



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes - Final Board of Zoning Adjustments

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Tuesday, February 20, 2018

1:30 PM

Municipal Center

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### 1. Call to Order

### 2. Roll Call

**Present** 4 - Doug Gilmore; Sean Stem; Rick Miles and Max Dacus Jr.

**Absent** 1 - Jerry Reece

### 3. Approval of Minutes

[MIN-18:017](#) MINUTES: BZA Minutes from January 16, 2018 Meeting.

**Attachments:** [BZA Minutes from January 16, 2018 Meeting.pdf](#)

**Approved**

**Aye:** 3 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

### 4. Appeal Cases

[VR-17-46](#)

## VARIANCE: VR 17-46: 700 N. Caraway

Antonio Torres on behalf of owner Evone Roberts is requesting a variance for address 700 N. Caraway to waive the standard setback regulations due to an 16 x 20 ft. accessory building that has been built without the knowledge of the city regulations to close to the property line. This is located within an R-1 Single Family Density District Lot.

This was Tabled at the last meeting and they are pulling it today due to surveyor not having the survey finished.

**Attachments:**[Application.pdf](#)[Residential Application.pdf](#)[Adjoining Property Owners Notification.pdf](#)[Planning Action Letter.pdf](#)[Pictures of Area.pdf](#)**Withdrawn**

[VR-18-01](#)

VARIANCE: VR 18-01 1406 E. Nettleton

Bret and Sara Foster of Northeast Arkansas Monument with owner Nikki Macon of Macon Real Estate, LLC is requesting a variance for address 1406 E. Nettleton to allow a non-conforming use request from Interior Design Office / Art Gallery to a second Sales Office and Showroom for existing Monument Company. This is located within as R-1 Single Family Density District Lot.

**Attachments:**

[Application.pdf](#)

[Letter from Northeast Arkansas Monument Co..pdf](#)

[Letter with Picture.pdf](#)

[Minutes from December 15, 2015 MAPC Meeting - Interior Design Business. Plat.pdf](#)

[Picture of Front of Building.pdf](#)

[Commercial Application for Change of Use.pdf](#)

[Adjoining Property Owner Notifications Signed.pdf](#)

[Adjoining Property Owner Notifications and USPS Receipts.pdf](#)

[USPS Green Cards Returned.pdf](#)

[Photos.pdf](#)

**APPLICANT:** Scotty McGlaughlin representing owner Nikki Macon of Macon Real Estate, LLC along with Bret and Sara Foster of Northeast Arkansas Monument is requesting a variance and a Change of Use for address 1406 E. Nettleton to allow a non-conforming use request from Interior Design Office / Art Gallery to a second Sales Office and Showroom for existing Monument Company this being located within as R-1 Single Family Density District Lot.

**CHAIR:** Doug Gilmore stated looking to revert back to Monument Company.

**APPLICANT:** Scotty McGlaughlin stated it would be a Sales Room and Show Room. This will actually be less traffic than our previous tenant. Bret Foster stated that they estimate around 5.5 customers per month. Scotty stated it is not like a flea market.

**BOARD:** Max Dacus ask what were the stipulations when we approved this last time. If there was anything, we should remember or know about.

**BOARD:** Rick Miles stated that we had discuss this property as being a non-sales type atmosphere because of where it actually sits.

**CHAIR:** Doug Gilmore stated we actual talked about where ABC Plumbing wanted to locate and that did not work.

**BOARD:** Rick Miles stated that when Claudia Shannon and Ms. Macon brought it to us they wanted to utilize this strictly as a show room. This was very limited on the amount of traffic coming in and out because it was selected folks is not that right Ms. Macon. Also, there was a second time we had to look at it again was because of the nonconforming sign. Are you planning on using that non-conforming pole for the sign again?

**APPLICANT:** Bret Foster stated at the present yes. Scotty McGlaughlin stated

that there is not going to be a change in the sign. Bret Foster stated that they are going to use the existing sign and pole itself and just re graphic that sign.

**BOARD:** Rick Miles stated that was one of the issues we had was the sign itself.

**APPLICANT:** Bret Foster stated that the dimensions of the sign would not change. Scotty McGlaughlin stated that last time Ms. Macon sign an agreement if anything happen the City was not responsible.

**BOARD:** Rick Miles stated as far as the stipulations were with the agreement.

**PUBLIC:** No Opposition.

A motion was made by Rick Miles, seconded by Max Dacus Jr., that this matter be Approved. The motion **PASSED** with the following vote:

**Aye:** 3 - Sean Stem;Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

[VR-18-02](#)

VARIANCE: VR 18-02 312 S. Hunter Lane

Stan Stanton of C3, LLC is requesting a variance for address 312 S. Hunter Lane to waive the filed plat setbacks from the Street ROW of 30 ft. to reduce it down to the standard 25 ft. setback for lot 5 to take advantage of the terrain to provide a little more privacy for the back yard. This is located within an R-1 Single Family Density District Lot.

**Attachments:**     [Application.pdf](#)  
                              [Filed Plat.pdf](#)  
                              [Site Plan.pdf](#)  
                              [Residential Application and SWAAP.pdf](#)  
                              [House Plans.PDF](#)  
                              [Photos of Area.pdf](#)  
                              [Adjoining Property Owner Notifications.pdf](#)  
                              [USPS Receipts.pdf](#)

**APPLICANT:** Michael Boggs of Tralan Engineering representing Stan Stanton of C3, LLC is requesting a variance for address 312 S. Hunter Lane to waive the filed plat setbacks from the Street ROW of 30 ft. to reduce it down to the standard 25 ft. setback for lot 5 to take advantage of the terrain to provide a little more privacy for the back yard. This is located within an R-1 Single Family Density District Lot.

The owner has some individuals looking at this lot and they would like to pull the lot up some for what they could limit seeing into their back yard, but also what they would see in others. This would also line the houses up a little more in that area if possible is the reason for the request.

The existing R-1 setbacks are 25 ft. but this one was previously platted with a 30 ft. so we are asking back to the 25 ft.

**BOARD:** Rick Miles ask if this joined the ASU property.

**APPLICANT:** Michael Boggs stated that Hereford Drive is to the south and there will be a fence will be put in place, but no connectivity to the property.

**STAFF:** Derrel Smith stated if that R-1 ordinance has a 25 ft. setback, this one was platted as 30 ft. because it was actually under an old subdivision. If someone wants to enforce the old subdivision covenant and it is valid they could civilly require this to be 30, cut our ordinance is 25 ft.

**APPLICANT:** Michael Boggs stated there was a variance stated on this last April on lots 18, 19, and another 1 on this agenda for the lot on the opposite side of the street.

**STAFF:** Derrel Smith stated that if you Replat this you would have to get every homeowner to sign off now. If it was the developer that still owned all of the lots it would be easier. All the lots that are sold have to sign off on the plat if you tried to Replat it all off on the 25 ft. lots. Michael how many lots are left?

**APPLICANT:** Michael Boggs stated houses are built on lots 1 and 10 and he still owns lots 9 – 6 and he has 6 under contract based upon this and I believe the same on the other side.

**Public:** No Opposition.

**A motion was made by Sean Stem, seconded by Max Dacus Jr., that this matter be Approved. The motion PASSED with the following vote:**

**Aye:** 3 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

[VR-18-03](#)

VARIANCE: VR 18-03: 415 Warner Avenue

Cesar Islas is requesting a variance for address 415 Warner Avenue to waive the front yard setback of a 6 ft. Wood Privacy Fence that is already installed. This is located within an R-2 Multi-Family Low Density District Lot.

**Attachments:**     [Application.pdf](#)  
                              [Letter.pdf](#)  
                              [Photos.pdf](#)  
                              [Residential Application.pdf](#)  
                              [VR 18-03, Caryl Steele Email.pdf](#)  
                              [VR-18-03 Jeff Ransone Opposition.pdf](#)  
                              [VR-18-03 Jeb Spencer Opposition.pdf](#)

**APPLICANT:** Dementia Smith representing Cesar Islas is requesting a variance for address 415 Warner Avenue to waive the front yard setback of a 6 ft. Wood Privacy Fence that is already installed. This is located within an R-2 Multi-Family Low Density District Lot.

**BOARD CHAIR:** Doug Gilmore stated that this fence has come to our attention and it is less than attractive. This was done without property permitting and it does not fit Jonesboro's Fence Code. You can see other front fences in that neighborhood that would shorter front yard fences and to keep kids off the street. We certainly want to keep kid's safe, but a 6 ft. front yard fence we do not find that acceptable. We need to talk about this and form a recommendation. The way they build this duplex, this part faces the street and the other faces the back yard. Does he own the property with the chain link fence?

**APPLICANT:** Dementia Smith stated that he does.

**BOARD CHAIR:** Doug Gilmore stated we would like to address that too.

**BOARD:** Sean Stem wanted to clarify the two doors on warner are the front doors.

**APPLICANT:** Dementia Smith stated yes.

**BOARD CHAIR:** Doug Gilmore stated that two face Warner and other two face back yard.

**BOARD:** Sean Stem asked if the doors facing warner was A and B.

**APPLICANT:** Dementia Smith stated yes.

**BOARD:** Sean Stem asked if the fence facing the other side that was the backyard to both units.

**APPLICANT:** Dementia Smith stated the fence that was there he just joined that fence with the same size and everything. So the issue is just facing the street whatever.

**BOARD:** Sean Stem stated that is what is appears to me there is a fence in the front yard that really does not need to be there. Looks like there is a backyard fence.

**APPLICANT:** Dementia Smith stated yes.

**BOARD:** Sean Stem stated that if I understand this right they are here looking for a variance to approve what is installed so to follow the rules that we are supposed to follow and we agree that needs to be taken down there needs to be a motion.

**STAFF:** Derrel Smith said to keep the motion positive to vote no and then the motion is denied or you cannot make a motion and let it die.

**BOARD:** Sean Stem asked which way would an attorney want it.

**STAFF:** Derrel Smith stated that he would rather you vote in positive and everyone vote no to turn it down

**BOARD:** Sean Stem stated he does not think it need to be there.

**BOARD:** Max Dacus stated there is not hardship. They have a fence in the backyard and this is their front yard.

**BOARD:** Rick Miles stated let me make the record clear this fence was put up with nothing provide to the city prior to that fencing being built. Am I correct on that.

**STAFF:** Derrel Smith stated yes.

**APPLICANT:** Dementia Smith stated yes that no permit was issued.

**BOARD:** Rick Miles stated wanted to state that for the record about no permit was applied for.

**APPLICANT:** Dementia Smith stated that initially there was a chain link fence.

**STAFF:** Derrel Smith stated that there was no permits were applied for any of the fencing.

**BOARD:** Doug Gilmore said to tell Mr. Islas that he needs to obtain the proper permit for the fencing that is being left.

**APPLICANT:** Dementia Smith stated that it is understood now.

**STAFF:** Derrel Smith committed that part of the motion needs to be that they need to get a permit for the part of the fence that is legal existing fence.

**BOARD:** Sean Stem first motion is to vote on the fence in the front yard.

**Public:** No Opposition.

**BOARD:** 2ND Motion was to grant back fence with him getting a permit -- Rick Miles 2nd that motion and it passed.



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

**Nay:** 3 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

[VR-18-04](#)

VARIANCE: VR 18-04: 921 Meredith Drive, 1609, 1610 and 1613 Leanne Cove

John Easley of Associated Engineering on behalf of Steve Perry of Briarwood Estates of Jonesboro is requesting variances for address 921 Meredith Drive lot 1 from standard setback of 7.5 ft. to 7.2 ft. on rear and 6.5 ft. on front side setback on west side of building. This is located within an RS-7 Single Family Residential District. Requesting Variance for address 1613 Leanne Cove for the front yard setback that has a setback encroachment of .05 ft. into the standard 25 ft. setback. Requesting Variance for address 1610 Leanne Cove for the front yard setback that has a setback encroachment of 10.7 ft. into the standard 25 ft. setback. There are two Single Family homes located at 1609 and 1613 Leanne Cove that are within the RM-8 Residential Multi-Family Zoning.

**Attachments:**     [Application.pdf](#)  
                              [Plat.pdf](#)  
                              [Adjoining Property Owner Notifications.pdf](#)  
                              [Aerial Photo.pdf](#)  
                              [USPS Receipts.pdf](#)

**APPLICANT:** John Easley of Associated Engineering on behalf of Steve Perry of Briarwood Estates of Jonesboro is requesting variances for address 921 Meredith Drive lot 1 from standard setback of 7.5 ft. to 7.2 ft. on rear and 6.5 ft. on front side setback on west side of building. This is located within an RS-7 Single Family Residential District. Requesting Variance for address 1613 Leanne Cove for the front yard setback that has a setback encroachment of .05 ft. into the standard 25 ft. setback. Requesting Variance for address 1610 Leanne Cove for the front yard setback that has a setback encroachment of 10.7 ft. into the standard 25 ft. setback. There are two Single Family homes located at 1609 and 1613 Leanne Cove that are within the RM-8 Residential Multi-Family Zoning.

We are in the process of finalizing the financial process to survey and finalize the mortgages on the property. We have a couple of small setback violations. On lot one, which is 921 Meredith we have a violation of .3 ft. to the Northwest corner of the House and 1 ft. to the Southwest corner of the house. We are asking for a variance for that. On 1613 Leanne, which is lot 40, has a .05 ft. encroachment of the setback and requesting a variance for that. On 1610 Leanne Cove this is a pavilion concrete slab 4 post open air picnic area 10.7 ft. into the setback. Lastly, lot 40 and 41 are single-family homes, but the area I guess you could say was zoned RM-8 multi-family duplexes, back in January 2015 when this rezoning come up we were trying to get an application in for financing of the two projects. So you do the applications and then a year later you find out if you are approved or not. During that process, the city adopted the Intentional Building Codes along with the fire codes, which require two roads in and out for so many houses. During while in the process of trying to meet those codes the configuration changed and we added two ways out. So these two lots got pushed down and around and unbeknowning to all of us they were actually in RM-8. So we are asking for a variance to put two single-family homes in the RM-8 Zoning.

**PUBLIC:** No Opposition.

**A motion was made by Max Dacus Jr., seconded by Sean Stem, that this matter be Approved. The motion PASSED with the following vote:**

**Nay:** 3 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

[VR-18-05](#)

VARIANCE: VR 18-05: 5004 Yukon Drive

Moss Fencing on behalf of Nancy Marlett request a variance for address 5004 Yukon Drive for fence that will extend into the standard front yard that is six (6) ft. in height wood fence instead of the standard four (4) foot in height and 50% open. This will extend twelve (12) ft. into the East side yard. This is located within an R-1 Single Family Density District Lot.

**Attachments:**     [Application.pdf](#)  
                              [Layout.pdf](#)  
                              [Adjoining Property Owner Notifications and Signatures.pdf](#)  
                              [Aerial View.pdf](#)  
                              [SFR 17-286 5004 Yukon Drive - House.pdf](#)

**APPLICANT:** Joss Moss of Moss Fencing on behalf of Nancy Marlett request a variance for address 5004 Yukon Drive for fence that will extend into the standard front yard that is six (6) ft. in height wood fence instead of the standard four (4) foot in height and 50% open. This will extend twelve (12) ft. into the East side yard. This is located within an R-1 Single Family Density District Lot.

This is actually her front yard and I met with neighbors and made sure we had no obstruction from any of the driveways backing out. Neither neighbor had a problem.

**BOARD:** Rick Miles stated you really like those side yards do not you Josh.

**APPLICANT:** Josh Moss stated yes I do.

**BOARD CHAIR:** Doug Gilmore stated they were a nightmare.

**APPLICANT:** Joss Moss stated they always make sure and there is a driveway on that side of the house where it says 25 ft., we always make sure that we can park our vehicle there and not obstruct the view of traffic for pulling out or backing out which we can do in that in that situation.

For that property on the northwest corner there and we are on the east side of the house. We did one on the opposition end of this road on another property here while back. That was the one for Craig McDaniel and the builder came in to make sure we were not obstructing anybody.

**BOARD:** Rick Miles ask that all adjoining property owners has been informed.

**APPLICANT:** Josh Moss stated that he went there and had them to sign the documents myself.

**PUBLIC:** No Opposition.

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

**Aye:** 3 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

[VR-18-06](#)

**VARIANCE:** VR 18-06: 313 S. Hunter Lane

Stan Stanton of C3, LLC is requesting a variance for address 313 S. Hunter Lane to waive the filed plat setbacks from the Street ROW of 30 ft. to reduce it down to the standard 25 ft. setback for lot 5 to take advantage of the terrain to provide a little more privacy for the back yard. This is located within an R-1 Single Family Density District Lot.

**Attachments:**    [Application.pdf](#)  
                              [Plat.pdf](#)  
                              [Site Plan.pdf](#)  
                              [USPS Receipts.pdf](#)  
                              [BZA Adjoining Property Owner Notification.pdf](#)  
                              [Pictures of Area.pdf](#)

**APPLICANT:** Michael Boggs of Tralan Engineering on behalf of Stan Stanton of C3, LLC is requesting a variance for address 313 S. Hunter Lane to waive the filed plat setbacks from the Street ROW of 30 ft. to reduce it down to the standard 25 ft. setback for lot 5 to take advantage of the terrain to provide a little more privacy for the back yard. This is located within an R-1 Single Family Density District Lot.

**APPLICANT:** Michael Boggs stated that all the water drains on that side.

**PUBLIC:** No Opposition.

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 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

[VR-18-07](#)

VARIANCE: VR 18-07: 221 W. Nettleton

Mike McNeese of Ridge Surveying & Consulting on behalf of owner Ileana Gomez is requesting a variance for address 221 W. Nettleton to construct a house that will set 19 ft. +/- into the standard 25 ft. rear property line setback. This is located within an R-1 Single Family Density District Lot.

**Attachments:**    [Application.pdf](#)  
                              [Plot Plan.pdf](#)  
                              [Residential Application.pdf](#)  
                              [House Plans.PDF](#)  
                              [Pictures of Area.pdf](#)  
                              [Adjoining Property Owner Notifications - Signed.pdf](#)

**APPLICANT:** Mike McNeese of Ridge Surveying & Consulting on behalf of owner Ileana Gomez is requesting a variance for address 221 W. Nettleton to construct a house that will set 19 ft. +/- into the standard 25 ft. rear property line setback. This is located within an R-1 Single Family Density District Lot.

This is an old subdivision that was originally platted in 1892. Ms. Gomez took title to this property in 2016. When she purchased this lot it had an old dilapidated home on it. She tore it down and came to the city to get a building permit and she was made aware that she was going to have to Replat the lot. We replatted the property for her and in the course of doing that her lot lost some right of way when forming to the Master Street Plan with the widening of the Nettleton Avenue Street Widening Project. That is consider the hardship. I drew out the plot plan. What we are proposing is conforming to the street setbacks not only on Madison but also on Nettleton Avenue as well as the side setbacks. This is 7.65 ft. on the South side of the lot. Here today to see if you would grant us 6 ft. on the back going from a 25 ft. rear setback to a 19 ft. and if you look that will give from her proposed roof line to the existing residence to the west over 27 ft. roofline to roofline.

Would you like to see pictures of the home she is building?

**BOARD CHAIR:** Doug Gilmore stated that would be helpful. Are you facing that towards Madison?

**APPLICANT:** Mike McNeese stated yes.

**BOARD CHAIR:** Doug Gilmore asked if the driveway would be off Madison.

**APPLICANT:** Mike McNeese stated yes.

**APPLICANT:** Ms. Gomez stated that they wanted to help the Neighborhood look a little bit better.

**BOARD CHAIR:** Doug Gilmore stated that this would do that. Doug asked if that was her parents' house next door.

**APPLICANT:** Ms. Gomez stated yes.

**BOARD:** Sean Stem stated that looks like a fair request and they are trying to adhere to the Cities street setbacks and I assume that is what the city would rather see.

**APPLICANT:** Mike McNeese stated that is always difficult to do on a corner lot. We are trying to adhere to those two street setbacks. We can do it with this method.

**BOARD CHAIR:** Doug Gilmore stated that you have the two important setbacks.

**PUBLIC:** No Opposition.

A motion was made by Sean Stem, seconded by Max Dacus Jr., that this matter be Approved. The motion **PASSED** with the following vote:

**Aye:** 3 - Sean Stem; Rick Miles and Max Dacus Jr.

**Absent:** 1 - Jerry Reece

**5. Staff Comments**

**6. Adjournment**