

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: March 3, 2020

**RE: VARIANCE CASE V20-019
930 Eleanor Way – Allow five-foot fence in front yard on a corner lot**

BACKGROUND

The applicant is requesting a variance to allow a five-foot wooden split rail fence with welded wire in the front yard at 930 Eleanor Way. The subject property has road frontage along two sides of the property, which creates front yards on Eleanor Way and Medlin Street. The applicant is looking to fully enclose the front yard for safety and security. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject property is a 0.30-acre parcel located at the intersection of Eleanor Way and Medlin Street (see Figure 1). The subject property and all adjacent properties are zoned R-15 and are all occupied with single-family homes.

Due to the property having road frontage on two sides, both sides are considered a front yard. Section 503-A 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 have a new five-foot rail and welded wire fence in their front yard to provide safety and security. Community Development believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate security on a corner lot.

STAFF COMMENTS

The applicant is requesting a variance to allow a five-foot wooden split rail fence with welded wire in the front yard on a corner lot at 930 Eleanor Way. 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 a call regarding the request but with no 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 with the following stipulations:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and pictures of the fence style submitted with the variance application.
2. The fence shall be placed 25 feet from the centerlines of both Eleanor Way and Medlin Street.

Figure – 1



Figure – 2
Fence Location



Figure – 3
Proposed Fence Style



Figure – 4
Subject Property



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property



Figure – 7
Adjacent Property

