



## License and Variance Board Meeting - Final

February 14, 2024  
10:00 AM

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



# 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:** M

**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***

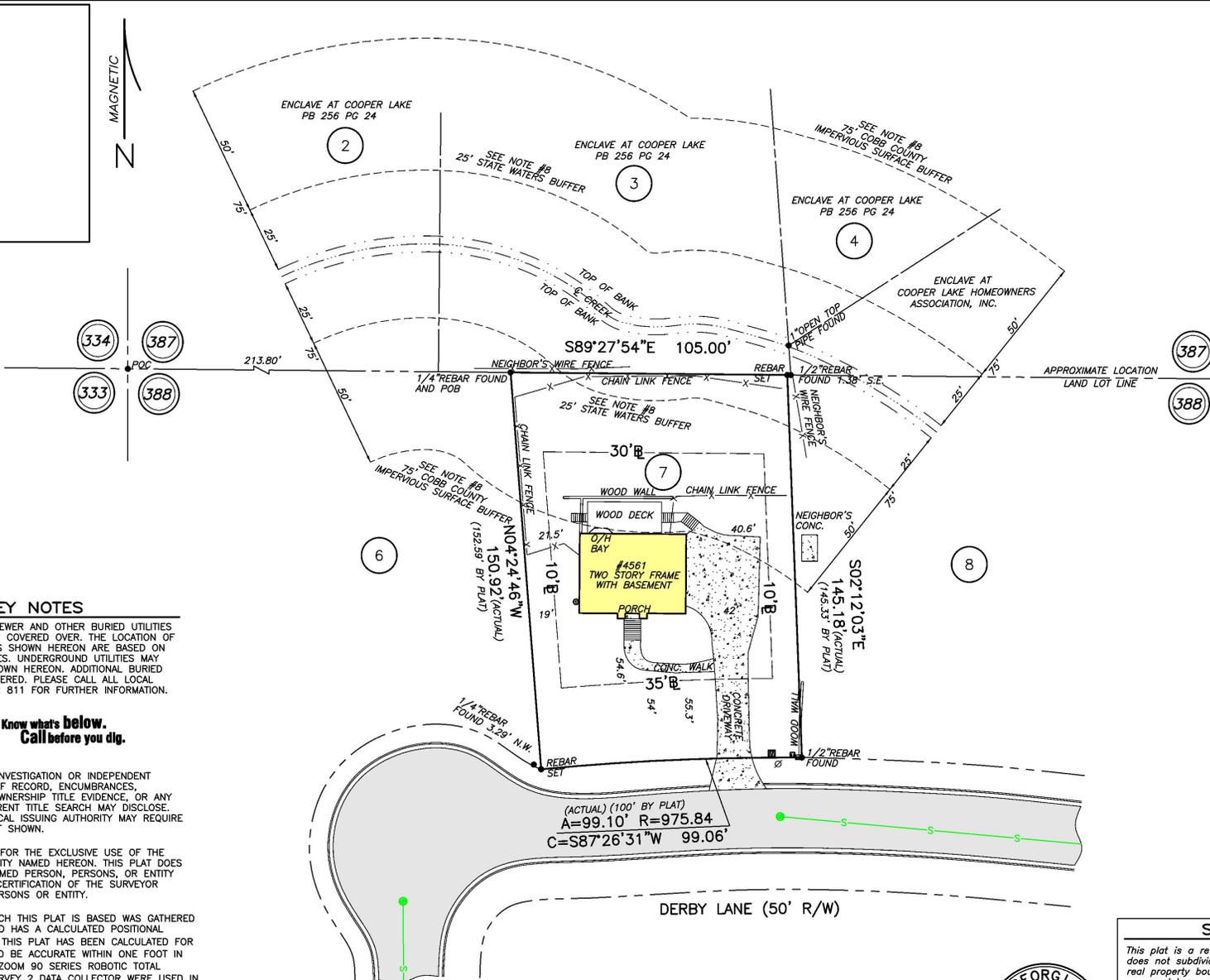
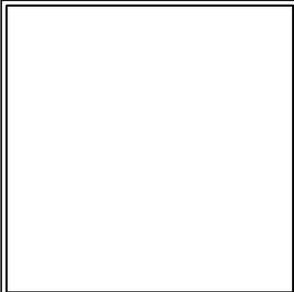
**ISSUE AND BACKGROUND:**

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.



LEGEND	
B	DENOTES BUILDING LINE
P	DENOTES PROPERTY LINE
R/W	DENOTES RIGHT-OF-WAY
BC	DENOTES CENTERLINE
G	DENOTES BACK OF CURB
G	DENOTES GUTTER
EP	DENOTES EDGE OF PAVING
TW	DENOTES TOP OF WALL
BW	DENOTES BOTTOM OF WALL
X-X	DENOTES FENCE
RCP	DENOTES REINFORCED CONCRETE PIPE
CMP	DENOTES CORRUGATED METAL PIPE
PP	DENOTES POWER POLE
LP	DENOTES LIGHT POLE
P	DENOTES GUY WIRE
PM	DENOTES POWER METER
PB	DENOTES POWER BOX
FO	DENOTES FIBER OPTIC
A/C	DENOTES AIR CONDITION
CB	DENOTES CABLE BOX
TB	DENOTES TELEPHONE BOX
GM	DENOTES GAS METER
GV	DENOTES GAS VALVE
GLM	DENOTES GAS LINE MARKER
WM	DENOTES WATER METER
WV	DENOTES WATER VALVE
FH	DENOTES FIRE HYDRANT
MW	DENOTES MONITORING WELL
HW	DENOTES HEADWALL
JB	DENOTES JUNCTION BOX
DI	DENOTES DROP INLET
S	DENOTES SANITARY SEWER LINE
SMH	DENOTES SANITARY SEWER MANHOLE
P.O.B.	DENOTES POINT OF BEGINNING
P.O.C.	DENOTES POINT OF COMMENCEMENT

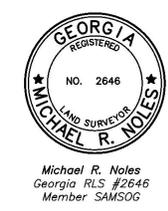
**REFERENCE MATERIAL**  
 1. LIMITED WARRANTY DEED IN FAVOR OF  
 DEED BOOK 15749 PAGE 5569-5570  
 COBB COUNTY, GEORGIA RECORDS

**FLOOD HAZARD**  
 THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY F.I.R.M. OFFICIAL FLOOD HAZARD MAPS. THE FLOOD INFORMATION ON THIS PLAT HAS BEEN DETERMINED AFTER REVIEW OF MAPS WHICH ONLY APPROXIMATE THE LOCATION OF THE APPLICABLE FLOOD HAZARD AREA. FOR MORE ACCURATE INFORMATION, A SECOND OPINION OF THE APPLICABLE FLOOD HAZARD AREA IS RECOMMENDED. FOR FURTHER INFORMATION CONTACT THE LOCAL DRAINAGE DEPARTMENT, CORPS OF ENGINEERS, AN INSURANCE COMPANY OR APPRAISER.

**ZONING INFORMATION**  
 CITY OF SMYRNA - R-15  
 MINIMUM LOT AREA: 15,000 SQUARE FEET  
 MINIMUM LOT WIDTH: 85 FEET  
 MAXIMUM FLOOR AREA: 2,000 SQUARE FEET  
 MAXIMUM LOT COVERAGE: 35 PERCENT  
 MINIMUM FRONT SETBACK: 35 FEET  
 MINIMUM SIDE SETBACK: 10 FEET  
 MINIMUM REAR SETBACK: 30 FEET  
 MUST BE VERIFIED BY CITY OF SMYRNA PRIOR TO CONSTRUCTION.

**SURVEY NOTES**

- STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY HAVE BEEN PAVED OR COVERED OVER. THE LOCATION OF UNDERGROUND UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES. UNDERGROUND UTILITIES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL BURIED UTILITIES MAY BE ENCOUNTERED. PLEASE CALL ALL LOCAL UTILITY PROVIDERS AND OR 811 FOR FURTHER INFORMATION.
- SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE. FOR NEW PERMITS THE LOCAL ISSUING AUTHORITY MAY REQUIRE ADDITIONAL EASEMENTS NOT SHOWN.
- THIS PLAT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT THE EXPRESS RECERTIFICATION OF THE SURVEYOR NAMING SUCH PERSON, PERSONS OR ENTITY.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE AND HAS A CALCULATED POSITIONAL TOLERANCE OF 0.03 FEET. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 154,197 FEET. A GEOMAX ZOOM 90 SERIES ROBOTIC TOTAL STATION WITH CARLSON SURVEY 2 DATA COLLECTOR WERE USED IN THE COLLECTION OF FIELD DATA.
- BEARINGS SHOWN WERE BASED ON PLAT BOOK 161 PAGE 20.
- THIS PROPERTY IS SUBJECT TO CURRENT ZONING REGULATIONS AND RESTRICTIONS.
- ALL REBARS SET ARE 1/2" REBARS UNLESS OTHERWISE NOTED.
- THE EXISTENCE, SIZE, AND LOCATION OF IMPERVIOUS BUFFERS ARE SUBJECT TO FINAL DETERMINATION BY THE LOCAL ISSUING AUTHORITY, CITY, OR COUNTY.



**SURVEYOR'S CERTIFICATE**  
*This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Regulation for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.*  
 Michael R. Noles  
 Georgia RLS No. 2646 12-20-23

NO.	REVISIONS	DATE

**McClung Surveying**  
 McClung Surveying Services, Inc.  
 4833 South Cobb Drive Suite 200  
 Smyrna, Georgia 30080 (770) 434-3383  
 www.mcclungsurveying.com Certificate of Authorization #LSF000752

SURVEY FOR  
**CHRISTOPHER M. HEIN**  
**ELIZABETH HEIN**

4561 DERBY LANE S.E.  
 SMYRNA, GEORGIA

TOTAL AREA= 0.344± ACRES  
 OR 15,001± SQ. FT.

30' 15' 0' 30' 60'  
 SCALE IN FEET

LOT 7  
 CHURCHILL DOWNS

LAND LOT 388  
 17TH DISTRICT 2ND SECTION  
 COBB COUNTY, GEORGIA  
 PLAT PREPARED: 12-20-2023  
 FIELD: 12-18-2023 SCALE: 1"=30'

Job#262853

PL 161  
 PG. 20

**Variance Application**

**Applicant**

**Primary Location**

**VAR-24-5**

 Bob Ward  
 6786432518  
 sales@barefootdecks.net

4561 DERBY LN SE  
SMYRNA, GA 30082

Submitted On: Jan 11, 2024

**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.

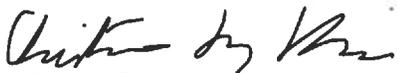
Name of Applicant (print clearly): Christopher Hein

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)

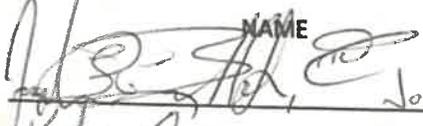
Smyrna, GA, 30082  
City, State, Zip

**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
	4551 Derby Ln. Smyrna, GA 30082
Katie Cowan	4530 Derby Ln. Smyrna, GA
Melissa Alliland	4571 Derby Ln Smyrna 30082

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



**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](#)

<b>As of</b>	1/9/2024
<b>Bill Year</b>	2023
<b>Bill</b>	7427
<b>Owner</b>	HEIN CHRISTOPHER &
<b>Parcel ID</b>	17038800440

[View payments/adjustments](#)

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

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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



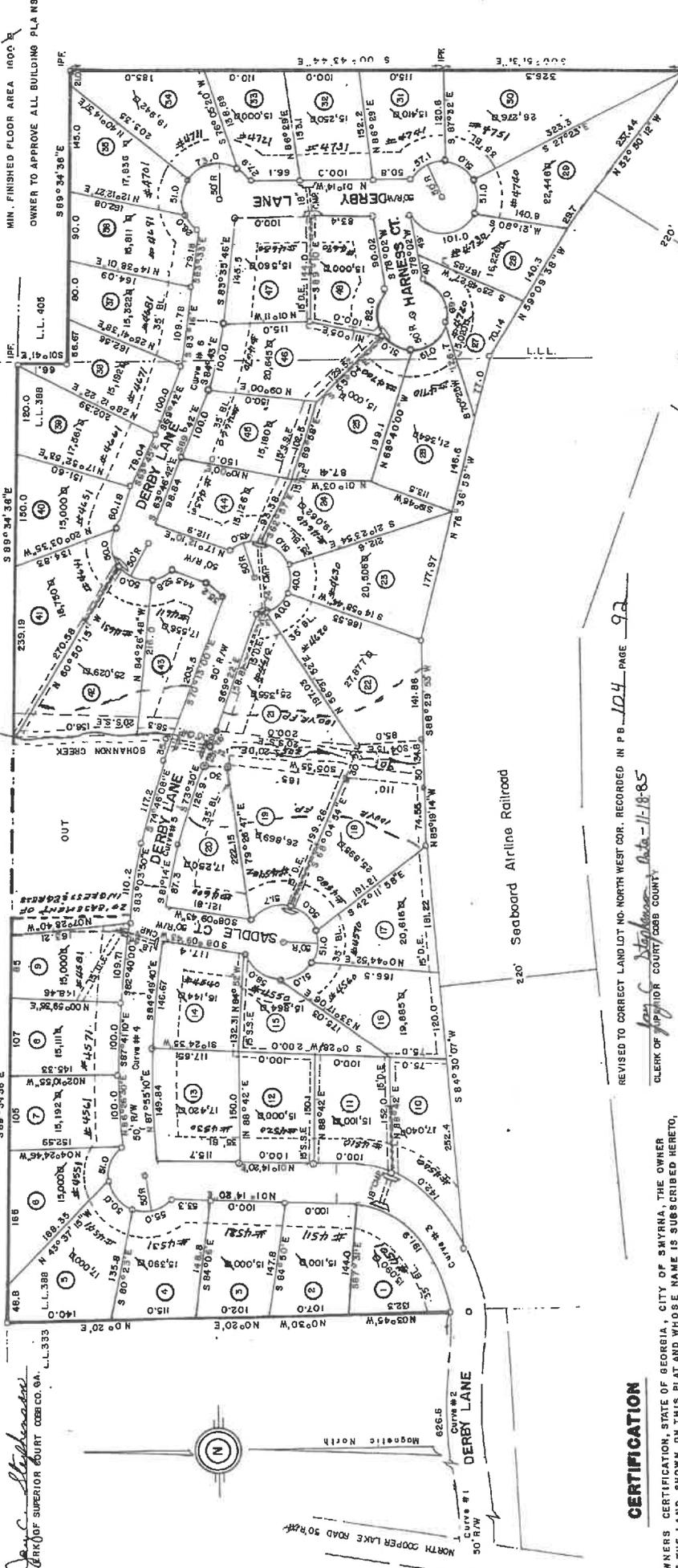
Scan this code with your mobile phone to view this bill!

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

NOTE: REVISED LOTS 33 & 34 TO CORRECT LOT LINES.  
 RECORDED 10-14-1985 B-104 PAGE 25  
 CLERK OF SUPERIOR COURT COBB CO. GA.

NO	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T
1	15.58	715.04	198.70	100.0																
2	10.71	1104.15	194.45	100.0																
3	90.00	180.00	282.75	100.0																
4	1.15	3188	199.99	100.0																
5	8.17	888.95	158.25	80.0																
6	13.34	872.56	158.25	80.0																

NOTE: REVISED LOTS 33, 34, 35 TO CHANGE LOT LINES.  
 RECORDED 10-2-1985  
 PAGE 17  
 CLERK OF SUPERIOR COURT COBB CO. GA.



**CERTIFICATION**

OWNERS CERTIFICATION, STATE OF GEORGIA, CITY OF SNYRNA, 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 OF 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 C. J. Fouts SEPT. 1985  
 C. J. FOUTS

**CERTIFICATE**

IT IS HEREBY CERTIFIED THAT THIS PLAT IS TRUE AND CORRECT AND WAS MADE UNDER MY SUPERVISION AND SURVEY OF THE PROPERTY THEREON ACTUALLY EXIST OR ARE MARKED AS FUTURE AND THEIR LOCATION, SIZE, TYPE AND MATERIAL ARE CORRECTLY SHOWN 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. 1466

REVISED TO CORRECT LAND LOT NO. NORTH WEST COR. RECORDED IN P.B. 104 PAGE 92  
 CLERK OF SUPERIOR COURT COBB COUNTY

THIS PLAT PLACED ON RECORD 9-13-1985 IN PLAT BOOK 103 PAGE 64  
 CLERK OF SUPERIOR COURT COBB COUNTY GA.

REVISED LOTS 34, 35, 36 TO CHANGE LOT LINES RE-RECORDED 10-2-1985 PB 104 PAGE 25

CLERK OF SUPERIOR COURT COBB COUNTY, GEORGIA  
Jay C. Steinhorn



**CHURCHILL DOWNS**

LOCATED IN LAND LOT 383 368 405 17TH. DIST. 2ND. SECT.

CITY OF SNYRNA, COBB COUNTY, GEORGIA

A.O. CARLIE-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.

DATE Sept 13, 1985 CITY ENGINEER [Signature]  
 DATE Sept 13, 1985 CHAIRMAN, PLANNING COMMISSION [Signature]  
 DATE Sept 13, 1985 MAYOR [Signature]  
 DATE Sept 13, 1985 D.P.C. [Signature]

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT

### MEMORANDUM

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To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director  
Caitlin Crowe, Planner I

Date: January 24, 2024

**RE: VARIANCE CASE V24-007**  
**4561 Derby Lane – Allow encroachment into the 75-foot impervious surface area setback**

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#### **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.

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#### **ANALYSIS**

The subject parcel is a 0.34-acre lot located on the north side of Derby Lane (see Figure 1). A stream runs to the north of the property and continues through the adjacent properties to the east and west. The subject parcel and all adjoining parcels are zoned R-15 and are all occupied by single-family detached residences. The subject property is within the Churchill Downs subdivision, which was platted in 1985.

The applicant is proposing to rebuild a 392 square foot deck on the rear of the existing home. The existing house and deck was constructed in 1987, prior to the adoption of the stream buffer ordinance in 2005. Currently, the rear yard is greatly encumbered by the State's 25-foot undisturbed stream buffer, the City's 50-foot undisturbed stream buffer and the City's 75-foot impervious surface area setback. No other variances are needed as the property is well below their impervious coverage maximum of 35%.

Since the Stormwater Ordinance does not differentiate between replaced and new impervious area, a variance is required for the nonconforming stream buffer encroachment. Additionally, per Section 1102, "no nonconforming building, structure or use shall be extended, nor shall its total value be enhanced, unless such extensions or alterations conform with the provisions of this ordinance." Since the deck is being completely rebuilt, the property no longer remains legally nonconforming. However, since the existing single-family home and deck were already non-conforming, the hardship is not self-created.

Since the stream buffer encroachment occurred in 1987 and there is no addition of land disturbing activities or stormwater runoff, the City Engineer has determined that no remediation is required in order to support the variance.

The applicant will require relief from the City's stream buffer ordinance in order to rebuild the deck. Community Development believes the hardship is not self-created, as the lot of record has existed before the stream buffer ordinance was adopted. Community Development believes this is the minimum variance needed to allow for any outdoor amenity, and that there should be no negative impacts to adjacent properties if approved. At the time of this report, Community Development has not received any calls in opposition to the request.

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## STAFF COMMENTS

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.

Figure – 1

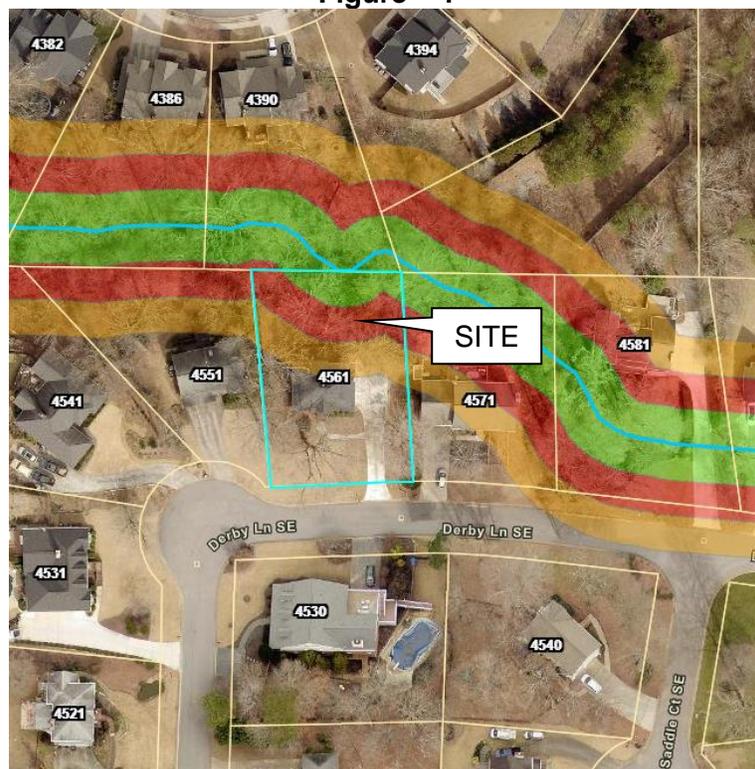


Figure – 2  
Site Plan

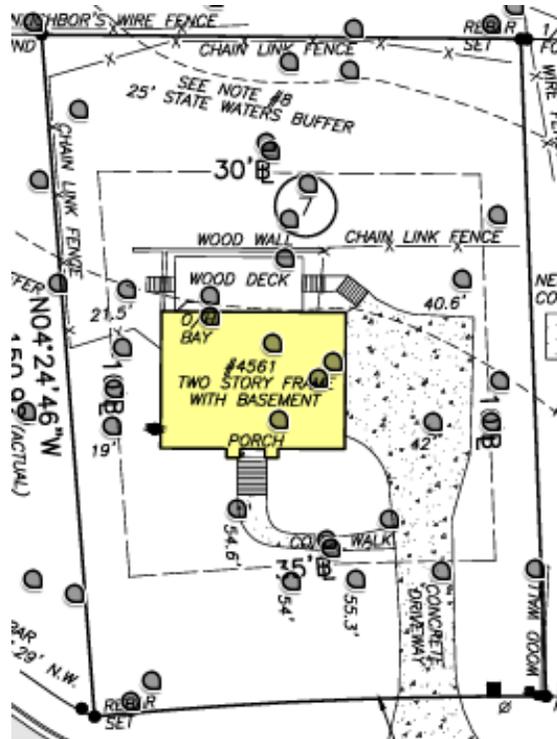


Figure – 3  
Subject Property



**Figure – 4**  
**Adjacent Property to the East**



**Figure – 5**  
**Adjacent Property to the West**



**Figure – 6**  
**Adjacent Property across Derby Lane**

