



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Board of Zoning Adjustments

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Tuesday, March 21, 2023

1:30 PM

Municipal Center, 300 S. Church

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### 1. Call to Order

### 2. Roll Call

**Present** 5 - Doug Gilmore;Max Dacus Jr.;Rick Miles;Casey Caples and Kevin Bailey

### 3. Approval of Minutes

[MIN-23:026](#) MINUTES: February 28th, 2023 BZA

**Attachments:** [Feb. 28, 2023 BZA Minutes](#)

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

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

### 4. Appeal Cases

[VR-23-11](#) VARIANCE: 912 Southwest Drive

Advance Sign and Lighting is requesting a variance from the overlay district signage guidelines. This property is zoned C-3, general commercial district.

**Attachments:** [Application](#)  
[Sign](#)  
[Site Plan](#)  
[Certified Mail Receipt](#)

**Moved to next month's meeting per applicant's request**

[VR-23-12](#) VARIANCE: 6321 Evan Drive

Tralan Engineering is requesting that two drives be allowed on the property. The property is zoned C-4 LUO, neighborhood commercial district.

**Attachments:** [Application](#)  
[Site Plan](#)  
[Certified Mail Receipts](#)

**Jeff Steiling – Steiling Architecture: We're requesting two drive entrances**

onto Evan Dr. which is the west entry to Meryl estates. To the North of this property is residential.

Doug Gilmore - Commission: Will this be a residential home?

Steiling: No, sir, this a commercial property. A C-4 property. Front parking is business and the back drive is access to a storage garage and dumpster area. Then there is off street traffic there between that drive and the front so you don't have to go back on Evan Dr. to access the front and back drive.

Gilmore - Commission: C-4?

Steiling: There's an ordinance that says if the frontage along Evan Dr. is more than 240ft, and its 245ft, the drives have to be 100ft off the other property drive which would this one right in the middle and only allow us to have one drive. This property footage is 5ft more than what would normally allow us to have two drives anyways with just 20ft off of those front and back property lines and a minimum distance between those drives. We meet all of those requirements. We are 40ft off the north and south property lines and more than the distance required between the two drives. It's just that our property has right now currently the other guideline because we're more than 240. We are at 245.6.

Gilmore - Commission: A single drive would be hard to get tractor trailers to the back. Is that what's going back there?

Steiling: They won't have tractor trailers, but they're Agri related so they do at times have small trailers on trucks. So they would like to have that ability to circulate on their site with that equipment.

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

[VR-23-13](#)

VARIANCE: Marie Circle

Bill Freeman is requesting a variance to allow a gravel drive in the city limits. This property is zoned C-3, general commercial district.

**Attachments:**    [Application](#)  
                          [Site Plan](#)  
                          [Certified Mail Receipt](#)

Carter Freeman: I'm representing my father on this because he is hard of hearing. Basically we wanted to put the chat driveway in because when they do work on the cell towers they usually try to park all of the vehicles there on the businesses way and when they are delivering packages they would be able to park there without interfering with daily business. We want to do chat because several times a year since the big cell tower they bring in heavy duty cranes and lifts and it usually tries to break up the concrete. So we thought we could put chat in there and harden it up. Those are the only vehicles that use it. It's not a through road or anything like that.

Doug Gilmore - Commission: What about the apron?

Freeman: Well that's what we are going to find out is it would be better if they pour a curb to contain the chat or to pour concrete and curbs

Gilmore: We have allowed chat driveways before, but never without a concrete apron. The idea is hopefully to keep that chat from getting onto the roadway. How big are the aprons?

Kevin Bailey – Commission: 25ft usually. Mr. Chair why would we consider a drive on a different piece of property accessing this one? Why can't they put the drive on the existing lot off of?

Gilmore: That would be a good question to ask.

Freeman: Existing lot off of which property?

Bailey: Forrest Home

Freeman: As it is right now, the two areas of buildings and the parking around it prevents anything from being pushed down the middle. That's where they usually park is right there in between those two buildings as it is. That's where the towers at. We were just going to have them come in from the backside so they will be able to approach it from the rear end and not have to interfere with the existing parking. If we're worried about the chat getting in the road, we can put in the curbs and keep it contained.

Bailey: I have two concerns. First of all, would be the entrance. Have we allowed a driveway to access another piece of property that's not platted together?

Gilmore: Not that I'm aware of.

Bailey: This an entirely separate piece of property where they want to a drive on and grant a variance on the drive. Should that piece of property be platted with the other one?

Freeman: Yeah, that's what I was thinking too. All three are owned by and it should combined to one lot.

Bailey: My suggestion, then we can consider the drive

Freeman: What if we put the curbs and then come in from the curve going into the property itself, put concrete in so far and kind of make an existing sidewalk so the gravel isn't on the edge of the curb to be pulled out by tires

Gilmore: What Mr. Bailey is talking about is a different issue of allowing a drive to access another lot. Even though you own them, you might not own them forever.

Freeman: I can see where you're coming from on that.

Bailey: I think you should consult a civil engineer and review with him replatting the lots together and then a drive layout before you go through the expense of doing that and before you get denied here. I think you should consult somebody before we consider this.

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

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

[VR-23-14](#)

VARIANCE: 1423 Virginia Drive

Toby Emerson is requesting a variance for a 6' tall fence located in a street facing yard. This property is zoned C-4, neighborhood commercial district.

**Attachments:**    [Application](#)  
                              [Signed Notification Letter](#)  
                              [Site Plan](#)

Toby Emerson: We're wanting to place a fence where you see the line. My house is on the upperpart of the frame. My house actually faces my private drive, it really doesn't face the street. The house lower to the right is my son in law any my daughter. We have a pretty big problem with people cutting through my drive to shortcut between Virginia drive and Nettleton. It's about on a weekly basis. My drive actually leads in between the two larger funeral home buildings and I have staff that's moving all the time and I also have grandkids who play between the two houses. The second problem we have is foot traffic. We have foot traffic night and day cutting through Virginia drive

and Nettleton and It's really become a safety hazard for us. So it's kind of cobbled there. Its 2/3 of a cul-de-sac, but my house actually faces east and faces their house. The front of my house isn't on the street, it's on our drive.

Rick Miles - Commission: Are you going to put an operable gate there?

Emerson: Yes. I've had one there until one of the city sanitation trucks backed into it. I'm going to replace that. It's a matter of safety. We've had 2 shots fired calls down our street in the last 24 months. It's simply for safety for my kids, my staff and hopefully to discourage foot and motor traffic through my drive.

Miles - Commission: Is this connecting to an existing fence?

Emerson: There is an existing fence on the south end that runs east and west.

Miles - Commission: 21ft?

Emerson: Yes. There's a Mr. Carol and his wife that live there. They have no problem with it.

Kevin Bailey - Commission: That cul-de-sac at the end of Virginia Dr. – is it platted as a full cul-de-sac and is it truly an easement for the full radius?

Emerson: No, it's not.

Casey Caples - Commission: The drive the fence is going across, is it a community drive?

Emerson: No, it's my son and daughter in law's house. So they are tied into the drive and I'm tied into the drive.

Monica Pearcy – Staff: I believe the only reason he is here is because it's 6ft in height and not 50% open, but however as he stated he is close to commercial properties. It's just because it's street facing yard.

Gilmore: Have you considered an ornamental iron fence that would be open along with a gate?

Emerson: No, I have not. I really wanted a closed or wooden fence to where people don't have visual access to that drive to hopefully discourage.

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

[VR-23-15](#)

VARIANCE: 805 East Oak Avenue

Dacus Fence is requesting a variance for a 6' tall fence located in a street facing yard. This property is zoned R-2, multi-family low density district.

**Attachments:** [Application](#)  
[Site Plan](#)  
[Notification Letter](#)

Moved to next month's meeting per applicant's request

[VR-23-16](#)

VARIANCE: 913 Brownstone Drive

Moss Fencing is requesting a variance for a 6' tall fence located in a street facing yard. This property is zoned R-1, single family medium density district.

**Attachments:** [Application Packet](#)

Jeff Moss – Moss Fencing: I am here to represent Lisa Rogers. We are looking to install a 6ft fence for this person. It's going to be on the east side of the house facing Makala Ln, and the fence will be approximately 70ft from the curb. The reason for this request is for a shed that is already on the property

needs to be included in their backyard.

Doug Gilmore - Commission: And we're talking about the street front side because it's got two side street?

Moss: Yes, it's a corner.

Rick Miles - Commission: The house sitting on Makala Ln, have you notified those people?

Moss: Yes.

Monica Pearcy – Staff: We received notification that the neighbors have been notified, nobody has responded in opposition.

Kevin Bailey – Commission: I think to consider this the fence probably needs to be backed up towards the shed to where it's not protruding out in front of the house on Makala Ln.

Moss: I think the shed is already protruding slightly.

Bailey: I don't think this is intrusive, so I was thinking the fence should be backed up as much as possible near the shed to restrict any interference.

Casey Caples - Commission: Do you know how far the fence is from the shed?

Moss: No, sir.

Max Dacus - Commission: Is it on the back property line?

Moss: It'll be right on the property line in the backside.

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

[VR-23-17](#)

VARIANCE: 6515 C.W. Post Road

Genesis Arch 101 is requesting a variance to allow a gravel drive in the city limits. This property is zoned I-1 LUO, limited industrial district.

**Attachments:** [Application Packet](#)

Jeremy Ellis – Arch 101: Representing John Stuckey on a spec warehouse. Being that this is a spec warehouse not knowing what's going to go in there, the Fire department requested that we add an apparatus fire road behind the project. If the lease becomes a storage situation, they would want to have a fire road there. The owner wants to meet their requirement. The variance request is that we might pave and curb and gutter that road.

Doug Gilmore - Commission: The front main drive is going to be paved?

Ellis: It's all paved. This is an emergency road only. We've offered to fence it off as an emergency road if need be. It's a 500ft long building so it's about 700 linear foot of drive and about 1,400 linear feet of curb and gutter for a curb and gutter. Apparatus code allows an all-weather road as long as the base and subbase is prepared in a way where it can hold up a truck in the rain. Which we would do it would be built the same. It just wouldn't be paved and curbed and guttered.

Kevin Bailey - Commission: Are there any doors on the back of the proposed speculation warehouse?

Ellis: There are. They meet the current standards for distance in-between. This also becomes a right of emergency out.

Bailey - Commission: The back doors, are they emergency exit personnel doors only? Are there no overhead doors behind the building?

Ellis: There are not. The whole building is 4ft above grade so the only docks are up front. There are pass doors in the back and they are fire only.

Rick Miles – Commission: So at this stage there is nothing going into this

building yet?

Ellis: It's a spec warehouse, so he has got some leads on clients that he's planning on storing things for they conveying company's, but it could become S-1. But it is emergency only all the hardware on the back egress doors. You can't get in from the backside.

Bailey - Commission: Would you have to put a knocks box for access through the gates?

Ellis: I believe we would, we've reviewed this with Bryan Carter and Kevin and they want the road there and they're happy with it being an all-weather road.

A motion was made by Kevin Bailey, seconded by Max Dacus Jr., that this matter be Approved with the stipulation that the road is fenced with gates accessible to the fire department at each end. The motion PASSED with the following vote.

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

[VR-23-18](#)

VARIANCE: 210 East Johnson Avenue

Associated Engineering is requesting a reduced side setback for the proposed addition to the JPS pre-k building. This property is zoned C-3 LUO, general commercial district.

**Attachments:**    [Application](#)  
                          [Site Plan](#)  
                          [Certified Receipts](#)

John Easley – Associated Engineering: Here on behalf of Jonesboro Schools. Due to growth, the school would like to add a 40ft addition to the Pre-K building to maximize size and available space. We're asking for a variance to reduce the side setback.

Doug Gilmore - Commission: Is there any room or is going right to the property line?

Easley: Yes, it's going to the property line. It'll be off enough for construction, but for the most part it'll be to the property line.

Gilmore - Commission: On the Bills side, is that all parking lot?

Easley: Between bills and pre-k it's more of a gravel/undeveloped area. The other sides of the properties are in use or prevent it from being located elsewhere. This is also part of a small commercial part of drainage facilities. I believe on the ease or other areas up front.

Max Dacus - Commission: If they ever build on that vacant lot, they have to build within 10ft of that property line?

Kevin Bailey – Commission: I don't guess it's up to us today, but fire separation if they're proposing to build up to the property line then the school district would handle the fire rated assembly for that exterior wall. I guess the school district would handle that now.

Dacus – Commission: This will leave no setback at all on that side, correct?

Easley: Right now it's a 10ft setback. We are requesting a variance for the setback. Just on that one side.

Casey Caples – Commission: Are they done drawing on this Pre-k to make sure they've added all they want to add?

Easley: This is the only drawing I have here. It won't be exactly on the line. There won't be any encroachment.

Caples: Do they really need all the way to the 40ft? Could they get away with 35ft?

Easley: With the growth, they are trying to prepare for the long-haul.

Miles: Does Bill's Fresh Market have a problem with this?

Easley: We haven't heard anything from them.

Bailey: If this moves forward with approval, what if the owner of Bill's Fresh Market did come back and say they have a problem with us granting the variance. How would that work? Are they captured by a timeline or respondent? I would hate to approve something and then Bill's Fresh Market comes back and says they want to expand.

Dacus: I think we need to have a yay or nay from them.

Bailey - Commission: Have we heard anything from Bill's Fresh Market?

Dacus - Commission: Did they receive the certified letter?

Monica Pearcy – Staff: We've received the receipt that the certified letter has been sent. We have not received anything saying if they agree or disagree, but they have been notified.

Dacus: I think it definitely puts into consideration for the next- I mean they'd have to scoot 20ft over and cost their selves 10ft to be on that property line. But if they've been notified.

Miles: They've been notified. They've had plenty of time to respond. If they're choosing not to respond, that's-

Gilmore: It's a response. No response is a response.

Caples: I'll ask one question-

Gilmore: He's calling me on my phone.

Caller: I forgot all about that meeting today. Are they wanting to build right up on to the property line?

Gilmore: Essentially, yes.

Caller: No setback?

Gilmore: Yes, sir. And we're right in the middle of the meeting and were not wanting to move forward without talking to you.

Caller: Bill and I have talked about that, and you know we'd rather not have that. It kind of makes – if we ever do decide to expand- makes it more difficult having something to build right up against. I'm sure if we ever wanted to build we'd probably be stuck with a 10ft setback. Is that what the setback is? 10ft?

Gilmore: Yes, sir. It would put 10ft between the building which is not really wide enough for a fire truck.

Caller: I'd rather not see it, honestly.

Gilmore: And that's what we wanted to know. That answers our question for now. I appreciate your call back.

Caller: Thank you, Doug.

Gilmore: Now, with that information – it's good to have everyone in Jonesboro's phone number – what do y'all want to do now? Talk to the Orrs? Would you be willing, John, to talk to the Orrs to see if you can get something worked out?

Easley: Yeah

Gilmore: Between them and the city?

Easley: I can sit down and talk to them about it.

Gilmore: I think that would go a long way. Being neighborly and all.

Easley: Would you rather table this, or?

Gilmore: I would rather table it than say no. Nobody likes to tell Jonesboro public schools no, but I will. I'm kidding. What do y'all think?

Dacus: I move that we table this and let john have the opportunity to make those contacts and then come back with a solution or a – I don't want to tell the Jonesboro School Districts no, but I don't want to put us in a position where we've granted something that is going to create a problem with the neighbor. I'd rather us do it on the front end mad know that everybody is happy with what is about to take place.

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

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

[VR-23-19](#)

VARIANCE: 1802 Roy Street

Michael Stalling is requesting a variance for an existing fence with supports facing outward. This property is zoned R-1, single family medium density district.

**Attachments:**    [Application](#)  
                          [Cover Letter](#)  
                          [Certified Notifications](#)  
                          [Photos](#)

**Michael Stalling – 1802 Roy Street:** there was a fence installed in the back yard that I've been notified by the city that the fence pickets were put on the wrong side of the fence. The fence in questions borders a ditch and I think the assumption made the morning of the installation is that the front side facing the street would be on the street side of the fence. The fence is up against the bordering property where its 6 inches between them would be on my side of the fence and the two sides that face the side of the ditch should be up to us. So my son who was over the job said he wanted it to face my yard. Incorrectly. I have notified the two property owners who are affected by it and they have both signed documents that say they are okay with it. The ditch is approximately from my fence about 25ft.

**Kevin Bailey - Commission:** Was this permitted? Did you get a building permit?  
**Stalling:** The company did, yes.

**Doug Gilmore - Commission:** Who was that?

**Stalling:** Redbeard Fence Company

**Bailey – Commission:** The owner of Redbeard, who builds in the city all the time, he did not know the boards had to be on the inside? Did he advise your son of that, or did he tell you son it was his choice? I am trying to find out how it got to here.

**Stallings:** At the time, I was ill. I had received a liver transplant and was recovering. My son quit his job and moved to take care of me. He was going to move into that house so this was going to be a house that he occupied with his family. He was misled. And it's my understanding that at that time had we'd gotten permission from the bordering neighbors it would have been okay. So I'm coming back now trying to get permission from the bordering neighbors, and have, and ask to get a variance.

**Bailey:** Shun, is that how you're involved in this?  
(Unable to transcribe)

**Max Dacus – Commission:** The variance would be whether or not we allow the backside of the fence to go away from the – towards the neighbors on the side yard and the backyard?

**Bailey:** I think it's both the side yards.

**Stallings:** No, sir it's the back, this is the rear of the property. I have an overview that shows the two properties 1803 Alonzo and 1802 Roy the next door neighbor. The fences that are in question are "B" side and "C" side.

**Dacus - Commission:** So the "D" side is out?

**Stallings:** To my understanding it was never in question.

**Dacus - Commission:** When your son was told it was his choice, he made the



choice to have the pretty side?

Stalling: Correct. That's kind of when the city notified me by mail that the pickets were on the wrong side of the fence. We didn't set out to do it that way. We just saw where there was a possibility for variance where you get permission from the neighboring properties so that's where I went.

Bailey: Have we don't a variance on fence panels?

(unable to transcribe)

Bailey: I know variances are for a hardship. I can see a hardship in this situation with the fact they were misinformed. But that's still not the city of Jonesboro that is his contractors fault to tell him wrong. A contractor who works in the city all the time.

Stalling: I'm asking that it be taken into consideration the ditch and that we did set it back from the ditch quite a bit so it wouldn't interfere with any maintenance from the city that may require them to get to the ditch. There is a return view from that side of the fence that shows the culvert.

Casey Caples - Commission: Does the Redbeard fencing know that you have to request a variance because of this?

Stalling: Actually, it's my understanding that they aren't Redbeard Fencing anymore so I am standing here holding it.

Caples: Now I really do see the hardship.

Gilmore: I know it's not a shock to any of you, but there are fences on ditches with the good sides facing in all over the city.

Bailey: On the one side with the existing chain link fence on the other property couldn't physically – not that I'm agreeing with you or your contractor who build the fence – but I can see where it would have been almost impossible to build up against that chain link fence.

Gilmore: And to what end and what benefit other than making the city happy?

Dacus: my only concern is that we're going to see it again.

Gilmore: I understand that, but also now we have a company that misled him

Miles: There reasoning for rationale. If his neighbors have already agreed and don't have a problem with it and we already recognized the one side you could not go down because of the chain link fence.

Dacus: Then he was advised by his licensed contractor.

Miles: We are assuming they are a licensed fencing contractor.

Dacus: How did he know that he didn't have a choice?

Dacus: I move that we grant this variance with the understanding that it goes in the file what grievances we've expressed and that it's noted that if this happens to come up again we have this to fall back to. Which we hope doesn't happen again, but we are all subject to mistakes happening again.

Gilmore: Again, there is precedent to the ugly side going toward a ditch.

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

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

[VR-23-20](#)

VARIANCE: 611 East Cherry Avenue

DP Family Ventures is requesting a variance for the location of a proposed accessory dwelling unit. This property is zoned R-2, multi-family low density district.

Attachments:    [Variance Application](#)  
                          [Application](#)  
                          [Notification Letters](#)  
                          [Site Plan](#)

David Snodgrass – DP Family Ventures: We’re seeking a variance for 611 E Cherry Street for an accessory building location to allow us to use an existing structure to convert it to a 2 bed, 1 bath, and single family residence on that lot which will be facing Eason St. We purchased this property almost a year and a half ago .the main residence 611 e cherry was in pretty bad shape but was occupied with a tenant. The tenant left abruptly in August and we took about 2 months to rehab that residence. New flooring, paint, floors and things of that nature. The existing building that is there at one time was intended to be a garage. It was described in a tax record as a framed, unfinished, and detached, it doesn’t have a g on it. It’s rather large for a garage so we looked at it with the possibility of converting it to a residence. The variance would be to allow two residents on the lot. The condition of the building is such that it needs some repair anyway and instead of making it a nonfunctional garage we would rather do improvement. The neighbors are in favor of sprucing it up and doing something with it.

Doug Gilmore - Commission: Do you own the property all the way to Eason?

Snodgrass: Yes, from Cherry to Eason

Gilmore: Do you not want to divide that into two lots and make the driveways come off Eason?

Snodgrass: That was an option, but I didn’t know which would be the better route to go. If you look, there’s two examples of that. If you look at 617 Eason, that’s a duplex and these two buildings appear to be two residents on one lot and East of it there’s a resident on a parcel that appears to be two lots. So I went with the example that they have parking on Eason.

Kevin Bailey - Commission: We did at MAPC grant you conditional use on this property, did we not?

Monica Pearcy – Staff: The planning commission suggested that he did come before the BZA just to get the variance for the accessory dwelling structure to meet the code. The only part that doesn’t meet is it’s not connected to the primary structure on the property.

Casey Caples – Commission: Do you know the measurements of the garage and the house?

Snodgrass: I do not exactly. I would say maybe 25ft maybe 30ft.

Kevin Bailey – Commission: Monica, if he did want to replat that like the chair suggested, is there a minimum lot size in the downtown district?

Pearcy: I believe there is. There is going to be a lot size requirement. What it is, off the top of my head, I do not recall.

Bailey: But it is a possibility?

Pearcy: Yes.

Bailey: If that were possible, would you consider that more than a variance?

Snodgrass: My impression was that I have to apply for a variance because of the lot size being.

Bailey: I guess that’s where I don’t know what the lot size is in the downtown district.

Gilmore: It’s the width that would be the problem.

Snodgrass: The lot now is 50ft wide and 155ft deep.

Bailey: we had rewritten that ordinance to go to 9ft but it hasn’t gotten passed the mayor’s desk yet.

(unable to transcribe)

**Bailey:** Replat probably is not your best option.

**Gilmore:** I would feel better than 2 residences on lot. It seems to bother me for some reason. Have we allowed that?

**Bailey:** Yeah, you'd have to fire separation. That gets into whoever the architect will be. Since we don't know the distance, there is a fire separation. Firewalls. The north wall of one building and the south wall of the other building one of them you'd have to get two – I guess the burden would fall onto you if we grant the variance. I know it's been done on other properties around there.

**Max Dacus – Commission:** What's the threshold of distance between the two that would cause the fire separation?

(unable to transcribe)

**Bailey:** to be quite honest, with the 2021 building code being adopted I would hate to think that is correct. The city has adopted and been enforcing the 2021 code.

**Bailey:** Mr. Chairman, I motion to approve the variance with the stipulation that the owner realizes the code compliant setbacks and restrictions will have to be met with drawings and permits.

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

**Absent:** 1 - Rick Miles

[VR-23-21](#)

VARIANCE: 1105 Sandino Drive

Andrew Sang is requesting a variance for the location of an accessory building. This property is zoned R-3, multi-family high density.

**Attachments:**    [Application](#)  
                          [Certified Mail Receipts](#)  
                          [Photos](#)

**Applicant did not attend meeting.**

**5. Staff Comments**

**6. Adjournment**