



**CENTERTON BOARD OF
ZONING ADJUSTMENTS
April 05, 2022 @ 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 – N/A**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS**
 - A. {Public Hearing} **VAR22-01 Pomeroy Place Apartments Expansion-Building Setback-** 589 N Main St (Zoned R4-MF / Reduction of Side Yard Setback from 20' to 12.5') *Developer: Cadence Holdings, LLC; Engr: Blew Inc, Jorge DuQuesne*
 - B. {Public Hearing} **VAR22-01 Pomeroy Place Apartments Expansion-Parking-**589 N Main St (Zoned R4-MF / Reduction of Parking Requirement from 36 to 12) *Developer: Cadence Holdings, LLC; Engr: Blew Inc, Jorge DuQuesne*
 - C. {Public Hearing} **VAR22-02 Saving Grace-Building Setback-** 12161 W AR Hwy 72 (Zoned A-1 / Reduction of Rear Yard Setback from 25' to 2.5') *Developer: Saving Grace, Becky Schaffer; Engr: Sand Creek Engineering, Lee Myane*
 - D. {Public Hearing} **VAR22-03 Saving Grace-Lot Size-**12161 W AR Hwy 72 (Zoned A-1 / Reduction in Lot area from 10 Ac to 1.23 Ac / Existing non-conforming lot) *Developer: Saving Grace, Becky Schaffer; Engr: Sand Creek Engineering, Lee Myane*
- 6. OTHER BUSINESS**
- 7. ANNOUNCEMENTS**
- 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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**

APRIL 5, 2022

- 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, Joey Ingle, Amber Beale, John Sessoms, Ben Lewis, Jerry Harris, Tony Davis, and Devin Murphy. Craig Langford was absent. Others in attendance for the city were Mayor Bill Edwards, City Attorney Brian Rabal, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, City Planner Erik Nystrom, Director of Public Works Lance Johnson, City Engineer Alan Craighead, and Fire Marshal Paul Higginbotham.
- 3) **APPROVAL OF MINUTES** – None
- 4) **OLD BUSINESS**- None
- 5) **NEW BUSINESS**-
 - a) **{Public Hearing} VAR22-01 Pomeroy Place Apartments Expansion-Building Setback- 589 N Main St (Zoned R4-MF / Reduction of Side Yard Setback from 20' to 12.5') Developer: Cadence Holdings, LLC; Engr: Blew Inc, Jorge DuQuesne**

Chairman Jeff Seyfarth clarified that the two variance requests for Pomeroy Place Apartments would be considered separately.

Jorge DuQuesne spoke for the developer, stating that the proposed variance would allow for six feet (6') of green space, six feet (6') of sidewalk, as well as parallel parking. He noted that due to a planned lot combination with the adjacent parcel to the north, a variance will only be needed for the southern (rear) building setbacks.

City Planner Erik Nystrom gave a brief description of the proposed variance request.

Chairman Jeff Seyfarth asked if any of the Board had any questions before opening up the public hearing. There were none. Devon Murphy made a motion to open the public hearing with a 2nd from Jerry Harris. All were in favor and the motion carried.

Cara Dusharme: Questioned what the effect of the proposed building setback variance

would be on Main Street traffic. Chairman Seyfarth stated that the setback is not against Main St and should not affect Main St.

Jen Hicks: Said that she is a direct neighbor and is here to speak out against both the variance request for the reduced building setback and reduced parking requirements. She stated Main cannot support the existing traffic and while we do need more housing, this area is at capacity.

John Sessoms made a motion to close the public hearing with a 2nd from Joey Ingle. All were in favor and the motion carried.

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 it was consistent with the intent of the zoning code to maintain consistent uses.
- **Exceptional Circumstances- NO** – The Board was in agreement that there is **not** an Exceptional Circumstance in this case.
- **Hardship Not Grounds for Variance- NO** – After discussion, the Board was in agreement that there is **not** a Hardship in this case as the problem being presented appears to be primarily a design issue, and other design options are possible.
- **Preservation of Property Rights- NO** – After discussion, the Board was in disagreement that property rights **are** being preserved for the property owner in this case, as the problem being presented appears to be primarily a design issue, and other design options are possible.
- **Absence of Detriment- YES** – After discussion about the property's relation to surrounding properties and the proximity of a potentially abandoned ROW to the south (unknown ownership), the Board determined that the variance would not create an explicit detriment to the properties nearby.

Chairman Jeff Seyfarth asked if any of the Board had any questions. There was discussion about the timing of the zoning code changes in relation to the development concept meetings. Dianne Morrison Lloyd stated the setbacks for multifamily changed with zoning but that this development plan came in after the zoning was finalized. She stated that a concept may have come in previously.

Joey Ingle made a motion to approve VAR22-01 Pomeroy Place Apartments Expansion-Building Setback- 589 N Main St (Zoned R4-MF / Reduction of Side Yard Setback from 20' to 12.5') with a 2nd from Ben Lewis. Planning Director Lorene Burns did a roll call vote. All members voted "No" and the motion failed with eight (8) "No" votes and zero (0) "Yes" votes.

- b) **{Public Hearing} VAR22-04 Pomeroy Place Apartments Expansion-Parking-589 N Main St (Zoned R4-MF / Reduction of Parking Requirement from 36 to 12)**
Developer: Cadence Holdings, LLC; Engr: Blew Inc, Jorge DuQuesne

Due to the denial of VAR22-01, Jorge DuQuesne requested to table VAR22-04 pending a redesign and potential lot combination.

- c) **{Public Hearing} VAR22-02 Saving Grace-Building Setback- 12161 W AR Hwy 72 (Zoned A-1 / Reduction of Rear Yard Setback from 25' to 22.28')** **Developer: Saving Grace, Becky Schaffer; Engr: Sand Creek Engineering, Lee Myane**

Chairman Jeff Seyfarth gave a brief introduction of the variance request.

Tim Sorey of Sand Creek Engineering presented a brief synopsis of the project, stating that the existing nonconforming structure was existing when the property was purchased, and that Saving Grace would like to renovate the building for use as an office. He affirmed that there are no plans for expanding the building.

Tim clarified that Saving Grace does not own the property to the west.

Senior Planner Dianne Morrison Lloyd gave the staff report, noting that Saving Grace has a concurrent development plan that will be presented at the next Planning Commission meeting. She re-stated that the structure was non-conforming when purchased and listed a number of nonconforming code requirements.

Amber Beale made a motion to open the public hearing with a 2nd from Tony Davis. All were in favor and the motion carried.

Ronnie Welborn: Owns property to the west and expressed concern regarding the effect of the variance on him. Chairman Seyfarth stated that as the structure is already existing and there are no proposed exterior changes, there should be no effect on his property.

There was additional discussion clarifying the exact location of the existing structure.

Joey Ingle made a motion to close the public hearing with a 2nd from Devon Murphy. All were in favor and the motion carried.

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 of the non-conforming code and applicant's plans for renovations, the Board agreed that the request is consistent with the intent of the zoning code.
- Exceptional Circumstances- YES.** The Board agreed that the structure was previously built as nonconforming and was existing upon purchase.
- Hardship Not Grounds for Variance- YES.** The Board discussed that by not

granting the variance, the Board could be creating a hardship by not allowing the property owners full use of an existing structure on their property.

- **Preservation of Property Rights- YES.** The Board discussed that by not granting the variance, the Board could be depriving the applicant of full use of the structure on their property.
- **Absence of Detriment – YES.** After discussion, the board determined that the variance would not create a substantial detriment as granting the variance will not place a structure any closer to the adjacent parcel than it is now.

Chairman Jeff Seyfarth asked if any of the Board had any questions or had any additional items to discuss. Amber Beale noted that the nonconforming code would need to be followed. Joey Ingle encouraged Tim Sorey to reach out to the adjacent property owner about any concerns such as screening. Ronnie asked if his cows would be an issue and Tim Sorey stated that they would not as the bulk of the property's use was remaining the same.

John Sessoms made a motion to approve **VAR22-02 Saving Grace-Building Setback-12161 W AR Hwy 72 (Zoned A-1 / Reduction of Rear Yard Setback from 25' to 22.28')** with a 2nd from Devon Murphy. Planning Director Lorene Burns did a roll call vote. All members voted "Yes," and the motion passed with eight (8) "Yes" votes and zero (0) "No" votes.

- d) **{Public Hearing} VAR22-03 Saving Grace-Lot Size-12161 W AR Hwy 72 (Zoned A-1 / Reduction in Lot area from 10 Ac to 1.23 Ac / Existing non-conforming lot)**
Developer: Saving Grace, Becky Schaffer; Engr: Sand Creek Engineering, Lee Myane

Chairman Jeff Seyfarth gave a brief introduction of the variance request.

Tim Sorey of Sand Creek Engineering stated that the parcel was nonconforming for Agriculture (A-1) lot size when Saving Grace purchased it. It is being used and is planned to be used as a predominantly agricultural use. At this time, Saving Grace does not want to replat the property and would like to continue using it.

There was some discussion regarding the proposed future plans. The parcel is primarily being utilized as office space for the group home at this time, which was covered by the conditional use granted last year.

Senior Planner Dianne Morrison Lloyd gave the staff report. She stated that this parcel was likely annexed into the city as agriculture (A-1) and was thus non-conforming upon annexation. Dianne stated that Saving Grace plans to start with this parcel prior to developing their parcels to the south.

Ben Lewis made a motion to open the public hearing with a 2nd from Joey Ingle. All were in favor and the motion carried.

Public Hearing: No Comments

Tony Davis made a motion to open the public hearing with a 2nd from John Sessoms. All were in favor and the motion carried.

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.** The Board stated that the parcel is existing and will not create a new parcel. Granting the variance will bring the existing parcel into compliance with the uses on the property.
- **Exceptional Circumstances- YES.** The Board noted that the property would have been non-conforming upon annexation and was such when the applicant purchased the property.
- **Hardship Not Grounds for Variance- YES.** After discussion, the Board stated that the nonconforming parcel was not due to actions by the applicant.
- **Preservation of Property Rights- YES.** The Board stated that the property owners are making use of what they have today, which due to the annexation process, means a nonconforming parcel.
- **Absence of Detriment – YES.** After reviewing the adjacent lots, the Board noted that the lot is unique and reiterated that it was an inherited nonconformity.

Chairman Jeff Seyfarth asked if any of the Board had any questions or had any additional items to discuss. There were none.

Tony Davis made a motion to approve **{Public Hearing} VAR22-03 Saving Grace-Lot Size-12161 W AR Hwy 72 (Zoned A-1 / Reduction in Lot area from 10 Ac to 1.23 Ac / Existing non-conforming lot)** with a 2nd from Jerry Harris. Planning Director Lorene Burns did a roll call vote. All members voted "Yes," and the motion passed with eight (8) "Yes" votes and zero (0) "No" votes.

6) OTHER BUSINESS- None.

7) ANNOUNCEMENTS-

- **04/19/2022 – Board of Zoning Adjustments Meeting for approval of Minutes**

8) ADJOURN-

Jerry Harris made a motion to Adjourn the meeting with a 2nd from Ben Lewis. All Board members voted in favor and the motion carried at 6:54 PM.

A handwritten signature in blue ink, appearing to read "Jeff Seyfarth", is written over a horizontal line.

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

Minutes prepared by:
Donna Wonsower,
City Planner