

**BOARD OF ADJUSTMENT  
MINUTES  
May 6, 2021 @ 5:00 p.m.**

The Board of Adjustment held a meeting on Thursday May 6, 2021 at 5:00 p.m. in City Hall Council Chambers.

**Members Present**

Wendell Miller  
Don Jacimore  
Blake Tarpley  
Paul Gray

**Members Absent**

Justin Cothren

**Visitors Present:** City Planner Sara Jondahl, Planner I Victoria Marchant, City Engineer Glenn Newman, Flood Manager Ben Gray, and City Engineering Tech Armando Diaz, Jessica Ellington of Harrison French and Associates, Michael Poole, Jim Lynch of City Corporation, Zayne Bryson of City Corporation, Andy Estes of ACE Specialties and Jeremy Estes of ACE Specialties.

**Welcome Visitors**

**Election of Officers**

Member Gray made a motion to nominate Blake Tarpley as Chairman, Don Jacimore as Vice Chairman and Justin Cothren as Secretary. The motion was seconded by Member Jacimore and passed unanimously.

**The First Order of Business** is a request to review and approve the minutes of the Board of Adjustment March 8, 2021.

Member Tarpley made the motion to approve the minutes as written. The motion was seconded by Member Gray and passed unanimously.

**The Second Order of Business** is a variance to allow an addition to a non-conforming structure located at 218 W Circle Drive. Submitted by Nedelka Sanchez. (VARI-0421-000064)

Planner I Marchant said the application is to allow an addition to a non-conforming structure located at 218 W Circle Drive. Staff was working on a building permit for the applicant, and it was discovered that the home did not meet the side yard setback requirements for the R2 zone. Planner I Marchant said in Article 9.3.2 the Board of Adjustment has been given specific

guidelines in order to grant a variance. 1. Applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands. Staff has found the applicant has demonstrated that special conditions exist because this home was built before the current zoning code went into effect. It is not the intent of the Zoning Code to prohibit property owners to make additions to their homes when those additions are in conformance with the Russellville Zoning Code. Planner I Marchant stated that the applicant met all other variance requirements laid out in Article 9.3.2

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

1. The home was built before the current Zoning Code went into effect; and
2. It is not the intent of the Zoning Code to prohibit property owners to make additions to their homes when those additions are in conformance with the Russellville Zoning Code; and
3. The proposed additions to the home meet the setback requirements; and
4. The applicant has met all of the other variance requirements.

Member Jacimore made the motion to approve the item as presented by staff. The motion was seconded by Member Tarpley and passed unanimously.

**The Third Order of Business is a Variance from Article 2.18 and Article 4, to allow an addition to a non-conforming structure in the El Paso District located at 512 N Jonesboro Avenue. Submitted by Michael Poole. (VARI-0421-000066)**

Planner I Marchant said the application is a variance to the requirements of the El Paso University Zone and hard surface parking requirements located at 512 N Jonesboro. The El Paso University District portion of the code is a long-range plan that was adopted and effective immediately. Currently there are no thresholds in the El Paso University District that allow changes to be made to structures without them coming into full compliance. In Article 9.3.2 the Board of Adjustment has been given specific guidelines in order to grant a variance. 1. Applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands. Staff has found that the applicant has demonstrated that special conditions exist due to the fact that the literal interpretation of the provisions of this Code would deprive the applicant of rights commonly enjoyed by others. The applicant is proposing to remodel the interior of the structure and allow a gravel parking lot for the structure. The structure is non-conforming because it does not meet all the requirements for the El Paso University Zone. Improvements required in this district are laid out in Article 2.18.2 and include sidewalks, street trees, on street parking, landscaping, and improvements to the façade of the structure. The other variance request is regarding the hard surface parking requirement. The variance request is to allow a gravel parking area instead of paving as a result of the current state of Jonesboro Avenue which is currently gravel with no improvements scheduled at this time. Planner I Marchant skipped to number 5 of Article 9.3.2. Staff is requesting the Board of Adjustment prescribe the condition that the owner shall bring the driveway and parking into compliance with the hard surface requirement when N Jonesboro Ave street improvements are completed by the City.

Staff recommends approval of this application with the following conditions:

1. The owner shall bring the driveway and parking into compliance with the hard surface requirement when N Jonesboro Ave street improvements are completed by the City.

As a result of the findings below:

1. The literal interpretation of the provisions of this code would deprive the applicant of rights commonly enjoyed by others; and
2. Jonesboro Ave is currently in disrepair; and
3. The applicant has met all other variance guidelines.

Michael Poole asked if the City had a plan in place to extend N Jonesboro Avenue. Mr. Poole said he was asking because staff is recommending the condition that he would be responsible for completing the hard surface requirements when street improvements were completed. He asked if that condition was passed what time frame he would have to complete the hard surface requirements and what would happen if he sold the building.

City Planner Jondahl said as stated in Planner I Marchant's staff report there are no plans at this time for improvements to N Jonesboro. It would probably only happen as development occurs within that area, so the applicant is looking at a long range plan in staff's opinion. City Planner Jondahl stated that if Mr. Poole sold it in the future; that would be something he would probably advise the owner that that was a condition of the variance request if that is what the Board of Adjustment approves.

Member Jacimore made the motion to approve the item as presented by staff with conditions. The motion was seconded by Member Gray and passed unanimously.

**The Fourth Order of Business is a Variance from Article 5, to allow an additional 390.19 square feet of signage located at 2409 E Main Street. Submitted by Harrison French and Associates on behalf of Walmart. (VARI-0421-000067)**

Planner I Marchant said The application is to allow replacement of the façade signage in a C2 zone at the Walmart Supercenter which exceeds the allowable square footage by 390.19 square feet. In Article 9.3.2 the Board of Adjustment has been given specific guidelines in order to grant a Variance. 1. Applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands. Staff has found the applicant has demonstrated that special conditions exist due to the fact that this lot and building are larger than the average commercial building or lots. It is atypical for a commercial development to essentially take up an entire city block. Per the Zoning Code in a C-2 zone, façade signage is permitted as one sign not exceeding two square feet of sign area for each one linear foot of building face, but the maximum total area for all permitted signs for a façade of any establishment shall not exceed 200 square feet. Without the 200 square foot restriction, Walmart would be allowed over 1,200 square feet in signage. So, if it were a strip mall instead of one business, the signage would be calculated per storefront allowing approximately 1,200 square feet in signage. Additionally, the request is to go from 727 sq ft to 590 sq ft a reduction of 131 square feet. Staff found the applicant met all other variance guidelines.

Staff recommends approval of this application as a result of the findings below:

1. The applicant has reduced the total square footage of the façade signs by 131 sq ft, coming closer to compliance; and
2. The applicant has met all other variance guidelines.

Jessica Ellington of Harrison, French and Associates stated that Walmart is looking to reduce the signage, currently they have 727 square feet and they are looking for an overall of 590 square feet.

Member Gray made the motion to approve the item as presented by staff with conditions. The motion was seconded by Member Jacimore and passed unanimously.

Meeting Adjourned.

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Chairman Blake Tarpley