

**BOARD OF ADJUSTMENT
MINUTES
March 3, 2022 @ 5:00 p.m.**

The Board of Adjustment held a meeting on Thursday March 3, 2022 at 5:00 p.m.

Members Present

Chairman Blake Tarpley
Vice-Chairman Don Jacimore
Secretary Justin Cothren
Wendell Miller
Wayne Cummings

Members Absent

Visitors Present: City Planner Sara Jondahl, Planner I Victoria Marchant, Jim Lynch of City Corporation, Zayne Bryson of City Corporation, David Garza of Barrett & Associates, Mike Wade, Michael Haile.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Board of Adjustment November 30, 2021.

Member Miller made the motion to approve the minutes as presented. The motion was seconded by Member Jacimore and passed unanimously.

The Second Order of Business is the election of officers for the year of 2022.

Member Miller made a motion to reelect Member Tarpley as Chairman, Member Jacimore as Vice-Chairman, and Member Cothren as Secretary. The motion was seconded by Member Cummings and passed unanimously.

The Third Order of Business is a Variance from Article 12 to allow a 6' side yard setback, despite the 15' minimum, located at 1415 North Boston Place. Submitted by Mike Wade. (VARI-02222-000183)

Planner I Victoria Marchant stated this application was for a six (6) foot side yard setback. She stated that the existing conditions are that the property is located in the Parker Neighborhood. The property is zoned R-3 Medium/High Density Residential. It is an existing vacant lot surrounded by a mix of single family residences and duplexes. Planner I Marchant stated that the property owner is proposing to build a duplex on the lot located at 1415 North Boston Place. She stated that initially staff was under the impression that there was a lot of record between the property owner's lot and "O" Street. With this understanding, staff originally advised the property owner that he was not a corner lot. It was then discovered that there was no lot of record between the property owner's lot and "O" Street. The property owner was advised that his property was in fact a corner lot and he would need to meet the setback requirements for a corner lot or apply for a variance. Planner I Marchant stated there is a portion of land owned by the state (Arkansas Tech University) between the applicant's property and where "O" Street begins. This portion of land is not large enough to be a legal lot and therefore could not be developed.

It is staff's recommendation that the Board of Adjustment approve this application as a result of the findings below:

1. There is a strip of land owned by Arkansas Tech University that is between this lot and the "O" street Right-of-Way; and
2. The applicant has met all of the other variance requirements.

Member Miller asked Mike Wade if he had worked out a deal to use the land that is owned by Arkansas Tech University or if there would be a fence separating the properties. Mr. Wade stated that he had been working on the project since the previous spring and that the lots had been in his family for a long time. He stated that he was able to contact the lawyer at Arkansas Tech University who was the representative of Tech on the matter. According to Mr. Wade the representative told him that while he would like to sell the property to Mr. Wade because Tech is not doing anything with it and is not going to do anything with it, but since its state property he can't sell it to Mr. Wade. Mr. Wade stated that currently he cannot use the property in any way.

Chairman Tarpley asked Planner I Marchant if Mr. Wade would be building in any way on Arkansas Tech University's property. Planner I Marchant stated that he would not be building on the property, but because the property cannot be legally built on, it made Mr. Wade's plot a corner lot. Chairman Tarpley then confirmed that because of the university's property it would look like the setback was met. Planner I Marchant confirmed that the setback would appear to be met.

Mr. Wade stated that had done as instructed and spoke to the neighbors and did not know if they had commented to the board. He stated that as he had been thinking about it, he didn't know how it was going to bother anyone, either way the land would just be sitting there unaffected.

Member Cummings asked if any of the neighbors had commented. Planner I Marchant stated that no comment had been received.

Member Miller made the motion to accept as presented by staff. The motion was seconded by Vice-Chairman Jacimore and passed unanimously.

The Fourth Order of Business is a variance from Article 5 allowing 475.65 square feet of signage on the front façade despite the 200 square foot maximum. Submitted by Harrison, French & Associates on behalf of Walmart Real Estate Business Trust. (VARI-0222-000187)

Planner I Marchant stated that at this time the applicant has requested to table until next month.

Member Miller made the motion to table the application until next month. The motion was seconded by Member Cummings and passed unanimously.

Meeting Adjourned

Chairman Tarpley