

# **CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM**

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To: License and Variance Board

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

Date: September 7, 2018

**RE: VARIANCE CASE V18-061**  
**1450 Walker Street – Allow six foot wooden privacy fence in front yard on a corner lot**

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## **BACKGROUND**

The applicant is requesting a variance to allow a six wooden privacy fence in the front yard at 1450 Walker Street. The fence is proposed along the property line adjacent to Walker Street and Morris Circle. The subject property has road frontage along three sides of the property, which creates front yards on three sides. The existing home currently has a non-conforming chain link fence which will be replaced by the wooden privacy fence. Section 501 controls the location of fences in the Code of Ordinances.

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## **ANALYSIS**

The subject property is located to the south of Walker Street and is zoned R-15 (See Figure 1). The adjacent properties to the north and east are zoned RAD, and R-15 to the south and west. The adjacent property to the west is zoned RAD-Conditional. All are occupied by residential uses. The subject property has road frontage along three sides; Walker Street on the front, and Morris Circle on side and rear.

The subject property has an existing non-conforming chain link fence along the property line. The applicant would like to replace the chain link fence with a six foot wooden privacy fence. Due to the property having road frontage on three sides, each of those sides is 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 35 feet from the property line on each side with road frontage.

The applicant is requesting a variance to replace a non-conforming chain link fence with a six foot wooden privacy fence. Due to the subject property having multiple road frontages, a variance is required to install a six foot wooden privacy fence on the subject property. Strict application of the ordinance would require a six foot fence be setback 35 feet from property lines. Community Development believes the variance requested is the minimum variance needed, and that at times a four foot fence may not provide adequate privacy.

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## 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 1450 Walker Street. 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 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.

**Figure – 1**



## Figure – 2 Subject Property



### Figure – 3 Subject Property





**Figure – 4**  
**Adjacent Property**



**Figure – 5**  
**Proposed Fence Location**



**Figure – 6**  
**Proposed Fence**

Photo of intended 6 ft.,  
scalloped wood privacy  
fence from Allied Fence

