

**Sherwood Board of Adjustments**  
**Minutes**  
**September 13, 2011**

The Sherwood Board of Adjustments met for their regularly scheduled meeting on September 13, 2011 at 7:00 p.m. in the City Council Chambers at 2201 E. Kiehl Avenue, Sherwood, AR 72120.

**Members Present**

Forrest Penny - Chairman  
Lucien Gillham  
Mike Berg  
Albert Harris  
Rodney Freeman

**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 August 9, 2011 meeting. Commissioner Harris seconded the motion. The roll call vote was unanimous.

**Public Hearing**

**A request for a variance 9108 Wooded Acres for 13' if the required 25' side yard setback for a fence. Frank Jordan, Owner.** Frank Jordan was present to discuss the request. He said he provided the survey as requested in last month's meeting and he also has approval letters for the fence from four of the neighbors around him. He said he only wants to extend fence out 8' from where it is now. Staff Comments: City Planner, Dwight Pattison asked if there was a hardship created by the lot that is required by the Ordinance. Mr. Jordan said it is on a slope and there is a lot of rock there so the fence contractor could not dig the holes for the fence deep enough and it falls down with any kind of storm. He said it would get the fence off of the slope and give them a little bigger back yard. Commissioner Harris

expressed concerns regarding there being a sight distance problem if the fence was extended. Commissioner Freeman said he feels that the 8' protrusion would be an eyesore on that street. Commissioner Freeman made a motion to deny the variance request. Commissioner Berg seconded the motion. The roll call vote was Harris-aye, Berg-aye, Penny-aye, Freeman-aye, Gillham-abstain, to deny the variance.

**A request for a variance at 820 Grosvenor Drive for 10' of the required 25' rear yard setback for an enclosed patio. Lawrence Livers, Owner.**

Lawrence Livers was present to discuss the request. Staff Comments: City Planner, Dwight Pattison said there is not hardship created by the lot however, there are hardships in their current situation. He said there are a substantial number of large structures in the rear yards in that neighborhood. He said based on that the Planning Staff could recommend for approval of the variance. City Engineer, Ellen Norvell did not have any comments. Commissioner Freeman made a motion to approve the variance. Commissioner Gillham seconded the motion. The roll call vote was Harris-nay, Berg-nay, Penny-aye, Freeman-aye, Gillham-nay to approve the variance.

**A request for a variance at 400 Lantrip Road from the requirement of paved parking. David Teague, Sherwood Fire Department.**

Chief David Teague and Mike Anderson were present to discuss the request. Mr. Anderson said it is currently not a parking lot area. He said it is a gravel area that they use for training and the board does not allow people to park on it. He said the Chief has brought to their attention that with it being an emergency type unit that they might have some emergency or temporary type situations. He said they couldn't pave it because it has to remain available for their training. He said they are only asking for a variance for emergency or temporary parking not for continuous use. Staff Comments: City Engineer, Ellen Norvell said our requirements require that parking areas be paved. She said she doesn't think the City would ever have a problem with it being used for emergency use. She said it just gets a little vague sometimes when you classify it as emergency or training use. She said they felt like it was a variance that needed to come before the Planning Commission. City Planner, Dwight Pattison said as long as it can be stipulated that it can be used for emergency use only then Planning Staff would recommend for approval. Commissioner Gillham made a motion to approve the use of the gravel area for emergency parking. Commissioner

Harris seconded the motion. The roll call vote was unanimous to approve the variance.

**A request for a variance at 12943 Highway 107 for 40' of the required 60' height requirement and a size of 271.25 square feet, which is in excess of the 160 square foot requirement. Dean DiMichele, DiMichele Management, Inc.** Dean DiMichele was present to discuss the request. Mr. DiMichele said the problem he has with that site is that it is sitting in a low area and when you are coming around the hill on Highway 107 you would not be able to see the sign if it was 60' in height. Staff Comments: City Planner, Dwight Pattison said this location is on a corner at a signaled intersection. He said it is not a highway location as far as interstate travel or intercity type travel. He said based on the location factors, Planning Staff recommends for denial. City Engineer, Ellen Norvell said due to the terrain at that location Engineering Staff doesn't have a problem with approving the higher sign and larger sign location. Commissioner Gillham said Walmart has a sign on the ground that is about 10' high and it appears to be adequate. He said it is not in favor of a 100' tall sign. He said 90% of the people that travel that road will know where that McDonald's is because they travel that road twice a day to work and home. Chairman Gillham made a motion to disapprove the variance request. Commissioner Freeman seconded the motion. The roll call vote was unanimous to disapprove the variance.

There being no further business Commissioner Berg made a motion to adjourn. Commissioner Freeman 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