

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Ken Suddreth, Community Development Director
Joey Staubes, Planner - I

Date: August 6, 2014

RE: VARIANCE CASE V14-025
1180 Hill Street – Increase in Fence Height in a Front Yard from 4 feet to 6 feet.

BACKGROUND

The applicant is requesting a variance to increase the allowable fence height in a front yard from four feet to six feet at 1180 Hill Street for the purpose of installing a six foot wooden privacy 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 Hill Street and Brown Circle, thus creating two front yards.

ANALYSIS

The subject parcel is located at the intersection of Hill Street and Brown Circle (See Figure 1) and has frontage on both roads. Therefore the frontage on both roads is considered a front yard and requires a variance to build a six foot tall wooden privacy 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 zoned R-15; all are occupied with single-family homes.

Without variance approval the subject property will have minimal yard area in which to fence or be limited to a four foot fence. The applicant has cited safety concerns as a hardship, due to the foot traffic and visibility of the back yard from the intersection. The fence will be on the Brown Circle side of the house and will be approximately 63 feet in length. The applicant has proposed a decorative style of wooden privacy fence (See Figure 4). The City has set a precedent in varying from the fence height regulation in previous variance cases. 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 side yard (Section 501.10 of the Zoning Ordinance) at 1180 Hill Street. 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 such a request throughout the City, therefore no negative precedent will be set. At the time of this report Community Development has not received any opposition regarding the request. Therefore, Staff recommends **approval** of the requested variance with the following condition:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and fence detail submitted with the variance application.

Figure - 1



Figure – 2
View of subject property from Hill Street



Figure – 3
View from Brown Circle Side



**Figure –4
Fence Detail**



**Figure – 5
Property Across Hill Street.**



Figure – 6
Adjacent Property to West



Figure – 7
Site Plan

