

## **BOARD OF ADJUSTMENT**

### **MINUTES**

**February 2, 2022 @ 5:00 p.m.**

The Board of Adjustment held a meeting on Thursday February 2, 2022 at 5:00 p.m.

#### **Members Present**

Vice-Chairman Don Jacimore  
Wayne Cummings  
Wendell Miller  
Josh Stroud  
Justin Cothren

#### **Members Absent**

None

**Visitors Present:** City Planner Sara Jondahl, Planner I Victoria Marchant, City Engineer Glenn Newman, David Garza.

#### **Welcome Visitors**

**The First Order of Business** is a request to review and approve the minutes of the Board of Adjustment November 29, 2022.

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

**The Second Order of Business** is Election of Officers for 2023

- a. Chairman
- b. Vice Chairman
- c. Secretary

Member Cummings made a motion to nominate Wendell Miller as Chairman, Member Jacimore as Vice-Chairman, and Member Cothren as Secretary. The motion was seconded by Member Stroud and passed unanimously.

**The Third Order of Business** is Variance from Article 3.23 and 14 to waive the sidewalk requirements and allow a larger maximum building footprint than allowed, located at 1850 N Arkansas Ave. Submitted by Barrett & Associates on behalf of Arkansas Tech University for Pope County EMS.

Planner I Marchant stated that this is an application for 1850 N Arkansas Ave. She stated that this is a location for a new proposed Pope County EMS. She stated that it is a variance from the sidewalk requirements as well as the maximum building footprint. Planner I Marchant stated that the existing conditions are that located within the University Place District this is the proposed site of the new Pope County EMS facility. She stated that it is an R-3 zoned property surrounded by R-3 and C-2 zoned properties including uses such as Fire Station 3, a martial arts gym, and Cowell Steel. Planner I Marchant stated that the first part of this application is to allow a variance from Article 3.23 requesting relief from the sidewalk requirements. She stated that Staff has found the applicant has not demonstrated that special conditions exist in regards to waiving the sidewalk requirements. Planner I Marchant stated that the City of Russellville has committed to build sidewalks from Whatta-Burger to Reasoner Lane along N Arkansas after the roundabout project. She stated that additionally, the City did discover that reasoner Lane is a City road. She stated that the City of Russellville will recommend that the applicant pay the in lieu fee for the sidewalks along N Arkansas so that the City can complete the sidewalks in this location at the time sidewalks are installed in this area after the roundabout project and that the applicant install sidewalks along Reasoner Lane. Planner I Marchant stated that the second part of this application is to allow a variance from Article 14 allowing a larger maximum building footprint than is allowed by code for the R-3 Zone. She stated that Staff has found that the applicant has demonstrated that special conditions do exist in regard to the building footprint due to the size of the property. Planner I Marchant stated that the size of the property is 4.29 Acres in size, which is much larger than the typical R-3 lot. Additionally, although the structure is more than double the size of the adjacent building, the way that the structure is situated on the property would be comparable to the adjacent structure as the front of the structure is to be utilized for the office and would be situated in a manner to mimic the smaller adjacent structure.

Staff recommends denial of this application as a result of the findings below:

1. The City has committed to installing sidewalks in this area; and
2. The application has not demonstrated that special conditions exist; and
3. The granting of that variance is not in harmony with the purpose and intent of the code.

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

1. The applicant has demonstrated that special conditions exist; and
2. The applicant has met all other variance requirements.

Member Cummings stated that his understanding was that EMS would have to pay an in lieu fee for the N Arkansas sidewalk.

Planner I Marchant stated that Member Cummings was correct.

Member Cummings asked if the recommendation was for EMS to go ahead and build the sidewalks on Reasoner Ln.

Planner I Marchant stated yes, and she stated that City Planner Jondahl had just told her that the City had also committed to sidewalks on Reasoner Ln, making that connection as well. She stated that the recommendation is that EMS would pay in lieu fee on N Arkansas, and she stated that she believes that is to coordinate with ArDot with the roundabout coming there on N Arkansas. Planner I Marchant stated that the recommendation was to go ahead on Reasoner and build sidewalks.

Member Cummings asked if he understood their communication correctly in that ArDOT did not want sidewalks somewhere or if he misunderstood that.

City Planner Jondahl stated that ArDOT does not like to permit sidewalks when there is not a larger connection, so part of this project—what they are committing to—they are already working on a project with a roundabout that goes into ATU and also includes improvements by Whatta-Burger. She stated that at that time, with the construction of that, the City is going to commit to make that connection so that sidewalks will go all the way from Whatta-Burger up to Reasoner Ln. City Planner Jondahl stated that as a result of that, staff is requesting to deny this application, pay the in lieu fee so that they're not constructing the sidewalks now, but they are paying for their portion of the sidewalks when that whole project gets done.

Mr. Garza stated that at the time that they made the application for the variance there was no discussion about connecting the sidewalks. He stated that since then they had gone out there with City Engineer Newman, City Planner Jondahl, and representatives from ArDOT. He stated that the City has made a commitment to make those connections, and he has shown them that at the roundabout there will be gaps. He stated that they will commit to make that gap. Mr. Garza stated that since that has happened, they are okay with paying the in lieu fee, and that they just wanted to make it a matter of record who was going to do what. Mr. Garza stated that the only thing with Reasoner Ln was that with putting the sidewalk in, they were going to have to do half street improvements which will come up in the Planning Commission meeting. He stated that what they would rather do is pay the in lieu fee for both of those because the City is going to do the connection from Arkansas Ave to their site along the fire station. He stated that the whole thing needs to be one project not two projects. Mr. Garza stated that he believes this will save both EMS and the City money doing one contract and one project. He stated that EMS will pay the portion in front of them as an in lieu fee for that project if the city wants to handle the project.

City Engineer Newman stated that the information that Mr. Garza has presented in regard to the in lieu fee for Reasoner, he does not know if they had had any detailed conversation about that previously but during construction of the whole site is the best time to put a sidewalk in because they would be doing the notch in front of their property and build sidewalks, and the city would

be doing it from the fire station. He stated that for the City to come after the fact, he believes that it would cause more of a disturbance to the actual EMS, and it would be more expensive to disrupt the land after the construction. City Engineer Newman stated that the sidewalk construction should continue on Reasoner, and they have committed with the fire station to make that connection in that area in the same time proximity.

Mr Garza [inaudible]

City Engineer Newman stated that the City would put in sidewalks in front of the fire station and that EMS would do it in front of theirs with timing that they can coordinate with. He stated that he is unsure what Mr. Garza defines as one project because the City is not going beyond the fire station limits.

Mr. Garza stated that his idea was to get with City Engineer Newman, design the whole thing, and get one contractor. He stated that they would get prices for the construction and they would figure out what part of that price is EMS and that is what they pay the city so that it is all done in one time.

City Engineer Newman stated that he did not want to come in after the fact.

Member Miller made a motion to deny the sidewalk variance. The motion was seconded by Member Cummings and passed unanimously.

Member Cummings made a motion to approve the variance from Article 14. The motion was seconded by Member Miller and passed unanimously.

**Meeting Adjourned**

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