

AGENDA

**PROPERTY OWNERS APPEAL BOARD
MONDAY, NOVEMBER 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
- Joel Culberson
- Dennis Shaeffer

STATEMENT OF QUALIFICATIONS AND INTRODUCTION OF CITY STAFF

APPROVE MINUTES OF THE OCTOBER 13, 2014 MEETING

ITEMS OF BUSINESS:

1. Variance Request
Property Location: 430 North 46th Street
Property Owner: Janet Jaromscak
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

October 29, 2014

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

Re: Variance Request #2014-13

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

Janet Jaromscak, Owner
Lot 6; Kinkead Place addition, Fort Smith, AR 72903
More commonly known as 430 North 46th St.

The applicant will present said application at the regular Property Owners Appeal Board meeting on November 10, 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 #2014-13; A request by Janet Jaromscak., 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. Jaromscak is requesting to allow her 5th wheel trailer to remain parked at the side of the house located at 430 North 46th St. The applicant sites her hardship as:

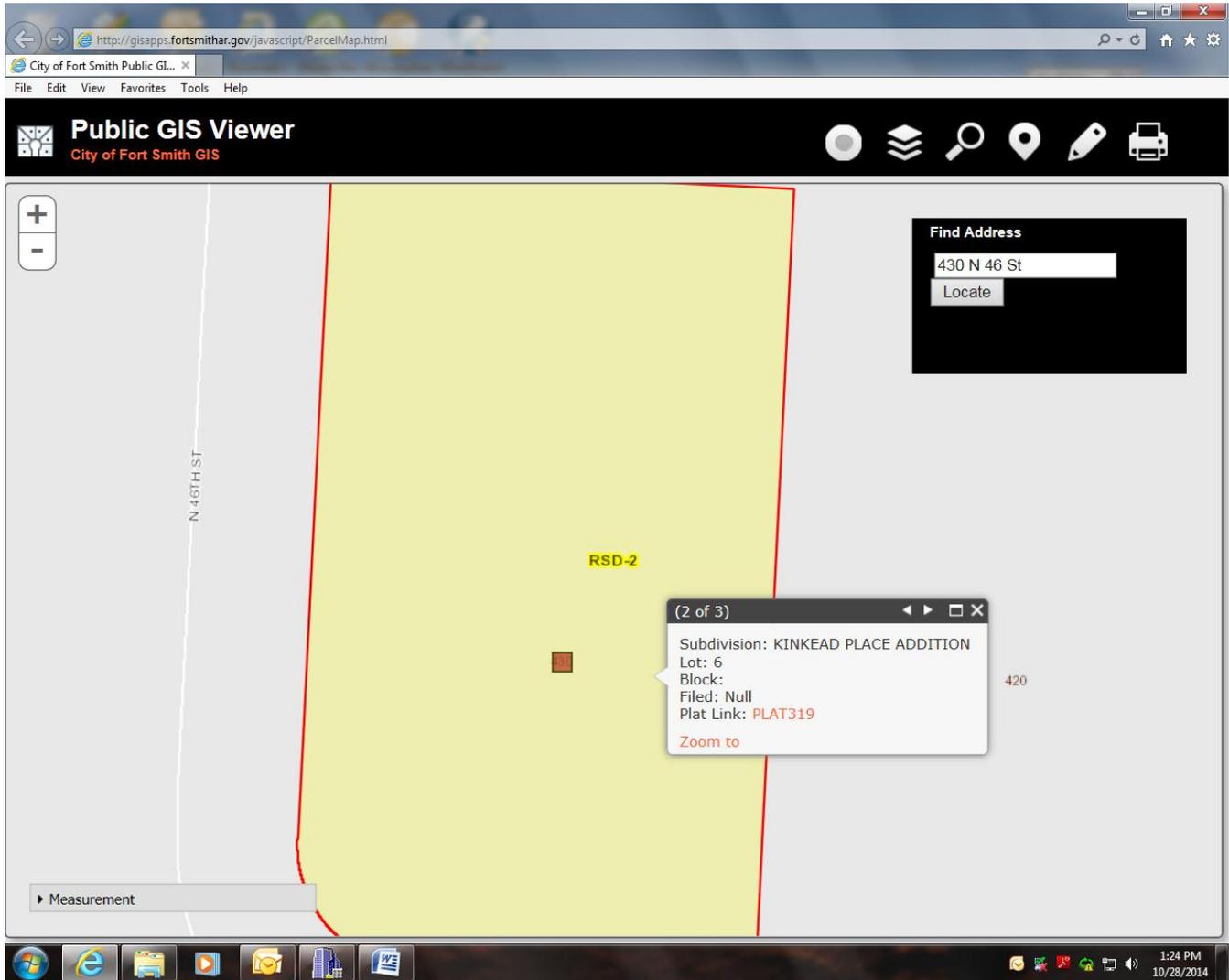
I just had total knee surgery and I need Lance to stay with me while I heal. While unable to care for myself, I have no income until I am able to go back to work full-time and start to receive an income. Lance has been staying in the 5th wheel part of the time until he pulled a muscle in his back and is unable to walk. He is actively seeking medical attention and now I am forced to return to work early due to financial reasons. It would be a hardship on both of us at this time to even attempt to move the 5th wheel.

Lot Location

The subject property is located in the Kinkead Place 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:

