



City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

STAFF ANALYSIS AND REPORT

OWNER/APPLICANT: Jairo de Jesus Silva Torres

LOCATION: 844 Sheppard Way
(Parcel ID: 18 073 01 135)

CURRENT ZONING/USE: R-2: Traditional Residential

PROPOSED ZONING/USE: R-2: Traditional Residential

REQUEST: Variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height.

ZONING/ADJACENT LAND USE:

North	R-2: Traditional Residential – Single-Family
South	R-2: Traditional Residential – Single-Family
West	R-1: Single-family Residential – Townhomes
East	R-2: Traditional Residential – Single-Family

MEETING INFORMATION:

Planning & Zoning Commission:	09/16/2024 – 6:30 P.M.
Mayor & City Council 1 st Read:	10/15/2024 – 6:30 P.M.
Mayor & City Council Public Hearing/Vote:	11/06/2024 – 6:30 P.M.

RECOMMENDATION:
Staff recommends denial of this request.

BACKGROUND:

November 6, 2024

To: City of Stone Mountain Planning Commission

From: Richard Edwards, AICP

Subject: The applicant is requesting a variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height.

Background:

The applicant purchased the property in June of 2024 and wants to install a 6-foot wooden panel fence. Section 6-11 of the zoning ordinance only allows fences in the front yard to be a maximum of 4-feet in height. This section of the zoning ordinance was amended to include this regulation in July of 2023.

The existing single-family home was constructed in 1982 and a stream buffer takes up all the side and front yard on the southern portion of the lot (left side of the house). The applicant is stating that the stream takes up a large portion of the side and rear yard and they wish to have a 6-foot fence in front yard to make up for the usable space lost to the stream buffer.

The applicant is requesting this variance to address concerns for security and privacy of personal goods, as the owner keeps equipment in their vehicle for work purposes, and they are aware of recent break-ins in the neighborhood. Along with the protection of property, the applicant also has a dog that they would like to have space to run out in the yard.

Analysis: Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the variance requests in accordance with the required review criteria.

A. There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.

This request is not directly related to the size, shape, or topography of this particular property.

B. The application of the zoning ordinance to the particular piece of property would create an unnecessary hardship.

The strict application of the zoning ordinance would not create an unnecessary hardship, as a 4-foot fence would be allowed with an approved stream buffer variance. The neighboring property at 850 Sheppard Way has a chain link fence in the front yard that is only 4-feet in height. The property at 850 Betty Lane does have a 6-foot wooden fence along Sheppard Way that appears to have been constructed prior to the 2023 code amendments.

C. Such conditions are peculiar to the particular property involved.

These conditions are not peculiar to this particular property, as all properties within the city would only be allowed to construct a 4-foot fence in the front yard.

D. Such conditions are not the result of any actions of the property owner.

This is a direct result of the property owner's desire to have a 6-foot fence in their front yard.

E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

It is not anticipated that the proposed fence would cause detriment to the public good. This request does not meet the intent of the zoning ordinance.

Recommendation:

Pursuant to Article II of the City of Stone Mountain Zoning Ordinance, Staff has reviewed the request in accordance with the required review criteria and recommends **DENIAL** of the variance from Section 6-11 to allow a fence in the front yard to exceed 4-feet in height.

The Planning Commission recommended **DENIAL** of this request at their September 16, 2024 regularly scheduled meeting.

If City Council decided to approve this request, staff recommends the following conditions:

1. The fence shall be a picket style fence with at least 50% open, vertically, to allow for water flow.
2. The fence shall be setback outside of the right-of-way, which is 25 feet from the centerline of Sheppard Way.
3. The fence shall be located outside of the 10-foot drainage easement along Sheppard Way.
4. Applicant acknowledges that they have been notified of the presence of a 10-foot-wide sewer line and easement on-site to which Dekalb County has access rights. Applicant accepts full responsibility for any cost associated with the reconstruction or repair of the fence should Dekalb County require removal of the fence (in whole or in part) for sewer line access."

66/29

66/29

The owner of the land shown on this plat has caused to be prepared a subdivision map of the land shown on this plat for the purpose of subdividing the land into lots and blocks and for the purpose of dedicating to the public certain streets and easements and for the purpose of dedicating to the public certain easements and for the purpose of dedicating to the public certain easements.

- NOTES
- The owner of the land shown on this plat has caused to be prepared a subdivision map of the land shown on this plat for the purpose of subdividing the land into lots and blocks and for the purpose of dedicating to the public certain streets and easements and for the purpose of dedicating to the public certain easements and for the purpose of dedicating to the public certain easements.
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This plat has been submitted to and approved by the Board of Commissioners of the City of Stone Mountain, Georgia, on this 15th day of April, 1976.

Approved: Mayor, City of Stone Mountain

Recorded in plot book 65 page 143

CURVE DATA

Station	Chord	Angle	Radius	Delta	Delta
1+00.00	100.00	90.00	100.00	100.00	100.00
2+00.00	200.00	180.00	200.00	200.00	200.00
3+00.00	300.00	270.00	300.00	300.00	300.00
4+00.00	400.00	360.00	400.00	400.00	400.00

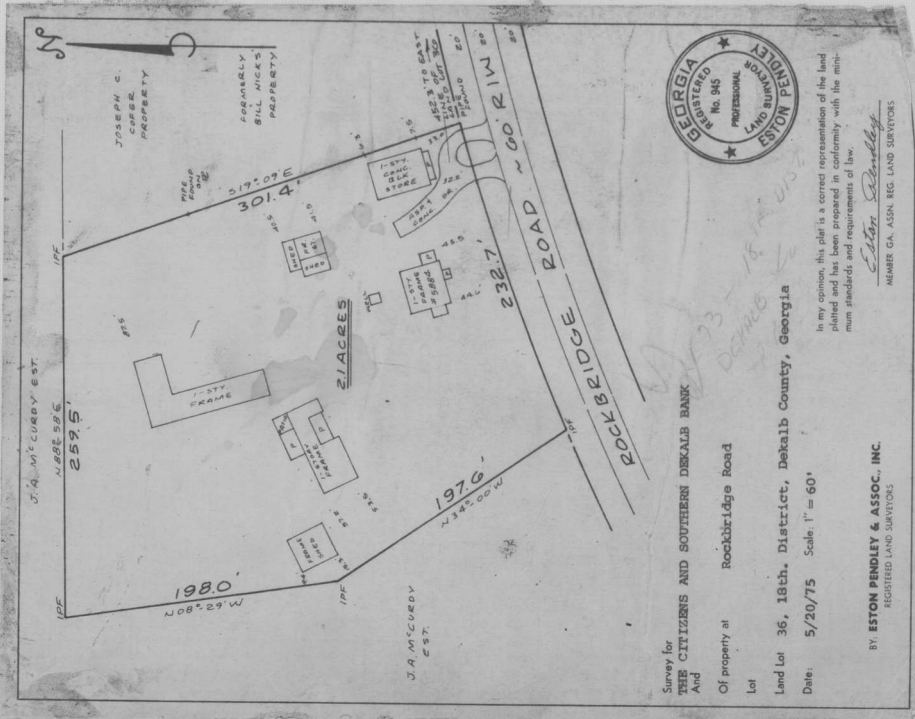
GRAPHIC SCALE



FINAL SUBDIVISION LAYOUT
 MOUNTAIN CHATEAU VILLA
 Unit 2
 L.L. 73
 DEKALB COUNTY, GEORGIA
 MAP 17-30
 5/20/75
 Eton Pendley & Assoc., Inc.
 LAND SURVEYORS & ENGINEERS
 111 WEST STREET, SUITE 100
 STONE MOUNTAIN, GEORGIA 30087
 PHONE 488-2700

Recorded April 15, 1976 Sheron Burgess, Clerk.

Recorded April 23, 1976 Sheron Burgess, Clerk.

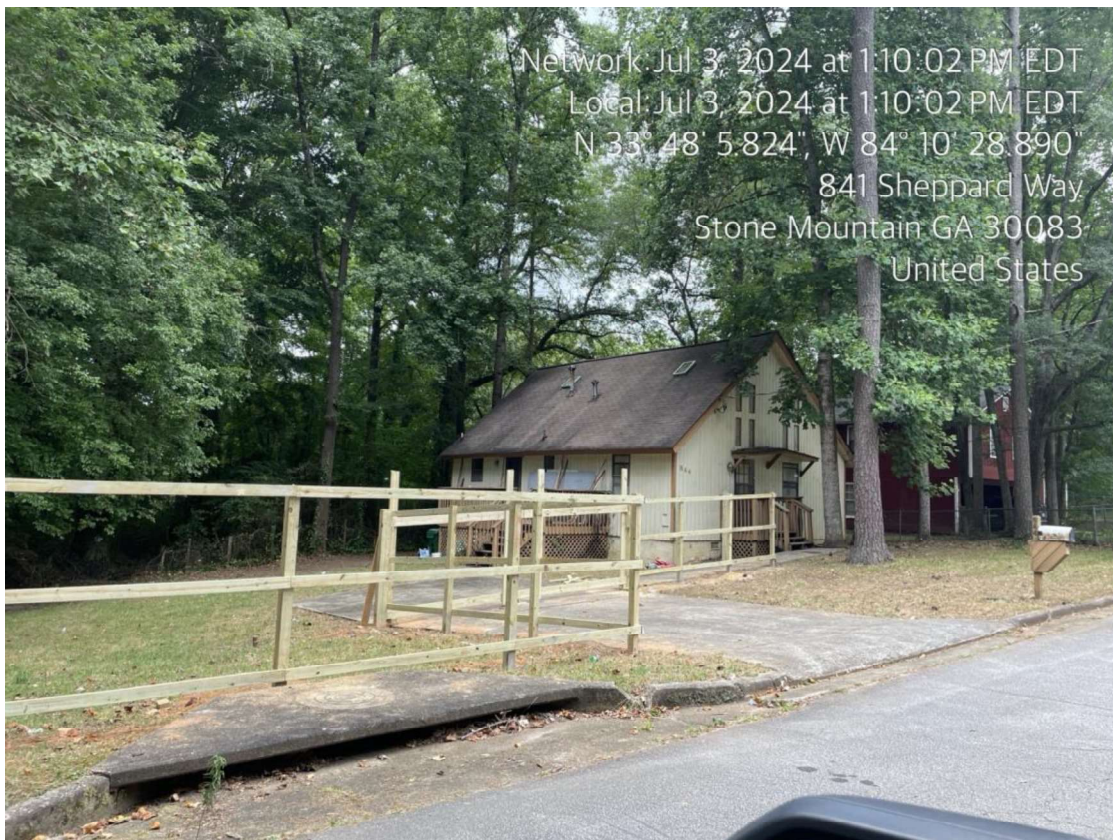


In my opinion, this plat is a correct representation of the land shown thereon and has been prepared in conformity with the minimum standards and requirements of law.

Eton Pendley
 MEMBER GA. ASSN. REG. LAND SURVEYORS

Survey for
 THE CITIZENS AND SOUTHERN DEKALB BANK
 And
 Lot
 Of property at
 Rockbridge Road
 Land Lot 36, 18th District, DeKalb County, Georgia
 Date: 5/20/75 Scale: 1" = 60'

BY: ETON PENDLEY & ASSOC., INC.
 REGISTERED LAND SURVEYORS







APPLICATION FOR VARIANCE

City of Stone Mountain
875 Main Street
Stone Mountain, GA 30083

Date Received: _____

PERMIT#: _____
(Office Use Only)

APPLICANT INFORMATION

Applicant Name:	Jairo de Jesus Silva Torres		
Address:	689 Garden Walk Dr		
Phone:	4044213374	Cell:	4044760119
		Fax:	_____
Email Address:	almagiron7@gmail.com		

OWNER INFORMATION (If different from Applicant)

Owner Name:	T.I.S. FLOORING, INC.		
Address:	689 Garden Walk Dr		
Phone:	4044213374	Cell:	4044760119
		Fax:	_____
Email Address:	jairo_.silva@hotmail.com		

PROPERTY INFORMATION

Address:	844 Sheppard Way		
Parcel ID#:	1807301135	Land Lot:	_____
		District:	_____

Office use only: CASE # _____

Applicant signature: 

Date: 08/05/2024



VARIANCE REQUEST CONSIDERATIONS

Applicant: Jairo De Jesus silva Torres

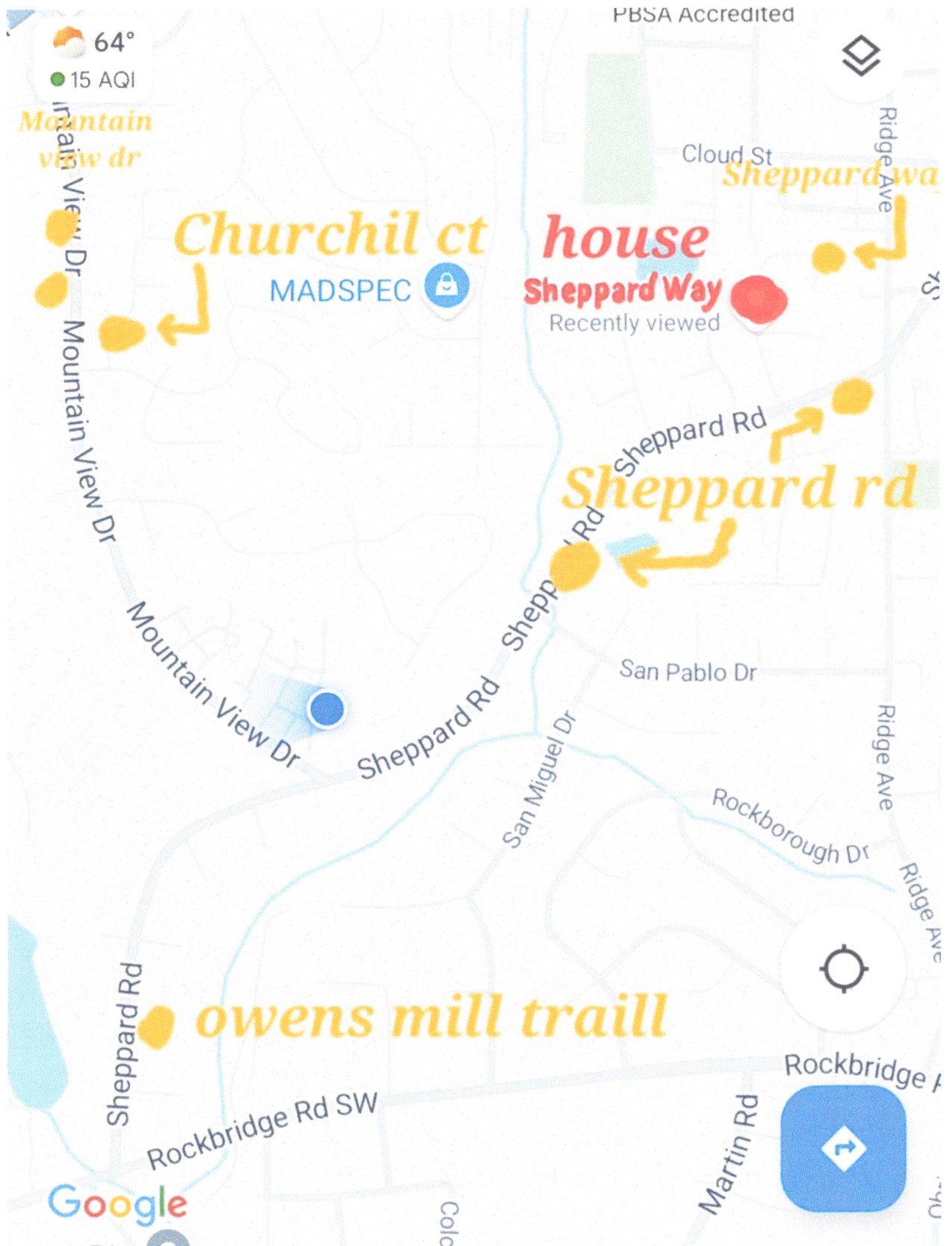
Analyze the impact of the variance request with the following questions:

1. There are extraordinary and exceptional conditions pertaining to the particular property in questions because of size, shape, and/or topography. there is a river bank crossing the middle of the land and the house is located at the left back side of the land. we dont have any back yard, we are proposing this front side fence to be able to have some private yard space
2. The application of the zoning ordinance would create an unnecessary hardship. no. since we are trying to respect the right of way at the street line pulling back the front side fence 3 more feet were it is now, for a total of 10 feet from street line to the the fence
3. Such conditions are peculiar to the particular piece of property involved. no. since there is more properties in this area similar to the fence we are proposing
4. Such conditions are not the result of any actions of the property owner. no
5. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance? no. we are trying to respect the right of way at the street line and the river bank that is crossing our land

Letter of intent

to keep our 6 ft. fence on the right front side yard. Our house on the land is located on the bottom left side of the land which gives us only the front right side yard to have as a private yard. There is also a river bank running through the middle of the land and cuts our land in half. We would like to keep our 6ft fence even if we have to push it back 10 ft. from the street line and out of the right of way. Please see attachment for further explanation Thank you.

* houses with same front fence as our proposal



1 mile radius

Confirm 2nd Hwy

Sheppard Way



Sheppard RD



Owens Mill Tr



Churchil et

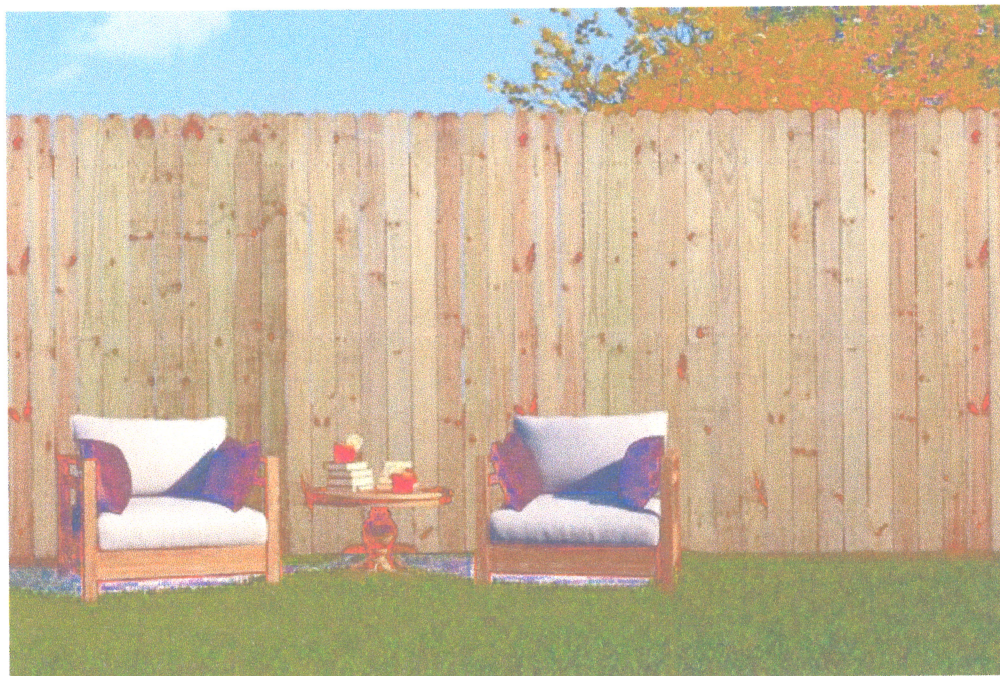


mountain View Dr



Mountain View Dr





almagiro^{ron}~~7~~@gmail.com

Jairo — Silva@~~hotmail~~.com



WATER FLOW



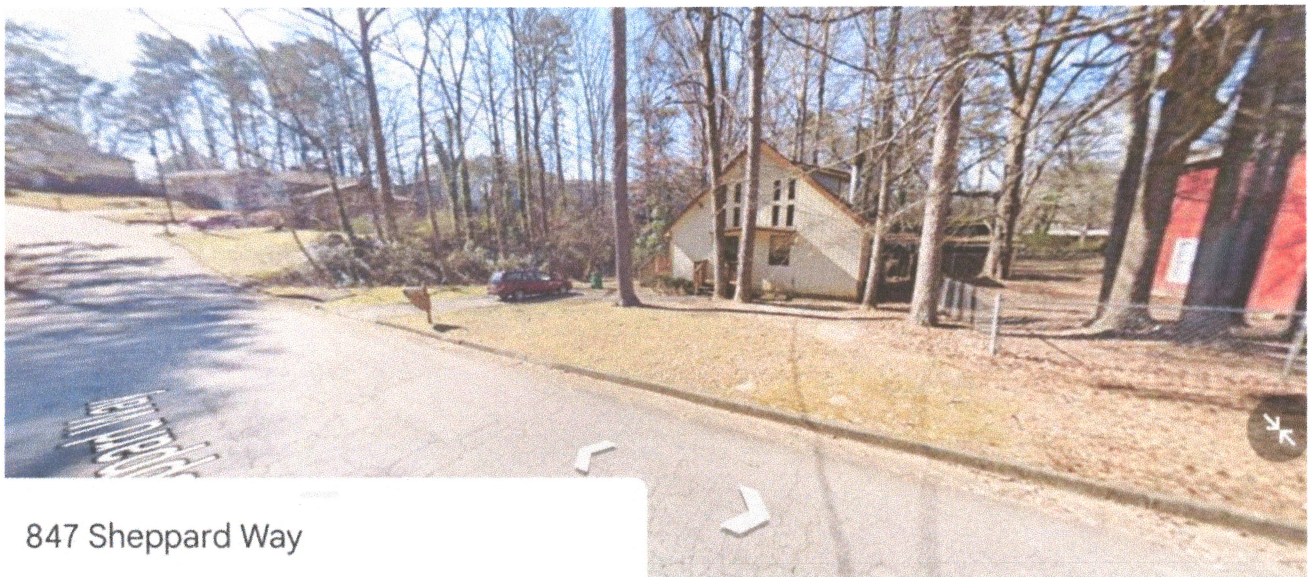




841 Sheppard Way



841 Sheppard Way



847 Sheppard Way

tail
ings Dr

84°
52 AQI

fence proposal
river bank
house
Land Lot



836 Sheppard way

844 Sheppard Way
Recently viewed

850 Sheppard way

Sheppard Way ↑

driveway

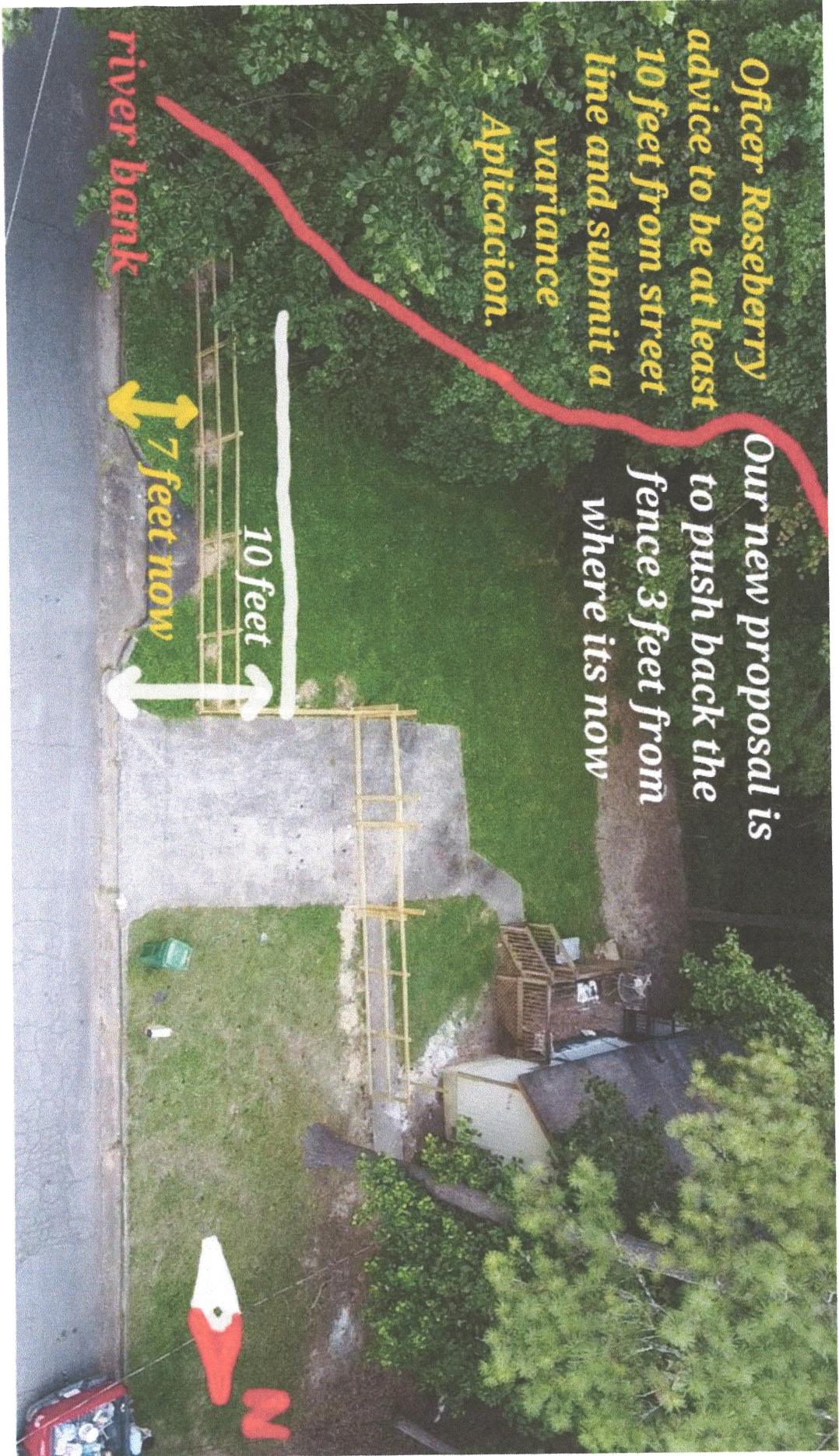
Sheppard Way

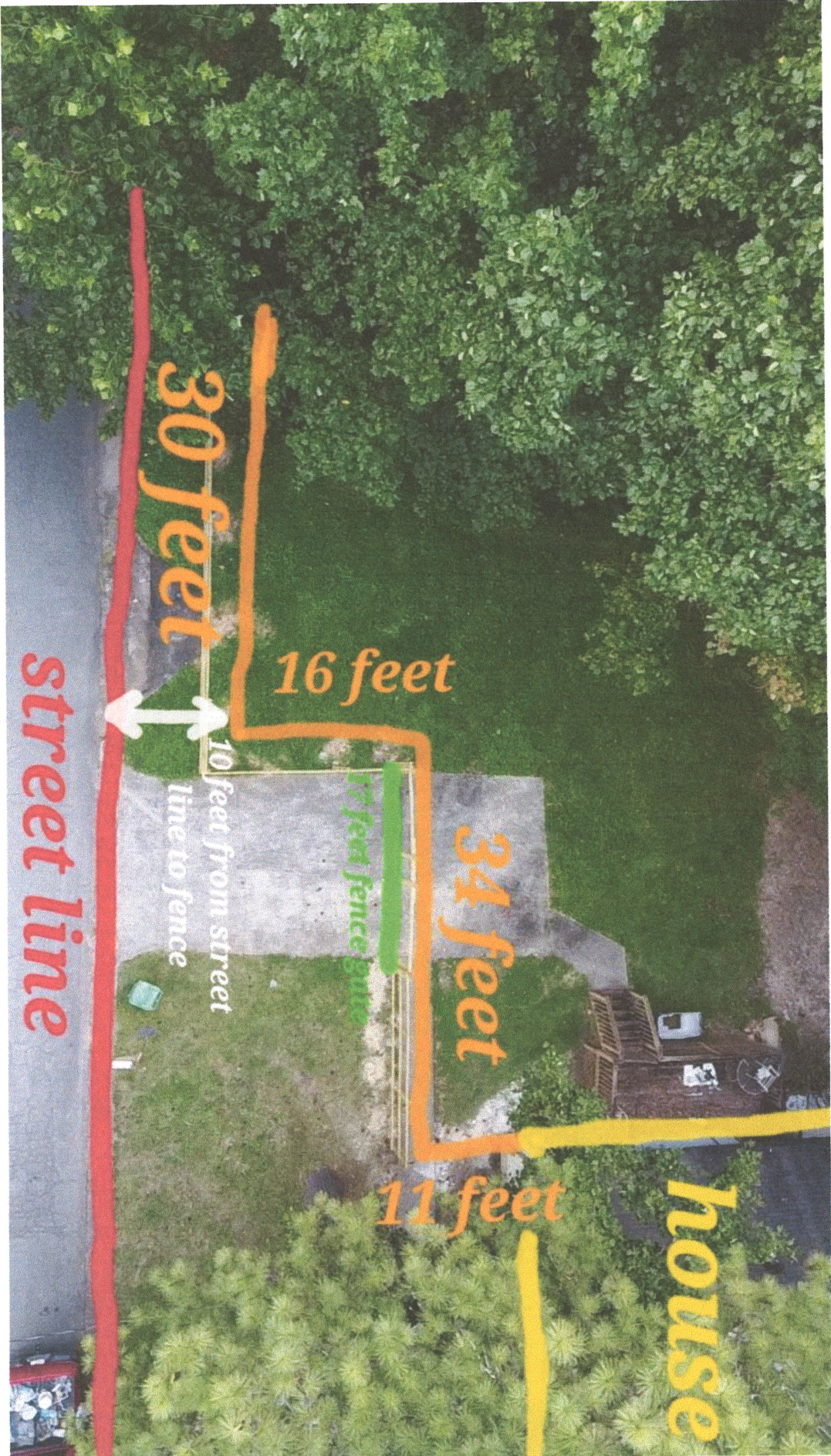


**Officer Roseberry
advice to be at least
10 feet from street
line and submit a
variance
Application.**

**Our new proposal is
to push back the
fence 3 feet from
where its now**

river bank





street line

30 feet

16 feet

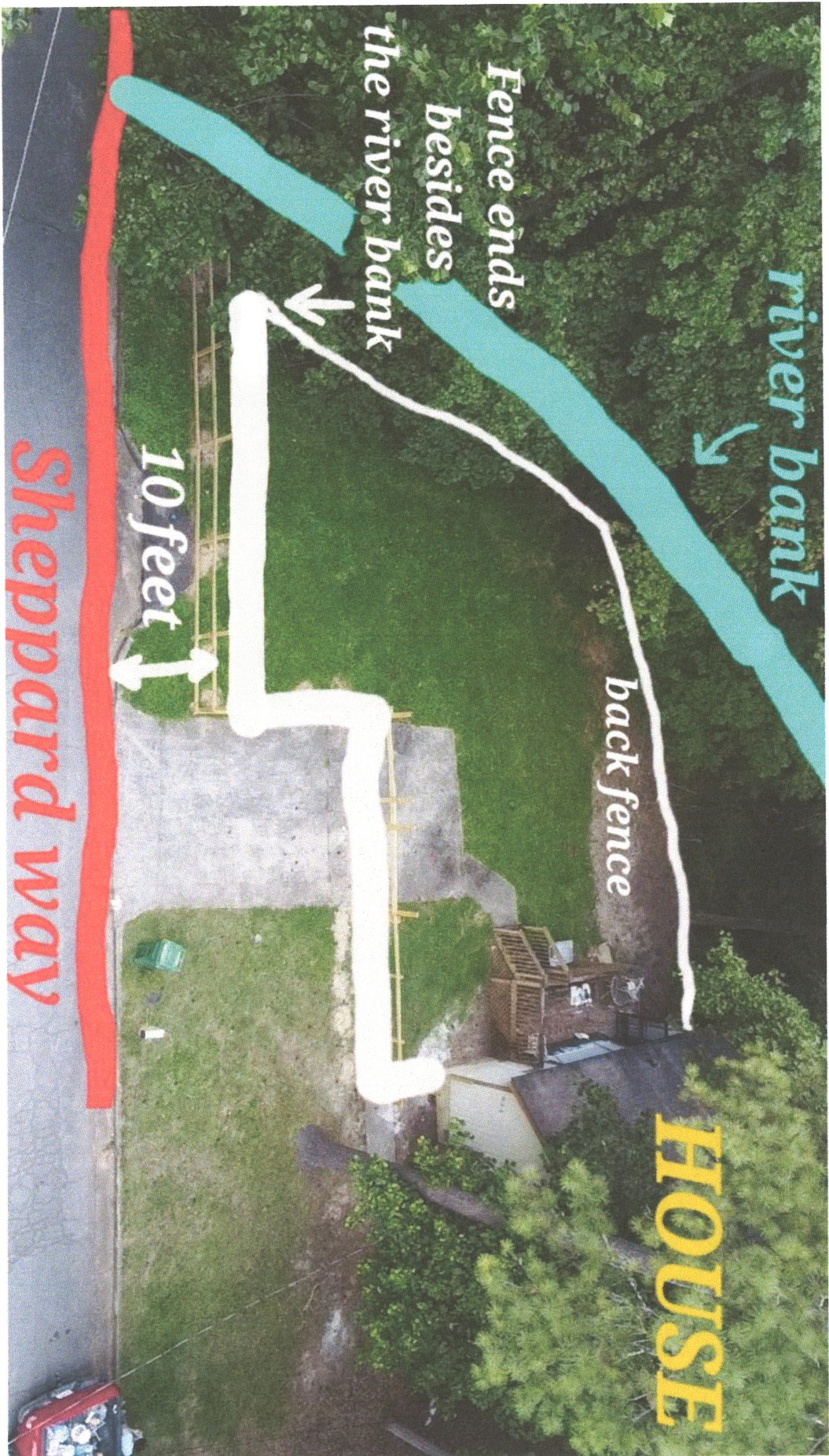
10 feet from street line to fence

17 feet fence gate

34 feet

11 feet

house



river bank

Fence ends
besides
the river bank

back fence

10 feet

Sheppard way

HOUSE