



**BOARD OF ZONING ADJUSTMENT  
May 4, 2021 @ 6:00 PM  
AGENDA**

---

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

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES - NONE**
- 4. OLD BUSINESS - NONE**
- 5. NEW BUSINESS**
  - A. {PUBLIC HEARING} VAR21-01 Lot 96 Versailles, Marley Prop – Retaining Wall Encroachment 8’ into 15’ Side Setback; 1505 Chateau Ct (R1/2.44Ac)**
- 6. OTHER BUSINESS - NONE**
- 7. ANNOUNCEMENTS**
  - A. Next BZA Meeting: 05/18/2021 @ 6:00 PM**
- 8. ADJOURN**

**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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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  
MAY 4, 2021**

- (1) **CALL TO ORDER** - The Zoom Virtual meeting of the Centerton Board of Zoning Adjustment was called to order by Chairman Jeff Seyfarth at 6:00 p.m.
- (2) **ROLL CALL** - Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, Jerry Harris, John Sessoms and Tony Davis. Amber Beale and Ben Lewis were absent. Others in attendance for the City were Mayor Bill Edwards, City Attorney Brian Rabal, City Clerk/Recorder Todd Wright, City Planner Dianne Morris Lloyd, Senior Planner Nicole Gibbs, City Planner Donna Wonsower, Director of Public Works Rick Hudson and Fire Marshal Paul Higginbotham.
- (3) **APPROVAL OF MINUTES** - None
- (4) **OLD BUSINESS**- None
- (5) **NEW BUSINESS**-
  - A. **{Public Hearing} VAR21-01: Lot 96 Versailles, Marley Property – Retaining Wall Encroachment 8’ into 15’ Side Setback; 1505 Chateau Court (R-1 / 2.44 Acres) -**

Chairman Jeff Seyfarth introduced the item to the Board.

Jared Marley, the property owner, addressed the BZA, stating that this request is for his personal home. He said they have a 2.44 Acre Lot in the Versailles Subdivision. He said it is a pie-shaped lot, with a 25’ fall in the rear of the lot from the corner of the proposed home. He said they are proposing to build some walls to raise the house on the lot. He said the house itself will not encroach on any of the Building Setbacks. He said they are only looking to build retaining walls outside of the setback. He said they will have a walk-out basement as well. He said the narrowness and steepness of the lot caused them to have to push the home back on the property, to get it to fit properly.

City Planner Donna Wonsower addressed the BZA, giving a brief overview of the request. She said there is a concurrent Vacation Request to follow, during the PC

meeting. She said this property is in the Versailles Subdivision. She said all the Building setbacks were platted as Utility and Drainage Easements in the subdivision. She said the request is for a reduction in the Building Setbacks on the side, from 15' to 7'. She said the zoning is R-1. She said following the Public Hearing, the BZA is asked to evaluate each request on its own merit, using the five (5) elements for findings and facts, with traditionally needing 4 out of the 5 elements beings satisfied. She said the Building Safety Department is asking for an Arkansas licensed Engineer Design for the retaining walls, to be presented at the time of the building permit submittal. She said we did receive a plan, stating that a couple of the retaining walls are 10'-11' tall. She read through the five (5) Findings of Fact, with both the Applicant's Responses and the Staff Findings, as contained in the BZA packets.

**Joey Ingle made a motion to Open the Public Hearing, with a 2<sup>nd</sup> from John Sessoms. All Board members voted in favor and the motion carried.**

Chairman Seyfarth opened the meeting for Public Comment.

**Public Comments -**

**Response from Adjacent Property Owner** – Senior Planner Nicole Gibbs said we did receive a response from an adjacent property owner, stating that the neighborhood is almost full, with only “odd” lots left; he does not see this as an issue.

Chairman Jeff Seyfarth asked if there were any other public comments. There were none.

**Craig Langford made a motion to Close the Public Hearing, with a 2<sup>nd</sup> from Joey Ingle. All Board members voted in favor and the motion carried.**

Chairman Seyfarth asked the Board to look at the following items:

- **Preservation of Intent - YES** – Chairman Seyfarth stated that the intent is to build a house within the 15ft side setback. The Board was in agreement.
- **Exceptional Circumstances – YES** – Chairman Seyfarth stated that the shape and slope of this lot is somewhat unique, in the fact that he wants to make sure this house is visible and is within the 15ft setback. The Board was in agreement.
- **Hardship, Not Grounds for Variance- YES** – Chairman Seyfarth stated that he does not feel the applicant is looking for financial gain in this situation. The Board was in agreement.
- **Preservation of Property Rights - YES** - Chairman Seyfarth stated that the applicant intends to build a home, and there is an unusual shape and slope to the lot. The Board was in agreement.

- **Absence of Detriment- YES** - Chairman Seyfarth stated that the applicant is trying to build something here that is representative of the neighborhood. The Board was in agreement.

Chairman Jeff Seyfarth asked if there were any more questions or comments from the Board or Staff. He reminded the BZA that this request is for the walls and not the structure. He said the Building Safety Department has also asked for an Arkansas licensed Engineer Design for the retaining walls.

Nicole Gibbs said not all retaining walls would be in the realm of requiring a Variance and Vacation for setback and easement encroachment, but Staff agreed that since it is a tall, engineered wall and ties into the foundation of the home, it is considered a permanent structure. She said shorter landscaping walls would not require BZA approval.

Joey Ingle pointed out that this Variance applies to the footings as well, and not just the face of the wall.

**Joey Ingle made a motion, based on the conclusions for each of our findings, to Grant the request by Jared Marley for up to an 8-ft. reduction to the 15-ft required building side setback for the R-1, Low Density Residential Zone for the Versailles Subdivision of Lot 96, with an Arkansas licensed Engineer Design for the retaining walls, with the variance applying only to the retaining wall, and not to the residential structure, with a 2<sup>nd</sup> from Jerry Harris. All Board members voted in favor and the motion carried.**

**(6) ANNOUNCEMENTS-**

- 5/18/2021 – BZA Meeting @ 6:00 PM
- 5/18/2021 – Planning Commission Meeting @ 6:00 PM (Following the BZA Meeting)

**(7) ADJOURN-**

**Joey Ingle made a motion to Adjourn the meeting with a 2<sup>nd</sup> from Tony Davis. All Board members voted in favor and the motion carried at 6:23 PM.**

  
\_\_\_\_\_  
**Jeff Seyfarth – Chairman**  
**Centerton Board of Zoning Adjustment**

Minutes prepared by:  
Todd Wright