

BEFORE THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS

IN THE MATTER OF APPLICATION OF)
HAROLD ROBERT REES, JR. FOR)
AIRPORT ZONING VARIANCE)

APPLICATION FOR VARIANCE

Comes Harold Robert Rees, Jr. and applies to the City Council of Jonesboro, Arkansas for a variance of the zoning requirements set forth in the Airport Zoning Ordinance of Jonesboro, Arkansas, secs. 3-9 to 3-29 Code of Ordinances of the City of Jonesboro, Arkansas, and for cause respectfully states:

1. On July 20, 1964 applicant furnished a sketch showing the length, width and height of a building to be erected on real property leased by applicant from Missouri-Pacific Railroad Company situate in the Jonesboro District of Craighead County, Arkansas, to-wit:

From the intersection of the North line of Section 27, Township 14 North, Range 4 East, Craighead County, Arkansas, measure southwestwardly along the center line of main track, 91.5 feet; thence northwestwardly at right angles to last described course, 75 feet to the intersection of the northerly right of way line with the southeasterly right of way line, for the point of beginning; thence westwardly along said northerly right of way line, 86 feet more or less, to a point 9 feet distant, measured southeastwardly from and normal to the center line of Track No. 12; thence westwardly parallel to center line of said Track No. 12, 481 feet more or less, to the northwesterly right of way line; thence southwestwardly along said right of way line, 319 feet more or less, to the southerly right of way line; thence eastwardly along said right of way line, 558.3 feet to the said southeasterly right of way line; thence northeastwardly along said southeasterly right of way line, 330.75 feet to the point of beginning; containing 140, 535 square feet more or less, in the Northeast Quarter of said Section 27, being property situate on Lake City Avenue in the City of Jonesboro, Arkansas.

("References are to Track and right of way of Missouri-Pacific Railroad Company");

and was granted a permit to build such building(which will be used as a fertilizer blending plant) by Loney Tucker, city building inspector and zoning officer of the City of Jonesboro, Arkansas.

2. Under date of August 27, 1964 when the building had been 75% completed, a suit was filed against applicant by the City of Jonesboro, acting by and through the city attorney alleging that the structure violated the Airport Zoning Ordinance of Jonesboro, Arkansas.

3. Upon the filing of such suit applicant caused a survey to be made of the premises and a projection to be shown as to the height and location of the building being erected on said property, and appeared before the Airport Commission of the City of Jonesboro with the request that a variance be recommended by the Airport Commission to the City Council of the City of Jonesboro, Arkansas which would permit the completion and the maintenance of said structure in its then location and to its planned height.

4. The Airport Commission approved such request on the part of applicant upon condition that the Federal Aviation Agency would be satisfied either by stipulation or other means that such structure would not result in a hazard to air navigation and would meet with the approval of said agency.

5. This applicant then made application for such approval to the Federal Aviation Agency, and said agency after the required study and notice found that the structure would not result in a hazard to air navigation provided the structure was obstruction marked in accordance with applicable standards and regulations of the agency. "Notice of the Determination of No Hazard" was issued by said agency under date of November 23, 1964; letter confirming such findings was written to the attorney for the applicant, Frank Sloan, under date of November 25, 1964, and Honorable Herbert Sanderson, Mayor of the City of Jonesboro, was notified by letter under date of December 23, 1964 that the agency did not consider the subject structure to violate the terms of the Project application

dated June 25, 1948 between the Federal government and the City of Jonesboro; copies of such notice and letters being annexed hereto as exhibits and made a part hereof.

6. Since a permit was granted the applicant by the city inspector and zoning officer and contractual commitments were made and the building substantially completed before applicant received any notice that the structure was believed to violate the airport zoning ordinance of Jonesboro, Arkansas, and it has been found by the responsible federal agency that such structure will not either result in a hazard to air navigation or violate the terms of the agreement between the City of Jonesboro and the Federal government regarding the zoning of the airport, it is respectfully submitted that such variance should be granted because a literal enforcement of the airport zoning ordinance and the regulations thereunder would result in difficulties and unnecessary hardship to applicant and the granting of such variance would not be contrary to the public interest, but would do substantial justice and be in accordance with the spirit of said ordinance.

WHEREFORE applicant respectfully submits that a variance should be granted by the City Council of the City of Jonesboro, Arkansas permitting the erection and maintenance of said structure on the property described in this application, and requests that such variance be passed and adopted by Resolution of the City Council to take immediate effect.

Frank Sloan

Attorney for Applicant
Harold Robert Rees, Jr.