

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: July 2, 2021

RE: VARIANCE CASE V21-062
685 Smyrna Hill Drive – Allow encroachment into the 75-foot impervious setback

BACKGROUND

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious setback as part of a larger senior living apartment development project. The City's stream buffers are controlled by Chapter 46 of the City's Code of Ordinances.

ANALYSIS

The subject parcel is a 2.61-acre lot located on the north side of Smyrna Hill Drive (see Figure 1). A stream runs through the eastern side of the property and continues south. The subject parcel is zoned RHR-PD (Residential High Rise- Planned Development) and is currently vacant. The adjoining parcels to the north are zoned NS (Neighborhood Shopping), the adjacent property to the east is zoned LI (Light Industrial), the adjacent properties to the south, across Smyrna Hill Drive, are zoned NS (Neighborhood Shopping) and GC (General Commercial), and the adjacent properties to the west are zoned GC (General Commercial). All adjacent properties are occupied by various commercial uses.

The subject property was rezoned in 2019 (Z19-013) for a 65-unit senior living apartment building. The site plan at that time did not reflect any impervious encroachment into the 75-foot impervious setback. Once the rezoning was approved, the applicant performed an environmental assessment on the property which showed about an acre of property affected by a stream on the eastern side. After further analysis on the project, the applicant deemed the original site plan infeasible and required modifications that would now impact the 75-foot impervious setback. The modifications were largely for parking purposes since the topography of the site creates steep grade changes that inhibited a standard parking lot. The new proposed site plan shows 2,725 square feet of the property impacted by the 75-foot impervious setback encroachment, which include nine parking spaces, concrete curb, underground stormwater detention, and a retaining wall. None of the encroachments will also impact the 25-foot State buffer nor the City's 50-foot undisturbed stream buffer.

In order to mitigate the encroachment, the applicant is proposing a mitigation area of 2,891 square feet towards the rear of the property that will be left largely undisturbed with minimal grading and tree planting, but no impervious surfaces. They will also be providing pervious

pavers in the affected nine parking spaces. The City Engineer has reviewed the proposed method of mitigation and is supportive of the method with the stipulation that the pervious pavers meet Blue Book standards at the time of permit submittal.

Community Development believes this is the minimum variance needed to allow for usable parking on the site, and there should be no negative impacts to adjacent properties if approved.

STAFF COMMENTS

The applicant is requesting relief from the City's 75-foot impervious setback to allow for parking within the buffer. 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 to be in compliance with four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding properties; therefore, staff recommends **approval** of the requested variance with the following conditions:

1. Approval of the subject property for 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.
2. The applicant shall provide a pervious paver detail to the City Engineer for approval prior to the issuance of a land disturbance permit.

Figure – 1



Figure – 2
 Site Plan

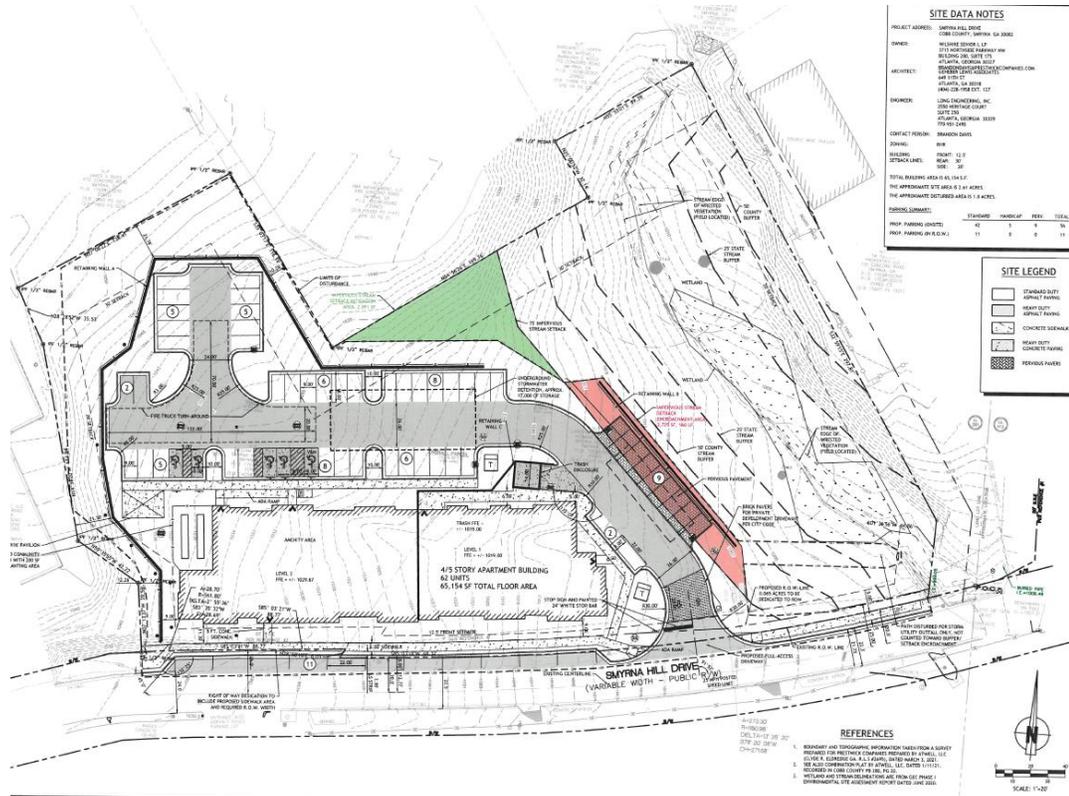


Figure – 3
 Building Elevations



Figure – 4
Subject Property



Figure – 5
Adjacent Property across Smyrna Hill Drive

