

BOARD OF ZONING ADJUSTMENT
MINUTES
FOR MEETING HELD MAY 26, 2009

MEETING: Shown herein is a summary of action taken at the Pine Bluff Board of Zoning Adjustment Meeting held May 26, 2009 at 4:00 p.m. in the City Hall Chambers.

QUORUM: Those members present included: Lou Taylor, Joe Clement, Frank Hartwick, Edward Long, Evelyn Blunt, Don Scott and Gordon Reese

OTHERS

PRESENT: Others present include: Jerre George, Regional Planner, Lakishia Hill, Zoning Official, and other concerned citizens.

CALL TO

ORDER: Chairman Taylor called to order the Pine Bluff Board of Zoning Adjustment meeting for May 26, 2009.

**CONSIDERATION
OF MINUTES:**

April 2009 minutes were adopted.

OLD BUSINESS:

NONE

NEW BUSINESS:

Item 1: Variance request by Ricky Cook to build on a lot with less square footage than required by ordinance in an R-1 residential zone, located on the north side of Sheridan Road between the two termini of Cimarron Drive.

Mr. Ricky Cook spoke for this request.

Mr. Cook stated that he would like to build a small affordable house on the lot.

Commission Chair Taylor asked if commissioners had questions of Mr. Cook. Since there were none, he asked if there were more speakers for or against the request. Since there were none, he asked for staff's recommendation.

Regional Planner Jerre George stated that Mr. Cook has plenty of room to build according to his site plan. Therefore, staff recommends approval of the request.

Commission Chair Taylor asked if there were any questions of staff. Since there were none, he asked for a motion on staff recommendation.

Commissioner Blunt started the motion in favor of staff recommendation.

Commissioner Reese seconded the motion.

Commission Chair Taylor asked all in favor of the motion to signify by saying "Aye". Then all opposed to signify with the same sign. The item was unanimously approved.

Item 2: Appeal of the Zoning Administrator's Decision by Edna Lindsey concerning a request to approve the operation of a beauty salon at 47 N. Richard.

Mrs. Edna Lindsey spoke for this request.

Mrs. Lindsey stated that she did not know her salon was not licensed with the city. When the property was purchased from the former owner she was told that everything was in order for the business. She informed the commission that she has maintained the taxes at the courthouse and if she had known about the city license she would have paid it too.

Commission Chair Taylor asked the commissioners if they had questions of Mrs. Lindsey.

Commissioner Hartwick asked Mrs. Lindsey if she got an occupation license when she opened the salon.

Mrs. Lindsey stated that she has a business license at the courthouse and her license with the state board but is not sure what is meant by occupation license.

Commissioner Hartwick explained that all businesses require an occupation license when the business is established.

Zoning Official Hill informed Mrs. Lindsey that the occupation license is the license she acquired when her business was located in the shopping center. The license should have been kept and transferred to her residence. The license fee was paid to the City Collector. When the business was moved the license fee would have been for the business at the home.

Mrs. Lindsey stated that when she moved into the home the salon was already there for thirty years. The previous owner said that everything was already in place and all she had to do was keep the other licenses going.

Mrs. Lindsey asked Commissioner Hartwick if she had answered his question.

Commissioner Hartwick answered no.

Commission Chair Taylor stated that Mrs. Lindsey did not get a business license.

Commissioner Blunt stated that Mrs. Lindsey should not have assumed that she did not have to get a license because of the previous owner. She should have acquired a license in her name.

Mrs. Lindsey stated that had she know, she would have gotten a license. She would not have waited ten years.

Commission Chair Taylor stated that the owner operated the business for thirty years prior to Mrs. Lindsey and was grandfathered into the city as a business because the business existed before that city limits extended that far.

Commissioner Clement asked if there is some way this can be dealt with now since grandfathering does not transfer.

Regional Planner George stated that grandfathering can transfer as long as the change of ownership is done within a year. Mrs. Lindsey purchased the house in 1999 but had a shop in 2003-2004. She has not used the property for ten consecutive years. In addition if she paid an occupation license in Jefferson Square she should have known to have a license for the home business. The commission can direct staff to accept a UPOR application, but under home occupation regulations the home occupation can not exist in a separate building from the home.

Commissioner Clement stated that he believes accepting a UPOR application would be a good solution.

Regional Planner George stated that she believes the zoning administrator's decision is right and should be upheld but the commission can direct staff to accept a UPOR application.

Commissioner Clement stated that he drove by the home. The neighborhood is nice. Mrs. Lindsey has the best lawn in the neighborhood. It's a really nice area and he would like to help her fix this.

Regional Planner George stated that if the commission wants to help Mrs. Lindsey, she should withdraw her appeal and apply for a UPOR.

Commissioner Clement proposed that the commission allows Mrs. Lindsey to withdraw her appeal and apply for a UPOR.

Commission Chair Taylor suggested that Mrs. Lindsey withdraw her appeal, apply for a UPOR and come back next month for a public hearing allowing the neighbors to come.

Commissioner Long asked how we deal with the fact that this is a residential neighborhood. He asked if we are to just ignore the ordinance.

Regional Planner George explained that if a commercial building was built for commercial purposes in a residential zone before regulations were in place it is a grandfathered use and an applicant can ask permission to utilize the building again if the building has been vacant over one year.

Mrs. Lindsey informed the commission that she would like to withdraw her appeal.

The commission accepted the withdrawal.

ADJOURNMENT:

Commission Chair Taylor entertained a motion to adjourn.

The motion was made and seconded.

Commission Chair Taylor adjourned the meeting.

THESE MINUTES ARE ADOPTED THIS 30TH DAY OF JUNE 2009.

CHAIRMAN

SECRETARY