

# CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

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To: License and Variance Board

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

Date: June 5, 2014

**RE: VARIANCE CASE V14-020**  
**1669 Spring Road** – Reduction of side setback from 10 feet to 0 feet.

**VARIANCE CASE V14-021**  
**1669 Spring Road** – Allow parking reduction from 40 spaces to 29 spaces.

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## BACKGROUND

The applicant is proposing to add a covered patio over the existing outdoor seating area at 1669 Spring Road, Mezza Luna Restaurant. The subject property is 100 percent impervious, so no additional impervious area will be created. The proposed roof and enclosure is approximately 11 feet wide by 32 feet in length. The existing restaurant is 1,600 square feet in gross floor area. The proposed covered patio is 352 square feet.

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## ANALYSIS

The subject property is located on the north side of Spring Rd, at the intersection of Jonquil Drive (See Figure 1). The property is zoned GC – General Commercial. The adjacent properties to the north, south, and west are zoned GC. The property to the east is NS – Neighborhood Shopping and GC. The site is 0.36 acres; however most of the site is dominated by Spring Road Package Store and parking area. Mezza Luna takes up approximately 25 percent of the total site area. The existing gross floor area of the restaurant is 1,600 square feet. The patio enclosure will be approximately 352 square feet.

The applicant is proposing to expand the existing 1,600 square foot restaurant by an additional 352 square feet. The addition will be placed on the side of the building and will require a setback reduction of 10 feet. The addition is to cover existing outdoor seating area and is approximately 11 feet wide by 32 feet in length. The area of the proposed patio is already

impervious. The applicant will provide proper gutters and downspouts directing stormwater away from the adjacent property to the north.

The current site has 29 parking spaces which is legal non-conforming condition. The site includes a package store and a restaurant that both utilize the same parking lot. The subject property is currently 11 spaces below the requirement including the proposed addition. Although the package store is greater in gross floor area (2,440 square feet), due to the 5.5 spaces per 1,000 square feet of floor area parking calculation, they are required to have less parking than the restaurant (1,952 square feet). The parking calculation for a restaurant is one space per 75 square feet of gross floor area.

The applicant has a shared parking agreement that allows 11 additional spaces. During evening hours the applicant utilizes spaces at the abutting property to the north, 2878 Jonquil Drive, which is a trophy shop open during the day allowing 8 shared parking spaces. The applicant also has an agreement across Jonquil Drive, where the applicant's employees park that include the additional 3 spaces needed. These shared parking agreements are sufficient to make up the difference in the parking space deficiency. Additionally, the restaurant has a limited amount of seating due to the table spacing, to provide their patrons with a high end dining experience. Also, the proposed patio enclosure is 2 percent of the total site, which is a marginal change to the overall development.

Community Development believes the hardship is not self-created, as the parking condition existed when the site was originally developed. Community Development is supportive of the shared parking agreement which, combined with the onsite parking, meets the required spaces. Community development is also supportive of the side setback reduction as no new impervious area is created, and the applicant will have proper gutters and downspouts directing stormwater away from the abutting property.

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## STAFF COMMENTS

The applicant is requesting to decrease the required parking from 40 spaces to 29 spaces, and to reduce the side setback from 10 feet to 0 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.
2. Appropriate gutters and downspouts will be installed to divert stormwater away from adjacent property, prior to final inspection.



**Figure – 2**  
**Subject Property**



**Figure – 3**  
**View of Proposed Roof**



**Figure – 4**  
**View of Abutting Property**



**Figure – 5**  
**View of Property Across Jonquil Dr**



