



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Board of Zoning Adjustments

Tuesday, June 21, 2022

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-22:053](#) May 17, 2022 BZA Minutes

Attachments: [May, 2022 BZA Minutes](#)

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

4. Appeal Cases

[VR-22-13](#) VARIANCE: 3137 Sistine Chapel Circle

Hunter McQueen is requesting a variance for a 6' tall privacy fence located in the front yard. This property is in the R-1, Single-Family Medium Density District.

Attachments: [Aerial View](#)
[Application](#)
[Cover Letter](#)
[Signed Notifications](#)

APPLICANT: Said his fence is in bad shape with damage from wind storms. He would like to replace it. If he tried to repair it by pressure washing, repairing, staining, it might cost about the same as a new fence. He wants to remove the old fence and put up a new one in the same location but the newer code stipulates that fences on the street side can't go past the eaves of the house (which is the side of his house, on a corner lot.) That would eliminate his use of over 1,000 square feet of his back yard. The fence would be a regular 6-foot privacy fence. The house was built approximately 2013. Applicant bought the property last summer in 2021 and thinks the fence is the

same age of the house.

COMMISSION: Chair Gilmore said that as the ordinance reads he would have to align the fence with the edge of the house on the Sistine Chapel Road side

STAFF: Planner Monica Percy said since the fence is already existing, they don't see an issue with it being built back in the same place since it's been existing for so many years.

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-22-17](#)

VARIANCE: 3005 Pinewood Circle

Greg Smith is requesting a variance for a 8' tall privacy fence at 3005 Pinewood Circle, R-1, Single-Family Medium Density District.

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

APPLICANT: Requesting replacement of a 6-foot fence with an 8-foot fence. Applicant had copies with signatures from all his neighbors with no one objecting.

COMMISSION: Chair asked the applicant what the need for the extra height is.

APPLICANT: Said his property is a little higher than the surrounding properties. They recently lost several evergreen trees which afforded some privacy for the entire neighborhood. With those trees gone, they can all see each other.

COMMISSION: Chair asked STAFF why the request had been tabled at the last meeting. It was due to no one being able to attend to represent the request. Chair asked APPLICANT if that was his pool in the back yard on the aerial photo. He said it is. Chair pointed out the property lines marked on the photo must not be accurate as it shows the pool being across the property line. Chair asked if he intends to go only around the sides and back, if it would be basically an L-shape.

APPLICANT: Said the fence would actually go behind the swimming pool, around an outdoor fireplace. The existing fence is 6-feet but if you're up higher where he is, the fence is low.

COMMISSION: Chair asked if the neighbors can see him walking around the pool with the existing 6-foot fence.

APPLICANT: Said they can.

COMMISSION: Asked if he is wanting the entire fence to be 8-feet tall, including the sides and back.

APPLICANT: Said yes.

COMMISSION: Casey Caples spoke (Inaudible). . . Said he is not a fan of taller fences. He asked how far of a drop it is between the applicant and his neighbors.

APPLICANT: Said he could not answer that question accurately. He pointed out again that the neighbors have no objection. He said he didn't expect any resistance from the commission. He pointed out that he could show the commission several 8-foot fences in his area.

COMMISSION: Mr. Caples asked if most of the applicant's neighbors currently have fences.

APPLICANT: Said his fence provides the privacy for all the neighbors as it provides separation.

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

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

Absent: 1 - Rick Miles

[VR-22-18](#)

VARIANCE: 1720 High Ridge Ln.

Chad Rampley is requesting a variance for a 7' tall privacy fence. This property is in the R-1, Single-Family Medium Density District.

Attachments: [Application](#)
 [Adjoining Property Notifications](#)
 [Cards Mailed and Returned](#)
 [Photos](#)

APPLICANT: Tracy McGaha speaking for Chad Rampley said the gentleman the property owner hired to build his fence did not apply for a permit. It was a replacement fence for the one that had been existing. Her husband dug out the gravel to make it taller. It was 7 feet, 3 inches on one side, but now is 7 feet, 1 inch after the concrete has been poured. They are asking to replace the same fence that had been existing.

COMMISSION: Chair asked if they are saying the old fence had been 7-feet.

APPLICANT: Yes. The fence was there when the owners bought the property. The fence was decaying due to drainage. They wanted to replace it the same as it was. She pointed to page 3 of the handout showing where they have poured concrete so the drainage can come down through a pipe and have added new chat to the drive in the back.

COMMISSION: Asked if it is at the very rear of the property, if it's an open field.

APPLICANT: Yes and it goes to a private drive leading up to Williams Tree Service property.

COMMISSION: Casey Caples pointed to an area and asked what the height is at that point.

APPLICANT: Said that it's at approximately 6-feet at the house.

COMMISSION: Mr. Caples said so if it starts out at 6-feet on the high side of the property, asked if where there's an entry into the backyard, if that is also 6-feet.

APPLICANT: Yes. It is higher at a point because they have dug down for drainage.

COMMISSION: Asked if it is 6-feet across the back.

APPLICANT: Yes and in some areas it is only 5-feet high. She pointed to the last page of the handout, showing how the fence goes increasingly down at a slant to the drainage area so his back yard won't hold water.

COMMISSION: Kevin Bailey said this is a prime example of the bottom grade affecting the height of the fence so technically the fence, even though it was being built without a permit, started out being built in compliance to the 6-foot height, but the bottom of the grade, where the ground slopes down is where the height gets greater. He thinks this is where there is a problem in the 6-foot fence ordinance. He personally thinks this request is fine because the height – say, if you measured it in seven different places, it's within the 6-foot height

limitation – they just infilled the bottom of it. So the commission is caught between a rock and a hard place. Chair said that the fence could be built out of level. Mr. Bailey agree it's possible. Chair pointed out he has seen it done and it looks very bad. Mr. Bailey said he doesn't know how they could fix the issue except by taking it on a case-by-case basis, judging each on its' own merit. (Chair interjected – unless they ask City Council to amend that ordinance.)

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-22-19](#)

VARIANCE: 1617 S. Church St.

Erik Edwards is requesting a variance from the required rear setback of 7.5' for accessory buildings. This property is in the R-1, Single-Family Medium Density District.

Attachments: [Application](#)
 [Property Owner Notifications - Signed](#)
 [Plat](#)
 [Site Plan](#)

APPLICANT: We want to replace our carport with a 2-car garage which would be in the same area as the carport and should not take up any additional space, except maybe a little more on the sides.

COMMISSION: Chair asked to confirm they plan to tear down the existing carport and build within the same footprint.

APPLICANT: Yes. Referring to the drawing – it will probably go to the right a little more (wider) so two cars can fit inside comfortably.

COMMISSION: Chair asked what the final measurement from the setback would be when it's finished.

APPLICANT: He is not sure. His contractor is out of town so he asked the homeowner to attend the meeting. It will not be any further back than the existing carport, but will probably be a few more feet closer to the fence on the right.

COMMISSION: Casey Caples asked if they will use the existing slab or if they're starting over, assuming there is a slab there.

APPLICANT: There is a concrete slab and I think we're going to have to level it out a bit as indicated by the contractor. Will do a topping over it.

COMMISSION: Mr. Caples asked if the back wall on the drawing is actually currently 32 inches off of the fence.

APPLICANT: Yes. The plan is to leave the back wall where it is now.

COMMISSION: Mr. Caples said he thinks the setbacks are actually off the eave, not necessarily the wall, the actual overhang is where it should be measured. So just saying the overhang of the eave might be a foot, it would actually only be 20 inches away from the fence.

(Commissioners ask Inaudible questions of the applicant to which he responds "the previous owners", "yes", "yes", "no, we may have to take that front part of the brick off at an angle to widen the entryway. It won't mess with the trees or anything.")

COMMISSION: Mr. Dacus asked if he is not sure how wide it will actually be.

The drawing shows 7.5 feet.

APPLICANT: That is the empty concrete spot but is not sure how close to the fence it will actually be. It will be well within the fence line.

COMMISSION: Chair asked that he is not taking out the Bradford pear trees.

APPLICANT: No. It won't be any closer than the back wall, referring to the photograph taken from the street. The side wall on the right will not be closer to that property line than the back wall is to the fence.

COMMISSION: Mr. Bailey asked – of the 7.5 foot setback, of say the east wall – why would he not be able to, when building back, build it to the west, closer to the house, stay 10 feet away from your house, and stay out of that 7.5 foot setback. He said he's not comfortable with reducing it. Chair said he thinks Church Street runs north and south. So it would be the north/south side/walls they're referring to. Mr. Bailey suggested they could build closer to the home and stay out of the setback. On the back property line, if it's already 32 inches from the line, and you've got a 16-inch overhang, you're getting down to mere inches. He's really not comfortable with reducing the side lot line any further when there is the option of (when rebuilding, which they technically are) building to the left, towards the house.

APPLICANT: Asked if the commissioners mind if he calls his contractor. He got contractor Kirk Merrill on speaker phone. He asked how close the sidewall was planned. Kirk said on the right hand side, they would be within code, but on the back wall, they would be about 3 feet off that property line in order to keep it in the same spot.

COMMISSION: Chair said to ask from the north/right side of that driveway, how much closer is he going to get this building to the property line on that side.

APPLICANT: Contractor stated the north/right side would be in compliance. It is the west side/back wall for which they need the variance.

COMMISSION: Chair asked the applicant to confirm that he's not going any closer to the back line that he currently is. Correct. It seems he is going to the south/left to enlarge the garage. Mr. Dacus asked how far off the existing house the carport is supposed to be. Mr. Bailey said the setback variance he is requesting is for the west property line where the existing building is already setting within the 7.5 rear setback and he's asking to rebuild the garage back to the existing perimeter dimensions, no further. Chair asked applicant if that is correct.

APPLICANT: Yes.

COMMISSION: Kevin Bailey proposed that the existing slab dimensions do not change.

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-22-20](#)

VARIANCE: 717 S. McClure St.

Shelley Kelley is requesting a variance for a 6' tall privacy fence along S. Culberhouse St. This property is in the R-2, Multi-Family Low Density District.

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

APPLICANT: Shelley Kelly requests a variance to replace the fence exactly where it was. It has been there at least 20 years. The reason she is replacing it is because it was literally falling down. When she bought the house from Mike Evert a couple years ago, he had replaced a few of the boards which only worked as a temporary fix. He had to prop it up with 2x4's and it looked very bad. The back property line goes back to South Culberhouse. She wants to replace it where it was, which is approximately 8.5 feet from the edge of the street. There is no sidewalk and never has been one as far as she can tell, with no sidewalk in either direction. Culberhouse in that area is just a narrow street. She bought the house intending to use that yard space for a garden, and has already planted fig trees, elderberry, etc. within that existing fence. If she doesn't get to put the fence back where it was, part of her garden would be outside her fence.

COMMISSION: Mr. Dacus asked if there have been posts put up.

APPLICANT: Yes, there are some new posts put up because she was not aware that she had to receive a variance in order to replace the fence in the same location it was. They have not proceeded with the fence, waiting until a variance is received.

COMMISSION: Referring to the photograph from the back of the property along Culberhouse, Mr. Dacus pointed out that the neighbor along Culberhouse would not be able to see when backing out of their driveway until he's almost into the street. That would be the only drawback he could see, even though it's always been that way. He asked the distance again the fence is from the edge of the street.

APPLICANT: About 8.5 feet. If it's moved back to the required distance, she will lose a pretty significant part of her back property.

COMMISSION: Mr. Bailey pointed out that in the photo, power lines can be seen above. He wonders if the fence is sitting inside the power line easement. Chair Gilmore pointed out that it's clear the power poles are in front of the fence, toward the street. Essentially the fence is under the power lines, but not directly. He asked if the fence would be straight across. Yes. He asked if there will be a gate.

APPLICANT: Yes, there was a gate there and they are putting a gate there.

COMMISSION: Discussion and closer examination of the photo reveals that the neighbor's own fence has created what might be his blind spot. They asked applicant if she plans to replace all four sides of the fence. Yes. It is all falling down. They want to be sure that the pickets shall all face outward (pretty side facing out.) 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-22-21](#)

VARIANCE: 910 Canera Dr.

Arvest Bank is requesting a variance for a multiuse sign approximately 29' in height. This property is located in the Overlay District.

Attachments: [Application](#)
 [Arvest Bank Sign](#)
 [Site Plan](#)
 [Property Owner Notification](#)
 [Certified Mail](#)

APPLICANT: John Easley with Associated Engineering on behalf of Arvest Bank. They are preparing to build a new branch office at the corner of Canera & Johnson in the Greensborough Village development. They're asking for a variance from the 8-foot maximum height monument type sign as part of the Overlay District in order to construct a multi-use sign which would serve Arvest, along with Greensborough Village, and would have room for ten tenant signs for future businesses within the development, plus a video board on two sides. It would be a partnership between Arvest Bank and Greensborough Village. Keeping in mind that Greensborough Village is 200 acres of mixed-use, residential and commercial development, there is currently now or is planned 36 lots in the commercial half of the development which is from Johnson up to what is called Century Boulevard. They are asking to be able to put a marquis sign for not only Arvest, but for the entire development.

COMMISSION: Chair asked if he has talked to the developers of Greensborough Village.

APPLICANT: Arvest and Greensborough have been talking, discussing, negotiating. . .

COMMISSION: Chair asked if that is actually an agreement, or if they've just been talking.

APPLICANT: They have talked and are in agreement for a sign, yes.

COMMISSION: Chair stated that is not his understanding. He asked **APPLICANT** if he knew that they (Greensborough) does not wish to have this type of sign in Greensborough Village.

APPLICANT: Said he was not aware of that.

COMMISSION: Chair said he doesn't think this is part of the planning of Greensborough Village if you look at the other – though it's not developed yet, obviously – and it's on Johnson. He realizes there are a lot of signs on Johnson which are tall. They've allowed other tall signs in the area back to the west – one that comes to mind is Starbucks in front of Fat City, but he would like to see that the people who developed Greensborough Village have an agreement with Arvest that they are in full support of this sign. He asked if they've talked to the developers. Chair Gilmore said he would not be in favor of this sign in any way unless the developers of that area who have spent so much money to develop the area and if that's not what they wish . . . It's being represented as something they are in favor of, and that is not what Chair Gilmore understands. He told applicant, if he could clarify that, they would certainly listen to that argument, but without that certain agreement, and just saying that they give their blessing to it, he cannot support it.

APPLICANT: Said he is here on behalf of Arvest Bank, and his communications has been with Arvest Bank only.

COMMISSION: Chair said they would like to hear from, or see an agreement with, the developers of Greensborough Village that they are in support of a sign that size being at the entrance to their development. Chair asked for input from City STAFF.

STAFF: Planning's Monica Percy said the request could be tabled until they see some sort of agreement if commissioners would like to.

COMMISSION: Chair asked applicant's representative if he would be willing to go back to Arvest and see about getting an agreement.

APPLICANT: He would be happy to.

COMMISSION: Chair said he just thinks we need to honor the investment made by the developers of this area, plus it's in the overlay district, which doesn't allow this sign anyway.

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

Aye: 2 - Max Dacus Jr. and Casey Caples

Absent: 1 - Rick Miles

Abstain: 1 - Kevin Bailey

[VR-22-22](#)

VARIANCE: 1238 S. Main St.

Bill Carwell is requesting a variance for a 6' tall privacy fence located along S. Church St. This property is in the R-2, Multi-Family Low Density District.

Attachments: [Plat](#)
 [Application](#)
 [Certified Letters](#)
 [Site Plan](#)

COMMISSION: Chair Gilmore asked **APPLICANT** Bill Carwell if he had gotten the property replatted into one lot. He had done so. Chair reminded commissioners that Mr. Carwell's back yard is along Church Street. He noted the commission has reviewed this property several times for various requests – they allowed for an exit on Church Street due to the danger of turning or backing out onto Main Street. Now they are looking at a fence. Chair asked if the fence would be gated.

APPLICANT: No gate, just a fence along Church Street.

COMMISSION: Chair asked if he was confused about the driveway coming off the east side of the property onto Church. (The pictures do not accurately show the driveways.) Chair stated they had discussed at the last meeting how many other fences are along Church Street at houses that face Main Street. This would be another, to allow the homeowner some privacy in his back yard.

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

5. Staff Comments

6. Adjournment