



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

N9. Case No: A-25-1247596

Parcel ID(s): 15 029 01 173

Commission District 3 Super District 7

Applicant: Janice Faison
4340 River Road NE
Ellenwood, GA 30294

Owner: Janice Faison
4340 River Road NE
Ellenwood, GA 30294

Project Name: 4340 River – Fence height retention

Location: 4340 River Road NE, Ellenwood, GA 30294

Requests: Application by Janice Faison to request variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to increase fence height from four (4) to eight (8) feet in the front yard in the R-100 (Residential Medium Lot-100) zoning district.

Staff Recommendation: 30-day Deferral to August ZBA

Deferral Purpose:

The application was improperly submitted and therefore improperly advertised as it spans three properties, the project includes 4354 & 4364 River Road. The ZBA may be unable to move for approval, but discussion may be appropriate as the proposal is not anticipated to change.

STAFF FINDINGS:

The applicant requests a variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to retain a built 8-foot privacy fence that exceeds the 4-foot height limit for front yard fences within the R-100 zoning district. The property, located on a minor arterial across from a public library on River Road, is situated on a steep slope that creates privacy and safety challenges due to the elevated position of the library's parking lot and surrounding public spaces.

This application was improperly submitted and advertised, as the proposal spans adjacent properties at 4354 and 4364 River Road, requiring additional review and coordination. Staff recommends a 30-day deferral to the August ZBA to allow for proper advertisement and evaluation, while recognizing that the proposal details are unlikely to change.

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 is uniquely impacted by its location along N. Clarendon Avenue, a Minor Arterial roadway with significant vehicle volume and speed, unlike lower-volume collector roads within the district. Additionally, the property has a steep slope, which complicates the functional use of the yard and contributes to drainage and safety considerations. These combined factors distinguish the property from typical interior residential lots and contribute to a need for additional protection and buffering that the standard 4-foot fence restriction does not adequately address in this context. The slope and arterial frontage are natural and infrastructure conditions not created by the applicant or prior owners.

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:

While the applicant asserts that an 8-foot fence is necessary for privacy, the zoning ordinance allows a 4-foot fence in front yards to balance private interests with community character and visibility standards. The applicant has not demonstrated that a compliant 4-foot or modified 6-foot fence would be wholly inadequate to address reasonable privacy and security concerns. The request for an 8-foot fence may exceed what is necessary for relief and represents a substantial deviation from established standards in the district.

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:

Although the fence may enhance privacy for the applicant, taller fences along frontages can negatively affect community character, sight lines, and neighborhood cohesion. Retaining an 8-foot fence along a frontage may set a precedent for over-height fences throughout residential areas, undermining the zoning ordinance's intent to maintain a consistent streetscape. Staff notes the potential for unintended impacts on neighborhood appearance and pedestrian compatibility.

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

Strict application of the ordinance would require the applicant to reduce the fence height to 4 feet, which would not prevent the continued residential use of the property. The hardship presented primarily relates to privacy preferences rather than a fundamental inability to use the property in a reasonable manner. The existence of a slope and adjacent public uses does not alone justify exceeding the allowable height when alternative solutions, such as strategic landscaping or compliant fencing, could mitigate concerns without requiring a variance.

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

The zoning ordinance and Comprehensive Plan prioritize the balance between privacy, safety, and maintaining neighborhood character. While privacy is a consideration, the ordinance's 4-foot fence limit in front yards is intended to preserve openness along streetscapes in residential areas. Allowing an 8-foot fence in this context would conflict with these principles and could erode consistent enforcement of front yard fencing standards, even in locations with topographic challenges.

FINAL STAFF ANALYSIS:

Staff recommends a 30-day deferral to the August ZBA meeting to allow for proper advertisement and procedural compliance, while noting that the variance request appears **supportable** in substance due to the unique topographical challenges of the site and its location across from a high-traffic public facility.

Recommended Deferral Purpose:

- Proper advertisement to reflect all impacted parcels (4340, 4354, 4364 River Road).

If approved in August, staff will recommend that the following condition be added:

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.



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

Chief Executive Officer
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric Hudson

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

Applicant and/or
Authorized Representative: Janice Faison

Mailing Address: 4340 River Rd

City/State/Zip Code: Ellenwood, GA 30294

Email: janicefaison2019@gmail.com

Telephone Home: 6784317700 Business: 6786154583

OWNER OF RECORD OF SUBJECT PROPERTY

Owner: Aydin Homes Inc

Address (Mailing): 1081 Humphries Rd NW, Conyers GA 30294

Email: janicefaison2019@gmail.com Telephone Home: 6784317700 Business: 6786154583

ADDRESS/LOCATION OF SUBJECT PROPERTY

Address: 4340 River Rd City: Ellenwood State: GA Zip: 30294

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

Zoning Classification: _____ Commission District & Super District: _____

CHECK TYPE OF HEARING REQUESTED:

- ☒ X 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.



DeKalb County
GEORGIA

DEPARTMENT OF PLANNING & SUSTAINABILITY

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: May 20, 2025

Applicant
Signature:

DATE: _____

Applicant
Signature:

Owner Signature

Owner Signature

Owner Signature



DEPARTMENT OF PLANNING & SUSTAINABILITY

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: May 20, 2025

Applicant/Agent
Signature:

TO WHOM IT MAY CONCERN:

(I)/ (WE): Janice Faison/Aydin Homes Inc
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Notary Public

Owner Signature

Notary Public

Owner Signature

Notary Public

Owner Signature

Janice Faison
4340 River Rd
Ellenwood, GA 30294
Janicefaison2019@gmail.com
678-431-7700

May 20, 2025

Zoning Board of Appeals
DeKalb County Department of Planning & Sustainability
178 Sam St
Decatur, GA 30030

RE: Letter of Intent – Request for Zoning Variance under Section 27-5.4.7 to Retain an Existing 8-Foot Fence at 4340 River Rd, Ellenwood

Dear Members of the Zoning Board of Appeals,

My name is Janice Faison, and I am the homeowner of 4340 River Rd in Ellenwood, located within DeKalb County. I am writing to formally request a zoning variance under Section 27-5.4.7 of the DeKalb County Zoning Ordinance to retain an existing 8-foot privacy fence, which currently exceeds the allowable height of 4 feet in the front yard.

Scope of Work:

The scope of this request is limited to retaining the existing 8-foot wooden privacy fence, which has already been constructed on my property. The fence was installed to address significant privacy and safety concerns due to the topography of the lot and proximity to public facilities.

Hardship Criteria Justification

1. Physical Conditions of the Site – What did mother nature do?

My home is situated on a steep decline directly across the street from a public library that sits on significantly higher ground. This topography allows clear visibility from the library's elevated parking lot and public areas into both my front and back yard, resulting in a serious lack of privacy. In addition, the steep slope makes it easy for pedestrians to look directly into my property even from the street. This physical condition is natural and not created by me or any previous owner.

2. Minimum Variance Necessary – Are you asking for just the right amount?

I am requesting only the **minimum** variance necessary to regain privacy and security. A 6-foot fence would still leave my property exposed due to the slope and elevation difference between my yard and the library across the street. The 8-foot height is essential in order to block direct views into my yard and home. My request does not exceed what is necessary and does not grant me any unique advantage not justified by the topography.

3. Public Welfare – Does this harm or benefit your neighbors?

The proposed fence will not harm public welfare or affect neighboring properties negatively. In fact, it would improve the aesthetics and safety of the property. The fence design is consistent with the neighborhood character and helps deter trespassers who frequently walk onto my property from the busy street and the public library. Several **neighbors** have expressed understanding and support for the **increased need** for privacy and security.

4. Ordinance Hardship – Does the ordinance prevent **your** project?

Strict application of the ordinance severely impacts **my ability** to enjoy and utilize my home in peace. Without an 8-foot fence, I am **regularly** subjected to people parking at the library and watching my home **both during business**

hours and late at night. The constant exposure and trespassing has led to stress, sleep disruption, and concern for my safety. The current 4-foot maximum does not take into account the unique topographical challenge presented by my home's location.

5. Alignment with the Spirit of the Law

My request aligns with the intent of the zoning laws, which is to balance private property rights with public safety and visual harmony. This fence promotes security, safety, and property value, which are key goals of the DeKalb County Comprehensive Plan. I am not asking to ignore the rules, but **rather to adapt them reasonably** to the natural conditions and circumstances **that are outside of my control**. The fence is visually appropriate, structurally sound, and complies with all design and permitting requirements.

Conclusion

Thank you for your time and thoughtful consideration of my request. I respectfully ask that the Zoning Board of Appeals approve my variance to retain the 8-foot fence, which has become essential to the safety, privacy, and peaceful enjoyment of my home.

Sincerely,

Janice Faison

4340 River Rd

Ellenwood, GA 30294

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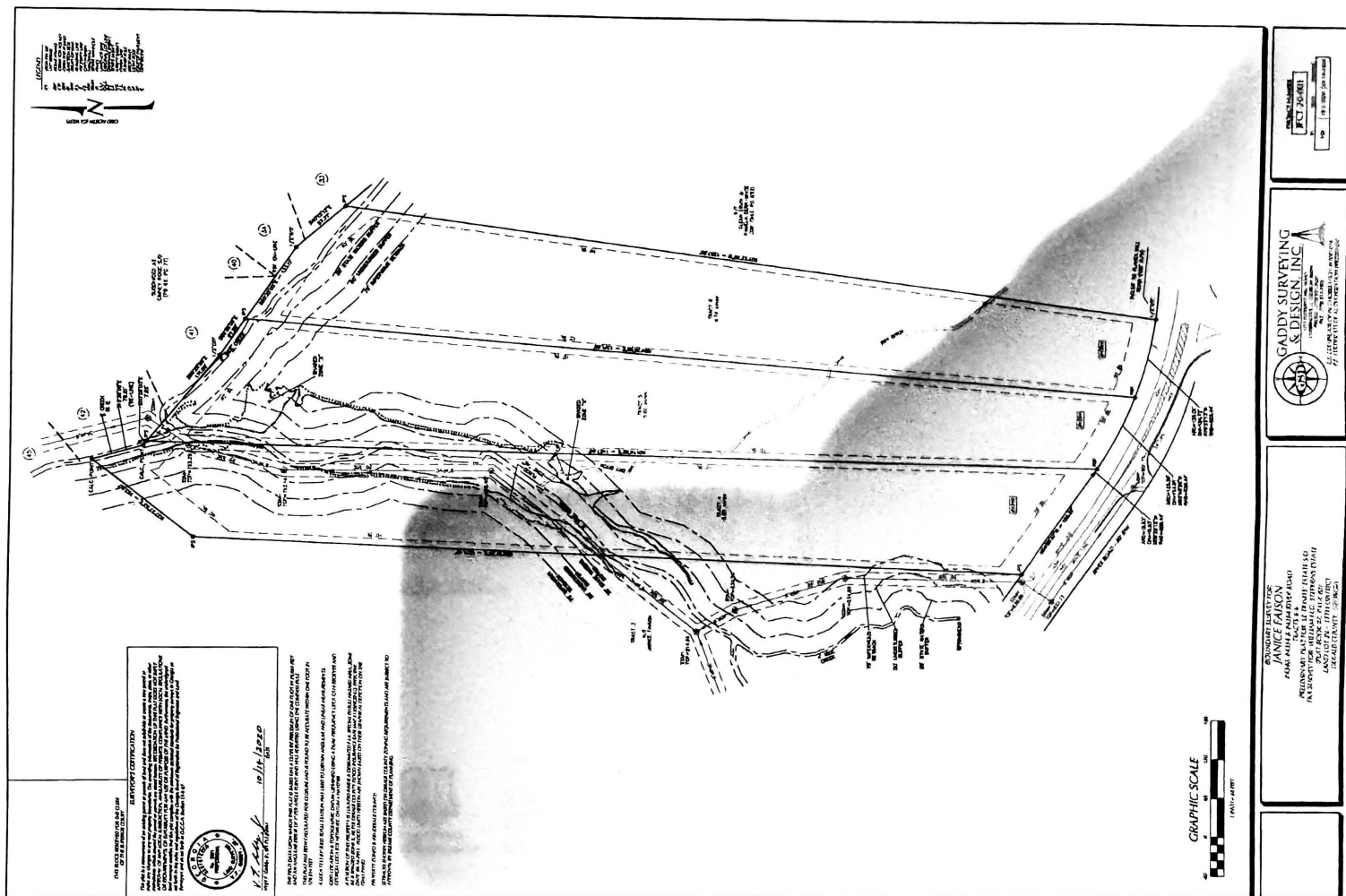
Sincerely,

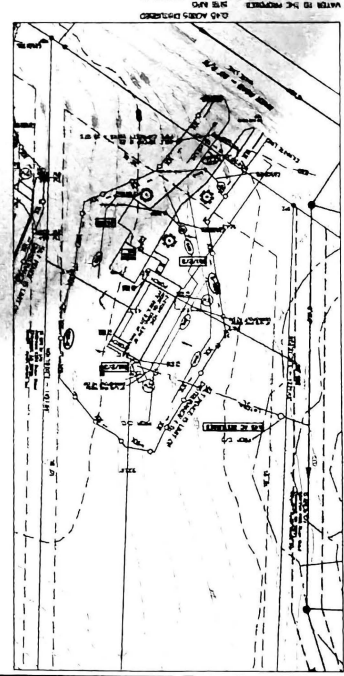


Janice Faison

4340 River Rd

Ellenwood, GA 30294





1. The first step in the process of the investigation is the identification of the problem. This is done by the investigator who is assigned to the case. He or she will then gather information about the problem and the people involved. This information will be used to determine the cause of the problem and to develop a plan of action.

2. The second step is the collection of evidence. This is done by the investigator who will go to the scene of the crime and collect any physical evidence that may be present. This evidence will be used to support the case against the suspect.

3. The third step is the analysis of the evidence. This is done by the investigator who will examine the evidence and determine if it is relevant to the case. This analysis will be used to develop a theory of the crime.

4. The fourth step is the presentation of the case. This is done by the investigator who will present the evidence and the theory of the crime to the jury. The jury will then decide if the suspect is guilty of the crime.

5. The fifth step is the sentencing of the suspect. This is done by the judge who will determine the appropriate punishment for the crime. The judge will take into account the severity of the crime and the character of the suspect when making this decision.

6. The sixth step is the appeal of the case. This is done by the defense attorney who will argue that the suspect is innocent or that the punishment is too harsh. The court will then decide if the appeal is successful.

7. The seventh step is the release of the suspect. This is done by the prison authorities who will release the suspect if the appeal is successful. If the appeal is unsuccessful, the suspect will remain in prison until the end of their sentence.

8. The eighth step is the rehabilitation of the suspect. This is done by the prison authorities who will provide the suspect with education, training, and counseling. The goal is to help the suspect become a law-abiding citizen.

9. The ninth step is the monitoring of the suspect. This is done by the prison authorities who will monitor the suspect's behavior and progress. If the suspect is not making progress, they may be sent back to prison.

10. The tenth step is the reintegration of the suspect into society. This is done by the prison authorities who will help the suspect find a job and a place to live. The goal is to help the suspect become a productive member of society.

