



# BOARD OF ZONING APPEALS STAFF REPORT

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**To:** Board of Zoning Appeals Members

**From:** Elizabeth Fields, AICP, Planner

**Meeting Date:** October 15, 2025

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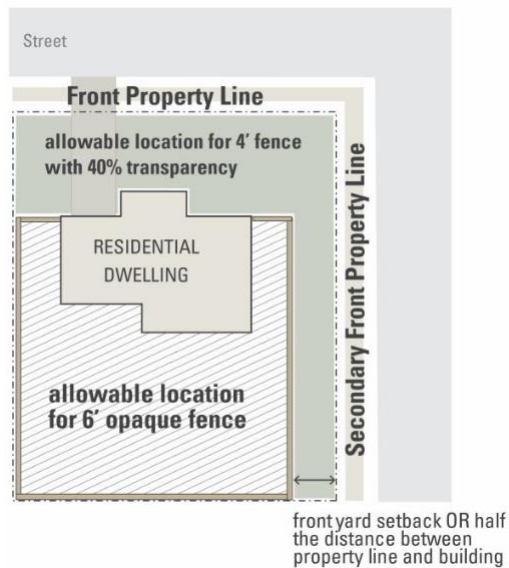
**BZA 25-04                      91 Clearview Lane – Variance Request to Permit a Six-Foot Privacy Fence Along the Property Line in the Secondary Front Yard**

**Property Information:**    Location: 91 Clearview Lane (Parcel: 0425325004)  
   Zoning: R-2 Metropolitan Residential District

**Variance Request:**        The applicants, Tim and Carly Carmack, are requesting a variance from the following section of the City’s Unified Development Ordinance (UDO):

**Section 1107.11(j)(2)(B)(ii):** For corner lots, fences located in the secondary front yard (between the secondary front property line and the side building line of the structure) may be up to six feet in height and opaque if the fence is set back from the secondary front property line a minimum distance that is equal to the required front yard setback or one-half the distance between the secondary front property line and the side building line, whichever is less.

*Comments: The six-foot fence in the secondary front yard is located along the property line.*



**Project Overview:**

The applicants, Tim and Carly Carmack, are requesting a variance from the accessory use standards for fences and walls to permit a 6-foot wooden privacy fence along the property line in the secondary front yard on the property located at 91 Clearview Lane in the R-2 Metropolitan Residential District.

The proposed variance stems from the applicant's recent repair and replacement of a six-foot privacy fence which was existing on the property when the applicant's purchased the property in 2014. The applicant stated that due to the deterioration of the existing fence panels and posts, they repaired and replaced damaged sections over the period of a couple weeks.

**Comments:**

Variance General Standards for Approval:

Standards for Approval: Unless other standards are provided in this UDO for variances from a particular set of design/development standards or regulations, the following Standards for Approval shall apply. Approval of a variances shall only be granted if the Appeals Board finds that all of the following standards are met:

1. Special conditions and circumstances exist which are peculiar to the land or structure involved and which are not applicable generally to other lands or structures within the same zoning district. (Examples of such special conditions or circumstances are: exceptional irregularity, narrowness, shallowness, or steepness of the lot, etc.).

**The property is a corner lot which contains two front yards.**

2. The special conditions or circumstances that exist did not result from the actions of the applicant.

**The special conditions did not result from the actions of the applicant.**

**The fence was existing on the property when the applicants purchased it in 2014.**

3. There cannot be any beneficial use of the property without the variance.  
**Without the variance, the applicant would have to demolish the fence and either construct a four-foot, 40 percent transparent fence or move the existing shed on the property and construct a six foot privacy fence half the distance between the property line and building.**
4. The variance is not substantial and is the minimum relief necessary to make possible the reasonable use of the land or structures.  
**The variance is to allow for a fence in the same location as one was previously located since at least 2011 (based on Google Street View) and is the minimum relief necessary to make possible the reasonable use of the land.**
5. The difficulty or reason why the applicant is seeking a variance cannot be resolved through any method other than a variance.  
**A variance is the minimum relief necessary to allow for a six-foot privacy fence along the property line in the secondary front yard.**
6. The essential character of the neighborhood will not be substantially altered nor will adjoining properties would suffer substantial detriment as a result of the variance.  
**The essential character of the neighborhood will not be substantially impacted.**
7. The variance will not adversely affect the delivery of governmental services such as water, sewer, and trash pickup.  
**Governmental services will not be impacted.**
8. Granting the variance will be in harmony with the general purpose and intent of the zoning requirement the applicant seeks a variance from and will not otherwise be detrimental to the public's health, safety, or welfare.  
**Granting the variance will be in harmony with the general purpose and intent of the zoning requirement.**
9. Granting of the variance requested will not confer upon the applicant any special privilege that is denied by this UDO to other lands, structures, or buildings in the same district.  
**Granting the variance will not allow a special privilege to be conferred upon the applicant.**