

**BOARD OF ADJUSTMENT
MINUTES
November 4, 2021 @ 5:00 p.m.**

The Board of Adjustment held a meeting on Thursday October 7, 2021 at 5:00 p.m. in City Hall Council Chambers.

Commissioners Present

Chairman Blake Tarpley
Secretary Justin Cothren
Vice-Chairman Don Jacimore
Wendell Miller
Paul Gray

Commissioners Absent

None

Visitors Present: City Attorney Trey Smith, City Planner Sara Jondahl, Planner I Victoria Marchant, Flood Manager Ben Gray, Jim Lynch of City Corporation, Richard Peel, Randy Barefield, Clark Taylor, Kenneth Stelly, Jerry Cere, and John Hotz.

Welcome Visitors

The First Order of Business is a request to review and approve the minutes of the Board of Adjustment Meeting October 7, 2021.

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

The Second Order of Business is an Appeal of a decision by an administrative official concerning their interpretation of Article 3.21 of the Russellville Zoning Code regarding the requirement to construct and subsequent assessing of an in-lieu fee for the multi-use trail located in the 3300 block of Bernice Ave. Submitted by Barrett & Associates on behalf of Randy Barefield. (VARI-0921-000126)

Richard Peel was representing the applicant and requested that the Board of Adjustment withdraw the application as the applicant agreed to pay the in lieu fee.

Member Miller made the motion to withdraw the item from the agenda. The motion was seconded by Gray and passed unanimously.

The Third Order of Business is a Variance from Article 3.6.1 to allow an 8' fence despite the 6' height limit, located at 2433 W 4th Street. Submitted by Clark Taylor on behalf of Kenneth Stelly. (VARI-1021-000146)

Planner I Marchant stated that this application was to allow an 8' fence located at 2433 W 4th

Street despite the 6' height limit. She stated that the existing conditions were that the property was located in the Inglewood Neighborhood, and it was zoned R-1, Single Family Residential. This was an existing single family home surrounded by other single family homes and that the unique topography in the area created a lack of privacy for the property owner's yard. Planner I Marchant then presented photos of the applicant's back yard which demonstrated the lack of privacy and stated that the topography is what staff had identified as a special condition.

It was staff's recommendation that the Board of Adjustment approve this variance request with the following condition:

1. The portions of the fence that faces W 4th street in the side yard shall be no higher than 6' in height.

Based on the findings below:

1. The topography of the land results in a lack of privacy for this property owner; and
2. The applicant has met all other variance requirements.

Chairman Tarpley asked if the applicant had anything to add and they did not.

A neighboring property owner stated that he did not have any issue with the fence.

Member Gray made the motion to approve the item with the conditions as presented by staff. The motion was seconded by Member Miller and passed unanimously.

The Fourth Order of Business is a Variance from Article 3.21 waiving the requirement for the sidewalk in lieu fee located at 5474 N Arkansas Ave. Submitted by Barrett & Associates on behalf of Tobacco Town and Bates Distributing Co. (VARI-0921-000140)

Planner I Marchant stated that this application was to allow a Variance from Article 3.21 waiving the requirement for the sidewalk in lieu fee located at 5474 N Arkansas Ave. She stated that the existing conditions were that the property was zoned C-2 Highway Commercial and it was in the North City Spur District. She stated that no sidewalks or multi-use trails were located within over a mile of this section of N Arkansas Avenue and there were existing commercial developments along the north side of the road. Planner I Marchant then showed maps illustrating the closest sidewalk which was over a mile and a half away and the closest proposed multi-use trail was over a mile and a half away as the crow flies. She stated that staff did find that special conditions existed due to how far sidewalks and proposed multi-use trails were from this location. Additionally staff did not foresee much major development occurring this far north on Arkansas Avenue in the next 20 years. Lastly, staff did not foresee a need for sidewalks past approximately Shiloh Road in this area.

It is staff's recommendation that the Board of Adjustment approve this variance request based on the findings below:

1. Staff does not foresee the need for sidewalks in this area within the next 20 years; and
2. There are no other sidewalks within a mile of this property; and
3. There are no proposed multi-use trails in this area; and
4. The applicant has met all other Variance requirements.

Member Miller made the motion to approve the item as presented. The motion was seconded by Member Gray and passed unanimously

Meeting adjourned.

Chairman Blake Tarpley