

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Russell Martin, AICP, Senior Planner

Date: August 8, 2014

RE: VARIANCE CASE V14-028
2267 Dixie Avenue – Reduction of the side setback from 20' to 16'

VARIANCE CASE V14-029
2267 Dixie Avenue – Reduction of street rear setback from 30' to 4.5'

VARIANCE CASE V14-030
2267 Dixie Avenue – Reduction of street side setback from 33.35' to 25.6'

BACKGROUND

The applicant is proposing to redevelop the subject property at 2267 Dixie Avenue with a new 1,948 sq. ft. office building and a 9,375 sq. ft. auto body shop. The subject property is currently vacant and under development. In order to develop the property as proposed, the site will require three variances as the site is very constrained. The applicant is requesting a side setback reduction from 20' to 16', a rear setback reduction from 30' to 4.5', and a street side setback reduction from 33.35' to 25.6'. The site is approximately 0.836 acres.

ANALYSIS

The subject property is located at the northeast corner of the intersection of Dixie Avenue and Park Drive. The subject property is zoned LI – Light Industrial (See Figure 1). The adjoining properties to the north and east are zoned LI and is occupied by wrecker yard. These properties are owned and operated by Barrow Enterprises, who is the applicant on these variance requests. The adjacent property to the south is zoned LI and is occupied by an office building. The CSX railroad right-of-way is located across Dixie Avenues from the subject property.

Barrow Enterprises is proposing to develop the site and construct a 1,948 sq. ft. office building with a 9,375 auto body shop. Barrow Enterprises annexed the subject property and the adjoining property to the east into the City of Smyrna on May 19, 2014. In addition, the Mayor and Council approved a waiver of development fees for the proposed office building and body shop on August 2, 2014 by a vote of 6-0. Prior to annexation, the applicant received a grading permit from Cobb County to begin site work while the property was going through annexation. Once the property was annexed, the applicant received a land disturbance permit from the City of Smyrna to complete the site work and a building permit to build a building that meets the

zoning requirements. If the variances are approved the applicant will resubmit building plans to reflect the proposed buildings in this variance application.

The site is 0.836 acres. The subject parcel has geometric constraints that create the need for variances when the proposed building is orientated parallel to Dixie Avenue (the front of the property). Due to the geometry of the subject property, the applicant has requested a side setback reduction from 20' to 16', a rear setback reduction from 30' to 4'.5', and a street side setback reduction from 33.35' to 25.6' for the construction of the auto body shop.

Due to the geometry of the lot, Community Development does believe there is a sufficient hardship to justify the variance requests. Furthermore, the applicant owns the adjoining parcels to the north and east. These three parcels could be consolidated into one big parcel which would remove the need for two of the requested variances (side & rear setback reductions). Community Development believes there would be no negative impact should the variances be approved.

STAFF COMMENTS

The applicant is requesting to decrease the required side setback from 20' to 16', to reduce the rear setback from 30' feet to 4.5', and to reduce the street side setback from 33.35' to 25.6'. 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. After a review of the standards above, Community Development believes that the requested variances will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

Figure - 1

