



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **May 26, 2020**
Project: **Glenn Variance**
Planner: Renee Biby

AGENDA ITEM

A

VARIANCE REQUEST

2270 S. Pianalto
Parcel #: 830-38347-000

SUMMARY: Request for a Variance of the Minimum Lot Size Requirements within an A Zoned District

CURRENT ZONING: A-Agricultural, minimum 5-acre lot size

PROPOSED USE: Single-family residential

CITY WARD: 1-Arthur Penzo and Larry Ardemagni

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

Water: Tontitown

Sewer: Septic

Road Access: S. Pianalto

Electric: Ozarks Electric

Cable: Cox Communications

Phone: ATT

Natural Gas: Black Hills Energy

School District: Springdale

PROJECT SYNOPSIS:

The Glenn Variance Request is to allow an addition to an accessory structure on a Non-Conforming Lot within an Agricultural zoned district. This property was annexed into the City of Tontitown on June 8, 2004 and contained 1.32 acres at that time. The current lot size is 1.32 acres, the minimum lot size within the Agricultural District is 5 acres. The Glenns have requested a Property Line Adjustment so that the addition to the non-conforming structure will meet the minimum setback requirements within an A District; however, they will not meet the minimum lot size requirements within the zoning district.

The Minimum Lot Size within the Agricultural Zoning District is 5 acres, with 30' setback requirements on all sides. The Glenn's have proposed a property line adjustment that will increase the size of their lot from 1.37 acres to 1.58 acres, although this increase does not meet the minimum 5 acre lot size, it will allow for an addition to the accessory building to meet the minimum 30' setback requirements.

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 property was annexed into the City Limits in 2004, the current structures and lot size have not changed since that annexation, this Variance request will allow the homeowner's the ability to complete an addition onto their existing accessory structure. The adjacent property owners have consented that the allowance of a Variance for this particular use would not confer special privilege to one home owner over another.

(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 with an Accessory Structure. Residential and Accessory structures are allowed in an A zoned district.

(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 a reduction in the minimum lot size, this lot was annexed into the City of Tontitown in 2004 and has not changed in size or use since that time. If the proposed Property Line Adjustment is approved, the structures will meet the minimum setback requirements. The accessory structure is existing, staff does not feel that an addition will be a significant impact upon the adjoining neighbors or a significant difference in use of land from what 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 Variance of the minimum lot size, for an existing non-conforming lot 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 a Variance in minimum

lot size, the lot currently exists and with the approval of a Property Line Adjustment, the minimum setback requirements within the A Zoning District will be met.

(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: Accessory Structures are allowed by right in the A Zoning District.

TECHNICAL INFORMATION:

Utilities:

Water: Tontitown Water

Electric: Ozarks Electric

Sewer: Septic

Cable: Cox Communications

Phone: AT&T

Natural Gas: Black Hills Energy

Streets:

This property accesses S. Pianalto 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 three "in favor" comments.

STAFF RECOMMENDATION: Staff finds the requested variance is minor and will not be a detriment to the health, safety, or welfare of the City or the adjoining property owners.

Therefore, staff recommends approval of the Glenn Variance Request to allow for a decrease in the minimum lot size in an A Zoned District.

CONDITIONS RECOMMENDED FOR APPROVAL:

1. The Property Line Adjustment must meet all other General Requirements as outlined in the Tontitown Code of Ordinances.
2. All Structures must meet the minimum Setback requirements within an A Zoned District and any additions must be permitted pursuant to City Code.