

BOARD OF ADJUSTMENT

MINUTES

June 1, 2023 @ 5:00 p.m.

The Board of Adjustment held a meeting on Thursday June 1, 2023 at 5:00 p.m.

Members Present

Wendell Miller, Chairman
Don Jacimore, Vice Chairman
Wayne Cummings
Josh Stroud

Members Absent

Justin Cothren

Visitors Present: City Planner Sara Jondahl, Planner I Victoria Marchant, John Van Kleef, and David Clayton.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Board of Adjustment May 4, 2023.

Member Jacimore made a motion to approve the minutes as written. The motion was seconded by Member Stroud and passed unanimously.

The Second Order of Business is a Variance from Article 3.1.2 (8) requesting to vary by approximately 3,900 to the accessory structure square footage allotment. Submitted by Black Ladder Projects on behalf of James A Bibler and Laurie Allen Bibler Revocable Trust. (VARI-0523-000364)

Planner I Marchant stated this Variance was for the accessory structure square footage requirement. She stated that the existing conditions were that the property is located at 207 Turrentine Place within the Marina Heights District, this is a single family home surrounded by other single family homes. It is an R-1 (Single Family Residential) zoned property surrounded by other R-1 zoned properties including such uses as single family homes.

Planner I Marchant stated the application is to allow a 4,860sqft accessory structure. There is an existing 4,568sqft accessory structure on the property. The Russellville Zoning Code allows property owners with lots greater than 2 acres in size to have the total accessory structure square footage on their property match but not exceed that of the heated and cooled area of their primary structure. Staff has found the applicant has demonstrated that special conditions exist due to the size of the property. Being well over 50 acres in size, the development on the property would cover less than 1% of the property which is drastically under the maximum building footprint coverage area allotment of 50% per Article 14 of the Russellville Zoning Code.

Planner I Marchant said in reviewing Variances the Board of Adjustment must consider if the use is permissible by the Zoning Code. The proposed use is not in conformance with the Table of Permitted Uses. The applicant has stated in their letter that the accessory structure is being built to host family and private events. Although the facility will not be used as a rental to generate income, it will be utilized in a similar nature to a party or club rental facility in that it will be used to host larger events and gatherings. Party or club rental facilities are not a permitted use within the R-1 zone. Additionally with a facility such as this, public facilities along Turrentine Place are not adequate to accommodate the increase in traffic this would generate. Additionally, The granting of this variance is not in harmony with the purpose and intent of the code. In the single family residential zone “Entertainment Uses Not Listed”, “Party or Club Rental Facility”, “Club or Lodge, Public or Private”, and additional similar uses are not permitted. It is not the intent of the code to allow event venues in a single family residential zone.

It is staff’s recommendation that the Board of Adjustment deny this variance request based on the findings below:

1. The proposed use is not a permitted use in the R1 zone code; and
2. The granting of this variance is not in harmony with the purpose and intent of the code.

-OR-

It is staff’s recommendation that the Board of Adjustment approve this variance request with the following conditions:

1. The accessory structure may not be used to host events.

Based on the findings below:

1. The applicant has demonstrated that they would meet the area requirements with the construction of the additional accessory structure; and
2. The applicant has met all other Variance requirements.

Member Jacimore asked if the condition to not host events included family gatherings. Planner I Marchant stated that it only included larger events that would bring lots of traffic. She stated that staff’s concern was that they would host larger events for non-profits or other organizations. She stated that family events like Thanksgiving or Christmas would not be an issue.

Member Cummings asked Planner I Marchant if the issue was that they could not put it out as a venue. Planner I Marchant confirmed that that was the issue, but also that they would not be offering its use to a friend of a friend or acquaintance.

David Clayton stated that the reason the applicant wants to build this building is that they are getting married, and they want to get married on their property. He stated that later on they might have family private events there. Mr Clayton stated that they have no intention of bringing people from the public into their private fenced in property.

Member Jacimore made a motion to approve the application as presented. The motion was seconded by Member Cummings and passed unanimously.

The Third Order of Business is a Variance from Article 4.1 to allow an 8.5' fence despite the 6' height limit. Submitted by Nina Berg on behalf of Van Kleef SB, Inc. (VARI-0523-000367)

Planner I Marchant stated that this is a variance from the fence height requirement for Starbucks located at 2220 E Parkway Drive. She stated that the existing conditions were that the property was located at 2220 E Parkway within the East Main Commercial District, this is the existing location of Starbucks Coffee. It is a C-2 (Highway Commercial) zoned property surrounded by other C-2 zoned properties including such uses as numerous restaurants, a dentist office, and a bank.

Planner I Marchant said the application is to allow an approximately 8.5' fence surrounding a new walk-in cooler addition at Starbucks. The applicant is proposing this to screen the addition which is mechanical equipment that would not meet commercial building design. She said staff has found the applicant has demonstrated that special conditions exist due to the screening requirements. Article 3.22.5 (5) states "Screening of service yards, utility meters and hardware, mechanical equipment, refuse areas, and/or other potentially unattractive places from public view, shall be accomplished by the use of walls, fencing, planting, or a combination of the measures that follow." This regulation requires that the walk-in cooler addition be screened. A typical piece of mechanical equipment such as an HVAC unit could be screened with a 6' fence but the height and bulk of this walk-in freezer addition creates a unique circumstance requiring a fence tall enough to adequately screen the addition.

It is staff's recommendation that the Board of Adjustment approve this variance request with the following condition:

1. The applicant must obtain an Elevation Certificate and a Flood Development Permit.

Based on the findings below:

1. The applicant has demonstrated that special conditions exist; and
2. The applicant has met all other Variance requirements.

Jon Van Kleef stated that it will be screened on the side of Weir Road as well as the side towards the detention center. He stated that the building will screen the north side. He stated that it will be open, which he questions due to security reasons. He stated that this fence is to allow for access for mechanical repairs and for safety.

Member Cummings made a motion to approve the application as presented. The motion was seconded by Member Stroud and passed unanimously.

Meeting Adjourned

Chairperson

