

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: February 18, 2021

RE: VARIANCE CASE V21-010
3261 South Cobb Drive – Reduce side setback from 10 feet to 5 feet for accessory structure

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.

ANALYSIS

The subject parcel is a .56-acre lot located on the north side of the intersection of South Cobb Drive and Concord Road and is zoned (GC) General Commercial (See Figure 1). The adjacent properties to the north and east are also zoned GC. All adjacent parcels are also zoned GC and are occupied with a variety of commercial uses.

The applicant is proposing to renovate the existing structure to create a new Valvoline Instant Oil Change center and has cited the shape and size of the parcel as hardships. However, the property is rectangular in shape and meets the minimum lot size requirement of 20,000 for the GC zoning district (this property is over 24,000 square feet) so no hardship can be given in this case. The property is a double frontage lot, facing both South Cobb Drive and Concord Road, but the existing building on site, which is being renovated, has met all zoning restrictions since it was built in 1982.

STAFF COMMENTS

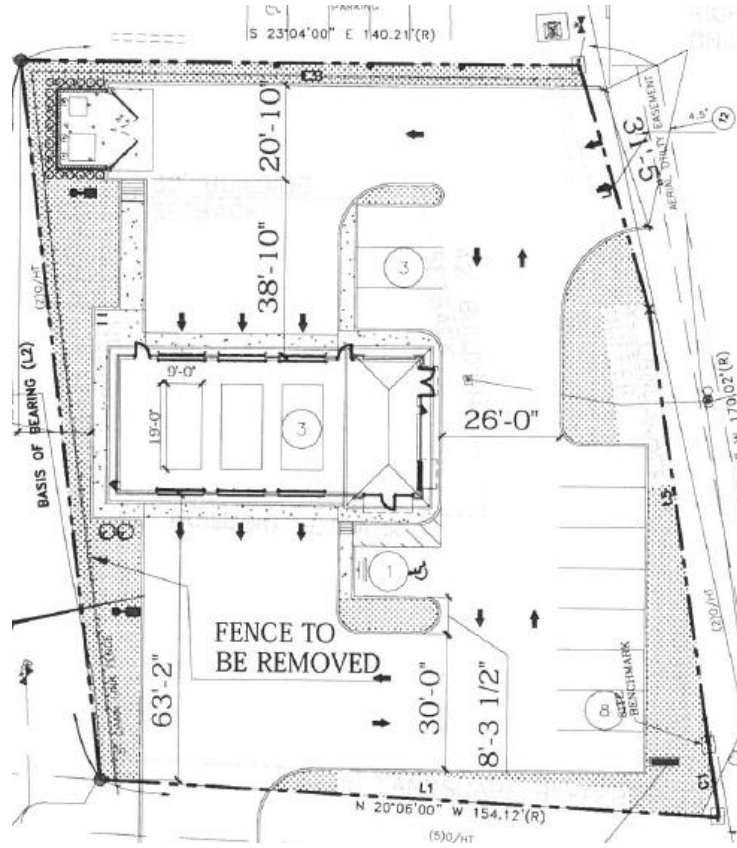
According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (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**.

Figure – 1



**Figure – 2
 Site Plan**



**Figure – 3
 Building Elevations**



Figure – 4
Subject Property from South Cobb Drive



Figure – 5
Subject Property from Concord Road



Figure – 6
Adjacent Property across Concord Road



Figure – 7
Adjacent Property to the Northeast



Figure – 8
Adjacent Property to the Northwest



Figure – 9
View of the intersection of South Cobb Drive and Concord Road to the South

