



# City of Smyrna

City of Smyrna  
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## Issue Sheet

File Number: 2021-214

Agenda Date: 6/7/2021

Version: 1

Status: ATS Review

In Control: City Council

File Type: Variance Request

Agenda Number: A.

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

**\$ IMPACT:** N/A

### Agenda Title:

**Public Hearing** - V21-047 - Allow 6-foot wooden fence in front yard on a corner lot - Land Lot 311 - 360 Havilon Way - Sarah Broadley & Caldwell Smith

**ISSUE AND BACKGROUND:** The applicant is requesting a variance to allow for a 6-foot wooden fence in the front yard on the corner lot at 360 Havilon Way. Section 503-A controls the location and height of fences in the Zoning Code.

**RECOMMENDATION / REQUESTED ACTION:** 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 i substantial compliance with the site plan submitted with the variance application.
- 2.A survey shall be performed prior to fence installation to ensure the fence is fully within th subject property.
- 3.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.