

**Sherwood Board of Adjustments**  
**Minutes**  
**June 12, 2012**

The Sherwood Board of Adjustments met for their regularly scheduled meeting on June 12, 2012 at 7:00 p.m. in the City Council Chambers at 2201 E. Kiehl Avenue, Sherwood, AR 72120.

**Members Present**

Lucien Gillham  
Scott Miller  
Mike Berg  
Forrest Penny

**Members Absent**

Albert Harris

**Staff Present**

Ellen Norvell – City Engineer  
Dwight Pattison – City Planner  
Steve Cobb – City Attorney  
Ashley Taylor - Secretary

Chairman Penny called the meeting to order.

Commissioner Gillham made a motion to approve the minutes from the May 8, 2012 meeting. Commissioner Miller seconded the motion. The roll call vote was unanimous to approve the minutes.

**A Variance Request to expand a non-conforming use at 8402 Highway 107. J & R Properties, Owner.** Mr. Randy Breece was present to discuss the request. Mr. Breece said they would like to build a new building for one of their tenants auto repair business. Staff Comments: City Engineer Ellen Norvell said she had some questions as to the accuracy of the survey that was submitted. Mr. Breece said it was the original survey and the drawing that was attached to it shows what is on the property at this time. City Planner Dwight Pattison said he had a complete misunderstanding of what the request was for. Mr. Breece said the address was no correct on their application. He said the correct address is 8403 Highway 107. A discussion took place as to the zoning of the property. City Engineer Norvell said they

are asking to expand the non-conforming use due to the existing 1' side yard setback so that the new building will be uniform with what exists. She said due to their existing lot width and parking requirements they would not really be able to meet the required setback of 25'. Mr. Breece said the owner of the property that adjoins it is very supportive of what they are proposing. There was no public comment. Commissioner Gillham made a motion to approve the expansion of the non-conforming use at 8403 Highway 107 with a 5' side yard setback. Commissioner Berg seconded the motion. The roll call vote was unanimous to approve the expansion of the non-conforming use.

**A Variance Request to the requirement of paved parking at 291**

**Newman Drive. The Jones Company, Owner.** Mr. Doug Jones was present to discuss the request. Mr. Jones said the property has always been a wholesale car lot. He said they recently took on a long-term lease with Enterprise Rent-A-Car and during the inspection process of their improvements the inspector told them that the parking on the gravel area behind the building is against city ordinance. He said they don't plan on parking there but just in case they ever do they wanted ask for a variance. He said it backs up to a floodplain. He said there is nobody back behind there. He said they feel like if they did pave that area the water would just destroy the pavement. He said you couldn't see it from the front of the building. Staff Comments: City Engineer Ellen Norvell said there are other areas through there that do have paved parking in the floodplain area. She said that is not really a hardship because it can be paved. She said our ordinance does require that any area subject to wheeled traffic be paved. She said if they were not parking back there then it obviously wouldn't have to be paved. Mr. Jones said he noticed that there are new and old locations surrounding it that are gravel currently. Commissioner Gillham said he went out and looked and there are several properties surrounding this property that have several cars parked in the gravel. City Planner Dwight Pattison said they need to either enforce it or give a variance. Commissioner Gillham said he thinks they need to either grant the four property owners surrounding it a variance or we need to go over there and give all four owners a ticket. City Engineer Norvell said they haven't looked to see if those other property owners have gotten a variance. She said staff hasn't went out to every business and checked but if there is a problem or if we get a complaint then they will check that business but we don't want to knock on every business in town that isn't in compliance with today's standards and tell them they have to get everything brought up to today's standards. City Planner

Pattison said the gravel that has been put down now could very easily have been done after the building was constructed and everything was approved. The request died for the lack of a motion.

**A Variance Request for 10' 6" to the 25' front building line setback for a wooden walkway at 107 N. Claremont. Deborah Coffman, Owner.**

Ms. Deborah Coffman was present to discuss the request. She said their land was not level and rocky and they had been falling so they constructed a wooden walkway to make it easier to water their flowerbeds. City Engineer Norvell said looking at it from an engineering standpoint she would have considered it landscaping but seeing how it is a wooden structure and according to our building regulations that would be an encroachment. Ms. Coffman said it is actually a part of the flowerbed she said it is not permanently attached and can be moved at any time. She said her neighbors have come to the meeting in support. City Planner Dwight Pattison said there is not a hardship created by the lot. He said terrain could be a hardship but it should be terrain that is unique to the area. He said it is built on the ground and is built of wood instead of concrete, which concrete would have been allowed. City Engineer Norvell said with this being a wooden structure, which is easy to remove it is much better than a concrete structure. Commissioner Gillham made a motion to grant a variance at 107 N. Claremont for the wooden walkway. Commissioner Berg seconded the motion. The roll call vote was unanimous to approve the variance.

**A Variance Request for 442.75 sq. ft. to the allowable 25% of the square footage of the house for a storage building at 3 Houston Street. Emil and Teresa White, Owner.** Advertising procedures were not followed. Commissioner Berg made a motion to table the request until the July 10, 2012. Commissioner Gillham seconded the motion. The roll call vote was unanimous to table the request.

**A Variance Request for 300 sq. ft. to the allowable 25% of the square footage of the house for a storage building at 6208 Tammy Lane. Pat Cullivan, Owner.** Mr. Cullivan was present to discuss the request. He said his house sits on 1.4 acres and he needs the storage building in order to store his lawn mower, garden tractor, tools and equipment that he needs to maintain his property. He said he needed to get them out of the weather and out of his carport. Staff Comments: City Planner Dwight Pattison said the existing storage already exceeds what is allowed however this would be a classic case if we had a different zoning district to allow for the larger

storage buildings because this area has larger tracks of land. He said it doesn't meet the requirements of having a hardship. Commissioner Gillham made a motion to grant the variance at 6208 Tammy Lane. Commissioner Berg seconded the motion. The roll call vote was Berg-nay, Penny-aye, Miller-aye, Gillham-aye to approve the variance.

**A Variance Request for 4' from the required 10' separation requirement between a swimming pool and house at 704 Indian Bay Drive. Arkansas Windows and Siding, Agent.** Advertising procedures were not followed. Commissioner Berg made a motion to table the request until the July 10, 2012 meeting. Commissioner Gillham seconded the motion. The roll call vote was unanimous to table the request.

There being no further business Commissioner Berg made a motion to adjourn. Commissioner Gillham seconded the motion. The roll call vote was unanimous to adjourn.

ATTEST:

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Ashley Taylor, Secretary

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Forrest Penny, Chairman