



**CENTERTON BOARD OF  
ZONING ADJUSTMENTS  
JANUARY 16, 2024 @ 6:00 PM  
AGENDA**

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*Public comment period after the introduction of each agenda item*

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
  - A. VAR23-05 WIENS -Building Setback-530 Gala Circle.- (Zoned R-2 / .21 Ac / Reduce the rear setback from 20' to 14') Owner: Wendell Wiens (Planner: DMorrisonLloyd)**
- 6. OTHER BUSINESS**
- 7. ANNOUNCEMENTS**
- 8. ADJOURN**

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**NOTE:** Although every effort on the part of the Planning Dept. is made to assure every Agenda is accurate and precise, periodically, for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice. Citizens are encouraged to call City Hall/Planning Dept. (479-795-2750-option 4) to verify if an item of interest remains scheduled to be heard on this date.



**BOARD OF ZONING ADJUSTMENT  
MINUTES OF MEETING  
JANUARY 16, 2024**

**1. CALL TO ORDER**

The Meeting of the Centerton Board of Zoning Adjustment was called to order by Chair Jeff Seyfarth at 6:00P.M.

**2. ROLL CALL**

Those present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Tony Davis, John Sessoms, Ben Lewis, Craig Langford, Devin Murphy, Brandon Swoboda, and Jerry Harris. Others in attendance for the city were: Planner Dianne Morrison Lloyd, Planner Kayla Knight, Planner Erik Nystrom, Director of Planning Lorene Burns, City Engineer Alan Craighead, Mayor Bill Edwards, City Attorney Brian Rabal, and Planning Assistant/Recorder Samantha Hartman.

**3. APPROVAL OF MINUTES**

**4. NEW BUSINESS**

**A. VAR23-05 WIENS – Building Setbacks** – 530 Gala Circle- (Zoned R-2 / .21 Ac / Reduce the rear setback from 20’ to 14’) *Owner: Wendell Wiens (Planner: DMorrisonLloyd)*

- ◆ Buzz Sawyer from Sawyer Construction was present.
  - There is a 20- foot Setback on the backside of the house.
  - The walls will be 12- feet and the roof will be sticking out 6- feet past the overhang which will leave the setback at 14- feet.
- ◆ Dianne Morrison Lloyd gave the staff overview.
  - The applicant is requesting a 6’ reduction in the rear building setback for Lot 49 Orchard Park, zoned R-2, to add a sunroom.
  - The sunroom will be attached to the rear of the house and extend the existing roof line by 6’. The home was built to the full length of buildable lot area to the North and South.
  - The Planning Commission previously approved VAR18-02 reducing the lot width from 80’ to 70’ on 04/24/18 and VAR18-05 reducing the rear yard setback from 25’ to 20’ on 12/18/18 for all lots in the Orchard Park Subdivision.

**The commissioners had no questions and Jeff Seyfarth entertained a motion to open the public hearing. Joey Ingle made a motion to open the public hearing with a**

**second from Craig Langford. No members were opposed, and the public hearing was opened.**

No Public Comments. No other public comments were received by staff.

**Joey Ingle made a motion to close the public hearing for VAR23-05 with a second from Tony Davis. No members were opposed, and the motion carried.**

**A. The Board of Zoning Adjustment was asked to consider the following:**

▪ **Preservation of Intent**

- a. ***Applicant's Response:** Sawyer's Inc. proposes to build a 12' x 22' sunroom using an existing inset to take advantage of the already available square footage of the home to make it additional heated space within the home. This will require us to build out the roof line over the inset an additional 6'. As it stands the inset space in question is not used. If the variance is granted the homeowner will use the space for entertainment. The intended usage of the space falls within the intended purposes of the subdivision.*
- b. ***Staff Findings:** The variance request for a 6' reduction of the rear setback does not create a use that is not permitted in the R-2 zoning district. The property use will remain single-family.*
- c. All Commissioners agree with the staff findings.

▪ **Exceptional Circumstances**

- a. ***Applicant's Response:** The rear of 530 Gala Circle has a 20' rear setback. Measuring from the rear setback line to the existing rear inset roofline is 20'. There is no space to build out with the existing conditions. We request that the rear setback be adjusted from 20' to 14' in order to take advantage of the available space.*
- b. ***Staff Findings:** The property does not have exceptional, extraordinary, or unusual conditions. Lot 49 has the same conditions and lot area as the other lots located in the Orchard Park Subdivision. The homeowner has the same use of the property as other property owners in the subdivision. The VAR18-05 already gives all property owners in Orchard Park an additional 5' of buildable area than other R-2 zoned subdivisions.*
- c. All Commissioners agree that there are no exceptional circumstances.

▪ **Hardship, Not Grounds For Variance.**

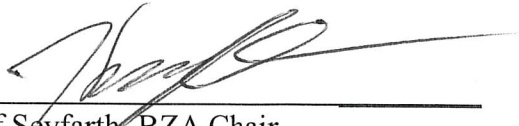
- a. ***Applicant's Response:** The rear setback is preventing the homeowner from making good use of the space that is available. The intended project will increase the usability of the space and the value of the property. The intended project will not impose on neighbors in any way.*
- b. ***Staff Findings:** There is no hardship found to exist. The proposed sunroom addition would be a self-imposed circumstance requiring a variance of the rear setback.*
- c. All Commissioners agree there are no hardships.

- **Preservation of Property Rights**
  - a. *Applicant's Response:* Granting a variance of the rear setback will allow the homeowners the ability to use the property within intent of the subdivision.
  - b. *Staff Findings:* The R-2 zoning setbacks do not deprive the applicant of property rights allowed for other property owners.
  - c. All Commissioners agree with the staff that the setbacks do not deprive the owner of any rights.
  
- **Absence of Detriment**
  - a. *Applicant's Response:* Granting a rear setback variance will not encroach on the adjacent property owner's property lines or lines of sight. What we propose will be appealing to the eye, making better use of the space for the homeowner and increase property value.
  - b. *Staff Findings:* If the variance is approved, adjacent property owners would be affected in that they would have more buildings and less open space around them. Granting this variance could set a precedent for others in the subdivision to request a setback reduction.
  - c. All Commissioners agree with the staff findings.
  
- ◆ Jeff Seyfarth asked if there were any comments regarding the variance request before it gets voted on.
  - Joey Ingle repeated that there is already a reduction in setbacks from a previous Variance, therefore it's already 5- feet less than usual.
  - Ben Lewis asked what the sunroom is made of.
    - Buzz replied that it was made with extruded aluminum thermally broken with mostly glass and an insulated roof system.
  - Joey Ingle asked about the space to the East of the house.
    - The applicant said they looked at that, but it doesn't work with the home layout. We wanted to tie in the existing roof.
  - Joey Ingle said that he has a hard time granting it because there are no exceptional circumstances and no hardship. In addition, it's all self-imposed.
  - Jeff Seyfarth asked what is on the east side.
    - The applicant said there is a twin window into the dining room.
  - Joey Ingle said to possibly look into the inset area to the west of the proposed location.

With no other questions from the Commissioners, Jeff Seyfarth entertained a motion. Joey Ingle motioned to Grant the request VAR23-05 Building Setback- 530 Gala Circle with a 2<sup>nd</sup> from Jerry Harris. In a Roll Call, all Commission members voted "No" and the motion failed with eight (8) "No" votes and zero (0) "Yes" votes.

## 5. ADJOURN-

**Tony Davis made a motion to adjourn the meeting at 6:20 PM, with a 2<sup>nd</sup> from John Sessoms. No commissioners were opposed, and the meeting was adjourned.**



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Jeff Seyfarth - BZA Chair  
Centerton Board of Zoning Adjustment

Minutes Prepared By: Samantha Hartman