

BOARD OF ZONING ADJUSTMENT  
MINUTES  
FOR MEETING HELD NOVEMBER 24, 2009

**MEETING:** Shown herein is a summary of action taken at the Pine Bluff Board of Zoning Adjustment Meeting held November 24, 2009 at 4:00 p.m. in the City Hall Chambers.

**QUORUM:** Those members present included: Lou Taylor, Evelyn Blunt, Joe Clement, Frank Hartwick, Edward Long, Jesse Kearney 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 November 24, 2009.

**CONSIDERATION  
OF MINUTES:**

NONE

**OLD BUSINESS:**

NONE

**NEW BUSINESS:**

**Item 1:** Variance request by Mark Jackson in regard to the erection of a chain link fence with barbed wire around the perimeter and within the front yard setback on property located at 500, 504, 510 and 512 E. 22<sup>nd</sup> Avenue.

Mr. Chris Mercer and Mark Jackson spoke for this request.

Mr. Mercer stated: I a member of the Pulaski County Bar. I started out as a member of the Jefferson County Bar fifty-five (55) years ago but in the last fifty-four (54) years I have been a member of the Pulaski County Bar. I am here in support of the petition by Kingridge Enterprises, Mark Jackson, CEO. Mr. Jackson will speak and delineate all the things that are important.

Mr. Jackson stated: I am the Chief Operating Officer for Kingridge Enterprises. Kingridge Enterprises consist of a number of companies but the primary company is a highway bridge building company. We employ about two-hundred (200) to two-hundred fifty (250) people in four different states. We have acquired a number of lots. We have purchased some mobile homes. We bring people in from out of state and we provide them homes because they have specific expertise that is difficult to find locally. We have made this request predicated from the need that there is a lot of vandalism in the area. We have had to replace two (2) air conditioners and tools that have been taken out of

vehicles. We are trying to secure the property for the workers who work there and draw large salaries and spend money into your economy. We are just trying to make them safe.

Commission Chair Taylor asked: Are there any questions of Mr. Mercer or Mr. Jackson from the commissioners?

Commission Chair Taylor asked: How many mobile homes are you planning to place on that property?

Mr. Jackson answered: There are three (3) there now and not more than five (5). There are seven (7) or eight (8) lots there. We are making substantial cosmetic improvements there. From talking to Ms. Hill I think that is one of the last areas in that area that is approved for mobile homes but not more than five (5) under any circumstances.

Commission Chair Taylor asked: These are used for temporary or transient workers?

Mr. Jackson stated: I think that they are there on a permanent basis. We do about fourteen to fifteen million dollars a year in business with the federal state government. We are currently building an interstate from Monticello to Pine Bluff and we are building part of the I-69 connector. I anticipate that this is a long term thing. We are properly improving the property cosmetically and it will be competitive to any other house in the area. We will pour concrete driveways and make it very attractive. We don't receive income from the property. We put it there for the benefits of our high-skilled employees. We bring them out of Mississippi and Louisiana. Their families sometimes come here and we provide them with a place to stay.

Commission Chair Taylor asked: Is there any other material that you considered using other than chain link?

Mr. Jackson answered: Based upon some of the recommendations that I've gotten the chain link probably provides better security. Wood fence would not provide the type of security desired. These people get up in the morning and leave vehicles and property like generators and air conditioners. But we have not considered any other type of fence.

Commission Chair Taylor stated: I was thinking about natural fencing like holly bushes that would grow up to 10' high with a normal entrance gate. I was wondering if there was any natural landscaping that could be used as fencing.

Mr. Jackson stated: I think that the alternate fencing that you make reference to will not serve the purpose to the extent that it will not exclude vandalism and theft. We will plant shrubbery and install concrete parking with sidewalks.

Commission Chair Taylor state: I can see that area needs some improvement. This project might enhance that area with the amenities you are talking about adding.

Commissioner Reese asked: It appears to me that your chain link fence will have panels in it, or will it be a plain chain link fence? It appears to be a first class fence. You have not slighted anything.

Mr. Jackson stated: It is a first class fence with a first class price. We think highly of our employees and we think they should be able to go to sleep without waking up with stolen generators and tool boxes. We have had this kind of problem over there. The chain link fence is supposed to be top of the line. I have taken pictures of other houses in the area and the fence we are going to construct is superior to what is in the area. We won't downgrade the area. We will add to it.

Commission Chair Taylor asked: What do you think the length of time the people will be at the site?

Mr. Jackson answered: As long as we are in business we plan to be there to maintain the property and keep the property up. The short answer to your question is perpetual.

Commissioner Clement asked: Is Kingridge Enterprises the company that is making the request?

Mr. Jackson answered: It is and I am the Chief Operating Officer.

Commissioner Clement asked: You all are in the road construction business?

Mr. Jackson answered: We are.

Commissioner Clement asked: When the road construction for the highway moves sixteen (16) miles south, will you still use the property?

Mr. Jackson answered: We will. These people are from Gulfport, Louisiana and South Carolina. Driving sixty (60) miles and eighty (80) miles is better than driving to Gulfport every evening when you get off work. A lot of these people I had staying in Motel 6 last year at a cost of sixty-five (65) dollars a week. We decided to create this type of housing environment that we have in some other remote areas. We are not setting up anything to abandon it. We have put a lot of money into this. We will not just walk off and leave it.

Commissioner Blunt asked: Do we get to have any input as far as people from this area applying? Are you with the Arkansas State Highway Department?

Mr. Jackson answered: We do have state highway contracts on a large magnitude. We do hire local people up and down the highways and byways, but those people don't need housing.

Commissioner Blunt stated: I mean, these people can apply. We use to receive these advertisements stating that local people could apply.

Commissioner Long asked: Have you considered alternate sites outside the city limits of Pine Bluff?

Mr. Jackson answered: I have considered it, yes. The spot that I chose, the property was abandoned. The grass was grown up. The people who owned the lots owed back taxes. The city was cutting them. I contacted the people and stated they owed city and state taxes. Basically, I took property that was abandoned and made improvements to them.

Commissioner Clement stated: It looks like there is fencing in the front yard, which we don't allow. Do you understand the zoning rules relative to fencing?

Mr. Jackson answered: I think I do.

Commissioner Clement asked: Can your project still be done within the current zoning rules?

Mr. Jackson answered: To construct privacy fence would defeat the purpose. If I construct a fence down the back and down the side someone still has the liberty to walk in through the front and pick up and air conditioner.

Commissioner Clement stated: You can still do a fence across the front. You just can't be as close to the street as you want. It can still be a full square; it just has to be set back.

Mr. Jackson stated: My understanding of your zoning is you must cross the back, come up toward the side of the house, and then tie in. The way the property is geographically located, that would almost be impossible. I think it would be a security issue if we did it that way.

Commissioner Clement asked: You're not going to have a trailer on the front of that property, are you?

Mr. Jackson answered: One trailer is facing Georgia Street.

Regional Planner George stated: You can go up to eight (8) feet fence in the rear and side property and the front is limited to forty-two (42) inches and it has to be ornamental. The front yard setback on a residential street is thirty (30) feet. Anything behind that thirty (30) feet can be eight (8) feet high and chain link. Chain link cannot be located in the front yard, regardless of height.

Commission Chair Taylor asked: Any other questions? Is there anyone here to speak against the request? Since there is none, may we have staff recommendation?

Regional Planner George stated: This is a variance. This is not a UPOR. In a UPOR you look at the neighborhood and such. This is a variance, which is strictly on an applicant's property. A variance is allowed when there is something unique about the property that in order to be developing in a certain way you have to relax the zoning ordinance. An example of when you give a variance is when there is an easement running through the property, so you have to move your structure over into the side yard setbacks or the rear yard setbacks because the easement won't allow you to build normally. You don't grant variances because someone wants to do something that is not allowed by ordinance. You have to have a unique circumstance to that particular property. This particular property has nothing unique about it. He talks about theft and that may be, but his arguments on theft could be brought by anyone in town. I personally have a lot of stuff locked up in my back yard. One of the reasons we developed the fence regulations was so that we could have some uniformity and preserve the aesthetics of the neighborhood and still allow people to show where their property lines are and install a fence where they can lock up their valuables in the backyard. In this particular instance

we don't see anything unique about the property. The property is deep enough that the mobile home is set behind the thirty (30) feet setback. You still have your rear, side and front yard. In any event we don't feel like barb wire should be permissible in residential neighborhoods. We have limited the height to eight (8) feet. We recommend against the variance request.

Commission Chair Taylor asked: Any questions of staff from commissioners?

Commissioner Kearney asked: What is submittal S?

Regional Planner George answered: That was the narrative submitted with the request.

Commissioner Chair Taylor asked: Are there any other questions of staff?

Commissioner Kearney stated: So if I understand what you are saying, under the present zoning, he can have the fence in the back but he could not have it in the front, could not be nine (9) feet and under no circumstances can he have barb wire.

Regional Planner George stated: That is correct and he can only have chain link in the rear but anything behind that thirty (30) foot setback becomes your rear yard.

Commission Chair Taylor asked: Any further questions of staff? If not I will entertain a motion on staff recommendation.

Commissioner Hartwick started a motion in favor of staff recommendation.

Commissioner Blunt seconded the motions.

Commission Chair Taylor stated: I have a motion and a second. Is there any discussion of the motion?

Commission Chair Taylor asked all in favor of the motion to deny the variance request to signify by saying "Aye". All opposed signify with the same sign. The request was unanimously denied.

**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 JANUARY 2010.**

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CHAIRMAN

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SECRETARY