

Sherwood Board of Zoning Adjustment Minutes

February 14th, 2023 – 6:00 p.m.
2201 E. Kiehl Avenue, Sherwood, AR 72120
Rob Middleton, Chairman

Agenda Items

1. Call to Order
2. Roll Call
 - Martin
 - Middleton
 - Bruno
 - Gillham
3. Approval of January 18th, 2023 Meeting Minutes
 - Martin made a motion to approve the January 18th, 2023 meeting minutes.
 - Gillham seconded the motion.
 - Unanimous roll call vote to approve the January 18th, 2023 meeting minutes.
4. Variance request of 1791 square feet for an accessory structure located at 904 Trammel. Jason Mitchell, Owner.
 - Shelby Schmittou, City Planner, stated that this item was tabled from last month. As of February 14th, the City Floodplain Administrator did approve a Floodplain Development Permit. The process of a property that's located within FEMA regulated floodplain, the first step would be to have an approved Floodplain Development permit, if that was not approved, no building permit could be issued. Since that permit was approved, the applicant can apply for a Variance. Section 14.10.09 of the Sherwood Zoning Code references Accessory Buildings in Residential Districts and it speaks to lots .5 acres or more, this lot is 1.22, the combined square footage of all accessory buildings shall not be greater than five percent (5%) of the total lot area, up to a maximum of three thousand five hundred (3,500) square feet. That statement can be confusing, because it seems like you can have up to 3500 square feet, but that is not the case. Some lots, such as 10 acres, will still only be allowed up to 3500 square feet. Ms. Schmittou stated that she has more information.

- Chairman stated that what must be proved if the property has unique characteristics that causes undue hardship on the owner. What are the unique characteristics and what is the nature of the hardship.
- Mr. Mitchell, owner, stated that the use would be for RV and trailers to keep them out of the weather.
- Chairman asked how the lot caused the hardship.
- Mr. Mitchell stated that he's had stuff stolen, he's trying to keep everything enclosed.
- Chairman stated that Mr. Mitchell was not making a case for the lot itself.
- Mr. Mitchell stated that the lot is not creating a problem, he is just asking for a variance for the storage area.
- Kevin Lily, Council Member of Ward 2, stated that Mr. Mitchell asked him to come out and look at what he was proposing. He stated that what he is proposing is not uncharacteristic of the area or neighbors. The property to the direct east and is also in the floodplain and is pretty much undevelopable. He asked the Board to consider his request. The structure will match his home and would not be a blight to the community.
- Ms. Schmittou provided the Board with a graphic that is an aerial from the applicant showing the applicant will have almost 4500sq ft in accessory structures after the demolition of a building A (916sq ft), as stated in the diagram.
- Chairman asked what Mr. Mitchell is allowed.
- Ms. Schmittou stated that the request is 1791sq ft in overage. The lot size, per the assessor's data, is 1.22. That totals out to 15143 lot, based on the R-1 accessory building requirements, the 5% allowable square footage would be 2657sq ft.
- Bruno asked about the breezeway.
- Ms. Schmittou stated that the breezeway was an option presented by the Building Official that would allow him to connect it to the principal dwelling.
- Chairman asked if that meant the connection would allow the building to be considered part of the principal structure and take the need for a variance off the table.
- Ms. Schmittou confirmed that was accurate, it would be considered one structure because it would be under one roof.
- Chairman stated that it is clear that the property does not have any unique characteristics that creates an undue hardship of increased coverage. He cannot vote for it because he cannot make a case. By all rights, he would violate State Law, City Ordinance and the Zoning Code to vote for this.

- Mr. Mitchell stated that the Official of the Floodplain stated that it would be fine in the footprint it's in. So, one part of the City is approving that where this structure sits is acceptable.
- Chairman stated that if he can prove that, it's fine for the floodplain purposes, but not for variance consideration. This isn't a variance.
- Mr. Mitchell stated that he needs a place to hold his belongings. [inaudible]
- Chairman stated that the regulations are written in such a way that it makes it difficult for a property like his to do what you want to do. It is a regulation and he would like our Consultant to look at it. However, if Staff can approve with a breezeway or walkway, he has no objection to that.
- Mr. Mitchell stated that these ordinances were made for lots in subdivisions.
- Chairman does not disagree with that, but the regulations are specific in this case.
- Mr. Mitchell asked about people with larger lots.
- Martin stated that the Board amended the allowable square footage a few years ago, he would have been allowed about 1500 sq ft.
- Mr. Mitchell stated that his neighbors have a much larger building, when they were annexed.
- Martin stated that there are two ways to mitigate this; the breezeway or tearing down everything else to get you to one building.
- Chairman asked if the applicant wishes to withdraw his variance request, otherwise they will take a vote.
- The applicant denied to withdraw.
- Martin made a motion to deny the Variance request of 1791 square feet for an accessory structure located at 904 Trammel.
- Gillham seconded the motion.
- Chairman stated that it was a negative motion, the Board would try it.
- Unanimous roll call vote to deny the Variance request of 1791 square feet for an accessory structure located at 904 Trammel.
- Chairman stated the variance is denied. He recommends the applicant pursue the other option.

5. Amend Bylaws.

- Chairman stated that this would amend Article 7, Section 2.B from 5pm to 6pm.
- Bruno made a motion to Amend Bylaws.
- Gillham seconded the motion.
- Unanimous roll call vote to Amend Bylaws.

6. Old Business

7. New Business

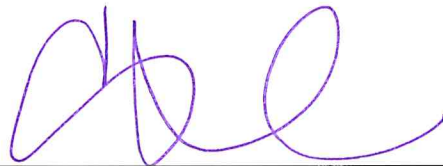
8. Adjournment

- Martin made a motion to adjourn.
- Gillham seconded the motion.
- Unanimous roll call vote to adjourn.

PASSED AND ADOPTED THIS 13th DAY OF June, 2023.



BOARD OF ZONING ADJUSTMENT CHAIRMAN



BOARD OF ZONING ADJUSTMENT SECRETARY