

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: December 6, 2022

RE: VARIANCE CASE V22-073
703 Austin Drive - Allow 5-foot split rail fence in front yard

BACKGROUND

The applicant is requesting a variance to allow for a 5-foot split rail fence in the front yard on the corner lot at 703 Austin Drive. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 1.81-acre lot located at the north east corner of Austin Drive (see Figure 1). The subject parcel is zoned R-15. The adjacent properties to the south are zoned R-15, the properties to the north and west are zoned R-12, and the property to the east is zoned RDA. All are occupied by residential structures.

The applicant is proposing a 5-foot split rail fence with woven wire backing in the front yard of the property. 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 40 feet from the front property line. The applicant is requesting a variance to allow a 5-foot split rail fence to provide security and to match the existing fence around the perimeter of the property.

The applicant is requesting a variance to allow a 5-foot split rail fence to be erected in the front yard to provide safety and security for the property owner. 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

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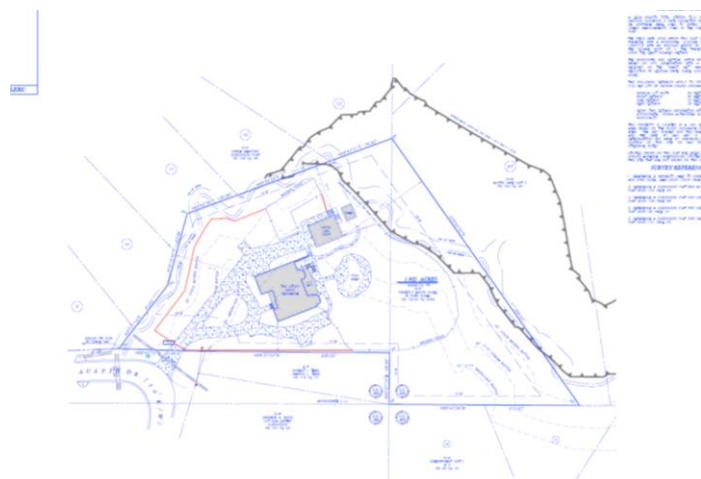
variance needed. Community Development has reviewed the request against the variance review standards and found it to be in compliance with four (4) of the four (4) standards. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variance with the following conditions:

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.
2. The fence area within the front yard setback shall have the woven wire behind the split rails.

Figure – 1



**Figure – 2
Site Plan**



**Figure – 3
Proposed Fence**



**Figure – 4
Subject Property**



Figure – 5
Adjacent Property



Figure – 6
Adjacent Property

