



DeKalb County Zoning Board of Appeals
 Department of Planning & Sustainability
 330 Ponce De Leon Avenue, Suite 300
 Decatur, GA 30030



Michael L. Thurmond
 Chief Executive Officer

Wednesday, September 12, 2018 at 1:00 PM

Planning Department Staff Analysis

N.6 Case No: A-18-1235131 Parcel ID(s): 16-016-05-005

Commission District: 02 Super District 07

Applicant: Sophia L. Strickland
 4392 Horseshoe Court
 Decatur, GA 30034

Owner: Sophia L. Strickland
 4392 Horseshoe Court
 Decatur, GA 30034

Project Name: 4392 Horseshoe Court

Location: The property is located on the north side of Horseshoe Court, about 105 feet east of Wesley Bend at 4392 Horseshoe Court.

REQUEST: Variance request from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to allow an eight foot fence to remain in front of the property, relating to the R-100 zoning district.

Staff Recommendation: "Denial"

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	R-100	Detached single family homes
East	R-100	Detached single family homes
South	R-100	Detached single family homes
West	R-100	Detached single family homes
Northeast	R-100	Detached single family homes
Northwest	R-100	Detached single family homes
Southeast	R-100	Detached single family homes
Southwest	R-100	Detached single family homes
Street Type		Local Street

Site Location: The property is located on the north side of Horseshoe Court, about 105 feet east of Wesley Bend at 4392 Horseshoe Court. The site is zoned R-100 and is currently developed. The property fronts Horseshoe Court and is classified as a local street.

Variance request: The applicant is requesting a variance request from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to allow an eight foot fence to remain in front of the property, relating to the R-100 zoning district.

Variance Analysis: Based on the submitted materials, the applicant has erected an 8-foot wooden fence along the front western portion of the subject property.

Per Section 5.4.7.-(Walls, fences, and retaining walls) *Fences in the front yard of single family detached residences are allow up to four (4) feet from finished or street grade and may apply for a variance from the Zoning Board of Appeals to increase height up to eight (8) feet max.* Based on the submitted materials the applicant’s need for this 8-foot fence is to ensure harmony and peaceful coexistence with the neighbor’s nearest fence.

Based on the submitted materials and a site visit it appears that the requested variance does not comply with the criteria for approval, based on the following findings:

1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, 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:

Based on the submitted materials, it appears that the strict application of the requirements of this chapter would not deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district since there are no 8-foot fences erected in front of adjacent properties along Horseshoe Court.

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:

Based on the submitted materials, it does not propose the minimum necessary to afford relief, and would constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located.

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:

Based on the submitted materials, the variance will be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district since the existing 8-foot fence does not blend with the character of the neighborhood.

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

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship since there are no 8-foot fences erected front of adjacent properties along Horseshoe Court.

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

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Based on the submitted materials, it appears that the literal interpretation and strict application of the applicable provisions or requirements of this chapter would not cause an undue and unnecessary hardship since there are no 8-foot fences erected front of adjacent properties along Horseshoe Court. Therefore, the Department of Planning and Sustainability recommends that the application be "Denied".

STAFF RECOMMENDATION: "Denial"