

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: October 5, 2021

**RE: VARIANCE CASE V21-103
1278 Davis Rd – Allow a gravel parking surface**

**VARIANCE CASE V21-104
1278 Davis Rd – Allow 8-foot privacy fence in front yard**

BACKGROUND

The applicant is requesting a variance to allow for a gravel parking area and an 8 ft. privacy fence in a front yard at 1278 Davis Rd for a landscape contractor office. The applicant will need a variance from Section 503-A and 901(b) of the City's Zoning Ordinance which respectively regulate fencing and paved parking surface.

ANALYSIS

The subject parcel is a 0.47-acre lot located on the north side of Windy Hill Road and the east side of Dixie Avenue (see Figure 1). The subject parcel is zoned General Commercial (GC) and was previously occupied as a residential structure. The adjoining properties to the north, south, and west are also zoned GC and are occupied by a church. The adjacent property to the east across Davis Road is zoned R-15 and is occupied by a golf course.

The applicant is proposing to utilize the existing structure for a landscape contractor business. The existing structure is on septic and requires a drainage field for the system to function properly. The applicant wishes to have a gravel parking surface in the rear yard of the property instead of pavement for the drainage field to remain undisturbed. Section 901(b) in reference to the City's parking design standards reads, "Each parking facility shall be graded and paved, including access drives and be curbed when needed for effective drainage control." The City's parking design standards do not provide any exemptions from this requirement for specific uses or zoning districts. Therefore, the applicant is requesting a variance to install the gravel parking area surrounding the building. The drainage field for the septic system will remain undisturbed.

Additionally, Sec. 712.20.1 requires a vehicles and materials to be screened from the public right of way. The applicant is requesting allowance of an 8-foot privacy fence that will connect from the building to the existing privacy fence along the sides of the property. A gate will be installed to allow access to the site.

The Fire Marshals and Public Works have reviewed the request and are supportive of the proposed variances.

Due to the septic system and drainage requirements the applicant is requesting a gravel parking surface and the ability to install an 8-foot privacy fence for screening and security. Since the property is not visible by any adjacent property or public right of way, Community Development is supportive of the proposed variances and does not foresee any negative impacts to the surrounding neighbors.

STAFF COMMENTS

The applicant is requesting to deviate from the City's parking requirements, which are established in Section 503-A and 901(b) of the Zoning Ordinance. 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 reviewed the requests against the variance review standards and found them to be in compliance with the review standards. Therefore, Community Development recommends **approval** of the requested variance with the following conditions:

1. Approval is conditioned upon substantial compliance with the site plan submitted with the variance application.
2. The septic tank drainage area shall remain undisturbed and not be utilized for storage or parking.

Figure – 1



Figure – 2
Site Plan

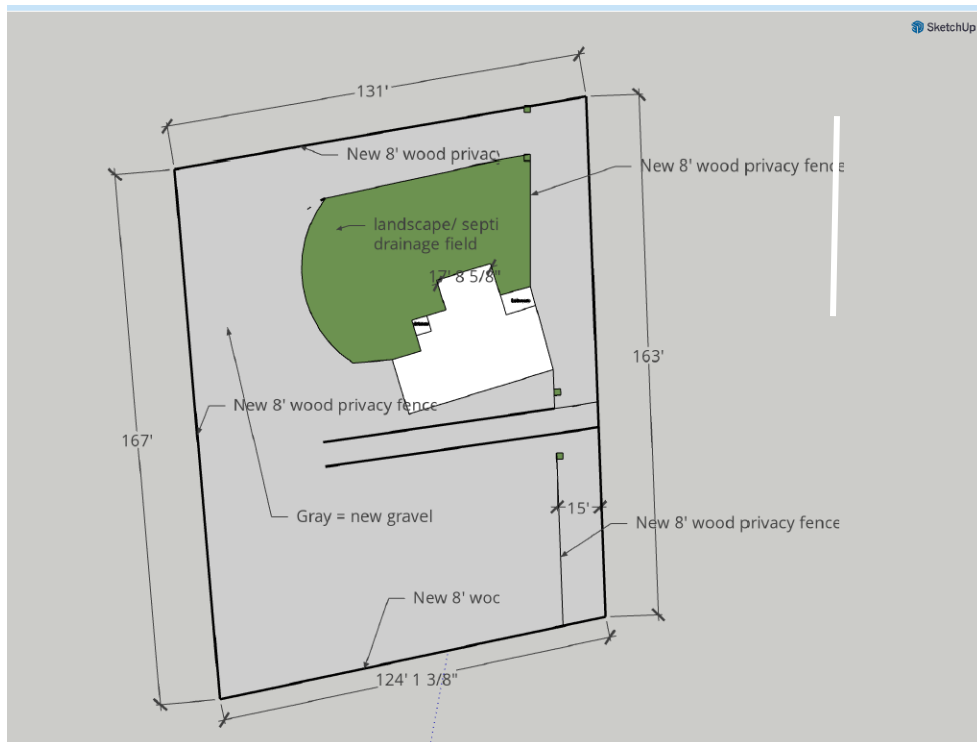


Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property

