

BOZA/PLANNING COMMISSION STAFF REPORT

REGULAR MEETING March 12, 2024

Property Address: Lot 13, Block 45 Riley/Armstrong Addition
Property Owner: Adam Willmot Applicant: same
Application: Zoning Variance – minimum lot size

Summary of Facts as presented on Application:

1. property located in R2, Contemporary Residential Zone
2. approx. 40x80 ft undeveloped lot
3. seeking to build single family residential structure, approx. 20x60 sq ft

Applicable Eureka Springs Municipal Code:

- 14.08.10 Board of Zoning Adjustment Appeals: D: Variances and waivers

Staff recommendation: Approval

Sample motion: I move that the Eureka Springs Board of Zoning Adjustment approve the variance application proposed at Lot 13, Block 45 of the Riley/Armstrong Addition based on the agreed upon Summary of Facts as presented.

Approved: _____yes _____No



City of Eureka Springs
Board of Zoning Adjustment
City Hall
44 S. Main
Eureka Springs, AR 72632
479.253.9703

Application Fee \$100.00

Received:

2/16/24

\$5.00 city

\$5.00 process

ZONING VARIANCE APPLICATION

APPLICANT INFORMATION

Applicant Name:	Adam Wilmot	Property Owner Name:	John Mitchell Irrevocable Trust
Address (Number & Street):	3241 W. Warner Ave.	Address (Number & State):	
Address (City, State, Zip):	Chicago, IL 60618	Address (City, State, Zip):	Eureka Springs, AK 72632
Email Address:	awilmot@zpdarch.com	Email Address:	
Phone Number:	630-460-0787	Phone Number:	

SITE INFORMATION

Property Address:	Lot 13, Block 45, Eureka Springs, Arkansas 72632		
Existing Zoning:	R-2	Existing Use:	Undeveloped
Legal Property Description:	Lot 13, Block 45 of the Riley and Armstrong Survey in the City of Eureka Springs, Arkansas		
Is property subject to contract sale or will title be otherwise conveyed?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Commissioners/Staff may enter my property to review?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

DESCRIPTION OF PROPOSED ZONING VARIANCE

Variance Request(s)	<input type="checkbox"/> Building Setback	<input type="checkbox"/> Lot Size	<input type="checkbox"/> Parking Requirements
	<input type="checkbox"/> Height Limit	<input checked="" type="checkbox"/> Other (Explain): Minimum Lot Size	
Is this application being submitted to correct a violation?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with the City Planner to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included.

<input checked="" type="checkbox"/> Complete attached information sheet for criteria	<input checked="" type="checkbox"/> Site Plan drawn to scale (see page 4 for details)
<input checked="" type="checkbox"/> Non-refundable \$100.00 fee	<input type="checkbox"/> Any additional documents which detail the need for the variance
<input checked="" type="checkbox"/> List of names and current mailing addresses of all owners within a 200 ft. radius	

PUBLIC NOTICE (EXHIBITS REQUIRED BEFORE PUBLIC HEARING)

<input type="checkbox"/>	Proof of publication of the public notice in local newspaper (at least 8 days before hearing)
<input type="checkbox"/>	One copy of notification letter sent to neighboring property owners
<input type="checkbox"/>	Return receipt cards as proof of notification of surrounding property owners (at least 15 days before hearing)
<input type="checkbox"/>	Public notice sign posted on property (at least 15 days before hearing)

I certify that I have read and understand Sections 14.08.10 Sections D & E of the Eureka Springs Municipal Code (attached) which apply to the application for which I am seeking approval. I further certify that all of the information furnished is correct to the best of my knowledge, and I understand that submittal of false or incorrect information may be grounds for denial of this application.

John Mitchell Irrev. Trust
Gwen Bennett trustee
Property owner signature

Adam Wilmut
Applicant signature

02-06-2024
Date

SECTION TO BE COMPLETED BY STAFF/COMMISSION

PLANNING COMMISSION ZONING VARIANCE APPLICATION REPORT									
The Planning Commission of the City of Eureka Springs met in:				<input type="checkbox"/> regular	<input type="checkbox"/> special session	Date:			
The application is:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Vote Count:			Ayes		Nays	Abstentions
Comments/Conditions:									
Reason for Denial:									

Planning Commission Secretary

Planning Commission Chair

Date

CRITERIA FOR ZONING VARIANCE

Applicants must provide adequate evidence demonstrating to the City and to the Board of Zoning Adjustment that the proposed zoning variance aligns with the following standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in Eureka Springs Municipal Code 14.08.10.

Please explain how the proposed variance will meet the following criteria (attach additional pages, if necessary):

1. Explain what special conditions and circumstances exist which are peculiar to only this land, structure or building – and not to any other in the same zoning district.
The existing lot is 40' x 80' resulting in a lot area of 3200 SF. All adjacent lots are owned by the City of Eureka Springs which prevents additional lots from being acquired to create a larger property meeting the minimum lot size of 10,000 SF for the R-2 zoning district. Additionally, the lot was established as part of the Riley and Anderson Street Plan which established this as a legal lot prior to the adoption of Title 14 of the Eureka Springs Municipal Ordinance (commonly referred to as the Eureka Springs Zoning Ordinance).

2. Describe how literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this zoning ordinance.
14.08.01: R-2 Contemporary Residential; Section C: Restrictions in R-2 Contemporary Residential, Bulk and Area Requirements designates a minimum lot area of 10,000 SF. As such, the property does not meet the definition of a Lot "Lot includes the words plot or parcel and is land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required." and is therefore not permitted the same rights of development that are enjoyed by owners of properties greater than 10,000 SF.

3. Describe how literal interpretation of the zoning ordinance would result in undue or unnecessary hardship.
As a property that does not comply with the minimum lot size requirements for an R-2 Lot, the property cannot be developed by right for single-family residential use.

4. Demonstrate how the special conditions and/or circumstances do not result from actions of the applicant – and if they do, how the special conditions and/or circumstances arose.
The property was sold to the current owner as a single parcel less than the minimum permitted lot size for residential occupancy. Current owner did not subdivide land to create a non-conforming lot.

5. Demonstrate how granting the variance requested would not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same zoning district.
The zoning variance being requested is explicitly permitted by the provisions for existing non-conforming lots. Since the owner did not create the hardship, and since there is no regularly viable option available to the owner to bring the property into compliance with minimum lot size requirements through purchase of additional parcels, there is no special privilege being granted. Rather, the applicant is seeking the same privilege afforded to other landowners whom are permitted to enjoy the continued occupancy of their developed non-conforming lots.

6. Explain how the reasons set forth in the variance application justify that granting of the variance will be in harmony with the spirit, general purpose, and intent of the City's zoning ordinance.
Title 14 Section 14.08.05 of the zoning ordinance which addresses non-conforming uses provides a provision in Paragraph J which states "

"If permitted in the district, single-family dwellings may be erected on any lot of record at the adoption of the ordinance from which this chapter derives (11-2-00), subject to other limitations imposed by this chapter. Such lot must not be in continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district."

7. Clarify how the reasons set forth in this application are the minimum that will make possible the reasonable use of the land, building, or structure

The proposed development of this property will comply with all other provisions and requirements of the zoning ordinance, including yard setbacks, building height, and parking. The only restriction that prevents development of this property is the subject of this variance request (minimum lot size) and is permitted by the zoning ordinance as an allowable non-conforming condition.

8. Describe how the reasons set forth in this application justify that granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare.

All other required bulk and density provisions will be met by the development of this property. There is no need or request for variation in yard setbacks or building height. There are no privately owned neighboring lots on the zoning block, and therefore no harm presented to existing land owners in occupation of their land.

SITE PLAN CHECKLIST

Please use the checklist below to ensure you are submitting all required information applicable to your request.

☒ **SCALED SITE PLAN.** Large enough to show sufficient detail. Include the following information, as applicable:

☐ Scale and north arrow.

☐ Existing subject property lot lines and dimensions.

☐ All buildings and all outdoor use areas, existing and proposed.

☐ All dimension and requested setbacks, side yards, and rear yards.

☐ Location of driveways and parking spaces.

☐ Zoning district boundaries in the immediate areas.

Eureka Springs Municipal Code

14.08.10 Board of Zoning Adjustment Appeals

D. Variances and waivers

1. The Board of Zoning Adjustment shall also have the power to grant variances from or to waive the literal provisions of this chapter. Variances and waivers can include, but are not limited to, matters such as setback lines, frontage requirements, height limits, lot size, density requirements, and yard regulations. A variance or waiver from the literal provision of this chapter shall not be granted unless written application is made demonstrating:
 - a. Literal enforcement of the provisions of this chapter would result in undue or unnecessary hardship.
 - b. Special circumstances exist which are unique to the property in question and which do not apply to other properties in the same district.
 - c. The special circumstances do not result from the actions of the applicant.
 - d. Literal enforcement would deprive the applicant of rights commonly enjoyed by other properties in the same district.
 - e. Granting the waiver or variance will be within the spirit and intent of this chapter and not against public interest.
2. Non-conforming uses of lands, or variances or waivers granted affecting lands, in the same or another district shall not be grounds for a waiver or variance.
3. A public hearing shall be held and public notice shall be given. The Board of Zoning Adjustment shall grant a variance or waiver only to the extent needed to relieve the unnecessary hardship.
4. To grant a waiver or variance, the Board of Zoning Adjustment must find:
 - a. That the requirements set forth above have been met by the applicant;
 - b. That the reasons set forth in the application justify the granting of the waiver or variance;
 - c. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
 - d. That the granting of the waiver or variance will be in harmony with the general purpose and intent of this chapter, and will not be detrimental to the neighborhood or detrimental to the public welfare.
5. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under this chapter.
6. The action of this Board of Zoning Adjustment in granting any variance or waiver of any provision of this chapter shall not be deemed a waiver or variance of any provision of any protective code or other laws.
7. In granting any variance or waiver, the Board of Zoning Adjustment may require appropriate conditions and safeguards to ensure compliance and to protect adjacent property. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. (Ord. No. 1816, Sec. 114-12-4, 11-2-00)

E. Appeals from Board of Zoning Adjustment

1. Decisions of the Board of Zoning Adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction, in the manner provided by the laws of the state of Arkansas. (Ord. No. 1816, Sec. 114-12-5, 11-2-00)
2. An appeal of a Board of Zoning Adjustment decision to a court shall stay all proceedings in furtherance of that decision, unless the city certifies to the Board in writing that a stay would cause imminent peril to life or property. The certificate shall state the Building Inspector's supporting reasons and facts. In such a case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, after notice to the Building Inspector from whom the appeal is taken, and on due cause shown. (Ord. No. 1816, Sec. 114-12-5.1, 11-2-00)

- F. Duties of Building Inspector, Board of Zoning Adjustment, City Council and Court on matters of appeal** It is the intent of this chapter that questions of interpretation and enforcement shall be first presented to the Mayor, or the person designated by the Mayor for such purpose ("the city"). Such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the city, and recourse from the decisions of the Board of Zoning Adjustment shall be to the courts as provided by state law. It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure of deciding such questions shall be as stated in this section and this chapter. (Ord. No. 1816, Sec. 114-12-6, 11-2-00)

SAMPLE LETTER OF NOTIFICATION
Zoning Variance

Send Certified Registered Return Receipt to adjoining property owners within 200 feet at least 8 days prior to the Public Hearing. Turn in both parts of receipts to Planning Commission staff.

(Date) _____

TO: (Name) _____
(Address) _____
(City, State Zip Code) _____

Dear _____ (name) _____,

I have applied to the Board of Zoning Adjustment for a Zoning Variance for _____ (variance type) at _____ (street address) _____, Eureka Springs, Arkansas.

If you wish to make comments in support or protest of this application, you may submit them via email to khevrdejs@eurekaspringsar.gov (City Planner) before 3 p.m., or in person at the public hearing on _____ (Hearing date) _____ at 6:00 p.m. at the Auditorium, 36 South Main Street, Eureka Springs, AR 72632.

Sincerely,

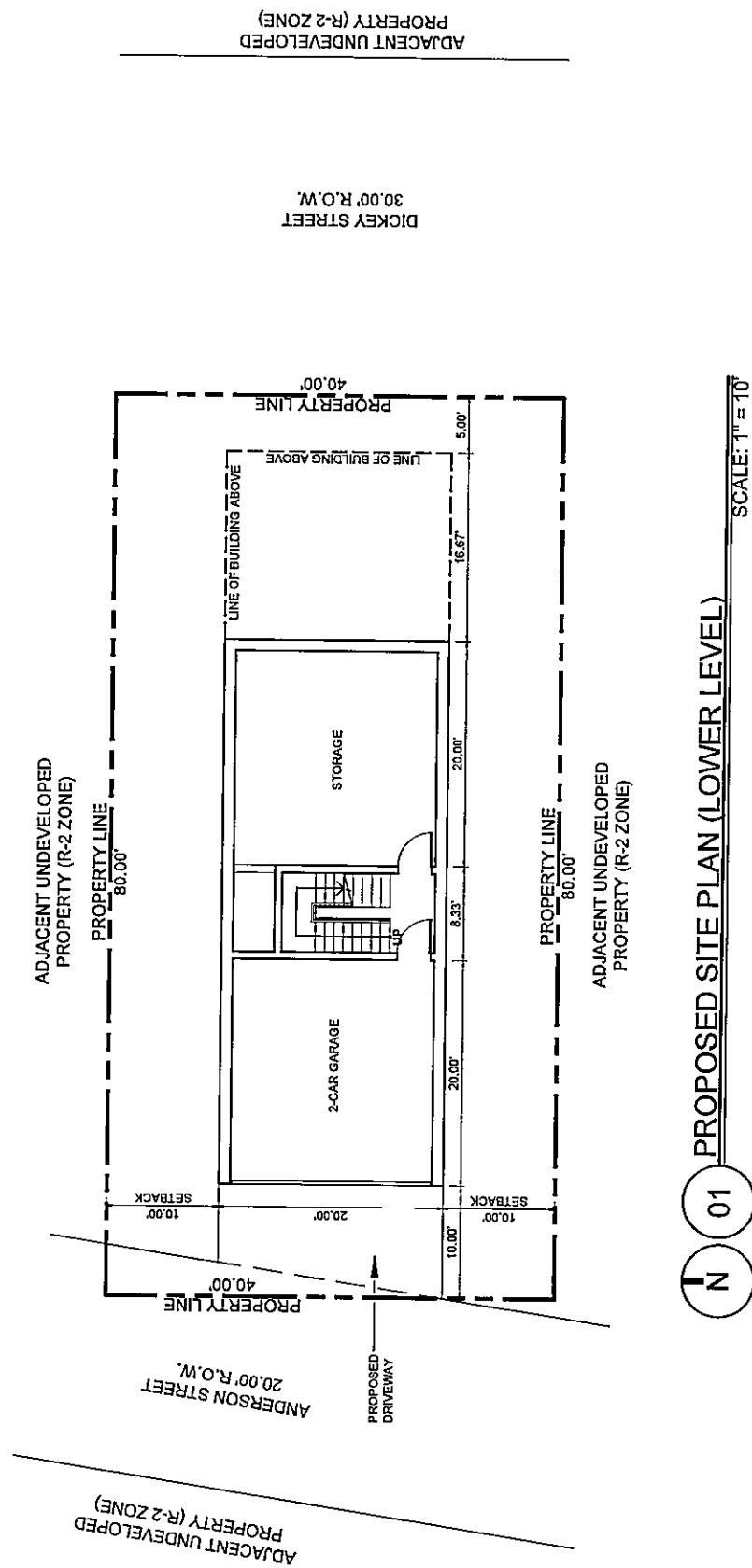
(Applicant name)

SAMPLE PUBLIC NOTICE
Zoning Variance

Place as a Legal Notice in Carroll County News to run at least 15 days prior to meeting.
Return Affidavit/Proof of Publication to Commission staff. Applicant must pay for publication.

Public Notice

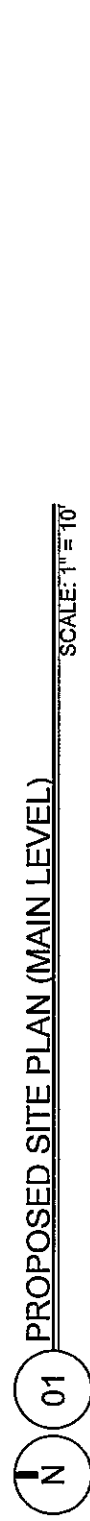
An application has been filed by _____ (applicant name) _____ for a Zoning Variance at _____ (street address) _____, Eureka Springs, AR.
A public hearing will be held at 6 p.m. _____ (day and date) _____ in the Auditorium, 36 South Main Street by the Eureka Springs Board of Zoning Adjustment. Written comments on the application will be read aloud



PROPOSED SITE PLAN (LOWER LEVEL)

SCALE: 1" = 10'

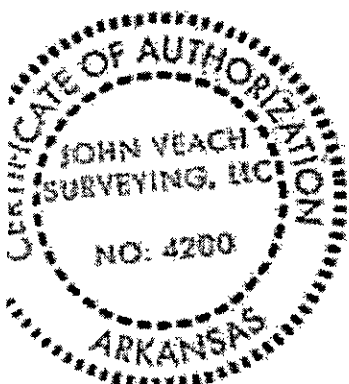
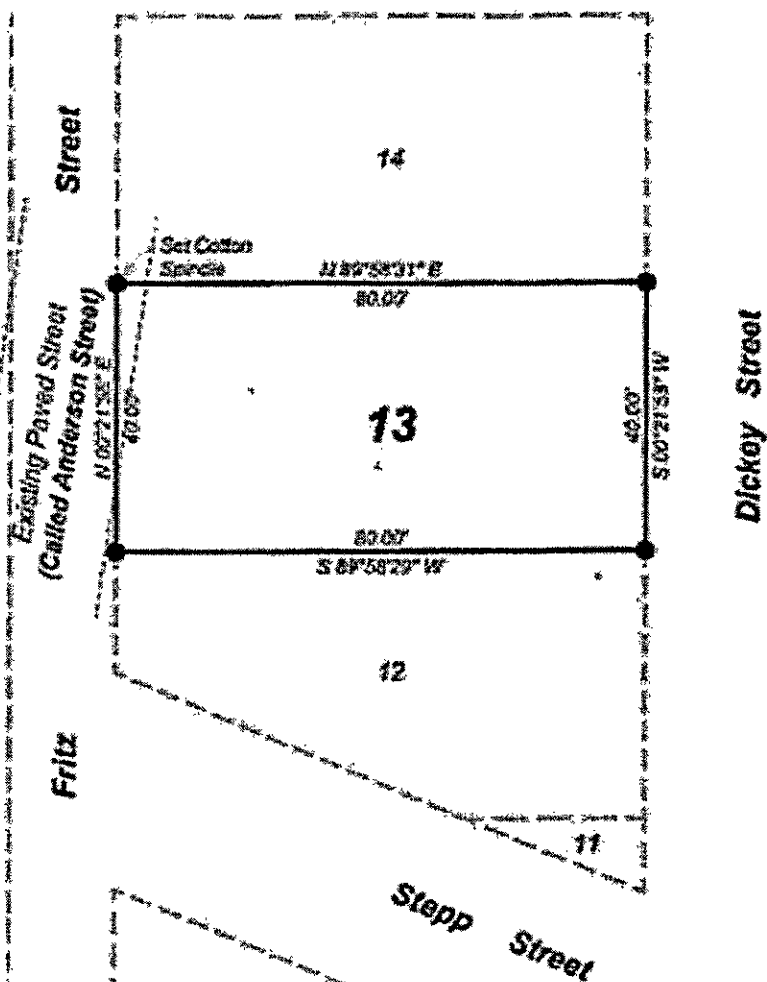
10
-Z



Plat of S

Riley & Arm.
Block 4
Lot 13

Block 45



Plan of Survey

Riley

Armstrong
Block 45
Lot 13

Lot 13, Block 45 of the Riley and Armstrong Survey in the City of Eureka Springs, Arkansas.

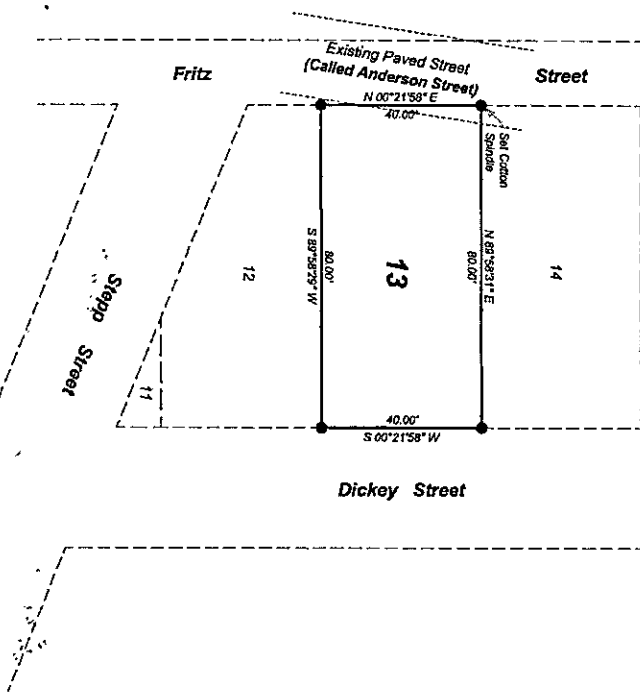
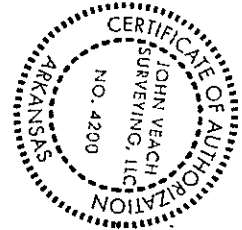
Certificate of Surveyor:
I hereby certify the attached plat is a true representation of a survey performed under my supervision on the 27th day of April, 2023.

Legend:

- = Found Monument as Noted
- = Set 1/2" Rebar w/ Cap 1607
- = Fences

Bennett

SCALE: 1" = 30'	APPROVED BY:	JOHN VEACH, P.L.S. 1907	JOHN VEACH, P.L.S. 1907
DATE: 4/27/23	JOHN G. VEACH, P.L.S. 1907	JOHN G. VEACH, P.L.S. 1907	JOHN G. VEACH, P.L.S. 1907
Books of Bearings: McKenney survey of Pts. Blocks 42, 43 & 44			
Deed Reference: Book 2018, Page 1520			
John Veach Surveying, LLC			
13 Main Lane			
Helliker Island, AR 72631			



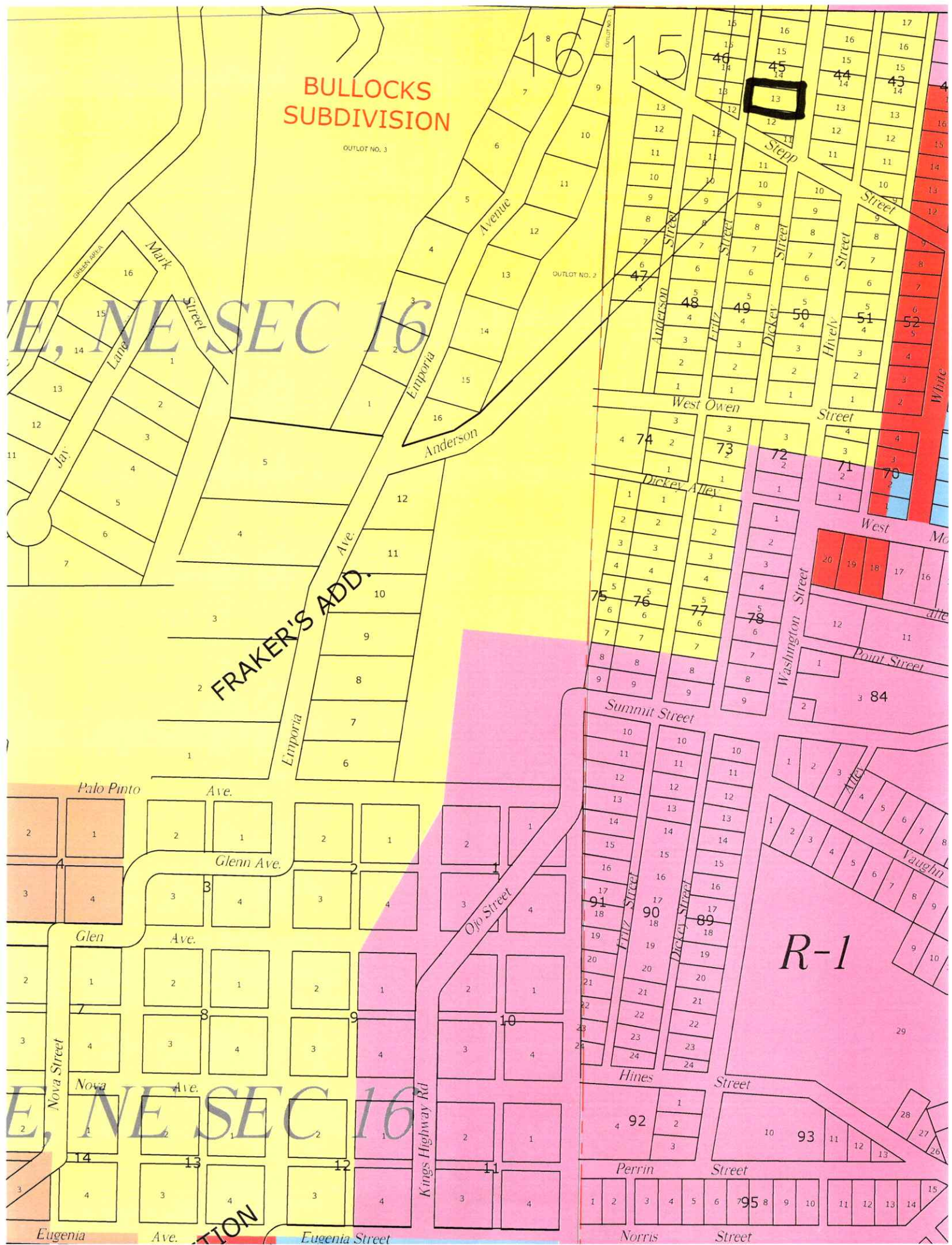
**BULLOCKS
SUBDIVISION**

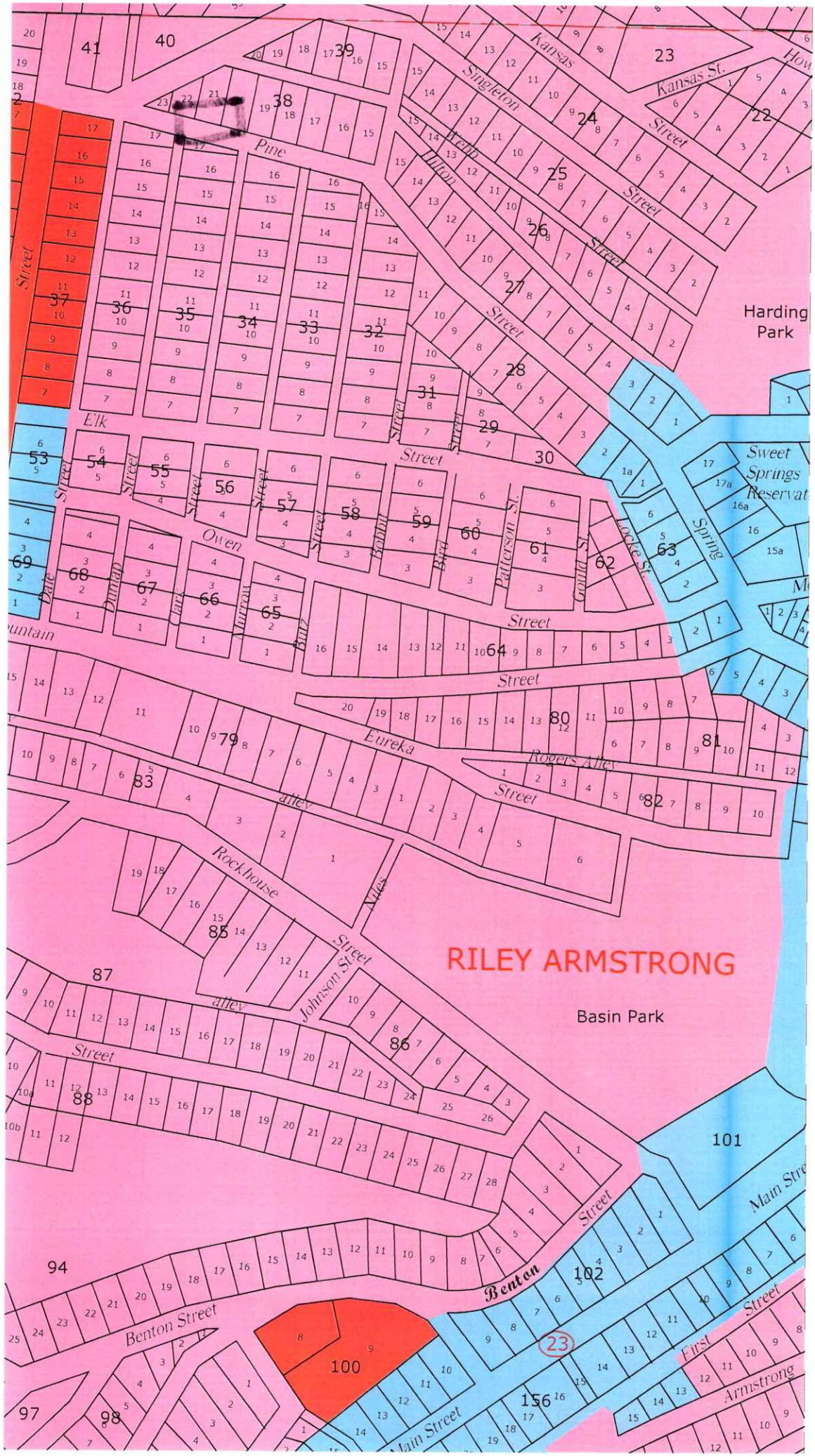
OUTLOT NO. 3

OUTLOT NO. 2

FRAKER'S ADD.

R-1





Parcel: 925-00941-000
Prev. Parcel: 20366
As of: 1/31/2024

Carroll County Report

ID: 23493

Property Owner

Name: MITCHELL JOHN IRREVOCABLE
TST

Mailing Address: 130 SPRING ST
EUREKA SPRINGS, AR 72632

Type: (RV) Res. Vacant

Tax Dist: (21E) EUREKA SPRINGS CITY

Millage Rate: 50.50

Property Information

Physical Address: FRITZ & DICKEY

Subdivision: RILEY & ARMSTRONG

Block / Lot: 45 / 13

S-T-R: 15-20-26

Size (Acres):

Extended Legal: L13 DICKEY ST W SIDE N OF STEEPE ST & L 13, FRITZ ST E SIDE N OF STEEPE ST

Market and Assessed Values

	Estimated Market Value	Full Assessed (20% Mkt Value)	Taxable Value
Land:	\$4,500	\$900	\$900
Building:	0	0	0
Total:	\$4,500	\$900	\$900

Taxes

Estimated Taxes:	\$45
Homestead Credit:	\$0

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

Land

Land Use	Size	Units
	1.000	House Lot
Total	1.000	

Deed Transfers

Deed Date	File Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
7/18/2018	7/18/2018	2018	1920	Quit Claim			MITCHELL JOHN IRREVOCABL E TST	N/A	Land Only
7/1/2011		189	172	Redem Deed			MITCHELL JOHN	N/A	N/A
9/25/2001		157	5	Redem Deed	0.00	\$0	ST COMM TO MITCHELL	N/A	N/A
12/28/1992		138	492	8-	4.40	\$2,000	GREENE TO MITCHELL	00	N/A
12/28/1992		133	342	ES	0.00	\$0	GREENE TO MITCHELL	N/A	N/A
12/5/1988		121	280	Quit Claim	0.00	\$0	FROM LAURA JOHNSON	N/A	N/A
9/26/1985		111	388	Quit Claim	16.50	\$15,000	FROM DONALD SMITH	00	N/A
2/18/1984		106	310	Quit Claim	11.00	\$10,000	FROM RAY COX	00	N/A
11/11/1971		70	350	N/A	0.00	\$0		N/A	N/A

Not a Legal Document.

Subject to terms and conditions.

www.actDataScout.com

Carroll County Report

ID: 23493

Reappraisal Value History

Tax Year	Total Value	Total Assessed
2015	\$3,000.00	\$600.00
2016	\$3,000.00	\$600.00
2017	\$3,750.00	\$660.00
2018	\$3,750.00	\$720.00
2019	\$3,750.00	\$750.00
2020	\$3,750.00	\$750.00
2021	\$3,750.00	\$750.00
2022	\$4,500.00	\$825.00
2023	\$4,500.00	\$900.00

Map



City of Eureka Springs

Department of Planning and Community Development

Applicant Name: Adam Wilmot

Address: Lot 13, Block 45 Eureka Springs

Type: Variance Request for Minimum Lot Size

List of Property Owners Within 200 Ft of Address for Notification Letters

SUGAR MAGNOLIA LLC
1509 NE DYSART WOODS LN
BENTONVILLE, AR 72712

WILSON PAUL J TST
26 WHITE ST
EUREKA SPRINGS, AR 72632

MITCHELL JOHN IRREVOCABLE TST
130 SPRING ST
EUREKA SPRINGS, AR 72632

STANLEY CHARLES M & NIKKI
PO BOX 341
EUREKA SPRINGS, AR 72632-0341

MATTINGLY GEORGIE L
48 ANDERSON ST
EUREKA SPRINGS, AR 72632

BEACHAM STEPHEN TST
101 OWEN ST
EUREKA SPRINGS, AR 72632

LUX ELEANOR & WILSON ROBERT
PO BOX 486 EUREKA SPRINGS, AR 72632

Kyle Palmer

From: Kyle Palmer
Sent: Monday, February 12, 2024 11:22 AM
To: Adam Wilmot
Subject: Variance Application - Notifications
Attachments: Lot 13.Block 45 Notification List.pdf

Hi, Adam!

I have attached a list for the notifications that are required to be sent to neighboring property owners within 200 ft.

A notification letter sample is in your application packet (page 6). Please update the notification contact to kyle.palmer@eurekaspringsar.gov.

The mailing requirements are here: [USPS Return Receipt, Electronic Return Receipt - Stamps.com](#)

Keep the return receipts to submit with your application as proof of notification.

Notifications must go out by February 26.

There is also a requirement for Legal Notice to be published in the newspaper. Times-Echo or Independent are the local papers. They only print once a week and the notice must be published before February 19 (notice the federal holiday for planning).

Also, a sign announcing the meeting must be posted on the property before February 19. Please submit a photograph once that is posted.

There is an application fee of \$100 and a sign fee of \$5 that can be paid over the phone or in person. I will issue the sign when the \$105 fees are paid.

If we can meet these deadlines, the meeting for your notifications will be:

Tuesday, March 5 at 6pm in the City Auditorium at 36 S Main.

The deadline for the application is February 27 to get everything filed and put into the report for the commission.

Please let me know if you have any questions on this phase of the application process.

Happy Monday!!

Kyle Palmer

Director

Planning and Community Development,

Historic District Commission

44 S. Main Street, Eureka Springs, Arkansas 72632

Office: 479-253-9703

Cell: 479-244-0721

www.espreservation.org

- G. Alteration because of damage Any non-conforming structure or non-conforming portion of a structure that has been damaged to an extent of more than fifty (50%) percent of its replacement cost shall not be reconstructed except in conformity with the provisions of this chapter. These restrictions may be waived upon good cause shown.
- H. Relocation Any structure which is moved any distance for any reason shall conform to the regulations of the district to which it is moved.
- I. B&B, tourist lodgings – legal non-conforming Established before September 1986. Due to a change in Ord. No. 1075, effective September 30, 1986, bed and breakfast and tourist lodging establishments which have been in business prior to September 30, 1986, are considered as legal non-conforming uses (a.k.a. grandfathered) in accordance with this section. Those establishments are listed on Code page 460, with changes noted in Ord. No. 1816. No additions may be made to this list after the effective date of the ordinance from which this chapter derives (11-2-00). They are required to continually operate in accordance with building, fire and other applicable codes of the city, and shall be limited to only the use which has been in operation since before September 30, 1986. "Continual operation" shall be defined for the purposes of this chapter as being open and in business, showing revenue, and paying taxes with no lapse of operation of greater than 180 consecutive days. Any expansion of the use or the structure shall require application as a Conditional Use to be approved by the Planning Commission.
- J. Non-conforming lots Owners of lots which are unbuildable under the size and area provisions of this chapter may request relief from the strict application of this chapter as a hardship variance. The property owner may apply for such a variance, and must show to the Board of Zoning Adjustment that the buildable area is not sufficient for reasonable construction.

If permitted in the district, single-family dwellings may be erected on any lot of record at the adoption of the ordinance from which this chapter derives (11-2-00), subject to other limitations imposed by this chapter. Such lot must not be in continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district.
- K. Wedding establishments Wedding establishments in residentially zoned areas which have been in business prior to May 6, 2000, are considered as legal non-conforming uses in accordance with this section. Owners of these establishments may apply for an occupational permit (business license) prior to January 31, 2001. No charge will be assessed for an occupational permit for the portion of the year 2000 between the period of the effective date of the ordinance and December 31, 2000. Appropriate documentation must be submitted with the permit application

Kyle Palmer

From: Adam Wilmot <awilmot@zpdarch.com>
Sent: Monday, January 15, 2024 2:34 PM
To: Kyle Palmer
Cc: ashley.c.wilmot@gmail.com
Subject: RE: Lot 13 development question
Attachments: plat of survey.pdf; Zoning Map Lot 13 Block 45.pdf

Mr. Plamer,

We have been informed that you will be returning from medical leave next week and we are looking forward to meeting with you. We are happy to hear that you are returning to work and hope this means you are in good health.

My wife and I are planning to purchase a small lot between Dickey and Fritz (Anderson), Lot 13 on Block 45, and would like to review a few questions that we had proposed to Glena during your absence. Our primary concern is confirming that the lot is in fact developable.

The lot is 40' x 80' (3200 SF) and is designated as R2 on the Eureka Springs zoning map. The zoning ordinance requires a minimum lot size of 10,000 SF in R2 to develop a property; we would like to confirm that this property can be developed as an existing non-conforming lot.

Glena referred to me to **Title 14 Section 14.08.05** of the zoning ordinance which addresses non-conforming uses and further explained that **Item J** of that section would apply to this lot because it is located on the original Riley & Anderson Street Plan. I am presuming that it is paragraph 2 of Item J that she is referring to which states:

"If permitted in the district, single-family dwellings may be erected on any lot of record at the adoption of the ordinance from which this chapter derives (11-2-00), subject to other limitations imposed by this chapter. Such lot must not be in continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district."

We would like to confirm if this requires us to seek a zoning variance to develop the lot, or if we are permitted by right to do so.

Additionally, Anderson Street currently encroaches on the lot by approximately 4.5' at the NE corner. We spoke to Jacob Coburn about this condition, and he has advised that a variance would be required to establish an easement for the property. I understand that Mr. Coburn is reaching out to you separately, but we felt it would be prudent to put that issue in writing here for your reference.

Lastly, we would also like to confirm that we can chose Dickey Street as our Primary Street, and that this property complies with the definition of a "Through Lot" (a lot other than a corner lot with frontage on more than one street) and that as such it complies with the Yard definition of Front Yard at both Dickey and Anderson Street.

"Front A yard extending across the front of a lot between the inner side lot lines, and being the minimum horizontal distance between the street line and the building or structure. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be required to have front yards."

We want to be respectful and fully acknowledge that you have not returned to work yet. We do not expect a response from you on this matter, but felt it may be productive to put this all in writing in advance of a meeting.

Mr. Coburn confirmed with me this morning that we would be able to conduct a Zoom meeting with you next Monday, January 22nd, at 2pm. We look forward to speaking with you, and hope you continue to ret well until you are ready to return to work.

Please note that Glenna was an absolute delight to work with in your absence, and we wish her well in her return to retirement.

Best Regards,
Adam and Ashley Wilmot

Adam Wilmot, AIA, NCARB
Principal
T: 312.322.9654 | C: 630.460.0787
awilmot@zpdarch.com

zpd+a · architecture | interiors | planning
67 E Madison Ave. | Suite 1814
Chicago, Illinois 60603
www.zpdarch.com

From: Ashley Wilmot <ashley@blackcirclecreative.com>
Sent: Tuesday, December 12, 2023 2:30 PM
To: Adam Wilmot <awilmot@zpdarch.com>
Subject: Fwd: Lot 13 development question

----- Forwarded message -----

From: Kyle Palmer <Kyle.Palmer@eurekaspringsar.gov>
Date: Tue, Dec 12, 2023, 1:53 PM
Subject: RE: Lot 13 development question
To: Ashley Wilmot <ashley@blackcirclecreative.com>

Ashley,

I checked and I believe this to be a legal non-conforming lot that you can build on even though it is not 4,000 sf.

The process of purchasing city property is guided by Arkansas state code.

You would need to talk to the mayor or a city council member about declaring this property not needed by the city and opening a competitive bid process to sell it.

I am forwarding an email from the city clerk with this state law citation.

I hope this is helpful.

Glenna

Kyle Palmer

Director

Planning and Community Development,

Historic District Commission

44 S. Main Street, Eureka Springs, Arkansas 72632

Office: 479-253-9703

Cell: 479-244-0721

www.espreservation.org

www.esplanning.org

"A brilliant design will always benefit from the input of others." -Zaha Hadid

From: Ashley Wilmot <ashley@blackcirclecreative.com>

Sent: Tuesday, December 12, 2023 10:56 AM

To: Kyle Palmer <Kyle.Palmer@eurekaspringsar.gov>

Subject: Lot 13 development question



Your Receipt

PURCHASE RECEIPT

**City of Eureka Springs
Over the Counter Payments**

44 South Main
Eureka Springs AR 72632
(479)253-6967
lclark@cityofeurekasprings.org
OTC Local Ref ID: 92139830
2/16/2024 09:53 AM

If you have any questions, please contact us at 479-253-6967.

Thank you for your purchase.

Status: **APPROVED**
Customer Name: Adam Wilmot
Type: Visa
Credit Card Number: **** * 1170

Items	Location	Quantity	TPE Order ID	Total Amount
Application Fee	Over the Counter Payments	1	72246225	\$105.00
Account Number: Adam Wilmot - Planning App. Fee				
Total remitted to the City of Eureka Springs				\$105.00
Arkansas total amount charged				\$109.15

CITY OF EUREKA S

Receipt: 175625

Entry Date: 02/16/2024 09:55

44 SOUTH MAIN STREET
EUREKA SPRINGS, AR 72632

Post Date: 02/16/2024

Cashier: MOSBORNE

Received Of: ADAM WILMOT

(479) 253-9703

PLANNING APPLICATION FEE
SIGN AND APP PERMIT FEE

The sum of: 105.00

4401	PLANNING APPLICATION FEE		105.00
		01-00-4401	105.00
		Total	105.00

TENDERED: CREDIT CARD 105.00

Signed:



7020 0090 0000 1398 3532

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CERTIFIED MAIL [®] RECEIPT	
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For delivery information, visit our website at www.usps.com .	
Eureka Springs, AR 72632	
Certified Mail Fee	\$4.40
Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.32
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$7.40
Sent To STANLEY CHARLES M & NIKKI Street and Apt. No., or PO Box No. PO BOX 341 City, State, ZIP+4 [®] EUREKA SPRINGS, AR 72632-0341	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$7.40
Sent To MITCHELL JOHN B REKDCABIS TST Street and Apt. No., or PO Box No. 130 SPRING ST City, State, ZIP+4 [®] EUREKA SPRINGS AR 72632	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.32
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$7.40
Sent To WILSON PAUL J TST Street and Apt. No., or PO Box No. 20 WHITE ST. City, State, ZIP+4 [®] EUREKA SPRINGS, AR 72632	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.32
<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$7.40
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<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
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Postage	\$0.68
Total Postage and Fees	\$7.40
Sent To BEACHAM STEPHEN TST Street and Apt. No., or PO Box No. 101 OWEN ST City, State, ZIP+4 [®] EUREKA SPRINGS, AR 72632	
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Extra Services & Fees (check box, add fee as appropriate)	\$0.00
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<input checked="" type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$7.40
Sent To MATTINGLY GEORGIE L Street and Apt. No., or PO Box No. 40 ANDERSON ST City, State, ZIP+4 [®] EUREKA SPRINGS, AR 72632	
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Bentonville, AR 72712-12 PM	
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Extra Services & Fees (check box, add fee at bottom)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$2.32
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.68
Total Postage and Fees	\$7.40
Sent To	
SUGAR MAGNOLIA, LLC	
Street and Apt. No. or PO Box No.	
1509 N. G. DYSART WOODS LN.	
City, State, ZIP+4®	
BENTONVILLE, AR 72712	
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FEB 26 2024

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AFFIDAVIT OF PUBLICATION

COUNTY OF CARROLL
STATE OF ARKANSAS ss.

I, Scott Loftis do solemnly swear that I am the Editor of the CARROLL COUNTY NEWS MIDWEEK EDITION, and that the same is a weekly newspaper, and that it has a general bona fide circulation in Carroll County, Arkansas, and is published in Berryville, Carroll County, Arkansas, on TUESDAY of each week; that the advertisement hereto was printed and published in said newspaper for 1 consecutive time(s), weekly, on the following date(s) of said publication:

PUBLIC NOTICE

An application has been filed by Adam Wilmot for a Zoning Variance at Lot 13, Block 45, Eureka Springs, AR.

A public hearing will be held at 6 p.m. Tuesday, March 12, 2024, in the Auditorium, 36 South Main Street by the Eureka Springs Board of Zoning Adjustment. Written comments on the application will be read aloud.

February 20, 2024

Scott Loftis
Editor

Subscribed and sworn to before me, this 20th day of February, 2024.

My Commission Expires 12/21/2025

Melody A. Strodtman
Notary Public

Publication Fees \$ 20.00

REMARKS:

MELODY A. STRODTMAN
NOTARY PUBLIC - STATE OF ARKANSAS
CARROLL COUNTY
My Commission Expires 12-21-2025
Commission: # 12696376