



Lorraine Cochran-Johnson

Chief Executive Officer

DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street,
Decatur, GA 30030

Wednesday July 9, 2025

Planning Department Staff Analysis



Cedric Hudson

Interim Director

N7. Case No: A-25-1247594

Parcel ID(s): 18 009 18 003

Commission District 02 Super District 06

Applicant: Michael Brown
272 First Avenue NE
Avondale Estates, GA 30002

Owner: Michael Brown
272 First Avenue NE
Avondale Estates, GA 30002

Project Name: 272 First – Fence height increase

Location: 272 First Avenue NE, Avondale Estates, GA 30002

Requests: Application by Michael Brown to request variance from Section 27-3.36.10 of the DeKalb County Zoning Ordinance to increase fence height in the R-75 (Residential Medium Lot-75) zoning district and Scottdale Overlay District Tier 2.

Staff Recommendation: Approval with condition

Condition: The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance and condition(s) of approval.

STAFF FINDINGS:

The applicant requests a variance from Section 27-3.36.10 of the DeKalb County Zoning Ordinance to increase the allowable fence height from 4 feet to 6 feet along the N. Clarendon Avenue frontage of a residential property located within the R-75 zoning district and Scottdale Overlay District Tier 2. The property fronts both N. Clarendon Avenue, a heavily trafficked corridor, and First Avenue, a residential street, with the primary entrance oriented toward First Avenue. First Avenue is also part of the Stone Mountain Path.

The request is part of a coordinated variance package with neighboring properties at 259 N. Clarendon and 278 First Avenue, where a consistent fence design and height are proposed to address privacy, safety, and quality-of-life concerns arising from the properties' adjacency to N. Clarendon Avenue. Staff recommends hearing the three cases together.

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 has unique physical conditions, including dual road frontages with the rear of the home directly facing N. Clarendon Avenue, a Minor Arterial roadway with significant vehicular and pedestrian activity. The lot's orientation and exposure to this Minor Arterial corridor create conditions that are not typical for other interior residential lots or lots fronting collector roads.

Frontage along a busy Minor Arterial introduces noise, dust, glare, and privacy challenges for the property owner that are materially different from conditions on lower-volume roads. The existing 4-foot fence height limit along public rights-of-way does not adequately address the need for privacy, safety, and protection in this environment.

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 applicant's request for a 6-foot fence height is the minimum necessary to provide a functional barrier that ensures privacy, reduces noise, and protects children and pets from the risks associated with the adjacent roadway. Other properties along N. Clarendon Avenue already have 6-foot fences, indicating that the proposed increase would align with existing conditions and not confer a special privilege.

The proposed wooden fence design will match the aesthetic of neighboring properties, ensuring visual consistency while addressing the property-specific need for additional protection and privacy.

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:

Approving the variance will enhance public welfare by improving safety and quality of life for the property owner and neighbors. The increased fence height will prevent children and pets from accessing the busy roadway, reduce noise intrusion, and provide privacy from passing vehicles and pedestrians.

The fence will also act as a buffer against wind-blown debris and contribute to the safety and attractiveness of the corridor. The First Avenue frontage remains pedestrian-friendly, ensuring that the increased fence height along N. Clarendon will not negatively impact walkability or the community's pedestrian-oriented goals.

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

Strict enforcement of the current 4-foot height restriction would impose an undue hardship on the applicant due to the unique challenges of having a backyard facing a high-traffic road. A 4-foot fence would not provide sufficient privacy or protection, limiting the owner's reasonable use and enjoyment of the rear yard and potentially exposing children and pets to danger.

The hardship is tied directly to the property's orientation and frontage along a busy, non-residential corridor, conditions outside the applicant's control.

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

The request aligns with the spirit and intent of the DeKalb County Comprehensive Plan and the Traditional Neighborhood Character Area by preserving residential quality of life while addressing safety and privacy concerns in a manner consistent with the community's character. The Comprehensive Plan encourages public safety and neighborhood livability, which the requested fence height increase supports.

Approving the variance will promote consistent development patterns along N. Clarendon Avenue while protecting residential properties from the impacts of adjacent non-residential uses and heavy traffic.

FINAL STAFF ANALYSIS:

Staff recommends approval with condition of the variance request, recognizing that the increase to a 6-foot fence height is necessary to ensure safety, privacy, and quality of life for the residents while maintaining neighborhood character and corridor aesthetics.

Staff Recommendation: Approval with Condition

Condition:

1. The following information about this variance shall be noted on any site plan prepared for the subject property: case number, approval date, type of variance, and condition(s) of approval.



DeKalb County Department of Planning & Sustainability

178 Sams Street
Decatur, GA 30030

Lorraine Cochran-Johnson
Chief Executive Officer

Phone: (404) 371-2155
dekalbcountyga.gov/planning

Cedric Hudson
Interim Director



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

Applicant and/or
Authorized Representative: Michael Brown

Mailing Address: 55 Fulton Street SE

City/State/Zip Code: ATL GA 30316

Email: NGPERMITTING@GMAIL.COM

Telephone Home: 470-399-0334 Business: _____

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: 272 First Ave Llc

Mailing Address: 55 Fulton Street SE ATL GA 30316

Email: chasemanagement1@gmail.com Telephone: 678-409-8252 Business: _____

1. 259 North Clarendon Avenue Scottdale, GA 30079 - 18 009 18 005 - SCOTTTDALE OVERLAY DIST TIER 4

ADDRESS/LOCATION OF SUBJECT PROPERTY

2. 272 1st Avenue Avondale Estates, GA 30002 - 18 009 18 003 - SCOTTTDALE OVERLAY DIST TIER 2

3. 278 1st Avenue Avondale Estates, GA 30002 - 18 009 18 007 - SCOTTTDALE OVERLAY DIST TIER 2

Address: _____ City: _____ State: _____ Zip: _____

District(s): _____ Land Lot(s): _____ Block: _____ Parcel: _____

Zoning Classification: R-75 Commission District & Super District: _____

VARIANCE REQUEST - Requesting to vary Chapter 27. Sec. 3.36.10. 5.e to increase the fence height from 4 feet to 6 feet along N CLARENDON AVE for 3 consecutive lots

CHECK 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.

Email plansustain@dekalbcountyga.gov with any questions.

LETTER OF INTENT

ADDRESS: 272 1st Ave, Avondale Estate GA 30002

Zoning: R-75

Overlay District: Scottdale Overlay District Tier 2

REQUEST: Requesting to vary Chapter 27. Sec. 3.36.10. 5.e to increase the proposed wooden fence height from 4 feet to 6 feet along N Clarendon Ave.

Background: The subject site has been approved for a single-family home. The rear of the property is located along N. Clarendon Avenue, which is a busy roadway. Though in a residential district along N Clarendon Avenue there are non-residential uses along its corridor that produces an increase in vehicular and pedestrian activity. Within One (1) mile of the subject site, some of the nonresidential uses include auto repair shops, churches, fire station, retail shops and restaurants. All these uses produce vehicular activity, pedestrian activity, noise, dust, glare from light. Requesting a taller fence aid in minimizing the effects of all these uses.

The intent of the request is provided for the following:

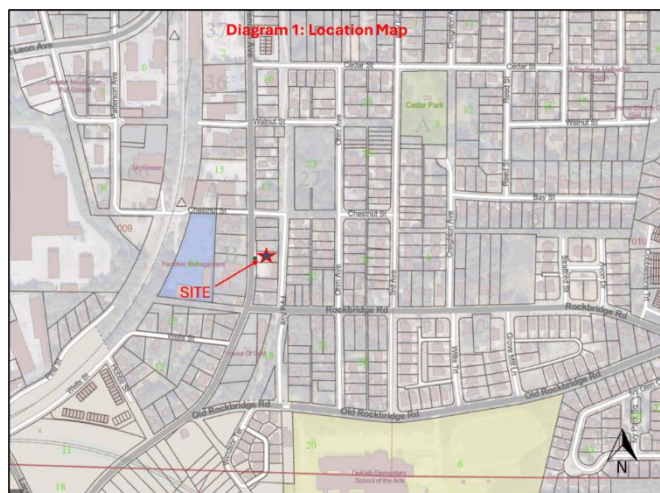
Privacy: A taller fence helps block the view from passing vehicles and pedestrians, providing more privacy for your property.

Noise Reduction: Main roads are typically noisy. A six-foot fence can help dampen traffic sounds.

Safety and Security: An increase in fence height to 6 feet can help keep children and pets safely inside your yard while also deterring intruders or trespassers from accessing your property.

Wind and Debris Protection: A taller fence along N Clarendon can act as a barrier against wind and roadside debris, like dust or litter.

Property Value and Curb Appeal: N Clarendon is a busy road therefore a well-constructed fence will enhance the home's appearance and market value, especially when privacy from a busy road is a selling point.



- A. 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, a

Yes, the property has exceptional physical conditions which was not created by the owner. The property has two road frontages, N Clarendon Ave and 1st Ave (Picture 1 shows two road frontages, N Clarendon Ave & First Ave). 1st Ave is a local road which will be the main entrance for the house. The rear of the house will face N Clarendon Avenue which is a very busy roadway. The code currently allows for a maximum 4-foot fence along road frontage. The owner is requesting to increase the fence height to 6 feet to provide greater protection and safety of kids and pets, and also protecting the safety of pedestrians and vehicular traffic along N Clarendon Ave.



Picture 1 . Subject site has two road frontage.

- B. 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.**

Requesting to increase the fence height does not grant the owner's any special privilege. Currently, neighboring owners have fences that are 6 feet in height along N. Clarendon Avenue as seen in the picture below. If the variance is approved, the requested height of 6 feet will be consistent with the neighboring fence along the corridor. The proposed fence will also be a wooden fence which will be consistent with neighboring property. Allowing this variance would simply match what's already there, keeping the neighborhood consistent and attractive. Please see picture 2 below showing the neighbors existing fence of 6 feet and the subject site.



Picture 2. Showing existing 6-foot fence of neighboring property along N Clarendon.

C. 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.

Approving the variance will not be detrimental to the public welfare and will provide safety and protection. The proposed fence will allow for the safety of pets and children. The proposed 6 foot fence would prevent kids and pets from running unto the N Clarendon Ave into vehicular traffic and pedestrians. A 6-foot fence helps block the view from passing vehicles and pedestrians, providing more privacy for your property. A six-foot fence can help dampen traffic sounds. Six-foot fence can help keep children and pets safely inside your yard while also deterring intruders or trespassers from accessing your property. The proposed six-foot fence along North Clarendon Avenue can act as a barrier against wind and roadside debris, like dust or litter. Approving the variance would make these homes safer, more desirable, and better integrated into the long-term community.

The proposed fence will not be injurious to the property or improvements within the zoning district. The property is located in a residential zoning district (R-75). There are existing homes with fences in the neighborhood. Per code fences are allowed, the owner is just requesting to increase to 6 feet in height. Increase fence height will allow for protection for the homeowner and the surrounding neighborhood.

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

Per section Chapter 27. Sec. 3.36.10. 5.e of the Development states “ Fences along public right-of-way shall be four (4) feet maximum. Fence height shall be measured from ground level. If the ground level is lower than the level of the adjoining street pavement, then a fence may be higher so that it may be four (4) feet above the level of the pavement. The level of ground shall not be altered in such a way to provided additional fence height.” Applying the code which only allows a maximum 4-foot fence along public right-of-way does provide a hardship, owners are concerned about pets and kids easily jumping a 4-foot fence, leading to injury or creating a danger to pedestrians or drivers. The six-foot fence will protect the owners’ family from danger and will reduce noise; reduce visibility of vehicular traffic and pedestrians; provide a sense of security for our kids and pets and provide privacy for our family.

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

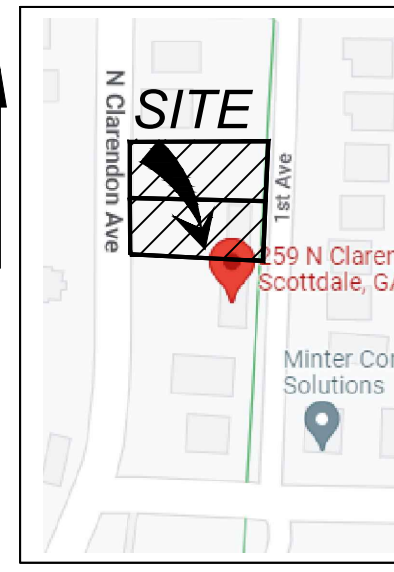
The Dekalb County Comprehensive Plan promotes public health and safety. The main intent of requesting a 6-foot fence is consistent with the intent of Comprehensive Plan. Approving the variance would make these homes safer, more desirable, and better integrated into the community long-term.

RESIDENTIAL SITE PLAN
FOR
272 FIRST AVE LLC
272 1ST AVENUE
LAND LOT 9, 18TH DISTRICT
DEKALB COUNTY, GEORGIA
PID# 18 009 18 003
AP# 3151086

| |
|--|
| 272 1ST AVENUE (IMPERVIOUS AREA) |
| ZONING: R-75 (SCOTSDALE OVERLAY TIER II) |
| PROPOSED HOUSE = 1,443 S.F. |
| PROPOSED CONCRETE DRIVE = 0 S.F. |
| PROPOSED CONCRETE WALK = 0 S.F. |
| PROPOSED FRONT PORCH = 175 S.F. |
| PROPOSED DECK = 166 S.F. |
| PROPOSED GARAGE = 413 S.F. |
| IMPERVIOUS TOTAL = 2,197 S.F. |
| LOT AREA = 7,362 S.F. |
| LOT COVERAGE (%) = 29.8 |

| |
|---|
| 272 1ST AVENUE (PERVIOUS AREA) |
| ZONING: R-75 (SCOTSDALE OVERLAY TIER II) |
| PROP. DRIVEWAY PAVERS = 623 S.F. (BRICK PAVERS) |
| PROP SIDEWALK = 40 S.F. (BRICK PAVERS) |
| PROPOSED PATIO = 0 S.F. (BRICK PAVERS) |
| PERVIOUS TOTAL = 663 S.F. |
| LOT AREA = 7,362 S.F. |
| LOT COVERAGE (%) = 9.0 |

NORTH



VICINITY MAP
NOT TO SCALE

DeKalb County
GEORGIA
DEVELOPMENT SERVICES

APPROVED
AP 3151086
DATE 10/29/2024

This Department is not responsible for any errors or omissions by engineers or other design professionals on design requirements of this project.

The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of applicable codes or of any other ordinance of the jurisdiction. Permits are issued on the basis of the information provided by the applicant and the Department does not warrant the accuracy of the information provided by the applicant.

Plumbing, Mechanical, Gas, and Electrical sections of these plans have been reviewed for compliance with technical codes and will be field-verified during inspection.

Approved plans shall be kept on file for a period of 10 years and shall not be modified or altered without authorization from DeKalb County Development Services.

SURVEY DATA:

TYPE OF SURVEY: LOT DIVISION
SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB "EE" PG 527
PROPERTY OWNER AT TIME OF SURVEY: NORTH CLARENDON BAPTIST CHURCH
PARCEL NUMBER: 18-009-18-003

REFERENCE:
SUBDIVISION PLAT RECORDED IN DB "EE" PG 527
SURVEY PERFORMED BY DRAFTING CONCEPTS, LLC ON NOVEMBER 21, 2021

TOTAL AREA: 15,524 SQ FT, 0.356 AC

THE LOT WAS SUBDIVIDED INTO TWO LOTS:
(LESS RIGHT OF WAY DEDICATION)

LOT 1 = 7,536 SQ FT, 0.173 AC
LOT 2 = 7,362 SQ FT, 0.169 AC

| | |
|-------------------------------|------------------------|
| LEGEND | TREE SYMBOLS |
| EOP EDGE OF PAVEMENT (CURB) | X = DIAMETER IN INCHES |
| PP POWER POLE | (X) OAK |
| R/W RIGHT OF WAY | (X) HARDWOOD |
| IPF IRON PIN FOUND | (X) SWEETGUM |
| IPS IRON PIN SET | (X) PINE |
| OTF OPEN TOP PIPE | (X) MAPLE |
| CTB CRIMP TOP PIPE | (X) POPLAR |
| STB STEEL REBAR | (X) MAGNOLIA |
| SW SIDE WALK | (X) DOGWOOD |
| BOLLARD | (X) HICKORY |
| OHP OVERHEAD POWER | (X) CREPE MYRTLE |
| GAS UNDERGROUND GAS LINE | (X) PECAN |
| UT UNDERGROUND TELEPHONE LINE | (X) CYPRESS |
| RD ROOF DRAIN | (X) BEECH |
| LOD LIMITS OF DISTURBANCE | (X) CEDAR |
| DS DOWN SPOUT | (X) JAPANESE MAPLE |
| FH FIRE HYDRANT | X TREES TO BE REMOVED |
| CB CATCH BASIN | |
| MH MANHOLE | |
| WM WATER METER | |
| WV WATER VALVE | |
| GV GAS VALVE | |
| GM GAS METER | |
| LP LIGHT POLE | |
| CONCRETE PAD | |

STATEMENT OF ZONING

ZONING AS PER DEKALB ZONING MAP PROPERTY ZONED: R-75 / TIER II SCOTSDALE OVERLAY DISTRICT DETACHED SINGLE FAMILY RESIDENTIAL BUILDING SET BACKS:
FRONT = 30 FEET
SIDE = 7.5 FEET
REAR = 30 FEET
MINIMUM STREET FRONTAGE: 50 FEET
MINIMUM LOT AREA 5,000 S.F.
MAXIMUM LOT COVERAGE ALLOWED 35%
MAXIMUM HEIGHT: 28 FEET

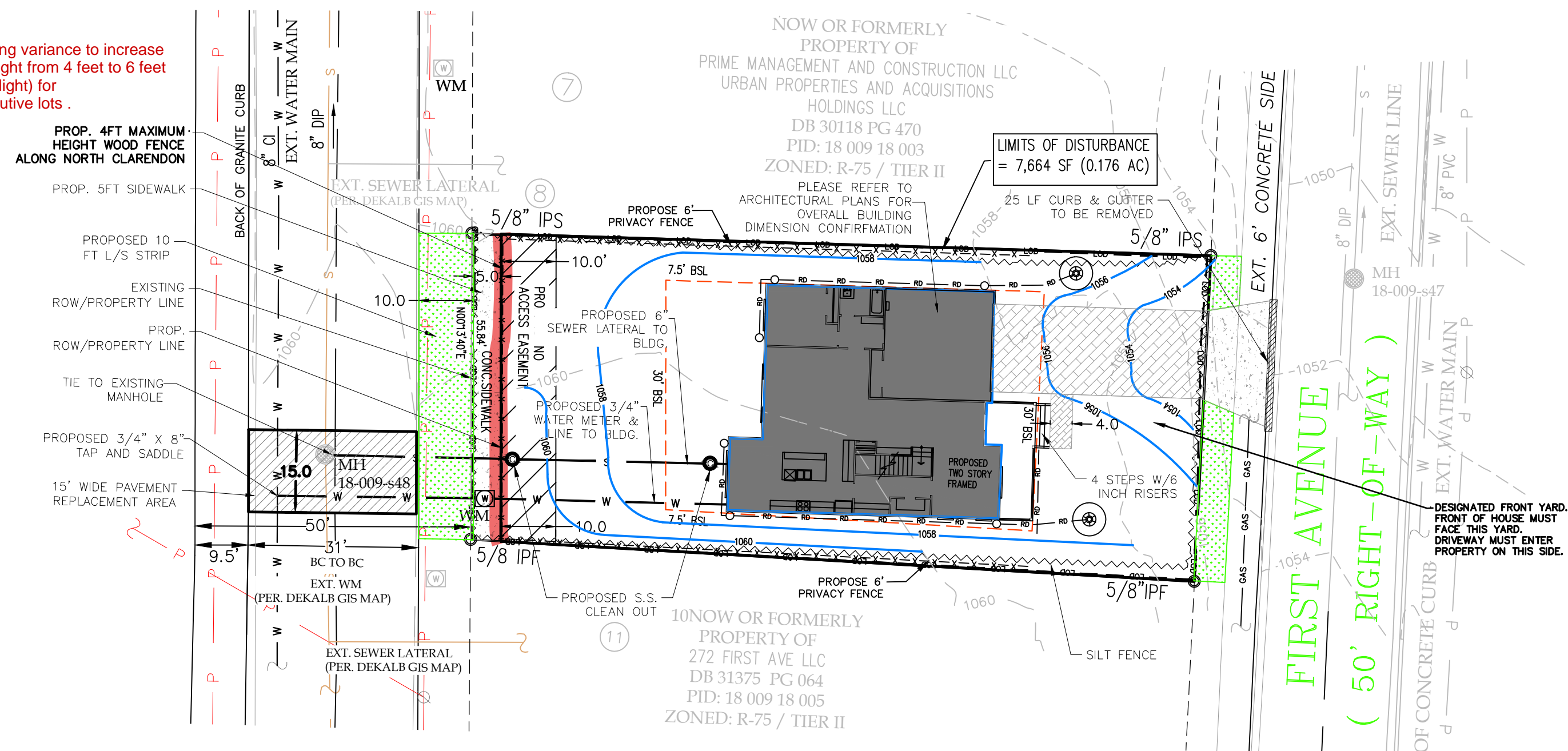
GENERAL/SITE NOTES:

- OWNER/ DEVELOPER:
OWNER:
NATAN AVISAR
272 FIRST AVE LLC
826 SAINT CHARLES AVENUE NE,
ATLANTA, GA, 30306

DEVELOPER:
MIKE CHASE
PRIME MANAGEMENT AND CONSTRUCTION LLC
55 FULTON ST SE
ATLANTA, GA 30312
CHASEMANAGEMENT1@GMAIL.COM
(678) 409-8252
- TOTAL LOT AREA:
= 7,362 SQ FT, 0.169 AC
- TOTAL DISTURBED AREA
= 5983 SQ FT/ 0.137 AC.
- ZONING: TIER II (OVERLAYS)
- BUILDING SETBACKS:
FRONT = 30'
SIDE = 7.5'
REAR = 30'
- FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0067K EFFECTIVE DATE AUGUST 15, 2019
- REFERENCE: PLAT OF SURVEY BY DRAFTING CONCEPTS
- TREES SHOWN ON SITE ARE EXISTING
- EXISTING CONTOURS SHOWN ARE BASED OFF FIELD RUN TOPOGRAPHICAL INFORMATION..
- BEFORE STARTING ANY LAND-DISTURBING ACTIVITIES, THE CONTRACTOR IS REQUIRED TO SCHEDULE A PRE-CONSTRUCTION MEETING WITH EROSION & SEDIMENT CONTROL. ** CALL 404-371-2155 ** FAILURE TO SCHEDULE MAY RESULT IN A STOP WORK ORDER OR PERMIT REVOCATION.

NORTH CLARENDON AVENUE
(50' RIGHT-OF-WAY)

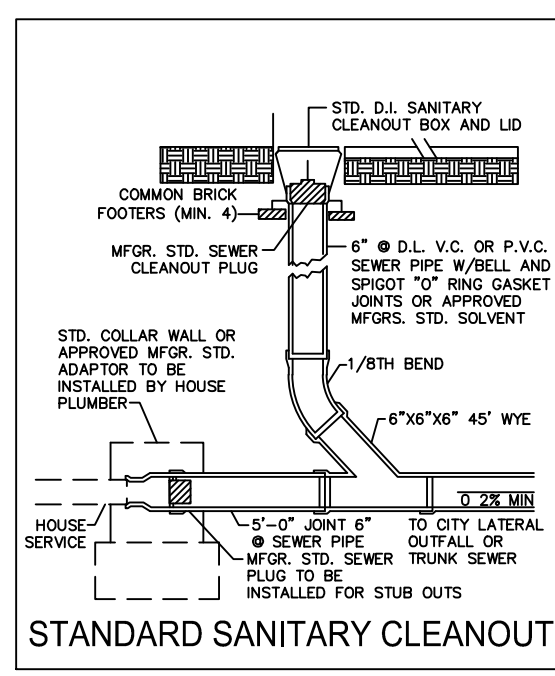
Requesting variance to increase fence height from 4 feet to 6 feet (red highlight) for 3 consecutive lots .



FIRST AVENUE
(50' RIGHT-OF-WAY)

RESIDENTIAL SITE PLAN FOR
PRIME MANAGEMENT AND CONSTRUCTION LLC
URBAN PROPERTIES AND ACQUISITIONS HOLDINGS LLC
A PORTION OF LOT 8, 9, & 10 - BLOCK 32
INGLESIDE SUBDIVISION

272 1ST AVENUE
DEKALB COUNTY, GEORGIA
LAND LOT 9, DIST 18
DATE: SEPTEMBER 2, 2022



24 HR CONTACT:
MIKE BROWN
678-409-8252
CHASEMANAGEMENT1@GMAIL.COM

GEORGIA
REGISTERED
No. PE037060
PROFESSIONAL
ENGINEER
TREVOR K ANDREY
10/09/2024

0 20' 40'
1" = 20'

ISSUED FOR CONSTRUCTION

RESIDENTIAL SITE PLAN FOR:

272 1ST AVENUE



FOR
DRAFTING CONCEPTS, LLC
2021 EBENEZER RD SW
CONYERS, GEORGIA 30094
404.644.7144

| | | | |
|---------------------------|-----------------|--------------|-----------|
| Date: 09-02-22 | Land Lot: 9 | District: 18 | Sheet No. |
| County: DeKalb County, GA | Scale: 1" = 20' | Drawn By: RB | C-2 |