



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes - Final Board of Zoning Adjustments

Tuesday, October 15, 2019

1:30 PM

Municipal Center

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

[MIN-19:101](#)

MINUTES: September 17, 2019

Attachments: [Meeting Minutes from September 17, 2019](#)

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

4. Appeal Cases

[VR-19-32](#)

VARIANCE: 1515 Flint Street

Joanne Pardun is requesting a variance for address 1515 Flint Street to allow the west side setback to be reduced to 4 ft. and to 4 ft. on the rear setback instead of the required 7.5 ft. setback. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Site Plan](#)
 [Signed Property Owner Sheets](#)
 [Pictures](#)
 [Aerial View](#)
 [Minutes from Last Meeting](#)

Joanne Pardun is requesting a variance for address 1515 Flint Street to allow the west side setback to be reduced to 4 ft. and to 4 ft. on the rear setback instead of the required 7.5 ft. setback. This is located within an R-1 Single Family Medium Density District.

A motion was made by Rick Miles to remove the table from the variance, seconded by Max Dacus Jr. that this matter be revisited. The motion PASSED with the following vote.

Removed from Table

Aye: 3-Rick Miles; Max Dacus Jr. and Jerry Reece

Nay: 0

APPLICANT: Joanne Pardun stated she remembers from last month's meeting there was not enough information in the google maps photo. You could not see the tree that they were requesting not to remove. While they were in town they did take a photo if you would like to see it.

COMMISSION: Rick Miles asked why they are going to the very back corner of the property with this accessory building.

APPLICANT: Joanne Pardun stated the shed they are wanting to put in is a portable 12x24. So they do not have to remove that tree, that is the most open spot. There are beds on the other corner they are not wanting to remove for next year's gardening. That was the best space. If they put it there they will have the 4.5' around it instead of the variance.

COMMISSION: Doug Gilmore stated they are basically needing a variance for 3.5' in both directions.

COMMISSION: Rick Miles asked if this is an open building.

APPLICANT: Joanne Pardun stated it is a portable shed they will role in there. There is a large gate on the front fence which is why they want to put it in that corner.

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

COMMISSION: Doug Gilmore asked for staff comments.

STAFF: Derrel Smith stated they have not had any calls expressing opposition on it. We are all for saving as many trees as possible. It looks like there are others out there that are around the same distance or closer. He stated he does not see that this would be out of place with the neighborhood.

COMMISSION: Rick Miles stated the only reason they are putting it in the back corner is because the newer trees that are planted in the yard, or is it because there is a lack of space to place it anywhere else.

APPLICANT: Joanne Pardun stated there is not a lot of other conducive space. In the front corner and close to the fence there are rose beds. That is the only young tree there. The rest are all older trees that have been damaged by ice storms in the past. They are looking at severely trimming the trees so that is really the only clear corner of the yard.

COMMISSION: Jerry Reece asked if she could make an adjustment with the 3' that you are wanting.

APPLICANT: Joanne Pardun asked what kind of adjustment and stated she could always look into that.

COMMISSION: Jerry Reece asked if the building could be moved away from the fence by 3'.

APPLICANT: Joanne Pardun stated she thinks that can be done because on that back fence there is a garden, but it used to be a chicken coop. I think they are not opposed to removing it. Moving it 3' forward would probably be doable.

COMMISSION: Jerry Reece stated it appeared to him they could pick up the square footage they need be just adjusting the site.

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 - Doug Gilmore; Max Dacus Jr. and Rick Miles

Nay: 2 - Jerry Reece and Sean Stem

[VR-19-35](#)

VARIANCE: 2953 Woodsprings Road

Tommy Westbrook of Westbrook Builders on behalf of Greg Haag is requesting a variance for address 2953 Woodsprings Road to construct an Accessory Building 26 ft. than 12 ft. in height that is in the Accessory Building Code. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Residential Application](#)
 [Building Layout](#)
 [Property Owner Signatures](#)
 [Site Plan](#)
 [SWAPP](#)
 [USPS Receipts](#)
 [Aerial View](#)

Tommy Westbrook of Westbrook Builders on behalf of Greg Haag is requesting a variance for address 2953 Woodsprings Road to construct an Accessory Building 26 ft. than 12 ft. in height that is in the Accessory Building Code. This is located within an R-1 Single Family Medium Density District.

APPLICANT: Tommy Westbrook stated the Haags have owned this property for roughly 20 years. There used to be a pole barn on the location they are looking at. Three to four years ago they tore it down. They are wanting to build another one to house some small equipment and gardening tools. They also have a kitchenette and guest suite in case an in-law need a little extra help. The structure is 30' wide and 103' long, 26' tall.

COMMISSION: Doug Gilmore stated the living areas is detached from the other area.

APPLICANT: Tommy Westbrook stated it has a breezeway.

COMMISSION: Doug Gilmore stated that the plans look nice.

APPLICANT: Tommy Westbrook stated it will be a very nice building.

COMMISSION: Sean Stem asked how tall the existing home is.

APPLICANT: Tommy Westbrook stated it is two story home with probably a 12/12 pitch. It will be much taller than the proposed building.

COMMISSION: Max Dacus Jr. asked if the old pole barn that used to be there is gone.

APPLICANT: Tommy Westbrook stated that they have taken it down.

STAFF: Derrel Smith stated if the new building is built as a residence, it will have to have a conditional use from MAPC. If it is built for storage only, it does not, but if built for someone to potentially live in it, they will have to approve that.

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

[VR-19-36](#)

VARIANCE: 1909 Lark Drive

Ronnie Hedger is requesting a variance for address for 1909 Lark Drive to construct a 6 ft. fence in the east backside front yard setbacks. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Residential Application](#)
 [Outline](#)
 [Pictures of Area](#)
 [Property Owners](#)

Ronnie Hedger is requesting a variance for address for 1909 Lark Drive to construct a 6 ft. fence in the east backside front yard setbacks. This is located within an R-1 Single Family Medium Density District.

APPLICANT: Ronnie Hedger stated he wants to put a fence on the Oak Meadow side of his house and replace the fence that runs along Nettleton Ave.

COMMISSION: Doug Gilmore asked if everyone understands the proposal from the pictures being shown.

COMMISSION: Sean Stem stated the applicant is basically lining his up with these others through there.

APPLICANT: Ronnie Hedger stated he is. He stated he is going to have split face block columns and it is going to be wood in between them. The variance is because of the 25' setback.

STAFF: Derrel Smith stated this is a corner lot so you have the street setback on two sides.

COMMISSION: Doug Gilmore asked what the overall height of the fence will be.

APPLICANT: Ronnie Hedger stated it will be 6' high. On the Oak Meadow side, his lot is around 30-32" lower. He is going to put a wall there and built the fence on top and French drain to allow for drainage.

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

[VR-19-37](#)

VARIANCE: 2103 Alicia Drive

David Mullins is requesting a variance for address 2103 Alicia Drive to construct an RV Carport Accessory Building 14 ft. than 12 ft. in height that is in the Accessory Building Code to cover his motorhome. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Description](#)
 [Drawing](#)
 [Letter to Neighbors](#)
 [Pictures](#)
 [USPS Receipts](#)

David Mullins is requesting a variance for address 2103 Alicia Drive to construct an RV Carport Accessory Building 14 ft. than 12 ft. in height that is in the Accessory Building Code to cover his motorhome. This is located within an R-1 Single Family Medium Density District.

APPLICANT: David Mullins stated he is trying to build an RV cover beside his house for his motorhome. It will be constructed by Square Post Buildings. It will match the house colors. He stated he currently has a gravel drive that the motorhome is parked on. He has a picture of an example of what it will look like.

COMMISSION: Doug Gilmore asked if the only thing they are dealing with is height.

APPLICANT: David Mullins stated that is correct.

COMMISSION: Rick Miles asked if all neighbors have been notified.

APPLICANT: David Mullins stated he sent them all letters and got receipts back showing they received the letter. He stated his neighbor to the west of him is the only one that would be affected and he spoke to him personally. There was no problem with him. It is not going to have sides all the way down. It will not obstruct the view any more than the motorhome does parked beside the house.

COMMISSION: Jerry Reece asked the city if that meets the parking ordinance.

STAFF: Derrel Smith stated it does. The motorhome just cannot be in the front of your house. It has to be at the side or the rear of the house.

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

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

[VR-19-38](#)

VARIANCE: 309 Leslie Ann Drive

W. Scott Harris is requesting a variance for address 309 Leslie Ann Drive to construct an Accessory Building that is 900 sq. ft. at the height of 14 ft. than 12 ft. that is in the Accessory Building Code. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Residential Application](#)
 [Square Post Building Info](#)
 [Pictures](#)
 [Property Owners](#)

W. Scott Harris is requesting a variance for address 309 Leslie Ann Drive to construct an Accessory Building that is 900 sq. ft. at the height of 14 ft. than 12 ft. that is in the Accessory Building Code. This is located within an R-1 Single Family Medium Density District.

APPLICANT: Scott Harris stated he wants to build a shop building for some woodworking. Square Post Buildings is going to build it. He stated he has signatures for both neighbors for the height variance. He stated he wants to put it at the end of his driveway.

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

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

[VR-19-39](#)

VARIANCE: 2817 Forrest Home Road

Ken Folden of Delta Medical is requesting a variance for address for 2817 Forrest Home Road to enclose in an awning that will be 8 ft. 6 in from adjacent building instead of 10 ft. that is required in the Accessory Building Code. This is located within a C-3 General Commercial District.

Attachments: [Application](#)
 [Commercial Application](#)
 [Letter](#)
 [Pictures of Area](#)
 [USPS Receipts](#)

Kirk Folden of Delta Medical is requesting a variance for address for 2817 Forrest Home Road to enclose in an awning that will be 8 ft. 6 in from adjacent building instead of 10 ft. that is required in the Accessory Building Code. This is located within a C-3 General Commercial District.

APPLICANT: Kirk Folden stated he is trying to close in an already existing awning.

COMMISSION: Dou Gilmore stated that the awning will be 8'6" from the setback instead of the 10'. He will need a variance of 1'6".

COMMISSION: Sean Stem asked if he is extending it or changing it.

APPLICANT: Kirk Folden stated they are not.

COMMISSION: Rick Miles asked if this will be just for storage or will be an air conditioned area.

APPLICANT: Kirk Folden stated it will just be for storage.

COMMISSION: Rick Miles asked if he will have to move the meter to the outside.

STAFF: Derrel Smith stated he would.

COMMISSION: Sean Stem asked why the city has an issue with this since it is preexisting.

STAFF: Derrel Smith stated it is because it becomes a building. It technically was not a building before. Now it is. The fire department may require that that be a rated wall because it is within 10' of that other building.

COMMISSION: Rick Miles asked if all neighbors were notified.

APPLICANT: Kirk Folden stated they have all been notified and attached is the letter that was sent. It is St. Bernards on two sides and a church on the other side.

COMMISSION: Sean Stem asked if he was to cut the overhang back flush with

the columns, would that put him within the 10'.

APPLICANT: Kirk Folden stated he is unsure. He thinks it would still be a little off.

COMMISSION: Sean Stem stated it may be cheaper than what the fire department may require.

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

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

[VR-19-40](#)

VARKANCE: 4900 Peachtree Avenue

Adam Bodeker of The Perkins Law Firm on behalf of Michael and Jacqueline Hodge Revocable Trust is requesting a variance for address 4900 Peachtree Avenue to build an Accessory Building 16 ft. than 12 ft. in height that is in the Accessory Building Code. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Residential Application](#)
 [Building Plans](#)
 [Letter from Law Firm](#)
 [Metal Building Plans](#)
 [Plat](#)
 [Plot Plan](#)
 [Property Owners](#)
 [View of Area](#)
 [Mailed in Property Owner Signature](#)

Adam Bodeker of The Perkins Law Firm on behalf of Michael and Jacqueline Hodge Revocable Trust is requesting a variance for address 4900 Peachtree Avenue to build an Accessory Building 16 ft. than 12 ft. in height that is in the Accessory Building Code. This is located within an R-1 Single Family Medium Density District.

APPLICANT: Adam Bodeker stated this is another height variance. His client wants to build a storage building on the back of their property.

COMMISSION: Doug Gilmore stated that it is going to be behind the house and it is not going to be as tall as the house.

APPLICANT: Adam Bodeker stated it will not. It is a two story home. I drove through the neighborhood yesterday and I do not think you will be able to see it. The existing buildings on the old pictures are gone.

COMMISSION: Rick Miles asked if it will be directly behind the home or offset.

APPLICANT: Adam Bodeker stated it will be slightly offset. It is tree lined off the street and also on that west side so it should be concealed very well.

COMMISSION: Sean Stem asked if it is a prefabricated building.

APPLICANT: Adam Bodeker it is a Square Post and will be constructed out at the home. It will have a concrete foundation.

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

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

[VR-19-41](#)

VARIANCE: 3006 Pinewood Circle

Tim Faisst is requesting a variance for address 3006 Pinewood Circle to allow one side to reduce rear setback of 25 ft. by 4.5 ft. and to reduce other side of the rear setback of 25 ft. by 7.4 ft. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Drawing](#)
 [Lot](#)
 [Aerial View](#)
 [Signed Property Owner](#)
 [USPS Receipts](#)

Tim Faisst is requesting a variance for address 3006 Pinewood Circle to allow one side to reduce rear setback of 25 ft. by 4.5 ft. and to reduce other side of the rear setback of 25 ft. by 7.4 ft. This is located within an R-1 Single Family Medium Density District.

APPLICANT: Tim Faisst stated this lot is very narrow from front to back due to being in a cul-de-sac. All of the garages in the area are side load garages. On the site plan you can see it is touching the 30' setback on the front. To get what he is wanting to put there, the rear porch will be 4'6" over the rear setback. On the other corner, he believes he has 7'8". The way he has positioned the house is just like he wants it in how it is facing the road. He stated he is just asking to get a few feet off of that 25'. He stated he wants to conform to the neighborhood with the side load garage. He stated he is of the understanding that he cannot cross the 30' setback in the front.

COMMISSION: Rick Miles asked what the square footage of the house will be.

APPLICANT: Tim Faisst stated it is right at 1800 square feet. He believes that is the minimum for a single story in the bill of assurance. He had the designer draw the site plan, but will not have plans for the interior until this is approved.

COMMISSION: Rick Miles stated if he moved the house more to the left hand side, it looks like it would work.

APPLICANT: Tim Faisst stated there is an existing concrete drive in that area. He stated originally he was going to have the house sitting 10' off of that property line, but he would have to tear an existing fence down. When he really looked at it for placement of the house, it really lent itself to the way it is now.

COMMISSION: Rick Miles stated there are two points that are actually touching the variance area. If you could go further to the left and touch the 10' easement you would not be asking for nearly as much variance. The porch may not have any variance.

APPLICANT: Tim Faisst stated the fence that is there is 11' off the property line. He stated he is trying to keep from having to tear the fence down. He does not want to build a house that is right next to a fence. He stated the neighbors do

not want the fence to be taken down so he is trying to work with his placement.

COMMISSION: Rick Miles stated that he is creating a situation that is causing a variance and he is trying to find where the hardship is on making the house fit. He stated normally he would ask how can you shrink the house to get it to fit, but he will not ask that since the builder is already at the minimum. You cannot shrink it so now we have to find a way to make it fit if it can fit.

COMMISSION: Sean Stem says he agrees with Rick Miles. He said it looks like if you slid to that setback line you would still be roughly 8' from the fence if the fence is on the property line.

COMMISSION: Doug Gilmore stated the fence is not on the property line. The fence is 10' inside his property line and it is not his fence.

APPLICANT: Tim Faisst stated the previous owner allowed the neighbor to build a fence 10=12' on their property.

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

[VR-19-42](#)

VARIANCE: 6600 Evans Drive

Matt Horton on behalf of the Owner Mark Morris Construction is requesting a variance for address for 6600 Evans Drive to build a 6 ft. fence in the east backside front yard setbacks that is along Evans Drive. This is located within an R-1 Single Family Medium Density District.

Attachments: [Application](#)
 [Letter](#)
 [Site Plan](#)
 [Property Owners](#)

Jim Grambling on behalf of the Owner Mark Morris Construction is requesting a variance for address for 6600 Evans Drive to build a 6 ft. fence in the east backside front yard setbacks that is along Evans Drive. This is located within an R-1 Single Family Medium Density District.

APPLICANT: Jim Grambling stated they have a corner lot in Merrell Estates. They have road frontage on Evan Drive which is considered a front yard. The fence cannot go beyond the house. They are asking for a variance to construct the fence to go past the corner up to the utility easement. Of the corner lots in Merrell Estates, 22 of the 24 have fences that go beyond the house. This one that is under construction is one of the remaining two. That is depriving the owner of rights commonly enjoyed by others similarly situated and those not on corner lots do not have this restriction. The Hortons have two school age kids that want to be able to enjoy the backyard. They also have two dogs. This will allow them to use 400 square feet of additional backyard space.

COMMISSION: Rick Miles asked city staff if extending the fence to the utility easement would cause any corner visibility problems.

STAFF: Derrel Smith stated it should not. The utility easement is 10' off the property line and then the property line goes back another 10-12' from the back of the curb.

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

[VR-19-43](#)

VARIANCE: 3910 Stadium Blvd

Kevin Williams is requesting a variance for address 3910 Stadium Blvd to construct a 6 ft. fence in the south front yard setback along Turman Drive. This is located within a C-3 General Commercial District.

Attachments: [Application](#)
 [Commercial Application](#)
 [Fence Layout](#)
 [Plat of Survey](#)
 [Site Plan](#)
 [Property Owners](#)

Kevin Williams is requesting a variance for address 3910 Stadium Blvd to construct a 6 ft. fence in the south front yard setback along Turman Drive. This is located within a C-3 General Commercial District.

APPLICANT: Kevin Williams stated they hired a fence company to buy permits and they did not. The fence has been built. It is not on an easement. He built it and put it on concrete due to the bank wanting to secure all of the carwash equipment. He is asking for a variance for the fence that has already been built.

COMMISSION: Doug Gilmore stated he does not see this being a permanent situation and asked if a temporary variance could be given.

STAFF: Derrel Smith stated he has never heard of a temporary variance.

APPLICANT: Kevin Williams advised on this fence, he and the bank came to an agreement that at some point this fence may come down to do something with that property.

COMMISSION: Rick Miles asked if he assumes that whoever buys that property will talk the fence down.

APPLICANT: Kevin Williams stated he would assume that and he bolted the posts to the concrete so that they could. The problem is Turman is considered a front yard and a 4' fence does not secure anything.

COMMISSION: Sean Stem stated they have done a timeframe variance before.

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

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

5. Staff Comments

6. Adjournment