North Little Rock Board of Adjustment

Minutes

November 30, 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

Shawn Spencer, Planning Director
David Forstrom, City Planner
B.J. Jones, Secretary

Others Present

Darrell Boggs, 60 Bobwhite Hill Ln., Sherwood, AR 72126
Marlot Pace, 3310 No. Cypress, NLR, AR 72116
Bill Brown, City Attorney Office, City of NLR

Administrative

None
Approval of Minutes

Mr. Giattina formed a motion to approve the minutes from the previous meeting in October.

Mr. Brown noted a correction that needed to be made on page four of the previous minutes. He noted the name Bruning was misspelled three times. Once those corrections are made, he seconded the motion to approve the minutes. There was no dissent.

Old Business

None

New Business

1. **BOA Case 2017-21.** To reduce side building setback from 6’ to 1’ for an attached carport at an R-2 zoned property located at 3224 North Olive Street.

   Chairman Jackson swore in the applicants and asked them to state names and addresses for the record.

   Mr. Forstrom showed the video of the property. He explained that staff had requested the applicants to get a survey considering the request to be so close to the property line. He noted that the applicant had complied. The survey found the property line to be even closer to the existing structure than first thought.

   Mr. Brown asked if abutting neighbors had been notified of the request.

   Mr. Boggs replied in the affirmative and referred to letters of approval from adjacent property owners.

   Mr. Jackson asked the applicants to state their hardship.

   Mr. Boggs noted that their reasoning might not meet normal hardship requirements but Ms. Pace’s elderly father lived in the home and is in need of cover while entering and exiting the home from a vehicle. He explained that the garage does not help considering it is too far away from the home and one must maneuver over uneven ground to reach the space.

   Mr. Brown asked how the gentleman gets in now.
Ms. Pace pointed out where her father is parking in the front to enter the house.

Mr. Brown asked how long the gentleman had been living there.

Ms. Pace replied that she had bought the house in the summer for him to live there.

Mr. Brown stated that he did not believe they had offered a valid hardship.

Mr. Boggs replied that it is a hardship for the elderly father.

Mr. Brown responded that the gentleman is 86 years old and in all probability will not be getting out in the snow.  
Mr. Boggs noted that the elderly gentleman does still drive.

Mr. Sparr added that doctor appointments could require one to get out in the weather.

Mr. Boggs noted that others in the neighborhood have done similar projects.

Mr. Brown replied that each case must stand on its own merit.

Mr. Forstrom noted that the support that had come from adjoining property owners was because they hoped to do the same thing.

Mr. Boggs state that he understands the purpose of the setback requirements for sturdy structures but does not understand why the same requirements apply to poles set for the requested structure.

Mr. Sparr added that he had observed a precedent set in the neighborhood and is interested in what the neighbors think about this request and is concerned how this request effects fire access.

Chairman Jackson asked if the planned construction was to be made of metal.

Mr. Boggs noted that they are still researching and pricing options and have looked at pre-fab metal options.

Ms. Pace added that she did not want the addition to look like a metal carport.

Chairman Jackson expressed concern about setting a precedent. He also wanted assurances about fire protection. He asked the applicants to consider using metal and to consider downsizing to a little narrower option.

Mr. Boggs noted that they had started at a request for a width of twelve feet and had already narrowed the request to nine feet.
There was additional discussion regarding other options the applicants might consider for placement of a structure. All suggestions were found to be unacceptable to the applicants due to a deck in the rear or the lack of a door in the rear.

Mr. Brown concluded that he did not think the applicants have a valid hardship.

Mr. Sparr disagreed. He agreed with the applicants that safety for an elderly family member is a valid hardship.

There was additional discussion regarding the size of the request and the possibility of a smaller structure.
Chairman Jackson repeated his preference for a metal structure that would not burn easily.

Mr. Boggs agreed to a metal roof with decorative metal poles.

Mr. Giattina asked if there is a fence between the properties.

Mr. Boggs replied there is a ten foot wood fence.

Chairman Jackson asked for staff recommendations

Mr. Forstrom agreed there has been no valid hardship presented.

Chairman Jackson replied that safety had been presented as the issue.

Mr. Spencer stated that staff had presented the facts and this Board must determine if the applicant has met required criteria.

Mr. Bill Brown summarized that the applicants considered an elderly family member’s need for cover to be their hardship and this Board must decide if the request is valid.

Chairman Jackson asked if this Board could require the dimensions to be smaller.

Mr. Boggs replied that they had made the request as small as possible.

Chairman Jackson suggested the applicant give up another foot.

Mr. Boggs replied that would not be enough space.

Chairman Jackson suggested the applicant should make the request smaller or risk not being approved at all.
Mr. Giattina agreed the applicants have a legitimate safety hardship and formed a motion to approve the applicant's request.

Mr. Sparr seconded the motion and it was passed with one dissenting vote from Mr. Tom Brown.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Sparr formed a motion for the Board to adjourn at 1:54pm and there was no dissent.

PASSED: December 21, 2017 RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN