



Michael L. Thurmond

Chief Executive Officer

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,

Decatur, GA 30030

Wednesday, May 14, 2025

Planning Department Staff Analysis



Cedric Hudson

Interim Director

D3. Case No: A-25-1247388

Parcel ID(s): 15 044 08 012

Commission District 03 Super District 06

Applicant: LaTonda Oladapo
2165 River Road
Ellenwood, GA 30294

Owner: LaTonda Oladapo
2165 River Road
Ellenwood, GA 30294

Project Name: 2165 River Road – Fence Construction

Location: 2165 River Road, Ellenwood, GA 30294

Requests: Application by LaTonda Oladapo to request variance from Section 27-5.5.6.2 of the DeKalb County Zoning Ordinance to increase fence height in R-100 (Residential Medium Lot-100) zoning district..

Staff Recommendation: Denial

STAFF FINDINGS:

The applicant is requesting a variance to allow an existing fence at the subject property to remain at a height of six feet exceeding the maximum permitted four feet by county regulations. The subject property is a residential lot located along a busy roadway. The fence, originally constructed four years ago by a prior owner, was built above the allowable height per Section 27-5.4.7 of the DeKalb County Code. The property was recently cited by code enforcement (Case No. 1297461) due to the noncompliant fence height, prompting this variance request.

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.

The subject property does not exhibit extraordinary physical conditions such as unique lot size, shape, or steep slopes that would typically warrant a variance. The property slopes forty (40) feet across its span but may not be drastic enough to be considered a hardship.

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:

The requested variance exceeds the minimum necessary to afford relief, as the current fence height exceeds the allowable limit. A four-foot fence, in line with the county's ordinance, would likely provide sufficient coverage for the applicant's needs, particularly given the concerns for safety and privacy due to the busy street and topographical features.

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 requested variance would be materially detrimental to the public welfare and could have negative impacts on the surrounding properties. While the fence serves a functional purpose for the applicant in terms of privacy and security, its increased height goes against the intent of the county's code and may be seen as a visual blight. Aesthetically, the fence could harm the character of the neighborhood, which is intended to maintain a more open, suburban feel.

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

A literal interpretation and strict application of the code would not cause an undue hardship in the sense that a four-foot fence could still be constructed in compliance with the ordinance. If the variance is denied, the applicant would be forced to either completely tear down the existing fence or cut it down to meet the four-foot requirement.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The requested variance may be seen as conflicting with the spirit of the Suburban (SUB) land use designation, which emphasizes aesthetics, pedestrian orientation, and connectivity. Aesthetic concerns, such as the potential for the fence to be perceived as unattractive or out of place, could be considered inconsistent with the broader goals of creating visually harmonious communities. The SUB designation generally prioritizes maintaining an attractive, pedestrian-friendly environment, and an excessively tall fence may be viewed as detracting from the overall visual appeal of the area.

FINAL STAFF ANALYSIS:

After reviewing the variance request, staff finds that the request does not meet the necessary criteria for approval. The fence, though providing security, exceeds the height allowed under the county code and could be seen as inconsistent with the aesthetic goals of the Suburban (SUB) land use designation. Additionally, while the literal interpretation of the code would not result in undue hardship, the request goes beyond what is necessary to address the applicant's needs. The variance would also present potential issues in terms of visual harmony and could be seen as granting a special privilege not afforded to other properties in the district. For these reasons, staff recommends denial of the variance request.

Staff Recommendation: Denial



Government Services Center
178 Sams Street
Decatur, GA 30030
www.dekalbcountyga.gov/planning
404-371-2155 (o); 404-371-4556 (f)

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DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

ADMINISTRATIVE VARIANCES AND SPECIAL EXCEPTIONS APPLICATION

AV/NO.:

APPLICANT NAME (OWNER/REPRESENTATIVE):

Latonda Oladapo

ADDRESS:

2165 River Road

EMAIL:

LSOLADAPOLAD@AOL.COM

CITY:

Ellenwood

STATE:

GA

ZIP:

30294

TELEPHONE:

HOME:

404 408 4907

BUSINESS:

na

FAX:

na

OWNER OF RECORD FOR WHICH APPLICATION IS MADE

Name (Print):

Latonda Oladapo

Name (Signature):

[Signature]

E-Mail:

LSOLADAPOLAD@AOL.COM

Address:

2165 River Road

City:

Ellenwood

State:

GA

Zip:

30294

Telephone

Home:

404 408 4907

Business:

na

Fax:

na

SUBMITTAL INSTRUCTIONS

Contact Planner, Kyle McLean at kamclean@dekalbcountyga.gov to discuss your application prior to submission.

Please create an account or open a new application through an existing account using the following portal:
<https://epermits.dekalbcountyga.gov>

Once you've created or updated an existing account, please send your application number (1246XXX) to
kamclean@dekalbcountyga.gov stating your request.

To Be Completed by Planning & Development Department

Date Received:

Fee Paid:

Receipt No:

Parcel Map

FHA/VA Case No. 106-5496572



xxxxx Shows location of 6-foot fence

December 18, 2024

LaTonda Oladapo
2165 River Road
Ellenwood, GA 30294
lsoladapo@aol.com
404.408.4907

Dear County Board/Planning/Zoning

I hope this letter finds you well. I am writing to formally request a variance to the county code regarding the height of my fence, which is currently situated 2 feet above the maximum height.

My name is LaTonda Oladapo, and I am a resident of DeKalb County. I have been living in my property located at 2165 River Road for just under four months. I am seeking your consideration for a variance due to my home being on a busy road and there is a small child of 4 years living here.

The increase in height has been beneficial in providing a safe and private environment for my family.

I understand that variances should not adversely affect the surrounding neighborhood. I believe my fence serves a purpose without inconveniencing my neighbors. The fence does not obstruct visibility for traffic or create issues that would affect the quality of life within the community.

I kindly ask that you consider my request for a variance to the current county code. I am willing to discuss this matter further and provide any additional information you may require in support of my request.

Thank you for your attention to this matter. I look forward to your positive response.

Sincerely,



LaTonda Oladapo