



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Board of Zoning Adjustments

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Tuesday, October 15, 2024

1:30 PM

Municipal Center, 300 S. Church

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### 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-24:094](#) Minutes 09/17/2024

**Attachments:** [09.17.24 BZA Minutes](#)

**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 - Rick Miles; Kevin Bailey and Max Dacus Jr.

**Absent:** 2 - Casey Caples and Doug Gilmore

### 4. Appeal Cases

[VR-24-47](#) Variance Request: Parcel #: 01-143271-01500 (Casey Springs Rd)

Robert & Lily Chandler are requesting a variance to reduce the required street frontage of 60 ft. to the existing lot frontage of 44 ft. The subject property is located in the R-1, Single-Family Medium Density District.

**Attachments:** [VR-24-47 - Adjoining Property Owner Notifications](#)  
[VR-24-47 - Application \(Signed\)](#)  
[VR-24-47 - Certified Mail Receipts](#)  
[VR-24-47 - Narrative Letter](#)  
[VR-24-47 - Site Plan & Overhead View](#)

**Rick Miles (Chair):** Our first variance, Robert and Lily Chandler. Come right on up, state your name and address for the record please.

**Deborah Taylor (Proponent):** Deborah Taylor, it's 2107 Bellevue Cove, Jonesboro, Arkansas. And I'm representing Robert and Lily Chandler. I'm the daughter of the Chandlers.

**Kevin Bailey (Board):** Mr. Chair, I need to make a motion that we untable this from our last meeting.

Rick Miles: Okay, I have a motion to untable.

Max Dacus: Second.

A motion was made by Kevin Bailey, seconded by Max Dacus, that the variance be untabled, the motion was PASSED with the following vote:

Aye (3): Rick Miles, Max Dacus, Kevin Bailey

Nay (0):

Absent (2): Casey Caples, Doug Gilmore

Rick Miles (Chair): Okay, sorry about that.

Deborah Taylor (Proponent): Well, I apologize my father-in-law doesn't hear well, and he never answered the phone call for the last meeting.

Rick Miles: Okay, Deborah go ahead and tell us what you're needing to do.

Deborah Taylor: Okay, we own a 3.75 acreage on the screen. You'll see the parcel from the AR County Date, the Taylors live to the left, the Chandler property, and to the right is the Ingrams. You'll notice the 3.75 acres go out like a rectangular parcel but the very front, there is only a 44 foot frontage and the city requires a 60-foot frontage on that. And we're asking since it's on, and I don't know if your pages are the same as mine on my package. On page 8, you'll see an aerial view. It's really still in a rural area. So again to the left there is the Taylor property to the right at the far bottom is the Ingram property. So, there is not a lot of frontage that will be affected. Their driveway, the Taylor driveway, there. So, we're just asking for a smaller variance, there or variance to the frontage so that we can sell the property. We've had a couple of people interested for a single-family residence by they're checked into that and wasn't able to put a driveway in.

Rick Miles: Okay.

Max Dacus (Board): Derrel didn't there used to be something, I remember looking at a piece of property one time and it didn't have much frontage and the city said that for a family compound or something that they allowed or was that if you had more frontage than what we're speaking of and you could divide that up. That has been probably 15 years ago or so. But I remember the city telling me that they had something, that they allowed that situation.

Derrel Smith (City Planner): If this was something besides single-family.

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Kevin Bailey (Board): One more question Derrel, that was probably annexed in and already platted like this before, when it was in the county and it was brought in under annexation that would give us another reason to approve it as well, mister chair, I'll make the motion that we approve the variance.

Rick Miles: Okay.

Max Dacus: Second.

Rick Miles: Before we vote on this, I would like to ask, if there is anybody in the audience that wants to come up or has any opposition to this before we vote? Okay not hearing any, call for the roll please.

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 - Rick Miles;Kevin Bailey and Max Dacus Jr.

Absent: 2 - Casey Caples and Doug Gilmore

[VR-24-52](#)

Variance Request: 4504 Peter Trail

Mike Hart is requesting a variance from the height limitations on fences. The subject property is located in the R-1, Single-Family Medium Density District.

**Attachments:**     [VR-24-52 - Adjoining Property Owner Notification](#)  
[VR-24-52 - Application \(Signed\)](#)  
[VR-24-52 - Certified Mail Receipts](#)  
[VR-24-52 - Narrative Letter](#)  
[VR-24-52 - Site Plan](#)

**Rick Miles (Chair):** Mike Hart.

**Mike Hart (Proponent):** Thank you for today, for letting me come, and I have a request for an 8 foot fence.

**Rick Miles:** Would you state your name and address for the record?

**Mike Hart:** My name is Mike Hart, my wife, Lisa Hart. We both reside at 4504 Pier Trail. Back in 2005 we purchased this home. It was a really nice home. There was a 6 foot fence that was built around, you'll notice, if you'll go to that second exhibit up there, if you would, you'll see a green and red, those are the two primary fences that we were responsible for on the property. Plus the gated area but that's not in question today. 4712 Peter Trail was built in 2010 and then it was sold and it was taken ownership by somebody in 2014. When they built that house, that is an elevated lot and I have more exhibits there as well. That house did not exist when we first purchased our home and we had a 6 foot fence. That house is approximately 6 to 7 foot higher than our house and it sits back further than any house in the neighborhood which pretty much gives them, I mean, there's hardly any privacy within the cartilage of our yard. If you'll go to the next exhibit on the thing there. This shows our yard. We have since planted a couple trees back there to give us the additional privacy. We even added a wooden topper we didn't know we needed to have a special permit for that and so we wanted to replace this fence. We had storm damage to our roof and our fence is getting older in age and so we had it replaced. Out of ignorance we didn't know we needed a permit to replace our own fence. That's my fault. I own that, but also I did not know that we needed a variance for an 8 foot fence. If you'll go to exhibit 4, you will see this is the previous view of our six foot fence before we put it up from Google Maps, the street view, you can see how high that is. Their back deck almost comes to the top of that 6 foot fence. That is 1903 Disciple, that is their fence that comes up to the back of our house. They sit perpendicular to our house on Disciple and if you'll notice down at the bottom, you'll see even better how much higher than that, that fence is. And then, if you'll go to the next exhibit you'll see what the fence looks like now. It is up, it does not go out to the street or anything like that. It just separates the two properties. We tried to do it as aesthetically and pleasing as possible it's a really nice fence, if you'll notice the next slide, you can see the full view of what that looks like and the comparison of the houses and how much higher that house is and how much further back it sits. We feel that this fits the variance requirements, and that the current ordinance deprives us, of our privacy that we should have, that our neighbors have. Both our neighbors are next to us. As you can see their houses are set back further, so they give the other neighbors a little bit more privacy. Do you have any questions? This was a total oversight on our part and if we had known that we would have made this proposal before we had the fence built, when we had our roof redone because of the storm. I know Jonesboro doesn't like 8 foot fences but in this particular case, I would not have brought this forth if we didn't feel like this met the need for the variance because of the different elevation and properties.

**Rick Miles:** Mr. Hart I'm assuming all your neighbors have been contacted.

**Mike Hart:** Yes.

Rick Miles: Is anybody here in opposition to this fence? Okay. Gentleman any other questions? I wish Casey was here. Anything from the city?

Derrel Smith (City Planner): No, sir.

Rick Miles: Okay.

Max Dacus (Board): We've turned down so many 8 foot fences for all kinds of reasons.

Mike Hart: I will say this, this meets the you know, the exception in that and I think the variance was created because this is for our two properties next to each other. This is an unusual situation for our neighborhood and this is I feel like and as I read the descriptor that you guys sent out that this meets the requirement to request the variance of a fence to provide the privacy, the curtilage that is needed for this two yards, and it's not effecting anybody else just these two yards based on the elevation and the proximity of the houses to the property, and I wish they had come to me before they built this house back there and I would say, hey y'all may consider getting some variances if you're gonna sit that house back there, but they didn't. We've had to deal with water drainage issues and all of this stuff and so we've taken upon ourselves to take care of our property and that's what we're trying to do is be a good neighbor and as well as provide privacy for us and the other property.

Kevin Bailey (Board): Mr. Hart the last exhibit 6A showing the fence, the 8 foot fence is that from your backyard?

Mike Hart: Yes.

Kevin Bailey: So, you turned the fence out?

Mike Hart: Yes. I turned the fence out because it's my fence and I turned it out so they get the better part.

Rick Miles: That is to the neighbor?

Mike Hart: Yes. He gets the best part of the fence.

Kevin Bailey: So, that's one positive aspect in your situation. I'll be honest with you if that wasn't turned out then, I don't know how I feel about a hardship at all. We have turned down most every fence.

Mike Hart: But I also see where you have accepted fences with elevation changes.

Kevin Bailey: We have and to kind of explain our position on that, or my position on that is that the elevation is not captured by the top dimension but the lower dimension. So when the ground is falling down and the fence is staying consistent. I have voted for variances that allow that fence to stay because it's not the overall height, it varies from 6 foot down to 8 foot because of the lower elevation.

Mike Hart: Correct.

Kevin Bailey: I don't have any more questions. Hey Casey, you have any questions on this?

Casey Caples (Board): Yeah, just a second. I may.

Rick Miles: I'll give you two minutes to get up to speed.

Casey Caples: Is this built?

Board: Yes.

Mike Hart: And that's my fault. I didn't know I needed a permit, Casey. I apologize, I had a contractor come in doing my roof and because the house was built after our house and the elevation was higher than our house. It used to be a 6 foot fence and we put a 2 foot topper on top of that fence and we were just trying to take care of our fence, we had the money to go ahead and replace the fence and because of the difference in the elevation. We requested the 8 foot fence simply because that is unique to our neighborhood. Those two houses are probably the most discrepancy and elevation that are back to back.

Casey Caples: Nah, I get you and I caught a little bit about what Kevin had said.

It's just kind of been, I guess my opinion on the 8 foot fence is, I mean you can kind of see it you're stuck between two 6 foot fences, and it kind of sticks out like a sore thumb if you ask me. I think it's just been, when these come across to the committee. I've always been kind of against just having the 8 foot fence.

Mike Hart: Would it help if we taper down 4 foot of each side of the fence?

Casey Caples: Just to speak for myself, not in my opinion. No.

Lisa Hart (Proponent): Can I add one thing? From the 4712 facing their home looking toward our backyard you can't even see the fence from the road. You

Mike Hart: You cannot.

Lisa Hart: We didn't take a picture of that but from you know, looking at the front of their home out toward the back of our home, you can't even see the fence from the road. So, from that side of 45, from that side of Peter Trail, the fence can't even be seen. It can only be seen when you're on disciple lane.

Rick Miles: Thank you ma'am.

Kevin Bailey: Although we're not code enforcement, we're not from the code enforcement department of the city, I wish the fence builder that you hired to build the fence would have been here. Because a lot of the times when we run into these situations the fence builder who works in the city of Jonesboro whoever it might have been, knows.

Mike Hart: Right, he was the contractor but he didn't know and I get it and that I gotta assume responsibility for that.

Kevin Bailey: Well, ultimately it falls back on you.

Mike Hart: Right, exactly, for sure.

Kevin Bailey: Mr. Chair I'll make a motion that we put the 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.

**Aye:** 1 - Rick Miles

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

**Absent:** 1 - Doug Gilmore

[VR-24-53](#)

Variance Request: 2207 Central St

Kevin Brown is requesting a variance from lot requirements for a duplex. The subject property is located in the R-2, Multi-Family Low Density District.

**Attachments:** [VR-24-53 - Adjoining Property Owner Notification](#)  
[VR-24-53 - Application \(Signed\)](#)  
[VR-24-53 - Mail Receipts](#)  
[VR-24-53 - Narrative Letter](#)  
[VR-24-53 - Site Plan](#)  
[VR-24-53 - Site Plan 2](#)

Rick Miles (Chair): Alright, Kevin Brown.

Chad Jurgensen (Proponent): How are you guys doing today? Kevin's here with me. We're representing Augie B, Chad Jurgensen, 2205 Auburndale Cove, Jonesboro.

Kevin Brown (Proponent): Kevin Brown, 1717 Chickasaw, Jonesboro.

Rick Miles: Okay fellas, tell us what you want to do.

Chad Jurgensen: We have two different variances that we're requesting. The

first one that's on the screen here, is for parking. The parking is on the side as we understand it and we're requesting the parking be in the front. There's duplexes to the left of us, two duplexes to the left, they both have parking in the front. The way that we have this drawn, we just want enough space to have both parking spots to the right of the duplex as it sits. That is the variance we're requesting on the parking. Both of those parks come out to the road, Una on the top there and then Central on the bottom. So, each duplex will be facing towards the street. The lot itself is significantly longer than it is wide. It's a part of our variance on the agenda today, was also a 44 foot lot frontage and though those right there is on for the 50 foot, the existing duplexes and properties that are there do have, I don't know if it's variance approval or what but they do have the parking in the front. They're 44 foot width as well. So, we're following the steps. We are under contract for the duplex to the left, the duplex, so the other one would be facing Central Street. The other one would be facing Una Street. We do have an offer on the one next to that as well.

Kevin Bailey (Board): Derrel can you explain the ordinances that were with this?

Derrel Smith (City Planner): When the duplex, triplex, all that passed  
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Derrel Smith: 2017, one of the complaints that the city was constantly getting was that they were building duplexes, triplexes, multi-family, and just putting all the parking in the front yard. So, we passed an ordinance from duplexes up that all parking had to be in the side or the rear in 2017. The lot width of course that R-2 zoning requires a 50-foot lot and I think this one is 40 something  
Proponents: 48, 47 and half.

Derrel Smith: So it didn't meet with the lot requirements either. So, you got parking in the front and then your lot width. Yes, sir.

Kevin Brown: And it is a bit of an unique area in the sense that each street kind of one way in, one way out and it's the property in the corner there. It's not really connecting, you can't drive through anything, so it seems to be self-secluded, smaller lots. That's where our thoughts are if we can get our handle on this lot, the two next to it to make it, the couple of properties there and make that entire block there nicer but it's kind of unique in it's own little island in a sense.

Chad Jurgensen: The reason we don't want to put it on the side is because it would take away from what we would put as the greenspace. So, the way that we're building the duplex it will come out to the right on that property, that's where we'll fence that in and have a green fenced-in space. We can make that the parking and put that there but that's why we're asking for it because it's going to make the aesthetic of the property look better and give that green space to the tenant.

Kevin Brown: I do think this is a little cart before the horse, but we are talking about the parking variance and I think more so than anything we need the lot size variance to even be able to do the duplex. And then discuss the parking but their both on our hopefully your agenda is our thoughts today.

Casey Caples (Board): You guys also own the lot north of that?

Kevin Brown: We're under contract for 2209 Central Street there. That is the same guy that we purchased 2207 Central Street from. So, we're under contract on it moving in to close on that one. Una Street there I don't know if that's 2208 Una, the other one behind it is listed for sale now. We do have an offer in on it, yes. So, our plan and if you were to scroll out from this screen, there's a lot of green space and in the corner that guy right there that kind of has that end cap. All of that is his property and as long as we're making it nice for him, and hopefully in the sense or you know, we'd hope that in the future, if he was ever

to want to get rid of this, the lots that are there in front of or behind him, hopefully, he'd consider us first by improving the area.

Kevin Bailey: Derrel would it not be better for them, if they did get the two duplexes bought to replat and put this under one lot and there's some sort of a little-

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Kevin Bailey: Does that make sense?

Chad Jergensen: Oh, yes sir. I wish we had that plan when we're moving forward and bought the lot. If we had an opportunity to buy the one next door and another opportunity kind of grew. That's what we would hope for the future anyways. It could be all one big problem for us anyway.

Kevin Bailey: You could just shoot across the bow if it was re-platted into the planning and development and you would have more of an opportunity to have a more suitable layout and parking. Because now even though it's just duplexes, we have to consider trash, pickup, drives,

Chad Jergensen: And that was part of the reason that the plans that we picked were the plans that we picked. I mean, it's a 20 by 50 is what the duplex is. So, if we had a ton of greenspace and availability on that lot.

Board: That lot is just too narrow to start with.

Chad Jergensen: I guess the biggest thing for us in order to move forward with it, the variance on the lot being the foot and a half difference on there supposed to be 50, we're at I think 47 and half one and then 48 and a half on another, would be our biggest thing, the parking we can deal with that whichever way we need to deal with.

Kevin Brown: And again this wasn't the plan to begin with. So, like now that we're talking about this and it was purchased off of an acquaintance due diligence wasn't exactly, perfect on it and here we are with his word to where we do want to go in that direction. But if we need to change or move parking, we're open to re-platting as necessary.

Board: What are the city's feelings? It's a small lot, it's an awful small lot.

Derrel Smith: If I'm looking at this right, the lot is only, it's under 6,000 square feet and you should have 7200 square feet for a duplex. So, it's just a small lot for a duplex.

Kevin Bailey: And y'all understand what Derrel is saying that you're way under lot size for a duplex.

Chad Jergensen: Yeah and that's again why we picked the lot the way that we did the duplex so that we would, so it wasn't as wide as we see out of some of those. Obviously there's only so much we can do to fit in there as well.

Kevin Brown: The way that I was looking at it, with how it was explained to me at one point that the sewer hook up and all that stuff to where even if somebody were to buy it and throw something small or prefab home. So I don't know, we haven't checked any on that but it was regardless, you can at least get between the length of it, was hopefully getting a structure on it. And I know, I'm throwing this out there because we've had a meeting with the city, Derrel knows, or I at least I hope we've conveyed that were not here to throw up trash. We want to improve areas in Jonesboro.

Kevin Bailey: We're not just trying to throw a roadblock at you.

Proponents: I understand.

Kevin Bailey: But, the lot is so small and so undersized for a duplex that I would almost say that you do need to replat. If you're under contract with those other two and I'm not trying to tell you how to run your business but.

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Kevin Bailey: Yeah, if you can get the other one bought and replat you'd have a better opportunity of placing something on that lot.

Chad Jergensen: And I have to assume those other ones, cause I think there's if I counted right, 4 maybe 5 other duplexes in the area that all have smaller lots that what we have, I have to assume that was before the ordinance.

Board: Yes.

Kevin Bailey: So going back once we passed that ordinance in 2017, it's hard to go backwards but we have to lean forward and try our best to comply moving forward so we don't have those parking lots shoved in front.

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Chad Jergensen: It's actually the big one that we're contracted under, the 2208.

Board: That 2208C?

Chad Jergensen: That building, yes sir.

Kevin Bailey: It's the one you have a contract with.

Chad Jergensen: Yes sir, that and then we have an offer on 2209.

Kevin Bailey: And the other lot that's looking down, that's 02-900 you don't own that one? That bigger lot, correct?

Chad Jergensen: That bigger lot? No sir, we don't own that one. That would make things easier.

Rick Miles: Any other questions? Alright, motion to vote?

Casey Caples: Mr. Chair I'd like to make a motion to place both variances on the floor for a vote.

Rick Miles: Okay, I have a motion.

Kevin Bailey: I'll second.

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

**Nay:** 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

**Absent:** 1 - Doug Gilmore

[VR-24-54](#)

Variance Request: 2108 Morningside Dr.

Moss Fencing is requesting a variance from the height limitations on fences. The subject property is located in the R-1, Single-Family Medium Density District.

**Attachments:** [VR-24-54 - Adjoining Property Owner Notifications](#)  
[VR-24-54 - Application \(Signed\)](#)  
[VR-24-54 - Certified Mail Receipts](#)  
[VR-24-54 - Site Plan](#)

Rick Miles (Chair): Okay, Mister Moss?

Josh Moss (Proponent): Hello, Josh Moss with Moss Fencing. I'm here representing Matt Leaden at 2108 Morningside Drive. We're requesting a variance for the height limitation on this fence. This is an already existing fence roughly 20 years old. Needs to be replaced, neighbor on both sides of this property also have an 8 foot tall fence and so we're just looking to replace it. Same location, same exact style, brand new fence. Currently as it's built.

Rick Miles: Just removing it and replacing it back how it is?

Josh Moss: Yes sir, no changes to it whatsoever except brand new. Not only do we not have any opposition from it but you should have a couple letters in there from neighbors on sides. Stating how they are for this.

Rick Miles: Alright, anybody here in opposition to this? Nobody? Any questions?

Max Dacus (Board): The big difference in this and what we turned down a while ago is that it is it's existing as an 8 foot and it's just being replaced with an 8



foot. So, that doesn't change anything when it's tore down and put back.

Kevin Bailey (Board): And they're here before they do it.

Josh Moss: Always try to be, and the neighbors have an 8 foot on both sides so in this situation we'd be going back the opposite and we'd have the whole stair step effect.

Rick Miles: Anything else gentleman? Move for a motion?

Kevin Bailey: Mr. Chair I move that we place the motion for the variance on the floor for vote.

Rick Miles: Okay, I have a motion, do I have a second?

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 - Rick Miles;Kevin Bailey and Max Dacus Jr.

**Nay:** 1 - Casey Caples

**Absent:** 1 - Doug Gilmore

[VR-24-55](#)

Variance Request: 1311 E. Country Club Terrace

Chris & Michelle Barber are requesting a variance from the setbacks to build a carport. The subject property is located in the R-1, Single-Family Medium Density District.

**Attachments:** [VR-24-55 - Application \(Signed\)](#)  
[VR-24-55 - Narrative Letter & Emails of Support](#)  
[VR-24-55 - Site Plan](#)  
[VR-24-55 - Certified Mail Receipts](#)

**Rick Miles (Chair):** Chris and Michelle Barber.

**Tim Cooper (Proponent):** Tim Cooper, representing the Barbers. They are here if you have any questions for them. The Barbers have purchased this house and would like to add a carport onto the west end of the house, and for a lot of reasons. Security for, if you can see this Country Club Terrace Road comes uphill as it's going to the south which is down screen and so this would allow them to pull in and turn around frontwards instead of backing out. There's also a lot of golf cart traffic and that sort of thing up and down Country Terrace there. And it's the same thing for if they have anyone that comes over then, they have got to back out into the street instead of parking in the street, they'll be able to pull into the driveway and park and then pull out. Few Safety things there and so they go into the setback, in doing this and in the neighborhood there's a number of residences that have similar, whether it's even, this won't be their situation but where it's heated and cooled squared footage that's this close to the property line. So, there's somewhat of a precedent for the neighborhood. For this. So, they're asking for that consideration for this variance. And they did reach out before we filed for the variance to their neighbors and got positive feedback those emails are included in your packets and where they support it. We also sent out the certified mail as we're required to do.

**Kevin Bailey (Board):** How far is it into the rear setback?

**Tim Cooper:** It is around 20, 21 feet that leaves the edge of the carport would be probably 5 feet, I think it's 5 foot 8 on one end and 5 foot 3 and a half on the other.

Kevin Bailey: Into the setback?

Tim Cooper: No, that's to the property line. And I think I printed this out. An aerial kind of showing-

Board: Do y'all know Chris? Tim either one, do y'all know if you have any utilities back there in that easement? Is there anything ran back in the easement?

Proponent: So, there is an utility easement. I'm not sure that, that doesn't just go to one house. But we're staying outside of that. Our footing would be right there on the edge of that. And it turns it doesn't go the full length, that carport just comes up about 4 feet and then turns. And the dash that you see would be the overhang. It's not a footing.

Kevin Bailey: I do agree that there are several houses in that entire subdivision that are built back into the setbacks and we closed in structures.

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Tim Cooper: I don't know if y'all can see, I did print out, some of the aerials have foliage and so you really can't see what's going on. This one doesn't have foliage so you can really see more of what's going on with some of those and some of them are closer and some of them are about the same. And they have neighbor support.

Kevin Bailey: Yeah, I see the neighbor support, I don't think there is any opposition at all to it. I don't see any. Derrel does the city have any comments? I don't think anything's going to change in the rear setback in that.

Derrel Smith (City Planner): The only thing that we would be concerned about.

Tim, have you even talked to the utilities about releasing the easement?

Tim Cooper: No, but.

Derrel Smith: And the reason I'm asking is even if the variance is granted and you build the structure, if that easement is still there, you're taking a huge risk. If a utility wants to get in there they can take that structure out. We don't have a problem with the variance but I'm just concerned with this kind of investment that if there's a utility that needs in there, it could really mess things up in the future.

Tim Cooper: So, I mentioned that to Chris and Michelle and it would be just that one if they did it, I mean it wouldn't be good, that's for sure but-

Derrel Smith: Just as long as you all are aware that, that's a possibility.

Probably very unlikely but it's always a possibility.

Tim Cooper: Right, sure. Yes. So, we just do that research and make sure what it goes to, just to make sure.

Kevin Bailey: And my question was if there were any utilities back there. So, not that they're gonna change their mind and decide to reroute utilities back through there 40 years into the subdivision, but-

Tim Cooper: I'm with you. Just see what the likelihood of something like that and what would.

Kevin Bailey: But you never know.

Tim Cooper: Yeah, I agree.

Rick Miles: Don't take the risk if you don't have to.

Tim Cooper: I guess that would be up to the Barbers.

Rick Miles: Right, it'd be up to the Barbers. But I would certainly look into that. Before I spend that kind of money.

Tim Cooper: Okay.

Rick Miles: Alright, any other questions? Any other comments? If not, I'll open for a motion.

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

**Absent:** 1 - Doug Gilmore

[VR-24-56](#)

Variance Request: 1204 Haven St.

Leroy Scott is requesting a variance from the wall height requirements for a building located in the Neighborhood Transitional District.

- Attachments:** [VR-24-56 - Adjoining Property Owner Notifications \(Signed\)](#)  
[VR-24-56 - Application \(Signed\)](#)  
[VR-24-56 - House Plans](#)

**Rick Miles (Chair):** Okay, Leroy Scott.

**Jeff Patterson (Proponent):** Good afternoon, my name is Jeff Patterson. I'm representing Leroy Scott, Rhode Scott. My parents. Leroy is here, I'm speaking for him today. At 1204 Haven building their private residence there. Cottage home and we're asking for a variance on the ceiling height of 9 feet. The home is about 1040 square feet total, I think.

**Kevin Bailey (Board):** Derrel, I think, we were going to amend at one in time the transitional neighborhood code of ordinance for that ceiling height.

**Derrel Smith (City Planner):** We did, and we dropped it to 10 and half feet.

**Kevin Bailey:** We did, okay.

**Derrel Smith:** This home is, all the homes adjacent to it are all, I mean they're all existing homes, they're all 9 foot ceiling heights. The reason they're here is we did drop it to 10 and a half feet but still they, I think they want to blend more with the neighbors and so that's the reason they're asking.

**Jeff Patterson:** That's correct.

**Casey Caples:** Mr. Chair I make a motion we approve the variance.

**Kevin Bailey:** Second.

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

**Aye:** 4 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

**Absent:** 1 - Doug Gilmore

**5. Staff Comments**

**6. Adjournment**