



Variance Application

VAR-24-5

Submitted On: Jan 11, 2024

Applicant

 Bob Ward  
 6786432518  
@ sales@barefootdecks.net

Primary Location

4561 DERBY LN SE  
SMYRNA, GA 30082

Applicant Information

First Name

David

Last Name

Balzer

Street Address

1220 Kennestone Circle Suite 104

City

Marietta

State

Georgia

Zip Code

30066

Email

david@barefootdecks.net

Phone Number

6786431662

Are you the titleholder of the subject property?

No

Titleholder Information

Full Name (i.e., First and Last Name, or Name of Entity)

Chris Hein

Street Address

4561 Derby Ln

City

Smyrna

State

Georgia

Zip Code

30082

Email Address

chris.ashleigh.house@gmail.com

Phone Number

(470)357-5638

Property Information

Property Address

4561 Derby Ln Smyrna Ga 30082

Description of Requested Variances

encroachment of 75ft steam buffer by 14ft to replace deck (same size as existing)

Comprehensive Narrative

In rendering its decisions, the License and Variance Board shall consider the following factors:

- 1. Whether there are extraordinary and exceptional conditions applying to

the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.

2. Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.

3. Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.

4. Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

**A comprehensive narrative detailing the extraordinary and exceptional conditions which will necessitate a nonconforming use.**

Original deck was built, most likely before the 75ft stream buffer existed, and is now aged, unsafe, and in need of replacement. Replacing deck with a deck of the same dimensions. Moving lower section of stairs slightly to accommodate new deck codes and to land at a safer more level area. Existing stairs fully in stream buffer as they are. Almost the entire existing deck lies within the stream buffer. Would not be able to build any size deck to exit back doors of home without encroaching on the stream buffer. Back doors approx 6ft and 9ft from ground level. Current homeowner purchased the home with deck as is in 2020. Deck appears to be at least 20 years old.

## Acknowledgement

Applicant further affirms they are aware that any knowingly false statement made in the permit application may subject said applicant to prosecution for violation of Georgia Criminal Code, Section 16-10-20 (False Swearing) and a possible fine of not more than \$1,000.00 or imprisonment for not less than one (1) nor more than five (5) years, or both.

**Applicant Signature:**

true

**PROPERTY OWNER AUTHORIZATION**

City of Smyrna Community Development Department, 3180 Atlanta Rd, Smyrna, GA 30080

Office Phone 678-631-5387 / Fax 770-431-2808

I, Christopher Hein, swear that I am the Property Owner of the property

located at: 4561 Derby Ln SE, Smyrna, GA 30082

as shown in the records of Cobb County, Georgia, which is the subject matter of the attached application.

I authorize the person named below to act as the applicant in pursuit of this application.

Name of Applicant (print clearly): Christopher Hein

Address: 4561 Derby Ln SE, Smyrna, GA 30082

Telephone: 470-457-5638

Email: chris.ashleigh.house@gmail.com

I have read, understood, and answered the aforementioned items to the best of my knowledge. If I am found to have misrepresented myself on this affidavit or the attached application, I am aware I may be in violation of the City Code and run the risk of being issued a citation for violation of the City of Smyrna Code of Ordinances.

(Must be signed by the property owner. If the landowner is a corporation, the form must be signed by an officer of the corporation.)

Signature of Property Owner

4561 Derby Ln SE

Address

Christopher Hein

Name of Property Owner (print clearly)

Smyrna, GA, 30082

City, State, Zip

**NOTIFICATION OF CONTIGUOUS OCCUPANTS  
OR LANDOWNERS**

By signature, it is hereby acknowledged that I have been notified by Chris Hein at 4561 Derby Ln Smyrna

Intends to make an application for a variance for the purpose of \_\_\_\_\_  
Encroaching 75ft stream buffer by 14ft to replace existing deck with deck of the same size

\_\_\_\_\_ on the premises described in the application.

NAME	ADDRESS
<u>[Signature]</u>	<u>4551 Derby Ln. Smyrna, GA 30082</u>
<u>Joseph P. Broadhurst</u>	<u>4530 Derby Ln. Smyrna, GA</u>
<u>Katie Cowan</u>	<u>4571 Derby Ln Smyrna 30082</u>
<u>Melissa Alliland</u>	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Please have adjacent property owners sign this form to acknowledge they are aware of your variance request. You may also provide certified mail receipts of notification letters sent to adjacent properties. Notification letters shall include a description of the requested variance, the License and Variance Board Meeting date and time, and a copy of the completed variance application. Adjacent and adjoining properties include any property abutting the subject property as well as any properties directly across a street.

3:15

5G 60



# Mail Receipt

PDF - 2.5 MB



9589 0710 5270 1281 8183 43

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com).

**Smyrna, GA 30082**

**OFFICIAL USE**

Certified Mail Fee	\$4.35	0676 1050  Postmark Here  01/12/2024
Extra Services & Fees (check box, add fee as appropriate)	\$0.00	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$0.66	
Total Postage and Fees	\$5.01	
Sent To		
Street and Apt. No., or PO Box No. 4390 Nowlin Dr.		
City, State, ZIP+4® Smyrna GA 30082		

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for instructions



Lead Opportunity - Bu...

Mail - Brandi Archer - C...


Chris Hein Survey.pdf

Submit Variance Appli...

Real Estate Bill Details

\*Neighbor\_Notificac...

← ↻ 🏠 🔒 https://cityofsmymaga.muniselfservice.com/css/citizens/RealEstate/ViewBill.aspx

Munis Self Service

Home

Citizen Self Service

Personal Property (Boats, etc.)

Real Estate (Your House or Land)

View Bill

Charges

Property Detail

Owner Information

Assessment

Assessment History

Tax Rates

All Bills

Contact Us

Search Results

New Search

Real Estate (Your House or Land)

View Bill

View b

As of

1/9/2024

Bill Year

2023

Bill

7427

Owner

HEIN CHRISTOPHER &

Parcel ID

17038800440

View payments/adjustments

Installment	Pay By	Amount	Payments/Credits
1	11/15/2023	\$1,431.57	\$1,431.57
TOTAL		\$1,431.57	\$1,431.57

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Printed: 1/9/2024

## Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
PENNYMAC

**HEIN CHRISTOPHER &  
WEEKLEY ELIZABETH**

**Payment Date: 10/12/2023**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	17038800440	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$4,198.07	\$0.00



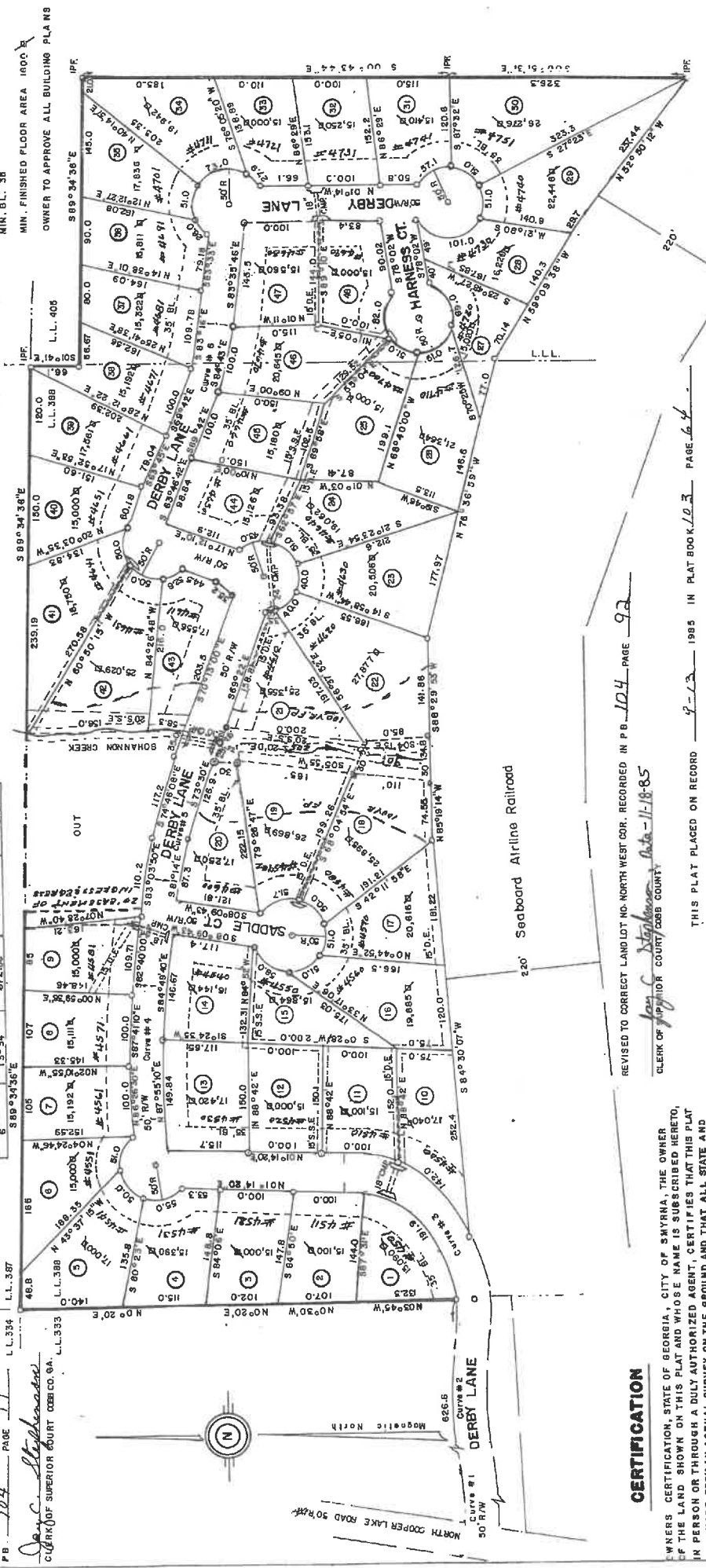
Scan this code with your  
mobile phone to view  
this bill!!

NOTE: MAXIMUM LOT COVERAGE 35%  
ZONING R-15  
REAR YARD 30'  
SIDE YARD 10'  
MIN. BL. 30'  
MIN. FINISHED FLOOR AREA 1000  
OWNER TO APPROVE ALL BUILDING PLANS

NOTE: REVISED LOTS 33, 34, 35 TO CORRECT LOT LINES.  
RECORDED 10-14-1985 PB 104 PAGE 25  
CLERK OF SUPERIOR COURT COB COUNTY GA.

NO	A	R	L	T
1	15.38	715.04	198.70	100.0
2	10.71	1104.15	199.45	100.0
3	90.00	180.00	282.73	180.0
4	1.15	31.66	199.99	100.0
5	8.77	86.69	156.25	80.0
6	13.34	872.36	156.25	80.0

NOTE: REVISED LOTS 33, 34, 35 TO CHANGE LOT LINES.  
RECORDED 10-9-1985  
PB 104 PAGE 17  
CLERK OF SUPERIOR COURT COB COUNTY GA.



### CERTIFICATION

OWNERS CERTIFICATION, STATE OF GEORGIA, THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY ON THE GROUND AND THAT ALL STATE AND COUNTY AND TOWN TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID AND THAT HE DEDICATES TO THE USE OF THE PUBLIC FOREVER ALL STREETS, ALLEYS, PARKS AND WATER COURSES, DRAINS, EASEMENTS AND PUBLIC PLACES THEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS THEREIN EXPRESSED.

OWNER W. L. Smith SEPT. 1985  
C. J. FOUTS

### CERTIFICATE

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS MADE FROM AN ACTUAL SURVEY OF THE PROPERTY AND WAS UNDER MY SUPERVISION THAT ALL MONUMENTS SHOWN THEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE MONUMENTS AND THAT ALL ENGINEERING REQUIREMENTS OF THE LAND SURVEYING REGULATIONS OF THE CITY OF SNYRNA GEORGIA HAVE BEEN FULLY COMPLIED WITH

BY A. C. Cudde REGISTERED GEORGIA LAND SURVEYOR NO. 1468

CLERK OF SUPERIOR COURT COB COUNTY, GEORGIA



## CHURCHILL DOWNS

LOCATED IN LAND LOT 333 368 405 17TH. DIST. 2ND. SECT.

CITY OF SNYRNA, COBB COUNTY, GEORGIA

A.O. CARLILE-SURVEYOR 723 COLLINS RD. MARIETTA, GEORGIA 30066 (404) 422-3655

SCALE 1" = 100'

### CITY OF SNYRNA GA. CERTIFICATION

THIS PLAT HAVING BEEN SUBMITTED TO CITY OF SNYRNA AND HAVING BEEN FOUND TO COMPLY WITH THE MASTER PLAN, THE CITY OF SNYRNA SUBDIVISION REGULATIONS AND THE CITY OF SNYRNA ZONING REGULATIONS IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS AND ALL OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS.

CITY ENGINEER W. L. Smith  
DATE Sept 13, 1985  
CHAIRMAN, PLANNING COMMISSION W. L. Smith  
DATE Sept 13, 1985  
MAYOR W. L. Smith  
DATE Sept 13, 1985