



CITY OF TONTITOWN PLANNING OFFICE

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

Meeting: **October 22, 2024**
Project: **Klenc and Morsani Rd
Dimension Standards
Request**
Planner: Brad Spurlock

AGENDA ITEM

PH1, BOZA1

VARIANCE REQUEST

Corner of Klenc and Morsani Rd
Parcel #: 830-37722-000

SUMMARY: The applicant is requesting a variance on minimum dimensions standards located at the corner of Klenc and Morsani Rd for the preliminary plat located at the same address.

CURRENT ZONING: R-3 (Single-Family Residential)

PROPOSED USE: R-3 (Single-Family Residential)

CITY WARD: 3- Tim Burress, and Mike Washkowiak

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

Water: Tontitown Water, 8" watermain offsite

Sewer: Tontitown Sewer, 12" sewer main onsite

Electric: Ozarks Electric

Cable: Cox Communications

Phone: AT&T

Natural Gas: Black Hills Energy

School District: Springdale

PROJECT SYNOPSIS:

Renley Rae Subdivision is requesting Preliminary Subdivision approval for a ninety-five (95) lot subdivision; ninety-three (93) buildable and two non-buildable (2) on approximately 30.57 AC of land. The subdivision is complete with requisite street, drainage/detention, utility, and landscape infrastructure.

The applicant has stated in their statement of hardship that they are seeking a variance on lots due to the irregular with sharp angles in which is difficult for all of the lots to be full depth.

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 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; 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 proposed location of the building on the submitted information does not show any unusual physical limitations to the property. There is a tree in which the owners want to preserve for landscaping and integrity of the property.

(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: The existing site use is residential, and the conditions are sufficient grounds to approve the variance request.

(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 variance that the staff has reviewed has determined the standard requirements are minimal as they do meet the square footage requirements.

(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: Granting of this variance request will be in general harmony with the zoning regulations since the overall square footage is being adhered to. Granting of this variance will not be injurious to the neighboring property since the neighboring property is not developed.

(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: No additional comments 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 ANALYSIS: Granting this request will not allow a use that is not permissible by code and impact of this request, will be minimal to the surrounding area, existing utilities, and streets and fire.

Streets:

This property has direct access to Klenc and Morsani Rds.

NEIGHBOR COMMENTS: All neighboring properties within 200 feet of the property boundary were notified by certified mail of this project, additionally, a sign was placed on the property. No objections have been presented to Planning staff.

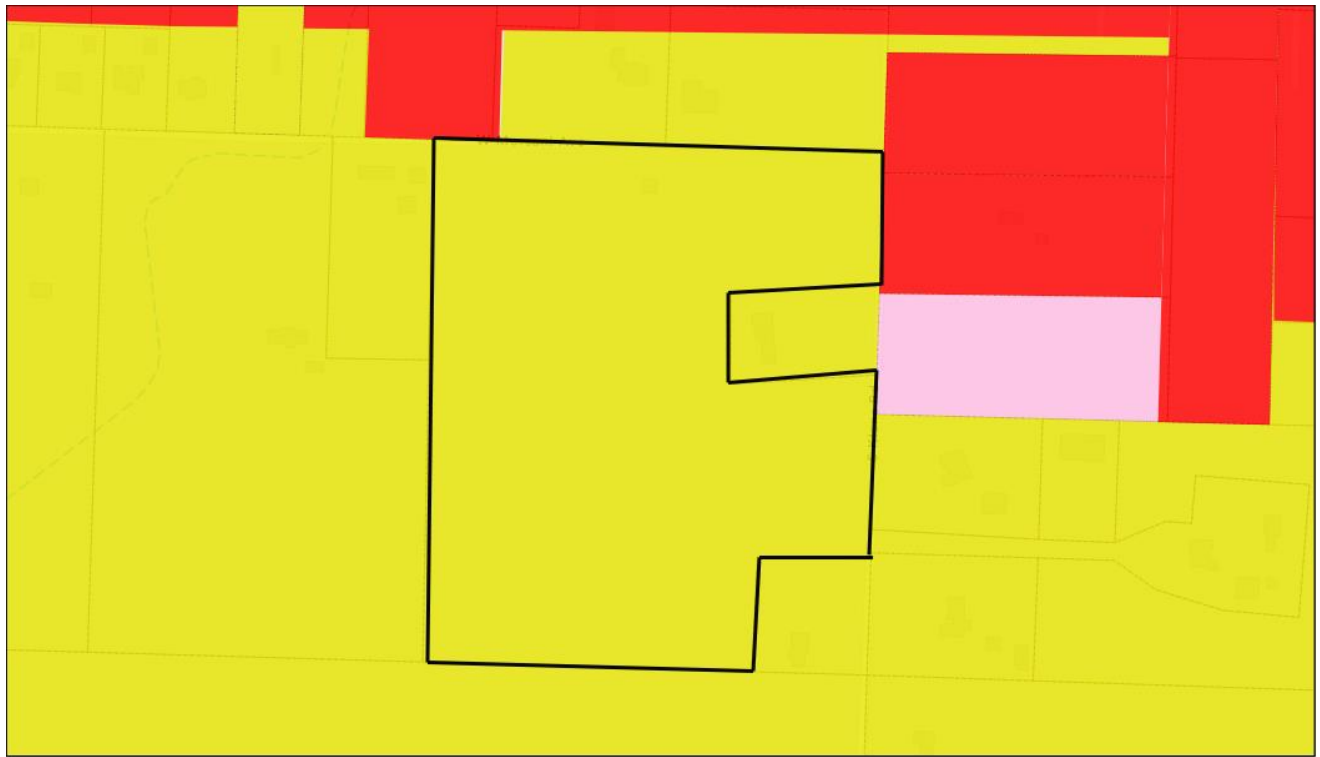
STAFF RECOMMENDATIONS:

Staff finds the request is correct a unique hardship not caused by actions of the applicant. Staff recommends approval of the dimension standards for the lots requested.

Figure 1: Vicinity Map



Figure 2: Current Zoning Map



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TontitownZoning

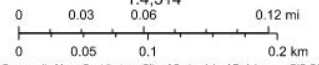
C-1 (Light Commercial/Office)

C-2 (General Commerical)

R-3 (Single Fam Res. 9,600 sq ft min lot size)

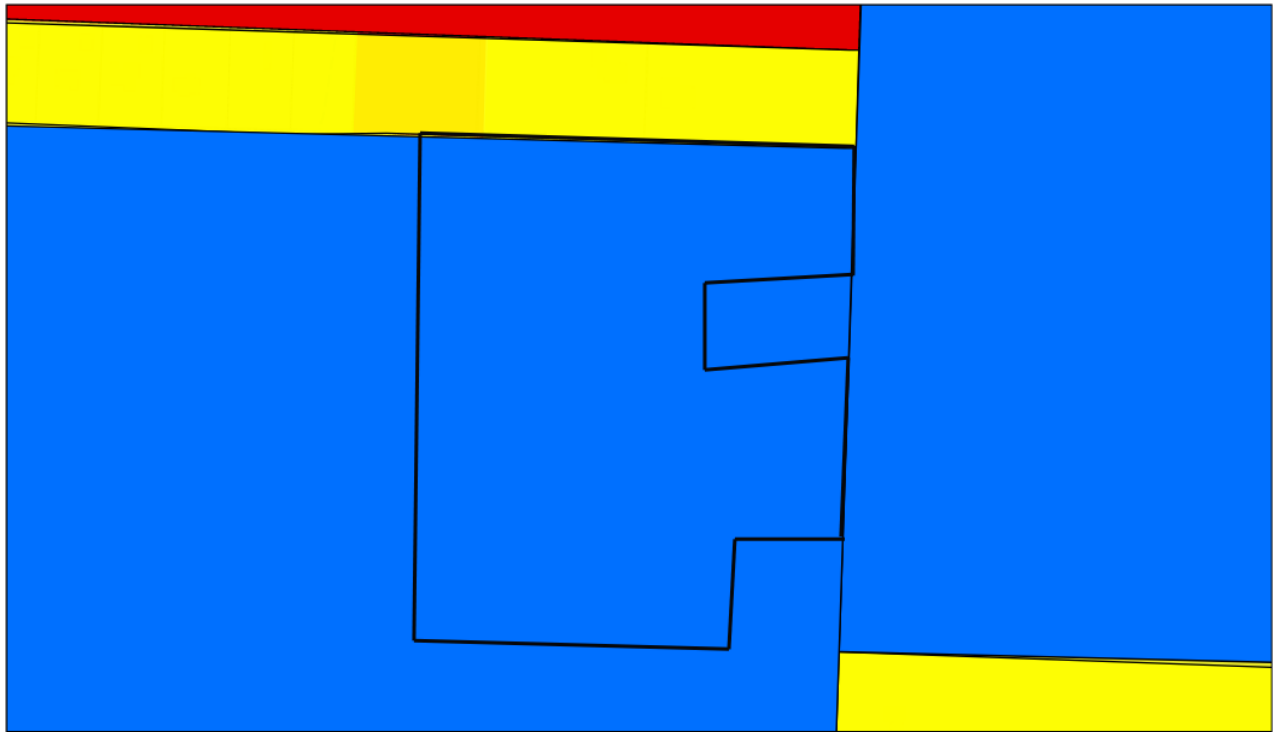
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Figure 3:



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Tontitown_Future_Land_Use

Residential Estates

Residential Commercial Transition

Residential Commercial Transitional

Residential Commercial Core

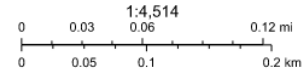
TontitownZoning

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ArcGIS Web AppBuilder

Figure 4: Dimension requirements

	R-3
Category Names	Single Family Residential - 14,520 square foot minimum lot size 1/3 acre
Density	3 units/acre
Minimum Lot Size	9600 sf
Lot width min	80'
Lot depth min	120'

