



**BOARD OF ZONING ADJUSTMENT
MINUTES OF MEETING
DECEMBER 7, 2021**

(1) **CALL TO ORDER** - The Zoom Virtual meeting of the Centerton Board of Zoning Adjustment was called to order by Chairman Jeff Seyfarth at 6:00 p.m.

(2) **ROLL CALL** - Those Present and answering Roll Call were Jeff Seyfarth, Joey Ingle, Devin Murphy, Craig Langford, Amber Beale, John Sessoms and Ben Lewis. Jerry Harris and Tony Davis were absent. Others in attendance for the City were Mayor Bill Edwards, City Attorney Brian Rabal, City Clerk/Recorder Todd Wright, Planning Director Lorene Burns, Senior Planner Dianne Morrison Lloyd, City Planner Donna Wonsower, Planning Assistant Laura Crite, Director of Public Works Lance Johnson and Fire Marshal Paul Higginbotham.

(3) **APPROVAL OF MINUTES** - None

(4) **OLD BUSINESS**- None

(5) **NEW BUSINESS**-

A. {Public Hearing} VAR21-03: Jiffy Lube – 1811 Centerton Blvd, Side BSB 8' Reduction (C2 / 0.94 Acres) -

Chairman Jeff Seyfarth introduced the item to the Board.

Joey Ingle recused himself from this item.

Chris Harty from CEI addressed the BZA, stating that this request is to reduce the BSB from 10' to 2', on the east side of the building. He said this request is due to the finding of an unknown Sewer Force-Main, belonging to the city of Bentonville, but not noted in any records. He said an easement is being required, forcing the building to be moved further to the east. . .

City Planner Dianne Morrison Lloyd addressed the BZA, giving a brief overview of the request. She said this development is for a Jiffy Lube facility, adjacent to the Walmart Neighborhood Market. She said this is a part of the shared-access project going on currently. She said an unknown Force-Main was found during construction of the shared-access. She said it belongs to the city of Bentonville, but they were not aware of its existence. She said they would like to use the Force-Main, and are requiring an easement. She said this Variance Request is for the side setback, just up to the access-drive. She said the proposed Diamond Wash Car Wash is adjacent to the east. She said they are asking for a maximum 8' Variance, leaving a minimum of 2'. She said it will leave room for a narrow sidewalk to be installed.

John Sessoms made a motion to Open the Public Hearing, with a 2nd from Devin Murphy. All Board members voted in favor and the motion carried.

Chairman Seyfarth opened the meeting for Public Comment.

Public Comments - None

John Sessoms made a motion to Close the Public Hearing, with a 2nd from Craig Langford. All Board members voted in favor and the motion carried.

Chairman Seyfarth asked the Board to look at the following items (both Applicant and Staff Comments were read and taken into consideration):

- **Preservation of Intent - YES** – Chairman Seyfarth read the comments and stated that the intent is still for a Commercial C-2 Development. The Board was in agreement.
- **Exceptional Circumstances – YES** – Chairman Seyfarth read the comments and stated that the finding of the unknown force-main has created an exceptional circumstance. The Board was in agreement.
- **Hardship, Not Grounds for Variance- YES** – Chairman Seyfarth read the comments and stated that the request is not due to any action by the applicant. The Board was in agreement.
- **Preservation of Property Rights - YES** - Chairman Seyfarth read the comments and stated that the presence of the sewer line created this issue, and the intent of the applicant has not changed. The Board was in agreement.

- **Absence of Detriment- YES** - Chairman Seyfarth read the comments and stated that the adjacent properties are built-out, and this variance would have no affect on those properties. The Board was in agreement.

Chairman Jeff Seyfarth asked if there were any more questions or comments from the Board or Staff. There were none.

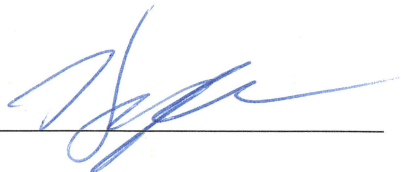
Craig Langford made a motion, based on the conclusions for each of our findings, to Grant the request by Sitton Group for up to an 8-ft reduction to the 10-ft required building side-yard setback for the C-2, Highway Commercial Zone for Hwy 102, PID06-00085-130, with any outstanding Staff comments, with a 2nd from Jerry Sessoms. All Board members voted in favor and the motion carried.

(6) ANNOUNCEMENTS-

- 12/07/2021 – Planning Commission Meeting @ 6:00 PM (Following the BZA Meeting)
- 12/14/2021 – City Council Meeting @6:00 PM
- 12/21/2021 – Board of Zoning Adjustments Meeting @ 6:00 PM
- 12/21/2022 – Planning Commission Meeting @ 6:00 PM (Following the BZA Meeting)

(7) ADJOURN-

Amber Beale made a motion to Adjourn the meeting with a 2nd from Ben Lewis. All Board members voted in favor and the motion carried at 6:13 PM.



**Jeff Seyfarth – Chairman
Centerton Board of Zoning Adjustment**

Minutes prepared by:
Todd Wright