

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 V23-003
2535 Cobb Parkway – Reduce the rear setback from 30 feet to 19 feet**

BACKGROUND

The applicant is requesting to build an addition and storage building at 2535 Cobb Parkway requires a rear setback reduction from 30 feet to 19 feet. The rear setback is regulated by Sec. 802 that requires a 30-foot rear setback, however a rear setback reduction to 5 feet was approved in 2001 (V01-060).

ANALYSIS

The subject parcel is a 0.99-acre lot located on the north side of Cobb Parkway (see Figure 1). The subject parcel and all adjacent parcels to the north and east are zoned GC (General Commercial) and are occupied commercial businesses. The property to the west is zoned RM-12 and is occupied with apartments. The property to the south is zoned RM-12 and is occupied with commercial businesses.

The convenience store and fuel station on the subject property was constructed in 2001. The existing building was approved for to reduce the rear setback from 30 feet to 5 feet. The applicant is proposing to build additions to the existing building totaling 927 sq. ft., as well as a 216 sq. ft. addition for storage connected to the dumpster enclosure. All new structures are at least 19 feet from the rear property line and encroach no closer than the approved 5-foot rear setback.

The hardship is not self-created as the property was already approved for a rear setback reduction. The proposed variance will not reduce the already approved rear setback of 5 feet. The variance requested is the minimum variance needed to construct the addition to the existing commercial business. Community Development does not believe building the addition on the subject property will negatively impact the surrounding properties. At the time of this report, Community Development has received no opposition to this request from surrounding property owners.

STAFF COMMENTS

VARIANCE CASE V23-003

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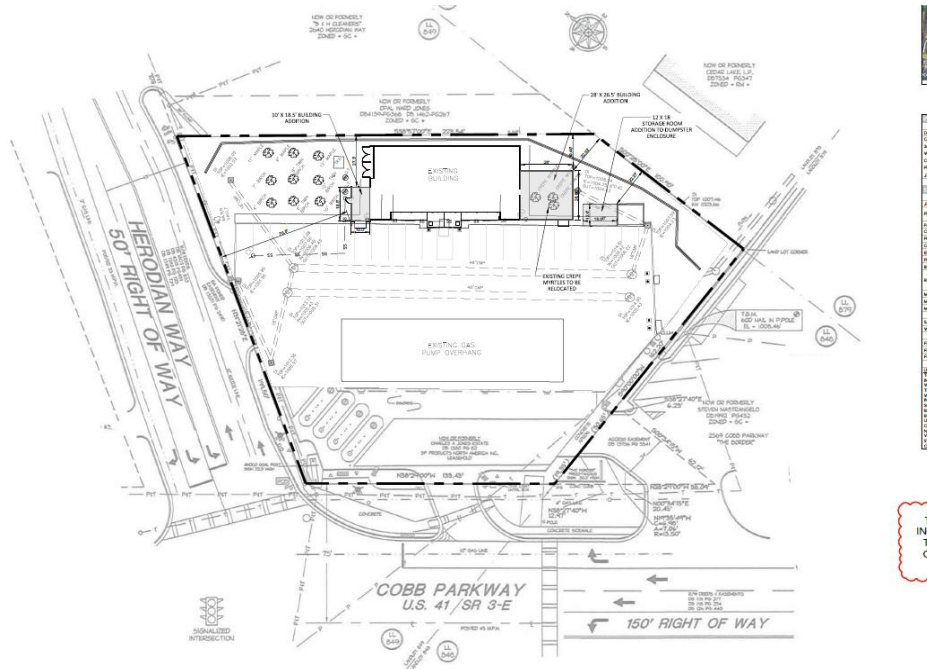
The applicant is requesting to deviate from the rear setback requirement established by Section 802. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (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 request against the variance review standards and found it to be in compliance with the four (4) standards and believes that the variance will not adversely affect surrounding residents. Therefore, staff recommends **approval** of the requested variance with the following condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. The existing stormwater management facility will need to be inspected and any repairs or maintenance performed in conjunction with the building permit. The applicant will need to provide an inspection and maintenance agreement if one is not already in place

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property**



Figure – 4
Subject Property



**Figure – 5
Adjacent Property**



**Figure – 6
Adjacent Property**

