North Little Rock Board of Adjustment

Minutes

October 26, 2017

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

Tom Brown
Mike Abele
Carl Jackson
Tim Giattina
Steve Sparr

Members Absent

None

Staff Present

David Forstrom, City Planner
B.J. Jones, Secretary

Others Present

Daniel McFadden, North Little Rock City Attorney’s office
Helen Brant, 56 Sam Parker, North Little Rock, AR
Bobby and Jennifer Henry, 1505 Beresford Rd, NLR, AR
John B. Rhodes, Jr. 1999 Bryan St., Dallas, TX
Dave Bruning, 11 Samantha Ln.,
Doug Meyer, PO Box 13437, Maumelle, AR
Greg Hart, 200 North Plaza, LR, AR

Administrative

Chairman Jackson asked Mr. Forstrom for a 2018 calendar to review the meetings scheduled for next year.

There was discussion among board members regarding scheduled meetings for next year.

Mr. Giattina formed a motion to approve the calendar of next year’s meetings as presented by staff.
Mr. Brown seconded the motion and there was no dissent.

**Approval of Minutes**

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

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

**Old Business**

None

**New Business**

1. **BOA Case 2017-18.** To reduce front building setback from 25’ to 7’ for awning at an R-3 zoned property located at 100 Conway Road.

   Chairman Jackson swore in the applicant and asked him to state his name for the record.

   Mr. Bobby Henry stated he represented the church for this case.

   The Chairman asked the Planner to show the video for the case.

   Mr. Henry explained that the church had dwindled in members and was now growing again so they are refurbishing the property. He noted that they had been approved to build the fence they requested and would like to add an extension to the existing awning for a wheelchair entrance to be covered for the elderly.

   Mr. Forstrom noted that the church had submitted a current survey to verify the placement they are requesting.

   Chairman Jackson asked for staff recommendations.

   Mr. Forstrom replied that staff supports the applicant’s request based on unique characteristics of the property such as the narrow street and the existing flagpole. He noted there would be no impact on visibility for traffic.

   Mr. Sparr asked if the fire marshal has approved the request.

   Mr. Forstrom replied that staff suggests any approval of the applicant’s request include a condition that applicant must comply with any requirements the fire marshal includes.
Mr. Sparr formed a motion to approve the applicant’s request with a condition that all requirements from the fire marshal be met.

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

2. **BOA Case 2017-19.** To reduce rear-building setback along eastern property boundary from 20’ to 17.5’ for proposed new commercial building at a C-3 zoned property located at 2501 McCain Boulevard.

Chairman Jackson swore in John Rhodes as representative of the applicant and asked him to state his hardship.

Mr. Rhodes explained that the current Exxon station will be occupied by a new tenant that will require installation of a bump out in the existing building to accommodate a drive thru service. Ownership is planning for better spacing by closing two existing driveways and adding cross access driveway.

Chairman Jackson asked if the Exxon is going away.

Mr. Rhodes replied in the affirmative.

Mr. Brown asked if the planned structure could be moved rather than asking for the variance.

When Mr. Rhodes began to answer, Mr. Brown asked for a yes or no response.

Mr. Rhodes replied no.

Mr. Forstrom interceded that of course, the building shape could be changed but staff has no objection to the applicant’s request, though there is no hardship stated. He added that the proposed changes would create a major reduction in traffic hazards.

Mr. Brown suggested the property is fine like it is.

Mr. Rhodes reiterated that the proposed improvements would be much better from a safety standpoint.

Chairman Jackson suggested that safety is the hardship.

Mr. Forstrom replied that though there is no hardship, staff has no concerns regarding the request.

Mr. Brown emphasized that there must be a hardship.

Mr. Rhodes replied that hardship is a very broad term.
Mr. Brown suggested the applicant state that safety is his hardship and then be quiet.

Mr. Giattina formed a motion to approve the applicant’s request.

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

3. **BOA Case 2017-20.** To reduce side-building setback on a corner lot from 25’ to 7.5’ for a loading dock canopy at a C-3 zoned property located at 1301 Main Street.

Chairman Jackson asked who wanted to speak regarding this case and proceeded to swear in.

He asked one woman in attendance if she wanted to speak.

She replied that she was unsure and that she owned the property neighboring on Maple and facing the existing loading dock.

The applicant replied that his request is not for property on Maple.

She asked why she received the letter about today’s meeting.

Mr. Brown explained that applicants are required to notify owners of all adjoining property to allow the opportunity to express opinions regarding the request.

Chairman Jackson proceeded to swear in Dave Bruning of 11 Samantha Lane and asked him to state a hardship regarding his request.

Mr. Bruning replied that the request is safety related. He explained that they had wrongly assumed they could install a canopy to cover the loading dock when it was installed.

Chairman Jackson asked how the requested canopy related to safety.

Mr. Bruning explained that inclement weather caused the loading dock to become unsafe.

There was discussion about the loading dock and if it would extend into the street.

Mr. Brown asked if the dock is long enough for a semi.

Mr. Bruning replied in the affirmative and added that they had answered all these questions when applying to install the loading dock. He clarified that the loading mostly involves office furniture and rarely is a semi involved. He explained that most of the deliveries are done with a van.
The neighbor, Helen Brant, interjected that there are three semi-trailers sitting by the fence.

The applicant explained that those are used for stationary storage.

Ms. Brant added that when an eighteen wheeler is at the dock it extends past it.

The applicant replied that would not be true when the installation is completed.

Chairman Jackson asked Ms. Brant if she could see the pictures posted of the proposed project.

Mr. Brown pointed out the loading dock in yellow in the pictures and the applicant pointed out the sidewalk.

Chairman Jackson asked for staff recommendations.

Mr. Forstrom replied that staff agrees it is a reasonable request due to safety concerns and that there are numerous other properties in the area with similar conditions.

Mr. Brown asked what type of business is operated at the location.

The applicant replied that the business is Southern Office Systems and noted that the business owner is in attendance at this meeting.

Mr. Brown asked the owner to step up and Chairman Jackson swore in Greg Hart, the business owner.

He explained that he is in the office furniture business both new and used.

Mr. Brown asked what his hours of operation include.

Mr. Hart replied that normal business hours are from 8:00am until 5:00pm. He added that someone may occasionally be there earlier but no deliveries are scheduled before that so no trucks would be there earlier than 8:00am.

Mr. Brown asked if he owned and stored delivery trucks at the location.

Mr. Hart replied in the affirmative and added that the trucks are parked behind the building. He also noted that the aforementioned storage trailers are to be removed once the project is completed.

Mr. Abele asked if the loading dock is existing.
Mr. Forstrom replied in the affirmative that the dock had been through the site plan review process.

Mr. Abele asked for clarification on the applicant’s request.

Mr. Forstrom replied that the request addresses a setback issue.

Mr. Giattina asked the applicant if he was aware he needed a permit when he started the project without a permit.

The applicant replied that he was unaware an additional permit was needed.

Mr. Brown asked the applicant if he is aware of the consequences if this Board does not approve his request.

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

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

PUBLIC COMMENT/ADJOURNMENT:

Mr. Sparr formed a motion for the Board to adjourn at 1:55pm and there was no dissent.

PASSED: November 30th, 2017

RESPECTFULLY SUBMITTED:

[Signature]

CARL JACKSON, CHAIRMAN