

# AGENDA

## PROPERTY OWNERS APPEAL BOARD

MONDAY, JULY 10, 2017 ~ 11:00 A.M.

CITY OF FORT SMITH OFFICES

PLANNING DEPARTMENT CONFERENCE ROOM (ROOM 326)

623 GARRISON AVENUE

### 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 JUNE 12, 2017 MEETING

### ITEMS OF BUSINESS

1. Variance Request No. 2017-02

Property Location: 4001 Ridgeway Drive

Property Owner: Sammy and Emily Ray

Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties (*Fort Smith Municipal Code Section 14-55*)

2. Select chairperson for July 2017 – July 2018
3. Schedule appeal hearings for two (2) evenings in September
4. Review delinquent liens/properties included in 2017 appeal process
5. Inspections report from Neighborhood Services regarding 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 20, 2017

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

**Re: Variance Request #2017-2**

**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

Sammy and Emily Ray, Owners  
Lot 201; Sunnydale #2 subdivision, Fort Smith, AR 72904  
More commonly known as 4001 Ridgeway Dr.

The applicant will present said application at the regular Property Owners Appeal Board meeting on July 10, 2017 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 #2017-2;** A request by Sammy and Emily Ray, 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. and Mrs. Ray are requesting to allow their boat and trailer to remain parked in their driveway located at 4001 Ridgeway Dr. The applicants site their hardship as:

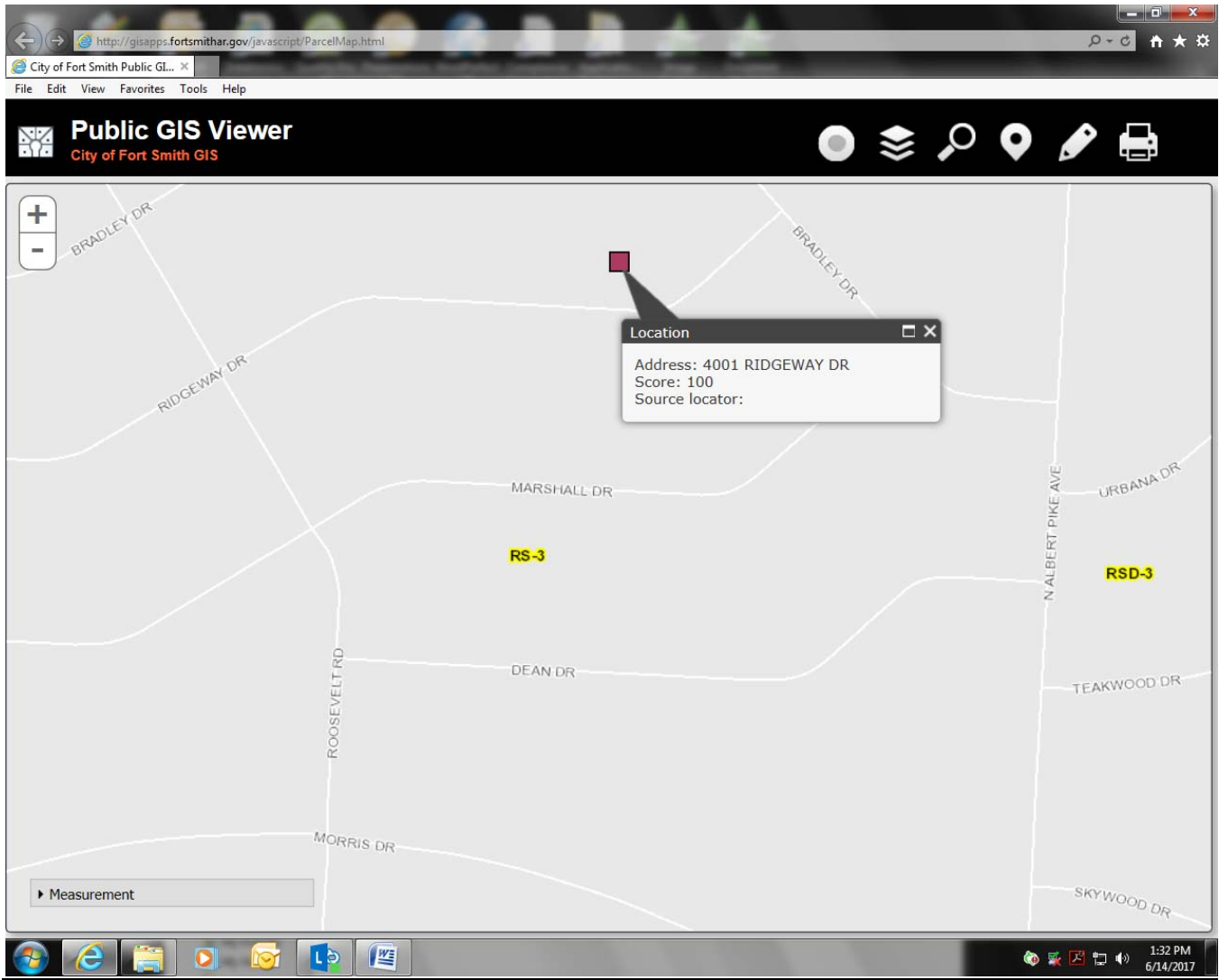
There is no other place to put our boat and trailer other than our driveway. The boat won't fit in the back yard. Our son lives in Rogers and both of our daughters rent where they live so we could not park it at either of their properties. We would have to rent a place to keep the boat and trailer and we are on a fixed income.

**Lot Location**

The subject property is located in the Sunnydale #2 subdivision of the city of Fort Smith.

**Surrounding land use**

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



- *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:

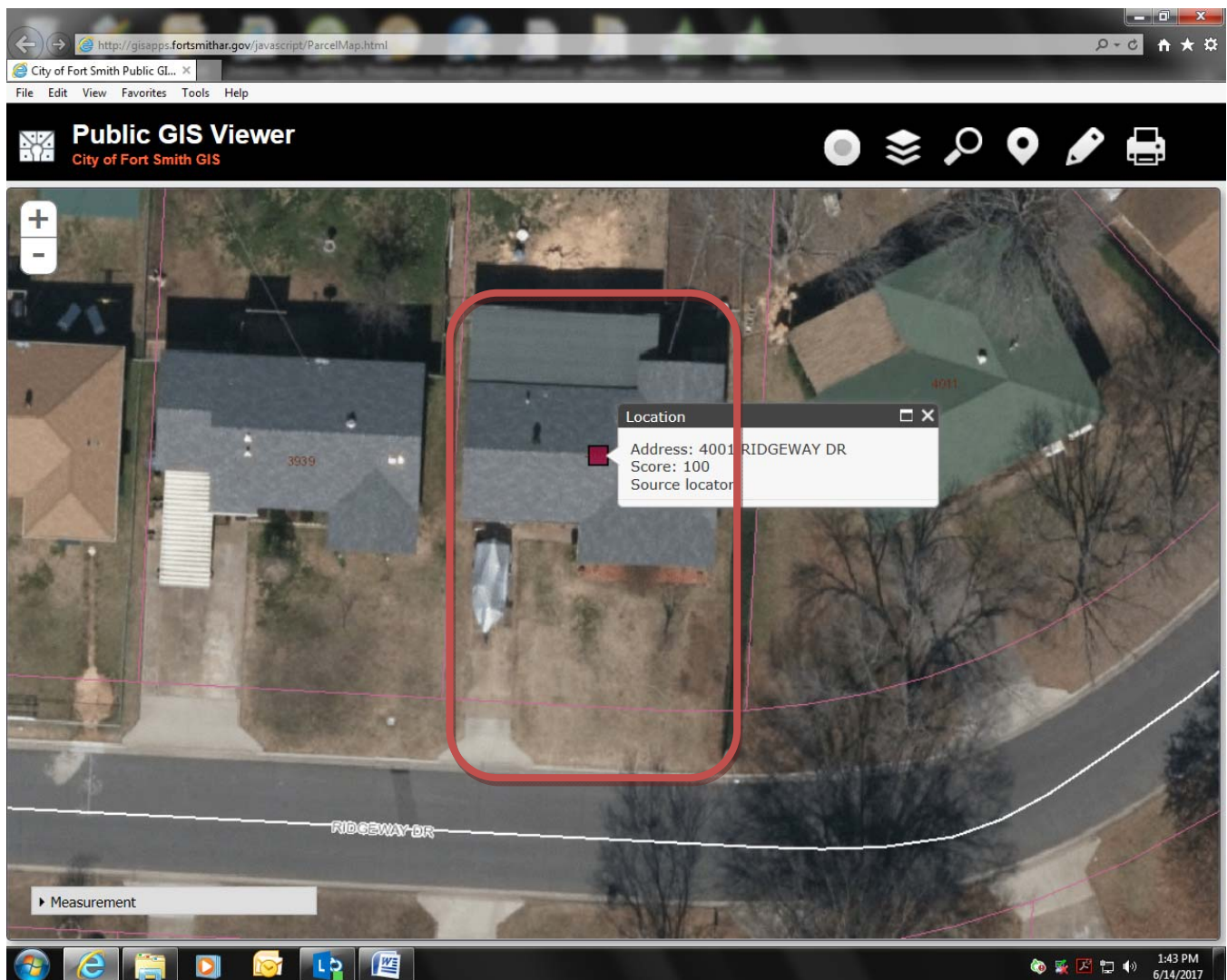
(1) Upon the showing required by (2) below, the property owners appeals board may modify the requirements of subsection (a) to the extent deemed just and proper so as to relieve such hardship, provided that such relief may be granted without detriment to the public interest.

(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:









**MEMORANDUM**

To: Property Owners Appeal Board

From: Sherri Gard, City Clerk

Date: July 7, 2017

Re: Selection of Chairperson

As you know, a chairperson must be selected each July and serves a one (1) year term, which begins from the date of appointment.

Karen Lewis was appointed as chairperson on July 11, 2016; therefore, her term expires on July 10, 2017.

Below is a historical list of those serving as chair of the Property Owners Appeal Board:

July 2016 - July 2017	Karen Lewis	July 2005 - July 2006	Randy Hall
July 2015 - July 2016	Karen Lewis	July 2004 - July 2005	Dolores Chitwood
July 2014 - July 2015	Karen Lewis	July 2003 - July 2004	Dolores Chitwood
July 2013 - July 2014	Karen Lewis	July 2002 - July 2003	Dolores Chitwood
July 2012 - July 2015	Karen Lewis	July 2001 - July 2002	Dolores Chitwood
July 2011 - July 2012	Karen Lewis	July 2000 - July 2001	Dolores Chitwood
July 2010 - July 2011	Karen Lewis	July 1999 - July 2000	Chuck Bettis
July 2009 - July 2010	Karen Lewis	July 1998 - July 1999	Ken Pevehouse
July 2008 - July 2009	Karen Lewis	July 1997 - July 1998	Ken Pevehouse
July 2007 - July 2008	Karen Lewis		
July 2006 - July 2007	Karen Lewis		

# Fort Smith Police Department Bartlett Community Room

~ September 2017 ~						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 City Offices Closed ~ LABOR DAY ~	5 City of Fort Smith Regular Meeting	6	7	8	9
10	11 Bartlett Comm. Room NOT AVAILABLE	12	13	14	15	16
Building Official Jimmie Deer not available (out of office)						
17	18	19 City of Fort Smith Regular Meeting	20	21	22	23
24	25	26	27	28	29	30

**MEMORANDUM**

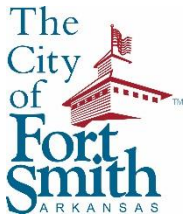
To: Property Owners Appeal Board

From: Sherri Gard, City Clerk

Date: July 7, 2017

Re: Delinquent Liens / Properties for 2017 Appeal Process

The list of delinquent liens to be included in the 2017 appeal process will be distributed at the annual planning meeting on Monday, July 10, 2017.



# MEMORANDUM

*Neighborhood Services Division*

To: Carl Geffken, City Administrator  
 From: Jimmie Deer, Building Official  
 Date: July 3, 2017  
 Subject: Neighborhood Services Division

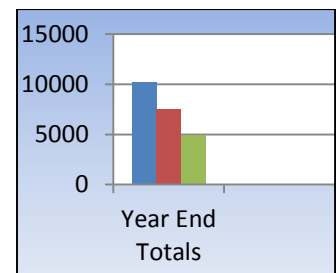
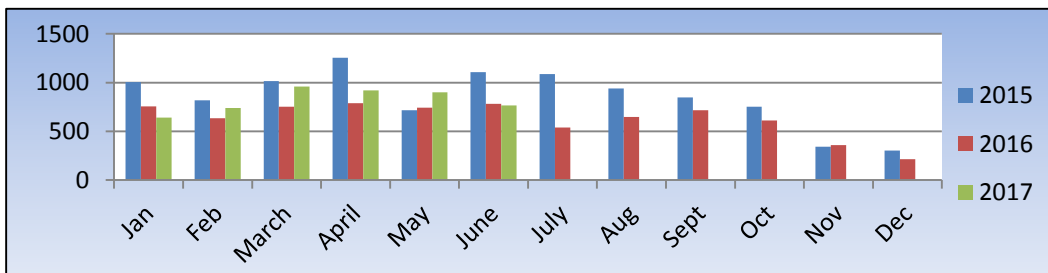
The charts below represent the progress the Neighborhood Services Division has made in recent months. For comparison purposes, the numbers for 2016 are also included.

## Environmental Code Violations

	2016			2017		
	Inspections	Warnings	Assigned to Contractor	Inspections	Warnings	Assigned to Contractor
<b>January</b>	757	746	8	<b>641</b>	<b>632</b>	<b>2</b>
<b>February</b>	633	615	60	<b>740</b>	<b>729</b>	<b>14</b>
<b>March</b>	752	732	40	<b>961</b>	<b>943</b>	<b>13</b>
<b>April</b>	788	739	62	<b>921</b>	<b>893</b>	<b>33</b>
<b>May</b>	743	702	108	<b>899</b>	<b>854</b>	<b>87</b>
<b>June</b>	783	722	140	<b>767</b>	<b>690</b>	<b>94</b>
<b>July</b>	540	478	138			
<b>August</b>	648	585	68			
<b>September</b>	717	682	73			
<b>October</b>	613	591	37			
<b>November</b>	358	349	19			
<b>December</b>	215	210	8			
<b>YTD Totals:</b>	<b>4456</b>	<b>4276</b>	<b>418</b>	<b>4929</b>	<b>4741</b>	<b>243</b>
<b>Year End Total</b>	7547	7151	7961			

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

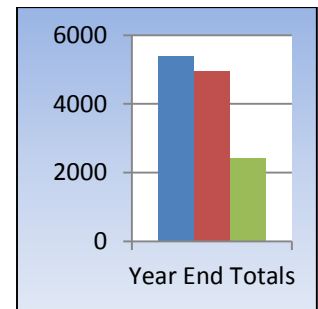
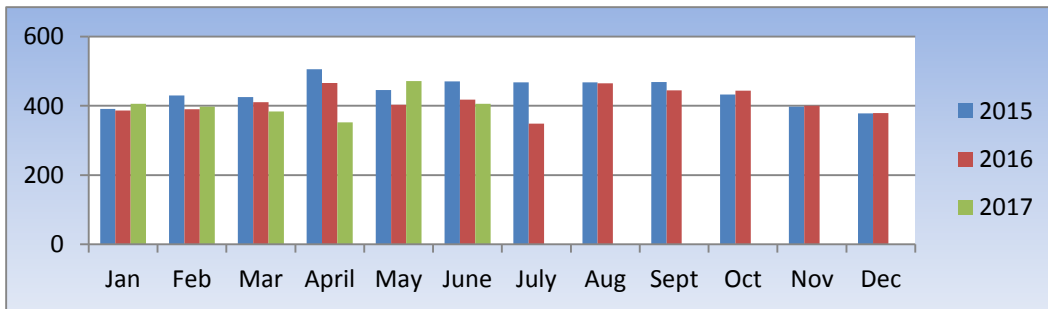
Year	Commercial Vehicles		Recreation and Utility Vehicles		General Parking	
	2016	2017	2016	2017	2016	2017
<b>June</b>	1	<b>4</b>	11	<b>20</b>	14	<b>30</b>
<b>Year To Date</b>	11	<b>13</b>	108	<b>87</b>	169	<b>235</b>

## Property Maintenance Code Enforcement

	2016				2017			
	New Cases	Active Cases	Inspections	Court	New Cases	Active Cases	Inspections	Court
<b>January</b>	22	382	387	22	<b>29</b>	<b>376</b>	<b>406</b>	<b>24</b>
<b>February</b>	31	385	390	20	<b>18</b>	<b>381</b>	<b>398</b>	<b>17</b>
<b>March</b>	27	395	411	23	<b>15</b>	<b>378</b>	<b>384</b>	<b>21</b>
<b>April</b>	27	396	466	37	<b>22</b>	<b>390</b>	<b>352</b>	<b>30</b>
<b>May</b>	7	367	403	18	<b>26</b>	<b>394</b>	<b>472</b>	<b>21</b>
<b>June</b>	16	368	418	27	<b>17</b>	<b>395</b>	<b>406</b>	<b>1</b>
<b>July</b>	17	368	349	15				
<b>August</b>	35	382	465	29				
<b>September</b>	20	383	445	27				
<b>October</b>	14	379	444	27				
<b>November</b>	5	358	400	18				
<b>December</b>	18	360	379	22				
<b>Year To Date</b>	<b>123</b>	<b>368</b>	<b>2475</b>	<b>129</b>	<b>127</b>	<b>395</b>	<b>2418</b>	<b>114</b>
<b>Year End</b>	360	4957	285	360				

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



	2016		2017	
	Court Fines	Overcrowding Complaints	Court Fines	Overcrowding Complaints
<b>January</b>	500.00	0	900.00	0
<b>February</b>	900.00	0	250.00	0
<b>March</b>	400.00	1	200.00	0
<b>April</b>	1250.00	0	450.00	0
<b>May</b>	500.00	0	400.00	0
<b>June</b>	575.00	0	500.00	0
<b>July</b>	200.00	0		
<b>August</b>	150.00	0		
<b>September</b>	100.00	0		
<b>October</b>	125.00	0		
<b>November</b>	1050.00	0		
<b>December</b>	450.00	0		
<b>Year To Date</b>	<b>3550.00</b>	<b>0</b>	<b>2700.00</b>	<b>0</b>

Please contact me if you have any questions.

CC: Wally Bailey