



License and Variance Board Meeting - Final

January 10, 2024
10:00 AM

M. V23-105 Public Hearing - Variance Request - V23-105 - Allow 6-foot wooden fence in front yard on a corner lot - Land Lot 624 - 1741 Point Pleasant - Yassmin Yousef



City of Smyrna

Issue Sheet

A Max Bacon
City Hall
2800 King Street
Smyrna, GA 30080

File Number:

Agenda Date: 1/10/2024

In Control: License and Variance Board

File Type: Variance Item

Agenda Section:
Formal Business

Agenda Number: M

Department: Community Development

Agenda Title:

Public Hearing - Variance Request - V23-105 - Allow 6-foot wooden fence in front yard on a corner lot
- Land Lot 624 - 1741 Point Pleasant - Yassmin Yousef

Ward 6 Mayor Pro Tem / Councilmember - Tim Gould



ISSUE AND 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.

RECOMMENDATION / REQUESTED ACTION:

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.

Variance Application	Applicant	Primary Location
VAR-23-55	 Yassmin Yousef  4789556213 @ yassmin.yousef@gmail.com	1741 POINT PLEASANT SE SMYRNA, GA 30080

Applicant Information

First Name	Last Name
Yassmin	Yousef
Street Address	City
1741 Point Pleasant	Smyrna
State	Zip Code
GA	30080
Email	Phone Number
yassmin.yousef@gmail.com	4789556213

Are you the titleholder of the subject property?
Yes

Property Information

Property Address
1741 Point Pleasant SE Smyrna GA 30080

Description of Requested Variances
Fencing.

Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

1. Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.

The goal of placing this fence is privacy. Current lot has a privacy fence in the back which was placed several years ago but is now in poor and dangerous conditions. We decided rather than replacing it, we will fence in the whole property after having two incidences of possible trespassing on our property. We

desire a six foot fence for privacy and would like to place it on our lot boundary at 12 feet from the main road (Ridgehurst Drive). Current ordinance would suggest only a four foot fence would be standard at 12 feet from the street; however, this would not provide privacy. The part of our property facing Ridgehurst is sloped. For this reason placing the fence at 23 feet from the road is also not a viable option to ensure our safety and privacy. If one were to stand at the top of the sloped area--which they often do while walking their dogs, they would easily be able to see over the fence. For this reason we desire a 6 foot fence at 12 feet from Ridgehurst Drive.

Acknowledgement

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

Applicant Signature:

true

**NOTIFICATION OF CONTIGUOUS OCCUPANTS
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified ~~that~~ Yassmin Yousef and M. Usman Sajid

Intends to make an application for a variance for the purpose of _____
installing a privacy fence 12 feet from Ridgehurst Drive. Fence is to be 6 feet high.

_____ on the premises described in the application.

NAME

ADDRESS

A. T. T. T.
Michael Jones Jr
Kenneth E Jones
George H. H. H.
George H. H. H.

1751 Point Pleasant

4081 Ridgehurst Dr

4030 Ridgehurst Dr

4040 Ridgehurst Dr

4050 Ridgehurst Dr

4051 Ridgehurst Dr

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

9589 0710 5270 1614 9962 98

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Smrna GA 30080

OFFICIAL USE	
Certified Mail Fee	\$4.35
Extra Services & Fees (check box, add fee if appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.66
Total Postage and Fees	\$5.01

Postmark Here: **SMRNA GA MPO 11 2023**

30080-9998 12/11/2023


Sent To: **Homeowner**
Street and Apt. No., or PO Box No.: **4040 Ridgehurst Drive**
City, State, ZIP+4®: **Smrna, GA 30080**

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

Total	\$5.01
Grand Total:	\$5.01
Credit Card Remit	\$5.01
Card Name: VISA	
Account #: XXXXXXXXXXXXX9555	
Approval #: 084871	
Transaction #: 565	
AID: A0000000031010	Chip
AL: VISA CREDIT	
PIN: Not Required	CHASE VISA

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

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Sign up for FREE 
<https://informedelivery.usps.com>

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Refunds for guaranteed services only.
Thank you for your business.

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Go to: <https://postalexperience.com/Pos>
or scan this code with your mobile device.



ate (Your House or Land)

[View bill image](#)

12/7/2023

2023

15146

SAJID MOHAMMAD USMAN & YOUSEF YASSMIN

17062400560

[adjustments](#)

Pay By	Amount	Payments/Credits	Balance	Interest	Due
11/15/2023	\$1,635.71	\$1,635.71	\$0.00	\$0.00	\$0.00
	\$1,635.71	\$1,635.71	\$0.00	\$0.00	\$0.00



Printed: 12/7/2023

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
DOVENMUEHLE MORTGAGE INC

**SAJID MOHAMMAD USMAN & YOUSEF
YASSMIN**

Payment Date: 10/11/2023

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17062400560	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$6,023.58	\$0.00



Scan this code with your
mobile phone to view
this bill!!



G CURVE DATA			
Station	Length	Radius	Delta
1+00	100	1000	180
2+00	100	1000	180
3+00	100	1000	180
4+00	100	1000	180
5+00	100	1000	180
6+00	100	1000	180
7+00	100	1000	180
8+00	100	1000	180
9+00	100	1000	180
10+00	100	1000	180

TABLE OF DEDICATION			
Station	Length	Radius	Delta
1+00	100	1000	180
2+00	100	1000	180
3+00	100	1000	180
4+00	100	1000	180
5+00	100	1000	180
6+00	100	1000	180
7+00	100	1000	180
8+00	100	1000	180
9+00	100	1000	180
10+00	100	1000	180

Field on office 3-20-70
Check data for page 2 of
page 2 deduction table given

As shown on this plan, the proposed road is shown in solid lines and the existing road is shown in dashed lines. The proposed road is shown in solid lines and the existing road is shown in dashed lines. The proposed road is shown in solid lines and the existing road is shown in dashed lines.



DATE	3-20-70
BY	J. C. [Signature]
CHECKED	[Signature]
APPROVED	[Signature]

VININGS GLEN
PHASE I

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

