



**CITY OF CENTERTON  
BOARD OF ZONING ADJUSTMENT**

**Jan. 21, 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} VAR19-04 Walters Rd Subdivision** – up to 5’ Rear Yard Setback Reduction  
in Proposed R-3 Zone (11505 Walters Rd)
- 6. OTHER BUSINESS**
  - A.**
- 7. ANNOUNCEMENTS**
  - A. Next PC Meetings:** 02/04/20 @ 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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  
JANUARY 21, 2020**

- (1) **CALL TO ORDER-** The 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, Devin Murphy, Tiffany Morris, Craig Langford, Ty Manning, Jerry Harris, Amber Beale and Joey Ingle. 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 Engineer John Wary, and Director of Public Works Rick Hudson.
  
- (3) **APPROVAL OF MINUTES-** None
  
- (4) **OLD BUSINESS-** None
  
- (5) **NEW BUSINESS-**

**A. {Public Hearing} VAR19-04: Walters Road Subdivision- Up to 5' Rear Yard Setback Reduction in Proposed R-3 Zone (11505 Walters Road -**

Chairman Jeff Seyfarth introduced the item to the Board.

**Tiffany Morris made a motion to Open the Public Hearing for VAR19-04: Walters Road Subdivision- Up to 5' Rear Yard Setback Reduction in Proposed R-3 Zone (11505 Walters Road, with a 2<sup>nd</sup> from Devin Murphy. All Board Members voted in favor and the motion carried.**

John Wary, of Morrison Shipley Engineers, addressed the Board, stating that they are requesting to vary the Rear Setback by 5-ft on a 40 Acre property on Walters Road. He said a Rezone Request will come before the Planning Commission later tonight. He said the reason for the request is to better maximize the house size that could be built on these lots, and minimize the land cost

City Planner Dianne Morrison Lloyd addressed the Board, stating that this is a Variance request of 5' of the Building Setback, from 20' to 15' at the rear of the lots, to be followed later tonight by a Request for Rezone to R-3. She said the property is currently zoned A-1. She said they are looking for the ability to build larger homes, while maintaining the 6000sf lot size. She said that they are looking to build between 2500sf and 3000sf foot homes, but the home sizes listed in the request vary from 2500sf to 2600sf to 3000sf. Lloyd said the BZA will need to look at several different aspects of Preservation of Intent for the Variance Request. She provided an illustration of a typical R-3 minimum 6000sf Lot and listed the buildable area, both with and without the Variance.

Lloyd outlined the Findings-in-Fact Elements for this Variance Request, as found in the BZA packets. She read each Element, with the corresponding Statement from the Applicant, as well as the Staff Finding for each element.

Chairman Jeff Seyfarth opened the meeting to Public Comments.

**David Brightwell- 11400 Walters Road** – Mr. Brightwell addressed the Board, expressing concern with “intent”, in regard to Lot size and House size.

**Chad White- 11267 Walters Road** – Mr. White addressed the Board, expressing concern with consistency with surrounding Zoning and Land Use. He also expressed concern with possible home density and safety on Walters Road. He recommended a Traffic Study in this area, before allowing this type of development.

**Shivanand Majagi** – Mr. Majagi addressed the Board, expressing concern with consistently acquiring Easements on Walters Road.

**Tim Rigsbee- 11680 Walters Road-** Mr. Rigsby addressed the Board, asking about the difference between R-2 and R-3 Zoning.

Chairman Jeff Seyfarth asked if there were any other Public Comments. There were none.

**Joey Ingle made a motion to Close the Public Hearing for VAR19-04: Walters Road Subdivision- Up to 5' Rear Yard Setback Reduction in**

**Proposed R-3 Zone (11505 Walters Road, with a 2<sup>nd</sup> from Craig Langford. All Board members voted in favor and the motion carried.**

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

- **Preservation of Intent-** After discussion, the Board was in agreement that the Intent **is** being preserved in this case.
- **Exceptional Circumstances-** After discussion, the Board was in agreement that there is **not** an Exceptional Circumstance in this case.
- **Hardship Not Grounds for Variance-** After discussion, the Board was in agreement that there is **not** a Hardship in this case.
- **Preservation of Property Rights-** After discussion, the Board was in agreement that property rights **are** being preserved for the property owner in this case.
- **Absence of Detriment-** After discussion about surrounding properties, the Board was in agreement that this application creates **some detriment** to adjacent properties.

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

Lloyd stated that the Board could also consider the following:

- All lots in this subdivision shall not be eligible for any additional Variance, if current Variance is approved.
- Provide Green Space equivalent to the 5' lost per lot.
- Lots along the perimeter of the development must maintain the 20' requirement to protect adjacent property owners.

Dan Mitchell, with Schuber Mitchell Homes, agreed to no additional Variances in the neighborhood and felt they could provide extra Green Space around the Detention Area. He said he couldn't say "off the cuff" how maintaining the 20' on the perimeter lots would affect this particular site. He asked the Board to only consider the first two items at this time. Mitchell shared with the Board, the off-site improvements they made to Walters Road with their Orchard Park Development, just north of this property, and how they have tried to be a good neighbor. He stated that this Variance Request does not increase density; it just offers the opportunity to build a larger home.

**Joey Ingle made a motion to Deny the Request by Schuber Mitchell Homes to Reduce the Rear Yard Setback from 20' to 15', with a 2<sup>nd</sup> from Tiffany Morris. There was a Roll Call. All Board members voted in favor, and the motion carried.**

**(6) ANNOUNCEMENTS-**

- **2/04/20 Planning Commission Meeting @ 6:00 PM**

**(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 6:43 p.m.**



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

Minutes prepared by:  
Todd Wright