



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes - Not Viewable by the Public Board of Zoning Adjustments

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Tuesday, July 16, 2019

1:30 PM

Municipal Center

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### 1. Call to Order

### 2. Roll Call

**Present** 3 - Doug Gilmore; Rick Miles and Sean Stem

**Absent** 1 - Max Dacus Jr.

### 3. Approval of Minutes

[MIN-19:068](#)

MINUTES: BZA Minutes from June 18, 2019 BZA Meeting

**Attachments:** [Meeting Minutes from June 18, 2019](#)

**Approved**

**Aye:** 3 - Doug Gilmore; Rick Miles and Sean Stem

**Absent:** 1 - Max Dacus Jr.

### 4. Appeal Cases

[VR-19-16](#)

VARIANCE: 109 E. Forrest Road

George Hamman of Civilogic on behalf of Alice Evans, Etal is requesting a variance for address 109 East Forrest Road allow both of the front setbacks to be reduced to six feet and to allow a lot width less than the prescribed fifty feet of frontage, whatever the actual surveyed dimensions are. This is located within a C-3 General Commercial District.

**Attachments:**     [Application.pdf](#)  
                              [Letter.pdf](#)  
                              [VARIANCE DOCUMENTS.pdf](#)  
                              [Variance Plat - Revised](#)  
                              [Variance Plat.pdf](#)  
                              [Pictures.pdf](#)

George Hamman of Civilogic on behalf of Alice Evans, Etal is requesting a variance for address 109 East Forrest Road allow both of the front setbacks to be reduced to six feet and to allow a lot width less than the prescribed fifty feet of frontage, whatever the actual surveyed dimensions are. This is located within a C-3, General Commercial District.

**APPLICANT:** George Hamman of Civilogic sated he was here last month and due to concerns voiced by the public last meeting, he flipped the building plan which improves visibility at the intersection. The young lady that owns this wants to open a small daycare. It is a non-conforming lot the way it was platted in 1913.

**COMMISSION:** Doug Gilmore asked for public comment.

**PUBLIC:** Larry Baldwin stated his main concern is the parking situation, especially with the parking lot in the front. He stated they only have six parking spots and are going to have at least four employees. That is only going to leave two parking spots for 30-40 kids. There is no place for them to go other than into the adjacent parking lot.

**COMMISSION:** Doug Gilmore stated on the plan, there is a curb and gutter around that parking area.

**PUBLIC:** Larry Baldwin stated they are going to park in him parking lot and walk across. There is no place to park on their lot and there is no place to park on the street.

**PUBLIC:** Melissa Baldwin stated she is still concerned that it is only five feet from Church Street, with the sidewalk it is 11 feet. That is setting a really bad precedence. I know it is not the commission's job to do all of the rules and regulations for daycares, but Arkansas law says that you have to have 75 square feet of space for each child outside, shaded. There is not a foot. The building itself is not big enough. You have to have 35 square feet per child and

you have to take away the door opening, closets, cubbies, kitchens, bathrooms. We are not opposed to a business being over there. Any business over there will help our business. This is not going to work for us.

**PUBLIC:** Roger Watkins stated he is concerned for the safety of the kids being dropped off. If they are dropped off in the street and picked up in the street, I have a concern about the safety for the children.

**APPLICANT:** George Hamman stated he is not familiar with the regulations on square feet for a daycare inside or outside. She is correct. There is not a lot of room outside. He believes the design is better than the last one submitted and this property is the only property the applicant owns. They would like to be able to use it.

**PUBLIC:** Melissa Baldwin stated there should have been some disclosure by the real estate agent regarding the size restrictions on that property. We have had those businesses over there 30+ years. Those are our only properties and we do not need that to hurt our businesses.

**COMMISSION:** Sean Stem stated as far as drop off and pick up, he sees no difference here than South School or anywhere else. There is not enough parking with that. They have to coordinate that with the streets. I see a big problem with play space for the kids.

**COMMISSION:** Doug Gilmore stated he understands that and he thinks if she goes to get a license that will be an issue for the owner. They also could use it for another type of business besides a daycare. We are not here to question that.

**COMMISSION:** Rick Miles stated let's go back to what we are here for. They are asking for an adjustment, but where is the problem? Where is the hardship?

**APPLICANT:** George Hamman stated the hardship is that this lot was platted this way years and years ago. They purchased the land not understanding development, building setbacks, and those sort of things. Now they own a piece of land that any astute developer would never buy from them. They would like to turn it into some sort of revenue producing property.

**COMMISSION:** Sean Stem asked, the parking that is available for whatever business meets the code?

**APPLICANT:** George Hamman stated that it does.

A motion was made by Sean Stem, seconded by Rick Miles, that this matter be Approved. The motion **PASSED** with the following vote.

**Aye:** 3 - Doug Gilmore; Rick Miles and Sean Stem

**Absent:** 1 - Max Dacus Jr.

[VR-19-22](#)

VARIANCE: 6513 Julia Lane

Mark Morris of Mark Morris Construction on behalf of Adam Lindley is requesting a variance for address 6513 Julia Lane to extend 6 ft. fence into the side front yard on Evan Drive. This is located within an R-1 Single Family Medium Density District.

**Attachments:**     [Application](#)  
                              [Letter](#)  
                              [Site Plan](#)  
                              [Neighbor Notification](#)  
                              [Application - Residential](#)  
                              [House Plans](#)  
                              [Aeria View of Location](#)

**Mark Morris of Mark Morris Construction on behalf of Adam Lindley is requesting a variance for address 6513 Julia Lane to extend 6 ft. fence into the side front yard on Evan Drive. This is located within an R-1 Single Family Medium Density District.**

**APPLICANT:** Adam Lindley stated he is wanting to build his fence up to the easement. It is on a corner lot. The person that lives behind me has already built their fence. If I did not use up to that easement, it would look strange. I want to utilize my backyard.

**COMMISSION:** Doug Gilmore stated you are proposing to come out to the utility easement and attaching to your neighbor's fence. If you put it in the other area, that does not give you much fenced yard.

**COMMISSION:** Doug Gilmore asked for public comment. There was none.

**A motion was made by Sean Stem, seconded by Rick Miles, that this matter be Approved. The motion PASSED with the following vote.**

**Aye:** 3 - Doug Gilmore; Rick Miles and Sean Stem

**Absent:** 1 - Max Dacus Jr.

[VR-19-23](#)

VARIANCE: 9605 C.W. Post Road

John Easley of Associated Engineering, LLC on behalf of Delta Peanut, LLC is requesting a variance for address 9605 C.W. Post Road requesting a reduction of the 100 ft. building setback that is required in I-2 General Industrial District to 50 feet along the Barnhill Road right-of-way. This is located within an I-2 General Industrial District.

**Attachments:**[Application](#)[Delta Peanut Building Setback](#)[Delta Peanut Certified Mail Receipts](#)[Pictures of Area](#)[Signed BZA Property Owner Notification](#)

John Easley of Associated Engineering, LLC on behalf of Delta Peanut, LLC is requesting a variance for address 9605 C.W. Post Road requesting a reduction of the 100 ft. building setback that is required in I-2 General Industrial District to 50 feet along the Barnhill Road right-of-way. This is located within an I-2 General Industrial District.

**APPLICANT:** John Easley stated during the design of the railroad spur, the existing one is on the Northside of CW Post. Future plans for the city calls for the extension along Barnhill Road. The railroad spur is owned by the city, but because it attaches to another business, we have to abide by their design rules. In order to honor the setback and meet their design criteria the current position of the building would have to be moved south 200'. That takes away future potential expansion. We are also looking at doing some recycling of peanut shells. If we go into the setback 50', it allow us to keep the bulk of the area south of us open for future expansion. We are asking for a 50' variance into the setback.

**COMMISSION:** Rick Miles asked for staff comment.

**STAFF:** Derrel Smith stated they are in the industrial area. They have sent out their notifications and no one has said anything. The city does not have an opposition to this. It is an extension of our tracks.

A motion was made by Rick Miles, seconded by Sean Stem, that this matter be Approved. The motion **PASSED** with the following vote.

**Aye:** 3 - Doug Gilmore; Rick Miles and Sean Stem

**Absent:** 1 - Max Dacus Jr.

[VR-19-24](#)

VARIANCE: 512 W. Matthews

David Inman on behalf of Don Howard is requesting a variance for address 512 W. Matthews to build an Accessory Building 24 ft.in height than the standard 12 ft. that is stated in the Accessory Building Code. This is located within an R-2 Multi-Family Medium Density District.

**Attachments:**     [Application](#)  
                              [Garage Picture](#)  
                              [Garage Site Plan](#)  
                              [Replat](#)  
                              [Residential Application](#)

David Inman on behalf of Don Howard is requesting a variance for address 512 W. Matthews to build an Accessory Building 24 ft.in height than the standard 12 ft. that is stated in the Accessory Building Code. This is located within an R-2 Multi-Family Medium Density District.

**APPLICANT:** David Inman his client is wanting to build a residential three stall garage behind his house. The neighbor to the east has one almost identical to this. It is even taller than the one proposed today. I guess the issue is how tall the building is going to be. My understanding is the eave cannot be over 12'. There is the issue of what is the actual eave. It does not declare what the peak height is. Every garage I have built anywhere in town is about the same height as a standard garage that is built on a house. What I would call the eave of the house, above the garage door, is about 10.5'. The peak is about 24'.

**COMMISSION:** Doug Gilmore asked if they are going to access this from the West side of the house.

**APPLICANT:** David Inman stated they are going to access it from Matthews on the left side. There is a small driveway, but there is enough access to get in there. I sent a letter to all adjoining neighbors and they all signed the letter and understand what is going on.

**COMMISSION:** Doug Gilmore asked for any public comment. There were none.

**COMMISSION:** Doug Gilmore stated he drove by and his neighbor to the east has the same kind of carriage house in the back. This house at 512 is so tall with lots of trees around it so you may never even see this thing.

**APPLICANT:** David Inman stated that is the same statement made by the neighbor on the back side of the property. It is going to be directly behind the two story house which is over 30' tall.

**COMMISSION:** Doug Gilmore asked for staff comments.

**STAFF:** Derrel Smith stated he is working to get the ordinance changed to make the height requirement taller. Right now, we are still dealing with the current ordinances.

**APPLICANT:** David Inman stated the point in question is that it does not specify the peak versus the eave. When the wording is changed, the work peak needs to be in there.

**COMMISSION:** Sean Stem stated this looks good. That makes a big difference for your neighbors.

A motion was made by Rick Miles, seconded by Sean Stem, that this matter be Approved. The motion **PASSED** with the following vote.

**Aye:** 3 - Doug Gilmore; Rick Miles and Sean Stem

**Absent:** 1 - Max Dacus Jr.

**5. Staff Comments**

**6. Adjournment**