



**DeKalb County Zoning Board of Appeals**  
Department of Planning & Sustainability  
330 Ponce De Leon Avenue, Suite 300  
Decatur, GA 30030



Michael L. Thurmond  
Chief Executive Officer

**Wednesday, December 9, 2020 at 1:00 PM**

**Planning Department Staff Analysis**

**N1 Case No: A-20-1244429 Parcel ID(s): 18-231-07-004**

**Commission District: 01 Super District 07**

**Applicant:** Wes Busby  
3605 Presidential Parkway  
Atlanta, GA 30340

**Owner:** Jason Bokina  
3042 Cherrywood Ct NE  
Atlanta, GA 30345

**Project Name:** 3042 Cherrywood Ct NE

**Location:** The property is located on the north side Cherrywood Court, at 3042 Cherrywood Court, Atlanta, GA 30345.

**REQUEST:** Variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the rear yard setback for a proposed addition, relating to R-100 zoning district.

**Staff Recommendation:** **“Approval” based on the submitted site plan received November 5, 2020.**

## **STAFF FINDINGS:**

**Site Location:** The property is located on the north side Cherrywood Court, at 3042 Cherrywood Court, Atlanta, GA 30345.

**Variance request:** Variance from Chapter 27 of the DeKalb County Zoning Ordinance to reduce the rear yard setback for a proposed addition, relating to R-100 zoning district.

**Variance Analysis:** Based on the submitted materials, the applicant is requesting to reduce the rear yard setback from 40 feet to 20 feet for a proposed 352 square foot rear addition and a proposed 625 square foot carport located on the western side of the existing single family detached structure. The DeKalb County zoning ordinance requires a 40 feet rear yard setback for all structures within the R-100 zoning district. Based on the submitted site plan, the proposed additions will encroach into the rear yard setback, and based on the submit survey it appears the structure is placed on an irregular shape lot causing an undue hardship for the applicant.

Based on the submittal materials, due to the site constraints of the subject property, it appears that the requested variance meets the criteria for approval based on the following criteria:

**1. By reason of exceptional narrowness, shallowness or shape of a specific lot, or by reason of exceptional topographic conditions, which were not created by the owner or applicant, 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:**

Based on the submitted site plan, by reason of the shape of the lot, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners.

**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:**

Due to the existing site constraints, it appears that the requested variance does not go beyond that minimum necessary to afford relief. Therefore, granting this variance 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.

**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:**

Granting this 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.

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

Based on the submitted materials, due to the irregular shape of the subject lot, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant.

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

Based on the submitted materials, it appears that the requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

**FINAL STAFF ANALYSIS:**

Based on the submitted materials, due to the irregular shape of the subject lot, the strict application of the applicable provisions and requirements of this chapter would cause an undue hardship for the applicant. Therefore, the Department of Planning and Sustainability recommends that the application be “approved” as shown on the submitted site plan received on August 6, 2020.

**STAFF RECOMMENDATION: “Approval” based on the submitted site plan received November 5, 2020.**



DeKalb County Department of Planning & Sustainability

Hon. Michael Thurmond  
Chief Executive Officer

Andrew Baker, AICP,  
Director

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING  
(VARIANCES, SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE DECISIONS)**

BOA No. \_\_\_\_\_

Applicant and/or  
Authorized Representative Wes Busby

Mailing Address: 3605 Presidential Parkway

City/State/Zip Code: Atlanta, GA 30340

Email: wesb@silveroakremodel.com

Telephone Home: 770-827-1200 Business: 770-892-6688 Fax No.: \_\_\_\_\_

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: Jason Bokina

Address (Mailing): 3042 Cherrywood Ct NE

City/State/Zip Code: Atlanta, GA 30345

Email: jasonbokina@gmail.com

Telephone Home: (404) 502-5525 Business: \_\_\_\_\_ Fax No.: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: 3042 Cherrywood Ct NE City: Atlanta State: GA Zip: 30345

District(s): 18 Land Lot(s): 231 Block: B Parcel: Lot 5

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: R-100 Commission District & Super District: Super Dist 7

**CIRCLE TYPE OF HEARING REQUESTED**

**• VARIANCE (From Development Standards causing undue hardship upon owners of property.)**

• SPECIAL EXCEPTIONS (To reduce or waive off-street parking or loading space requirements.)

• OFFICIALS APPEALS OF ADMINISTRATIVE DECISIONS.

TO BE COMPLETED BY PLANNING AND SUSTAINABILITY DEPARTMENT

Date Received: \_\_\_\_\_

Fee Paid: \_\_\_\_\_



## 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: 10/06/2020

Applicant:   
Signature

DATE: \_\_\_\_\_

Applicant: \_\_\_\_\_  
Signature



DeKalb County  
GEORGIA

3

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: 10/06/20

Applicant/Agent: Wes Busby  
Signature

TO WHOM IT MAY CONCERN:

(I)/ (WE) Jason Bokina  
(Name of Owners)

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

Wes Busby  
(Name of Applicant or Representative)

To file an application on (my) / (our) behalf

Mark Almazan  
Notary Public

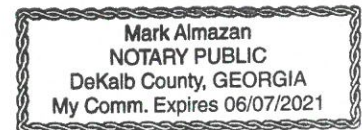
J. Bokina  
Owner

Notary Public

Owner

Notary Public

Owner



# Letter of Intent

## Dekalb County Variance Application

Applicant:  
Wes Busby

Property:  
3042 Cherrywood Ct NE  
Atlanta, GA 30345

### I. Introduction

Please accept this letter on behalf of Jason Bokina, the property owner of the subject property at 3042 Cherrywood Ct NE Atlanta, GA 30345. We are seeking approval to reduce the minimum rear setback on the property from (40) feet to (20) feet in order construct an addition.

The existing condition of the subject property is a single-family home that is already built over the rear setback line. The proposed addition will require a variance to reduce the rear setback line because the lot is unusually shallow and non-conforming. The requested variance would reduce the rear setback from 40 feet to 20 feet. Because the lot is exceptionally shallow the building envelop has been reduced below the size intended by the Dekalb County Zoning Ordinance. The strict application of the 40 foot rear setback would deprive the property owner of the right and privileges enjoyed by other property owners in the same zoning district.

### II. Basis For Variance Request

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, 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.

The existing condition of the subject property is a single-family home that is already built over the rear setback line. The proposed addition will require a variance to reduce the rear setback line because the lot is unusually shallow and non-conforming. The requested variance would reduce the rear setback from 40 feet to 20 feet. Because the lot is exceptionally shallow the building envelop has been reduced below the size intended by the Dekalb County Zoning Ordinance. The strict application of the 40 foot rear setback would deprive the property owner of the right and privileges enjoyed by other property owners in the same zoning district.

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 request to reduce the rear yard setback to 20 feet is the minimum necessary to afford relief from the hardship caused by the unusual shape of the non-conforming lot. We have explored additions on other areas of the home, but no other location orient with the living space inside the home in a way that would provide usability to the homeowner.

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 rear setback variance will benefit the property and the zoning district by adding value and usability to the home making it more desirable to the current homeowners as well as future owners. The proposed rear setback variance will not have a detrimental effect on adjacent properties as the location of the proposed addition does not unduly encroach upon the neighbors' properties. In addition, due to the topography of the lot, the proposed addition will be well below the level of the rear neighbor's home so the visually impact will be minimal. There is also a vegetative screening that further obscure visibility between the two homes.

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

The literal interpretation and strict application of the rear yard minimum setback requirements causes undue and unnecessary hardship to the property due to the unusually shallow building envelop. The non-conforming building area restricts the homeowner's ability to cost effectively add on to the home in order to meet there needs which unduly devalues the property.

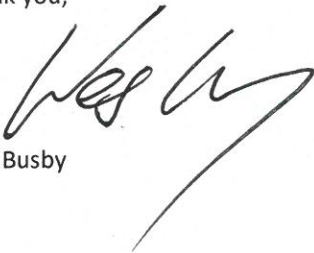
5. The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text.

The proposed rear setback variance is consistent with the spirit and purpose of the Zoning Ordinance and the comprehensive plan. Specifically, the spirit and purpose as to allow the owners to maximize the usefulness and value of the home at the level intended and afforded by the zoning district.

### III. Conclusion

For the foregoing reasons, we respectfully request that the Dekalb County Board of Appeals approve this variance as requested. If there are any questions about the variance request, please contact me at (770) 827-1200 or at [wesb@silveroakremodel.com](mailto:wesb@silveroakremodel.com).

Thank you,



Wes Busby



**GENERAL NOTES:**

- 1: This Plat has been prepared without the benefit of a current title report. Easements or encumbrances may exist that are not shown on this plat.
- 2: This plat is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.
- 3: Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities.
- 4: No Geodetic monuments were found within 500 feet of this site
- 5: This Plat has been prepared for the exclusive use of the person(s) or entities named hereon.

**SURVEY DATA:**

TYPE OF SURVEY: RETRACEMENT  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 23796 PG 432  
 PROPERTY OWNER AT TIME OF SURVEY: JASON A. BOKINA & TARA H. JUNTUNEN  
 PARCEL NUMBER: 18-231-07-004

TOTAL AREA: 17,886 SQ. FT., 0.41 AC.

CALCULATED PLAT CLOSURE: 1:131.815

**FIELD DATA:**

DATE OF FIELD SURVEY: 5-28-2015

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.048 FEET.

EQUIPMENT:  
 ELECTRONIC TOTAL STATION

**SURVEY FOR**  
**JASON BOKINA**  
**LOT 5, BLOCK B, UNIT 1, WOOD VALLEY SUBDIVISION**  
**3042 CHERRYWOOD COURT**

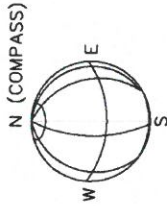
DEKALB COUNTY, GEORGIA  
 LAND LOT 231, DIST 18  
 DATE: JUNE 1, 2015

REFERENCE:  
 PB 28 PG 35  
 PB 30 PG 99  
 DB 23796 PG 432  
 SURVEY FOR HERBERT E. BROUGHTON, JR.  
 BY JOSEPH C. KING DATED 5/31/1986

FLOOD HAZARD NOTE: THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF DEKALB COUNTY, GEORGIA 13089C0057J EFFECTIVE DATE MAY 16, 2013

ZONING: R-100

IMPERVIOUS SURFACES:  
 DRIVE & FRONT WALK = 1,648 SQ. FT.  
 HOUSE = 1,964 SQ. FT.  
 BRICK = 331 SQ. FT.  
 CONC. PADS = 123 SQ. FT.  
 WALLS = 29 SQ. FT.  
 TOTAL IMPERVIOUS = 4,095 SQ. FT. (22.9%)  
 TOTAL LOT = 17,886 SQ. FT.



**LEGEND**

- EOP EDGE OF PAVEMENT (CURB)
- PP POWER POLE
- R/W RIGHT OF WAY
- PF IRON PIN FOUND
- IPS 1/2" REBAR SET
- SM SIDE WALK
- BOLLARD
- OHP OVERHEAD POWER
- FH FIRE HYDRANT
- CB CATCH BASIN
- MH MANHOLE
- WM WATER METER
- WV WATER VALVE
- GV GAS VALVE
- GM GAS METER
- LP LIGHT POLE
- CONCRETE PAD



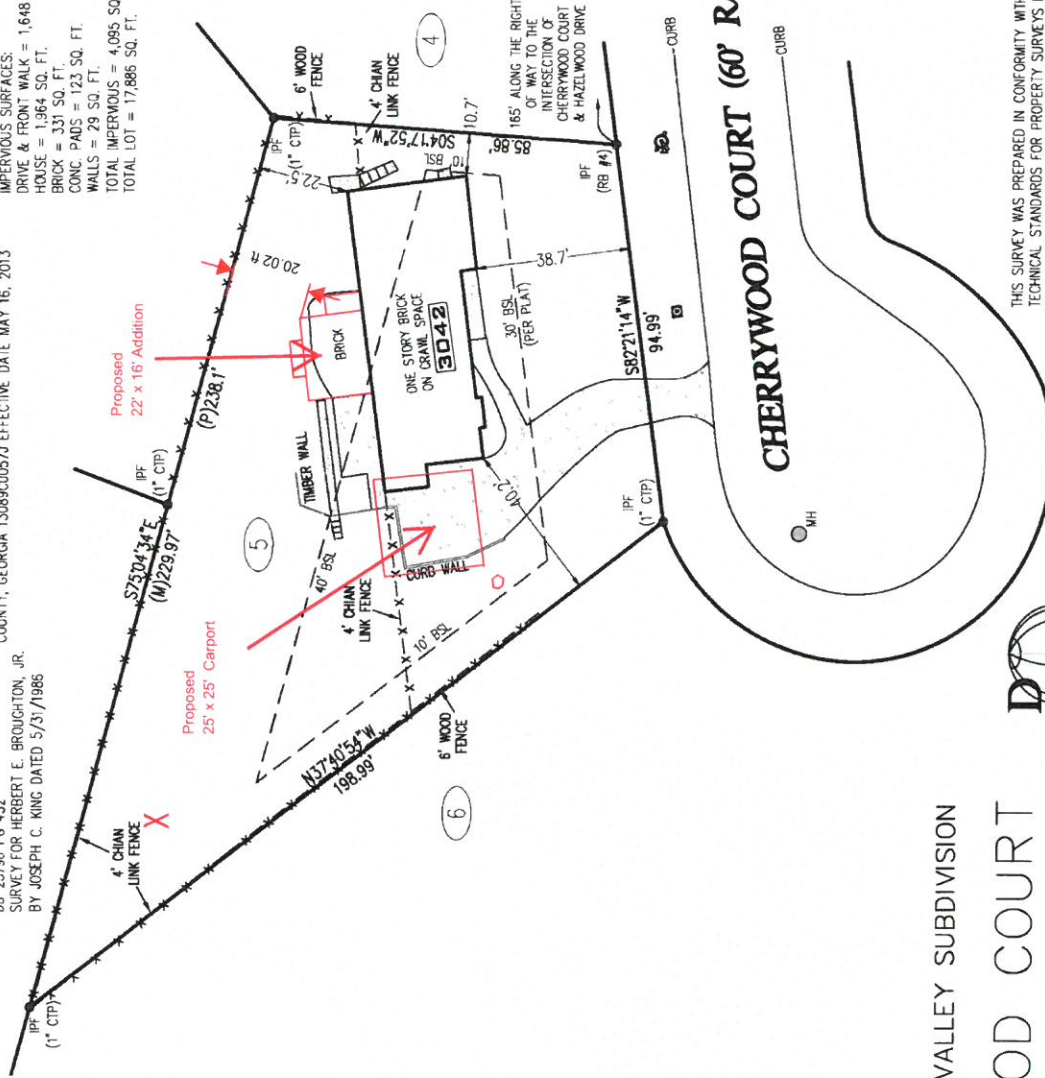
FOR  
 DEKALB SURVEYS, INC.  
 407 W. PONCE DE LEON  
 SUITE B  
 DECATUR, GEORGIA 30030  
 404.373.9003



www.dekalbsurveys.com

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67, AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

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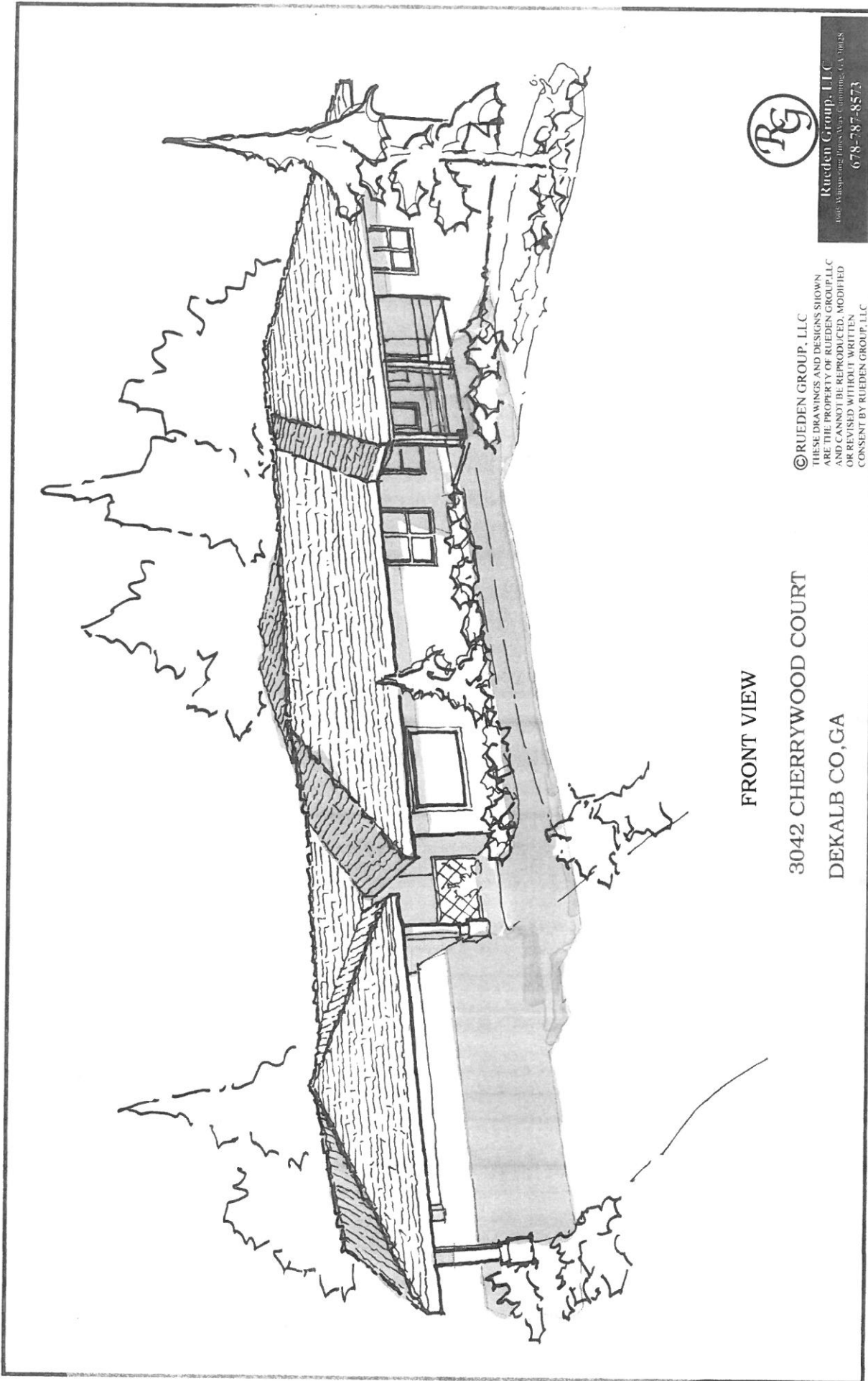


**CHERRYWOOD COURT (60' R/W)**

CURB

**CHERRYWOOD COURT (60' R/W)**

CURB



FRONT VIEW

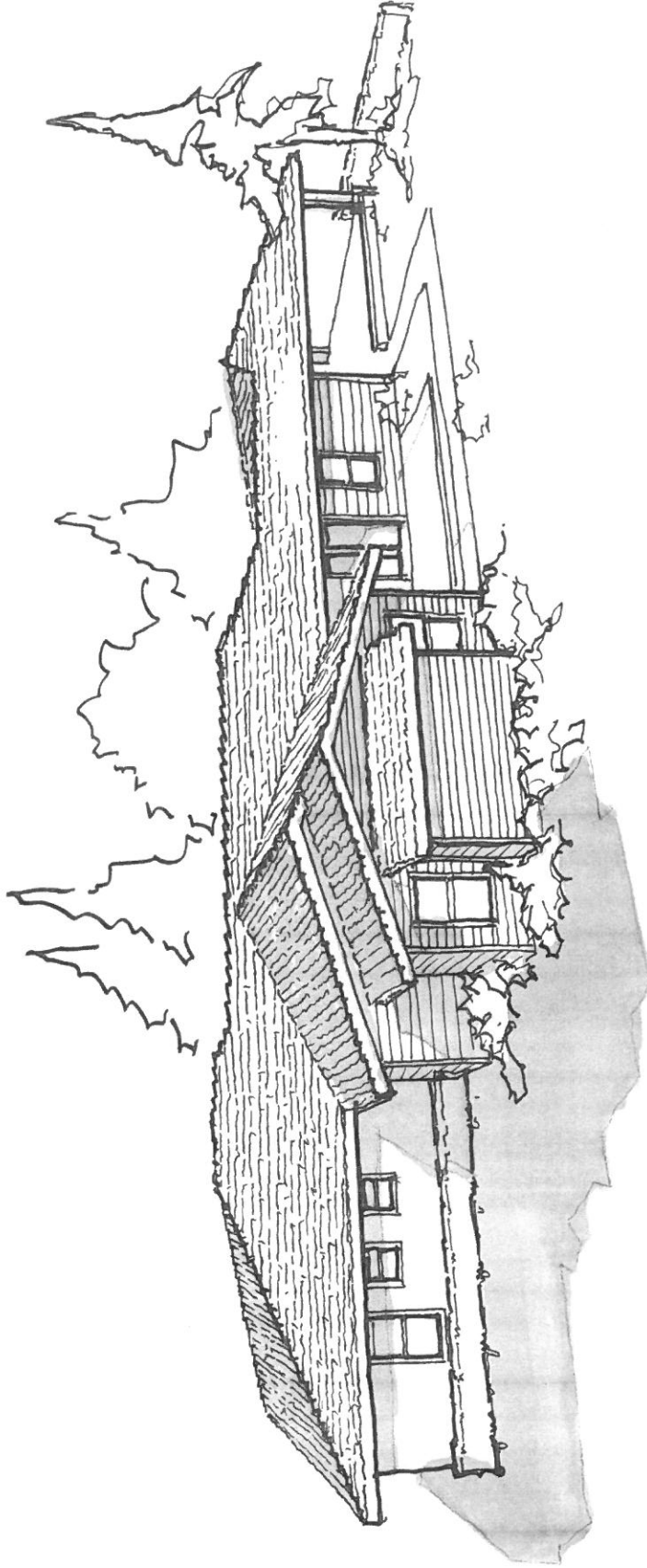
3042 CHERRYWOOD COURT

DEKALB CO, GA



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CONSENT BY RUEDEN GROUP, LLC

Rueden Group, LLC  
1000 Westpark Drive, Suite 100, Marietta, GA 30068  
678-787-8573



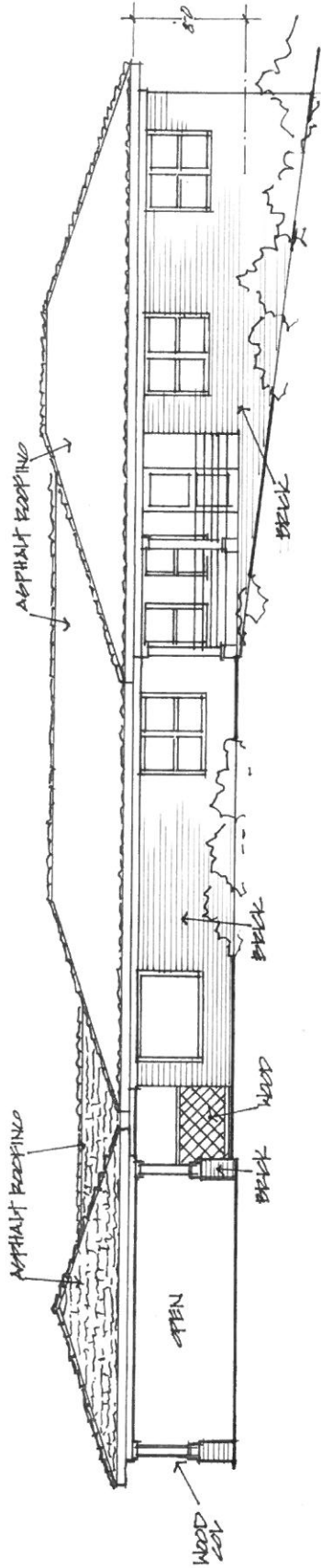
BACK VIEW

3042 CHERRYWOOD COURT  
DEKALB CO, GA



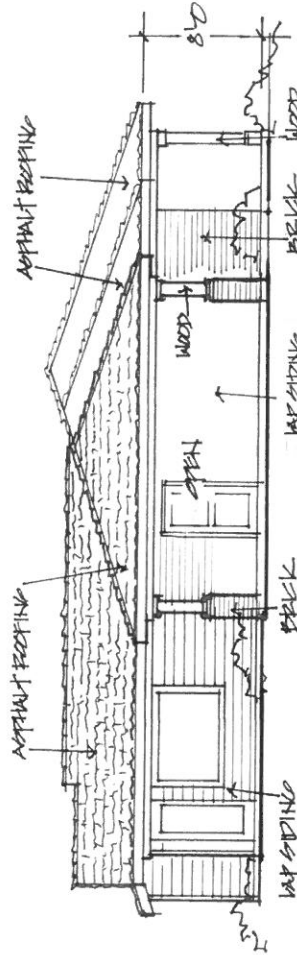
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Rueden Group, LLC  
1000 Whiskey Ridge, Plains, VA 22646, VA 50148  
078-787-8573



FRONT ELEVATION

1/8"=1'-0"



LEFT ELEVATION

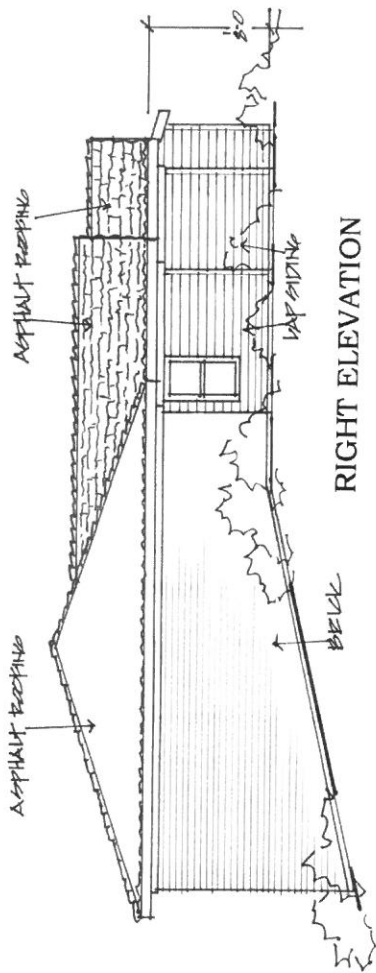
1/8"=1'-0"

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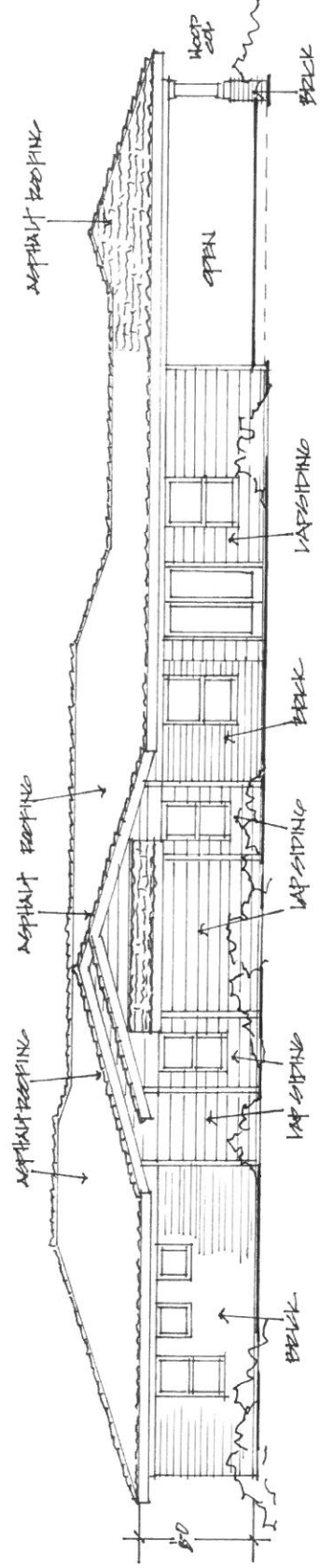
Rueden Group, LLC  
 4000 Ashford Dunwoody, Atlanta, GA 30345  
 678-87-8573

3042 CHERRYWOOD COURT  
 DEKALB CO, GA



RIGHT ELEVATION

1/8" = 1'-0"



BACK ELEVATION

1/8" = 1'-0"



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Rueden Group, LLC  
 1001 W. Peachtree Dunwoody Ave., Suite 1000  
 Atlanta, Georgia 30328  
 678-787-8573

3042 CHERRYWOOD COURT  
 DEKALB CO, GA