



Michael L. Thurmond

Chief Executive Officer

**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
178 Sams Street,  
Decatur, GA 30030

**Wednesday, December 11, 2024**

**Planning Department Staff Analysis**



Cedric Hudson

Interim Director

**N1. Case No: A-24-1247035**

**Parcel ID(s): 16 092 04 081**

**Commission District 05 Super District 07**

**Applicant:** **Andrea Chait**  
5980 Giles Road  
Lithonia, GA, 30058

**Owner:** **Andrea Chait**  
5980 Giles Road  
Lithonia, GA, 30058

**Project Name:** **5980 Giles – Fence Construction**

**Location:** 5980 Giles Road, Lithonia, GA 30058

**Requests:** Variance from Section 27-5.4.7 of the DeKalb County Zoning Ordinance to increase fence height within the R-100 (Residential Medium Lot-100) zoning district

**Staff Recommendation:** One-month Deferral

**Reason:** *Applicant has requested a deferral to the January hearing due to personal matters, staff has issued proper legal advertisement for the January ZBA hearing.*



DeKalb County  
GEORGIA

Government Services Center  
178 Sams Street  
Decatur, GA 30030  
[www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)  
404-371-2155 (o); 404-371-4556 (f)

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### DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director  
Cedric Hudson

#### ADMINISTRATIVE VARIANCES AND SPECIAL EXCEPTIONS APPLICATION

AV/NO.:

APPLICANT NAME (OWNER/REPRESENTATIVE):

ADDRESS:  EMAIL:

CITY:  STATE:  ZIP:

TELEPHONE: HOME:  BUSINESS:  FAX:

#### OWNER OF RECORD FOR WHICH APPLICATION IS MADE

Name (Print):

Name (Signature):  E-Mail:

Address:  City:  State:  Zip:

Telephone: Home:  Business:  Fax:

#### SUBMITTAL INSTRUCTIONS

Contact Planner, Kyle McLean at [kamclean@dekalbcountyga.gov](mailto:kamclean@dekalbcountyga.gov) to discuss your application prior to submission.

Please create an account or open a new application through an existing account using the following portal:  
<https://epermits.dekalbcountyga.gov>

Once you've created or updated an existing account, please send your application number (1246XXX) to [kamclean@dekalbcountyga.gov](mailto:kamclean@dekalbcountyga.gov) stating your request.

#### To Be Completed by Planning & Development Department

Date Received:  Fee Paid:  Receipt No:

## Section 27-922 Administrative Variances and Special Exceptions

- A. The Director of Planning is hereby authorized to consider and grant or deny, pursuant to the procedures and standards contained in this Section, a variance or a special exception from the following regulations:
1. Reduce by variance any front, side or rear yard setback by an amount not to exceed ten percent (10%) of the district requirement, but not including any transitional buffer zone or any setback which is a condition of zoning or special land use permit, pursuant to the standards specified in Section 27-916.
  2. Reduce by variance the required spacing between buildings in districts where multiple buildings are authorized on a single lot in an amount not to exceed 10% of the requirement, but not in an amount which is less than the minimum requirement imposed by Chapter 7 of the DeKalb County Code of Ordinances, pursuant to the standards specified in Section 27-916.
  3. Reduce by special exception the off-street parking or loading requirements imposed by this Chapter in an amount not to exceed ten percent (10%) of the district requirement, pursuant to the standards specified in Section 27-913.A.
  4. Reduce by special exception the off-street parking requirements imposed by this Chapter for any lot which is located 1,000 feet of the boundary of a Marta Rapid Transit Station in an amount not to exceed 25 percent of the district requirement, pursuant to the standards specified in Section 27-913.B.
- B. Any request for administrative variance or special exception permitted by this Section shall be filed with the Director of Planning. The Director shall review and decide upon each such application pursuant to the applicable standards referred to in each subsection above and shall make a written decision on each such application no later than 30 days from the date such application was filed. **No administrative variance or special exception shall be authorized to delete, modify or change in any manner any condition imposed by the Board of County Commissioners or the Zoning Board of Appeals.**

**SUBMITTAL CHECKLIST**  
**for**  
**ADMINISTRATIVE VARIANCES/SPECIAL EXCEPTION**

1. One (1) full scale site plan indicating the following:

- a. All property lines with dimensions;
- b. Location of all existing and proposed buildings & their relation to all property lines, structures, driveways, parking areas, easements;
- c. Any other features of the site related to the request, such as outdoor lighting, fences, landscaping, etc.; and

2. A Letter of Intent (LOI) indicating the request and clarifying justification(s) for the proposal, based on Section 27-922 of the DeKalb County Zoning Ordinance:

- a. There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property(such as, but not limited to, lot size, lot shape, specimen tree(s), steep slope(s), or preservation of historic characteristics of the property), which was not created by the current owner, previous owner, or applicant; by reason of a clearly demonstrable condition(s), 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, as distinguished from a special privilege or convenience sought by the property owner.
- b. 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.
- c. 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.
- d. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
- e. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text

3. Notarized authorization form.

4. \$200 processing fee.

**Note:** A Planner will contact you with instructions about posting the sign(s). You must e-mail a photo or photos of the posted sign(s). Public notice signs must be posted for thirty (30) days prior to issuance of Administrative Variance Approval Letter.

DEPARTMENT OF PLANNING & SUSTAINABILITY

**ADMINISTRATIVE VARIANCE APPLICATION AUTHORIZATION**

*(Completion of this form is required if the individual making the request is not the owner of the property.)*

DATE:

CHECK TYPE OF APPLICATION:

ADMINISTRATIVE APPEAL

VARIANCE

SPECIAL EXCEPTION

TO WHOM IT MAY CONCERN:

( I ) / ( WE ):   
Name of owner(s)

being owner(s) of the property described below or attached hereby delegate authority to:

Name of Applicant or Representative(s)

to file an application on my/our behalf.

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

**I hereby authorize the staff of the DeKalb County Planning Department to inspect the premises of the above-described property.**

*I HEREBY CERTIFY THAT THE INFORMATION PROVIDED AS A RESULT OF THIS APPLICATION IS TRUE AND CORRECT AND THAT IF AM NOT THE PROPERTY OWNER, I AM AUTHORIZED BY THE SAME TO MAKE SUCH REQUESTS, CLAIMS, AND REPRESENTATIONS AS MAY BE FOUND WITH THIS APPLICATION.*

**APPLICANT/AGENT SIGNATURE:**

**Date:**

Andrea B. Chait  
5980 Giles Road  
Lithonia Ga 30058  
305-301-1802  
[achait@bellsouth.net](mailto:achait@bellsouth.net)

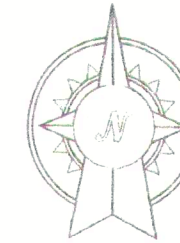
Letter of Intent:

The homeowner Andrea B. Chait requests a Variance to have a 10 foot high board on board privacy Fence. For 15 years the property was buffered with privacy woods. These woods provided safety, privacy, and security for the yard and home of 5980 Giles Road Lithonia. New owners at 1855 Wellborn Road Lithonia Ga purchased the property in 2019. 1855 Wellborn Road borders 5980 Giles Road on the North side of the property. Without a professional land survey, or permission from 5980 Giles Road, the owners of 1855 Wellborn Road entered the property of 5980 Giles Road and clear cut and removed the privacy woods. 5980 Giles Road sent a Legal warning letter from an attorney to the owners of 1855 Wellborn Road in order to stop the clear cutting process, but the letter was ignored, and the clear cutting continued. The legal property lines were ignored. The removal of the privacy woods has created an unsafe situation and environment for 5980 Giles Road Lithonia, Ga. Also, the owners of 1855 Wellborn Road have erected shanty shack undesirable structures which have been reported to Code enforcement on numerous occasions, but after years of complaints, nothing has been accomplished to remove the unsightly blighted structures. In 2020 1861 Wellborn Road was purchased and occupied with new owners. 1861 Wellborn Road borders 5980 Giles Road on the East side of the property. The owners of 1861 Wellborn Road erected a shanty shack patio structure without professional land surveys or County building permits. The structure is unsightly, and blights the area.

5980 Giles Road sits down slope from both 1855 Wellborn Road and 1861 Wellborn Road. In order to secure privacy, safety, and security and because of the downslope nature of the land, it is necessary for 5980 Giles Road to have a 10 foot high privacy fence. Good fences make Good neighbors. The fence ensures privacy, safety, and blocks out the view of any unsightly structures from bordering neighbors.

Please consider this variance, in order to maintain safety, security, and cohesion without intrusion between neighbors.

Andrea B. Chait

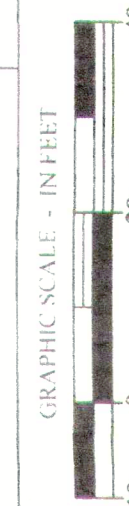


GRID NORTH  
GA WEST NAD 83  
DATUM NAVD 88  
SCALE: 1" = 20'

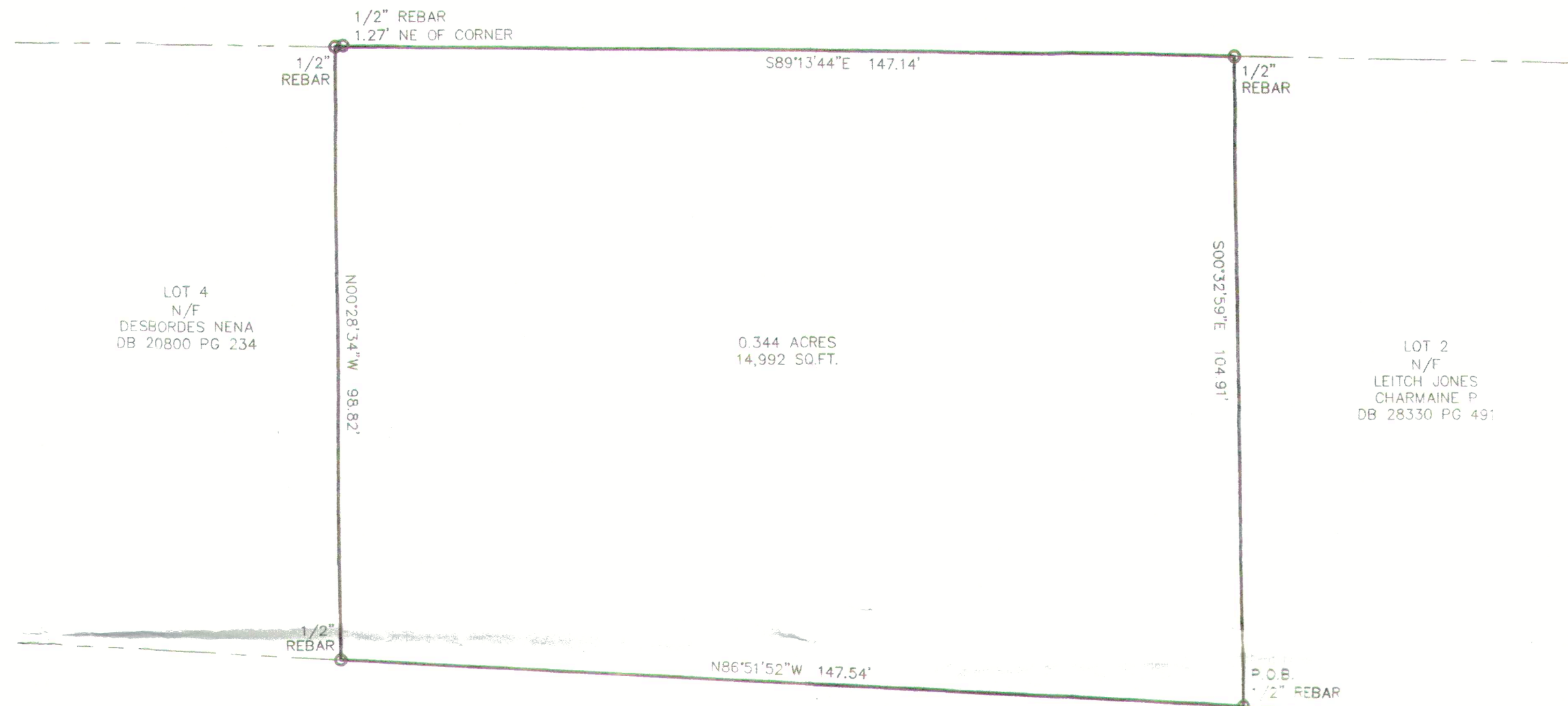
DATE

REVISION

NO.



THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE, CREATE A NEW PARCEL OR MAKE CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



LOT 4  
N/F  
DESBORDES NENA  
DB 20800 PG 234

0.344 ACRES  
14,992 SQ.FT.

LOT 2  
N/F  
LEITCH JONES  
CHARMAINE P  
DB 28330 PG 491



FOR THE FIRM  
BOUNDARY ZONE, INC.  
LSF #839

*Daniel F. Conroy*  
DANIEL F. CONROY PLS 2350

09/19/2023  
DATE

**BOUNDARY SURVEY**  
PREPARED FOR: ANDREA CHAIT  
5980 GILES RD. LITHONIA, GA. 30058  
LOT 3, UNIT 1, WELBORN CHASE S/D  
LAND LOT 92 - 16TH DISTRICT  
DEKALB COUNTY, GEORGIA - 09/19/2023

© COPYRIGHT 2023  
BOUNDARY ZONE, INC.  
ALL RIGHTS RESERVED

THIS PLAT WAS PREPARED  
FOR THE USE OF THE  
PERSON, PERSONS OR  
ENTITLY NAMED HEREON.

LEGEND :			
○ PROPERTY CORNER FOUND (AS NOTED)	☆-○ POWER/LIGHT POLE	⊠ GAS METER	-T- TELEPHONE LINE
● 1/2" REBAR WITH CAP SET LSF# 839	← GUY WIRE	⊠ GAS VALVE	-X- FENCE LINE
□ R/W MONUMENT	⊠ POWER METER	⊠ CABLE BOX	-920- CONTOUR LINE
⊠ FIRE HYDRANT	⊠ POWER BOX	⊠ TELEPHONE BOX	BSL BUILDING SETBACK LINE
⊠ WATER METER	⊠ A/G UNIT	⊠ SIGN	CONC. CONCRETE
⊠ WATER VALVE	⊠ MANHOLE	-W- WATER LINE	EOP EDGE OF PAVEMENT
⊠ POWER POLE	⊠ CLEAN OUT	-U- OVERHEAD UTILITY LINE	L.L. LAND LOT
☆ LIGHT POLE	⊠ JUNCTION BOX	-S- SEWER LINE	N/F NOW OR FORMERLY
	⊠ OUTFLOW STRUCTURE	-G- GAS LINE	R/W RIGHT-OF-WAY
	⊠ DRAINAGE INLET	-C- CABLE LINE	P/L PROPERTY LINE
			OH OVERHANG
			C.B. CATCH BASIN
			CNT CANTILEVER
			H/C HANDICAP
			FFE FINISHED FLOOR ELEVATION
			BFE BASEMENT FLOOR ELEVATION
			GFE GARAGE FLOOR ELEVATION
			DB DEED BOOK
			PB PLAT BOOK
			PG PAGE

TOTAL AREA: 0.344 ACRES - 14,992 SQUARE FEET  
BOUNDARY REFERENCE: DB 19690, PG 449; PB 158, PG 001  
FIELDWORK PERFORMED ON 09/01/2023  
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 287,245 FEET. THIS PLAT HAS BEEN PREPARED USING A TRIMBLE S SERIES ROBOTIC TOTAL STATION. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A RELATIVE POSITIONAL ACCURACY OF 0.02 FEET.

**BOUNDARY zone, inc.**  
PROVIDING SERVICES FOR METRO ATLANTA, RALEIGH-DURHAM & CENTRAL FLORIDA.  
800 SATELLITE BLVD., SUWANEE, GA 30024  
WWW.BOUNDARYZONE.COM (770) 271-5772

PROJECT  
2157402  
SHEET  
1 OF 1