North Little Rock Board of Adjustment

Minutes

February 23, 2017

The meeting of the North Little Rock Board of Adjustment was called to order by Chairman Carl Jackson at 1:32 P.M. in the Planning Office (Conference Room B).

Members Present

Tom Brown
Steve Sparr
Carl Jackson
Andy Hight

Members Absent

Mike Abele

Staff Present

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

Others Present

Marie Bernarde Miller, NLR Deputy City Attorney
Captain Wilson, NLR Fire Department
Adam Melton, 1424 Rockwater Ln., NLR, AR
Samantha Lambert, 2420 Riverfront Dr., LR, AR
Cindy Aikman, 6408 Pontiac Dr., NLR, AR

Administrative

Mr. Spencer introduced the new City Planner, David Forstrom, the new representative from the legal department, Marie Bernarde Miller and Captain Wilson from the Fire Department. He noted that since there had been no meeting in January, the Board needed to elect officers for the new year.

Mr. Brown nominated Carl Jackson to continue as Chairman of the Board. Mr. Sparr seconded the motion and there was no dissent.
Mr. Sparr nominated Tom Brown to serve as Vice-Chairman. Mr. Jackson seconded the motion and there was no dissent.

**Approval of Minutes**

Chairman Jackson noted that minutes from both the October and November meetings had not been approved.

Mr. Sparr formed a motion to approve the minutes from both meetings. Mr. Brown seconded the motion and there was no dissent.

**Old Business**

None

**New Business**

1. **BOA Case 2017-5.** To allow an 8’10” side yard fence at an R-2 zoned property located at 1424 Rockwater Lane.

Chairman Jackson swore in the applicant. He asked Mr. Spencer for pictures of the property.

Mr. Spencer replied that pictures are in the Board’s packet and anticipates projected video again by next meeting.

Mr. Melton distributed additional photos to the Board.

Chairman Jackson acknowledged the extensive notes from the applicant and asked him to state his hardship.

Mr. Melton explained that he had been the second person to purchase a lot in the subdivision, so the first to break ground with the given requirements by the builders and landscapers. He could not predict what future neighbors would do to slope lots in the rear. At the time he started, it was unclear if a fence would be around the entire property with the river trail or where the sewer hookup would be located for drainage. He talked about the unfinished grade next door and no fill on the side being additional unknown factors. He added that his neighbors had also been given a stop work order. He reiterated that his hardship was the difficulty of knowing how to start when he was the first to build. A continuing hardship would be financial hardship to remove and replace the fence or wall that have already been built. He suggested there is also a security issue.
Mr. Sparr noted that there had been no valid hardship mentioned in the applicant’s explanation. He noted the mention of security, but added that everything else that was mentioned is self-inflicted.

Mr. Brown added that the cost of removing the illegal fence is not a hardship. He asked Mr. Spencer to read the definition of a hardship.

Mr. Spencer complied.

There was additional discussion of what constituted a hardship.

Chairman Jackson asked how the applicant was to establish grade.

Mr. Spencer replied that grade is considered what is there now. One cannot consider what a neighbor may or may not do in the future. He explained that the developer waited for this owner to set level.

The applicant questioned the approval of a previous case in the neighborhood before this Board for a fence.

Mr. Spencer explained the differences between the two cases.

Mr. Hight read the letter from the applicant.

The fire marshal in attendance stated that the fire department had no issues with the applicant’s request.

Mr. Spencer read the letter from the fire marshal’s office.

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

There was no second for the motion.

Chairman Jackson noted that the motion had failed due to the lack of a second.

Mr. Sparr expressed his lack of understanding of the difference between the two fence cased.

Mr. Brown asked if they needed to set a time frame for the illegal fence to be removed.

Mr. Spencer explained that the applicant has thirty days to appeal the decision of this Board.
Mr. Melton asked if the Board knew the motion failed if no one seconded the motion in ten seconds.

Ms. Miller responded that after a motion fails due to no second, it is over.

PUBLIC COMMENT/ADJOURNMENT:

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

PASSED: March 30th, 2017  RESPECTFULLY SUBMITTED:

[Signature]

CARL JACKSON, CHAIRMAN