



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes Board of Zoning Adjustments

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Tuesday, April 16, 2024

1:30 PM

Municipal Center, 300 S. Church

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### 1. Call to Order

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

### 2. Roll Call

### 3. Approval of Minutes

[MIN-24:033](#) Minutes 04/02/2024

**Attachments:** [BZA Minutes \(Special\) 04.02.2024](#)

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

### 4. Appeal Cases

[VR-24-07](#) VARIANCE REQUEST: 210 E JOHNSON

Jonesboro Public Schools is requesting a variance for the total number of shrubs required by the landscaping ordinance. This site is located in the C-3 LUO, general commercial district with a limited-use overlay.

**Attachments:** [AS101 - ARCHITECTURAL SITE PLAN](#)  
[C-001 - CIVIL PLAN](#)  
[Signed Application](#)  
[PAK MAIL 0487](#)  
[Receipt for letters to adjacent owners](#)

**John Mixon (Proponent):** Hello, I'm John Mixon representing Jonesboro Public Schools, and with me today is Monroe Pointer Head of Facilities. John Easley is also here. Thank you for having us today, we are requesting a reduction in the number of plants in the landscaping ordinance for our site. The site plan you have there is the architectural site plan but if you go to Z-001 you'll see the landscaping plan and the landscaping calculation is there in the middle and it talks about it being a 1.28 acre site and the number of shrubs, because it's less than 2 acres, there's only one path, you don't have 2 options like you would with 2 acres or larger. So, it's one plant per 1,000 sq. feet of the overall site. We're asking for the reduction really based upon, the congestion of the site in

general and how many vehicles come on a daily basis for drop-off and pick-up multiple times a day. There's a carline that comes in, off of Word and comes in and circulates back in and out through the site. That carline comes in the morning and in the afternoon with kids getting out of cars, we just feel like the shrubs right next to the car lane is not a great idea for security and safety, and the site itself is on the north side of that overall block, behind the old Family Dollar store that was there on the corner, it's back behind that, so it's not on Johnson necessarily. What we're requesting is that we keep the trees, we plant the trees on the perimeter out toward the sidewalk. There's a very limited area for planting, the large area between the shrubs and the trees you see there, is the storm water management area for the whole property, including Bill's Fresh Market. It has to be maintained so that's not a possibility for planting. So, with limited places to plant. Planting right next to the drive was in our opinion not a safe path, so we're requesting that we can remove the shrubs and leave the trees on the perimeter of the project.

Monroe Pointer (Proponent): I just want to add to what John just commented too, and the students that go to this particular school are aged 3 to 5, a 3 year old is not very tall and to get behind those shrubs kind of out of sight, out of mind, that's why we thought that it would be probably safer not to have that many shrubs to block the view.

Doug Gilmore (Chair): Any questions from the members of the board?

Kevin Bailey (Board): The city doesn't object to that reduction?

Derrel Smith (City Planner): Not on this one no.

Rick Miles (Board): What were you planning the cut down to?

John Mixon (Proponent): Well, we're keeping all the trees, so no cut of the trees and that's 15 trees, maples and star magnolias. The shrubs there were, it's gonna sound a little crazy because it's 56,000 square feet, and 1.28 acres so that's 56 plants that's the drive, so it would be 42 shrubs to be cut. There really isn't a possibility of planting trees there because that's the hill side of the storm water management area. So, shrubs were really the only option we saw in that spot, so it would be 42 shrubs.

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

[VR-24-13](#)

VARIANCE REQUEST: 807 S Caraway

Civil Link is requesting a variance for 17% greenspace for an existing site. The property is located within the C-3, general commercial zoning district.

**Attachments:** [2-20 Site Layout](#)  
[Narrative Letter](#)  
[VR-24-13 - Adjoining Neighbor Notification](#)  
[VR-24-13 - Signed Application](#)  
[VR-24-13 - Signed Neighbor Notification 1](#)  
[VR-24-13 - Signed Neighbor Notification 2](#)

Doug Gilmore (Chair): Is Civil Link out there?

Civil Link (Proponent): Yes, we're on zoom.

Doug Gilmore: Oh, you didn't tell me that.

Civil Link: Sorry it was on mute earlier and I couldn't.

Doug Gilmore: Okay, so tell us what's going on?

Civil Link: Okay, so we got a site that is an existing gas station. Currently the site as it exists and operates today, only has 5% green space. We are looking to update this site, move the dumpster to a much better location. Currently there is a two curb cut, from the north property line, we wanna eliminate one curb cut, and improve the other curb cut and make it function much better, and so we don't meet the green space requirement per the regulations, however we achieved the most greenspace we could with this site which is 17%. So, we improved parking, improved landscaping the best we could, and we removed one curb cut on the north, which I think works much better with the intersection. We're just trying to put a facelift on this existing gas station and try to improve the parking lot as it is today.

Doug Gilmore: Any questions from the board members? Did you follow what he was saying about cutting one of those curb cuts on Matthews?

Casey Caples (Board): Gas station down there on Caraway and Matthews the corner?

Doug Gilmore: Yes.

Rick Miles (Board): How does the city feel about this?

Derrel Smith (City Planner): They have helped by eliminating one of those curb driveway entrances, I think they worked with Engineering to do that. It's hard to make that existing site work. So, we feel that this is probably as good as we're probably gonna get. Unless they look at tearing the whole building down and starting over.

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

[VR-24-14](#)

VARIANCE REQUEST: 4006 Friendly Hope Road

Joe Verser is requesting a variance to construct a 2,800 sq. ft. shop/garage which is more than 50% of the size of the primary structure. The subject property is zoned R-1.

**Attachments:**    [Application](#)  
[Building Plans](#)  
[Signed Letters](#)  
[Site Plan](#)

Joe Verser (Proponent): My name is Joe Verser, I got the request on the variance for a shop building at 4006 Friendly Hope, and it is about 400 to 500 feet larger than half of the primary residence square footage. That's what the variance is requesting, I think that we included the letters from the adjacent land owners. I've got approximately and that shows 33 acres, there's an additional 7 acres that I own south of that, all wooded, the new shop is away from any other landowner's at least 300 to 400 feet. We'll be tearing down two buildings, we tore down one and be tearing down another shop building that this one replaces. They were built about 20 years ago.

Doug Gilmore (Chair): Are you done subdividing all that property?

Joe Verser: Yes, there's no-

Doug Gilmore: No future plans for making other lots out there?

Joe Verser: No. There were 3 acres pulled off the top that my son built a house on but there's no other plans.

Doug Gilmore: Any questions for Mr. Verser?

Max Dacus (Board): About how large were the two building you tore down?

Joe Verser: The building that we tore down was a 30x50, and the one that we will be taking down is probably 3,000 square feet roughly.

Kevin Bailey (Board): The only reason you're here is because your 300 square feet over the size of primary structure, but you're taking down two buildings?

Joe Verser: Yep.

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-24-16](#)

VARIANCE REQUEST: 1654 West Matthews

Weston Wagner is requesting a variance for a driveway that has been completed for the duplex at this location. There were originally two separate driveways on the approved plans. The subject property is zoned R-2.

**Attachments:**    [Application & Narrative Letter - VR-24-16](#)  
[Mail Receipts - VR-24-16](#)  
[Pictures - VR-24-16](#)

Weston Wagner (Proponent): How are you doing, I'm Weston Wagner, and I'm here to request a variance for a driveway at 1654 West Matthews, my lot is 72 foot wide and 125 deep, my building is 57 wide and I poured my driveway the same width as the building. Instead of doing two separate driveways here, I poured one large concrete pad, it ended up being about 510 square feet more concrete than originally planned. So, like many roads in Jonesboro West Matthews is a very busy street especially in the mornings when school is starting and in the afternoons when school is letting out. I had some drone footage taken of me pulling into and out of the parking lot. The video is of me pulling into the parking lot getting off the road and getting into the carport. I'm a see if I can get this to play, so this is the drone footage I have of me pulling into the parking lot. I'm pulling in there, getting off the road, I'm able to back into the carport, staying off the street there, not obscuring traffic. I took a second video here, the second video is going to be me backing into the concrete pad and not having to back out straight into the road, in my opinion this is a huge benefit and safety issue not to have to move back into traffic. And then, along with the videos, I had some aerial shots taken, of just the outside right here, and that's more of a level view, here is a nighttime picture of it. Derrel will be able to verify this, but I had talked to some folks in the engineering, I did have to do a 35 foot setback here and to the best of my knowledge, Matthews is on the master street plan, that it could at some time be a widen road. I understand and it could many years down the road before this does happen however I don't want my building to be left with very little driveway slash parking area, unlike some of the other houses on North Main and other areas in Jonesboro. Something else to keep in mind is both these units are four bedroom units which could lead to more people and more cars, I own a few multi-family spots here in Jonesboro and it never fails that I have a tenant text or call me complaining that someone is in their spot. With my current concrete pad at this building, that should not be a problem. At the end of the day I 100% believe that with my large concrete pad is a better functioning option than two separate driveways, I hope you'll agree and let me keep it the way it is.

Doug Gilmore (Chair): Tell me about the plan you submitted to the city when you started.

Weston Wagner: Yes sir, when I first submitted plans to the city, I submitted a site plan, it did show the building and it showed two separate driveways, that's 100% correct, I take full blame on that. I did not even consider

Doug Gilmore: What made you proceed with that change without asking for a variance or anything at the time?

Weston Wagner: That one, again my fault, I didn't consider it, it wasn't on my radar that a driveway was a variance issue. That was my ignorance, and then as you can see the building next door is also a duplex and they have two drives with grass in the middle and constantly through the whole time of doing construction, I had seen people just constantly driving through it, making ruts, it was nasty and everything else, I was trying to avoid a future problem. My building is also quite a bit higher than theirs, because this is a flood zone, I had to build mine up to keep it out of the flood zone, but I was trying to avoid having the problem of ruts, in the middle there. To me it makes a lot more sense as far as parking and turning purposes, for them to back into that pad, instead of a busy street. With it being 57 wide it would have left two 20 foot driveways, so it would have been 17 foot in the middle, that sidewalk there is 5 foot, 17 times 30 is right at 510, and I wouldn't have to go all the way to the building, you could do a little section there but in my opinion I think this is a better functioning option.

Board: Do we have a permit site plan to look at?

Doug Gilmore: Derrel is looking for that.

Board: While he's looking, have you occupied the residence

Weston Wagner: I did pay a temporary CO, so there are occupants in there. I had another video, on here but it won't play, but it shows the tenants pulling in the same way as I did in my truck, I put a camera up on job sites to watch for theft and other issues and once I got a tenant in there I left it in there and they do the same thing, they pull in or they back in to the carport.

Derrel Smith (City Planner): It's not on file, I think Michael is trying to pull it up on ProjectDox.

Doug Gilmore: I'm just baffled at why you made the change. The site plan showed two different driveways.

Weston Wagner: Yeah, I get it, 100% I agree with you and it's just something I never even took into consideration, once in any plan, I never even thought about it, I didn't think about a driveway variance and that's my ignorance.

Rick Miles (Board): This being a duplex how many additional parking places is he supposed to be providing? Other than the carports themselves.

Derrel Smith: It requires to provide two parking spaces.

Rick Miles: Two per, okay, where are you designating those additional parkings?

Weston Wagner: I'll be honest I don't have a designated spot there, so the building is 57 foot and a half, I didn't divide it in half and say this is your side and this is your side. It helps a bunch you know with people moving in and out, big U-Haul trucks backing in, and guests over, not backing out into the street.

Doug Gilmore: No trees, no grass.

Weston Wagner: And I am completely open to, I have room in the back of the property there to put in trees and bushes in or at the side. I am completely open to that as well.

Doug Gilmore: Any more questions from the board?

Rick Miles: Just one more question, if he were to have to take the middle section out, what would that give you in actual driveway slash parking for each duplex?

Weston Wagner: 20 foot by 30-35 foot, 20 foot wide driveway.

Rick Miles: So you'd really have no place for any additional parking.

Weston Wagner: No additional park except for the 20 foot driveway. You'd have a 20 foot and a 20 foot on each side and then 17 of dirt in the middle. So there is no additional turn around spots or parking places, and these both are 4 bedroom units.

Rick Miles: It makes it even harder.

Weston Wagner: Right, harder for parking if you don't have the additional parking.

Kevin Bailey: Well I respect that, and I respect what you built and what you're doing down there, that's your responsibility for building something on a lot that small. I'm just totally against that solid chunk of concrete on Matthews and this downtown district, I'm not for it so, I move that we put it to a vote

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

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

[VR-24-18](#)

VARIANCE REQUEST: 4827 E Johnson Ave

Tralan Engineering is requesting a variance from the special overlay district requirements as well as the lot coverage requirements from 60% to 68%. This request is to add approximately 5,000 sq. ft. of canopy for a covered lumber storage yard. The subject property is zoned C-3 and is located in the overlay district.

**Attachments:** [VR-24-18 - Adjoining Property Owner Notification](#)  
[VR-24-18 - Application \(Signed\)](#)  
[VR-24-18 - Certified Mail Receipts](#)  
[VR-24-18 - Site Plan](#)

Michael Bogs (Proponent): Good afternoon, my name is Michael Bogs with Tralan Engineering, this is Mr. Todd Gazway with Gazway lumber, we're here asking for a variance for special overlay district and also for the canopy that will be going to go on there. The canopy that is being built, will have no plumbing, no electric and the lights in it will be solar, so it's not, it's open sided, it's just a covered lumber storage area, that we're requesting but since it's considered a structure, it's 20% more than the original building, it opens up all these other ordinances, special overlay district, landscaping ordinance, so we're not requesting necessarily a variance from the landscaping ordinance we're willing to put in the islands, put in some landscaping to make that requirement but the special overlay district for the green space requirements, the requirements for wood, brick, or stone, for the new structure and also the existing structure, just makes it a little more, and we're also asking for a variance for the greenspace requirement, taking the greenspace requirement from the coverage requirement of 60% to about 68% to provide an asphalted area for the trucks and stuff to turn around in around the canopy to meet some of those needs. If y'all got any questions, I'll entertain.

Kevin Bailey (Board): Three different variances within this or three different items in this one variance request?

Michael Boggs: It's a variance from the special overlay district requirements, because of the canopy, we're not asking for variance from landscaping, we're just asking for a variance for special overlay and the lot coverage area.

Unable to transcribe

Michael Boggs: Yeah we're asphaltting the area, we weren't asking for a variance from that.

Kevin Bailey: It's already fenced right?

Michael Boggs: It's not fenced, it will be fenced.

Kevin Bailey: How bout you Derrel?

Derrel Smith (City Planner): They're getting the landscaping in which is a big plus. As far as brick or stone on the existing building, we haven't required that yet on an existing building, so on those I don't think the city has a problem. The 60 to 68% we've done that in the past on a few occasions on existing buildings, not on anything new but we have when working with an existing structure.

Kevin Bailey: Is that one of the ordinances we have been considering making corrections to as well? Okay.

Board: What type of building structure is this, is it like a pole barn with a roof on it?

Todd Gazway (Proponent): No it would be steel lumber racks with a canopy over the top just to keep the material dry.

Rick Miles (Board): Was there a drawing submitted with this?

Doug Gilmore: With elevations is that what your Rick?

Rick Miles: Well, I was really wanting to see how the structure was going to be actually built.

Derrel Smith: We don't have that yet.

Rick Miles: You don't have that yet, okay is that something you're going to forward to the city?

Michael Bogs: If we get the variance and are able to start on the building process, then yes, you'll have access to that.

Unable to transcribe

Rick Miles: Is that something that is required Derrel?

Derrel Smith: Yes, when they submit the site plan and building and everything for review that will be required.

Unable to Transcribe

Casey Caples (Board): I think with my question, I was a little more concerned we were gonna have some wood columns standing up with a metal roof stuck on top, some wood trusses and it may not look favorable, just kinda sitting out there, but if we're talking about painted steel columns and you got a nice canopy structure over the top your lumber, I can kinda see that cause I know how those lumber yards go, but I just, didn't think a pole barn would look very good.

Unable to transcribe

Doug Gilmore: Anybody here to speak about this? Questions? Yes sir, come on up.

Anthony Rodell (Opposed): Yes, my name is Anthony Rodell, I live at 617 Peter Trail, if you zoom out a little bit, you'll see my property right there on the back side, where they're going to build the awning. Reason I am here, I have a couple concerns with building anything on that property. My yard along with every neighbor along that ditch and the house directly behind it, the water runoff is way too much, to where it is eroding all of our fences, I have spent 15,000 dollars in the last year trying to fix my backyard, only for it to wash away in two rains. All of it stemming from the fact that when this subdivision was built, no one took into account where to put the drains, all of the drains are in the highest points, so the water runoff goes right through my backyard, and every single one of the Craighead county tax payers that run along that ditch have the exact same problem. So, I'm very against putting anything there unless we can, adjust and focus on the ditch being fixed, because it's only going to make my problem even worse, cause it's gonna erode out, I got full fence posts exposed all the way to the concrete, I have one hole that's in my

neighbor's yard that is no so big it's in mine. I have two kids, two dogs, I have already spent a 1,000 dollars this year to get three tons of rock dropped into my backyard just to fill these holes, so my kids can play in my yard. So, I have a little bit of concern, before I would be okay with anything else being built cause the way I'm looking at it that's just gonna destroy my property even more.

Doug Gilmore: Thank you, Mr. Boggs, can you help this gentleman out?

Michael Boggs: Sir were you talking about the water coming down the ditch, not necessarily any water from his side, but water that goes into the ditch and runs off down

Anthony Rodell: Any run off that's going to go into that ditch is going to go through that house directly behind it and go right through my yard, and I have pictures that I can show you, that shows how the water runoff goes through, there are no drains that are gonna do anything to cut that off.

Michael Boggs: I know in the design piece of this we would have to handle the storm water runoff from the site, we can't increase the water from what's existing, we will change the flow pattern of the water because now this won't be an open site where it just drains off there will be curb and gutter, so we'll have places where we let the water out into and we'll also have to have some sort of retention requirement, there that will handle that as well. So, in the design we won't make matters any worse, I can't say that we will make the matters, take it and make the matters better because of the existing water that's going to be coming through the ditch, but the new water will not be an issue.

Doug Gilmore: How about you be a good neighbor and see if you can't work it out, to where it won't?

Michael Boggs: That drainage area is over a hundred acres, of all the water that is gonna drain through there, it's not we can solve a hundred acres of water.

Doug Gilmore: I'm a kitchen guy, and I could probably figure that out. You're an engineer.

Todd Gazway: I sympathize with the gentleman's situation because we have lived with erosion along the front and down the side for as long as we've owned the property, it's definitely, we got erosion issues on the front that we're gonna need to spend well a lot.

Anthony Rodell: I see it all the time, I live right there in that neighborhood.

Todd Gazway: Well, I do too. I'm right there too, the erosion is definitely a problem, however when we built the property and moved in there, we took care of water detention for the entire property, including that piece of ground there. So we have systems in place to care of detention as far as water comes off ours, but I think the water we're talking about is what's coming under the highway, rushing through our front, eroding that ditch and moving on down and it's absolutely a lot of water that comes from the hospital. But that was there before we got there for sure.

Doug Gilmore: Alright, I'm going to ask you an engineering question.

Michael Boggs: Okay

Doug Gilmore: Who takes care of that problem?

Michael Boggs: Who takes care of what problem?

Doug Gilmore: That ditch problem with the water coming from the hospital?

Michael Boggs: I would say that maybe since it's in the drainage easement,

Doug Gilmore: Well, we know we got a problem with the neighborhood. And the water is coming north of you, but it's not necessarily your water, who fixes the problem like that? Who says I can fix that problem? Is it city government?

Michael Boggs: I figured it would probably fall under some sort of city type piece there.

Doug Gilmore: Craig as far as the city goes, would you like to address that issue? It's not on the agenda but we're gonna talk about it.

Craig Light (City Engineer): We have done some periodic maintenance along that channel. We have patched areas that erosion has cut holes in, a lot of the property owners, the erosion is happening when water from their yard flows into the ditch underneath their fences, that's where it's eroding, we have patched along the ditch, we did a project with City Water and Light three years ago I think, and rocked a big portion of that ditch along this boundary line. We didn't go into the neighbor's yards and do stuff outside of the easements. We've told the property owners, that it is their responsibility to get the water from their yard into the ditch. If there is water that is leaving the hardware site and going directly onto the neighbor's property we do need to address that with the site plan. If there's property to the south of the existing building that's not curbed, I think it needs to be curbed and that water directed to the ditch appropriately and not into the neighbor's property. But we do maintain that ditch, it's not one that, we have spent money on it over the last few years, we have a lot of ditches in the city

Doug Gilmore: Well, sir do you feel that the water is coming from the ditch onto you or from the Ace Lumber property?

Anthony Rodell: So, I actually did a little bit of research into this and I contacted the streets department, and I asked them, you know whose responsibility is it? The streets department sent out a gentleman really nice individual he sat with me for about 2 and a half hours, cause his first thought was what these holes flowing into my yard were, was that there may be a hole in the sewer line, cause the sewer line runs directly through the back of my fence and I have a manhole cover back there. So, he thought maybe it's that and he got some dye out, we sat for about 3 hours and he's like man, I'm not seeing dye there's nothing in the sewer line down there, so I don't think it's a hole, that point we figured out it was water runoff contacted the streets department again I got stated to me which was, if it's not coming from the ditch it's not their problem per say, maybe not in that mean of words, but that's the idea. It's not coming from the ditch, my water run off stems from everything that stems from the backside of that building and through everyone's backyard and even through the street because I have no drain anywhere near the front of my property to catch anything, it all goes directly through mine through my neighbor's through five different houses, all within that same little subdivision and all the houses have that same issue. Mine just happens to be the biggest. I have spent over 10,000 dollars last year, I know the previous owners of my house, had paid a contractor to come in and I know they concreted it at one point, and it eroded under the concrete and made it even bigger. If you need pictures I have plenty, I have pictures that can show you exactly what it looks like, even Mr. David McCain, he came out to my house and actually talked to me for a hour one day last year, I've been working with him on and off, I haven't really heard much from him here lately, but he had come out and he was blown away, at how big these things are, and for me my concern as a parent, as a dog owner, I can't use my backyard if it were to get worse. And I have already invested way too much money in this.

Doug Gilmore: Man, so Mr. Boggs would you?

Michael Boggs: Your house is it along this side, or along the back?

Anthony Rodell: So, the one that's along the ditch right here and the one that's on the corner property right next to me, their corner, their whole left side over there, is now eroding out just like mine. So, they're about to lose a quarter of their fence that's along that property and I've already got holes going all along mine, on the left side there and I can't afford to have that one little part of my

fence go down.

**Michael Boggs:** I'm just trying to understand, because right now, Todd, is the back part of Ace right now curb and guttered?

**Todd Gazway:** Yes, and that's all the drain holes right there.

**Michael Boggs:** So, all the water that is coming that is the grassy knoll and the stuff that's behind the curb. It's gotta be the water that's coming down that way, is the grassy knoll and into the ditch, but I like I said once that gets designed, we're gonna curb and gutter that's around that, that will control the water flow, so it won't be draining back down, right now it's draining across that property to that back corner, but we'll have it drain down into the ditch with some kind of let down structure that lets it in there, but also controlling the flow of the water. I can't speak for Todd but we can look see what else is there.

**Todd Gazway:** We wanna be a good neighbor absolutely.

**Board:** I did notice that pad we were talking about putting that, the elevation there, that's probably a couple feet higher, than you're existing parking lot are you gonna cut that down quite a bit? So that's gonna help you a little bit too, kind of keep that slope, where it's coming down just rushing into your property, if they're gonna cut it down, I figure they're going to have to just to get the asphalt and everything to tie in. And I get what you're saying if he does curb and gutter that parking lot, he can take all that water, you been getting off that elevated side, it should take that and redirect it somewhere else. Hopefully they'll get it directly into the ditch and not where it comes down the back of your property, because I can see where it actually might help a tad if they direct it the right way.

**Doug Gilmore:** You said something about a detention system, where are you putting in that?

**Michael Boggs:** We're gonna have to mitigate our, I'm going to have to look at what the existing structure was designed to handle, and how it's handled with this, because it used to be set up to look like it could be sold off as a parcel and overtime with the location of the ditch, it's just something that hasn't been sold off, so Ace Hardware is needing some more area for lumber storage and trying to work that area, so they're looking at doing this, we'll see what we have to work with there.

**Trey McKee (Public):** Trey McKee, the ditch that he's talking about is in front of his store where the water comes out from the hospital, that water across the street needs to be addressed so it can slow down, this coming across has eroded 6 to 8 feet of this property, because I've seen it, they keep putting rock in there and it just keeps disappearing. So, something needs to be done on the hospital side, to slow that water down from coming across.

**Doug Gilmore:** The city engineer and a representative from the mayor's office, have all heard this, we hope something can happen with that problem, and we expect that Mr. Boggs can take care of the water that has anything to do with this property, so, the question at hand is you know whether to allow a variance to go a little bit bigger than it should be. We appreciate your input, we would not have known about your problem unless you showed up. We appreciate you doing that. Any other questions.

**Rick Miles (Board):** Mr. Chairman I'm gonna move that we table this project until this other items can be looked at and addressed, and then come back to the variance at that time so we can see how the water situation is going to be handled.

**Doug Gilmore:** Okay, motion on the floor to table, do I have a second?

**Michael Boggs:** Is tabling it necessary? I mean, because the drainage stuff how can?

Doug Gilmore: That's part of the succession of building isn't it? You're gonna have to do that anyway is that what you're saying?

Michael Boggs: We're gonna have to handle our drainage ourselves, I can't handle the existing water that's coming through, that's something that's gonna be handled by the city, as long as we're not making the matters worse than they already are with our water coming down, I don't see why.

Rick Miles: Okay, Michael what I'm trying to get at, is you have nothing in these drawings whatsoever that shows any movement of water, you're not showing a retainage you're not showing directional.

Michael Boggs: The point is we get the variance and then we have to take it through staff and engineering in order for them to approve that, typically you don't go into a BZA with fully developed plans and go this is what we're doing, we give you the concept of what we're doing, what we're asking for, y'all approve that, and then we take it through the Planning staff and the Engineering staff, with the drainage improvements, drainage calculations and thing of that nature to make that happen.

Doug Gilmore: This variance would not, pre-clued them from anything he just talked about.

Michael Boggs: We still have to meet all requirements.

Doug Gilmore: They still gotta come with drainage and show, you know, so engineering and everybody can agree on it. This is just their first step. Motion for table died for lack of second. So, it's the original request that is before you.

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

**Nay:** 1 - Rick Miles

[VR-24-19](#)

VARIANCE REQUEST: 1204 Dove Rd

Tralan Engineering is requesting a variance from the rear setback requirements of R-1 from 25 feet to 10 feet. This request is to build an addition onto the existing primary structure.

**Attachments:** [VR-24-19 - Adjoining Property Owner Notification](#)  
[VR-24-19 - Application \(Signed\)](#)  
[VR-24-19 - Certified Mail Receipts](#)  
[VR-24-19 - Site Plan](#)

Trey McKee (Proponent): Trey Mckee with my daughter's house right here on 1204 Dove. She wants to add a room onto the back of their house, and the way this ordinance read, I need a variance to go back there, there's a row of trees back there, the land behind is that High Meadow street that has a split between the two roads like a one way, so there's quite a bit of land there before she gets to her property, and then there's an easement there and then this building. There's some pictures I left on some of y'all's desks that looks like this right here.

Doug Gilmore (Chair): Yeah we got all those. So there's a red fence

Trey Mckee: Red fence is not my daughter's.

Doug Gilmore: No, that's the property to the south.

Trey McKee: But that's the question I have because when you get to the third page, that's the inside of her yard, we'll have to raise this building up to meet the level of the house, so we wanna at least match the fence or however that

is, because that's what they did, they raised their fence up, built all that, it started on the corner of Nettleton and High Meadow and came down the backyard that way, so the first guy raised his and the second guy raised his up, and built a fence, and at one time my daughter's fence and the neighbor's fence was all the same height. And you'll see down here, there's a drainage where we pump the water out to the street up there. Her yard there's just a big pond back there now. I guess I got two variances one for the building one to make the fence work.

Doug Gilmore: Do you all know where this property is? On the corner of Oak Meadow and Nettleton.

Trey McKee: It's kind of right behind the  
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Doug Gilmore: One of the Hedger boys lives on that corner and Dove. And really they put in a fantastic looking fence. Ronny thank you, Leon wouldn't have spent that much money. But Ronny did.

Trey McKee: Well, this first part of it, is Leon's, then it stopped and went down you can see the phone boxes all buried.

Doug Gilmore: But that goes down Oak Meadow, and an addition that will look like its being started with the neighbor's will be a nice look, for that avenue down through there.

Board: Except for that fence, it's turned backwards.

Doug Gilmore: Well, that got by somebody, I doubt they permitted that.

Board: Yeah, that's backwards and it's too tall.

Trey McKee: Well, it's not too tall now because they got the dirt going back. But I mean.

Board: It's too tall for what it used to be. That's an 8 foot picket.

Doug Gilmore: Yeah, that's an 8 foot picket.

Trey McKee: Well, I'm not fussing about that.

Doug Gilmore: Trey how big is that, how far off the back setback, the utility setback, is it right to the utility setback? Right on it.

Trey McKee: Yeah there's a phone line back there.

Doug Gilmore: That's the only utility that we know of, no sewer, waterline, anything City Water and Light have to do with?

Trey McKee: No

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Kevin Bailey (Board): What is the utility easement back there? Is it 10 foot?

Okay, and your variance is asking to build up to utility easements. Within the 25 foot setback that's beyond the utility easement. Its 35 feet from the property line, right?

Michael Bogs (Proponent): It started out as an accessory structure, but it ends up being connected to the building so it's not an accessory structure, it ends up being a part of the building, an accessory structure can be 7 and a half feet off the setbacks per ordinance, but with this being an accessory dwelling unit, it has to be attached and becomes an extension, so we're just looking at that variance trying to get to build it to that 10 foot setback.

Doug Gilmore: Derrel, what's the city's position?

Trey McKee: Now on the other side Derrel, you got this much property before you get to the easement so it's not like we're building real close to that.

Derrel Smith (City Planner): That's probably right of way isn't it?

Trey McKee: That's part of the other people's property, I don't know. We're not gonna build on it that's for sure, right now it's like them other pictures you got up there.

Derrel Smith: I mean if it wasn't attached it could go to ten foot. It being attached is where it has to be in that setback. I mean, if y'all feel that it's a

hardship and the neighbors are in agreement with it, then I think we'd be okay with it.

Trey McKee: We talked to both neighbors they were okay.

Doug Gilmore: Anyone here to speak against this? Any more questions?

Board: Are we gonna talk about his fence? Are you asking for the fence as well?

Doug Gilmore: I don't think you're there yet, for as high as that fence is gonna be are you?

Trey McKee: No, cause I got to wait till we get the property raised up, it's probably gonna be a foot and a half, I mean I can bring it to six foot that's not gonna be a problem.

Doug Gilmore: That's not part of the variance, he isn't asking for that right now.

Board: You said everyone's been notified?

Trey McKee: Yes, the house next door on the driveway side is Bob Hahn's house he passed away so we talked to both the kids and then the person who is in the big white house, she called and said she was okay with it. It doesn't go all the way to the side of the house on the far side here, just trying to make a driveway another garage in there, for storage and stuff like that, and an upstairs room, but when this all passes, I'll have to get with Derrel on the other stuff.

Kevin Bailey: If we granted this variance the overhang of this addition cannot get into the 10 foot utility easement.

Trey McKee: I've been told that by Travis 5 times.

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

#### [VR-24-20](#)

VARIANCE REQUEST: 798 Cypress Knee Cv

Eric and Stephaine Mullins are requesting a variance from the fence code to allow them to build a fence closer to the road. The subject property is zoned R-1.

**Attachments:** [VR-24-20 - Application \(Signed\)](#)

[VR-24-20 - Mail Receipts](#)

[VR-24-20 - Narrative Letter](#)

[VR-24-20 - Pictures](#)

[VR-24-20 - Site Plan](#)

Eric Mullins (Proponent): Hi there, I'm Eric Mullins and this is my wife Cammie, we are the owners of 798 Cypress Knee cove, and we are here requesting a variance to build a fence on our property, as you can see in the narrative, we're requesting this variance to extend it out to our property line, which are in the dimensions of the fence behind us, which is at 4017 Cypress Glenn road, so that's our neighbors behind us, and what we're requesting is 63 feet by 38, and so our fence builders whenever they came out said to get those dimensions, we would need to request a variance because of the property setback. Apparently, you have to have that 10 feet back from my understanding that was done on corner lots for a safety issue. So people coming up on that stop sign could have a clear view, but as you can see the dimensions that we're requesting would not have any impact on that whatsoever. And I've also included for you guys some pictures, to see what that view would be from the stop sign and how that wouldn't have an effect. Also, we have the signed

letters from our neighbors, that they're giving us a thumbs up and actually have encouraged us because they see us out running with our kid and our dog in the backyard, without a fence back there. You can see from the angle of the street if you go back to that prior view how our yard, the corner actually sticks out further than the back property line, where we want the fence, so there's even more of a clearance view, so you can look at the corner, up where the stop sign would be, it's kind of a weird angle and our backyard sits back off the road even more, so there's even more of a better view from the stop sign there.

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Derrel Smith (City Planner): We already have, it has to be 10 foot off the property line, or the edge of the right of way, used to it had to be 25 feet off so we extended it 15 feet out.

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Derrel Smith: We don't have any surveys showing where any property lines are so we don't know.

Doug Gilmore (Chair): Members would you want to see this in plat plan to see where everything is at?

Kevin Bailey (Board): I would Mr. Chair, I'd prefer that we had at least a plat plan and something drawn on there so we could see if we're asking for 5 feet, 7 feet, or 4 feet.

Doug Gilmore: Mr. Mullins what we would like you to do, if you will, in order for us to look at this is for you to get with an engineer or a surveyor to put your house and your lot, it's called a plat plan and you've done a great job with this drawing but it's not precise as far as setbacks and property lines, street setbacks but that will all be provided by that surveyor. And it's not a tremendous load as far as money goes. But it would put you into next month's meeting. Would y'all be able to do that? Now you do understand what I'm asking for?

Eric Mullins: We may have a plat I'm not sure.

Doug Gilmore: Y'all have a plat? Bring it up here then. Yeah so what this is just again, a google maps type of thing, but if you would please get us a survey, could be done by a surveyor or an engineer and they will provide that to the city and then they'll tell us how much of a variance you'll need, if you need one, and that way we're just not offering you a variance and you're fence guy take it too far. It really needs to be in writing as far as this is what we're asking for, this is what we got, and then it will be done the correct way. Hope that makes sense, talk to Derrel afterward if it does not, or one of his staff, Michael.

A motion was made by Kevin Bailey, seconded by Casey Caples, 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-24-21](#)

VARIANCE REQUEST: 815 N Main St

North Main Baptist Church is requesting a variance from the overlay district requirements for a sign. The subject property is zoned R-3 and is in the overlay district.

**Attachments:** [VR-24-21 - Application \(Signed\)](#)

[VR-24-21 - Mail Receipt](#)

[VR-24-21 - Sign Proposal](#)

[VR-24-21 - Site Plan](#)

Jackie James (Proponent): My name is Jackie James, I'm representing North Main Baptist, along with a few other church members, they got an old pile on sign that was put up 35 years ago, has the old changeable letters on it, and they're wanting to upgrade to a new pile on sign with an electronic message center on it, so they can do their programming from the office in the church, currently what they're doing is either dragging a big ladder out there and getting on the ladder and trying to change the letters, now they're backing a truck up to it, putting a step ladder in it, climbing up changing the old style letters.

Doug Gilmore (Chair): That's the day that OSCHA shows up.

Jackie James: Yeah, that's just waiting for someone to fall and get hurt real bad. So, we're asking for a variance to let them replace the existing pile on sign and incorporate a new message center in it, and they wanna do that in the original location because the pole's there, the footing's there, so it would just be a matter of tearing the old structure down, and building a new one, all aluminum now and replacing it, it would be about a foot and a half shorter than what they actually got now, so that's why we're asking for a variance.

Doug Gilmore: So you're taking that sign James, from where it's at now and moving it closer to the church?

Jackie James: Well, we would like for it to go back to where it is now, that's where all the power is, the footing's there. I just put that purposed on there, just in case we needed a second option, but if we can use where we got it now, we got concrete, we got a pole, we got power.

Doug Gilmore: You have a conduit to pull up a cap 5 cable out there.

Jackie James: It's all wireless.

Doug Gilmore: Oh it is?

Jackie James: Yes, it would run on cloud, but that's what we're asking for a variance for, to just replace the existing sign so they can punch some buttons and send their messages, and times out there without having to get in the back of a truck and climb a ladder.

Doug Gilmore: Questions?

Casey Caples (Board): You also in your plans, got an 8 foot monument sign in there, what is that about?

Jackie James: That's was, I gave them a lot of different options, and that would, I talked to Shun and he said, I know we're in an overlay and they have a new code for monuments and so forth.

Casey Caples: Okay, so you just wanted to show them on in code might look like.

Jackie James: If we did a monument that's what it would look like, and I showed that to the church, they're really concerned about putting one down that low, right out there, so I mainly just drew that to show this is another option that we do have.

Casey Caples: Okay.

Doug Gilmore: Any other questions?

Kevin Bailey (Board): Derrel, this is in the overlay district so we don't allow pole signs in the overlay district correct? They have to be monumental and we've given variances to 12 foot height but have not any pole signs.

Derrel Smith (City Planner): Correct.

Kevin Bailey: If it was at the other purposed location, Mr. James then that would be better than a pole sign stuck out there in the overlay district on a 5 lane, is my thoughts, sitting out there on the road, but you're gonna see it coming north from North Church, 141, it might not be as visible coming south on North Church but you would definitely see, if you straight on look at it as you're coming down North Church. Before you start making the curve.

Casey Caples: We just haven't been allowing any pole type signs in the overlay district, I can agree with you on getting on the side of going 12 foot with it, just to give them a little more height out of it. I can understand that, I really don't want to change our way of thinking on those signs with a pole mount.

Jackie James: What if we took the same pile on sign and cut it down to the 12 foot limit, I'll use the same design and go back in to the original location? I mean we're open to seeing what we need to do to get them a new sign up and make it a lot easier for them.

Casey Caples: But you're still wanting to go with a pole mount type sign?

Jackie James: Well, we would have a full skirt going to the ground, so it would just look like a tall monument sign, the square around it is just an aluminum covering over the pole. I can make it as wide as I need to.

Casey Caples: Right, whatever side you can make it look like a monument sign, I think that's kind of what we're getting at.

Jackie James: I can make any of them look like a monument sign.

Casey Caples: That's what we're getting at right? I might be wrong. I don't know.

Kevin Bailey: And 12 foot is just what we've approved in the past, for other signs.

Doug Gilmore: But we do have a president to.

Kevin Bailey: We do.

Jackie James: And to save the church a lot of money you know, we got the footing, a pole, power there, if we move another location we'll have to put a footing in, put a pole in, and they'll have to hire an electrician to trench all the way down and underneath it to get to it so, that's gonna be pretty pricey too.

Board: Derrel, does the city have a problem with where the sign is located at right now?

Derrel Smith (City Planner): It's on the same property as the church, as long as the church owns the property

Jackie James: The church owns the property, the sign has been there for 35 years.

Board: I don't think the location gives anybody heartburn it's just the style.

Jackie James: Just the style and the height that's correct. We can make a monument out of it and cut it down to the height.

Kevin Bailey: We have been consistently doing monument signs only, with a 12 foot top as a variance and I'd like to make sure that we stay the same.

Jackie James: I can make new drawings for the permit for Shun and everything.

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

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

[VR-24-22](#)

VARIANCE REQUEST: 5307 Stadium Blvd

Warren Younge is requesting a variance from the overlay district sign regulations to erect a pylon LED sign. The subject property is zoned C-3 and is in the overlay district.

**Attachments:** [VR-24-22 - Adjoining Property Owner Notification](#)  
[VR-24-22 - Application \(Signed\)](#)  
[VR-24-22 - Mail Receipts](#)  
[VR-24-22 - Pictures](#)  
[VR-24-22 - Site Plan](#)

Jackie James (Proponent): I'm back again, Warren is out on stadium and what we run into is he wanted to put a message center up, I know that's in the overlay and we got, that's what we proposed, there's an existing pole, already there and there's some that driveway there you see the power lines, and the right of way. I measured the right of way zone, got with the highway department and the city we measured the right of way zone, and they come, you see those cars parked on the side, the right of way is way up there by where those cars are. Then, to the right of that towards the building we have those main feeder power lines and the state won't let us put anything under a power line. So, that backs us up almost to his building. So that's why we were purposing to use the pole that's there and put a sign back on top which it did have at one time.

Doug Gilmore (Chair): But you want to make it 24 feet high?

Jackie James: Well, so it would be above the building. And from where that pole is, to where that right of way is there's that drive thru there but we're underneath the power lines and the state won't let us go under the power lines. That's about the only area we could come up with for him to have a sign.

Kevin Bailey (Board): And Mr. Chair this is in the overlay district and that is slated to be widened, the highway out there is, so I would urge us to be consistent with what we've done in the past. Mr. Chair I move that we place this variance on the floor for a vote.

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

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

[VR-24-10](#)

VARIANCE REQUEST: 516 GEE

Little & Associates Architects, Inc. is requesting a variance for a frontage reduction of 60% to 30%. This site is located in the commercial mixed-use district.

**Attachments:** [Signed Form](#)  
[Variance Notification](#)  
[516 Gee Street-LP-1](#)  
[516 Gee Street-SP-1](#)  
[Building Plan](#)  
[Notifications](#)  
[Old Site](#)  
[516 GEE- CODE RESOLUTIONS](#)

Scott Troud (Proponent): Board Members, I'm Scott Troud, I'm an attorney for JBA properties that has built this building, I apologize for my appearance, I didn't know about this meeting until an hour beforehand, that's not y'all's fault I was hired a week ago. First and foremost and I don't know what the feeling is on this but I would like to ask for a little bit more time to better reprise myself of how things have come together with regard to this building and to speak

with the city a little more on it, I don't know if that's an option at the moment, but an hour was a bit of a short notice.

Doug Gilmore (Chair): We understand this fiasco has been drug out for a long time, and there's been a lot of interested people in this room to get it resolved.

Scott Troud: Yes, I understand.

Doug Gilmore: And I understand, from your stand point, you needing more time, and I think that's an honest assessment of your situation, and we can put it on for next meeting. I'm not going to call for another special meeting, we did that last time, and you weren't involved in it, and I know that, but the Purnells pulled it off and we have a right to do that.

Scott Troud: Understood.

Doug Gilmore: So, I'll see what the board wants to do about tabling it.

Kevin Bailey: We haven't even un-tabled it.

Doug Gilmore: Oh, so what are we even talking for? But we can leave it tabled and does the board see any problem with that as far as? Alright.

Derrel Smith (City Planner): The city will need to stop work on it.

Carol Duncan (City Treasurer): I mean they're still working on the building.

Derrel Smith: Yeah they'll have to call for a stop work order, before.

Doug Gilmore: If you would inform your client to not do any more work, they have done work since, we're talking about driveways, and sidewalks.

Scott Troud: Right, and that's part of the problem, I've looked through what my clients have, we've had some initial discussions with getting documents out of the city, my understanding is that they do have a building permit, as the time correct?

Kevin Bailey: I'm sorry Mr. Chairman but if we're gonna talk about it we'll need to un-table it.

Scott Troud: I'm sorry, I'll pull it was just regarding the work order.

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Scott Troud: And it is a problem for me too, the fact that this is the 3rd meeting on this issue, is in itself news to me, so obviously I want to get this moving, quickly, I just don't have.

Doug Gilmore: We'll call it a continuance.

A motion was made that this matter be Tabled . The motion PASSED with the following vote:

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

## 5. Staff Comments

## 6. Adjournment