

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: June 5, 2014

RE: VARIANCE CASE V14-019
1210 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 4 feet to 6 feet at 1210 Hill Street for the purpose of installing a 6 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 Hickory Hill Drive, thus creating two front yards. The subject single family home has already installed the 6 foot privacy fence.

ANALYSIS

The subject parcel is located at the intersection of Hill Street and Hickory Hill Drive (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 6 foot tall wooden privacy fence within the front yard. The subject parcel is zoned RAD-Conditional, and is occupied by a single-family residence. The adjoining properties to the north, south, and east are zoned RAD and the property to the west is zoned R-15; all are occupied with single-family homes.

The subject property already has the 6 foot privacy fence installed. The privacy fence is behind the street trees and is shown in Figure 2 and Figure 3. The subject property is under contract, and the buyer requested the privacy fence. The fence was installed in an incorrect position, without consultation from Community Development. The tree replacement plan for the development required four maple trees to be planted on the subject property. One is on the Hill Street side and the other three are on Hickory Hill Drive. The trees will provide a visual buffer once matured. Without variance approval the subject property will have minimal yard area in which to fence.

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The applicant has cited safety concerns as a hardship, due to the foot traffic and visibility of the back yard from the intersection. The City has set a precedent in varying from the fence height regulation in previous variance cases. Community Development believes that at times a 4' 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 trees will provide a visual buffer for the fence.

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 1210 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.

Figure - 1



Figure – 2
View of subject property from Hill Street



Figure – 3
View from Hickory Hill Drive



Figure – 4
Property Across Hickory Hill Dr.



Figure - 5
 Site Plan

