

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 29, 2021

**RE: VARIANCE CASE V21-086
350 Pat Mell Road – Parking reduction from 97 spaces to 52 spaces**

BACKGROUND

The applicant is proposing to remodel the existing Billares Y Taqueria Guerrero Mexican restaurant located at 350 Pat Mell Road to accommodate an exterior deck addition. The proposed changes showed that the existing parking lot required a variance for a parking reduction of 44 spaces. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use.

ANALYSIS

The subject parcel is a 0.99-acre lot located on the southeast corner of the intersection of Pat Mell Road and Frank Lane (see Figure 1). The subject parcel and adjacent parcels to the south and east are zoned GC (General Commercial) and are occupied by various commercial uses. The adjacent parcels across Pat Mell Road are in Cobb County and are occupied by various commercial uses. The adjacent parcel to the west is zoned FC (Future Commercial) and is occupied by a commercial use.

The subject property is currently occupied by a 7,285 square foot restaurant building entering off Pat Mell Road. The applicant currently has a permit to remodel the interior of the existing restaurant building and has submitted additional plans that will include the addition of a 1,152 square foot exterior deck on the eastern side of the building. Due to the Covid-19 pandemic, the restaurant has limited seating inside. The deck has been proposed to allow for customers to wait on their food outside more comfortably instead of waiting in the parking lot.

Section 906.17 of the Zoning Ordinance requires 97 parking spaces on the subject property, which is calculated at one space per 75 square feet of gross floor area. However, the site is currently under parked with only 52 parking spaces, regardless of the deck addition. Six parking spaces will be removed to make room for the new deck but will be offset with 6 new parking spaces created at the rear of the building (see Figure 3). Since the property will retain the same amount of parking due to the replacement of the 6 removed spots, Community Development is supportive of the parking reduction.

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Community Development believes the hardship is not self-created, as the non-conforming parking existed when the building was constructed in 1982 and has not obstructed daily operations for the subject property or surrounding businesses. Additionally, the parking lot shall be restriped to comply with the current code requirements, including ADA parking.

STAFF COMMENTS

The applicant is requesting to deviate from the City's required parking minimums. 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. Community Development believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development recommends **approval** of the requested variance with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.
2. The parking lot shall be restriped, to include current ADA regulations, prior to building permit completion.

Figure – 1



Figure – 2
Site Plan

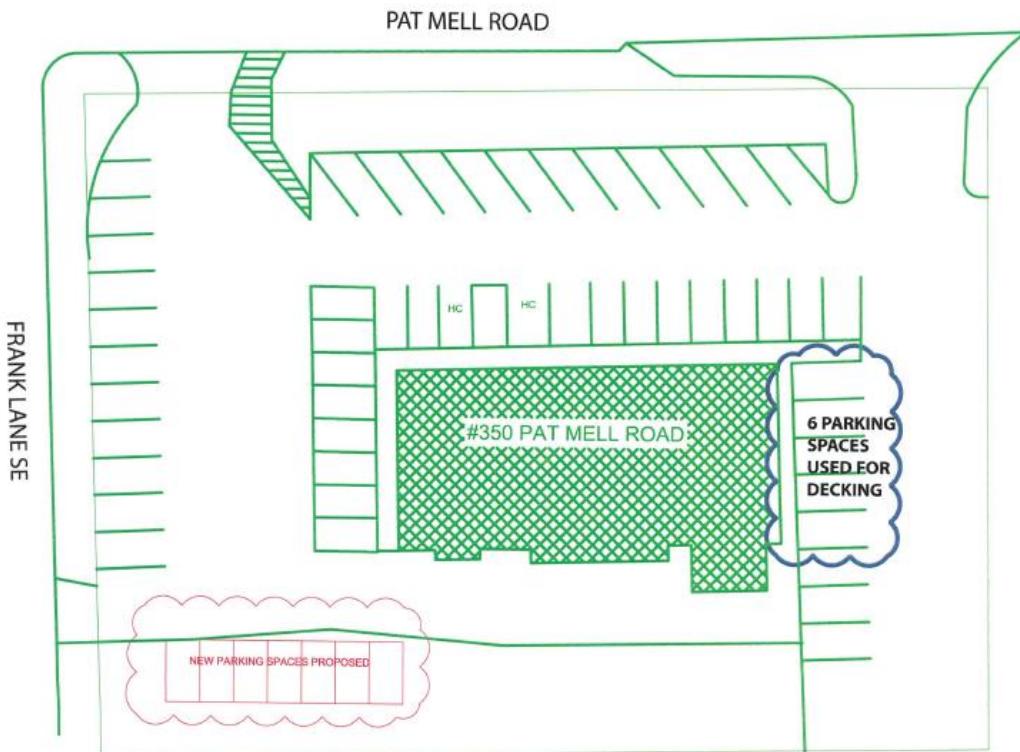


Figure – 3
Location of Proposed Parking Spots



Figure – 4
Subject Property from Pat Mell Road



Figure – 5
Subject Property from Frank Lane



Figure – 6
Adjacent Property across Pat Mell Road



Figure – 7
Adjacent Property to the East



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Figure – 8
Adjacent Property across Frank Lane

