



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **May 23, 2023**
Project: **Casalini Warehouse Variance**
Planner: Kevin M. Gambrell, Garver

**CASALINI WAREHOUSE VARIANCE
PH 4, BZA 1**

E. Henri de Tonti Blvd. (Hwy. 412) (west of 175 Kevin Ln.)
Parcel # 830-37754-000, 830-37557-000

SUMMARY: The applicant has resubmitted this variance for the setback reduction. This variance was denied at the last Planning Commission meeting, but the applicant would like to request a reconsideration.

Applicant is requesting setback variances in association with a concurrently submitted Preliminary LSD request to construct a Warehouse / Office building. The site is zoned CT, which requires front, side, and rear building to property line setbacks of 50 ft., 25 ft., and 35 ft. respectively. Site plans submitted shows a proposed 12,650 sf. +/- building, where the front and right/east side setbacks are encroached upon. Therefore, the applicant is seeking zoning setback relief to allow the building to remain in its current size and orientation on the subject property.

CURRENT ZONING: CT – Trades & Services; Limited Office / Ancillary Warehousing are uses permitted by right.

CITY WARD: 2- Daniel Montez, Larry Ardemagni

FLOODPLAIN: No

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

- Water:** Tontitown Water, existing 8” waterline
- Electric:** Ozarks Electric
- Sewer/Septic:** Tontitown Sewer, existing 8” sanitary line
- Phone:** SBC / Southwestern Bell
- Natural Gas:** Source Gas
- Cable:** Cox Communications
- School District:** Springdale

PROJECT SYNOPSIS:

The applicant is requesting a variance to allow the setbacks to be reduced to the setbacks required in C2 zoning.

	C-2	C-T
Front	25	50
Side	10	25
Rear	25	35

According to the applicant’s letter “the property had to be rezoned to allow for the size of the warehouse use within the proposed building. However, the setback requirements if applied according to the requirements for C-T zoning, could not accommodate the building. The current setback requirements would require a maximum building width of 39 feet, and this would therefore

not allow for any reasonable building if enforced on this particular lot dimension.”

TECHNICAL INFORMATION:

Utilities:

Water: Tontitown Water- existing 8-inch water line

Electric: Ozarks Electric

Sewer/Septic: Tontitown Sewer, existing 8” sanitary line

Phone: SBC / Southwestern Bell - No comments were received from ATT.

Natural Gas: Source Gas - No comments were received from BHE.

Cable: Cox Communications- No comments were received from Cox.

VARIANCE REQUEST:

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.*

Applicant’s Letter:

“The property had to be rezoned to allow for the size of the warehouse use within the proposed building. However, the setback requirements if applied according to the requirements for C-T zoning, could not accommodate the building. The current setback requirements would require a maximum building width of 39 feet, and this would therefore not allow for any reasonable building if enforced on this particular lot dimension.”

Staff’s Response: This site is narrow and the placement behind existing businesses creates a unique situation.

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: It would be difficult to develop uses allowed in C-T with the current setbacks because of the shape of the lot.

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

Staff’s Response: The applicant is proposing a lot split; however, the proposed split does not affect the narrowness of this lot, the entire parcel is oddly shaped.

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 this waiver will not prevent the orderly subdivision or development of other land in the area.

- (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 has made efforts to reduce the variance required, and will conform with the C2 setbacks.

- (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: Granting this variance will not be injurious to the neighborhood or otherwise detrimental to the 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's Response: No additional conditions are recommended at this 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's Response: Granting this request will not allow a use that is not permissible by code.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the applicant's variance request to reduce the setbacks from the C-T requirements to the C-2 requirements.

Site location:





CIVIL DESIGN ENGINEERS, INC.

P.O. Box 56, Cave Springs, AR 72718 Phone: (479)381-1066 Email: ffourie@civilde.com

March 21, 2023

Board of Adjustment
City of Tontitown
PO Box 305
Tontitown, AR 72770
Phone: 479.361.2700

Re: Request for Variance of setback requirements
The Casalini Office-Warehouse Building
CD Project #1152

Board of Adjustment:

The proposed Casalini Warehouse and Office Building is a 225-foot by 60-foot wide building proposed behind the existing Casalini Commercial and Retail building. The property was previously zoned C-2 (General Commercial) but has recently been rezoned to C-T(Commercial Trades and Services). The following table is a comparison of the setback requirements between these two zoning districts according to the current city zoning code:

	C-2	C-T
Front	25	50
Side	10	25
Rear	25	35

The property had to be rezoned to allow for the size of the warehouse use within the proposed building. However the setback requirements if applied according to the requirements for C-T zoning, could not accommodate this building. The current setback requirements would require a maximum building width of 39' and this would therefore not allow for any reasonable building if enforced on this particular lot dimension.

We are therefore requesting a variance to the setback requirements for this proposed building within the C-T zoning. The requested setbacks would be as follows:

	C-T with variance
Front	25
Side	10
Rear	25

The adjacent area to the east is a similar commercial trades use, to the south is commercial retail and to the west is an open undeveloped area that may be a future development of similar use, by the same developer.

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Please let me know if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ferd Fourie". The signature is fluid and cursive, with a large initial "F" and "F".

Ferdi Fourie, P.E.
FF/FF