

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, Planner II

Date: February 20, 2017

**RE: VARIANCE CASE V17-012
3571 King Springs Road – Increase in Fence Height in a Front Yard from 4 feet to 5 feet.**

BACKGROUND

The applicant is requesting a variance to increase the allowable fence height in a front yard from four feet to five feet at 3571 King Springs Road for the purpose of installing a five foot iron fence on a corner lot. The maximum height for a fence in the front yard is required based upon the standards associated with Section 501.10 of the Zoning Code. The subject parcel is a corner lot with frontage on Cliffwood Drive and King Springs Road, thus creating two front yards.

ANALYSIS

The subject parcel is located at the intersection of King Springs Road and Cliffwood Drive (See Figure 1) and has frontage on both roads. Therefore a variance is required to build a five foot tall iron fence within the front yard. The subject parcel is zoned R-15, and is occupied by a single-family residence. The adjoining properties to the north, south, east and west are also zoned R-15; all are occupied with single-family homes.

The applicant has cited safety concerns as a hardship, and believes the existing four foot fence is insufficient. The applicant is proposing a five foot iron style fence around the perimeter of the home. The existing four foot wooden fence is supported by masonry columns that the applicant plans to reuse, and just replace the wooden fence with iron fencing. There should be no sight visibility concerns from the intersection as the iron fence is transparent, and due to the setback of the fence from the intersection. Additionally, from the street to the position of the fence there is a one to two foot difference; thus, the fence will not appear to be five feet in height from the road.

The City has approved similar requests for increase in fence height on corner lots. Community Development believes that at times a four foot fence may not provide adequate privacy.

Therefore, Community Development agrees that a hardship exists due to privacy and security concerns. Community Development also believes it is the minimum variance needed to provide safety and security.

STAFF COMMENTS

The applicant is requesting to deviate from the City's maximum allowable fence height in the front yard (Section 501.10 of the Zoning Ordinance) at 3571 King Springs 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 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 similar requests throughout the City. At the time of this report Community Development has not received any opposition regarding the request. Therefore, Staff recommends **approval** of the requested variance.

Figure – 1
Aerial of Subject Property



Figure – 2
View of subject property



Figure – 3
Example of change in grade from street to fence



Figure –4
Example of Fence Detail

