



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)**

Applicant and/or
Authorized Representative Betty Williams-Kirby BOA No. _____
Mailing Address: 3960 Cameron Close
City/State/Zip Code: Ellenwood, GA 30294
Email: bettywilliamskirby@gmail.com
Telephone Home: 404-754-4120 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Betty Williams-Kirby
Address (Mailing): 3960 Cameron Close, Ellenwood, GA 30294
Email: bettywilliamskirby@gmail.com
Telephone Home: 404-754-4120 Business: _____

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 3938 Panthersville Rd City: Ellenwood State: GA Zip: 30294
District(s): 15 Land Lot(s): 041 Block: 01 Parcel: 15 041 01 016
Zoning Classification: R-100 Commission District & Super District: 3 | 6

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: _____



DeKalb County
GEORGIA



DeKalb County
GEORGIA

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: 10/11/2022

Applicant: Betty Williams - Kirby
Signature

DATE: _____

Applicant: _____
Signature



DeKalb County

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: 10-11-2022

Applicant/Agent:
Signature

Betty Williams-Kirby

TO WHOM IT MAY CONCERN:

(I)/ (WE) Betty Williams-Kirby
(Name of Owners)

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

Notary Public

Betty Williams-Kirby
Owner

Notary Public

Owner

Notary Public

Owner

Front
Yard

170'
15 041 01 015

(29)

15 041 01 016

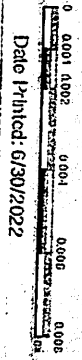
190'

(30)

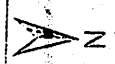
92'

15 041 01 017

3938 Panthersville Road



Date Printed: 6/30/2022



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WRITTEN JUSTIFICATION FOR REQUEST FOR VARIANCE

BACKGROUND AND INTRODUCTION

ISSUE: THE HEIGHT OF THE INSTALLED FENCE AT THE SUBJECT PROPERTY-Section 27-5.4.7

A 6-foot-high Cedar Wood privacy fence is installed on and around the “perimeter” of the property. I am seeking a waiver to allow the fence to remain as installed. The subject property is not located in a traditional residential subdivision.

Chronicle:

1. Dates:

- a. On 4/26/2022 I spoke with contractor regarding the installation of a fence at subject property;
- b. Contractor advised that I contact the county’s zoning department to determine if a permit was needed to install the fence and to determine height restrictions (if any) and the type of fencing material prohibited;
- c. On or about 4/26/2022, I called the planning department at 404-371-2155 and left message for a call back (as this was in the height of covid and employees were teleworking);
- d. I received a call back on 4/27/2022 from an employee in the planning department and she advised that a 6 feet fence was acceptable and that no permit was needed. Note: I can provide phone records verifying the call back. I do not recall the employee’s name but the number from which she returned my call is 678-260-1307;
- e. The fence was installed on 6/18/2022;
- f. On 6/22/2022, I was contacted by code enforcement and was advised that I had to take the fence down;
- g. I made several phone calls to the planning department and left several messages; the purpose of the calls was to get clarity on the ordinances/code. (I called on 6/22/2022, 6/24/2022, and 6/27/2022 and on 6/27/2022 I contacted my county commissioner’s office for assistance); and
- h. Through a chain of email correspondence (code enforcement, planning office, county commissioner’s office), I was advised to seek a variance that would allow me to keep the fence as it is currently installed.

Conflict In the County Ordinances

I reviewed the applicable county ordinance and I believe that I am not in violation of the ordinance, Section 27-5.4 as written (see attachment). I did my due diligence prior to installing the fence by contacting the county’s planning department and reviewing the applicable code section. Nevertheless, I am requesting a variance as a good faith effort since there is a dispute.

The conflicting ordinance provides as follows:

USE: **Fences** and walls on the **perimeter of single family detached**, attached and multifamily developments (i.e., privacy, decorative)

Height: Six (6) feet adjoining the street, eight (8) feet all other property lines

Variance allowed: May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.

NOTE: A perimeter fence is defined as any kind of demarcation that marks off the boundary of the property by enclosing it in some way. There are several different types of perimeter fence. They may be used for privacy, safety or security, or as an element of landscaping.

AND

USE: Fences in the front yard and side corner yard of single family detached residences

Height: Up to four (4) feet from finished or street grade.

Variance allowed: Administrative variance required to increase wall height from four (4) to six (6) feet based on topography. May apply for a variance from zoning board of appeals to increase height up to eight (8) feet max.

LETTER OF INTENT-7-5-1

CRITERIA 1:

The strict application of this requirement would deprive me, the property owner, of rights and privileges enjoyed by other property owners in the same zoning district and is not granting a special privilege to me. I have canvassed the surrounding neighborhoods and have identified other single detached residential properties within a 3-mile radius within the county that has installed a 6-foot-high wood privacy fence. To deny my request would be a violation of the equal protection of the law and therefore would treat me differently from similarly situated property owners. As a property owner, there is a reasonable expectation of privacy and the expectation to feel secure in your home.

CRITERIA 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. I have identified at least 3 other properties in the zoning area where there is a 6-foot-high wood fence. To the contrary, the ordinance itself grants a property owner the right to request a variance and provides county officials the authority to so grant the variance. In the drafting of the ordinance, the drafters provided for the exception to the rule and anticipated such a situation. The requested variance is the minimum provided and is not inconsistent with the intent.

CRITERIA 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. The action undertaken by me, the property owner, is not detrimental or injurious to the public welfare and is not inconsistent with the spirit and intent of the ordinance. The installed 6-foot-high privacy cedar wood fence serves to enhance the property value and the value of surrounding properties as well. It also provides heighten privacy and security for me, the property owner, and further acts as a buffer to decrease the noise from the increased traffic flow.

CRITERIA 4:

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship. A refusal to allow the requested

variance would cause an undue hardship for me the property owner as it relates to the subject property. The fence as installed serves as a buffer for noise, increased security, improved privacy, enhanced use and enjoyment of the property as well as added value. To deny the variance serve no good reason or purpose for the county or the neighborhood.

CRITERIA 5:

The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text. Granting the variance would be consistent with the spirit, purpose and intent as it promotes and facilitates the continuous enhancement of the property values in the zoning area while maintaining and providing for the needs of the property owner as it relates to security, privacy and quiet enjoyment of the subject property while minimizing the distractions arising organically by the continued growth and expansion in the zoning area.

In summary, granting the variance will not cause harm to the county, to the neighbors or to the community. To the contrary, it will have the opposite effect and benefit. Additionally, it will ensure that the subject property can continue to be enjoyed as a peaceful, secure and private home place for the occupant.

Freestanding walls and fences

(other than retaining walls)

Use	Height	Setbacks	Variance Allowed
Fences in the front yard and side corner yard of single family detached residences	Up to four (4) feet from finished or street grade.	Shall not be within the right-of-way	Administrative variance required to increase wall height from four (4) to six (6) feet based on topography. May apply for a variance from zoning board of appeals to increase height up to eight (8) feet max.
Fences and walls in interior side or rear yards of single family detached residential	Up to eight (8) feet.	Fences may be up to property line; walls, including footings, must not encroach over property line.	May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.
Fences and walls on the perimeter of single family detached, attached and multifamily developments (i.e., privacy, decorative)	Six (6) feet adjoining the street, eight (8) feet all other property lines	Fences may be up to property line; walls, including footings, must not encroach over property line. Shall not be within the right-of-way.	May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.

Industrial	No limit if adjoining non-residential use. Eight (8) feet if adjoining residential zoning or use	Fences may be up to the property line; walls, including footings, must not encroach over property line. Shall not be within the right-of-way	If next to residential, may apply for a variance from zoning board of appeals to increase height up to ten (10) feet max.
Single-family subdivisions and multi-family developments identification or monument walls	Up to eight (8)	Shall not be located in right-of-way. Setback varies, depending on sight visibility.	May apply for a variance from zoning board of appeals to increase height up to ten (10) feet max).
Non-residential, and mixed-use zoning districts	Up to ten (10) feet if adjoining non-residential use. Eight (8) feet if adjoining residential zoning or use	Shall not be located in right-of-way. Setback varies, depends on sight visibility.	May apply for a variance from zoning board of appeals to increase height up to twelve (12) feet max.

Sec. 5.4.7. - Walls, fences, and retaining walls.

Freestanding Walls and Fences.

A. *General provisions, freestanding walls and fences.*

1. When this chapter requires a wall or fence to be constructed, the wall or fence shall be completed prior to the issuance of a certificate of occupancy for the principal structure.
2. No wall or fence shall be constructed in any public right-of-way.
3. See Table 5.3 Freestanding fence and wall standards for additional requirements.
4. The height of a wall or fence is measured along the adjacent finished grade. However, if located within fifteen (15) feet of any street, and if the street grade is above the adjacent finished grade, the fence or wall height may be measured from the street. Grade and height shall be determined by a registered surveyor or licensed engineer.
5. No freestanding walls or fences may be composed of exposed common concrete block, tires, junk, pallets, railroad ties, loose stone, vinyl and other discarded materials.
6. With the exception of M and M-2 zoning districts, freestanding walls or fences erected within the front yard shall be constructed of brick, stone, wood, wrought iron, or material simulating wrought iron. Any other material, including but not limited to, chain link and other wire fences are prohibited in the front yards of all districts, with the exception of M and M-2 zoning districts.
7. Fences and walls in the M and M-2 zoning districts where exempt from regulations governing the height and materials shall not impede necessary safe line of sight for entry and egress.
8. Security entrance gates in multifamily or non-residential districts shall be located at least fifty (50) feet from the property line in order to ensure safe queuing, ingress to and egress from the property.
9. Temporary fencing may be erected during construction for security and public safety purposes, provided that it does not impede necessary safe line of sight for entry and egress.
10. Fence gates in single family residential may be six (6) feet in the front yard. Gates shall be set back a minimum of fifteen (15) feet from right-of-way.

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New Browser

What is a Perimeter Fence?



Mary Elizabeth

Last Modified Date: June 22, 2023

A perimeter is an imaginary line around the edge of a polygon. In the case of a property, it marks the boundary of the property. A perimeter fence is any kind of demarcation that marks off the boundary of the property by enclosing it in some way. There are several different types of perimeter fence. They may be used for privacy, safety or security, or as an element of landscaping.



A house with a picket fence.

Related Topics

Security Fencing
Perimeter Fence
Perimeter Security Fence
Perimeter Fence Protection
Temporary Fence
Mesh Fence
Fence Gates

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#1 Trick To Remove Roaches

A perimeter fence can sometimes be built to restrict access to a property. Such fences may be chain-link fences mounted on posts. This type of fence is often found around schoolyards, tennis courts, and construction sites.

Such fencing can also surround areas that are off limits for safety, such as swimming pools, reservoirs or utility sub-stations, on the



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A perimeter is an **imaginary line around the edge of a polygon**. In the case of a property, it marks the boundary of the property. A perimeter fence is any kind of demarcation that marks off the boundary of the property by enclosing it in some way.

What is a Perimeter Fence? (with pictures)

EXHIBIT B – Letters of Support for the Variance

See attached

10/17/2022

Letter of Support

I fully support granting a variance to allow the recently installed privacy fence to remain at 3938 Panthersville Rd., Ellenwood, DeKalb County, Georgia. The fence as installed enhances the physical appearance of the property and increases the property value of the subject property as well as the homes in the surrounding area. The fence also provides privacy for the residents and for the neighbors in general.

Name: Marie P. Nichol

Property Address: 2603 Pendergrass Lane, Ellenwood, GA 30294
Ellenwood, GA

Letter of Support

I fully support granting a variance to allow the recently installed privacy fence to remain at 3938 Panthersville Rd., Ellenwood, DeKalb County, Georgia. The fence as installed enhances the physical appearance of the property and increases the property value of the subject property as well as the homes in the surrounding area. The fence also provides privacy for the residents and for the neighbors in general.

Name: Emerald Dykes

Property Address: 2691 Jaguar Drive Ellenwood Ga
30294

Letter of Support

I fully support granting a variance to allow the recently installed privacy fence to remain at 3938 Panthersville Rd., Ellenwood, DeKalb County, Georgia. The fence as installed enhances the physical appearance of the property and increases the property value of the subject property as well as the homes in the surrounding area. The fence also provides privacy for the residents and for the neighbors in general.

Name: Russell Dykes

Property Address: 2691 Jaguar Drive Ellenwood
30294

Letter of Support

I fully support granting a variance to allow the recently installed privacy fence to remain at 3938 Panthersville Rd., Ellenwood, DeKalb County, Georgia. The fence as installed enhances the physical appearance of the property and increases the property value of the subject property as well as the homes in the surrounding area. The fence also provides privacy for the residents and for the neighbors in general.

Name: Paula L. Smith

Property Address: 3920 Jaguar Dr. Ellenwood GA 30294
