

AGENDA

**PROPERTY OWNERS APPEAL BOARD
MONDAY, MAY 12, 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 MARCH 10, 2014 MEETING

ITEMS OF BUSINESS:

1. Variance Request
Property Location: 600 South 18th Street
Property Owner: Kerry T. Decker
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties *(Fort Smith Municipal Code Section 14-55)*

2. Variance Request
Property Location: 1100 South 18th Street
Property Owner: Charles W. Wolfendale
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties *(Fort Smith Municipal Code Section 14-55)*

3. Variance Request
Property Location: 4301 South 22nd Street
Property Owner: Joni Brown
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

April 21, 2014

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

Re: Variance Request #2014-8

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

Kerry T. Decker, Owner
Lot 12 Blk 91; Fitzgerald subdivision, Fort Smith, AR 72901
More commonly known as 600 South 18th St.

The applicant will present said application at the regular Property Owners Appeal Board meeting on May 12, 2014 at 11:00am in the Stephens Building, 623 Garrison Ave., 3rd 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 #2014-8; A request by Kerry Decker, for Board consideration of a variance from ORDINANCE 33-08, Section 14-55: Parking of Recreational and Utility Vehicles on Residential Streets and Properties

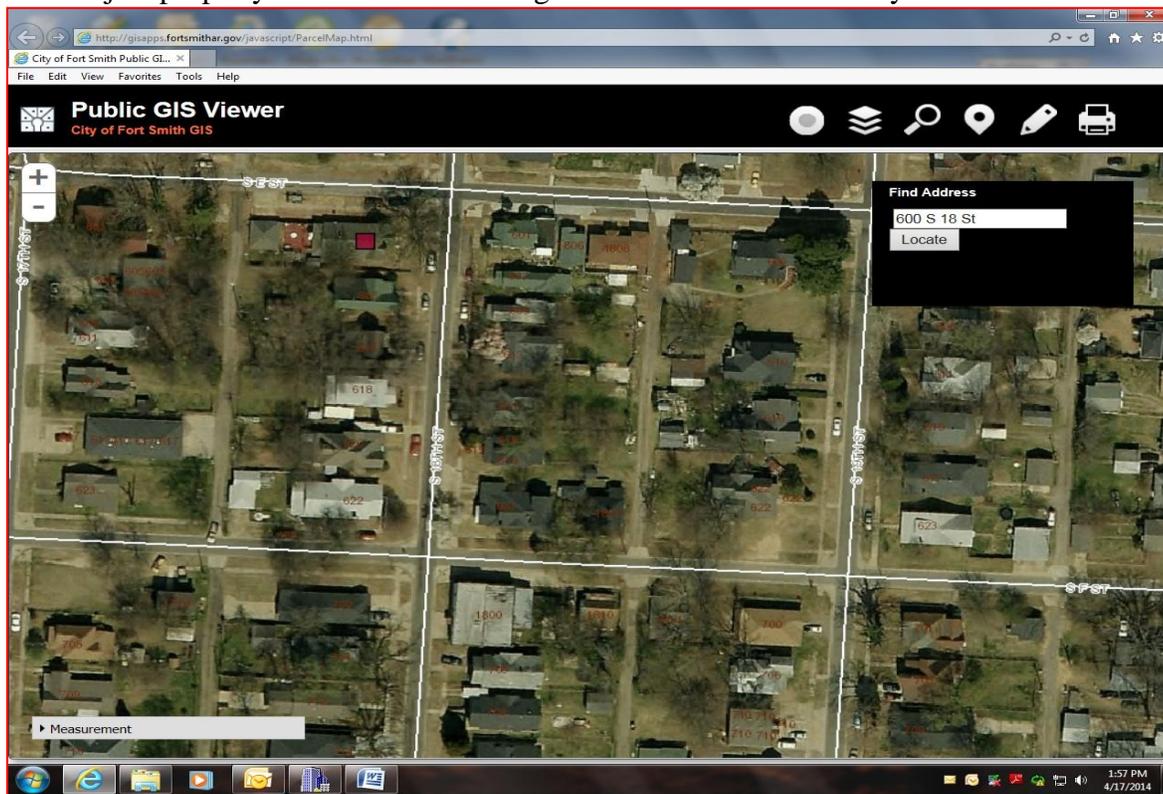
Requested Variance

Mr. Decker is requesting to allow his utility trailer to remain parked in the front yard of his property located at 600 South 18th St. The applicant sites his hardship as:

I have lived and owned my home for 12 yrs while being self-employed 14 yrs. I have always had personal car hauler (trailer) work-utility for my car & bikes. I race and move arcade games etc. for work. I have been told through these years the trailer and cars are fine the way I park and keep them arranged; when notified that I can't park in the front yard beside porch which I did when having arcade games left out all night on trailer for safety but stopped in "09-10". At that time, city knew that I couldn't back/park trailer in back yard due to sewer cap and I would run over a telephone junction box on one side and 4 gas lines (meters) on the other side which are in the way of any attempt to put it back there. I would also have to tear down the fence which would de-value property and give easy access to anyone to take items from my back yard with the fence down.

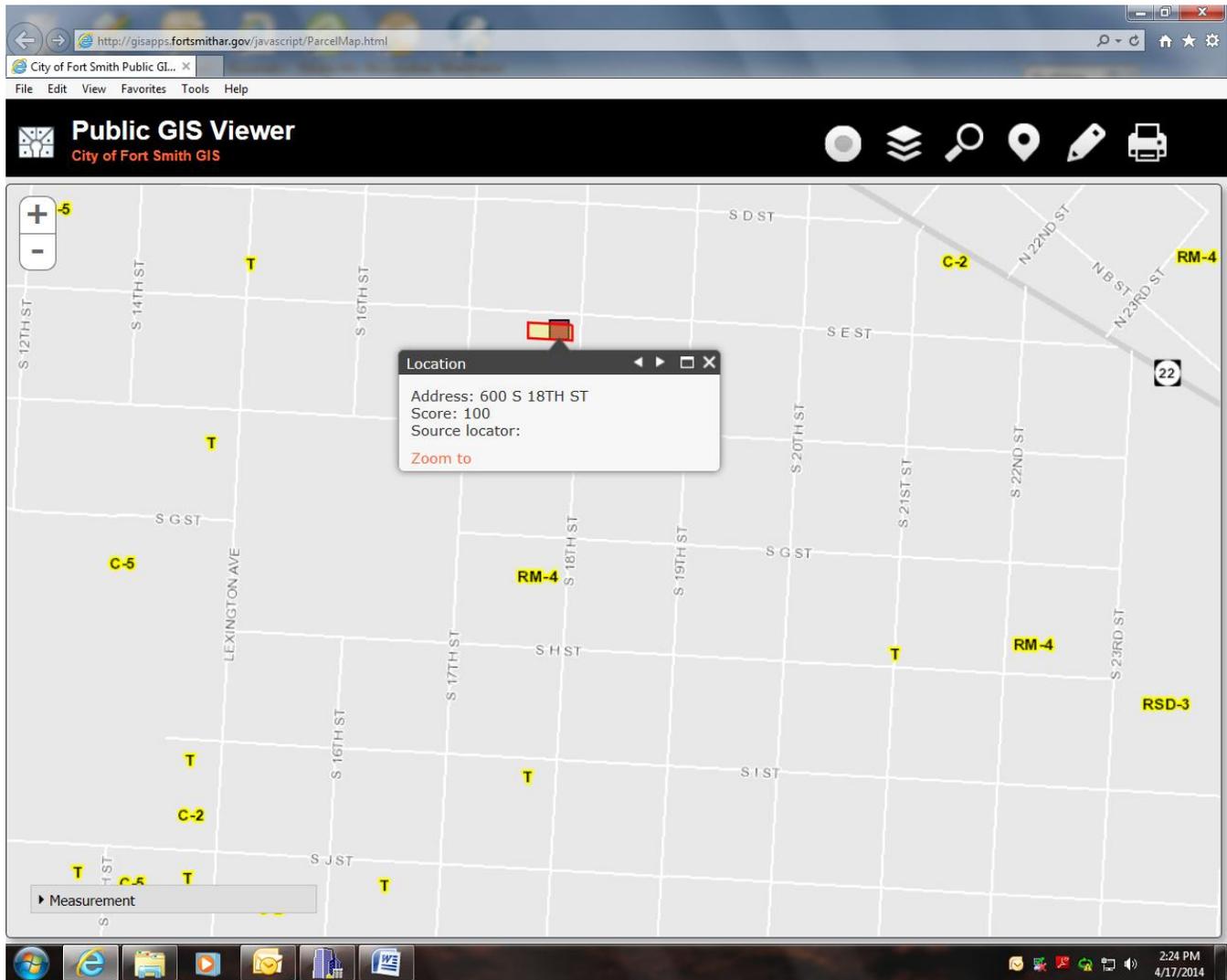
Lot Location

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



Surrounding land use

The property is centrally located in a RM-4 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.)







NOTE: When these pictures were taken the trailer and other vehicles were parked across the street on the north side rather than on the property at 600 S. 18th St.



Neighborhood Services Division

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

April 21, 2014

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

Re: Variance Request #2014-7

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

Charles W Wolfendale, Owner
Lot 12 Blk 97; Fitzgerald subdivision, Fort Smith, AR 72901
More commonly known as 1100 South 18th St.

The applicant will present said application at the regular Property Owners Appeal Board meeting on May 12, 2014 at 11:00am in the Stephens Building, 623 Garrison Ave., 3rd 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 #2014-7; A request by Charles Wolfendale, for Board consideration of a variance from ORDINANCE 33-08, Section 14-55: Parking of Recreational and Utility Vehicles on Residential Streets and Properties

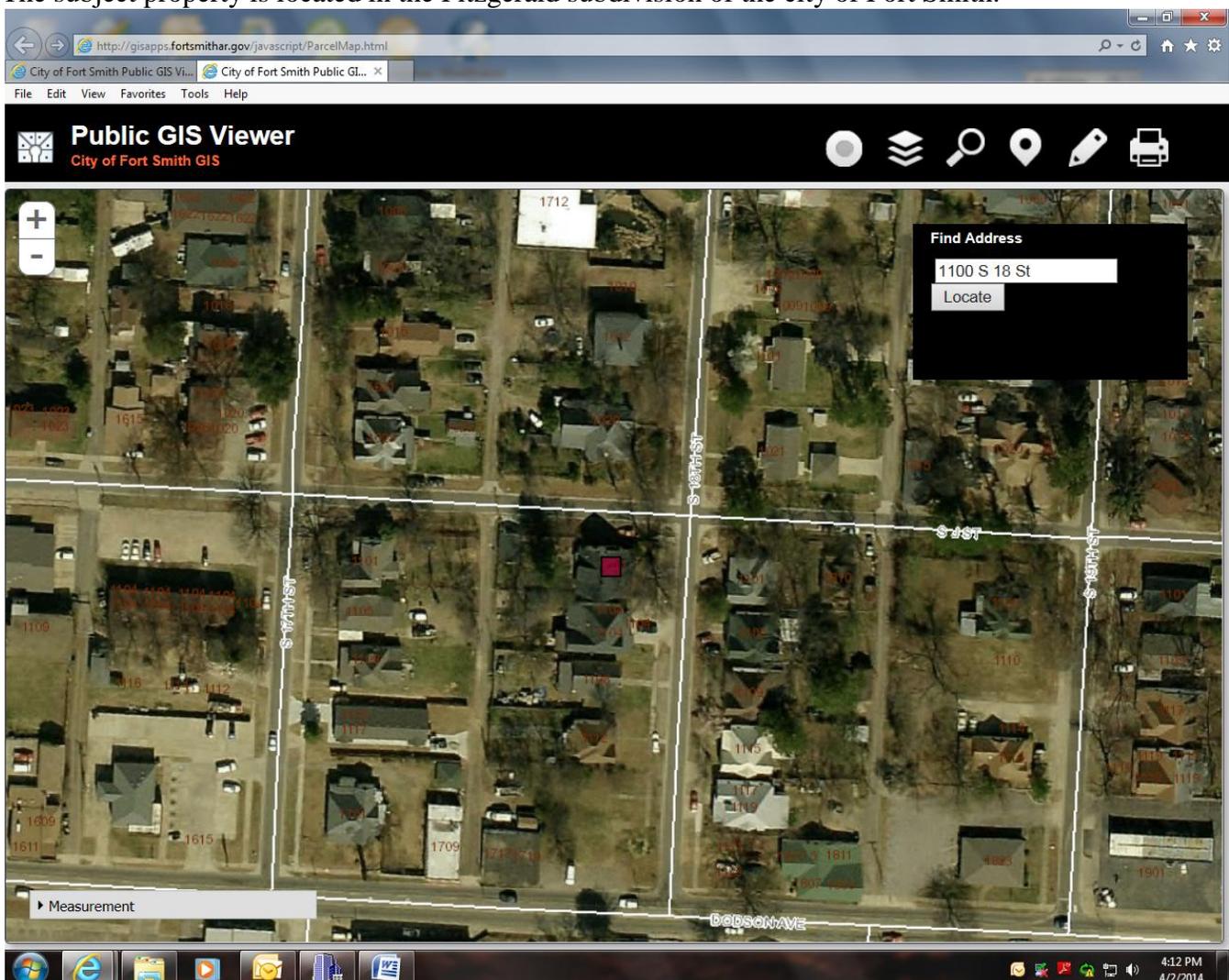
Requested Variance

Mr. Wolfendale is requesting to allow his trailer to remain parked at the side of his property located at 1100 South 18th St. The applicant sites his hardship as:

Do not have access to back yard. Trailer is tagged and updated and none of my neighbors have said anything about it being there. My back yard is next to an alley and has a wall about 2 ft. high. I was told by the city to put washed stone to park my car/trailer as long as it was legal and I did; now you say I cannot park on J Street side and now I am parking on 18th Street side and was told by city inspector that it was ok about 3 years ago.

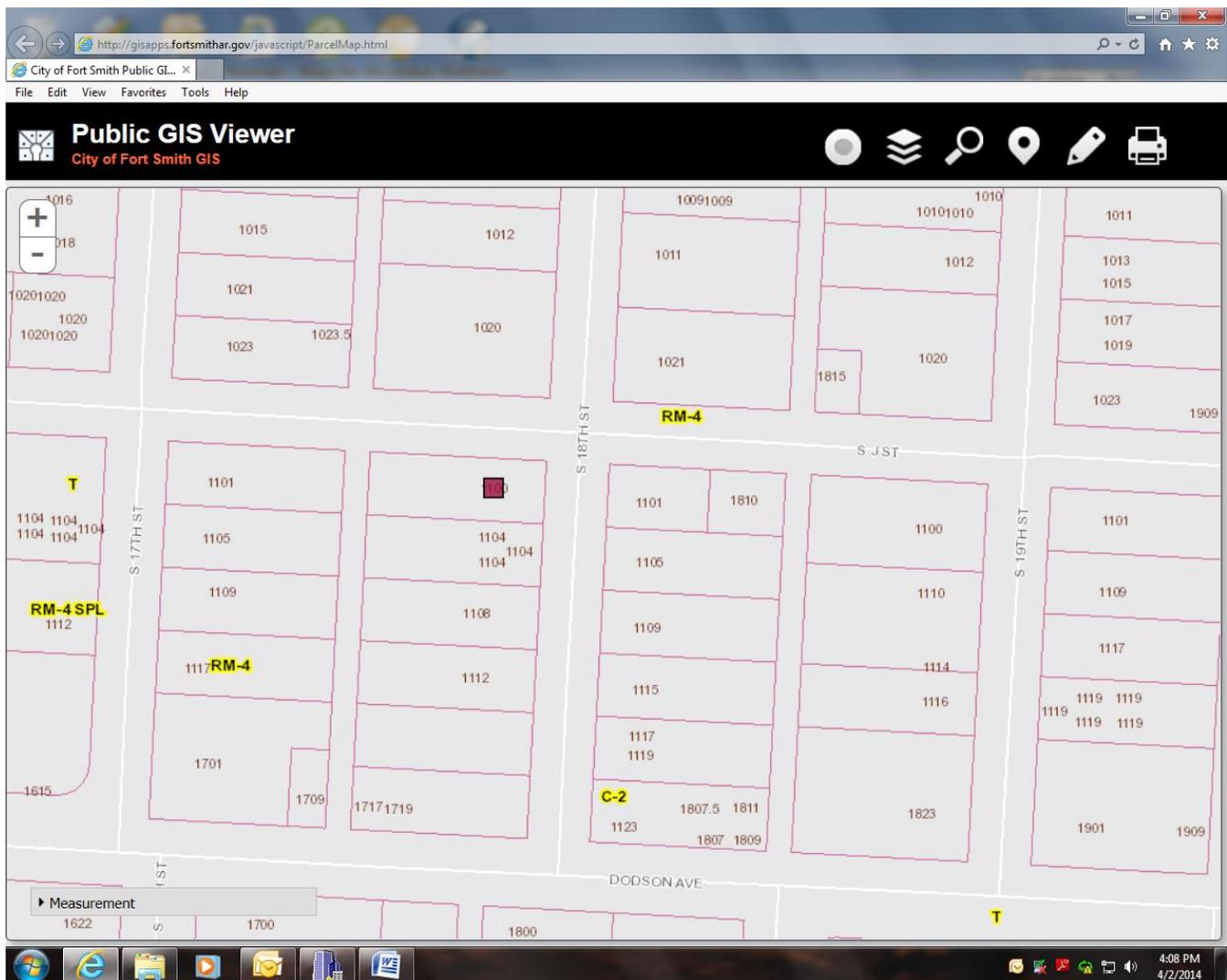
Lot Location

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



Surrounding land use

The property is centrally located in a RM-4 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.)







Neighborhood Services Division

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

April 21, 2014

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

Re: Variance Request #2014-6

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

Joni Brown, Owner
Lot 1; Phoenix Place subdivision, Fort Smith, AR 72901
More commonly known as 4301 South 22nd St.

The applicant will present said application at the regular Property Owners Appeal Board meeting on May 12, 2014 at 11:00am in the Stephens Building, 623 Garrison Ave., 3rd 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 #2014-6; A request by Joni Brown, for Board consideration of a variance from ORDINANCE 33-08, Section 14-55: Parking of Recreational and Utility Vehicles on Residential Streets and Properties

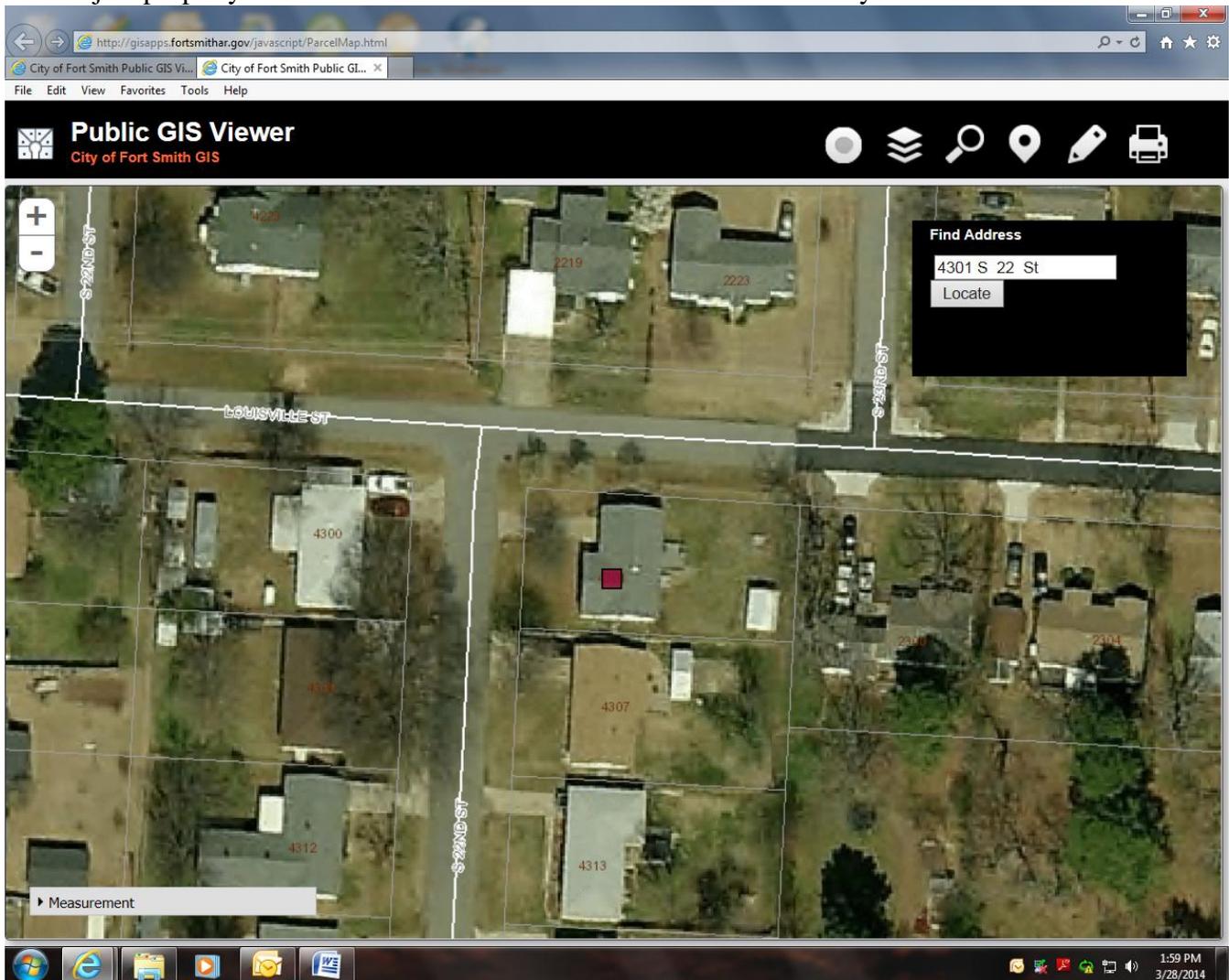
Requested Variance

Ms. Brown is requesting to allow her 21 ft. travel trailer to remain parked on the concrete area of her drive located at 4301 South 22nd St. The applicant sites her hardship as:

I have spoken with my immediate neighbors about parking my travel trailer on the concrete area of my drive and they all responded in a positive manner. We use the travel trailer almost every weekend for camping and during hog football season for tailgating. I made an effort to check on storage and the cheapest facility that I could find is over 30 dollars a month. Two of the places I called that were in my price range had no spaces. I take pride in my yard and my neighborhood.

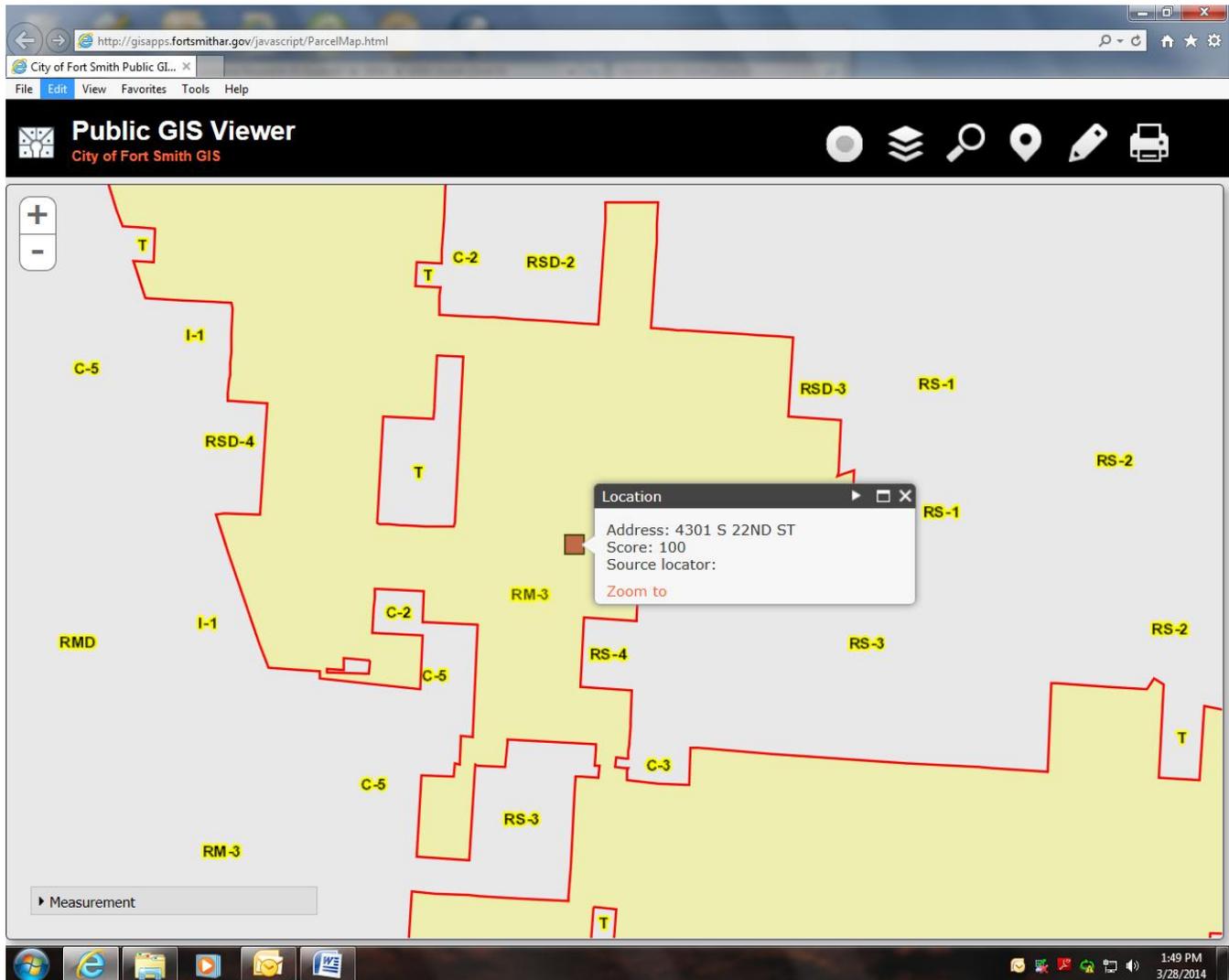
Lot Location

The subject property is located in the Phoenix Place 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

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(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:

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



