHER	James Philipponne / 15N-13-007 (City of Canton)	PD-MU	SDA (single-family)

Ordinance section(s) for which a variance is requested: Sec. 104.02.01A(1) & Sec. 104.02.01A(2)

Please explain the reasoning for the requested variance:

To allow the playground in the front yard along Prominence Point Parkway (where accessory structures are prohibited).

To reduce the required 10 ft setback from the property line to 5 ft for the playground equipment at the locations shown on the Site Plan.

(This should additionally be addressed in the required Letter of Intent)



Community Development Department
110 Academy Street, Canton, GA 30114
(770) 704-1500

VARIANCE REVIEW CRITERIA

Project #:

VAR2605-001

Are there any extraordinary or exceptional conditions pertaining to the subject property because of its size, shape, or topography? Yes. The property has steep topography, a narrow configuration, and corner lot characteristics that create practical challenges. These conditions affected the original site layout and building orientation. As a result, the building and parking were positioned based on topographic constraints. This has caused the functional "operational front" of the site to differ from the zoning-defined front.

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Yes. Strict enforcement of the front-yard prohibition on accessory structures and the 10 ft setback requirement would make it difficult for the school to provide the outdoor play space area and features required by Georgia DECAL childcare licensing standards.

Does a literal interpretation of the Zoning code deprive the Applicant of any rights that others in the same district are allowed? Yes. Other similarly situated PD-MU childcare facilities are able to locate playground accessory structures in functionally appropriate locations.

Has the condition from which relief or variance is sought been a result from action by the Applicant? No. The front-yard designation, steep western side-yard topography, required building setbacks, and east-side parking/drive layout existed prior to the proposed expansion and play structure additions

Are there conditions peculiar to the subject property? Yes. Noted above including the shape of the property, location of the entrance, and steep topography. These unique conditions greatly limit the area able to be used for installing the accessory playground structures.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City? No. The fully fenced and screened playground accessory structures should enhance child safety and welfare, will not impact light/air, traffic, fire safety, or neighboring property values, and are consistent with the intent of the Zoning Code.

(These criteria should additionally be addressed in the required Letter of Intent.)

May 19, 2026

Canton Board of Appeals
c/o Community Development Department
110 Academy Street
Canton, GA 30114

Re: Variance Application for Accessory Playground Structures
Property: 310 Prominence Point Parkway, Canton, GA 30114
Parcel: 15N13 007 C (015N13-00000-007-C-000-0000)
Owner: PHP CANTON LLC

Dear Members of the Board,

Goddard School, operating at the direction of PHP Canton LLC (owner of record), respectfully requests two pre-construction variances from the City of Canton Unified Development Code:

1. **Sec. 104.02.01A(1)** - Accessory uses shall be located in the side or rear yard.
 - Request: A variance to allow playground structures (including play areas, shade structures, and fencing) within the front yard along Prominence Point Parkway.
2. **Sec. 104.02.01A(2)** - Accessory uses and accessory dwellings shall be located ten feet from side and rear property lines.
 - Request: A variance to reduce the accessory use setback from 10 feet to 5 feet along on the rear property line as detailed on the included Site Plan.

The project includes a ±4,800 SF building expansion and reconfiguration of the playground to meet current Goddard and Georgia DECAL standards, including new equipment, artificial turf, fencing, and patio areas. As shown on the Proposed Site Plan, these variances are necessary to accommodate compliant and functional outdoor play areas. All playgrounds will be fully fenced, safely surfaced, and designed to meet or exceed DECAL requirements.

This request satisfies all variance review criteria in the Unified Development Code:

1. Extraordinary or exceptional conditions exist due to the site's steep grades, characteristics of a corner lot, and relatively narrow in shape. These factors created challenges in both the original layout and orientation of the development, as well as ongoing use and proposed improvements. Due to these topographic constraints at the time of original design and construction, the building and associated parking were oriented in a manner such that the functional or "operational front" of the property does not align with the zoning-defined front. This misalignment continues to impact the practical use and improvement of the site under current zoning requirements.
2. Strict enforcement of the front-yard prohibition on accessory structures and the 10 ft setback requirement would make it difficult for the school to provide the outdoor play space area and features required by Georgia DECAL childcare licensing standards creating an unnecessary hardship.

3. A literal interpretation of the code would deprive the applicant of rights to locate playground accessory structures in functionally appropriate locations as enjoyed by other similarly situated PD-MU childcare facilities.
4. The conditions are not self-created; the front-yard designation and topographic constraints pre-date the current project.
5. The described conditions are peculiar to this property. the shape of the property, location of the entrance, and steep topography. These unique conditions greatly limit the area able to be used for installing the accessory playground structures.
6. Granting the variances will not cause substantial detriment to the public good or impair the intent of the Zoning Code. The fully fenced and screened playgrounds will enhance child safety and welfare, will not impact light/air, traffic, fire safety, or neighboring property values, and will be consistent with the Suburban Development Area future land-use designation.

Approval of these variances will enable Goddard School to continue providing high-quality, licensed childcare in the City of Canton. We are happy to provide any additional information or appear before the Board to answer questions.

Thank you for your consideration.

Sincerely,

Hersh Patel
Authorized Representative
Goddard School / PHP CANTON LLC
hersh13@gmail.com

