



DEPT. OF COMMUNITY DEVELOPMENT  
PLANNING DIVISION  
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**BOARD OF ADJUSTMENT  
MINUTES  
May 14, 2020**

**MEMBERS PRESENT:**

Aaron Smith  
Hannah Cicioni  
Hunter Fry  
Roger Clark  
Andrew Curry  
Mandel Samuels

**OTHERS ATTENDING:**

Ethan Hunter, City Planner  
Chris Robinson, Planner I

**Aaron Smith called the meeting to order at 4:00 pm.**

**NEW BUSINESS**

**20-09:** A request by Jennifer Lueker for a variance to allow a 9.62' front setback reduction at 102 Sarah Lane in the city's R-SF (Residential Single Family) zoning district.

Jennifer Lueker represented the request. Staff stated that the applicant was originally requesting a 9.62' front setback reduction but after talking with their surveyor they realized it needed to be a 10' reduction. The home was built over the setbacks and was not caught by builders or the inspectors at the time of construction. The front setback reduction will allow for the applicant to sell the home. Staff recommends approval of the request as has been done for similar requests in the past.

Lueker stated that a utility easement reduction will also be needed. Staff stated that easement reductions are handled by staff and the board will only be considering the 10' setback reduction.

Smith opened the public hearing.

Lenore Cottrell- represented the buyers of the home at 102 Sarah Lane and stated that they are in favor of the request.

There were no further comments and the public hearing was closed.

Motion by Clark to approve the front setback reduction with the modification from 9.62 feet to 10' as presented. Second by Cicioni.

Voice vote: Unanimous **Motion carried**

## **APPROVED**

**20-10:** A request by Filomena Martinez for a variance to allow a reduction in the minimum lot size standard for duplexes at 1801 West Wood Street in the city's R-DP (Residential Duplex & Patio Home) zoning district.

Bill Oliver represented the request. Staff stated that this request is to reduce the minimum lot size requirements for a duplex in the R-DP zoning district. The subject lot is 11,761-sf which is 239-sf short of the 12,000-sf requirement. While reviewing the request staff identified that the lot does not meet the minimum lot depth requirement. Staff believes it was the applicant's intent to request a reduction in the lot depth requirements for R-DP, from 100' to 90', however a formal request was not made. Staff stated that a formal request will need to be made by the applicant if that variance request is also wanted. Staff does acknowledge that application of zoning standards to lots platted before the existence of those zoning standards can create hardships. Staff recommends approval of the variance request from the minimum lot size requirements. If the applicants intent was to request a variance from the minimum lot depth requirement from 100' to 90', staff would also recommend approval if the request were to be made.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Samuels asked Oliver what his response was on considering a variance request from the lot depth. Oliver stated that they will also be asking for that variance as well.

Oliver formally requested a variance from the minimum lot depth requirement from 100' to 90'.

Motion by Cicioni to approve the request from the minimum lot size requirement from 12,000-sf to 11,761-sf and approve the request from the minimum lot depth requirement from 100' to 90'. Second by Clark.

Voice vote: Unanimous **Motion carried**

## **APPROVED**

**20-11:** A request by Ed Simpson for a variance to allow a 5' rear setback reduction at 5708 S. Berry Farm Dr. in the city's RSF-5 (Residential Single Family, 5 units per acre) zoning district.

Ed Simpson represented the request. Staff stated that the applicant is requesting a 5' rear setback reduction for a proposed accessory structure. The applicant is planning on building a pool and a pool shed to store pool equipment and the necessary electrical needed for pool cleaning equipment. The shed, being 10' in width with a 3' overhang, would encroach 5' into the rear setback. The applicant's hardship letter stated that there is stormwater runoff from the north to the south that is going to require in ground drainage improvements that are going to require a 10' buffer zone from the rear façade of the

house to the pool shed. Staff considers the hardship to necessitate the variance and recommends approval of the request.

Smith opened the public hearing. There were no public comments and the public hearing was closed.

Clark stated that 60% of the setback request is for overhang and states it is a well written request.

Motion by Clark to approve the request as presented. Second by Curry.

Voice vote: Unanimous *Motion carried*

**APPROVED**

**Previous minutes:** March 12, 2020

Clark motioned to approve the minutes from March 12, 2020. Second by Cicioni. Voice vote: (unanimous). Motion carried. **APPROVED.**

**Meeting adjourned at 4:30 pm.**

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Roger Clark, Board of Adjustment Secretary