

# 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 7, 2021

**RE: VARIANCE CASE V21-055**  
**3581 South Sherwood Road – Allow 6-foot wooden fence in front yard on a corner lot**

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#### **BACKGROUND**

The applicant is requesting a variance to allow for a 6-foot wooden fence in the front yard on the corner lot at 3581 South Sherwood Road. Section 503-A controls the location and height of fences in the Zoning Code.

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#### **ANALYSIS**

The subject parcel is a 0.55-acre lot located on the southeastern corner of the intersection of North Cooper Lake Road and South Sherwood Road (see Figure 1). The subject parcel and the adjoining parcel to the east are zoned R-15 and are occupied by single-family detached homes. The adjacent parcel to the north is zoned LC and is occupied by a single-family home. The adjacent parcel to the south is zoned R-15 is occupied by the Gann Cemetery. The adjacent properties to the west are zoned RTD and are occupied by single-family townhomes.

In March 2021, the applicant erected a 6-foot wooden privacy fence along North Cooper Lake Road, close to the City right-of-way. Due to the property having road frontage on two sides, both sides are considered a front yard regarding fencing. Section 503-A restricts the height of fences within a front yard to four feet. Strict application of the ordinance would require a fence greater than four feet in height be setback 23.3 feet from the property line on the North Cooper Lake Road side. The applicant is requesting a variance to allow the six-foot wooden privacy fence to stay at its current distance to North Cooper Lake Road to provide safety and security from the busy road and intersection.

The City Engineer has reviewed the site plan and foresees a slight sight distance issue at the stop sign on S Sherwood Road facing south on North Cooper Lake Road. However, due to the existing vehicle approaching when flashing device at the intersection of North Cooper Lake Road and South Sherwood Road, the City Engineer can support the variance.

The applicant is requesting a variance to allow the six-foot wooden privacy fence to remain closer to North Cooper Lake Road to provide safety and security. Community Development

believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate privacy on a corner lot.

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## STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by 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. After a review of the standards above, Community Development believes that the encroachment 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 submitted with the variance application.
2. If any part of the fence falls within the City's Right-of-Way and the City must work within the area, the fence may be required to be moved at the owner's expense.

Figure – 1



**Figure – 2  
Site Plan**



**Figure – 3  
Existing Wooden Fence along North Cooper Lake Road**



**Figure – 4**  
**Subject Property from South Sherwood Road**



**Figure – 5**  
**Subject Property from North Cooper Lake Road**



**Figure – 6**  
**Adjacent Property across North Cooper Lake Road**



**Figure – 7**  
**Intersection of North Cooper Lake Road, South Sherwood Road, and Atkins Way**



**Figure – 8**  
**Adjacent Property across South Sherwood Road**



**Figure – 9**  
**Adjacent Property to the East**

