



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: V24-024

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**Agenda Date:** 2/14/2024

**In Control:** License and Variance Board

**File Type:** Variance Item

**Agenda Section:**  
Formal Business

**Agenda Number:** {{item.number}}

**Department:** Community Development

**Agenda Title:**

Public Hearing - Variance Request - V24-007 - Allow encroachment into the 75-foot impervious surface area setback - Land Lot 388 - 4561 Derby Lane - David Balzer

***Ward 4 Councilmember - Charles***

**ISSUE AND BACKGROUND:**

The applicant is requesting a variance to allow encroachment into the City's 75-foot impervious surface area setback to rebuild an existing deck on the rear of the home. The City's stream buffers are controlled by Chapter 46, Article VI.

**RECOMMENDATION / REQUESTED ACTION:**

The applicant is requesting relief from the City's 75-foot impervious surface area setback to rebuild an existing deck. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. After a review of the standards above, Community Development believes that the encroachment will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variance with the following condition:

1. Approval of the requested variance is conditioned upon substantial compliance with the site plan submitted with the variance application.