

ORDINANCE NO. 2005-25

**AN ORDINANCE CREATING AND AUTHORIZING
A VARIANCE AS TO LAND USE BY THE WHITE
RIVER AGENCY ON AGING ON CERTAIN PROPERTY
LOCATED ON JOE BOWLING ROAD**

WHEREAS, the City of Clinton has adopted a comprehensive Zoning Ordinance, and:

WHEREAS, the City of Clinton previously granted a variance on the subject property to allow the White River Agency on Aging to lease the property for its office use despite the land being zoned residential, and;

WHEREAS, the previously granted variance never definitively stated whether or not it was temporary or permanent, and;

WHEREAS, the property owner has considered seeking rezoning of the subject property to accommodate the current use but the use doesn't fit into one of the approved zoning classifications, and;

WHEREAS, the Arkansas Attorney General has opined that a city may grant variances from its zoning ordinance for good cause. And'

WHEREAS, the Clinton City Council believes that there is good cause for granting the variance on a permanent basis as long as the current use continues.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLINTON, ARKANSAS:

Section 1. A variance is hereby granted to allow the office-commercial uses currently in use to continue on the following described residentially zoned real property located within the City of Clinton, Arkansas, to-wit:

Part of Lot 1, Block 20, Workman plat of Clinton, Van Buren County, Arkansas, more particularly described as: Beginning at the SW corner of Lot 1, Block 20, as shown on the plat of survey recorded in survey record book "H" at page 263: thence N

00°06'49" W, along the east right of way line of School Street, a distance of 264.12 feet to the NW corner of said Lot 1 of Block 20; thence S 82°55'03" E, along the south right of way line of Fraser Street, a distance of 150.00 feet to a point; thence leaving said street and run South a distance of 247.22 feet to a point on the north right of way line of Second Street; thence N 89°23'07" W, along said north right of way line, a distance of 148.34 feet to the point of beginning, containing 37,989 square feet or 0.872 acres according to the Charles Neal survey.

And

Part of Lot 1, Block 20, Workman plat of Clinton, Van Buren County, Arkansas, more particularly described as: Beginning at the SE corner of Lot 1, Block 20, as shown on the plat of survey recorded in survey record book "H" at page 263: thence N 89°23'07" W, along the north right of way line of Second Street, a distance of 93.19 feet to a point; thence NORTH a distance of 105.64 feet to a point: thence EAST a distance of 93.18 to a point on the east line of said Lot 1: thence SOUTH, along said east line of lot, a distance of 106.64 feet to the point of beginning, containing 9,890 square feet or 0.227 acres according to the Charles Neal Survey.

Section 2. The variance granted by this ordinance shall not run with the land but shall be specific to the uses currently in place. The variance granted by this Ordinance is permanent as long as the current uses as of the date of this Ordinance remain. Should the current uses cease then the variance shall terminate and the use shall revert to the zoning status of the subject property at the time of the termination of the variance.

PASSED: December 8, 2005



Chip Ellis, Mayor

ATTEST:



Merl Eoff, Recorder/Treasurer/Clerk, CMC

APPROVED AS TO FORM:

Brad A. Cazort, City Attorney