

**CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, MAY 27, 2021
PUBLIC SAFETY FACILITY, 1600 NINTH AVENUE**

Present: Paul Lawson, James Shelley, Sandra James, Jay Sellers, Catherine Dingle
Absent: Charles Byrd, Lesley Hill
Staff: Kym Wilkerson, Zoning Administrator; Alicia Shelley, Planning Assistant; Brooke Holden, Public Information Officer
Others: Natalia Skotar, Ray Koberger, Waylon Truett, Cameron Lentz, Debra & Ronald Nuce

I. CALL TO ORDER

Chairman Lawson called the meeting to order at 5:30 p.m.

II. APPROVAL OF APRIL 22, 2021 MINUTES

Dingle made a motion, seconded by James to approve the April 22, 2021 minutes as written. The vote in favor was unanimous and the motion carried.

III. CRITERIA

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

1. *Extraordinary conditions:* There are extraordinary and exceptional conditions pertaining to the particular piece of property;
2. *Other Property:* The extraordinary and exceptional conditions do not generally apply to other property in the vicinity;
3. *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;
4. *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. VARIANCE REQUESTS

- A. **Raymond Koberger, owner, requests a variance from the strict application of the *City of Conway Unified Development Ordinance (UDO)*, Section 5.2.1(A)-Accessory Structures and Section 5.2.6-Parking, Storage and Use of Recreational Equipment, for the property located at 1258 Park Hill Drive (PIN: 338-06-04-0017).**

Wilkerson stated that this parcel is zoned R1 with setbacks of 20 ft. on the front, 20 ft. on the corner fronts and 20 ft. in the rear. The applicant was granted a variance in 2019 to install an above ground swimming pool in a corner front yard on the condition that a 6 ft. privacy fence be installed around the pool. The applicant is seeking the following variances: (1) Section 5.2.6 Parking, Storage & Use of Recreational Equipment – The applicant would like to store his RV in the corner front yard against the existing garage. (2) Section 5.2.1 (A-1) Accessory Uses & Structures – The applicant would like to maintain his storage building erected in the corner front yard meeting the setbacks for accessory structures of 5 ft. from all property lines and 5 ft. from all other accessory structures with the condition that it will be wrapped in vinyl to match the garage and the older shed will be removed. (3) Section 5.2.1 (A-4) Accessory Uses & Structures – The applicant would like to permit the gazebo on his deck as the 4th Accessory structure and maintain in the corner front yard. However, since applying the applicant has said that he would remove the gazebo.

Shelley asked if there was any opposition. Wilkerson said that there was a letter in opposition that was in the boards packet.

Raymond Koberger further explained his request.

There were several options discussed between the board and the applicant.

Lawson made a motion to deny the variance to allow the RV to remain in the corner front yard. Shelley seconded the motion and the motion carried.

There was no public input.

Lawson made a motion to grant the variance to allow the metal storage building erected in the corner front yard to remain with the conditions that the metal be wrapped in vinyl siding and that the older, black shed and garden structure be removed from the property completely. Dingle seconded the motion and the motion carried unanimously.

B. Michael Ray & Anna Lisa Greene, owners, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Table 6.1-Dimensional Requirements for Residential Zoning Districts, for the property located at 1204 Weldon Lane (PIN 382-07-03-0032).

Wilkerson stated that this parcel is zoned R1 with required setback of 20 ft. on the front and rear and 10 ft. on the sides. The applicant would like to build a 12x24 screen porch in the rear yard; however, there is only 25.9 ft. from the rear of the home to the property line. The screen porch is considered an addition and must meet the setbacks for the zoning district. The applicant is seeking a variance

from Section 6.2, Table 6.1 – Dimensional Requirement for Residential Zoning Districts and requested a 6.1 ft. variance from the rear setback.

Anna Lisa Greene, applicant was present via Zoom and further explained the request.

Ronald and Debra Noce, neighbors stated that the area behind them was a preserve. Greene said that there was a property owner between them and the preserve.

The board discussed and found no detriment to the neighbors but determined that it did not meet the other 3 criteria.

Shelley made a motion to deny the variance. Lawson seconded the motion and the motion carried unanimously.

C. District Collision, LLC, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Section 5.1.1(B)-Accessory Structures for the property located at 1645-B Church Street (PIN 338-10-04-0002).

Wilkerson stated that this parcel is the current location of District Collision and the property is zoned Highway Commercial and is within the Gateway Corridor Overlay. The applicant was granted a variance in 2020 to allow the existing dumpster pad, located in the front street yard. The applicant is now requesting a variance for the location and setbacks of the metal carport with a condition on the design which would include wrapping the metal in an approved material.

Lawson swore in the applicants.

Cameron Lentz further explained the request.

There was no public input.

Lawson made a motion to grant the variance with the condition that it be wrapped in vinyl. Sellers seconded the motion and the motion carried unanimously.

D. Eric Grabara, applicant, requests a variance from the strict application of the City of Conway Unified Development Ordinance (UDO), Table 6.1-Dimensional Requirements for Residential Zoning Districts, for the property located at 801 Melson Street (PIN 338-10-04-0002).

Wilkerson stated that the parcel is zoned R1 with required setbacks of 20 ft. on the front, 10 ft. on the side, 20 ft. on the corner side and 20 ft. in the rear. The parcel was created in 1939 via plat book 2 at page 116. The applicant proposes to build a single family resident on the parcel, located on the corner of Melson Street and 8th Avenue. The parcel located on the corner of Rufus and 8th Avenue, created by the same plat, received a variance of 6.4 ft. from the corner side yard requirement on January 28, 2021. The applicant is seeking a variance from Section 6.2, Table 6.1 – Dimensional Requirement for Residential Zoning Districts. The applicant requested a variance of 5 ft. from the corner side yard setback.

Natalia Skotar further explained the request.

There was no public input.

Sellers made a motion to approve the variance request. Lawson seconded the motion and the motion carried unanimously.

V. ADJOURN

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 6:08 p.m.

Approved and signed this 24th day of June, 2021.



Vice -
~~Paul Lawson~~, Chairman
Charles Byrd