



PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Meeting Date: March 12, 2020

Item #: PZ2020-601

VARIANCE – Multiple Addresses – Rose Woods HOA Fence Replacement

Site Addresses: 3742, 3738, 3734, 3730, 3729, 3733, 3737 Summer Rose Dr, and 3716, 3712, 3708, 3711 Summer Rose Ct

Parcel Numbers 18 323 06 068, 067, 066, 065, 064, 063, 062, 055, 054, 053 and 052

Applicant: Alisha Adams, Rose Woods HOA

Owners: Multiple Owners

Proposed Development: Replace existing fence in a street yard

Current Zoning: Neighborhood Residential 1 (NR-1) – This district is primarily intended for single-family residences and related accessory uses.

Request: Variance from fence height and materials requirements

Staff Recommendation: **Approval with conditions**



Case Number: PZ2020-601
City Council Work Session: 03/12/2020 (Work Session)
Regular City Council Meeting: 03/17/2020

Applicable UDO Standards:

	Required	Existing	Proposed
Fence Height	4 ft	6 ft	6 ft
Fence Material	50% Transparent	100% Opaque	100% Opaque

Current Use: Single-Family Residences

Surrounding Land Uses: North, East, and West – NR-1: Single-Family Residences
South – CC: Commercial auto sales

Site Description:

The subject property is comprised of 11 residential lots in the Rose Woods subdivision, a community located along North Shallowford Road and North Peachtree Road. The subdivision is comprised of 44 total residential lots, all of which contain a single family detached two-story home. The 11 subject lots are “through lots”, meaning they have street frontage at the front and the rear of the property. In this case, each of the lots has its driveway and front door facing a street internal to the subdivision, and its rear lot line located on either North Shallowford Rd or North Peachtree Rd. The community currently has a fence that is 6 feet in height, opaque and constructed of wood that runs the length of the subdivision along North Peachtree Road and a portion of North Shallowford Road, adjacent to the right-of-way, on the 11 subject lots. The fence along North Shallowford Road is mostly screened with a vegetative screening while the fence along North Peachtree Road is mostly exposed.

Description of Proposed Project:

The Homeowner’s Association of the Rose Woods community proposes to replace the existing dilapidated fence with a 6-foot privacy fence constructed of pine wood. Per the UDO, the existing fence is classified as a nonconforming structure in terms of current fence regulations. Since the applicant proposes to completely remove and replace the existing fence, it must be brought into compliance with the UDO. Therefore, in order to construct the new fence, the applicant requests two variances.

Applicant’s Requests:

The applicant requests two **VARIANCES** from the following regulations of the UDO:

1. Variance from Section 230-6(c)(1)(a) to increase the height of a front yard fence from 4 feet to 6 feet.
2. Variance from Section 230-6(c)(1)(b) to install a front yard fence that is not 50 percent transparent.

Staff Analysis:

The UDO in Section 280-32(a), provides the following factors for granting a variance from the front yard fence requirements. The analysis of these factors is included below:

a) There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography; and

There are extraordinary and exceptional conditions pertaining to the particular property in question because of its shape. In particular, 11 of the 44 homes in the subdivision (which is 25% of the total lots) consist of through-lots. The streets that these homes abut are rather busy. North Shallowford Road is classified as a local street but has been observed to carry a significant volume of traffic. Similarly, North Peachtree is classified as a feeder street. The proposed fence would provide privacy and safety to the homes that abut these busy streets.

b) The application of this UDO to the particular piece of property would create an unnecessary hardship; and

The strict application of this UDO to the particular piece of property in question would create an unnecessary hardship, especially to the property owners. Without the variance, the backyards of these 11 homes will be exposed to the external streets. These backyards have been screened from view of the right of way for a long time and if the variance is not granted, they would lose the privacy they have previously enjoyed.

c) Such conditions are peculiar to the particular piece of property involved; and

There are conditions that are peculiar to the particular piece of property involved. In particular, because of the orientation of these lots, these lots are considered through lots but must follow the front yard fence regulations on both frontages. Through lots are defined as "a lot that abuts two parallel streets or that abuts two streets that do not intersect at the boundaries of the lot." However, a front yard is defined as "an open, unoccupied space on the same lot with a principal building, extending across the full width of the lot between side lot lines and being that area situated between the front lot line and the line established by the front wall or walls of the principal structure projected to intersect the side lot lines. Through lots shall provide front yards for each lot line with street frontage." Because of this, the fence must follow the front yard fence regulations, even though it is used as a backyard.

d) Such conditions are not the result of any actions of the property owner; or

The conditions of the property are not the result of any actions of the owner.

e) Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Relief from the front yard fence requirements would not be detrimental to the public good nor impair the purposes or intent of this zoning ordinance. The community already has a fence that is six feet in height and not transparent. The applicant does not propose to enlarge or alter the height or opaqueness of the fencing in that location in a way that would increase the degree of nonconformity. They are only proposing to replace the fence (which is currently in a state of disrepair), essentially like-for-like in terms of height and opaqueness. In addition, the proposed

fence will maintain the level of privacy that the eleven homes whose backyards abut North Shallowford and North Peachtree have experienced for years.

Staff Recommendation:

Staff recommends **APPROVAL** of the variances in application PZ2020-601. Staff recommends the following conditions of approval:

1. Development shall be in substantial conformance with the site plan received on January 30, 2020.
2. The Development shall keep and/ or replace the vegetative screening where it exists along the fence on North Shallowford Rd and North Peachtree Road.

Attachments:

Attachment 1 – Exhibit A: Site Plan labeled Received January 30th, 2020.

Attachment 2 – Application

Attachment 3 – Location Maps

Site Visit:

Fence along North Shallowford Road



Fence along North Peachtree Road

