

# Cotter Planning and Zoning Commission Meeting

Chairperson: Jason Nazarenko

Call To Order: Time: 5:00 By: JASON Date: 4/24/23

Roll Call:

Joe Ross	<input checked="" type="checkbox"/>	Tim Risley	<input checked="" type="checkbox"/>	Mark Johnson	<input checked="" type="checkbox"/>
Jason Nazarenko	<input checked="" type="checkbox"/>	Ben Woodard	<input type="checkbox"/>	Linda Brazeel	<input type="checkbox"/>
				JACK CHRISTIANSEN	<input checked="" type="checkbox"/>

Mayor Carridine   
 Mertice Kray (advisory position)   
 (x=Present)

Quorum Declared; \_\_\_\_\_ By JASON

Reading of Previous Meeting Minutes: ~~Approved~~ Not Approved  
 Approved w/noted changes

JACK - MOTION  
 JOE - SECOND  
 Old Business:

Discussion:  
 NO OLD BUSINESS

Motion:  
 By: \_\_\_\_\_ Second: \_\_\_\_\_ Pass/Fail

New Business: 113 DALTON - OWNER IS FLORES AND WAS PRESENT. DEMOLITION OF 2 RESIDENTIAL STRUCTURES (DELABITATED) AND CONSTRUCTION OF A NEW HOME .... PLANS PROVIDED.  
 Discussion: NO ISSUES EXCEPT A SURVEY TO SET LOT CORNERS... FORWARD TO PUBLIC HEARING - 5/23  
 Motion:  
 By: JOE Second: JACK Pass/Fail PASS

New Business:

REZONING ON HARDING PROPOSED CHANGE FROM R-1 TO MU (MULTI-FAMILY) BY MARK JOHNSON FOR LAND BELOW HIS HOME ON HARDING, DOWN TO THE RIVER. UTILITIES AVAILABLE. ACCESS VIA EASEMENT ON HARDING AND EXISTING UTILITY SERVICE, ROAD. NO ISSUES - FORWARD TO PUBLIC HEARING

Discussion:

Motion:

By: JASON

Second: JOE

Pass/Fail

5/23/23 - 5:00 P.M.  
PASS

Adjournment: Motion by: MARK Second: JASON Time: 6:00 P.M

BZA App. No. \_\_\_\_\_

Form #5

APPLICATION FOR PUBLIC HEARING

TO THE COTTER BOARD OF ZONING ADJUSTMENT: **\$ 25<sup>00</sup> APPLICATION FEE**

Application is hereby made to the Cotter Board of Zoning Adjustment pursuant to the Arkansas laws, Act 186 of 1957, Act of Arkansas, as amended; and the Cotter zoning regulations, Ordinance 158-71, as amended, requesting a hearing related to the following described property:

- 1) Legal Description: 143 HARDING BLVD - see survey  
FOR MARK JOHNSON DATED 4-18-2018.
- 2) Street Address or approximation thereof: 134 Harding Blvd, Cotter
- 3) Title to this property is vested in the name of: Johnson SRT Properties, LLC  
Address: PO Box 718 Flippin, AR 72634
- 4) (There are) (There are no) deed restrictions pertaining to the variance or appeal requested herein.  
Any restrictions are described: There are no restrictions on Variance.

5) The hearing is requested for the following reasons:

( ) Appeal from a decision of the Building Official concerning his interpretation of the zoning regulations. Explanation: \_\_\_\_\_

Zoning Article# \_\_\_\_\_

Request for a variance from the zoning regulations due to the unique characteristics of the property. Explanation: Change to Multiple Use - 1  
Zoning

(Currently Part of Property is in R1 and M1)

Zoning Article# \_\_\_\_\_

( ) Request to (Remodel) (Expand) a nonconforming structure.  
Explanation: \_\_\_\_\_

6) A map of the subject property is enclosed herewith as a means of illustrating the problem of concern. Where applicable, the map shows (1) the approximate dimensions of property lines and adjoining right-of-way, (2) approximate outline location of buildings with appropriate dimensions, and (3) land uses and owners names of adjacent properties.

- 7) It is understood that the Notice of Public Hearing will be published at least seven (7) days prior to said hearing in a newspaper or general circulations in the City. The charge for this publication is to be paid for by the Applicant.
- 8) It is understood by the Applicant that the Board of Zoning Adjustment may request that additional notice of said public hearing be given to certain interested persons and/or organizations.
- 9) Submit original, with attachments, to Building Official of the City of Cotter and deliver a legible copy, with all attachments, to the Chairman of the Planning Commission. Use additional sheets if above spaces are inadequate. The Applicant is responsible for the delivery and mailing of all copies.
- 10) Under penalties of perjury, I declare that I have examined this petition, including accompanying materials and statements, and to the best of my knowledge and belief it is true, correct and complete.

Respectfully submitted,

Applicant's Signature [Signature]  
Address PO Box 718 Flippin AR 72634  
Phone Number 870 404 4390

(Do not write below this line)

**BUILDING OFFICIAL:**

Date: \_\_\_\_\_

Are all 10 points of the application in order? Yes \_\_\_\_\_ No \_\_\_\_\_

Were the required number of copies mailed by Applicant? Yes \_\_\_\_\_ No \_\_\_\_\_

Time & Date of Public Hearing? Date: \_\_\_\_\_ Time: \_\_\_\_\_

Notice Published: Newspaper: \_\_\_\_\_ Date: \_\_\_\_\_

Copy Attached? Yes \_\_\_\_\_ No \_\_\_\_\_

Application approved by Board of Zoning Adjustment? Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Subject to: \_\_\_\_\_

Application disapproved by Board of Zoning Adjustment? Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Reasons: \_\_\_\_\_

Board's decision was ( ) Yes, Not ( ) No appealed to a court of record: \_\_\_\_\_

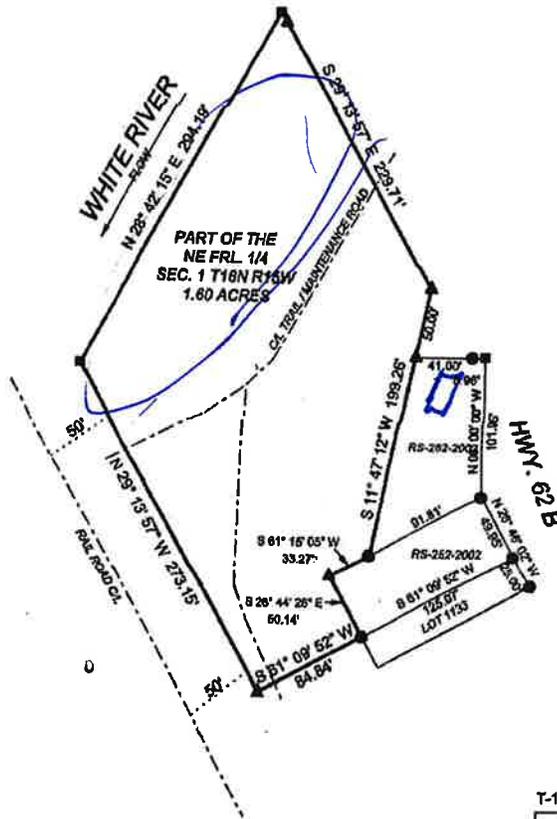
Date Appealed: \_\_\_\_\_

Court of record action on appeal: \_\_\_\_\_

Signed by Building Official: \_\_\_\_\_ Date: \_\_\_\_\_

# SURVEY DESCRIPTION

PART OF THE NE FRL. 1/4 OF SEC. 1 T18N R15W BAXTER COUNTY, ARKANSAS.  
 DESCRIBED AS FOLLOWS:  
 BEGINNING AT THE NW CORNER OF LOT 1133 OF THE TOWN OF COTTER, THENCE  
 S 61° 09' 52" W 84.84 FEET, TO THE NORTH EASTERLY RIGHT OF WAY OF RAILROAD,  
 THENCE ALONG SAID RIGHT OF WAY, N 29° 13' 57" W 273.15 FEET, TO THE A.H.W.L. OF THE  
 WHITE RIVER, THENCE ALONG SAID A.H.W.L., N 28° 42' 15" E 284.19 FEET,  
 THENCE LEAVING SAID A.H.W.L. S 20° 13' 57" E 229.71 FEET, TO A MEANDERING BLUFF LINE  
 THENCE ALONG SAID BLUFF LINE, S 11° 47' 12" W 199.26 FEET, THENCE LEAVING SAID BLUFF LINE  
 S 61° 15' 05" W 33.27 FEET, THENCE S 28° 44' 28" E 50.14 FEET, TO THE POINT OF BEGINNING,  
 CONTAINING 1.60 ACRES.

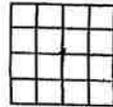


STATE LAND SURVEYORS CODE: 500-18N-15W-0-01-100-03-1208  
 BASIS OF BEARING: RS-260-20002  
 REFERENCE: RS-430-2004

**CERTIFICATION**  
 I HEREBY CERTIFY THAT A SURVEY OF THE DESCRIBED PROPERTY SHOW HEREIN  
 HAS BEEN MADE UNDER MY SUPERVISION, THE PROPERTY LINES AND CORNERS  
 MONUMENTS TO THE BEST OF MY SKILL AND ABILITY ARE CORRECTLY ESTABLISHED.

- LEGEND**
- ▲ = SET 1/2" REBAR W/ID CAP
  - = FOUND 3/8" REBAR OR AS NOTED ON PLAT
  - = COMPUTED POINT
  - - X - = FENCE

T-18-N-R-15-W



SCALE



**SURVEY FOR:**  
**MARK JOHNSON**

**DRAWN BY:** B. A. R.

**SCALE:** 1" = 100'

**JOB NO:** 18-0058

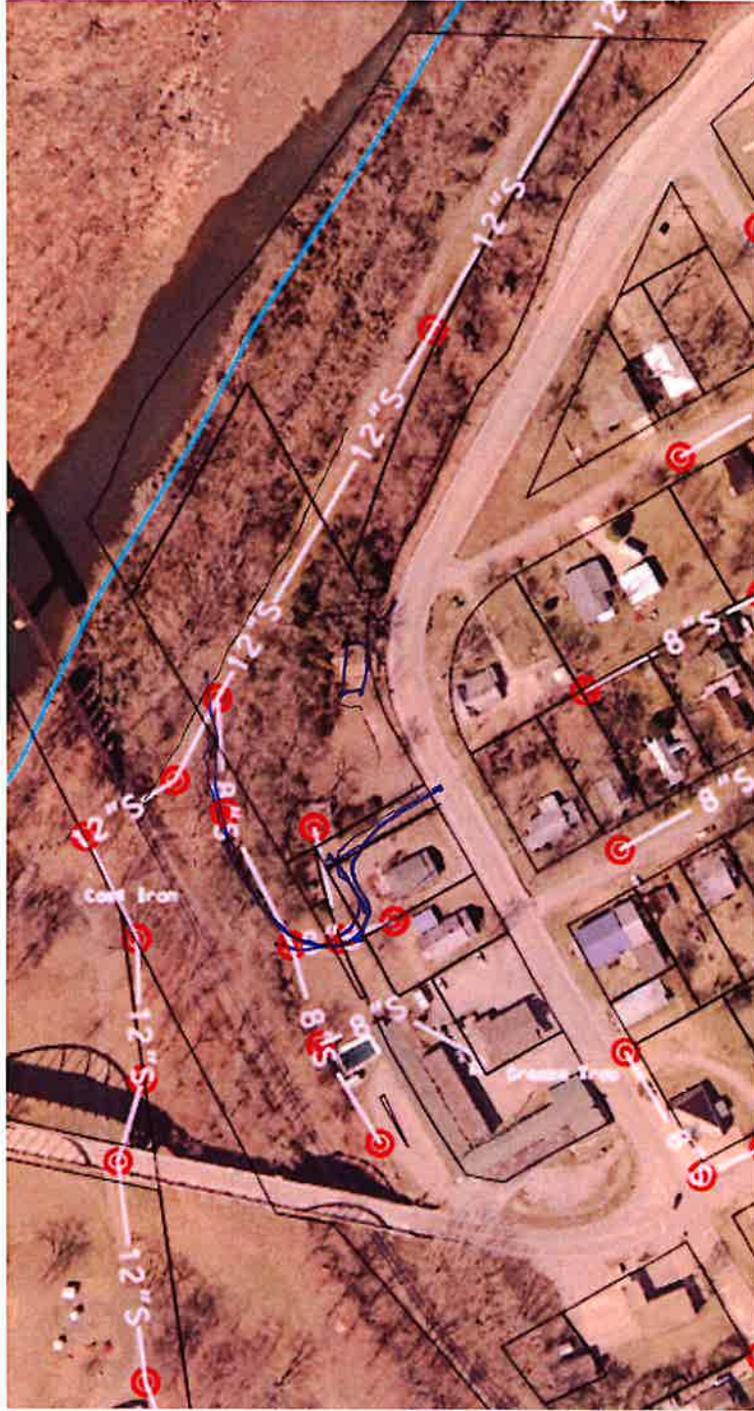
**DATE:** 04-16-2018

**SHEET:** 1 of 1



**STRIDER CONSULTING**  
 1029 Hwy 201 N  
 Mountain Home, AR 72653  
 870-424-4330 phone/fax  
 www.strider.consulting





RIGHT-OF-WAY AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Donald L. Lacefield and Helen Lacefield, his wife, GRANTORS, hereby warrant that we are the owners of the lands described as follows, situate in Baxter County, Arkansas:

Lots Numbered 1130, 1131, 1132 and 1133 in the Town of Cotter, as shown by the recorded plat thereof, more particularly described in attached land description,

FILED

APR 11 1977

1:37 PM

ARNOLD R. KNIGHT, CLERK

for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration paid by the City of Cotter, Arkansas, GRANTEE, the receipt and sufficiency of which is hereby acknowledged, do HEREBY GIVE AND GRANT, bargain, sell, transfer and convey to GRANTEE, its successors and assigns, a perpetual right-of-way and easement, 10 ft. in width, over, through and across, ~~the rear portion of said lots~~ the rear portion of said lots, said line to run parallel with the West lot lines, and also in a westerly direction from the aforesaid line, over, through and across the unplatted lands lying west of said lots.

The right-of-way and easement herein described is given and granted to Grantee for the purpose of constructing, installing, laying, using, inspecting, replacing, operating and maintaining a sewer line of Grantee thereon with right of ingress and egress to said Grantee. This right-of-way and easement shall constitute a covenant running with the land for the benefit of Grantee, its successors and assigns.

We also do hereby GIVE AND GRANT unto said Grantee, a temporary easement for use during the construction of said sewer line, which shall not be less than an additional 20 feet abutting the permanent easement given and granted. After construction of said sewer line is completed, this temporary easement shall cease and terminate and no longer be in effect.

Grantee shall leave said lands in a condition as near as possible to the condition in which they now are and shall maintain said easement in a state of good repair and efficiency so that no unreasonable damages will result to Grantors' premises from its use.

And I, Helen Lacefield, wife of the said Donald L. Lacefield, for and in consideration of the aforesaid, do hereby release and relinquish unto the said Grantee all my right of dower and homestead in and to the 10 ft. of lands upon which the aforesaid permanent right-of-way and easement is given.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this, the 28<sup>th</sup> day of MAY, 1976.

Donald L. Lacefield (L.S.)

Helen L. Lacefield (L.S.)

STATE OF ARKANSAS )  
COUNTY OF BAXTER )

ACKNOWLEDGEMENT

BE IT REMEMBERED, that on this day came before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, Donald L. Lacefield and Helen Lacefield, his wife, to me well known as the Grantors in the foregoing right-of-way and easement, and acknowledged that they had executed the same for the purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this the 28<sup>th</sup> day of MAY, 1976.

Phillip P. Rice  
Notary Public

My commission expires:  
4-26-80

RIGHT-OF-WAY AND EASEMENT

KNOW ALL MEN BY THESE PRESENTS:

THAT WE, Donald L. Lacefield and Helen Lacefield, his wife GRANTORS, hereby warrant that we are the owners of the lands described as follows, situate in Baxter County, Arkansas:

Tract No. A-5 described in detail on the attached sheet.

FILED

APR 11 1977 2 P.M.

ARNOLD R. KNIGHT, CLERK

*M. Schroeder*

for and in consideration of the sum of ONE (\$1.00) DOLLAR and other good and valuable consideration paid by the City of Cotter, Arkansas, and the City of Gassville, Arkansas, GRANTEES, the receipt and sufficiency of which is hereby acknowledged, do HEREBY GIVE AND GRANT, bargain, sell, transfer and convey to GRANTEES, their successors and assigns, a perpetual right-of-way easement, 10 ft. in width, over, through and across, the above described lands, the said 10 ft. to abut the easterly line of said tract, this being the bluff side thereof.

The right-of-way and easement herein described is given and granted to Grantees for the purpose of constructing, installing, laying, using, inspecting, replacing, operating and maintaining a sewer line of Grantees thereon with right of ingress and egress to said Grantees. This right-of-way and easement shall constitute a covenant running with the land for the benefit of Grantees, its successors and assigns.

We also do hereby GIVE AND GRANT unto said Grantees a temporary easement for use during the construction of said sewer line, which shall not be less than an additional 20 feet abutting the permanent easement given and granted. After construction of said sewer line is completed, this temporary easement shall cease and terminate and no longer be in effect.

Grantees shall leave said lands in a condition as near as possible to the condition in which they now are and shall maintain said easement in a state of good repair and efficiency so that no unreasonable damages will result to Grantors' premises from its use.

And I, Helen Lacefield, wife of the

said Donald L. Lacefield, for and in consideration of the aforesaid, do hereby release and relinquish unto the said Grantees all my right of dower and homestead in and to the 10 ft. of lands upon which the aforesaid permanent right-of-way and easement is given.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this the 10<sup>th</sup> day of May, 1976.

Donald L. Lacefield (L.S.)

Helen Lacefield (L.S.)

STATE OF ARKANSAS

ACKNOWLEDGEMENT

COUNTY OF BAXTER

BE IT REMEMBERED, that on this day came before me, the undersigned, a Notary Public within and for the County and State aforesaid, duly qualified, commissioned and acting, Donald L. Lacefield and Helen Lacefield, his wife, to me well known as the Grantors

in the foregoing right-of-way and easement, and acknowledged that they had executed the same for the purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this the 10<sup>th</sup> day of May, 1976.

[Signature]  
Notary Public

My commission expires:

4-26-80