

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: September 21, 2018

RE: VARIANCE CASE V18-063
2629 Grady Street – Allow six foot wooden privacy fence in front yard on a corner lot

BACKGROUND

The applicant is requesting a variance to allow a six wooden privacy fence in the front yard at 2629 Grady Street. The fence is proposed along the property line adjacent to Fleming Street. The subject property has road frontage along two sides of the property, which creates front yards on two sides. Section 501 controls the location of fences in the Code of Ordinances.

ANALYSIS

The subject property is located at the cul-de-sac on Grady Street and is zoned RAD (See Figure 1). The adjacent properties to the south and west are zoned RAD and occupied with residential uses. The adjacent property to the north is zoned MU (Mixed Use) and is occupied by a school. The adjacent property to the east is zoned R-15 and is occupied by a residential use. The subject property is 0.20 acres.

The subject property is accessed from Grady Street, however it also has road frontage along Fleming Street on the northern property line. The applicant would like to construct a six foot wooden privacy fence along Fleming Street (See Figure 5). Due to the property having road frontage on two 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 to the front setback of 20 feet from the property line on Fleming Street. The applicant is proposing to construct the six foot fence just inside the northern property line. The applicant has stated that a four foot fence is inadequate to provide sufficient privacy and security.

The applicant is requesting a variance to construct 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 20 feet from property line along Fleming Street. Community Development believes the variance requested is the minimum variance needed, and that at times a four foot fence may not provide adequate privacy.

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 2629 Grady 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 – Fleming St



Figure – 4
Adjacent Property



Figure – 5
Proposed Fence Location

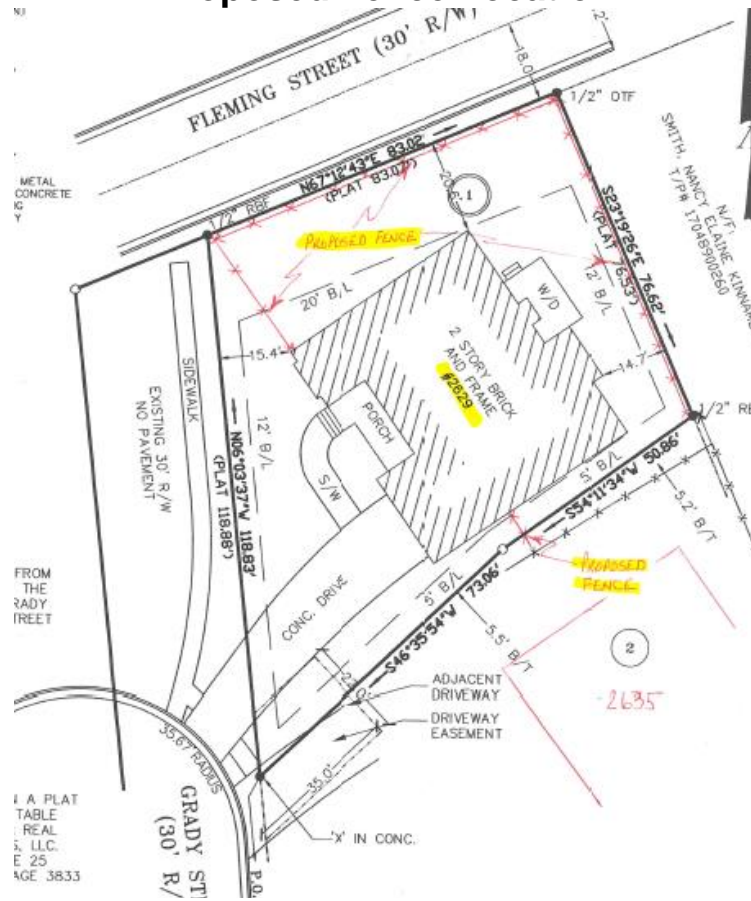


Figure – 6
Proposed Fence

