



## License and Variance Board Meeting - Final

June 12, 2024  
10:00 AM

- 
- I. **V24-045** Public Hearing - Variance Request - V24-045 - Reduce the southern side setback from 20 feet to 17 feet - Land Lot 753 - 5120 South Cobb Drive - Danielle Sheridan



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: V24-045

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**Agenda Date:** 6/12/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** J.

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-045 - Reduce the southern side setback from 20 feet to 17 feet - Land Lot 753 - 5120 South Cobb Drive - Danielle Sheridan

***Ward 7 Councilmember - Rickey N. Oglesby Jr.***

**ISSUE AND BACKGROUND:**

The applicant is proposing three variances for the existing Chick-Fil-A restaurant at 5120 South Cobb Drive to accommodate a building addition and second drive-thru lane: a southern side setback reduction, a parking reduction of 21 spaces, and allow an additional accessory structure. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use, Section 501 controls the numbers of accessory structures, and Section 802 controls the setbacks in the GC zoning district. The rear setback reduction variance was withdrawn (V24-044), as the rear setback is 30 feet in the GC zoning district and thus a rear setback variance was not necessary.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting to deviate from the City's required parking minimums, accessory structure maximums, and setbacks. 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 condition:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

# **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: June 4, 2024

**RE: VARIANCE CASE V24-044**  
**5120 South Cobb Drive – Reduce the rear setback from 50 feet to 43 feet**  
**(Withdrawn)**

**VARIANCE CASE V24-045**  
**5120 South Cobb Drive – Reduce the southern side setback from 20 feet to 17 feet**

**VARIANCE CASE V24-046**  
**5120 South Cobb Drive – Reduce the required parking spaces from 28 spaces to**  
**23 spaces**

**VARIANCE CASE V24-047**  
**5120 South Cobb Drive – Allow additional accessory structure**

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## **BACKGROUND**

The applicant is proposing three variances for the existing Chick-Fil-A restaurant at 5120 South Cobb Drive to accommodate a building addition and second drive-thru lane: a southern side setback reduction, a parking reduction of 21 spaces, and allow an additional accessory structure. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use, Section 501 controls the numbers of accessory structures, and Section 802 controls the setbacks in the GC zoning district. The rear setback reduction variance was withdrawn (V24-044), as the rear setback is 30 feet in the GC zoning district and thus a rear setback variance was not necessary.

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## **ANALYSIS**

The subject parcel is a 0.78-acre lot located on the southeast corner of the intersection of Highlands Parkway and South Cobb Drive (see Figure 1). The subject parcel and the adjacent parcels to the north, south, and west are zoned GC (General Commercial) and are occupied by a car wash, Krystal fast-food restaurant and a dialysis center, respectively. The adjacent properties across South Cobb Drive to the east are in Unincorporated Cobb County and are occupied by a small shopping center and gas station.

The subject property is currently occupied by a 2,830 square foot Chick-Fil-A fast food restaurant with an existing single-lane drive-thru lane entering and exiting from a private drive,

## VARIANCES V24-044 through 047

June 4, 2024

Page 2 of 8

directly off South Cobb Drive. The applicant is proposing a remodel of the existing building to include a 315 square foot building addition to expand the existing kitchen and install a drive-thru door as well as the addition of two canopies for customer ordering and food pickup. However, the primary focus of the remodel will be to add a second drive-thru lane to the property, which will accommodate more stacking as customers place and wait for their orders. The current single-lane drive-thru lane often leads to vehicles stacking out onto South Cobb Drive or along the private drive during peak hours. The additional drive-thru lane will allow for double the number of stacked cars to better accommodate the drive-thru demand and relieve the traffic issues that currently exist today due to the vehicle spillover on South Cobb Drive. An access lane surrounding the parking lot will still be available to those wishing to bypass the drive-thru lanes to park and/or exit the property.

With the additional square footage added to the building, Section 906.17 of the Zoning Ordinance requires 44 parking spaces on the subject property, which is calculated at one space per 75 square feet of gross floor area. The proposed plan shows the property under-parked with 23 parking spaces. A parking reduction variance was approved on the site previously in 2006 (V06-064) to 28 parking spaces. Five spaces were removed directly to the north of the building due to the addition of the second drive-thru lane, causing the change from 28 spaces to 23 spaces. However, Chick-Fil-A's business model is primarily based on drive-thru traffic, which does not require customers to park to order. The 23 proposed spaces will still provide sufficient parking for those wishing to enter the building to eat and for staff parking, thus Community Development is supportive of the parking reduction.

A unique part of the Chick-Fil-A business model is to have an employee outside taking orders and delivering directly to customers' vehicles, rather than pulling up to a window at the side of the building. Thus, part of the building design is for two canopies: one over the ordering area and the other over the pick-up area; the pickup canopy will be attached to the main structure while the ordering canopy will be detached. Both canopies allow for the employees to wait on vehicles out of the elements. In order to erect the canopies over both the drive-thru lanes, the canopies will be encroaching into the southern side setback by 3 feet. Since the subject property is located at the intersection of two arterial roadways (Highlands Parkway and South Cobb Drive) with the private road on the southern side of the property, the available buildable area is limited. The canopies should have little impact on surrounding properties since they are not enclosed, and passersby will still have views directly to the building façades.

The 1,396 square foot canopy over the ordering area and the enclosed dumpster (with attached 200 square foot storage shed) in the rear of the property are both separated from the main restaurant structure. This means that there are two accessory structures on the parcel, which is not permissible under Section 501.11 of the Zoning Ordinance. However, both the canopy and dumpster are essential for Chick-Fil-A's business operation and have little to no effect on the surrounding parcels.

Community Development believes the variances requested are the minimum variances needed to allow for an efficient Chick-Fil-A fast food location on the corner property. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved since the business has been in operation on the subject property since

2007. At the time of this report, Community Development has not received any calls in opposition to these requests.

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## STAFF COMMENTS

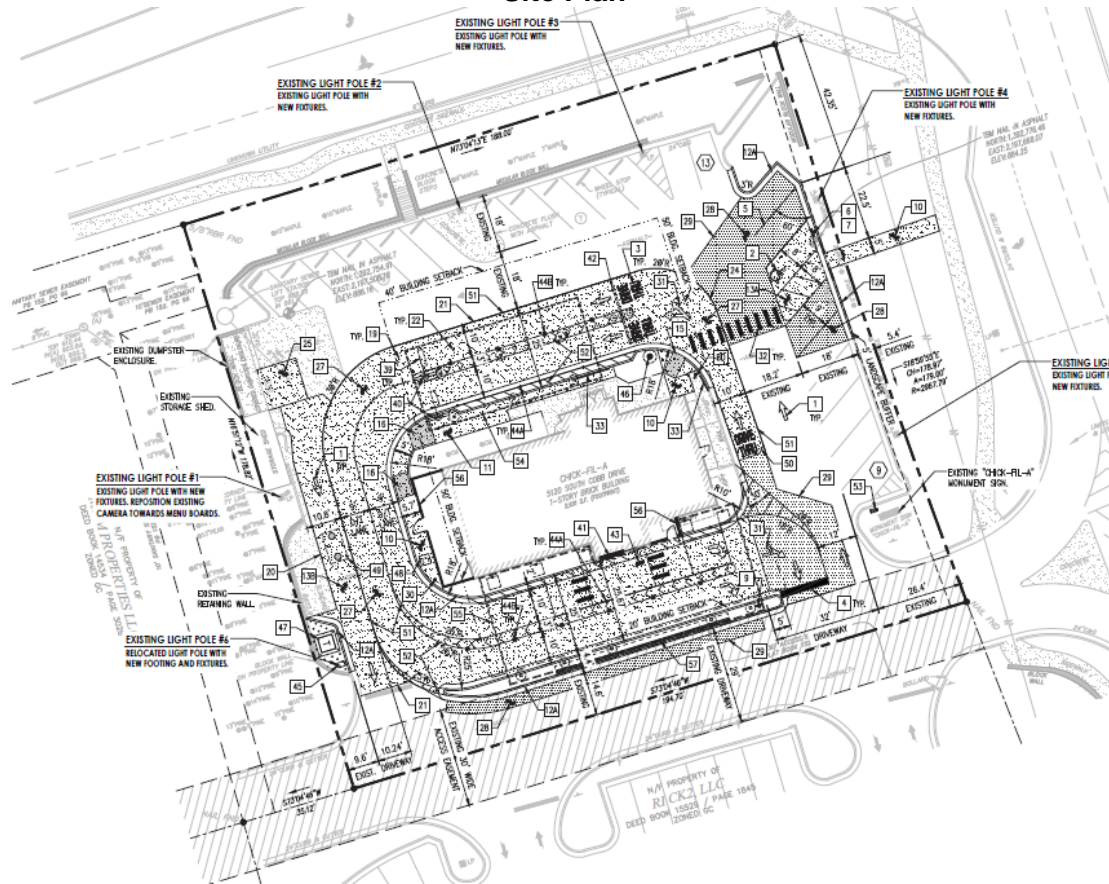
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1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1



## Figure – 2 Site Plan



**Figure – 3**  
**Front Elevation from South Cobb Drive**



### Front Elevation from Highlands Parkway

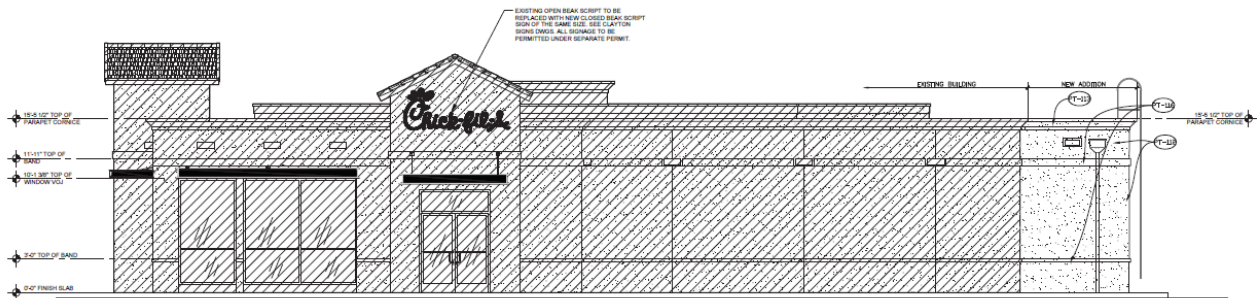


Figure – 4  
Subject Property from South Cobb Drive



**Figure – 5**  
**Subject Property from Highlands Parkway**



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



**Figure – 7**  
**Subject Property from South Cobb Drive**



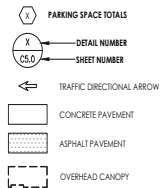
**Figure – 8**  
**Adjacent Property across South Cobb Drive**



**Figure – 9**  
**Adjacent Property across Highlands Parkway**



# LEGEND



HIGHLANDS PARKWAY  
(110' PUBLIC R/W)  
EXISTING PARKING

EXISTING LIGHT POLE #3  
EXISTING LIGHT POLE WITH  
NEW FIXTURES

EXISTING LIGHT POLE #2  
EXISTING LIGHT POLE WITH  
NEW FIXTURES

EXISTING LIGHT POLE #4  
EXISTING LIGHT POLE WITH  
NEW FIXTURES

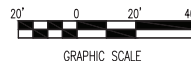
SOUTH COBB DRIVE  
(110' PUBLIC R/W)  
EXISTING PARKING

EXISTING LIGHT POLE #5  
EXISTING LIGHT POLE WITH  
NEW FIXTURES

EXISTING "CHICK-FIL-A"  
MONUMENT SIGN

EXISTING LIGHT POLE #1  
EXISTING LIGHT POLE WITH NEW  
FIXTURES. REPOSITION EXISTING  
CAMERA TOWARDS MENU BOARDS

EXISTING LIGHT POLE #6  
RELOCATED LIGHT POLE WITH  
NEW FIXTURES AND FIXTURES



## SITE PLAN

### SITE PLAN DESIGN NOTES & KEY PLAN

- 1 DIRECTIONAL ARROW
- 2 PAINTED HANDICAP PARKING SYMBOL
- 3 DRIVE-THRU GRAPHICS
- 4 STOP LINE GRAPHIC
- 5 STANDARD PARKING STALL
- 6 BOLLARD MOUNTED SIGN
- 7 ACCESSIBLE PARKING SIGN
- 8 DIRECTIONAL SIGNAGE

NOTES:  
1. ALL SIGNS SHALL CONFORM TO THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" BY THE U.S. DEPARTMENT OF TRANSPORTATION.  
2. SIGNS SHALL BE PROVIDED AND INSTALLED BY CHICK-FIL-A GENERAL CONTRACTOR (UNLESS A BRAND-IMAGE REMODEL).

- 94 CIRCLE BUILDING FOR DRIVE-THRU SIGN
- 95 LEFT TURN ONLY SIGN
- 96 RIGHT TURN ONLY SIGN
- 97 CAUTION - WATCH FOR PEDESTRIAN SIGN
- 98 ONE WAY WITH ARROW SIGN
- 99 NO NO ENTER SIGN

- 9 STOP SIGN
- 10 CONCRETE SIDEWALK
- 11 SIDEWALK WITH CURB AND GUTTER
- 12 24" CONCRETE CURB AND GUTTER
- 12A TYPE "B" CURB & GUTTER
- 12B TYPE "C" MOUNTABLE CURB & GUTTER

- 13 CONCRETE PAVEMENTS
- 13A MEDIUM DUTY (PARKING STALLS)
- 13B HEAVY DUTY (DRIVE ASLES)

- 14 CURB RAMP w/ SHORT FLARED SIDES
- 15 CURB RAMP WITH FLARED SIDES
- 16 SIDEWALK ACCESSIBLE RAMP
- 17 DETECTABLE WARNING DEVICE (ADA) - CAST-IN-PLACE
- 18 SOLID YELLOW PLASTIC WHEEL STOP
- 19 EXPANSION JOINT
- 20 DOWELED CONST. JOINT (EX. CONCRETE TO NEW)
- 21 KEYED CONSTRUCTION JOINT (NEW CONC. TO EX. ASPH)
- 22 CONTRACTION JOINT
- 23 TRANSVERSE & LONGITUDINAL CONTRACTION JOINT

- 24 PAVEMENT EDGE
- 25 CONCRETE APRON AT DUMPSTER ENCLOSURE
- 26 LONGITUDINAL BUTT JOINT
- 27 CONCRETE PAVING AT DRIVE-THRU LANES
- 28 TYPICAL HMA/C (ASPHALT) PAVEMENT SECTION
- 29 BUTT JOINT (EX. ASPHALT TO NEW)
- 30 CONCRETE BOLLARD (6" STEEL PIPE)
- 31 MULTI-LANE DIRECTIONAL GRAPHICS
- 32 CROSSWALK MARKINGS (CONTINENTAL TYP.)
- 33 ALUMINUM HANDRAIL

- 34 TYPICAL ADA RAMP AND HANDRAIL (RAMP & 6" BOLLARD)
- 35 ENTRY DOOR PROTECT SLAB
- 36 SCREENED REFUSE ENCLOSURE
- 37 SCREENED REFUSE ENCLOSURE PLAN (ALT)
- 38 SCREENED REFUSE ENCLOSURE W/ COVER (ALT - DRAINAGE)
- 39 MENU BOARD LOOP DETECTION SYSTEM
- 40 DRIVE-THRU ORDER POINT ISLAND CURB (MENU BOARDS)
- 41 DRIVE-THRU PLAN (TORAMAX - AUTOMATIC DOOR)
- 42 DRIVE-THRU CLEARANCE BAR
- 43 DRIVE-THRU ISOMETRIC

- 44A MOVABLE "MAGNETIC BASE" DELINEATOR (TOTAL QTY: 9)
- 44B MOVABLE "RUBBER BASE" DELINEATOR (TOTAL QTY: 10)
- 45 TYPICAL LIGHT POLE BASE (REFER TO SHEET ES-1.0)
- 46 FLAGPOLE - 6'5" SERIES FOOT FLAG POLE PACKAGE. APPROVED VENDORS: THE FLAG COMPANY, OR ATLAS FLAGS.
- 47 PAD MOUNTED TRANSFORMER
- 48 CASH STATION (ON 4" THICK, 5x5' CONCRETE PAD)
- 49 GREASE INTERCEPTOR (REFER TO SHEET PS-1.0)
- 50 2 FT. CHAMFER ON CONCRETE PAVEMENT
- 51 4" WIDE WHITE STRIPING (SEE PAINT NOTES IN DETAIL 4, SHEET C-4.0)
- 52 PAINTED DIAGONAL / CHEVRON STRIPING
- 53 SECURITY CAMERA (1/2" POLE MOUNTED - COORD. WITH STRONG SYSTEMS)
- 54 MULTI-LANE DRIVE-THRU CANOPY (MLOP)

- 55 ORDER MEAL DELIVERY CANOPY (OMD)
- 56 PROPOSED BUILDING ADDITION (REFER TO ARCHT. PLANS)
- 57 PROPOSED 55 LF., 8" THICK, CONCRETE CAST IN PLACE RETAINING WALL

WALL FINISH NOTE: APPLY STUCCO/PLASTER TO WALL IN NEUTRAL COLOR COMPLEMENTARY TO THE BUILDING.



**Chick-fil-A**  
Chick-fil-A

5200 Buffington Road  
Atlanta, Georgia  
30349-2998



INTERPLAN LLC  
ADDRESS  
CA 94025

ARCHITECTURE  
ENGINEERING  
PERMITTING

220 E. CENTRAL AVENUE, STE. 4000  
ALBUQUERQUE, NEW MEXICO 87102  
407.445.3008

SCALE:



**CHICK-FIL-A**  
SMYRNA  
5120 COBB DRIVE SE.  
SMYRNA, GA. 30080

**FSR#02191**

BUILDING TYPE: SITE: XXXXXXXX  
RELEASE: VV.YYYYMM  
Project Status

REVISION	SCHEDULE	NO.	DATE	DESCRIPTION

CONSULTANT PROJECT # 2020 0868  
DATE 04/20/24  
DRAWN BY MJ  
CHECKED BY FR

INTENDED FOR CONSTRUCTION OF THIS DRAWING AND ALL DIGITAL FILES  
PRODUCED FOR A SPECIFIC PROJECT AND NOT BE REPRODUCED OR  
REUSED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF  
INTERPLAN LLC. REVISIONS TO THIS DRAWING SHALL BE MADE TO THE ORIGINAL SET OF  
DRAWINGS.

SHEET

SITE PLAN

SHEET NUMBER

**C-2.0**

MC:JAR - 04/11/2024 12:25:14 PM

### 3 EXTERIOR FINISH SCHEDULE

PT-112	EXTERIOR PAINT SHERWIN WILLIAMS / SHER-CRYL HIGH PERFORMANCE ACRYLIC COLOR: LATTE
PT-113	EXTERIOR PAINT SHERWIN WILLIAMS / SHER-CRYL HIGH PERFORMANCE ACRYLIC #866-350 COLOR: DARK BRONZE
PT-116	EXTERIOR PAINT SHERWIN WILLIAMS / SHER-CRYL HIGH PERFORMANCE ACRYLIC COLOR: GROUND
PT-21	EXTERIOR PAINT FOR SITE METALS SHERWIN WILLIAMS PRO INDUSTRIAL MULTI-SURFACE ACRYLIC COATING SW628 / TRICORN BLACK, MUST BE USED WITH PRO INDUSTRIAL PRO-CRYL UNIVERSAL PRIMER

EXTERIOR FINISH NOTES:  
1. FINISHES LISTED IN THIS SCHEDULE DO NOT REPRESENT ORIGINAL PROTOTYPE FINISHES.  
CONFIRM ACTUAL FINISHES TO MATCH ON SITE.

2. REFER TO SHEETS A2.1 & A2.2 FOR AWNING TYPES AND CORRESPONDING FINISH.

3. G.C. TO OBTAIN PAINT & COLOR SAMPLES AND TAKE PHOTOS OF SAMPLES NEXT TO EXISTING BUILDING IN FIELD. SEND PICTURES OF SAMPLES TO ARCHITECT AND KENT THAGARD FOR APPROVAL BEFORE START OF CONSTRUCTION AS TO NOT DELAY THE PROJECT.

#### PAIN NOTES:

VERIFY MANUFACTURER, COLOR, AND MODEL NUMBERS WITH EXTERIOR FINISH SCHEDULE

1. BLACK

1.1. SITE SIGNAGE (MAIN ID, SECONDARY ID, DIRECTIONAL, VERIFY OTHER POSSIBLE SIGNAGE)

1.2. AWNING FRAMES (VERIFY FABRIC WITH EXTERIOR FINISH SCHEDULE)

1.3. DRIVE THRU ORDER POINTS/MENU BOARDS

1.4. DRIVE THRU CLEARANCE BARS

2. DARK BRONZE

2.1. SITE METALS, NOT MENTIONED ABOVE, INCLUDING BUT NOT LIMITED TO: BOLLARDS, DUMPSTER GATE POSTS, LIGHT POLES, HANDRAILS

2.2. BUILDING METALS, NOT MENTIONED ABOVE, INCLUDING BUT NOT LIMITED TO: LIGHT FIXTURES, DOWNSPOUTS, SCUPPERS

### 3 KEY PLAN

K.T.S.

### 1 FRONT ELEVATION

1/4" = 1'-0"

### 2 REAR ELEVATION

1/4" = 1'-0"



Chick-fil-A  
5200 Buffington Road  
Atlanta, Georgia  
30349-2998



INTERPLAN LLC

AD9228

CA 9460

ARCHITECTURE

ENGINEERING

PERMITTING

220 E. CENTRAL PKWY. STE 4000

ALPHARETTA, GEORGIA 30701

407.445.5528

SEAL:



**CHICK-FIL-A**  
**SMYRNA (GA)**  
**5120 S COBB DR SE,**  
**SMYRNA, GEORGIA**

**FSR#02191**

BUILDING TYPE / SIZE: CONVERSION

RELEASE: 24.02

PRINTED FOR:

SPACE UTILIZATION PLAN

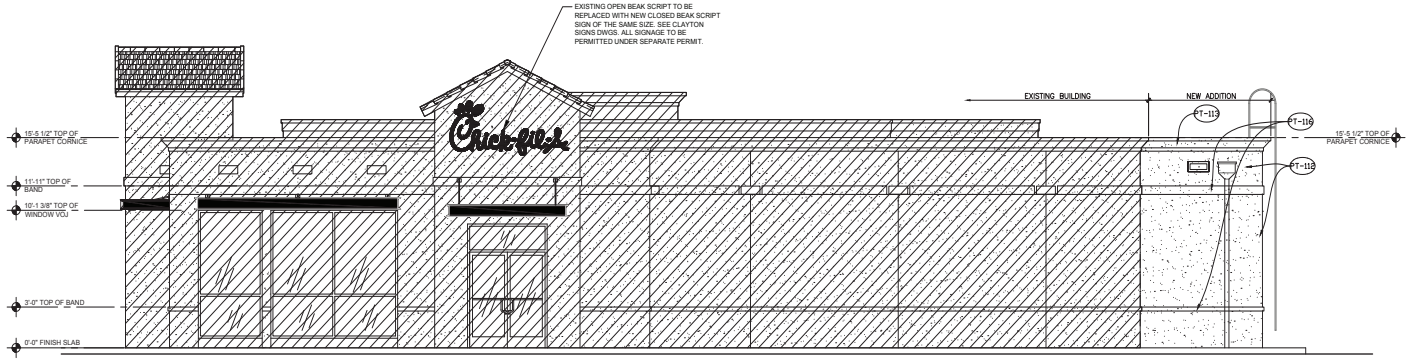
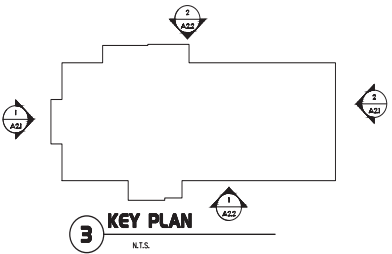
REVISION SCHEDULE

NO.	DATE	DESCRIPTION
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3 EXTERIOR FINISH SCHEDULE

PT-112	EXTERIOR PAINT SHERWIN WILLIAMS / SHER-CRYL HIGH PERFORMANCE ACRYLIC COLOR: LATTE
PT-113	EXTERIOR PAINT SHERWIN WILLIAMS / SHER-CRYL HIGH PERFORMANCE ACRYLIC #866-350 COLOR: DARK BRONZE
PT-116	EXTERIOR PAINT SHERWIN WILLIAMS / SHER-CRYL HIGH PERFORMANCE ACRYLIC COLOR: GROUNDED
PT-21	EXTERIOR PAINT FOR SITE METALS SHERWIN WILLIAMS PRO INDUSTRIAL MULTI-SURFACE ACRYLIC COATING SW628 / TRICORN BLACK, MUST BE USED WITH PRO INDUSTRIAL PRO-CRYL UNIVERSAL PRIMER

EXTERIOR FINISH NOTES:  
1. FINISHES LISTED IN THIS SCHEDULE DO NOT REPRESENT ORIGINAL PROTOTYPE FINISHES. CONFIRM ACTUAL FINISHES TO MATCH ON SITE.  
2. REFER TO SHEETS A2.1 & A2.2 FOR AWNING TYPES AND CORRESPONDING FINISH.  
3. G.C. TO OBTAIN PAINT & COLOR SAMPLES AND TAKE PHOTOS OF SAMPLES NEXT TO EXISTING BUILDING IN FIELD. SEND PICTURES OF SAMPLES TO ARCHITECT AND KENT THAGARD FOR APPROVAL BEFORE START OF CONSTRUCTION AS TO NOT DELAY THE PROJECT.  
PAINT NOTES:  
VERIFY MANUFACTURER, COLOR, AND MODEL NUMBERS WITH EXTERIOR FINISH SCHEDULE  
1. BLACK  
1.1. SITE SIGNAGE (MAIN ID, SECONDARY ID, DIRECTIONAL, VERIFY OTHER POSSIBLE SIGNAGE)  
1.2. AWNING FRAMES (VERIFY FABRIC WITH EXTERIOR FINISH SCHEDULE)  
1.3. DRIVE THRU ORDER POINTS/MENU BOARDS  
1.4. DRIVE THRU CLEARANCE BARS  
2. DARK BRONZE  
2.1. SITE METALS, NOT MENTIONED ABOVE, INCLUDING BUT NOT LIMITED TO: BOLLARDS, DUMPSTER GATE POSTS, LIGHT POLES, HANDRAILS  
2.2. BUILDING METALS, NOT MENTIONED ABOVE, INCLUDING BUT NOT LIMITED TO: LIGHT FIXTURES, DOWNSPOUTS, SCUPPERS



1 ENTRY ELEVATION  
1/4" = 1'-0"



2 D/T ELEVATION  
1/4" = 1'-0"



Chick-fil-A  
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INTERPLAN  
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220 E. CENTRAL PKWY. STE 4000  
ALPHARETTA, GEORGIA 30706  
404.445.5008



CHICK-FIL-A  
SMYRNA (GA)  
5120 S COBB DR SE,  
SMYRNA, GEORGIA

FSR#02191  
BUILDING TYPE / SIZE: CONVERSION  
RELEASE: 24.02  
PROVISION: 1

REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

CONSULTANT PROJECT # 2020-0808  
DATE 2024.03.11  
DRAWN BY HHS  
CHECKED BY TPR  
SHEET EXTERIOR ELEVATIONS  
SHEET NUMBER

**Variance Application****VAR-24-32**

Submitted On: Apr 25, 2024

**Applicant**

 Danielle Sheridan  
 407-645-5008  
@ dsheridan@interplanllc.com

**Primary Location**

5120 S COBB DR SE  
SMYRNA, GA 30082

**Applicant Information****First Name**

Danielle

**Last Name**

Sheridan

**Street Address**

220 E Central Parkway, Suite 4000

**City**

Altamonte Springs

**State**

FL

**Zip Code**

32701

**Email**

dsheridan@interplanllc.com

**Phone Number**

407-645-5008

**Are you the titleholder of the subject property?**

No

**Titleholder Information****Full Name (i.e., First and Last Name, or Name of Entity)**

Sharon Investment Co. LLC

**Street Address**

5317 Westfield Court

**City**

Lake Oswego

**State**

OR

**Zip Code**

97035

**Email Address**

--

**Phone Number**

4048222568

**Property Information****Property Address**

5120 S Cobb Drive SE, Smyrna, GA 30080

**Description of Requested Variances**

Rear and side setback reductions. Parking reduction. Allow a second accessory structure. \*Reference attached Variance Narrative\*

**Please check the box below if the requested variance(s)  
includes an increase in the maximum impervious surface area  
or an encroachment into a City stream buffer.**

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## Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

**A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.**

Reference attached Variance Narrative.

## Acknowledgement

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

**Applicant Signature:**

true



April 3, 2024

**Reference:** Chick-fil-A #2191 Smyrna Remodel  
5120 S Cobb Drive SE, Smyrna, GA 30080  
Interplan Number: 2020.0858  
Letter of Authorization - Chick-fil-A, Inc.

To Whom It May Concern:

Please accept this letter as authorization for Interplan LLC, to act as agent in correspondence and representation of all approval and permitting matters required for Chick-fil-A at the location referenced above.

If you have any questions, please contact me at 404-822-2568 or via email at rex.powell@cfa-corp.com

Sincerely,

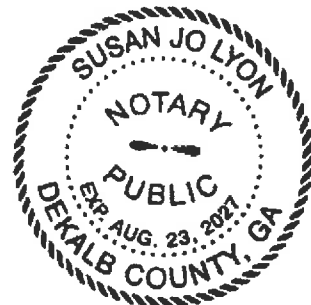
Print Name: Chase Shaw  
Strategic Reinvestments  
Chick-fil-A, Inc.  
Title: Director

Subscribed and sworn to before me this 9<sup>th</sup> day of April,  
2024.

Notary Public

Seal

My Commission Expires:





## PROPERTY OWNER AUTHORIZATION

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080  
Office Phone 678-631-5387 / Fax 770-431-2808

I, David Levich on behalf of Sharon Investment Co. LLC, swear that I am the Property Owner of the property

located at: 5120 S Cobb Drive SE, Smyrna, GA 30080

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Chick-fil-A, Inc.

Address: 5200 Buffington Road, Atlanta, GA 30349

Telephone: 404.822.2568

Email: Rex.powell@cfacorp.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

Signature of Property Owner, AUTHORIZED Agent

5317 Westfield Ct.

Address

Sharon Investment Co. LLC

Name of Property Owner (print clearly)

Lake Oswego, OR 97035

City, State, Zip

**PROPERTY OWNER AUTHORIZATION**

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080

Office Phone 678-631-5387 / Fax 770-431-2808

I, \_\_\_\_\_, swear that I am the Property Owner of the property

located at: 5120 S Cobb Drive SE, Smyrna, GA 30080

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Chick-fil-A, Inc.

Address: 5200 Buffington Road, Atlanta, GA 30349

Telephone: 404.822.2568 Email: Rex.powell@cfacorp.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

  
Signature of Property Owner

5200 Buffington Rd  
Address

Chase Shaw  
Name of Property Owner (print clearly)

Atlanta, GA 30349  
City, State, Zip

April 25, 2024

**City of Smyrna**

Planning and Zoning  
110 Academy Street  
Canton, GA 30114

**Reference: Chick-fil-A #2488 Canton, GA  
2048 Cumming Highway, Canton, GA 30114  
Interplan Number: 2020.0862  
Letter of Intent**

To Whom It May Concern,

Chick-fil-A is proposing the remodel of an existing Chick-fil-A restaurant. The scope of work is to include site modifications to accommodate a dual-lane drive-thru on the north, south, and west sides of the building, along with the installation of a dual-lane Order Meal Delivery (OMD) Canopy at the pick-up area and a dual-lane Face to Face (F2F) Canopy at the order point. Chick-fil-A is also proposing modifications to the curbing, re-striping of accessible parking spaces, and adding a striped crosswalk. In addition, Chick-fil-A is proposing a ±315sf building addition to accommodate a completely remodeled kitchen and the installation of a drive-thru door to replace the window.

As part of the redevelopment, the following variance requests to the City of Smyrna's Zoning Ordinance regulations will be required:

- **Article VII, Sec. 717.164: To reduce the required fifty-foot (50') western rear building setback by seven feet (7'). The proposed building addition setback is forty-three feet (43') from the property line.**
- **Article VII, Sec. 717.164: To reduce the required twenty-foot (20') side southern building setback by three feet (3'). The proposed Order Meal Delivery (OMD) Canopy setback is seventeen feet (17') from the property line.**
- **Article IX, Sec. 906.17: To reduce the minimum number of parking spaces by twenty-one (21) spaces. Code requirements for a restaurant serving food or beverages and providing a patron use area is one (1) space per 75sf of gross floor area. Based on the proposed 3,246sf of gross floor area, the number of spaces required is forty-four (44). Chick-fil-A is proposing twenty-three (23) parking spaces.**

$$(3,246sf \div 75sf) = 33.28 \text{ or } 44 \text{ minimum spaces}$$

- **Article V, Sec. 501.11: To allow a second accessory structure.**

Further justification for the variances and responses to specific conditions and criteria set forth by the City of Smyrna's Zoning Ordinance Section 1403 – Variance Review Standards can be found on the following pages.

**(1) Whether there are unique and special circumstances or extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.**

The special conditions and circumstances for this request is primarily due to the size of the existing site and the increased demand driven by Chick-fil-A's exceptional service and quality. Chick-fil-A continually observes long drive-thru lines during peak hours, resulting in the outgrowth of their current site. This requires reconfiguration to accommodate additional on-site stacking in order to provide a safer and more efficient site for team members, customers and neighboring properties. More demand has been seen at the drive-thru than for dine in guests, resulting in the shift in priority from adequate parking to adequate drive-thru queueing. The proposed kitchen expansion also aims to expedite the speed at which the kitchen can serve vehicles in the drive-thru. Failure to grant these variances will result in less-than-optimal site circulation and little relief from traffic congestion.

**(2) Whether any alleged hardship is self-created by any person having an interest in the property nor is the result of mere disregard for or ignorance of the provisions from which relief is sought.**

The hardship has not been created by Chick-fil-A or any person having interest in the property. The site layout proposed is similar to the existing layout with improvements to the number of cars able to be serviced in the drive-thru lanes, therefore optimizing the remaining parking onsite for customers and team members. Due to the shape of the site, the existing building and access drives, the proposed layout is the best configuration to provide for maximum drive-thru lane stacking.

**(3) Whether strict application of the relevant provisions of the Zoning Code would deprive the applicant of reasonable use of the property for which the variance is sought.**

Yes, the strict application of the Zoning Code standards would not allow for enough driveway area to provide the additional lane of drive-thru queueing or the building addition as proposed. In addition, the strict application of the Zoning Code standards would not allow for the Order Meal Delivery (OMD) canopy. The proposed canopies are an attractive and functional addition to the Chick-fil-A restaurant and have become a critical element in current business operations. Chick-fil-A has found that during hot days or inclement weather, team members can only be outside for short periods of time. The canopies provide shade and protection from the elements for team members and include fans and heaters, allowing the team members to remain outside for longer periods in order to take and fulfill multiple orders at a time leading to a safer work environment and better guest experience.

**(4) Whether the variance proposed is the minimum variance, which makes possible the reasonable use of the property.**

Every effort has been made by Chick-fil-A's design team to reduce the variations from code requirements. Many iterations of conceptual plans have been reviewed internally prior to landing on the current plan, which Chick-fil-A believes is the best layout for this specific location.



Chick-fil-A – Smyrna Remodel

April 25, 2024

Page 3 of 3

If you have any questions, please contact me at 407.645.5008, or via email at [Dsheridan@interplanllc.com](mailto:Dsheridan@interplanllc.com). If I am not available, Felipe Reyes is the Civil Project Manager and will be able to answer any questions. He can be reached at 407.645.5008 or via email at [Freyes@interplanllc.com](mailto:Freyes@interplanllc.com).

Sincerely,

**INTERPLAN LLC**

*Danielle Sheridan*

Danielle Sheridan

Permit Lead

CC. K. Lewis; F. Reyes; Interplan File

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PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions.

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Rockwall, TX 75087

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**5100 S Cobb Drive – Take 5 Car Wash:**

Boing US Holdco Inc. - 2424 Ridge Road, Rockwall, TX 75087

**5181 S Cobb Drive – Exxon:**

Pakaaa LLC – 1332 Hamilton Creek Drive, Kennesaw, GA 30152

**5185 S Cobb Drive – Vineyard Beverage:**

Vineyard Beverage – 3775 Venture Drive, Bldg E, Duluth, GA 30096

**5140 S Cobb Drive – Krystal:**

Krystal Company – PO Box 250329, Atlanta, GA 30325

**2700 Highlands Parkway – Fresenius Kidney Care:**

M&M Properties LLC – 14400 Metcalf Avenue, Overland Park, KS 66223

## Real Estate (Your House or Land)

[View Bill](#)[View bill image](#)

<b>As of</b>	4/23/2024
<b>Bill Year</b>	2023
<b>Bill</b>	15660
<b>Owner</b>	SHARON INVESTMENTS CO
<b>Parcel ID</b>	17075300300

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	11/15/2023	\$6,082.27	\$6,082.27	\$0.00	\$0.00	\$0.00
<b>TOTAL</b>		\$6,082.27	\$6,082.27	\$0.00	\$0.00	\$0.00