

MEETING OF August 13, 2014

WARD/COMMITTEE 3

ITEM NUMBER V14-025

\$ IMPACT N/A

ISSUE: Approval for an increase in the maximum allowable height for a fence in the front yard from 4 feet to 6 feet at 1180 Hill Street.

SUMMARY: The applicant is requesting a variance to increase the allowable fence height in a front yard from 4 feet to 6 feet at 1180 Hill Street. According to the applicant, a 4 foot fence does not provide adequate privacy. Adhering to the Zoning Code requirements would not allow a 6 foot privacy fence within the front yard.

BACKGROUND: None

STAFF RECOMMENDATION: The applicant is requesting to deviate from the City's maximum allowable fence height in the side yard (Section 501.10 of the Zoning Ordinance) at 1180 Hill Street. 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. Community Development does believe there are sufficient privacy and security concerns that justify approval of the request. Additionally, several variances have been granted for such a request throughout the City, therefore no negative precedent will be set. At the time of this report Community Development has not received any opposition regarding the request. 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 fence detail submitted with the variance application.

REQUESTED ACTION: License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.