CITY OF CONWAY
BOARD OF ZONING APPEALINGS MEETING
THURSDAY, APRIL 25, 2013
CITY HALL CONFERENCE ROOM – 5:30 P.M.

Present: Alex Hyman, James Young, Georgia Johnson, Howard Henry, Bryon David, Blake Hewitt

Absent: Rebecca Lovelace

Staff: Michael Leinwand, Planning Director; Barbara Tessier, Secretary

Others: N/A

I. CALL TO ORDER

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

II. APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN

Young made a motion, seconded by Henry, to nominate Alex Hyman to be the 2013 Chairman of the Board of Zoning Appeals. The vote in favor was unanimous. The motion carried. Hyman accepted the nomination.

Henry made a motion, seconded by Johnson, to nominate James Young to be the 2013 Vice Chairman of the Board of Zoning Appeals. The vote in favor was unanimous. The motion carried. Young accepted the nomination.

III. APPROVAL OF MINUTES

Young made a motion, seconded by Johnson, to approve the November 15, 2012 minutes as written. The vote in favor was unanimous. The motion carried.

IV. VARIANCE REQUEST

A. Leotha G. Gause, applicant, requests a variance from Section 6.2, Table 6.1 of the City of Conway Unified Development Ordinance (UDO) for the property located at 1209 Turtle Creek Drive. (TMS# 123-09-13-013)

Leinwand said approximately six months ago, the city started a home repair program through funds from HUD. The program allowed for low to moderate income homeowners to apply for home repair grants. He said if the applicants qualified, the city
provided the funds to make emergency repairs to their homes, such as air conditioning, roof repairs, accessibility improvements, and so on.

Leinwand said in this particular case, the home needed to have improvements for accessibility for the homeowner’s son who is disabled. He referred the board to pictures he had taken prior to the work being done. He said they had accessibility that was not up to code. He said the homeowner qualified for funds, and the city authorized work to be done. He said a ramp was permitted, but when it was inspected, the ramp did not meet the front setback for the R-2 (Medium Density Residential) zoning district where the house is located. A majority of the ramp has been completed, but a variance would be required for the construction to resume.

Leinwand said the front setback required was 15 feet, and the ramp was encroaching into the setback by approximately 3-4 feet. He said the applicant was requesting a variance to reduce the front yard setback by 5 feet making the setback 10 feet instead of 15 feet.

Leinwand said staff felt there were extraordinary conditions pertaining to the property. He said the house was situated in the middle of the lot, and the setbacks were only 15 feet as is. He said in order to make it accessible to meet the setbacks, the contractor explained the ramp would have to start in the middle of the driveway. A car would then be prevented from driving to the carport. Leinwand said staff recommended the approval of the variance.

Hyman said the board knew they had to look at the four criteria before making a decision. He said they were whether or not there were extraordinary conditions pertaining to this particular property, whether or not the extraordinary conditions applied to other properties in the vicinity, whether or not the extraordinary conditions would effectively prohibit or unreasonably restrict the utilization of the property, and whether granting the variance would be a detriment to adjacent properties, the public good, or if the district would be harmed.

Young said it appeared that Leinwand had set forth the city's position as to the statutory requirements. Leinwand said he had outlined the four conditions that had to be met.

Young made a motion, seconded by Henry, to grant the variance based on the city's findings as also the findings of the board. The vote in favor was unanimous. The motion carried.

Hyman asked Young if his motion was to grant the variance in the front setback from 15 feet to 10 feet. Young said that was correct.
V. PUBLIC INPUT

There was none.

Before adjourning, Leinwand welcomed Blake Hewitt to the board.

VI. ADJOURN

There being no further business to come before the board, the meeting adjourned at 5:40 p.m.

Approved and signed this 27 day of June 2013.

B. Alex Hyman, Chairman