

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 1st Read: 10/15/2024 – 6:30 P.M. Mayor & City Council Public Hearing: 11/06/2024 – 6:30 P.M.

RECOMMENDATION:

Staff recommends denial of this request.

BACKGROUND:

October 15 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.

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.

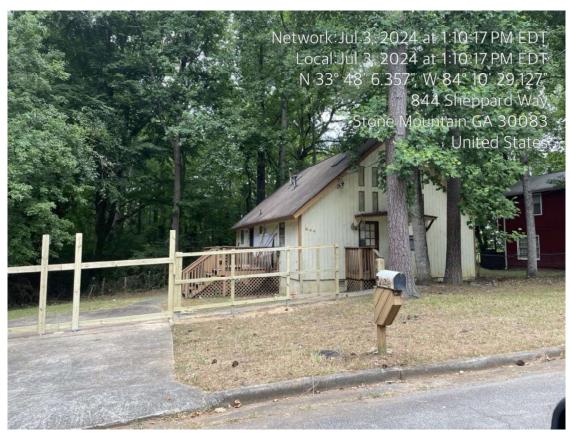
E. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

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.











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		Fax:	
Email Address: almagiron7@gm			
OWNER INFORMATION (If differen			
Owner Name: T.I.S. FLOORING	3, INC.		
Address: 689 Garden Walk Dr	,		
Phone: 4044213374	4044760119	Fax:	
Email Address: jairosilva@hot	mail.com		
PROPERTY INFORMATION			
Address: 844 Sheppard Way			
Parcel ID#: 1807301135	Land Lot:	District:	
Office use only: CASE #			
Applicant signature:	Da	ute: 08/05/2024	

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VARIANCE REQUEST CONSIDERATIONS

App	licant: Jairo De Jesus silva Torres
<u>Ana</u>	lyze 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 don't 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. <u>no</u>
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