

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



192 Hedges Street



Fence along the side of 192 Hedges Street

Recommended Action:

Denial. The property owner, Alexander Propp, is requesting a variance at 192 Hedges Street to allow keep the unfinished side of the fence to the exterior. The subject property is zoned R4 (Single Family Residential 4 units/acre) and is 0.256 acres. The subject property is located on Hedges Street, a local roadway where the majority of the properties along the street are duplex housing units with a few owner occupied single family dwelling units, all of which are zoned R4 (Single Family Residential 4 units/acre). There are some commercial properties on the corner of Hedges Street and West Atlanta Street that are zoned OI (Office Institution). The majority of the housing units along Hedges Street are tenant occupied. The Marietta Redevelopment Corporation (MRC) owns approximately 18 properties on the west-end of Hedges Street. The area is a transitional residential neighborhood.

In January 2013, the applicant submitted a variance to reduce the west side yard setback from 10 ft. to 1 ft., which was denied by the Board of Zoning Appeals. In that report, staff addressed the observation of the west yard fence installed with the unfinished side to the exterior, however at that time no action had been requested to address this matter. (Section 710.04 requires the finished side of a fence shall be to the exterior.) Therefore, Mr. Propp has now resubmitted a variance request for this property, and is asking the Board to consider allowing him to keep the unfinished side of the fence facing to the exterior.

In addition to the financial difficulty, Mr. Propp has identified the following reasons as to why this fence should be allowed to remain in its current condition:

1. There is a chain link fence outside of the wooden fence on both sides of the property that would be difficult to make the required repairs.
2. The new fence is attractive in its current condition and is an improvement over the previous chain link fence.
3. Prior to erecting the fence, Mr. Propp inquired at the Permit Office about the fence and was told no permit was required, and there was no mention of any rules regarding which side of the fence should face the exterior.

(Permit Office staff have stated that they are aware of zoning regulations for fences and do convey such information to anyone who is interested in building a fence.)

The Board of Zoning Appeals has not heard many variance requests regarding exterior fencing. There was one request in April 2011 in which the Board approved several variances for a fence on Maxwell Avenue, but denied their request regarding the exterior fencing, as shown below:

- **V2011-08 – Approved – 213 Maxwell Avenue**
 1. Variance to allow an 8 ft. tall wooden fence along the yard fronting a public/private street;
 2. Variance to allow an 8 ft. tall wooden fence along the side yard fronting a public/private street;
 3. Variance to allow a wooden fence to be within 2 ft. of the public right-of-way;
 4. Denied variance to allow unfinished rear side of the fence to show (with the stipulation that the street side have vegetation along the fence).

Last month (March 2013), the Board of Zoning Appeals approved a similar variance request for a fence, as described below:

- ***V2013-16: 156 Normandy Drive*** ***March 25, 2013***
 1. Variance to request the allowance of the unfinished side of a fence to be to the exterior.

In this case, the property owner was able to provide letters from two adjacent property owners confirming that they did not object to the variance request for the fence. However, the Board did require this applicant to correct the fence adjacent to the neighbor to the rear, who had not provided a letter of support.

The fence in question is primarily visible from only one side of the property, and although Mr. Propp has reported that the neighbor does not object, he has not provided anything in writing to substantiate this. As such, Staff recommends denial of the variance request to allow the unfinished side of the fence to remain to the exterior.