CITY OF CONWAY
BOARD OF ZONING APPEALS
THURSDAY, OCTOBER 30, 2014
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Blake Hewitt, James Battle, Georgia Johnson, Rebecca Lovelace
Absent: Alex Hyman, Byron David
Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary
Others: Robert and Susan Barentine; Brian O’Neil, Michael J. Goad

I. CALL TO ORDER

Chairman Hewitt called the meeting to order at 5:31 p.m.

II. APPROVAL OF MINUTES

Lovelace made a motion, seconded by Johnson, to approve the August 28, 2014 minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCE REQUEST

A. Brian O’Neil and Michael J. Goad request a variance from Section 6.2, Table 6.1 of the City of Conway Unified Development Ordinance (UDO) for the property located at 505 Beaty Street relating to the rear setback requirement. (TMS# 137-02-09-001 / PIN 36804010057)

Leinwand said the property at 505 Beaty Street was currently vacant, but did include an old Southern Magnolia tree in good health. He said the tree was 52” in diameter at breast height (DBH). Leinwand said a tree of this type and size would be considered a protected tree by the City of Conway Tree Preservation Ordinance. He said the City Arborist had examined the tree and said it was an old tree in good health which she would like to see preserved. She recommended a variance be approved to leave the tree least affected.

In February 2011, the City of Conway Building Department deemed the house on this property unsafe. The house was demolished in 2011.

The owners of the property would like to construct a new house on the property. In order to do this, the property owners have requested the variance to reduce
the minimum rear setback from 20 feet to 13 feet. Leinwand stated the rear of the property was the opposite side of Beaty Street.

Leinwand said it was staff’s recommendation to approve the requested variance. He said staff based this recommendation on the four required findings. He said staff believed the magnolia tree of this size would be considered an extraordinary condition. This condition did not apply to other properties in the vicinity. The size of the tree would make it very difficult to meet the required setbacks without removing it, and granting the variance would not be a detriment to the neighborhood.

Hewitt asked if the applicants wished to make a statement to the board. Goad said he would appreciate it if the board granted the variance.

Hewitt asked Leinwand if the previous house had been conforming. Leinwand said he had no records.

Hewitt said the board would have to look at each of the requirements in order to come to a decision. He said they could take them one at a time or all at once.

Lovelace asked Leinwand if he had heard from the other property owners in the area. Leinwand said none of the calls were against granting the variance.

O’Neil said they wanted to stay away from the large root system of the tree.

Lovelace made a motion, seconded by Battle, to approve the variance request because it met all four of the findings. She said there were extraordinary conditions, those conditions did not exist on surrounding properties, the utilization of the property would be hindered if the variance was not approved, and granting the variance would not be detrimental to the neighborhood. The vote in favor was unanimous. The motion carried.

B. Robert and Susan Barentine request a variance from Section 5.2.3 of the City of Conway Unified Development Ordinance (UDO) for the property located at 1228 Dunraven Court relating to the minimum height requirements for a fence. (TMS # 136-20-01-078 / PIN 36906030012)

Leinwand said this property included a house which was about a year old. He said in November 2013, a building permit was issued to the property owners to install a 6 feet tall wood privacy fence for the side and rear yard.

Leinwand said on September 17, 2014, a building permit was issued to construct a new house on the property located at 1229 Alcazar Court, which is directly behind this property. The property owners noticed the elevation of the new house was much higher than their property. The new house has been elevated in order to be higher than the adjacent road (Alcazar) in order to drain properly.
Staff visited both properties and the elevation differences are considerably noticeable. There is also a 10 feet wide drainage easement between the two properties which includes an open grassed ditch in order to improve drainage throughout this area of the New Castle subdivision.

Hewitt briefly summed up what he understood Leinwand to say. Johnson asked how much higher the new house was. Leinwand said he thought about 3-4 feet. Barentine said he had measured and it was 5 feet. Johnson asked if the new house being constructed was a one or two story house. Leinwand said it was a one story house.

Leinwand said the city already permitted rear yard fences to be 8 feet in height, but this request was for the fence to be 8 feet 8 inches (8’8”).

Battle asked for staff’s recommendation. Leinwand said staff looked at the four required criteria and believed the request met all four.

Leinwand said the applicants were going to increase only part of the rear fence at this time, but granting the variance would mean they could increase the entire rear fence to 8’8”.

Lovelace made a motion, seconded by Johnson to approve the request. She said there were extraordinary conditions, those conditions did not exist on surrounding properties, the utilization of the property would be hindered if the variance was not approved, and granting the variance would not be detrimental to the neighborhood. The vote in favor was unanimous. The motion carried.

IV. PUBLIC INPUT

There was none.

V. ADJOURN

Battle made a motion, seconded by Johnson, to adjourn the meeting. The vote in favor was unanimous. The motion carried, and the meeting adjourned at 5:50 p.m.

Approved and signed this 1st day of June, 2015.

[Signature]

Blake Hewitt, Chairman