

# JULY

## Conway Planning Commission Staff Report

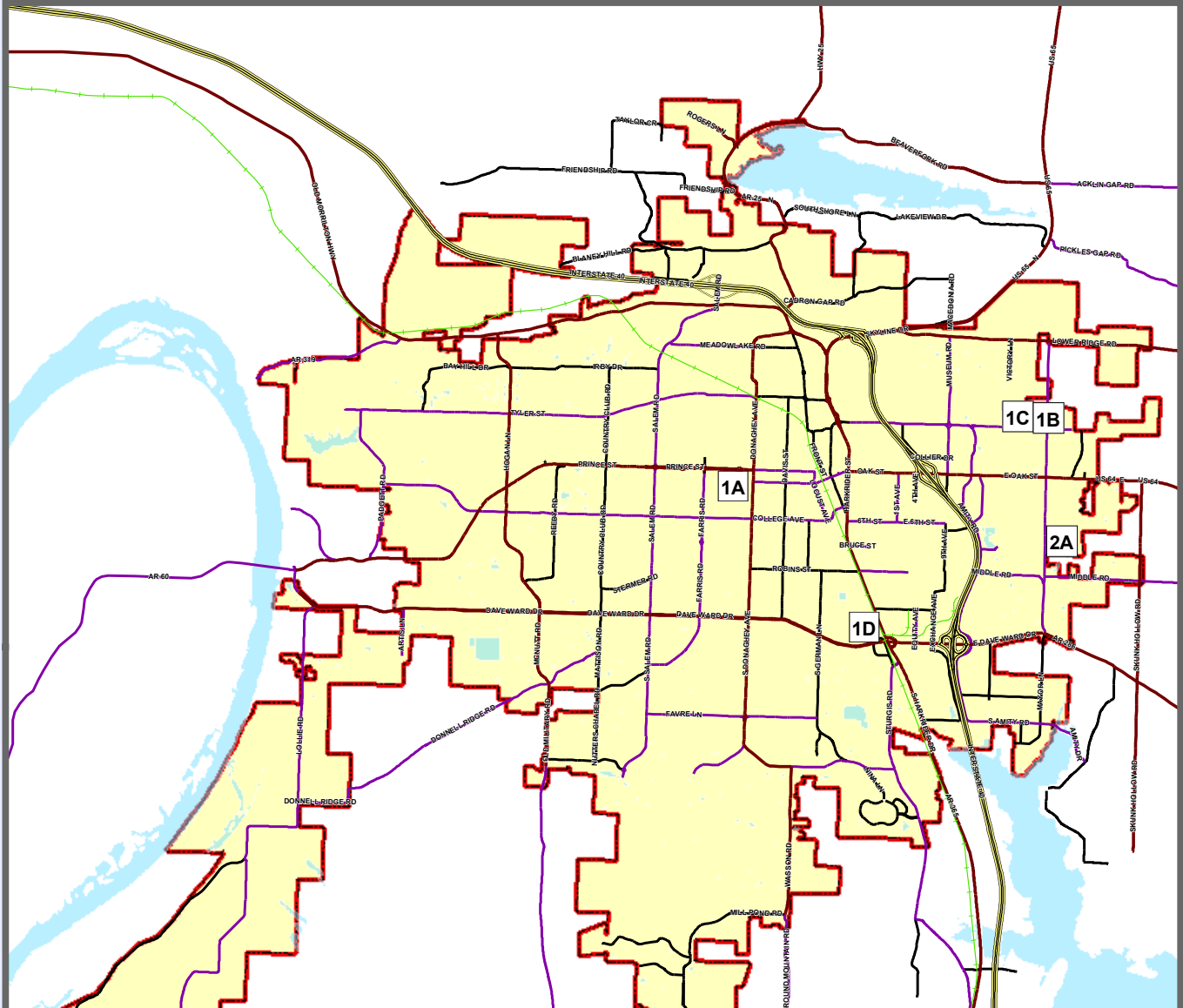


7:00pm • July 18, 2016 • 810 Parkway Avenue



# CITY OF CONWAY

## JULY 2016 PLANNING COMMISSION ITEMS



### JULY 2016 AGENDA ITEMS:

#### PUBLIC HEARING

- 1A. JACOB SEITER -- REZONING
- 1B. PRESTON ROBINSON -- REZONING
- 1C. PRESTON ROBINSON -- CONDITIONAL USE
- 1D. CHARLES DEBOARD -- CONDITIONAL USE

#### BOARD OF ZONING ADJUSTMENT

- 2A. JOHN KING -- BZA



Andy Hawkins & David Girman - Alderman Ward 1  
 Wesley Pruitt & Daphy Maki - Alderman Ward 2  
 Mark Ledbetter & Mary Smith - Alderman Ward 3  
 Theodore Jones, Jr. & Shelia Whitmore - Alderman Ward 4  
 Chuck Clemons - City Attorney  
 Michael Garrett - City Clerk



Byron Patrick - Director  
 Jason Lyon - Asst. Director  
 Scott Gourner - Planner  
 Beth Skelton - Planning Tech  
 Michael Sakringer - GIS Coordinator



CONWAY PLANNING COMMISSION  
 Mark Lewis - Chair  
 Matthew Brown - Vice-Chair

INTERSTATE	LOT LINE	<b>Residential</b>	<b>Industrial</b>
MAJOR ARTERIAL	STREAMS	R-1	I-1
MINOR ARTERIAL	LAKES & PONDS	R-2A	I-2
COLLECTOR	CITY LIMITS	R-2	I-3
RESIDENTIAL		R-3	
PRIVATE ROAD		HR	
INTERSTATE RAMP		SR	
RAILROADS		<b>Commercial</b>	<b>Special</b>
		C-1	SP
		C-2	O-1
		C-3	O-2
		C-4	O-3
			A-1
			PUD
			TJ

0 7501.500 3.000 4.500 Feet

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JULY 2016

THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

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 E-MAIL: [Jason.Lyon@CityOfConway.org](mailto:Jason.Lyon@CityOfConway.org)

Printing Date: 7/15/2016  
 File: X:\GIS\MapServer\Commission201607\JUL16\_2016\_Overall\_Map.mxd  
 Prepared by: jlc

# CONWAY PLANNING COMMISSION

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Mark Lewis, Chairman  
Matthew Brown, Vice-Chairman  
Justin Brown, Secretary  
Marilyn Armstrong  
Brooks Freeman

Dalencia Hervey  
Bryan Quinn  
Jerry Rye  
Wendy Shirar  
Anne Tucker

*Contact the Conway Planning Commission by email at [planningcommission@cityofconway.org](mailto:planningcommission@cityofconway.org)*

**CONWAY, ARKANSAS PLANNING COMMISSION MEETING AGENDA**  
**7:00 pm • Monday • July 18, 2016**  
**District Court Building • 810 Parkway**

**SUBDIVISION COMMITTEE WILL NOT MEET**

**Call to Order**

**Introduction & Chairperson Remarks**

**Minutes: June 20, 2016**

- 1. Public Hearings\***
  - A. Seiter Request for Rezoning: R-2A to O-3
  - B. Robinson Request for Rezoning: R-1 to RU-1
  - C. Robinson Request for Conditional Use Permit: Self-Storage Facility
  - D. DeBoard Request for Conditional Use Permit: General Retail
- 2. Board of Zoning Adjustment**
  - A. King Request for Zoning Variance: Reduced building setback
- 3. Discussion**
  - A. Items as decided by the Planning Commission

**Adjourn**

**Planning Staff Development Review/Minor Subdivision Reports to the Planning Commission**

The following items have been reviewed and approved by the Director of Planning and Development and are being reported to the Planning Commission as required by the Zoning and Subdivision Ordinances:

- A. Development Reviews**
  - Home 2 by Hilton, 800 Bill Dean Drive
  - Downey Moving & Storage Shop Addition, 534 Bruce Street
  - Ed's Supply Company Addition, 240 Exchange Avenue
- B. Lot Splits, Lot Mergers, and Minor Subdivisions (filed for record)**
  - Guy Murphy Industrial Park Replat Lot 8 [minor]
  - Robinson Plan Replat Block 47, Lots 1-2 [minor]

*\*The Conway Planning Commission makes recommendations to the City Council on public hearing items. The City Council will make a final decision on these items using the Planning Commission recommendations as a guide.*

*Items not approved by the Planning Commission may be appealed to the City Council within 30 days after Planning Commission denial. If an item is appealed to the City Council, a public notice sign will be placed on the property at least 7 days prior to the City Council meeting. A public notice will be placed on the City's website: [www.cityofconway.org](http://www.cityofconway.org).*

*Items reviewed at tonight's Planning Commission meeting may be considered by the City Council as early as **July 26, 2016**.*

# 1A SEITER REQUEST FOR REZONING: R-2A TO O-3

## SEITER REQUEST TO REZONE PROPERTY LOCATED AT 2157 PRINCE STREET FROM R-2A TO O-3

### APPLICANT/OWNER

Jacob Seiter  
2445 Landover Trail  
Conway, AR 72032

### STAFF REVIEW BY

Jason Lyon, Assistant Director of Planning & Development  
1201 Oak Street  
Conway, AR 72032

### SITE DATA

**Location.** 2157 Prince St

**Site Area.** 0.70 acre +/-

**Current Zoning.** R-2A (Large Lot Duplex Residential District)

**Requested Zoning.** O-3 (Restricted Office District)

**Existing Structures.** None

**Comprehensive Plan.** The Comprehensive Plan shows this area as single family. The requested rezoning to restricted office would be congruent with the adjacent property land use, which has O-3 zoning immediately to the west and another office is located to the east zoned O-3. The proposed use would be congruent with the southern portion of Prince Street, west of the Donaghey intersection and in line with Prince Street's Major Arterial designation.

**Projected Traffic Impact.** With existing zoning of R-2A large lot Duplex approximately 20 vehicle trips a day could be expected, as the property can only sustain 1 duplex with current zoning. With the requested rezoning and the proposal for a dental office and other medical offices, assuming a 10,000 sq/ft for office space, an additional 360 vehicle trips could be expected.

**Flood\Drainage.** No part of the requested property is within any flood plain or flood way

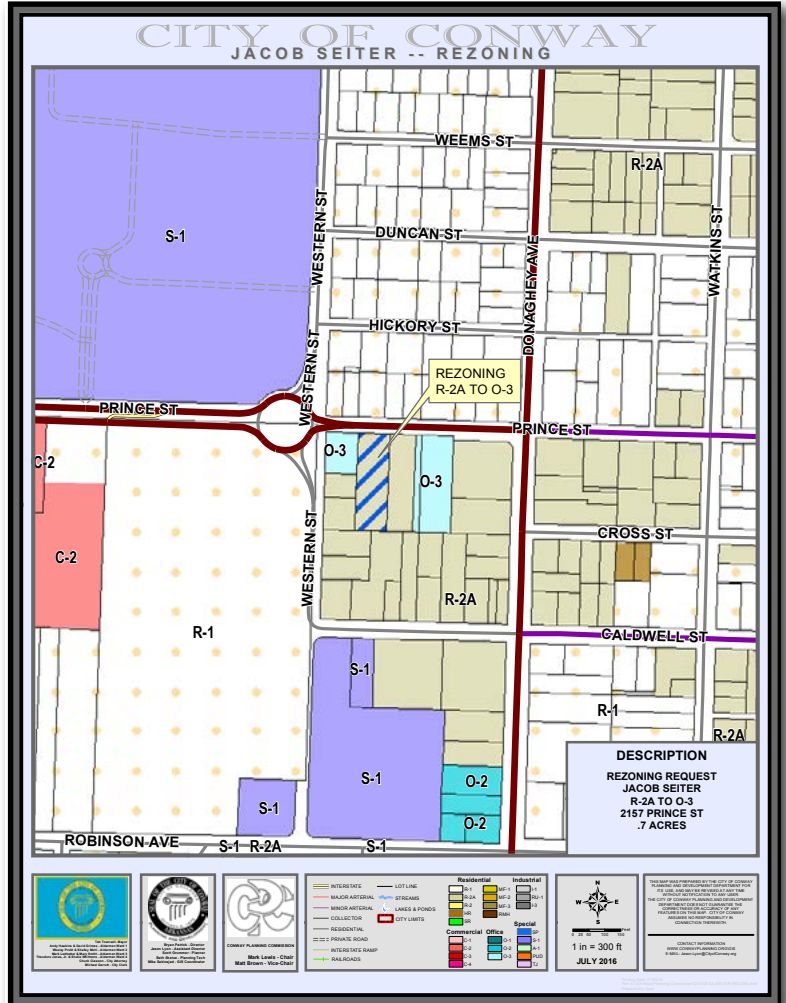
**Utility Infrastructure.** Developers of the property should coordinate with Conway Corporation on utility upgrades needed for development on the property and Fire Department regarding fire hydrant location and needs.

**Street Improvement.** There are no plans for future improvements for the streets abutting the property, however Prince Street west of the property was recently improved to a median divided four lane thoroughfare with roundabouts.

**Conway 2025.** Not directly applicable.

### STAFF COMMENTS

The applicant is seeking a rezoning from R-2A (Large Lot Duplex District) to O-3 (Restricted Office) in order to initially construct a dental office, with plans for potential growth



for other office space in the future. The property is in the Old Conway Design Overlay District, as such, the office design must be approved by the Historic District Commission. In addition, the proposed development must go through Development Review. The property immediately west is zoned O-3 with a hair salon/spa as the current use. The property immediately east is zoned R-2A with a single family structure. Farther east, is a chiropractic clinic that is zoned O-3. This property was formerly used as a vet clinic. All of the property on the north side of Prince Street is single family residential, with a mix of owner occupied and rental residences.

The previous residence was demolished. It is unlikely this property will revert back to a residential nature. Land uses along Prince Street, from Donaghey Ave to Farris Rd, are transitioning from residential to office. The proposed office zoning would have little effect on the traffic flow along this section of Prince and with proposed improvement of Western Ave to connect Robinson and Prince traffic flow may lessen from current levels, in particular school traffic via the Wampus Cat roundabout.

### STAFF RECOMMENDATIONS

Planning Staff recommends approval of this request, as an O-3 zoning would prohibit many high intensity uses and in general dental and medical offices are day time offices and would not be

*continued*





a detriment to the residential structures across Prince St. The property being located in Old Conway Design Overlay District will also ensure improvements to the property will be congruent with the surrounding structures.



**1A SEITER REQUEST FOR REZONING: R-2A TO O-3**



View of property looking S from Prince St

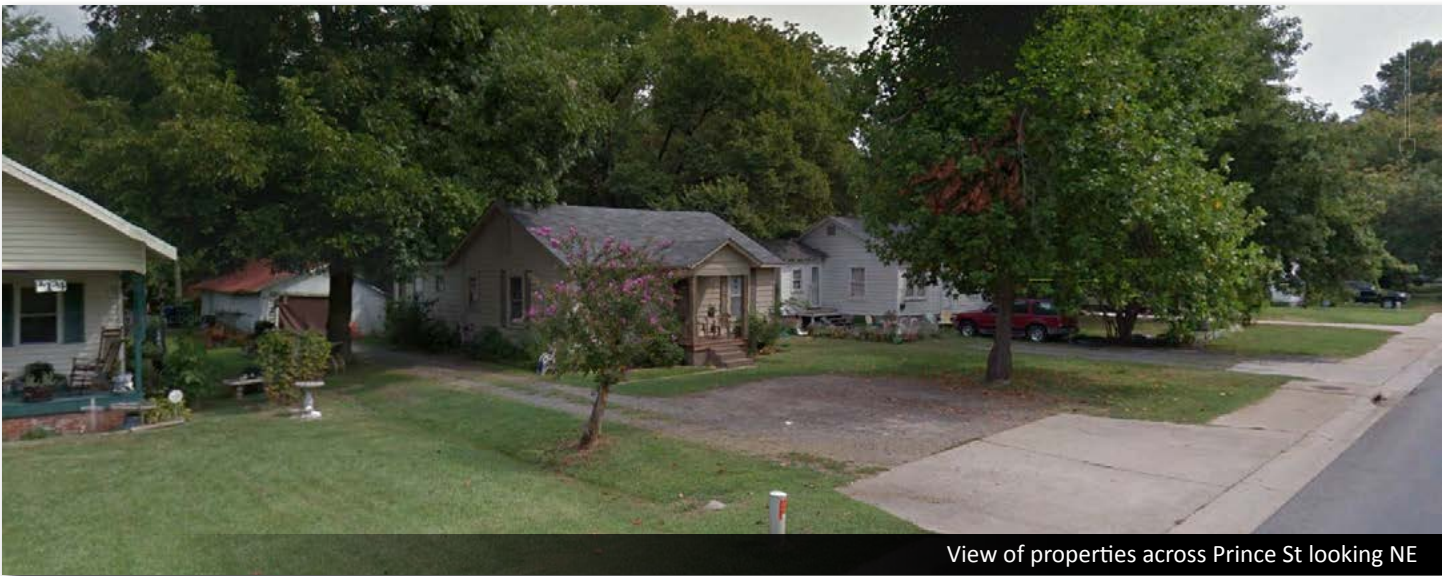


View of property abutting to the W





View of property abutting to the E



View of properties across Prince St looking NE



View of properties across Prince St looking NW

# 1B ROBINSON REQUEST FOR REZONING: R-1 TO RU-1

## ROBINSON REQUEST TO REZONE PROPERTY LOCATED AT 1774 BILL LUCY DRIVE FROM R-1 TO RU-1

### APPLICANT

Preston Robinson  
Tango Properties EGLS, LLC  
1101 North Redmond Road  
Jacksonville, AR 72076

### OWNER

Ronnie and Susan Robertson  
917 NE Arletha Gardens  
Bentonville, AR 72712

### STAFF REVIEW BY

Bryan Patrick, Director of Planning and Development  
1201 Oak St  
Conway, AR 72032

### SITE DATA

**Location.** 1774 Bill Lucy Drive

**Site Area.** 3.0 acres +/-

**Current Zoning.** R-1 (Single Family Residential)

**Requested Zoning.** RU-1 (Restricted Use)

**Existing Structures.** None

**Overlay.** None

**Comprehensive Plan.** The Comprehensive Plan shows this property as appropriate for single family residential. However, the adjacent property to the east was rezoned to RU-1 in March 2015. Multi-family zoning exists diagonally across Bill Lucy and directly south across Bill Lucy is Simon Intermediate School.

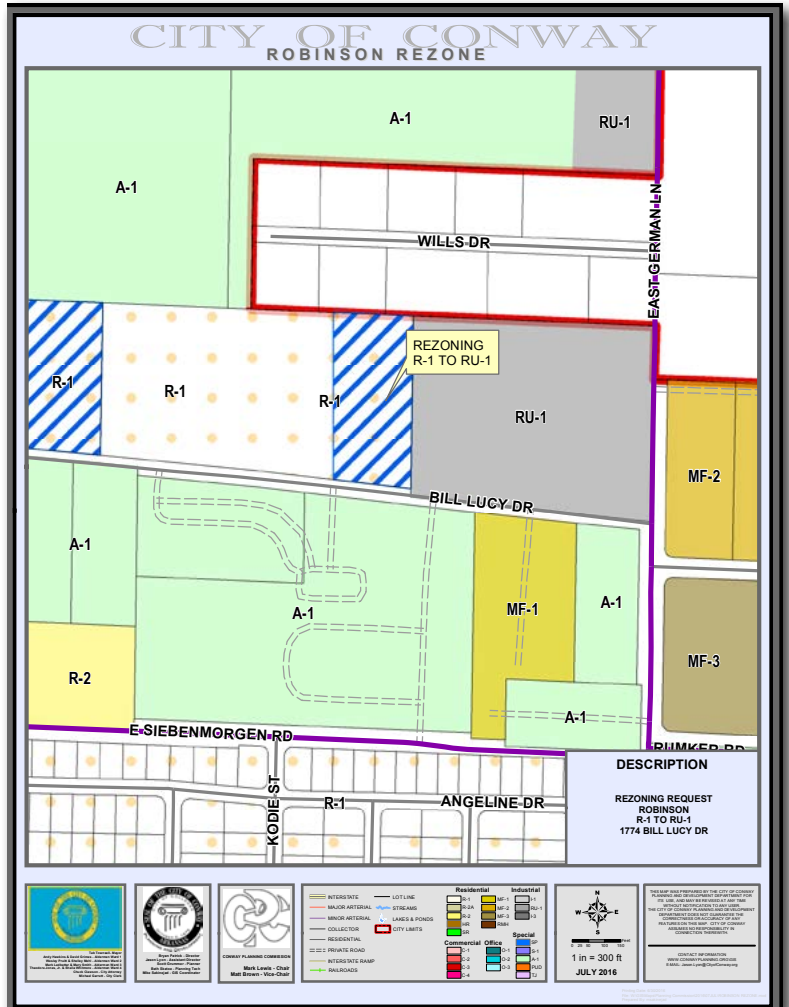
**Projected Traffic Impact.** With the existing R-1 zoning and with the property subdivided into 16 single family lots, around 160 vehicle trips per day can be expected. With a rezoning to RU-1 and used as a mini-storage, 130 vehicle trips per day could be expected.

**Utility Infrastructure.** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. Extensions and re-routing of utilities may be required. Easements will likely be required to provide for future area development.

**Flood/Drainage.** None of the property is within the flood plain or flood way.

**Street Improvements.** No area street improvements are planned in the near future.

**Conway 2025.** Conway 2025 does not contain any specific statements directly applicable to this request.



### STAFF COMMENTS

The applicant is seeking a rezoning from R-1 (Single Family) zone to RU-1 (Restricted Use) in order to construct a mini storage facility. Also on this agenda is a conditional use request for mini storage. RU-1 has a limited range of by-right uses including office and school. Many other uses are available by conditional use permit including; light manufacturing, child care, hotel, retail, veterinarian, and hospital.

In March 2015, approval was given to the applicant for a 10 acre mini storage development on the property abutting to the east at the corner of Bill Lucy and East German Road. The applicant is now seeking to add additional area to the project prior to beginning construction.

### STAFF RECOMMENDATIONS

Due to the previous approval for RU-1 zoning and subsequent approval of a conditional use permit for mini storage, planning staff recommends approval of this rezoning request.





# 1C ROBINSON REQUEST FOR CONDITIONAL USE PERMIT

## ROBINSON REQUEST FOR CONDITIONAL USE PERMIT FOR SELF-STORAGE FACILITY FOR PROPERTY LOCATED AT 1774 BILL LUCY DRIVE

### APPLICANT

Preston Robinson  
Tango Properties EGLS, LLC  
1101 North Redmond Road  
Jacksonville, AR 72076

### OWNER

Ronnie and Susan Robertson  
917 NE Arletha Gardens  
Bentonville, AR 72712

### STAFF REVIEW BY

Bryan Patrick, Director of Planning and Development  
1201 Oak St  
Conway, AR 72032

### SITE DATA

**Location.** 1774 Bill Lucy Drive

**Site Area.** 3.0 acres +/-

**Current Zoning.** R-1 (Single Family Residential);  
RU-1 (Restricted Use requested)

**Requested Conditional Use Permit Amendment.** To allow mini-storage facility

**Existing Structures.** None

**Overlay.** None

**Comprehensive Plan.** The Comprehensive Plan shows this property as appropriate for single family residential. However, the adjacent property to the east was rezoned to RU-1 in March 2015. Multi-family zoning exists diagonally across Bill Lucy and directly south across Bill Lucy is Simon Intermediate School.

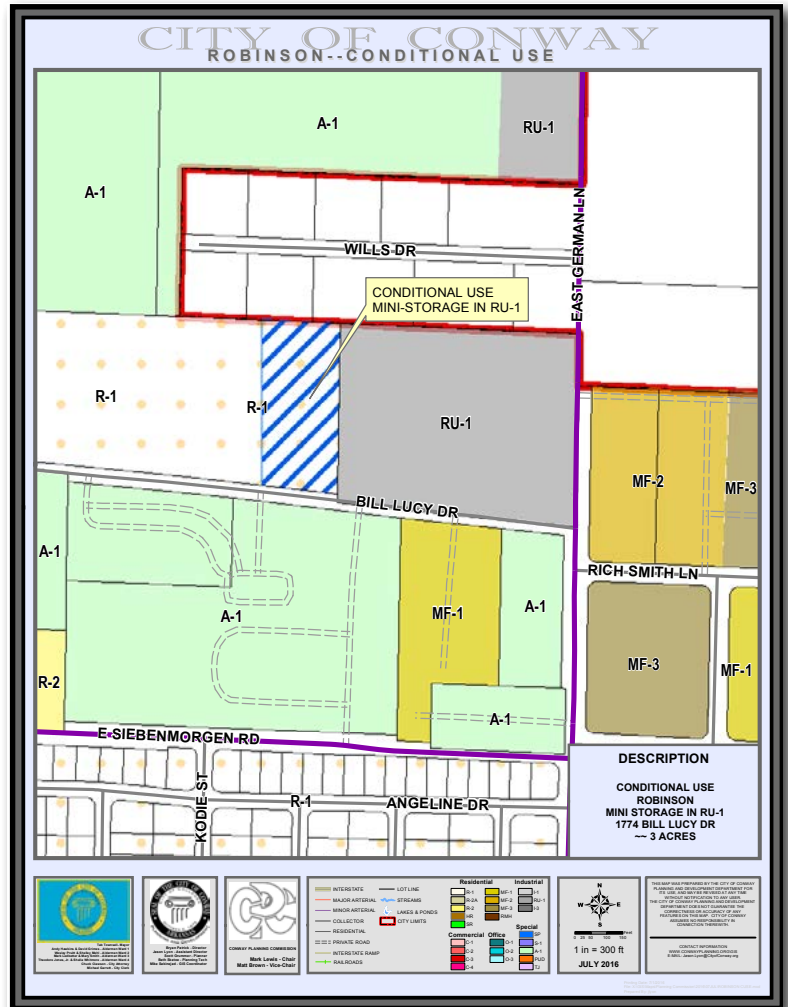
**Projected Traffic Impact.** With the existing R-1 zoning and with the property subdivided into 16 single family lots, around 160 vehicle trips per day can be expected. With a rezoning to RU-1 and used as a mini-storage, 130 vehicle trips per day could be expected.

**Utility Infrastructure.** Conway Corporation Engineering will review and consider the adequacy of existing infrastructure. Extensions and re-routing of utilities may be required. Easements will likely be required to provide for future area development.

**Flood/Drainage.** None of the property is within the flood plain or flood way.

**Street Improvements.** No area street improvements are planned in the near future.

**Conway 2025.** Conway 2025 does not contain any specific



statements directly applicable to this request.

### STAFF COMMENTS

The applicant is requesting a conditional use permit to allow mini storage. A rezoning and conditional use permit for mini storage was approved for the 10 acre property abutting on the east in March 2015. At that time, the applicant presented plans for a “fortress style” automated mini storage facility which included brick walls and wrought iron fencing. The applicant intends to use this same type of construction and this request would be an addition to the planned mini storage facility.

### STAFF RECOMMENDATIONS

Planning Staff recommends approval of this request with the same previously approved mini storage conditions from March 2015.

### SUGGESTED CONDITIONS

The following list of conditions is not complete and should be considered a “starting point” for conditions. The Commission should take public comment and revise, add to, or delete from the suggested conditions appropriately.

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# 1C ROBINSON REQUEST FOR CONDITIONAL USE PERMIT

The following conditions are recommended as approved on Conditional Use Permit 1354:

1. Structure shall be constructed as presented with decorative masonry walls and architectural metal roofs. Roof color shall be an earth tone red to match the Cabot, "Campground Storage" facility.
2. Double the amount of development review required landscaping along north boundary. One half of required trees to be evergreen species to provide additional buffering to residences.
3. Fencing shall have an ornamental wrought iron appearance.
4. Hours of operation to be limited to 6:00 am to 10:00 pm.
5. Initial development of facility is limited to Preston Robinson and/or his business entity. Once construction is complete and facility is operational the facility may be sold and or operated by another individual or business entity.

PERMIT NO 1354

USE2015MAR01  
51305NE

## CONDITIONAL USE PERMIT CITY OF CONWAY, ARKANSAS

### PROPERTY DESCRIPTION / ADDRESS / LOCATION:

This conditional use is for property located at the northwest corner of E German Lane and Bill Lucy Drive with the following legal description:

Part of the southeast quarter of the northeast quarter (SE1/4, NE1/4) of Section Five (S-5), Township Five North (T-5-N), Range 13 West (R-13-W), Faulkner County, Arkansas, more particularly described as: Beginning at the northeast corner of said southeast quarter of the northeast quarter (SE1/4, NE1/4), and run thence south 607.00 feet; thence north 84 degrees 50 minutes west along the middle of a county road 754.4 feet; thence north 556.5 feet to the north line of said southeast quarter of the northeast quarter (SE1/4, NE1/4); thence south 88 degrees 40 minutes east 751.3 feet to the point of beginning, containing 10.03 acres, more or less.

ZONING: RU-1

CONDITIONAL USE PERMITTED TO PRESTON ROBINSON FOR: Self-storage facility

DATE OF COUNCIL MEETING ALLOWING PERMITTED USE: March 24, 2015

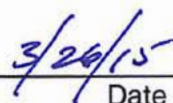
### CONDITIONS ATTACHED TO PERMIT:

1. Structure shall be constructed as presented with decorative masonry walls and architectural metal roofs. Roof color shall be an earth tone red to match the Jacksonville, "Campground Storage" facility.
2. Double the amount of development review required landscaping along north boundary. One half of required trees to be evergreen species to provide additional buffering to residences.
3. Fencing shall have an ornamental wrought iron appearance.
4. Hours of operation to be limited to 6:00 am to 10:00 pm.
5. Initial development of facility is limited to Preston Robinson and/or his business entity. Once construction is complete and facility is operational the facility may be sold and or operated by another individual or business entity.

APPROVED:



Tab Townsell, Mayor



3/24/15  
Date



Images of Peer Facility - Campground Storage, Cabot, AR



# 1D DEBOARD REQUEST FOR CONDITIONAL USE PERMIT

## DEBOARD CONDITIONAL USE PERMIT REQUEST TO ALLOW GENERAL RETAIL FOR PROPERTY LOCATED AT 650 DAVE WARD DRIVE

### APPLICANT'S REPRESENTATIVE

William Adkisson  
711 Locust Street  
Conway, AR 72034

### APPLICANT

Charles DeBoard  
707 Farris Road  
Conway, AR 72034

### STAFF REVIEW BY

Bryan Patrick, Director of Planning & Development  
1201 Oak Street  
Conway, AR 72032

### SITE DATA

**Location.** 650 Dave Ward Drive

**Site Area.** 6 acres +/-

**Current Zoning.** I-3 (Intensive Industrial)

**Requested Conditional Use Permit.** To allow general retail in the I-3 zone

**Existing Structures.** None

**Overlay.** None.

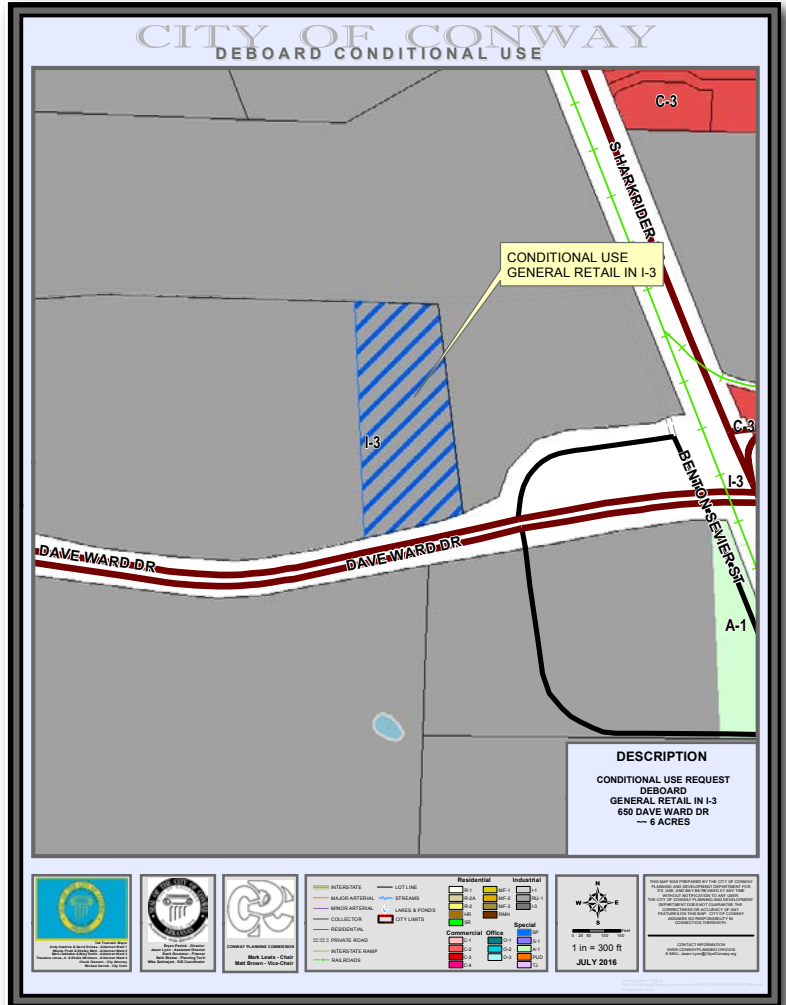
**Comprehensive Plan.** The Comprehensive Plan shows this area as appropriate for intensive industrial. However, the area along Dave Ward Drive is transitioning to commercial land uses.

**Projected Traffic Impact.** With the current I-3 Industrial zoning, and used as manufacturing business park, the property could be expected to generate around 1,333 vehicle trips per day. With a conditional use permit to allow a retail electronics store and all terrain vehicle sales in a 20,000 square foot structure, around 660 vehicle trips per day could be expected. A 10,000 square foot building would be expected to generate 330 vehicle trips per day.

**Flood/Drainage.** Approximately the eastern one half of the property is within flood way. The remainder of the property is within the flood plain. Structures meeting minimum floor elevations above flood stage may be constructed in the flood plain. Structures may not be constructed within the flood way.

**Street Improvements.** There are no immediate plans for area street improvements.

**Conway 2025.** Not directly applicable



### STAFF COMMENTS

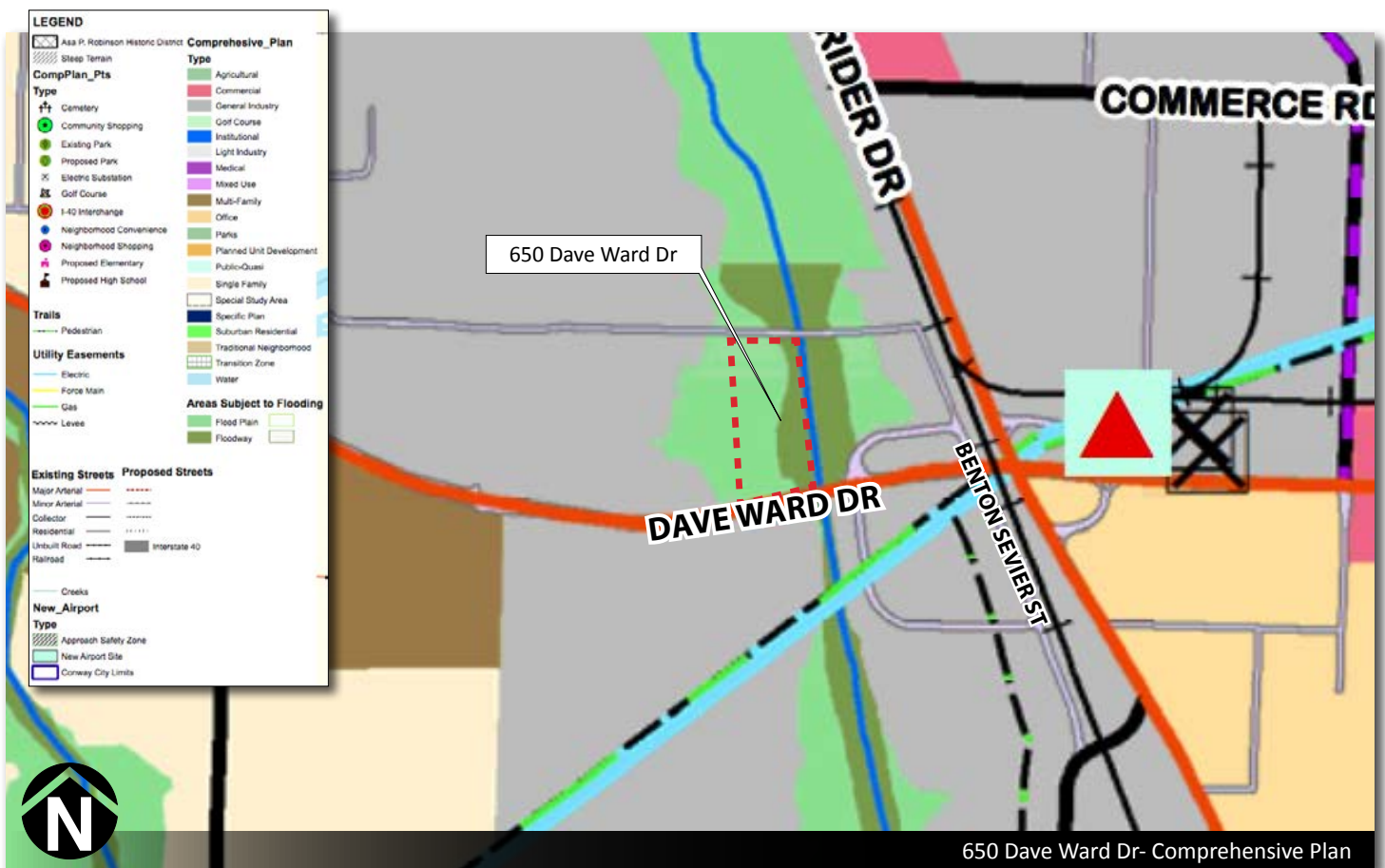
Retail sales are not allowed by right within the I-3 zone. Retail is allowed in the I-3 zone with a conditional use permit. In the past, the property was used as bus storage for the Ward/International bus factory. Key portions of the bus factory property are transitioning to non-industrial uses. A portion of the former bus property at the NE corner of Dave Ward and South German was rezoned to C-3 in 2011 to allow a convenience store. The applicant would like to construct a new building to sell audio electronics and all terrain vehicles. There are also plans to construct an ATV testing and training track in the area behind the new structure. This parcel would retain its industrial zoning with the addition of electronics and ATV sales. The retention of the industrial zoning seems appropriate as the surrounding properties are industrial. ATV sales will require a large warehouse storage area. The ATV test/training track would seem to fit with the surrounding industrial area. The electronics side of the business will also need auto bays in order to install auto sound systems. In I-3, development review regulations require an "image zone" in the viewable front area of the business structure. Landscaping, parking, and the front facade must be designed to meet typical commercial development standards. However, the rear area of the business may have metal siding and large gravel storage areas.

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Aerial View of 650 Dave Ward Dr



650 Dave Ward Dr- Comprehensive Plan

## 1D DEBOARD REQUEST FOR CONDITIONAL USE PERMIT

### STAFF RECOMMENDATIONS

Planning Staff recommends approval of this request with the condition below.

### SUGGESTED CONDITIONS

The following list of conditions is not complete and should be considered a “starting point” for conditions. The Commission should take public comment and revise, add to, or delete from the suggested conditions appropriately.

The following condition is recommended:

1. Retail uses shall be limited to electronics and all terrain vehicle sales. Any retail uses beyond electronics and all terrain vehicles shall require an amendment to the conditional use permit or rezoning to ensure that current development review regulations are met.

View of property looking N across Dave Ward Drive



View from property looking SW across Dave Ward Drive





# 2A KING BOARD OF ZONING ADJUSTMENT REQUEST FOR ZONING VARIANCE

## KING BOARD OF ZONING ADJUSTMENT ZONING VARIANCE REQUEST TO ALLOW REDUCED SETBACK FOR PROPERTY LOCATED AT 1915 ARROWHEAD LN

### APPLICANT/OWNER

John King  
1915 Arrowhead Lane  
Conway, AR 72032

### STAFF REVIEW BY

Bryan Patrick, Director of Planning & Development  
1201 Oak Street  
Conway, AR 72032

### SITE DATA

**Location.** 1915 Arrowhead Lane

**Site Area.** 0.28 acres +/-

**Current Zoning.** R-1 Single Family Residential

**Requested Zoning Variance.** To allow a garage addition to remain in the east (front) building and interior side setback area

**Existing Structures.** A 1920 square foot residence and accessory buildings

**Overlay.** None.

### STAFF COMMENTS

The applicant is requesting a zoning variance to allow a recently constructed 516 square foot garage addition to remain in the east (front) building and south (interior side) setback area.

**General Overview.** The applicant obtained a building permit to enclose the existing 2 car garage and construct a garage addition. A footing inspection was performed and at that time, the Building Inspector incorrectly measured the setback and approved the footing. Work continued until neighbors filed complaints stating that the structure was out of compliance. The Permits and Planning Departments took a deeper look at the project and discovered the setback error. A stop work order was issued and the applicant was instructed to rebuild to comply with setbacks or seek a zoning variance.

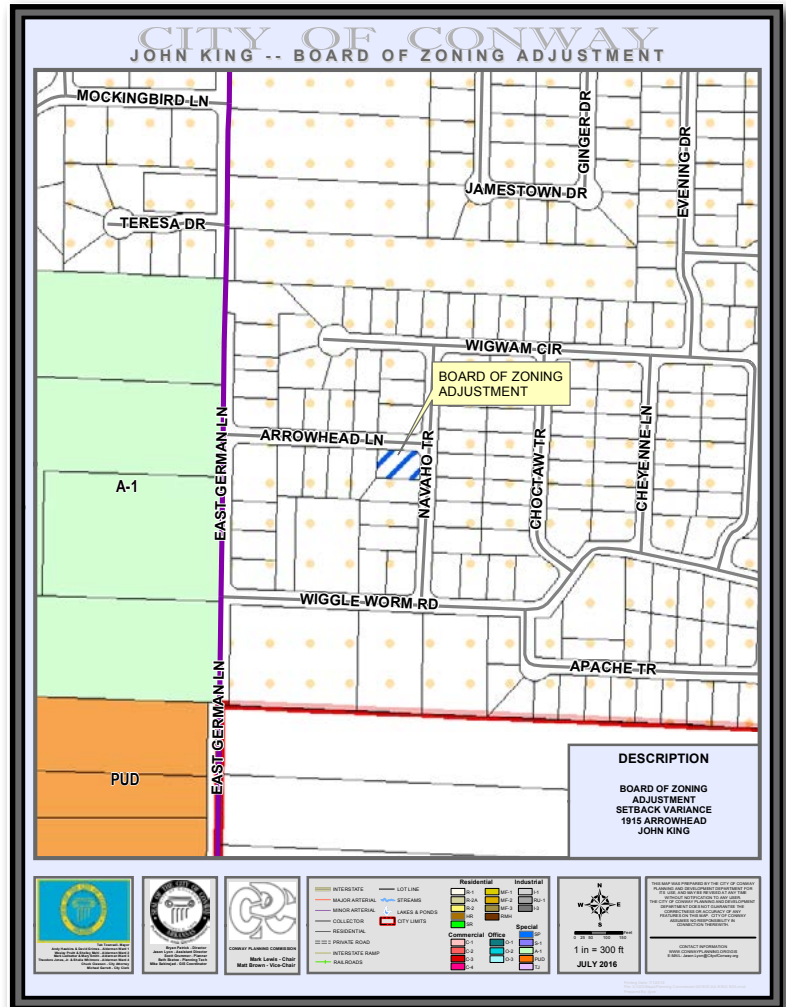
**Zoning Ordinance Regulations.** The garage structure is out of compliance with two sections of the zoning ordinance:

#### R-1 Building setback requirements:

Front: 25 feet  
Interior Side: 6 feet  
Rear: 25 feet  
Exterior (Street Side): 25 feet

#### Section 601.19 Open Space Requirements.

An attached or detached private garage, which faces on a street, shall not be located closer than twenty-five (25) feet from the street right-of-way.



### EXISTING CONDITIONS

**Existing Setback Conditions.** The garage addition is currently located approximately:

East setback (front) - 12 feet from property line  
(25 feet required - 13 feet out of compliance)  
South setback (interior side) - 5 feet from property line  
(6 feet required - 1 foot out of compliance)

**Detached vs. Attached.** The new garage was permitted as an addition. When an accessory building is attached to the existing home via a breezeway, it is considered part of the home or primary structure. All primary structure setbacks must then be met. The home addition method was also chosen as free standing structures must be at least 10 feet apart. The desired garage size could not be placed next to the house and meet the required 10 foot building separation; therefore, the breezeway attachment. The breezeway has not yet been constructed due to the stop work order.

**Facade Setback Directions.** The property is a corner lot. A homeowner may choose which facade direction will be considered the "front" or "exterior" (street side). To make this addition work best with required setbacks, a facade orientation of a north side "exterior" and east side "front" is used. The west is the "rear" and

## 2A KING BOARD OF ZONING ADJUSTMENT REQUEST FOR ZONING VARIANCE

the south the “interior side”. With this orientation, an addition could be constructed on the southeast side of the house 25 feet back from the east property line and 6 feet from the south property line.

**Open Space Requirements.** As stated in Section 601.19 of the zoning ordinance an attached or detached garage can be no closer than 25 feet from the property line (street right of way). This would require a garage addition to be at least 25 feet from the Navaho Trail right of way/east property line.

**Materials.** The new garage addition is constructed with metal siding. There are no regulations in typical subdivisions concerning siding materials. In the Old Conway Design Overlay and Robinson Historic District, new structures and additions siding must be approved. However, this property is not within any historic overlay district and there are no building material regulations.



### TIMELINE OF EVENTS

**Submitted Site Plan.** The applicant submitted a site plan showing the new garage addition which did not accurately depict the size and location of the addition. The submitted site plan showed an addition area approximately 20' x 28' with the street garage door facade no closer to the street than the existing east side of the house. As drawn, this plan met setback regulations for both the front (east) and interior side (south) setbacks. The building permit was issued on April 19, 2016.

**Inspections.** At the first inspection on April 26, the Conway Building Inspector incorrectly measured the required 25 foot distance from the curb instead of the property line. The footing and existing garage enclosure was approved on April 25, 2016. The inspector also noted the project as “finalized”.

**Neighborhood Complaints.** On April 27 numerous neighborhood complaints were received by the Permits Department, the Planning Department, and the Mayor’s Office.

**Follow-up Inspection.** A follow-up inspection was conducted by two Conway Building Inspectors on April 27. At this follow-up, the inspectors initially thought that the new garage met building setbacks. However, after further study and consultation with Permits and Planning Staff, it was decided that the new garage did not meet zoning ordinance setback regulations and the owner was contacted.

**Permits Department/Owner Meeting.** On May 9, a meeting was held at Conway City Hall between the owner, Mr. King; Bart Castleberry, Director of Permits and Inspections; and Barbara McElroy, Permits Administrative Assistant; and Chuck Clawson, City Attorney. At this meeting, Mr. King was told that despite

City inspections, the new garage did not meet setback requirements and that a zoning variance from the Board of Zoning Adjustment/Planning Commission would be the only remedy available to allow the building to remain in its current location. Without a zoning variance, the structure must be made compliant or demolished.

**Stop Work Order.** A stop work order was issued on 5-11-2016 to clarify that no additional work was to be performed on the new garage addition.

### BOARD OF ZONING ADJUSTMENT DECISION REGULATIONS PER THE ZONING ORDINANCE

#### The Zoning Ordinance states:

That a variance is authorized when the variance will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Ordinance would result

in unnecessary hardship that would deprive the owner of any reasonable use of the land or building involved.

A variance from the terms of this Zoning Ordinance shall not be granted by the Planning Commission unless:

1. The applicant demonstrates that special conditions and circumstances exist which are peculiar to the property, structure, or building involved and which are not applicable to other property, structures, or buildings in the same district; that literal interpretation of the provisions of this Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance; that special conditions and circumstances do not result from the actions of the





Project as it was approved for issuing building permit

applicant; and that granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance to other property, structures, or buildings in the same district.

2. No nonconforming (grandfathered) use of neighboring property, structures, or buildings in the same district, and no permitted or nonconforming (grandfathered) use of property, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.
3. The Planning Commission shall determine that the reasons set forth in the application justify the granting of the variance and that the variance is the minimum variance necessary to make possible reasonable use of property, building, or structure.
4. The Planning Commission shall further determine that granting of the variance will be in harmony with the general purpose and intent of this Zoning Ordinance, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

#### VARIANCE CONDITIONS

The Planning Commission may place conditions that it deems necessary and desirable.


#### STAFF RECOMMENDATIONS

Planning Staff recommends that the Planning Commission acting as the Board of Zoning Adjustment, consider the homeowner's viewpoint vs. neighborhood concerns and determine a reasonable course of action.

#### Possible Courses of Action:

- Approve a zoning variance to allow the garage to remain as built: The garage addition's front or street side setback shall be allowed to remain at approximately 12 feet from the property line. The south interior side setback shall be allowed to remain at approximately 5 feet from the property line.
- Deny the variance: The garage addition must be reconstructed to required setbacks or demolished.
- Approve a zoning variance with some measure of conditions that makes the garage most compatible with the existing home and surrounding structures.

The Planning Commission acting as the Board of Zoning Adjustment's decision is final. No appeal may be made to the City Council. Any aggrieved party must take the matter to court if they feel that the decision is unfair.

*additional photos on page 22* 



**2A KING BOARD OF ZONING ADJUSTMENT REQUEST FOR ZONING VARIANCE**

**Photos of project as built**





# PLATTING VS. THE BUILT ENVIRONMENT

## Typical Plat (Simplified)

A plat graphically illustrates many property division concepts including:

**Right of Way** - A right of way is the area allowed for public use such as streets, sidewalks, and utilities.

**Property Line** - The boundaries of private property.

**Setbacks** - Setbacks define the distance from property lines to building walls. No primary building walls may be constructed in the setback area.

**Buildable Area** - The area "left over" after application of setbacks. This is the area where a primary building may be constructed.

## Actual Built Environment (Simplified)

The built environment actually looks a bit different than the lines on a plat:

**Street Pavement** - Actual street pavement is within the right of way. Street pavement is typically not as wide as the actual right of way. This allows utilities, drainage, sidewalks, etc to be placed along side the street. In a typical modern neighborhood there is 11.5 feet of green space between the back of curb and the property line. This area is actually public right of way

**Setbacks** - Setbacks are minimal dimensions. Structures may be placed at the setback line or further from the street, just not any less than the prescribed setback.

**Not Shown** - For the sake of simplification, fences, sidewalks, utility easements, fire hydrants, drainage drop inlets, etc were not shown. However, these elements are also present in the built environment.

This is simply a quick over view of Planning Development Review. For more in depth information please see the easy to read guide at: [http://www.cityofconway.org/media/government/planning-development/Design\\_Standards\\_Pattern\\_Book.pdf](http://www.cityofconway.org/media/government/planning-development/Design_Standards_Pattern_Book.pdf)

