

# AGENDA

**PROPERTY OWNERS APPEAL BOARD  
MONDAY, FEBRUARY 10, 2014 ~ 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  
 Dolores Chitwood       Joel Culberson

## **STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF**

## **APPROVE MINUTES OF THE DECEMBER 9, 2013 MEETING**

## **ITEMS OF BUSINESS:**

1. Variance Request  
Property Location: 1405 South 40th Street  
Property Owner: Frank O. Jr. & Marilynne Knight  
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties *(Fort Smith Municipal Code Section 14-55)*
  
2. Variance Request  
Property Location: 1722 South Utica  
Property Owner: Leo H. Geheb  
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties *(Fort Smith Municipal Code Section 14-55)*
  
3. Variance Request  
Property Location: 3422 South Fresno  
Property Owner: James D. Perry  
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties *(Fort Smith Municipal Code Section 14-55)*

## **OTHER BUSINESS**

## **ADJOURN**



## Neighborhood Services Division

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

January 21, 2014

---

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

**Re: Variance Request #2014-1**

### 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

Frank O Jr & Marilynne Knight, Owners  
Lot 17 and 10' of Lot 18; Hendricks Hills #3 Addition, Fort Smith, AR 72903  
More commonly known as 1405 South 40<sup>th</sup> St.

The applicant will present said application at the regular Property Owners Appeals Board meeting on February 10, 2014 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 Appeals Board**

**From: Neighborhood Services Division**

**Re: Variance Request #2014-1;** A request by Mr. & Mrs. Frank Knight Jr., 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. & Mrs. Knight Jr. are requesting to allow their 5<sup>th</sup> wheel trailer to remain parked in the front yard on a concrete pad located at 1405 South 40<sup>th</sup> St. The applicants site their hardship as:

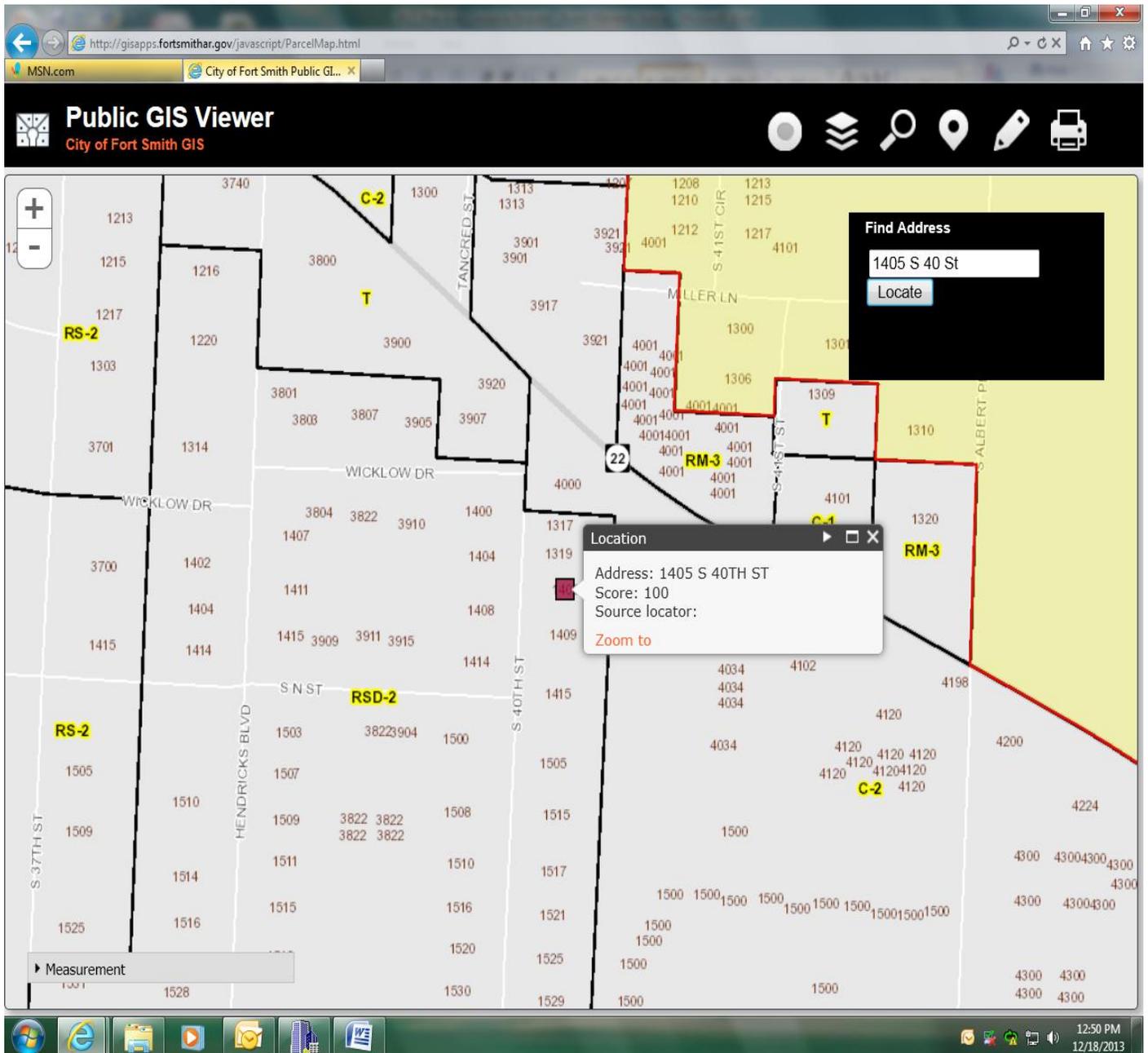
We have lived at 1405 South 40<sup>th</sup> Street in Fort Smith for 20 years, and during those 20 years, we have had our 5<sup>th</sup> wheel trailer on a concrete pad in our front yard. We have no access to the East, South, or North of us to put the trailer. During this time we have never had any complaints to having the trailer in the front yard. Now that we are both disabled and on a fixed income, we are unable to afford to put it in storage.

**Lot Location**

The subject property is located in the Hendricks Hills #3 addition of the city of Fort Smith.

**Surrounding land use**

The property is centrally located in a RSD-2 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.

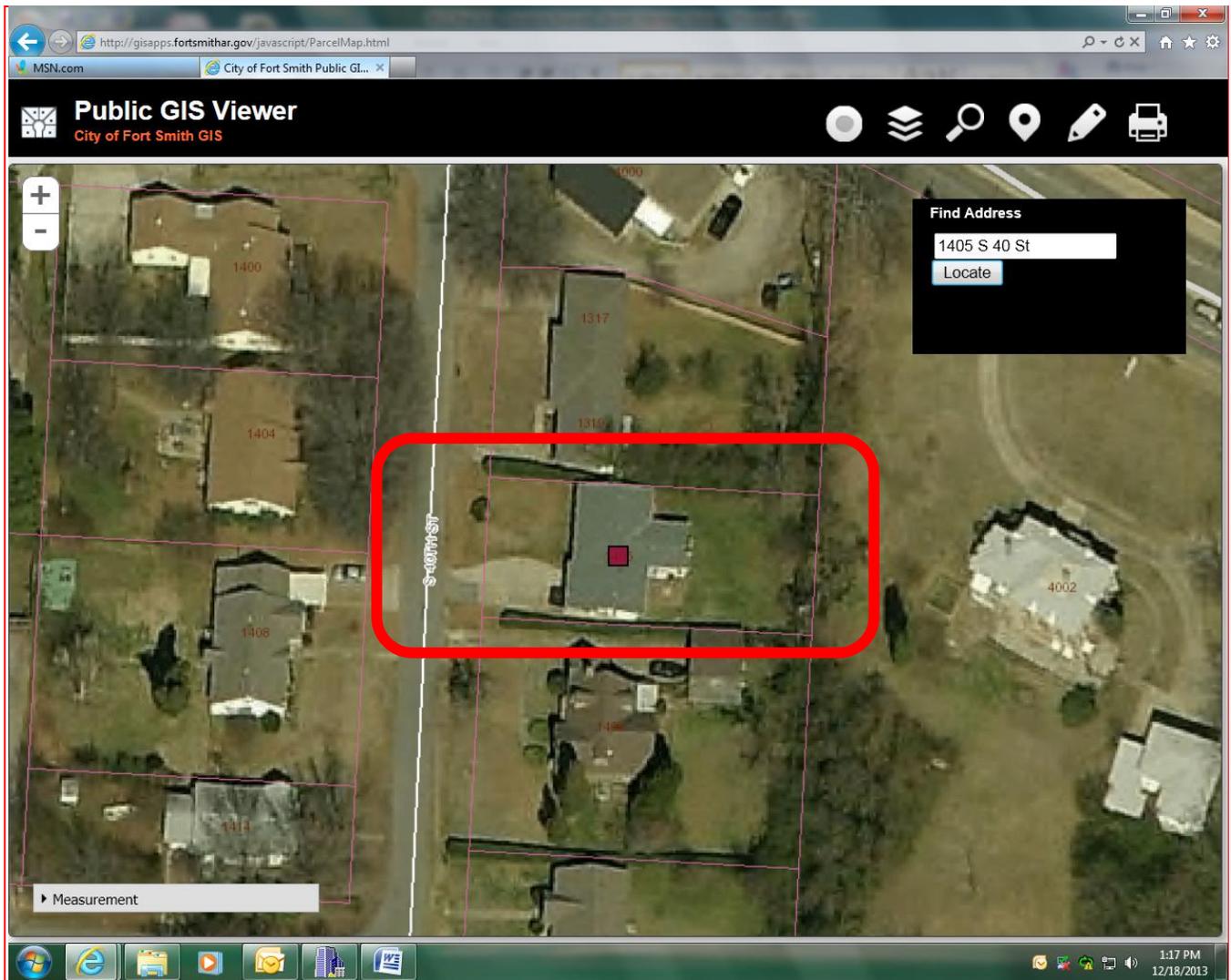
(c) *Variances.* In instances where strict enforcement of the requirements of subsection (a) would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of 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:







## Neighborhood Services Division

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

January 21, 2014

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

**Re: Variance Request #2014-3**

### 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

Leo H. Geheb, Owner  
Lot 98; Southbrook Addition, Fort Smith, AR 72901  
More commonly known as 1722 South Utica St.

The applicant will present said application at the regular Property Owners Appeals Board meeting on February 10, 2014 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 Appeals Board**

**From: Neighborhood Services Division**

**Re: Variance Request #2014-3;** A request by Mr. Leo H. Geheb, 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. Geheb is requesting to allow his 5x10 open trailer to remain parked in the front yard located at 1722 South Utica St. The applicant sites his hardship as:

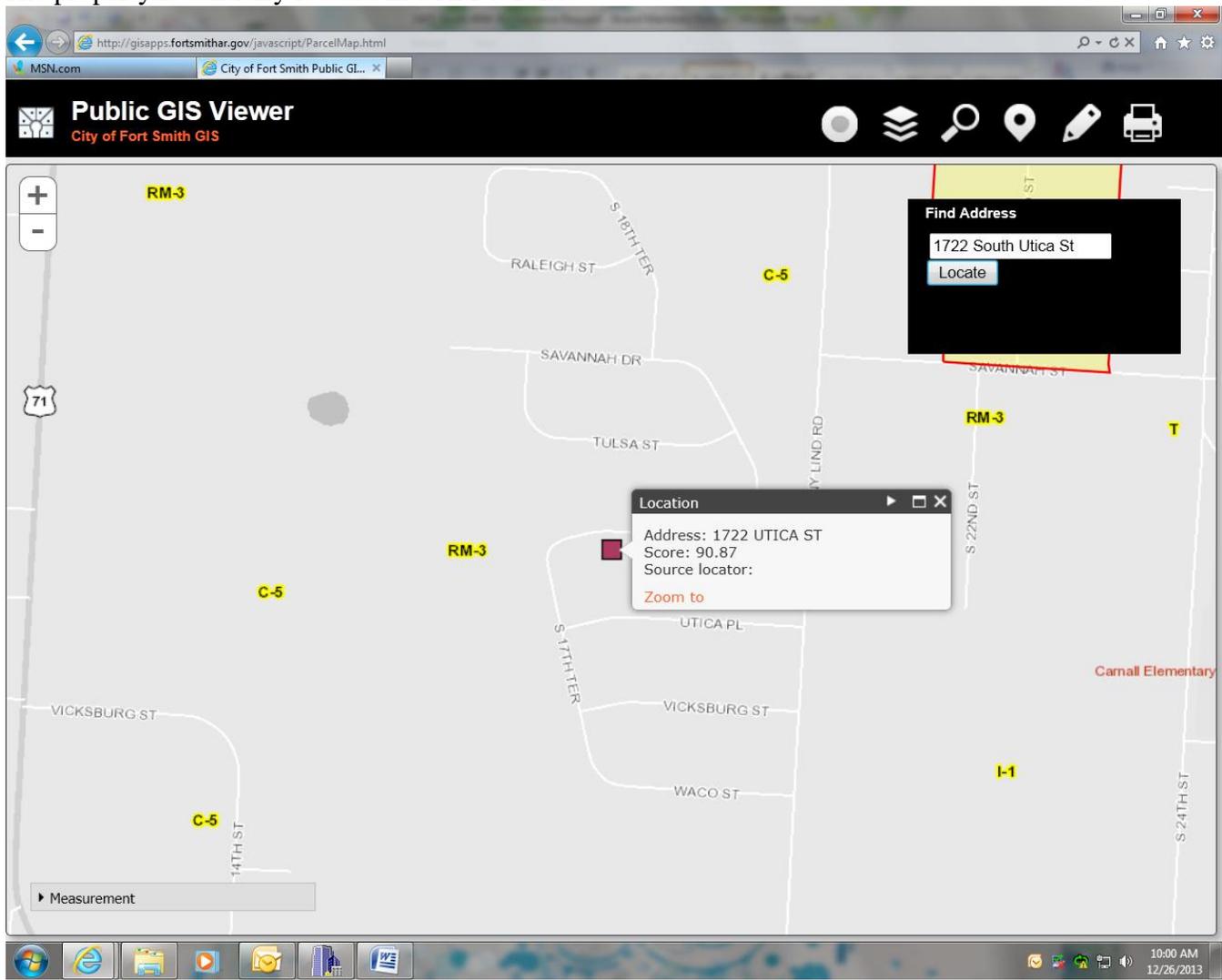
I have a 5x10 open trailer licensed in the state of Arkansas, insured, is in good shape, it is not an eyesore and where I have it parked is not blocking anyone's line of vision, nor is it in anyone's way (it is not anywhere near the street). This is shown in my sketch (attached). I am in the process of having my knee and hip joints fixed surgically (one knee has been replaced). I need to have my trailer where I have easy access to it and can easily hook it up. I do use this trailer frequently for various things. I can only access the trailer from my front yard due to the utility alley (right of way) in the back. Thank you for your assistance in this matter.

**Lot Location**

The subject property is located in the Southbrook 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.

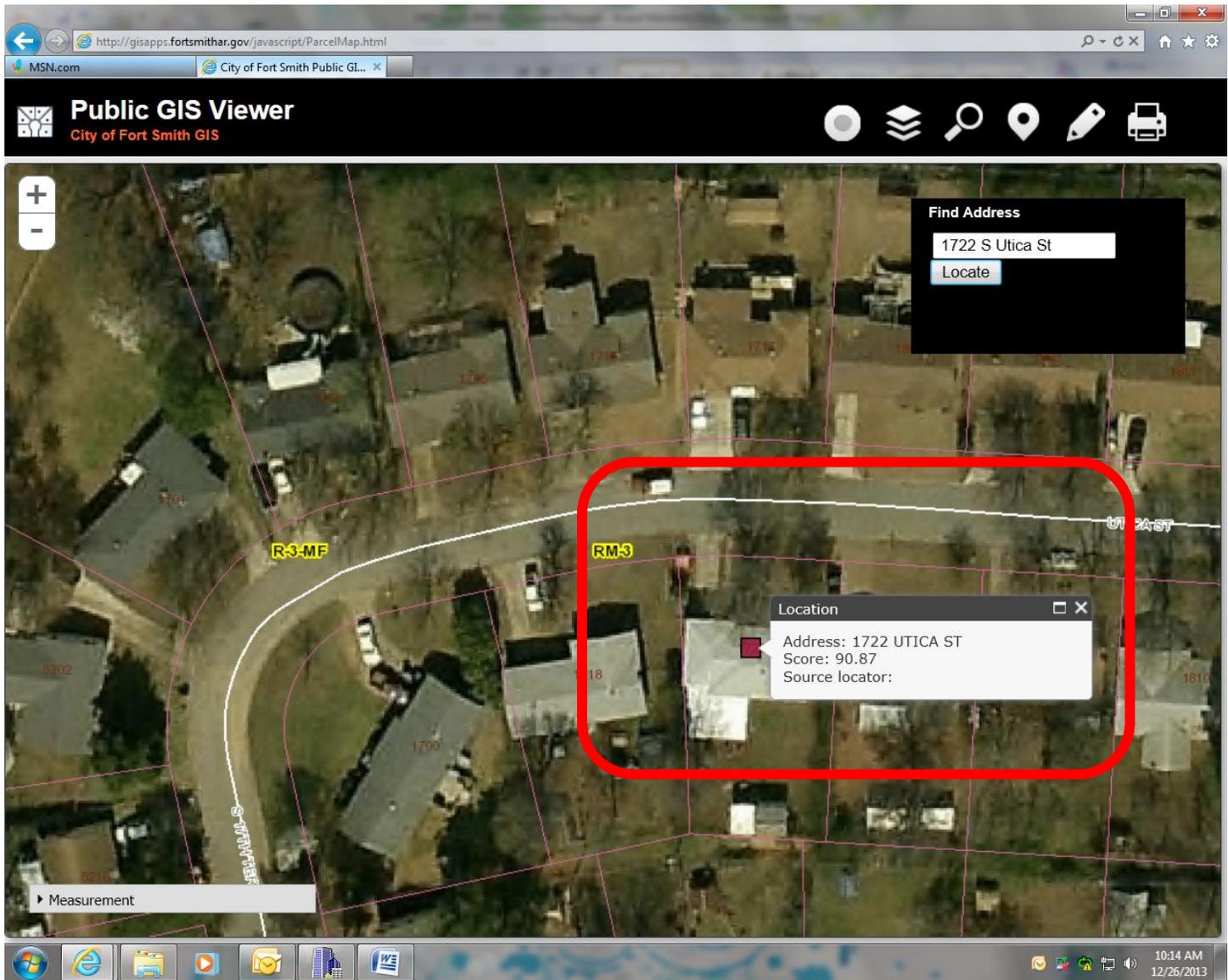
(c) *Variances.* In instances where strict enforcement of the requirements of subsection (a) would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of 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:









## Neighborhood Services Division

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

January 21, 2014

---

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

**Re: Variance Request #2014-2**

### 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

James D Perry, Owner  
Lot 26; Druid Hills Estates, Fort Smith, AR 72903  
More commonly known as 3422 South Fresno St.

The applicant will present said application at the regular Property Owners Appeals Board meeting on February 10, 2014 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 Appeals Board**

**From: Neighborhood Services Division**

**Re: Variance Request #2014-2;** A request by Mr. James D. Perry, 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. Perry is requesting to allow his sailboat to remain parked between his driveway and setback located at 3422 South Fresno St. for a period of 90 days. The applicant sites his hardship as:

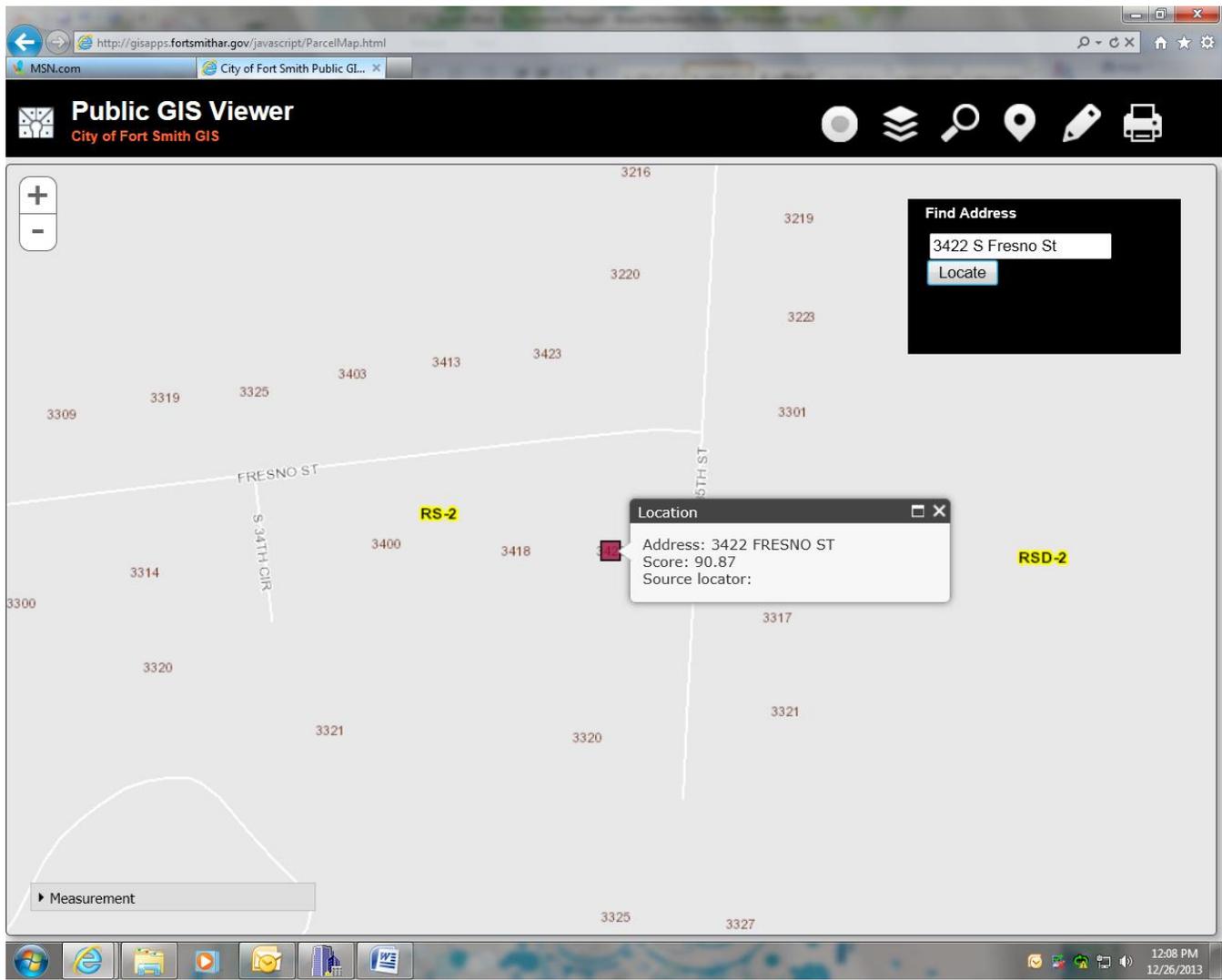
I am respectfully requesting a variance of 90 days to the ordinance so I may complete the repairs and maintenance to my sailboat in which once completed the sailboat will be moved to a new slip at Beaver Lake. I have no other place to store the boat and reasonably make the necessary repairs to the wood work. The interior wood was recently damaged due to a leak in the cabin. It will require many custom cuts and fittings. My wood working shop is located in the garage next to my boat and the hardship of transporting the tools and materials back and forth to another location would not be feasible. I need access to electric service for tools. The boat bottom requires a very expensive epoxy paint that must be applied in small areas at a time. Again, to transport that material and process to a remote location would not be a feasible alternative.

**Lot Location**

The subject property is located in the Druid Hills Estates addition of the city of Fort Smith.

## Surrounding land use

The property is centrally located in a RS-2 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.

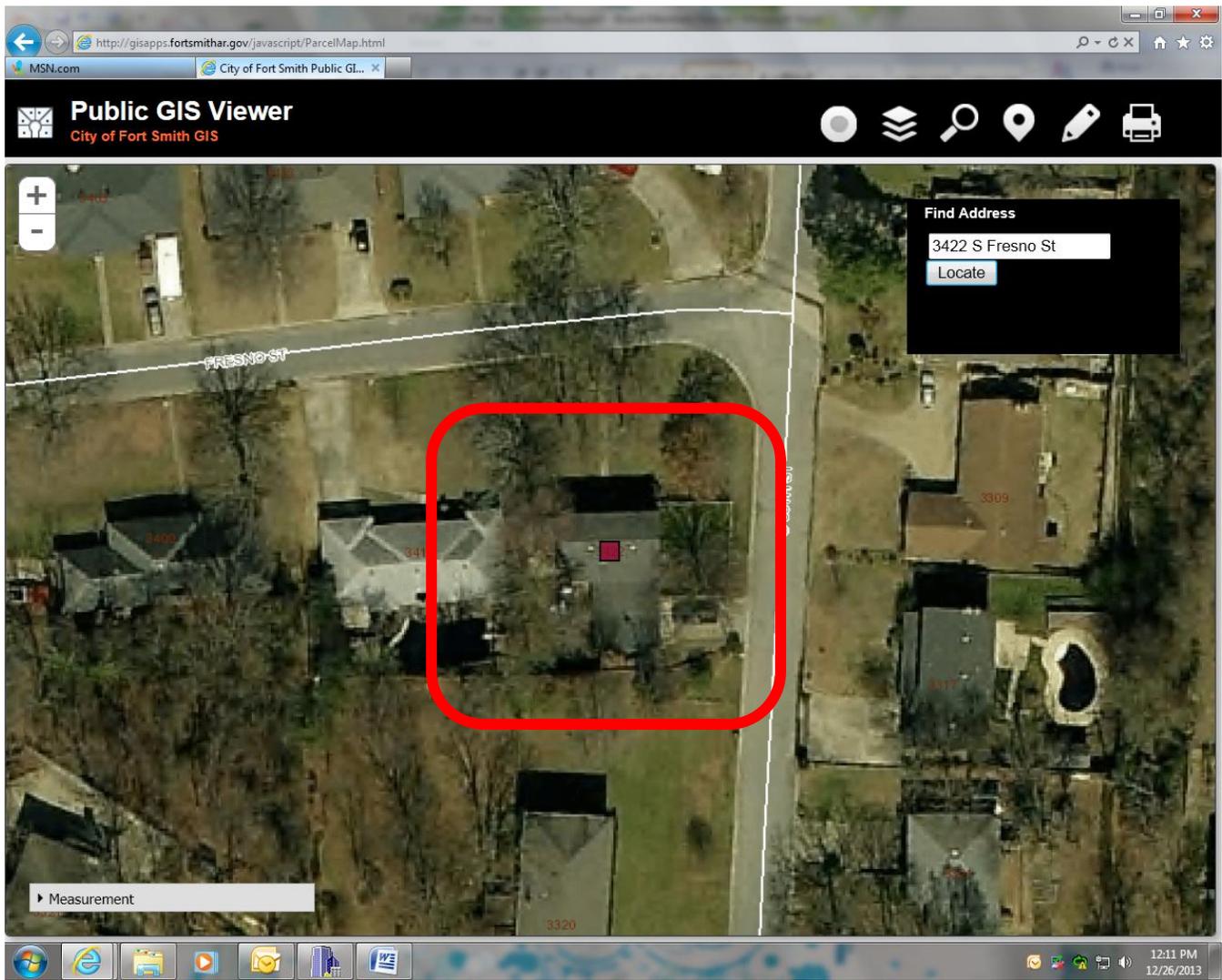
(c) *Variances.* In instances where strict enforcement of the requirements of subsection (a) would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit and intent of the provisions of 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:





