



City of Smyrna

City of Smyrna
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Legislation Text

File #: 2021-485, Version: 1

WARD / COUNCILMEMBER: Ward 4 / Councilmember Welch

\$ IMPACT: N/A

Public Hearing - Variance Request - V21-107 - Allow 5-foot privacy fence in front yard on a corner lot - Land Lot 384 - 0.45 acres - 3861 N Cooper Lake Road - Kiana Baldon

ISSUE AND BACKGROUND:

applicant is requesting a variance to allow for a 5-foot aluminum fence in the front yard on the corner lot at 3861 N Cooper Lake Road. Section 503-A controls the location and height of fences in the Zoning Code.

RECOMMENDATION / REQUESTED ACTION: The applicant is requesting to deviate from the development standards established by Section 503-A, which requires a 4-foot fence in the front yard. According to Section 1403 of the Zoning Code, 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 a 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 to be in compliance with four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.

If any part of the fence falls within the City's Right-of-Way and the City must work within the area, the fence may be required to be moved at the owner's expense.

The applicant shall ensure corner sight distance requirements are satisfied in accordance with GDOT Right-of-Way and Encroachment Control Manual. The applicant shall coordinate the fence location along N Cooper Lake Road with the City Engineer to ensure compliance with GDOT standards.