

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

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

Date: October 8, 2018

**RE: VARIANCE CASE V18-065**  
**1741 Spring Street – Reduction of setback from residential property for animal hospital/veterinary clinics from 200 ft. to 60 ft..**

**VARIANCE CASE V18-066**  
**1741 Spring Street – Reduction of rear setback from 25 ft. to 5 ft. for existing accessory structure.**

**VARIANCE CASE V18-067**  
**1741 Spring Street – Reduction of residential buffer from 10 ft. to 5 ft. for existing accessory structure.**

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#### **BACKGROUND**

The applicant is proposing to annex the existing building at 1741 Spring Street into the City of Smyrna to open a new pet grooming shop and veterinary clinic. The applicant has requested several variances to convert the existing building from an office to a veterinary clinic/pet groomer. The subject property is 0.31 acres, zoned General Commercial, and is subject to the Spring Road Corridor Design District.

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#### **ANALYSIS**

The subject property is located at 1741 Spring Street, which is currently located in an unincorporated island of Cobb County. The subject property has a zoning designation of General Commercial (GC) and a future land use designation of Neighborhood Activity Center (NAC) in Cobb County. The adjacent properties to the east and south located in Smyrna are also zoned GC and are occupied with commercial uses. The adjacent properties to the west and north are zoned R-20 in Cobb County and are occupied by single-family homes. The proposed annexation will not change the zoning of the property as it will remain in the GC zoning district in the City of Smyrna.

The subject property contains an existing one-story single-family home that was converted for commercial office use and has an accessory structure at the rear of the property. The existing accessory structure is a non-conforming structure that is located 5' from the rear property line. The subject property has existing driveways and parking spaces to facilitate a commercial use.

The applicant is requesting the following three variances to allow for the operation of a veterinary clinic and pet groomer at 1741 Spring Street:

1. Reduction of setback from residential property for animal hospital/veterinary clinics from 200 ft. to 60 ft. (Section 712.3 of the Zoning Ordinance);
2. Reduction of rear setback from 25 ft. to 5 ft. for existing accessory structure (Section 501.6 of the Zoning Ordinance); and
3. Reduction of residential buffer from 10 ft. to 5 ft. for existing accessory structure (Section 503 of the Zoning Ordinance).

The first variance to Section 712.3 of the Zoning Ordinance reduces the required building setback for veterinary clinics from 200 ft. to 60 ft.. The veterinary clinic is proposed to be located in the existing building and the rear of the building is located approximately 60 ft. from the rear shared property line of a residential property. The applicant is proposing no improvements to the building at this time. The second and third variances deal with the existing accessory structure at the rear of the property, which according to Sections 503 and 501 of the Zoning Ordinance encroaches into the required building setback and landscape buffer. The proposed variances will clear up the non-conforming issues with the accessory building.

The adjoining property to the east at 1753 Spring Street was annexed and a similar variance was granted in May of 2005. The Mayor and City Council approved the annexation and variances with stipulations that prohibited outdoor kennels and runs and allowed only one dog to be taken outside at a time.

The subject property can be operated as a veterinary clinic, boarding kennel and pet groomer in Cobb County under the General Commercial zoning district as a permitted use. The annexation of the property with the proposed variances will provide the city an opportunity to mitigate the impacts of the proposed facility on the adjoining residential property through the requirement of landscape buffers and sound proofing of the accessory building.

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## STAFF COMMENTS

The applicant is requesting variances to reduce required setbacks and buffers due to the locations of the existing building. The proposed variances will allow the applicant to clean up non-conforming issues created by the existing buildings and the city code. 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 setback and buffer encroachments will not adversely affect surrounding residents and can be mitigated through the implementation of zoning stipulations; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. The applicant shall install a 10' evergreen landscape buffer along the rear and side property lines that abut residentially zoned or used property in accordance with Section 503 of the Zoning Ordinance.
2. The applicant shall install a 6' privacy fence along the rear property line.
3. Outside dog runs and kennels shall be prohibited on the subject property.

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4. The accessory structure shall be sound proofed should any animals be kept in the building.

**Figure – 1**  
**Subject Property**





**Figure – 2**  
**Adjoining Properties**



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