

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, Planner I

Date: June 5, 2014

RE: VARIANCE CASE V14-005
3326 S Cobb Drive – Reduction of side setback from 10 feet to 3.5 feet.

VARIANCE CASE V14-006
3326 S Cobb Drive – Parking reduction from 70 spaces to 40 spaces

BACKGROUND

The applicant is proposing to remodel the subject property at 3326 S Cobb Drive with a 1,181 square foot addition. The proposed addition will necessitate a parking reduction of 24 spaces and a side setback reduction of 6.5 feet. The existing restaurant is 4,002 square feet and has 47 spaces. With the proposed additions the restaurant will be 5,203 square feet and will require 70 spaces.

ANALYSIS

The subject property is located on the west side of S Cobb Drive, south of the intersection of Concord Road. The property is zoned GC – General Commercial (See Figure 1). The adjacent properties to the north, south, east and west are also zoned GC. The site is 0.73 acres.

The applicant is proposing to expand the existing 4,002 square foot restaurant by an additional 1,181 square feet. The addition will be placed on the side of the building and will require a setback reduction of 6.5 feet. The addition is to expand outdoor seating area with 755 square feet of floor area, and add a walk-in cooler 216 square feet in floor area. The applicant also has proposed enclosing the existing drive thru, which will add another 230 square feet of floor area, making the total gross floor area 5,203 square feet. The current site has 47 parking spaces which does not meet the current parking requirement. The subject property is currently 18 spaces below the requirement. If the addition is allowed, another 30 spaces are required. Community Development has requested that the applicant bring the parking lot up to current landscape requirements, which has reduced some area available for parking spaces. The applicant has proposed a plan that, for conceptual purposes, has made modifications to add landscaping to the parking lot. John Dixon owns the subject property and the adjacent properties. Mr. Dixon has agreed to allow the restaurant to share 32 parking spaces in the

adjacent parking lot. This shared parking agreement is sufficient to make up the difference in the parking space deficiency.

In regards to the request for the side setback reduction, the frame of the drive thru is existing and is 3.5 feet from the property line. The proposed patio will be 5 feet from the property line and walk in cooler will be 8 feet from the property line. Since there is already a non-conforming structure 3.5 feet from the property line, and the other additions will be less intrusive to the side setback, Community Development supports the request.

Community Development believes the hardship is not self-created, as the non-conforming setback existing when the building was constructed, and is supportive of the setback reduction. Community Development is supportive of the shared parking agreement which combined with the onsite parking exceeds the required spaces. Additionally, the parking lot has been redesigned and landscaped to comply with the current code requirements.

STAFF COMMENTS

The applicant is requesting to decrease the required parking from 70 spaces to 40 spaces, and to reduce the side setback from 10 feet to 3.5 feet. 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 staff recommends **approval** of the requested variances 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 and elevations submitted with the variance application.

Figure – 1



Figure – 2
Subject Property



Figure – 3
Side View of Subject Property



Figure – 4
Rear View of Subject Property

