



City of Smyrna, GA

11/17/2022

## VAR-22-38

### Variance Application

**Status:** Active**Date Created:** Nov 17, 2022

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#### Applicant

Zane Miller  
zane.miller@gmail.com  
703 Austin Drive  
Smyrna, GA 30082  
6784880461

#### Primary Location

703 AUSTIN DR SE  
SMYRNA, GA 30082

#### Owner:

MILLER ZANE S &, MILLER REBECCA L  
703 AUSTIN DR SE SMYRNA, GA 30082

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#### Applicant Information

##### First Name

Zane

##### Last Name

Miller

##### Street Address

703 Austin Drive

##### City

Smyrna

##### State

GA

##### Zip Code

30082

##### Email

zane.miller@gmail.com

##### Phone Number

678-488-0461

#### Are you the titleholder of the subject property?

Yes

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#### Property Information

##### Property Address

703 Austin Drive, Smyrna, GA 30082

##### Description of Requested Variances

We have approximately 400 linear feet of existing fence (not including the fencing around our garden) that is 60" in height, with the wire mesh and the fence post on the "outside" of the fence. This fence was installed before purchasing the home. We want to maintain the same height and design for continuity as we install new fencing along our side yard and across the front of the property line. The new fence would be painted black to match the existing fence and fence around our garden after the recommended wait time for pressure-treated wood to be painted. Additionally, due to our pie-shaped property line, only approximately 35 feet of fencing (plus driveway gate) would be considered to parallel Austin Dr, with the remaining new fencing running on wooded or more unseen sightlines. Most of the base of the visible fenceline (left side looking at the home) is lower than the grade level of Austin Drive, given the slope of my property. The least visible fenceline (right side look at the home) is nearly entirely unseen density of the vegetation and foliage. An additional consideration regarding the height of our fence is there is almost 1,000 linear feet of what I would assume is 72" privacy fence from the Grace Meadows subdivision along Austin Drive that is on the same side of the road as our home and begins at the boundaries of our property line. We request this variance as we believe it is reasonable for us to match the design for the continuity of our existing 400 linear feet of fencing and our functional purposes and safety concerns.

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## 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.**

Along with the continuity reasons of matching our existing 400 linear feet of fencing (not including the fencing around our garden), we want to keep the 60" height for functional and safety reasons.

Coyotes visit us on most nights. The coyotes are bold and are often on our property and throughout the neighborhood. We have three dogs and three kids, and the coyotes walk our existing fenceline throughout the night (seen on trail cams and in person). Within the past three weeks, we have been awakened at 3:00 AM by the coyotes howling. I got up to shine a spotlight and saw 5 or 6 coyotes at the fence by our bedroom. We have had coyotes within the boundaries of the new fencing on multiple occasions, including the most recent instance when one crossed between my wife coming back from the mailbox and our front door, scaring her because she didn't know what to do with it so close and between her and the house. We have read from multiple natural wildlife resources that a 96" fence height is recommended to deter coyotes. Therefore, continuing our existing 60" fence height is the best we could reasonably do. A neighbor is installing 72" high fencing for the same coyote reasons, as their family no longer feels safe letting their dog and kids outside. After the recommended wait time for pressure-treated wood to be painted, the new fence would be painted black to match the existing fence and the fence around our garden. Additionally, due to our pie-shaped property line, only approximately 35 feet of fencing (plus driveway gate) would be considered to parallel Austin Dr, with most of the new fencing running on wooded or more unseen sightlines. The base of the visible fenceline (left side looking at the home) is mostly below the grade level of Austin Drive, given the slope of my property. The least visible fenceline (right side looking at the home) is nearly entirely unseen due to the density of the vegetation and foliage. An additional consideration regarding the height of our fence is there is more than 1,000 linear feet of what I would assume is 72" privacy fence from the Grace Meadows subdivision along Austin Drive that is on the same side of the road as our home and begins at the boundaries of our property line. We request this variance as it is reasonable for us to match the design for the continuity of our existing 400 linear feet of fencing (not including the fencing around our garden) and our functional purposes and safety concerns. Failure to allow this fence would deny us, as homeowners of the reasonable use of the property. These safety concerns for coyotes do not generally apply to all properties in the jurisdiction, and are unique to our area.

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## Variance Requests

Case Number	Variance Request to:
V22-073	Allow an increase in fence height

## 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:

Zane S. Miller

11/08/2022