



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** V17-053      **Version:** 1      **Name:** V17-053 - 796 Timberland St  
**Type:** Variance Request      **Status:** Passed  
**File created:** 11/3/2017      **In control:** License and Variance Board  
**On agenda:** 11/8/2017      **Final action:** 11/8/2017  
**Title:** Public Hearing - Variance Request - V17-053 - Allow increase in fence height in a front yard from four feet to six feet - 0.32 acres - Land Lot 416 - 796 Timberland Street - Ryan and Tessa Daly

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. VarMemoV17-053, 2. Application, 3. FENCE PLAN.JPG, 4. Fence Contract, 5. Notifications

Date	Ver.	Action By	Action	Result
11/8/2017	1	License and Variance Board	Approved with Condition(s)	Pass

**WARD:** 5

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Variance Request - V17-053 - Allow increase in fence height in a front yard from four feet to six feet - 0.32 acres - Land Lot 416 - 796 Timberland Street - Ryan and Tessa Daly

The applicant is requesting a variance to increase the allowable fence height in a front yard from four feet to six feet at 796 Timberland Street for the purpose of installing a six foot wooden privacy fence on a corner lot. The maximum height for a fence in the front yard is required based upon the standards associated with Section 501.10 of the Zoning Code. The subject parcel is a corner lot with frontage on Timberland Street and Parkwood Street, thus creating two front yards.

**BACKGROUND:** None.

**RECOMMENDATION/REQUESTED ACTION:** The applicant is requesting to deviate from the City's maximum allowable fence height in the front yard (Section 501.10 of the Zoning Ordinance) at 796 Timberland 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 undue 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 reviewed the request against the variance review standards and found it not to be in compliance. Community Development does not believe there are sufficient privacy and security concerns that justify approval of the request. Additionally, no variances have been granted for similar requests within Cheney Woods. At the time of this report Community Development has received significant opposition regarding the request. Therefore, Staff recommends **denial** of the

sted variance.

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