

# 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: November 3, 2017

**RE: VARIANCE CASE V17-053**  
**796 Timberland 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 796 Timberland 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 Timberland Street and Parkwood Road, thus creating two front yards.

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#### ANALYSIS

The subject parcel is located at the intersection of Timberland Street and Parkwood Road (See Figure 1) and has frontage on both roads. Therefore a variance is required 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 also zoned R-15; all are occupied with single-family homes.

The applicant has cited safety and privacy concerns as a hardship, and believes a four foot fence is insufficient. The applicant is proposing a six foot wooden privacy fence around the perimeter of the home. According to code, a four foot wooden fence may be installed at the property line, or a six foot wooden fence may be installed at the front setback, which is 23.1 from the property line.

Community Development has surveyed the neighborhood and is unable to find similar fence setback reductions on corner lots. Additionally, if allowed, the proposed fence would intrude into the front yard of the adjoining property on Timberland due to the orientation of the two properties. Furthermore, Community Development believes strict application of the code does

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not deprive the applicant from reasonable use of the property, as even with the 23.1 ft. setback there is sufficient area in which to install the fence.

Therefore, Community Development recommends denial of the request, as there are no unique circumstances applying to the property, no reasonable hardship exists, and strict application of the code does not deprive the owner of reasonable use of the property. Additionally, Community Development has received considerable opposition to the request from the neighborhood that have also observed no similar fence setback reductions exist in the Cheney Woods community.

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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 796 Timberland 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 not to be in compliance. Community Development does not believe there are sufficient privacy and security concerns that justify approval of the request. Additionally, no variances have been granted for similar requests within Cheney Woods. At the time of this report Community Development has received significant opposition regarding the request. Therefore, Staff recommends **denial** of the requested variance.

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



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



**Figure – 3**  
**Timberland Side of Subject Property**



**Figure –4**  
**Proposed Fence Location**

