



**BOARD OF ZONING ADJUSTMENT  
July 20, 2021 @ 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 -NONE**
- 4. OLD BUSINESS – NONE**
- 5. NEW BUSINESS –**
  - a. {PUBLIC HEARING} VAR21-02 1281 Coventry Rd Lot 80, Kensington Hills, Owner: Miks/Decker- Up to Reduction 2' of 20' Rear Building Setback for sunroom addition**
- 6. OTHER BUSINESS – NONE**
- 7. ANNOUNCEMENTS**
  - a. Next BZA Meeting: 08/03/2021**
- 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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  
July 20, 2021**

**1. CALL TO ORDER:**

The Meeting of the Centerton Board of Zoning Adjustments was called to order by Planning Chair Jeff Seyfarth at 6:02 PM.

**2. ROLL CALL:**

Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, John Sessoms, Tony Davis, and Ben Lewis. Amber Beal and Jerry Harris were absent. Others in attendance for the City were Mayor Bill Edwards, City Attorney Brian Rabal, Planning Director Lorene Burns, Sr Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Rick Hudson, and Paul Higginbotham.

**3. APPROVAL OF MINUTES –**

There were no previous BZA minutes to approve.

**4. OLD BUSINESS –**

No old business to address.

**5. NEW BUSINESS –**

- a. {PUBLIC HEARING} **VAR21-02 1281 Coventry Rd Lot 80, Kensington Hills, Owner: Miks/Decker**– Up to Reduction 2’ of 20’ Rear Building Setback for sunroom addition

**NICOLE MIKS** introduced the project, stating that she is requesting a reduction to the setbacks in order to build a sunroom.

**DONNA WONSOWER** presented staff report. The Board had previously heard a concurrent vacation request which City Council tabled pending a decision on this variance as well as approval from CenturyLink. Other utilities have granted approval.

Donna summarized the size and encroachment of the sunroom and porch. In summarizing findings of facts, she stated that the sunroom is considered part of the primary structure, but that the porch is not and thus the porch would not require the variance. She also stated that the variance would be creating a lot with a larger buildable area than other lots in the subdivision. Further, no hardship was provided by the applicant. The applicant’s response acknowledged that rights would be granted by the variance and stated that the rights would not take away from adjacent uses. Donna reiterated that the request is for an expansion on to an existing home and that there is space to allow for the requested use outside of the easement. Regarding the final finding of fact, Donna listed the intent of variances to act as a safety valve when municipal codes and ordinances cause undue hardship and stated that this variance request has listed no hardship.

**Joey Ingles made a motion to open the floor to public hearing with a 2<sup>nd</sup> from Devin Murphy. All Board members voted in favor and the motion carried.**

**Public Comment- None**

**John Sessoms made a motion to close the floor to public hearing with a 2<sup>nd</sup> from Tony Davis. All Board members voted in favor and the motion carried.**

Discussion of five considerations.

- **Presentation of intent: YES: PC was in agreement that the request is not changing residential use despite encroaching into setbacks.**
- **Exceptional circumstances: NO: Jeff Seyfarth asked Nicole Miks if there was anything unique her property that would warrant exceptional circumstances. She responded that she was on a corner lot and did not have much space on the property sides. PC was in agreement that there are no exceptional circumstances.**
- **Hardship: NO: No hardship has been presented. Joey Ingles stated that the difficulty appears to be based on the actions of the applicant actions. Jeff Seyfarth asked Nicole Miks if she had a bid for a layout where a variance would not be required, and she confirmed that there was a second plan that could go wider if necessary. PC was in agreement that no hardship has been presented.**
- **Preservation of property rights: MIXED The use would remain a single-family home but that the structures would encroach. PC was in agreement that the utility vacation could have an effect but that they have signed off.**
- **Absence of detriment: YES: Jeff Seyfarth reiterated that the use will remain a single-family home. He asked the owner if there was an HOA who would have to approve the request. Nicole Miks indicated that there was not. PC was in agreement that the request would not be a detriment to adjacent properties.**

Jeff Seyfarth asked if there were any additional comments from the board members or staff. Joey Ingles stated that Nicole Miks could go with the second plan keeping the sunroom/porch out of the setback and not requiring the variance.

***Joey Ingles made a motion to deny VAR21-02: 1281 Coventry Rd Lot 80, Kensington Hills; with a 2<sup>nd</sup> from John Sessoms. Jeff Seyfarth reminded Board members that a "Yes" vote would be a vote in favor of the denial motion, and a "No" vote would be against the denial motion. A Roll Call vote was taken, and the motion failed.***

***John Sessoms - NO***

***Joey Ingle - YES***

***Jeff Seyfarth - YES***

***Devin Murphy - NO***

***Craig Langford - YES***

***Tony Davis - NO***

***Ben Lewis - NO***

*The variance passed upon failure of the denial motion with three (3) voting "Yes" to Deny and four (4) voting "No" to Deny.*

**6. OTHER BUSINESS –**

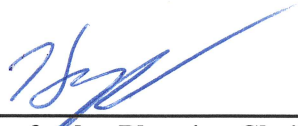
No other business to address.

**7. ANNOUNCEMENTS**

a. **Next BZA Meeting: 08/03/2021**

**8. ADJOURN**

**Joey Ingles made a motion to adjourn the meeting at 6:19 PM, with a second from John Sessoms. All Board members voted in favor and the motion carried.**



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**Jeff Seyfarth – Planning Chairman  
Centerton Planning Board**

**Minutes Prepared by:  
Planning Staff**