CITY OF CONWAY
BOARD OF ZONING APPEALS MEETING
THURSDAY, JULY 25, 2013
CITY HALL CONFERENCE ROOM – 5:30 PM.

Present: Alex Hyman, James Young, Howard Henry, Georgia Johnson, Rebecca Lovelace
Absent: Byron David, Blake Hewitt
Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary
Others: Jonathan and Dixie Olin, James Skipper

I. CALL TO ORDER

Chairman Hyman called the meeting to order at 5:35 p.m.

II. APPROVAL OF MINUTES

Lovelace made a motion, seconded by Henry, to approve the June 27, 2013 minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCE REQUEST

A. Jonathan and Dixie Olin, applicants, request a variance from Section 5.2.1 Accessory structures of the City of Conway Unified Development Ordinance (UDO) for the property located at 208 Lakeland Drive (TMS# 123-14-46-010) relating to minimum setback and minimum yard requirements.

Leinwand said the applicants had met with him approximately a month ago to discuss adding a carport and storage to an existing structure. He said they would need a variance to reduce the side yard setback and to encroach into the front yard.

Leinwand showed photographs of the existing structure. He pointed out the large tree staff believed was an issue. Hyman stated for the record the tree was a large Live Oak. Leinwand said the line of shrubs on the side could possibly act as a buffer. He said based on staff’s findings, it was believed the hardship would be the trees.

Lovelace asked how large the variance would be on the side yard. Leinwand said the side setback would be decreased by one (1) foot. He said the existing structure was already nine (9) feet from the property line, which was
already one (1) foot smaller than the required ten foot setback. Hyman asked if the carport would be on the back of the existing structure. Leinwand said that was correct.

Young asked if the existing structure was considered a legal nonconforming use. Leinwand said it would be. Young said they would be increasing the legal nonconforming use. Leinwand said that was correct. Leinwand said currently it met the setbacks because an accessory structure is permitted to be five (5) feet off the property line, but adding the carport, which was considered a garage, the setbacks would have to be 10 feet.

Hyman said if they granted the variance, they would be enlarging an accessory structure. Leinwand said that was correct. Leinwand said he did not know the measurements of the existing structure from the rear property line, but it looked like it could be nonconforming. He said he thought it was less than five (5) feet. Hyman said he thought the structure had been there prior to the city ordinances having been passed.

Hyman asked Leinwand if there had been any community input. Leinwand said there had been several calls, but they were more out of curiosity after seeing the posted variance sign.

Johnson asked what the city’s recommendation was for this variance request. Leinwand said staff recommended the variance request to be approved. He said based on the site plan, staff believed this was the only way they could expand the structure.

Lovelace said she had read structures could not be in the front yard. She asked if the Board was also being asked for a variance for that as well. Leinwand said that was correct. Leinwand said the house was located over 60 feet back from the property line. He said the house was really quite far back on the property.

Hyman asked if there was any Board input. Young said he wanted to make sure the Board decided the request met the four findings as required. Hyman said the four factors were extraordinary conditions pertaining to this particular piece of property, the extraordinary conditions do not apply to other properties in the vicinity, the application of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property, and the authorization of a variance would not be of substantial detriment of adjacent properties or the public good, and the character of the district would not be harmed by granting a variance.

Hyman said the Board had gone out of their way many times to preserve the oak trees, especially the Live Oak Trees around the city. He said there was an extremely large and beautiful Live Oak Tree in the front of the property, which
he was sure the Board did not want to see anything happen to. He said the Board had repeatedly said Live Oak Trees were viewed as an extraordinary condition. Lovelace asked if building out as far as they intended to was going to interfere with the Live Oak in any way. Hyman said he walked by the property and he did not feel that it would. He asked the applicants if there would be any issue with the tree. Mr. Olin showed on the photograph how far toward the front the new structure would come.

Hyman asked Leinwand if there was a measurement from the road to the edge of the proposed structure. Leinwand said the front property line would be 52 6 inches feet from the new addition. He said he was not sure of the measurement from the edge of the pavement. Leinwand said it would be approximately 32 feet from the setback line.

Hyman said he felt the four findings had been met. Young agreed.

Johnson, made a motion, seconded by Henry, to approve the variance for the decrease in the existing required ten feet setback in the side yard by one (1) foot as well as to permit the proposed new accessory structure exceed the front of the main structure. The vote in favor was unanimous. The motion carried.

IV. PUBLIC INPUT

There was none.

V. ADJOURN

There being no further business to come before the Board, Lovelace made a motion, seconded by Johnson, to adjourn the meeting. The vote in favor was unanimous. The motion carried.

Approved and signed this 22 day of August, 2013.

[Signature]

B. Alex Hyman, Chairman