

# **North Little Rock Board of Adjustment**

## **Minutes**

**July 26, 2018**

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**

Mike Abele  
Tom Brown  
Tim Giattina  
Carl Jackson  
Steve Sparr

### **Members Absent**

None

### **Staff Present**

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

### **Others Present**

Daniel McFadden, Assistant City Attorney  
David Sanders, 2406 Division St., NLR, AR  
Travis Tolley, 10825 Financial Center Parkway, LR, AR  
Michael Martin, 500 Old Dominion Way, Thomasville, NC 27360  
Rod Tabelaing, 3001 Armory Dr., Nashville, TN 37204

### **Administrative**

None

### **Approval of Minutes**

Mr. Sparr formed a motion to approve the minutes from the previous meeting in June. Mr. Giattina seconded the motion and there was no dissent.

**Old Business**

None

**New Business**

1. **BOA Case 2018-9**. To allow a reduction in front building setback from 25' to 10' and a reduction in side building setback from 6' to 1' for an attached carport at an R-3 zoned property located at 2406 Division Street.

Chairman Jackson swore in the applicant and all additional attendees who wish to speak before the board for both of today's cases.

Mr. Forstrom showed a video of the property and explained the applicant's request for an attached carport in front of the house. He explained the applicant's request is due to health issues necessitating covered parking though there is no hardship unique to the property.

Chairman Jackson asked the applicant if he had any documentation from a doctor to confirm his health issues.

Mr. Sanders replied that he did not have any with him.

Mr. Sparr asked if the neighboring house had a structure similar to what the applicant is requesting.

Mr. Forstrom replied in the affirmative and noted that the neighboring structure had been in place over ten years but they had been unable to locate any documentation on that structure.

Mr. Brown asked if that would suggest they never had permission to build the structure.

Mr. Forstrom responded that there was no record of it.

Mr. Brown asked Mr. Sanders to look at the site plan and asked why he would not place the carport where a vehicle is already parking or in the rear yard.

Mr. Sanders replied that there is not room in those locations due to an air conditioner.

There was extended discussion regarding a different location for the requested carport.

Mr. Giattina asked the applicant if the front doorway is the main point of entry he uses.

Mr. Sanders replied in the affirmative.

Mr. Giattina asked for confirmation that the applicant is disabled.

Mr. Sanders confirmed his health issues.

Mr. Giattina suggested it is safer for the applicant to have the carport located where he has requested due to his condition.

Mr. Sanders added that he uses a walker or cane.

Chairman Jackson was concerned the congested traffic in the area could be an issue with the applicant's request.

Mr. Sanders responded that the traffic is not too bad as many residents are older.

Chairman Jackson noted that he had visited the site when the bus came through and it was quite congested though he agreed the neighboring house with a similar structure made the applicant's request reasonable.

Mr. Giattina asked if any of the neighbors had an issue with the request.

Mr. Sanders replied that they did not.

Mr. Forstrom added that staff had not received any objections to the request.

Mr. Brown expressed doubt that the neighboring carport had been there as long as the applicant had stated.

Mr. Sanders assured him it had.

Mr. Giattina asked the applicant if he would consider placing his carport in line with the neighboring carport.

Mr. Sanders replied that it would not cover his cars at the length.

There was additional discussion regarding carport dimensions and alternative placement.

Chairman Jackson asked if there was any more discussion and there was none.

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

Mr. Giattina seconded that motion and the motion passed with a vote of four in favor and one opposed. The one opposing vote was from Chairman Jackson.

2. **BOA Case 2018-10**. To allow a 7' chain link fence with a 3-strand barbed wire top (8 feet of total height) at an I-2 zoned property located at 8300 Industry Drive.

Chairman Jackson the three representatives that had been sworn in previously to come to the front.

Mr. Brown asked Mr. Tolley of Craft & Tull about his last name and relatives of the same name.

Mr. Tolley responded with names of his grandfather and other relatives. Mr. Brown suggested they should visit about family he knew after the meeting.

Mr. Forstrom stated the applicants are asking for a seven-foot fence with one foot of barbwire at the top, making an eight-foot fence. He noted they had originally asked for a nine-foot fence. Mr. Forstrom stated the applicant's hardship is a security concern due to the isolated location and employee vehicles parked long term while they are on the road in the trucks working. Mr. Forstrom added that staff supported the applicant's request with conditions.

Mr. Brown explained he would prefer to see the barbwire inclined inward rather than outward as the applicant had requested.

Mr. Spencer explained that it was not necessarily the direction the barbwire inclined but rather where the fence is placed. If the fence is on the property line and barbwire inclines outward, the overhang would encroach on neighboring property. If the desire were to incline the barbwire outward, the fence would need to be set back from the property line to accommodate the overhang.

Mr. Giattina asked whom the neighboring property belongs to.

Mr. Tolley responded that the neighbor is J.A.Riggs Company and they had purchased the property from them.

Chairman Jackson asked the nature of the applicant's business.

Mr. Tolley responded that it would be a truck dock for Old Dominion.

Mr. Giattina asked about the company's current location and Mr. Martin replied with a Little Rock address.

Mr. Tolley stated that the business planned to relocate to North Little Rock in early September once employee parking could be secured.

Mr. Brown asked if the business operated 24 hours per day and seven days per week.

Mr. Martin responded that they work around the clock and need to secure employee vehicles due to the hot bed of cargo theft along the I-40 corridor.

Mr. Giattina asked if staff supported the request.

Mr. Spencer replied in the affirmative.

Mr. Brown asked the applicants if they have a problem moving the fence in to allow for the barbwire overhang.

Mr. Martin replied that should not be a problem and added that a landscape contractor would be responsible for installation and upkeep to prevent any maintenance issues.

Mr. Sparr formed a motion to approve the applicant's request with the condition the fence be set in to allow the barbwire overhang to stay on the applicant's property.

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

**PUBLIC COMMENT/ADJOURNMENT:**

Mr. Giattina moved for the Board to adjourn at 1:50pm.

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

PASSED: 10/25/18 RESPECTFULLY SUBMITTED:

  
\_\_\_\_\_  
CARL JACKSON, CHAIRMAN