City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes
Board of Zoning Adjustments

Tuesday, February 18, 2025 | **1:30 PM** | **Municipal Center, 300 S. Church**

1. Call to Order

2. Roll Call

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

3. Approval of Minutes

MIN-25:012 BZA Minutes:December 17, 2024

Attachments: 12.17.24 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 - Rick Miles;Casey Caples;Kevin Bailey and Max Dacus Jr.

4. Appeal Cases

VR-25-01 Variance: 1328 W. Huntington Ave.

Weston Wagner is requesting a variance to continue construction on a single-family home located within the Industrial Arts Development District.

Attachments: Variance Application
Variance Letter
Site Plan
Certified Mail Receipts

Doug Gilmore (Chair): Mr. Wagner, you're number one. Tell us your story.
Weston Wagner (Proponent): Hey, good afternoon everyone. I'm Weston Wagner, I own 1328 West Huntington. I'm assuming that you guys all read my narrative letter. I submitted plans to the city of Jonesboro I paid for a permit in July of 2024, started construction and a month later I got shut down by the City of Jonesboro. My footings are done, my blocks are done. We have dirt on site where we had started backfilling and then got shut down. So, I've sat for the last 6, 7 months of nothing and I would like a reconsideration to be able to continue building my single-family house.
Doug Gilmore: Okay, and this is in the industrial arts?
Weston Wagner: Yes, sir. Downtown Redevelopment District.
Doug Gilmore: On the overlay.

Weston Wagner: Yes, sir.
Doug Gilmore: And Weston, you came for a permit to build in the city.
Weston Wagner: Yes, sir.
Doug Gilmore: What month was that?
Weston Wagner: I paid for my permit in July of 2024.
Doug Gilmore: Okay.
Weston Wagner: So, the City of Jonesboro had my blueprints, they had my site plan, they had measurements of everything was submitted to them, and I had built it to exactly those specs. I'd got my footing, inspections, everything.
Doug Gilmore: And this industrial art area is only supposed to be multi-family homes but the problem is most houses up and down Huntington are all single-family homes.
Weston Wagner: That's Correct. Yes, sir.
Doug Gilmore: Yeah that troubles me that the city won't allow you to build what's next door.
Weston Wagner: And I'd much rather had the city approach me and say, hey would you build a duplex on that? I said, no, I would much rather have a single-family house.
Doug Gilmore: Everyone would rather have single-family homes. Any questions from the members?
Casey Caples (Board): Mr. Chair, this was here six months ago, right Wes?
Weston Wagner: Yes, sir.
Doug Gilmore: And he has to wait 6 months to come back for an appeal.
Casey Caples: Did you have any communications with the city after we denied it?
Weston Wagner: Had several.
Casey Caples: And you didn't get anywhere with any?
Weston Wagner: I had several meetings with the mayor's office with Tony Thomas several and they said, hey were going to work with you, we're going to help you out, we're going to do all this and then it just kind of it didn't help me out that it was election time either everybody I know, it's not a good excuse but at the same time, it's a busy time for everybody.
Casey Caples: So, y'all didn't come to any agreements?
Weston Wagner: There was nothing that you know.
Rick Miles (Board): Have they come back with any other reason whatsoever to you? Have they had any communications with you?
Weston Wagner: We're going to help you, we're going to work with you, we're going to figure something out. Can you make us a spread sheet on how much money you're out? Yes, I can, here's my spreadsheet. I can show you all the emails I've sent them back and forth and nothing back, no here's what we're going to do for your or here's another solution.
Doug Gilmore: You've got a loan on this piece of property.
Weston Wagner: I do have a loan on that and I've paid interest on it every single month since I closed the loan.
Rick Miles: When you put your paperwork in at that time, you knew it was supposed to been a multi-family?
Weston Wagner: No, sir.
Rick Miles: No, you were never told that?
Weston Wagner: So, I actually had a meeting with Michael Morris in his office before I ever submitted plans that we were looking at this lot. I did not have plans and we was looking at how I could do my driveway. So, I own two houses at 1311 and 1315, which is across the street.
Rick Miles: Right.
Weston Wagner: So, we was looking at how I was going to do my driveway

because I was going to do a carport in the front and so they had Derrel come in and they said, no you can't do a carport in the front. You're going to have to do it to the side. Okay, no problem. I got a corner lot. I did it to the side. But at that time, there was never anything said about how, hey you can't do a single-family home, and so not only did I go get my blueprints for a single-family home, I submitted my plans. I got appraisals that I had to pay for. I did everything I was supposed to, as I would go to for any other single-family home, to only find out a month after I had got my permit, stop work order.
Doug Gilmore: And what was the verbiage from the city to you?
Weston Wagner: That Huntington and this is crazy to me but they've got a line straight down Huntington that says this side is neighborhood transition, and on that side is industrial arts. If you go to any subdivision or anything of new construction now, you're not going to divide a road down the center and say, do multi-family on this side, do single family on this side, that's just not how it's done. But that's how it's done there on Huntington and so they said, well, you could build single-family on that side. You can't on that side. I think if there was a line it needs to be in the center of the houses on Huntington and the road behind Huntington.
Rick Miles: This was never discussed with you at any given time prior to the issuing of your permit?
Weston Wagner: No, I got my permit, I paid for the permit. I paid $725 for the permit and waited a month, let's see I got my permit July the 11th, I got shut down I believe it was August the 6th.
Rick Miles: Is this before the inspection of the footings or?
Weston Wagner: After, the blocks are already up.
Rick Miles: Well, I know that I've been by there several times.
Doug Gilmore: Any more questions from the board? We got multiple people here and it seems like some of them want to talk, so we're going to give them an opportunity, as long as y'all don't have any more questions. Alright, any members of the audience like to speak to this? State your name and address, and keep talking.
Nate Lipsky (Public): My name is Nate Lipsky, I own Whitehall Investments. I actually own the adjoining property right there behind it on 1326 Huntington that duplex, that multi-family. I said, I don't really have a dog in the hunt here so to speak other than kind of like where he was talking about dividing the line down through there. I'm a licensed real estate agent here in Jonesboro and I mean, other than my property and a couple other there. I mean, it's kind of a residential street for the most part. I know he's building it as an investor but at some point this could be a owner occupant house and I just don't see how that hurts the neighborhood or the area. So, I have no objections to what he's doing at all.
Doug Gilmore: Anyone else?
Dan Passmore (Public): Dan Passmore, 7114 Highway 351 Jonesboro. I've got to know Wes over this last year or so as a landlord and the quality of stuff he's building and the areas he's building this stuff in. We've taken about 15 years now, getting Fairview cleaned up, straightened up, and doing good. He's coming in there buying lots, tearing down houses that are dilapidated and building brand-new stuff, improving the quality of those neighborhoods. Same thing on the north side of town. Everything he's built is quality. He's a quality landlord. He checks his tenants so he's not getting wild crazy people everywhere but he's careful about what he does because this is his livelihood and I've owned property on Huntington, 811 Huntington years ago, I sold it and it burned down, years after I sold it, but to get somebody to come build over there anyway is hard enough but when you've got a guy that's offering to build

a house instead of an apartment, which home ownership, it's tough right now for people. He's offering somebody a house to live in that they wouldn't be able to buy themselves anyway and in a part of town, that yeah if you're over by the middle of the west end of this, or you're on the edge of it over here, you're lucky to get anybody to build anything but you got a guy trying to build a house instead of an apartment that seems like an upgrade to me. I don't understand why that would get turned down, zone or no zone if you're building the better of the two, why can't you build the better of the two?
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Vince Pearcy (Public): Vince Pearcy, 3200 Rhonda Drive. I've owned property in the west end for 25 years now and we've watched a lot happen down there but to me, the point about the zoning line here, like they said, well, I agree with everything they said first of all, and I think if you guys will approve this variance, it will be a bonus for the neighborhood. I'm all for the single-family homes and there's plenty of things that have been built down there in the last several years that are a whole lot worse than this. So, this is a movement in the right direction here. Thank you.
Doug Gilmore: Anyone else who would like to speak? Everybody understand what we're dealing with here. It was clearly stated by the owner and the residents.
Kevin Bailey (Board): Mr. Chair not to put anyone on the spot but I'd like to here from the city. Whether, Miss Monica or somebody else.
Monica Pearcy (Planner): Yeah, everything Weston stated is correct. I think really in the review process because that dividing line does run down the middle of that street. More than likely, the reviewer may have misunderstood where the two different districts were and approved it because of that. I think it was purely by mistake. In those districts, we have so much to check for, ceiling heights, setbacks. So, more than likely, it was just a mistake on our part.
Doug Gilmore: This has nothing to do with Mr. Wagner at this point but it would be nice if the people at the Planning Commission could re-look at this overlay and possibly move that line in the middle of the block rather than in the middle of the street. Does not make sense to me but.
Weston Wagner: And to add to your point there too, we're looking at, I want to do a single-family home here. I own this lot, I've got money invested in this lot. If I'm not able to build a single-family home, I've gotta build something else. Whether that be a duplex or we're an industrial arts district some kind of industrial shop building of some sort. I'd much rather have a single-family house there than, a shop building or a duplex or any kind of multi-family.
Rick Miles: Is this being built for resale?
Weston Wagner: No, I build it to keep it.
Rick Miles: So, strictly rental?
Weston Wagner: Yes, sir.
Doug Gilmore: It's a nice looking house in the sense that you've got the carport on the back off here and maybe a front porch on the front of that.
Weston Wagner: There is right there on the front. Front left corner.
Casey Caples: Is that the only ordinance that is in the wrong-
Doug Gilmore: The only ordinance is that it's in the Industrial Arts district which is not supposed to be single family.
Casey Caples: That is correct. All multi-family in that area.
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Casey Caples: I hate to be the board to fix everyone's mistakes, mistakes are going to be made on both sides from everybody but that's essentially what we're being ask to do is to kind of stick a band aid on it because, and Weston I think what you're doing is great I really do but the only heartburn I have with it

is, if you came to us and, let's say they did catch it and then you came to us and said hey I would like to put a single-family here, you know, that's where I put my position is, would I have allowed it or would I have not? I hate to be somewhat forced into a decision to fix a mistake, that's where I'm at I'm trying to balance it a little bit for myself that's probably the only reason I have any hesitation at all is I don't necessarily know that I would have yeah okay put a single family where they want multi-family, what the city's asked us to do.
Doug Gilmore: That decision making process was taken away from you.
Casey Caples: You're correct. That's what I'm saying, I feel like we're really being forced to make a decision.
Doug Gilmore: But we've been forced to do a lot of things here recently.
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Weston Wagner: I think, and this is just my opinion, the higher ups just keep passing it on to somebody else. And at what point do I get to stop the bleeding where I don't have to be the loser every time.
Casey Caples: I agree with that and that's why I say I'm a little shocked that the city hasn't been able to come up with some sort of conclusion with you to make everybody whole in this matter.
Doug Gilmore: I think that's our job today is to come up with a conclusion.
Rick Miles: Monica, has the, was this reviewed again by, the powers above? Have they even looked at this again prior to this coming up to us again?
Monica Pearcy: That, I don't know.
Rick Miles: Okay.
Monica Pearcy: I do know that they are aware that this is coming back to you all. I don't know if they've actually sat down with the plans and.
Weston Wagner: When you and I talked, correct me if I'm wrong. When I called you and I said, hey, before I bring you my documents for BZA stuff. First off, is it okay to do that yet, and you said you had spoken to Derrel, and Derrel said that he had seen no problem with it. He would be in favor of a single-family house. Did he say that?
Monica Pearcy: As far as I remember, he said it was good for it to come back. For review.
Weston Wagner: Okay.
Kevin Bailey: Mr. Chair, I really think that the MAPC and I'm a member of the MAPC, I really think we need to look at the line, the demarcation line between the two zoning districts, I hate that the BZA is here making this decision six months after we turned it down and asked to go back to the city and for some sort of deal to be worked out but since there is no deal worked out and Weston's here and he's six months further down the road I would like to make the motion that we grant the variance today.

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

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

VR-25-03 Variance: 2204 Shoshoni Dr.

Ted and Beverly Seel are requesting a variance for accessory building setbacks. This property is in the R-1, single-family medium density district.

Attachments: Variance Aplication
Site Plan for Detached Shed
Certified Mail

Ted and Beverly Seel (Proponent): We live at 2204 Shoshoni in the Indian Trails area. Unbeknownst to us when we started the shed project we needed to have a variance and so we're I think it's probably a setback variance. I've never been told exactly what it is. So, I'm ready to answer questions. Mr. Easley is here representing the contractor who's going to build the shed for me but first of all, we tore our old shed down. We're just replacing the old one.
Doug Gilmore (Chair): Their was one in this place before?
Ted and Beverly Seel: Yeah, there was on there but it was old and it needed replacing. The floor was spongy. We're going to put one back better on a concrete slab instead, so, we had no idea it would be a problem because there was already a building there. It doesn't obstruct any of our neighbor's views, it's behind our house I mean there's trees behind that, so there's nothing. And I think that's a permanent drainage, I don't think anybody will ever build you know, because a few houses south of us you know, when they put in that subdivision they sculpted that into a drainage ditch.
Doug Gilmore: Mr. Seel, is this building the same size as what was there?
Ted and Beverly Seel: The shed that we would like to build is 8 feet longer than the one that was there.
Doug Gilmore: 8 feet deeper into the property? Long wise?
Ted and Beverly Steel: Yeah it runs parallel to the property line it's 8 feet longer, parallel to the property line.
Doug Gilmore: Not any closer to the front property line?
Ted and Beverly Seel: No, sir. Yeah the original building was perpendicular to the property line, this one is parallel to the property line.
Casey Caples (Board): Mr. Seel could you pull the building down to where the back of it is closer to the alignment of the back of your house. Leave the same dimensions but so that way we're only here discussing a little bit of setback on the back property line and no the side property line. Could you slide it?
Ted and Beverly Seel: I see what you mean and I think the answer is yes. Would you see any problem with?
Contractor (Proponent): No, you want to move it back this way and line it was the back of the house.
Ted and Beverly Seel: Yes, so it aligns with the north edge of the house.
Contractor (Proponent): Yeah, I don't see a problem with that.
Rick Miles: Is it going behind a fence or anything?
Ted and Beverly Seel: We have a privacy fence to the north between our property and that neighbor. As my wife said to the east, we've got a picket fence, but that's all forest.
Board: The southside has a privacy fence.
Ted and Beverly Seel: Yeah, the drainage from the Catholic Church and that area all comes down through there.
Board: So, if you slid it to the back of the house, then we're only talking about a one foot eight variance on the back property line. Is that correct, Monica?
Monica Pearcy (Planner): It is.
Doug Gilmore: Look, at Google Maps you can look at and see that old, shed building. But it sounds like it's going to be a whole lot nicer when they get it done.
Ted and Beverly Seel: We hope, that's the general idea.

Ted Seel (Public): I'd just like to make an editorial comment about the building permit approval process like Mr. Wagner, when we first started this back in late October, early November it's a very cumbersome, not user friendly process, and we're not contractors but-
Board: We're all in the business.

Ted Steel: So, anyway there's got to be a better way to do it because the way it's being done now is cumbersome.
Doug Gilmore: There's a man over there, with glasses on his head, if you would relay that to him. And because he has the ear of the mayor who can do something about that. We heard you , and we will certainly pass that along and I know Tony will too. Thank you.

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.

5. Staff Comments

Monica Pearcy (Planner): If you would make a motion to keep the chair and vice chair of the board, as is, or nominate a new chair and vice chair.
Kevin Bailey (Board): I make a motion to renominate the chair and vice chair as they are.
Casey Caples (Board): Second.

A motion was made by Kevin Bailey, seconded by Casey Caples that the Chair and Vice Chair of the Board of Zoning be renominated, the motion was PASSED with the following vote:

Aye (4): Rick Miles, Max Dacus, Kevin Bailey, Casey Caples
Nay (0)

6. Adjournment