

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, Planner II

Date: February 6, 2018

**RE: VARIANCE CASE V18-010  
2781 Mathews Street – Increase in Fence Height in a Front Yard from 4 feet to 6 feet.**

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#### **BACKGROUND**

The applicant is requesting a variance to increase the allowable fence height in a front yard from four feet to six feet at 2781 Mathews Street. 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 an interior lot, however on the side abutting Cobb County, the fence extends along the side property line up to the front property line.

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#### **ANALYSIS**

The subject parcel is located on the east side of Mathews Street and is zoned RAD (See Figure 1). The property to the north is zoned RAD, to the west is zoned RTD, and the properties to the south and east are in Cobb County. All are occupied by single family homes.

The applicant has constructed a six foot wooden privacy fence along the southern side property line from the front of the house to the front property line. City Marshalls noticed the fence and instructed the applicant to apply for a variance as code restricts fences in the front yard to four feet in height. The applicant installed the fence to provide a visual buffer to the adjacent property to the south.

The City has approved similar requests for increase in fence height on corner lots, and occasionally for interior lots. Most recently, the Board approved a six foot fence on the corner lot directly adjacent to the subject property in January 2018. 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, and that the fence does not present any visibility concerns as it is not close to any intersections.

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## STAFF COMMENTS

The applicant is requesting to deviate from the City's maximum allowable fence height in the front yard (Section 501.10 of the Zoning Ordinance) at 2781 Mathews 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 visual concerns that justify approval of the request. Additionally, several variances have been granted for similar requests throughout the City. At the time of this report Community Development has not received any opposition regarding the request. Therefore, Staff recommends approval of the requested variance.

**Figure – 1**  
**Aerial of Subject Property**



**Figure – 2**  
**View of subject property**



**Figure – 3**  
**View of Fence**



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**Figure –4**  
**View of Adjacent Property**

