



City of Smyrna

City of Smyrna
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Issue Sheet

File Number: 2021-012

Agenda Date: 1/13/2021

Version: 1

Status: ATS Review

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: F.

WARD / COUNCILMEMBER: Ward 3 / Travis Lindley

\$ IMPACT: N/A

Agenda Title:

Pubic Hearing - V21-004 - Allow 5.6-foot wooden fence in front yard on a corner lot -
Land Lot 561 - 1406 Roswell Street - Tiffany McAllister

ISSUE AND BACKGROUND: The applicant is requesting a variance to reduce the streetside setback from 23.3 feet to 9 feet to allow for the construction of an enclosed garage on a single-family residence at 1406 Roswell Street. The applicant is also requesting a variance to allow for a 5.6-foot wooden fence in the front yard. The development standards established by the City for the R-15 zoning district require a minimum streetside setback of 23.3 feet. Section 503-A controls the location and height of fences in the Zoning Code.

RECOMMENDATION / REQUESTED ACTION: The applicant is requesting to deviate from the development standards established by the City for the R-15 zoning district which requires a minimum streetside setback of 23.3 feet and Section 503-A, which requires a four-foot fence in the front yard. 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 four (4) of the four (4) standards. Similar variances have been approved throughout the city so no negative precedent would be set. At the time of this report, Community Development has not received any phone calls regarding the variance request. After a review of the standards above, Community Development believes that the encroachments will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

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.

