



2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

**PICTURES**





**Recommended Action:**

**Approval.** The applicant and owner, William C. Cauthorn, is requesting a variance at 688 Polk Street that would allow him to construct a 6 ft. wooden fence along the eastern side yard that runs along the right-of-way of Pauline Street. The subject property is zoned R4 (Single Family Residential – 4 units/acre) and contains road frontage along both Polk Street and Pauline Drive; the property owner has vehicular access from both Polk Street and Pauline Drive.

In any yard fronting a street in a residentially zoned district, the ordinance only allows fences at a maximum height of 4 ft.; and also requires that the fence must be made of decorative material (wood, brick, stone, or wrought iron). The required setback for a fence is two feet from the right of way line.

During a routine inspection of the neighborhood and surrounding area, a Code Enforcement Officer noticed that the owner of the property had recently installed a 6 ft. tall wooden fence along the side yard of his property that runs along the Pauline Street right-of-way. At that time, he was informed that he would need to reduce the height of his fence or apply for a variance to increase the height of the fence from 4 ft. to 6 ft. Staff has been unable to conclusively determine if the installed fence is 2 ft. off of the public right-of-way, but no variance from that regulation has been requested.

Precedent has been established for granting height variances for fences, as described below:

- ***V2012-18: 72 Griggs Street*** ***May 21, 2012***
  - (1) Variance to increase the height of a fence in the side yard from 4 ft. to 6 ft.
- ***V2012-14: 1285 Cobb Parkway North*** ***April 30, 2012***
  - (1) Variance to increase the allowable height of a fence from 8' to 10'.
- ***V2012-13: 235 South Avenue*** ***April 30, 2012***
  - (1) Variance to increase the height of a wooden fence from 4 ft. to 6 ft. along the north side property line.
  - (2) Variance to reduce the requirement of 2 ft. to 0 ft. within the public right-of-way.
- ***V2011-37: 642 Allgood Road*** ***November 28, 2011***
  - (1) Variance to increase the height of a fence (wrought iron) in front and side yard from 4 ft. to 6 ft.
  - (2) Variance to allow fence to be constructed less than 2 ft. of the public right-of-way.
- ***V2011-36: 328 Freyer Drive*** ***November 28, 2011***
  - (1) Variance to increase the maximum height of a fence within a yard fronting a public street from 4' to 6';
  - (2) Variance to reduce the required setback for a fence from 2' to 0'.

In addition to these previous cases, there are also several properties in the general vicinity of this property that also have fences that exceed 4 ft. in height, but these fences may be “grandfathered”, as they may have been constructed prior to the adoption of the current ordinance. Due to the fact that similar fence variances have been consistently approved in the past; and because the proposal should not be detrimental to public safety, the surrounding properties, or overall community, ***staff recommends approval of this variance request with the stipulations that a row of evergreen trees or shrubs must be planted between the property line and fence.***