

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: March 2, 2017

RE: VARIANCE CASE V17-014
3257 Pinetree Drive – 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 eight feet at 3257 Pinetree Drive for the purpose of installing a six foot wooden privacy fence on a corner lot. The maximum height of four feet 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 Collier Drive and Pinetree Drive, thus creating two front yards.

ANALYSIS

The subject parcel is located at the intersection of Collier and Pinetree Drive (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 along Collier Drive. The subject property and surrounding properties are zoned R-20 and are occupied by single family residences.

The subject property has a pool in the rear yard that is visible from Collier Drive. There is an existing four foot rail and wire wooden fence between the road and pool. The applicant is proposing to replace it with an six foot wooden privacy fence for the sake of privacy and security concerns. The applicant has children that could climb the existing four foot fence and believes other children in the neighborhood could as well. The applicant believes any fence less than eight feet would be insufficient as there is a significant grade change from the road to the fence location.

The existing fence is several feet off the Collier Drive property line, which is also where the replacement fence will be located. The fence is a decorative style of wooden as shown in Figure 6. Additionally, the applicant plans to plant vegetation on the street side once the fence is installed to enhance the aesthetic appeal from the street. Furthermore, the fence section

requiring a variance is only 32 ft. in length of the total 170 ft. of property frontage along Collier Drive.

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 3257 Pinetree Drive. 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. Approval is conditioned upon substantial compliance with the site plan and fence detail submitted with the variance application.

Figure – 1
Aerial of Subject Property



Figure – 2
View of subject property



Figure – 3
Property Across Collier Drive



Figure –4
Adjacent Property



Figure – 5
Proposed Fence Location

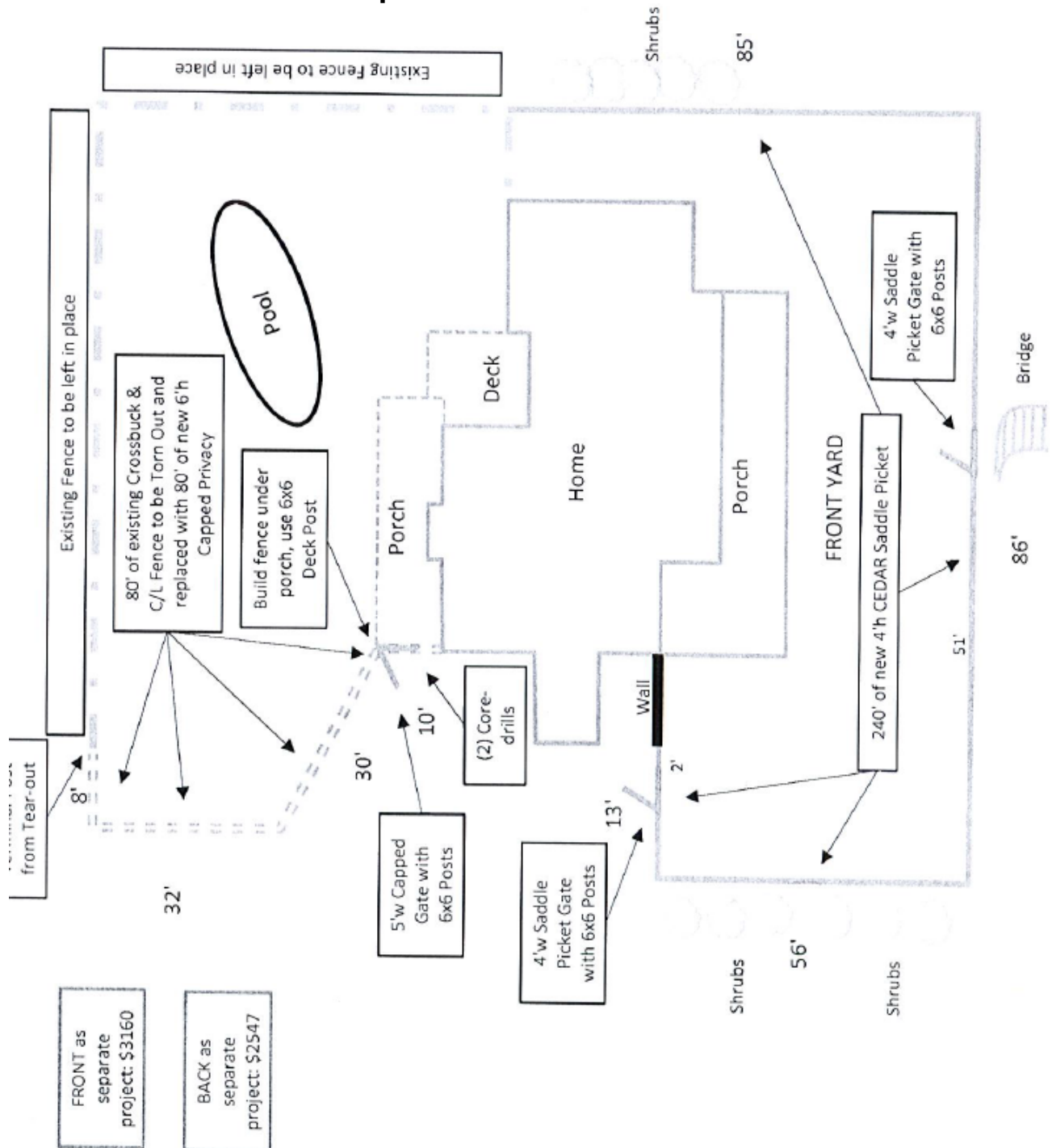


Figure – 6
Fence Detail

