

RECEIVED

By Howard Johnson at 4:29 pm, Oct 28, 2022



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond
Chief Executive Officer

Andrew Baker, AICP,
Director

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. _____

Applicant and/or
Authorized Representative Enrique Betancourt

Mailing Address: 2424 King Arthur Circle NE

City/State/Zip Code: Atlanta, GA 30345

Email: Enrique.Betancourt@aol.com

Telephone Home: 305-282-5110 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Enrique Betancourt

Address (Mailing): 2424 King Arthur Circle NE

Email: Enrique.Betancourt@aol.com

Telephone Home: 305-282-5110 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 2424 King Arthur Circle NE City: Atlanta State: GA Zip: 30345

District(s): 18 Land Lot(s): 231 Block: 09 Parcel: 008

Zoning Classification: R-100 Commission District & Super District: Dis. 1 / Super Dis. 7

CIRCLE TYPE OF HEARING REQUESTED:

- VARIANCE (From Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)
- OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

*** PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4. FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS. ***

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT:

Date Received: _____

Fee Paid: _____

ZONING BOARD OF APPEALS APPLICATION AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
To inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 10/31/2022

Applicant: 
Signature

DATE: _____

Applicant: _____
Signature

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals
to inspect the premises of the Subject Property

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the
Zoning Board of Appeals for the requests as shown in this application.

DATE: 10/31/2022

Applicant/Agent: X
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) Enrique Betancourt
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to:

Notary Public

X _____
Owner

Notary Public

Owner

Notary Public

Owner

Estevez, Jorge (CMG-Atlanta)

From: Kimble, Aaron J. <ajkimble@dekalbcountyga.gov>
Sent: Tuesday, September 27, 2022 4:51 PM
To: Estevez, Jorge (CMG-Atlanta); Cauthen, Andrew; Raines, Keedra
Subject: Re: [EXTERNAL] RE: Jorge Fence Permit

Good Evening Jorge,

As mentioned, there are no design or height restrictions on private property. I have copied the permitting manager, Keedra Raines Harris on this communication as well.

Welcome to DeKalb!



Aaron J. Kimble, PhD | Special Projects Manager
DeKalb County Government | Planning & Sustainability (Development Services)
1300 Commerce Drive, Decatur, GA 30030
PH:404-371-2803 (O)/678-218-7664(M)
Email:ajkimble@dekalbcountyga.gov

From: Estevez, Jorge (CMG-Atlanta) <Jorge.Estevez@wsbtv.com>
Sent: Tuesday, September 27, 2022 4:28 PM
To: Kimble, Aaron J. <ajkimble@dekalbcountyga.gov>
Subject: Re: [EXTERNAL] RE: Jorge Fence Permit

Hey Aaron,
Just making sure there are no design or height restrictions either? I just wanna make sure everything is good and they'll be no problems. We have the survey and we will obviously keep it on my property.
Thank you,
Jorge
404-983-6364.

Sent from my iPhone

> On Sep 27, 2022, at 3:37 PM, Kimble, Aaron J. <ajkimble@dekalbcountyga.gov> wrote:
>
> CAUTION: This email originated from outside of CMG. Do not click links or open attachments unless you recognize the sender and know the content is safe.
>
> *****
> Hi Jorge,

Estevez, Jorge (CMG-Atlanta)

From: Kimble, Aaron J. <ajkimble@dekalbcountyga.gov>
Sent: Tuesday, September 27, 2022 3:37 PM
To: Estevez, Jorge (CMG-Atlanta)
Cc: Baker, Andrew; Cauthen, Andrew
Subject: [EXTERNAL] RE: Jorge Fence Permit

CAUTION: This email originated from outside of CMG. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Jorge,

Thank you for your email. I was incorrect in what I stated to Andrew Cauthen. Only commercial properties need to have permits, not residential properties. With that, you are good to put up your fence! Let me know if you need any additional assistance.

Aaron

Aaron J. Kimble, PhD | Special Projects Manager DeKalb County Government | Planning & Sustainability (Development Services)
178 Sams St, Decatur, GA 30030
PH:404-371-2803 (O)/678-218-7664(M)
Email:ajkimble@dekalbcountyga.gov

-----Original Message-----

From: Estevez, Jorge (CMG-Atlanta) <Jorge.Estevez@wsbtv.com>
Sent: Tuesday, September 27, 2022 2:55 PM
To: Kimble, Aaron J. <ajkimble@dekalbcountyga.gov>
Subject: Jorge Fence Permit

Aaron,

I'm so glad to have found your contact information. The contractor I'm working with Laura Smith is going to reach out to you for the permit for the fence for my new property. I'm so excited to be a DeKalb county resident. Thank you for all your help in advance. If there's anything you need from me my cell number is 404-983-6364. Thank you,
Jorge

Sent from my iPhone

Letter Intent for a variance for a fence from 6 feet to 10 feet for the property of 2424 King Arthur Circle NE Atlanta GA 30345.

1. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property (such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.

Answer: The owners are asking for a variance to go from 6 feet to 10 feet for a privacy fence within their property lines as per the survey of the land at 2424 King Arthur Circle NE. The reason for the variance is due to the slope of the property. The property can be visible from 4 neighboring properties through connecting backyards. A 6 foot privacy fence would not allow for any significant sense of privacy from the backyard. It would also not create a level of privacy from the elevated deck that was built behind the house by the previous owners. The windows that expose the back of the house could also be clearly visible from neighboring properties with just a 6 foot fence.

The owners are also asking for the variance from 6 feet to 10 feet based on a reasonable request for safety in one's own home. Before the decision was made to even consider a fence there was an unprovoked altercation by one of the neighbors who shares the property line along the backyard. The video of the altercation is included in this filing. The neighbor began yelling obscenities, threatening court action for garbage that was neither visible nor, if so, the result of anything the new owners may have done as they had just closed on the property that week. The neighbor also assaulted one of the owners by spitting in their direction through the chain link fence which separated the properties. There was another instance between said neighbor that came later as the workers began installing the fence a week later.

As a foot note I would also like to state that prior to moving forward with any designs or installation of the fence, the owner of the property sent an email to county officials asking if there were any permitting requirements for a fence and the county official responded no after doing research. The owner then sent another email asking if there were any design and or height restrictions and the county official responded no via email. The emails are enclosed.

2.The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

Answer: No. The request does not go beyond the minimum necessary to afford relief due to the slope in the property and the height of the deck that was previously built before the owners who are petitioning the variance moved in. The 10 foot fence is needed to compensate for those features of the property in order to maintain a sense of privacy. It also is the minimum needed to ensure a reasonable sense of having a safe environment and prevent any further harassment or potential acceleration of an argument and or altercation between owners through low fences. (See video enclosed)

3.The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.

Answer: The variance does not cause any detriment to the community or neighborhood of the petitioner. The variance will only impact the homeowners as the fence is solely on the property belonging to 2424 King Arthur Circle NE. The owners chose to go well within their property line keeping neighbors existing fences and just taking some square footage away from their own property.

4.The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.

Answer: Yes, the current application of the 6 foot fence limit would cause undue hardship to the owners of the property. It would allow neighbors to see into the property of the owners and also their home due to the elevation and slope of the property. The house's windows are elevated and easily seen by neighbors with only a 6 foot fence. Placing a 6 foot fence would not adequately allow for a sense of security within the property for the homeowners due to recent events.

5.The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

Answer: Yes, the request for the variance would be consistent with the spirit of the neighborhood. It is built out of deck board and is an upgraded style and design which would remain standing for years to come and prevent blight due to its durability. The style of fence is consistent with that of a suburban plan for that neighborhood. I am asking to have this variance granted because it is a necessary accessory to this single family home and its surrounding community.







