

BOARD OF ZONING APPEALS MEETING  
April 25, 2023  
7:00 P.M.

I CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:05 p.m.

II ROLL CALL

Members Present: Jeffrey Anderson, Dave Nienaber, Tom Hall, Carolyn Ghanous, Michelle Miller

Staff Present: Carl Lamping

III PLEDGE OF ALLEGIANCE

IV ORGANIZATION

None

V MINUTES OF THE REGULAR MEETING OF March 28, 2023

Motion to approve the minutes presented by Mr. Nienaber and seconded by Mrs. Ghanous.

(Voice vote taken and the minutes were approved with a vote of 4 to 0.)

VI CORRESPONDENCE

None.

VII REPORTS

Report on City Council

Mrs. Ghanous provided a report on City Council meeting held on April 19, 2023. There were three ordinances and one resolution. For more information, the video of the Springdale City Council meeting is on the City of Springdale website. There was no questions or discussion.

Report on Planning Commission

Mr. Hall provided a report on the Planning Commission meeting for April 11, 2023. The application before Planning Commission was for Springdale Commerce Park for a Minor Modification to the PUD, Application # 20230070. Next meeting will be May 9<sup>th</sup>. There was no questions or discussion.

VIII CHAIRMAN'S STATEMENT

Chairman Anderson read the Chairman's Statement. Mr. Tom Vanover, Mr. Doyle Webster, Ms. Danielle Little, were sworn in.

IX OLD BUSINESS

None.

X NEW BUSINESS

1. **PUBLIC HEARING** (Application #20230116)

Danielle & 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. Lamping, staff representative, gave an overview of the project.

Ms. Little, homeowner of 582 Smiley Avenue gave information as to the reason for the variance request.

Mr. Anderson explained that two members of the BZA Board were not present, and that Ms. Little does have the option to table the submission for a future meeting when a full board would be present.

Ms. Little asked if the option to table the submission could still be possible up until the voting on the submission.

Mr. Anderson stated that it would still be possible since a BZA member can, at any time, make a motion to table it. Mr. Anderson stated that typically it is completed before the discussion of the submission so that all individuals would have the same opportunity, but it is not required. It can be requested by the applicant, but it is up to the board to make a motion to table it. Mr. Anderson stated that he would be willing to make that motion if the applicant wanted it at that moment, but that each member of the BZA would still need to vote on the motion. Ms. Little declined to request that this project be tabled.

Mr. Vanover expressed his opinion on the application before BZA. Mr. Vanover felt that without a true hardship being expressed by the applicant, the current code should be enforced in this situation.

Mr. Webster expressed his information on the history of how this application came to exist due to previous complaints registered on the property in question. He had received this information due to being the Mayor of Springdale. Mr. Webster stated that he agreed with the staff's comments that this variance should not be allowed and that the current code should be enforced in this situation.

While there were no other comments made, Mr. Anderson did state that the public hearing would remain open throughout the "Q and A".

Mr. Anderson gave Ms. Little a chance to speak again.

Ms. Little wanted to remind individuals that objected to the driveway that they would still be allowed to park the camper and/or boat there according to the current code. Ms. Little stated that if the gravel was removed and the surface was returned to grass and dirt that it would become unsightly as the camper and/or boat are moved.

Mr. Anderson did acknowledge that he had noticed on previous CAGIS images that several different vehicles had been parked on that surface.

At this point, Mr. Anderson did open up for questions from the Board.

Mr. Nienaber asked for clarification from the applicant regarding her previous statement regarding being allowed to park on that area regardless of the surface type.

Mr. Lamping clarified by stating that the code allows for one recreational vehicle to be parked in the side yard. The code does not specifically require that recreational vehicle to be on a driveway. Mr. Lamping stated that by liberal application of the code, the recreational vehicle is allowed to be in a side yard, in the grass.

Ms. Little stated that she was approached and that it was explained that the driveway was perceived as an access driveway, and, that as an access driveway it has to be



an approved surface. Ms. Little stated that on her application she understood that to mean that she was requesting a variance to keep the gravel to park the camper on that surface. Ms. Little, after further investigation has discovered that the pavement is required if cars are being parked on that surface.

Mr. Anderson stated the code that Ms. Little was referring to, which was 153.252(F)(8)(1).

*“One recreational vehicle, one boat on a trailer, one personal watercraft or one trailer used for recreational purposes may be stored in an unenclosed area in the side yard or rear yard of the property, but not closer than five feet to the nearest lot line. The recreational vehicle, boat on a trailer, or trailer used for recreational purposes need not be parked on an improved surface.”*

Mr. Anderson noted that the variance request is not for RV parking and stated that the variance is not being evaluated for RV parking or vehicle parking. What is being evaluated is a request for an access driveway to be maintained or used without it being an improved concrete or approved surface.

Mrs. Ghantous asked for clarification as to if the purpose of the application was for the ability to park the recreation vehicles on the side of the house or the gravel driveway to remain. The applicant stated that she wanted to keep the ability to park on the side of the house as well as keep the gravel surface that they are parked on.

Mr. Anderson noted that a previous variance was granted on Kemper road for a crushed concrete packed down access driveway from the driveway apron to a new garage that was also granted as a variance. While that driveway did go to the back of the property, the application before the board is different since it is at the side of the house.

Mr. Lamping asked what year that variance was granted. Mr. Anderson stated that it was in 2006, after the change in the code.

Mr. Hall stated that it is very clear in the code that the gravel is not an allowable surface and he would recommend it not be approved.

After asking for any other statements from the board or the audience, Mr. Anderson closed the public hearing. Mr. Anderson gave Ms. Little an opportunity to either proceed or request to table the application for the next meeting. Ms. Little stated that she would like to table the application until the next meeting for a full board.

Mr. Anderson made a motion to table the application until the next board meeting so that the applicant would have a full board for the meeting.

Mr. Nienaber seconded the motion.

A vote was taken and the motion to table the application until the next board meeting was granted 5-0.

Mr. Anderson added that since the application was tabled until the next board meeting, the public hearing may need to be reopened at the next meeting in order for the other two board members to be included in the discussion.

## XI DISCUSSION

No items for discussion.

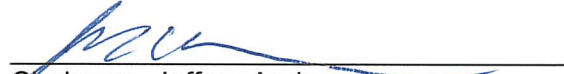
XII ADJOURNMENT

Mr. Hall made a motion to adjourn and Mr. Nienaber seconded.

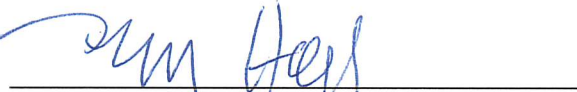
Mr. Anderson stated that we are adjourned at 7:50 p.m.

Respectfully submitted,

June 6, 2023

  
Chairman, Jeffrey Anderson

June 6, 2023

  
Secretary, Tom Hall