



**BOARD OF ZONING ADJUSTMENT**  
**October 20, 2020 @ 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. **{Public Hearing} VAR20-05 Southwinds Lot 1-** 6 ft. Reduction of 25 ft. Street Side Setback
  - B. **{Public Hearing} VAR20-06 Southwinds Lot 46-** 5 ft. Reduction of 25 ft. Street Side Setback
  - C. **{Public Hearing} VAR20-07 Southwinds Lot 61-** 6 ft. Reduction of 25 ft. Street Side Setback
  - D. **{Public Hearing} VAR20-08 Maple Estates PH1A Lots 1 & 2 –** Min. Lot Width Reduct. from 80' to 70'
6. **OTHER BUSINESS**
7. **ANNOUNCEMENTS**
  - A. **Next BZA Meeting: 11/03/2020 @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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.



**CENTERTON  
BOARD OF ZONING ADJUSTMENT  
MINUTES OF MEETING  
OCTOBER 20, 2020**

- (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, Tiffany Morris, Craig Langford, Jerry Harris, Amber Beale, John Sessoms and Ben Lewis. Devin Murphy was in and out of the meeting, due to internet issues. Others in attendance for the City were Mayor Bill Edwards, City Attorney Brian Rabal, City Clerk/Recorder Todd Wright, Planning Director Lorene Burns, 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}
- **VAR20-05: Southwinds Lot 1 – 6 ft. Reduction of 25 ft. Street Side Setback**
  - **VAR20-06: Southwinds Lot 46 – 5 ft. Reduction of 25 ft. Street Side Setback**
  - **VAR20-07: Southwinds Lot 61 – 6 ft. Reduction of 25 ft. Street Side Setback**

Chairman Jeff Seyfarth introduced the item to the Board. He asked City Attorney Brian Rabal if we could address these requests as one item. Rabal had no objection to doing it that way.

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

Senior Planner Nicole Gibbs addressed the Board, detailing Variance Requests for the three (3) Lots in the Southwinds Subdivision. She said these lots are in the approved and platted Phase 1. She said these are separate requests but are for the same Subdivision. She detailed the requests, giving a brief history of how we arrived at this point, stating that the City of Centerton acquired 40' of ROW on Womack Road by Deed in 2017, not having gone through the planning process. She said it was not shown on the survey for a Tract Split in 2018 and was not shown on the Preliminary Plat for the subdivision. She said the 40' ROW was found by our surveyor [MSE, City Engineer] during the first review of the Final Plat. She said Staff and the Developer looked at different ways to accommodate the additional ROW, and were able to do so, on all but Lots 1, 46 and 61.

Chairman Jeff Seyfarth asked if there were any questions or comments from the Board or City Staff. There were none.

Chairman Seyfarth asked the Board to look at the following items, reading both the Applicant's Response and Staff Finding for each item.

- **Preservation of Intent- YES** - After discussion, the Board was in agreement that the Intent **is** being preserved in this case.
- **Exceptional Circumstances- NO** - After lengthy discussion, the Board was in agreement that there **is not** an Exceptional Circumstance in this case. It was agreed that just because it was not found by the Applicant's Surveyor does not make it exceptional, and that it is not the responsibility of the City to do a Title Search to cover all of the details provided by the Applicant's survey. It was agreed that this situation is unusual. It was stated that PC approved the Final Plat with a 40' ROW shown, and the applicant had an opportunity to make adjustments to the lots. It was also discussed that although this could change the buildable area on these lots, they are still buildable.
- **Hardship Not Grounds for Variance- YES** - After discussion, the Board was in agreement that financial gain/loss was not the sole intent of Variance Request by the Developer in this case.
- **Preservation of Property Rights- NO** - After discussion, the Board was in agreement that property rights **are** being preserved for the property owners in this case.
- **Absence of Detriment- YES** - After discussion about surrounding properties, the Board was in agreement that this application would create **no detriment** to adjacent properties.

Chairman Jeff Seyfarth opened the meeting for any Public Comments. **There were No Public Comments.**

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

Chairman Jeff Seyfarth asked if there were any more questions or comments from the Board or City Staff. Nicole Gibbs pointed out that a Variance Request is a Quasi-Judicial decision.

**Joey Ingle made a motion, based on the conclusions for each of our findings, to Grant the request by Riverwood Homes, for VAR20-05: Southwinds Lot 1 – 6ft. Reduction of 25 ft. Street Side Setback, VAR20-06: Southwinds Lot 46 – 5 ft. Reduction of 25 ft. Street Side Setback and VAR20-07: Southwinds Lot 61 – 6 ft. Reduction of 25 ft. Street Side Setback, based upon Variance Application and upon review of this request, and subject to all other Code Requirements, and any stated Conditions of Approval, so noted by this Board, with a 2<sup>nd</sup> from John Sessoms. There was a Roll Call. All Board members voted in favor, except for Amber Beale, Joey Ingle and Jeff Seyfarth, and the motion carried.**

**B. {Public Hearing} VAR20-08: Maple Estates Subdivision – Lot Width Reduction from 80' to 70' –**

Chairman Jeff Seyfarth introduced the item to the Board.

**Joey Ingle made a motion to Open the Public Hearing for VAR20-08: Maple Estates Subdivision – Lot Width Reduction from 80' to 70', with a 2<sup>nd</sup> from Devin Murphy. All Board Members voted in favor and the motion carried.**

Senior Planner Nicole Gibbs addressed the Board. She stated that PC recently granted a Rezone Request for this property to R-2 SF. She said the Replat is contingent upon this Variance Request. She said the original subdivision was granted a Variance for Lot Width in R-2 Medium Density Residential District, as long as they met the 8500sf Minimum Area Requirement. This new request would have that same requirement. She said Lots 1 & 2 were originally platted with Phase 1A in 2017 as commercial lots, C-3 Neighborhood Commercial District, which were not included in the original variance from R-2 District requirements. She said this Variance is for the proposed replated lots (Lots 120-127).

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

- **Preservation of Intent- YES** - After discussion, the Board was in agreement that the Intent is being preserved in this case.
- **Exceptional Circumstances- YES** - After discussion, the Board was in agreement that there is an Exceptional Circumstance in this case.
- **Hardship Not Grounds for Variance- YES** - After discussion, the Board agreed that there is **not**, a Hardship in this case.
- **Preservation of Property Rights- YES** - After discussion, the Board was in agreement that property rights **are** being preserved for the property owner in this case.
- **Absence of Detriment- YES** - After discussion about surrounding properties, the Board was in agreement that this application creates **no detriment** to adjacent properties.

Chairman Jeff Seyfarth opened the item for any Public Comments. **There were No Public Comments.**

**Craig Langford made a motion to Close the Public Hearing for VAR20-08: Maple Estates Subdivision – Lot Width Reduction from 80’ to 70’, with a 2<sup>nd</sup> from John Sessoms. All Board members voted in favor and the motion carried.**

Chairman Jeff Seyfarth asked if there were any more questions or comments from the Board or City Staff.

**Craig Langford made a motion, based upon the conclusions for each of our findings, to Grant the request by Can-Ark Diamond Realty for a 10-ft. reduction to the 80-ft required minimum lot width for the R-2 SF, Medium density Single Family Residential Zone to 70-ft minimum for the Maple Estates Phase 1A Replat of Lots 1 & 2, creating Lots 120-127, subject to the minimum area requirement of 8500 sf being maintained, with a 2<sup>nd</sup> from John Sessoms. There was a Roll Call. All Board members voted in favor, and the motion carried.**

**(6) ANNOUNCEMENTS-**

- **11/03/2020 – BZA Meeting @ 6:00 PM**
- **11/03/2020 – 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 Tiffany Morris.  
All Board members voted in favor and the motion carried at 7:16 PM.**



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

Minutes prepared by:  
Todd Wright