



Lorraine Cochran-Johnson

Chief Executive Officer

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

Wednesday, June 10, 2025

Planning Department Staff Analysis



Juliana Njoku

Interim Director

N3. Case No: A-26-1248086

Parcel ID(s): 15 140 08 016

Commission District 03 Super District 06

Applicant: Carlos Bonilla / Altos Management LLC
4727 Old Lyme Court
Duluth, GA 30096

Owner: Altos Management LLC
4727 Old Lyme Court
Duluth, GA 30096

Project Name: 2090 Cherry Lane - Single-Family Residential Addition

Location: 2090 Cherry Lane, Decatur, GA 30032

Requests: Variance request from Section 27-2.2.1 of the DeKalb County Zoning Ordinance to reduce the required rear yard setback from 40 feet to 10 feet to facilitate construction of an addition to a single-family home in the R-75 (Residential Medium Lot-75) zoning district.

Staff Recommendation: Denial

STAFF FINDINGS:

The applicant requests a variance from the rear yard setback requirement to allow construction of a residential addition to an existing single-family home. The subject property is located at 2090 Cherry Lane and is zoned R-75. The property is a corner lot with frontage along Cherry Lane and Cherry Lane Road. The existing residence is located within the required rear yard setback and is assumed to be a lawful nonconforming structure.

The applicant proposes to construct an addition toward the rear of the existing residence. The submitted site plan indicates that the proposed addition would maintain a rear setback of approximately 10 feet where 40 feet is required. The applicant has provided alternative concepts showing that expansion toward the front or side of the property would be less functional, more visible from the public street frontage, and more disruptive to the established neighborhood pattern.

Surrounding land uses are primarily single-family residential. The property lies within the Suburban (SUB) Character Area.

1. 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.

The subject property contains an existing single-family residence that may be legally nonconforming with respect to the rear yard setback. The placement of the existing house limits the ability to construct a functional addition while complying with the current 40-foot rear setback requirement. The submitted materials also identify a mature tree in the front yard that further constrains expansion toward the street-facing portions of the property.

2. 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:

The requested variance may be beyond the minimum necessary to afford relief. The R-75 district requires a 40-foot rear yard setback. The applicant requests to reduce that setback to 10 feet, which represents a 30-foot reduction and a substantial departure from the dimensional standard. While the existing residence is assumed to be legally nonconforming, the proposed addition would extend and intensify the existing rear yard encroachment rather than limit relief to a modest adjustment.

3. 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:

The proposed addition is residential in nature and is intended to serve the existing single-family use of the property. The addition would be located toward the rear of the residence, where it may be less visible from the street than a front or side addition. However, reduced street visibility does not resolve the potential impact on adjacent residential property. The proposed addition would extend further into the required rear yard and may place the expanded structure too close to the neighboring property at 2066 Cherry Lane.

4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:

The hardship arises from the existing placement of the home, the corner lot configuration, and the constraints created by the current setback standards when applied to a previously constructed residence. Literal enforcement of the setback requirement would create unnecessary hardship by substantially limiting the applicant's ability to make a reasonable residential addition to the existing home. As the residence is legal non-conforming, a setback reduction variance would be required for any meaningful addition.

5. The requested variance would be consistent with the spirit and purpose of this Chapter and the DeKalb County Comprehensive Plan Text:

The purpose of rear setback requirements is to maintain adequate separation between structures, preserve access to light and air, protect neighboring properties, and support orderly residential development. In this case, the proposed addition may impede on these intents.

The Comprehensive Plan designates the site within the Suburban (SUB) Character Area, which supports the preservation and reinvestment of established residential neighborhoods. The proposed addition represents reinvestment in an existing single-family residence and does not introduce a use or development pattern inconsistent with the surrounding area.

FINAL STAFF ANALYSIS:

Staff acknowledges that the property's corner lot configuration, existing building placement, and mature front yard tree create practical constraints that may limit compliant expansion alternatives. However, the fact that a rear addition may be the applicant's preferred or most functional design does not establish that the requested 30-foot reduction from the required rear setback is the minimum relief necessary.

The proposed addition would reduce the required rear yard setback from 40 feet to 10 feet, resulting in a substantial encroachment into the required rear yard. While the addition may preserve the established building line along the street-facing portions of the corner lot, it would shift the impact toward the rear property line and may place the expanded structure too close to the neighboring property at 2066 Cherry Lane.

For these reasons, Staff finds that the request is not consistent with the minimum relief requirement, may be injurious to nearby residential property, and is not fully consistent with the spirit and purpose of the zoning ordinance. Therefore, Staff recommends denial.

Staff Recommendation: Denial

ZBA VARIANCE SUBMISSION

Property Address: 2090 Cherry Lane, Decatur GA 30032, DeKalb County, GA

Applicant: Carlos Bonilla, Sole Member for Altos Management LLC

To: DeKalb County Zoning Board of Appeals

Subject: Rear Yard Setback Variance Request (R-75 District)

Summary:

Request for variance from rear setback requirements under the DeKalb County Zoning Ordinance (Section 27-7.6) to reduce the rear setback from 40 feet to 10 feet to allow a residential addition to an existing legally nonconforming structure.

Exhibit A – Application Forms

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

ZONING BOARD OF APPEALS (ZBA) APPLICATION
to Amend the Official Zoning Map of DeKalb County, Georgia

APPLICANT/OWNER: Carlos Bonilla / Altos Management LLC

Subject Property Address: 2090 Cherry Lane

City: Decatur State: Georgia Zip: 30096

Parcel ID Number(s): 15 140 08 016

Commission District(s): 3 Super District(s): 6 Acreage: 0.23

TYPE OF HEARING REQUESTED (check one)

- VARIANCE (from Development Standards causing undue hardship upon owners of property.)
- SPECIAL EXCEPTIONS (to Reduce or Waive off-street parking or loading space requirements.)
- OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

***PLEASE REVIEW THE FILING GUIDELINES ON PAGE 4.
FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.***

I hereby authorize the staff of the Planning and Sustainable Department to inspect the property that is the subject of this application.

Owner Agent


Signature

4/9/2026
Date

**ZONING BOARD OF APPEALS (ZBA) APPLICATION FEE:
\$300.00**

DeKalb County does not require payment by wire transfer.
Be aware of scammers and fraudulent emails.
Email plansustain@dekalbcountyga.gov with any questions

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

Exhibit B – Signatures & Authorization



DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: 4/9/2026 Applicant Signature: 

DATE: _____ Applicant Signature: _____



DEPARTMENT OF PLANNING & SUSTAINABILITY

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

Date: 4/9/2026 Applicant/Owner Signature: [Signature]

TO WHOM IT MAY CONCERN:

(I)/ (WE): Altos Management LLC / Carlos Bonilla, authorized mems (Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Notary Public: [Signature] Niger Sultana Pop Owner/Applicant Signature: [Signature]



Date: 04/09/2026

On 4/9/26 Carlos Bonilla personally appeared before me and produced a Drivers license as identification. My commission expires 01/14/2030

Exhibit C – Letter of Intent

Dear Members of the Zoning Board of Appeals,

I respectfully submit this request to the DeKalb County Zoning Board of Appeals for a variance for the property located at 2090 Cherry Lane in unincorporated DeKalb County.

This request seeks relief from the rear yard setback requirements established under the DeKalb County Zoning Ordinance, including but not limited to Section 27-7.6 (Dimensional Requirements) and related provisions governing the R-75 zoning district. Specifically, I am requesting a reduction of the required rear building setback from 40 feet to 10 feet to permit a residential addition. The existing structure already encroaches into the required setback, and the proposed addition is designed to extend within the same general encroachment area, representing the minimum relief necessary to allow reasonable use and expansion of the home.

The existing residence was constructed prior to the adoption of the current zoning regulations and is therefore legally nonconforming with respect to the rear setback (see Figure 1, redlined area). The proposed addition (see Figure 2) is designed to extend from this existing footprint, allowing for a cohesive expansion while limiting the degree of additional encroachment to the minimum necessary.

The property presents practical difficulties in complying with the rear setback requirement due to the placement and configuration of the existing structure. Expansion toward the front or side yard areas was evaluated (see figure 3); however, such alternatives would disrupt the interior layout, and overall functionality of the property.

Additionally, the subject property is a corner lot and therefore has increased visibility within the neighborhood. Expansion in the front or side yard would extend beyond the established building line and would not align with the prevailing setbacks of neighboring homes, creating a condition inconsistent with the character of the surrounding area (see Figure 1).

The presence of a mature tree in the front yard further constrains expansion in that area, as its removal would require significant site disturbance and negatively affect the streetscape.

In contrast, the proposed rear addition provides a logical and functional extension of the existing residence while preserving the established neighborhood pattern along both street frontages. By building upon the existing nonconforming structure, the proposal minimizes overall impact and avoids introducing new inconsistencies where they would be most visible.

The hardship is not self-created, and the requested variance represents the minimum relief necessary to allow a reasonable and functional use of the property.

For these reasons, I respectfully request approval of the rear setback variance.

Thank you for your time and consideration.

Sincerely,

Carlos Bonilla

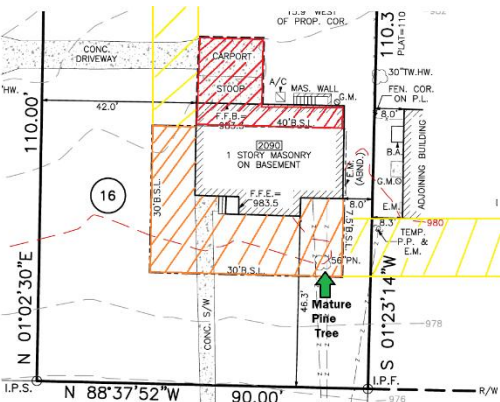
Sole Member, Altos Management LLC



Exhibit D
Figures 1 to 3 (Photos + Diagrammatic Explanations)



Photo of 2090 Cherry Lane (Corner Property)



Site plan for 2090 Cherry Lane (Submitted to DeKalb County)

- Key:**
- Current buildable area within the required setback lines
 - Area where viability continuity and streetscape would be disrupted if current buildable area is used for an addition
 - Mature Pine tree would limit a feasible expansion and removal would negatively impact streetscape and require significant land disturbance
 - Area where existing construction already encroaches into the required rear setback

Figure 1.

(LEFT) Photo showing current buildable area in the front and side of the property.

(RIGHT) Screenshot of site plan showing option with a front and side addition within the currently required setback lines.

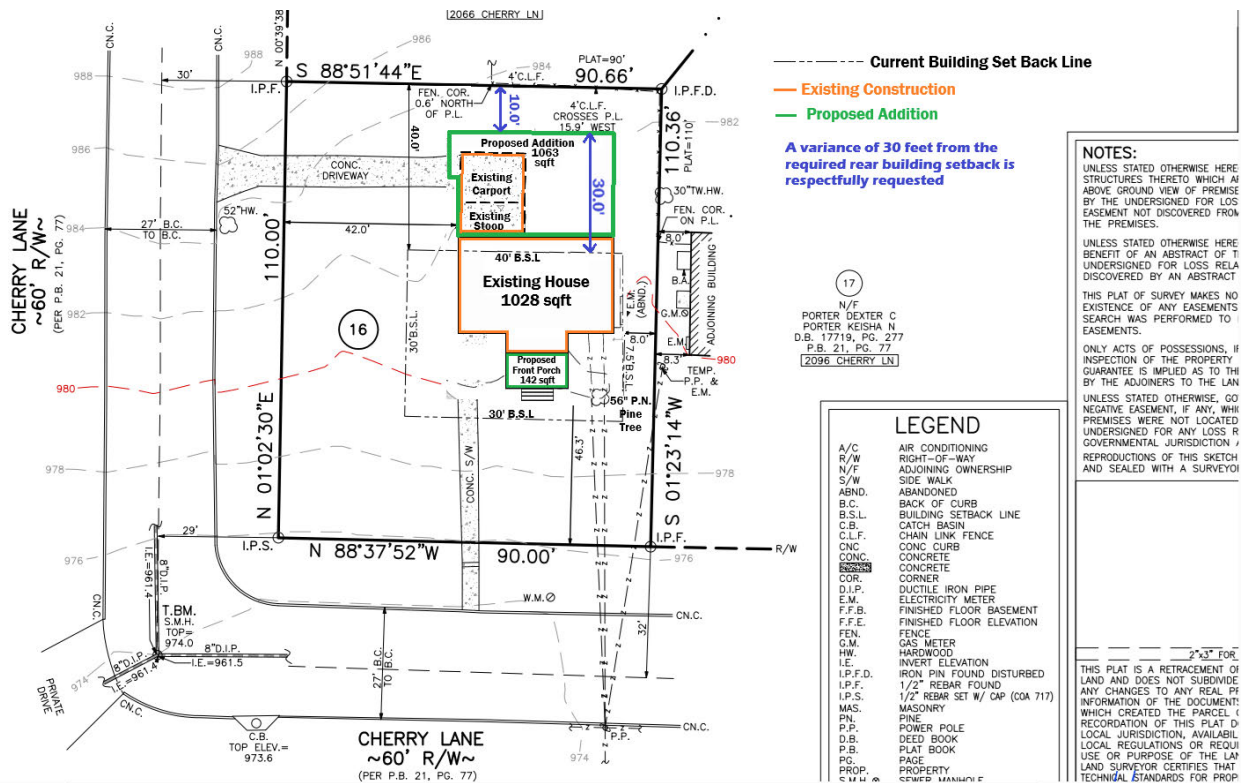


Figure 2. Screenshot of site plan depicting a cleaner option of a rear addition with a variance request.

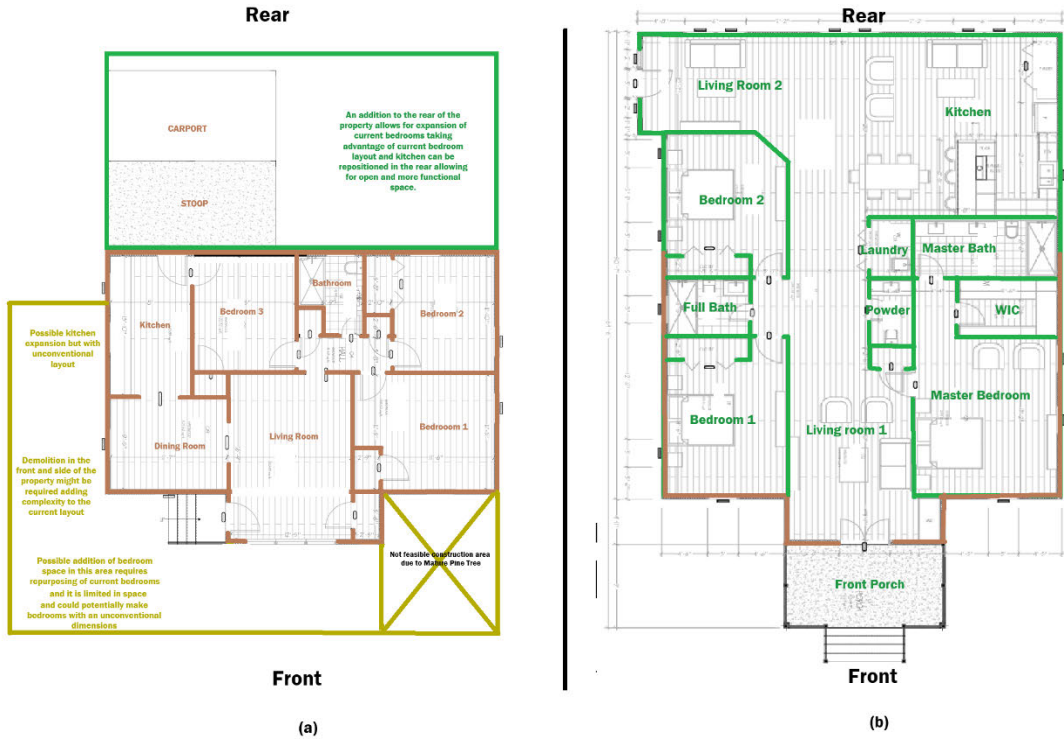


Figure 3.

(a) Existing house layout (brown lines) showing two options with a front and side addition with limitations in functionality (yellow lines) versus a rear addition (green lines).

(b) Proposed layout with variance to build a rear addition in the property showing a much cleaner functional layout.

Dear Members of the Zoning Board of Appeals,

I respectfully submit this request for a variance from the required rear yard setback for the property located at 2090 Cherry Lane in unincorporated DeKalb County.

The existing residence was constructed prior to the adoption of the current zoning regulations and is therefore legally nonconforming with respect to the rear setback (see Figure 1, redlined area). The proposed addition (see Figure 2) is designed to extend from this existing footprint, allowing for a cohesive expansion while limiting the degree of additional encroachment to the minimum necessary.

The property presents practical difficulties in complying with the rear setback requirement due to the placement and configuration of the existing structure. Expansion toward the front or side yard areas was evaluated (see figure 3); however, such alternatives would disrupt the interior layout, and overall functionality of the property.

Additionally, the subject property is a corner lot and therefore has increased visibility within the neighborhood. Expansion in the front or side yard would extend beyond the established building line and would not align with the prevailing setbacks of neighboring homes, creating a condition inconsistent with the character of the surrounding area (see Figure 1).

The presence of a mature tree in the front yard further constrains expansion in that area, as its removal would require significant site disturbance and negatively affect the streetscape.

In contrast, the proposed rear addition provides a logical and functional extension of the existing residence while preserving the established neighborhood pattern along both street frontages. By building upon the existing nonconforming structure, the proposal minimizes overall impact and avoids introducing new inconsistencies where they would be most visible.

The hardship is not self-created, and the requested variance represents the minimum relief necessary to allow a reasonable and functional use of the property.

For these reasons, I respectfully request approval of the rear setback variance.

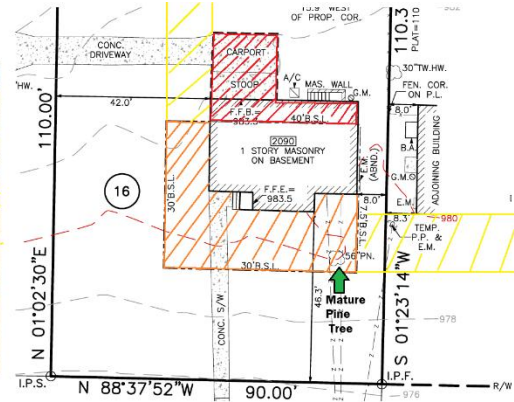
Thank you for your time and consideration.

Sincerely,

Carlos Bonilla



Photo of 2090 Cherry Lane (Corner Property)



Site plan for 2090 Cherry Lane (Submitted to DeKalb County)

- Key:**
- Current buildable area within the required setback lines
 - Area where visibility continuity and streetscape would be disrupted if current buildable area is used for an addition
 - Mature Pine tree would limit a feasible expansion and removal would negatively impact streetscape and require significant land disturbance
 - Area where existing construction already encroaches into the required rear setback

Figure 1. Photo and site plan showing option with front and side addition within the required setback lines

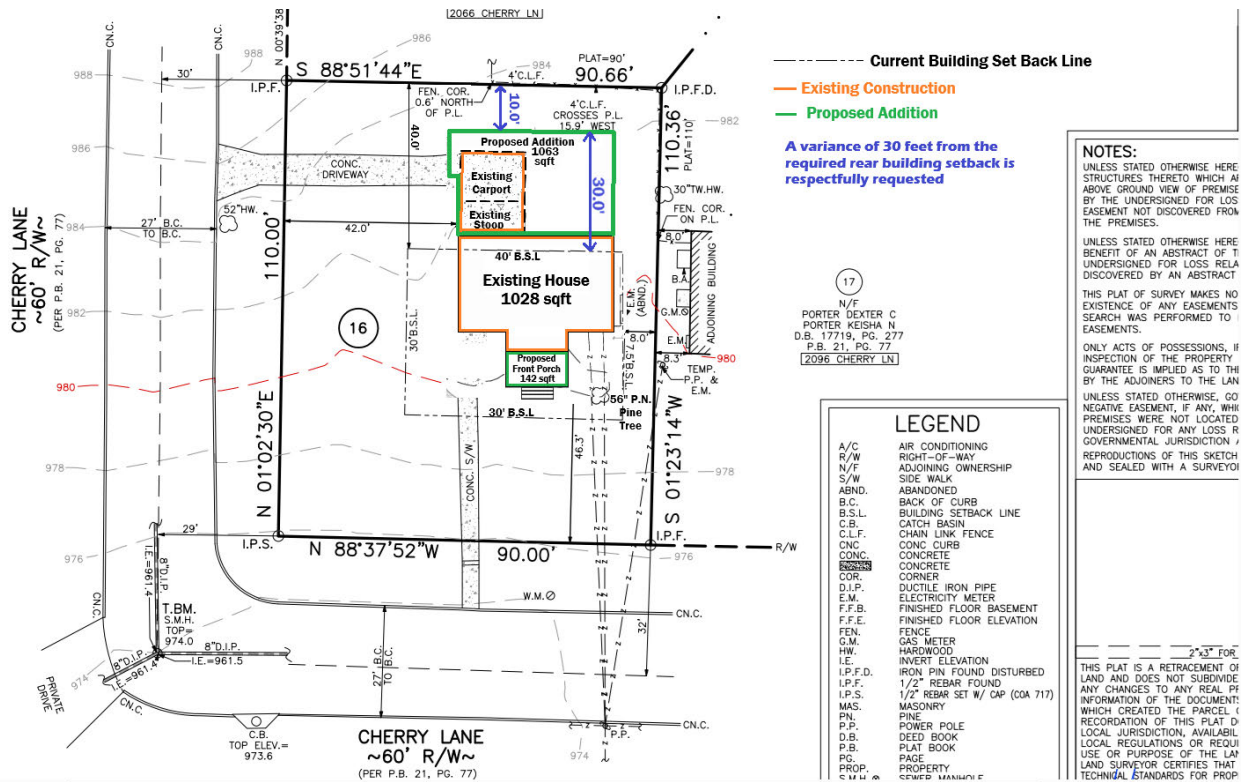


Figure 2. Site plan showing option with rear addition and variance request

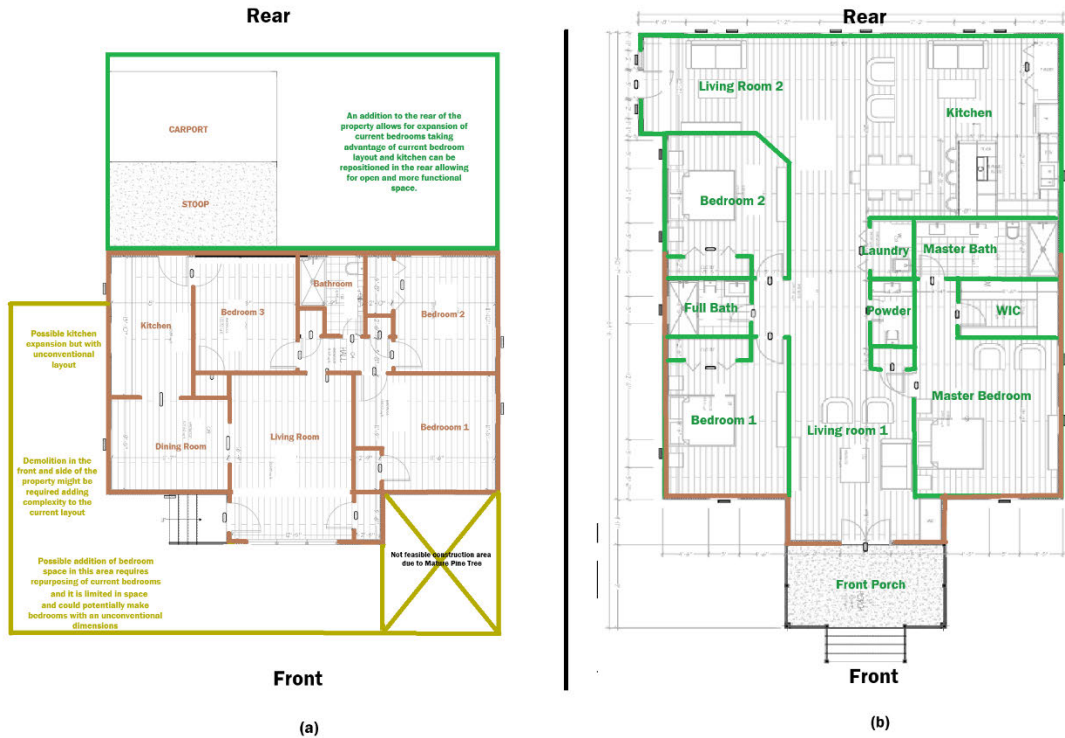


Figure 3.

(a) Existing house layout (brown lines) showing two options with a front and side addition with limitations in functionality (yellow lines) versus a rear addition (green lines).

(b) Proposed layout with variance to build in the rear of the property showing a more functional layout that flows.

