



City of Smyrna

City of Smyrna
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Legislation Text

File #: V19-027, **Version:** 1

WARD: 3

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Variance Request - V19-027 - Allow eight foot wooden privacy fence in front yard on corner lot - Land Lot 449 - 0.23 acres - 2821 Fraser Street - Brian Denis

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 both 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. 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 Section 501.6) 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 code 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 be consistent with the existing non-conforming setback line.

BACKGROUND: None.

RECOMMENDATION/REQUESTED ACTION: 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 received any calls in opposition to the request. After a review of the standards above Community Development believes the variance will not adversely affect 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.