



**PINE BLUFF**  
**BOARD OF ZONING ADJUSTMENT**

**JUNE 29, 2010**

**4:00 p.m.**  
**Council Chambers**

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- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: None
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
  1. Variance request by First United Methodist Church in regard to the erection of a fence and parking within the front yard setback on property located at 200 W. 6<sup>th</sup> Avenue within a B-4 Commercial zone.
- V. COMMITTEE REPORTS
- VI. PLANNING DIRECTOR'S REPORT
- VII. ADMINISTRATIVE MATTERS
- VIII. OPEN DISCUSSION
- IX. ADJOURNMENT

**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

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**SUBJECT:** Variance request in regard to the erection of a fence and parking within the front yard setback on property located at 200 W. 6<sup>th</sup> Avenue within a B-4 Commercial zone.

**APPLICANT:** First United Methodist Church

**ZONING AND LAND USES:**

The area surrounding the subject site is zoned B-4 Commercial. Land uses of the area include business offices, the Methodist Church, and parking facilities.

**REVIEW COMMENTS**

The subject property is located on the southwest corner of W. 6<sup>th</sup> Avenue and Chestnut Street, across Chestnut Street from the existing church building. The applicant is asking for the following Variances:

1. Allowing parking within the front yard setback. The front yard setback for parking in the B-4 zone is 20 feet. The applicants desire to construct a parking lot within 7 ½ feet of the front property line (the sidewalk appears to be the front property line). The applicants state they feel this will blend into the neighborhood better than the 20-foot setback because of the setback of the building adjacent to the proposed parking lot that is only about three feet from the property line.

The staff is in agreement that allowing parking closer to the property line than 20 feet would be blend into the neighborhood better because of the setback of the adjacent building, the parking lot across the street has about the same setback as requested, and the proposed parking would be in line with the steps of the church. The church is not required to construct the parking lot to increase the number of spaces provided. They are asking for the Variance because they feel the parking facility will blend in better with the neighborhood if it is constructed closer to the street.

2. Allowing a fence to be erected within the front yard setback that is taller than allowed, and using materials not allowed. The front yard building setback in the B-4 zone is 40 feet. Fences on the front and side of this 40 feet cannot be over 48 inches in height. The applicant desires to erect a 72” (6-foot) tall fence around the parking lot including that part in the front yard setback. Part of the fence located in the front yard is proposed to be an epoxy coated black chain link fence. Chain link is not an approved material for front yard fencing.

Along the front of the property (the sidewalk), the applicant intends to install a 72” high ornamental metal fence such as is used on property located just south of the subject site. Brick columns to match the church will also be used along the front. This same type of fence will also be placed down the Chestnut Street (east) side for

about 20 feet. The fence along the west side of the parking facility will be a 72" tall epoxy coated black chain link fence, as will the fencing along Chestnut Street at that point where the ornamental fencing stops. The applicant has been informed that the proposed fence cannot be constructed in the 25-foot visibility triangle along Chestnut Street

The staff does not have a problem with allowing the height increase of the proposed fence along 6<sup>th</sup> Avenue since the fence will be ornamental and has been designed to blend in with the church. Since the remainder of the fence can be constructed to a height of 72" or higher, and since there is not a primary building that separates the front yard from the rear yard, having the front fence the same height as the rest of the fence would be more appealing from an aesthetic standpoint. The staff also does not have a problem with allowing the black epoxy coated chain link fence down the west side of the lot or the second 20 feet on the Chestnut Street side. The Chestnut side will have 20 feet of ornamental fence and the other side is an interior lot.

### RECOMMENDATION

The Planning Staff recommends approval of the Variance request subject to the 25-foot visibility triangle on the Chestnut street side. In addition, it appears that the building just west of the subject parking lot has a driveway on the subject property side, and approval should also be just to placement of the fence so as to not disrupt visibility on that side.



**PINE BLUFF**  
**PLANNING COMMISSION**  
**JUNE 29, 2010**  
**4:00 p.m.**  
**Council Chambers**

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- I. CALL TO ORDER
- II. CONSIDERATION OF MINUTES: May 25, 2010
- III. OLD BUSINESS: None
- IV. NEW BUSINESS:
  1. Rezoning request by Shane and Linda Schock to rezone property located at 5414 Windham entirely R-4 Residential on a lot that is zoned B-1 Commercial and R-4 Residential.
  2. Use Permitted on Review request by Ronald Jefferson, DBA The Connection, to establish a men's transitional home at 910 W. 15<sup>th</sup> Avenue within a B-1 Commercial zone.
  3. Use Permitted on Review request by Rhonda Coleman, DBA Tinkas Trinity, to establish a youth home for displaced children at 3701 S. Main within a B-1 Neighborhood Business and I-1 Industrial zone.
  4. Public Hearing to discuss amending the Zoning Code to allow churches as a permitted use in the B-5 Commercial zone.
- V. COMMITTEE REPORTS
- VI. PLANNING DIRECTOR'S REPORT
- VII. ADMINISTRATIVE MATTERS
- VIII. OPEN DISCUSSION
- IX. ADJOURNMENT

**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Rezoning request to rezone property located at 5414 Windham entirely R-4 Residential on a lot that is zoned B-1 Commercial and R-4 Residential.

APPLICANT: Shane and Linda Schock

**ZONING AND LAND USES:**

ZONING:	North:	B-4 Commercial	LAND USE:	North:	Vacant
	South:	R-4 Residential		South:	Vacant and Single Family
	East:	B-1 Business		East:	Single Family
	West:	R-4 Residential		West:	Single Family

**REVIEW COMMENTS**

The applicant owns a 50' wide by 120' deep lot at 5414 Windham Street. The front half of the property is zoned B-1 Commercial and the rear half is zoned R-4 Residential. The applicants would like to have the entire property zoned R-4 Residential in order to place a mobile home on the site to live in.

Apparently when the zoning regulations were redone in the early 1980's, many properties that bordered major commercial zoning districts were zoned B-1 Neighborhood Commercial to provide for a buffer zone between residential and commercial areas. While this sounds good in theory, in practice these B-1 zones for the most part contain or in many ways are more suitable for residential uses. In addition, when the zoning district lines were drawn, particularly for the B-1 zone, the lines were drawn based on block size, without regard to actual lot lines, and subsequently many lots were split into different zoning districts. This is what apparently happened to the subject property.

Land uses in the area are either vacant or single family uses. It does not appear that rezoning a portion of the subject site to R-4 Residential would be detrimental to the neighborhood or have an impact on any future B-1 uses than may located near the site.

**RECOMMENDATION**

The Planning Staff recommends approval of the rezoning request.

**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

SUBJECT: Use Permitted on Review request to establish a men’s transitional home at 910 W. 15<sup>th</sup> Avenue within a B-1 Commercial zone.

APPLICANT: Ronald Jefferson DBA The Connection

ZONING AND LAND USES:

ZONING:	North:	B-1 Business	LAND USE:	North:	Single Family (old house)
	South:	B-1 Business		South:	Single Family
	East:	B-1 Business, then R-3		East:	Single Family
	West:	B-4 Commercial		West:	Parking Lot/Car Wash

REVIEW COMMENTS

The subject site is an older-style duplex. One of the units has a long single driveway, and the other unit has a one-car garage with a very short driveway. There is no other parking on the site.

The applicant states the following: that he “will provide a safe, clean and drug-free living residence for men. Men that are recovering from drug addition or incarceration will learn positive principles of independent living”. He goes on to say: “these men will be assisted in employment, finance, 12-step support groups, and basic homecare responsibilities”. He says that he “will be a live-n manager to demonstrate how to incorporate all these facets on a daily basis”. This information and the attached site plan are all that was submitted with his application. While the property owner left a message on the Zoning Official’s phone that he was agreeable to the request, he has not signed the application or submitted a letter that the applicant was his authorized agent.

RECOMMENDATION

The applicant has not provided sufficient information for the staff to make an informed recommendation. We don’t know how many men he plans to house, where they will come from (directed by the court, provisional release from DOC, etc.), how we can insure that this is a legitimate business and not simply a roominghouse, etc. Furthermore, the Commission should not act on the request until the application has been signed by the property owner or he has submitted a letter allowing the applicant to act on his behalf.

We recommend that the application be tabled until the property owner has signed the application or otherwise provided for the applicant to sign for him, and the applicant has submitted information concerning the number of men to be housed, where they will come from, and a business plan on how, and what kind of, assistance he will be providing to his clientele.

**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

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**SUBJECT:** Use Permitted on Review request to establish a youth home for displaced children at 3701 S. Main within a B-1 Neighborhood Business and I-1 Industrial zone.

**APPLICANT:** Rhonda Coleman DBA Tinkas Trinity

**ZONING AND LAND USES:**

ZONING:	North:	R-2 & R-3 Residential	LAND USE:	North:	Vet. Office, Vacant, Single Family
	South:	R-2 & R-MF 18		South:	Single Family, Vacant
	East:	I-1 Industrial		East:	Vacant, Multi-Family
	West:	B-1 Business		West:	Single Family, Private Hall

**REVIEW COMMENTS**

The subject site is the site of facilities that once comprised the Pine Bluff Nursing Home. Most of the property is zone I-1 Industrial, although the staff does not know the reasoning why it was zoned in this manner. It is our opinion that the subject site is a nonconforming use in the I-1 zone, and the application is being treated as a UPOR because the site is an existing commercial type of facility that has been vacant for over one year.

The following uses are currently permitted in the I-1 zone:

- (1) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs including electroplating; the manufacture of small parts only, such as coils, condensers, transformers, crystal holders and the like.
- (2) Truck painting, rebuilding, reconditioning, body and fender work, truck repairing and overhauling, tire retreading or recapping, battery manufacturing, gasoline filling stations, and the like.
- (3) Contractor's equipment storage yard or plant, retail sales of equipment commonly used by contractors.
- (4) Distribution plants, parcel delivery, ice and cold storage plants, bottling plants and wholesale food commissary or catering establishments.
- (5) Cemetery.
- (6) Riding academy.
- (7) Outdoor advertising signs.
- (8) Mini-warehouse.

The above uses could go on the property without Planning Commission approval, however, it would appear that it would be difficult to adapt the existing nursing home facility into any of these uses.

The applicant submitted a letter with the application that indicated they desired to establish a facility to house up to 200 children aged 6 to 18 years of age in foster care. They stated it was

their intent to house children in Jefferson County and other counties in the Delta Region that are in need of temporary or permanent foster care, children awaiting adoption, or children that have been displaced or separated from their family for other reasons. According to the letter, they will accept referrals from the courts, DHS, schools, churches, and other agencies, however, these residents will not be in need of long term medical care, be violent offenders, sex offenders, children with severe emotional or behavior problems, or children that pose a threat to themselves or others.

There was no site plan, floor plan, business plan, or any information from DHS concerning the need for this particular type of facility. We were unable to reach anyone at DHS who had knowledge of the proposed facility or knowledge of the need for the facility. The staff does not feel it can offer an informed recommendation without knowing how the facility will be laid out, how many employees will be on staff and at what times, how long each child will remain at the facility, if DHS feels there is a need for this type of facility and why, and other information of this nature. Furthermore, just because the facility is large enough to house 200 children does not mean that the City has to allow facilities that house this many children together in an institutional setting. The City has already made provisions for children in need of foster care and emergency foster care by allowing such facilities in functionally obsolete residential structures so that children would be housed in a more residential type setting.

#### RECOMMENDATION

The Planning Staff recommends tabling the application until the applicant submits information that will show exactly how the facility will be operated, how residents are identified to insure their appropriateness for the facility, and other types of information as cited above along with written information from DHS concerning the need for the facility, the need for this type of facility, how they determined the need, and where other facilities of this type are located in the State,

**RECOMMENDATION  
TO THE  
PINE BLUFF PLANNING COMMISSION**

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SUBJECT: Amending the Zoning Code to allow churches as a permitted use in the B-5 Central Business District.

APPLICANT: City of Pine Bluff

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REVIEW COMMENTS

As you know, the City has been sued by the House of Bread Church because the Planning Commission turned down its UPOR request to establish a church on Main Street in the B-5 Commercial zone. As a part of settling the law suit, the City's Municipal League attorney and the Pine Bluff City Attorney have requested that the City amend the Zoning Code and allow churches to locate in the B-5 zone as a permitted use instead of as a UPOR. This means that if a church desires to locate in the downtown zone, it will not require Planning Commission approval.

RECOMMENDATION

The Planning Staff feels that it would be in the best interest of the City to follow the advice of our attorneys and approve the zoning amendment.