

**Russellville Board of Adjustment Minutes**  
**April 27, 2020 @ 5:00 p.m.**  
**Virtual Meeting**

**The Russellville Board of Adjustment held a Virtual Meeting on Monday, April 27, 2020 at 5:00 p.m.**

**Members Present**

Chairman Wendell Miller  
Vice-Chairman Don Jacimore  
Secretary Justin Cothren  
John Choate

**Members Absent**

Scott Sanders

**Also present:** Mayor Richard Harris, City Attorney Trey Smith, P/W Director Kenneth Duvall, City Planner Sara Jondahl, City Engineer Glenn Newman, Fire Marshal Richard Setian, Planning Assistant Lequitta Jones, Jim Lynch/City Corporation, Zayne Bryson/City Corporation, Dave Garza of Barrett & Associates, Alan Covington, Vernon Williams/GarNat Engineering, Laura Drown/Cogswell Motors, and Scott Steuber.

**Welcome Visitors**

**The First Order of Business** was a request to review and approve the minutes of December 23, 2019 regular meeting.

The motion was made by Member Jacimore to approve the minutes as written. The motion was seconded by Member Choate and passed unanimously.

**Second Order of Business** was a request for a variance from Article 3.1.2(H) to construct a 40 x 60sf or 2400sf detached garage/shop located at 600 Riverstone Street. Submitted by Alan Covington. (BOA.20.03.3661)

City Planner Jondahl said the applicant is under construction of their new home that is 4,041 square feet, the proposed shop would be 2,400 square feet. Under normal conditions this would not be permitted as the maximum allowed under the code is 1,600 square feet, however, normal conditions look at property that would typically be considered a standard city lot size or up to a property just a couple acres in size. This property is 21.54 acres and due to the size and variations in the landscape larger equipment is needed by the homeowner to maintain the property. He has additionally shown how the visual impact due to the construction of the larger size garage will not be detrimental to neighboring properties and has demonstrated how there are special conditions that exist on his property by virtue of the size of his property that do not exist on typical lots within the district.

It is staff's recommendation that the Board of Adjustment approves this variance request and allows the applicant to move forward with their application to build their accessory structure at the 2,400 square feet.

Mr. Covington said he needed the extra square feet because at code it is just not enough room. So I'm asking the Members to approve the variance.

Member Choate made the motion to approve the variance as presented. The motion was seconded by Member Jacimore and passed unanimously.

**Third Order of Business** was a request to approve a variance from Article 3.21 Standards; allowing an existing 4-foot sidewalk to remain for property located at 1900 East Main Street. Submitted by GarNat Engineering on behalf of Cogswell Ford Lincoln Dealership (BOA.20.03.3662)

City Planner Jondahl said this application is to waive the requirement for sidewalks to be replaced and brought up to code along their property frontage on East Main Street. The existing conditions Cogswell Motors is in current operation at the property, undergoing rehabilitation to their structure with an estimated \$3.5 million project valuation. Current zoning of the property to the surrounding properties is C2 along with surrounding properties to the west, north and east. The property to the south is M2. It is a significant renovation as I offered to them the sidewalk code amendments that we are in process of approving at the City Council and they were not sure that they could meet the 50% project valuation to overall property value and therefore wanted to forward their variance application to the Board of Adjustment. Additionally, the applicant has not demonstrated where special conditions exist that is peculiar to the property and that is not peculiar to other properties within the district or has demonstrated a reason that justifies the granting of a variance. The code currently says any new structure requires sidewalks along all street frontages of the property. In review of the project I did not believe the size of the new structure was rationally proportionate to that requirement and waived the requirement for sidewalk improvements along three (3) street frontages S Sidney, East 2<sup>nd</sup> Street, and S Utica Streets. However, did feel like it was rationally proportionate to require the sidewalk improvements bringing those sidewalks along East Main Street to the current five (5) in width. This would always ensure that this frontage is ADA accessible to pedestrians and in combination of the renovations would enhance the view of the property even more.

The recommendation was with the lack of findings by the applicant it is staff's recommendation that the Board of Adjustment deny this variance request and require the sidewalk to be brought up to the City Code Standard of five (5) feet along East Main Street.

Vernon Williams of GarNet Engineering said with all due respect we disagree with the staff's recommendation. We cannot add a foot to the existing sidewalk. We would have to demolish the whole sidewalk at the cost of \$28,000.

Member Choate asked if the sidewalk was in good shape? Mr. Williams said "yes".

Member Cothren asked if there were any 5-foot sidewalks on East Main? Planner Jondahl said there is one at Mr Brake and Lube that is currently under construction and then Slim Chicken will place a 5-foot sidewalk there.

Member Cothren made the motion to approve the variance as requested. Member Choate seconded the motion and passed unanimously.

Meeting Adjourned.

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Chairman Miller