

MINUTES OF THE PROPERTY OWNERS APPEAL BOARD

MONDAY ~ MAY 10, 2021 ~ 11:00 A.M.

FORT SMITH CONVENTION CENTER

The meeting was called to order by Chairperson Megan Raynor, presiding. On roll call, the following members of the Property Owners Appeal Board (POAB) were also present: Dennis Shaeffer, Jack Swink, and Justin Sparrow; Bobbie Woodard-Andrews arrived during presentation of Item No. 1. Chairperson Raynor declared a quorum present.

Each POAB member present introduced themselves conveying how long they've been property owners in Fort Smith. The following City of Fort Smith staff were also in attendance and introduced themselves as noted below:

- ▶ Sherri Gard, City Clerk
- ▶ Jimmie Deer, Director of Building Services
- ▶ Shawn Gard, Neighborhood Services Supervisor
- ▶ William Gordon, Neighborhood Services Inspector
- ▶ Doug Farris, Neighborhood Services Inspector

The minutes of the July 13, 2020 meeting and September 14 and 23, 2020 appeal hearings were presented for approval. Swink, seconded by Sparrow, moved approval of the minutes as written. The members present all voting aye, Chairperson Raynor declared the motion carried.

Item No. 1 was consideration of Variance No. 2021-01, which pertinent details are provided as follows:

Property Location: 1918 North 7th Street
Applicant: Gregory Disch, owner
Parcel No.: 14774-0002-00004-00
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties ~ Fort Smith Municipal Code Section 14-55(a)(2)

Property Owners Appeal Board - May 10, 2021

Mr. Gard briefed the POAB on the item advising the subject property maintains a zoning classification of Residential Multi-Family Medium Density (R-3-MF). The subject variance request is to allow for parking of the property owner's recreational vehicle (RV) and utility trailer, which are currently parked in the front exterior setback area. Such is a violation of Section 14-55(a)(2) of the Fort Smith Municipal Code, which is provided as follows:

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 on any property zoned residential or utilized for residential purposes.*

Mr. Gregory Disch, owner, addressed the POAB advising he's resided at the subject property for over 35 years. In that time-span, he's owned and parked multiple recreational vehicles and trailers in the setback area with no indication that such was a violation and no objections conveyed regarding same. He noted the subject RV was recently inherited. Additionally, it was recommended the items be parked in the backyard; however, such is not an option due to inadequate space.

Property Owners Appeal Board - May 10, 2021

The following individual was present to address the POAB:

- Reba Tidwell

Re: Advised she lives near the subject property citing she would love to have a recreational vehicle; however, she cannot simply because she does not maintain a place to park one. Although she's conflicted about the City's overall authority in the matter, she is nonetheless appreciative of the ordinance that ensures the integrity of neighborhoods is maintained. Due to such, she spoke in opposition of requested variance.

There was brief discussion with multiple POAB members submitting inquiries, i.e. how often the recreational vehicle is utilized; if previous RV and/or trailers were consistently stored at the subject property; if the owner has considered selling the items; if another storage location is a feasible option; and, when the subject RV was inherited. A brief explanation of the intent of the subject Code was also requested.

Regarding the subject RV, Mr. Disch advised he inherited such in December citing it was previously stored in Kansas. Regardless, he anticipates utilizing such two-to-four (2-4) weeks per year. With regard to the trailer, he has stored it at a family members residence in the past; however, such is no longer an option, but his desire is to retain both the RV and trailer. He further noted that multiple violations of like nature exist throughout the city and questioned if all others in violation of the subject Code are also being required to relocate their items.

Mr. Gard concurred that many violations exist; however, he conveyed much assurance that such are not overlooked, but enforcement of violations are complaint driven. The intent of the subject Code was to address various issues such as parking of

Property Owners Appeal Board - May 10, 2021

large RV's and/or trailers creating blind spots for adjoining neighbors leaving driveways, as well as to address aesthetics in residential neighborhoods.

If the variance is granted, multiple POAB members expressed concern with setting a precedent, but conveyed desire for compliance with the Code, which all concurred that such should be considered in a fair and equitable manner for all.

Due to the aforementioned concern, Mr. Deer reminded the POAB that they maintain the authority to grant a temporary variance, which would allow the owner time to determine an alternate storage location.

Shaeffer, seconded by Sparrow, moved to deny the requested variance, but to grant a temporary variance of sixty (60) days to allow the owner to determine an alternate storage location for the RV and utility trailer. The members all voting affirmatively, Chairperson Raynor declared the motion carried.

Item No. 2 was consideration of Variance No. 2021-02, which pertinent details are provided as follows:

Property Location: 2704 North 54th Street
Applicant: Joaquin Lopez, owner
Parcel No.: 12702-0007-00000-00
Regarding: Parking of Recreational and Utility Vehicles on Residential Streets and Properties ~ Fort Smith Municipal Code Section 14-55(a)(2)

Mr. Gard briefed the POAB on the item advising the subject property maintains a zoning classification of Residential Multi-Family Medium Density (R-3-MF). The subject variance request is to allow for parking of the property owner's utility trailer, which is currently parked in the front exterior setback area and a violation of Section 14-55(a)(2) of

Property Owners Appeal Board - May 10, 2021

the Fort Smith Municipal Code. He added that the subject property is very well maintained and remains in such manner on a consistent basis.

Mr. Joaquin Lopez addressed the POAB indicating he will move the trailer, but also conveyed his intent to soon sell the subject trailer.

Multiple POAB members extended much appreciation to Mr. Lopez for the manner in which he maintains his property, and inquired if the subject trailer is utilized for work purposes; if the trailer will fit in the backyard or garage; and, when sale of the trailer is anticipated. .

Mr. Lopez advised he utilizes the trailer only to “haul things.” Unfortunately, the subject trailer not fit in either the backyard or garage. With regard to anticipated sale of the of trailer, such was known; however and regardless, he requested “a couple of days” to either get it sold or find a place to store it.

Sparrow, seconded by Woodard-Andrews, moved to deny the requested variance, but to grant a temporary variance of thirty (30) days to allow time for the owner to either sell the trailer or find an alternate storage location. The members all voted affirmatively, with the exception of Swink, who voted “no.” Chairperson Raynor declared the motion carried.

Chairperson Raynor opened the floor for other business.

Mr. Swink expressed concern with the regularly scheduled meeting time of the POAB, which is set for 11:00 a.m. He alleged that such is not convenient for residents who work citing some will most likely have to take off work to attend a meeting.

Swink, seconded by Shaeffer, moved to change the meeting time from 11:00 a.m. to a time in the evening. Prior to the vote, Mr. Shaeffer concurred that such could be a

Property Owners Appeal Board - May 10, 2021

hardship on some residents; therefore, he inquired if any complaints regarding the regularly scheduled meeting time of 11:00 a.m. has been received or if any comments have been conveyed indicating such creates a hardship.

Mr. Deer advised the POAB has been in existence for approximately twenty-one (21) years and in that time, no complaint has been submitted regarding the regularly scheduled meeting time and no indication has been conveyed that such creates a hardship for anyone desiring to come before the POAB.

City Clerk Sherri Gard advised that in 2008, the POAB determined the current meeting date and time, which was accomplished to allow staff to convey a set meeting date and time to residents desiring to address the POAB for variance considerations.

Chairperson Raynor conveyed much confidence that staff works with residents to ensure the date and time is feasible for the requesting party.

Mr. Gard and Mr. Deer confirmed such, and further added that residents have been very accepting of the noted POAB meeting date and time; therefore, the flexibility of an alternate meeting date and time is not typically conveyed.

Shaeffer, seconded by Swink, offered a substitute motion directing staff to advise residents that if a more convenient meeting date and time is desired, the POAB will be notified of such. The members all voting affirmatively, Chairperson Raynor declared the motion carried.

Chairperson Raynor noted the annual planning meeting is currently scheduled for 11:00 a.m., Monday, July 12, 2021; therefore, she inquired if the aforementioned date and time is convenient for all. No objections were conveyed.

Property Owners Appeal Board - May 10, 2021

There being no further business to come before the POAB , Shaeffer moved that the meeting adjourn. The motion was seconded by Sparrow and the members all voting aye, Chairperson Raynor declared the motion carried and the meeting stood adjourned at 11:42 a.m.

APPROVED:



CHAIRPERSON

ATTEST:



CITY CLERK