



**CENTERTON BOARD OF  
ZONING ADJUSTMENTS  
FEBRUARY 20 @ 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. VAR24-01 MAPLES ESTATES PH 3 -Lot Area Requirements-1270 W. Centerton Blvd.- (Zoned R-2 / 12 Ac / Reduce lot area in lots 163, 164, 165) Owner: Can-Ark Diamond Realty Centerton, LLC (Planner: ENYSTROM)**
- 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for unforeseen circumstances out of our control, items and/or public hearings appearing on this agenda may become withdrawn, request to be tabled/moved to the next agenda, or subject to change with little to no notice.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  
FEBRUARY 20, 2024**

**1. CALL TO ORDER**

The Meeting of the Centerton Planning Commission was called to order by Planning Chair Jeff Seyfarth at 6:00P.M.

**2. ROLL CALL**

Those present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Tony Davis, John Sessom, Ben Lewis, Craig Langford, Devin Murphy, Brandon Swoboda, and Jerry Harris. Others in attendance for the city were: Planner Dianne Morrison Lloyd, Planner Kayla Knight, Planner Erik Nystrom, Director of Planning Lorene Burns, City Engineer Alan Craighead, Deputy Fire Chief Paul Higginbotham, Mayor Bill Edwards, City Attorney Brian Rabal, and Planning Assistant/ Recorder Samantha Hartman.

**3. APPROVAL OF MINUTES**

**4. NEW BUSINESS**

**A. VAR24-01 MAPLES ESTATES PH 3 -Lot Area Requirements-NE of Wolverine Dr and Silver Maple St.- (Zoned R-2 / 12 Ac / Reduce lot area in lots 163, 164, 165) Owner: Can-Ark Diamond Realty Centerton, LLC (Planner: ENYSTROM)**

- ◆ Taylor Lindley from Crafton Tull was present.
  - Discovered the lot area problem during the review of the Final Plat of Maples Estates PH 3
    - Between Phase 1, Phase 2, and Phase 3 of the Preliminary and Construction Plans, there were changes of Right of Way dedication requirements for both Wolverine and Cutberth.
    - With the changes that were made between the three phases, there are three lots that are short about 230 square feet each that was established by the previous Variance request (VAR16-02).
- ◆ Joey Ingle asked why it was only 3 lots.
  - With the 40- foot Right of Way dedication required from the previously agreed 30- feet, the adjustment of to 3 lot widths were affected by about 3 feet each.
- ◆ Erik Nystrom gave the staff update.
  - The applicant is requesting a reduction in the minimum lot area for 3 lots on Maple Estates Phase 3, zoned R-2. The variance submittal is concurrent with the final plat submittal (SUB21-15-F) and the final plat is contingent on the approval of the Variance.

- The review of phase 3 the adjacent ROW was not considered when considering ROW dedication, and the developer was required to give 40-ft of ROW on their property instead of the previously agreed 30-ft. The additional ROW dedication with phase 3 of Maple Estates resulted in adjustments to the lot widths which affected the lot areas of only three lots.
- ◆ Joey Ingle confirmed that the Final Plat has what is needed for Cutburth and Wolverine.
  - City Engineering, Alan Craighead said they were originally going to vacate 5- feet for a ditch on Cutberth. The City staff said that it was not needed, which turned into Right of Way which is a gain for both the city and the applicant.

**The commissioners had no questions and Jeff Seyfarth entertained a motion. Craig Langford made a motion to open the public hearing for VAR24-01 with a second from Joey Ingle. No members were opposed, and the public hearing was opened.**

No Public Comments. No other public comments were received by staff.

**Craig Langford made a motion to close the public hearing for VAR24-01 with a second from Tony Davis. No members were opposed and the motion carried.**

- **The Planning Commission was asked to consider the following:**
  - **Preservation of Intent**
    - a. **Applicant's Response:** That the variance, if granted, is consistent with the purpose and the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use of that particular district.
    - b. **Staff Findings:** The reduction in the minimum lot area requirement of 8,500 sq ft to a minimum of 8,268 sq ft will not noticeably impact the density of the subdivision or change the intended use.
    - c. All Commissioners agree with the Staff Findings.
  - **Exceptional Circumstances**
    - a. **Applicant's Response:** The required typical section for two collector streets, Wolverine and Cutberth, received several changes/iterations throughout the design process. Ultimately the R/W dedication we ended with created the three lots slightly below the minimum area discovered at the end of the project.
    - b. **Staff Findings:** The developer had previously acquired 30-ft on the adjacent property to be dedicated as ROW in addition to 30-ft of ROW on their property (60-ft total). With the review of phase 3 the adjacent ROW was not taken into account when considering ROW dedication, and the developer was required to give 40-ft of ROW on their property instead of the previously agreed 30-ft. The additional ROW dedication with phase 3 of Maple Estates resulted in adjustments to the lot widths which affected the lot areas of only three lots.

- c. Jeff Seyfarth said that he knows a lot has happened since 2015, but he does not think it is an exceptional circumstance.  
Alan Craighead says that it was originally approved in 2016, but during Phase 3 of Maple Estates the Right of Way Dedication was changed to bring it up to standard with the width and location change.  
Director of Planning, Lorene Burns adds that with the additional 10- feet of Right of Way needed after they already dedicated 60- feet, they needed to adjust the width of some of the lots and it reduced the area. Then they needed to dedicate an additional 5- feet of Right of Way on Cutberth, therefore they could not make up the square footage from that side either. Joey Ingle asked if the city staff did not see it until now.  
Lorene Burns said it was discovered when lot widths were not shown correctly on that final plat, so the city had them adjust the lots and there were three lots that could not meet the area requirement because of the Right of Way dedication on Cutberth.  
Jeff Seyfarth said the Planning Commission does not have to agree to all statements to approve the Variance.  
Director of Planning, Lorene Burns, wants the Planning Commission to understand why we are here today doing this Variance.

- **Hardship, Not Grounds For Variance.**

- a. **Applicant's Response:** R/W and street section changes come as city requirements. Previous iterations of the plans and dedications had all lots conforming, but through the process when adjustments were made, the three lots with areas slightly below the minimum were created.
- b. **Staff Findings:** The design of Wolverine Dr was altered with phases 2-3, and ROW requirement did not take into account the existing adjacent ROW to be dedicated with each phase, so 40-ft ROW was dedicated from the property line to comply with the Master Street Plan, instead of the original 30-ft with additional 30-ft adjacent ROW.
- c. All Commissioners agree there are no hardships.

- **Preservation of Property Rights**

- a. **Applicant's Response:** Correct
- b. **Staff Findings:** Denial of this variance request would result in the inability to plat lots as approved on master subdivision plan.
- c. All Commissioners agree with the staff that the setbacks do not deprive the owner of any rights.

- **Absence of Detriment**

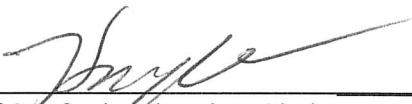
- a. **Applicant's Response:** Correct

- b. Staff Findings:** The variance would not create a detriment to adjacent properties as the reduction of the lot area is minimal and unlikely to be noticed.
  - c.** All Commissioners agree with the staff findings.
- ◆ Jeff Seyfarth asked if there were any more comments regarding the variance request before the Commissioner vote.
    - No Commissioner had any additional comments.

*With no other questions from the Commissioners, Jeff Seyfarth entertained a motion. John Sessoms motioned to Grant the request by Crafton Tull on behalf of Can-Ark for a reduction in the minimum lot areas of Lots 163-165 from 8,500 sq ft to 8,268- 8,336 sq ft. VAR24-01 LOT AREA ADJUSTMENT- NE of Wolverine Dr and Silver Maple St with a 2<sup>nd</sup> from Craig Langford. In a Roll Call, all Commission members voted “No” and the motion failed with eight (9) “No” votes and zero (0) “Yes” votes.*

**5. ADJOURN-**

**Devin Murphy made a motion to adjourn the meeting at 6:20 PM, with a 2<sup>nd</sup> from John Sessoms. No commissioners were opposed, and the meeting was adjourned.**

  
\_\_\_\_\_  
Jeff Seyfarth Planning Chair  
Centerton Planning Commission

Minutes Prepared By: Samantha Hartman