



PINE BLUFF
BOARD OF ZONING ADJUSTMENT
JUNE 30, 2009
4:00 p.m.
Council Chambers

- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: May 26, 2009
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
 1. Variance request by Pine Bluff School District to install a sign in the street-side set-back area of 6th Avenue, located in front of the Pine Bluff School District Office at 512 South Pine Street.
- V. ADJOURNMENT

**RECOMMENDATION
TO THE
PINE BLUFF BOARD OF ZONING ADJUSTMENT**

SUBJECT: A Variance Request to install a sign in the street set-back area on 6th Avenue, located in front of the Pine Bluff School District Office at 512 South Pine Street.

APPLICANT: Pine Bluff School District

ZONING AND LAND USE:

ZONING:	North:	B-5 Commercial	LAND USE:	North:	Parking Lot
	South:	B-4 Commercial		South:	Church
	East:	B-5 Commercial		East:	Office Building
	West:	B-5 Commercial		West:	Vacant

REVIEW COMMENTS

- The applicant desires to install a “landmark” sign on 6th Avenue located adjacent to the Pine Bluff School District Office. The proposed sign location would intrude approximately six (6) feet into the twenty (20) foot required set-back yard. The sign is a two “face message board” type of sign that would inform the public of school information and school events. The applicant feels that the sign needs to be near the street in order to be seen by the traveling public.
- The proposed sign location is located behind a wall which separates the District Office parking lot from the sidewalk.
- In evaluating the sign location in relationship to existing structures along the 6th Avenue corridor in the immediate area, the sign appears to conform to the set-back of the other structures. The building on both sides of 6th Avenue between Pine Street and Main Street were constructed on the property line. The steps to the main entrance of the church across the street from the School District Office begin at the property line.
- The proposed location of the sign does not detract from the surrounding neighborhood character in terms that the sign is not located on the public sidewalk.

RECOMMENDATION

The Staff recommends approval of the request as submitted. The proposed location of the sign does not negatively impact nor change the character of the neighborhood. Therefore the public message sign meets the concept of providing a public service to the community in terms of notice to the public of public information and events.



**PINE BLUFF
PLANNING COMMISSION**

JUNE 30, 2009

4:00 p.m.

Council Chambers

- II. CALL TO ORDER
- III. CONSIDERATION OF MINUTES: May 26, 2009
- IV. OLD BUSINESS: None
- V. NEW BUSINESS:
 - 1. Use Permit on Review request by Edna Lindsey, DBA Destiny “The Salon of Purpose”, to operate a beauty salon at 47 N. Richard in an existing beauty shop building on a R-1 Residential zone lot.
 - 2. Use Permit on Review request by Canco, Inc. to utilize a parcel of land and existing building for storage and repair of equipment and vehicles. The subject property and building is located at 4814 West Barraque in an R-1 Residential zone.
- VI. COMMITTEE REPORTS
- VII. PLANNING DIRECTOR’S REPORT
- VIII. ADMINISTRATIVE MATTERS
- IX. OPEN DISCUSSION
- X. ADJOURNMENT

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permit on Review to approve the operation of a beauty salon at 47 N. Richard.

APPLICANT: Edna Lindsey, DBA Destiny “The Salon of Purpose”

ZONING AND LAND USES:

ZONING:	North:	B-1 Neighborhood Commercial	LAND USE:	North:	Vacant
	South:	R-1 Residential		South:	Residential
	East:	R-1 Residential		East:	Residential
	West:	R-1 Residential		West:	Residential

REVIEW COMMENTS

The applicant is requesting to utilize the subject property for a beauty shop. At the Commission’s May 2009 meeting, the applicant appealed the Zoning Administrator’s Decision that the beauty salon she is operating out of her single family home is not a legally existing use under the zoning regulations as a home occupation or as a “grandfathered” use. After researching the site, the Zoning Official determined that over ten years ago, the site had been used for a beauty shop, but when the salon operator at that time sold the home in 1999 to the applicant, she closed her business. After the applicant bought the home, she did not apply for a home occupation permit for the site at any time between 1999 and 2009. While the Planning Commission appeared to be of the opinion the zoning official was interpreting the ordinance properly, they felt the use should be heard as a UPOR rather than an appeal since there were existing beauty shop facilities on the property. Subsequently, the applicant withdrew her appeal applied for a UPOR for the use.

According to the Zoning Regulations, when there is an existing nonconforming building on a property, it can continue to be used for what it was intended until that use has been vacated for over a year. After it has been vacant for over a year, the Planning Commission can approve the use to be re-established. Since the subject beauty shop is an existing building on the property with the residence and it was built as a commercial beauty shop facility, the Planning Commission can approve the use to be re-established.

It does not appear that the proposed use would be detrimental to the neighborhood since it was in use as a beauty shop for many years without any problems.

RECOMMENDATION

Since the building was previously existing, the staff recommends approval of the UPOR request to operate a beauty salon on the subject site as long as the building is not expanded or additional stylists hired.

**RECOMMENDATION
TO THE
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permitted on Review for a parcel of land and building to be used for storage of equipment and vehicles, and to be used as a repair shop for equipment and vehicles. The subject property and building is located at 4814 West Barraque.

APPLICANT: Canco Inc.

ZONING AND LAND USES:

ZONING:	North:	I-1 Industrial	LAND USE:	North:	Vacant & Single Family Dwelling
	South:	R-4 Residential		South:	Vacant
	East:	R-4 Residential		East:	Single Family Dwelling
	West:	R-4 Residential		West:	Vacant

REVIEW COMMENTS

- The applicant states that he obtained the required permits to construct the building on the property sometime prior to 1982, which was before a new city-wide zoning ordinance was adopted. The building was used as a office and maintenance shop for Canco, Inc. until 1987 and again used it in 1997 and 1998 while they where building our their new facility at the intersection of I-530 and Barraque. The applicant indicated that from time to time Canco, Inc. has used the building and property for storage of equipment and vehicles.
- Although the building may have been occasionally used for storage and other purposes after their new building was constructed, the City has no records that Canco, Inc. has had an occupation permit to operate a business at that site. Apparently, when Canco, Inc. moved into its new facilities, the business license was transferred to that site and dropped for the site at 4814 West Barraque. Without an occupation permit, the use is not considered to be in existence, regardless of whether the property has been in use or not.
- The existing building and use of the property is non-conforming since it is located in the R-4 Residential Zoning Districts and the City has no records indicating that the building and property been in continuous use. The Zoning Ordinance states that a non-conforming use cannot be replaced with another non-conforming use if the use has been vacated more than a year. Therefore, the applicant has to apply for a UPOR to use the building and property for a non-conforming use.
- The land uses along the Barraque Street corridor is a mixture of single family dwellings and industrial land uses. The property on the north side of Barraque Street

from Blake street past the subject site is primarily zoned for industrial uses, while the properties adjacent to Barraque on the south side of the street are zoned either industrial or residential. The residential-zoned property is located in the area of the subject property.

- Based on the existing land uses along the Barraque Avenue corridor it is unlikely that applicant's property will ever become a conforming land use (used for residential purposes). With proper controls placed on the applicant's proposed non-conforming use of the property, it could be made to be more compatible with those residential land uses in the immediately vicinity.

RECOMMENDATION:

The staff recommends approval of the proposed UPOR request, subject to any outside storage of vehicles or equipment being located behind an opaque (privacy) fence similar to the one required for the salvage yard on Blake Street. The fence shall not be located in the front yard setback.