

BOARD OF ZONING ADJUSTMENT  
MINUTES  
FOR MEETING HELD, MARCH 29, 2011

**MEETING:** Shown herein is a summary of action taken at the Pine Bluff Board of Zoning Adjustment meeting held March 29, 2011 at 4:00 p.m. in the City Hall Chambers.

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

**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 March 29, 2011.

**CONSIDERATION OF MINUTES:**  
NONE.

**OLD BUSINESS:**  
NONE

**NEW BUSINESS:**

**Item 1:** Appeal of the Zoning Administrator's decision by Jeremy McKenzie to deny a zoning permit to establish a drug and alcohol rehabilitation facility at 3201 W. Pullen in a B-3 highway zone.

Jeremy McKenzie spoke for this request.

Mr. McKenzie informed the board that in 2008 he spoke with Jerre George and Lakishia Hill about using 3201 W. Pullen to establish a drug and alcohol rehabilitation facility. After receiving their approval he purchased the property. After purchasing the property he requested a letter from the zoning official stating the proposed use was legal within the B-3 zone. That letter was preliminary zoning approval. Since that approval the zoning ordinance has been amended to require the formerly permitted use a Use Permitted on Review in the B-3 zone. Mr. McKenzie ask that he be allowed to continue with his business since he has made substantial investment and progress toward developing the facility and he received approval under the former regulations.

Building Inspector Scottie Warren stated that he has been working with Mr. McKenzie since June 2009 when he informed him that he would require a full set of architectural plans to make sure he was working within city code. He stated he has done everything that he has been asked to do including purchasing permits and being completely cooperative.

Commission Chair Taylor asked if there were any questions of Mr. Warren or Mr. McKenzie.

Commissioner Reese asked Mr. McKenzie did he get ahead of the city. Did he go to them first? Was everything done under the guidance of the city inspector?

Mr. McKenzie stated that he was under the guidance of the city inspector.

Commission Chair Taylor asked Mr. McKenzie if anyone brought to his attention after November 2009 that there was a zoning change.

Zoning Official Hill answered no. She informed the board that Jeremy came to her in 2009 for approval of that site. Since he was establishing a non-profit business he fell under the description institutional non-profit use. Both Jerre George and Lakishia Hill advised him that this would be a viable location for his business and he was given approval in writing and he purchased the building. After his approval he no longer had to work with the zoning official on the project. He worked with Building Inspector Scottie Warren and the fire department. A lot of work was done on the building to bring it into compliance. When Mr. McKenzie brought the plans in that Mr. Warren requested he was told that the ordinance changed since his original approval. After speaking with City Attorney Althea Hadden-Scott it was determined that Mr. McKenzie would either need to apply for a Use Permitted on Review or appeal the zoning official's decision to deny the use. Mr. McKenzie appealed the zoning official's decision.

Commissioners discussed the former approval given by the zoning office and the change in the zoning ordinance.

Commission Chair Taylor asked if there was anyone who would like to speak against the appeal. Since there were none, he asked for staff recommendation.

Regional Planner George stated that he did get zoning approval and he proceeded to make improvements based on that approval. There is nothing that says how long zoning approval is good. So we feel like the board should overturn the zoning official's decision to withhold the permit. She only did that because she was unsure what to do and felt like the better thing to do was to have the board make a decision on this. So we feel like he should be able to continue without getting a Use Permitted on Review.

Commission Chair Taylor asked if there were any questions of staff. Since there were none he asked for a motion to overturn the zoning officials decision.

Commissioner Reese stated a motion for approval.

Commissioner Blunt seconded the motion.

Commission Chair Taylor stated: I have a motion and second to approve this site for drug and alcohol rehabilitation. All in favor signify by saying "Aye". All opposed signify with the same sign. The zoning official's decision was overturned.

**OPEN DISCUSSION:**

**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 26<sup>TH</sup> DAY OF APRIL 2011.**

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CHAIRMAN

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SECRETARY