

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: January 5, 2018

RE: VARIANCE CASE V18-002
3438 Creatwood Trail – 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 four feet to six feet at 3438 Creatwood Trail. 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 Walker Street and Mathews Street, thus creating two front yards.

ANALYSIS

The subject parcel is located at the intersection of Creatwood Trail and Navaho Trail (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 and are occupied with single family residences.

The applicant has cited safety concerns as a hardship, and believes a four foot fence is insufficient to address privacy concerns. The applicant is proposing a six foot wooden privacy fence along the side facing Navaho Trail. There should be no sight visibility concerns from the intersection due to the setback of the fence from the intersection. Additionally, the fence is positioned behind several mature trees which provide a substantial buffer for the fence from the road.

The City has approved similar requests for increase in fence height on corner lots. 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.

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 3438 Creatwood Trail. 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.

**Figure – 1
Aerial of Subject Property**



Figure – 2
View of subject property



Figure – 3
Property from Mathews Street



Figure -4
Location of 6 foot fence

