

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: March 15, 2021

RE: **VARIANCE CASE V21-029**
2625 Lynnhaven Lane – Allow six-foot wooden privacy fence in front yard on a corner lot

BACKGROUND

The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yard at 2625 Lynnhaven Lane. The subject property has road frontage along three sides of the property, which creates front yards on both Bassett Court and Lynnhaven Lane. The applicant is looking to partially enclose the backyard for safety and security. Section 501 controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject property is a 0.18-acre parcel located at the northern intersection of Lynnhaven Lane, Bassett Court, and Wakefield Court (see Figure 1). Thus, the subject property has three road frontages on Lynnhaven Lane and Bassett Court. The subject property and all adjacent properties are zoned RDA and are occupied with single-family detached homes.

In January 2021, the applicant erected a 6-foot wooden privacy fence along the cul-de-sac situated on Lynnhaven Lane. However, due to the property having road frontage on three sides, all three sides are considered a front yard. Section 501 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 7.5 feet from the property line on the Lynnhaven Lane sides of the property, which in this case would nearly be touching the house and severely limit the backyard space.

After a site visit by the City Engineer, he determined that even with a revised 4-foot picket fence in the corner of Lynnhaven Lane and Wakefield Court, the site distance would be compromised for those driving south on Arlington Lane towards Lynnhaven Lane and would cause the applicant's driveway to become a blind drive. Thus, the applicant will be removing the section of fence shown in blue on the site plan entirely and leaving the remaining 6-foot wooden fence on the remainder of the property (see Figure 2 and Figure 5).

The applicant is requesting a variance to have a new six-foot wooden privacy fence along the road to provide safety and security. Community Development believes the variance requested is

the minimum variance needed and that, at times, a four-foot fence may not provide adequate privacy on a corner lot.

STAFF COMMENTS

The applicant is requesting a variance to allow a six-foot wooden privacy fence in the front yard on a corner lot at 2625 Lynnhaven 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 with four (4) of the four (4) standards. Community Development has not received any calls in opposition to the request. After a review of the standards above Community Development believes that the variance will not adversely affect surrounding properties; therefore, staff recommends approval of the requested variance with the following condition:

1. Approval of the subject property for the requested variance shall be conditioned upon substantial compliance with the site plan submitted.
2. If the City of Smyrna must work within the right-of-way, the property owner may be required to move the fence at their own expense.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property from Bassett Court**



Figure – 4
Subject Property from Lynnhaven Lane



Figure – 5
Fence to be Removed on Corner of Lynnhaven Lane



Figure – 6
Fence to Remain along Lynnhaven Lane



Figure – 7
Adjacent Property to the West



Figure – 8
Adjacent Property Across Bassett Court



Figure – 9
Adjacent Property Across Lynnhaven Lane



Figure – 10
View across to Wakefield Court



Figure – 11
View from Lynnhaven Lane



Figure – 12
Adjacent Properties across Lynnhaven Lane (near Wakefield Court)

