

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Caitlin Crowe, Planner I

Date: November 20, 2023

**RE: VARIANCE CASE V23-092  
1800 Lake Park Drive – Allow six-foot fence in front yard**

**VARIANCE CASE V23-093  
1800 Lake Park Drive – Allow additional accessory structures**

**VARIANCE CASE V23-094  
1800 Lake Park Drive – Allow accessory structures within the front yard**

**VARIANCE CASE V23-095  
1800 Lake Park Drive – Reduce the side setback from 15 feet to 4.4 feet for a  
dumpster enclosure**

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## **BACKGROUND**

The applicant is requesting four variances to redevelop the existing office park into an education facility at 1800 and 1850 Lake Park Drive: to allow for a 6-foot privacy fence in the front yard, allow for additional accessory structures, allow accessory structures within the front yard, and reduce the side setback for a dumpster enclosure. The accessory structure requirements are regulated by Section 501 of the Zoning Ordinance whereas Section 503-A controls the location and height of fences.

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## **ANALYSIS**

The subject parcel is a 2.35-acre corner lot zoned OI (Office Institutional) and is located at the northeastern corner of the intersection of Village Parkway and Lake Park Drive; the property is currently occupied by a variety of health professional offices (see Figure 1). The adjoining properties to the north, west, and south are zoned RM-12 and are occupied by the Brighton Way apartment complex, the Hillsdale Condominiums, and the Cortland at the Village apartment complex, respectively. The adjacent property to the east is zoned OI and is occupied by a portion of the UCB campus, a vaccine research company.

The subject property is currently occupied by two office buildings: an 18,474 square foot building addressed as 1800 Lake Park Drive and an 11,634 square foot building addressed as 1850 Lake Park Drive. The applicant is proposing to redevelop the property by renovating both buildings into an education facility to be used by the Quadrilingual Academy, a kindergarten

## VARIANCE CASE V23-092 through V23-095

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through 5<sup>th</sup> grade private school. Phase I will include a renovation to 1800 Lake Park Drive, with a second phase to come later to renovate 1850 Lake Park Drive into additional classroom space. The current variance requests only consider any redevelopments under Phase I. Due to the proposed educational nature of the site, the applicant is seeking three variances relating to the four proposed playgrounds and multi-sport track area; to allow multiple accessory structures, allow a 6-foot fence in the front yard, and allow accessory structures in the front yard.

Each playground will have fabric canopies over a section of the playground, designed to cover or shade the children during inclement or hot weather. Due to the canopies, play structures, and the property's dumpster being separated from the main structure, there is more than one accessory structure on the parcel, which is not permissible under Section 501.11 of the Zoning Ordinance. However, the canopies, play structures, and dumpster are essential for the business operation and have little effect on the surrounding parcels.

The subject property is a corner lot on two well-travelled roadways. Since the buildings and parking area are existing on the subject property, the only available location to place the playgrounds is within the front yard along Lake Park Drive. Although this is considered a front yard due to the site being a corner lot, the proposed area is actually the rear of the buildings due to the building arrangement on the property. By keeping the playgrounds at the rear of the building, the parking area is left available for child drop-off and pick-up. In order to maintain the safety and privacy of the children while playing outside since the playgrounds are adjacent to the busy roadway, the applicant is requesting a 6-foot black metal privacy fence from the Lake Park Drive entrance to the end of the 1800 Lake Park Drive building. The fence in part will be erected on a new retaining wall along Lake Park Drive, which will give further height and privacy. The City's Transportation Engineer has reviewed the application and does not foresee any issues with sight distance at the entrance or road intersection.

The proposed programming at the school includes food services for the children, which requires an increased trash capacity compared to the previous office park. The applicant is proposing to erect a new 12-foot x 14-foot dumpster enclosure near the existing location. However, the existing dumpster is within the side setback by 10.6 feet, so a side setback variance is required to keep the same footprint upon the rebuild. Since this condition has existed since at least 1993 per the property's recorded plat, the variance is not self-created.

Community Development believes the variances requested are the minimum variances needed to renovate the existing buildings for an education facility on the subject property. Strict application of the ordinance would require any playground structures to be attached to the main structure or be indoors, which would limit the business operations. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved. At the time of this report, Community Development has not received any calls in opposition to these requests.

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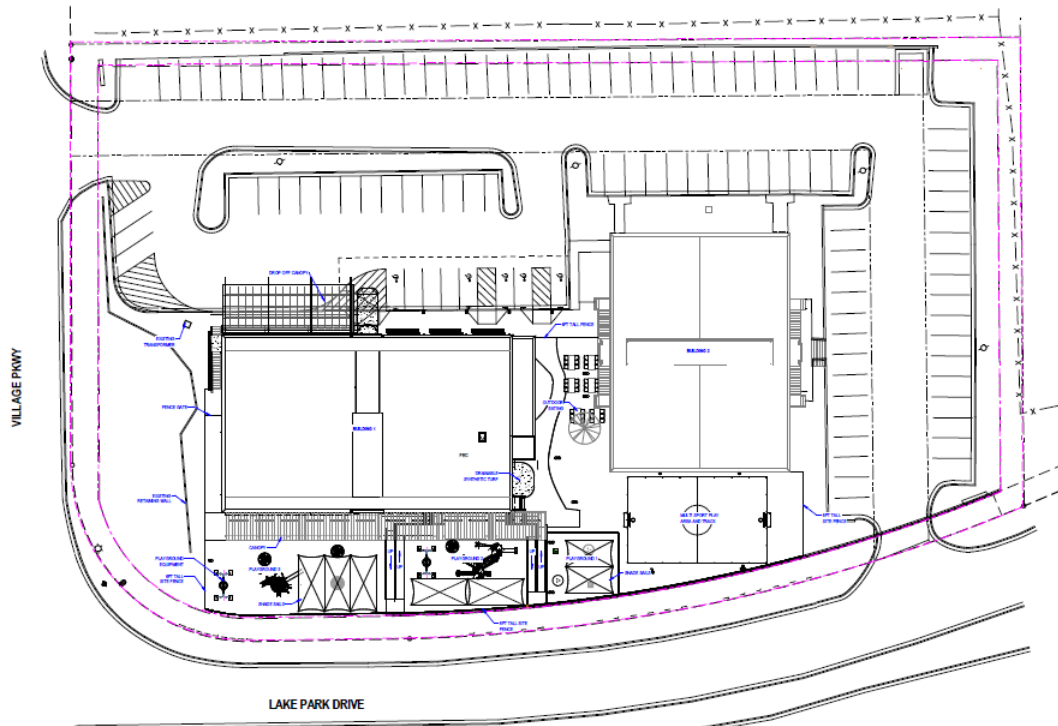
### STAFF COMMENTS

The applicant has requested variances to allow for a 6-foot fence in the front yard, allow for additional accessory structures, allow accessory structures within the front yard, and reduce the side setback for a dumpster enclosure for the redevelopment of 1800 and 1850 Lake Park

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1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.

**Figure – 2  
Site Plan**



**Figure – 3  
Proposed Elevations along Lake Park Drive**





**Figure – 4**  
**Subject Property along Lake Park Drive**



**Figure – 5**  
**Subject Property along Village Parkway**





**Figure – 6**  
**Adjacent Property to the North**



**Figure – 7**  
**Adjacent Property across Village Parkway**



**Figure – 8**  
**Adjacent Property across Lake Park Dr**

