



City of Smyrna

City of Smyrna
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Issue Sheet

File Number: 2021-071

Agenda Date: 2/24/2021

Version: 1

Status: ATS Review

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: D.

WARD / COUNCILMEMBER: Ward 3 / Travis Lindley

\$ IMPACT: N/A

Agenda Title:

Public Hearing - V21-010 - Side setback reduction from 10 feet to 5 feet for an accessory structure - Land Lot 413 - 3261 South Cobb Drive - Valvoline Instant Oil Change

ISSUE AND BACKGROUND: The applicant is requesting a variance to reduce the side setback from 10 feet to 5 feet for the dumpster location for a proposed Valvoline Instant Oil Change at 3261 South Cobb Drive. The proposed location of the dumpster will be in the northeastern corner of the property, behind the main structure. Since the subject property is located in the South Cobb Drive and Concord Road Corridor Design Districts, the regulations regarding required parcel size and setbacks pertaining to the subject property are located in Section 717 of the Zoning Ordinance.

RECOMMENDATION / REQUESTED ACTION: According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development has reviewed the request against the variance review standards and **found it not to be in compliance with any of the standards**, based on the lack of hardship and the self-creation of the variance. Staff is not supportive of reducing the side setback to fit into the proposed site plan when adjustments could be made to accommodate City code. Community Development believes there are no unique and special extraordinary circumstances applying to the property to justify the variance requested. Strict application of the ordinance does not deprive the subject property owner of reasonable use, as the existing building has been in existence for decades. At the time of this report, there has been no public objection to the request. After a review of the standards above, Community Development recommends **denial**.