

City of Arkadelphia
Board of Zoning Adjustment
Special Called Meeting
August 18, 2022 at 5:30 p.m.
City Hall Boardroom, 700 Clay Street
Arkadelphia, Arkansas 71923

AGENDA

1. Call the Board of Zoning Adjustment to order.
2. Staff Report for Jason & Gina Tolbert's variance request
3. Public Hearing to consider the Scott Nelson Construction LLC on behalf of Jason & Gina Tolbert request for a variance from the yard requirements at 101 Aspen Cove
4. Adjourn Board of Zoning Adjustment



Date: August 11, 2022
To: Board of Zoning Adjustment Members
Cc: Gary Brinkley, City Manager; City Board of Directors; and Ed McCorkle, City Attorney
From: DeAnna Graves, Building Department Manager *dy*
Re: Scott Nelson Construction, LLC on behalf of the Jason & Gina Tolbert variance request from the yard setback requirements for the Residential Use District (R-1) at 101 Aspen Cove

Scott Nelson Construction, LLC on behalf of Jason and Gina Tolbert is requesting to reduce the front yard setback from 25 feet to 23.38 feet and to reduce the street side yard setback from 25 feet to 15.44 feet at 101 Aspen Cove in the Willowbrook Addition. Note: This is a newly built dwelling that does not meet the required minimum setbacks.

Here are the facts:

1. Mr. Nelson, owner of Scott Nelson Construction, LLC submitted a site plan showing placement of the dwelling on the property. (See attached)
2. Site plan submitted showed to meet the setback requirements and a permit was issued.
3. Dwelling was completed and an as built survey was required for closing.
4. Ouachita Saline Surveying provided the owners with an as built survey (See attached)
5. Survey showed the house as not meeting the required setbacks
6. Title Company is requiring Jason & Gina Tolbert to obtain a variance prior to closing

As required, a legal notice was published on August 11, 2022 in The Southern Standard and adjacent property owners were notified.

Land Use Ordinance B-425, Art. 7-4, *Variance*

- A. *The Board shall hear requests for variance from the literal provisions of the zoning ordinance in instances where strict compliance to the provision of the ordinance would cause undue hardship due to the circumstances unique to the individual property under consideration.***
- B. *The Board may grant variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the zoning ordinance.***
- C. *The Board shall not permit as a variance any use in a zone that is not permitted under this ordinance.***
- D. *The Board may impose conditions in the granting of the variance to ensure compliance and to protect adjacent property.***

Staff recommends granting the variance as submitted.

CITY OF ARKADELPHIA
APPLICATION FOR HEARING

TO THE ARKADELPHIA BOARD OF ZONING ADJUSTMENT:

Application is hereby made to the Arkadelphia Board of Zoning Adjustment pursuant to the Arkansas laws, Act of 186 of 1957, Acts of Arkansas, as amended, requesting a hearing related to the following described property:

- 1) Please attach legal description: Willowbrook Phase 1 Lot 34
- 2) Street address or approximation thereof: 101 Aspen Cove Arkadelphia, AR 71923
- 3) Title of this property is vested in Jason Musick Tolbert and Gina Elizabeth Tolbert

Address: 118 Silver Springs Drive, Benton, Arkansas 72015

There are no deed restrictions pertaining to the variance or appeal requested herein. Any restrictions are

described _____

4) The hearing is requested for the following reason:

- () Appeal from a decision of the City Engineer concerning his interpretation of the zoning regulations.

Explain: _____

Zoning Article # _____

- (X) Request for a variance from the zoning regulations due to unique characteristics of the property.

Explain: Requesting to reduce the front yard setback from 25 feet to 23.38 feet and to reduce the street side yard setback from 25 feet to 15.44 feet.

Zoning Article # 3-1 C. 1 & 2 / Code of Ordinance 14.04.03.C.1 & C.2

- 5) A map of the subject property is enclosed herewith as a means of illustrating the problem of concern. Where applicable, the map shows (1) the approximate dimensions of property lines and adjoining rights-of-way, (2) approximate outline location of buildings with appropriate dimensions, and (3) land uses and owners' names of adjacent properties.
- 6) It is understood that the Notice of Public Hearing will be published at least 7 days prior to said hearing in a newspaper of general circulation in the city. A publication fee of fifty dollars (\$50.00) and a filing fee of five dollars (\$5.00) will be paid to the Building Department. Total fees \$55.00.

\$55.00 received on
Receipt # 9125

Check # 108
Rec'd by: Lainie Thomason

- 8) It is understood by the applicant that the Board of Zoning Adjustment may request that additional notice of said public hearing be given to certain interested persons and organizations.
- 9) Submit original with attachments to the City Engineer at least **ten working days prior to hearing date**. Use Additional sheets if above spaces are inadequate.
- 10) Under penalties of perjury, I declare that I have examined this petition, including accompanying materials and statements, and to the best of my knowledge and belief, it is true, correct and complete.

Respectfully submitted,

Signature of applicant *[Handwritten Signature]*
 Address: 101 Aspen Cove, Arkadelphia AR 71923
 Telephone (501) 804-0436

Signature of applicant *[Handwritten Signature]*
 Address: 101 Aspen Cove, Arkadelphia, AR 71923
 Telephone (501) 772-1778

(Do not write below this line)

CITY OFFICIAL:

Date: 8/9/2022 Filing Date 8/10/2022

Are all ten points of application in order? yes

Required number of copies mailed? yes

Time and date of public hearing: 5:30 p.m. August 18, 2022

Notice published (newspaper and date): The Southern Standard August 11, 2022

Copy attached? _____

Application approved by the Board of Zoning Adjustment? _____

Date: _____ Reasons: _____

Board's action was () was not () appealed to a court of record:

Date appealed _____

Court of record action on appeal _____

Signature of City Official _____

Date _____

Clark County

Assessor's Office

Tosha Horton, Assessor

TOLBERT, JASON MUSICK & GINA ELIZABETH

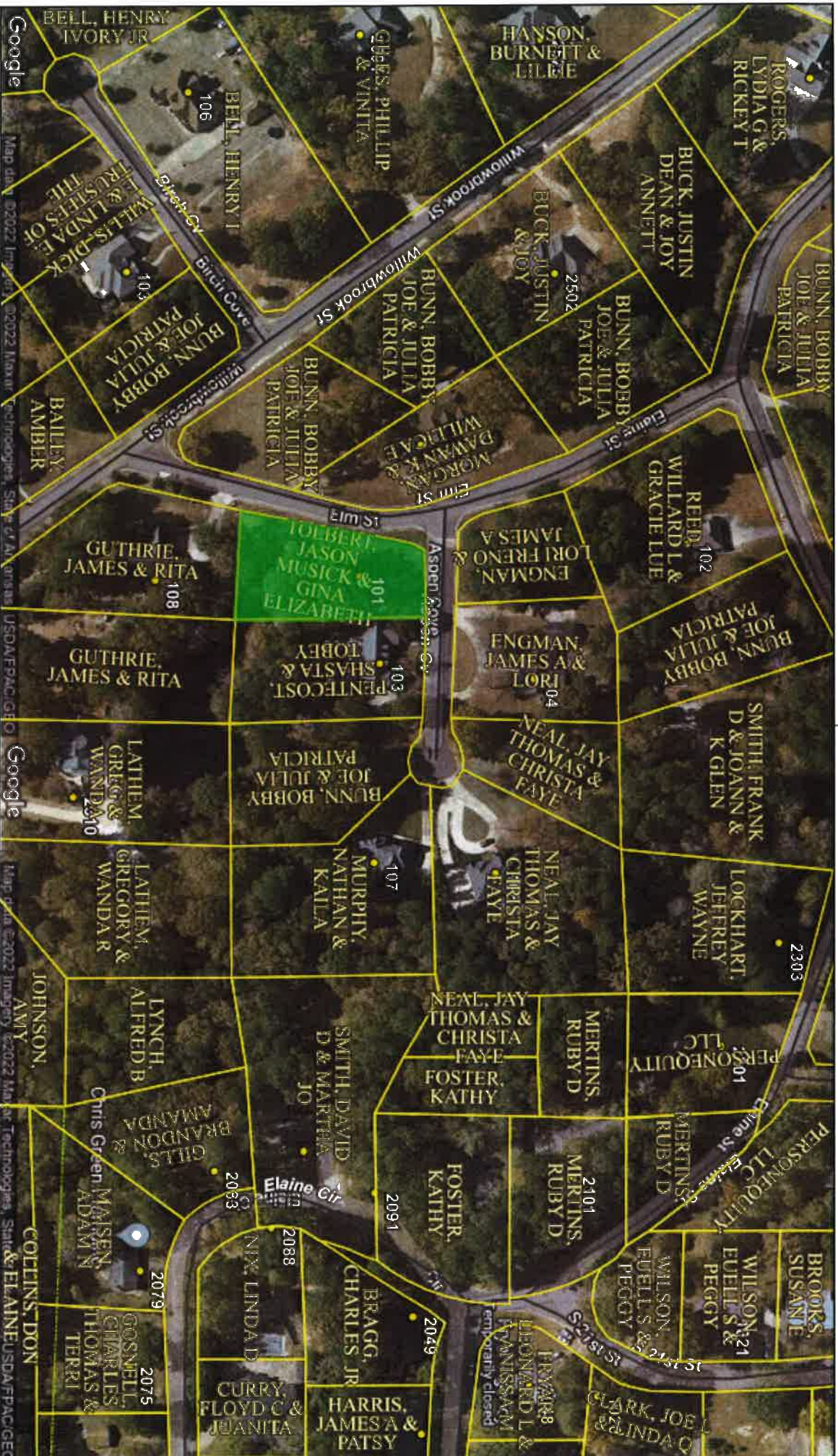
Address: 101 ASPEN CV

Legal: WILLOWBROOK PHASE I

Parcel: 74-03737-134

RPID: 21112

Acres: 0



Date Created: 8/10/2022
Created By: actDataScout

1 inch = 169 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.

ONE AND TWO-FAMILY RESIDENTIAL BUILDING PERMIT REVIEW CHECKLIST

Address: 101 Aspen Cove

B-1 Zoning District

Permitted Use SFD

Residential uses are permitted in the following Districts:

R-1, R-2 and R-3; RRD, C-4 and CED

In NU, all requirements will be determined by the Planning Commission on review (single-family only).

Elevation Certificate required for construction in floodplain Yes No

* Completed Elevation Certificate required prior to permit issuance

Firm Map Number 6203C Parcel Number 0321E

Site Plan Submitted

Yard Area Requirements

Front yard:

Required 50' L 25' P/L Actual 83' P/L

Side yard:

Required 7 1/2' Actual 17'

Yard on side street:

Required 25' Actual 28' P/L

Rear yard:

Required 10' Actual 40'

N/A Rear lot line dimension for unattached accessory Building if set back less than 10 feet

N/A

N/A Unattached accessory building dimension relative to rear lot line if set back less than 10 feet

N/A

N/A Unattached accessory building Rear lot line coverage if set back less than 10 feet.

Maximum 30% Actual N/A

Separation distance for new construction.

Required 15' Actual 15'

Lot area:

Required 6000 Actual 24,175

Lot Width:

Required 60' Actual 96.57'

Height:

Maximum 35' Actual 24' 1 3/8"

Structure coverage %

Maximum 35% Actual 15%

Square footage 3494

Minimum dwelling dimension:

Minimum 20' Actual 46'

OFF-STREET PARKING SPACES*

Required 2 Actual 2

*Parking spaces are 9 x 20 feet. Surface must be paved and sealed.

SIDEWALKS REQUIRED AS FOLLOWS:

Subdivisions: When a new subdivision is being constructed or lot/land is resubdivided or replatted, install on one side of local streets/cul de sacs and both sides of collectors. Already installed

General: Both sides of the street on principal and minor arterial and collector streets (see Master Street Plan.)

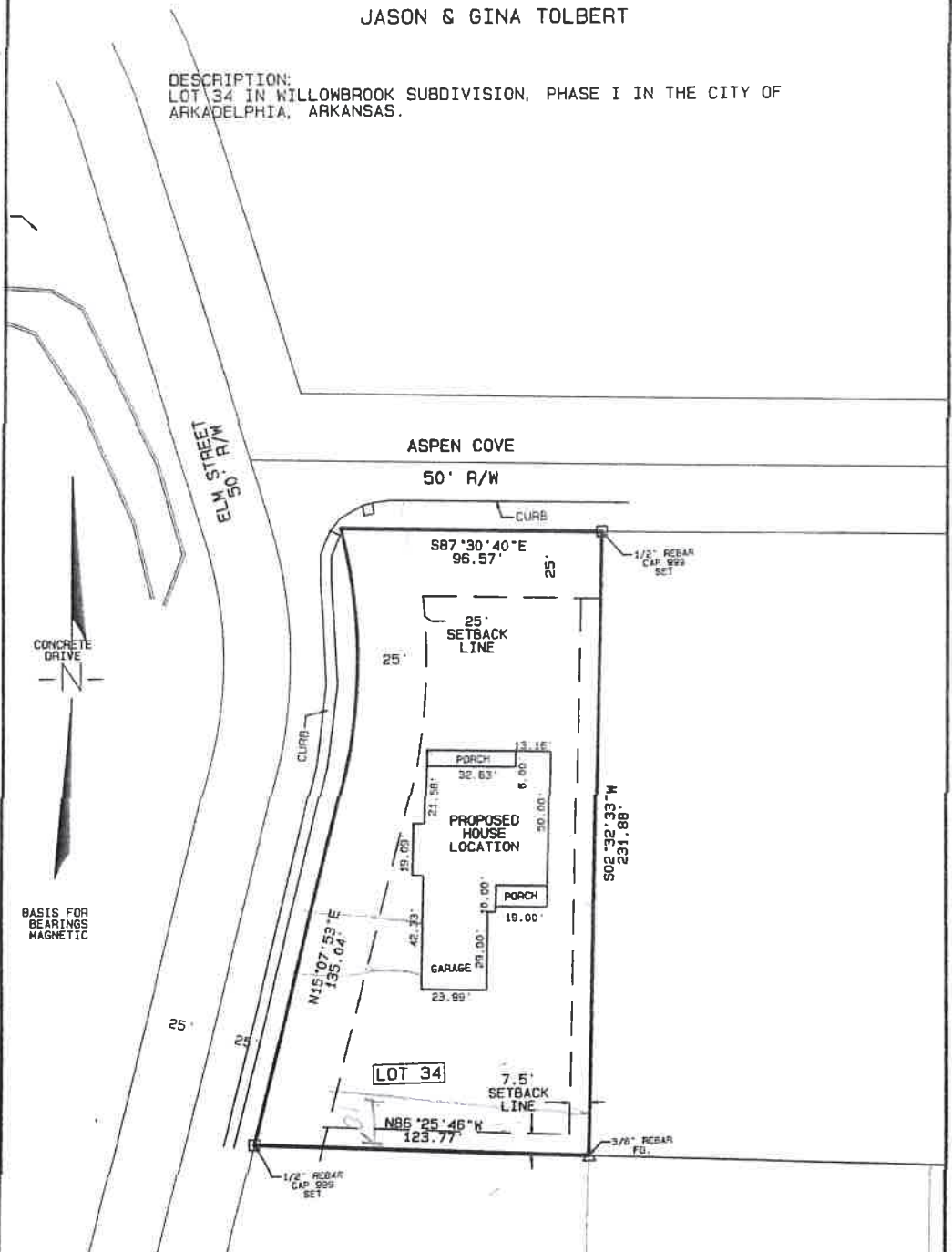
Reviewed by: Debra Jones Date: 11/10/2021

Proposed

101 Aspen Cove

LOT SURVEY
FOR
JASON & GINA TOLBERT

DESCRIPTION:
LOT 34 IN WILLOWBROOK SUBDIVISION, PHASE I IN THE CITY OF
ARKADELPHIA, ARKANSAS.



BASIS FOR BEARINGS
MAGNETIC



LEGEND

MONUMENT FOUND Δ

MONUMENT SET \square

DATE: 11/4/2021

SCALE: 1 IN. = 50 FT.

FILENAME: TOLBERT21 LOT 34

3 I MICHAEL S. MILEY DO HEREBY CERTIFY THAT THE PLAT SHOWN HEREON ACCURATELY REPRESENTS THE PROPERTY AS DETERMINED BY A SURVEY MADE UNDER MY DIRECTION AND SUPERVISION AND ANY VISIBLE ENCROACHMENTS ARE AS SHOWN ON PLAT AND ANY VISIBLE EASEMENTS OR RIGHTS OF WAY ARE AS SHOWN ON PLAT AND NOT TO EXISTENCE OF EASEMENTS OF RIGHTS OF WAY WHICH AN ACCURATE TITLE SEARCH WOULD DISCOVER.

OUACHITA-SALINE SURVEYING INC.
309 CRITTENDEN STREET
ARKADELPHIA, ARKANSAS 71923
PH: 870-246-2054 OR 501-623-6548

Actual

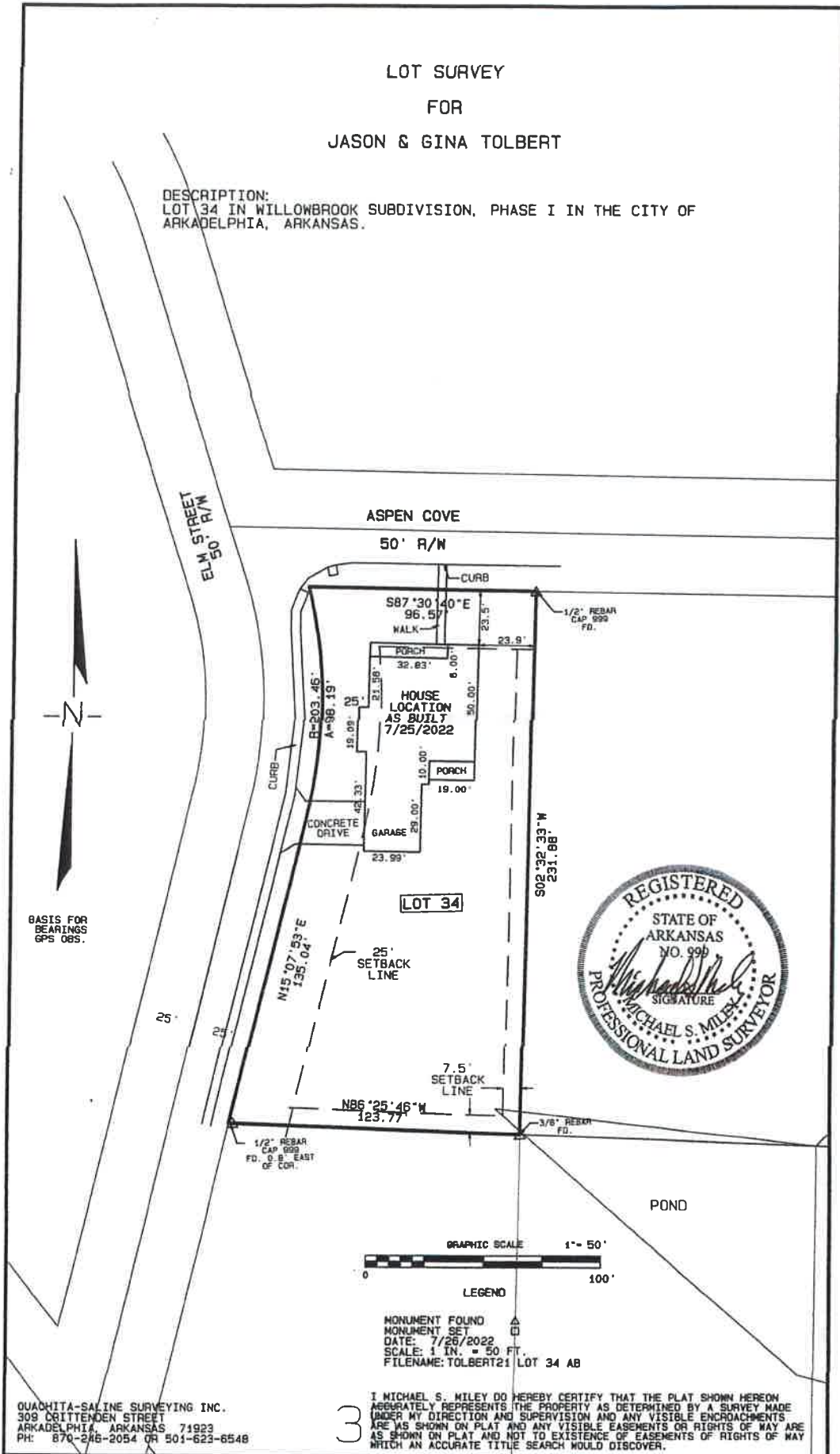
101 Aspen Cove

LOT SURVEY

FOR

JASON & GINA TOLBERT

DESCRIPTION:
LOT 34 IN WILLOWBROOK SUBDIVISION, PHASE I IN THE CITY OF
ARKADELPHIA, ARKANSAS.





Building Department Manager
DeAnna Graves
700 Clay St.
Arkadelphia, AR 71923
Ph: (870) 246-1818
deanna.graves@arkadelphia.gov

Dear Resident:

Re: 101 Aspen Cove

This letter is to notify you that Scott Nelson Construction, LLC on behalf of Jason and Gina Tolbert, a neighboring property owner, has requested variances from Article 3-1.C of the Arkadelphia Code of Ordinances concerning yard requirements at 101 Aspen Cove in the Willowbrook Addition. This property is adjacent to property you own.

The subject property is located in a Residential Use District (R-1) with designated setback requirements.

Mr. Nelson is requesting to reduce the front yard and street side yard setbacks as follows:

- Front Yard – reduce the minimum setback of 25 feet to 23.38 feet from the front property line; and
- Street Side Yard – reduce the minimum setback of 25 feet to 15.44 feet from the street side property line

LEGAL NOTICE

The Board of Zoning Adjustment will hold a public hearing on August 18, 2022 at 5:30 p.m. in the Town Hall Boardroom, 700 Clay Street, Arkadelphia, Arkansas to consider Scott Nelson Construction LLC on behalf of Jason & Gina Tolbert request for variances from the Arkadelphia Code of Ordinances Article 3-1.C “Yard Requirements” at 101 Aspen Cove in the Willowbrook Addition. All interested parties may be heard at said time and place or may notify the Board of Zoning Adjustment by letter of their views on this matter. The application is on file for public inspection in the Building Department at 700 Clay Street. Dated this 10th day of August 2022. By: Samantha Roybal, City Clerk.

Respectfully,

A handwritten signature in blue ink that reads 'DeAnna Graves'.

DeAnna Graves
Building Department Manager

Encl. 2

7020 0640 0001 3511 3397

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Arkadelphia, AR 71923

OFFICIAL USE

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$3.25
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

0924 10
Postmark Here
10
08/10/2022
71923

Sent To Dawson & Willice Morgan
Street and Apt. No., or PO Box No.
103 Elm St.
City, State, ZIP+4®
Arkadelphia, AR 71923

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0640 0001 3511 3366

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OFFICIAL USE

Certified Mail Fee	\$4.00
Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$3.25
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

0924 10
Postmark Here
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08/10/2022
71923

Sent To Shasta & Tobey Pentecost
Street and Apt. No., or PO Box No.
103 Aspen Cove
City, State, ZIP+4®
Arkadelphia, AR 71923

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0640 0001 3511 3403

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Arkadelphia, AR 71923

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Extra Services & Fees (check box, add fee as appropriate)	\$3.25
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$3.25
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$0.60

Total Postage and Fees \$7.85

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Postmark Here
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08/10/2022
71923

Sent To Bobby J. & Julia P. Bunn
Street and Apt. No., or PO Box No.
707 Walnut St.
City, State, ZIP+4®
Arkadelphia, AR 71923

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 0640 0001 3511 3373

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Arkadelphia AR 71923

OFFICIAL USE

Certified Mail Fee	\$4.00
Postage	\$0.60
Total Postage and Fees	\$7.85
Extra Services & Fees (check box, add fees as appropriate)	\$3.25
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$3.25
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00



Sent To: James A + Lori Engman
 Street and Apt. No., or PO Box No.: 104 Aspen Cove
 City, State, ZIP+4: Arkadelphia AR 71923

7020 0640 0001 3511 3335

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Arkadelphia AR 71923

OFFICIAL USE

Certified Mail Fee	\$4.00
Postage	\$0.60
Total Postage and Fees	\$7.85
Extra Services & Fees (check box, add fees as appropriate)	\$3.25
<input checked="" type="checkbox"/> Return Receipt (hardcopy)	\$3.25
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00



Sent To: James + Rita Guthrie
 Street and Apt. No., or PO Box No.: 108 Elm St.
 City, State, ZIP+4: Arkadelphia AR 71923