



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Board of Zoning Adjustments

Tuesday, November 17, 2020

1:30 PM

Municipal Center, 300 S. Church

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-20:105](#)

MINUTES: Minutes from October 20th, 2020 BZA Meeting

Attachments: [Meeting Minutes from October 20th, 2020 BZA Meeting](#)

A motion was made 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-20-34](#)

VARIANCE: 4712 Grissom Lane

Sherri Merriman is requesting a variance for 4712 Grissom Lane to place a 6-foot privacy fence into the front yard on Craighead Forest Road. This is located in an R-1 Single Family Residential District.

Attachments: [Application](#)
[Letter](#)
[Drawing](#)
[Picture](#)
[Signature of Property Owner](#)
[USPS Receipt](#)
[Pictures of Area](#)

Withdrawn

[VR-20-37](#)

VARIANCE: 4800 Yukon Drive

Stephen and Megan Miller are requesting a variance for 4800 Yukon Drive to build a 6-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](#)
 [Plot Plan](#)
 [Plat Location](#)
 [Adjoining Property Signatures](#)
 [Picture of Area](#)
 [SFR 19-52 4800 YUKON DR - HOUSE](#)

Stephen and Megan Miller are requesting a variance for 4800 Yukon Drive to build a 6-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: Megan Miller stated they are requesting a variance to build a 6-foot picket fence into our side yard which is front yard on Prospect Farm Lane.

COMMISSION: Doug Gilmore ask the applicant how many feet would that need to be?

APPLICANT: Megan Miller stated they would need 280 square feet form what the contractor measure it as. Now I don't know how many feet into the side yard.

COMMISSION: Doug Gilmore asked For Board Member's Comments.

COMMISSION: Rick Miles ask if that Prospect Farm side is the one that's actually in question. That's coming off that side easement showing that literally be a front yard just as the other. Do we know the footage coming off that side Were is the fence is actually going to be sitting.

APPLICANT: Megan Miller stated that it would be 28 feet.

STAFF: Derrel Smith stated that is about 5-foot into the building setback lines how they have it draw there. If you see the 25-foot building setback line and that not the Scale, but that looks about 20Ft so they looking about wanting 5Ft of variance on that setback.

COMMISSION: Doug Gilmore ask is anyone who oppose this variance.

COMMISSION: Rick Miles ask Derrel Smith see anything that this would be a problem for the City

STAFF: Derrel Smith stated no sitting back that far it shouldn't cause any line of sight problem. It's not an easement so I don't see any problem for us.

PUBLIC: No comments.

COMMISSION: Rick Miles stated that variance of 5 feet into the setback be approved.

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-20-38](#)

VARIANCE: 309 Gilbert

Barbara Stevens is requesting a variance for 309 Gilbert to request a 5 ft. setback variance from the house to the carport that is a required 10 ft. distance and a 5 ft. into the front yard setback that is 25 ft. from Gilbert Drive to place a metal carport. This is located in an R-1 Single Family Residential District.

Attachments: [Description](#)
 [Drawing](#)
 [Signed Adjoining Property Owners](#)
 [USPS Receipts](#)

Barbara Stevens is requesting a variance for 309 Gilbert to request a 5 ft. setback variance form the house to the carport that is required 10 ft. distance and 5 ft. into the front yard setback that is 25 ft. from Gilbert Drive to place a metal carport. This is located in an R-1 Single Family Resident District.

APPLICANT: Barbara Stevens stated she making a variance request and requesting to make a statement why there's a Hardship. Applicant begin to read a statement that she prepared about Hardship and how she fall under the guidelines. (See Video)

COMMISSION: Doug Gilmore ask is anyone here to oppose this request.

COMMISSION; Doug Gilmore ask Staff Derrel Smith so we would be looking at a 5 ft. variance.

STAFF: Derrel Smith stated that is correct.

PUBLIC: No Comments from the public.

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-20-39](#)

VARIANCE: 1105 E. Washington

Horizon Land Surveying on behalf Rise Key, Inc. are requesting a variance for 1105 E. Washington for the lot of the required square footage of 7200 to 6648.20 square footage that is on the variance survey to place a duplex on this lot. This is located in an R-2 Multi-Family Low Density District.

Attachments: [Application](#)
 [Variance Plat](#)
 [USPS Receipts](#)
 [Aerial View](#)

Horizon Land Surveying on behalf of Rise Key, Inc, are requesting a variance for 1105 E. Washington for the lot of the required square footage of 7200 to 6648.20 square footage that is on the variance survey to place a duplex on this lot. This is located in an R-2 Multi-Family Low Density District.

APPLICANT: Danny Burns with Horizon Land Survey here on behalf of Rise Key Inc, stated there's a piece of property located at 1105 E. Washington and It doesn't met the current square footage requirement to place a Duplex on the property. They're here to request a variance for it.

COMMISSION: Doug Gilmore ask Staff Derrel Smith has he seen what they planning to build here for as plans.

APPLICANT: Danny Burns stated he has an Architectural printed out in his file if you need to see it.

COMMISSION: Sean Stem ask Staff Derrel Smith do the city have any issue with this lot been small.

STAFF: Derrel Smith stated no this is part of the New Down Town Re-Development District and I don't see a problem with this and it will meet the new codes

PUBLIC: No comments.

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-20-40](#)

VARIANCE: 5404 Brody Drive

Brandon Holmes of Hammerhead Contracting is requesting a variance for 5404 Brody Drive for the lot 10 that has a 40 ft. drainage along the rear of this lot leaving only a 35 ft. buildable area and is requesting 5 ft. setback into the 25 ft. setback from Brody Drive. This is located in an R-1 Single Family Residential District.

Attachments: [Application](#)
 [Plat](#)
 [Brody Reed Estates- Elizabeth Lane-Madeline Court Added 001](#)
 [USPS Receipts](#)

Brandon Holmes of Hammerhead Contracting is requesting a variance for 5404 Brody Drive for the lot 10 that has a 40 ft. drainage along the rear of this lot leaving only a 35 ft. buildable area and is requesting 5 ft. setback into the 25 ft. setback from Brody Drive. This is located in an R-1 Single Family Residential District.

APPLICANT: John Easley stated they're asking for a 5 ft. variance on this lot due to the fact we have a 40 ft. drainage easement down the back lot line and we ask for a 5 ft. variance into the front setback.

COMMISSION: Doug Gilmore ask is anyone here that oppose to this variance today.

COMMISSION: Dough Gilmore ask for Staff Comments.

COMMISSION: Rick Miles ask what been propose to be built on that lot. Is it a Single Family.

APPLICANT: John Easley stated yes all Single Family development.

COMMISSION: Rick Miles has applicant do you have a drawing what going to sit on that footprint.

A motion was made by Rick Miles that we grant the variance that when it comes to permitted anything is check out that all setbacks are in place and the building is set where it needs to be.

STAFF: Derrel Smith stated if this lot and there's not a house on it, so it's an open lot why can't we come up with a footprint that fits inside the setbacks. When they platted it they knew what size the lot was going to be, and what size house would go on it. Instead of granting a variance for a house that doesn't fit what's there.

APPLICANT: John Easley stated once you take in count of the drainage easements and setbacks less then 30 ft. in area around the curve and the house been build is 35 ft.

STAFF: Derrel Smith stated he doesn't see were the Hardship is, they knew what the size of the lot when it was platted, so they knew what size house should go on it. And I don't see where the hardship right now because they what to put a bigger house on the lot then what it will hold.

COMMISSION: Rick Miles stated he will withdraw with the opening that we can have further discussion on how this lot can be handled in a different situation

COMMISSION: Doug Gilmore ask applicant has they place the house on the lot yet at this point

APPLICANT: John Easley stated no.

COMMISSION: Doug Gilmore stated let's place that house on the lot and see what it looks like

COMMISSION: Doug Gilmore stated we rarely give a variance on a lot without seeing the structure on the lot. But if you give us a drawing showing what's going to be on it, I think It would help us give you what you need.

The Matter was Tabled

[VR-20-41](#)

VARIANCE: 401 W. Huntington

Matt Clark of Innovative Investments, LLC is requesting a variance for 401 W. Huntington for a 6 ft. fence that extends west onto 411 W. Huntington and south to about 20 ft. from W. Huntington due to applying for a liquor license. This is located in a C-1 Downtown Core Commercial District.

Attachments: [Application](#)
 [Drawing](#)
 [Letter](#)
 [Aerial View](#)

Matt Clark of Innovative Investments, LLC is requesting a variance for 4901 W. Huntington for a 6 ft. fence that extends west onto 411 W. Huntington and South to about 20 ft. from W. Huntington due to applying for a liquor license. This is located in a C-1 Downtown Core Commercial District.

APPLICANT: Matt Clark stated we're trying to put a 6 ft. privacy fence on the downtown property, because ABC requests a non-see through fence for a liquor license. We are putting a Food Truck Park where people can be outside. It is an outside recreational area and will have Food Truck inside and no one will be outside of it.

COMMISSION: Doug Gilmore stated so the variance is ask that we allow you to put a fence onto another address.

APPLICANT: Matt Clark stated that he owns both address and the question is bring the fence out toward Huntington. They say I can't put a fence in the front yard.

COMMISSION: Doug Gilmore ask how far this that from the setbacks or from the street.

APPLICANT: Matt Clark stated it's a C-1 property and the fence is about 5 to 6 ft. off the sidewalk and it will go along with the parking next to it that will adjoin it.

COMMISSION: Doug Gilmore ask applicant the fence will be about 5ft from Huntington.

APPLICANT: Matt Clark stated yes about 6 ft. it will basically run as far as the front of the hotel is down there. And there enough room that we can park their bicycle in front there. For people that actually do that stuff.

COMMISSION: Doug Gilmore ask for Staff comments.

STAFF: Derrel Smith stated it seem like he trying to create an open space out there for people to use Food Truck and etc. The reason for the fence is he applying to ABC for an alcohol permit. As long as it doesn't extend pass were the hotel business is now we wouldn't have a problem with it.

COMMISSION: Doug Gilmore ask is anyone here oppose to this matter.

COMMISSION: Doug Gilmore ask for comments from the Board Member's.

PUBLIC: No comments.

A motion was made by Max Dacus Jr., 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-20-42](#)

VARIANCE: Wineland and Elanor Street

Chris Duch is requesting a variance on the corner of Wineland and Elanor Street that the street goes from gravel state to asphalt surface to build a home without the

requirements of curb and gutter. This is located in an R-1 Single Family Residential District.

Attachments: [Application](#)
 [Drawing](#)
 [Duch Site Plan](#)
 [Engineer Letter](#)
 [Pictures](#)
 [Pictures of Road](#)
 [TMS Lasers Minor Plat](#)
 [USPS Receipts](#)
 [Wineland Extension](#)

Chris Duch is requesting a variance of the corner of Wineland and Elanor Street that the street goes from gravel state to asphalt surface to build a home without the requirements of curb and gutter. This is located in an R-1 Single Family Residential District.

APPLICANT: Taylor McBride on behalf of Chris Duch stated we're looking to extend some previously improve street. Mr. Duch has purchase some property on the Southside of Wineland and like to improve that street Wineland there in front of his property. He like to improve it to match all the street in the area namely the Wineland and Casey Springs that it leads up to. We're just trying to match that so we would like a variance to improve that road there in front of Mr Duch property instead of having to put the curb and gutter in, because no curb and gutter insist in the area.

COMMISSION: Doug Gilmore ask if anyone here oppose this request.

COMMISSION: Doug Gilmore ask for staff comments.

COMMISSION: Max Dacus stated would the road have to be brought up to City Standards even if he doesn't do the curb and guttering, or would it be overlay what's there.

STAFF: Derrel Smith stated the road basically itself would have to be brought up the City Standards (Yes).

STAFF: Michael Morris stated if we would need a variance on the width because we requires a 24 ft. wide, but I know that you all only required to do a half street improvement.

STAFF: Derrel Smith stated that they requirement is a half street improvement which would be a 12 ft. lane and curb and gutter. What they're proposing is do that a 22 ft. wide asphalt section there instead. The City would be ok in getting the 22ft of asphalt instead.

STAFF: Michael Morris stated make sure we get both variance in together.

COMMISSION: Max Dacus stated is this something being done before

STAFF: Derrel Smith stated yes and it's been done on this street before.

PUBLIC: No comment.

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-20-43](#)

VARIANCE: 5400 Emerson Lane

Stephen Sexton is requesting a variance for 5400 Emerson Lane to request that street improvements requirements for building the residential house, pool and workshop development not have to be completed due to the cost. This is located in an R-1 Single Family Residential District.

Attachments:

[Application](#)

[Email from Engineering](#)

[Letter](#)

[Residential Application](#)

[Adjoining Neighbors](#)

[Aerials](#)

[House Plans](#)

[Info on Property](#)

[Letter Returned](#)

[Location](#)

[Maple Valley Subdivision](#)

[Master Street Plan Map](#)

[Pictures of Road](#)

[Plat with Drawing](#)

[Plat](#)

[Rollings Acres Drive](#)

[Utilities](#)

Stephen Sexton is requesting a variance for 5400 Emerson Lane to request that a street improvement requirements for building the residential house, pool, and workshop development not have to be completed due to the cost. This is located in a R-1 Single Family Residential District.

APPLICATN: Stephen Sexton stated he is requesting a variance to not have any road improvement because of the area. Also the applicant stated he has some Handouts that he would like to give out. Stephen Sexton began to pass out documents and discuss the material. (See Video)

COMMISSION: Doug Gilmore ask Staff is the City preparing to pave this road soon

STAFF: Michael Morris stated the City doesn't participate constructing streets like this it's the developer

APPLICANT: Stephen Sexton stated we have city garbage truck that use the road, police officer it's on 911 and City Master Plan. It just one of those things that happened when the surrounding county was annex by the city.

COMMISSION: Doug Gilmore ask was there anyone here to oppose this matter.

STAFF: Michael Morris stated that before they would go to MAPC for questions of curb and gutter and the lot across the road did come before MAPC and ask for the variance for the curb and gutter weaver but was required to put down the street as well. Just to fill everyone in that what has been done in the pass. This one actually would connect to curb and gutter street. So it's not like we're extending a street that was already narrow. This one is attaching a street built to spec we're just extending it to another lot.

APPLICANT: Stephen Sexton stated that his point is the other street in the area is not paved Carolina and this part.

STAFF: Michael Morris stated that he think Carolina not a public street I think it's actually a driveway. But I have to research that one.

APPLICANT: Stephen Sexton state in his slides there's a picture of Carolina #13.

COMMISSION: Max Dacus stated that the lots across the street and lot 10 when it went before the Planning Commission was required to do the improvements.

STAFF: Michael Morris ask Staff Tracy McGaha to research MAPC 2015 decision from minutes. The motion was denied to wave curb and gutter.

COMMISSION: Doug Gilmore stated how many feet of pavement that you would have to do.

APPLICANT: Stephen Sexton stated 300 ft. which is about \$250,000 what the bill would be.

STAFF: Michael Morris and commissioners are discussing the road and pavement together.

COMMISSION: Rick Miles stated that why haven't that street been completed to the total requirement of the City.

STAFF: Michael Morris stated City would come in and spend money to benefit a person like a private development. The City doesn't come in to develop property.

COMMISSION: Rick Miles stated as it set at this stage Derrel are we saying that he can't build a house on it without improving the street.

STAFF: Derrel Smith states that is correct that is what the codes states.

STAFF: Michael Morris stated to commissioner Rick Miles Section 113 for Building Permit (See Video).

COMMISSION: Sean Stem stated toward Mr. Sexton if it was granted just to surface what was there, not any additional width anything like that is that something that you're oppose to completely or is that a compromise and it would improve your property as well.

APPLICANT: Stephen Sexton stated he was a disable Vet on a limited income.

Part of the reason why this house is being built is my disability and the openness that I need.

COMMISSION: Rick Miles stated looking down the road do (City) see this partially area coming up at any time for an improvement under the city street plan.

STAFF: Michael Morris stated –NO

COMMISSION: Rick Miles and staff is discussion options. (See Video)

COMMISSION: Rick Miles ask Staff Derrel Smith do you see anything else we can possible do to help these folks.

STAFF: Derrel Smith stated I think everyone would be in favor of waving curb and gutter. I think we may even reduce asphalt width, but I know see how we can allow a home to be built without a street in front of it with the codes we have today.

Failed for Lack of Second

[VR-20-44](#)

VARIANCE: 2760 Browns Lane

John Layman is requesting a variance for 2760 Browns Lane to request that the development not have to abide by the Traffic Access Management Policy for lot 1 of Son-Tina Browns Lane Minor Plat. The owner would like to place the proposed drive approximately 24ft from the south property line on Browns Lane. This is located in a C-3 General Commercial District.

Attachments: [Application](#)
 [Letter](#)
 [Site Plan](#)
 [The Shoppes at Browns Lane](#)
 [USPS Receipts](#)
 [Aerial View](#)

John Layman is requesting a variance for 2760 Browns Lane to request that the development not have to abide by the Traffic Access Management Policy for lot 1 of Son-Tina Browns Lane Minor Plat. The owner would like to place the proposed drive approximately 24ft. from the south property line on Brown Lane. This is located in a C-3 General Commercial District.

APPLICANT: Michael Boggs with Train Engineer representing Mr. Layman stated we're here to get a variance for the Traffic Access Management plan on the driveway Spacing for a lot. The site plan that we're looking at is already was once approved for grading permit and part of the construction has already being built. The retaining wall the detention pond and the actually curve cuts for the drives has been cut in. So since that time of construction new ordinances, standards have come into play so we're just trying to get anything approve back the way it was. We did bring it up to standards with landscaping and sidewalks along Browns Lane and McClellan.

COMMISSION: Doug Gilmore stated so what is the problem

APPLICANT: Michael Boggs stated on Browns Lane the lot over 200 ft. so the lot has to be 100 ft. from the adjacent property line and we put that drive 100 ft. from the Property line it would be right through the building in that area. So the way that the lot the retaining wall the rear of the building along the drainage easement has already being constructed. It was constructed doing the beginning phase of this. So we're looking to keep the site plan as is which the addition of the landscaping and sidewalks.

COMMISSION: Jerry Reece stated were was the 100 ft. and what the frontage of Browns Lane

APPLICANT: Michael Boggs stated that about 240 plus ft.

APPLICANT: Gene Vance stated if you move it 60 to 80 ft. up north it would cause our garbage trucks and now the garbage truck has a straight through. Right on the South side in the middle you can see where the garbage bin is. The garbage truck right now can go from Browns Lane to McClellan, but if we move the driveway up and we couldn't move it up no more than 40ft. maybe 50ft. and still not be getting into the building and still have some parking up there. We would need a variance for the parking or variance for this driveway location.

COMMISSION: Jerry Reece stated has your construction or plans get started before this driveway thing was inactive.

APPLICANT: Michael Boggs and Gene Vance stated yes. We have steel building laying on the ground and another one coming in next Wednesday.

PUBLIC: No Comment.

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

5. Staff Comments

6. Adjournment