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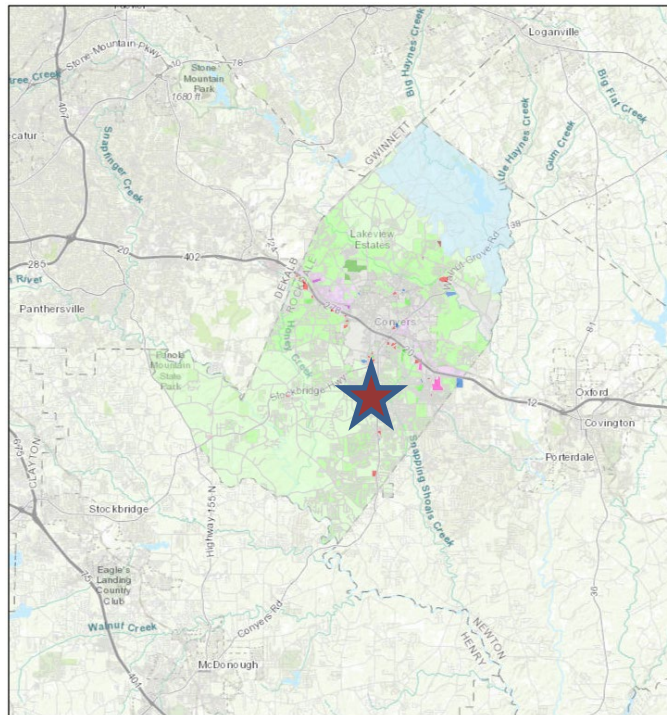
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BOARD OF ADJUSTMENTS
ROCKDALE COUNTY PLANNING STAFF REPORT

Case Number: VAR2025-03
Address: 1410 Aramore Drive SE
Tax Parcel ID: 076A020149
Site Area: 0.28 acres
Current Zoning: AR (Agricultural Residential)
Existing Conditions: Vacant
Request: A variance to allow a 10-foot-high fence adjacent to an Airbnb for privacy and security reasons.
Applicants: Terence and Tanita Snowden
Owner: Terence and Tanita Snowden

Staff Recommendation: **Approval**

BOA Hearing Date: February 03, 2025



Zoning History

The subject site, located along Aramore Drive SE, is a part of the Henson Village subdivision, which was platted in 1994. The property is zoned AR (Agricultural Residential) with TND (Traditional Neighborhood Design). The Future Land Use of the property is Medium Density Residential.

Existing Site Conditions

The subject site is a 0.28-acre property located along Aramore Drive SE. Sidewalks are currently present along the property's road frontage. The property's topography is generally flat with not much change in grade. There are no streams, wetlands, and future flood areas on the property. The property is developed with a single-family residence that was constructed in 1994 per property records.

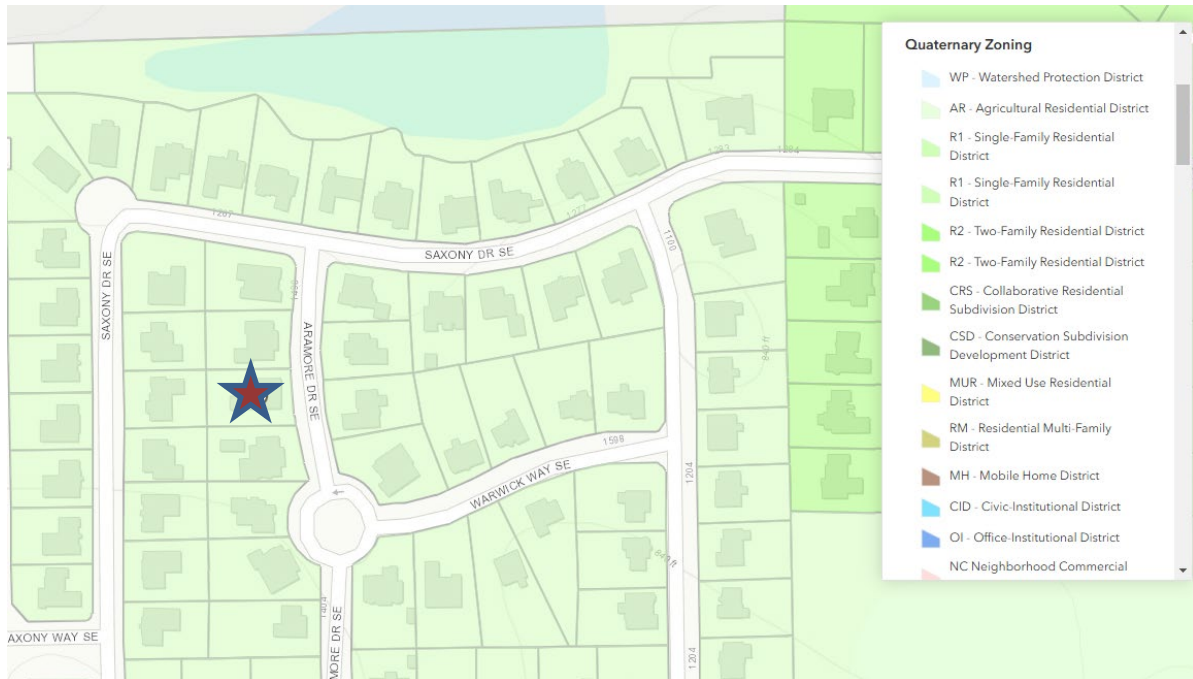
Surrounding Use and Zoning

The subject site is surrounded by residentially zoned properties. The following is a summary of surrounding uses and zoning:

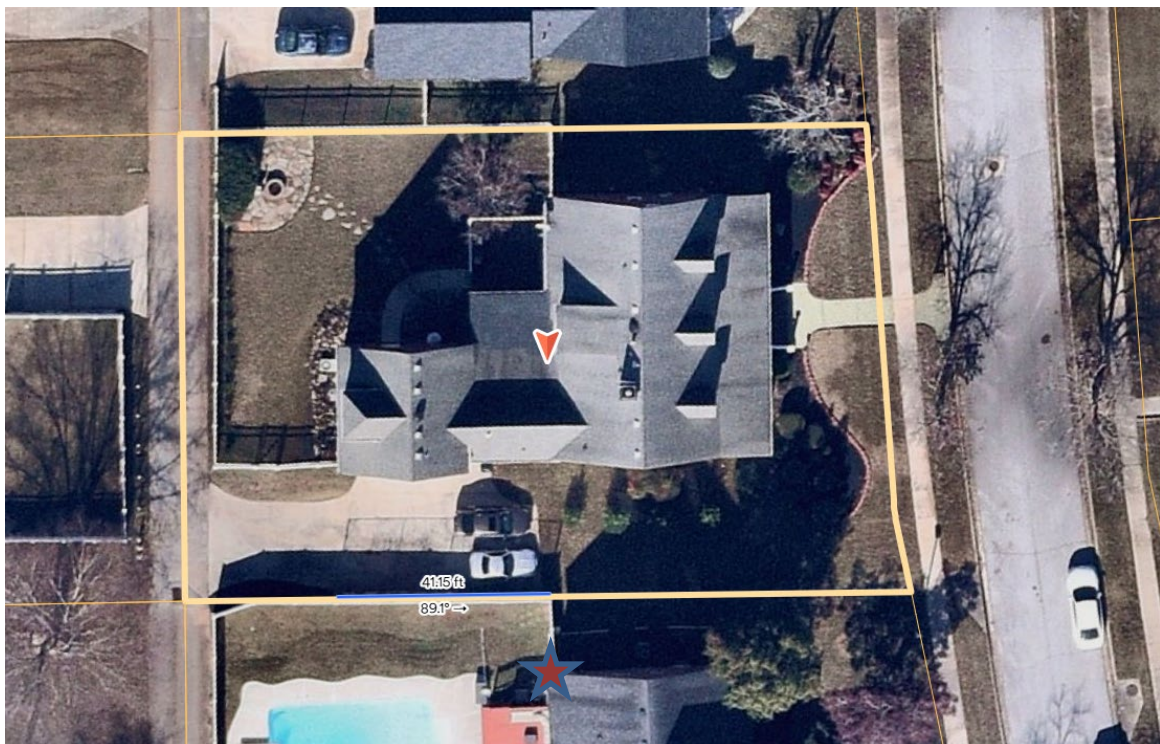
Adjacent Zoning and Current Land Use			
Direction	Address	Zoning District	Current Land Use
North	1412 SE Aramore Dr	AR/TND	Single-Family Residence
East	1407 SE Aramore Dr	AR/TND	Single-Family Residence
South	1408 SE Aramore Dr	AR/TND	Single-Family Residence
West	1252 SE Saxony Dr	AR/TND	Single-Family Residence

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ZONING MAP



SITE PLAN



Project Summary

The applicant is requesting a variance from Sec. 214-6 (Table of Fence, Wall and Hedge Requirements), which requires that fences in the side and rear yard of residential zoning districts be a maximum of 6 feet in height.

The variance request is for a 10-foot-high fence in the rear yard of a 0.28-acre property zoned AR (Agricultural Residential). The applicant has built this fence adjacent to an Airbnb for privacy and security reasons.

An administrative variance would allow for the height of the fence to be increased from 6 feet to 9 feet; however, as the fence is 10 feet in height, a variance granted by the Board of Adjustments is necessitated.

The fence is constructed of chain-link, which is a permitted material for side and rear yards in residential districts.

Furthermore, the applicant has planted Star Jasmine, which will grow and completely cover the fence. Once the plants are fully grown, the chain-link fence will become a vegetative fence and the chain-link will not be visible.



5/7/2024



7/21/2024

EVALUATION OF THE VARIANCE REQUEST

Sec. 238-9 (h) Standards for granting variances (1) Granting variances. The board of adjustment shall not grant a variance unless it has, in each case, made specific findings of fact based directly upon the particular evidence presented supporting written conclusions that the variance meets each of the following criteria:

A. Arises from a condition that is unique and peculiar to the land, structures, and buildings involved.

The request is to allow a variance for a 10-foot-high fence adjacent to an Airbnb that operates year-round. The applicant stated the owner of the Airbnb seems to have no regard for the community, and that the Airbnb is a nuisance not only to the applicant's family but also to the surrounding neighbors. The applicant further stated that the Airbnb does not comply with Airbnb policy for the number of guests allowed, no party ban, or zero-tolerance drug use policy.

B. Is necessary because the particular physical surroundings, the size, shape, or topographical condition of the specific property involved would result in unnecessary hardship for the owner, lessee, or occupants; as distinguished from a mere inconvenience, if the provisions of Title 2 of the UDO are enforced.

The applicant stated that the Airbnb property is surrounded by a 6-foot-high fence; however, this fence does not

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provide adequate privacy as the guests have a view over the fence while sitting on the elevated pool deck. The elevation creates a continuous view into the applicant's side doors, garage, and windows. The applicant also stated that due to the elevation, an 8-foot-high fence would not provide any relief to this hardship. The applicant stated that they do not feel comfortable using their garage, where they store valuable items.

C. The condition requiring the requested relief is not ordinarily found in properties of the same zoning district as the subject property.

The applicant stated that because of how their property is situated they don't have ground space to plant privacy trees as screens. The applicant stated that a height of 10 feet is needed because of the elevation of the Airbnb's deck and pool. The fence provides the applicant's family with a sense of safety and security.

D. The condition is created by the regulations of Title 2 of the UDO and not by an action or actions of the property owner or the applicant.

The applicant stated that the issue is present because there is no regulation in the county regarding Airbnb. An 8-foot-high fence does not alleviate the problem due to the elevation of the deck that overlooks the 6-foot-high fence surrounding the property. The problem exists because Airbnb is allowed to operate, unregulated, in residential communities.

E. The granting of the variance will not impair or injure other property or improvements in the neighborhood in which the subject property is located, nor impair an adequate supply of light or air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, create a hazard to air navigation, endanger the public safety or substantially diminish or impair property values within the neighborhood.

The applicant stated that the fence is almost invisible from the street view of the neighborhood. No one can see it until you pull into the applicant's driveway, which again is at the rear of the applicant's home. The applicant has shown the fence to several neighbors, who didn't even know the fence existed because it was only visible in the applicant's backyard. The applicant also stated the fence is what is needed to block the view of the Airbnb guests. This fence does not affect anyone -- not even the Airbnb owner who doesn't reside on the property.

F. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structures.

The applicant stated that they contacted several fencing companies. These companies verified that due to the elevation of the Airbnb's deck and pool, 10 feet is the minimum fence height that will allow the applicant to enjoy the use of their home, providing a sense of safety and security to their family.

G. The variance desired will not be opposed to the general spirit and intent of Title 2 of the UDO or the purpose and intent of the comprehensive plan.

The variance will not be opposed to the general spirit of Title 2 of the UDO or the purpose and intent of the comprehensive plan as it doesn't affect the land or the neighborhood at all.

PLANNING & DEVELOPMENT STAFF RECOMMENDATIONS

Staff recommend Approval of the variance request from Sec. 214-6 to allow for a 10-foot-high privacy fence.