

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: August 24, 2017

RE: VARIANCE CASE V17-046
3130 Atlanta Rd – Increase in Fence Height in a Front Yard from 4 feet to 5 feet.

BACKGROUND

The applicant is requesting a variance to increase the allowable fence height in a front yard from four feet to five feet at 3130 Atlanta Road for the purpose of installing a five foot metal 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 Collier Drive and Atlanta Road, thus creating two front yards.

ANALYSIS

The subject parcel is located at the intersection of Collier Dr and Atlanta Rd (See Figure 1) and has frontage on both roads. Therefore a variance is required to build a five foot tall metal fence within the front yard. The subject parcel is zoned R-20, and is occupied by a church and school. The adjoining properties to the north are zoned RAD, to the west is zoned RAD and R-20, to the south is zoned RAD, and to the east is zoned OI. The property to the east is occupied by a park and city offices, while all other properties are occupied with residential uses.

The applicant believes that the extra height is necessary to ensure safety on the subject property. The applicant is proposing a five foot iron style fence along a section of Collier Drive. There should be no sight visibility concerns from the intersection as the iron fence is transparent, and due to the setback of the fence from the intersection.

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 3130 Atlanta Road. 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 from Atlanta Rd



Figure – 3
View of subject property from Collier Dr

