

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: March 15, 2021

**RE: VARIANCE CASE V21-030
2940 through 2944 Lexington Trace Drive – Allow six-foot wooden privacy fence in front yard on double frontage lots**

BACKGROUND

The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yards of the following properties: 2940, 2942, and 2944 Lexington Trace Drive. The subject properties have road frontages along two sides of the property, which creates front yards on Lexington Trace Drive and Emory Road. The applicant is looking to replace the existing 6-foot wooden fence on the rear of the properties, which currently encloses the subdivision's detention facility. The existing fence has fallen into disrepair and is no longer functioning properly. Section 501 controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject properties are located between Emory Road and Lexington Trace Drive in the Lexington Trace subdivision (see Figure 1). The subject property and adjacent properties to the north and east are zoned RTD and are occupied with attached single-family homes. The adjacent properties to the west and south of the properties are zoned R-15 and are occupied by detached single-family homes.

The applicant is looking to replace the existing 6-foot wooden fence that is in poor condition with a new 6-foot wooden fence to restore the barrier between the homes and Emory Road. A gate will be installed in the fence if the City ever needs to clean out the detention facility. The properties backing up to the fence are part of a 5-unit building, however, only three of the lots (2940, 2942, and 2944 Lexington Trace Drive) have road frontage on Emory Road. Due to the properties having road frontage on two sides, both sides are considered a front yard. Section 501 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 30 feet from the Emory Road property line, which would put the fence in the middle of the detention pond. Thus, the hardship is not self-created.

The applicant is requesting a variance to have a new six-foot wooden privacy fence along Emory Road to provide safety and security for the townhome residents as well as to protect the detention facility. Community Development believes the variance requested is the minimum

variance needed and that, at times, a four-foot fence may not provide adequate privacy nor security on a double frontage lot.

STAFF COMMENTS

The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yards of several double frontage lots on Lexington Trace Drive. 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. 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.

Figure – 1



Figure – 2
Fence Location



Figure – 3
Subject Properties from Lexington Trace Drive



Figure – 4
Subject Properties from Emory Road



Figure – 5
Existing Fence on Emory Road



Figure – 6
Adjacent Properties to the South



Figure – 7
Adjacent Properties to the Northeast



Figure – 8
Adjacent Property to the North



Figure – 9
Adjacent Property across Emory Road

