



# City of Smyrna

City of Smyrna  
A.Max Bacon City Hall /  
Council Chambers  
2800 King Street  
Smyrna, GA 30080  
770-434-6600  
www.smyrnacity.com

## Issue Sheet

File Number: 2021-389

Agenda Date: 9/8/2021

Version: 1

Status: ATS Review

In Control: License and Variance Board

File Type: Variance Request

Agenda Number: H.

**WARD / COUNCILMEMBER:** Ward 4 / Councilmember Welch

**\$ IMPACT:** N/A

### Agenda Title:

**Public Hearing** - Variance Request - V21-098 - Allow side setback reduction from 10 feet to 3 feet - Land Lot 409 - 0.31 acres - 3840 Highview Terrace - Peter Golaszewski

### **ISSUE AND BACKGROUND:**

The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yard at 3840 Highview Terrace. The subject property has road frontage along two sides of the property, which creates front yards on both Highview Drive and Highview Terrace. The applicant is looking to enclose the backyard for safety and security. Section 501 controls the location and height of fences in the Zoning Code. Additionally, the applicant is proposing to replace an existing non-conforming deck. Section 801 controls the setbacks for residential structures.

**RECOMMENDATION / REQUESTED ACTION:** The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yard on a corner lot at 3840 Highview Terrace. 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. Community Development has not received any calls in opposition to the request. After a review of the standards above Community Development believes that the variance will not adversely affect surrounding properties; therefore, staff recommends **approval** of the requested variance with the following condition:

- 1.Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
- 2.If the City of Smyrna must work within the right-of-way, the property owner may be required to move the fence at their own expense.