

Sherwood Board of Zoning Adjustment Minutes

May 12th, 2020 - 5:00 p.m.

2201 E. Kiehl Avenue, Sherwood, AR 72120

Rob Middleton, Chairman

Agenda Items

1. Call to Order

2. Roll Call

Present

- Bruno
- Gillham
- Martin
- Middleton

Absent

- Knight

3. Approval of January 14th, 2020 Meeting Minutes

- Bruno made a motion to approve the January 14th, 2020_meeting minutes.
- Martin seconded the motion.
- Unanimous roll call vote to approve the January 14th, 2020_meeting minutes.

4. Approval of the Agenda

- Chairman declares the agenda set.

5. Variance request of 10' into the required 25' front yard setback on Lots 12-19 of Stonehill 7. Thomas Engineering, Agent.

- Mr. Kevin Gambrill, Contracted City Planner, read the Staff Report. He stated that this is a request for a front yard setback variance. They are small lots and basically they are asking for 15 feet instead of the required 25 feet. Staff recommends denial.
- Chairman asked if the Final Plat came in with the 25 feet setback.
- Mr. Richard Penn, City Engineer, stated that it did come in with the 25 feet setback requirement as a matter of procedure.
- Chairman asked if there were any public comments.
- Ms. Shannon Meinhold, City Planner, stated there were no comments.
- Chairman swore in Mr. Thomas Pownall of Thomas Engineering.
- Chairman explained that the applicant needs to convince this Board that there are undue hardships as a result of the imposition of the standards because of the unique characteristics of a property.
- Mr. Pownall confirmed that the final plat was approved with the 25 feet front yard setbacks. He stated that the hardship is topography. There are no houses across the street, so the 15' front yard setback would not affect others.

- Chairman asked if they can build a house on this lot as they are.
- Mr. Pownall confirmed they could.
- Chairman asked if there is anything that justifies 9 lots being unique.
- Mr. Pownall stated that the stated topography and the creek in the back.
- Chairman stated that asking for 9 variances does not make it unique and it does not create an undue hardship because no one has tried to build anything on these lots. We have not been presented with a case demonstrating undue hardship and the fact is, they can be built on, the topography does not create an undue hardship.
- Mr. Pownall said that one of the concerns is a blanket variance, he directed a question to Mr. Cobb and the Chairman, assuming there was a negative vote or no second. He asked for clarification if each lot could stand alone.
- Chairman stated that it would have to prove an undue hardship, but it could stand on its on merits.
- Mr. Cobb stated that it would be held to the same standard but would be viewed as a new request.
- Mr. Pownall asked about a single lot coming before the Board with a request.
- Mr. Cobb told Mr. Pownall to keep in mind that there will be history now because of this request. He asked if it might be more prudent to withdraw and come back individually.
- Mr. Pownall confirmed that is what he was trying to determine. His concern is that there's a possibility that a few may get a variance but some may not.
- Chairman stated that is the product of uniqueness and characteristics by individual lots, not consistency.
- Martin stated this is an interesting location, surrounded by Gap Creek and no lot across the street. Lot 17 would be very difficult to be buildable without a variance, speaking as an Engineer and a home builder.
- Mr. Pownall agreed with Martin. But, if asked can it be built to code, yes it can.
- Mr. Penn pointed out that Mr. Pownall confirmed Staff's comment to merge lots and allow more buildable lots and then the plat came in as submitted because it is possible to do, even if it is difficult.
- After much discussion, Mr. Pownall requested to respectfully withdraw without prejudice.
- Mr. Cobb stated that he is allowed to do so with no time limit requirement.

6. Old Business

7. New Business

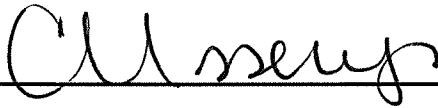
8. Adjournment

- Bruno made a motion to Adjourn.
- Gillham seconded the motion.
- Unanimous roll call vote to Adjourn.

PASSED AND ADOPTED THIS 8th DAY OF September, 2020.



BOARD OF ZONING ADJUSTMENT CHAIRMAN



BOARD OF ZONING ADJUSTMENT SECRETARY