CALL TO ORDER
Chairman Hyman called the meeting to order at 5:25 p.m. as Board and applicant were present.

APPROVAL OF MINUTES
Young made a motion, seconded by Henry, to approve the May 24, 2012 minutes as written. The vote in favor was unanimous. The motion carried.

VARIANCE REQUEST

Diane Hardee, applicant, requests a variance from Section 5.2.1 Accessory Structures and Section 6.3, Table 6.2 Non-Residential Zoning Districts Dimensional Requirements of the City of Conway Unified Development Ordinance (UDO) for a property located at 1515 Third Avenue. (TMS# 137-06-03-004)

Hyman asked Leinwand if he had received any opposition to this rezoning. Leinwand said he had not had any calls on the variance request.

Leinwand said on October 3, 2012, the Conway Planning and Building Departments issued a Stop Work order for the construction of an accessory structure at Shelley’s Seafood Market. He said the work was stopped because a building permit had not been obtained. After additional review, it was determined that the requirements of the UDO would not be met.

Leinwand said on October 26, 2012, the Planning Department received a Board of Zoning Appeals application for a variance request at this property. He said the variance request was made in order to construct a wood framed open structure to cover the existing coolers on the property.
Leinwand explained this property was zoned Highway Commercial (HC). He said in the Highway Commercial (HC) Zoning District, accessory structures were to be located in the rear or side yard only, and had to meet the districts setback requirements. He said the proposed structure would be in the front yard.

Leinwand said Table 6.2 required the front setback of the Highway Commercial (HC) Zoning District was 30 feet. The side setback would be 10 feet. He said the proposed location of the structure was approximately 10 feet from the front property line and approximately five feet from the side property line.

There was a brief discussion on where the front of the property actually was. Hyman asked Leinwand what the city’s findings were.

Leinwand said by law there were four findings that must be met for a variance to be granted. He listed them and gave the city’s findings.

1. Extraordinary conditions – There are extraordinary and exceptional conditions pertaining to the particular piece of property.

Leinwand said staff believes there are extraordinary conditions because the property had Third Avenue in the front and Highway 723 in the rear. He said the shape of the lot was not an exact square or rectangle.

2. Other property – The extraordinary conditions do not generally apply to other property in the vicinity.

Leinwand said staff believes these conditions do not apply to other properties in the area.

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.

Leinwand said the only location available to add the accessory structure would be in the front yard. He said the structure would be intended to protect employees and customers from loading and unloading during inclement weather.

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

Leinwand said staff did not believe the authorization of the variance would be of substantial detriment to the adjacent property or the public good, and the character of the district would not be harmed by granting a variance.
Leinwand said there could be no metal sides. He said the city would recommend approval of the variance provided the applicant obtained a building permit.

Hyman said he agreed with staff's findings. He asked the applicant if she wished to speak. Ms. Hardee said it was a place where the trucks could unload and the customers could make pick-ups.

Young made a motion, seconded by Johnson to adopt the findings set forth by the city, and to approve the variance request. The vote in favor was unanimous. The motion carried.

IV. PUBLIC INPUT

There was none.

Leinwand handed out the 2013 Board of Zoning Appeals calendar of meeting dates if required. He said it was the typical schedule with meetings being held on the fourth Thursday of the month except in November and December when they were held on the third Thursday.

Leinwand asked the Board if they wanted their information packages sent via email or hardcopy. The Board wanted to have them emailed.

V. ADJOURN

David made a motion, seconded by Henry, to adjourn the meeting as there was no further business. The vote in favor was unanimous. The motion carried. The meeting adjourned at 5:37 p.m.

Approved and signed this 25 day of April, 2013

Alex Hyman, Chairman