Board of Zoning Appeals  
June 22, 2017

CITY OF CONWAY  
BOARD OF ZONING APPEALS MEETING  
THURSDAY, JUNE 22, 2017  
CITY HALL CONFERENCE ROOM – 229 MAIN STREET – 5:30 P.M.

Present: Travis Dannelly, Georgia Johnson, Matt Staub, James Shelley, Alex Hyman

Absent: Byron David, Blake Hewitt

Staff: Adam Emrick, Planning Director; Barbara Tessier, Secretary

Others: Bill Ervin, James Ervin, Michelle Livingston, Dennis Livingston, Clay Ward, Richard Pitts, Tammy Smith, F. McKnight

I. CALL TO ORDER

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

II. APPROVAL OF MINUTES

Hyman made a motion, seconded by Johnson, to approve the April 27, 2017 minutes as written. The vote in favor was unanimous. The motion carried.

III. VARIANCES

A. Arbor One, FLCA, applicant, requests a variance from the City of Conway Unified Development Ordinance (UDO) Section 8 Off-Street Parking and Loading, Table 8.3 Parking Requirements to increase the number of parking for a property located at 1718 Mill Pond Road (TMS# 1360001059 | PIN 33816030028)

Dannelly explained to the applicants and the public that the Board had four principles they had to abide by. He said they were to determine if there was a hardship. He said they had to determine if it was an extraordinary circumstance, were there other properties in the area that faced the same hardship, did not granting the variance affect the utilization of the property, and would granting a variance be a detriment to the adjacent property, the character of the area, or the public good.
Emrick said Arbor One, located at 1720 Mill Pond Road, was considering the purchase of the property at 1718 Mill Pond to expand their parking. He said as the Board knew, there were limitations on parking that was determined by the square footage of the structure. He said the parking ordinance was recently amended to increase parking by 25%. Emrick said they currently had 9 parking spaces and they would be allowed to have 14 under the new guidelines. He said they were requesting a total of 23 parking spaces by using the parcel next door.

Hyman said he believed there had been a variance request for 1720 Mill Pond for Matrix Construction about 10 years ago, which had been denied.

Emrick said by rights, Arbor One could increase their parking spaces to 14. He said the nature of their business was large property owners and farmers who typically drove larger vehicles which took up more space in their parking area. He said they would combine the two parcels to accommodate for the increased parking.

Dannelly asked Emrick to show on the map where the parking would be. Emrick did so. Hyman asked if there were wetlands on the rear of this property. Emrick said there was. He said it actually affected the use of the property because it was very wet. Emrick said they would combine the parcels and expand the driveway a little bit to allow access to the rear of their property.

Hyman said that sounded like an extraordinary circumstance. Hyman said he had been out to the parcel. He said the best use for that parcel would be a parking lot.

Emrick said the applicants, as well as some people from a surrounding property were here tonight. Johnson asked if there was opposition. Emrick said staff had not heard any, but there might be some people present this evening.

Dannelly said both parties would be able to briefly address the Board. He said they would start with the applicant.

Clay Ward, with Arbor One, spoke. He said their first concern was safety. He said there was a narrow driveway and people would back out onto Mill Pond Road. He said it was a very tight parking lot as well.

Dennis Livingston, the owner of Hair America, located at 1722 Mill Pond Road spoke. He said Arbor One had requested additional parking at 1720 Mill Pond three years ago and was denied because of water runoff.

Livingston said he was made to put in an elaborate drainage system which included three cleanouts and a detention pond. He said the roof on Arbor One was a 10:12 pitch and the run off from the roof went onto his adjacent property and to the
property Arbor One wanted to purchase. He said he did not know why the city had allowed this runoff.

Livingston said the additional parking would create runoff for his property. He said the land was sloped toward his. Livingston said there had been a gutter and downspout added to 1720 Mill Pond, which was on his side of the building, and the runoff went to his retention pond. He said the pond could handle it, but it was the fact that the city signed off on it.

Emrick said he did not have an engineered drawing for the parking yet. He said before they would approve the parking itself, the city would have to receive engineered drawings to show where the runoff would go. Emrick said that no additional runoff would be permitted to affect Livingston's property. Emrick said there was a requirement for any property that increased their impervious surfaces to have any water/runoff retained on site.

Livingston said he had another issue. He said they had several other locations picked out to put their building on. He was told by the attorney they spoke to that Mill Pond Road would be Conway's business strip, but that was not the case. Livingston said he told the attorney a year and a half ago about buying 1718 Mill Pond for investment.

Dannelly said the meeting today was about the request for the variance concerning the parking. He said the Board did not have the purview to address the business or lack thereof on Mill Pond Road.

Livingston said if he bought the property, he would have filled in the wetlands. Emrick said that would not have been permitted.

William Ervin addressed the Board. He said they would not be using the low area of the property. He said they would just be using the upland area.

Shelley made a motion, seconded by Hyman, to approve the variance request for the 9 additional parking spaces for a total of 23 parking spaces. 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, the meeting adjourned at 5:46 p.m.

Approved and signed this 27th day of July, 2017.

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Travis Dannelly, Chairman
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