



DEPT. OF COMMUNITY DEVELOPMENT
PLANNING DIVISION
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**BOARD OF ADJUSTMENT
MINUTES
September 13, 2018**

MEMBERS PRESENT:

Hannah Cicioni
Roger Clark
Andrew Curry
Ben Kaufman
Aaron Smith
Eriks Zvers

OTHERS ATTENDING:

Ethan Hunter – Planner III
Beth Johnson – Planner II
Kara King – Planning Technician

Chairman Andrew Curry called the meeting to order at 4:00 pm.

NEW BUSINESS

18-51: A request by David E Morris Sr. for a variance to allow a rear yard setback reduction from 20' to 10' in the Cherokee Strip Addition subdivision at 3200 W Seminole Dr in the city's R-SF (Residential Single-Family) zoning district.

David E. Morris Sr., 2910 W Seminole Dr, represented the request. Staff stated that the applicant is currently applying for a lot split. Due to existing structures and the proposed lot lines, a variance is required to reduce the rear setback from 20' to 10' on the northern property line. The southern proposed property line cannot be adjusted to accommodate 10' as it must be centered on W Seneca Rd to provide access.

Morris stated that his intent is to build 2 homes for his children on the property. Morris stated that the surrounding homes are large homes and his intent is to build homes similar in size. Morris stated that the variance is required in order for him to build the biggest home he can on the property.

Morris stated that the southeastern portion of the property does have a significant change in grade that limits construction on that portion of the property. Additionally there is an existing sewer line and drainage swell running through the middle of the property.

Curry clarified that the variance request is to address a proposed lot line that is too close to an existing structure to fit within the existing setbacks. Curry stated that the Board of Adjustment approves setback reductions for a specific portion of a proposed structure. When a setback is reduced, the setback is only reduced around that specific portion of the structure and is not reduced for the entire setback. The current request is for a 10-foot reduction of the rear setback for the entirety of the rear setback to allow for the construction of a larger home. Curry stated that the request seems less interested in addressing the existing structure and is more concerned with increased buildable area. In Morris' opinion the existing structure may not remain due to repair needs.

Curry opened the Public Hearing. As no speakers were in favor or opposition of the variance, the Public Hearing was closed.

Cicioni asked if there were any site-specific circumstances that necessitate the variance request. Cicioni asked specifically what circumstances prevents the lot lines from being adjusted 10' to meet the 20' rear setback requirement. Morris stated that the reason for the 10' setback reduction is to allow for the construction of a larger home.

Cicioni stated that the size of a structure, that is currently not in place or built, is a difficult variance to approve. Often builders must limit the size of a structure based on the district guidelines that have been set.

Zvers motioned to deny the variance request for a rear yard setback reduction from 20' to 10' as presented. Cicioni seconded. Voice vote: (unanimous). Motion carried. **DENIED.**

18-52: A request by Angkor Wine & Liquor for a variance to allow an additional wall sign on the east elevation and 86 square feet of additional wall sign area (from 400 to 486 sf) at 2001 W Pleasant Grove Rd in the city's C-2 (Highway Commercial) zoning district.

Bruce Preston with Advanced Lighting represented the request.

Staff outlined that a sign permit was applied for by Sign Planet in June 2016, but a sign permit was never finalized and issued. In August 2018, Advanced Lighting applied for a monument sign at this location and at that time staff informed Angkor Wine & Liquor that no further sign permits would be issued for the site until the existing signage was brought into compliance. A sign permit was issued in August 2018 for the wall signs on the West and South elevation. The current variance request is to allow an additional wall sign on the non-street-fronting East elevation and 86 square feet of additional sign area over 400 square feet.

Preston outlined that the surrounding area has several businesses that have been allowed additional wall signs on non-street-fronting elevations, specifically Cavender's and Moe's Southwest Grill.

Curry opened the Public Hearing. As no speakers were in favor or opposition of the variance, the Public Hearing was closed.

Kaufman asked if there were additional tenants in the building that would also require additional square footage. Sophek Srunn, the property owner, stated that there would be future tenant infill. Staff stated that the current request for additional wall signs and additional wall sign area only addressed the existing signage for Angkor Wine & Liquor. Any future tenants may be required to request a variance for additional wall sign area. Staff stated that each tenant is guaranteed 25 square feet of wall sign area, even if the building maximums have been exceeded.

Cicioni stated that because the cemetery is located east of the building, there is some visibility of the east elevation's wall sign and this visibility would remain into the foreseeable future. Cicioni stated concerns over the request for additional sign area, especially in light of the fact that the request for additional sign area would not address the needs of future tenants.

Staff illustrated that a similar request for an east elevation sign was denied in May 2018 for Valvoline Oil. The Valvoline site also has visibility along the east elevation from the westbound lane of W Pleasant Grove Rd. The structure directly east of Valvoline sits back from W Pleasant Grove Rd in such a way that the east elevation of Valvoline has visibility and will have visibility into the foreseeable future.

Cicioni asked if the east, west, and south were the only elevations with signage. Preston responded that yes the east, west, and south are currently the only elevations with signage. Cicioni asked where the proposed monument sign would be located on site. The monument would be located along Pleasant Grove Road just south of the south elevation.

Staff stated that with 3 tenants in the building, the site would be allowed a 10-foot tall monument with 100 square feet of total sign area. Staff illustrated that in order for someone in the westbound lane of Pleasant Grove Road to enter the Angkor site, they would have to pass by the proposed monument location. The 10-foot monument with 100 square feet of total sign area is allowed by right and is not contingent upon variance approval.

Cicioni motioned to deny the variance request for an additional wall sign on the East elevation. Zvers seconded. Voice vote: (unanimous). Motion carried. **DENIED.**

Previous minutes: August 23, 2018.

Cicioni motioned to approve the minutes from August 9, 2018. Zvers seconded. Voice vote: (unanimous) Motion carried. **APPROVED.**

Meeting adjourned at 4:37 pm.

Roger Clark, Board of Adjustment Secretary