

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, Acting Community Development Director
Joey Staubes, AICP - Planner II

Date: July 5, 2019

RE: VARIANCE CASE V19-026
3875 S Cobb Dr – Allow reduction of veterinary clinic distance from 200 feet to 25 feet from residential property

BACKGROUND

The applicant is requesting a variance to reduce the 200 ft. distance requirement of a veterinary clinic from residential property at 3875 S Cobb Drive. The clinic is proposing to use an existing building 25 ft. from residential property as a veterinary clinic. Section 712.3 controls the location of veterinary clinics in the Code of Ordinances.

ANALYSIS

The subject property is located at the intersection of S Cobb Drive and King Springs Road (See Figure 1) and is zoned GC – General Commercial. The adjacent property to the north is zoned NS – Neighborhood Shopping and is occupied by a commercial use. The adjacent property to the south and east is zoned RTD – Residential Townhome and is occupied with a residential use. The property to the west is zoned GC (General Commercial) and is occupied with a church. The subject property is 0.91 acres.

The subject property was previously occupied by a convenience store/gas service station and has been vacant for a several years. The applicant is requesting to use the property as-is, for use as a veterinary clinic. The only change to the structure will be to remove a gate on the larger dumpster enclosure behind the building and to fully enclose it. The existing building is approximately 25 feet from a residential property line at the rear of the subject property; however the nearest residential structure is approximately 70 feet away. The applicant requested a second variance in their application to allow an accessory structure. Community Development has determined that variance is not necessary as the accessory structure is an existing condition on the property.

The subject property is separated by a wooden privacy fence from the residential property. The applicant has agreed not to permit animals to be kenneled or exercised in the area between the existing buildings. Within the newly enclosed area the applicant agrees to only permit a single

animal at a time to be within this area and the animal will be leashed and supervised by a dedicated animal hospital personnel.

The applicant is requesting a variance to reduce the distance required for veterinary clinics from residential property. Due to the location of the existing structure a variance is required to allow the proposed use. Strict application of the ordinance would require the existing structures be demolished and rebuilt in order to be in compliance. However, due to the shape and size of the subject property, setback reductions would be necessary to build new structures. Community Development believes the variance requested is the minimum variance needed.

STAFF COMMENTS

The applicant is requesting a variance to reduce the distance requirement for a veterinary clinic from residential property. 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 not received any calls in opposition to the request. After a review of the standards above Community Development believes that the variance will not adversely affect surrounding properties; therefore, staff recommends approval of the requested variance with two conditions:

1. Applicant will agree not to permit animals to be kenneled or exercised in the area between commercial and residential uses.
2. Within the newly enclosed area, the applicant shall only permit a single animal at a time to be within the area, and the animal will be leashed and supervised by a dedicated animal hospital personnel.

Figure – 1



Figure – 2
Subject Property



Figure – 3
Subject Property



Figure – 4
Adjacent Property



Figure – 5
Adjacent Property



Figure – 6 Site Plan

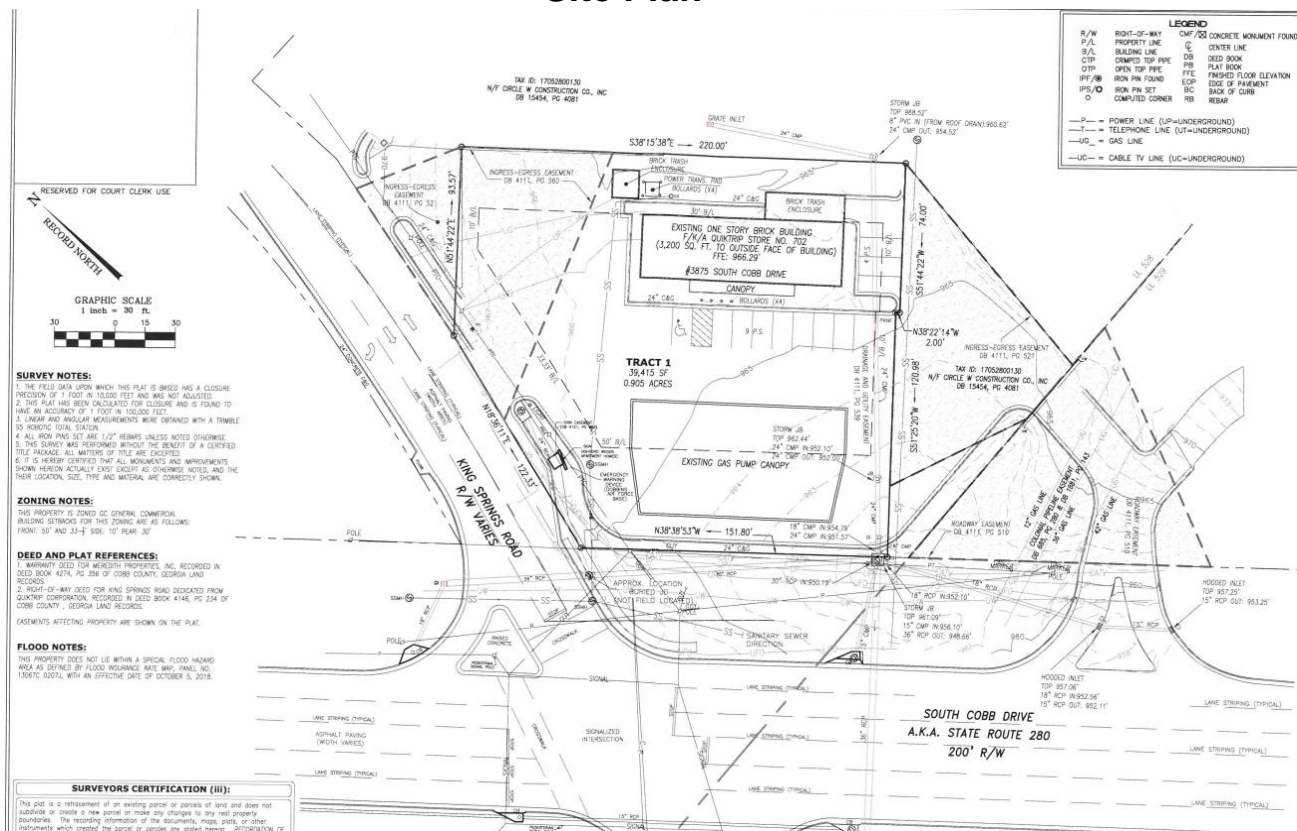


Figure – 7 Proposed Elevations



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