

# AGENDA

## PROPERTY OWNERS APPEAL BOARD

MONDAY, JULY 13, 2015 ~ 11:00 A.M.

CITY OF FORT SMITH OFFICES

PLANNING DEPARTMENT CONFERENCE ROOM

623 GARRISON AVENUE, ROOM 326

### CALL TO ORDER

### ROLL CALL

- Karen Lewis (Chair)
- Megan Raynor
- Scott Monroe
- Joel Culberson
- Dennis Shaeffer

### STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

### APPROVE MINUTES OF THE MAY 11, 2015 MEETING

### ITEMS OF BUSINESS:

1. Variance Request No. 2015-03  
  
Property Location: 2121 South "P" Street  
Property Owner: Amy L. Schuster  
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties *(Fort Smith Municipal Code Section 14-55)*
2. Select chairperson for 2015 appeal hearings *(Karen Lewis 2014 chair)*
3. Schedule appeal hearings for two (2) evenings in September
4. Delinquent liens/properties for 2015
5. Inspections report from neighborhood services regarding property cleanup (yards) and property maintenance code (structures)

### OTHER BUSINESS

### ADJOURN



# Neighborhood Services Division

P.O. Box 1908, 623 Garrison Ave., Fort Smith, AR 72902

June 23, 2015

**To: Karen Lewis, Chairperson  
Property Owners Appeal Board**

**Re: Variance Request #2015-03**

### NOTICE OF PUBLIC HEARING

Notice is hereby given that the following owner(s) or agent for the owner(s) has filed with the Supervisor of Neighborhood Services a written application pursuant to Ordinance 33-08, Section 14-55 of the City of Fort Smith Municipal Code to secure the following variance(s).

Request has been made for a variance of Ordinance 33-08, Section 14-55 – Parking of Recreational and Utility Vehicles on Residential Streets and Properties

Amy L Schuster, Owner  
Lot 6; Park Hill subdivision, Fort Smith, AR 72901  
More commonly known as 2121 South P St.

The applicant will present said application at the regular Property Owners Appeal Board meeting on July 13, 2015 at 11:00am in the Stephens Building, 623 Garrison Ave., 3<sup>rd</sup> floor conference room #326.

Respectfully,

*Rick Ruth*

Property Maintenance Supervisor  
Neighborhood Services Division

Phone: (479) 784-1027  
Fax: (479) 784-1030  
E-Mail: rruth@fortsmithar.gov

See attached for additional information.

**To: Property Owners Appeal Board**

**From: Neighborhood Services Division**

**Re: Variance Request #2015-3;** A request by Jimmy Schuster, for Board consideration of a variance from ORDINANCE 33-08, Section 14-55: Parking of Recreational and Utility Vehicles on Residential Streets and Properties

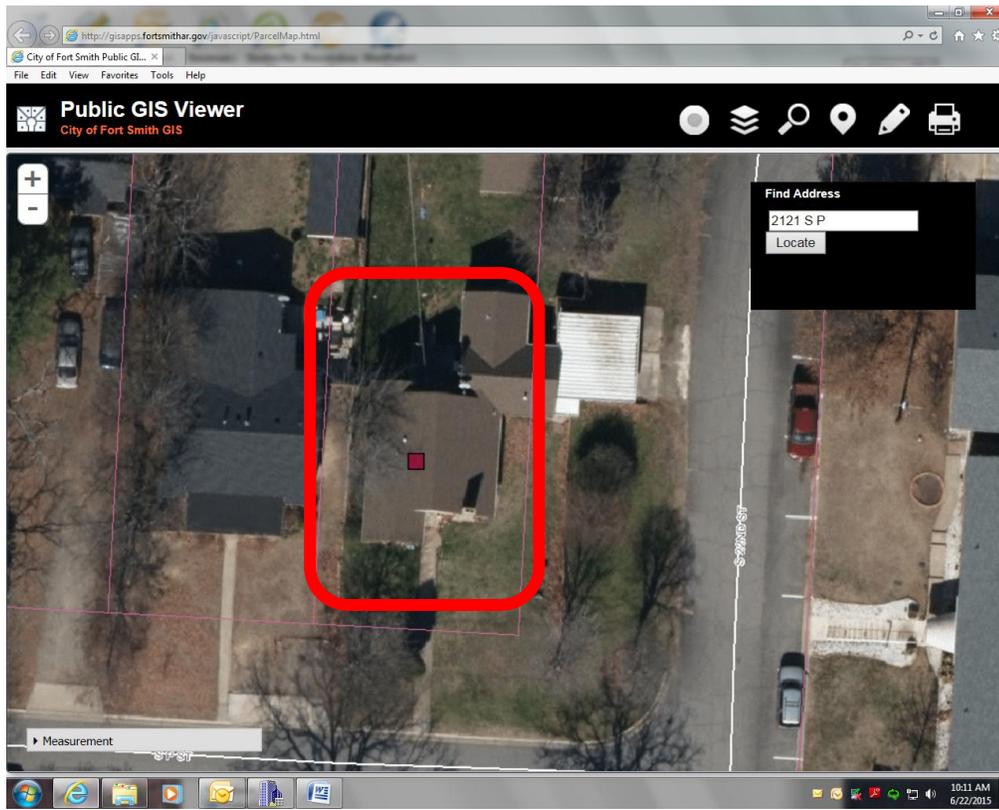
**Requested Variance**

Mr. Schuster is requesting to allow his travel trailer to remain parked in the driveway located at 2221 South P St. The applicant sites his hardship as:

We purchased our RV 3 years ago, when our 4 year old daughter was diagnosed with type 1 diabetes. This RV allows us to still enjoy our family camping trips, while providing us with a refrigerator to store insulin at a constant temperature. We did not want this chronic illness to take away the enjoyment and togetherness we get from camping as a family, nor did we want our daughter to feel like her diabetes was the reason we had to stop camping. We have always been frequent campers with a trip scheduled an average of once a month and take pride in keeping our camper in “like new” condition. We were originally able to store our RV at a friend’s house in Alma but they have since sold their house and are in the process of moving to Fort Smith. We looked into paying to store our RV at one of the local storage facilities but found them to either be full or too expensive for our budget. We also attempted to try and locate our RV to the back of our property and soon discovered that the alley was too narrow along with a low power line servicing our neighbor’s home running parallel to our lot which made this unsafe to try and maneuver. My family and I are asking for a variance to allow us to park our RV in our own driveway as this is currently our only option.

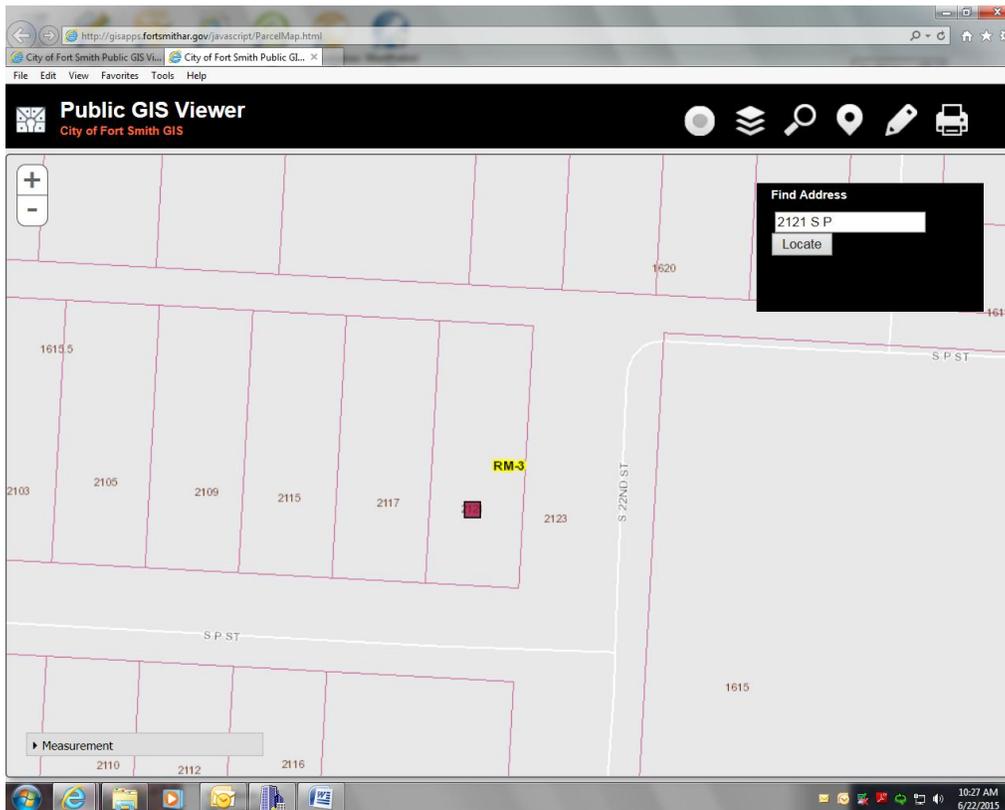
**Lot Location**

The subject property is located in the Park Hill subdivision of the city of Fort Smith.



### Surrounding land use

The property is centrally located in a RM-3 zone.



- *Refer to the Complete Ordinance beginning on the following page:*

## **PARKING OF RECREATIONAL AND UTILITY VEHICLES ON RESIDENTIAL STREETS AND PROPERTIES**

### **Sec. 14-55. Parking of recreational and utility vehicles on residential streets and properties.**

(a) *Recreational and utility vehicles.* For the purposes of this section, recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, and utility trailers. It shall be unlawful to park or leave unattended a recreational and utility vehicle:

- (1) On any street or right-of-way classified as residential or as a residential collector by the city master street plan; or
- (2) In a front or exterior side yard setback area as defined in chapter 27 of the Fort Smith Municipal Code on any property zoned residential or utilized for residential purposes.

Any recreational and utility vehicle properly parked pursuant to the preceding sentence shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area. At no time shall a parked or stored recreational and utility vehicle be occupied or used as a dwelling unit.

(b) *Exemptions.* The following exemptions to the provisions of subsection (a) shall apply:

(1) A recreational and utility vehicle may be temporarily parked in the identified building setbacks or in the identified street right-of-way for no more than four (4) days.

(2) A recreational and utility vehicle may be parked under a carport or structure approved by the board of zoning adjustment or that exists as a non-conforming structure as defined in section 27-39(d) of the Fort Smith Municipal Code.

(3) Guests may reside in a recreational and utility vehicle on the host's premises for a period not longer than two (2) weeks in any ninety-day period. The vehicle may be parked in the building setback areas during the two (2) weeks.

(c) *Variations.* In instances where strict enforcement of the requirements of subsection (a) would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of this ordinance, the property owners appeals board may grant a variance of the requirements of the section according to the following guidelines:

(1) Upon the showing required by (2) below, the property owners appeals board may modify the requirements of subsection (a) to the extent deemed just and proper so as to relieve such hardship, provided that such relief may be granted without detriment to the public interest.

(2) When the applicant can show the property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, the strict application of the provisions of subsection (a) would prohibit or unreasonably restrict the use of the property, and the property owners appeals board is satisfied that the granting of a variance would alleviate a hardship, as distinguished from a special privilege or convenience sought by the applicant, such variance may be granted; provided that all variances shall be in harmony with the intended purpose of this section.

(3) Any party owner aggrieved by the property owners appeals board in granting or denying a variance may appeal the decision to the court of jurisdiction within thirty (30) days of the property owners appeals board's decision.

(Ord. No. 33-08, § 1, 7-15- Secs. 14-56--14-60. Reserved.)









**MEMORANDUM**

To: Property Owners Appeal Board  
From: Sherri Gard, City Clerk  
Date: July 10, 2015  
Re: Selection of Chairperson

As you know, a chairperson is selected each year. Below is a historical list of chairpersons for the Property Owners Appeal Board:

2014 Karen Lewis  
2013 Karen Lewis  
2012 Karen Lewis  
2011 Karen Lewis  
2010 Karen Lewis  
2009 Karen Lewis  
2008 Karen Lewis  
2007 Karen Lewis  
2006 Karen Lewis  
2005 Randy Hall  
2004 Dolores Chitwood  
2003 Dolores Chitwood  
2002 Dolores Chitwood  
2001 Dolores Chitwood  
2000 Dolores Chitwood  
1999 Unable to determine  
1998 Ken Pevehouse  
1997 Ken Pevehouse

# Fort Smith Police Department Bartlett Community Room

~ September 2015 ~						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		<b>1</b> City of Fort Smith Regular Meeting	2	3	4	5
6	7	8	9	10	11	12
13	<b>14</b> Community Room UNAVAILABLE	<b>15</b> City of Fort Smith Regular Meeting	16	17	18	19
20	21	22	23	24	25	26
27	<b>28</b> Community Room UNAVAILABLE	29	30	Notes:		

**MEMORANDUM**

To: Property Owners Appeal Board

From: Sherri Gard, City Clerk

Date: July 10, 2015

Re: Delinquent Liens / Properties for 2015 Appeal Process

The list of delinquent liens to included in the 2014 appeal process will be distributed at the annual planning meeting on Monday, July 13, 2015.



# MEMORANDUM

*Neighborhood Services Division*

To: Ray Gosack, City Administrator  
 From: Jimmie Deer, Building Official  
 Date: July 1, 2015  
 Subject: Neighborhood Services Division

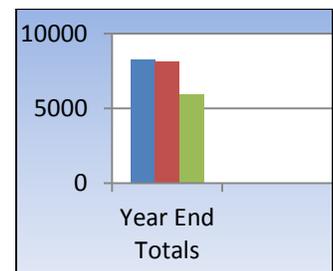
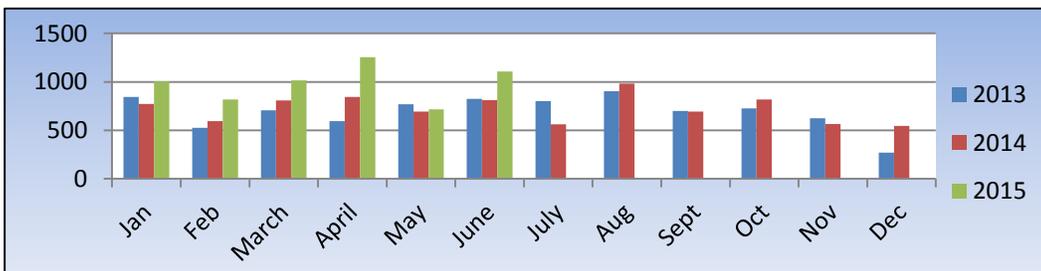
The charts below represent the progress the Neighborhood Services Division has made in recent months. For comparison purposes, the numbers for 2014 are also included.

## Environmental Code Violations

	2014			2015		
	Inspections	Warnings	Assigned to Contractor	Inspections	Warnings	Assigned to Contractor
<b>January</b>	773	762	6	<b>1004</b>	<b>991</b>	<b>0</b>
<b>February</b>	594	582	20	<b>819</b>	<b>800</b>	<b>24</b>
<b>March</b>	808	783	34	<b>1015</b>	<b>996</b>	<b>31</b>
<b>April</b>	845	812	59	<b>1255</b>	<b>1210</b>	<b>42</b>
<b>May</b>	695	638	79	<b>717</b>	<b>668</b>	<b>97</b>
<b>June</b>	811	743	117	<b>1108</b>	<b>1064</b>	<b>123</b>
<b>July</b>	562	481	109			
<b>August</b>	983	922	113			
<b>September</b>	693	628	106			
<b>October</b>	818	781	104			
<b>November</b>	564	530	36			
<b>December</b>	<b>546</b>	<b>521</b>	<b>18</b>			
<b>YTD Totals:</b>	<b>4526</b>	<b>3577</b>	<b>315</b>	<b>5918</b>	<b>5729</b>	<b>317</b>
<b>Year End Total</b>	<b>8692</b>	<b>8183</b>	<b>801</b>			

The chart above is representative of the following violations: inoperable vehicles, graffiti, overgrowth, trash/debris, blind corners, indoor furniture, appliances, and dead limbs.

## Environmental Comparison Charts



## Parking Ordinances

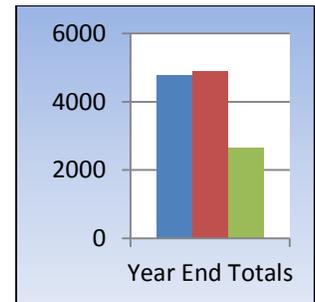
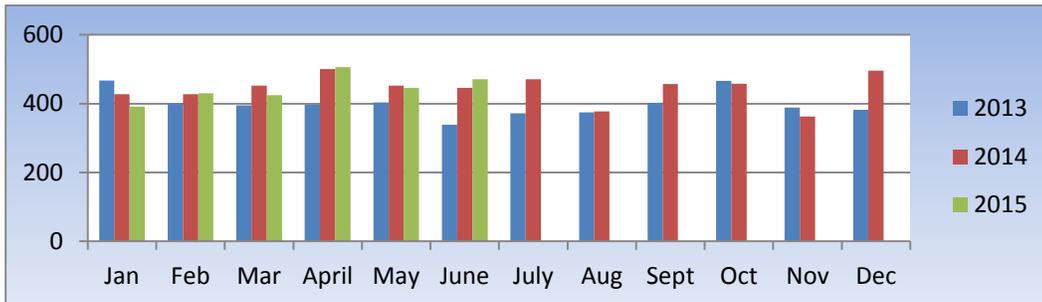
Year	Commercial Vehicles		Recreation and Utility Vehicles		General Parking	
	2014	2015	2014	2015	2014	2015
<b>May</b>	0	<b>5</b>	4	<b>10</b>	7	<b>13</b>
<b>Year to date</b>	7	<b>14</b>	56	<b>37</b>	113	<b>129</b>

## Property Maintenance Code Enforcement

	2014				2015			
	New Cases	Active Cases	Inspections	Court	New Cases	Active Cases	Inspections	Court
<b>January</b>	20	371	427	21	<b>21</b>	<b>410</b>	<b>391</b>	<b>21</b>
<b>February</b>	16	368	427	25	<b>17</b>	<b>412</b>	<b>430</b>	<b>21</b>
<b>March</b>	24	373	452	12	<b>12</b>	<b>398</b>	<b>425</b>	<b>0</b>
<b>April</b>	33	386	500	12	<b>19</b>	<b>401</b>	<b>506</b>	<b>23</b>
<b>May</b>	14	376	452	13	<b>15</b>	<b>400</b>	<b>446</b>	<b>16</b>
<b>June</b>	10	368	446	30	<b>29</b>	<b>418</b>	<b>471</b>	<b>6</b>
<b>July</b>	26	371	471	29				
<b>August</b>	24	377	434	37				
<b>September</b>	54	411	457	22				
<b>October</b>	16	409	458	8				
<b>November</b>	11	407	363	19				
<b>December</b>	<b>11</b>	<b>398</b>	<b>496</b>	<b>20</b>				
<b>Year To Date</b>	<b>117</b>	<b>368</b>	<b>2704</b>	<b>113</b>	<b>113</b>	<b>418</b>	<b>2669</b>	<b>87</b>
<b>Year End</b>	<b>259</b>	<b>398</b>	<b>5383</b>	<b>248</b>				

The chart above is representative of the following violations but not limited to: Exterior: Roof damage, siding, windows, painting, accessory structures, fences, doors, porches, and unsecured structures. Interior: Mold, sanitary conditions, plumbing, electrical, mechanical and infestation of insects and rodents.

### Property Maintenance Comparison Charts



	2014		2015	
	Court Fines	Overcrowding Complaints	Court Fines	Overcrowding Complaints
<b>January</b>	<b>1150.00</b>	<b>0</b>	<b>1050.00</b>	<b>0</b>
<b>February</b>	<b>150.00</b>	<b>0</b>	<b>50.00</b>	<b>0</b>
<b>March</b>	<b>650.00</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>April</b>	<b>150.00</b>	<b>0</b>	<b>825.00</b>	<b>0</b>
<b>May</b>	<b>750.00</b>	<b>0</b>	<b>900.00</b>	<b>1</b>
<b>June</b>	<b>900.00</b>	<b>0</b>	<b>0</b>	<b>1</b>
<b>July</b>	<b>850.00</b>	<b>0</b>		
<b>August</b>	<b>1550.00</b>	<b>1</b>		
<b>September</b>	<b>2250.00</b>	<b>0</b>		
<b>October</b>	<b>150.00</b>	<b>0</b>		
<b>November</b>	<b>400.00</b>	<b>0</b>		
<b>December</b>	<b>250.00</b>	<b>0</b>		
<b>Year To Date</b>	<b>9200.00</b>	<b>1</b>	<b>2825.00</b>	<b>2</b>

Please contact me if you have any questions.

CC: Wally Bailey