

**BOARD OF ADJUSTMENT
MINUTES
May 21, 2018**

The Board of Adjustment held its regular monthly meeting on Monday, May 21, 2018 at 5:00 p.m. in the Council Chambers at City Hall.

Members Present

Chairman Lannis Nicholson
Vice-Chair Wendell Miller
Rob Caldwell
Steve Hubbard
Alderman Brown (non-voter)

Members Absent

Secretary Karen Yarbrough

Visitors Present: Mayor Horton, Juliet Richey/Carver, Planning Assistant Lequitta Jones, Pastor Juan Caballero, and Robert Curran.

Welcome Visitors

The First Order of Business was a request to review and approve the minutes of the April 21, 2018.

Member Miller made the motion to approve the minutes as written. Member Hubbard seconded the motion and passed unanimously.

The Second Order of Business was tabled from the April 21, 2018 meeting. A public hearing requesting approval for a 6-foot setback variance from the 10 feet required for the west side yard to construct a 24 x 24 sf two-car garage for property located 807 East Fir Street. Submitted by Robert Curran (BOA.18.05.36.39)

Planner Juliet Richey said in last month's meeting we talked about going and looking at the neighborhood. I did go look at it and beyond accessory structures (small sheds) I didn't find many side setback encroachments in the direct vicinity. I will say most homes in this very large subdivision have built-in carports or have single garages. I would say that was the style of home at the time of construction. I think that is part of the issue. The applicant is requesting to build a new double garage in addition to the existing single garage. This request seems a departure from the existing neighborhood character. Perhaps the applicant could consider different options to maximize the space:

- Build in the rear of the house.
- Retain the existing garage area and build only one additional garage bay.
- Build a more narrow parking structure with one garage door and one carport.
- Look at the possibility of a side loading garage or carport to see if that configuration may work better.

The variance code has the criteria which you are allowed to grant variances: *The applicant will need to demonstrate there is special conditions or circumstances that are particular to land, structure, or building involved and which are not applicable to other land, structure, or building in the same district.* I don't think that is true for that area, his structure is very similar to the other buildings in the district. The other thing that you felt like there were other non-conforming structures. I didn't really find that to be the case as far as side setback encroachments. In your code, it states: *That no non-conforming use of neighboring lands, structures, or buildings in the same districts, and no permitted or non-conforming use of lands, structures, or buildings in other district shall be considered grounds for the issuance of a variance.* I think what he is doing is somewhat different than what is there. I don't think it is bad, but I don't think it is grounds for a variance for his property. If you grant the variance for this and the next person that comes in and they just want to add more square footage, which is essentially what we are talking about here and they want to put it over the setback line then you will have granted this one and you want be able to deny them without running the risk of treating people inequitably. What you could consider is an actual legislation change not through a variance process.

Member Caldwell said this subdivision was built in the early 70's. There are structures that are non-conforming now and we are mandating for this guy to stick with. It seems to me we are trying to enforce something that has not been enforced until the city annex it. When it was annexed there was no provision given to the people when they annexed it. The only positive was the fire department comes to you and gets a discount on insurance. Mr. Caldwell said just show some common sense in this. I understand your legislative way and I understand your position from the legality. There needs to be something done differently legislative wise.

Mr. Curran said there has not been any new homes built in 30 plus years. I didn't have any input on where my home was placed on that property.

Member Caldwell made the motion to approve the variance. The motion was seconded by Member Hubbard and passed unanimously.

The Third Order of Business was a request to approve an expansion to a non-conforming structure to expand the kitchen area and raise the ceiling, property located at 307 West 13th Street. Submitted by Pastor Juan Caballero on behalf of Iglesia Pentecostal Roca De Salvacion In. (BOA.18.05.3640)

Planner Juliet Richey said this request is to allow for the expansion of a non-conforming structure. The proposed work will include a rear expansion and a raise of the existing ceiling height. The structure is non-conforming due its encroachment on the front setback. His structure was built prior to the advent of zoning in Russellville.

The *Staff Recommendation* is approval.

Member Miller made the motion to approve the request. The motion was seconded by Member Hubbard and passed unanimously.

The Fourth Order of Business was a request to approve remodeling a non-conforming structure raising the carport and fixing the front porch, property located at 304 East “C” Street. Submitted by Carlos & Carolina Sandoval. (BOA.18.05.3641)

Requested by petitioners to pull from the agenda.

Adjourned.

Chairman Lannis Nicholson