

**Sherwood Board of Adjustments  
Minutes  
December 10, 2013**

The Sherwood Board of Adjustments met for their regularly scheduled meeting on December 10, 2013 at 5:00 p.m. in the City Council Chambers at 2201 E. Kiehl Avenue, Sherwood, AR 72120.

**Members Present**

Lucien Gillham – Vice-Chairman  
Scott Miller  
Albert Harris  
Andrew Phillips

**Members Absent**

Forrest Penny – Chairman

**Staff Present**

Ellen Norvell – City Engineer  
Dwight Pattison – City Planner  
Steve Cobb – City Attorney  
Stephanie Timaná – Secretary

Vice-Chairman Gillham called the meeting to order.

Commissioner Harris made a motion to approve the minutes from the November 12, 2013 meeting. Commissioner Miller seconded the motion. The roll call vote was unanimous to approve the minutes.

**A Variance Request of 7ft to the 25ft rear yard setback to erect a covered porch at 8232 Quartz Cove. Smart Framing, L.L.P., Owner.** Smart Framing, L.L.P was not present to discuss the request. Commissioner Phillips said that he had spoken with the owner and he said he was unable to attend the meeting. Commissioner Harris made a motion to table the request of 7ft to the 25ft rear yard setback to erect a covered porch at 8232 Quartz Cove. Commissioner Miller seconded the motion. The roll call vote was unanimous to table the Variance Request.

**A Variance Request for 3ft 4in to the 10ft separation requirement between the back property line and an in-ground swimming pool at 109**

**Granite Cove. Steve Fox Pools, Agent.** Staff Comments: City Engineer, Ellen Norvell said the required proof of certified notices was not turned in and they did not post their signs on the property. She said she felt it either needed to be not heard or tabled. Harold Booles said that he was the homeowner and Steve Fox was unable to be present. Commissioner Gillham said that we could not proceed without proof that the surrounding neighbors had not been notified and it would have to be tabled. Mr. Booles had additional questions about the Variance process. Steve Fox is no longer able to represent Mr. Booles. Ms. Norvell told him that he could come by the Permit Office where we could provide him with the packet of what needed to be done to properly execute the application process. Commissioner Harris made a motion to table the Variance Request for 3ft 4in to the 10ft separation requirement between the back property line and an in-ground swimming pool at 109 Granite Cove. Commissioner Phillips seconded the motion. The roll call vote was unanimous to table the Variance Request.

**A Variance Request to erect a 16 x 10 Storage Building, which exceeds the allowed Accessory Building square footage at 121 Summer Shade Lane. Billy and Nancy Smith, Owner.** Billy and Nancy Smith were present to discuss the request. Staff Comments: City Engineer, Ellen Norvell said she had no comments. City Planner, Dwight Pattison said that there was no hardship created by the lot. There was no public comment. Ms. Smith stated that they were currently having to rent a storage unit at Apple Valley and that they needed the additional space to move things out of their current detached garage so Mr. Smith could continue his woodworking hobby. Commissioner Gillham said that the detached garage exceeded the allowed square footage already and that a second storage building would further compound that error. Ms. Smith said that if they had known they wouldn't be able to replace the old dilapidated storage building with a new one, they would never have torn it down. Commissioner Gillham said that they can not grant a variance unless there is a hardship created by the lot. Commissioner Harris made a motion to deny the Variance Request to erect a 16x 10 Storage Building, which exceeds the allowed Accessory Building square footage at 121 Summer Shade Lane. Commissioner Miller seconded the motion. The roll call vote was unanimous to deny the Variance Request.

**A Variance Request for 10ft to the 10ft separation requirement between a covered deck and a storage building at 604 Indian Bay Drive. Thurman Booth, Owner.** Thurman Booth was present to discuss the

request. There was no public comment. Staff Comments: City Planner, Dwight Pattison stated that there is no hardship created by the lot only by building in the wrong place. It doesn't meet any of the required setbacks. Commissioner Gillham said that it would be a hardship to tear the addition and covered deck down but a solution would be to get rid of the storage building down at the earliest opportunity. Mr. Booth said that he would be agreeable to cutting back the storage building or moving it sometime in the future but not in the immediate future. He also said that he had just had the storage building built and spent \$3000.00 on it last year. Rodney Freeman was also present to discuss Mr. Booth's request. He asked if the Commissioner's would be agreeable to moving the shed back closer to the fence line. Ms. Norvell said there is a 10ft utility easement on the back of the property and they are supposed to remain clear. Commissioner Harris recommended that they table the request until next month to give Mr. Booth time to find out if he could move the storage building and where. Mr. Pattison said that he had just worked out the calculations from the plot plan and there was no room based on those dimensions to move the storage building anywhere. Commissioner Gillham said that he believed the best answer would be to grant a variance with the promise that the storage building would be removed within the next 10 years and that the property would not be sold with it there. Mr. Booth countered that he would remove 10ft off the storage building in the next 10 years and that it would not be sold with the building there. Commissioner Harris made a motion to approve the Variance Request at 604 Indian Bay Drive with the compliance from Mr. Booth that 10ft be removed from the storage building within 10 years. Commissioner Phillips seconded the motion. The roll call vote was unanimous to approve the Variance Request.

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

ATTEST:

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Stephanie Timaná, Secretary

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Lucien Gillham, Vice - Chairman