

# AGENDA

**PROPERTY OWNERS APPEAL BOARD  
MONDAY, DECEMBER 9, 2013 ~ 11:00 A.M.  
CITY OF FORT SMITH OFFICES  
PLANNING DEPARTMENT CONFERENCE ROOM  
623 GARRISON AVENUE, ROOM 326**

**I. Call to Order**

**II. Roll Call**

- Karen Lewis (Chair)    Megan Raynor    Scott Monroe  
 Dolores Chitwood    Joel Culberson

**III. Statement of Qualifications and introduction of City Staff**

**IV. Approve minutes of the September 9, 2013 meeting and September 25 & 26, 2013 public hearings**

**V. Items of Business**

**1. Variance Request**

Property Location: 3615 Blair Avenue  
Property Owner: Nina Coker (Cindy Ragan, daughter)  
Regarding: Parking of recreational and utility vehicles on residential streets and properties – Ordinance No. 33-08

**VI. Other Business/Citizen Forum**

**VII. Reports/Staff**

**VIII. ADJOURN**



## Neighborhood Services Division

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

November 26, 2013

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

**Re: Variance Request #2013-4**

### 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

Nina Coker, Owner; Cindy Ragan (Daughter of Nina Coker)  
Lot 16; Midland Heights Addition, Fort Smith, AR 72904  
More commonly known as 3615 Blair Ave.

The applicant will present said application at the regular Property Owners Appeals Board meeting on December 9, 2013 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

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**See attached for additional information.**

**To: Property Owners Appeals Board**

**From: Neighborhood Services Division**

**Re: Variance Request #2013-4;** A request by Cindy Ragan, daughter of Nina Coker, 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**

Ms. Ragan is requesting to allow her motor home to remain parked in the front yard located at 3615 Blair Ave. The applicant sites her hardship as:

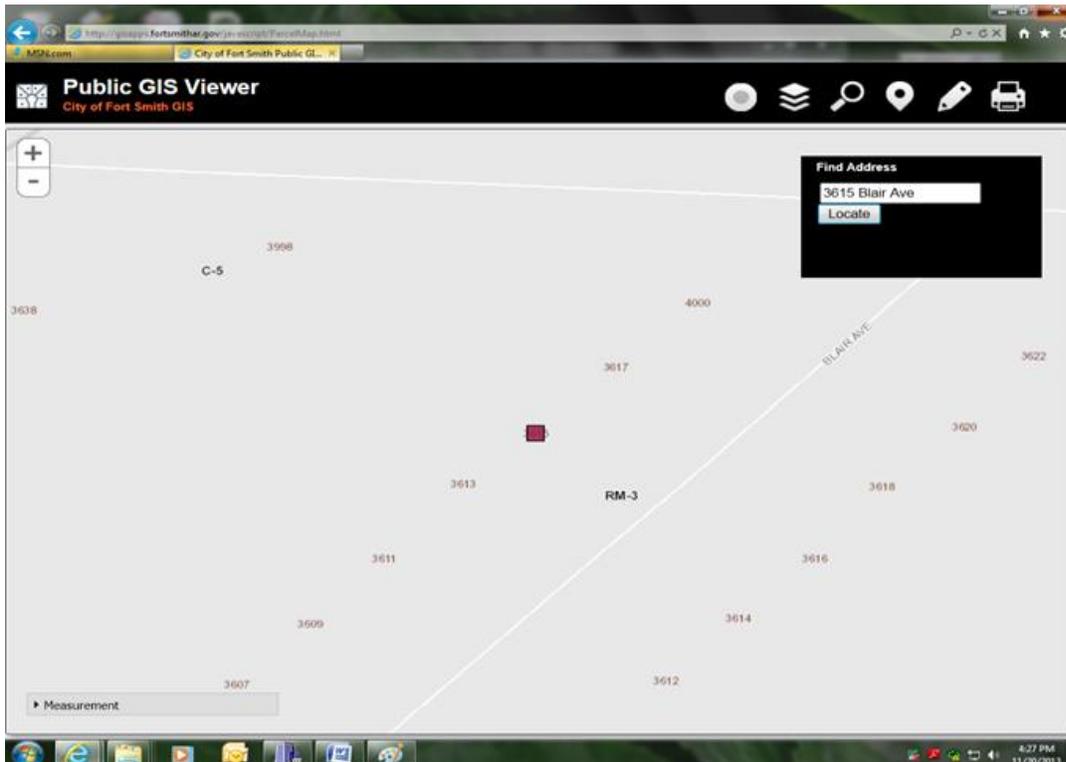
My husband and I recently moved to Fort Smith to be with my 80 year old mother. We are living in the home that I grew up in. This has been my home since I was 4 years old. The yards in this neighborhood are very small as are the drive-ways. In the back yard there is a large garage that my dad built before he died. We have had to park our motor home in our front yard because we have no place else to put it. The motor home needs maintenance on a weekly basis and storage could cause more maintenance, not to mention possible vandalism and the cost of storage. My husband and I are on a fixed income and storage is not cheap. My husband is a disabled vet and to maintain our motor home he cleans and spends as much time as he can doing daily maintenance. To go to a storage everyday would be difficult for him. Our motor home does not block any view of the road from our neighbors or any oncoming traffic. We are only staying at this address until we can find our own place, so this is really just a temporary fix for us. We have had no complaints from any of our neighbors since we have moved here. The motor home is only here about 45% of the time.

## Lot Location

The subject property is located in the Midland Heights addition 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.



Red outline is property location / \*See Pictures below:







