

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: February 3, 2017

RE: VARIANCE CASE V17-009
2135 Frank Lane – Allow six foot chain link fence in front yard.

BACKGROUND

The applicant is requesting a variance to allow replacement of an existing six foot chain link fence in the front yard at 2135 Frank Lane with a new six foot chain link fence. 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.

ANALYSIS

The subject parcel is located at the terminus of Frank Lane (See Figure 1). The subject parcel is zoned GC, and is occupied by a one story structure. The adjoining properties are zoned GC all are occupied businesses.

The applicant recently replaced an existing six foot chain link fence with a new six foot chain link fence and cites safety concerns as a hardship, due to ongoing safety issues. The subject property is occupied by the Smyrna Moose lodge, and is located at the end of Frank Lane. The property is adjacent to other rear yards and the fence is not visible from any major road. The fence has an automated gate with emergency service access.

The City has approved similar requests for increase in fence height on corner lots and for other industrial properties. Community Development believes that at times a four foot fence may not provide adequate privacy and safety. Therefore, Community Development agrees that a hardship to replace an existing non-conforming fence 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 (Section 501.10 of the Zoning Ordinance) at 2135 Frank Lane. 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 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 with the following condition:

1. A gate opening of a minimum 20 feet with KNOX BOX is required to ensure Fire Dept access

Figure – 1
Aerial of Subject Property



Figure – 2
View of subject property



Figure – 3
View along Frank Lane

