



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Draft Board of Zoning Adjustments

Tuesday, September 15, 2020

1:30 PM

Municipal Center

1. Call to Order

2. Roll Call

Present 4 - Doug Gilmore; Jerry Reece; Rick Miles and Sean Stem

Absent 1 - Max Dacus Jr.

3. Approval of Minutes

[MIN-20:077](#)

MINUTES: Meeting Minutes from August 18, 2020 BZA Meeting

Attachments: [BZA Meeting Minutes from August 18th, 2020](#)

Approved

Aye: 3 - Jerry Reece; Rick Miles and Sean Stem

Absent: 1 - Max Dacus Jr.

4. Appeal Cases

[VR-20-11](#)

VARIANCE: 817 Strawfloor Road

Todd Maritch is requesting a variance for 817 Strawfloor Road to build an 8-foot fence and requesting that it go into the side front yard. This is located in an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Layout of Fence](#)
 [Plat of Survey](#)
 [Signed Property Owner](#)
 [Aerial View](#)
 [Returned Letter](#)

Todd Maritch is requesting a variance for 817 Strawfloor Road to build an 8-foot fence and requesting that it go into the side front yard. This is located in an R-1 Single Family Medium Density District.

APPLICANT: Todd Maritch passed out printed photos. He stated neighbor owned property next to him. It was sold and they have not been keeping the property tidy. Mr. Maritch also states his neighbor is working on cars in the front yard close to his house. So he would like to install a tall fence to block the noise and not be able to see the mess and make a statement to him as a neighbor.

COMMISSION: Doug Gilmore asked if he has tried calling code enforcement.

APPLICANT: Todd Maritch stated it hasn't help at all.

COMMISSION: Doug Gilmore ask what happen there.

APPLICANT: Todd Maritch stated the neighbor believe his property is his and do whatever he pleases and end of story.

COMMISSION: Dough Gilmore stated Todd mention in the applicant that he has a deck around the pool that's 36 inches tall and are you just trying to make it higher to hide the pool.

APPLICANT: Todd Maritch asked all the above and privacy as well because is house set way back, so front his front porch they can see into my backyard and pool.

COMMISSION: Doug Gilmore asked how far up on the side of the front trying to take this fence toward to street.

APPLICANT: Todd Maritch stated that he didn't measure it.

COMMISSION: Doug Gilmore stated someone did a drawing here of 14 ft. and he doesn't know if it's to the street or pavement.

APPLICANT: Todd Maritch stated it was a gentlemen that he wanted to put up his fence.

COMMISSION: Doug Gilmore ask staff Derrel Smith what is the zoning on that property.

STAFF: Derrel Smith stated R1 he believe and will not let him put the fence in the right a way.

APPLICANT: Todd Maritch stated that his purpose is not to extend to the street, and it more of a high thing.

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

Aye: 3 - Jerry Reece;Rick Miles and Sean Stem

Absent: 1 - Max Dacus Jr.

[VR-20-28](#)

VARIANCE: 928 Sandra Lane

Randy Sims of Sims Construction Co. on behalf of Dominique Robinson is requesting a variance for 928 Sandra Lane to reduce the side front yard setback for the placement of a 6-foot privacy fence into the 25 ft. front yard side setback on Clowder Lane. This is located in an R-1 Single Family Residential District.

Attachments: [Application](#)
[Drawing](#)
[Residential Fence Application](#)
[Site Plan of House](#)
[Pictures of Area](#)

Randy Sims of Sims Construction Co. on behalf of Dominique Robinson is requesting a variance for 928 Sandra Lane to reduce the side front yard setback for the placement of a 6-foot privacy fence into the 25 ft. front yard side setback on Clowder Lane. This is located in an R-1 Single Family Residential District.

APPLICANT: Randy Sim stated the homeowner would like to install and privacy fence on the second front yard which is going to impede on the setbacks that is currently in place. Randy states the homeowner wasn't aware the fence has to come of the eaves of the house and either was he. Randy states the homeowner would like the fence to start at 25 ft. in from crawler lane. So we're asking for a 10 feet variance there. Randy stated in addition to the fence the homeowner will be putting in two concrete slab. One being 20 ft. x 25 ft. for a basketball court and the other will be 12 ft. x 10 ft. for a utility shed Randy stated he did send out notices to the homeowner that will be affected and has receive some letters back sign by the party.

COMMISSION: Doug Gilmore stated to Randy that only thing you need is a receipt and nothing back from them.

APPLICANT: Randy Sims stated the homeowner brought this oversize lot for the children so they can put up a privacy fence.

COMMISSION: Doug Gilmore stated the problem is the center of the street to 30 ft. is the road right -of-away. So the commission stated you can't build anything structure on an easement. So the fence will have to be set back 35 ft. from the center of the road.

APPLICANT: Dominique Robinson stated that he sent out plans with the 35ft fence and what it will look like. Randy Sims ask will he need a variance from coming off the eaves of the house to instead the side of the house 35 ft. setbacks.

A motion was made by Sean Stem to grant a variance up to the easement on the crawler street side, seconded by Rick Miles that is variance be Approved. The motion **PASSED** with the following vote.

Aye: 3 - Jerry Reece; Rick Miles and Sean Stem

Absent: 1 - Max Dacus Jr.

[VR-20-29](#)

VARIANCE: 1832 and 1836 Hal Street, 1805 Kendal Street and 1800 Kim Street

Josh Hurd of McAlister Engineering on behalf of Hal Rees of Magic Touch is requesting variances for 1832 and 1836 Hal Street, 1805 Kendal Street and 1800 Kim Street to request driveway width for width in excess of 40 ft. in width. The ability to park in front of the structure and use of vinyl siding as opposed to cementitious materials to be uniform with the Highland Park Subdivision already that exists. This is located in an R-3 Multi-Family High Density District.

Attachments: [Application](#)
 [Site Plan](#)
 [Pictures](#)
 [USPS Receipts](#)

Josh Hurd of McAlister Engineering on behalf of Hal Rees of Magic Touch is requesting variances for 1832 and 1836 Hal Street, 1805 Kendal Street and 1800 Kim Street to request driveway width for width in excess of 40 ft. in width. The ability to park in front of the structure and use of vinyl siding as opposed to cementitious materials to be uniform with the Highland Park Subdivision already that exists. This is located in an R-3 Multi-Family High Density District.

APPLICANT: Josh Hurd stated that Mr. Rees is going to build #4 New Units and process of building #5. The whole area has vinyl siding and parking lot that open up to the street wider than 40 ft. This is the last building that can be built out there and would like this to look the same as the previous ones.

COMMISSION: Doug Gilmore ask Staff Derrel Smith has there been any changes in this area to move away from the vinyl siding.

STAFF: Derrel Smith stated yes in 2017 pass a new ordinance that doesn't allow multifamily homes with vinyl siding they must be brick or masonry.

STAFF: Rick Miles asked will this closed out this subdivision totally.

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 - Jerry Reece; Rick Miles and Sean Stem

Absent: 1 - Max Dacus Jr.

[VR-20-30](#)

VARIANCE: 3509 Toney Ann Drive

John Yates on behalf of Luck Luster is requesting a variance for 3509 Toney Ann Drive to allow 6 ft. fence to be place in the side front yard and back front yard setback. The owner is wanting to incorporate as much back yard inside the fence that he can per Mr. John Yates. This is located in an R-1 Single Family Residential District.

Attachments: [Application](#)
 [Residential Application and Drawings](#)
 [Adjoining Neighbor Signatures](#)
 [Drawing of Fence Location](#)

John Yates on behalf of Luck Luster is requesting a variance for 3509 Toney Ann Drive to allow 6 ft. fence to be place in the side front yard and back front yard setback. The owner is wanting to incorporate as much back yard inside the fence that he can per Mr. John Yates. This is located in an R-1 Single Family Residential District.

APPLICANT: John Yates states that the homeowner would like to installed a fence on a corner lot 35 ft. from the center line.

COMMISSION: Doug Gilmore ask is the house at this point is built on the backside of Burdyshaw side up to the setbacks:

STAFF: Tracy McGaha confirmed that it has to be based on the application it right on the line.

COMMISSION: Doug Gilmore suggested the house needs to be put on a plat plan that showing setbacks and a place where the fence is going.

A motion was made by Jerry Reece, seconded by Sean Stem, that this matter be Tabled. The motion **PASSED** with the following vote.

Aye: 3 - Jerry Reece;Rick Miles and Sean Stem

Absent: 1 - Max Dacus Jr.

[VR-20-31](#)

VARIANCE: 1518 S. Caraway Road

Matt Modelevsky on behalf of TFI, LLC is requesting a variance for 1518 S. Caraway to keep the North driveway open. The Traffic Access Management ordinance is requesting that this be closed. This is located in a C-3 General Commercial District.

Attachments: [Application](#)
 [Drawing](#)
 [Letter](#)
 [Parking Drawing](#)
 [Plat](#)
 [Returned Signed Notification](#)
 [USPS Receipts](#)

Matt Modelevsky on behalf of TFI, LLC is requesting a variance for 1518 S. Caraway to keep the North driveway open. The Traffic Access Management ordinance is requesting that this be closed. This is located in a C-3 General Commercial District.

APPLICANT: Matt Modelevsky stated he is asking for a variance keeping North and South driveway open to the business. He also stated that the current site plans will be the same or the design of the building. They also are not requesting a change in zone(s), because the plans for the business is the same.

COMMISSION: Doug Gilmore asked for staff comment.

STAFF: Derrel Smith stated this has to do with new Access Management Ordinances in the City. If this building was new the owner would not have two driveways per new Ordinances.

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

Nay: 1 - Jerry Reece

Absent: 1 - Max Dacus Jr.

[VR-20-32](#)

VARIANCE: 840 Oriole Court

Dacus Fence Co., Inc. on behalf of Michael Bruce is requesting a variance for 840 Oriole Court to place a 6 ft. tall fence in the side front yard. This is located in the R-1 Single Family Residential District.

Attachments: [Application](#)
 [Residential Application](#)
 [Signed Property Adjoining Neighbors](#)

Dacus Fence Co., Inc. on behalf of Michael Bruce is requesting a variance for 840 Oriole Court to place a 6 ft. tall fence in the side front yard. This is located in the R-1 Single Family Residential District.

APPLICANT: Michael Bruce stated he is asking for a variance for a 6 ft. fence on the north side of his backyard running alone Minga Lane.

STAFF: Michael Morris stated there's a 20 ft. drainage ditch running alone the back that he would have to make requirements for putting fence across drainage usage.

APPLICANT: Mary Dacus stated that was a fence that running adjacent to Minga St. all the way down. Mary stated that homeowner would like to line his sideline fence off his house in-line with that fence. Which is about 33 ft from the center of the street, because the house is on the corner and the very last house.

COMMISSION: Doug Gilmore requested to excuse himself do to conflict of party.

COMMISSION: Rick Miles ask how far off the house do you like to be with the existing fence.

APPLICANT: Mary Dacus stated they would like to come off about 27 ft. all down Minga st. So it can line up with the current fence.

COMMISSION: Rick Miles stated that a utility easements on the lot which is about 15 ft. and the problem is that a fence cannot be place fence within the utility easement. The homeowner would need a variance up to the easement and not on or beyond that point.

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

Aye: 3 - Jerry Reece; Rick Miles and Sean Stem

Absent: 1 - Max Dacus Jr.

Abstain: 1 - Doug Gilmore

[VR-20-33](#)

VARIANCE: 2010 S. Caraway Road

Highland Square, Inc. is requesting a variance for 2010 S. Caraway Road to request to waive the requirement for a traffic study as has been required for the Certificate of Occupancy for the new restaurant under construction. This is located in the C-3 General Commercial District.

Attachments: [Application](#)
 [Letter](#)
 [Minor Plat](#)
 [USPS Receipts](#)

Highland Square, Inc. is requesting a variance for 2010 S. Caraway Road to request to waive the requirement for a traffic study as has been required for the Certificate of Occupancy for the new restaurant under construction. This is located in the C-3 General Commercial District.

APPLICANT: Phillips stated would like to have a variance not to do a traffic study, because that intersection has been redone by the Hwy Department recently. The new restaurant will be a smaller one then previous ones.

COMMISSION: Doug Gilmore ask has this restaurant been place ingress and egress on the property yet.

STAFF: Derrel Smith stated that is the requirement of the city staff that the city code requires a traffic study if their peak hour traffic is over a hundred trips.

APPLICANT: Phillips stated that he owns the land and leasing the land to Freddie's and they're putting up their own building for business. They will be handling on the site plans to the city.

STAFF: Derrel Smith stated the very first meeting with Engineering from Freddie's, they was told that they would have to meet current Access Management Ordinance, which would require traffic study and closure of one driveway because of 5 drives in this area. The shopping Center has too many driveway in this one area.

A motion was made by Jerry Reece, 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

Nay: 1 - Jerry Reece

Absent: 1 - Max Dacus Jr.

5. Staff Comments

6. Adjournment