

Sherwood Board of Zoning Adjustment Minutes

July 11th, 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
 - Gillham
 - Jones
 - Abernathy
3. Approval of June 13th, 2023 Meeting Minutes
 - Martin made a motion to approve the June 13th, 2023 meeting minutes as corrected.
 - Gillham seconded the motion.
 - Unanimous roll call vote to approve the June 13th, 2023 meeting minutes.
4. Variance request at 2725 Gemstone Drive. Shawn O’Dell, Owner.
 - Chairman swore in Shelby Schmittou, City Planner,
 - Ms. Schmittou stated that this a request of reduction to the 25 foot rear yard setback as required in an R-1 zoning. The request is to reduce it to 15 feet to allow a covered porch. Any type of cover or porch attached to the primary structure is required to meet that 25 foot setback. Staff does not see any hardship created by the lot that would constitute approval of this variance.
 - Chairman asked if the applicant was present and would like to speak.
 - Shawn O’Dell, 726 Lake Tree Lane, was sworn in by the Chairman.
 - Mr. O’Dell stated that he has built this plan several times.
 - Chairman stated that the Board can grant a variance under specific requirements according to State Law and City Ordinance. He explained the applicant must be able to demonstrate that a hardship is created by the property itself and that the regulation, because of that creates a hardship.
 - Mr. O’Dell stated that he wants the larger covered porch.
 - Chairman asked if the lot produced the problem.
 - Mr. O’Dell stated that it does because it is not deep enough.
 - Chairman asked if the lot was developable.

- Mr. O'Dell stated that he can build a house on the property but it would be nicer to have a covered back porch.
- Chairman stated that this is a case of something you'd like to do as opposed to a hardship created by a unique character of the lot itself. The Board has been firm on that the past couple of years.
- Gillham noticed that the back property line is skewed causing the lot to be lopsided.
- Ms. Schmittou stated that the lot does meet the minimum standards for R-1 lots, which is 6000 square feet.
- Chairman stated that the issue is whether to go with an uncovered deck, which can go to the 15 foot setback or a covered deck that can't. The lot itself isn't imposing a hardship.
- Jones asked what was directly to the west of the site.
- Martin stated that it is probably greenspaces.
- Jones stated that she also does not see a hardship.
- Jones made a motion to deny the Variance request at 2725 Gemstone Drive.
- Martin seconded the motion.
- Unanimous roll call vote to deny the Variance request at 2725 Gemstone Drive.
- Chairman told the applicant that it did not pass and he could appeal the decision to the Circuit Court if he chooses to do so.

5. Amend Bylaws.

- Chairman asked if there was more discussion over and above what was discussed in the last meeting.
- Chairman asked Jones if she had any questions, as she raised a few in the last meeting.
- Jones confirmed that she did not after the discussion from the last meeting.
- Martin made a motion to amend the Bylaws.
- Jones seconded the motion.
- Unanimous roll call vote to amend the Bylaws.

6. Old Business

7. New Business

8. Adjournment

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

PASSED AND ADOPTED THIS 12th DAY OF September, 2023.



BOARD OF ZONING ADJUSTMENT CHAIRMAN



BOARD OF ZONING ADJUSTMENT SECRETARY