

# **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: October 4, 2023

**RE: VARIANCE CASE V23-061  
2433 Ventura Place – Allow gravel parking**

**VARIANCE CASE V23-062  
2433 Ventura Place – Allow shipping containers to be used as accessory structures**

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## **BACKGROUND**

The applicant is requesting two variances: to allow for a gravel parking area and allow shipping containers at 2433 Ventura Place. Section 901(b) of the City's Zoning Ordinance requires parking surfaces to be paved and Section 501.11 does not allow shipping containers to be used as accessory structures.

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## **ANALYSIS**

The subject parcel is a 0.29-acre lot located on the east side of Ventura Place (see Figure 1). The subject parcel and all adjoining parcels are zoned GC (General Commercial) and are occupied by a variety of commercial uses, including a landscaping company and wrecker service to the south and an animal hospital to the west.

The subject property is currently occupied by Bulldog Electrical Contractors, Inc, an electrical contractor, and U.S. Energy Solutions of GA, LLC, a solar energy sales company; both companies are owned and operated by the applicant. In March 2022, the applicant extended their parking facilities with gravel in the front and rear of their property as well as in the rear of their neighboring property to the north (2423 Ventura Place) without the appropriate permits or variances. The neighboring properties to the east reported significant stormwater issues, including a failed retaining wall, in September 2022. In addition to the gravel, the applicant had erected a 10-foot-tall chain link fence and was using shipping containers in the rear to permanently store materials. Once notified of the violations, the applicant began working with City staff to correct the violations, most specifically the adverse effects of the runoff to the neighboring properties, and come into compliance.

The applicant is proposing to retain the gravel area as a parking surface both in the front and in the rear of the property. 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. Since gravel is considered an impervious surface due to continued compaction, the subject property is required to provide stormwater mitigation to accommodate the gravel parking. With the addition of the gravel, the subject property has an impervious surface area of 95.3%. The proposed stormwater mitigation involves collecting surface runoff in the northeast corner of the property in a drop inlet structure. From the structure, a 24-inch stormwater pipe will convey drainage within a proposed private easement across two adjacent properties and discharge into an unnamed tributary to Nickajack Creek. Water quality is proposed to be provided in an engineered stone infiltration trench located just upstream of the drop inlet, designed to capture and infiltrate the first 1.2 inches of rainfall. Since the submitted mitigation plan is concept only in nature, a full stormwater mitigation plan must be submitted prior to issuance of a land disturbance permit. Conditions that must be met prior to issuance of a land disturbance permit include a full design of the drainage infrastructure, executed private easement agreement with the adjacent property owners, and a structural evaluation and design of the pipe penetration through the existing retaining wall at the creek. The proposed plan will also restore the rear of 2423 Ventura Place to its original condition prior to the installation of the gravel. As part of this restoration, the applicant will be moving the 10-foot chain link fence and erecting a new 8-foot fence. The City Engineer has reviewed the proposed mitigation plan and can support the variance with the above conditions prior to land disturbance permit issuance.

Due to the nature of the businesses in the immediate surrounding area and the proposed addition of the stormwater mitigation, Community Development believes there will be no further adverse effects to the neighboring properties if the gravel parking area remains.

The applicants are proposing to retain two storage containers on the rear of the property to temporarily store solar panels as shipments come in (see Figure 3). However, although the storage is temporary until delivered to the client, the containers themselves are permanently on the property to accept each shipment. Since there is room on the property to erect a storage shed or building addition to store the materials, there is no reason that the shipping containers need to be used in lieu of a permanent structure. Community Development believes the hardship is self-created and can be avoided. Staff is **not supportive** of allowing the shipping containers to be used as accessory structures when adjustments could be made to accommodate City code. Community Development believes there are no unique and special extraordinary circumstances applying to the property to justify the shipping container variance requested. Strict application of the ordinance does not deprive the subject property owner of reasonable use, as a storage shed or building addition could be erected.

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## **STAFF COMMENTS**

The applicant has requested two variances to allow for a gravel parking area and shipping containers. 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

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reviewed the request against the variance review standards and recommends **approval** of that request (V23-061) with the below conditions. However, Community Development finds there to be no unique or extraordinary circumstances applying to the use of shipping containers as accessory structures and recommends **denial** of that request (V23-062).

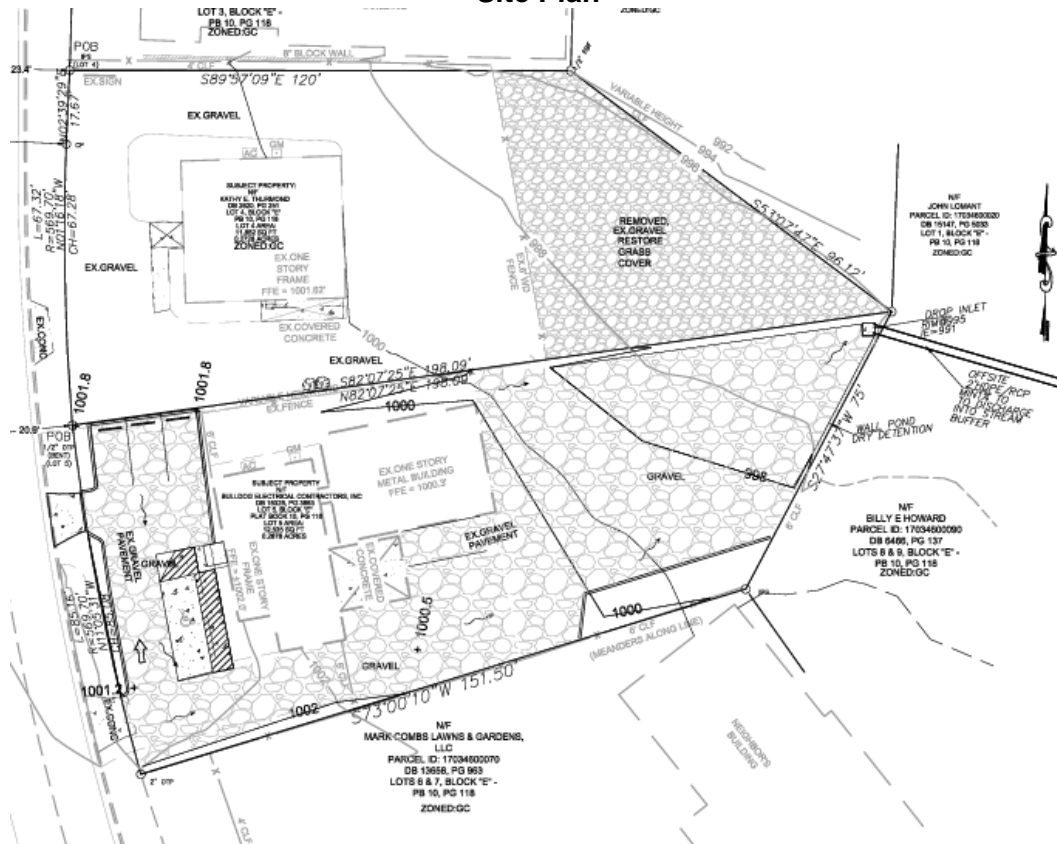
1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.
2. The applicant shall submit a full stormwater mitigation plan, to be reviewed and approved by the City Engineer, that addresses water quality prior to issuance of the land disturbance permit.
3. A private easement agreement between the property owner and 2465 Ventura Place shall be submitted prior to issuance of the land disturbance permit.
4. A plat revision showing the stormwater management improvements and recorded easement shall be submitted prior to Certificate of Completion.
5. The applicant shall install a concrete driveway apron at the front of the property.
6. Any sections of gravel that is within the City right-of-way shall be removed and replaced with sod.

Figure – 1

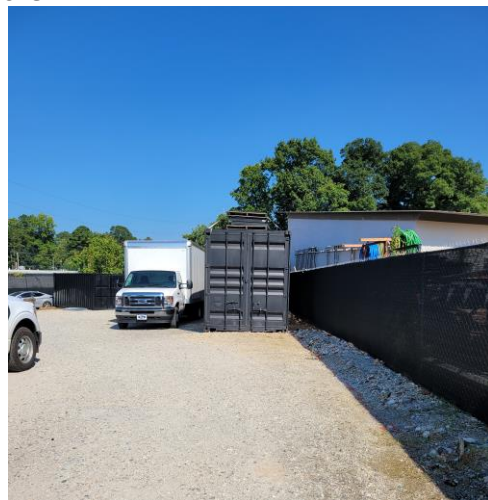


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## Figure – 2 Site Plan



### Figure – 3 Shipping Containers





**Figure – 4**  
**Subject Property**



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



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



**Figure – 7**  
**Adjacent Property across Ventura Place**





**Figure – 8**  
**Adjacent Property across Ventura Place**

