



**CENTERTON BOARD OF
ZONING ADJUSTMENTS
October 18, 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**
- 4. OLD BUSINESS**
- 5. NEW BUSINESS-**
 - A. {Public Hearing} VAR22-08 Centerton Enterprises-550 W Centerton Blvd-(Zoned C2 / 4.55 Ac / Up to 22.5-ft encroachment into rear BSB) Owner: Centerton Enterprises, LLC; Engr: CEI Engineering, Brittney Gillen (Planner: Donna Wonsower)**
- 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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 ADJUSTMENTS
MINUTES OF MEETING
October 18, 2022**

1. CALL TO ORDER

The Meeting of the Board of Zoning Adjustments was called to order by Planning Chairman Jeff Seyfarth at 6:00 p.m.

2. ROLL CALL

Those Present and answering Roll Call were, Jeff Seyfarth, Joey Ingle, Devin Murphy, John Sessoms, Craig Langford, Jerry Harris, Tony Davis, Brandon Swoboda, and Ben Lewis. Others in attendance for the city were: City Planner Donna Wonsower, City Planner Erik Nystrom, City Engineer Alan Craighead, Fire Marshal Paul Higginbotham, City Mayor Bill Edwards, City Attorney Brian Rabal and Planning Assistant/ Recorder Kayla Craft.

3. APPROVAL OF MINUTES-NONE

4. RATIFICATION OF ADMINISTRATIVE APPROVALS- NONE

5. OLD BUSINESS-NONE

6. NEW BUSINESS

A. {Public Hearing} VAR22-06 Centerton Enterprises- 550 W Centerton Blvd (Zoned C-2/ 4.55 Ac/ Up to 22.5 ft encroachment into rear BSB) Owner: Centerton Enterprises, LLC; Engr: CEI Engineering, Brittney Gillen (Planner: Donna Wonsower)

A. Dustin Riley of CEI Engineering was present. He informed the commission CEI received approval from the owners to update the variance to move the property line 5 feet further from the structure to adhere to fire code.

B. Donna Wonsower gave the staff report. The request is to split parcels between several buildings. She explained the buildings were constructed before the floodplain was established and that all future developments will have to adhere to floodplain requirements, be brought up to code, and require a floodplain permit. She noted that Fire and Building Safety have stated if there is a variance the buildings will need to meet fire code. There are minor comments left on the tract-split.

Jeff Seyfarth entertained a motion to open the public hearing. John Sessoms made a motion to open the public hearing with a Second from Ben Lewis. No members were opposed, and the public hearing was opened.

C. Jeff Seyfarth called for public comment three times. There were no public comments.

John Sessoms made a motion to close the public hearing with a Second from Ben Lewis. No members were opposed, and the motion carried.

A. The Commission was asked to consider the following:

a. **Preservation of Intent—**

a. Jeff Seyfarth read the applicants response as well as staff's findings. Joey Ingle clarified the encroachment would be 17.5-ft with the new property line. Jeff Seyfarth and Joey Ingle agreed the use of the lot would not be changing due to the variance.

b. **Exceptional Circumstance—**

a. After reading the applicants response and staff findings, Jeff Seyfarth agreed with staff there is no exceptional circumstance on the property. The circumstance is self-inflicted.

c. **Hardship, Not Grounds for Variance—**

a. Jeff Seyfarth read the applicants response and staff's findings. The Commission generally agreed with staff that the hardship is self-inflicted.

d. **Preservation of Property Rights—**

a. After reading the applicants response and staff findings, Jeff agreed with staff that denying the variance would not deprive the owner of property rights.

b. Joey stated if the variance was approved it would have to follow all codes.

e. **Absence of Detriment—**

a. The applicant response and staff findings both state the variance will not change or cause detriment to the adjacent properties. Fire and Building Safety will require the building to be brought up to fire code.

b. Jeff Seyfarth asked Dustin Riley what would have to be brought up to code if the variance was granted. Dustin informed the commission that if the service garage is more than 5-ft from the property line, it will meet fire code. Paul Higginbotham was present and confirmed that as well.

With no other questions from the commissioners, Jeff Seyfarth entertained a motion. Joey Ingle motioned to Grant the request by CEI Engineering Associates, Inc (VAR22-08) for up to a 17.5-ft encroachment in the in the required 25-ft rear building setback for the existing garage on PID 06-00077-002 with a 2nd from John Sessoms. In a Roll Call, all commission members voted in favor. With a unanimous vote, the motion passed.

7. OTHER BUSINESS- NONE

8. ANNOUNCEMENTS

- A.) Next Council Meeting: 10/20/2022 @ 6:00 PM
- B.) Next BZA Meeting: 11/01/2022 @ 6:00 PM
- C.) Next Tech Review Meeting: 11/08/2022 @ 2:00 PM (Zoom)

9. ADJOURN

Craig Langford made a motion to adjourn the meeting at 6:15 pm, with a 2nd from Tony Davis. No commissioners were opposed, and the meeting was adjourned.



**Jeff Seyfarth – Planning Chair
Centerton Planning Commission**

Minutes Prepared By: Kayla Craft