

# 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: March 5, 2024

**RE: VARIANCE CASE V24-009**  
**802 Smyrna Hill Drive – Allow gravel parking surface**

**VARIANCE CASE V24-010**  
**802 Smyrna Hill Drive – Reduce the required parking spaces from 107 spaces to 59 spaces**

**VARIANCE CASE V24-011**  
**802 Smyrna Hill Drive – Allow 6-foot fence in the front yard (Withdrawn)**

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#### **BACKGROUND**

The applicant is proposing to renovate an existing warehouse and surrounding parking area to accommodate a new autobody shop at 802 Smyrna Hill Drive. The renovations will require two variances: to allow for gravel parking and to reduce the required parking spaces from 107 spaces to 59 spaces. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use and Section 901(b) regulates parking surfaces.

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#### **ANALYSIS**

The subject parcel is 1.40 acres located on the south side of Smyrna Hill Drive, near the intersection of Smyrna Hill Drive and the private alley known as Dickson Way (formerly Radcliff Road) (see Figure 1). The subject parcel and adjacent parcels to the south, east, and west are zoned GC (General Commercial) and are occupied by a variety of auto-related businesses. The adjacent parcel to the north is zoned LI (Light Industrial) and is occupied by a self-storage facility.

The subject property was formerly occupied by the Concord Body Shop, which closed for business in July 2020. The property sat vacant until it was sold in June 2023, when the applicant purchased the property to use for his own autobody shop, Georgia Luxury Automotive. The applicant subsequently extended the parking facilities with gravel in the rear of their property, removed an accessory building, and began construction in the interior of the warehouse, all without the appropriate permits or variances. The applicant had also replaced the previous nonconforming chain link fence and gate with a 6-foot-tall metal fence within the front setback. Once notified of the violations, the applicant began working with City staff to

## VARIANCE CASE V24-009 through V24-011

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correct the violations, most specifically the parking plan on the property, and come into compliance.

The property is currently occupied by an 18,210 square foot warehouse building with a detention pond in the southwest corner. The former 2,800 square foot accessory building in the rear was demolished and, per the applicant, will not be replaced to ensure fire truck access around the building.

As part of the unpermitted work, the applicant put roughly 6,600 square feet of fresh gravel in the rear of the property. The applicant is proposing to retain the gravel area as a parking surface for his customer's vehicles while they are being worked on in the shop. This area is not to be used by the general public during drop off or pick up of their vehicles. 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 continue use of the gravel parking area. Community Development has completed an aerial survey of the immediate surrounding area and has found gravel parking areas with similar operations as proposed by the applicant. However, the gravel area may not be expanded further than what is currently on-site without obtaining a further variance. Due to the existing detention pond, the City Engineer has determined that additional stormwater management is not required to account for the replaced impervious surface.

Section 906.1 and Section 906.6 of the Zoning Ordinance requires 107 parking spaces on the subject property, which is calculated at 1 space per 150 square feet of garage space for the auto repairs and 1 space per 250 square feet of gross floor area in the office areas. The existing building is centered in the middle of the lot, with an existing nonconforming setback of 8.10 feet on the western side property line and 20 feet to the eastern side property line. Due to the configuration of the existing building on the site, the applicant can only provide 59 spaces while still maintaining the required fire truck access to the eastern side of the property. Per the applicant, the business may have up to 20 employees at one time with the majority of the vehicles parked inside while they are being worked on. The applicant's business model does not allow for walk-ins, as all vehicles are scheduled with drop off times and can thus be regulated by the shop. If a particular vehicle is waiting on a part or repair, it will be parked in the rear of the property on the gravel parking and thus not be visible to the public. Due to the limited access to the general public and regulated intake of vehicles, Community Development can support the variance request.

The newly installed 6-foot metal fence and gate will be replaced with a 4-foot metal fence, still within the front setback, with room for vehicles to wait on the property outside of the City right-of-way. Since fences can be up to four feet tall in the front yard, the variance to allow for a 6-foot fence in the front yard is being withdrawn.

Community Development believes the variances will not cause negative impacts to the adjacent properties, as the lot and building configuration is unique and has existed since the previous use. Additionally, the parking lot will be updated to comply with the current code requirements, including ADA parking. Since the proposed gravel parking and reduction in spaces is in line with

existing conditions in the surrounding area, Community Development is supportive of the proposed variances. At the time of this report, Community Development has not received any calls in opposition to these requests.

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## STAFF COMMENTS

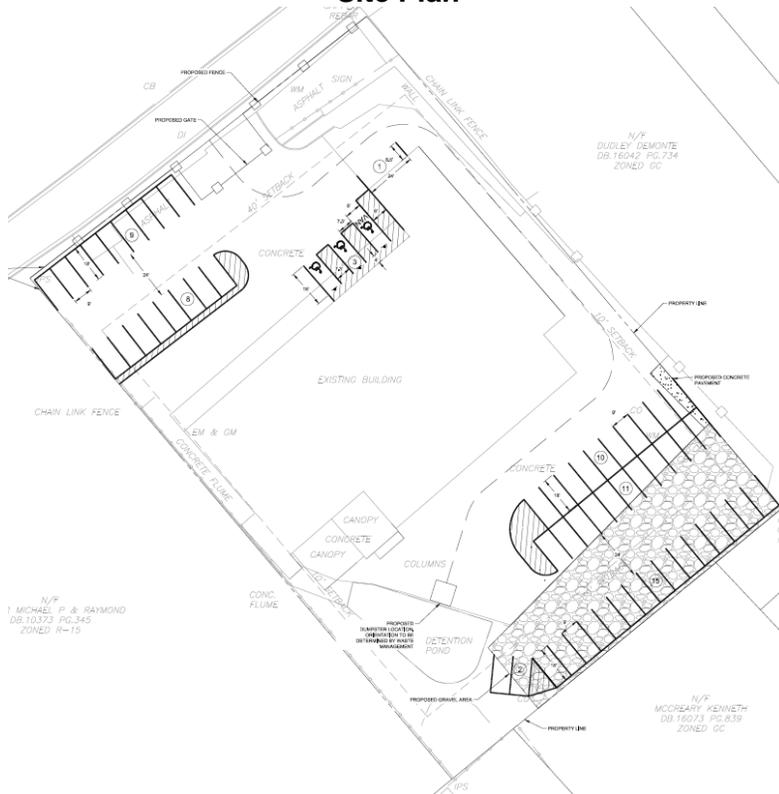
The applicant is requesting to deviate from the City's required parking requirements. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether 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 believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application on March 5, 2024.
2. A land disturbance permit must be submitted to Community Development for review within 60 days of approval of the variance requests.
3. The 6-foot metal fence within the front setback must be removed and replaced with a 4-foot fence prior to completion of the land disturbance permit. Any gates shall also be a maximum of 4-feet in height if within the front setback.
4. The dumpster shall be enclosed by a three-sided enclosure per Section 86-34.1.
5. Pavement markings/stripping shall be added indicating parking spaces and direction of traffic flow in the parking lot. Signage and/or pavement markings added indicating customer parking.
6. No additional impervious surface shall be added beyond what is shown on the approved site plan.
7. All vehicles parked outside of the structure must be maintained in the parking spaces recognized in the approved parking layouts to help protect fire department access.
8. All work performed on the site shall not encroach into the City right-of-way unless approved with the land disturbance permit.

Figure - 1



Figure - 2  
Site Plan



**Figure – 3**  
**Subject Property**



**Figure – 4**  
**Subject Property**



**Figure – 5**  
**Adjacent Property to the West**



**Figure – 6**  
**Subject Property & Adjacent Property to the East**



**Figure – 7**  
**Adjacent Property across Smyrna Hill Drive**

