

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

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

Date: August 14, 2023

RE: **VARIANCE CASE V23-058**
5040 Highlands Parkway – Allow 6-foot iron fence in front yard

BACKGROUND

The applicant is requesting a variance to allow for a 6-foot wrought iron fence in the front yard at 5040 Highlands Parkway. Section 503-A controls the location and height of fences in the Zoning Code.

ANALYSIS

The subject parcel is a 5.5-acre lot located on the northern side of Highlands Parkway (see Figure 1). The subject parcel and all adjoining parcels are zoned Light Industrial and are occupied by a variety of commercial uses. The subject property and the property immediately to the north are owned by Glock, a company which specializes in the manufacture and distribution of firearms. Per the applicant, the company has active Department of Defense contracts which require a secure facility.

Due to the nature of the business operations, the applicant has requested to install a 6-foot black ornamental iron fence within the front setback for safety and security of the facility. The iron fence will have brick columns every 50 feet with two entrance gates on either driveway. 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 30 feet from the property line, which would eliminate 13 existing parking spaces. Thus, the applicant is requesting a variance to allow the six-foot fence in the front of the parking lot for the facility, roughly 20 feet from the front property line.

The existing Glock facility to the west on Highlands Parkway (6000 Highlands Parkway), has the same black ornamental iron fence along their road frontage with no detriment to the neighboring properties. Community Development believes the variance requested is the minimum variance needed and that, at times, a four-foot fence may not provide adequate security.

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

VARIANCE CASE V23-058

August 14, 2023

Page 2 of 5

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 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 and elevations submitted with the variance application.
2. Four-inch caliper overstory trees shall be planted every 40 feet on center for the length of the Highlands Parkway street frontage. Tree plans shall be submitted and approved by the City Arborist prior to gate permit completion (CBP-23-74).

Figure – 1



Figure – 2 Site Plan

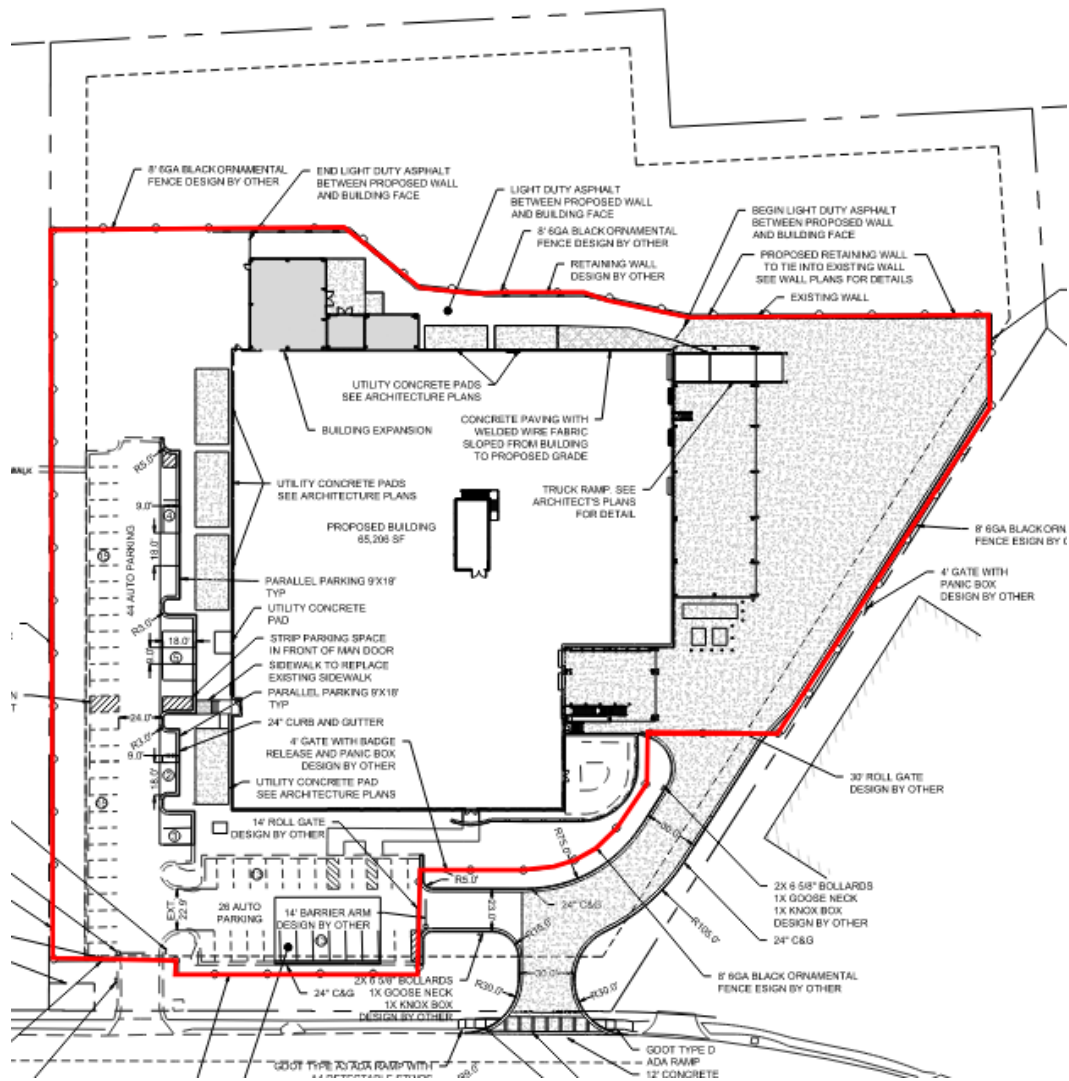


Figure – 3
Proposed Fence at 6200 Highlands Parkway



Figure – 4
Subject Property



Figure – 5
View of Highlands Parkway from Proposed Fence Location



Figure – 6
Adjacent Property to the East



Figure – 7
Adjacent Property across Highlands Parkway

