

BOARD OF ZONING APPEALS MEETING  
MAY 23, 2023  
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:00 p.m.

II ROLL CALL

Members Present: Jeffrey Anderson, Tom Hall, Carolyn Ghantous, Douglas Stahlgren, Michelle Miller, David Gleaves

Staff Present: Carl Lamping

III PLEDGE OF ALLEGIANCE

IV MINUTES OF THE REGULAR MEETING OF APRIL 25, 2023

Motion to approve the minutes presented by Mr. Hall and seconded by Ms. Miller.  
(Voice vote taken and the minutes were approved with a vote of 6 to 0.)

V CORRESPONDENCE

None.

VI REPORTS

Report on City Council

Mrs. Ghantous provided a report on City Council meeting held on May 17, 2023. Ms. Ghantous stated that there were three ordinances and four resolutions at that meeting, along with two proclamations, one of which was for the Princeton High School Girls Basketball team for winning the State Championship. Mrs. Ghantous stated that if individuals wanted further information, the recordings can be found on the City's website.

Report on Planning Commission

Mr. Hall provided a report on the Planning Commission for May 9, 2023. Chip's Glass had an application for remodel work, which passed 7-0. Mapleknoll Village brought for a plan development for a pickle ball court and other small renovations. That passed with a 7-0 vote. There were no questions or discussion.

VII CHAIRMAN'S STATEMENT

Before reading the Chairman's statement, Mr. Anderson stated that he wanted to check in with the Board of Zoning Appeals members since this meeting is a continuation of the previous meeting and some members were not present at that meeting. In the last meeting, the public hearing had been closed and had finished that portion of the application, and were on the question and answer section with the applicant. At that point, the Board (of Zoning Appeals) voted to table the item until this meeting. Mr. Anderson stated that he had spoken with the Law Director, Mr. Braun after the previous meeting in order to get his advice on the best way to handle the current meeting since the meeting would be continued after the public hearing was closed. The advice that Mr. Braun had given was to pick up where the meeting had left off. This would mean that this meeting would pick up with the question and answer portion of the meeting, where the Board would still be able to ask questions of the applicant, and the Building Official. The Board still has the ability to open a public hearing that was advertised, if the Board feels that that is a good move. Mr. Anderson stated that his initial thinking was that the meeting would be continued per the advice of Mr. Braun, but that is not something that Mr. Anderson wanted to do unilaterally. Mr. Stahlgren asked for any additional information from the previous meeting that he may have missed. Mr. Anderson stated that, per Mr. Braun's

instructions, since the minutes and the recordings were available, and that Mr. Stahlgren was able to review them, Mr. Anderson stated that the initial plan was not to do another staff report and recap all the information that was listed in the minutes. Mr. Anderson stated to Mr. Stahlgren that during the Question and Answer phase, Mr. Stahlgren has the option to ask clarifying questions or follow up questions, or even ask for additional feedback or a recap from the applicant or the City Administration when the Question and Answer portion is reopened. Mr. Hall agreed that after hearing of the conversation with the Law Director, Mr. Braun, Mr. Hall agreed that Mr. Braun's recommendation should be followed. Mr. Anderson further stated that Mr. Braun had indicated that it is certainly within the Board's purview to open a public hearing if the Board thinks that it is relevant, or there's information that the Board thinks would be gained. Mr. Anderson asked if there were any other questions or feedback before continuing. There were none. Mr. Anderson reminded the Board that as they are going through the Question and Answer section, if the Board thinks it's relevant, then the Board does have the opportunity to make a motion to open a public hearing and they would vote on that as a board if the Board feels that there is information that they think could be shared by the public, then the Public Hearing would need to be reopened at that time. Even in the opportunity of asking questions of the applicant, if there is an opportunity that the applicant feels that they have new information or different details that they would like to share, then the applicant could certainly request that of the Board and then the Board could act on that as the Board sees fit.

Before Mr. Anderson read the Chairman's statement, he mentioned that the statement does include a mention of a public hearing. Mr. Anderson stated that he would still go through that process in the event that the public hearing is reopened or a new public hearing is opened. Mr. Anderson stated, for the benefit of the public, that he would do the swearing in case a public hearing is requested so that so that he does not have to go back and do that.

Chairman Anderson read the Chairman's Statement, and one member of the audience, Ms. Danielle Little was sworn in.

Mr. Anderson further mentioned that since this is a continuation of the previous meeting, if it does turn out that a public hearing is added or create that public hearing, Mr. Anderson stated that they would certainly work with everyone to make sure that their voices are heard if that does come in to play.

## VIII OLD BUSINESS

1. Continuation from April 25, 2023 BZA Meeting (Application # 20230116)  
Danielle and Joseph Little, Property Owner at 582 Smiley Ave., is requesting a variance to maintain the existing gravel driveway in violation of Zoning Code Section 153.302(J); which requires all parking surfaces in the City to be improved with asphalt or concrete

Mr. Anderson stated that the Board will be picking up at the Question and Answer portion of the meeting having already finished the Public Hearing from the previous meeting. Mr. Anderson stated that the applicant could now come forward in order for the Board to continue asking questions from either a recap if needed, or clarification questions at this point. Mr. Anderson did have one additional question. At the last meeting, time was spent regarding special circumstances or characteristics of the lot or what that would be. Mr. Anderson asked the applicant if they had a chance to reflect on that if there would be any new information.

The applicant, Ms. Little did state that an additional piece of information was that in 2016 or 2017, the City changed the parking arrangements on their street. This situation is unique to their street. She stated that the City came in and moved all the mailboxes to the side of the street that Ms. Little resides. This change in the parking arrangements came about due to fire hydrants being moved to the opposite side of the street. As a result of this change, there are currently four mailboxes directly in front of Ms. Little's residence, making it impossible for her to use her side yard to directly park the recreational vehicles.



Mr. Lamping then proceeded to show an aerial view of the property on the monitor . Ms. Little explained the situation of parking on the street and, in front of the mailboxes, had all become an issue, which further explains the reason for the hardship request.

Discussion continued regarding the use of the access driveway and it was stated that the use of the driveway for recreational vehicles was not the reason for the variance request. The request was for the access driveway to be permitted and have gravel as the surface.

“Mr. Anderson reviewed portions of the variance criteria, including character of the community, special circumstances, and unnecessary hardship and stated the fact that the current gravel driveway, having been a part of the neighborhood for more than ten years, along with the City’s position that to remediate the issue would be to dig up ten years of gravel completely, while the Board in the past has permitted similar side and rear gravel driveways meets the criteria for variance, at least for the side and rear drive.”

Mr. Anderson asked if Ms. Little was interested in tailoring the variance request. Ms. Little stated that she would be open to working with the Board. Ms. Little stated that she is considering moving their current fence further out to meet the front of the house, and put grass on the area of the access driveway that would still be exposed.

Mr. Lamping stated that the Building Department had recently received an application for such a request. Mr. Lamping illustrated this to the Board using the screen display.

Mrs. Ghantous asked if the fence would be allowed to be up that far. Mr. Lamping stated that the Code currently allows for the fence to be from the front of the garage parallel with the road to enclose the side yard. Mr. Lamping stated that the side yard starts at the front of the garage.

Ms. Miller asked for some clarification on the possible modified request.

Mr. Stahlgren asked if Ms. Little is officially requesting for a modification of the original request. Mr. Anderson further clarified what the process would be required from Ms. Little regarding a modification of the variance request. Ms. Little agreed that she would like to pursue a modification of the variance request.

Mr. Anderson then asked the board if they had questions if the motion will be for maintaining the current driveway with the gravel material for the side yard. Mr. Stahlgren asked if the modified request is granted, does the initial motion need to be specific in regards to the size of the gravel? Mr. Lamping stated that the more specific the motion the easier it would then become to enforce down the road. While the exact dimensions of the access driveway were not available, Mr. Lamping suggested that the motion contain verbiage to include “as it exists today, but no larger”. Mr. Lamping also requested that if the motion is made, that it is clear what will be done with the front yard conditions, meaning what would be required by the Board to allow this variance with the front yard gravel. Mr. Anderson asked if Mr. Lamping wanted the motion to include a statement to remediate the front yard existing gravel. Mr. Lamping requested that the Board be clear on what they are recommending for approval, and, if the gravel is not allowed in the front yard, what is the front yard expected to be changed to. Mr. Stahlgren asked if pavers needed to be added to the motion. Mr. Anderson recommended that the motion state that it comply with current Building Code without specifying certain types of material to be used.

Mrs. Ghantous asked Ms. Little what she would visualize being placed in the area on the other side of the fence where gravel is currently. Ms. Little stated that she would put grass down, but not be limited to grass only. She would like to have to option to, possibly in the future, either expand the current driveway or add pavers. Mr. Lamping asked the Board if pavers would be desirable at this time leading up to the proposed fence, and then gravel behind the fence. Mr. Anderson stated that he felt that complying with the code would be sufficient in the motion. Mr. Lamping



clarified that he had concerns that adding grass seed to an existing gravel bed may yield insufficient grass coverage. Ms. Little stated that she would be willing to place top soil over the gravel to create a barrier to allow for grass to grow. Mrs. Ghantous asked if Ms. Little was open to the idea of pavers in the front area. Ms. Little stated that she was open to the idea. Mr. Anderson asked Ms. Little if she wanted pavers to be included in the variance request. Ms. Little stated that she was open to what options were needed in order to be granted the variance request. Mr. Anderson asked if there were any other questions from the Board or comments. Mrs. Ghantous asked if there is a built in timeframe or does the Board and applicant discuss a satisfactory timeframe to complete the changes that are being discussed. Mr. Lamping requested that a timeframe be set. Mr. Anderson asked if the timeframe needed to be included in the variance or in the minutes because Mr. Anderson did not feel that the timeframe should be part of the actual variance. Mr. Lamping felt that the variance needed to have the condition of completion listed in the variance motion. Mr. Anderson asked for a timeframe from Ms. Little. Mr. Anderson asked if 90 days would be a sufficient amount of time for completion. While Mr. Lamping did not have a specific timeframe, but three months through the summer should give an ample amount of time for completion. Ms. Little agreed that three months would be sufficient. Mr. Anderson asked if there were any other questions from the board about the modified motion or comments that they would want to share at this point. Mr. Anderson stated that he would give Ms. Little the same opportunity before the board moved to the motion portion. Mr. Anderson asked Ms. Little if there was anything else that should be considered or anything else she wanted to share with the board before moving to motion and take action on it at this time. Ms. Little stated that she had nothing further to add. Mr. Lamping asked that the modified request be stated for the record by the Board as understood. Mr. Lamping requested that it be repeated for the record. Mr. Anderson stated that it was his understanding that it would come across as part of the motion. If not, it could be clarified after the motion has been made.

Mr. Anderson requested a motion for the application.

Mr. Stahlgren made a motion to grant a variance to property owner, Danielle and Joseph Little at 582 Smiley Avenue regarding BZA Application # 20230116. The applicant is initially requesting a variance to Springdale Zoning Code Section 153.302(J) which requires all parking surfaces to be improved with asphalt or concrete as a paved surface. The applicant is now requesting to modify the initial request to allow a side yard variance to allow a side yard gravel driveway for parking of the RV and the boat. In addition, will remediate the front yard access, additionally the side yard gravel driveway will not extend the current dimensions of the existing gravel area. They will also have agreed to construct screening for a fence on the side yard. Additionally, the remediation improvement will comply with all current zoning codes, and lastly, the approval of the variance and improvements shall not exceed three months from the approval date. Mrs. Ghantous seconded.

Mr. Anderson stated that at this point, he would open up for discussion about the motion from the Board. As Mr. Anderson understood it, the request is to maintain the existing side yard gravel, what was an access driveway, would now be more of a parking pad and would require screening, and remediation of the front portion of the lot. Mr. Anderson stated that a vote of "yes", in this case would permit that variance and allow that property to maintain that gravel space. A vote of "no" would mean that the variance would mean that the variance is denied in all forms, and the applicant would be required to remediate as is to get to current code. Mr. Anderson asked if there were any questions from the Board about that. There were none. Mr. Anderson stated that at that time, the Board would be polled. The modified variance was granted with four affirmative votes and two opposing votes. (Miller, Hall).

IX	NEW BUSINESS	-	NONE
X	DISCUSSION	-	NONE


XI ADJOURNMENT

Mr. Stahlgren made a motion to adjourn, and Mrs. Ghantous seconded.

Mr. Anderson stated that the meeting was adjourned at 8:07 p.m.

Respectfully submitted,

6/29, 2023   
Chairman, Jeffrey Anderson

6/29, 2023   
Secretary, Tom Hall