

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: July 29, 2021

**RE: VARIANCE CASE V21-085
1072 Stephens Street – Allow 5-foot fence in front yard on a corner lot**

BACKGROUND

The applicant is requesting a variance to allow for a 5-foot split rail and black welded wire fence in the front yard on the corner lot at 1072 Stephens Street. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 0.16-acre lot located on the southwestern corner of the intersection of Stephens Street, Green Cove Way, and Mann Street (see Figure 1). The subject parcel and the adjoining parcels to the north and east are zoned RDA while the adjacent parcels to the south and west are zoned R-15. All are occupied by single-family detached homes.

In June 2021, the applicant erected a 5-foot wooden split-rail fence along Mann Street, close to the City Right-of-Way. Due to the property having road frontage on two sides, both sides are considered a front yard regarding fencing. Section 503-A 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 16.67 feet from the property line on the Mann Street side. The applicant is requesting a variance to allow the 5-foot wooden split-rail fence to stay at its current distance to Mann Street to provide safety and security from the intersection for the applicant's two young children. No additional variances are needed since the welded wire backing on the fence has black vinyl coating.

The applicant is requesting a variance to allow the 5-foot split-rail fence to remain closer to Mann Street to provide safety and security for him and his family. Community Development believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate security on a corner lot.

STAFF COMMENTS

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

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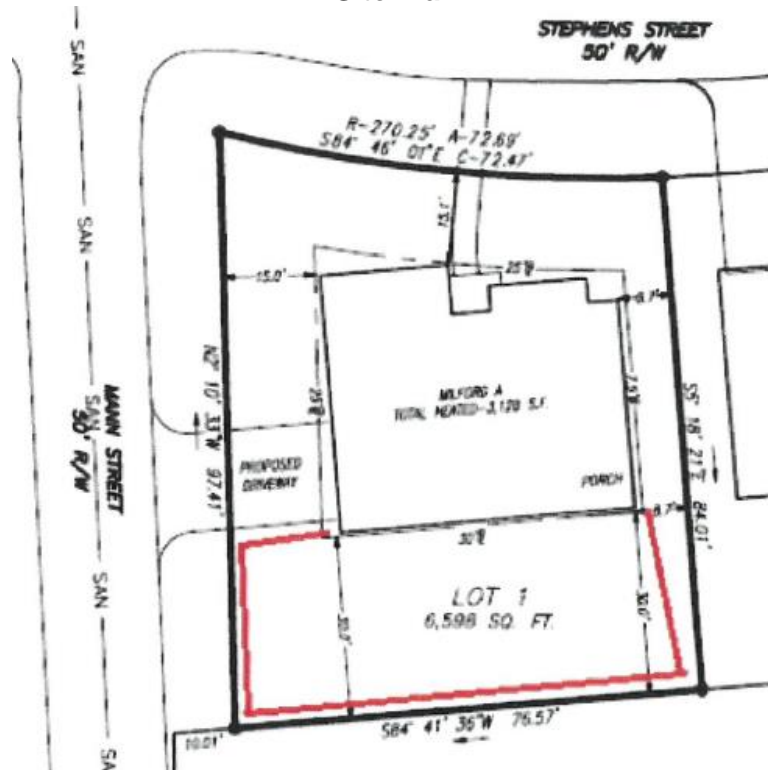
there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use 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 in substantial compliance with the site plan submitted with the variance application.
2. 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.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Existing Wooden Fence along Mann Street**



Figure – 4
Black coated Wire on Existing Fence



Figure – 5
Subject Property from Stephens Street



Figure – 6
Subject Property from Mann Street

