



Michael L. Thurmond
Chief Executive Officer

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



Wednesday, November 13, 2019 at 2:00 PM

Planning Department Staff Analysis

N5 Case No: A-19-1243568 Parcel ID(s): 15-081-03-020; 15-081-03-031; 15-081-03-002; and 15-081-03-016

Commission District: 03 Super District 06

Applicant: Michele Keaton/ Sibley Miller Surveying
3401 Norman Berry Drive, #271
Atlanta, GA 30344

Owner: Moreland Investment LLC
8350 Moor Park Run
Duluth, Georgia 30097

Project Name: 2146 Moreland Avenue

Location: The properties are located on the southside of Pluma Drive, and bounded between Moreland Ave and Melrose Ave.

REQUEST: Variance from section 5.4.7 of the DeKalb County Zoning Ordinance to allow an eight foot chain link fence to remain in front of subject property.

Staff Recommendation: **“Approval “of fence chain-link fence along Moreland Ave; “Approval” of existing eight foot fence height along Pluma Drive and Melrose Avenue; and “Denial” of Chain-link fence material along Pluma Drive and Melrose Avenue.**

STAFF FINDINGS:

Table 1: Surround Zoning and Land Use

	Adjacent Zoning	Adjacent Land Use
North	C-2 & R-75	Detached single family homes & commercial
East	R-75	Detached single family homes
South	C-2 & R-75	Detached single family homes & commercial
West	City of Atlanta Limits	
Northeast	C-2 & R-75	Detached single family homes & commercial
Northwest	C-2 & R-75	Detached single family homes & commercial
Southeast	C-2 & R-75	Detached single family homes & commercial
Southwest	C-2 & R-75	Detached single family homes & commercial
Street Type	Major Arterial & Local Street	

Site Location: The properties are located on the southside of Pluma Drive, and bounded between Moreland Ave and Melrose Ave.

Variance request: The applicant is requesting variances from section 5.4.7 of the DeKalb County Zoning Ordinance to allow a fence chain-link fence along Moreland Ave to remain with chain link materials; and to allow an existing eight foot fence with Chain-link fence material along Pluma Drive and Melrose Avenue.

Variance Analysis: Based on the submitted materials, the applicant purchased the properties in May 2019. There are no structures on the property nor curb cuts into the property. At the time of purchased, the property owner and its previous owner had been cited by DeKalb County Code Enforcement for code violations in connection with the upkeep of the property. The owner has made progress in cleaning up the property.

Later, the owner installed an eight foot chain link fence with opaque green lining and barbed wire for maximum screening and protection to the surrounding residential properties. The property owner later received a warning notice from DeKalb County Code Enforcement due to the height of the fence as well as the materials. Per section 5.4.7 of the DeKalb County Zoning Ordinance, properties that are zoned non-residential can have a maximum fence height of 10 feet but the fence cannot be chain link. Properties that are zoned residential can have a maximum of four (4) feet but cannot be chain link as well. All three lots are located within the same block and are contiguous. The lot that fronts Moreland Avenue is zoned C-2 and has an eight-foot chain link fence with barbed wire. The second property fronts Pluma Drive is zoned C-2 and has an eight foot chain link fence with barbed wire. The three lost is located on the southwest corner of Pluma Drive and Melrose Avenue. Based on staff's site visit and submitted materials, the requested variance meets 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:

Although the applicant is seeking security for all three lots the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners. However, the choice of chain link material does not blend with character of the neighborhood.

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 and site visit, the requested variances does not appear to go beyond the minimum necessary only for the height of the fence but not the choosen materials.

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:

Due to possible deterioration, granting of the variance for chain link material along Pluma Drive and Melrosie Avenue will not be materially detrimental to the public welfare and improvements of the surrounding 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 staff site visit, the applicant will need some form of security for the sites however the applicant has not demonstrated as hardship for chain link material along Pluma Drive and Melrosie Avenue

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 not be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

FINAL STAFF ANALYSIS:

Although the applicant is seeking security for all three lots the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners. However, the choice of chain link material does not blend with the character of the neighborhood. Therefore, the Department of Planning and Sustainability recommends "Approval" of fence chain-link fence along Moreland Ave; "Approval" of existing eight foot fence height along Pluma Drive and Melrose Avenue; and "Denial" of Chain-link fence material along Pluma Drive and Melrose Avenue.

STAFF RECOMMENDATION: "Approval" of fence chain-link fence along Moreland Ave; "Approval" of existing eight foot fence height along Pluma Drive and Melrose Avenue; and "Denial" of Chain-link fence material along Pluma Drive and Melrose Avenue.