

North Little Rock Board of Zoning Adjustment
Minutes
February 28, 2019

The meeting of the North Little Rock Board of Zoning Adjustment was called to order by Vice-Chairman Tom Brown at 1:30 P.M. in the Planning Office (Conference Room B). The role was called and a quorum was found to be present. A quorum being four (4) members present.

Members Present

Mike Abele
Tom Brown
Tim Giattina
Steve Sparr

Members Absent

Carl Jackson

Staff Present

Shawn Spencer, Planning Director
Donna James, City Planner
B.J.Jones, Administrative Secretary

Others Present

Marie-Bernarde Miller, NLR Deputy City Attorney
Laura Petty, NLR Code Officer
David Gates, 105 Saunders Dr., NLR, AR
Mike Patel, 5208 Fairway Cove, NLR, AR
Sheryl & Vernon Huiett, 5404 Fairway Cove, NLR, AR
Dale Shipman, 29 Maumelle Curve Ct, NLR, AR
Brian Dumont, 29 Maumelle Curve Ct., NLR, AR

Administrative

Mr. Giattina formed a motion to excuse the absence of Chairman Carl Jackson. Mr. Sparr seconded the motion. There was no dissent.

Vice-Chairman Brown stated the Board needed to elect officers for the new-year and nominated Carl Jackson to continue as Chairman. Mr. Sparr seconded the motion and there was no dissent.

**North Little Rock Board of Adjustment Minute Record
February 28, 2019**

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

Mr. Abele notified the Board that he would not be in attendance of the May 2019 meeting.

Approval of Minutes

Mr. Sparr formed a motion to approve the minutes from the previous meeting of October 25, 2018. Mr. Abele seconded the motion and there was no dissent.

Old Business

None

New Business

1. **BOA Case #2019-01** - To allow a retaining wall height variance for the north side yard and the rear yard of an R-1, Single-family District zoned property located at 5404 Fairway Cove.

Vice-Chairman Brown swore in the applicants and two (2) neighbors, which wanted to address the Board.

Vice-Chairman Brown asked the applicants to state their hardship for the record.

Mrs. Huiett read the letter she submitted to the Board with her application request to explain her request for a height variance on a retaining wall. She stated the request was due to the extreme terrain drop from side to side on the lot.

Mr. Giattina asked who lived beside the lot in question.

Mr. Mike Patel, a neighbor, was in attendance and requested information concerning the impact the retaining wall would have on his lot and the impact the retaining wall would have on drainage from his lot.

Mrs. Huiett responded that the proposed excavation and retaining wall would cause his lot to drain to the rear and front of her lot.

Mr. Sparr suggested there was more likely a drainage issue at present than there would be with the proposed plan. He noted he had spoken with the other

**North Little Rock Board of Adjustment Minute Record
February 28, 2019**

neighbor who agreed the proposed work would improve drainage for their lot as well.

Mrs. Huiett added that leveling the lot should improve drainage for everyone and not cause any problems for anyone.

Mr. Sparr noted that the same solution had been used down the street.

Mr. Patel questioned if the developers would cut into his property.

Mrs. Huiett explained that she would start digging one (1) foot away from the property line.

Mr. Giattina added the development could not encroach onto Mr. Patel's property.

Mr. Patel was concerned about the strength of the proposed wall.

Mrs. Huiett explained a licensed professional engineer would design the wall and meet all code requirements.

Mr. Huiett added that a French drain would be installed as well.

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

Mr. Giattina seconded the motion and it passed with four (4) affirmative votes.

Ms. James asked the applicants if they understood the conditions.

Mrs. Huiett replied in the affirmative.

2. **BOA Case #2019-02** - To allow a six (6) foot chain link fence with three (3) strands of barbed wire, for a total fence height of seven (7) feet, in the front and side yards of an I-2, Light Industrial Park District zoned property located at 27 Maumelle Curve Court.

Vice-Chairman Brown swore in the applicants and asked them to state their hardship.

Mr. Brian Dumont explained the company was a telecommunication business and warehouse. He noted that the company stores antennas and equipment for the telecommunications industry including Verizon, AT & T, Sprint, and other emergency responders.

**North Little Rock Board of Adjustment Minute Record
February 28, 2019**

Mr. Dale Shipman added there were thirty-five (35) to fifty (50) employee vehicles during the week parked on-site overnight. He stated a number of the installation jobs required the employees to be out overnight or for a number of days. He noted a truck had been stolen from the premises.

Mr. Brown asked if their hardship is lack of security.

The applicants replied in the affirmative, noting there were parking lots on each side, making it difficult to block access to the property without a fence and gates.

Mr. Abele asked how long the company had been at the current location.

The applicants responded they had moved in last December.

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

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

Mr. Abele asked if the motion would automatically include the recommendations listed in the Board's packet.

Ms. James replied in the affirmative.

3. **BOA Case #2019-03** – To allow the placement of a carport within the front building setback of an R-1, Single-family District zoned property located at 105 Saunders Drive.

Vice-Chairman Brown swore in the applicant and asked him to state his hardship.

Mr. Gates explained his wife had Alzheimer's and it was difficult to load her in the vehicle and keep her dry without a covered parking area.

Ms. James explained that the requested carport would extend into the front setback twenty (20) feet.

Mr. Sparr asked if the structure would match the style of the house.

Mr. Gates responded in the affirmative.

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

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

**North Little Rock Board of Adjustment Minute Record
February 28, 2019**

Mr. Gates asked for confirmation that he could extend the carport twenty (20) feet. He stated the original request was for twenty (20) feet and during the process he had reduced the request to sixteen (16) feet. He stated the twenty (20) feet would allow him more flexibility in the design of the structure.

Vice-Chairman Brown questioned if the legal ad included a request for a twenty (20) foot carport structure. Ms. James confirmed the legal ad included the request for a twenty (20) foot carport structure. Mr. Brown stated the approval would allow a twenty (20) foot carport.

4. **BOA Case #2019-04** - Request for a hearing concerning Notice of Public Nuisance for property located at 304 Wisteria Drive, Lot 13, Block 0, Meadowlane Addition.

Vice-Chairman Brown acknowledged Code Officer Petty and asked if the applicant was present.

Mr. Spencer explained that the applicant had the right to appeal a Code Notice to this Board and had sent a letter to Planning to appeal a Public Nuisance Notice. He noted that the applicant was not present but the Board could hear from the Code officer and decide to rule on the case or postpone.

Mr. Giattina asked if the applicant had been given notice of today's meeting.

Mr. Spencer responded that the applicant notified Planning that he would be at this meeting to appeal the Notice.

Mr. Giattina asked when this notice had transpired.

Mr. Spencer responded that the office of the City Attorney had talked to counsel for the applicant.

Ms. Miller stated that if the applicant had been given notice of the meeting, he was giving up his opportunity to speak at a meaningful hearing.

Mr. Brown noted that the applicant could appeal to Circuit Court if he disagreed with the decision by this Board but Circuit Court would refer him back to this Board.

Code Officer, Laura Petty explained that the property had been damaged by fire in February of 2018. She stated after numerous attempts to notify the homeowner by both Officer Williams and herself, they had posted a notice on the property and asked the City Council for permission to condemn the

**North Little Rock Board of Adjustment Minute Record
February 28, 2019**

property. She explained that the only address for the owner was a P. O. Box and all notices had been sent certified to that address. The owner, Mr. Markham, had emailed Code Enforcement that he did not want the case to go to the City Council and referred her office, Code Enforcement, to his attorney. She stated nothing had been done to repair the property. She stated the owner implied they were waiting on negotiations with the insurance company.

Vice-Chairman Brown explained that the only action this Board was allowed was to agree or disagree with the findings of Code Enforcement that this was indeed a public nuisance.

Mr. Abele formed a motion to agree with the actions of the code officer.

Mr. Sparr seconded the motion and the Board was unanimous in agreement with the code officer's findings.

Ms. Miller clarified that this Board agreed with Code Enforcement that the property was a public nuisance.

PUBLIC COMMENT/ADJOURNMENT:

Mr. Sparr moved for the Board to adjourn at 2:00pm.

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

PASSED: 3/28/2019 RESPECTFULLY SUBMITTED:

TOM BROWN VICE-CHAIRMAN

TOM BROWN, VICE-CHAIRMAN