

BOARD OF ADJUSTMENT MINUTES

September 26, 2016

The Russellville Board of Adjustment met in its Regular Meeting, Monday, September 26, 2016, at 5:00 p.m. in the Russellville, Arkansas City Hall Council Chambers.

Members Present

Chairman Blake Tarpley
Vice Chair Peggy Stratton
Secretary Wendell Miller
Lannis Nicholson
Mike Wilkins

Members Absent

None

Visitors Present: Mayor Randy Horton, City Engineer Kurt Jones, City Attorney Trey Smith, Planning Assistant Lequitta Jones, and Fire Marshal Richard Setian, Jim Lynch/City Corp, Zayne Bryson/City Corp, and Dave Garza/Barrett and Associates.

Welcome Visitors

The First Order of Business was a request to review and approve the minutes of the August 22, 2016 meeting.

Member Miller made the motion to approve the minutes as submitted. The motion was seconded by Member Stratton and passed unanimously.

The Second Order of Business was a public hearing requesting approval for a variance from Article 3.6.1., to allow an 8'6"-fence, for property located at 8 Pine Forest Drive. Submitted by Jeff L. Harrison Architect on behalf of Melanie Bentz. (BOA.16.08.3620)

Planner Walden said the request for this is a variance approval to allow 8.5' fence where six feet is the standard. It is zoned R-1. It is surrounded by single-family uses and the adjacent zoning is all R-1. The unique factor about this particular case is the grade change with the improvement of Inglewood Avenue has rendered the existing 6-foot tall fence inadequate to actually provide any sort of privacy. This is what I would call a textbook case variance. In terms of the variance standards that you are required to review in terms of approving variances:

1. Do special circumstances exist which are peculiar to the land which is not applicable to other land in the area? Yes, only a few properties along Inglewood Avenue that have a rear yard facing the street. The elevation of Inglewood is above that of the lot that is adjacent. So that is a special circumstance.

2. Does the interpretation of the code deprive the applicant of rights normally enjoyed by other in that same area? Yes, a 6-foot privacy fence would provide privacy for the back yard and in this circumstance it would not.
3. Are there special conditions that exist that are not the result of the actions by the applicant? Yes, the conditions are topographic in this situation.
4. And would the granting of the variance confer any special privileges denied to others in the area? In this situation no, because allowing a taller fence in this situation would simply allow them the same level of privacy that is accommodated to all the other properties.

So base on that the recommendation for approval is approval with contingencies. The applicant needs to provide us some additional information because it has not been provided.

1. Provide a map indicating that the proposed fencing will only be located along the west property line.
2. Provide a list of materials that will be used for construction of a fence.

You can actually impose the west property line as a condition to ensure what they have submitted does comport that goes along in with what is improved. So when we look back in the future and provide that they construct something other than what we had initially intended that we have something to fall back on.

Member Stratton made the motion to approve the variance with two contingencies that they provide a map showing the fence will be located only on the west line and that the fence has to be some type of wood or vinyl. Member Miller seconded the motion and passed unanimously.

The Third Order of Business was a request for permission to construct an addition to a house located at 1009 East “G” Street that experienced a fire with extensive damage, submitted by Dave Garza of Barrett & Associates. (BOA.16.09.3623)

Planner Walden said this application involves a request for approval to allow an addition on the back of an existing non-conforming structure. The portion of the structure that makes it non-conforming is on the west side. So any modification that occurs to an existing non-conforming structure requires Board of Adjustment approval. This does not rise to the level of a variance so it doesn't have the same level of scrutiny that a variance does. You are just making sure that the condition of what is being added doesn't increase the amount of non-conformity, which this does not. The recommendation of this is approval based upon the fact that the addition will not make this anymore non-conforming than it already is. The west setback is the non-conforming. What this is adding to is the north setbacks, rear yard, which there is no issue there. This will not make it anymore non-conforming that it already is.

Member Wilkins made the motion to approve the variance. Member Nicholson seconded the motion and passed unanimously.

Adjourned.

Chairman Blake Tarpley