



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
479-361-2700
planning@tontitownar.gov

Meeting: **October 23, 2018**
Project: **McCartney Variance**
Planner: Courtney McNair

AGENDA ITEM

B

VARIANCE REQUEST

1158 Steele Road
Parcel #: 830-38217-000

SUMMARY: Request for a variance to allow the existing shop building to be expanded which will further encroach setbacks and exceed the size restrictions for this zoning.

CURRENT ZONING: R1-Residential, minimum 1 acre lot size

PROPOSED USE: Single-family residential

CITY WARD: 1-Gene McCartney and Henry Piazza

INFRASTRUCTURE SERVICE AREAS (not a guarantee of service availability):

Water: Washington Water Authority

Sewer: Septic

Road Access: Steele Road

Electric: Ozarks Electric

Cable: Cox Communications

Phone: ATT

Natural Gas: Black Hills Energy

School District: Springdale

PROJECT SYNOPSIS:

The McCartney Variance Request is to allow an existing shop building to be expanded. The residence is 1754 SF, and the existing shop building is 1800 SF. In R1 zoning, shop buildings are allowed to be 100% of the size of the residence. The existing shop already exceeds this and the applicant is requesting to add an additional 600 SF to the shop.

Additionally, the existing shop building is already located within the required setbacks. The side setback is 20 feet, and the rear is 25 feet. The existing shop is located approximately 8 feet from the rear and 6 feet from the side. The applicant wishes to add onto the front of the shop which would cause further encroachment into the side setback.

153.262 POWERS AND DUTIES. (as relating to variance requests)

(B) To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these regulations would result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved. A variance from the terms of these zoning regulations, shall not be granted by the Board of Zoning Adjustment unless and until:

(1) The applicant demonstrates that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district; that literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of these regulations; that special conditions and circumstances do not result from the actions of the applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by the zoning regulations to other lands, structures, or buildings in the same district.

STAFF ANALYSIS: The shop was constructed in 2003 while the property was still within Washington County. It was annexed in 2005 at which time the size restrictions and setbacks were imposed. The shop building already exceeds the restricted size, and is already encroaching the setbacks. Many shop buildings on adjacent properties are also larger because they were constructed prior to being annexed. The applicant cannot extend the shop to the west (which would not encroach the setback) due to a ravine.

(2) No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

STAFF ANALYSIS: The existing use is residential.

(3) The Board of Zoning Adjustment shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of land, building, or structure.

STAFF ANALYSIS: The variance that staff is recommending is to allow the existing structure, and the small addition to remain within the required setbacks. If those structures are ever destroyed or removed, all future structures must adhere to the setbacks. As the increase is minor and the shop already exceeds the size restrictions, staff does not feel the impact will be any more significant than as it exists today.

(4) The Board of Zoning Adjustment shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these zoning regulations, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

STAFF ANALYSIS: A small increase in size to a residential shop building will not be detrimental to public welfare.

(5) In granting any variance, the Board of Zoning Adjustment may prescribe appropriate conditions and safeguards that it deems necessary or desirable. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations.

STAFF ANALYSIS: As stated above, the variance that staff is recommending is to allow the existing structure and the small addition to remain within the required setbacks. If those structures are ever destroyed or removed, all future structures must adhere to the setbacks. Additionally, if the structure is ever destroyed or removed, any new structure must comply with size requirements as set out by zoning at that time.

(6) Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.

STAFF ANALYSIS: Residential uses and accessory uses are allowed by right in R1.

TECHNICAL INFORMATION:

Utilities:

Water: Washington Water Authority- "This particular parcel appears to NOT be tapped into the WWA distribution system according to our records. I imagine it's on a well. If they would like water service in the future, please have the owners fill out a Request for Water Service (can be downloaded at washingtonwater.org)."

Electric: Ozarks Electric: OECC submitted some very minor comments. Easements must be shown on existing lines, and any relocation or damage to existing lines will be the developer's responsibility.

Septic: This residence has an existing system and the proposed expansion will not impede this area.

Cable: Cox Communications-No concerns were submitted for the requested variance.

Phone: AT&T-No concerns were submitted for the requested variance.

Natural Gas: Black Hills Energy-No concerns were submitted for the requested variance.

Streets:

This property access Steele Road. No additional drives are being proposed.

Fire:

No concerns were submitted for the requested variance.

Police:

The Police Chief has no concerns for the requested variance.

STAFF ANALYSIS: The impact of this variance request will be minimal to the surrounding area, existing utilities, and streets and fire.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received one "in favor" comment.

STAFF RECOMMENDATION: Staff finds the requested variance is to correct a unique hardship not caused by actions of the applicant.

Therefore, staff recommends approval of the McCartney Variance Request to allow existing structure and a small expansion to encroach into the side setbacks, and the size of the shop to be marginally increased.

CONDITIONS RECOMMENDED FOR APPROVAL:

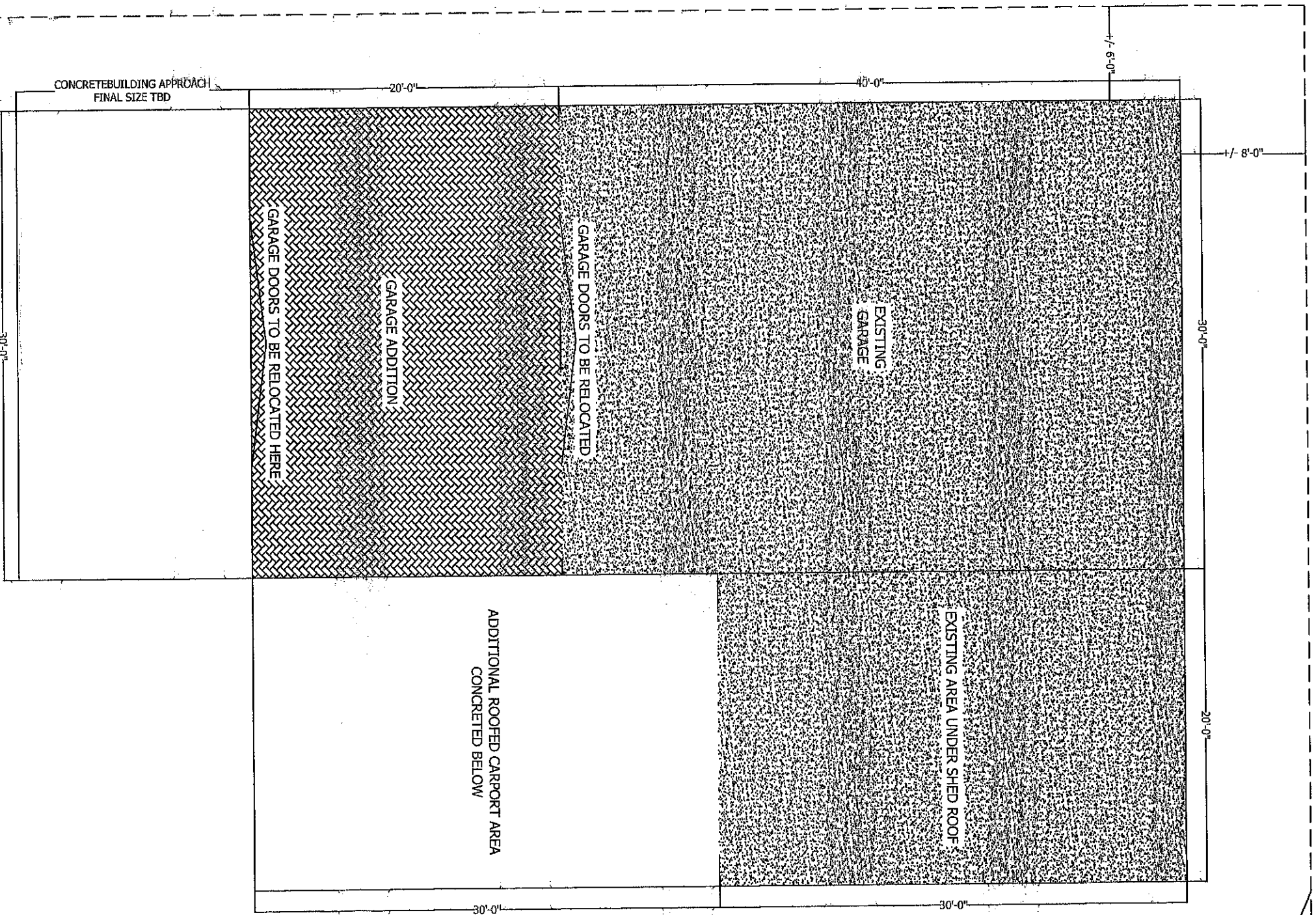
1. If the encroaching structure is ever destroyed, removed, or relocated, all future structures must adhere to the setbacks and size restrictions of the zoning at the time.



Area to be added

90

E Steele Rd



Gene McCartney shop expansion floorplan 2018 1158 Steele Road Tontitown, AR
 Phone 479-841-4363 email genem@cniwa.net

Scale 1/8" = 1'-0"