



MAYOR
Rick E. Roquemore

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Michael E. Parks

CITY COUNCIL
Taylor J. Sisk
Jamie L. Bradley
Joshua Rowan
Johnathen Eggleston

Zoning Board of Appeals Public Hearing
October 21, 2026
6PM

Call to Order

Old Business:

- Approval of August 19, 2026, meeting minutes

New Business:

1. (VA26-0002) Darren Berkhan 292 Clover Dr. parcel AU13A 021 requests to vary from the provisions of Code Sec. 17.70.010, Walls and Fences, subsection F.1.a, to increase the maximum fence height in the front yard of a residential zoning district from 4 feet to 6 feet.

Public Comments

Announcements

Adjournment



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Zoning Board of Appeals Meeting Minutes

August 19, 2026

Former Co-Chair Robin Jackson called the meeting to order at **6:00 p.m.**

Election of Officers

Former Co-Chair Jackson called for nominations for **Chair** of the Zoning Board of Appeals. Board Member Gallagher made a motion to nominate **Robin Jackson as Chair**, seconded by Board Member Riley. The motion passed unanimously.

Chairwoman Jackson called for nominations for **Co-Chair**. Chairwoman Jackson made a motion to nominate **Board Member Gallagher as Co-Chair**, seconded by Board Member Morrow. The motion passed unanimously.

Public Hearing Procedures

Chairwoman Jackson read the Public Hearing Meeting Procedures.

Approval of Minutes

Chairwoman Jackson entertained a motion to approve the minutes from the **August 14, 2024**, meeting. Board Member Gallagher made a motion to approve the minutes, seconded by Board Member Riley. The motion passed unanimously.

Variance Case VA26-0001 – Joshua King

Chairwoman Jackson presented the following application:

(VA26-0001) Joshua King requests a variance from the provisions of **Code Section 17.70.010, Walls and Fences**, to increase the maximum fence height in the front yard of a residential zoning district. Specifically, the applicant requests to vary the maximum height from four (4) feet to six (6) feet to retain an existing six-foot wooden fence in an R-100 (Residential Single-Family) district that was installed in violation of this Section.

The subject property is located at **1205 Bradford Park Lane (Parcel AU12B 050)**.

Staff presented the variance request to the Board.

Chairwoman Jackson asked the applicant if he would like to address the Board. Applicant **Joshua King, 1205 Bradford Park Lane**, addressed the Board and answered questions from Board Members. Mr. King also provided photographs of his rear yard to the Board.

Chairwoman Jackson opened the public hearing for comments in favor of the applicant's request.

Pricilla Foy, 302 Bradford Park Lane, spoke in favor of the variance request.

Layla Renee Contreras, 303 Bradford Park Lane, spoke in favor of the variance request.

There being no additional public comments, Chairwoman Jackson closed the public hearing.

Board Members had no further questions or comments.

Chairwoman Jackson entertained a motion to approve or deny Variance Case VA26-0001. Board Member Gallagher made a motion to **approve** the variance request, seconded by Board Member Morrow. The motion passed unanimously.

Chairwoman Jackson announced that **Variance Case VA26-0001 was approved.**

Adjournment

Chairwoman Jackson entertained a motion to adjourn. Board Member Riley made a motion to adjourn, seconded by Board Member Watson. The motion passed unanimously.

The meeting was adjourned.



MAYOR
Richard E. Roquemore

CITY MANAGER
Michael E. Parks

ZONING BOARD OF APPEALS
Robin Jackson
Benjamin Riley
Tricia Gallagher
Sabrina Watson

AGENDA ITEM: _1_

TO: Zoning Board of Appeals

FROM: Sarah McQuade, AICP
City Planner

DATE: October 21, 2026

PURPOSE: VA26-0002. Variance request to increase the maximum fence height from 4 feet to 6 feet in a R-100: Single-Family Residential District.

BACKGROUND: The applicant requests to vary from the provisions of Code Sec. 17.70.010 – Walls and fences, subsection F.1.a, to increase the maximum fence height in the front yard of a R-100: Residential Single-Family district from four (4) feet to six (6) feet to retain an existing wooden fence. This is a retroactive request to retain segments of a recently installed fence that extends beyond the front plane of the existing house.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION:
Staff recommends denial of this variance request, as there would not be unnecessary hardship caused by the strict application of Code Section 17.70.010.F.1.a.



COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF AUBURN

1 AUBURN WAY

AUBURN, GA 30011

PHONE: 770-963-4002

www.cityofauburn-ga.org

CASE NUMBER:	VA26-0002
LOCATION:	292 Clover Dr
PARCEL NUMBER:	AU13A 021
ACREAGE:	0.71± acres
ZONING DISTRICT:	R-100: Residential Single-Family
REQUEST:	Variance from Sec. 17.70.010 - Walls and Fences, subsection F.1.a, to increase the maximum fence height in the front yard of a residential zoning district from 4 feet to 6 feet.
ZBOA PUBLIC HEARING DATE:	October 21, 2026
STAFF RECOMMENDATION:	Denial
APPLICANT:	Darren Berkhan

SUMMARY

The applicant requests to vary from the provisions of Code [Sec. 17.70.010](#) to increase the maximum fence height in the front yard of a residential zoning district. Specifically, they seek to increase the maximum fence height in the front yard of a [R-100](#): Residential Single-Family district from four (4) feet to six (6) feet to retain an existing wooden fence. On August 28, 2026, a Notice of Violation was issued for the subject fence due to its excessive height in the front yards along Clover Dr and Dandelion Ln. If the variance is denied, the fence segments in the front yards would need to be modified or moved to satisfy the Code.

The subject property is developed with a single-family residence constructed in 1989, according to Barrow County tax records. The parcel is at the southeast corner of Clover Dr and Dandelion Ln, resulting in two front yards. Code Sec. 17.70.010.F (as revised on July 9, 2026) requires fences on residential properties have a "maximum height of four (4) feet if located in front of the front plane of the principal building." "If the subject property is a corner lot, this requirement shall apply to each side of the lot that faces a street." The subject wooden fence was installed where a four-foot chain link fence was located.

The fence segments south of the house along Clover Dr, and those strictly within the side and rear yards, are compliant and not subject to this request. The segments north of the house along Clover Dr and Dandelion Ln would require variance approval for retention because they are located closer to Dandelion Ln than the house is. If these fence segments were reduced to four (4) feet in height, or moved back from Dandelion Ln to be even with the house, this variance request would not be necessary.

The application relates the need for the fence to the swimming pool behind the house, citing "safety concerns related to pool access," "privacy for family members," "protection for support animal and visitors," and "corner lot exposure." The pool is not near the front yards; side and rear yard fences are

allowed at heights up to eight (8) feet (Sec. 17.70.010.F.2). Staff estimates that approximately 0.28 acres of yard space can be lawfully fenced in at that height, including the pool area.

Staff is unable to find a legible recorded plat for this site, and the precise location of the fence relative to the Dandelion Ln right-of-way line is unknown. Northern segments of the wooden fence might encroach on the right-of-way. If the City determines that the fence encroaches on the right-of-way, it would be a violation of Code Sec. 17.70.010.B, which prohibits fences that cross property lines.

LAND USE AND COMPREHENSIVE PLAN ANALYSIS

The table below summarizes the nearby zoning districts and land uses:

Direction	Zoning	Current Land Use	Future Land Use
N	R-100: Residential Single-Family	Single-family residential	Single Family Residential
S	R-100: Residential Single-Family	Single-family residential	Single Family Residential
W	R-100: Residential Single-Family	Single-family residential	Single Family Residential
E	R-100: Residential Single-Family	Single-family residential	Single Family Residential

Pursuant to the City of Auburn Comprehensive Plan, 2023-2028, the subject site is located within the Single Family Residential future land use area. This Area is intended for “Conventional residential subdivisions, as well as conservation subdivisions, with supportive recreational amenities and small-scale public/institutional uses. Lot sizes range from 5,000 square feet to several acres. Includes low-impact civic space.”

The underlying land use aligns with the intent of the Single Family Residential future land use area.

WETLANDS, STREAMS, AND FLOODPLAIN

There is no documentation of wetlands, streams, or floodplains on the subject property.

DEPARTMENTAL COMMENTS – PUBLIC WORKS

On September 23, 2026, Joe Moravec, the Public Works Superintendent, observed that portions of the fence might be located with Dandelion Ln right-of-way. Additionally, access to an underground water main in the area might be obstructed by the fence. Future water main maintenance could require alteration or removal of parts of the fence.

VARIANCE REQUEST ANALYSIS

Pursuant to [Sec. 17.150.060](#), which governs the powers of the Zoning Board of Appeals, variance requests may be granted in cases of unnecessary hardship per to the requirements therein.

(1) [Sec. 17.150.060.A.3](#)

(Language in bold is from the City of Auburn Zoning Ordinance. Bulleted information that is not bolded are factors known to staff that may apply to the Ordinance criteria.)

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

- a. The subject site does not appear to contain extraordinary or exceptional conditions related to its size, shape, or topography. The overall size, shape, and topography of the site is generally consistent with other nearby corner lots.

B. The application of this title to this particular piece of property would create an unnecessary hardship,

- a. Based on the property characteristics and the application details, staff has not identified a property-specific condition that would cause the strict application of Code Sec. 17.70.010 to create unnecessary hardship.
 - i. If this variance request is denied, the portions of the existing six-foot fence located within the front yard would need to be shortened, relocated, or otherwise modified to comply with the four-foot height limitation.

C. Said conditions are peculiar to the particular piece of property involved

- a. Staff have not identified any conditions unique to the subject site.

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

- a. The six-foot wooden fence was installed at the discretion of the property owner. However, upon being notified that the fence did not comply with the applicable height requirements, the property owner sought approval of this variance.
 - i. The subject wooden fence reportedly matches the location of the four-foot chain link fence that used to be on the property.

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

- a. Based on the existing conditions and submitted photographs, the fence does not appear to create visibility or line-of-sight concerns for motorists or other travelers.
- b. Staff are unsure whether the fence is wholly located on the subject property, or if it crosses into the Dandelion Ln right-of-way. The fence is not allowed to cross the property line per Sec. 17.70.010.B.

(2) [Sec. 17.150.060.B](#)

(Language in bold is from the City of Auburn Zoning Ordinance. Bulleted information that is not bolded are factors known to staff that may apply to the Ordinance criteria.)

1. No variance may be granted for a condition of zoning required by the city council in approving a rezoning application

- a. This variance request does not conflict with any conditions of zoning.

2. No variance may be granted for a use of land or building or structure that is prohibited by this title

- a. This variance request would not result in land use which is disallowed by the Code.

3. No variance may be granted to permit a use which would result in a greater intensity of development on a property than would otherwise be allowed if no variance were involved

- a. This variance request does not seek to increase the density or intensity of development.

COMMUNITY DEVELOPMENT DEPARTMENT RECOMMENDATION

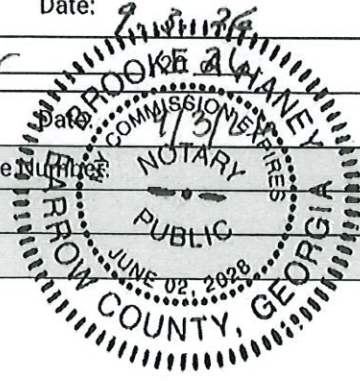
Staff recommends **denial** of this variance request. The existing fence does not appear to create substantial adverse impacts to surrounding properties or the traveling public, but staff has not identified extraordinary or exceptional physical conditions of the subject property that would result in an unnecessary hardship caused by the strict application of Code Section 17.70.010.F.1.a.



Recd. Revised copy
9/18/2026
Dee Anne Bland
10:16 am

VARIANCE APPLICATION

Type of Request:	☒ Zoning/Special Exception	☐ Administrative	☐ Sign	☐ Stream Buffer	☐ Other
Applicable Zoning/Sign Code Section: <u>Walled in wooden fencing</u>					
Nature of Request:	Required	Proposed	Minimum Setback Requirements	Proposed Setback Requirements	
☐ Setback					
☐ Sign					
☐ # Parking Spaces					
☒ Other	<u>4FT</u>	<u>6FT wooden</u>			
Name of Project/Subdivision: <u>COUNTRY MEADOWS</u>			Present Zoning: <u>R-100</u>		
Property Address/Location: <u>292 clover dr. Auburn.</u>			Tax Parcel ID: <u>0113A021</u>		
Briefly describe variance request: <u>See attached</u>					
Owner Name: <u>Darren Berkhan</u>					
Address: <u>292 clover Drive Auburn GA 30011</u>					
Phone: <u>404-630-4047</u>		Email: <u>Darren.Berkhan@gmail.com</u>			
Applicant Name (if different from above):					
Address:					
Phone: <u>404-630-4047</u>		Email:			
To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Auburn Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Auburn Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included.					
Owner/Applicant Signature: <u>[Signature]</u>			Date: <u>9/18/2026</u>		
Sworn to and subscribed before me this <u>3</u> day of <u>September</u>					
Notary Public: <u>Brooke A. Haney</u>					
Application Received by:			Case Number:		
Application Fee: ☐ \$450					
ZBOA Public Hearing Date:					



I am writing to formally request a variance to allow the installation of a **6-foot non-ornamental Wooden fence** on my corner lot. This request is made in consideration of multiple safety, privacy, and security concerns that directly affect my family and property.

1. Safety Concerns Related to Pool Access

We have an above-ground pool in our backyard, and on multiple occasions, neighborhood children have entered the property without permission, including during nighttime hours. This presents a serious safety hazard and potential liability risk. A taller fence would serve as a deterrent and help prevent unauthorized access.

2. Privacy for Family Members

I have three daughters who regularly use the pool. A 6-foot fence would provide them with an appropriate level of privacy from passersby and neighboring properties, ensuring they can enjoy our backyard without unwanted observation.

3. Protection for Support Animal and Visitors

One of my daughters has a support dog that she often spends time with in the backyard while reading. While the dog is friendly, he is protective by nature. A higher fence would reduce the likelihood of strangers entering the yard and potentially provoking a defensive response, thereby preventing possible injury.

4. Corner Lot Exposure

Due to the property's corner lot location, our backyard is more exposed than most. The requested fence height would help mitigate this exposure while maintaining the safety and comfort of our family.

I believe this variance request is reasonable, necessary, and in the best interest of both my family's safety and the community's well-being. I am committed to ensuring that the fence will be well-maintained and in compliance with all other applicable regulations.



ADDITIONAL REQUIREMENTS FOR STREAM BUFFER VARIANCES

Site Plan Requirements:

1. Delineation of the stream buffer (state, 50-foot undisturbed and 25-foot additional setback) and the limits of all existing and proposed land development or land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated in a table as follows:

Buffer area	Existing Encroachment (sq.ft.)	Proposed Encroachment (sq.ft.)
25 foot (State buffer)		
50 foot (City buffer)		
75 foot (City Impervious setback)		

2. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
3. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
4. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately and clearly indicated;
5. Documentation of unusual hardship should the buffer be maintained;
6. At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
7. A calculation of the total area and length of the proposed intrusion;
8. A stormwater management site plan, if applicable; and
9. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

The following factors will be considered in determining whether to issue a variance:

1. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
2. The locations of all streams on the property, including along property boundaries;
3. The location and extent of the proposed buffer or setback intrusion;
4. Whether alternative designs are possible which require less intrusion or no intrusion;
5. The long-term and construction water-quality impacts of the proposed variance; and
6. Whether issuance of the variance is at least as protective of natural resources and the environment.

*Variances will not be considered when, following adoption of the ordinance codified in this chapter, actions of any property owner of a given property have created conditions of a hardship on that property.



CONFLICT OF INTEREST DISCLOSURE

The undersigned below, making application for Rezoning, Special Exception, Special Use Permit, Varlance, etc., has complied with the Official Code of Georgia Section 36-67A-1, et. sec., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Signature of Applicant

Signature of Owner

Date

Date

Appeared before me personally this

Appeared before me personally this

3 day of September, 2026

3 day of September, 2026

Notary Public

Notary Public

My Commission Expires: _____

My Commission Expires: _____

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made contributions aggregating \$250.00 or more to a member of the City Council, Planning Commission, Zoning Board of Appeals, or any other government officials who may consider this application?

(Check one)

YES ☐

NO ☐

Your Name: _____

Name and position of government official(s):

Date and amount (which aggregated \$250 or more) of the contribution(s):

Signature of Applicant

Signature of Applicant's Attorney/Representative

Date: _____

Date: _____



VARIANCE, WAIVER, OR SPECIAL EXCEPTION APPLICATION CHECKLIST

(Incomplete applications will not be accepted)

- ☒ Pre-Application Meeting
- ☒ Completed Application and fee of \$450.00 Make checks payable to City of Auburn.
- ☐ Survey Plat of the subject property in accordance with the attached site plan checklist.
- ☐ Signed and notarized affidavits of all property owners. Use additional sheets as needed.
- ☐ Signed Campaign Contributions Disclosure Statement.
- ☐ Written legal description which includes a narrative of the metes and bounds of the property.
- ☐ Relevant site photos.
- ☒ Letter of Intent. Please describe your situation and why you are requesting a variance, waiver, or special exception.



292

292 Clover Dr,
Auburn, GA 30011

Sanderson Ln

Clover Dr

Clover Dr



292

292 Clover Dr,
Auburn, GA 30011

Sanderson Ln

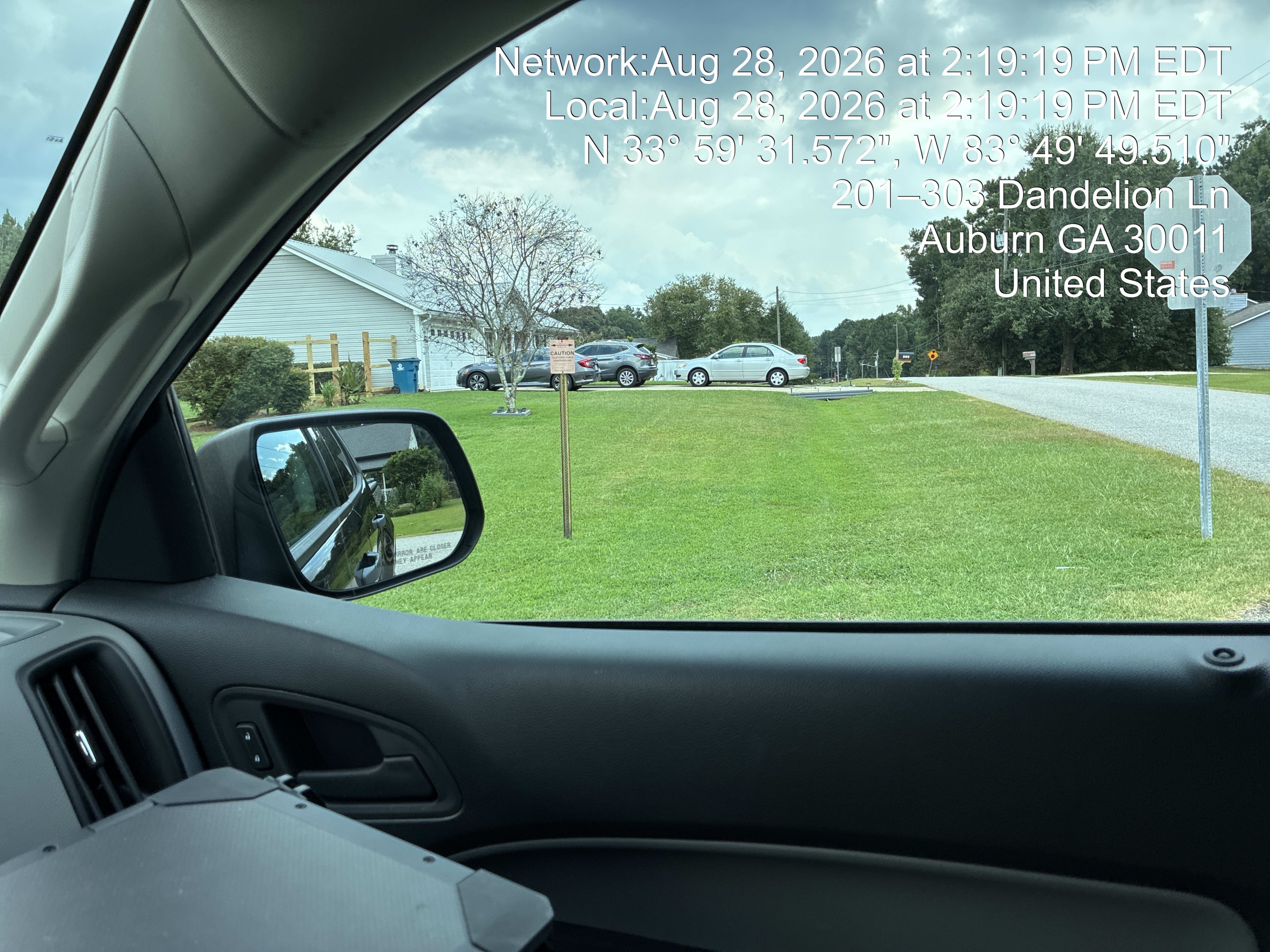
Clover Dr

Clover Dr

Network:Aug 28, 2026 at 2:19:16 PM EDT
Local:Aug 28, 2026 at 2:19:16 PM EDT
N 33° 59' 31.572", W 83° 49' 49.510"
201–303 Dandelion Ln
Auburn GA 30011
United States



Network:Aug 28, 2026 at 2:19:19 PM EDT
Local:Aug 28, 2026 at 2:19:19 PM EDT
N 33° 59' 31.572", W 83° 49' 49.510"
201-303 Dandelion Ln
Auburn GA 30011
United States















City of Auburn Police Department



A Community Oriented Law Enforcement Agency

Chris Hodge
Chief of Police

1 Auburn Way Auburn, Georgia 30011
Telephone 770-513-8657 Fax 770-682-4428

Richard Roquemore
Mayor

Date: 08/28/26
Compliance Date: 09/07/26
Case Number: CE26-00216

Owner:
BERKHAN DARREN D
292 CLOVER DR
AUBURN, GA 30011

Property Address:
292 CLOVER DR
Property ID:
AU13A 021

NOTICE OF VIOLATION(S)

During a recent visit to your property, the following violations were found:

17.70.010 - Walls and fences.

Walls and fences shall be permitted in any zoning district and are not subject to minimum setback requirements of this title.

A.Adequate provisions shall be made for access of normal utility service, including garbage collection, water and other utility meters and mail delivery. No fence may interfere with required off-street parking. All wooden or structural fences must be constructed in such a manner that the exterior of the fence or the side of the fence visible to the public is the finished side of the fence. Fences or walls shall not be constructed of exposed concrete block, tires, junk, or other discarded materials.

1.No wall or fence shall exceed eight feet in height within a side yard or rear yard, and must be constructed in such a manner that the exterior of the fence or the side of the fence visible to the public is the finished side of the fence.

B.Walls or Fences in a Residential Zoning District:

1.Fences located in front yards adjoining street rights-of-way of residential zones shall be ornamental or decorative and constructed of brick, stone, wood, stucco, wrought iron, split rail, and shall not exceed four feet in height. Rear yards of through lots which adjoin a street right-of-way shall not be interpreted to be a front yard.

2.Any subdivision entrance, wall or fence shall not exceed twelve feet in height (monuments or columns) and be only eight feet at wall height, and shall be subject to approval of the city clerk, after the submission to the city landscape plan, site plan and architectural elevations.

3.Electric and barb wire fences shall be prohibited in residential district.

Comments from Code Enforcement Officer:

While on routine patrol I noted you are in the process of replacing a 4' chain link fence with a 6' wooden fence. You must come into city hall and apply for a variance for the new fence construction. Corner lots are seen as having two front yards. fence in front yards have a 4' maximum height and must be a decorative fence. Please have this in compliance and start the variance process by 9/7/2026. I will be placing a stop work order on the fence. I called the phone number listed as a contact for city hall and left a message. You can call or email me for more information. I appreciate your cooperation and understanding.