



# City of Smyrna

2800 King Street  
Smyrna, GA 30080  
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## Issue Sheet

File Number: V19-025

**Agenda Date:** 7/10/2019

**Version:** 1

**Status:** Agenda Ready

**In Control:** License and Variance Board

**File Type:** Variance Request

**Agenda Number:** B.

**WARD:** 7

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Agenda Title:**

**Public Hearing** - Variance Request - V19-025 - Allow six foot wooden privacy fence in front yard on corner lot - Land Lot 330 - 0.41 acres - 591 Summertree Court - Zach Wood and Lisa Sisom

**ISSUE:** The applicant is requesting a variance to allow a six foot wooden privacy fence in the front yard at 591 Summertree Court. The fence is constructed along the property line adjacent to Summerwood Drive and Nickajack Road. The subject property has road frontage along three sides of the property, which creates front yards on three sides. Section 501 controls the location of fences in the Code of Ordinances. The subject property is accessed from Summertree Court, however it also has road frontage along Summerwood Drive on the southern property line and Nickajack Road on the western property line. The applicant is requesting a six foot fence be allowed along Summerwood Drive and Nickajack Road. Due to the property having road frontage on three sides, each of those sides is considered a front yard. However, due to the orientation of the existing home the area being fenced is the back yard of the home. 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 23 feet from the property line on Summerwood Drive and 35 feet from the property line on Nickajack Road.

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** The applicant is requesting a variance to allow a six foot wooden privacy fence in the front yard on a corner lot at 591 Summertree Court. 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 received several calls in opposition to the request. After a review of the standards above Community Development believes that the variance will not adversely affect the health, safety, or welfare of surrounding properties; therefore, staff recommends **approval** of the requested variance.

**REQUESTED ACTION:** The License and Variance Board hold a public hearing per Section 1400 of the Smyrna Code.