

North Little Rock Board of Adjustment

Minutes

July 27, 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

Members Absent

Tim Giattina (attended via telephone)
Steve Sparr

Staff Present

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

Others Present

Daniel McFadden, North Little Rock City Attorney's office
Gary Thornton, North Little Rock Code Enforcement office
Oliver Williams, 3000 Donaghey Dr., NLR, AR

Administrative

Mr. Brown formed a motion to excuse the absence of Steve Sparr from today's meeting.

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

Mr. Brown formed a motion to change the date of the August meeting for this Board to August 24 rather than August 31st.

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

Approval of Minutes

Mr. Brown 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 2017-14**. Request for hearing concerning Notice of Public Nuisance at 3000 Donaghey Drive.

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

Mr. Spencer explained that the case is an appeal of an action by Code Enforcement. He explained that this Board could only consider if the code officer interpreted the code correctly.

Mr. Williams interjected that is not exactly why he is here.

The Chairman asked Mr. Thornton to summarize the action by the Code office.

Mr. Thornton explained that he had spoken with the applicant in May when he was in the neighborhood on a different case for a property across the street with a car in the grass. He noticed a car under a cover at the applicant's property and approached the applicant to talk about the pavers under the vehicle. Later the vehicle was gone and the pavers in the grass were cleaned up. From that time to present the car was gone quite a bit. Recently the car was back on pavers in the grass and he sent a letter to the applicant explaining the ordinance that prohibits the parking in the grass.

Mr. Abele asked what the ordinance stated.

Chairman Jackson directed Mr. Abele to the explanation in the Board's packet for today's meeting.

Mr. Spencer read portions of the ordinance pertaining to today's inquiry noting the difference between building a surface of pavers for parking or simply placing a vehicle on four pavers under each wheel.

Mr. Williams explained that he had been advised of the ordinance in 2012 and positioned the pavers under each wheel at that time. Since then the pavers under each wheel had sufficed until now and he would like to know what has changed to warrant the current action.

Mr. Spencer explained that this Board could not answer that. This Board can only determine if the Code officer interpreted the code correctly

Mr. Brown asked the applicant why he did not park in his garage.

Mr. Williams offered explanations regarding storage issues, etc.

Mr. Brown and Mr. Williams discussed different options and explanations of the parking situation.

Mr. Spencer reminded the Board of the authority they have in the case.

Mr. Abele asked if the ordinance specified a surface of pavers is required or if pavers under each wheel is acceptable.

Chairman Jackson reminded the Board that the Code officer stated the vehicle is parked unlawfully.

Mr. Brown formed a motion to uphold the decision of the code officer.

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

Chairman Jackson advised the applicant he needed to work with the Code office to resolve his issue.

Mr. Williams asked who could answer his question about what had changed in the ordinance since 2012.

Mr. McFadden responded that obviously different code officers in different areas could interpret the ordinance differently. He suggested the applicant contact the Director of the Code Enforcement Office, Tom Wadley for further explanation.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Abele formed a motion for the Board to adjourn at 1:45pm and there was no dissent.

PASSED: August 24, 2017 **RESPECTFULLY SUBMITTED:**



CARL JACKSON, CHAIRMAN