



CITY OF TONTITOWN PLANNING OFFICE

201 E. Henri de Tonti Blvd.
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Meeting: **August 23, 2022**
Project: **Laura Lane Warehouse**
Planner: Courtney McNair, Garver

BOARD OF ZONING ADJUSTMENTS AGENDA ITEM

PH #4 -BZA #2

VARIANCE REQUEST

SW Corner of Laura Ln. & Agnes Dr., Laura Lane Warehouse Addition
Parcel # 830-38114-000

SUMMARY: The applicant is requesting Variance approval to allow a 25 foot building to property line setback in lieu of the required 75 feet in the I-1 / Industrial zoning district. The associated Preliminary Large Scale Development and Waiver requests are being heard concurrently with this Variance request.

CURRENT ZONING: **I Industrial** - The proposed development meets the current zoning.

CITY WARD: 1- Gene McCartney, Amber Ibarra

FLOODPLAIN: No

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

Water: Tontitown Water, existing 8" waterline

Electric: Ozarks Electric Cooperative

Sewer/Septic: Tontitown Sewer

Phone: AT&T

Natural Gas: Black Hills Energy

Cable: Cox Communications

School District: Springdale

PROJECT SYNOPSIS:

The owner/applicant for this project is Mathias Shopping Centers, Inc., represented by Mr. Mathew K. Loos, P.E. of Olsson Associates. The property is located at 609 Laura Ln., in Tontitown.

The applicant is requesting Variance approval to allow a 25 foot building to property line setback in lieu of the required 75 feet in the I-1 / Industrial zoning district.

Section 153.262 Powers and Duties:

*(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.*

Staff's Response: The lot is an existing lot of record and has been planned / zoned for this type of development for many years. At the time that this lot, and the surrounding lots were created, the setbacks were different as is clear by the surrounding properties building locations.

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.

Staff's Response: The literal interpretation of the Tontitown zoning code provides for 75-foot side and rear setbacks in the I-1 zone as a means to mitigate negative land use impacts, particularly if the uses are intense, occur outside, and are adjacent to residential districts. However, since the proposed building addition / expansion is not adjacent to a residential zone, examining this request on a case-by-case basis is warranted.

that special conditions and circumstances do not result from the actions of the applicant.

Staff's Response: Special conditions and circumstances are a result of the applicants' actions. However, given that the proposed building addition / expansion is not adjacent to a residential zone, this request is best examined in the context of its relationship to established surrounding uses, and not under the broadened view sometimes taken within a zoning district as a whole.

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's Response: Granting the request will allow the property owner to expand their warehouse building beyond what would normally be allowed without the variance. As such, should similar request be made in the future for other, similarly zoned properties, this case should not set a precedent. Again, each review should be examined with respect to its unique development and relative impact on established surrounding uses.

- (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's Response: There are no nonconforming uses in the surrounding area.

- (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's Response: The applicant attests that at the time of construction for the existing ±50,000 SF warehouse, the side building setback for the site was 25' and the warehouse was constructed roughly 25' from the west edge of the property. The applicant reiterates in their application the fact that surrounding parcels are zoned for industrial uses.

- (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's Response: The proposed use is permitted in the I-1 zone. Providing 50' of relief for the side and rear setbacks is in keeping with the pattern of development immediately adjacent to the proposed warehouse addition / expansion. The request should not be injurious or detrimental to the neighborhood.

- (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's Response: No further conditions recommended by Staff.

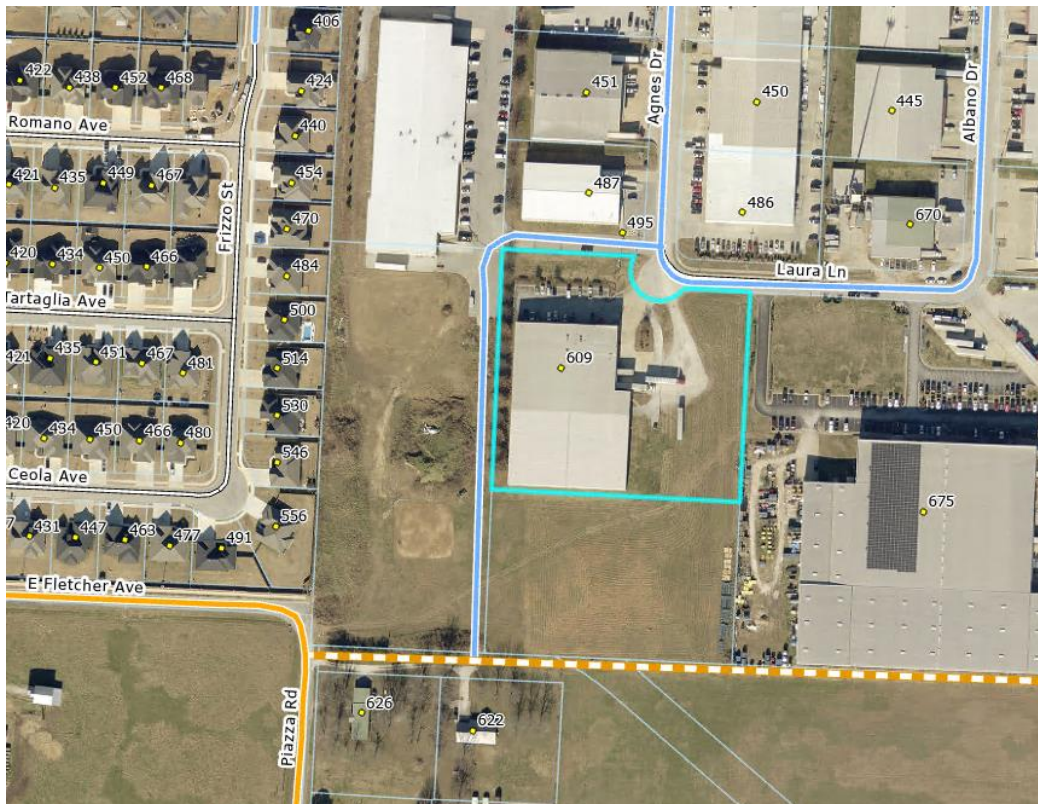
- (6) *Under no circumstances shall the Board of Zoning Adjustment grant a variance to allow a use not permissible under the terms of these zoning regulations in the district involved, or any use expressly, or by implication, prohibited by the terms of these regulations in said district.*

Staff's Response: Granting this request will not allow a use that is not permissible by code.

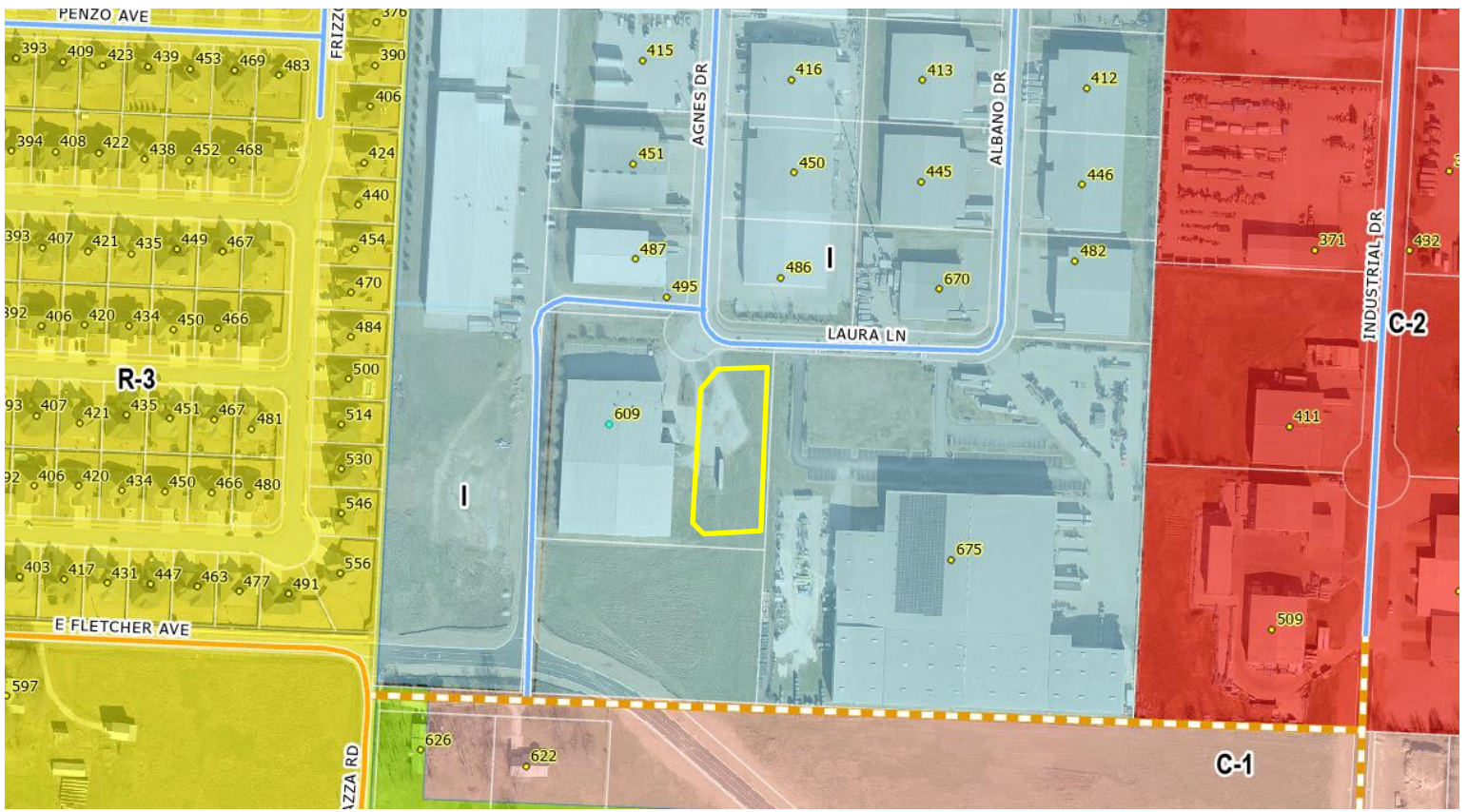
NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project. Staff has received no comments at this time.

STAFF RECOMMENDATION: Staff recommends approval of the requested Variance.

Site location:



PH 4-BZA 2-3



ZONING GRAPHIC



August 2, 2022

City of Tontitown

Attn: Planning Department
PO Box 305
Tontitown, AR 72762

RE: Laura Lane Warehouse Addition
609 Laura Lane
Large Scale Development Plans

Dear Planning Staff and Commissioners,

Mathias Shopping Centers, Inc. is proposing to build a new 17,767 SF warehouse addition on the 3.70-acre property located at 609 Laura Lane. The property currently contains a roughly 50,000 SF warehouse with existing parking and driveway and is located within the Industrial District (zoned I- Industrial). Due to the nature of the building and site, there is a minor variance that is being requested for the success of the proposed project.

Appendix C in Ordinance No. 2021-05-946, an amendment to Chapter 153: Zoning Regulations of the Tontitown Municipal Code requires rear and side building setbacks of 75' for Industrial Districts. We are requesting to reduce the minimum rear and side building setbacks for the site from 75' to 25', a reduction of 50'. **This is a request to reduce the required rear building setback and side building setback from 75' to 25'.**

- At the time of construction for the existing ±50,000 SF warehouse, the rear and side building setbacks for the site were 25' and the warehouse was constructed roughly 25' from the west edge and south edge of the property.
- The adjacent properties are also zoned Industrial, limiting the adverse impact the proposed 25' setback would have on neighboring properties.
- The nature of the site requires additional space for the construction of the warehouse addition, inhibited by the current 75' rear and side building setbacks.
- The site would provide necessary fire lanes, greenspace, and access to neighboring properties with the proposed 25' setback.

Based on the facts provided above, we would request a variance from Chapter 153: Appendix C to reduce the required rear and side building setbacks from 75' to 25' as stated above. Should you have any questions, please contact me at 501.733.2240 or at mloos@olsson.com.

Sincerely,

Matthew K. Loos, P.E.
Olsson Project Manager