

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: August 9, 2021

**RE: VARIANCE CASE V21-092
2385 Ventura Road – Allow a gravel parking surface**

BACKGROUND

The applicant is requesting a variance to allow for a temporary gravel parking area at 2385 Ventura Road. The applicant will need a variance from 901(b) of the City's Zoning Ordinance which requires parking surfaces to be paved.

ANALYSIS

The subject parcel is a 0.51-acre lot located on the north side of Windy Hill Road at the intersection of Ventura Road and Windy Hill Road (see Figure 1). The subject parcel is zoned General Commercial (GC) and is currently vacant (formerly a tattoo parlor). The adjoining properties to the north, south, and west are also zoned GC and are occupied with various commercial uses. The adjacent property to the east is zoned R-15 and is occupied by a single-family detached home.

In March 2021, a business license application was filed in Community Development to replace the former tattoo parlor that had been on the subject property since 2015. During the business license review, it was found that asphalt millings and gravel were spread on the property without a permit within the last two years. Section 901(b) in reference to the City's parking design standards reads, "Each parking facility shall be graded and paved, including access drives and be curbed when needed for effective drainage control." The City's parking design standards do not provide any exemptions from this requirement for specific uses or zoning districts. Therefore, the applicant is requesting a variance to retain the gravel parking area surrounding the building. Additionally, the Windy Hill roadway project, which is reconfiguring the portion of Windy Hill Road in between Atlanta Road and South Cobb Drive, is currently causing construction constraints on the subject property since it is immediately to the south. Due to the ongoing construction, the applicant would like to maintain a gravel parking lot for the next three years as the Windy Hill Road project wraps up.

The Fire Marshals have reviewed the plans and have found that the property is not currently in compliance with ADA standards. However, since this is an existing condition, they will not require ADA parking until the three-year period has lapsed. ADA access to and from the building

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is the responsibility of the property owner and as such, may be required to be brought to compliance if the need arises prior to the three-year period.

Due to the ongoing Windy Hill project, Community Development can support the gravel parking condition until the roadway project has been completed, or in the three-year period, whichever comes first. According to the applicant, the original gravel parking area has existed since 2004 and has not impeded business operations; thus, the expansion of the condition should have no negative impacts. Since the proposed gravel parking area is temporary, Community Development is supportive of the proposed variance and does not foresee any negative impacts to the surrounding neighbors.

STAFF COMMENTS

The applicant is requesting to deviate from the City's parking requirements, which are established in Section 901(b) of the Zoning Ordinance. 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 requests against the variance review standards and found them to be in compliance with the review standards. Therefore, Community Development recommends approval of the requested variance with the following conditions:

1. The property owner shall remove the asphalt millings and replace with gravel.
2. A site plan showing the limits of the gravel parking lot, done by a certified Surveyor, shall be submitted for permitting within 60 days of the License and Variance Board decision.
3. The variance for the gravel parking area shall expire December 31, 2024. At the end of the three-year period, the applicant shall submit a parking lot plan in accordance with the regulations of Section 901 of the Zoning Ordinance, which shall include paving, striping and current ADA regulations.

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Figure – 1



Figure – 2 Site Plan

**Figure – 3
Subject Property**



**Figure – 4
Existing Gravel Parking Lot**



Figure – 5

Adjacent Property to the South (Future Windy Hill Road Expansion)



Figure – 6

Adjacent Property across Ventura Road



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Figure – 7
Adjacent Property to the North

