

## Memorandum

**Date:** November 17<sup>th</sup>, 2025

**To:** Planning and Zoning Commission

**From:** JoAnna Robinson

**Subject:** Special Use and Variance at 4026 Mobley Road

**PZ:** PZ25-023 Special Use – Request to install a fence in subject property's front yard taller than 3 feet. PIN: 19090300400

PZ25-024 Variance – Request to install a gate in subject property's front yard 15 feet from the right-of-way.

**Background:** Elysee and Danielle Saint-Elle, owners of the subject property, have requested to install a fence and gate in the front yard of their property located at 4026 Mobley Road. The owners wish to place a black, stainless steel fence with 10 brick columns each 6 feet high and 2 feet wide, and 6 inches from the city's fence and 6 inches from their neighbor's fence (4225 Atlanta St SW). The subject property is located on a dead-end street, next to the Senior Citizen's building. The property owners did obtain a signed letter stating the neighbors are fine with the subject property owners placing their fence adjacent to theirs. The property owner's fence and gate will be 15 feet from the right-of-way.

Owner is seeking a Special Use and a Variance.

A Special use due to UDC 4-135 Table 4-1.

A Variance due to UDC Sec. 4-135 (g) *Gates*. When gates for vehicular access are required or proposed, said gates shall not be located closer than 25' of a public street or road right-of-way, to ensure safe ingress and egress.

### Facts:

- **Total fence length, including dual swing gates and the pedestrian gate:** 110 ft
- **Fence height:** 6 ft
- **Number and size of columns:** 10 columns, each 6 ft high and 2 ft wide

- **Gate height:** 6 ft
- **Gate length:** 14.5 ft (dual swing gates)
- **Driveway width:** 14 ft
- **Distance from gate to end of driveway:** 15 ft
- **Gate and fence material:** Stainless steel
- **Installation details:**
  - Gate installation: Advance Gate Tech
  - Construction of columns: Cerino Lopez
  - Fence construction: Eldhef Yafiez
- **Project timeline:** Construction will start as soon as the permit is granted, and the project is expected to take 10–15 days.

#### **Clarifications:**

- The property owners at 4026 Mobley Drive will NOT be tying their fence directly into their neighbor's fence or the City's fence.
- The fence and gate that will be installed will NOT be within 6 feet of the right of way. They will both be 15 feet within the right-of-way.
- Public safety concerns have been addressed: a) Knox-Box to be installed on gate for Public Safety access; b) Fire Marshall's Staff approved w/Knox box; c) Gate will open inward, not outward.

#### **Conditions/Stipulations:**

1. Knox-Box will be installed on the new gate.
2. Installed gate will open inward.
3. Fence will not attach to neighboring fences (minimum 6 inch gap)

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**Subject:** Special Use at 4818 Hill Road

**PZ:** PZ25-025 Special Use – Request to continue dumping mud/dirt onto subject property at 4818 Hill Road.

**Background:** Mr. McTyre and his son, owners of the subject property, has requested to continue their Special Use of mud/dirt dumping onto a portion of his property at 4818 Hill Road. Applicant owns a commercial grading company and dumps a mixture of mud/water/dirt onto subject property because of this business.

**Conditions/Stipulations:** Please see PZ 21-002 Special Use Stipulations. Applicants will continue to abide by these terms.

**Conditions:**

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Special Use approval. The special use approval is to allow for the continuation of dirt excavation of only a portion of property located at 4818 Hill Road.
2. Dumping is limited to Southern Hydrovac (or similar contractor) trucks and water dirt mix only. Prior to new contractor(s) using the property, copy of business license must be provided to the Community Development Department.
3. Applicant provide proof of compliance with NPDES Industrial Storm Water General Permits. Proof of submittal to EPD must be provided by 03/30/2021.
4. No hazardous waste, including but not limited to dirt contaminated by sewer, may be placed at this location.
5. Owner and applicant may not expand the area, which is limited in size to 0.5 acre.
6. No encroachment into the stream buffer (75 feet) is permitted.
7. The use shall be limited to the hours of 9 AM to 9 PM
8. Use by Southern Hydrovac or other similar contractor may occur during off hours when they are responding to an emergency call.
9. Truck traffic is not permitted on Brownsville Road at any time.
10. The special use shall expire in 1 year.

11. A soil test and water sampling upstream and downstream shall be submitted two times each year - by June 1 and December 1. The tests are prerequisites to issuance of a business license.
12. The applicant and owner shall comply with all federal, state and local water quality control, erosion and sediment control, floodplain, wetland, solid waste, environmental and other regulations applicable to the dumping, landfilling, stockpiling, removal or movement of dirt or hydraulic excavation byproduct, or other materials upon the subject property.
13. That the property meets the requirements of the approved site plan.
14. That the applicant schedules quarterly inspections with the City of Powder Springs to ensure continued compliance. Deadlines for quarterly inspections are October 31, December 31, March 30, and June 30.