

# **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 cellular towers. The location of this request is 924 West 15<sup>th</sup> 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:** 03/31/16 **RESPECTFULLY SUBMITTED:**

  
\_\_\_\_\_  
CARL JACKSON, CHAIRMAN

  
\_\_\_\_\_  
SHAWN SPENCER, DIRECTOR