

**CITY OF PINE BLUFF**  
**BOARD OF ZONING ADJUSTMENT**  
**JUNE 28<sup>TH</sup>, 2022, 4:00 P.M.**  
**PINE BLUFF CONVENTION CENTER**



**AGENDA**

**CALL TO ORDER**

**CONSIDERATION OF MINUTES: May 31st, 2022**

**OLD BUSINESS:**

1. Variance to allow a carport closer to the side property line than allowed by ordinance at 812 S. Hickory Street.
2. Appeal of the Zoning Administrator's Decision regarding 707 W. Pullen Street.

**NEW BUSINESS:**

**ADJOURN TO PLANNING COMMISSION MEETING**

**This application comes before the Board of Zoning Adjustment  
RECOMMENDATION  
TO THE  
PINE BLUFF BOARD OF ZONING ADJUSTMENT**

**SUBJECT:** Variance request to allow a carport closer to the property line than allowed by ordinance at 812 S. Hickory in a R-3, Residential zone.

**APPLICANT:** Babbye Davis

**ZONING AND LAND USES:** R-3, Residential

|         |        |                  |           |        |                  |
|---------|--------|------------------|-----------|--------|------------------|
| ZONING: | North: | R-3, Residential | LAND USE: | North: | S.F. Residential |
|         | South: | R-3, Residential |           | South: | S.F. Residential |
|         | East:  | R-3, Residential |           | East:  | S.F. Residential |
|         | West:  | R-3, Residential |           | West:  | S.F. Residential |

**HISTORY**

No similar variance requests in area.

**REVIEW COMMENTS**

The commission tabled this application at the May meeting with the desire that contact could be made with the property owner to the north adjoining the alley would agree to an alley closing request. Although the staff has no obligation to complete the leg work on requests, it felt that pursuing an alley closing request is the only way the applicant can get a remedy to her situation. Staff sent a letter to the adjoining property owner on June 1<sup>st</sup> and visited 800 Hickory three times between the last meeting and the writing of this review. No contact was made, or response received.

Applicant requests a variance to build a carport closer to the side property line than allowed by ordinance. The carport had been built without a permit and in violation of the city’s zoning ordinance which requires a five-foot side setback. On a site visit it appears that the structure may be located in a portion of the alley. A photo is attached on page 3. In most instances utilities do not locate their lines this close to the edge of right-of-way and normally they are located more towards the center. A survey would be needed to verify the property line.

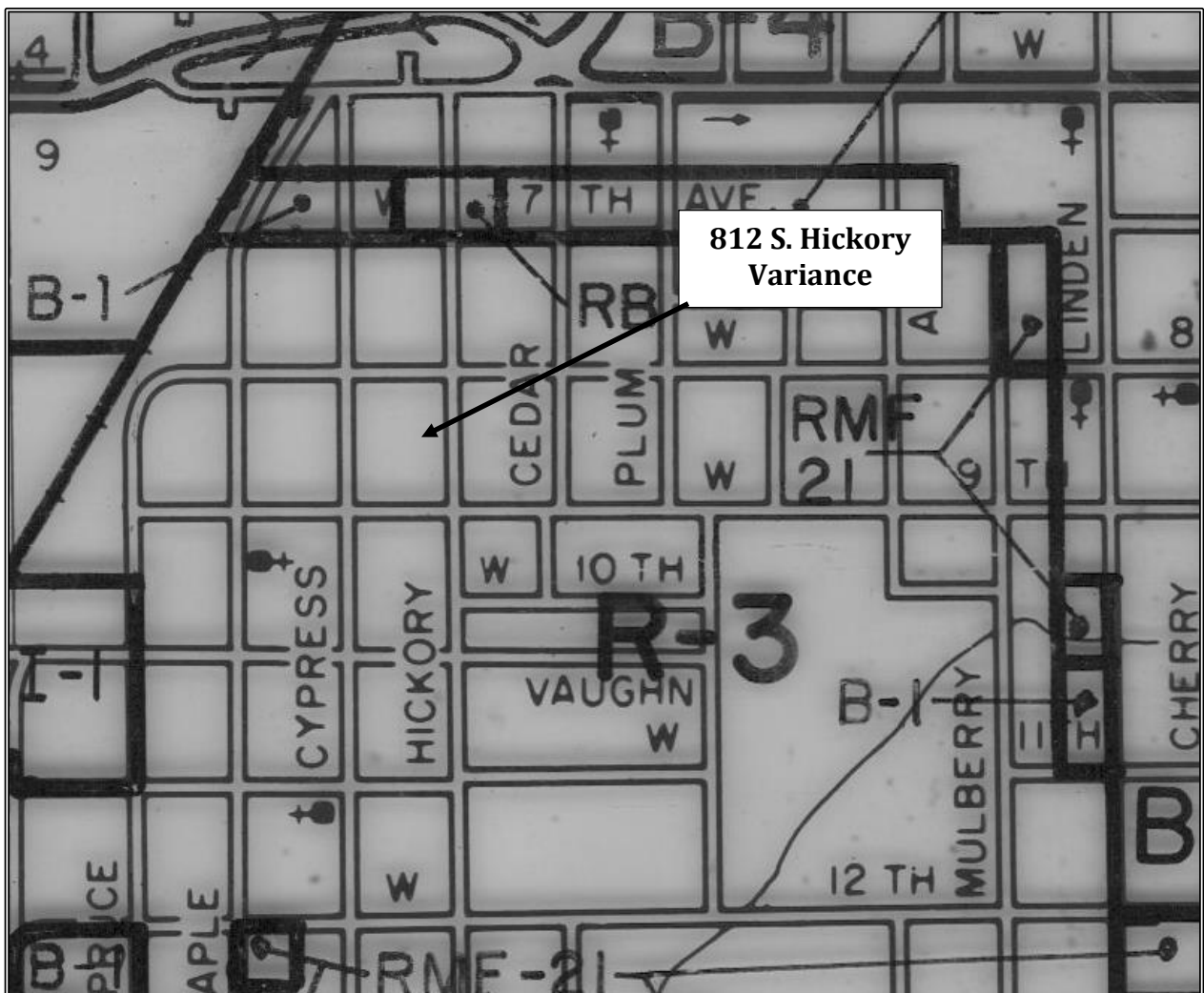
The code specifically states, “ a variance is authorized only for height, area and size of structure or size of yards and open spaces” Those requirements are attached

on page 5. Based on these requirements, the property in question would fail to meet all conditions for approval.

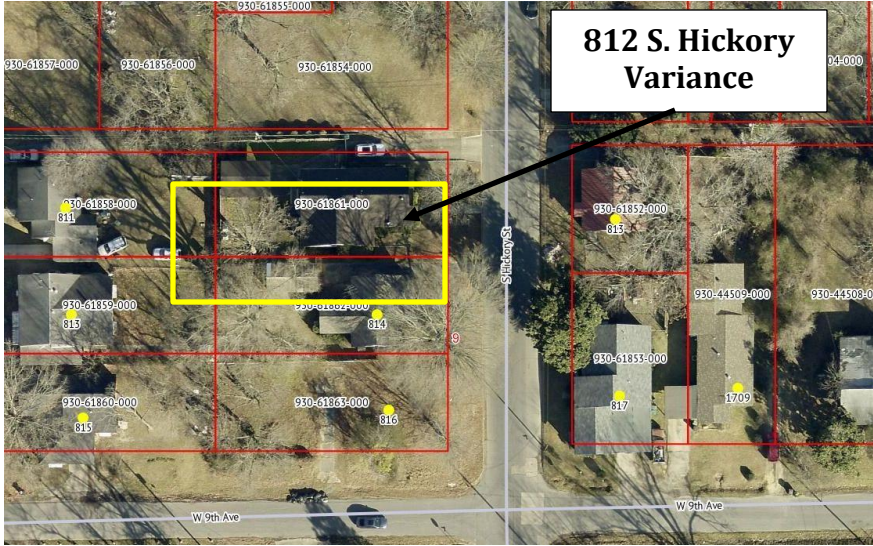
**RECOMMENDATION**

Because the application does not meet the requirements provided by ordinance staff cannot recommend approval. An alley closing request would be a more appropriate remedy for this situation.

Note: even though the structure is already built and without approval it would have to be removed. Approving would be contrary to the ordinance and set a precedence that is easier to ask forgiveness than permission.



**Zoning Map**



812 S. Hickory  
Variance

AERIAL PHOTO

**VARIANCE**

**OLD BUSINESS**

**AGENDA ITEM #1  
812 S. HICKORY  
JUNE 28<sup>TH</sup>, 2022**



*A **variance** from the terms of this ordinance shall not be granted by the board of adjustment unless or until:*

*(1) A written application for a variance is submitted demonstrating:*

- a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are applicable to other lands, structures, or buildings in the same district;*
- b. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;*
- c. That the special conditions and circumstances do not result from the actions of the applicant;*
- d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings in the same district;*
- e. No nonconforming use of neighborhood lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts, shall be considered grounds for the issuance of a variance.*



# CITY OF PINE BLUFF, ARKANSAS

## Board of Zoning Adjustment Variance

### Application / Petition

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Board of Zoning Adjustment agenda until this information is provided.*

Address/Location of Property: 812 South Hickory Street Pine Bluff, AR 71603

Legal Description: BLK 26, N 54 FT LOT 4

Size of Property (acres): 54 X 120 Current Zoning: ✓ Ward: ✓

Variance Requested: To install/build car port on/at the alleyway of my home at 812 South Hickory Street, to provide safety measures.

Reason for Request: To provide dry areas to enter and exit my home safely to prevent more falls and injuries due to elements of weather, and provide protection to vehicle.

#### Applicant / Agent

Name: Babbye Davis  
Address: 812 South Hickory Street  
Pine Bluff AR 71603  
Telephone: (870) 329-5134 (870) 535-5852  
Email: Babbye14e@tt.net  
Fax: \_\_\_\_\_

#### Property Owner (Must be filled out if different)

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Fax: \_\_\_\_\_

Additional information/comments: 1) Disabled  
2) Hip injuries & Hip surgeries  
3) Have fallen in driveway and on steps; before and after surgeries.  
4) Use of cane - present 5) Safety measures.  
Babbye R. Davis 4/25/2022

Applicant / Business Owner Signature

Date

PROPERTY OWNER(S) / AUTHORIZED AGENT CERTIFICATION: I (We), the undersigned, hereby certify under penalty of perjury that I (we) are the owner(s) of the property that is the subject of this application and I (we) have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

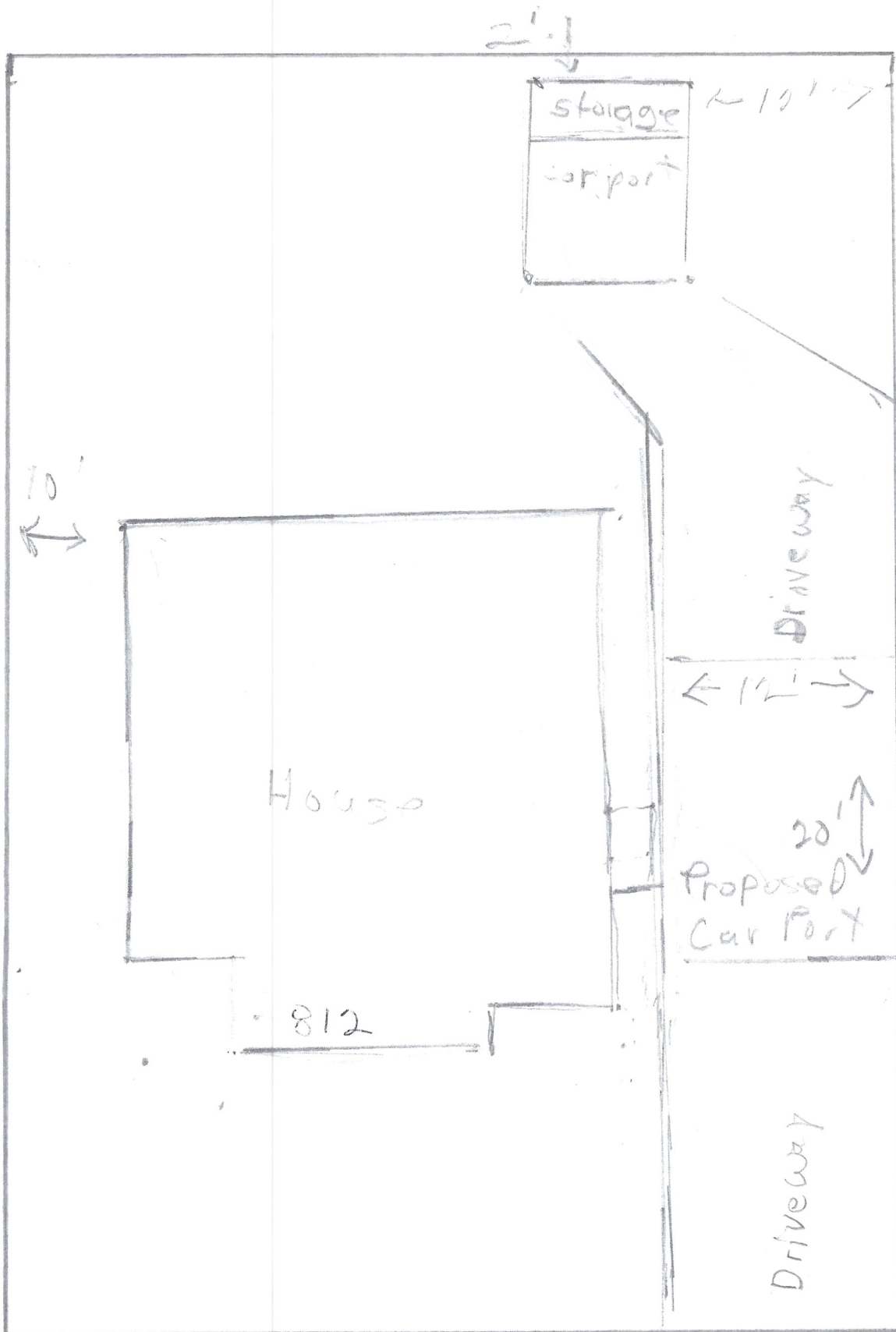
Babbye R. Davis 4/25/2022  
Signature Date

Babbye R. Davis \_\_\_\_\_  
Printed Name Signature Date  
Owner  or Authorized Agent \_\_\_\_\_  
(check one) (check one)

Submission Deadline: 5/2/2022 Expected Planning Commission Meeting Date: 5/31/2022

**• SEE REVERSE SIDE FOR SUBMISSION REQUIREMENTS •**

*It is our intention to assist you in making your project a success in a timely manner. Please call if you have any questions or need assistance from the City of Pine Bluff Inspection & Zoning Department, 200 E. 8<sup>th</sup> Avenue, Pine Bluff, AR 71611 telephonenumber: (870) 730-2020 fax: (870) 730-2170.*



Hickory





June 1<sup>st</sup>, 2022

Leodis Coleman  
800 S. Hickory  
Pine Bluff, AR 71603-2246


Re: Alley located south of 800 S. Hickory

Dear Mr. Coleman:

A request has been made to vacate the alley located along your south property line (more easily described as the alley between 800 Hickory and 812 Hickory). This request is unable to proceed since all property owners adjoining the alley must agree to the closing. Currently four of the five property owners have agreed to the closing and provided a signature to that affect.

This letter is a request by the Planning office to ascertain your approval or disapproval in agree to the alley closing request.

I would appreciate a call so that I may discuss this matter with you. Please contact me at 870-534-4247.

Respectfully,  
  
Larry Reynolds  
Director

**From:** [joe childers](#)  
**To:** [Larry Reynolds](#)  
**Cc:** [Althea Hadden](#)  
**Subject:** Re: Alley closings  
**Date:** Thursday, June 16, 2022 4:15:06 PM

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I don't think so. However, I believe the city has the right to lease or grant a limited license of the occupied part of the alleyway for a nominal consideration for a period of time until the holdout agrees to the alley closing. Jc

Sent from my iPad

On Jun 14, 2022, at 2:52 PM, Larry Reynolds <[LarryReynolds@cablelynx.com](mailto:LarryReynolds@cablelynx.com)> wrote:

Good afternoon, Joe. Questions- Can a city vacate an alley without having to go through planning commission or having all property owners adjoining agree to the vacating?

The commission has an application for a variance where an elderly person had a carport built (without a permit) that does not meet the 5-foot setback but is possibly in the alley. Under the variance rules of the ordinance the commission cannot approve a request in a situation that was created by the property owner. The person was told up front to file an alley closing application with the commission. This requires all adjoining property owners to agree to the closing. The applicant was unable to get 1 of the 5 property owners to agree. She was allowed (???) to file a variance request. At the last meeting, the commission tabled her request and noted they probably can not approve the request and suggested the alley closing. I know she has tried to get in touch with that one adjoining property owner but was unsuccessful. Although not required I sent a letter to the individual who actually replied to my request and called. I won't get into the conversation but capacity to understand was lacking. Therefore, my questions above. Without relief the carport will have to be tore down.

*Larry Reynolds*

Director

[larryreynolds@cablelynx.com](mailto:larryreynolds@cablelynx.com)





This application comes before the Board of Zoning Adjustment  
**RECOMMENDATION**  
**TO THE**  
**PINE BLUFF BOARD OF ZONING ADJUSTMENT**

**SUBJECT:** Appeal of the Zoning Administrator’s Decision denying a permit to rebuild a nonconforming use at 707 W. Pullen in a R-3, Residential zone.

**APPLICANT:** Jonas Williams

**ZONING AND LAND USES:** R-3, Residential

|         |        |                  |           |        |                            |
|---------|--------|------------------|-----------|--------|----------------------------|
| ZONING: | North: | R-3, Residential | LAND USE: | North: | S.F. Residential           |
|         | South: | R-3, Residential |           | South: | Martha Mitchell Expressway |
|         | East:  | R-3, Residential |           | East:  | S.F. Residential           |
|         | West:  | R-3, Residential |           | West:  | Vacant lot                 |

**HISTORY**

No Appeal requests in area.

**REVIEW COMMENTS**

This application was tabled at the May meeting in an effort to find another avenue of remedy. As of this writing, no such remedy has emerged. Staff’s recommendation has not changed.

Applicant is appealing the decision of the zoning administrator in denial of permission to rebuild a nonconforming commercial structure in a residential zone. Based on discussion with Ms. Hill, the Zoning Administrator it is her opinion that the structure is damaged beyond 50 percent and inadequate information has been provided to refute her decision.

The structure and use have been a fixture in Pine Bluff for decades and provides a needed profession. It is staff’s belief that the building served a dual purpose as a reupholstery shop and residence. However, the property sits in the middle of a residential zone with single family residential uses located adjoining the parcel and no commercial zone in close enough proximity to expand to include the commercial use.

A **NONCONFORMING use** as identified by code **shall mean any building or structure which does not comply with all of the regulations of**

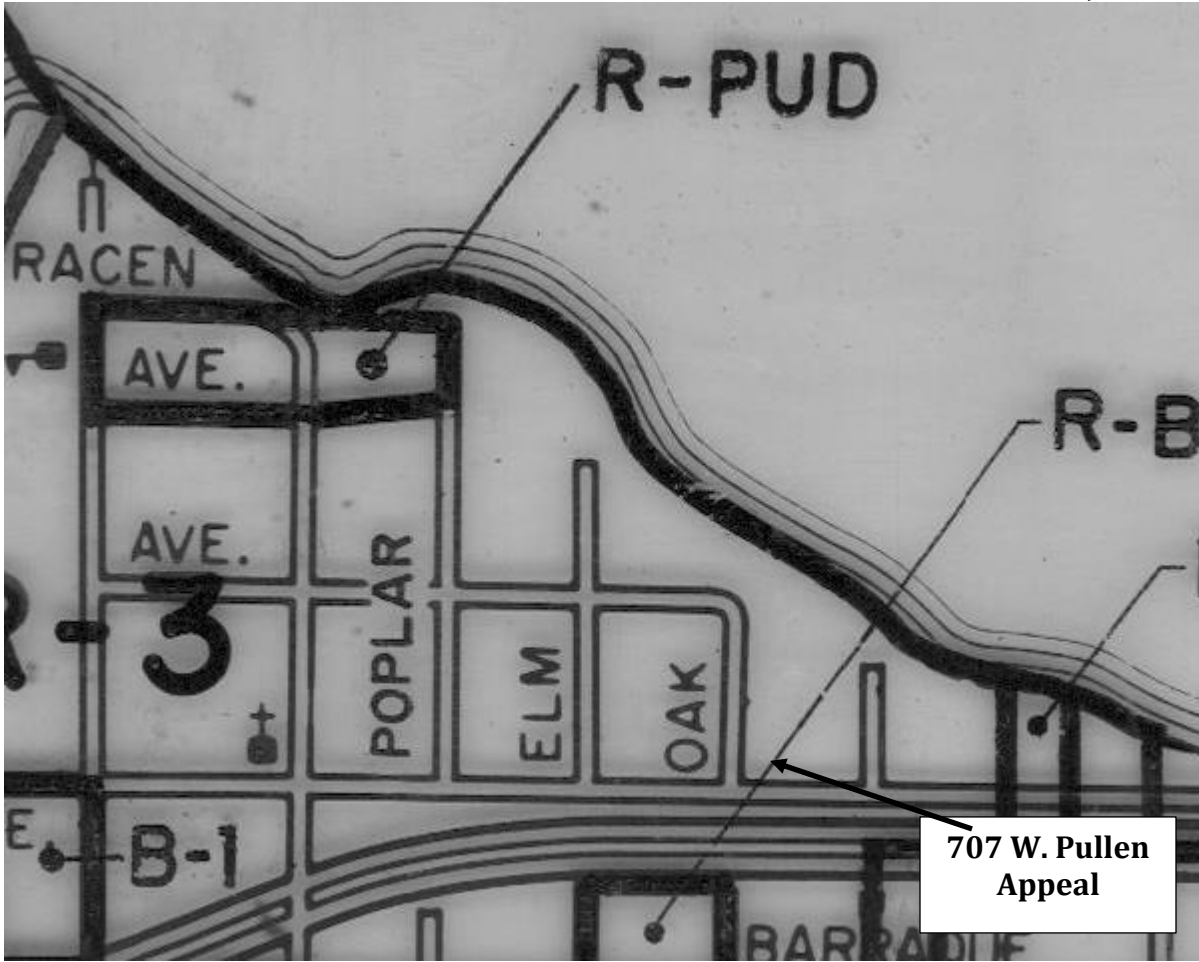
**this chapter or of any amendment hereto.** The commercial use is within a residential zone and therefore classified as a nonconforming use.

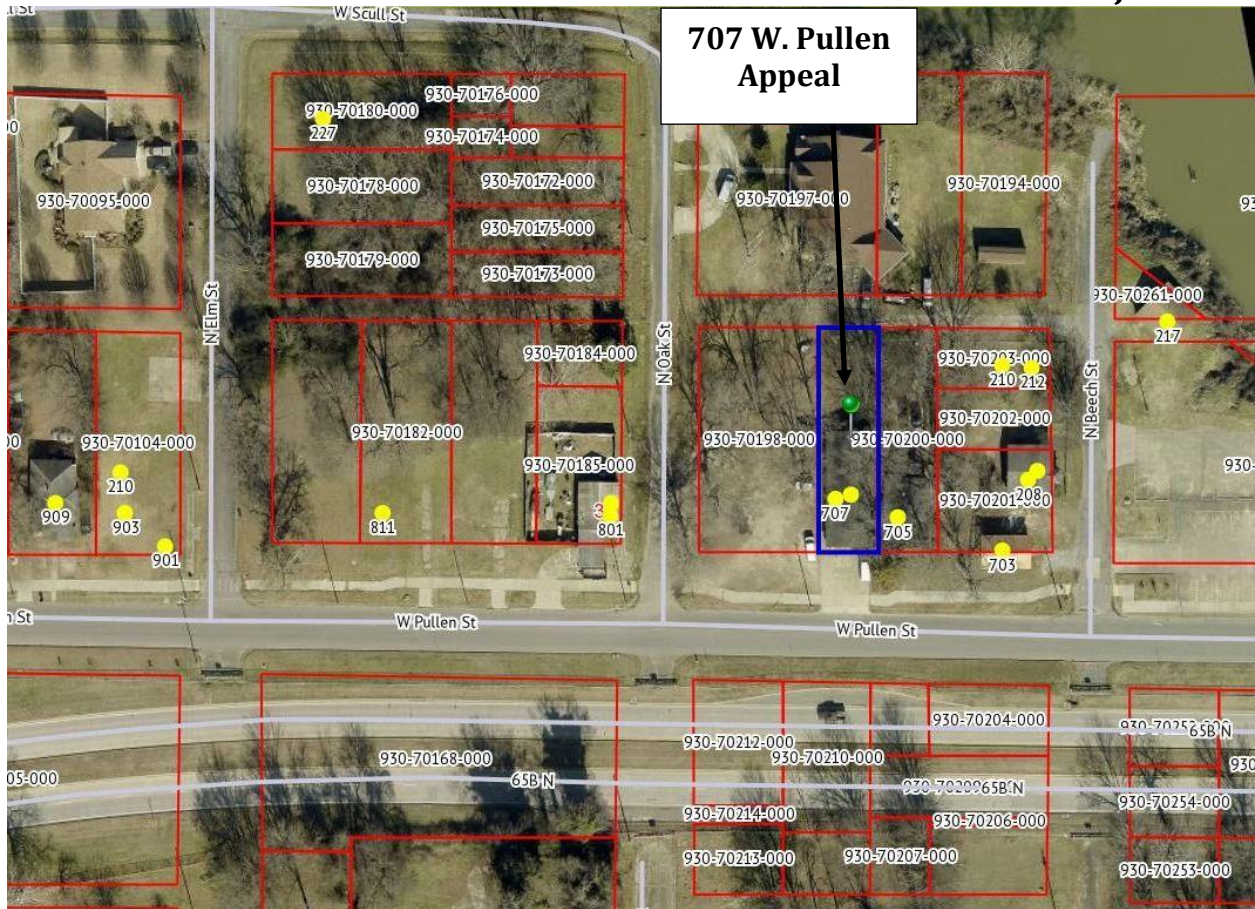
Section 29-55 under the nonconforming section reads as follows: A *nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity shall not be again restored or used for such purpose if the expense of such restoration exceeds fifty (50) percent of the replacement cost of the building or structure at the time such damage occurred... The section goes on to state, whenever a nonconforming building or structure is damaged in excess of fifty (50) percent of its replacement cost at that time the repair or reconstruction of such building or structure **shall conform to all the regulations of the district** in which it is located, and it shall be treated as a new building.*

Based on information provided by the applicant the structure is valued at \$ 27,100 per real estate records at the courthouse. No professional estimate has been provided to Ms. Hill with any indication that the building can be brought up to current building codes for less than ½ the assessed value or \$ 13,549 or less. Without that documentation Ms. Hill was bound by ordinance to deny approval to rebuild.

### **RECOMMENDATION**

In matters of appeals the Board is tasked with answering only one question, “Did the Zoning Administrator make a correct interpretation of the code?” Without supporting documentation provided from the applicant by a licensed professional contractor, staff’s opinion is that the correct action was taken, and the Appeal request should be denied with the decision of the Zoning Administrator being upheld.











Case No. 2022-772



# CITY OF PINE BLUFF, ARKANSAS

## Appeal of Zoning Official's Decision

### Application

Please fill out this form completely, supplying all necessary information and documentation to support your request. *Your application will not be placed on the Board of Zoning Adjustment agenda until this information is provided.*

Business Name & Nature of Business (If applicable): Jonas Williams Upholstery

Property Location: (address or lot, block, or nearest intersection) 707 W. Pullen Street  
Property/Parcel ID No. 930-70199-000 Current Zoning: R-3 Residential  
Lot Frontage 40 (feet) Lot Dept 152 (feet) Square Footage/Acres 6,080

Number of Existing Buildings \_\_\_\_\_ Use of Buildings: Residential Commercial Industrial

**Applicant / Business Owner**

Name: Jonas Williams  
Address: 707 West Pullen Street  
Pine Bluff, AR 71601  
Telephone: 870-939-7281 / 870-536-8943  
Email: \_\_\_\_\_  
Fax: \_\_\_\_\_

**Property Owner (Must be filled out if different)**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_  
Fax: \_\_\_\_\_

Briefly explain appeal: Appeal for the right to repair burned commercial structure located within a residential zone.

Does the property have restrictive covenants? No (If yes, attach a copy of covenants)  
Are there any special licenses for your business? No (Explain) \_\_\_\_\_  
Has any zoning action / request been previously been made for this property: No

Jonas Williams III 5/9/22  
Applicant / Business Owner Signature Date

PROPERTY OWNER(S) / AUTHORIZED AGENT CERTIFICATION: I (We), the undersigned, hereby certify under penalty of perjury that I (we) are the owner(s) of the property that is the subject of this application and I (we) have read this application and consent to its filing. (If signed by the authorized agent, a letter from each property owner must be provided indicating that the agent is authorized to act on his/her behalf.)

|                                       |            |                                       |            |
|---------------------------------------|------------|---------------------------------------|------------|
| Signature _____                       | Date _____ | Signature _____                       | Date _____ |
| Printed Name _____                    |            | Printed Name _____                    |            |
| Owner _____ or Authorized Agent _____ |            | Owner _____ or Authorized Agent _____ |            |
| (Check one)                           |            | (check one)                           |            |

Submission Deadline: \_\_\_\_\_ Expected Planning Commission Meeting Date: \_\_\_\_\_

**• SEE REVERSE SIDE FOR SUBMISSION REQUIREMENTS •**

*It is our intention to assist you in making your project a success in a timely manner. Please call if you have any questions or need assistance from the City of Pine Bluff Inspection & Zoning Department, 200 E. 8<sup>th</sup> Avenue, Pine Bluff, AR 71611 Tel: (870)730-2020 fax: (870) 730-2170.*

707 West Pulaski St

Storage

space

side

front

SONAS WILLIAM  
UPHOLSTERY

30'

12'

31'

28'

Remove

Labor

Material

Estimation

1200.00

700.00

1900.00

Roofing

Labor

Material

1700.00

800.00

2500.00

Parcel: 930-70199-000

# Jefferson County Report

ID:

As of: 5/7/2022

## Property Owner

Name: WILLIAMS JONAS

## Property Informatic

Physical Address: 707 W PULLEN ST

Mailing Address: 707 W PULLEN ST  
PINE BLUFF, AR 71601

Subdivision: WOODRUFF ADD W

Block / Lot: 030 / 006

Type: (CR) Comm./Res.

S-T-R: 32-05-09

Tax Dist: (031) 3 PINE BLUFF

Size (Acres): 0.140

Millage Rate: 61.30

Extended Legal: BLK 30, E 40 FT OF LOT 6

### Market and Assessed Values

### Taxes

|               | Estimated Market Value | Full Assessed (20% Mkt Value) | Taxable Value  | Estimated Taxes:                              | \$407 |
|---------------|------------------------|-------------------------------|----------------|---|-------|
| Land:         | \$6,100                | \$1,220                       | \$1,220        | Homestead Credit:                             | \$0   |
| Building:     | 27100                  | 5420                          | 5420           | Note: Tax amounts are the county/parish tax c |       |
| <b>Total:</b> | <b>\$33,200</b>        | <b>\$6,640</b>                | <b>\$6,640</b> |   |       |

### Special Assessments

#### Assessment

HARDING DRAIN IMP. DISTR.

Total

### Land

| Land Use     | Size             | Units |
|--------------|------------------|-------|
| 40X152       | 6080.000         | Sq.Ft |
| <b>Total</b> | <b>6,080.000</b> |       |

### Deed Transfers

| Deed Date | Book | Page | Deed Type | Stamps | Est. Sale | Grantee        | Code | Type |
|-----------|------|------|-----------|--------|-----------|----------------|------|------|
| 1/1/1910  | 000  | 0000 | N/A       |        |           | WILLIAMS JONAS | N/A  | N/A  |

### Reappraisal Value History

| Tax Year | Total Value | Total Assessed |
|----------|-------------|----------------|
| 2015     | \$24,500.00 | \$4,900.00     |
| 2016     | \$24,500.00 | \$4,900.00     |
| 2017     | \$24,500.00 | \$4,900.00     |
| 2018     | \$33,200.00 | \$5,390.00     |

Parcel: 930-70199-000

# Jefferson County Report

ID:

As of: 5/7/2022

**Map**

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Replacement cost means the total of estimated expenses required to bring the structure(s) or improvement(s) in question into a state of reconstruction or repair in full compliance with all property maintenance codes of the city. The good faith estimate of said expenses by the Inspection Department shall be presumed accurate, but the owner of the property may rebut the presumption by demonstrating via proper proofs the total of estimated expenses for reconstruction or repair if the owner intends to undertake such activity.

Sec. 29-55. - Restoration of damaged buildings.

A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, explosion, earthquake, or other calamity shall not be again restored or used for such purpose if the expense of such restoration exceeds fifty (50) percent of the replacement cost of the building or structure at the time such damage occurred, except that a damaged or destroyed nonconforming single-family dwelling that is being used exclusively for single-family occupancy at the time of destruction may be restored up to one hundred (100) percent of the replacement cost. Any nonconforming building or structure partially destroyed, or any nonconforming single-family dwelling partially or fully destroyed, may be restored provided restoration is started within twelve (12) months of destruction, and is diligently pursued to completion. Whenever a nonconforming building or structure is damaged in excess of fifty (50) percent of its replacement cost at that time the repair or reconstruction of such building or structure shall conform to all the regulations of the district in which it is located and it shall be treated as a new building.

(Ord. No. 4807, as amended, § 5(E), 2-2-81; Ord. No. 6110, § 1, 9-7-04)