

**NORTH LITTLE ROCK
BOARD OF ADJUSTMENT AGENDA
February 25, 2016
1:30pm**

JP

Agenda Meeting: ▪ Roll Call

Reminder ▪ Turn off cell phones

Administrative: ▪

Approval of Minutes: ▪ December 31, 2015

Public Hearings:

1. BOA Case #2016-3. To allow a front and side yard 6' chain link fence with vertical or inclined inward barb wire (total 7' tall) located at 3800 East Broadway.

2. BOA Case #2016-1. To allow a 10' front yard building setback located at 3709 Phyllis Court.

Public Comment / Adjournment:

North Little Rock Board of Adjustment

Minutes

December 31, 2015

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:30 P.M. in the Planning Office (Conference Room B).

Members Present

Carl Jackson, Chairman
Tom Brown
Steve Sparr
Mike Abele
Andy Hight

Members Absent

None

Staff Present

Shawn Spencer, Planning Director
Jimmy Pritchett, City Planner
B.J. Jones, Secretary

Others Present

Paula Jones, City of North Little Rock Legal Department
Kayla Kramer, 1516 So. Boston Avel, Tulsa, OK 74119
Jeanette Primm, 215 Plainview Cir., NLR, AR

Approval of Minutes

Mr. Sparr formed a motion to approve minutes from the previous meeting of the Board in August.

Mr. Abele seconded the motion and there was no dissent.

Old Business

None

New Business

1. **BOA Case #2015-1.** To allow an additional cellular tower with a height limit from 75' to 150' in addition to waiver of the minimum lot size from 75'x75' to 40'x40' and a separation distance between existing and proposed cellar towers. The location of this request is 924 West 15th and described as Lot 1, Branch Comm Riverview.

Chairman Jackson swore in the applicants and asked Mr. Spencer if there were pictures of the case.

Mr. Spencer showed video of the property, pointing out the proposed location for the requested tower. He noted the location is zoned industrial.

Chairman Jackson asked about the other tower in the pictures.

Mr. Spencer replied that there is an existing tower and a proposal for a new tower in addition to the existing one.

Chairman Jackson asked the applicant to state a hardship.

Ms. Kramer explained that there is a significant gap in coverage for customers in the area. She added that the current location has been a working site for her company for over a year. She noted that they had tried to locate on the existing tower but studies indicated structure failure with the proposed changes. They had also checked into removing the old tower and replacing it with a new tower, but they do not own the old tower, so that option proved extremely complicated.

Mr. Hight asked if that is a valid hardship.

Mr. Spencer replied that it had been considered a valid hardship in the past, but all decisions are made on a case by case basis.

Ms. Kramer referred to a clause in the 1996 ordinance regarding coverage gap for her basis.

Mr. Hight asked what company owns the existing tower.

Ms. Kramer replied that the tower is owned by Crown Castle and services AT&T customers. She noted a Verizon tower is located near Pulaski Tech just over a

half mile away. They had considered a co-locate there but the tower proved too small and too short.

Mr. Abele asked if the parameters of the existing ordinance are based on visual appeal or aesthetics.

Mr. Spencer replied that the ordinance is twenty years old and he assumes the criterion is based on aesthetics.

Chairman Jackson asked about the minimum lot size and asked if this is the only thing available.

Ms. Karamer replied that they prefer 100 by 100 lots to not be so small and hemmed in.

Mr. Spencer added that Planning Commission supports the location on an industrial lot. When towers are located in a residential area they must consider planting trees and that is not necessary in the industrial zoning.

Mr. Brown asked why removing the existing tower and replacing it had been deemed prohibitive.

Ms. Kramer replied that since they did not own the existing tower, they could not remove it. She added that it was constructed of very thin materials which led to the conclusion that it would fail structurally with any additions.

Mr. Brown suggested that the applicant could remove the existing tower.

She replied again that they do not own the tower.

Mr. Brown asked her to state her hardship.

Ms. Kramer cited the coverage gap to clients.

Mr. Brown asked Mr. Spencer to read the definition of a hardship.

Mr. Spencer read the definition, including the phrasing that the hardship could not be created by the owner.

Mr. Hight suggested that needing the tower due to increased customers is no different than allowing a fence for safety issues.

Ms. Kramer suggested that her options are limited by the City's ordinance requirements, making this a good site, due to the industrial zoning.

Mr. Brown asked Mr. Spencer to point out the location of the proposed new tower.

Mr. Spencer directed his attention to the cursor on the screen.

Chairman Jackson asked about the application reference to additional antennas.

Mr. Spencer replied that T-Mobile could locate to this tower when or if their tower fails.

Mr. Abele asked if a generator is to be located at the site also.

The applicant replied in the negative, but added that it might be considered in the future.

Chairman Jackson asked for staff recommendations.

Mr. Spencer replied that staff supports the applicant's request. He explained that this one location is preferred over what the ordinance would allow. The ordinance allows a seventy-five foot tower and up to four towers.

Mr. Sparr formed a motion to approve the applicant's request.

Mr. Hight seconded the motion and it was passed with a unanimous vote.

Mr. Brown asked for a stipulation that these towers be removed as improved technology decreased the size necessary.

Ms. Kramer replied that is already a provision in the lease.

Mr. Spencer suggested a copy of the lease be added to the file.

2. BOA Case #2015-2. To allow a 14'x24' garage in the side yard of an R-2 property, within 10' from the primary structure. The location of this request is 215 Plainview Circle and as described as Lot 14, Block 1, Park Hill 1N.

Mr. Spencer showed pictures of the property and Chairman Jackson asked the applicant to state a hardship.

The applicant explained that the shape of the lot with all of the sloping made it impossible to build in the rear portion of the lot.

Chairman Jackson asked why she needed the garage.

The applicant replied that she needed covered parking to accommodate her wheelchair bound mother

Mr. Abele asked if there had been a feedback from the neighbors.

Mr. Pritchett replied that there had been several inquiries but no one objected to the applicant's request.

Mr. Brown formed a motion to approve the applicant's request.

Mr. Sparr seconded the motion and it passed with a unanimous vote.

Administrative:

Mr. Spencer informed the Board that meeting calendars for next year have been sent in the mail.

Mr. Brown questioned the meeting date for November and asked that it be rescheduled to accommodate his court schedule.

He formed a motion to move the meeting from November 17 to November 16.

Mr. Sparr seconded the motion and there was no dissent.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Hight moved for the Board to adjourn at 2:00pm.

Mr. Sparr seconded the motion and there was no dissent.

PASSED: _____ RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN

SHAWN SPENCER, DIRECTOR

CASE: BOA #2016-3

REQUEST: To allow a 6' front and side yard chain link fence with vertical or inclined inward barb wire. The total height of fence with barb wire shall not exceed 7 feet.

LOCATION OF THE REQUEST: 3800 E Broadway Street

APPLICANT: Elisei Cojocaru

OWNER: Elisei Cojocaru

SITE CHARACTERISTICS: Developed lot in a commercial zone.

ZONING: C-4

SURROUNDING USES:

- NORTH: commercial hardware company
- SOUTH: vacant lot
- EAST: commercial building
- WEST: commercial produce company

SUMMARY: The applicant is requesting to install 6' foot chain link fence around the property. Fences are not permitted in front yards. Barb wire is only permitted in the rear and side yards of C-4 and C-5 zoned properties.

STAFF RECOMMENDATION: Approve, with conditions:

1. Allow maximum of 6' fence around the property.
2. Allow 3 strands of vertical or inclined inward barb wire.
3. Total height of fence including barb wire shall not exceed 7 feet.
4. Provide written approval of gates by the Fire Marshal when a fence permit is requested.
5. Entrance gate from public street shall be setback 40' from property line.

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? The request is in a commercial zoned area.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? No, the property has been used commercially for years.
3. Is there something unique about the property that necessitates the variance? Installation of front yard fences and gates are not allowed unless approved by the Board.
4. Will the request injure the planned or appropriate use of adjoining property? If installed as permitted by the Board, there should be not be a negative effect.
5. Will the variance weaken the general intent and purpose of the land use and zoning plan? No, the use is permitted in this zone.
6. Will the variance be in harmony with the spirit of the ordinance? Yes
7. Will a variance adversely impact health, safety and general welfare? The variance shown does not adversely impact health, safety and general welfare.



11419 Stagecoach Road Suite 2500 Little Rock, AR 72210

December 4, 2015

Board of Adjustment
North Little Rock Community Planning
120 Main Street
North Little Rock, Arkansas 72114

RE: Lots 1-5 & 30-51 J.F. Warden Subdivision, North Little Rock, Arkansas

The following request is asking for permission to add a security fence around the perimeter Lots 1-5 & 30-51 in the J.F. Warden Subdivision, North Little Rock, Arkansas (also, know as 3800 East Broadway).

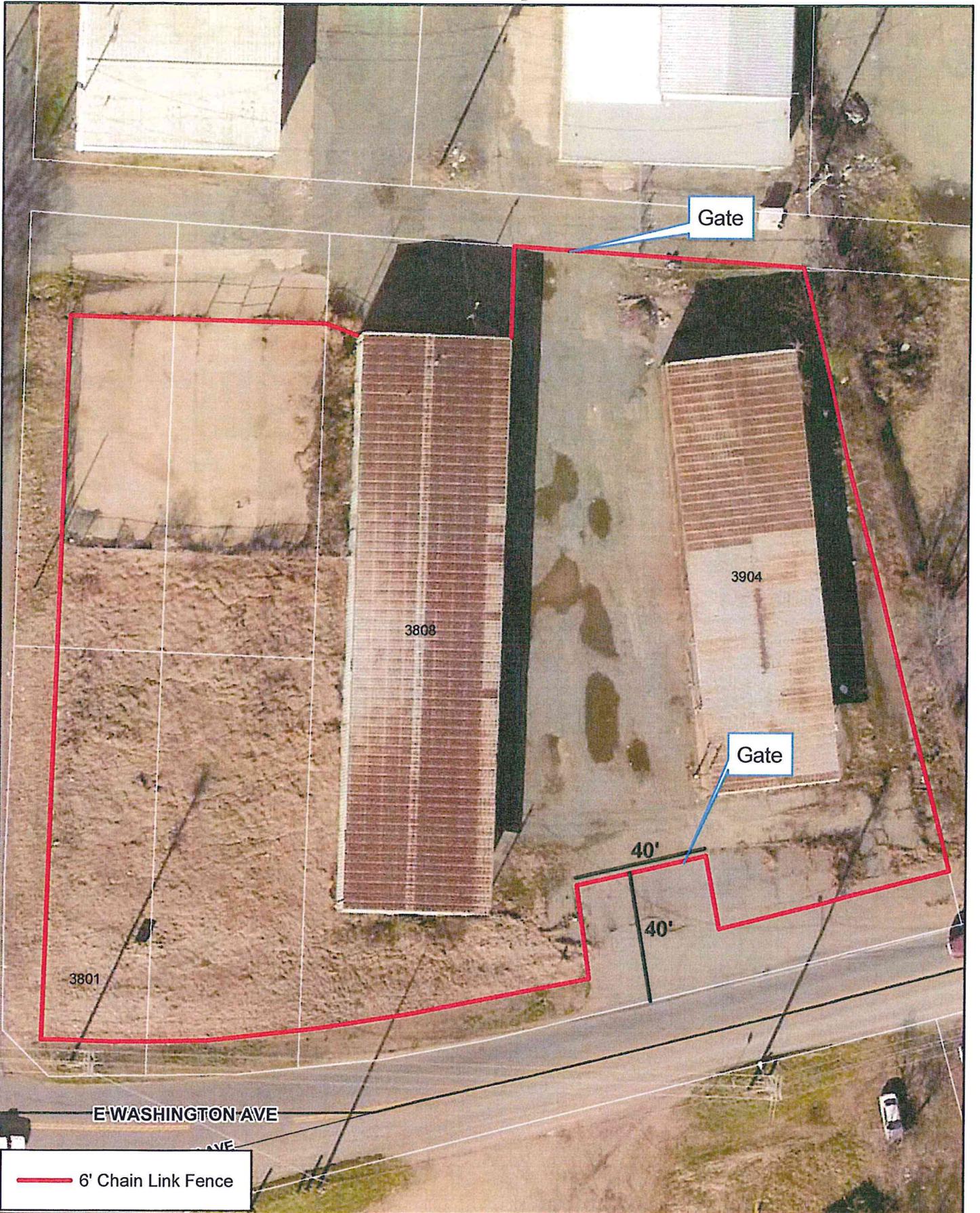
The entry gates being a manual chain length and lock accessed through Lots 47 and 48, structured around the buildings located on the property. Emergency Officials' will be able to access the interior area with bolt cutters.

We are seeking this permit to be able to secure the business of Creative Wall System construction equipment and protection from vandalizing property equipment as well protecting pedestrians from walking through and harming themselves and others. We will comply to any policies to fence in ordinates that is subject to the boards approval.

A handwritten signature in black ink that reads "jessica j. allen". The signature is written in a cursive, lowercase style.

Urban Contractors, Inc.
11419 Stagecoach Road
Little Rock, AR 72210
501-912-2061

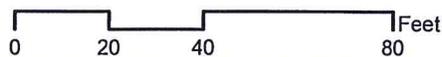
North Little Rock Board of Adjustment



BOA CASE #2016-3

Date: 2/2/2016

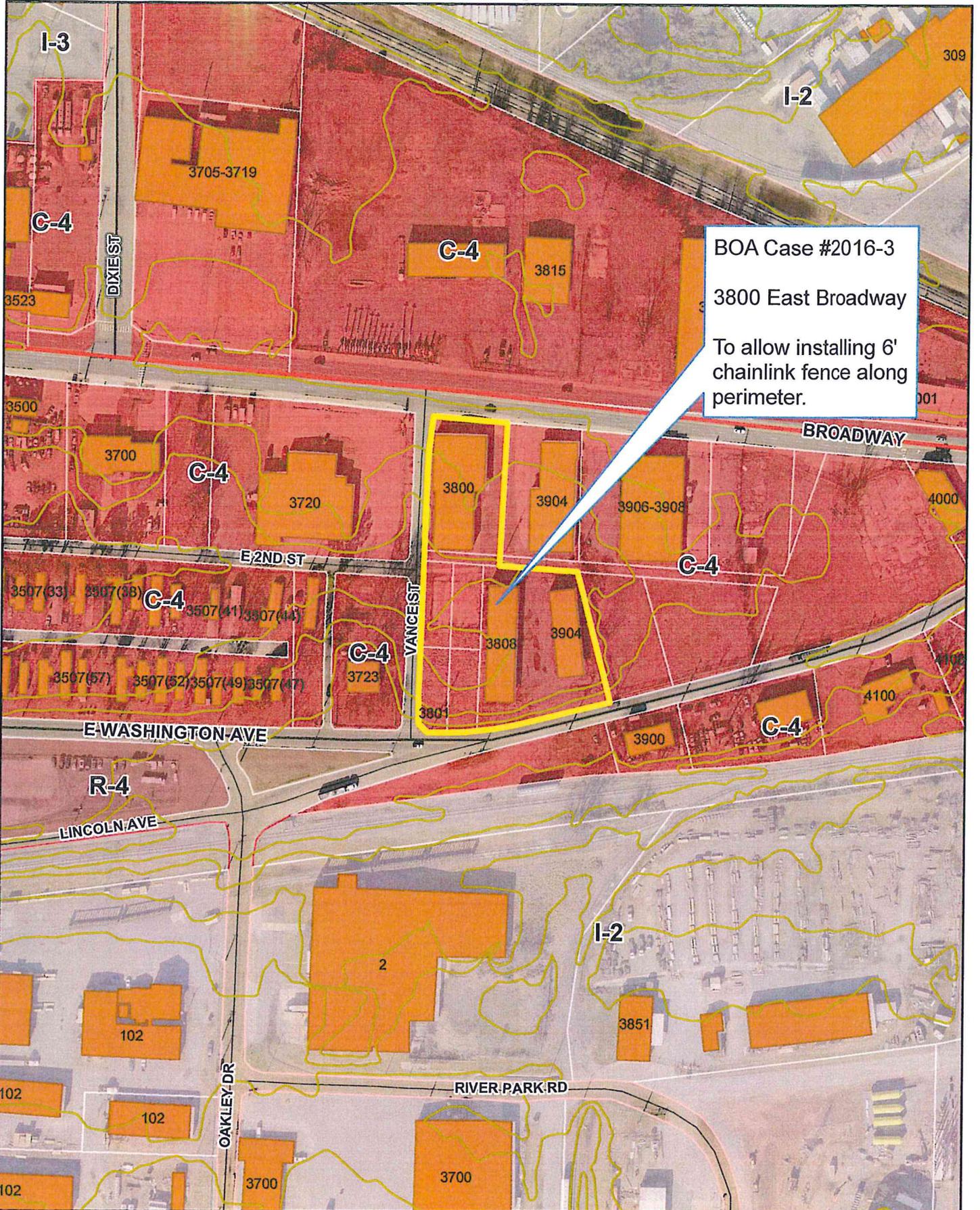
1 inch = 40 feet



User: JHale



North Little Rock Board of Adjustment



BOA Case #2016-3
3800 East Broadway
To allow installing 6'
chainlink fence along
perimeter.

BOA CASE #2016-3

Date: 2/2/2016

1 inch = 200 feet

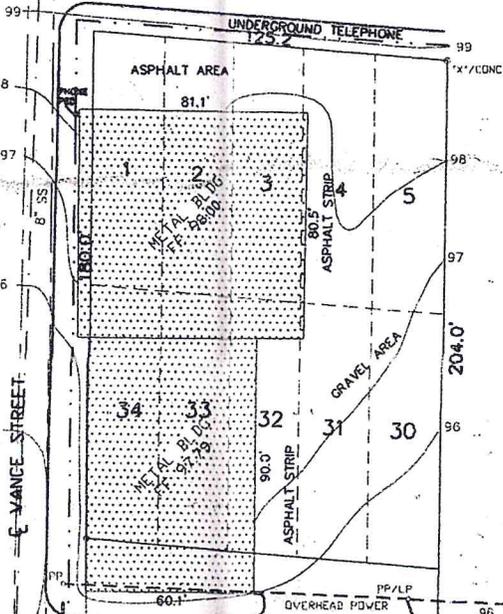


User: JHale



RIM 104.59
FL 101.34
MH
4" HIGH PRESSURE GAS LINE
12" WATERLINE
8" SS

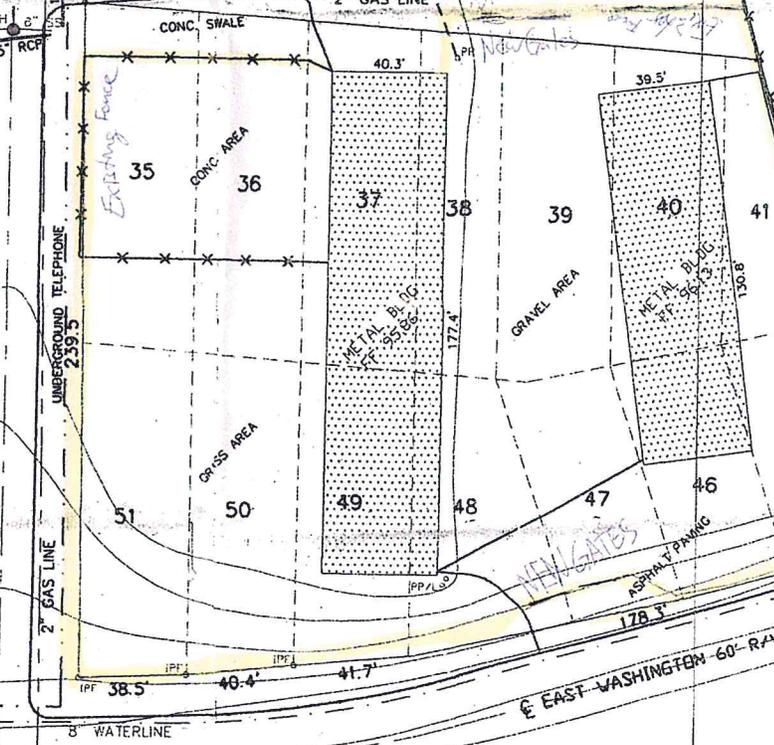
E BROADWAY 60' R/W



E VANCE STREET

E. SECOND ST. CLOSED
BY ORDINANCE NO. 5242

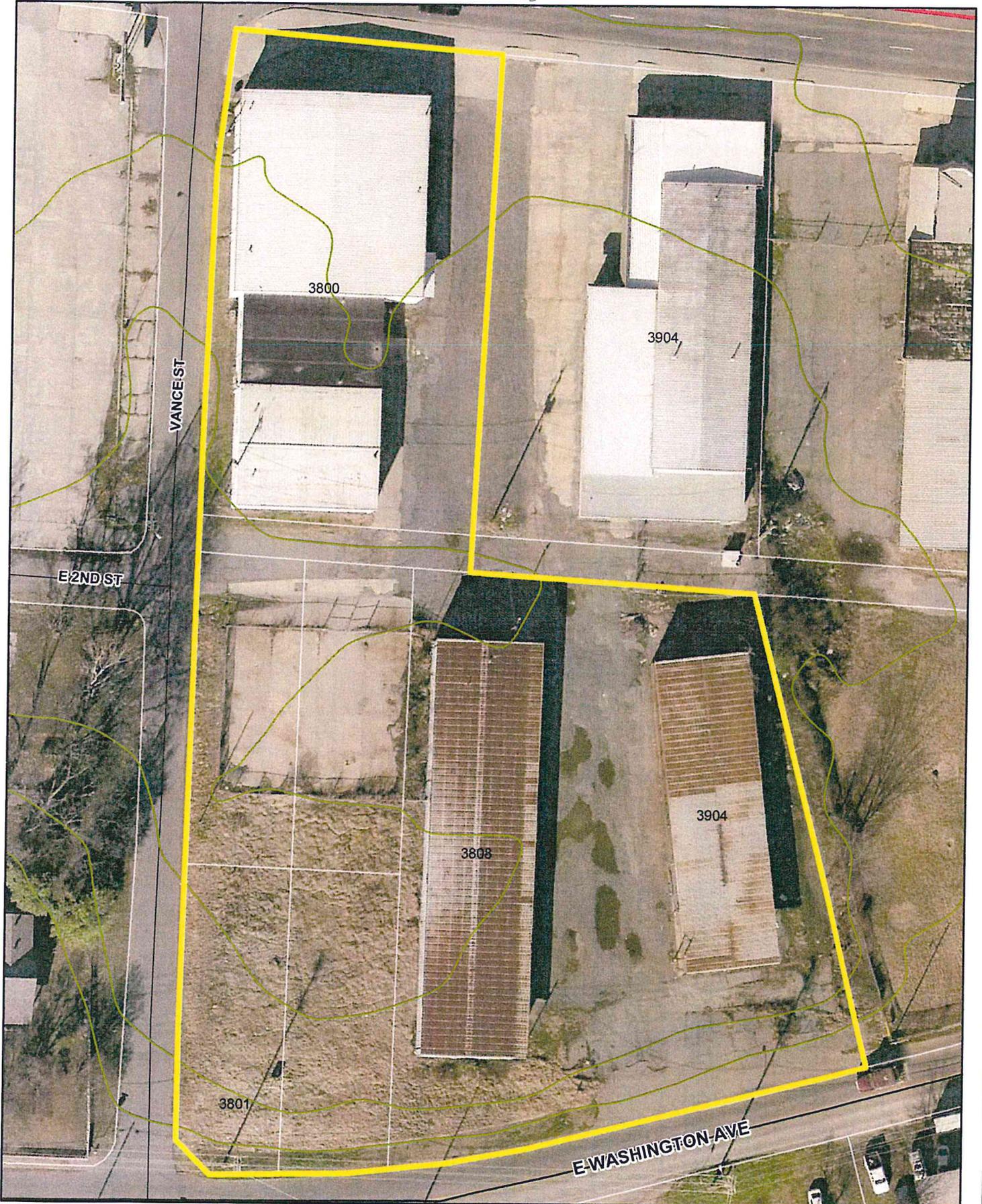
FL 92.68
8" SS MH
15" RCP
CONC. SWALE
2" GAS LINE
RR/SPIKE



2" GAS LINE
8" WATERLINE

E EAST WASHINGTON 60' R/W

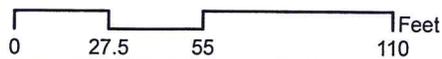
North Little Rock Board of Adjustment



BOA CASE #2016-3

Date: 1/6/2016

1 inch = 55 feet



User: JHale



CASE: BOA #2016-1

REQUEST: To allow a 10' front yard building setback

LOCATION OF THE REQUEST: 3709 Phyllis Court

APPLICANT: Gerardo Guzman

OWNER: Gerardo Guzman

SITE CHARACTERISTICS: Developed lot in a commercial zone.

ZONING: C-4

SURROUNDING USES:

NORTH: commercial

SOUTH: vacant lot

EAST: commercial

WEST: commercial

SUMMARY: The applicant is requesting to construct a new office/shop/inventory storage facility within the front 40' setback. The applicant has stated that the building will be 10' from the front property line.

STAFF RECOMMENDATION: Staff cannot support building within the front setback. There appears to be available building area at the rear of the property.

Conditions: 1. Allow a 36'x12' building to encroach into the front building setback.
2. New construction to be reviewed by Planning Commission.
3. Existing awning area cannot be enclosed over 10' sewer easement.

BOARD MEMBER'S CONSIDERATION

1. Does the request authorize a use not allowed in the zone? The request is in a commercial zoned area. If approved, it would allow a building in a setback that does not allow buildings.
2. Does the zoning ordinance, if literally interpreted, deny the reasonable use of property? The property has been used commercially for years. There is available building area elsewhere on the property.
3. Is there something unique about the property that necessitates the variance? There is available building area elsewhere on the property.
4. Will the request injure the planned or appropriate use of adjoining property? A building within the front setback will change the composition of the subdivision.
5. Will the variance weaken the general intent and purpose of the land use and zoning plan? Yes, the purpose of setbacks is to create a uniform building setback along a street.
6. Will the variance be in harmony with the spirit of the ordinance? No, setbacks are established based on zoning and street types (Master Street Plan).
7. Will a variance adversely impact health, safety and general welfare? The variance shown does not adversely impact health, safety and general welfare.



3709 Phyllis St. North Little Rock, AR 72118 | Office: (501) 812-4231 Alt.: (501) 590-9086 Fax: (501) 812-6778

To: North Little Rock Community Planning
Board of Adjustment
120 Main St.
North Little Rock, AR 72114

From: Gerardo Guzman, GM/Owner
American Structure Inc.
3709 Phyllis Court
North Little Rock, AR 72118

Date: December 31, 2015

Subject: Letter of Hardship - Facility Expansion into Easement

American Structure Inc. (ASI), formerly American Structure Repair LLC (ASR), has been experiencing exponential growth over the last several years. This growth affects many aspects of business from the need for more employees, to incorporating, and to the need for additional space at our shop facility which is the point of this request.

We currently employ 20 individuals and will need to add over the next several months an additional crew and lead (roughly 5 or 6 additional labor employees) and 1 additional project manager/sales representative. Given the tempo of our business flow it would be reasonable to expect this number to expand further as time passes.

In our business there are many entities that require or recommend various practices in the context of human resource health and safety. Should we continue to operate with existing facilities it will be difficult manage all of these various requirements and concerns with any consistency due to environmental exposure factors and could result in some very expensive fines or recovery costs that could jeopardize the business.

To accommodate this elevated demand and subsequent expansion requirement we are in need of additional enclosed office/shop/inventory storage space which we hope to accomplish by the construction of a new building on our property at 3709 Phyllis Court. The plan currently in play, if pursued, will require us to utilize a small portion of the existing easements to affect construction of the proper size structure. We have been searching over the past year for a larger more suitable facility but there are few that would represent improvement and those that would are not affordable. So, this new



3709 Phyllis St. North Little Rock, AR 72118 | Office: (501) 812-4231 Alt.: (501) 590-9086 Fax: (501) 812-6778

structure on our existing property is the most cost effective way to accomplish our goals and satisfy our needs.

Our evolution from a small entrepreneurial business to a corporate entity, in our view, is of great value to the community via the economic benefits to the community such as an expanding employee base, and enhancement of the perception that North Little Rock is a viable community for all manner of new businesses and expanding businesses to flourish and serve their patrons. Additionally, the new "Store Front" on the street side will enhance the appearance and appeal of this section of industrial or commercial properties thereby elevating other property values as well.

We are confident that this facility expansion will be of no consequence to our neighbors in the functionality of their businesses as it will not elevate street activity to any appreciable degree and it will be business as usual for them.

In conclusion we respectfully request your consideration of our proposal for expansion and use of portions of the easements to accomplish this task.

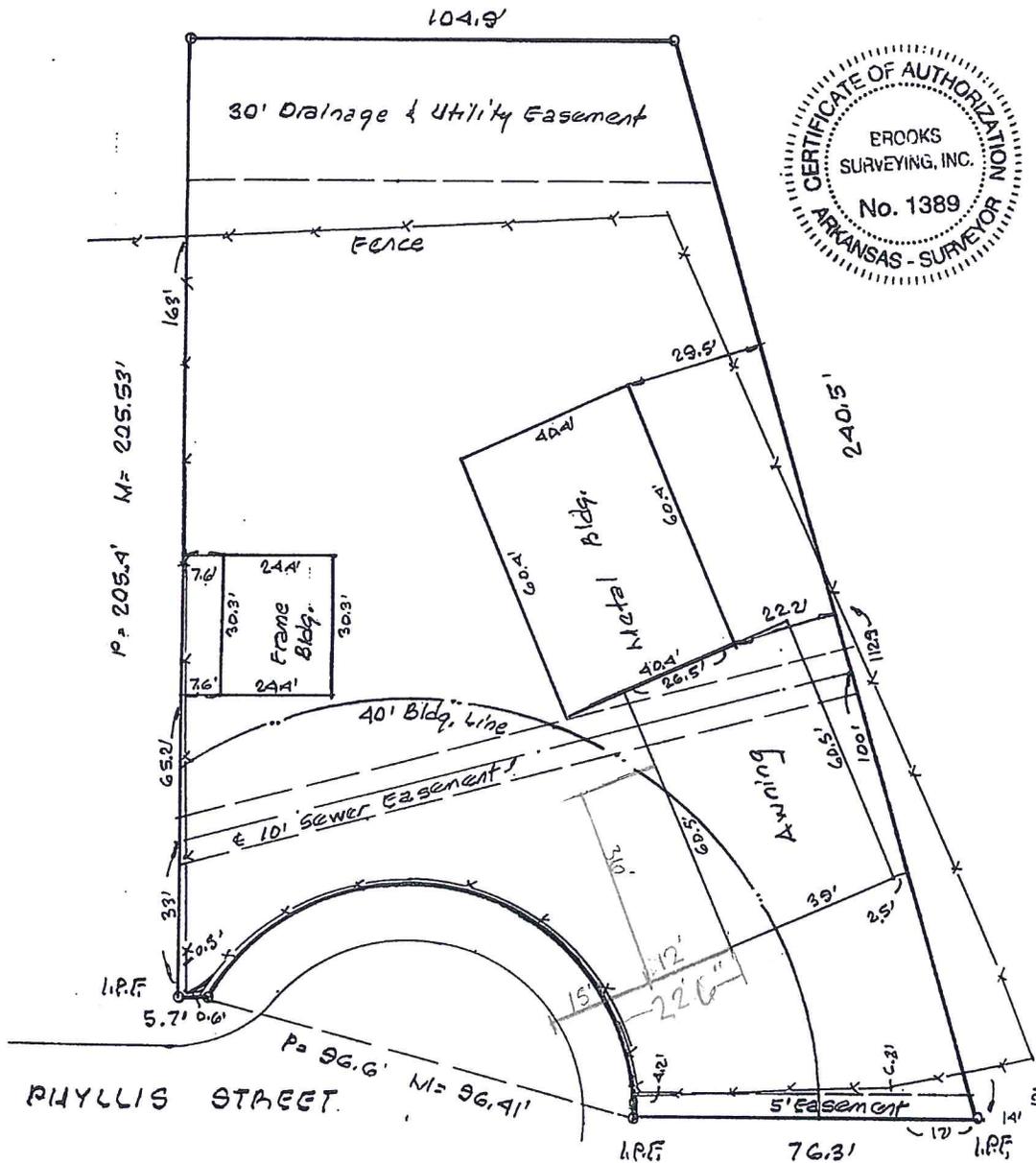
Sincerely,

Gerardo Guzman GM/Owner

correct

BROOKS SURVEYING, INC.

20820 ARCH STREET PIKE
HENSLEY, AR 72085
PHONE (501) 888-5336



LEGAL DESCRIPTION

Lot 1, Block 1, SHILCOTT'S COMMERCIAL ADDITION to North Little Rock, Pulaski County, Arkansas.

Date of Survey: December 29, 2015
 Scale: 1" = 30'
 Property Address: 3709 Phyllis Street
 For Use & Benefit of: American Structure Repair
 Jerry Guzman



This is to certify that the above described land has been surveyed. The corners are marked as shown and are in accordance with existing monuments in the vicinity. This certification is for and limited to the parties shown hereon.

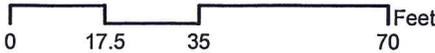
North Little Rock Board of Adjustment



BOA CASE #2016-1

Date: 1/6/2016

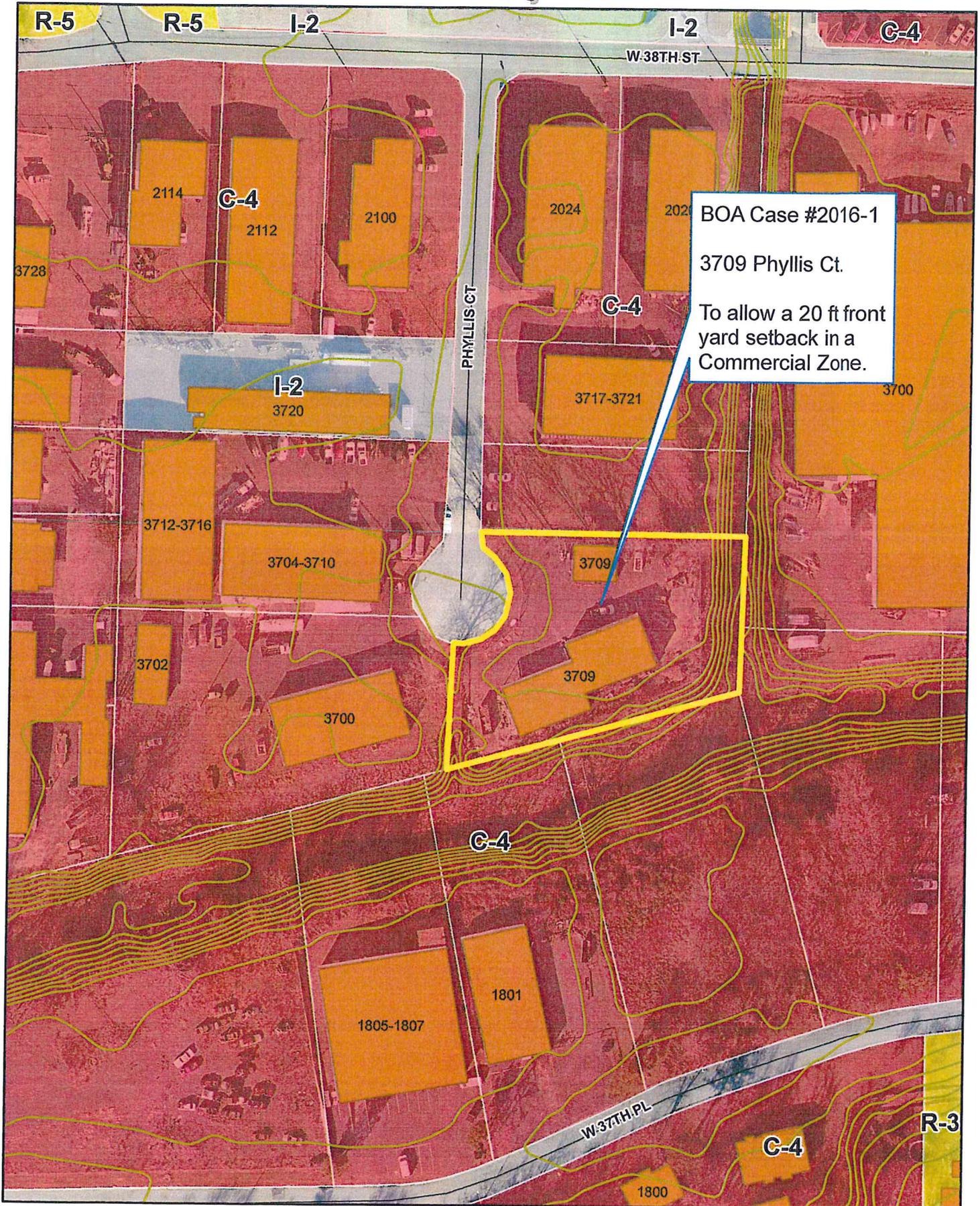
1 inch = 35 feet



User: JHale



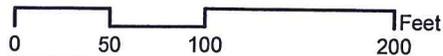
North Little Rock Board of Adjustment



BOA CASE #2016-1

Date: 1/4/2016

1 inch = 100 feet



User: JHale

