

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, NOVEMBER 17, 2022
BUILDING & PLANNING DEPARTMENT
196 LAUREL STREET**

Present: Charles Byrd, Sandra James, James Shelley, Lesley Hill, Jay Sellers (arriving late)
Absent: Catherine Dingle, Paul Lawson
Staff: Kym Wilkerson, Zoning Administrator; Anne Bessant, Planning Assistant; Charlie Crosby, IT
Others: Jimmy Yahnis, Amanda Bailey, Nicole Hyman, Malia Paredes, Steve Vargas, Gwendolyn Sarvis, Will Morrow, Mike Battle

I. CALL TO ORDER

Vice-Chairman Bryd called the meeting to order at approximately 5:31 p.m.

II. APPROVAL OF MINUTES

Hill made a motion, seconded by James to approve the October 27, 2022 minutes as written. The vote in favor was unanimous and the motion carried.

Byrd swore in the applicants and staff.

III. CRITERIA

Byrd read the following four criteria required to be met in order for the Board to grant a variance:

Extraordinary conditions: There are extraordinary and exceptional conditions pertaining to the particular piece of property;

Other Property: The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;

Utilization: Because of the extraordinary or exceptional conditions, the application of the ordinance to a particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property;

Detriment: The authorization of a variance will not be of substantial detriment to the adjacent property or the public good and the character of the district will not be harmed by granting a variance.

IV. OLD BUSINESS

- A. *Confirmation of BZA Decision Regarding Zoning Variance Request 9.22.22 IV.C:*
Michael Battle, agent, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.1.32-Community Support Services / Facilities and Outpatient Treatment Facilities, for the property located at 1800 Husted Road. (PIN 383-02-04-0016 & -0020)

Byrd stated that new information for this agenda item has been brought to the board's attention. Byrd made a motion to continue the agenda item until the next meeting. James seconded the motion and the motion carried unanimously.

V. VARIANCE REQUESTS

- A. Malia Paredes, owner, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Table 5.2.3-Fences & Walls, for the property located at 3414 Longwood Lane. (PIN 368-16-04-0038)

Wilkerson stated that the applicant applied for a fence permit to be installed at 3414 Longwood Lane. She is requesting to install a 6-ft privacy fence behind her home. Upon review, it was determined that the parcel has double frontage between Longwood Lane and Highway 701 South.

Per Section 5.2.3-Fences & Walls of the UDO, front yards have a 4-ft maximum height requirement.

The applicant is seeking a variance from:

- Section 5.2.3 (A) – Fences & Walls:
The applicant requests a 2-ft variance on the height of the fence allowed in the double front yard in order to install a 6-ft privacy fence to the rear of her home.

The applicant cites the following reasons for which a variance should be granted: 1) The extraordinary condition pertaining to my particular piece of property is a double front yard. 2) The condition is not particular to my piece of property but this is not a normal situation. 3) The strict application of the zoning ordinance unreasonably restricts the use of my property because I am not able to have a 6-ft fence in my double front yard since there is a main highway behind my house. 4) Granting the variance will not harm adjacent property, the character of the area or the public good.

Staff recommends that the BZA conduct a thorough review of the request and determine if a legal hardship exists and if the best interests of the City of Conway would be served by granting the request.

Malia Paredes & Steve Vargas, applicants were present and further explained the request.

The board and applicant discussed the request in length.

Gwendolyn Sarvis, neighbor spoke in favor of the fence.

James made a motion to grant the variance as requested. Hill seconded the motion and the motion carried unanimously.

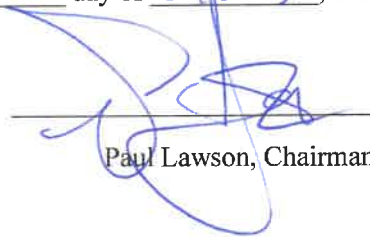
VI. 2023 MEETING SCHEDULE

Hill made a motion, seconded by Sellers to approve the 2023 meeting schedule as presented. The vote in favor was unanimous and the motion carried

VII. AJOURN

There being no further business to come before the Board, a motion was made and seconded to adjourn the meeting. The vote in favor was unanimous. The motion carried and the meeting was adjourned at 5:44 p.m.

Approved and signed this 15th day of December, 2022.



Paul Lawson, Chairman