

BOARD OF ZONING APPEALS MEETING  
APRIL 26, 2022  
7:00 P.M.

I. CALL MEETING TO ORDER

Meeting called to order by Chairman Anderson at 7:00pm

II. ROLL CALL

Members Present: Jeff Anderson, Dave Nienaber, Tom Hall, David Gleaves, Carolyn Ghantous, Doug Stahlgren

Members Not Present: Michelle Miller

Staff Present: Randy Campion

III. PLEDGE OF ALLEGIANCE

IV. ELECTION OF OFFICERS

- A. Chairman – Jeff Anderson nominated by Dave Nienaber, seconded by Carolyn Ghantous. Re-elected 5-0.
- B. Vice-Chairman – Dave Nienaber nominated by Tom Hall, seconded by Carolyn Ghantous. Re-elected 5-0.
- C. Secretary – Tom Hall nominated by Carolyn Ghantous, seconded by Doug Stahlgren. Re-elected 5-0.

V. SUMMARY MINUTES OF THE REGULAR MEETING OF OCTOBER 26, 2021

Voice vote taken and the minutes were approved with a 6-0 vote.

VI. CORRESPONDENCE - NONE

VII. REPORTS

Report on Council – Ms. Ghantous stated council last met on April 20, 2022 and had 2 ordinances that were approved 7-0.

Report on Planning – Mr. Hall stated planning last met on April 12, 2022 and had 2 cases, 1 approved 7-0 and 1 continued.

VIII. CHAIRMAN'S STATEMENT AND SWEARING IN OF APPLICANTS

Chairman Anderson read the Chairman's Statement and swore in 1 member of the audience.

IX. OLD BUSINESS - NONE

X. NEW BUSINESS

**1. PUBLIC HEARING** (Application #20220630)

Ervin O'Bryan, at 719 Cloverdale Ave, installed a wheelchair ramp in the front yard. The request is for a variance from the following Zoning Code Section 153.252 Table 252-2 to locate the ramp in the front yard setback, which requires a setback of 35 feet from the front lot line.

Mr. Campion gave a general overview of the request at 719 Cloverdale. A wheelchair ramp was installed without approval in the front yard setback.

A representative from the ramp company explained why this is a special circumstance and needed to be constructed the way that it was. He stated there is a large tree in the front yard, and a sloped area that the ramp had to be constructed around. He stated without this ramp the Mr. O'Bryan would not have access to his house.

Mr. Nienaber asked Mr. Campion for clarification on two statements in the staff report.

Mr. Campion stated the first one is asking if they need to grant the variance to meet the code. He stated the second one in question is asking if this property owners privileges are different than everyone else's. Mr. Campion said an example would be does Mr. O'Bryan have a corner lot or does he have something else in the district that other property owners do not have to deal with.

Mr. Anderson stated his understanding is because it is going in the setback it would be special. He stated the code says you need to be inside the setback, but they need an entrance that is accessible. He stated it isn't an extra benefit, it's because of the lay of the land.

Mr. Campion stated it also needs to be noted that when these houses were built the setback did not exist. A city wide setback of 35 feet was later created. He stated the house is grandfathered in because it was built before the zoning change. So any construction done in the front yards would require a variance.

Mr. Anderson stated he has a ramp in the front of his home also. He stated one of the options they had was using the side door as a primary entrance. He asked the representative if another door to the residence was an option.

The representative for the owner stated that none of the other doors are a feasible possibility.

Mr. Stahlgren asked Mr. Anderson if they could grant a temporary variance since this is not a permanent structure.

The representative stated this is a temporary structure, it is not long term, and it can be removed in no time.

Mr. Anderson explained that the variance lives with the property. He stated if a variance is granted it would allow anyone at this property to have a ramp in the front yard. He stated this could be limited to wheelchair ramps because that is the section that they are asking for relief from. Mr. Anderson stated the unit is modular but the variance is permanent.

Mr. Nienaber stated that some of the training for the BZA taught that you cannot grant a time sensitive variance.

Mr. Anderson commented he did drive by the property. He said the ramp does come out quite a bit, but the slope is substantial and the placement is necessary. He believes people should be able to access their homes, and this is something they will probably see more of in the future. Mr. Anderson stated

this is something that can be talked about at City Council and wheelchairs and accessibility. He stated these houses were not built with this in mind. Mr. Anderson said people should not be forced to leave their homes because they need a ramp, especially if it does not affect city services. Mr. Anderson asked if the representative or anyone else in the audience had any further comments.

Mr. Nienaber asked what the rise would be if the ramp went directly across the front of the house.

The representative stated in order to meet ADA guidelines for every one inch of rise it's required one foot of ramp.

Mr. Nienaber stated he had a ramp in front of his house for over a year. He understands the difficulty and the need. He asked if there was any other options for placement.

The representative stated if they kept it tight to the house and behind the tree, the ramp could not be tampered down safely to the edge of the driveway.

Mr. Stahlgren made a motion to grant a variance from Springdale Zoning Code to Ervin O'Bryan located at 719 Cloverdale Ave. The applicant is requesting a variance from Springdale Zoning Code Section 153.252 table 252-2; which requires a 35 foot setback from the front lot line for principle building structures. The applicant states that the installed wheelchair ramp was placed in the location due to obstruction of a large tree and the elevation of the driveway and required landing for the ramp.

Mr. Hall seconded the motion.

Mr. Nienaber made a motion to amend the variance to include this is a non-fixed wheelchair ramp. Ms. Ghantous seconded the motion.

Roll call was taken on the amended item and approved 6-0.

Roll call was taken and the variance was approved 6-0.

XI. DISCUSSION - NONE

XII. ADJOURNMENT

Mr. Nienaber made a motion to adjourn. Ms. Ghantous seconded the motion.

Respectfully submitted,

\_\_\_\_\_, 2022 \_\_\_\_\_  
Chairman, Jeffrey Anderson

\_\_\_\_\_, 2022 \_\_\_\_\_  
Secretary, Tom Hall