North Little Rock Board of Adjustment

Minutes

March 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
Steve Sparr
Carl Jackson
Mike Abele

Members Absent

None

Staff Present

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

Others Present

Howard Wiechern, 15 Maumelle Curve Court, NLR, AR
Philip D. Thacker, 15 Maumelle Curve Court, NLR, AR
Randy Frazier, 124 W. Capital Ave, LR, AR 72201

Administrative

None

Approval of Minutes

Chairman Jackson reminded everyone to turn off cell phones.

Mr. Sparr formed a motion to approve the minutes from the previous meeting. Mr. Abele seconded the motion and there was no dissent.
Old Business

None

New Business

1. **BOA Case 2017-6**, To allow 6' chain link fence with barbed wire on rear and side yards at an I-2 zoned property located at 15 Maumelle Curve Court.

Chairman Jackson swore in the applicant.

Mr. Spencer asked Mr. Forstrom to show the video of the property and pointed out the ruts where a vehicle had been used to break in the property and steal over twelve thousand dollars worth of equipment for the third time.

Chairman Jackson asked the applicant to state his hardship.

The applicant replied that his request is based on the need for additional security.

Mr. Abele asked which direction the barbwire would be pointed.

Mr. Spencer replied that the barbwire would face outward and the fence will be off set to allow for the overhang toward the property line.

Mr. Brown asked if they had obtained a permit for the existing fence.

The applicant replied in the affirmative.

Mr. Sparr asked for the Fire Marshal recommendation.

Mr. Spencer responded that the Fire Marshal had reviewed the request and had no objections.

Mr. Sparr questioned the placement of barbwire on the gate.

The fence contractor replied that they wanted to install barbwire on the gate but it would point straight up so it would not interfere with opening or closing the gate.

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

Mr. Brown seconded the motion and it was passed with a unanimous vote.
2. **BOA Case 2017-7.** Height variance to allow 150' cell tower at an I-2 zoned property located at 8115 Counts Massie Road.

Chairman Jackson swore in the representative for the applicant, Randy Frazier, attorney and asked him to state his hardship.

Mr. Frazier explained that the City only allows a seventy-five foot height on a cell tower in an I-2 zoning which is not enough for the radio waves required. The requirement would necessitate a one hundred fifty foot tower, so the hardship is the application of the City ordinance to cell towers.

Mr. Spencer interjected that the City attorney is of the opinion that the City has the right to regulate tower height but there is a federal law regarding denying carriers. The goal is to balance and satisfy both. He added that the applicant is asking for one hundred fifty feet and recognized that he could have four towers that are seventy-five tall but is suggesting that one tower at the requested height would have less impact on the neighborhood.

Chairman Jackson asked if there is to be co-location.

The applicant responded that Verizon is requesting the one hundred fifty foot level but could co-locate with four other carrier companies. He added that carriers did not like to cooperate in the past but now are more open to the idea due to the economic advantage of cooperating.

Mr. Forstrom showed video of the property. There was discussion regarding the specific location of the tower on the property in relation to the neighboring apartments. Mr. Spencer stated the tower would be located in the center of the property, not on the existing pad.

Mr. Brown asked if Verizon purchased the property.

Mr. Frazier replied that the property is leased.

Mr. Sparr asked if there had been any negative feedback from neighboring property owners.

Mr. Spencer replied in the negative.

Mr. Sparr cited previous similar cases and noted the conditions that had been attached to those cases.

Mr. Spencer noted that those had been included in the packet to the Board as examples or suggestions and could be used in this case or not.

Mr. Abele asked Mr. Frazier if he was agreeable to those conditions.
Mr. Frazier replied that he had not looked at them as closely as he probably should have, but they seemed to be standard.

Mr. Brown formed a motion to approve the applicant’s request, including the conditions placed on the previous cases and adding the condition that the applicant remove the structure when it is obsolete or no longer of use. He does not want the structure to be abandoned and left for someone else to deal with.

Mr. Sparr asked if there would be a fence installed around the structure.

Mr. Frazier replied in the affirmative.

Mr. Spencer added that they would be going before the Planning Commission and those requirements would be worked out there.

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

PUBLIC COMMENT/ADJOURNMENT:

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

PASSED:  April 20th, 2017  RESPECTFULLY SUBMITTED:

CARL JACKSON, CHAIRMAN