

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: January 4, 2023

**RE: VARIANCE CASE V22-074
1717 Spring Street – Allow animal boarding within 200 feet of residential property**

BACKGROUND

The applicant is requesting a variance to allow animal boarding within 200 feet of a residential property at 1717 Spring Street. The applicant is proposing to use an existing building for dog boarding, which is adjacent to residential property to the east and northeast. Section 712.11 controls the location of animal boarding in the General Commercial zoning district within the Zoning Code.

The application was heard by the License and Variance Board on December 14, 2022 and tabled for the applicant to provide additional information in an effort to amend the proposed conditions recommended by staff. The applicant has provided details to allow an outdoor dog run and permit more than one dog outside supervised by an employee (Conditions 1 & 2). The applicant has proposed to limit any nuisances by creating a dog run in the existing outdoor playground, and limiting the dog run use to Mondays through Friday between 9:00am – 11:30am and 2pm – 4:30pm. The applicant has also requested that a maximum of 10 dogs be allowed in the outdoor dog run within those times. Community Development does not recommend the proposed changes to the original conditions proposed by staff.

ANALYSIS

The 0.41-acre lot is located to the north of Spring Street (see Figure 1). The subject property is currently occupied by a 4,800 retail space and is zoned GC (General Commercial). The adjacent property to the north and west is zoned GC (General Commercial – Cobb County) and is occupied by a commercial business. The adjacent property to the east is zoned R-20 (Residential – Cobb County) and is occupied by a single-family home. The properties to the south are zoned GC (General Commercial) and are occupied by commercial businesses.

The subject property is occupied by a day care. The applicant is requesting to use the existing structure for use as an animal boarding facility, with some minor interior remodeling. To try to keep as much noise from the residential property as possible, they will be installing sound dampening materials on all exterior facing walls and some interior walls.

The existing building is approximately 40 feet from a residential property line at the east, and 130 feet to the north of the subject property; however, the nearest residential structure is approximately 70 feet away with a vegetative buffer between the two properties. A similar variance was approved for a boarding and veterinary clinic at 1763 Spring Street.

The applicant is requesting a variance to allow animal boarding within 200 feet of residential property. Although the use is a permitted use within the GC (General Commercial) zoning district, due to the location of the existing structure, a variance is required to allow for the proposed use. Strict application of the ordinance would prohibit the proposed use. However, Community Development supports the requested variance with conditions. Community Development believes the variance requested is the minimum variance needed.

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STAFF COMMENTS

The applicant is requesting a variance to reduce the distance requirement between an animal boarding facility and a 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. 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 the following conditions:

1. There shall be no outside boarding of dogs or outdoor dog runs on the subject property.
2. Only one dog shall be allowed outside at any time and must be supervised by an employee at all times.
3. The structure shall be insulated in such a way that no outside noise is detectable within ten feet of the structure.

Figure – 1

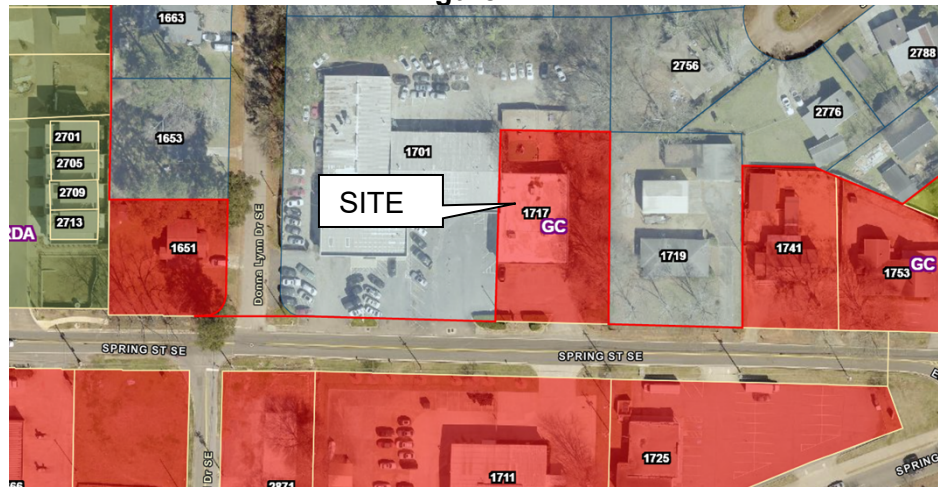


Figure – 2
Distance Measurements

Dogtopia is requesting a variance to reduce the setback and to include an outdoor run-on property

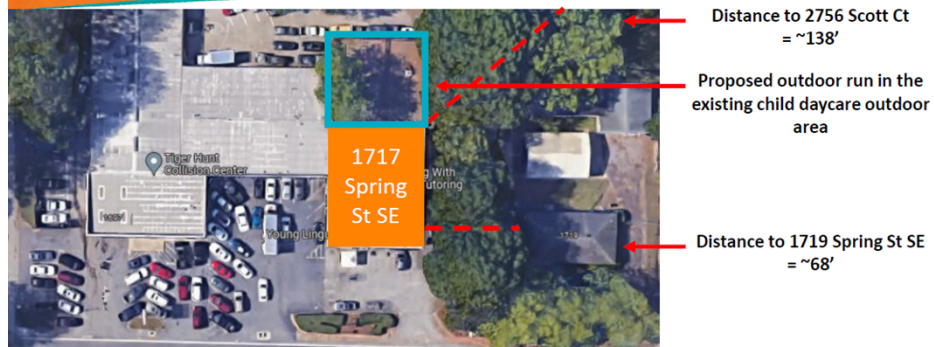


Figure – 3
Subject Property



Figure – 4
Subject Property



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property



**Figure – 7
Adjacent Property**



**Figure – 8
Proposed Outdoor Area**

Dogtopia outdoor areas are clean and aesthetically pleasing

Interior look & feel:



Exterior look & feel:

