

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: December 29, 2023

**RE: VARIANCE CASE V23-105
1741 Point Pleasant – Allow 6-foot wooden fence in front yard on a corner lot**

BACKGROUND

The applicant is requesting a variance to allow for a 6-foot wooden privacy fence in the front yard on the corner lot at 1741 Point Pleasant. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 0.35-acre lot located on the northeastern corner of the intersection of Ridgehurst Drive and Point Pleasant (see Figure 1). The subject parcel and all adjacent parcels are zoned R-15 and are occupied by single-family detached homes.

The subject property is located off Ridgehurst Drive, the main road within the Vinings Glen subdivision. The applicant is proposing to fully enclose her backyard with a 6-foot wooden fence, which is currently fenced-in on the rear and side. The proposed fence will be located behind the existing trees and shrubs planted along Ridgehurst Drive so there should be minimal visible impact.

Due to the property having road frontage on two sides as a corner lot, both sides are considered a front yard regarding fencing. 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 23.3 feet from the property line on the Ridgehurst Drive side. However, since the property significantly slopes down from the roadway into the rear yard, this would not provide any privacy from the roadway. Thus, the applicant is requesting a variance to allow a six-foot wooden privacy fence 12 feet off the back of the curb on Ridgehurst Drive to provide security from the busy roadway.

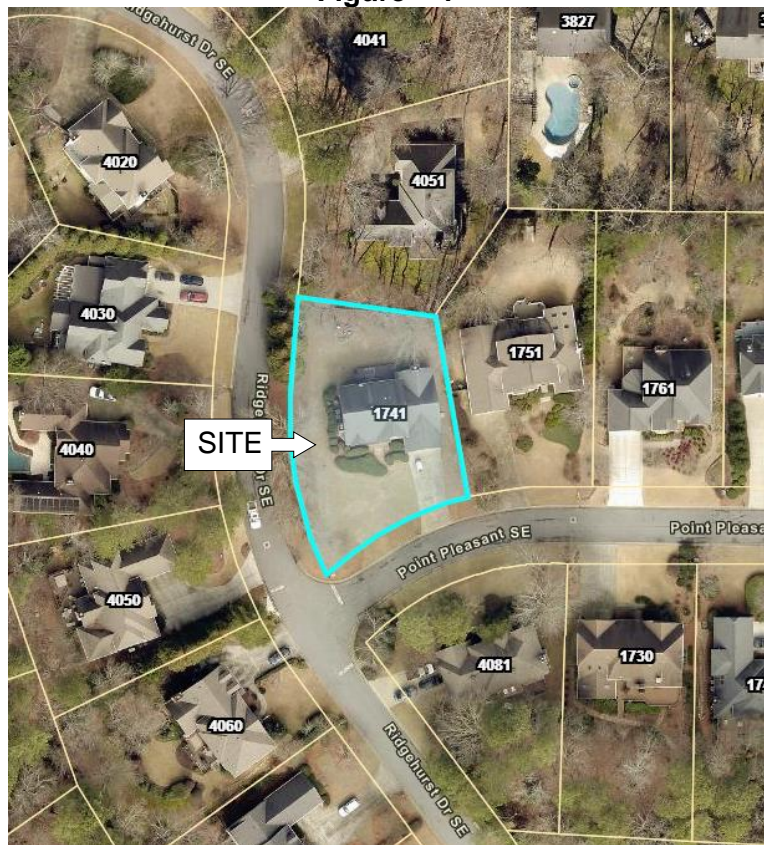
The applicant is requesting a variance to allow a six-foot wooden privacy fence to be erected along Ridgehurst Drive to provide safety and security for her family. The Assistant City Engineer went out to the site and determined that there was not a site distance issue caused by the proposed fence. Community Development believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate privacy on a corner lot.

STAFF COMMENTS

The applicant is requesting to deviate from the development standards established by Section 503-A, which requires a four-foot fence in the front yard. 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. After a review of the standards above, Community Development believes that the fence height will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following condition:

1. 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.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Subject Property from Ridgehurst Drive**



Figure – 4
Subject Property from Point Pleasant



Figure – 5
Adjacent Property to the North



Figure – 6
Adjacent Property across Ridgehurst Dr



Figure – 7
Adjacent Property across Point Pleasant



Figure – 8
Adjacent Property to the East

