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STAFF REPORT

From the Department of Community Development
May 7, 2024

CASE NUMBER: VAR-0045-2024
APPLICANT: Dylan Wingate
REQUEST: Variance to increase the height of a fence
LOCATION: 1009 & 1013 Northside Drive; Parcel No. 0P0020 018000 & 0P0020 019000

SECTION OF ORDINANCE BEING VARIED: 4-4.3. (H)(2)(c) [Fences and walls] C-3, central business district. In the C-3 district, a fence or wall in a side yard or rear yard shall not be opaque above a height of eight feet, or the height of the lowest portion of the eave of the principal building, whichever is less; and a fence or wall in a front yard shall not be opaque above a height of 30 inches. (Height is measured from the finished grade at the base of the fence or wall.) All chain link fencing is prohibited in all locations in the C-3 zoning district.

BACKGROUND: The applicant is developing a two-story mixed-use project adjacent to an existing apartment development. The applicant wishes to screen the view between the two properties by installing a 10-foot-tall opaque fence along the rear property lines, rather than the allowed 8-foot-tall fence.

STANDARDS NECESSARY FOR A VARIANCE:

1. *Because of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to the subject property, does the strict application of the regulations result in unusual or impractical difficulties or exceptional or undue hardship upon the property owner?*

The subject parcels comprising this development are of different depths creating a projection into the property to the rear. With the clearing of existing vegetation for the new development, views between the adjacent developments were exposed.

2. *Is the variance the minimum relief reasonably necessary to overcome the aforesaid exceptional conditions?*

The applicant states that the variance is the minimum relief necessary to meet aesthetic purposes.

3. *Can the variance be granted without substantial impairment to the intent, purpose, and integrity of the ordinance or comprehensive plan?*

The additional height of the requested fence does not appear to substantially impair the purpose and intent of the LMO, which includes:

- Provide for adequate light, air, and open space.
- Facilitate the creation of a convenient, attractive, and harmonious community.

4. *Will granting the variance be detrimental to the use and enjoyment of adjoining or neighboring properties?*

Since the buildings on the subject properties and on the adjacent property are two stories and include residential uses, the added height of the fence will provide additional privacy to residents in each development.

STAFF CONCLUSIONS: Based on the analysis above, staff recommend approval of this application.

NOTE: As an addition to the previously approved Certificate of Appropriateness granted for the development of the subject properties, the fence will need approval from the Main Street Advisory Board.

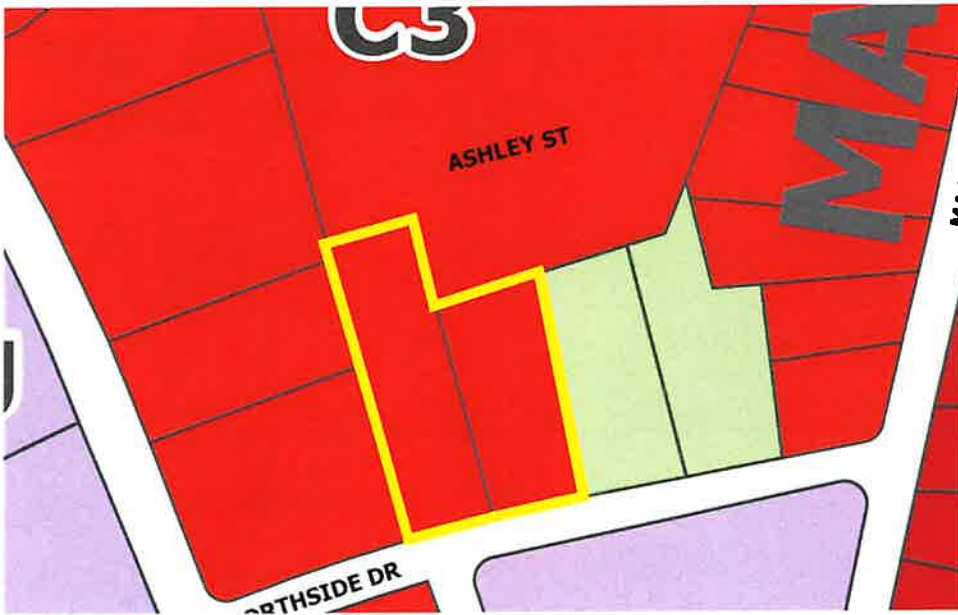


VAR-0045-2024

1009 & 1013 Northside Drive

Increase Fence Height

Aerial



Zoning



Where Georgia comes together.

Application # VAR 0045-
2024

Application for Variance

Contact Community Development (478) 988-2720

*Indicates Required Field

	*Applicant	*Property Owner
*Name	Dylan Wingate	Perry Loft DVP LLC
*Title	Vice President	
*Address	817 GA Hwy 247 S, Unit 10, Kathleen, 31047	same
*Phone	[REDACTED]	"
*Email	[REDACTED]	"

Property Information

*Street Address	1009 to 1013 Northside Dr.
*Tax Map #(s)	DP0020-018000, DP0020-019000
*Zoning Designation	C3

Request

*Please describe the proposed variance: (i.e. Reduce the rear setback from 25 feet to 22 feet)

Extend fence height from 8' to 10'

Instructions

- The application must be received by the Community Development Office no later than the date reflected on the attached schedule.
- Fee:**
 - Owner-occupied single family residential - \$153.00
 - All others - \$306.00
 - All others (post construction) - \$612.00
- *The applicant/owner must respond to the 'standards' on page 2 of this application (The applicant bears the burden of proof to demonstrate that the application complies with these standards). See Sections 2-2 and 2-3.7 of the Land Management Ordinance for more information. You may include additional pages when addressing the standards.
- *Submit plans, drawings, photographs or other documentation which helps fully describe your request.
- The staff will review the application to verify that all required information has been submitted. The staff will contact the applicant with a list of any deficiencies which must be corrected prior to placing the application on the planning commission agenda.
- Variance applications require a public hearing before the planning commission. Public notice sign(s) will be posted on the property at least 15 days prior to the scheduled hearing date.
- *The applicant must be present at the hearing to present the application and answer questions that may arise.
- The applicant and property owner affirm that all information submitted with this application, including any/all supplemental information, is true and correct to the best of their knowledge and they have provided full disclosure of the relevant facts.

*Applicant	Dylan Wingate -	*Date	3/22/24
*Property Owner/Authorized Agent	Perry Loft DVP, LLC -	*Date	

Standards for Granting a Variance

The applicant bears the burden of proof to demonstrate that an application complies with these standards.

Are there covenants and restrictions pertaining to the property which would preclude the proposed variance?

- (1) By reason of exceptional narrowness, shallowness, shape, topographical conditions, or other extraordinary situations or conditions peculiar to a specific parcel of property, the strict application of these regulations would result in peculiar or unusual, practical, difficulties to or exceptional or undue hardship upon the owner of such property;
- (2) Such variance is the minimum reasonably necessary to overcome the aforesaid exceptional conditions;
- (3) Such variance can be granted without substantial impairment to the intent, purpose, and integrity of this chapter and/or the comprehensive plan or other master plan adopted for the property;
- (4) Such variance will not be detrimental to the use and enjoyment of adjoining or neighboring properties.

Notes:

A variance cannot be granted:

- To reduce a setback of a commercial/industrial property abutting a residentially-zoned property, unless the abutting residentially-zoned property is proposed for commercial or industrial use in the Comprehensive Plan;
- To allow a use not permitted or prohibited in a zoning district;
- To allow a density of development beyond the maximum allowed in a zoning district.

If the hardship invoking the standards for granting a variance was the result of the applicant's intentional disregard or willful failure to comply with the terms of the Land Management Ordinance, the Planning Commission may refuse to grant a variance.

Revised 12/21/22



Standards for Granting Variance

- (1) The obstructions behind the Perry Lofts development are undesirable & not suitable for long term development.
- (2) The aesthetic purpose of the development is with the fence being of wood component.
- (3) To block the view from the obstruction behind the Perry Lofts development.
- (4) It will not be detrimental but will enhance the property by maintaining the look of the Northside Lofts & also the property to the rear of the development.