



# City of Jonesboro

Municipal Center  
300 S. Church Street  
Jonesboro, AR 72401

## Meeting Minutes - Final Board of Zoning Adjustments

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Tuesday, December 18, 2018

1:30 PM

Municipal Center

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### 1. Call to Order

### 2. Roll Call

**Present** 5 - Doug Gilmore; Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

### 3. Approval of Minutes

[MIN-18:120](#)

**MINUTES: BZA Minutes from November 20, 2018**

**Attachments:** [Minutes from BZA Meeting from November 20, 2018.pdf](#)

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

**Aye:** 4 - Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

### 4. Appeal Cases

[VR-18-40](#)**VARIANCE: 1106 E. Washington Avenue**

David L. Scott is requesting a variance for address 1106 E. Washington for a metal carport to be located in the front yard setback of the 25 ft. required setback. This is located within an R-2 Multi-Family Low Density District.

**Attachments:**    [Application.pdf](#)  
                              [Picture of Portable Garage.pdf](#)  
                              [Residential Application.pdf](#)  
                              [Plat of Survey.pdf](#)  
                              [Drawing of Location.pdf](#)  
                              [Signatures for the Carport.pdf](#)  
                              [Adjoining Property Owners Signatures.pdf](#)  
                              [Pictures of Area.pdf](#)

David L. Scott is requesting a variance for address 1106 E. Washington for a metal carport to be located in the front yard setback of the 25 ft. required setback. This is located within an R-2 Multi-Family Low Density District.

**APPLICANT:** Mr. David Scott said I am here to add a carport, my cousin next door will give me written approval.

**BOARD:** Chairman Mr. Doug Gilmore said we can make a motion with the stipulation of the pending letter.

A motion was made by Rick Miles with stipulation that the application will not be permitted until the signed letter is completed by the surveyor is given, seconded by Sean Stem, that this matter be Approved. The motion PASSED with the following vote.

**Aye:** 4 - Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

[VR-18-46](#)

VARIANCE: 206 E. Nettleton

Dan Ferguson is requesting a variance for address 206 E. Nettleton to be able to go on the property to his east and finish the fence construction that he obtained a permit for. This is located within an R-2 Multi-Family Low Density District.

**Attachments:**    [Application.pdf](#)  
                          [Letter Sent to Neighbors.pdf](#)  
                          [Letter.pdf](#)  
                          [Pictures of Fence from Applicant.pdf](#)  
                          [Pictures from Applicant.pdf](#)  
                          [Pictures of Area.pdf](#)

Dan Ferguson is requesting a variance for address 206 E. Nettleton to be able to go on the property to his east and finish the fence construction that he obtained a permit for. This is located within an R-2 Multi-Family Low Density District.

**BOARD:** Chairman Mr. Doug Gilmore told Mr. Ferguson that all board members have seen some videos and pictures that the opposing neighbor submitted prior to the BZA meeting. Mr. Gilmore further added if anything, from either side breaks out in this room today, you will be removed and it is up to the officer to see if you or your neighbor are arrested or not. We will keep it civil.

**APPLICANT:** Mr. Ferguson said he is not here. Mr. Ferguson said the problem is the area on the east, 36 inches of my lot belongs to my neighbor now. He got a survey done and took my side of the property five years ago. After the surveyor came the entire lot line got moved 36 inches, which had not been the case for at least 50 years. My first conversation with John Dorsey was eight years ago, I changed my fence in the backyard. This neighborly feud started when my wife moved out a few years ago.

**BOARD:** Chairman Mr. Doug Gilmore said let me interrupt, please stay with the fence.

**APPLICANT:** Mr. Ferguson said two fences were built, in the past three to four years, John has gotten out on the driveway and the grass goes to the driveway. John puts up his no trespassing signs on the window.

**BOARD:** Chairman Mr. Doug Gilmore said please stay on the fence.

**APPLICANT:** Mr. Ferguson said this is all relevant, I think, sir. The fence is there to separate me from him, because obviously we do not see eye to eye. In fact John Dorsey is not a bad neighbor, he is predatory towards me and he has dragged me to court, filed bogus charges against me, which were all dropped. I came and got a fence permit, spoke to Mr. Abdul over hear let him know the reason of the fence was to protect my property and my car from John's lawn mower. Built the fence, it took me 3-4 weeks to build the fence, there was not one complaint, as soon as I finished the fence the complaint was filed regarding my fence and a car in the backyard which was sitting there for 4 years, and was blocked from view. Only John Dorsey could see the car in my

backyard. I could have built the fence the right way, if I were told how to do it. I was told to appeal to the BZA board, pay \$200 dollars to get on the agenda, where I had already spent \$600 dollars on the fence itself.

**BOARD:** Chairman Mr. Doug Gilmore said now you are asking to finish the fence on the other side that is what the variance is? That is what the paper work shows that you filled for the variance application.

**APPLICANT:** Mr. Ferguson said No sir, I offered to finish the fence, and attached that letter to the submitted paper work the planning department. I offered to finish the fence and did not get a response from my neighbor. I take that offer on the table at this point.

**STAFF:** Mr. Derrel Smith said what he is asking is either the fence's smooth side to face him is accepted or he is given the opportunity to finish the fence on the other side.

**APPLICANT:** Mr. Ferguson said \$800 spent to protect my own property is a little too much.

**BOARD:** Mr. Miles said did you even approach your neighbor before you even started this fence.

**APPLICANT:** Mr. Ferguson said no sir.

**BOARD:** Mr. Miles said you knew full well that you will be at the property line, and did not approach your neighbor. Additionally, the code states the finished side will be opposite of your property and you chose to put it on your side anyway.

**BOARD:** Mr. Miles said as a body we have an obligation to all the citizens living in Jonesboro. That codes and rules are followed to the letter.

**APPLICANT:** Mr. Ferguson said no sir I did not know that until a complaint was filed.

**BOARD:** Chairman Mr. Doug Gilmore said I would like to call upon any one here who would like to oppose this variance.

**APPLICANT:** Mr. Ferguson said can I mention one thing before I sit. The reason it is on the property line is because the fence is a continuation from the fence in the back. The day I lined up to put my fence in, he is in the kitchen yelling profanities at me and saying he will tear down any fence I build.

**CITIZEN:** John Dorsey and Susan White, they live in 208 E. Nettleton. Ms. Susan White said John is the homeowner. Ms. Susan continued I hope each of you got to read my email, I know it was long I apologize. I hope you got to see the pictures and videos that I sent. I want to be very clear we do not oppose the fence being there, I would like that it is built according to code. I hope you all got to see the video from October 9th, he was banging on the fence and was screaming profanities at us. He is using that metal fence as an instrument of harassment. I would like to ask if he has that fence that it would be built according to code and it will be built with wood. That is our only opposition. I would also compromise to allow a crew on to the property and finish the

opposite side.

**STAFF:** Mr. Derrel Smith said as long as it is not bare metal or galvanized, we do not have anything in the ordinance to prohibit the metal fence.

**BOARD:** Chairman Mr. Doug Gilmore said the only problem with the fence is that it is constructed with the smooth side inward and the posts facing the neighbors. That may be your desire (wooden fence) but that is not a code issue. If Mr. Ferguson finishes the other side, would you allow him to be on your property for that length of time?

**CITIZEN:** John Dorsey said I do not want him on my property. If he can have someone else do it, he can do it.

**APPLICANT:** Mr. Ferguson said I only banged once, when he got in the window he yelled profanities at me. I slapped the fence once, and said I do not have money anymore because I am putting all the money I have on fences. They always play victim, they are not the victim. I am the victim. My mother is here too, she can back me up on all of this. Every problem that has been caused, has come from his side of it. I sent certified mail letters, I made a definite offer if you will let me. I asked to be on the property to finish the fence for my protection, he has threatened me before, that he will come out and shoot me or burn my house down. I am 54 years old, I am not in the greatest of health, he is aware of that. He will never be satisfied as long as I am live. He will be satisfied if I move or die.

A motion was made by Rick Miles with the stipulation that the fence has to be brought to code within the next 30 days, seconded by Sean Stem, that this matter be Approved. The motion **PASSED** with the following vote.

**Aye:** 4 - Sean Stem; Rick Miles; Max Dacus Jr. and Jerry Reece

[VR-18-47](#)

VARIANCE: 614 W. Jefferson Avenue

George Hamman of Civilogic on behalf of Jackson Innovations, Inc. is requesting a variance for address 614 W. Jefferson Avenue to allow the applicant to construct a residential structure on the existing lot, the width of which is 48.71 ft., rather than the stated minimum of 50 ft. This is located within an R-2 Multi-Family Low Density District.

**Attachments:**     [Application.pdf](#)  
                              [Letter.pdf](#)  
                              [Variance Replat.pdf](#)  
                              [Replat.pdf](#)  
                              [Pictures of Area.pdf](#)  
                              [Plans for House.pdf](#)  
                              [Plot Plan.pdf](#)

George Hamman of Civilogic on behalf of Jackson Innovations, Inc. is requesting a variance for address 614 W. Jefferson Avenue to allow the applicant to construct a residential structure on the existing lot, the width of which is 48.71 ft., rather than the stated minimum of 50 ft. This is located within an R-2 Multi-Family Low Density District.

**APPLICANT:** Mr. George Hamman said when we did the survey, that from the front the lot is 16 inches shy of being a 50 foot lot. The variance we are asking is that Mr. Jackson can build on this lot without it being the 50 feet wide lot.

**BOARD:** Chairman Mr. Doug Gilmore asked what is he going to build George?

**APPLICANT:** Mr. George Hamman said only thing he has told me, is that it will be a residential structure with a garage in the front. Mr. Jackson could do single family, he would agree to that. It is R-2 he is allowed to build a duplex, but if it is stipulated that he build a single family by the board he will accept that. Even though there is multi-family right across the street.

**BOARD:** Mr. Max Dacus said, that is really not our place to say what he builds, if it meets city requirements he can build multi-family.

**CITIZEN:** Ms. Susan Hall said the way I read the codes there is no variance needed, there used to be a single family home there. The builder can build a single family home without a variance.

**STAFF:** Mr. Derrel Smith said the builder is not offering to build on the same foot print, we are not sure if he wants to build a single family or a duplex. But if it is not in the same foot print, he will need a variance.

**CITIZEN:** Ms. Susan Hall said so the grandfather clause does not apply?

**STAFF:** Mr. Derrel Smith said not if they are not building in the same footprint of the original structure.

**CITIZEN:** Mr. Jeffery Hensen said why are we even here if we do not know what is going to be built there? We should not pass something until we see the plans for the lot.

**BOARD:** Chairman Mr. Doug Gilmore said typically that's how it is done.

**BOARD:** Mr. Max Dacus said this lot was probably platted a 100 years ago and everybody has lost and gained some inches, so what's ended up with this lot is that it lost 16 inches, it just could have been 16 inches over. This is getting the lot ready.

**CITIZEN:** Mr. Jeffery Hensen said this same lot came before the MAPC board and they denied it, because it is going to be a duplex. Until you know it is a single family home, and how it sits on the lot, it should not be on the agenda or in front of this committee.

**BOARD:** Mr. Max Dacus asked what was the reason it was turned down at MAPC?

**STAFF:** Mr. Derrel Smith said it was a rezoning request at MAPC not a variance.

**CITIZEN:** Dr. Bob Warner said they wanted to put a multifamily on this lot, when it went to MAPC. If you want a single family you do not need a variance. I don't really see, how you can give a variance unless you see plans for the lot. I would also like to add this variance will set a precedent decision, as there will be more builders wanting to buy and build duplexes on these lots. It is about the integrity of the neighborhoods. I understand the developer wants some value from this lot, I am a landlord and do some commercial projects. I do not think it is fair for the developer to buy a piece of property and then do nothing with the property. If they can't do a single family home on this lot, they should not have bought a 48 foot wide lot.

**BOARD:** Chairman Mr. Doug Gilmore said as the chairman of this committee I will put it on you to bring us a set of plans for this lot.

**BOARD:** Mr. Max Dacus asked Mr. Doug, will we start making everybody do plans before a variance.

**BOARD:** Chairman Mr. Doug Gilmore said Max I do not recall a time that we have allowed a variance before any plans were set forth. I listen to push back, there are citizens here who oppose the variance.

Tabled till next meeting for plans to be brought in showing what is going on the property.

[VR-18-48](#)

VARIANCE: 4920 Yukon Drive

Josh Moss of Moss Fencing on behalf of Melanie Weathers is requesting a variance for address 4920 Yukon Drive to erect a 6 ft. privacy fence in the front side yard. This is located in R-1 Single Family Residential District.

**Attachments:**[Application.pdf](#)[Plan.pdf](#)[Pictures of House Site Plan.pdf](#)[Site Plan and Plat.pdf](#)[Pictures of Location.pdf](#)

Applicant was absent. Tabled

**5. Staff Comments****6. Adjournment**