

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, AICP - Planner II

Date: April 20, 2017

**RE: VARIANCE CASE V17-021**  
**3402 S Cobb Dr – Reduction of front setback from 40 ft. to 10 ft. for existing canopy**

**VARIANCE CASE V17-022**  
**3402 S Cobb Dr – Reduction of front setback from 50 ft. to 40 ft. for existing canopy**

**VARIANCE CASE V17-023**  
**3402 S Cobb Dr – Reduction of rear setback from 30 ft. to 2 ft.**

**VARIANCE CASE V17-024**  
**3402 S Cobb Dr – Reduction of parking requirement from 17 spaces to 10 spaces**

**VARIANCE CASE V17-025**  
**3402 S Cobb Dr – Allow accessory structure dumpster in side yard**

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## **BACKGROUND**

The applicant is proposing to redevelop an existing gas station located at 3402 S Cobb Drive. The applicant has requested several variances for a new structure at the rear of the property as well as variances to maintain the existing non-conforming canopy. The subject property is 0.52 acres, zoned General Commercial, and is subject to the South Cobb Drive Corridor Design District, and the minimum yard requirements found in Section 802.

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## **ANALYSIS**

The subject property is located at the intersection of S Cobb Drive and Lake Drive and is zoned GC – General Commercial (See Figure 1). The adjacent properties to the north, south, east, and west are also zoned GC and are occupied with commercial uses.

The subject property contains canopy with fueling stations and convenience store underneath, as well as a small car wash at the rear of the property. The applicant proposes to remove the existing convenience store, and to build a new 3,000 sq. ft. convenience store in place of the existing car wash. The canopy, which is non-conforming with respect to both front setbacks, will otherwise remain unchanged. Due to constraints of the site, the applicant is proposing a rear

setback reduction from 30 ft. to 2 ft. for the new convenience store. The store will abut an existing retaining wall approximately 2 feet from the rear property line. The applicant's request within the application states a reduction to 0 ft. for the rear setback, but after conferring with the applicant, the correct distance is 2 ft. from the rear property line. The applicant also requests a parking reduction from 17 spaces to 10 spaces. The subject property currently does not have any parking spaces designated in the parking area and the property is comprised of approximately 100% impervious area. The applicant is proposing a variance to allow the dumpster in the side yard to maximize the amount of parking spaces as well as to maintain sufficient vehicle flow for patrons and emergency vehicles.

The applicant is requesting two variances for the existing canopy so that it may be utilized in its current configuration. The canopy is non-conforming and will require a front setback reduction on the S Cobb side from 50 ft. to 40 ft., as well as a front setback reduction on the Lake Drive side from 40 ft. to 10 ft.

The gas station and convenience store on the property is currently closed, and the applicant proposes the following changes to modernize the site and restore it to a functional condition. The subject property is non-conforming with respect to the corridor design and landscaping requirements. Aside from the variances requested, the applicant will enhance the property where it is deficient in those requirements.

The unique circumstance applying to the property is that it is currently occupied by a non-conforming convenience store and fuel canopy. The size of the subject property along with the required setbacks restricts most of the site from being buildable. Strict application of the requirements would deprive the property of reasonable use. Community Development believes the variances requested are the minimum variances needed. Therefore, Community Development does not believe the reduction will adversely impact any other buildings or property owners.

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## STAFF COMMENTS

The applicant is requesting reductions in both front setbacks and the rear setback, a parking space reduction, and to allow the dumpster in the side yard. 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 and consideration of the City Engineer's recommendations, Community Development believes that the setback encroachments will not adversely affect surrounding residents; therefore, 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 submitted with the variance application.
2. The dumpster will be enclosed on three sides by brick.

**Figure – 1**



**Figure – 2**  
**Subject Property**





**Figure – 3**  
**Rear of Subject Property**



**Figure – 4**  
**View across Lake Drive**



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