

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, Acting Community Development Director
Joey Staubes, AICP - Planner II

Date: July 5, 2019

RE: VARIANCE CASE V19-027
2821 Fraser Street – Allow eight foot wooden privacy fence in front yard on a corner lot

BACKGROUND

The applicant is requesting a variance to allow an eight foot wooden privacy fence in the front yard at 2821 Fraser Street. The fence is proposed along the property line adjacent to Bank Street. The subject property has road frontage along two sides of the property, which creates front yards on Fraser Street and Bank Street. Section 501 controls the location of fences in the Code of Ordinances.

ANALYSIS

The subject property is located at the intersection of Bank Street and Fraser Street (See Figure 1). The adjacent properties to the north, south, east, and west are zoned R-15 and are occupied with residential uses. The subject property is 0.23 acres.

The subject property is accessed from Fraser Street, however it also has a driveway along Bank Street on the southern property line. The applicant is requesting an eight foot fence be allowed along Bank Street (See Figure 6) to replace an existing chain link fence. 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 23 feet from the property line on Bank Street. The existing home is non-conforming with respect to building setbacks. On April 11, 2018 the License and Variance Board approved a second story addition to the existing non-conforming structure. The proposed fence will therefore be consistent with the existing non-conforming setback line.

The new fence is proposed to replace an existing chain link fence. The new fence will be installed in approximately the same location of the existing fence, about 13 feet from the property line on Bank Street and is proposed to span about 80 feet along Bank Street. The fence will run from the back corner of the home to the rear property line. Due to the location of the fence, and elevation of grade on the property, Community Development believes the fence should not impact visibility at the intersection. The fence will be six feet on all other sides of the

property. The additional height along Bank Street is necessary due to the difference in grade of approximately eight feet on average between the subject property rear yard and road.

The applicant is requesting a variance to allow an eight foot wooden privacy fence along Bank Street. Due to the subject property having multiple road frontages, a variance is required to install an eight foot wooden privacy fence on the subject property. Strict application of the ordinance would require a fence higher than four feet be setback 23 feet from property line along Bank 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 on a corner lot.

STAFF COMMENTS

The applicant is requesting a variance to allow an eight foot wooden privacy fence in the front yard on a corner lot at 2821 Fraser 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 – Fraser Street



Figure – 4
Adjacent Property



Figure – 5
Adjacent Property



Figure – 6
Proposed Fence

