

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: July 6, 2017

RE: VARIANCE CASE V17-039
5220 S Cobb Dr – Reduction of front setback from 50 ft. to 30 ft. for canopy

VARIANCE CASE V17-040
5220 S Cobb Dr – Reduction of rear setback from 50 ft. to 41.6 ft. for new commercial building

VARIANCE CASE V17-041
5220 S Cobb Dr – Reduction of parking space requirement from 62 to 48 spaces

BACKGROUND

The applicant is proposing to redevelop a vacant parcel located at 5220 S Cobb Drive. The applicant has requested several variances for the construction of a new gas station/drive thru restaurant. The subject property is 1.74 acres, zoned General Commercial, and is subject to the South Cobb Drive Corridor Design District, and the minimum yard requirements found in Section 802, and off-street parking requirements located in Article IX.

ANALYSIS

The subject property is located at the intersection of S Cobb Drive and Oak Drive and is zoned GC – General Commercial (See Figure 1). The adjacent properties to the north and south are zoned GC and are occupied with commercial uses. The adjacent property to the west is zoned RAD and is occupied with a stormwater detention facility for a townhome community. The property to the east is in Un-Incorporated Cobb County and is occupied with commercial and multi-family uses. The subject property is an irregular shape, as the S Cobb Drive property line angles in towards the interior of the property.

While plan review may reveal deficiencies in other zoning requirements, at this time, the applicant is requesting three variances: a front setback reduction for the canopy, a rear setback reduction for the convenience store/drive-thru restaurant, and a parking space reduction. The applicant is proposing to develop the subject property with a fuel station covered by canopy,

and a commercial building that includes a convenience store (4,238 sq. ft.) combined with a drive-thru restaurant (2,921 sq. ft.). The canopy will cover 10 fuel stations and is 7,888 sq. ft. The subject property was previously developed but it is now absent of any structures.

The subject property has an irregular shape which necessitates several variances that will allow the building to be oriented toward the S Cobb right-of-way. The applicant is requesting a front setback reduction for the canopy from 50 ft. to 30 ft. The variance is necessary to provide adequate drive aisle width between the canopy and proposed store/restaurant building. A rear setback reduction is requested from 50 ft. to 41.6 ft. for the proposed store/restaurant building. This reduction is only necessary for a small corner segment of the building, approximately 75 sq. ft. A retaining wall is proposed at the rear of the property which will provide a buffer between the store and residential property. Also requested is a parking reduction from 62 to 48 spaces. The proposed uses, fueling station with convenience store and drive-thru restaurant, promote quick parking space turnover, with some patrons not parking at all, which justifies a reduction in the amount of parking spaces provided.

Due to the irregular shape of the subject property, several variances are required to construct a new convenience store/drive-thru restaurant. The variances will allow the building to be oriented toward S Cobb Dr. The hardship is not self-created as the property has previously existed in the current configuration. Strict application of the requirements would deprive the applicant of reasonable use of the vacant property. Community Development believes the variances requested are the minimum variances needed to develop the property.

STAFF COMMENTS

The applicant is requesting reductions for the front and rear setback, and parking space reduction. 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 believes that the setback encroachments and parking reduction 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; however, revisions as a result of plan review that meet the general intent of the variance site plan may be approved by Community Development Director.

Figure – 1



Figure – 2
Subject Property



Figure – 3
View across Oak Drive



Figure – 4
View across S Cobb Drive



Figure – 5 Site Plan

