

BZA Meeting Tuesday January 20th, 2026

1. Call to order

2. Roll Call

Present (4): Kevin Bailey, Casey Caples, Doug Gilmore, Rick Miles

Absent (1): Matthew Millerd

3. Approval of minutes

MIN-25:109 MINUTES December 16th, 2025 BZA

A motion was made by Casey Caples, seconded by Rick Miles, that the minutes be approved, the motion was PASSED with the following vote:

Aye (4): Kevin Bailey, Casey Caples, Doug Gilmore, Rick Miles

Nay (0)

Absent (1): Matthew Millerd

4. Appeal Cases

VR-26-01 **VARIANCE: 703 Tall Oaks Dr.**

The Applicant William Perkins is requesting some sections of north fence line to increase height due to property elevation at 703 Tall Oaks Dr.

Doug Gilmore (Chair): Mr. Perkins please come up and tell us what's going on.

William Perkins (Proponent): I want to increase that fence height. Between me and my neighbor there. There's a five-foot elevation drop. If you can see that white pipe, it's marked at 10 foot, 8 foot, and 6 foot. I don't think you can see the blue lines on it, but the line is drawn at 10 foot there. Basically, if I put it at 6 foot, the fence won't be any kind of privacy fence at all. I'll be able to see over, he complains about my light shining in his window anyway.

Doug Gilmore: Just on that one side of your property?

William Perkins: Yes, sir. And it's only, I've already done the 25 foot of 4 foot tall, and then there's two sections of 6 foot there and then it starts sloping down.

Doug Gilmore: Maintaining that 10 foot?

William Perkins: It's going to slope there from 6 to 10 and then at 10 I'm going to turn back, I guess that's all the pictures you had, but I'm going to turn it back towards the house. Actually, I was going to run it off into the wood and it may go to like 12 foot, just one section, just basically like a screen wall between my back deck and his driveway.

Doug Gilmore: Build it all out of steel?

William Perkins: Steel I-beams and then I'm going to put wood in it.

Kevin Bailey (Board): Steve, I'm just looking here. So, you got two sections of six-foot fence up there at the top. And what you're wanting is to keep a level line with the top coming down and as it falls off, that's the reason the height is coming up to the ten and then as it drops off that's the reason it'd up to the twelve.

William Perkins: Yes, so that picture there, you can see the 3 blue lines. Okay, that's 10 foot at the top, 8 foot and then that's a 6 foot line there on the bottom. So, if it's six foot, basically you're seeing over the top of it in both directions. This is going out in the wood between me and my neighbor, you can't even see this fence from the street. I don't see how it would interfere with anyone. My neighbor wants the fence high.

Doug Gilmore: Your neighbor's not here today is he?

William Perkins: No, I sent him a letter and I actually gave him a copy of the letter before I mailed it to him.

Casey Caples (Board): At that post, it'll be ten foot tall is what you're proposing?

William Perkins: That's ten foot, yes sir, and it drops off on down into the woods, where you can see another imbedded plate there in the corner and then there's one more imbedded plate in the woods where it might be 12 foot. This next imbedded plate that's at the end of the picture is where I'll turn and tie it back to the house. And I saw y'all put up a survey a while ago. Actually my property line is even with the back of that bed liner. He's 13 foot on my property.

Casey Caples: His driveway is?

William Perkins: His driveway is 13 foot on my property. But I was just trying to be halfway nice about it.

Kevin Bailey: Can we see that survey?

William Perkins: I saw it up on the screen a while ago. I think years ago, my neighbor on the west, you can see that line. At some point they must have thought that the line ran from the back of his property to the front stake. When they built that other house. That would put his driveway not in my yard if he sloped it across there.

Doug Gilmore: What other questions do you got?

Rick Miles (Board): I'm assuming that everyone in that area has been notified.

William Perkins: I notified the neighbor that was between me, I think that was all that was required. There's just four lots in that cove.

Doug Gilmore: Mr. Derrel do you have any input on this?

Derrel Smith (City Planner): No.

Casey Caples: Let me ask a question, I can see those four legs right there. So, I'm going to assume that's where your other embeds are at for your steel columns.

William Perkins: Where it turns back to the house?

Casey Caples: They go back to the house?

William Perkins: Yes, sir.

Casey Caples: That part 6 foot? I see it at that top rail which is why I'm asking.

William Perkins: Well, I was going to start out 6 foot over at the house and then run it straight across. So, it's going to get taller as it comes back toward the picture.

Casey Caples: It doesn't get to 12, because at that point, I think your almost probably at 12 feet.

William Perkins: The 12 foot is all the way at the right, out towards the woods.

Casey Caples: I can kind of see it right there, maybe the bottom of it.

William Perkins: Yes, sir.

Casey Caples: So, that's 11 foot.

William Perkins: I'd say probably where it turns back to the house it's 11 and then one out in the one out towards the woods would probably be 12, I haven't shot those elevation exact but I do know the white pipe is 10 foot at the top.

Casey Caples: When I read this, I thought it was like the situations that we had before where we have a swell and it falls off and you got one point that's going to be six over here and then maybe 8 to 9 foot in the middle because of the well. I've always thought that that was a good idea, that way you leave the top of it straight and it would look smooth. And in this case you just have elevation changes that are just downward, so I don't know. That's almost kind of a, 12 foot's tall, 10 foot's tall. So, I don't know, when you have the availability to just go with the flow of the ground, with the grade, I've always thought that would be best just because the ordinance is 6 foot. We're getting about double the height of the ordinance in one location. Can I see the survey again please? This house, where that driveway you said is kind of encroaching on your land. Where's that house in relation to that? That drive?

William Perkins: It's just north there, is his garage.

Casey Caples: It's just north of it, okay.

Unable to transcribe

Kevin Bailey: What if you, as you went down the hill, instead of keeping that top line when you get to that first well plate, where you got an 11 foot section, what if you step the fence down a two foot increment? What if you kept the line for the distance, going back and then you stepped her down two feet or, stairstep it. And that way, when you're down at the low corner you're at 6ft or even 8 foot, instead of 12 foot. If you stepped in two foot increments, so you're down. You'd still have to variance cause you would be down to 8 ft but you're not at 12 foot. 12 foot is hard to swallow for me. Nothing against what you're trying to achieve, Steve. I just, don't think we've ever done it.

William Perkins: That means, I can run it down at the woods 10 foot. I was just trying to get it as high as possible, whatever y'all let me do.

Kevin Bailey: And that's what we're having a problem with is the highest possible thing. To be honest with you, I would definitely want to see, two foot step downs in increments as you go down the hill. Does that make sense y'all?

William Perkins: I mean, my posts are at 8 foot and as opposed to step it down, slope it down? I just need to the know the y'all, will let me go to.

Casey Caples: Let me ask one thing. That picture that showed the three embeds that went back to the house. You said were six foot right there at the bottom of that vinyl siding. So, from your block, what's the height up to your vinyl siding? Cause it looks like what you're trying to line it up with.

William Perkins: I just drew that, that's probably five foot tall right there.

Casey Caples: So, if you started at 5 foot by the time you got down here to your leg here, you might be at what 7 and a half? Now, I'm just guessing.

William Perkins: Probably.

Casey Caples: 7 and half, maybe 8 feet, if you keep that line straight to make it look right from the roadway, you're at 8 foot in that corner and then you go from 8 foot back on up to your 6 foot that you got.

William Perkins: The second blue line on the pipe is 8 foot. If it went across there.

Casey Caples: Yeah, I got you.

Rick Miles: If you were to drop to 8 foot on the outside leg, going across to the blue line on the pipe, is that going to give you the closure that you're looking for?

William Perkins: I mean, it's not going to back on that back deck.

Rick Miles: Okay, oh, I see.

William Perkins: There is a deck back there, and I was trying to get some privacy too.

Kevin Bailey: I don't think we're going to let it be built that high.

William Perkins: Y'all just let me know how high I can go and that's what we'll go with. I was just putting on there what I would like to have.

Kevin Bailey: Yes, sir. In that lower corner, I'm just speaking out loud, I'm not making a motion. I would probably be okay with that being 8 foot at that lower corner.

Rick Miles: At that outside?

Kevin Bailey: At the back. Because that ground is falling off a lot. And that's still going to be.

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William Perkins: Can I go to 8 foot right there where that picture's at? At the pole, and then slope it down to 8 foot. If I slope it back to 8 foot from there at that post, it'll make it 6 foot right there at that post. Cause it's dropped off so bad, back there.

Kevin Bailey: So again, and I'm just asking here, trying to find a happy medium. Could you at that column where that's at, could you keep a constant line and then step it down, start right there, and then slope it down, is that what you're asking?

William Perkins: I'm asking that at that white pipe if y'all won't let me do 10 foot, can I do 8 foot right there and just go from there up to 6 and down to 8, back in the back?

Kevin Bailey: Yeah, that still gives the maximum height at 8 foot back in that back corner. It's just moving that 8 foot height up the slope, halfway up the house. From that point, it's 6 foot forward right? Is that what you're saying towards the street?

William Perkins: Yes, sir. So, now that fence is just following the slope of the ground, the 6 foot.

Kevin Bailey: Yes, sir. It just traces the ground all the way down.

William Perkins: So, it y'all just tell me how high I can go, if it's too the 8, then I'll just slope it from 6 to 8 and then I'll stay at 8, sloping it down with the ground. If you won't let me get any higher, I mean I want to go as high as possible, but that's why I'm here.

Kevin Bailey: What do you think?

Casey Caples: Well, I do want to make sure it doesn't turn into an 8 foot fence. Does that make sense?

Rick Miles: But if he steps down like what we're talking about, he'll never be above 8 foot.

Casey Caples: I just don't want the whole fence to be 8 feet. Start at 6 and hold at 6 as long as you can till your grade just can't withstand. You're going to make a pretty big drop with the top of it. Then, I would say that's when you start trying to get the 8 foot back in the back corner. Maximum 8 foot in that corner is the way I feel about it.

William Perkins: But I can start at 8 foot at the white pipe is okay?

Kevin Bailey: You're starting at 6 up there, but I see what you're saying, Steve. So, the distance between you're existing column way upfront and you're wanting to be at 8 foot at that white post. So, you're starting to pick up that height halfway, instead of the back corner. Casey, is what he's saying.

Casey Caples: I mean as long as, and this is my opinion, I'm only one vote. I mean, going 8 foot to the white pipe, but then where you got 12 foot, where it says 12 foot, maximum 8. That means that post is also 8 foot and the top of it is just leaning down low. Cause I think you're trying to get to the point where you can't see the driveway or the cars.

William Perkins: That's what I'm trying to do of course, but what I'm saying is that last post where I got 12, if I make that 8 foot, I don't even know if the fence is gonna be 6 foot tall when you go on up there because of the way it's sloped.

Casey Caples: Right, well that's what I'm saying. I think where it says 12 foot, you make it 8 foot. Where the white post is, also make it 8 foot. Then you go from 8 to 6 back up to the front.

William Perkins: I can just gradually slope it up?

Casey Caples: That's correct.

William Perkins: Okay.

Casey Caples: However, the terrain allows it, I guess.

William Perkins: Okay.

Casey Caples: Cause I guess the fence that you have is already at 6 foot so.

William Perkins: Yes, sir.

Kevin Bailey: So, to be clear, the reason that we're saying, the reason we're giving you that 8 foot is because of the terrain falling off, it's not because of your height clearance to get you a visual clearance of 8 foot. You're not gonna get that here. It's about the terrain, we've been pretty consistent about that.

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Kevin Bailey: Okay, Mr. Chair I make a motion that we grant the variance for the fence height to a maximum of 8 foot at the back corner, matching the contour of the ground, back up to the 6 foot existing at the front corner. Derryl does that make sense? Yeah.

Doug Gilmore: Alright, second to that?

Casey Caples: Second.

A motion was made by Kevin Bailey, seconded by Casey Caples, that the matter be approved, and the motion was PASSED with the following vote:

Aye (3): Kevin Bailey, Casey Caples, Rick Miles

Nay (0):

Absent (1): Matthew Millerd

VR-26-02 VARIANCE: 307 N. Allis St

The Applicant Joshua Neely is requesting a variance for the minimum lot width to be 40' instead of the required 50' width at 307 N. Allis St

Doug Gilmore (Chair): Alright, Josh Neely?

Josh Neely (Proponent): Josh Neely, Ridge Surveying and Consulting, representing Klaus Property Management, requesting a variance of the minimum lot width that's required for R-3 zoning. Requesting it to be 40 foot instead of 50 foot on this existing property.

Doug Gilmore: Is this going to be apartments?

Josh Neely: No sir, it is going to be a single-family residence. So, the property was purchased in 2025 and it's only 40 foot wide. There was a house on it at one point in time before it was torn down and condemned somewhere based on aerial photography between 14 and 17. Then, my client purchased it and figured out it's only 40 foot wide and that's an issue.

Kevin Bailey (Board): Derrel, is this part of the improvement district?

Derrel Smith (City Planner): This is on the north side of Johnson so no, it's not in there.

Doug Gilmore: Tell me about the 4 and half, and 4.2 inches or feet between the existing residence.

Josh Neely: So, my client also owns that parcel right there ending in 3400 the property to the north. They purchased it in 2023 with that existing residence on it. It's R-3 zoning, it was remodeled. I believe it's duplex now. When this property became available to the south, they purchased it also with the house being 4.6 and 4.2 from the property line, we can't replat because that existing house is already in the setbacks. So, that's kind of where we sit right now.

Derrel Smith: Yeah, it should be 20 in the front, 20 in the rear and 7 and a half on the sides.

Josh Neely: Right there, it shows the setbacks, shows the proposed residence, shows that track is 6,398 square feet as it is right now. 6,000 is the minimum requirement for R-3 zoning. Even when we give up the required right of way for all of this, if this is re-platted, to get the building permit we will still be sitting at 6,009 square feet. So, it meets everything but the width. In between the setbacks there is roughly 25 feet, 25 plus feet in between the setback. So, it will be a 25 foot wide residence. Roughly 50 foot deep. Apparently that's roughly what it was to begin with.

Doug Gilmore: Do you have any thoughts on this one Derrel?

Derrel Smith: I mean, you're getting a single-family house put in where one was torn down. So, you're getting new construction in there. It does meet the setbacks and the size. It just doesn't meet the lot width but that's what they're here for.

Josh Neely: We talked to Planning and Zoning about rezoning, but there's no new zoning that would allow a 40 foot width. So, that's the reason we're here today, y'all are our last hope, I guess. You're our only option.

Unable to transcribe

Josh Neely: I have what he sent me, it doesn't have any dimensions on it because I told him not to buy the house plans until, but y'all can pass this around.

Kevin Bailey: Do we have any 40 foot lots over there?

Derrel Smith: We have 40 foot lots in the city, it's mostly the older areas that are platted 40 feet. I think any kind of new building in the area is going to be some kind of improvement within the area.

Kevin Bailey: If we don't grant this, this will remain an empty lot.

Derrel Smith: Yes, that's exactly right.

Unable to transcribe

Casey Caples (Board): The same guy who owns the tract that we're talking about, owns 309 Allis correct?

Josh Neely: Correct.

Casey Caples: But he didn't rezone this or replat this to get this small lot behind him?

Josh Neely: He literally, I got copies of the deed, one was purchased in 2023, the 301 North Allis. And then the other property next door came up for sale. They purchased it in June of 2025.

Casey Caples: I got you.

Rick Miles (Board): Is this proposed residence going to be for a resale?

Josh Neely: It will possibly be for resale at some point in time. What he has told me is build it, rent it, if they have a good renter, maybe a rent to own type deal or a couple years down the road, resale. But it is going to be a single-family residence.

Rick Miles: You said the existing at 309 has been made into a duplex?

Josh Neely: Yes, sir. And we can't necessarily replat it and flip everything because that is, if you go out there, you pull up edge, that 20 foot alley north of it right there says, that is Word Street but it was never platted as Word Street and it's only 20-foot wide. So, then if you took it and you split it, north, south, into 2 lots, you don't have the road frontage.

Rick Miles: This one below it, is that another unfinished lot or?

Josh Neely: No sir, it does have a residence on it.

Rick Miles: Okay.

Kevin Bailey: Mr. Chair I make a motion that we grant the variance.

Rick Miles: Second.

A motion was made by Kevin Bailey, seconded by Rick Miles, that the matter be approved, and the motion was PASSED with the following vote:

Aye (3): Kevin Bailey, Rick Miles, Casey Caples

Nay (0)

Absent (1): Matthew Millerd

5. Staff Comments

6. Adjournment

Meeting was Adjourned.