



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Board of Zoning Adjustments

Tuesday, August 20, 2024

1:30 PM

Municipal Center, 300 S. Church

1. Call to Order

Present 4 - Rick Miles; Casey Caples; Kevin Bailey and Max Dacus Jr.

Absent 1 - Doug Gilmore

2. Roll Call

3. Approval of Minutes

[MIN-24:077](#) Minutes July 16, 2024

Attachments: [7.16.24 BZA Minutes](#)

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: 2 - Casey Caples and Max Dacus Jr.

Absent: 2 - Rick Miles and Doug Gilmore

4. Appeal Cases

[VR-24-40](#) Variance Request: 1615 Cedar Ridge Ln

Neil Barschefski is requesting a variance from the size limitations on building a shop bigger than 50% of the size of the primary residence. The subject property is zoned R-1, Single-Family Medium Density District.

Attachments: [VR-24-40 - Adjoining Property Owner Notification \(1\)](#)
[VR-24-40 - Adjoining Property Owner Notification \(2\)](#)
[VR-24-40 - Application \(Signed\)](#)
[VR-24-40 - Narrative Letter](#)
[VR-24-40 - Site Plan](#)

Kevin Bailey (Chair): How do you pronounce your last name?

Neil Barschefski (Proponent): It's Barschefski, trust me we're used to it.

Kevin Bailey: Got it, tell us what you want to do.

Neil Barschefski: So, I as you can see there, I would like to put a shop there and it would be the southeast corner of my property. Just a detached, single story, pretty generic shop for our hobbies. We're into wood working and metal working and things like that. Arts and crafts, and that's what it's for.

Kevin Bailey: Okay, I guess the reason you're here is cause it's greater than 50% of your house heated and cooled.

Neil Barschefski: That is correct sir.

Kevin Bailey: Does the city have any questions or comments?

Neil Barschefski: It exceeds by 130 square feet.

Casey Caples (Board): How large is the existing dwelling, roughly?

Neil Barschefski: Roughly twenty-four.

Casey Caples: Did you tell me that somewhere?

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Casey Caples: Okay.

Kevin Bailey: Questions or comments from the commissioners?

Casey Caples: I'm trying to think of what we've done in the past I know we allowed one that was just a few hundred feet over the existing dwelling. I know we've also tried to keep it close to that 50% mark if we can.

Neil Barschefski: I don't know if it matters but what's not drawn in the shop is a small porch that will not be heated or cooled. I don't know if that-

Casey Caples: With in the 50 by 30?

Neil Barschefski: That's within the 50 by 30 footprint, yeah.

Casey Caples: I think that's counted with it, anything under roof. Mr. Chair or Kevin, I make a motion to approve the variance.

Max Dacus: Second.

Kevin Bailey: Okay, a motion and a second, and I'll have to vote for majority. If you would call roll please?

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: 2 - Rick Miles and Doug Gilmore

[VR-24-41](#)

Variance Request: 3009 Peabody Dr.

Moss Fencing is requesting a variance from the restrictions on barbed wire fencing to add 3 strands of barbed wire along the top of the fence at this location. The subject property is zoned C-3, General Commercial District.

Attachments: [VR-24-41 - Adjoining Property Owner Notification](#)
[VR-24-41 - Application \(Signed\)](#)
[VR-24-41 - Certified Mail Receipts](#)
[VR-24-41 - Site Plan](#)

Kevin Bailey (Chair): Proponent?

Josh Moss (Proponent): Absolutely, afternoon, Josh Moss, Moss fencing. As he just stated we're just looking to add three strands of barbed wire on a new installed commercial chain link fence. We just don't quite meet the minimum anchorage guidelines set forth in the ordinance to add that. There's currently fence on both sides of this property because it's all commercial and they already have on the same fence 6 foot chain link with three strands of barbed wire on top, We're just wanting to match that.

Kevin Bailey: Okay, Derrel do you have any comments?

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Kevin Bailey: What does the ordinance call for or allow?

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Kevin Bailey: Okay, and you're on how many?

Josh Moss: The minimum is one and a half acres and we're on one point one, four.

Casey Caples (Board): I'd think it's more than 1 and a half.

Josh Moss: That's what Mr. Eckert had emailed me saying, that I had to have this because there is a one and half acre minimum. So, we're just a quarter acre shy of that.

Kevin Bailey: Comments, questions from commissioners?

Josh Moss: And we're not, not that it probably matters, but we're not taking this out towards the front of the building or the road. So, we're going to have a nice set back on the edge of the building.

Casey Caples: The city doesn't see any issues with this whatsoever? Mr. Chair I'd like to make a motion to approve the variance.

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;Kevin Bailey and Max Dacus Jr.

Absent: 2 - Rick Miles and Doug Gilmore

[VR-24-42](#)

Variance Request: 1100 Jonathan Dr

Reginald Watson is requesting a variance from the street improvement standards for Jonathan Dr. The subject property is zoned R-1, Single-Family Medium Density District.

Attachments: [VR-24-42 - Adjoining Property Owner Notification](#)
[VR-24-42 - Application \(Signed\)](#)
[VR-24-42 - Certified Mail Receipts](#)
[VR-24-42 - Narrative Letter](#)
[VR-24-42 - Site Plan](#)

Kevin Bailey (Chair): Proponent?

Reginald Watson (Proponent): Yes, sir. Well, we got the land and we're looking to build and ran into another obstacle. So, we just want to try and get this where we are able to have something for us, for our family. We just really want to use the street that the other 3 families are using, the same street and they're not requesting them to do anything to the street, we just want to share it with them.

Kevin Bailey: Derrel can you give us a little back history on it?

Derrel Smith (City Planner): Yeah, this was a lot that was platted a long time ago and there's never been any street frontage to it at all. We have looked at this trying to figure out a way to get them to be able to develop on this lot and we decided they would need to come before y'all because we can't, you know, we can't grant a variance on something like this. So, that's something that y'all would need to do but we've tried to find a way for the people to build a house on this lot and it's, without a variance it's not going to be possible.

Kevin Bailey: This is out over on Mitzi and Pratt Circle here isn't it?

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Kevin Bailey: Okay, comments or questions from the commissioners?

Max Dacus (Board): So the street, there's no dedication, no improvements or both?

Derrel Smith: There's both, it's just a gravel drive, that's there right now. The street comes off of Mitzi, you can see it on the survey you've got there. Should

be in front of you, but you can tell that even that street, it's not even close to city standards, what was built there.

Kevin Bailey: The variance is to let them connect to that gravel road from that lot. Is that correct?

Derrel Smith: That's correct.

Board: There's a house across the street that doing the same thing?

Derrel Smith: Yes.

Kevin Bailey: And I believe if you backed out and looked at everything, you would see that there are several lots over there that the streets were deeded in the plats but they were never built. So, by moving forward with granting this, may set a precedent for other ones to come forward too. I do truly think that there are several houses out there that are like this already though.

Board: So, if they deeded the right of way, so at a future time that the street was ever completed and brought up to code.

Kevin Bailey: It's still there, the right of way and everything's already there.

Board: It's already there deeded?

Kevin Bailey: Yes sir. Questions or comment? Anything to add to that or we about covered it?

Reginald Watson: I mean, there's other houses over there, new houses that have been built and we've been excited to, you know, to have the land in order to be able to put something there for us. A small home for us and we're just ready to move forward.

Kevin Bailey: Anybody ready with a motion?

Max Dacus: I make a motion that we approve the variance.

Casey Caples: 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: 2 - Rick Miles and Doug Gilmore

[VR-24-43](#)

Variance Request: 1705 Visions Ave

Vision 2000, Inc. is requesting an approximate 29' curb cut spacing variance to create a shared access driveway apron with Tommy's Development Addition and First National Bank. The subject property is zoned C-3, General Commercial District and is located in the Overlay District.

Attachments: [VR-24-43 - Application \(Signed\)](#)
[VR-24-43 - Certified Mail Receipts](#)
[VR-24-43 - Drive Location Map](#)
[VR-24-43 - Narrative Letter](#)
[VR-24-43 - Overall Map](#)

Kevin Bailey (Chair): Proponent?

Jeremy Bevel (Proponent): Jeremy Bevel, Engineer with Crafton Tool. We prepared the drawing in front of you, we are asking for a 29 foot curb cut variance. It's a spacing variance.

Casey Caples (Board): Jeremy one second, let me, I abstain from this vote. Now, I did talk to Rick Miles prior to the beginning of this meeting and he is on his way here. If we wanted to, cause I don't think it would be just two votes. I don't know if maybe we should move this one to the end till Rick gets here, I think it would be the only way you guys can vote on it.

Kevin Bailey: I'm okay with moving it down, Derrel, you don't have a problem with it. Jeremy will you stand by and let us go?

Jeremy Bevel: Yup, thanks.

Time Stamp: 28:00

Kevin Bailey: Okay we're going to move back up to Variance VR-24-43. I believe Mr. Caples is going to abstain from this one.

Casey Caples: Yep.

Kevin Bailey: Take it away Jeremy.

Jeremy Bevel: Thank you, so we are requesting a 29 foot variance, it's the curb cut spacing. We are a little too close to Visions Avenue we're at 271 foot to meet code it should be 300 but we're wanting to put this driveway apron on the property line. We're wanting to center it up on that property line so it measures out that 271. So, we're asking for that 29 foot spacing variance.

Kevin Bailey: And it is for cross access.

Jeremy Bevel: We will have cross access yes, all commercial lots will have a way to go to the adjoining commercial lot with cross access. But this is a proposed new driveway apron. And we visit with the highway department, ARdot and they're okay with it. We've also visited with the City Engineer Mr. Craig Light. He was okay with it.

Kevin Bailey: Derrel do you have any comments?

Derrel Smith (City Planner): No sir, they have met with Engineering, we've talked about it and with ARdot's approval and everything, we're fine.

Kevin Bailey: Commissioner's questions or motion?

Rick Miles (Board): Motion to accept the variance.

Max Dacus (Board): Second.

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

Aye: 3 - Rick Miles;Kevin Bailey and Max Dacus Jr.

Absent: 1 - Doug Gilmore

Abstain: 1 - Casey Caples

[VR-24-44](#)

Variance Request: 1328 W Huntington Ave

Weston Wagner is requesting a variance from the requirements of the Industrial Arts District to be able to build a single-family home and increase the front setback from 15' to 30'. The subject property is located in the Industrial Arts District.

Attachments: [VR-24-44 - Application](#)
[VR-24-44 - Certified Mail Receipts](#)
[VR-24-44 - Narrative Letter](#)
[VR-24-44 - Site Plan](#)

Kevin Bailey (Chair): Do we have the proponent?

Weston Wagner (Proponent): Good day gentleman, today I'm requesting a variance for our property located at 1328 West Huntington on July 2nd, 2024, I submitted a permit for this property. I submitted a site plan, blueprints for one single-family house. On July 11th, 2024, I picked up my approved permit from the city and paid 725 dollars for permit fees. I then began construction on my lot, my footings are done, my blocks are done, and we're bringing in dirt to fill the foundation. On August 6th, I got a call from the city that I was being shut down, they informed me that I was going to have to build a duplex on that said

lot and I said, no. My lot, like many lots in downtown Jonesboro is 50 foot wide and 145 deep. This lot is small to build a single family house on, much less putting a duplex on it. My lot is zoned R-2, R-2 is a residential and it does allow single family houses or multifamily. The neighborhood is full of residential living with both single family and multifamily properties. In 2022, I finished one new construction single family house at 1311 West Huntington it's 284 feet from 1328 Huntington. In 2023, I finished one new construction family located at 1315 West Huntington. That's 184 feet from 1328. In what world do we live in that someone can dictate and force me to build a multifamily property instead of a single family house that is surrounded by residential and single family properties. I understand that this area is in the downtown redevelopment district. I support improving downtown Jonesboro. Look at the houses I've built in the area. I am contributing to the improvement. I do support property owner having the choice on what they want to build depending on the zoning of the property but to force a person to build a multi-family property instead of single-family house is ridiculous.

Kevin Bailey: Okay, City Planner?

Derrel Smith (City Planner): Yes sir, it is R-2 but it's also in the Industrial Arts District and the redevelopment area. It does not allow a single family detached home. It allows a single family attached. The other two that Mr. Weston is talking about are on the opposite side of the street which is a different zoning. It's a different overlay, it's neighborhood transition. Which does allow single family homes. So, therefore the mistake was found. It was stopped at the time it was found and he's also building too far back from the property. It's supposed be within 15 foot of the front property line, he's at 30 feet. If you're going to grant a variance you'll need to look at that also. But he wasn't told it had to be multifamily it can be single family, it just has to be attached not detached.

Casey Caples (Board): Is that 30-foot setback only because of the downtown district?

Derrel Smith: Yes.

Casey Caples: Okay, so it doesn't apply to him across the street only on this lot?

Derrel Smith: Yes.

Kevin Bailey: So, Weston what you have the foundation poured for is a detached?

Weston Wagner: Do you mind to bring up my site plan? This is the site plan I submitted with my permits. It does clearly show a 30 foot setback there. If it was required to be 15 that's fine, tell me ahead of time. That it requires a 15 but my footings are already poured, my block are up. I've spent a lot of money on this, I've spent along of time, effort, bank loans, you are correct Mr. Bailey I am building one single family detached home. Technically, so if I built two single-family, I guess you would call them attached homes. Essentially what's the difference in that and a duplex? We still have multi-family there. They both, will still share a firewall.

Board: In all fairness he didn't have the setback back when they approved you're initial permit that set back the 30 foot setback wasn't there at all anyway.

Kevin Bailey: We've made a mistake.

Weston Wagner: True.

Kevin Bailey: So, how far are you? Is your plumbing roughly in?

Weston Wagner: Plumbing is, we were working on backfilling the foundation when we got shut down.

Kevin Bailey: So, no plumbing is roughed in yet?

Weston Wagner: Plumbing isn't roughed in.

Kevin Bailey: I'm not really sure how we should approach this, Tony?

Derrel Smith: The city, I've got ahold of the city attorney she said if you want to grant a variance, it is possible to grant a variance on this, I'm not going to say what else she put in there but it is up to your discretion if you grant the variance or not.

Kevin Bailey: Okay.

Patty Lak (Public): Can I say something?

Kevin Bailey: Sure, name and address for the record please.

Patty Lak: Patty Lak, 4108 Forest Hill Road. I don't even know why this is being presented in front of you right now. It should not have been. Kevin you said it. It's another mistake that we have made. You know, it clearly states on the agenda that it's in the Industrial Arts District. It's not in the transitional. I guess there's the colors of blue and green and yellow. It should have been checked and then double checked if it was that close. Once again, it was a mistake, I feel sorry for you Mr. Wagner because you paid the money, you started building and the only reason why it probably got stopped is because there were citizens that noticed what was going on and we have all the rules and regulations in that downtown area only to make it beautiful and keep the value of that. Now is the difference that big a deal if it's just right across the street? Well, it's just right across the street this time, then it might be right across the street next time. I don't know when we all stop and just say, we have these provisions and procedures. And I know Carol Duncan might say, it's up to you guys but the ball shouldn't be in your court to make this decision. It should have never been here. So, again I feel sorry for you. You know, you've had a couple of situations come up but this is just another mistake that the city had made and I really hope that you do not grant this. Thank you.

Kevin Bailey: Okay commissioners comments, questions?

Rick Miles (Board): Sorry, I'm late how far along are you on this project?

Weston Wagner: So, I've got footings done, I've got blocks done, and we were in the process of backfilling the foundation when it got shut down. I have paid for blueprints. I paid for all the site work that has been done. I paid for all the concrete. I've had closing cost on a bank loan. If I have to go in and remodel or restructure any of this. I have to get new blueprints done, have to get a new bank loan done and a new appraisal done. Not counting the cost of what it's going to cost me on the site to redo something. I understand mistakes happen, I do. I've made plenty of them myself. I'm going to make plenty more. My site plan clearly shows what I was going to build and I'm following my site plan. I've been here before and got turned down for things that were on my site plan, that I did differently that I was in fault for, you know. So, I don't see how I can become the loser every time.

Rick Miles: I'm assuming all inspections have been done to this point? That needed to be done.

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Kevin Bailey: More comments or questions? Is there anybody ready with a motion?

Rick Miles: What's the feeling of the city?

Derrel Smith: It does not meet the ordinance. It doesn't come close to meeting the ordinance.

Max Dacus (Board): When a person acts based on the approvals. Is there any compensation to him?

Derrel Smith: The city missed it but it is also up to the builder to know the codes too. It's not just the city that did this. The builder should have known this also, he's building in the districts. He should know what the codes are.

Casey Caples: That's another side of things too, did you happen to employ a civil engineer? To do your lot layout?

Weston Wagner: Not for a single family.

Casey Caples: I know that, that most likely would've stopped some of this.

Rick Miles: This went through the process of review and we still didn't catch it at that point?

Derrel Smith: That is correct.

Weston Wagner: I paid \$725 for a permit on July the 11th.

Kevin Bailey: Is anyone willing to place it on the floor for a vote?

Casey Caples: Mr. Chair I'd like to place it on the floor for a vote.

Kevin Bailey: Do I have a second?

Max Dacus: Second.

A motion was made by Casey Caples, 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 - Doug Gilmore

Abstain: 1 - Rick Miles

[VR-24-45](#)

Variance Request: 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. This was originally tabled under Variance number VR-24-37.

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 \(Updated\)](#)
[VR-24-37 - Site Plan](#)

Kevin Bailey (Chair): This was originally tabled under Variance number VR-24-37. Can I have a motion to un-table?

Max Dacus (Board): So moved.

Casey Caples (Board): Second.

Kevin Bailey: Okay we're un-tabled.

Ben Wells (Proponent): Yes, Ben Wells with White Dairy Associates, we're the engineers on the project. Last month, we had a landscape plan that was approved. We're going to put the street trees along the east side of the new expansion. Along that big drainage ditch, we discussed taking those nine trees and moving them to the west side along the existing side.

Kevin Bailey: And that's exactly what you've done?

Ben Wells: Yes sir.

Board: That's what we talked about doing last time correct? Good.

Kevin Bailey: Do you want to move for approval?

Casey Caples: I do, Mr. Chair I'd like to make a motion we approve the variance.

Max Dacus: I'll second it.

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 - Rick Miles;Casey Caples and Max Dacus Jr.

Absent: 1 - Doug Gilmore

5. Staff Comments

6. Adjournment