



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Board of Zoning Adjustments

Tuesday, July 16, 2024

1:30 PM

Municipal Center, 300 S. Church

1. Call to Order

Present 4 - Casey Caples; Kevin Bailey; Doug Gilmore and Max Dacus Jr.

Absent 1 - Rick Miles

2. Roll Call

3. Approval of Minutes

[MIN-24:067](#)

BZA Minutes 05.21.2024

Attachments: [Meeting Minutes BZA May](#)

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

Aye: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

4. Appeal Cases

[VR-24-27](#)

VARIANCE REQUEST: 501 N Miller

Weston Wagner is requesting a variance from the rear setback from 20' to 7.5'. The subject property is located in the R-3, Multi-Family High Density District.

Attachments: [VR-24-27 - Application \(Signed\), Site Plan, & Narrative Letter](#)
[VR-24-27 - Mail Receipts](#)
[VR-24-27 - Post Office Receipt](#)

Weston Wagner (Proponent): I own both those corner properties. I am requesting a rear setback. Right now, it's zoned R-3 which is a 20-foot setback in the rear. I'm asking for a 7 and a half only because these are corner lot properties, and I have a hardship because I have 2 street setbacks, which eats up a lot of my land. That land was platted to be 50 foot wide and 112 deep. Without having that setback, it eats up a bunch of my land, I can't put a very big structure on there. I'm looking to do single-family homes, not looking to do any multi-family, just one single-family home on each lot,
Doug Gilmore (Chair): Those addresses will face?
Weston Wager: They'll both face Allen. So, 500 hundred Allen Address will stay

the same, the 501 Miller address will have to get changed to an Allen address. It'll put me at about, 1901 square foot, which will give me about 1500 heated and cooled and a 400 square foot for a garage or carport.

Doug Gilmore: And you just mentioned for all the people that like building apartments, duplexes, and all the above. You're building single-family homes?

Weston Wagner: Yes sir. One single-family home per lot.

Doug Gilmore: I'd like to commend you for that.

Weston Wagner: Thanks, sir.

Doug Gilmore: The next one, very admirable. We need more of that. So, any questions, we're going to go ahead, and I guess these are identical we'll pass them separately. However you guys want to do it, but your questions can be about both. So, have any questions for Mr. Wagner?

Kevin Bailey (Board): I'd like to know what the city opinion is Derrel?

Derrel Smith (City Planner): Yes, sir. We've I mean, on a single-family home like this, it is hard to get anything on these smalls lots that were platted, years ago. So we're not against anything like this.

Kevin Bailey: Okay, and the two properties behind have all been notified?

Weston Wagner: Yes, sir.

Derrel Smith: Yeah, I think we got mail receipts. They received them.

Doug Gilmore: Does anybody here object to this? Any other questions?

Kevin Bailey: Weston, is there a particular reason that we go from 20 to 7 and a half feet other than is that what it's gonna take to get up to a house of 1900 square feet on it or can we go from 20 to 10?

Weston Wagner: I've looked at every option and did the math on every option. The only other way if you didn't do, a 10 is I'd have to take a street setback instead of 20 it's have to be a 15 or something. So, my lot 50 foot by 112 and if I do 7 1/2, 7 1/2, and two 20s all I've got left is the 84 and half by 20. It's 22 and a half wide, 84 and a half deep. So, I'm using every inch I got there. If there was any other option, I would've explored it. Don't get me wrong.

Kevin Bailey: Mr. Chair, since the city has no objection, I would like to make a motion that we approve of this variance.

Doug Gilmore: All in favor, are we doing both at the same time? They're both the same thing. Nevermind, number 1, 501 North Miller.

A motion was made by Kevin Bailey, seconded by Casey Caples, that this matter be Approved . The motion PASSED with the following vote.

Aye: 3 - Casey Caples;Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-28](#)

VARIANCE REQUEST: 500 E Allen

Weston Wagner is requesting a variance from the rear setback from 20' to 7.5'. The subject property is located in the R-3, Multi-Family High Density District.

Attachments: [VR-24-28 - Application \(Signed\), Site Plan, & Narrative Letter](#)
[VR-24-28 - Mail Receipts](#)
[VR-24-28 - Post Office Receipt](#)

Doug Gilmore (Chair): Alright, for number 2, 500 East Allen. May I have a motion?

Board: Alright motion to approve the variance.

A motion was made by Casey Caples, seconded by Kevin Bailey, that this

matter be Approved . The motion PASSED with the following vote.

Aye: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-29](#)

VARIANCE REQUEST: Savannah Hills Phase 4

SSP Investments, LLC is requesting a variance to omit doors and windows on the end of buildings. The property is zoned R-2, Multi-Family Low Density District.

Attachments: [VR-24-29 - Application \(Signed\)](#)
 [VR-24-29 - Elevations \(1\)](#)
 [VR-24-29 - Elevations \(2\)](#)
 [VR-24-29 - Elevations \(3\)](#)

Sid Pickle (Proponent): Afternoon, my name is Sid Pickle, owner of this property. This particular one we're asking for a variance to omit the door, and a window on the end of the building that faces Craighead Forest Road. If you're not familiar with that property, if you come off Harrisburg Road and turn on the Craighead Forest Road there, there's already 13 buildings with full brick on the end that face the street in this way. These will be the last three that we can get in there and we've already as you can see from the top left picture of the end of the building there, they've already required or you know, the open shutter look to kind of dress up the end of the building. The additional window it serves no function at all. The bedroom upstairs already has two windows on the front. The living room downstairs already has two on the front. That particular plan, it just has windows there. The one that faced the road we had to draw a door in there as well. And it was again absolutely no purpose other than apparently the new code says, you gotta have a door facing the street. When it faces two streets, and the front of the building faces the new street. I just see absolutely no purpose in that. Matter of fact, I think that aesthetically it looks better without those windows on the end of it.

Doug Gilmore (Chair): Apparently this ordinance got changed between the time he built the last set.

Derrel Smith (City Planner): No, it's been in place since 2018. The drawings that were submitted showed it but what was built didn't show up.

Sid Pickle: Now, these have not been built yet, or they've been framed up, but we haven't done the exterior on this.

Kevin Bailey (Board): So, you're asking for a variance on the three that's not been built or are you asking for a variance on the ones that have been built? Is that what you're asking, for a variance for all of them?

Sid Pickle: There's actually six in this phase but the only ones that we have this drawn on are the ones we that are facing the end of them that face Craighead Forest Road. So, there's three of them there and there's two different floor plans. One of them is the one you're looking at with the windows on it and one of them has a door on it as well.

Kevin Bailey: Forgive me, I don't mean to be confused. I just, so you've got some buildings that are built that the plans showed to have doors on the ends, and we didn't do that?

Sid Pickle: These are in progress. They had been framed up and I did not frame the door.

Kevin Bailey: But the ones that are completed are compliant?

Sid Pickle: I don't have any completed in this phase.

Kevin Bailey: Okay, now I'm clear.

Board: So, the work hasn't been completed, none of it has been?

Sid Pickle: No, not in this phase, not in the one we're discussing. They have just been recently finished framing.

Doug Gilmore: So, how many buildings are we looking at total for given variances?

Sid Pickle: On this request there's three.

Doug Gilmore: What are we going to do about the other ones? There's a row to my understanding.

Sid Pickle: Right, there's three buildings and only two of them face both roads. One of them just faced Craighead Forest Road, at the end of it. It's on the corner.

Kevin Bailey: Derrel, can you clarify cause I think, I'm just going to-

Derrel Smith: I got a plat of the whole thing.

Sid Pickle: It should have been in that; the site plan should be on there. I believe that was part of what I had to submit.

Kevin Bailey: I don't see it in my packet, yeah that's all that there was.

Doug Gilmore: You don't happen to have it on a iPad or anything do you?

Sid Pickle: I apologize, I thought that was in there. I've got it on my phone but I don't know if that can be put up on the screen or not.

Doug Gilmore: Come up here and give us a drive by.

Sid Pickle: This is the new street, two of them will face the new street and those two-

Unable to Transcribe

Doug Gilmore: And all three of those were supposed to have doors and a window up to the stairs?

Sid Pickles: these two had to have doors, this one did not.

Unable to Transcribe

Kevin Bailey: So, all six of these are in that space, but not asking for all six just for the ends because they're facing the street. Okay.

Max Dacus (Board): Derrel is this a safety fire code?

Derrel Smith: No, sir it was part of the multi-family design guidelines that was passed by council in 2018.

Max Dacus: So, there's on door on these unit? Not a front door and a back door?

Sid Pickle: No, they have a front door and a backdoor. Already, this is requiring for the code. I had to have one facing both streets, I guess, is what I was told.

Derrel Smith: I mean, that code requires that if the building faces the street it has to have a door going on that street facing side along with windows. Can't have blank walls.

Sid Pickles: And these are not blank even with the variance I'm asking for, you can see in the plans, we have the closed shutters drawn on the end, or the window with brick and other one has a window on it as well.

Kevin Bailey: Derrel could you please educate us on that code again?

Derrel Smith: It's anything that is a duplex or above is required if it has street frontage, it has to have a door to that street. It cannot have a blank wall on it. It has to have some kind of opening on the wall is what's required. Also, everything has to be masonry finish, you can't have anything, if siding is on there it has to be hardy board. It can't be a vinyl siding.

Sid Pickle: And my question on that in the beginning on this particular thing, is that this faces two streets. It's on a corner and it might be written in a way that says you have to have a door facing both streets but that seems crazy.

Max Dacus: You said an opening, so there is a window, he has a window?

Derrel Smith: I don't believe so, no.

Casey Caples (Board): Those two windows there on that one side?

Max Dacus: Are these two windows, on that top left drawing?

Sid Pickle: The two windows that you see is what I'm asking to omit. And the door.

Casey Caples: On two buildings?

Sid Pickle: Yeah, that particular drawing, doesn't have the door drawn on it.

Max Dacus: Okay.

Sid Pickle: One of them has a window on it and a door downstairs.

Max Dacus: That's the one that doesn't face the street?

Sid Pickle: Yeah that bottom one has a door drawn it and, which again there's a door three feet around the corner from that. That faces the parking lot. That's just going to face the road and the grass and will not be, honestly if I have to put it there it won't even be a functioning door. There's no purpose in it. Unless I have to put it up.

Max Dacus: So if it was window instead of that door, would he be okay because he has an opening?

Derrel Smith: It says it has to have door, that's, I mean you'd have to grant a variance to not allow that door.

Doug Gilmore: So, you're presenting us these plans but you don't plan on putting windows on that top left elevation on that side.

Sid Pickle: If I'm granted variance than no I don't.

Doug Gilmore: Those windows wouldn't be there. You'd just have a blank wall.

Sid Pickle: It's not a, it depends on how you think of a blank wall, it's got-

Doug Gilmore: I see what you've done to the wall, I see that. You've given it some sense of style. But there's no windows and no door. So that's gentleman what he's asking for is for us to omit windows and doors, that are called for on the sides of these buildings. Even though we're presented plans with windows on them. Does that make sense to y'all? Did I say that right?

Derrel Smith: I think so.

Doug Gilmore: Why would you bring us plans that still have windows on them, when you don't plan to do that?

Sid Pickle: At the time that's what Derrel or you know that's what he recommended, required, and approved but now I've decided to ask for a variance. I realize I should've done-

Doug Gilmore: Let's go back to your reasoning, I heard your argument on the door. What's your reasoning for not having windows facing outward?

Sid Pickle: I believe that it's purely aesthetic and I think that we accomplish that with the shutters and the brick. And the size of those rooms, you know a 10 by 10 or 10 by 12 bedroom with windows already on the front it, it really impedes the functionality of the bedroom and the living room.

Casey Caples: And you know it's just my opinion on this. I can understand the door, it's not necessarily designed for an egress. Any form fastens, no type of safety thing. The point behind the code is to not have a blank style wall, which I know what you're saying you've given it some design, I can see the hardship for replacing that door for maybe another window, but completely getting rid of all the windows on the ends of the building, especially the side facing the road, I can see. I don't know, I understand the point behind the code. But to me it would be nice to have some windows facing the road.

Doug Gilmore: Would anyone like to address this in the audience?

Kevin Bailey: Mr. Chairman I'll move to put this on the floor for a vote.

Casey Caples: Second

A motion was made by Kevin Bailey, seconded by Casey Caples, that this matter be Approved . The motion FAILED with the following vote.

Nay: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-30](#)

VARIANCE REQUEST: Savannah Hills Phase 5

SSP Investments, LLC is requesting a variance to substitute vinyl siding for fiber cement siding on the side and back of the buildings above the brick ledge and to substitute closed shutters in place of windows on the end of the buildings. The property is zoned PD-RM, Planned Development Residential Multi-Family District.

Attachments: [VR-24-30 - Application \(Signed\)](#)
 [VR-24-30 - Elevations](#)
 [VR-24-30 - Picture](#)

Doug Gilmore (Chair): Alright, number two.

Sid Pickle (Proponent): Okay, this is a different phase this one is in the middle of the property completely surrounded by our property. A little bit different than the other, I do have the window request on there, as well, but in this particular one, I do have 7 of these that already have vinyl siding on the back and the sides, brought to my attention by the city. At that point I stopped and put a hold of the rest of them until we could get it resolved. So, this variance here is substituting vinyl siding for the fiber cement siding on the backs and the sides. On the rendering you wouldn't know any difference from the front or in the back and the sides.

Doug Gilmore: On the rendering you might not know any difference, but in reality you'll know the difference.

Sid Pickle: If you walk around the back you'll notice siding yeah.

Doug Gilmore: That's exactly right.

Sid Pickle: Oddly enough, nobody wants to pay more rent for things like but that's not the problem we're dealing with.

Doug Gilmore: Nobody wants to spend any more money on making it look nice either.

Sid Pickle: But if you raise the rent you won't have any tenants.

Doug Gilmore: Yeah so here we are.

Sid Pickle: That's right, I understand.

Doug Gilmore: So, let's ask some questions of Mr. Sid about that.

Casey Caples (Board): I don't have a lot to say about the vinyl siding, it needs to be hardy board product, or brick or something like that.

Doug Gilmore: And I believe you can get plenty of hardy board that looks similar to vinyl siding. That will last a lot longer.

Sid Pickle: That's supposedly

Board: Do any of your buildings in previous phases have vinyl siding?

Sid Pickle: Yes, we have roughly 90 buildings out there already with varying finishes on them. Some of them are 100% brick, some of them are 75% vinyl siding. There is just a wide variety of finishes across that whole property.

Aesthetically driving through it will look no different than the rest of them. It fits right in with what we got out there.

Doug Gilmore: So you've already got a variety going on.

Sid Pickle: Correct. And the next phase is to the-

Doug Gilmore: I think we have addressed an issue with Reese on his last two buildings, and they were all the same and we did allow that at Robert Reese on this part of town. But with all these being different and like I said they're variable finishes. So, that argument is not really a good point. That I want it to

look like the rest of them. Well, it's not going to look like the rest of them no matter how you do it.

Sid Pickle: Right, that's been my point in that whole project is to not have them look exactly alike.

Doug Gilmore: So, right now the only hardship is Sid, would you say money? I mean, don't take me wrong as far as what I'm saying is, I'm not.

Sid Pickle: It's definitely a more expensive

Doug Gilmore: I'm not saying you're a cheapskate.

Sid Pickle: Right.

Doug Gilmore: I'm just saying would you rather not spend the money on it? Or what is it that you don't want to do what the city asked for?

Sid Pickle: I agree with that statement but I also don't believe that the other product is superior. But from what you're saying I don't believe that, that's a hardship. I will be on the other side of this property, will be adding duplexes because this ground is zoned for that as well. And I'll be able to put vinyl siding on the duplexes. Now, I thought you just said that triplexes and above is what this applied to.

Derrel Smith (City Planner): Duplex and above.

Sid Pickle: Duplex and above?

Derrel Smith: Yes sir.

Sid Pickle: Alright, so I won't be able to do that on the rest of them. Thankfully I haven't started.

Doug Gilmore: For next time.

Sid Pickle: No, this is not something, I'm not gonna be back in here everyday trying to do this. This is one I am kind of in the middle of and I've had an oversight but we're not going to ask for vinyl. I didn't ask for it on phase four that we just talked about.

Doug Gilmore: Any other questions of Mr. Pickle?

Unable to transcribe

Casey Caples: Are the sidewalls up to your eave? Are they brick or are you trying to do vinyl siding on that too?

Sid Pickle: On the end?

Casey Caples: On the end panels yes.

Sid Pickle: Correct, I was doing brick at the bottom edge and vinyl at the-

Casey Caples: So, you have vinyl on the sides too.

Sid Pickle: The sides and the back.

Casey Caples: You bricked the front but are using vinyl around the sides.

Sid Pickle: You know, these things are 15 feet, they're as close as you can get, you can't see the sides hardly.

Kevin Bailey: Yeah, but Sid what drawings were submitted and what drawings were permitted?

Sid Pickle: The ones you're looking at.

Kevin Bailey: That show brick?

Unable to transcribe

Kevin Bailey: So it's a two part situation. First of all, and I'm not here to lecture you. But this is a lot of buildings and you didn't build what was permitted as far as the siding.

Sid Pickle: Correct.

Kevin Bailey: Not only did you not build it, but you didn't build it to meet the current code which calls for cemented siding. So, if you had built it with cemented siding, I don't know if you would be standing in front of us for a variance right now. I think, Derrel you guys would have probably okayed the cemented siding over the brick. But since you didn't do brick and you did the vinyl siding is why we're here.

Sid Pickle: Correct.

Kevin Bailey: Alright, I just wanted to make cause that drawings, not what you built.

Sid Pickle: That's right, on 7 of them. Yeah, we stopped the outside finish at that point. I'm not trying to hide that fact.

Kevin Bailey: And I'm not trying to lecture you. Derrel it is my understanding that the city does want cemented siding on the buildings?

Derrel Smith: Yes sir.

Kevin Bailey: Okay, Mr. Chair I'll make a motion that we place this variance on the floor for a vote.

Casey Caples: Second.

A motion was made by Kevin Bailey, seconded by Casey Caples, that this matter be Approved . The motion FAILED with the following vote.

Nay: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-31](#)

VARIANCE REQUEST: McKnight Falls - 1504 Kathleen

McKnight Falls, LLC is requesting a variance to substitute vinyl siding for fiber cement siding for the remaining buildings at McKnight Falls, as well as buildings 3300, 3100, and 3200 which already have vinyl siding installed and to omit windows on the end of the buildings and to substitute closed shutters for windows on single story triplexes. The subject property is zoned RM-6 LUO, residential multifamily classification; six units per net acre, includes all forms of units, duplexes, triplexes, quads, and higher and is located in the Limited Use Overlay district.

Attachments: [Certified Mail Receipt 1](#)
 [Certified Mail Receipt 2](#)
 [Return Receipt 1](#)
 [Return Receipt 2](#)
 [VR-24-31 - Application \(Signed\)](#)
 [VR-24-31 - Elevations \(1\)](#)
 [VR-24-31 - Elevations \(2\)](#)
 [VR-24-31 - Elevations \(3\)](#)
 [VR-24-31 - Plans](#)

Doug Gilmore (Chair): Is this next one yours too Sid?

Sid Pickle (Proponent): Yes, sir.

Doug Gilmore: Another company, LLC? I'm showing a McKnight Falls?

Sid Pickle: Yes, sir.

Doug Gilmore: Okay, different address, different location.

Sid Pickle: That's right, very similar situation to the one we just discussed.

There's 50 buildings out there already. Again like we talked about before, have vinyl siding 75% some of them have all brick. So, I can't say I want them all to look the same cause we already, but same situation there. I'll only have 3 out there that I'll have to tear siding off of if it's not approved.

Board: So it's the exact same plan?

Sid Pickle: Particular one is. There's a couple different ones. Oddly enough, there were some that were approved that didn't have windows on the end.

That one there is what I was going for on Craighead Forest Road, but.

Board: And that plan was approved for permitting after the ordinance was in

place?

Sid Pickle: Yes. Very inconsistent with that, and this project very much like the one on Craighead Forest Road is pretty much contained in itself, it's not, it's got two different entrances off the street.

Kevin Bailey: Derrel does the city have any response on that as far as plans being approved without windows and doors on the ends?

Derrel Smith: If it was, it was a mistake, because the

Sid Pickle: I will say that, that one doesn't need a door because it's not facing the road, but per what we were talking about, it would have the two windows on the end like that other drawing did rather than, you know, a door on the bottom cause it's not facing the street. But again, the ends of those buildings are, I forget if it's 15 or 20 feet apart but, you can't really see the pretty stuff we're putting on there.

Kevin Bailey: And you got three of these buildings up Sid? Three of them were constructed?

Sid Pickle: Yes, sir with vinyl siding.

Kevin Bailey: Is the windows in it?

Sid Pickle: No.

Kevin Bailey: Mr. Chair Imma motion to put this one on the floor for vote.

Max Dacus: Second.

A motion was made by Kevin Bailey, seconded by Max Dacus Jr., that this matter be Approved . The motion FAILED with the following vote.

Nay: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-32](#)

VARIANCE REQUEST: 6211 Southwest Dr

John Yates is requesting a variance on behalf of Poinsett Rice & Grain from the height requirements on fences to for an 8' tall fence in the rear of the office to separate from the residences. The subject property is located in the C-4 LUO, Neighborhood Commercial District in the Limited Use Overlay.

Attachments: [VR-24-32 - Adjoining Property Owner Notification \(insufficient\)](#)
[VR-24-32 - Application \(Signed\)](#)
[VR-24-32 - Picture](#)
[VR-24-32 - Site Plan](#)
[VR-24-32 - Certified Mail Receipts](#)

John Yates (Proponent): John Yates, requesting a variance to replace 8 foot privacy fence behind Poinsett Rice due to a storm that came through and blew it down.

Doug Gilmore (Chair): It was 8 foot before?

John Yates: Yes, sir.

Doug Gilmore: Okay.

Casey Caples (Board): The whole fence back there is 8 foot?

John Yates: Yes, sir. You can see the side fence.

Casey Caples: There's a picture because there's a 6 foot fence butting into right?

John Yates: That's the residential side, yes sir.

Casey Caples: Does commercial allow us to go 8 foot?

Derrel Smith (City Planner): With a variance. Or industrial

Casey Caples: It's facing the wrong way too.

Doug Gilmore: Are we going to rebuild this thing completely?

John Yates: Yes sir,

Casey Caples: We're redoing the whole fence?

John Yates: Yes, sir.

Doug Gilmore: Then we need to do it by the book. Give your neighbor the good side. Or shadow box it.

John Yates: That entire fence down through there at Maryland State Subdivision, it's facing the same way that is was, I just put it back to match everything. It's already existing.

Doug Gilmore: And it's all your fence?

John Yates: The rest of it is not. We put 6 posts in the ground on our 8 foot. I've got one of the

Kevin Bailey (Board): Is the fence already built sir? Is the new fence already built? Sounds like it might be.

Doug Gilmore: I think it already is.

John Yates: I got one of these zoning appeal letters in the mail yesterday.

Somebody actually sent it to me with a thank you card. Yes sir, it's already built.

Kevin Bailey: Okay, did you get a permit?

John Yates: Yes sir, I did, but I can't pay for the permit until we go to this meeting. Cause I've tried.

Casey Caples: You got a permit after it was done?

John Yates: No, sir. I applied for the permit. But you can't pay for the permit until you come to this meeting. Because I've tried to pay for it twice. And code enforcement has been down there and said you didn't get a permit and so I can't get the permit, until I go to this meeting. When I leave here, I'm going to go straight to collections to pay the permit.

Casey Caples: Well, that's a tricky one.

Board: You put it back 8 foot finished side in, right?

John Yates: I just matched the subdivision down through there and Maryland States and the next subdivision up has it facing the same way. I forget what it's called but.

Board: The one on the side of the property here, Imma call it the east side. Did you replace that one too?

John Yates: No, sir.

Board: So how tall is it? 6 foot?

John Yates: 6 foot.

Board: That's the one I see butting up to it?

John Yates: Yes sir.

Casey Caples: I don't know cause I got a feeling that all those fences butting up to it are 6 foot.

John Yates: It's like that through the whole subdivision. We simply made it match everything down there that was built.

Casey Caples: I get it. I get your situation. It's why he pointed towards me. I'm the guy that fusses more than anything about a 8 foot fence right in the middle of a bunch of 6 foot fences.

John Yates: I understand that.

Casey Caples: It just looks a little funny and in my opinion and solely my opinion. And that's why we have the permit process. That's why you go get that permit and then once you get it paid for, then you can go build that thing.

John Yates: Yes sir.

Casey Caples: So, it's just one of those things.

John Yates: This has been a very lengthy process.

Casey Caples: Yeah, I know everything we do is.

John Yates: I can't sit around and try to pull one over on you, and say it's not built yet, when I got code enforcement saying you didn't get a permit.

Casey Caples: I appreciate your honesty. I really do.

John Yates: Well, I promise you if you go look at it, it's the best looking thing down there.

Casey Caples: I bet it is. Just a little tall.

John Yates: It matches the rest of it. Everything down through there is 8 foot high. Both side of the road. In fact the neighbor across the road put up eight foot since we put that up.

Casey Caples: It sounds like code enforcement needs to go take a visit.

John Yates: Well, they seen it. I also got a thank you card from the people behind there. It affected 3 families. I believe one house was vacant. But I got a thank you card yesterday from her saying how much safer she felt since the fence was put back up and her dogs don't get out in the middle of 49.

Casey Caples: No doubt I think having a fence is great and it is. I just, well I don't know what else I can say about it.

John Yates: It simply matches everything out there. How did it get put up in the first place?

Casey Caples: Apparently it must have been done before, I don't know.

John Yates: How did the one get put up last year in the subdivision down the road from it? Because it faces the same way. I will not throw anybody under the bus who built it but.

Casey Caples: I can't answer those questions for you, I'm sorry. I can just give you my opinion on it.

Doug Gilmore: Any more questions?

Kevin Bailey: Mr. Chair I'll make a motion to put this variance on the floor for a vote.

Max Dacus: Second.

A motion was made by Kevin Bailey, seconded by Max Dacus Jr., that this matter be Approved . The motion FAILED with the following vote.

Aye: 1 - Max Dacus Jr.

Nay: 2 - Casey Caples and Kevin Bailey

Absent: 1 - Rick Miles

[VR-24-33](#)

VARIANCE REQUEST: 2307 Circle Dr

Mike Crump is requesting a variance to install a privacy fence with the pickets facing inside. The subject property is zoned R-1, Single-Family Medium Density District.

Attachments: [VR-24-33 - Application \(Signed\)](#)
[VR-24-33 - Mail Receipts](#)
[VR-24-33 - Narrative Letter](#)
[VR-24-33 - Site Plan](#)
[VR-24-33 - Adjoining Property Owner Notifications](#)

Doug Gilmore (Chair): Alright, 2307 Circle Dr, Mr. and Mrs. Crump?

Mike Crump (Proponent): I'm Mike Crump and this is my wife Louise. We're requesting a variance at 2307 Circle Dr. on the northside of our property.

Doug Gilmore: So, apparently there is or was a chain link fence?

Mike Crump: Yes, sir.

Doug Gilmore: Between you and your neighbor. I read the narrative about that.

Mike Crump: The chain link fence came up the back of our house and there's a retaining wall from the back of our house all the way out to the street. The chain link is ours, the retaining wall is hers.

Doug Gilmore: And I read your letter, my personal feeling is and I'll say this, regardless of how you get along with your neighbor, really doesn't depend on how you build that fence.

Mike Crump: Yeah, it's just having to deal with her to try to get over that to do it.

Doug Gilmore: Sometimes life throws us some hard balls and humans are really bad about that.

Mike Crump: Yup. I agree and I understand that.

Doug Gilmore: You know, the fence needs to go up it needs to be 6 feet high and it's either going to be good to her or you can shadow box and make it great on both sides. I think that would be your options. Would you, am I saying that right? To stay within code? Alright any questions for the Crumps?

Mike Crump: There's now way I can put it on my side?

Doug Gilmore: I didn't say that. I mean, these gentleman are going to ask you some questions. I'm just kind of stating what the city says and what you want to do and now I'm going to let these guys talk about it.

Mike Crump: Okay.

Kevin Bailey (Board): Can you move the fence back on your property a foot or so, so you can construct it?

Mike Crump: Yeah, I can. I'd just be giving her property of mine though. And then it won't match up with the rest of our fence.

Kevin Bailey: Are you taking the chain link fence down?

Mike Crump: Yes. And from the retaining wall forward it would be from the back corner of my house. I was going to put pickets on both sides.

Casey Caples: There's no code against that, you're just worried because if you step a foot on her property, to put your pickets in.

Mike Crump: Yeah she's something else.

Casey Caples: I know sometimes it can be difficult.

Mike Crump: Yeah, she's got dead tree limbs hanging over us too. That I've asked her about, trying to cut them off and she just bluntly told us no. We've had a battle with her.

Doug Gilmore: Doing what I do, about 50% of my job is counseling, gotta find a way to bridge the gap sometimes.

Mike Crump: Yeah, I understand. We've tried, I tried talking to her the other day.

Doug Gilmore: That's hard to do, that gives you a clear conscience that's all you can do.

Mike Crump: Yeah, like I said, I tried to talk to her the other day about it and she just looked at me and said no. Plain and simple.

Doug Gilmore: So, if you did move back, so you can work and build the fence properly, you're not on her property but you're not giving her any property either.

Mike Crump: Yeah, it just wouldn't match up with all the corners.

Doug Gilmore: Does she not have to leave them?

Derrel Smith: That's a legal question, I don't know.

Doug Gilmore: We don't want any lawyers involved. Do y'all have any further questions for the Crumps?

Mike Crump: And my other concern is my ability to be able to maintain it. You gotta keep it clean, you gotta keep the stuff on it to preserve the wood. Am I gonna have to beg her to let me over in the yard, every time I have to do

something to the fence? We're just kind of hung here, I don't know what to do.

Kevin Bailey (Board): Casey you're our fence expert.

Doug Gilmore: Can't you build it, panels and stand it up on his side?

Casey Caples: Yeah, I just really wish you could find some common ground with your neighbor. But I don't have the answer either. I don't know, I've never heard of this before. I don't think it's- I don't know, the answer. I get your hardship and I solely understand, but I'm kind of like Kevin, you may just have to back it up 6 inches that way, you can just put your pickets on your side the correct side that code calls for. She comes out and ask, hey, I'm still on my property. I know it's not ideal, it's just a recommendation. It's not what I'm saying I would do to fix it. I just still think we need to follow, like we've done in all the other ones. We've gotta stick with the same thing.

Mike Crump: That's what I was going to do from the back of my house out to the front of my house. I was going to do pickets on both sides so it would look good on her side. Where it's in her side yard.

Casey Caples: Or in a shadow box, well that's not gonna help you, you still got a picket on that side. I don't believe the solution is to put the pickets on your side and leave the ugly side out. I don't. it's not the way we've done it in the past.

Kevin Bailey: So, the neighboring property owner was notified?

Crumps: Yes, correct. Everyone around us was notified.

Kevin Bailey: And Mr. Derrel, she hasn't said anything about it, she hasn't, given the opportunity so.

Unable to transcribe

Casey Caples: Now, I'm more confused, what type of fence does she have between you and hers

Mike Crump: She doesn't have, the chain link is mine.

Casey Caples: The chain link is yours and it's setting back from a retaining wall. I see the retaining wall and then chain link.

Mike Crump: It's on top of the retaining wall, yes, the retaining wall is hers.

Casey Caples: The retaining wall is hers, so the chain link is set back a little bit and it's yours.

Mike Crump: It runs up the back of the property and at the back corner of our house is a retaining wall. It meets up with the fence.

Casey Caples: Okay.

Kevin Bailey: Mike to be consistent we as a variance board have not to my knowledge, granted, inward-facing pickets. I think we've denied them, Mr. Chair for everyone in the past. Everyone that's come to us.

Doug Gilmore: Unless it backs up to a ditch. Like Christian Creek or Turtle Creek, something like that.

Kevin Bailey: Mr. Chair, I move that we place this on the floor for a vote.

Max Dacus: Second.

A motion was made by Kevin Bailey, seconded by Max Dacus Jr., that this matter be Approved . The motion FAILED with the following vote.

Nay: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-34](#)

VARIANCE REQUEST: 402 S Church St

Mike Ebbert is requesting a variance from the requirement of three parking spaces for a food truck. The subject property is located in the Commercial Mixed Use District.

Attachments: [VR-24-34 - Adjoining Property Owner Notification](#)
 [VR-24-34 - Application \(Signed\)](#)
 [VR-24-34 - Certified Mail Receipt](#)
 [VR-24-34 - Site Plan](#)

Doug Gilmore (Chair): Mr. Ebbert?

Mike Ebbert (Proponent): We have a lot down here at 402 Church Street that is a vacant lot and the new code requires us to put parking, if we put a food truck there. You have to have a minimum of three spaces. The problem is the parking lot to the right of that was donated a lot of it by the Ebbert family for the city to use for parking for 100 years. I just don't see the need for the parking. It's a food truck people are going to walk up to it. He's had a hot dog stand there forever he's going to a food truck but we haven't had a parking problem the whole time he's had the hot dog truck. So, I just don't see the reason we would have to go and, we're not wanting to do a whole lot of development to the thing because we later on have plans for later to do something to it but we're not in a hurry to do anything now. So, we're just asking for a variance on the parking.

Doug Gilmore: Mike, tell me are you wanting to put this truck on the side where the handicap parking spaces are or?

Mike Ebbert: No, it'd be on the corner actually is where it would be. We've already got approved.

Doug Gilmore: The corner on the more northern part.

Mike Ebbert: The corner of Monroe and Church, right there on the corner. We already got that part approved through the city. The city's already approved everything.

Doug Gilmore: And right now, has that been a parking lot? Is it a parking lot?

Mike Ebbert: It's been used as a parking lot, the city tells me-

Doug Gilmore: Is it a parking lot?

Mike Ebbert: Well, the city tells me it's not a parking lot but I've had people pay me to park there.

Doug Gilmore: So, are you going to develop a parking lot?

Mike Ebbert: We don't know. Well, here's why Doug, I was on the parking committee back when we had a parking committee, we don't have a parking committee for the city anymore okay? I kept waiting to find out or pushing to find out what we were going to do, whether we were going to start implement parking again, parking rates, or whatever. If that ever comes to perdition, I'd want to have that as a back up or parking spot later. I don't want to do it now, cause I don't know what the city's going to do. So, all we're asking is, there's parking next door to it. He's running a lunch operation, maybe evening but.

Doug Gilmore: Yeah there's several of them around town. So it's basically a rough lot? Buildings were there at one time, they all been torn down, I just want to make sure last time I was by there, nothing's changed?

Mike Ebbert: Yeah, we talked to the city and we'd do some green space there and kind of decorate a little bit, but you know, with all the parking that's next door, I don't see the reason to waste the money.

Doug Gilmore: So Derrel, from the city's standpoint he needs to.

Derrel Smith (City Planner): The code says that, we have to have 3 spaces. But there is a public parking lot adjacent to this piece of property.

Doug Gilmore: So, you're not saying you would like to force him to build a parking lot here just because he couldn't-

Derrel Smith: We have a parking lot adjacent that's never full.

Doug Gilmore: The city own that?

Derrel Smith: Yes.

Doug Gilmore: You going to let him use three spots? Does he need to pay you for that, how does that work?

Derrel Smith: We might need to think about that.

Doug Gilmore: You gonna trade him hot dogs? What are you looking for here? Cause if you, can you walk from the, what's the sidewalk like on Monroe? Is it right here?

Derrel Smith: The food truck is going to be closer to the sidewalk.

Doug Gilmore: So, they could easily walk?

Derrel Smith: Yes.

Max Dacus: If it was across the back and I'm saying the south line, you would have, where they could pull in front.

Mike Ebbert: Well, they could, let me say this, the entire time he's been there with his hot dog stand, no one's parked on the lot. Nobody's pulled up, cause most of his traffic, not all, but most is foot traffic. People in the neighborhood and people from the hospital and so on. Again that parking lot was donated, Bill donated a lot. I donated a lot. The city donated a lot. And turned it into a parking lot 1978 or so. With understanding it would be a 100 year free parking for the city. So, it's there. You know, I'm getting a lot of talk from the city about, we've gotta put in a green space cause we're worried about all the drainage problems that come up. Well, by putting more in parking lot, is going to create more drainage problems. Here's the other thing, with the code the way it is, if I build a building there, I don't have to have the parking lots. If I build a building in that same spot, corner to corner, I'd have to have just a little bit of an edging but I can build it and not have to deal with parking.

Derrel Smith: That's correct.

Mike Ebbert: Okay, so this is a temporary deal. This is a food truck. This is not you know, we're not building it out of stone. It's gonna be there for a while, you know and then gone. We'll have somebody else come in there.

Kevin Bailey: Mr. Mike do you own the building to the south that 2021 there, is that yours as well?

Mike Ebbert: No its not, they're in favor of this, we've been talking to them. They're all for it.

Public: I own that building.

Mike Ebbert: You own that building.

Doug Gilmore: Go ahead and let him speak Mike.

Public: So, I own that building at 202 East Washington. You know, we got that letter in the mail and my question was, if we give up three spots, is that for the food truck? And two additional spots, is the food truck taking up all three and if the variance is for that property, is it just for this one food truck or can other food trucks come in? So, we renovated the building at 202 East Washington, bought it in 2020. Put windows across the back, completely renovated the upstairs and downstairs, has a 410 South Church address downstairs. You haven't talked to me.

Mike Ebbert: No, I talked to the girl.

Public: That's not my wife, she's not from the building.

Mike Ebbert: Okay. I understood she had it, I'm sorry.

Public: So that's the question I had, and I've used the food truck. It's a great hot dog and stuff but to me, we also put a lot of money into that building. We want to make sure that it's taken care of, grass isn't grown up, and that we all have something downtown to be proud about. So, I just want to make sure the variance. First of all I don't understand the code. Is it the food truck plus the three or food truck is included in the three? And is it just for this one spot or so

other food trucks can come in and have multiple spots?

Kevin Bailey: And before you answer that Derrel, is that two lots or is that one lot right there? And if it is two lots, is the variance for the west lot or and I know I'm splitting hairs but I wanna make sure that we're interpreting this correctly.

Mike Ebbert: We're paying taxes on one lot.

Kevin Bailey: But is it platted for two lots?

Mike Ebbert: It's one lot.

Kevin Bailey: Okay.

Mike Ebbert: Three different businesses at that point.

Kevin Bailey: Yes, sir.

Doug Gilmore: So, speak your name.

Derek Bowman (Public): Derek Bowman.

Doug Gilmore: What else you need?

Derek Bowman: We own the building at 202 East Washington.

Doug Gilmore: Your client and your employees use that parking lot. City owned-

Derek Bowman: We have a parking lot on the south side of our building that faces Washington too.

Doug Gilmore: Okay, got it.

Derek Bowman: I don't have an issue with them parking, I'm just trying to get clarity on what the variance would be and is it just for this one food truck or would it be for multiple food trucks that can also have the variance and multiple parking spots?

Derrel Smith: It would be for the one food truck.

Doug Gilmore: Yeah, he's not asking for multiple food trucks, if any more came along, then we'd have to readdress that. Does that answer your question?

Derek Bowman: Yeah, the letter we got, it was just unclear. If it was rezoning or variance for that whole lot, for multiple spaces for a food truck. That whole lot say, 3 spots per food truck, not just this one. That's why I was getting clarity.

Mike Ebbert: I apologize, the girl I talked to

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Mike Ebbert: And from our conversation I thought that she owned it.

Unable to transcribe

Doug Gilmore: Patty are you wanting to say something?

Patty Lak (Public): Yes, thank you. Patty Lak 4801 Forest Hill Road. I guess I kind of want a little background on this because, from what I understand when the food truck was there is that it popped up all of a sudden. Everybody kind of questioned of whether they got permission for that food truck to be there. Then they had a meeting and the building disappeared. And now all of a sudden we have the food truck there again. So, I don't know if there's someone here from the city that can explain what that process was because it appeared all of a sudden and my understanding is that the city took the permit or the license away for the food truck and the building disappeared and then all of a sudden, now we have a truck. So, Derrel I don't know if you can explain that on there, but I know that it was a process that wasn't followed through and I know that there was a meeting, and I know that the gentleman probably spent, you know, \$8,000 on having that building but the building was gone. I guess my concern is that one what has transpired since then and then also too, if you if you have a food truck do you have to be certified and gotten approval by the health department? And is that displayed on the cart, does that have to be displayed on the cart. So, that's my concern with the place right there.

Derrel Smith: There was a permit issued for the original car. The building was placed on there without notice. It did not meet code so it was required to be

moved. But the food truck has a permit and is operating legally.

Mike Ebbert: And again right now it's just a cart, but he is in the process of getting a food truck and he's already purchased it.

Derek Bowman: Is it a cart and a van? Or is it just a cart, cause I've seen both.

Mike Ebbert: Well, he has a van that pulls it. I guess he could park it somewhere else. But he's going to a food truck. All in.

Public: No, it will be a food trailer. Still pulled by the van.

Kevin Bailey: Mr. Derrel with the variance request as far as the code is concerned Mr. Mike as well, you still have to develop a parking lot.

Derrel Smith: We have plans for that, well not for the parking lot but for the lot to be developed. Where the trailer is going, there's going to be green space, where the landscaping will be. There is a plan for that. But they've asked for the variance to not include the three parking spaces on the lot.

Kevin Bailey: Okay.

Mike Ebbert: When the city came in and put in the new curb, they put the cut, I didn't ask them where to put it, they just put it there, and it makes it a little bit inconvenient to use it the way I would do it, for a parking lot. SO, I just kind of made it a little off centered. But

Kevin Bailey: Yes, Mike I just want to make sure that whatever we decide here today, you're being a good neighbor too.

Mike Ebbert: Oh, certainly it was my fault, I was talking to the girl from Polish. The Polished building, I just assumed that since it was the Polished building, it was her building. I didn't

Kevin Bailey: I appreciate that everybody here today is investing in downtown. I appreciate Derek what you've done and what the city's done. As far as Mike, I can appreciate what you're going to do here. I just wanna make sure that we all be good neighbors to everybody.

Mike Ebbert: It will look a lot better when we're done doing what we're doing. And the city has already approved all that. It's just to do parking, we're gonna have to jackhammer up the concrete that's there to meet the requirements of the city. Which is a huge expense, when there's a parking lot next door.

Kevin Bailey: Now I'm confused, so the variance you're asking for, isn't to completely eliminate parking on the lot.

Derrel Smith: You can't use the lot for parking, the property is basically a slab, two slabs.

Kevin Bailey: I'm familiar with it now.

Unable to transcribe

Mike Ebbert: In the future, it depends on what the city does. At one point, the City of Jonesboro is gonna have to do something about parking. I don't when, but at one point or another they're going to have to. And when they do that, then I'll make my decision on what to do with that property. I may turn it into a legitimate parking lot, I may turn it into a building. Don't know, but I'm waiting to see what happens with parking, before I make that decision, and I don't expect that to happen anytime soon.

Casey Caples: I'm just a little confused, I get the purpose, I get that your clientele right now is in walking distance I assume which anyone going into the business has the intent of growing, so what you hope is at some point in time, you got people coming from Caraway going to come up to eat the hot dogs right? They have to have a place to park cause I don't think they walk from Caraway. SO, I guess what they're gonna do is utilize the parking lot to the east of this lot. Correct? Okay.

Max Dacus: These buildings though are temporary.

Casey Caples: Well, that was my next question.

Max Dacus: You're basically just developing it for food trucks, because if that's

not there a year from now, you've developed parking, you've done the green space but you no longer have a food truck. So, that's what you're developing for is food trucks.

Derrel Smith: Right now, that's what he submitted for is his food truck.

Max Dacus: Right, one truck if that's ever gone than you know. Right, if I lose my tenant you know and you've developed.

Mike Ebbert: Let me tell you, between having to get the electric pole put in, having the electrician get a permit to put it in. Okay, he got the permit and came and put it in. We can't connect the electric pole until we get this done, so there's 2500 dollars. Then we've got an architect involved with it there's more money. You know it's just a food truck guys there's not enough money to make this work. You know, I'm just trying to develop it because I love good food. He's got good food. I'm for anybody in Jonesboro who got's good food to be here. Ya know, and I walked over from my office as did a lot of people. We have a building on the other side that everybody walks, not say that there won't be a couple who drive, but there's a parking lot next door.

Kevin Bailey: The City of Jonesboro is the adjoining property owner to the east, does the City of Jonesboro have any objections to this?

Doug Gilmore: Derrel said no.

Board: It's public parking.

Kevin Bailey: Okay, the other adjoining property owner, Derek do you have any objection to this?

Derek Bowman: Well, I just wanted clarity on what was being asked for.

Kevin Bailey: Okay, Mr. Chair I make a motion that we grant the variance as submitted.

Doug Gilmore: Okay, is there a second?

Casey Caples: Second.

A motion was made by Kevin Bailey, seconded by Casey Caples, that this matter be Approved . The motion PASSED with the following vote.

Aye: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-35](#)

VARIANCE REQUEST: 5312 Richardson Dr

Jeff Andrews is requesting a variance from the size limitations for a shop. The shop will be 1600 sq. ft. and the house is 1800 sq. ft. The subject property is located in the R-1, Single-Family Medium Density District.

Attachments: [VR-24-35 - Adjoining Property Owner Notifications & Mail Receipts](#)
[VR-24-35 - Application](#)
[VR-24-35 - Design Specifications](#)
[VR-24-35 - Narrative Letter](#)
[VR-24-35 - Plat](#)
[VR-24-35 - Site Plan](#)

Doug Gilmore (Chair): Alright, 5312 Richardson.

Jeff Andrews (Proponent): Hi, I'm Jeff Andrews, I'm a resident at 5312 Richardson. I'm asking for a variance so I can build a 40 by 40 pole barn shop, so I can put my belongings in it along with a dump truck I won. And of course I have duck blinds and boats and whatever else I like to put in there. I'm on a dead end street this property actually had two houses on it. One at 5424 that

house has been removed. And I want to put this at the back of that property. I'm the only one on the street. There's a cornfield to one side of me. Woods behind me, and a vacant lot in front. And there's one house but it's on Frog Pond. And I have 3 and half acres. Any questions?

Doug Gilmore: We're working on that, sorry I was doing some research. Is that all you've been asked to do so far?

Jeff Andrews: Yes, sir.

Doug Gilmore: Hang on just a second. The property to your north it's still there?

Jeff Andrews: The house? It's actually on Frog Pond and the people there, it's in that curve, the people who lived there, the man passed away. And they took the lady to Virginia and she's in a nursing home now. So that house is probably gonna be empty for a while. And they own the 80 acres behind that house.

Doug Gilmore: They own that large field?

Jeff Andrews: Yes.

Board: What size property are you on there at 5312?

Jeff Andrews: Mine is well it's actually 5312 and 5424. It's three and a half acres.

Board: All that's there is 3 and a half.

Jeff Andrews: Yes, sir.

Board: The code stipulates that an outside building can only be 50% the size of the dwelling.

Jeff Andrews: And like I said there was two houses there. And we took that one down because it was bad. I guess we could have combined the two houses as far as the square footage. I think the code says long as I stay halfway of the house here, I can build multiples but I don't want to build multiple, I just want to build one 40 by 40 and be done with it. Instead of building two 30 by 30s or 20 by 30, or whatever to be inside the code. I just have a lot of stuff I like to keep indoors and there's traffic that goes down that road. And I know they're looking for stuff to steal cause there's drug dealer that go down that road and I just like to have my belongings inside and like, you know, keep my place nice and clean without having everything out and exposed.

Kevin Bailey (Board): Derrel since that lot is 4, 5 acres do we give that any consideration or the code didn't allow that to be a considered?

Derrel Smith (City Planner): The code doesn't allow but that's why it's here for y'all to make that decision.

Doug Gilmore: Jeff has it been re-platted into two lots? I mean into one lot?

Jeff Andrews: No, I was told if I wanted to build a home where the other one was at, I'd have to split it into two lots.

Doug Gilmore: But it is two lots now?

Jeff Andrews: Well, it's all under 5312 when you pull it up but it has a mailbox-

Doug Gilmore: Right, but I mean has it officially been recorded or, platted into one lot?

Jeff Andrews: Yes. It's one lot.

Doug Gilmore: Okay, just trying to find you an out here.

Jeff Andrews: Yes sir, and I have a plat here if you want to see.

Doug Gilmore: That's fine.

Board: If he platted it into two lots Derrel, that wouldn't really help him would it?

Derrel Smith: No, he'd have to have a house on the other lot.

Board: That's what I thought.

Casey Caples: I'm trying to think what we've done for other of these that have popped up. We had one, that Derrel I'm not pointing fingers, but I think we had

that the city, and it was a little bit of a goof up and it kind of got missed.

Kevin Bailey: We had another one though. We've had a couple come up but they've been in large acreages. I mean like 20 acre properties. The reason I brought the acreage up is that would be the only, because it's such a large acreage and it's platted is one I would lean towards a positive vote on the variance but you're not gonna run a business out there, you'll never run a business out there. And you're gonna say that on the record.

Jeff Andrews: It's all residential.

Kevin Bailey: It is a storage building.

Jeff Andrews: Yes, sir its just a shop where I'm going to put my belongings.

Max Dacus (Board): The building on West Matthews that the guy wanted to do it was much larger than his residence.

Board: Correct, yeah, and it was on a lot not a street.

Jeff Andrews: I'm on a dead end street that goes another 500 feet and from there's the county line. So, there's never gonna be any houses down from me. Like I said, there can't be anymore on Frog Pond because that one sits there that's vacant. And who knows if they're ever going to develop anything across from me.

Doug Gilmore: Somebody has started some development there right?

Jeff Andrews: Yes sir, they started and completely quit.

Doug Gilmore: It's stopped, when did that start and stop?

Jeff Andrews: I don't know that. And I know they're having problem with the Gillum's who own the farm grounds cause they're saying the water is flooding it and now it's a flood zone. So I don't know if it'll get started or not.

Doug Gilmore: That's not our business anyway.

Kevin Bailey: Mr. Derrel do you have any heartburn?

Derrel Smith: No.

Max Dacus: I make a motion that we grant this variance.

Doug Gilmore: Do we have a second?

Casey Couples: Second.

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

Aye: 3 - Casey Caples;Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-36](#)

VARIANCE REQUEST: 1109 Robin Rd

Paul Hoelscher on behalf of Julia Robinson is requesting a reduction in the building setback from 7.5' to 1.5' along the North property line. The subject property is located in the R-1, Single-Family Medium Density District.

Attachments: [VR-24-36 - Adjoining Property Owner Notification](#)
[VR-24-36 - Application \(Signed\)](#)
[VR-24-36 - Certified Mail Receipts](#)
[VR-24-36 - Signed Notification Letter](#)
[VR-24-36 - Site Plan](#)

Doug Gilmore (Chair): Alright, so Kevin wanted to recuse himself on this next one. Paul are you here? Come on up here.

Paul Hoelscher (Proponent): I'm here representing the property owner which is Julia Robinson. It's her residence here in Jonesboro. And the first thing is, I

probably worded the application a little weird. We're only asking for a foot and a half reduction of the 7 and half setback.

Doug Gilmore: It doesn't say that here, it says set back from 7 and a half to one and half.

Paul Hoelscher: Yeah, that's not right.

Doug Gilmore: That's not correct.

Paul Hoelscher: And you can see on there that the property line is kind of a wedge shape, so on the front corner we are actually on the setback but since it runs at an angle it's the back corner of the proposed addition that would require the one and half foot reduction. And the addition is a two car garage with extra space in the back for golf cart.

Doug Gilmore: I did ask the county judge what he thought about it and he did not have a problem with this as long as it was as Paul just described.

Paul Hoelscher: Yes, he is the neighbor to the north. The neighbors on both sides, the country clubs are basically on the west side, and the people across the street were all sent a notice and I got the cards back from four of those. One came back returned, and one I still haven't heard from, one of the neighbors across the street.

Doug Gilmore: You got the receipts and that's all that's needed. You tried.

Board: Am I right we're building over the setback?

Paul Hoelscher: As proposed it would encroach a foot and a half on the back corner.

Doug Gilmore: There's a retaining wall between Marvin and
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Paul Hoelscher: That's the curved part you see and besides her wanting the garage there's a drainage issue. Water right now comes into her carport so the garage addition is going to enable us to actually build that back area up on her property and put in a drain pipe. And we actually have a civil engineer even though it's not required. But a civil engineer that's going to design all the drainage.

Board: The hatched area that's the addition.

Casey Caples: Mr. Chair I would like to make a motion that we approve the variance.

Doug Gilmore: Alright is there a second?

Max Dacus: Second.

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

Aye: 3 - Casey Caples; Doug Gilmore and Max Dacus Jr.

Absent: 1 - Rick Miles

Recused: 1 - Kevin Bailey

[VR-24-37](#)

VARIANCE REQUEST: Honda of Jonesboro - 3003 E Parker

White-Daters and Associates on behalf of Riverside Properties is requesting a variance to omit or substitute nine street landscaping trees along E. Parker. The subject property is located in the C-3 General Commercial District as well as the Overlay District.

Attachments: [VR-24-37 - Adjoining Property Owner Notification](#)
[VR-24-37 - Application \(Signed\)](#)
[VR-24-37 - Certified Mail Receipts](#)
[VR-24-37 - Narrative Letter](#)
[VR-24-37 - Site Plan](#)

Doug Gilmore (Chair): Okay, Honda Jonesboro.

Ben Wells (Proponent): Ben Wells with White-Daters and Associates. I'm the engineer over the expansion of Honda in Jonesboro. We're requesting a variance for the 9 street trees along East Parker. The existing site doesn't have any trees along it. There's a pretty significant drainage ditch coming under. It doesn't show on there but there's a double 4 by 8 box culvert come across this Parker. We're expanding that ditch out front to accommodate, right now it floods pretty significantly, the owner is also worried about putting their most expensive inventory for display right up underneath these trees. There's 4 or 5 other dealerships just south there along West Parker, down stadium none of them have any trees along the street. For those reasons we're requesting the variance.

Doug Gilmore: The reason you're talking about this, you're adding on to the building?

Ben Wells: Yes, right now it's, that green hatched area you see right there? That's where we're expanding on both sides. We're doubling their service size, doubling office space, adding about 225 parking spaces, I believe. You'll out by the street and to the east, there's a pretty significant, we're really increasing the capacity for the storm water detention.

Board: Derrel, can I ask, I can see these trees are populated to one central area, right? This parking lot. They seem to be on the right hand side, what's the reasoning on why they're only focused on the right-hand side?

Derrel Smith (City Planner): That's the expansion area.

Board: So, that's where they have to increase?

Derrel Smith: They don't have to, but's where they're doing all their work. So, that's where they're showing the implements.

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Ben Wells: Yes, let me explain. They purchased the 2 lots to the east and then re-platted into one big lot. So, everything from essentially the east, the green line of the east expansion to the west is already there. That's all the existing parking.

Board: Okay so, you want to do away with those trees completely?

Ben Wells: We would like to do away with them. If that's not an option we can move them, put them somewhere else, they just don't want them along the street where they're parking their best cars underneath them.

Max Dacus (Board): What if they decreased it from trees to shrubs across that south line?

Ben Wells: Yeah, if we did shrubs we would still probably want to move them just because I don't think the shrubs would grow there.

Board: They're sitting on concrete?

Ben Wells: No there's, right now that entire ditch is full of rip wrap because of the significance of the stormwater run off that they get. I think that there's a 80 acre basin that comes across East Parker and then turns right along their frontage and every time it rains, somewhat hard it comes over the curb and goes right through their parking lot. So, that's why we're pretty much doubling the size of that ditch right now and it's I don't know that they would stay grown. I think the first time you had any sort of significant rain, those shrubs would probably be gone. So, we're all for doing shrubs but if we could maybe

move them to the back, just somewhere else on the property.

Max Dacus: Did they have to be on this area? Do they?

Derrel Smith: What they're showing is the required street trees. There's supposed to be trees along the front of the street. So, it's whatever y'all decide but the code says there's supposed to be street trees along the front of the property.

Ben Wells: And none of the other dealerships have trees, I understand they were probably there before the code was written but the existing site doesn't have-

Max Dacus: Does the new Cavanaugh lots have trees? Along the front?

Derrel Smith: Yes.

Casey Caples (Board): Now granted they had a little bit more availability on the front green space correct? Not so much of a large rip wrap ditch across the front. So, I get that.

Board: The Kia dealership will have trees as well.

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Ben Wells: Keeping the trees we're okay with, but if we could move them. We had the idea to potentially put them in the detention area to the east, away from the cars, maybe through the middle of the area. So, you see where the shrubs are on the east side where we gray down. In that flat area right there if we could put them in the middle of that. It wouldn't be a problem. We're all for moving them. There's just no where to put them out there on that ditch.

Kevin Bailey (Board): It's a unique situation and Casey you drive by that ditch every day.

Casey Caples: It's a massive drainage ditch through there.

Ben Wells: And we're making it twice as big due to, but right now, it fits about a third of the capacity.

Casey Caples: There's a lot of water that comes through there. Michael you said it's over a hundred?

Michael Morris (City Engineer): It's over a hundred that's why we're not piping it in.

Ben Wells: That's where we thought the place to move them that makes the most sense, would be right there. Right now it's going to say a dry pond until it rains and then it'll fill up a little bit and then slowly get out there, and then, probably in the middle of that area, probably the place that makes the most sense. Away from damaging any cars or anything like that.

Board: Landscaping on the existing Honda dealership that you guys are adding on to is just almost nonexistent. So are y'all upgrading that landscaping?

Ben Wells: No.

Board: You're not. Derrel they're not required to upgrade the landscaping on the existing parking and dealership when they did this addition? Trade out upgrading that landscaping?

Derrel Smith: If that's what y'all wanna do. The city would be okay with it.

Board: There's not a lot of landscaping on that lot.

Doug Gilmore: Ms. Lak would like to speak.

Patti Lak (Public): I just noticed on this and I don't know whether this is going to be talked to after the nine trees but also on the variance request, there's to omit the sidewalk along East Parker Road and you notice it right there and that hasn't been mentioned in the variance.

Ben Wells: We were told they don't grant variances for that, it would be an in lieu payment. We're doing a cost estimate to build it, and running it by the owner right now. Whether he wants to do an in lieu payment or build it. We're not requesting that at this time just he 9 trees to either omit them or move them, or put in shrubs or something else.

Casey Caples: Correct me if I'm wrong, the only existing here help me out, just come to me.

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Casey Caples: You know of course assuming that the city wants that sidewalk along the front and if they do.

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Ben Wells: Or going to shrubs I think we could probably add some more shrubs and islands and stuff like that inside the parking lot. I just don't think anything would make it in that ditch.

Casey Caples: I'm interested in hearing Kevin's idea about you trying to utilize maybe some islands and things in an existing space.

Kevin Bailey: Yeah, I would be in favor if you were going to take those counted trees or offset them by putting them on the existing lot and upgrading that landscaping because it just didn't exist.

Ben Wells: It's all just concrete, there's not even any landscaping islands, they're all concrete.

Kevin Bailey: Did you get a variance to not put those islands in? Are splitting hairs here Derrel?

Ben Wells: I'm sorry on the existing side, the new side is all landscape islands.

Derrel Smith: No, we've required it on the new portion but the old portion we've allowed it to stay the way it was designed originally.

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Board: Can those trees just go down and be more scattered in that, not populated but more scattered down. Through there and give it some green?

Casey Caples (Board): That ditch along that front it appears to me to be some feasible as far as making more greenery. I mean even the lot next door to you has grass all in front of it. It just says rock which I understand maintenance free but it's not a very appealing lot, the existing part. Just the amount of existing rock that goes through there. I'd really like to see the trees used. I could understand scattering out a little bit more but you'd have utilize this existing side in order to do so. And it looks like for the sidewalk you're going to be doing some work across the front of that anyway. So, it might be something that we could.

Doug Gilmore: How would you feel about tabling it and having them come back with a landscape plan showing the trees in a different location?

Casey Caples: I feel like that's a great idea yea. Cause I feel like you could probably most likely come up with a pretty good solution with the city as far as we can come to a happy medium.

Ben Wells: Just to get some clarity on that, but would it still have to be the 9 or would it be just spread out along the existing side because like you said, the real problem is that ditch on the new side.

Casey Caples: Right, I guess that's what I was saying. The city is only going to require the nine. That's all they're going to require. What they're saying is you're going to have to do it to the eastern part of the property. If that's not a very good area to plant trees, which I wholeheartedly agree with you. You may have to utilize some spots on the west. In order to get those nine trees and make the city happy. I think you guys could come to some kind of agreement on it. So, I would like to make a motion to table to see if we can come back with an agreeable landscape plan that will work with the city.

Kevin Bailey (Board): Second.

A motion was made by Casey Caples, seconded by Kevin Bailey, that this matter be Tabled . The motion PASSED with the following vote.

Aye: 3 - Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-38](#)

VARIANCE REQUEST: Nettleton Public School - 300 Bowling Ln

Fisher Arnold on behalf of Nettleton Public Schools is requesting a variance from the access requirements to have a driveway located closer than 100' to the property line. The property is zoned in the R-1, Single-Family Medium Density District.

Attachments: [VR-24-38 - Application \(Signed\)](#)
[VR-24-38 - Certified Mail Receipts](#)
[VR-24-38 - Narrative Letter & Site Plan](#)
[VR-24-38 -Adjoining Property Owner Notification](#)

Doug Gilmore (Chair): Alright, Nettleton Public Schools.

Sam Doss (Proponent): My name is Sam Doss with Fisher Arnold. I'm here on behalf of Nettleton Public Schools. We are requesting a variance for the driveway apron. The existing driveway apron is how you see here on this plan view. We have a street frontage of, the rule is that we have, if the driveway is within 100 feet of a street frontage of 200 feet. We need a variance to approve. So, we're here for that. Our proposed driveway apron is remaining the exact same.

Michael Morris (City Engineer): City engineering has been on this and we don't have any objections, because you're looking at driveway drive way spacing as well. One's a church, one's a school. They're not going to be operating at the same time. So, and it's going to be for buses, it's not going to be for pickup and drop off. So, just to let y'all know engineering we've done looked at it and we're okay with it.

Casey Caples (Board): Bus access only?

Michael Morris: Bus access only. Well, it's gonna be bus access most of the time, I think the teachers may park in the parking lot. But it's not like it's gonna be used for drop off for students. Just to let y'all know the history of it.

Casey Caples: Thank you.

Doug Gilmore: Did y'all have something, or are y'all here for support?

Public: Yes sir.

Doug Gilmore: Would y'all like to add anything?

Public: Yeah, like they said the driveway is already existing for teacher parking with the bus drop off gonna be on the west side.

Doug Gilmore: Making sure you're not a rebel rouser out there. All trouble.

Public: We just wanna utilize both sides, east side and west side. Parent drop off is on the west side, bus drop off is on the east side.

Kevin Bailey (Board): Mr. Chair I move that we grant the variance.

Doug Gilmore: Is there a second?

Max Dacus (Board): Second.

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

Aye: 3 - Casey Caples;Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

[VR-24-39](#)

VARIANCE REQUEST: 5439 Southwest Dr

Pruett Properties, LLC is requesting a time extension for a previously granted building

material variance for 5439 Southwest Drive. This property is in the C-3, general commercial district, and the overlay district.
The original variance was approved on 12/19/2023 for a six-month time extension for the building's brick endcaps. Original documents attached (VR-26-65).

Attachments: [Application](#)
 [Mailing List](#)
 [Notification Letter](#)
 [Site Plan](#)
 [21121 - Pruett BZA Mail Receipts](#)
 [Application Letter](#)

Doug Gilmore (Chair): Last and not least Pruett.

Scott Pruett (Proponent): Scott Pruett here on 5439 Southwest drive, requesting extension from the original brick façade that we requested six months ago.

Derrel Smith (City Planner): Let me remind you all on this came before us originally they said that they could have the brick up on the end caps by June 22nd, I believe and that's what the variance allowed. That wasn't able to be, they weren't able to do that, so now they are asking to extend that June 22nd time period out.

Doug Gilmore: How much more time do you need?

Scott Pruett: Last time we had our back up against the wall, I said 6 months. Obviously we're kinda in this spot again. We're looking at, ideally it would be when we add the climate control back up front. These buildings do set back from center view.

Doug Gilmore: Alright.

Scott Pruett: We hope to have it up, June of 2025.

Doug Gilmore: Let me ask, what prohibited you from doing it in 6 months?

Scott Pruett: The economic that we're in right now.

Doug Gilmore: Oh, you're talking about cash flow.

Scott Pruett: Yeah cash flow, things like that, property taxes got in the way of this, there was complete intent on doing this, just things happened. Not asking not to do it. No, it needs to be done. It was an oversight.

Doug Gilmore: So, you're going to be building some climate control?

Scott Pruett: Yes, sir, it'll cover the-

Doug Gilmore: And what's your time frame on that?

Scott Pruett: Game plan is and we got everything in place right now. This time, next year.

Doug Gilmore: Start this time next year?

Scott Pruett: Yes, sir.

Doug Gilmore: So, you're asking for another year and a half at least. You think it'll take 6 months to build?

Scott Pruett: Yes, sir.

Kevin Bailey (Board): Are these occupied?

Scott Pruett: Yes.

Kevin Bailey: Mr. Scott have y'all made an attempt to do any of it?

Scott Pruett: We've gotten quotes and to do just one it wouldn't aesthetically look nice. So, no I mean we've had two or three people out there to give us quotes and it's just, not doable. It's not that we're trying to thwart the system. It's just generally not doable.

Doug Gilmore: Do you see a change in the economy that would allow you to really start these new units next year?

Scott Pruett: Well, I sure hope so.

Doug Gilmore: Well, you know, hope so's in this world don't work.

Scott Pruett: I know, we've made some adjustments as well and I'm trying to find, a cashflow should I say to be in a better position next year.

Doug Gilmore: Have we got too many units out there Derrel?

Derrel Smith: I think everything out there is full so. Okay, now they have finished some of the things they're trying to get, so they can get out of their temporary occupancy and get a full CO. They've got their landscaping finally installed, they've got grass in all the areas that were just formed. They got the water lines installed that were required. So, they've done a lot of the things to get it into compliance but this was that last piece to get that first phase a final certificate of occupancy.

Doug Gilmore: So, would a variance of a year and half give them that?

Derrel Smith: That's gonna be up to him. I mean if they don't-

Doug Gilmore: From the city's standpoint would it still be a temporary?

Derrel Smith: Yeah, I'm not sure we'd have to discuss it and see.

Max Dacus (Board): We could go for a year and if it's started and going, then you'd feel more comfortable stretching it out a little further if you had to. Year and a half just seems like a long time.

Casey Caples (Board): I'm uninclined to.

Kevin Bailey: I'm not inclined to grant a lengthy extension because of the next phase. I don't want the next phase. In my opinion it's about complying with this phase even though Mr. Scott's been attempting to get the items done, it's till irrelevant to the next phase. So, I wouldn't be inclined to give it a year and a half. I wouldn't be inclined to giving him a year. Maybe three month or 6 months. I wouldn't feel comfortable, we already had one and so, just my opinion.\

Max Dacus: Am I just not remembering or have we done that before? I know, we have on parking lots.

Doug Gilmore: Yeah we have, I don't know about that long. You know, a year and a half I haven't heard of.

Max Dacus: It's already been 6 months so you know that would be two years.

Casey Caples: I was under the impression that we did 6 months sense your subcontractors would be out there too, why have them come in for a special time just to do this. I don't think money savings it's going to cost the same whether you do it now or do it then. To be honest. So I thought we were doing it more of just a kind of scheduling thing than even a money thing. A time of the year thing, I kind of understood it. Now I really don't cause if we're still looking at over a year to even start phase 2. It's just a long stretch it really is.

Max Dacus: This is phase 1?

Derrel Smith: Yes.

Max Dacus: This is all that's lacking in phase 1?

Derrel Smith: This is all that's lacking.

Kevin Bailey: But it is occupied and it is generating income. So we're not stopping them from operating yet.

Scott Pruitt: Trust me I don't want to be back here in 6 months. I'd rather just go. I'm not trying to be a cheapskate. We're just trying to do what we can, we truly are.

Kevin Bailey: And we understand.

Doug Gilmore: Of course, if it's too bad you'll be talking to a financial institution.

Kevin Bailey: Mr. Chair I would be willing to make a motion to grant an extension for 6 months and within that 6 months, the brick veneers has to start. See it's moving on it. I wouldn't be inclined to go any longer than 6 months. That's my motion.

Doug Gilmore: There's a motion on the floor, is it seconded?

Max Dacus: Second.

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

Aye: 3 - Casey Caples;Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

5. Staff Comments

Doug Gilmore (Chair): We will take care of some housekeeping.

Casey Caples (Board): Mr. Chair I would like to make a motion that we reappoint members of the board or officers of the board.

Doug Gilmore: Yes, reappoint the ones that are currently in those positions?

Casey Caples: Yes, sir.

Board: Second

Aye: 3 - Casey Caples;Kevin Bailey and Max Dacus Jr.

Absent: 1 - Rick Miles

6. Adjournment