



CITY OF TONTITOWN PLANNING OFFICE

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Meeting: **November 28, 2023**
Project: Piazza Variance
Planner: Mark Latham

**AGENDA ITEM
PH1, BOZA1**

**PIAZZA VARIANCE
878 Piazza Road
Parcel #: 830-37617-000**

SUMMARY: The applicant has applied for two frontage variances on 2 tracts of land.

The applicant is requesting a Minor Subdivision approval to split his property at 878 Piazza Road into 3 tracts. The current Tract is 53.77 acres and will be split into 3 tracts of approximately 17 acres each. The property is zoned A-1 (agricultural) which requires frontages of 240 feet. The variances are for Tract 1 and Tract 3.

CURRENT ZONING: A1 – Agriculture

CITY WARD: 1- Misty Piazza, Amber Ibarra

FLOODPLAIN: No

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

Water: Tontitown Water, existing 8" waterline

Electric: Ozarks Electric

Sewer/Septic: Septic

Phone: ATT

Natural Gas: Source Gas

Cable: Cox Communications

School District: Springdale

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:

"In the discussion with the applicant, Mr. Piazza is gifting his property to his children and to carve out three large parcels the variances will be needed, based on the narrow frontage of the 53 acres.

Staff's Response: This large piece of property site is narrow.

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 find access to the 3-track based on the other two existing properties.

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

Staff's Response: The applicant is proposing to split the lot; 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 A1 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 property frontage in the A1 Zoning of 240" for Tract 1 and 3.

Site location:

