



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Final Board of Zoning Adjustments

Tuesday, August 21, 2018

1:30 PM

Municipal Center

1. Call to Order

2. Roll Call

Present 5 - Doug Gilmore; Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

3. Approval of Minutes

[MIN-18:080](#)

MINUTES: BZA Minutes from July 17, 2018.

Attachments: [BZA Minutes from July 17, 2018.pdf](#)

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

Aye: 4 - Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

4. Appeal Cases

[VR-18-25-2](#)

VARIANCE: 1007, 1009, 1011, 1013, 1101 and 1103 Commerce

Barry McGee with McGee Fencing on behalf of owner Osment Investments, LLC is requesting a variance for addresses 1007, 1009, 1011, 1013, 1101 and 1103 Commerce to add 6 ft. iron fence across the front with entrance gates and 8 ft. wood fence between apartments and house on the North Side of the property. The requirement is 4 ft. 50 percent open for fence in front yard setback and standard 6 ft. fence in height on sides and rear of the property. This is located within an R-2 Multi Family Low Density District.

Attachments: [Application.pdf](#)
 [Drawing of Fence Placement.pdf](#)
 [Commercial Application.pdf](#)
 [McGee Fence Application.pdf](#)
 [USPS Receipts.pdf](#)
 [Pictures of area.pdf](#)

Barry McGee with McGee Fencing on behalf of owner Osment Investments, LLC is requesting a variance for addresses 1007, 1009, 1011, 1013, 1101 and 1103 Commerce to add 6 ft. iron fence across the front with entrance gates and 8 ft. wood fence between apartments and house on the North Side of the property. The requirement is 4 ft. 50 percent open for fence in front yard setback and standard 6 ft. fence in height on sides and rear of the property. This is located within an R-2 Multi Family Low Density District.

APPLICANT: Mr. Barry McGee is looking for a variance to put up an 8 foot privacy fence between the house and 1007 commerce drive, on the north side only. Home owner is willing to do it. Also, wants the property to be a coded gate using 6 feet wrought iron on the front.

BOARD: Chairman Mr. Gilmore asked how does this gate pertain to Fire.

APPLICANT: Mr. Barry McGee said there is a fire box outside.

APPLICANT: Mr. Larry McElroy said he is the home owner on 1005 Commerce Dr. He said if you can stand on his property he can see in the apartment windows.

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

Aye: 4 - Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

[VR-18-26](#)

VARIANCE: 5750 Commerce

Rajeev Kumar on behalf of owner 5750 Commerce, LLC is requesting a variance for addresses 5750 Commerce Square to retain the existing driveway on Commerce Square, which exceeds the maximum 40 ft. wide drive and exceeds minimum separation of 50 ft. between driveways. This request is needed for additional driveway width for maneuvering of fuel delivery trucks and semi-trailer delivery trucks. This is located within a C-3 General Commercial District.

Attachments: [Application.pdf](#)
 [Site Plan.pdf](#)
 [Adjoining Property Letter.pdf](#)
 [USPS Receipts.pdf](#)
 [Pictures of Area.pdf](#)

Rajeev Kumar on behalf of owner 5750 Commerce, LLC is requesting a variance for addresses 5750 Commerce Square to retain the existing driveway on Commerce Square, which exceeds the maximum 40 ft. wide drive and exceeds minimum separation of 50 ft. between driveways. This request is needed for additional driveway width for maneuvering of fuel delivery trucks and semi-trailer delivery trucks. This is located within a C-3 General Commercial District.

APPLICANT: Mr. Jim Gramling, Attorney represented Mr. Rajeev Kumar for 5750 Commerce, He is requesting a variance exceeds the maximum 40 ft. wide drive and exceeds minimum separation of 50 ft between driveways. Mr. Jim said there is a hard ship to use the existing 40 ft driveway. This is not enough room for trucks to turn, when the fuel pump is installed at this location.

BOARD: Chairman Mr. Doug Gilmore asked how wide they are asking the driveway to be.

APPLICANT: Mr. Jim Gramling said they are requesting the driveway to remain 50 ft.

BOARD: Chairman Mr. Doug Gilmore asked if the existing curb island will be removed.

APPLICANT: Mr. Jim Gramling said the plan is to keep that.

STAFF: Mr. Derrel Smith said planning department checked with the engineering department and they were okay with the driveway being 50 feet.

BOARD: Mr. Rick Miles said that since the City Engineering Department does not have an issue with granting the variance he will agree to pass it.

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

Aye: 4 - Sean Stem;Rick Miles;Max Dacus Jr. and Jerry Reece

[VR-18-27](#)

VARIANCE: 2703 Paula Drive

George Hamman of Civilogic on behalf of owners John and Deborah White is requesting a variance for address 2703 Paula Drive to allow the owners to keep the existing building that is positioned on their property with rear building setback on west side reduced from 25 ft. to 15 ft. to accommodate the existing building. Owner wants to Replat property into two parcels so building setback encroachment has to be resolved before Replat can be filed. This is located within an R-1 Single Family Residential District.

Attachments: [Application.pdf](#)
 [Letter.pdf](#)
 [Plat.pdf](#)
 [Map.pdf](#)
 [USPS Receipts.pdf](#)
 [Pictures of the Area.pdf](#)

George Hamman of Civilogic on behalf of owners John and Deborah White is requesting a variance for address 2703 Paula Drive to allow the owners to keep the existing building that is positioned on their property with rear building setback on west side reduced from 25 ft. to 15 ft. to accommodate the existing building. Owner wants to Replat property into two parcels so building setback encroachment has to be resolved before Replat can be filed. This is located within an R-1 Single Family Residential District.

APPLICANT: Mr. George Hamman requesting a variance on behalf of John White. The variance is asking for rear building setback on west side reduced from 25 ft. to 15 ft. to accommodate the existing building. The building has been there for at least 10 years.

BOARD: Chairman Mr. Doug Gilmore asked if there were any public comments. There were none.

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

Aye: 4 - Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

[VR-18-28](#)

VARIANCE: 600 Shadow Lane

Joe S Shelby II on behalf of owner Brian Horn is requesting a variance for address 600 Shadow Lane to reduce street setback of the required 25 ft. to 5 ft. for the construction of an accessory building for his mother on the west side of the lot. This is located within an R-1 Single Family Residential District.

THIS WAS TABLED AT THE BZA MEETING ON TUESDAY, AUGUST 21, 2018.

THIS HAS BEEN PULLED.

Attachments: [Application.pdf](#)
 [BZA Narrative.pdf](#)
 [Plat.pdf](#)
 [USPS Receipts.pdf](#)
 [Pictures of the Area.pdf](#)

Joe S Shelby II on behalf of owner Brian Horn is requesting a variance for address 600 Shadow Lane to reduce street setback of the required 25 ft. to 5 ft. for the construction of an accessory building for his mother on the west side of the lot. This is located within an R-1 Single Family Residential District.

APPLICANT: Mr. Michael Daniels represented Mr. Shelby. He said Mr. Shelby is trying to buy 600 Shadow Lane. The old lot needed a replat. The replat pushes the building back 25 feet. They are requesting reduce street setback of the required 25 ft. to 5 ft. for the construction of an accessory building for his mother on the west side of the lot. The rotation may of the building may change but the current placement is on the setback line. Mr. Shelby proceeded to show the board additional documents.

APPLICANT: Mr. Joe S Shelby said his actual intent is to stay east and west. It will be completely joined and would have central heating. He further mentioned that his mother is 66 years old and have had three surgeries in the past two years, her health is on the decline. Mr. Shelby said this is a growing problem in Jonesboro because by 2029 they are projecting the entire population to be over 65. Unfortunately, in Jonesboro there are not very many lots where there is enough room to add a mother-in-laws quarter. The second reason why Mr. Shelby wants the variance is that he has a six year old autistic son, he said there is a strong chance that his son will be living with him after he turns 18. He wanted a facility that he can help his son, when his mother passes away. This is a long term plan for them.

BOARD: Chairman Mr. Doug Gilmore asked if the house is three bedrooms.

APPLICANT: Mr. Joe S Shelby said yes it is. Three bedroom, two level. It has steps in the front and the back.

BOARD: Chairman Mr. Doug Gilmore asked if there are any public comments.

CITIZEN: Mr. Jim Little said he owns two houses adjoining to Mr. Shelby's property. 606 Shadow lane and 603 College. 603 College is where there is the

car-port Mr. Shelby was talking about. Mr. Little's main concern is that there is a 50 feet setback on Shadow Lane. He also asked the neighbors if they were opposed to this variance. Most of the neighbors are opposed to this Variance, mostly because of the deep front yards that we already have on Shadow lane. He said he owns the house that has the car port right up on Flint, he added that the nature of Flint is very different from Shadow Lane. Flint is much busier than Shadow lane. He said he has signatures from the neighbors that he shared with the board.

BOARD: Mr. Rick Miles asked if the opposition is the placement rather than the structure itself.

CITIZEN: Mr. Jim Little said that is correct.

CITIZEN: Mr. Don Mixon said this was posted on facebook page of Shadow lane, and there was unanimous objection of this mother-in-laws quarters. He said this street predates most ordinances. Particularly if you could pull up the first picture, you could see the consistency of the setbacks on Shadow Lane. He further mentioned that Kathy Mangram, whose variance was denied for an additional structure. She said if this one passes she wants to reapply for her variance. Mr. Mixon said the plan Mr. Little submitted is much more suitable for 600 Shadow Lane. Mr. Mixon said there is a better way of doing this additional structure.

APPLICANT: Mr. Joe S Shelby said he have already talked to Mr. Jim Little regarding Mr. Little's plan. The only line of sight for his autistic child is to have the building situated to the plan he has. As some autistic children do not have a fight or flight reflex, he learned it the hard way has his child almost drowned this past summer and could not comprehend the danger. The hardship is that he cannot move the building otherwise his room to play in the backyard will be gone.

BOARD: Mr. Max Dacus asked Mr. Derrel Smith, at what point does this structure require where he would have to have a variance.

STAFF: Mr. Derrel Smith said it would be 25 feet.

APPLICANT: Mr. Michael Daniels said that would make the existing house in the setback. He said Cole's subdivision and their setbacks and right of way were different.

BOARD: Chairman Mr. Doug Gilmore this property has never been replated in one lot.

APPLICANT: Mr. Michael Daniels said this is a 112 year old subdivision and has never been platted.

APPLICANT: Mr. Rick Miles said as it sits today, it is out of existing code.

APPLICANT: Mr. Joe S Shelby said he will move into the house at least a year from now but does not want to purchase the property without the assurity of that he will not be allowed to build the additional structure.

CITIZEN: Mr. Jim Little said it is hard for him to grasp the hardship of Mr.

Shelby, as he has yet to buy the property.

BOARD: Mr. Rick Miles asked what his timeline is of moving?

APPLICANT: Mr. Joe S Shelby he closed on his house, and he would like to move September 14th.

BOARD: Mr. Rick Miles said what if we table this and move the structure further in and have the new drawings to show the board.

APPLICANT: Mr. Joe S Shelby the next time the committee meets will be longer than he would like to wait.

BOARD: Unanimously said they can have a special meeting next week.

APPLICANT: Mr. Joe S Shelby asked if he could go back and change the setback drawing to 15 feet instead of 5 feet.

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

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

Nay: 1 - Jerry Reece

5. Staff Comments

6. Adjournment