



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Board of Zoning Adjustments

Tuesday, June 20, 2023

1:30 PM

Municipal Center, 300 S. Church

1. Call to Order

2. Roll Call

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

Absent 1 - Rick Miles

3. Approval of Minutes

[MIN-23:056](#)

MINUTES: May 16, 2023 BZA

Attachments: [May 16, 2023 BZA Minutes](#)

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

4. Appeal Cases

[VR-23-21](#)

VARIANCE REQUEST: 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](#)

Andrew Sang – 1105 Sandino Dr: I bought a shed and I was going to put it behind my house, but the people who brought it couldn't put it behind my house but there's no way they can put it back there because there's a tree in between my neighbor and me. So there's a barrier there. There's no way the shed can be taken back.
Doug Gilmore – Commission: So the building you want to place, is it a pre-manufactured building?

Sang: Yes, it's a small shed.

Gilmore: So with the tree there, your only option is to build it rather than buy it? So you're wanting to place the building at the front of your home?

Sang: It's not really the front, it's kind of the side. It was supposed to go in the back, but there is a tree so the people who brought it couldn't take it to the back because of that barrier there.

Gilmore: Questions for this gentleman? Is there any one here in opposition? (There were none)

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

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

Absent: 1 - Rick Miles

[VR-23-29](#)

VARIANCE REQUEST: 704 Valley Drive

Gary Henderson is requesting a variance to allow a chat driveway within the city limits of Jonesboro. This property is located in the R-1, single family medium density district.

Attachments: [Application](#)
 [Cert. Mail Receipt](#)
 [Photos](#)

Gary Henderson – 704 Valley Dr: I didn't know I needed a permit when I needed a place to store my pontoon. The most affordable place for me to do it was to have that put it and have it sitting at the side of the house. I couldn't afford to pay the storage fees.

Doug Gilmore – Commission: Derrel, what's the city's standpoint?

Derrel Smith – Staff: It doesn't have an asphalt drive. It's chat, which is not allowed.

Henderson: If you look to the left side of the home, I have a concrete drive which used to be pebble. There was a smidge left of this chat and I had him put it on top of the pea gravel. It's been there 20-30 years. I don't know who's on the house on the corner. It's for sale. The person who put it up for sale didn't have a problem with it sitting there. Or the driveway being there, rather.

Gilmore: Does anyone have any questions for Mr. Henderson?

Commission: I'm assuming you put it there on the side of your yard because it wouldn't fit behind your house, correct?

Henderson: No. I don't know if you got a picture of the other side of the house or not. My little gate that's there, the pontoon, I have a Dooley pickup truck. I can't get it through the gate, and the pontoon is the size of my Dooley. It won't fit through my chain link fence. It's just not wide enough. I do have, if I was to alter that, there are power lines that come through the back of our property to our house. It would, I don't know.

Michael Morris – Staff: Engineering does ask that if they do grant the waiver, that at least a portion in their right-of-way is hard surface. We don't want the gravel washing into the roadway. If they want to allow it behind the sidewalk, that's fine. But between the sidewalk and the street, we want that paved to keep the rocks from migrating into the highway.

Henderson: It's quarter minus. It packs pretty tight. Would it be a quick-crete pour on there?

Morris: It's probably going to break up. 4 inch concrete or some asphalt will be the two quickest things.

Henderson: It hasn't gone anywhere yet.

Gilmore: We can't consider lack of money as a hardship. Although it is, it's now how we can view things. With the information from Engineering, does

anyone have any questions?

Kevin Bailey – Commission: Derrel, correct me if I'm wrong, but I don't believe we've granted any variances on chat driveways in residential at all. I'm afraid if we do this we'll set a precedence and everyone will open the flood gates.

Henderson: I know of several in town.

Bailey: If they get caught they'll be here too.

Gilmore: Anymore questions?

(There were none)

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

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

Absent: 1 - Rick Miles

[VR-23-30](#)

VARIANCE REQUEST: 3603 Oak Vista Drive

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

Attachments: [Application](#)
 [Certified Mail Receipt](#)
 [Letter and Photos](#)
 [Site Plan](#)

Chris Bloodworth – 3603 Oak Vista Dr: I'm asking for a variance on my fence. I live on a corner so I have 2 front yards. There's no entrance off that street.

Kevin Bailey – Commission: Can you give us a little bit of history? Is this non-permitted work?

Bloodworth: Yes, I built it and forgot to get a permit.

Derrel Smith – Staff: This is one where we have a change coming to the codes because we're seeing these on corner lots almost every meeting. So we have a change coming to the codes to make it where if it's not a front setback and not the front of the house, you're going to be able to set closer than you can now. So hopefully once that gets through council we won't have as many.

Bloodworth: I was told to apply and pay for the variance, which I did, and then it was denied because of the corner lot. That's why I'm asking for the variance. (Unable to transcribe)

Bloodworth: From the front of my house that the address is, I'm 120ft back. I'm 53ft from the center of that road on the west side.

Doug Gilmore – Commission: We see a lot of lots like yours. Also along where maybe there's a drainage ditch or something like that. I'd rather that drainage ditch look at the bad side of my fence and me look at the good side if it's drainage going by the property, but I'm not on city council so I can't change that. But this is an instance where it makes sense to allow it to happen.

Bloodworth: It's mostly for security. It's the only way I can secure that part of the property from people walking off the road and right up to my house. The back part of my shop is open. There's an 8ft porch on the back.

Gilmore: Any questions?

(There were none)

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-23-31](#)

VARIANCE REQUEST: 1313 Layman Drive

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

Attachments: [Application](#)
 [Signed Notifications](#)
 [Site Plan](#)
 [Photos](#)

John Howland – Tyrus and his wife are not here today. I'm his neighbor and I'm also applying for a variance. Can we do them together or wait until he gets back? He had to go out of town for work and she had a doctors appointment that she could not cancel it.

Doug Gilmore – Commission: Do you want to represent Tyrus?

Howland: I can, I'm his backyard neighbor.

Gilmore: Tell us what they want to do.

Howland: We're wanting to replace a fence that's been there 20 years. We're replacing a few slats. It's 20 years old and needs to be replaced. It's about 25-30ft from the front of the house and it goes out to 30ft from the road. There's no obstruction of view for people coming down Mr. Carmel rd or from Jenni or in Tyrus' case on Layman. We just need a variance to replace our 20 year old fence.

Gilmore: When you first build the fence, it was this height the first time?

Howland: Yes, it's 6ft tall. We have grandkids and dogs that can climb over a 4ft fence.

Gilmore: Derrel, what's the city got to say about this?

Derrel Smith – Staff: It's almost the same as the other one. We're dealing with two street side setbacks where one of the houses is facing Layman and the other one is facing Jenni. We've already got this ready to go to council. If this was 6 weeks later, we wouldn't even be here.

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-23-32](#)

VARIANCE REQUEST: 4421 Jenni Lane

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

Attachments: [Application](#)
 [Signed Notifications](#)
 [Site Plan](#)
 [Photos](#)

No discussion

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 - Max Dacus Jr.;Casey Caples and Kevin Bailey

Absent: 1 - Rick Miles

[VR-23-33](#)

VARIANCE REQUEST: 2238 Addison Cove

Jim Abel is requesting a variance for a reduced front setback for an R-1, single family lot.

Attachments: [Signed Application](#)
 [Signed Notifications](#)
 [Site Plan](#)

Jim Abel – 4516 Butler: I was hired as a contractor to build a home on the Jamestown Subdivision, and I made a mistake and put the concrete slab too close to the road. I didn't do my homework like I should have. We assumed the road was a normal 30ft road like the other subdivisions I put in, but that one was actually 27ft. So that messed us up and then the houses on both sides and across the street. That's where we messed up in assuming that it was correct too. So our house is actually a couple of feet too close to the street to be in the property right of way.

Doug Gilmore – Commission: I'm not seeing any pictures. How far is it done? Are you finished?

Abel: The house is bricked, the roof is on and we are getting ready to sheetrock the inside.

Kevin Bailey – Commission: Lot 7 and lot 9, both of those houses are close too.

Abel: And also the houses across the street, really most of them if not all of them on the street?

Bailey: All with the setback?

Abel: Yes, and there's no excuse. I messed up. We should have required the stakes to be put up and do our normal measurements, but the surveyor came out there for the lender and found the pipes. We just assumed. It's our fault and we messed up.

Gilmore: Anymore questions for Mr. Abel?

Bailey: Should we ask if the neighbors on lot 7 or lot 9 have any oppositions to this?

Abel: Yes, I met with them and we got the signatures from them that they're okay with it.

Gilmore: Is there anyone here to object to this?
(There were none)

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 - Max Dacus Jr.;Casey Caples and Kevin Bailey

Absent: 1 - Rick Miles

[VR-23-34](#)

VARIANCE REQUEST: 6001 Fredricksburg Drive

Jeremy Jones is requesting a variance for a residential driveway wider than 40'. This

property is located in the R-1, single family medium density district.

Attachments: [Application](#)
 [Proposed Site Plan](#)
 [Photo](#)
 [Signed Notifications](#)

Jeremy Jones - 6001 Fredricksburg Dr: I'm here today asking for a variance on my driveway. As you can see I've recently built a detached garage. In the original drawing, the garage was going to sit back further in my yard at a diagonal position. We were going to do that because the electric service ran from the corner of the driveway to the meter and we couldn't set it where the electric was sitting. I hired a contractor, he had his electrician come over and he said we'll have to have 200 more amps to service the garage, so why don't we move the meter to the front of the home to get the direct service out of the way so we can put the garage where we wanted. What it did, is on the northwest corner it was about 10ft off the property line, now it's almost 20ft. With that being said, when it came time to pour the driveway, we originally planned on dog legging from the original driveway to have a straight shot to the garage, and when we pulled it up even with our home it just wasn't going to work as far as trying to maneuver to get into the garage. What we did is we decided to make one large driveway for both the home and the garage. We did it for 2 or 3 reasons. If we would have done it based where the garage is sitting, I live at the bottom and my neighbor is several feet higher than me to the north so I get a lot of rain runoff from him. If I hadn't put the two driveways together, it would have held water during the wet season. It prevents us from having to park in the street. I have two teenagers and a daughter who has to park in the street. My driveway is 51ft wide and I think it calls for it being 40ft wide. We simply didn't know that. I wasn't trying to break any rules or undermine anyone. This is why I'm requesting a variance for that.

Doug Gilmore – Commission: Does anyone have any questions?

Jones: I would like to say that all my neighbors are in favor or have complimented. They want one themselves or have no issues. I went to the HOA president nobody complained to him. I believe the storm drain inspector is the one who noticed it.

Max Dacus: Derrel, what is the footage? Is it 40ft?

Derrel Smith – Staff: Maximum driveway is 40ft.

Kevin Bailey – Commission: Could he have 2 driveways?

Michael Morris – Staff: Driveway separation is 50ft between driveways, but you can still put a gap or raised median type between the two and say give a waiver on the spacing requirement. You could do it either way.

Bailey: I truly believe you didn't do it intentionally. I can see how if you changed the angle how it wouldn't have worked.

Jones: It wouldn't have worked with getting into the garage and obviously the water would have been an issue as well.

Dacus: How wide is it now?

Jones: It's 51ft, sir. There's 10ft between the house and my garage and that's what makes up the extra there.

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 - Max Dacus Jr.; Casey Caples and Kevin Bailey

Absent: 1 - Rick Miles

[VR-23-35](#)

VARIANCE REQUEST: 816 Hester Street

Marshall and Medrith Groves are requesting a variance for a 6' tall fence located in a street facing yard. This property is located in the R-3, multifamily high density district.

Attachments: [Application](#)
 [Cover Letter](#)
 [Cert. Mail Receipt](#)
 [Site Plan](#)

Marshall Groves – 816 Hester St: We're trying to replace a fence that's been there for about 20 years. It was just beginning to look old and decrepit so I took the boards off and was going to put new ones on it. Code Enforcement shut me down. It was ignorance, I didn't know I had to have a permit to put a fence up. When I went to apply, I found out something about a corner lot, visibility from turning on one corner to the next. From my truck, from Auburn place looking down Hester I can see down there's no obstruction or anything. I'd just like to put my fence back up.

Kevin Bailey – Commission: Is this another one, Derrel?

Derrel Smith – Staff: Probably. This is going back in the same place as the old one.

Casey Caples - Commission: Did you change the entire fence, or just the pickets?

Groves: Just the pickets. It's the old posts. It's been there forever. 44ft off Hester, 17ft off Auburn Pl.

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 - Max Dacus Jr.; Casey Caples and Kevin Bailey

Absent: 1 - Rick Miles

[VR-23-36](#)

VARIANCE REQUEST: 5408 Southwest Drive

Davidson Engineering is requesting a variance for a 12' sign, the property is located in the overlay district.

Attachments: [Application](#)
 [Certified Reciepts](#)
 [Sign Location](#)

Jason Bear– Davison Engineering: We're trying to request a variance of the 8ft sign height in an overlay district to 12ft. the reason being is the site from the road it's a lot lower than the road. About 3ft lower the sign would be sitting from the height. The adequate visibility of the sign is what Sonic is looking for in that area. It's my understanding that there have been some variances approved for 12ft signs in the district before in the past.

Doug Gilmore – Commission: Derrel, what do you think about it being a raised curb?

Derrel Smith – Staff: Do you have anything showing how much lower it is?

Jason: I've got shots from when we did the survey. From the Southside of the highway it sits a 288.26ft and the approximate location its 283ft. It's about 3 ft. Commission: Is that from the center of the highway?

Jason: No, it's from the North side of the highway. It's on our side, it's the highest point of the highway. The highway slopes north. The ground at that point is 285.02

Kevin Bailey – Commission: We're getting really technical. To consider this, we're going to look at and talk about would be the top elevation not being greater than the 3.26ft above the math back to 8ft. We'd be granting a variance of 3.26ft and not let it be taller.

Jason: Sonic is wanting to go with their standard sign. Their standard is 12ft.

Casey Caples – Commission: Do you have a picture of the sign?

Jason: I do not. It's their standard sign.

Bailey: I'm just not for getting going above.

(Unable to transcribe)

Bailey: We want to help you, but we don't want to get the sign taller than 8ft at the shoulder of the highway.

A motion was made by Kevin Bailey, seconded by Casey Caples, that this matter be Approved with the stipulation that the top of the elevation to be 8ft above the north shoulder of the highway. The motion **PASSED** with the following vote.

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

Absent: 1 - Rick Miles

[VR-23-37](#)

VARIANCE REQUEST: 3231 East Highland Drive

Jim Guntharp is requesting a variance for a 8' tall fence within the city limits of Jonesboro. This property is located in the C-5, commercial district.

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

Julie Hill – Jonesboro Family Pet Hospital: There is an existing chain link fence between the west side of our property against the National Guard Armory parking lot. When the tornado came in a few years ago, the ornamental trees we've got there were damaged and have been held up by bungee cords and ropes because they're leaning. They're just about to die so we're going to have to remove those. When we do, our clients are going to have an unobstructed view of that parking area. I know the city at one time had come in a cleaned up the ditch that's right at the very corner of the properties. At one point we had a homeless person living in the ditch. That's another reason why we're looking into a privacy fence along that chain-link. We'd like an 8ft fence, but a 6ft, I put in the request that a 6ft would be okay. 8ft is preferred because the height of the chain link will still show above that. If need be, we can taper it down to the end. It won't go to the road. I believe it stops several feet before the road. The chain link goes all the way to sidewalk, and we would stop before that. It would hide the parking lot view that gets really trashy looking and overgrown. So we were asking for a variance to put a wooden privacy fence against that chain-link to hide that view from our clients so they wouldn't have to look at something that's not super attractive. It would butt up against the existing wooden fence at the back.

Doug Gilmore – Commission: Derrel, what's your thought on that?

Derrel Smith – Staff: 6ft fence would be okay, I just don't know about going out as far as she's wanting to go out front. I don't know how far away that is from

the right of way.

(Unable to transcribe)

Commission: How tall is the wood fence it's going to butt up against? Is there a wood fence that it would touch?

Hill: At the southern side of the property there is also an 8ft fence. It's taller than I am, but it's quite a bit taller than me. We could stop at the edge of the driveway that put it's about 16.5ft from the sidewalk itself plus however many feet that sidewalk is wide from the existing roadway.

Michael Morris – Staff: I've been over there before in that neighborhood and I think that the parking lot along Armory is considered the right of way. As long as they don't go passed that. From my memory that's where the existing right of way line is.

Hill: The existing chain-link fence goes all the way to the edge of the Armory's asphalt there and then cuts back in the front of their property.

Kevin Bailey - Commission: Your fence would be on the inside of the existing chain-link or the outside?

Hill: It'll be on the family pet hospital side.

Bailey: If you did that on the inside, your pickets have to be turned outside. I don't know how you would build it and put the pickets on the outside.

Hill: I'm not a fencer by any means, but I would assume after they install the supports it would be like a panel you put up there. If all else fails they could go through the chain-link.

Gilmore: Anymore discussion?

Casey Caples – Commission: I know I can get on board with a 6ft fence, 8ft not so much. But if she does a 6ft fence does she need a variance as long as she stays out of the right of way?

Smith: It'll be a 25ft setback. So if she'd be in that setback and would need a variance for that portion of it.

Max Dacus - Commission: How tall is the chain-link fence? Is it 6ft?

Hill: No, sir. It would still be peeking out just across the top if we did an 8ft fence. It has the chain-link and then the barbed wire.

Bailey: So that's the Armory fence?

Hill: Correct. And we did send certified mail to them at the address that the planning commission gave me. The neighbor on the other side of the property signed the letter and said they didn't have any issues. Who knows what the armory wants to do. I haven't heard anything from them.

Bailey: We're back to a 25ft setback variance only if they build a 6ft fence.

Hill: We'd be fine with 6ft. Dr. Guntharp would prefer an 8ft, but he said if it's what y'all would prefer we could do a 6ft. we'd still see all the chain-link and barbed wire at the top.

Gilmore: I understand your agreement for a 6ft fence, but are you hearing him and the fact they want you go to off the highway 25ft?

Hill: Yes, sir. Which that's going back, that wouldn't even be as far as our parking lot.

Bailey: So basically if you build to the corner of that parking lot and you build a 6ft fence you don't need a variance.

Hill: The corner of the parking lot is 16.5ft from the sidewalk.

Bailey: That's not the setback.

Gilmore: Whoever builds your fence tell them you need to be 25ft back.

Bailey: You won't need any action from us, right Derrel?

(Unable to transcribe)

Hill: Just to make sure I tell them correctly, it's 25ft from the edge of the sidewalk or the road?

Morris: From the right of way.

Hill: Which is?

Gilmore: A surveyor will find that exact line for you.

Bailey: If you want to build into that right of way you'll have to action from us.

Morris: You can always make a variance saying she can go to the right of way line. That's an established point.

Caples: We're going to grant a variance just in case she wants to go up to the right of way?

A motion was made by Casey Caples that the fence may be built up to the right of way, seconded by Kevin Bailey, 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-23-38](#)

VARIANCE REQUEST: 2904 Stallings Lane

Associated Engineering is requesting a variance for a 8' tall fence within the city limits of Jonesboro. This property is located in the C-3, general commercial district.

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

John Easley – Associated Engineering: I'm here on behalf of Seven Brew asking for a variance for an 8ft privacy fence along the west property line. Mainly for buffering a shielding the neighbors to the west.

Kevin Bailey – Commission: Why 8ft instead of 6ft? Does the gradation fall off to where it needs to be 8ft?

Easley: Not really. It's mainly for larger trucks, suvs, headlight shielding things like that to go back and connect behind the dumpster pad. I believe Stallings Ln has a general rise going to the west, so the house is going to sit up higher than normal.

Bailey: This project site, is it already build? Or under construction?

Easley: It's under construction. It's almost complete.

Bailey: Do you have any pictures of the drive?

Easley: No.

Michael Morris – Staff: Just to help you out, from Stallings at the intersection back to the western property line, there's a 9ft rise down Stallings. When you turn off of Stallings, you're going to rise 9ft across that property.

Easley: Is Pardew the high point?

Morris: Pardew is about the high point. They may have filled their lot in.

Casey Caples - Commission: You leveled the lot where Seven Brew is at, correct? So you're roughly, your terrain and grade is about the same as the 2900 address?

Easley: It's below the 2900 address.

Caples: My understanding was the variance to do the 8ft fence was to help the address at 2900.

Easley: It would help them.

Caples: I guess I could almost see if 2900 did it and said they had lights shining in every night. I think then it would be a variance for it. I just not a huge fan of 8ft fences so I try to keep away from them. It would have to be a tall truck to get over a 6ft fence.

Bailey: Have you had any feedback from the neighbors?

Easley: No, but my truck is 6ft tall and Dustin's truck is higher than mine.
Gilmore: Any more questions?
(There were none)

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

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

Absent: 1 - Rick Miles

[VR-23-39](#)

VARIANCE REQUEST: 821 Witt Street

Sara Trimarchi is requesting a variance for a 6' tall fence located in a street facing yard. This property is located in the R-2, multifamily low density district.

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

Sara Trimarchi – 821 Witt St: I've lived there for over 36 years, and during that time we had a fence around our yard. In the front, if you'll notice on the #1 picture at the bottom, that's the white fence. On the second page there's the one that goes down on the Warner side that does an 'L' around the corner on Witt and Warner. For well over 32 years we had a fence running down parallel to the sidewalk. It started to decay and we replaced it. We got a permit and replaced it and when we did that we took in the rest of the back lot that had not been fenced until that time. When we did we went to our neighbor and asked if they had a problem with us butting up against their fence. They did not. As you can see I brought something from them that said they didn't have a problem with our fence being where it was. If you'll notice on picture #3 there's a little red circle and that's where the original fence ended and the new lot was taken in. The pictures 5, 6, and 7 are pictures of the back lot. #5 is where the fence used to be on the back lot. I'm asking for permission to keep my fence where it is.

Kevin Bailey – Commission: Derrel, is part of the problem that she took in the fence along Warner on the other lot?

Derrel Smith – Staff: It's a street setback. So they're supposed to be 25ft off the right of way.

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-23-40](#)

VARIANCE REQUEST: 4104 Raider Road

Bobby and Melissa Blackmon are requesting a variance for an existing 60x80 storage shed located in an R-1, single family medium density district.

Attachments: [Application Packet](#)
 [Drawing](#)
 [Shop Design](#)

Bobby Blackmon – 4104 Raider Rd: We're here asking for a variance for an existing building.

Melissa Blackmon – 4104 Raider Rd: That we already have a permit for. From you all. So we're really not even sure why we're here.

Doug Gilmore – Commission: So you already have an old shop, and now you're trying to put in a new shop?

Bobby Blackmon: No, sir. We have the shop, got the permit, we built it, and now we're hearing it's too big and we received the permit in error.

Melissa Blackmon: We put all the information in, even extra information that was asked for. Our permit was still approved and we built the shop we were approved to build.

Unable to transcribe

Kevin Bailey – Commission: The timelines - they were permitted, they started construction, was the foundation inspected?

Derrel Smith – Staff: I'm not sure.

Bailey: If they permit it, do we perform any inspections?

Smith: Yes. Footing and foundation inspection is what I see right now on that.

Gilmore: Is my math right? The shop it going to be about 4800sqft total?

Bobby Blackmon: That's correct.

Gilmore: And the house including the basement is 3668sqft?

Bobby Blackmon: Yes.

Gilmore: Would anybody here like to speak to this building happening?

Melissa Blackmon: We have signatures from the two adjoining.

Anna Williams - 604 Mardis: I can't hear. Do these microphones work, or not?

Gilmore: We're working on getting them turned up.

Williams: There's a lot of questions about this. I'm hoping today we'll get some answers.

Gilmore: Is there anyone speaking for the building?

Roberts Spear – 4116 Raider Road: I'm not sure what the problem is. The permits were issued, the inspectors have been there, I've lived there since 1987 and they've done a major improvement on the property considering the shape it was in before. I'm satisfied with it, very happy. They put so much money in improving the property. I know they wouldn't have done it if they hadn't done it the legal way. Unfortunately they have a neighbor who lives across the street who objects to this. I know a majority of the people in the neighborhood don't have no problems. I'm like everyone else, what is the problem? Some say it's the lights, some say it's too big. I haven't affected me. I think it's a great improvement to the area. It's well maintained and I think the majority of the people are here for it. I'm for it. I just want to support the Blackmon's on what they've done here.

Lisa Stickland – 4119 Renee Cv: I've lived in that neighborhood since 1971. I've known the Blackmons, I've known them since they moved in. It's always clean, I never see an excess of cars, there's no noise. I had a neighbor call and ask me to complain. She said they had no permit, there's cars in and out all hours of the night. I never see that. I don't understand what the complaint is. They're excellent neighbors. The place is always very clean. It's obvious they care about it. They've put a lot of money into it, it's beautiful. I hope you consider that when you look at the bottom line of this.

Elizabeth Norwood – 4111 Forrest Hill: My husband sent an email to Monica this morning, and she said she would forward it. We love the building that's been put up. We see no problem. It's improved the neighborhood. They do keep everything very nice. We always have one neighbor who has a problem with anything that's being done in the neighborhood. The permits being requested and approved, I don't know what the problem is either. I think it's very nice

and I do approve.

Gilmore: Is there anyone else who wants to speak for it? Against it?

Patty Lack – 4108 Forrest Hill Rd: I appreciate all these neighbors because I live in the neighborhood too. It is clean, but the process that happened with having this building built has been wrong. If it was done right, we would not be here today asking for a variance. As far as the neighbors is that when you look on the application is the neighbor to the North and the neighbor to the front they were given a form to sign saying there was a notification. The neighbor that supposedly complains a lot did not receive one and she lives right across the street.

Gilmore: The way those go out, Patty, is the adjoining neighbors. The adjoining. Not the whole neighborhood.

Lack: So they touch the property. So it's adjacent versus connecting.

Gilmore: Just sending it back isn't saying they approve, it's saying they received the certified letter.

Lack: Ok, so it's the wording of it. So I want to give you a little bit of history. I got involved in this because one night I saw a bunch of neon lights flashing on this building. It's real noticeable. The lights go on at dusk and go off at dawn. I don't know why we have flashing neon lights every single night. But the neighbor that they're talking about and I got together with Tony Thomas and Brian Richardson. And starting to look at the neighborhood, and today you'll have to excuse me. The notification of this meeting, I didn't know until late afternoon and Ms. Houge got a call from Tony Thomas today at 10 o'clock. So there wasn't a lot of time to prepare. But there is a Bill of Assurance for the Mardis addition. I've got copies of it for you. I don't know because you won't have time to read it.

Gilmore: This board doesn't review Bill of Assurances. That is an agreement, a covenant between homeowners. It has nothing to do with this committee.

Lack: Ok, we'll go for the next one then. So, looking at the application, it says we are requesting to keep an existing structure on our property as approved in the entirety before we built it. We were even asked to elaborate on information approved once we got the permit. Ms. Houge and I went to Tony Thomas and Brian Richardson on May 19th. We went and talked to him, and the information we got, because I told Tony I've been involved with this information about rezoning, I understand it pretty well, and I said to them is I've never seen it before the BZA and I've never seen a rezoning putting this property through the City Council or the MAPC. Tony Thomas's reply was this one has been approved by the Planning Department. And I have to tell you if I put a small metal shed on my property I would have to come before you guys and we've seen that today. This was not ahead of you guys ever since they built this building. It never went to MAPC and it never went to City Council, but the building got built. The name of the company is Blackman's Industrial Electric Service. On the application where they applied for a Privilege License, it says it's a home based business. But if you look at the shed it says there's 2 offices. Does that mean the business in in the shed they built. So it's not a home base building. On the application it says my office is located here, there will not be any customers coming to this location. Well there are a lot of cars that come, so I guess those are subcontractors that are there. If you look on the residential uses, because now supposedly we've got a business in a residential area, you can't do that. It's not permitted. And that's the reason why I'm here and why Linda is here. The process was not done correctly. I've never seen a building this size be approved by the Planning Department and not by all of you and the City Council. That's where the disappointment is. On the residential uses it says the nameplate will be permitted. But if you're doing a

home business, the nameplate should be on the house. But the nameplate is on the shed. Or the workshop. Also it says the home business may not occupy more than 20% of the residence which we know now the workshop is bigger than the house. So looking at that if it's a home business, why are we conducting and having delivery trucks, and I have to tell you I've seen semi-trucks delivering supplies or equipment of something in the middle of the night to this workshop. It's a business in a residential area that was not approved by you guys. So once again, why are we here? Why am I upset about it? Because the process was not done correctly. What they're trying to say is the building is too big. It is. It's a huge building. On the application too, on the form, and you'll have to excuse me I did this earlier, it says that we are running a plumbing, a 480 volt electricity spray form insulation, two air condition units, framing and all that was approved. When Linda and I went to Brian and Tony, I asked them and I have the emails from Tony, is I asked them for the meeting on May 10th, he said that he was waiting on additional information that was requested internally. Well, if it's internally he can get the building permit, the electrical inspections and the plumbing inspections because those are don't 8-12 times when you're doing a building. Then you get the CO of approval. All that information I was hoping Mr. Thomas would present that to Linda and I on May 19th. It was not. Since then is that Ms. Houge has been calling Mr. Thomas and not getting a run around, but there's been nothing, no proof that this was approved by anybody except for the Planning Department. Now, when I say the Planning Department is that they did have exchange of emails back and forth. So the emails, going back to Melissa, was Mary, Tim, Roger, Hope, Dana, and Shawn. So, those are the people who approved this 80x60 workshop. So what I'm saying to you guys is it's been built already, but it wasn't done correctly. It's in a residential area, and it's obvious if the name on the company is on the building instead of the house, there's a business in a residential area. That's why I'm upset. Is it clean? Absolutely. Is it a good looking building? Well, I have second thoughts on that. Are there lights flashing at night time? And when we talk about that is that we had Code go ahead and see if we can get that. We don't need lights flashing in the middle of the night at 2 at night. I understand party lights. I've got party lights. I like parties. But why do we have to have it in a residential area? Code Enforcement went out there and said no permanent sign should be on the building. There used to be another TV with the employees, that sign was taken down, but there is another business sign on the warehouse. There is a lighting code and it's 17-2-2-6 and it's not being enforced. I called up on Friday to Code and I talked to one of the officers there and he said it's not their problem, it's the Planning Department. No, it's not. It's Code Enforcement. This right here, that's the sign on the building. It's not big, but it shows there's a business in a residential area and that's what's concerning. I've got the emails from Tony, but the problem is guys is that we wouldn't be here if it was done properly. And you know it. This was not done properly. It was pushed through whoever. I feel sorry for the Blackman's because they built this building assuming it was right. I don't see – Tony Thomas never showed up a building permit, never showed us the electrical inspections, never showed us the plumbing, never showed us the foundation, Derrel, I know you say there is, but we haven't seen them. On the 19th of May I was hoping they would have showed Linda and I those forms, but we've gotten the run around from the city because of this building. I feel sorry for these people because it's a big building. I know that Tony is coming up, but we haven't seen anything and this process has not been done correctly. The other thing is that you cannot run a business in a residential area. So we've got the size of the building, it wasn't

done properly, and there's lights flashing all through the night. So, what going to be done about this you guys? This is a tough decision. Has ever a building been taken down by you guys? Well, it has. I think it was on Parkview. There was a workshop and that man had to tear down that building. I feel sorry for that man, and remember that there was a fence on the north side of town that the lady building that was too big and it had to be torn down too. So what I'm just saying is it's a tough decision. I don't like fighting between the neighbors, but this was done wrong by the city. The city knows it, you guys know it, and I know it. I don't know what's going to be done. Do you stop the business? Do you tear down the building? Do you leave the building? I don't know. I feel sorry for these people, but I do know that you can't run a business in a residential area. So I hope you take that into consideration and maybe today won't be the choice they'd do on this. You guys need to do a lot more fact finding because I don't know if you knew all this going on. But it's disappointing about how this was handled. So thank you.

Tony Thomas – Staff: Since Brian and my names were brought into this discussion, we did have some initial discussions. Initially all of our dialogue was with Ms. Houge in relations to some issues she thought were occurring there on the property. At some point Ms. Lack was involved and did request meetings. That meeting in the emails related to the meeting, I was told that some initial information had been presented, and I indicated that I was looking to fill those gaps between the initial information that had been presented, and what had been requested by Ms. Hogue. I had not received a request from Ms. Lack. All of our initial discussions were related to Ms. Hogue. I am the one who took Ms. Hogue around to various departments on the day that she came into the office in order to get answers related to what had transpired with this issue. Now, the meeting in question that Ms. Lack speaks in regards to, we discussed two distinct issues. One related to the construction of the shed and one related to an accusation of a business being operated out of the building. At that time I had no indication from staff or anyone that a business was operating in the facility. The building was constructed as a shed. As far as we knew that's how the building was being utilized at that particular time. We did send Code out a number of times, we did send Planning out, we have sent Inspections out a number of times and as Ms. Lack indicated there were findings related to items that could be on the property and could not be on the property of the shed. Once the Blackmans were notified, they brought the items to compliance. Once those items were found to be in compliance, there was nothing left for those departments to do. I regularly have contact still with Ms. Houge. We listen to every concern, we go out and look at every concern that is brought to our attention, and we will continue to do so just as we do for any other citizens that make call in reference to issues in their neighborhood or their property. That's the extent of the interaction. I know Ms. Houge had dialogued with Code Enforcement and indicated that she has received some documentation of which Ms. Lack has a copy today. I know she has spoken with Planning and has received some documentation. If there's anything you've requested from the city that you've not received, I want to know that today so we can rectify and make that situation correct. Now, a comment was made by Ms. Lack that as far as the explication that I provided to her in our meeting is that every shed that is built in the city of Jonesboro comes before this board. No. I just said no, every shed that is built doesn't come before the board. Every shed doesn't come before this board. I indicated this one should come before the board. There was an issue that was within our department. We identified the issued, rectified the issue and moving forward I am hopeful that we can avoid situations like this as we continue to develop in Jonesboro. At the same time,

this one is constructed, he has followed every guideline that we've requested of him to make sure he is compliant with how he initially said it was constructed. If we find it's being used for purposes other than what it was indicated, we will take the necessary actions in order to deal with that once that evidence and proof is there. Thank you.

Lack: I think what you just heard from Mr. Thomas was it should have come before you guys. The way this can be proven that it was done correctly is that before you make a vote on this today I think you need to stop, I think you need to see the building permit, you need to see all the inspections that were done, you need to see the CO on this property before you can say anything and make a vote on this. If it was done correctly, you all can see it. We haven't seen it. I appreciate Tony Thomas on that. But this was not done correctly and that's why we're here today. Thank you.

Gilmore: Would anyone else like to speak?

Bobby Blackmon: There's allegations of a business being run there, it's not. My business name is Blackmon Industrial Electric. I 3D printed a planter that says Blackmon it and put it there and now all of the sudden it's a business thing. It's not. As far as the truck she's talking about, when they built the shed, they didn't bring all of the sheeting. They dropped it off and that was that night. She was worried about a business. She went and got a permit so she could have an office out there. We've tried everything we could to get this right. I just ask we are granted the variance.

Linda Hogue: I'm 84, and I've lived in the Mardis addition for 60 years. I lived at 512 Mardis, we had our baby there, and we've always been happy with the Mardis Addition. It's nice and quiet with good people. I do agree with a lot of the people who said it's a beautiful place. It is. The shed is very pretty. But it's too big. I have probably a couple hundred pictures I've taken that shows there's a business taking place. It shows there's 8 or 9 trucks a day and they bring big things that take two or three men to carry. I know on Memorial Day the weather said we were going to have a thunder storm. They delivered a whole bunch of packages and I thought I would be a good citizen and go over there and get the packages so they don't rain on them and move them. When I went over there one was torn open and it was like steel metal pellets. I picked it up, and I can lift 50-75lbs and I couldn't even budge not one of those packages. I told the elderly man who works there every day. He comes every day in his white SUV and I told him we're under a thunderstorm warning and somebody needs to get these packages. He said thank you and that he would take care of it. This elderly man does come, and I do have pictures to verify that, he comes every day to work. My neighbor told me that the Blackmons told her that he is teaching Bobby how to run the business. He lives in the trailer on the property. They had a travel trailer that was sitting in their front yard. It was made to be moved and he is living there. It's several things that's going on that needs to be changed. You're welcome to look at any of these. There's trucks and cars every day and it proves that people are going to the shed. Nobody is going to the house. I think the application says everything is being delivered to the house, well you should see what's coming to the shed. I'm not an awful neighbor, I've just been in the Mardis Addition all my life and I want it to be kept residential. It's not a business area. I plead with you to do the right thing and let's keep the Mardis Addition a nice place to live.

Dana Williams – 604 Mardis: I would like to ask Derrel, I don't know the legal requirements for these, but is it legal to approve a warehouse that's larger than the residence in the residential area?

Smith: When the application came through we saw a drawing showing the house, nothing to scale, a house and the building to be built. They did provide

additional documentation showing the size, but the person reviewing it only looked at the one document. It did get approved. It went through the plan review process through 3 different departments looking at it. All 3 did not catch the size of the building. They were issued a building permit and they built according to that. When we found out the size, we discovered it was too large but it was already built by then. It didn't come to our attention until about April of this year, and it was June when the application was first submitted. So what you're looking at is you don't have any control over if a business is being run out of this building. That's up to Code Enforcement. If they go out there and they can't prove it, then the people who live out there if they want to pursue it further they can go to the city attorney to try to get an affidavit for an arrest for running an illegal business. We're looking at the size of the building. The building turned out to be about 4800sqft and the house is 3700. Code is that it can't be over half the size of the house, which it is. That's why we are here to determine to grant a variance on that or not.

Lack: I am so sorry you guys, it feels that it's just a run around. So Derrel, you said it was back in April. So if you had inspections on the foundations and things like that, you guys are the experts. You should have seen it then but it wasn't caught and now all of the sudden it's there.

Smith: That's correct, it wasn't caught. And so it is there. That's why we're looking for a variance now.

Lack: It was a mistake. So that right there is that if you knew about it then, my question to you guys is why was Linda Hogue and I not told that on May 19th. That's the big question. Why were we not told, why didn't we see a building permit, and why didn't all these inspections? We know the process, and it wasn't done correctly.

Gilmore: Anyone else? Mistakes can be made. As many problems as we have with the city, they can make mistakes. We all make mistakes. I make mistakes. Unfortunately, I have to pay for mine. We cannot, as a city, make this young couple eat this city's mistake. We're not going to do that. Our city as a government body can-

Heather Owens – City Attorney: If I could interject, we can. I just don't want there to be misinformation. I think there's legal precedent we can make them take the building down by law.

Gilmore: You could, but as far as being a neighbor that ain't going to happen. Things do get by people. It's not often if ever that we see stuff like this. Sometimes houses get built too close to the property line, somebody didn't measure it just right, and sometimes we have to tear stuff down.

Owens: That's the purpose for the request of the variance here. Is to avoid us requiring them to take the building down. That's what's before the zoning board today.

Gilmore: Any more questions?

Bailey: Can the city attorney briefly give us our legal exposure if we were to grant this variance?

Owens: I can't say for certain. There is legal precedent that when a decision is made in error by the city employee that the city won't be held liable for that. I think we could make them take the building down with minimal legal exposure. That doesn't mean they wouldn't institute legal action. They can do that, but the precedent is on our side if you don't approve the variance and make them take the building down.

Bailey: While we are not here as a body to govern the use of the building, we are here to review and grant variances when a need is there and apply logic to the situation.

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

5. Staff Comments

6. Adjournment