

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: April 17, 2023

RE: VARIANCE CASE V23-030
860 Concord Road – Reduce the minimum separation between emissions stations
from 1,000 feet to 650 feet

BACKGROUND

The applicant is requesting a variance to allow an emissions station within 1,000 feet of another emissions station. Section 711.5.1.4 controls the location of emissions stations within the Neighborhood Shopping and General Commercial zoning districts.

ANALYSIS

The subject parcel is a 0.29-acre lot located on the south side of Concord Road (see Figure 1). The subject parcel and all adjoining parcels are zoned General Commercial (GC) and are occupied by various commercial uses.

The applicant purchased the subject property in 2019 after it had been sitting vacant for 7 years (since 2016). After several years with no business occupancy, the applicant has proposed renovating for an emissions station, which would be an expansion of his existing emissions business on Spring Road, which opened in 2018. After the applicant filed a business license application for the emissions station on March 29, 2023, staff put a hold on the application since a nearby property would also be offering emissions services.

The subject property's zoning designation of General Commercial allows emissions stations as a permitted use with several requirements for operation, one of which is "no licensed location for an emissions or inspection station shall be located closer than 1,000 feet to any similarly licensed emissions or inspection station location". There is a Valvoline Instant Oil Change currently under construction at 3261 S Cobb Dr, which is roughly 650 feet to the west of 860 Concord Rd. Valvoline has had civil plans in for review since March 2021 and was ultimately permitted in January 2023. A representative of Valvoline has confirmed that they will be offering emissions as part of their services at this location but have not yet submitted for a business license due to the current construction. Since the City is aware Valvoline will be offering emissions and they have been issued a building permit and have already started construction, Valvoline is vested in their property. The applicant at 860 Concord Road is required to seek a variance from the distance requirement.

There are no extraordinary or exceptional conditions that apply to the property that do not apply to other properties. Strict application of the ordinance does not deprive the property of reasonable use since there are 106 allowable uses by right within the General Commercial Zoning District. The hardship is self-created as the applicant has stated that he had numerous offers from several different business types over the years to either rent or sell the space. Additionally, there have been no distance reduction variances given for emissions stations since it was added to the Zoning Ordinance in 2009.

STAFF COMMENTS

The applicant is requesting the minimum separation between emissions stations be reduced from 1,000 feet to 650 feet to accommodate a new emissions establishment at 860 Concord Road. 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 there to be no unique or extraordinary circumstances applying to the property. Community Development believes that the strict application of the code does not deprive the property of its reasonable use and that need for the variance is solely based on economic reasons and is not unique. Therefore, Community Development recommends **denial** of the requested variance.

Figure – 1



CONDOR ROAD
(R/W VARIES)

24" CURB & GUTTER

8" CONCRETE WALL

24" CURB & GUTTER

APPROX. 262.8' TO THE 50' RIGHT OF WAY OF BROWN ROAD

REGIONS BANK

N ~ F
HENRY S. O'NEAL
DB 14787 Pg 602

ONE STORY BRICK FRAME OFFICE BUILDING
860

24" CURB & GUTTER

INDICES: EGRESS Pg 130

24" CURB & GUTTER

180.24'

10' B

10' B

178.26'

N ~ F
BR PROPERTY GROUP, INC.
DB 14886 Pg 3357
0.287 ACRES
12519 SQ. FT.

N ~ F
KK&T INC

10' B

30' B

24" CURB & GUTTER

69.91'

569'49"56"W

24" CURB & GUTTER

FOUND

Figure – 3
Distance between Emissions Stations

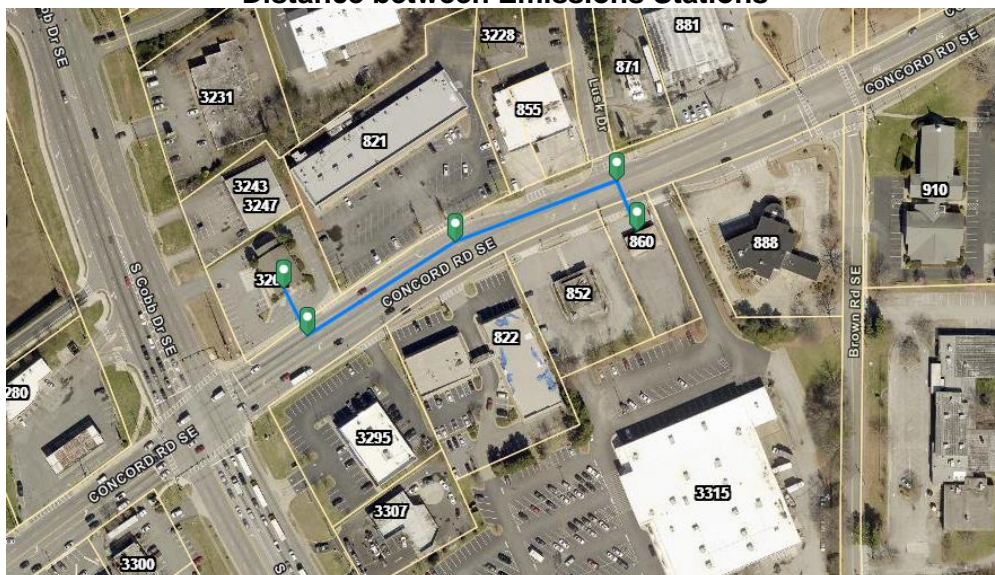


Figure – 4
Proposed Building Elevation

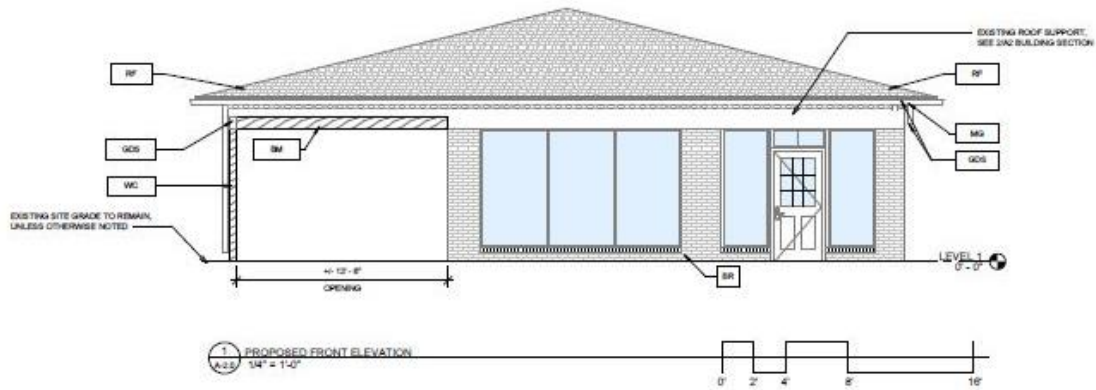


Figure – 5
Subject Property



Figure – 6
Adjacent Property to the West



Figure – 7
Adjacent Property to the East



Figure – 8
Adjacent Property across Concord Road

