
Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.
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. David Haddle, petitioner for the owner, Hubert Properties, is requesting variances at 1276 Franklin Drive that would allow him to fence the property with a 6 foot chain-link fence with three strands of barbed wire along the top. The property is zoned CRC (Community Retail Commercial), and is located east of Cobb Parkway and south of Delk Road. The property to the south of the subject property is Nally Acura, which is also zoned CRC (Community Retail Commercial). Across the street to the east of the subject property, is an apartment complex that is located in the City and is zoned RM12 (Multi-Family Residential (12 units/acre)); directly south of that apartment complex is another apartment complex located in Cobb County; and the other two properties to the south are zoned LI (Light Industrial) and CRC (Community Retail Commercial).

According to the City Code, any fence fronting a public/private street shall not exceed 4 feet in height [710.04.A.1]. In addition, the Code states that decorative or ornamental fences or walls shall be constructed of wood, brick, stone, or wrought iron [710.04.A.1].

The applicant has indicated that the reason for the request is due to the criminal incidents and vagrant activity on and around the property. Further, granting the property owner a fence height variance to allow a 6 foot fence along Franklin Drive would not create substantial negative impacts on adjacent property owners, many of whom currently have fences six feet in height.

However, chain-link fences with barbed wire are not allowed under the zoning ordinance, which specifically states that decorative or ornamental fences or walls shall be constructed of wood, brick, stone, or wrought iron in all zoning districts; and that a fence equipped with barbed wire shall not contain said devices within 6 feet of the ground and may not be in a yard adjacent to a commercial use. Although other property owners along Franklin Drive already have nonconforming chain-link fences, allowing another chain-link fence will only continue the negative visual impact in the surrounding area and will not begin to improve the area.

Due to existing conditions and security concerns in the Franklin Drive area, Staff believes that there is sufficient hardship to grant the property owner a fence height variance to allow a 6-foot fence for security purposes. Therefore, Staff recommends *approval* of the requested variance to allow a fence abutting a public street that is six feet in height.

However, Staff recommends *denial* of the requested variance to allow barbed wire and also recommends *denial* of the request for the fence to be constructed with chain link.

However, should these variances be approved, Staff requests the following stipulations be considered:

- 1. The chain link fence should be a black, vinyl-coated fence.**
- 2. The required 10 foot landscape strip along Franklin Drive should be heavily landscaped to enhance the appearance of the front of the property.**