

APPLICATION FOR VARIANCE  
TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: 6

Application No: V14-009,009,01A

Hearing Date: 4/9/14

APPLICANT: Chicken Coop 111 RE, LLC

Business Phone: 678 852 1483 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Representative's Name (print): Jeff Carter / Carter Engineering Consultants

Address: 1551 Jennings Mill Rd. Bldg 500B Bogart Ga. 30622

Business Phone: 706 559 7430 Cell Phone: 706 255 3766 Home Phone: \_\_\_\_\_

E-Mail Address: jeff@carterengineering.net

Signature of Representative: [Signature]

TITLEHOLDER: FAR 1, LLC

Business Phone: 305/817-5034 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Address: 4425 Ponce de Leon Blvd Coral Gables, FL 33146

Signature: [Signature]

Niccolo Gomez-Mena

VARIANCE:

Present Zoning: GC Type of Variance: ① reduce required parking to 40 spaces

② reduce required 15' landscape strip to 3' on Spring Road

③ reduce the rear setback from 100' to 63'

Explain Intended Use: proposed Exhij's Restaurant

Location: 1420 Spring Road

Land Lot(s): 558 District: 17 Size of Tract: 1.102 Acres

(To be completed by City)

Received: 3/16/14

Posted: 3/24/14

Approved/Denied: \_\_\_\_\_

## Photographic Building Example



Front Elevation



**Side Elevation**



**Side Elevation**

**Variance Request No.1:**

**Variance to reduce the required parking spaces from 49 spaces to 40 spaces**

- (1) Whether there are unique and special circumstances or extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.

***The subject property is an abandoned convenience store at a visible location at the intersection of Spring Road and Atlanta Road. The property dimensions are unusually difficult for redevelopment due to the proximity to the intersection as well as the significant southerly right of way width of Spring Road. There are also significant topographical conditions on the property which also creates difficulty with redevelopment. If these issues were not prevalent with this property a parking reduction would not be needed. The parking space requirement according to the City Code is 1 space per 75 s.f. of building area. The proposed building area is 3,652 s.f. which would require 49 parking spaces. The variance request is to reduce the required parking spaces from 49 to 40 spaces. Zaxby's Franchising has numerous locations throughout the southeast that has 40 parking spaces with this size building and operate without parking issues.***

- (2) Whether any alleged hardship is self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions from which relief is sought.

***The applicant does not feel that this request is self-created. 40 parking spaces will be adequate to serve this facility based on Zaxby's Franchising criteria and granting this variance will also reduce the amount of proposed impervious area which is a benefit to water quality.***

- (3) Whether strict application of the relevant provisions of the Zoning Code would deprive the applicant of reasonable use of the property for which the variance is sought.

***Due to the site constraints for redevelopment of this property the applicant does not feel it is possible to reasonably construct 49 parking spaces.***

- (4) Whether the variance proposed is the minimum variance, which makes possible the reasonable use of the property.

***The applicant has worked diligently to try and meet the minimum parking requirement but it cannot be met due to the site constraints. The maximum parking that can reasonably fit on this property is 40 spaces.***

**Variance Request No.2:**

**Variance to reduce the required landscape strip from 15' to 3' as shown on the site plan**

- (1) Whether there are unique and special circumstances or extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.

***The proposed site plan includes a 15' landscape strip around the entire perimeter of the property with the exception of the southerly right of way of Spring Road. The variance request is to reduce the landscape strip requirement from the existing Spring Road entrance to the eastern property line. The exceptional condition for this request is the unusual amount of right of way in this area. The aerial image below shows the existing vegetation and width from the road to the applicant's property line. This area will remain as currently exists and provides a significant landscape buffer from the road.***



- (2) Whether any alleged hardship is self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions from which relief is sought.
- The applicant does not feel that this request is self-created. The 15' landscape strip will be applied to all property lines with the exception of the relatively small area shown on the aerial image.***
- (3) Whether strict application of the relevant provisions of the Zoning Code would deprive the applicant of reasonable use of the property for which the variance is sought.
- The applicant does not feel that it is possible to provide the 15' landscape strip in the area denoted and furthermore deprives the applicant a reasonable use of the subject property.***

- (4) Whether the variance proposed is the minimum variance, which makes possible the reasonable use of the property.

***As previously stated, the applicant has tried every reasonable way to meet the landscape strip requirement. The requirement is met at all other property lines and therefore is the minimum variance which will make possible the redevelopment of the property.***

**Variance Request No.3:**

**Variance to reduce the rear building setback from 100 feet to 60 feet**

- (1) Whether there are unique and special circumstances or extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.

***The subject property has two street front setbacks of 50 feet which necessitates the building location relative to the rear property line. This is an unusual condition since most lots in the same zoning district have one front setback and has the potential to move the building further from the rear property line. The possible location of a building on this property is very limited. The applicant has moved the building as far from the rear property line as possible while meeting the front setback requirements. The proposed building corner is located just over 60 feet from the rear property line.***

- (2) Whether any alleged hardship is self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions from which relief is sought.

***The applicant does not feel that this request is self-created. As previously stated, the applicant has tried to locate the proposed building as far from the rear property line as possible but the potential building locations on this property is very limited.***

- (3) Whether strict application of the relevant provisions of the Zoning Code would deprive the applicant of reasonable use of the property for which the variance is sought.

***The applicant does not feel that it is possible to locate the building on a different location on the property due to the site constraints. The applicant feels that this variance is necessary for a reasonable redevelopment of the subject property.***

- (4) Whether the variance proposed is the minimum variance, which makes possible the reasonable use of the property.

***The applicant has tried to move the building as far from the rear property line as possible to create as much of a building setback as possible. The applicant feels that the variance request is the minimum which makes possible the reasonable use of the property***