



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **November 24, 2025**
Project: **628 E Henri De Tonti Blvd
Access Easement and
Setback Request**
Planner: Brad Spurlock

AGENDA ITEM **PH1, BOZA1** VARIANCE REQUEST

628 E Henri De Tonti Blvd
Parcel #: 830-37587-003

SUMMARY: The applicant is requesting a variance an access easement at 628 E Henri De Tonti Blvd on approximately 1.21 more or less. Parcel #: 830-37587-003

CURRENT ZONING: C-2, (General Commercial)

PROPOSED USE: C-2, (General Commercial)

CITY WARD: 2 – Alderperson Larry Ardemagni and Daniel Montez

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

Water: Tontitown Water

Sewer: Tontitown Sewer

Electric: Ozarks Electric

Cable: Cox Communications

Phone: AT&T

Natural Gas: Black Hills Energy

School District: Springdale

PROJECT SYNOPSIS:

The owner of the property, Doug and Cathy Norwood Trust, is requesting an access easement variance from the standard setback requirements in the C-2 zoning district for the city's zoning ordinance to do a property split within the property. Under the current zoning and development standards, access easements are required to be a minimum of 50' wide when serving up to 3 lots with direct public street frontage. The proposed variance would be a variant of 40' on the north end to 48.8' on the south end of the property due to an existing garage. Also, rear set back variance from 25' to 15'8" due to the way the property line currently sits.

153.262 POWERS AND DUTIES

The Board of Zoning Adjustment shall have all the powers and duties prescribed by law and by these regulations, which are more particularly described as follows:

(B) To authorize upon appeal, in specific cases, such variance from the terms of this zoning chapter 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 shape, topography or existing improvements on the property make it difficult to provide a full 50-foot easement without significant impact. The existing stone Garage is currently listed within the proposed easement and would make it hard to include it into the needed easement and would require a financial burden to remove the structure.

(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: There are no conforming uses on adjacent properties that are the basis for this request. Our hardship stems from a unique physical constraint on this parcel including a stone garage that effects the access easement which can make unfeasible. This also does not provide safe access and buildable area. This is simply to allow minimum relief needed for the use of the property. The setback would be access and parking.

(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 applicants are requesting to reduce the easement width from 40' to 48'8" to minimally reduce the requirement so that access can be safely constructed while minimizing environmental impact. This should allow to preserve building structures to exist.

(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: The reduced access easement and setbacks will not change the look or character of the neighborhood. Access to emergency vehicles will still be adequate. No disruption of utilities will be compromised.

(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: The access easement shall be constructed per city approved engineering plans including surfacing and drainage. Turnarounds will be accepted per plan review of the fire department.

(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: Based on the current code of 153.262, the applicant has addressed each of the conditions along with supporting materials. Should any further conditions be necessary, the board of zoning shall make those recommendations.

Streets:

This property is located on E Henri De Tonti Blvd.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project.

STAFF FINDINGS: *Per City Code 153.262, "a literal enforcement of the provisions of the regulations do result in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved." Due to the existing site conditions that are peculiar to the site that include site topography, existing utility and residence location, mature trees and lot size, only one location on the project site can accommodate the desired accessory building/use. Granting this variance would not afford the landowner a special privilege. Granting this variance will not be injurious to neighboring properties.*

STAFF RECOMMENDATIONS:

Based on the foregoing analysis, Planning Staff recommends **approval** of the variance request to reduce the access easement as explained in the hardship letter and the reduction of the setback from 25' to 15'8".

Figure 1: Vicinity Map



Figure 2: Current Zoning Map



Figure 3: Setback requirements

Category	C-2
Name	General Commercial
Front setback residential	25'
Front setback non-residential	25'
Side setback residential	7'
Side setback townhomes	**
Side setback non-residential	10'
Street side setback residential	20'
Street side setback non-residential	25'
Rear setback residential	15'
Rear setback non-residential	25'